

## SEX OFFENDER RESIDENCY RESTRICTIONS

### *Position Statement*

NASW, Iowa Chapter, believes the state of Iowa has a responsibility to develop comprehensive programs to interdict sexual predation, incarcerate and rehabilitate offenders, provide services to victims and families, and provide education to help prevent future sexual crimes. Sex offender legislation should be designed, implemented, and assessed from an evidence-based ‘best practice’ approach, with the goal of keeping children and communities safe from all offenders.

### *Discussion*

Sexual crimes, especially against children, are among the most horrific and damaging forms of violence imaginable. Two of society’s most important goals are protecting children and preventing violence. To address the sexual predation of children, Iowa legislators enacted a residency restriction, barring persons convicted of sexual offenses against a minor from living within 2000 feet of a school or day care center.

While the law was laudable in its concern for child and community safety, it was based on flawed assumptions, has had unintended consequences, has been difficult to enforce, and offers little in the way of meaningful treatment.

- *Flawed assumptions*

Iowa’s residency restrictions are based on the assumption that children are most at risk of “stranger danger” and that restricting the residency of known sex offenders is an effective means of limiting would-be perpetrators’ access to children. Research suggests that both assumptions are flawed. Studies show that in 80-90% of sexual crimes, perpetrators were familiar with their victims (Roos & Rood, 2005; Iowa County Attorneys Association [ICAA], 2006). Family members, friends, baby-sitters, and persons who supervise or have authority over children or young people are more likely than strangers to commit a sexual assault. Additionally, many victims who are sexually assaulted by intimates, friends or acquaintances do not or cannot report these crimes to police. Nationally, only about 38% of sexual assaults against those age 12 or older are reported (U.S. Department of Justice, 2005). Sexual assault of children under age 12 is more difficult to measure, but it is generally assumed to be equally under-reported. Given the low rate of reporting, the number of convicted sex offenders who are subject to the residency restrictions represents a small percentage of those living in Iowa communities.

Research also has shown no correlation between the proximity of a sex offender’s residence to a potential victim and his/her likelihood of re-offending (Levenson & Cotter, 2005; ICAA, 2006). Thus, residency restrictions may create a false sense of security that children are safely beyond an offender’s grasp when that is not the case. When sex offenders in Florida were asked about the residency restrictions in that state, they commented: “Living 1,000 ft away compared to 900 ft. doesn’t prevent anything,” and “It doesn’t matter where a sex offender lives if he sets his mind on reoffending. . . . He can just get closer by walking or driving” (Levenson & Cotter, 2005, p. 174).

Parents, children, and community members must understand that the 2,000-foot residency restriction imposed on convicted sex offenders does not ensure child safety. ICAA (2006) recommends the development of education programs that not only focus on the risks of “stranger danger” but also highlight the dangers of sexual abuse posed by family members and acquaintances with ordinary access to children. Additionally, any meaningful approach to the problem must include victim services to assist children and families in overcoming the impact of such trauma when it does occur.

- *Unintended consequences*

ICAA (2006) has identified a number of unintended consequences stemming from the sex offender residency restrictions. These include, but are not limited to the following issues:

- Large restricted zones bar sex offenders from living anywhere in many communities.
- Lack of housing options has forced offenders to reside in near-homeless settings such as motels, trailer parks, interstate rest stops, parking lots and tents; this has led some to falsely report their place of residence while others have simply gone “underground”.

- Families of offenders who attempt to remain together are effectively subjected to the same restrictions, meaning that they too are forced to move, and may have leave jobs, de-link from community ties, and remove their children from schools and friends.
- Physically or mentally impaired offenders who depend on family for regular support are prevented from living with those on whom they rely for help.
- Threat of family disruption may leave victims of familial sexual abuse reluctant to report the abuse to authorities, thereby undermining the intention of the law.
- Threat of being subjected to the residency restriction has led to a significant decrease in the number of offenders who, as part of the trial process, disclose their sexual offenses; consequently, fewer offenders being held accountable for their actions.
- Loss of residential stability, disconnection from family, and social isolation run contrary to the “best practice” approaches for treatment of sex offenders and thus put offenders at higher risk of re-offense.
- No distinction is made between those offenders who pose a real risk to children and those, who pose no known threat.

- *Enforcement issues*

The residency restrictions also have presented particular challenges for law enforcement. Offenders are required to periodically register with authorities and provide their current addresses. Officers report that they have simply lost track of offenders who falsely reported their residence or who failed to provide an address and simply ‘disappeared’. In March of 2006, over 6000 individuals were listed on Iowa’s sex offender registry; of these, 400 offenders were listed as having their “whereabouts unconfirmed” or as living in “non-structure locations” -- tents, parking lots or rest areas (Davey, 2006). This was a significant increase from the previous summer when the number of unaccounted persons was 140. ICAA (2006) notes that when the whereabouts of sex offenders are unknown, the integrity of the sex offender registry, intended as a public safety tool, is compromised.

ICAA (2005) has identified other issues for law enforcement as well. Unlike the sex offender registry, there is no time limit on residency restrictions. Once offenders leave the registry, they are no longer required to report their address, thereby making it virtually impossible for law enforcement to track them, as required by the residency statute. Additionally, no exception is made for supervised parolees who are residing in approved housing. If the housing falls within the restricted zone, paroled offenders are required to relocate despite the fact that it may be the most appropriate and secure setting for both the offender and the community.

- *Best practice issues*

Iowa’s current approach to sexual predation is a ‘get-tough’ policy that does little to improve community safety or provide meaningful treatment and prevention. Residency restrictions are built on the assumption that all perpetrators re-offend and that treatment is ineffective. Studies by the U.S. Department of Justice and various researchers (as cited in Levenson, in press) have shown that recidivism rates, despite under-reporting, average around 15%, suggesting that most persons do not re-offend. Additionally, perceptions about treatment ineffectiveness are based on out-dated reports of older treatment modalities and studies from the 1970s-1980s. Newer studies have shown promising results -- with 40% reductions in recidivism -- using cognitive behavioral therapies (as cited in Levenson, in press). Clearly, Iowa needs to revamp its policy and develop programs that utilize current ‘best practice’ approaches to treatment and prevention.

### ***Recommendations***

The state of Iowa should address the problem of sexual crimes by enacting measures to remedy the ineffectiveness, unintended consequences, unenforceable elements of the present 2000-foot residency statute, and by providing meaningful approaches to treatment and prevention.

- Replace the current statute with one which defines certain protected areas – schools, parks, play grounds, day-care centers, etc. – where sex offenders are barred from entering except in special, pre-approved circumstances, such as parent-teacher conferences.
- Provide appropriate funds to staff and develop evidence-based ‘best practice’ programs for the treatment of convicted sex offenders

- Create a tiered-system to distinguish between levels of risk, and differentiate between offenders who are amenable to treatment and those who are not
- Apply a target mix of incarceration and treatment to limit the reoccurrence of sex crimes
- Utilize a system of electronic monitoring and tracking to enhance community safety
- Provide research funds to evaluate program effectiveness
- Provide appropriate funds to staff, deliver and evaluate programs that provide confidential, effective treatment and support for sexual abuse victims and their families.
- Provide statewide community education programming
  - Develop a media campaign to deliver comprehensive and accurate information to Iowans about sexual assault, risks and resources
  - Provide funding to ensure the delivery of age-appropriate curricula for children and teens designed to deliver information about the risks of and means to avoid sexual predation
  - Continue to support and evaluate parent education programs

### **References**

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