

The Impact of Residency Restriction Laws

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Abstract

This essay asks the reader to consider the implications that residency restriction laws have on sex offenders wishing to acquire affordable housing, and to examine whether or not residency restrictions play any significant part in reducing sex offender recidivism. This essay takes a look at the many unintended consequences of residency restriction laws by looking at the ways in which these laws contribute to homelessness, as well as community fears of homeless people. Studies show that residency restriction laws are ineffective at preventing sex offender recidivism, since the majority of offenses occur at the hands of someone the victim knows. In summary, it is suggested that residency restriction laws are doing more harm than good, and that providing housing and social services may be a more effective means for reducing sex offender recidivism.

The Impact of Residency Restriction Laws

Sex offenders are one of the most hated groups of people in our society. If you were to ask others who they thought deserved the hardest punishments for their crimes, it wouldn't be surprising to hear sex offenders mentioned. Perhaps it's our protective instinct that tells us people who commit sex offenses should never be trusted in our communities or lives ever again. What do we do, then, when sex offenders are released back into the community after serving their time? If we exclude them, where do they go? Who is making sure they don't reoffend? Since sex offenders exist at all levels of society, each community has to decide how they are going to respond to their presence. One of the most common responses involves limiting sex offender's access to vulnerable children. Many states and municipalities use residency restriction laws that prohibit sex offenders from living near places where children gather, such as schools, day care centers, and parks. How effective are these laws at preventing sex offender recidivism? What other implications do these laws have for offenders wanting to reintegrate back into society? Do these laws pose any significant challenges for social services providers, law enforcement officers, and others who are involved in the supervision and treatment of sex offenders? These questions suggest that excluding or not excluding sex offenders from our neighborhoods may not be as cut and dry as we think. Residency restriction laws may be doing more harm than good by making it difficult for sex offenders to acquire affordable housing, and by limiting their access to social services that help offenders meet their basic needs, which can play a significant part in preventing sex offender recidivism.

Residency restrictions limit shelter and housing options for sex offenders through what is known as "exclusion zones" or "community protection zones." These are areas within a city that are essentially off limits to sex offenders because they are near places where children gather,

usually within 500 to 2,500 feet. These exclusion zones are significant when they occur in dense metropolitan areas where it is difficult to find affordable housing not in proximity to places where children gather. A study by Chajewski and Mercado found that of 196 registered sex offenders in Newark, New Jersey (pop. 277,727), 127 would have to relocate if a 1,000-foot exclusion zone were implemented (as cited in U.S. Department of Justice, 2008). Sex offenders are also unable to stay with supportive family members who live within these exclusion zones, cutting them off from what could have been a source of ongoing support. When large areas within a city are off limits to offenders needing affordable housing, it forces those offenders onto the streets or into remote areas cut off from services that help them live stable and healthy lives.

Once offenders are on the streets and without a fixed address, they become incredibly difficult to monitor and track by local authorities. Some municipalities allow offenders to register at a particular street or intersection, but it is difficult to confirm if an offender is actually there or not if there are no guidelines regarding when they must be at that location. This forces law enforcement to put additional energy and resources into locating sex offenders who may be out of compliance with probation or registration requirements (Olinger, 2013). Social services that provide resources to people living on the streets could offer support, but most emergency shelters have strict policies, often informed by residency restriction laws, that prevent either all or high risk sex offenders from staying in those shelters. The lack of access to emergency shelter further limits housing options for offenders wanting to get off the streets.

The motivation to protect vulnerable children from child molesters through residency restrictions laws may be well intentioned, but 93% of reported juvenile sexual assaults occur at the hands of someone the victim knows rather than a stranger (U.S. Department of Justice, 2000). This would suggest the interpersonal relationship between the child and the offender

would be a stronger indicator of risk than geographical distance (Mercado & Bornstein, 2008). Child molesters often utilize the trust established with other caregivers to gain additional access to the victim over time, grooming the child before ever making an assault. Most offenders are never caught, which sometimes gets overlooked when discussing who is a potential threat to our children. According to the U.S. Department of Justice, 65% of rape and sexual assaults went unreported between 2006 and 2010 (U.S. Department of Justice, 2012). When the community assumes the greatest risk to our children comes from a stranger we already know is a sex offender, we fail to examine risks that potentially exist in our own backyard.

Instead, “stranger danger” myths contribute to community fears of the homeless, because people are often misled into thinking the majority of homeless people are dangerous offenders. These fears make it difficult for shelter and housing programs to gain community support when they want to open and operate within residential neighborhoods. For example, a group opposing a new shelter for single adults in Olympia, Washington asked the community in their brochure, “Would you like to have 40 unemployed sex offenders, drug addicts, and other convicted criminals fresh from state prison living next to your children’s elementary school, daycare center, or public park?” (Protect Our Children, 2013). Statements like these put considerable pressure on homeless and housing advocates to convince the community it is safer when all homeless people including sex offenders have access to shelter and affordable housing.

Most research indicates that residency restrictions play no significant part in reducing the likelihood of reoffending. The Minnesota Department of Corrections found that of 224 sex offenders who had a new sex offense between 1990 and 2002, only 16 of those offenses involved contact with minors, none of which occurred near a prohibited area (Minnesota Department of Corrections, 2007). On the other hand, research has shown that people who have their basic

needs met are less desperate and less likely to commit new crimes. In an article published by the American Psychological Association (APA), Drs. Mercado and Bornstein (2008) have said, “Offenders who become more integrated in the community and lead more stable lives are less likely to reoffend than those who experience change and turmoil” (What the Research Shows section, para. 3). Social services provide a considerable amount of support to offenders who have been ostracized by the community. They are the safety net for offenders who have a hard time finding housing or employment due to their criminal past. While some people fear that social services will not hold offenders accountable, most have rules regarding inappropriate sexual conduct, provide constant supervision, and are often required by state laws to report any suspected child abuse or neglect.

Residency restriction laws that aim to prevent child molesters from initiating contact with vulnerable children have many unintended consequences. These consequences include limited access to shelter and housing, which results in a higher number of sex offenders living on the streets. People who live on the streets are at greater risk for sickness, addiction, trauma and other adversities that impact their capacity for healthy decision-making. For sex offenders, this vulnerability could lead to recidivism, which is the opposite goal of residency restriction laws. When community fears regarding sex offenders’ impact public policy regarding the homeless, it becomes difficult for social services to effectively provide resources to all homeless people. When people have their basic needs met, they are less desperate and less likely to harm others. Furthermore, research indicates that residency restrictions are ineffective at preventing sex offender recidivism since most sex offenders are not strangers. Without residency restriction laws, sex offenders would have access to more affordable housing, social services, and long-term stability thus decreasing their likelihood of reoffending.

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