

# NYSCASA

## New York State Coalition Against Sexual Assault Sex Offenders and Residency Requirements

### Key Findings: What Are Residency Requirements?

As of 2007, 27 states and hundreds of municipalities had enacted laws that bar sex offenders from residing near schools, parks, playgrounds and day care centers. The specified distance from a school or other venue is typically 1,000 feet but varies from 500 to 2,500 feet, depending on the jurisdiction<sup>1</sup>.

Residency restriction laws have created overlapping exclusion zones that severely limit where offenders can live. In some cities the only acceptable sites are in high-crime neighborhoods or commercial zones. Even when residential areas are available, sex offenders just released from prison may not be able to find affordable housing in those areas (Ibid).

If unable to find legal housing, offenders may report false addresses, become homeless or go underground. Others may be forced to live in rural areas with less access to employment or mental health services. Even in rural areas where schools and day care centers are more geographically dispersed, most unrestricted land is forest or farmland (Ibid).

### Scope of the Problem: National Overview

According to the U.S. Department of Justice, there are 60,000 to 70,000 arrests on charges of child sexual assault each year—of which only about 115 are abductions by strangers (2%). In addition, there are 15,000 to 20,000 arrests on charges of forcible rape. Most rape victims know their assailants: for 7 in 10 female rape or sexual assault victims, the offender was an intimate partner, other relative, a friend, or an acquaintance.

67% of all reported sexual assaults are committed against children ages 17 and under. 93% of child victims know their abusers; 34% are abused by family members; 59% are abused by someone trusted by the family. Children who have been abused often keep it a secret<sup>2</sup>.

About 60% of sexual assaults on victims age 12 and older take place in a victim's own home or in the home of a friend, neighbor or relative. Only 11% of these offenses occurred on school property or in a yard, park, field or playground<sup>3</sup>. Only 16% of the sexual assaults of youth below the age of 12 occurred in a place other than a residence<sup>4</sup>.

According to the Bureau of Justice Statistics' 2006 report on the National Crime Victimization Survey, rapes and sexual assaults of victims age 12 and older were reported to the police in 38% of cases. This varies by the relationship to the offender, with 56% of offenses involving strangers being reported, and only 28% of offenses involving non-strangers being reported<sup>5</sup>. These reporting rates also vary by victim age: 11% of child rape victims reported the crime, though not necessarily to the police<sup>6</sup>. 2-8% of incest victims report sexual offenses<sup>7</sup>.

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<sup>1</sup> National Institute of Justice. *Sex Offender Residency Restrictions*. <[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)>. 14 April, 2009.

<sup>2</sup> Prevent Child Abuse NY. *Child Safety: Preventing Sexual Abuse: Tips for Parents*. <[www.preventchildabuseny.org](http://www.preventchildabuseny.org)>. 15 April 2009.

<sup>3</sup> Bureau of Justice Statistics, 2006.

<sup>4</sup> Bureau of Justice Statistics, 2000.

<sup>5</sup> NYS Division of Criminal Justice Services. Office of Sex Offender Management, Statistics.

<sup>6</sup> Smith, D., Letourneau, E., Saunders, B., Kilpatrick, D., Resnick, H. & Best, C. (2000) Delay in disclosure of childhood rape: Results from a national survey. *Child Abuse and Neglect*, 24 (2), 273-287.

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The low rate of reporting leads to the conclusion that the approximate 265,000 convicted sex offenders under the authority of corrections agencies in the United States in 1997 represent less than 10% of all sex offenders living in communities nationwide<sup>8</sup>.

Research using information generated through polygraph examinations on a sample of imprisoned sex offenders with fewer than two known victims (on average) found that these offenders actually had an average of 110 victims and 318 offenses<sup>9</sup>. Another polygraph study found a sample of imprisoned sex offenders to have extensive criminal histories, committing sex crimes for an average of 16 years before being caught<sup>10</sup>.

An analysis on the journey-to-crime of sex offenders found that on average, most sexual offenders traveled a minimum of one mile from their home to commit their crime<sup>11</sup>.

