

## Residential Proximity & Sex Offense Recidivism Minnesota – April 2007

- Not one of the 224 sex offenses would likely have been deterred by a residency restrictions law.
- 224 recidivists released between 1990 and 2002 who were reincarcerated for a sex crime prior to 2006.
- But none of the 16 cases involved offenders who established victim contact near a school, park, or other prohibited area.
- Residential proximity had very little impact on the 224 sex offenses examined here for several reasons.
- Second, even when offenders established direct contact with victims, they were unlikely to do so close to where they lived.
- A statewide residency restrictions law would likely have, at best, only a marginal effect on sexual recidivism. Although it is possible that a residency restrictions law could avert a sex offender from recidivating sexually, the chances that it would have a deterrent effect are slim because the types of offenses it is designed to prevent are exceptionally rare and, in the case of Minnesota, virtually non-existent over the last 16 years. Rather than lowering sexual recidivism, housing restrictions may work against this goal by fostering conditions that exacerbate sex offenders' reintegration into society.
- Existing research clearly indicates that sex offenders are, compared to other offenders, among the least likely to reoffend (Langan and Levin, 2002).
- In 2004, however, the Colorado Division of Criminal Justice examined 130 sex offenders under probation supervision and found that those who reoffended sexually were no more likely than non-recidivists to live closer to schools and childcare centers (Colorado Department of Public Safety, 2004). Instead, the recidivists were randomly scattered throughout the Denver metropolitan area.

- For example, Levenson and Cotter (2005) surveyed 135 sex offenders in Florida who were subject to residency restrictions that prohibited them from living within 1,000 feet of a school, daycare center, park, playground, or other place where children regularly congregate. Levenson and Cotter found that 50 percent of the 135 offenders, of whom 97 percent were child molesters, reported being forced to move on account of the 1,000 foot rule. In addition, the results indicated that the housing restrictions also led to increased isolation, decreased stability, and greater emotional and financial stress.
- Of the 3,166 sex offenders released between 1990 and 2002, there were 224, all of whom were male, who were reincarcerated for a sex offense following their initial release from prison. (7% Recid)
- Therefore, none of the 224 incidents of sex offender recidivism fit the criteria of a known offender making contact with a child victim at a location within any of the distances typically covered by residential restriction laws.
- Indeed, given there were a little more than 10,600 criminal sexual conduct sentences during the 1990-2005 period, the sex offender recidivists in this study were responsible for approximately two percent (224 sex crime reconvictions) of the sex offenses in Minnesota that resulted in a conviction. Furthermore, recent data reveal that recidivists account for a relatively small portion of the total number of sex offenses. Of the 591 criminal sexual conduct sentences during 2004, only 10 percent (N = 58) involved offenders who had a previous sex crime conviction.
- In general, the results presented here provide very little support for the notion that residency restriction laws would lower the incidence of sexual recidivism, particularly among child molesters.
- Indeed, over the last 16 years, not one sex offender released from a MCF has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home.

- It is still possible, however, that a housing restrictions law could have an impact because laws sometimes have unintended consequences. It is debatable, though, whether the impact would be a positive one. In 2002, Iowa passed a residency restrictions law, prohibiting sex offenders from living within 2,000 feet of a child congregation location. Although there are no hard data on the impact of the law, anecdotal evidence suggests that residency restrictions have limited offender employment prospects, reduced suitable housing opportunities, and threatened the reliability of the sex offender registry by causing more offenders to become homeless, change residences without notifying the authorities, or register false addresses.
- Finally, prosecutors have claimed the prospect of lifetime residency restrictions has reduced the number of offender confessions and led to more plea agreement refusals (Iowa County Attorneys Association, 2006). Therefore, by making it more difficult for sex offenders to successfully re-enter society, housing restrictions might promote conditions that work against the goal of reducing the extent to which they recidivate sexually.