Currently in New York State, 3,115 registered sex offenders are incarcerated—estimates show this represents 10% of sex offenders. Of the 12,992 people whose cases were disposed of between 2005 and 2006 for sexual offenses in New York State, 97% were male<sup>12</sup>. Only 8% of all convicted sex offenders in New York are rearrested for a new 'registerable' sex offense within eight years of being released<sup>13</sup>.

*Residency requirements also deceive the public into believing that sex offenders can be removed from our neighborhoods when clearly—registered sex offenders only represent a small percentage of the total sex offender population.*

### **Impact of Residency Requirements**

- Researchers in Colorado, Florida, and Minnesota found that proximity to schools or child-care centers was not a factor in recidivism; moreover, sex offenders were not more likely than non-offenders to live near these areas<sup>14</sup>.

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<sup>7</sup> U.S. Department of Justice. (2003). Youth Victimization: Prevalence and Implications. Washington, D.C.: National Institute of Justice. (NCJ No. 194972).

<sup>8</sup> Greenfeld, L., "Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault," U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC, 1997).

<sup>9</sup> Ahlmeyer, S., Heil, P., McKee, B., and English, K. (2000). The impact of polygraphy on admissions of victims and offenses in adult sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 12 (2), 123-138.

<sup>10</sup> Ahlmeyer, S., English, K., & Simons, D. (1999). The impact of polygraphy on admissions of crossover offending behavior in adult sexual offenders. Presentation at the Association for the Treatment of Sexual Abusers 18th Annual Research and Treatment Conference, Lake Buena Vista, FL

<sup>11</sup> Beauregard, E., Proulx, J. & Rossmo, D. K. (2005). Spatial patterns of sex offenders: Theoretical, empirical, and practical issues. *Aggression and Violent Behavior*, 10, 579-603.

<sup>12</sup> NYS Division of Criminal Justice Services. Office of Sex Offender Management, Statistics.

<sup>13</sup> New York State Division of Probation and Correctional Alternatives. *Research Bulletin: Sex Offender Populations, Recidivism and Actuarial Assessment*, p. 3. 2007.

<sup>14</sup> Nieto, M. & Jung, D. *The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review*. August 2006. California Research Bureau.

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- They also found that placing restrictions on the location of supervised sex offender's residences did not deter the sex offender from re-offending and was not effective in controlling sexual offending recidivism (Ibid).
- Sex offenders who had a positive support system in their lives had significantly lower recidivism rates and fewer rule violations than offenders who had negative or no support (Ibid).
- Within six months of the implementation of Iowa's 2,000-foot law, thousands of sex offenders became homeless or transient, making them more difficult to track and monitor. The number of registered sex offenders in Iowa who could not be located more than doubled, damaging the reliability and validity of the sex offender registry<sup>15</sup>.

**For a complete list of sex offender residency requirements by state, please reference the Human Rights Watch publication, *No Easy Answers: Sex Offender Laws in the U.S.* at [www.hrw.org](http://www.hrw.org).**

### Recommendations

Among adult sex offenders, approximately 30% have been sexually abused<sup>16</sup>. To break this cycle of abuse, a holistic model can be employed that includes: community education, primary prevention models, comprehensive and multidisciplinary mental health treatment, accurate awareness campaigns, etc.

We support and promote the Human Rights Watch's proposals:

Public safety will be as protected, if not more so, by modified registration laws targeted only at former offenders who pose a high or medium risk of reoffending, as determined through an individualized risk assessment and classification process, and by community notification that is undertaken by law enforcement on a need-to-know basis. There is no legitimate basis for blanket residency restrictions. We do not object to time-limited restrictions that are imposed on individual offenders on a case-by-case basis, for example, as a condition of parole<sup>17</sup>.

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<sup>15</sup> Roos, J. & Rood, L. (2005, December 26). Critics: offender laws need to fit risk. The Des Moines Register, pp. A1, A9.

<sup>16</sup> Becker, J. and Murphy, W., "What We Know and Don't Know about Assessing and Treating Sex Offenders," Psychology, Public Policy and Law 4 (1998): 116-137.

<sup>17</sup> Human Rights Watch. *No Easy Answers: Sex Offender Laws in the U.S.* September 2007.