

# ***Sex Offender Residency Restrictions: Is There a Better Way?***

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# Arkansas Statute

Arkansas Statute 5-14-128.

- Sex Offenders Assessed at Level 3 or 4 cannot reside within 2,000 feet of any public or private elementary or secondary school, public park, youth center, or daycare facility.

# Law Continued

- It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which the public or private elementary or secondary school, public park, youth center, or daycare facility was established.

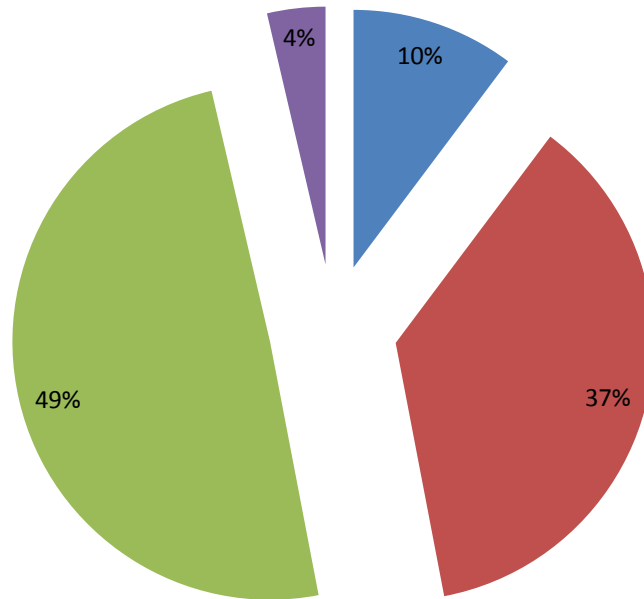
# What's the Problem

- Residency restriction laws based in emotion.
- Residency restrictions are not empirically supported.
- Community Notification Levels were not meant to govern residency restrictions.
- Emerging evidence indicates residency restrictions may increase risk of re-offense.

# Arkansas CN Levels through Sept. 2010

Through Sept. 30, 2010

■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4

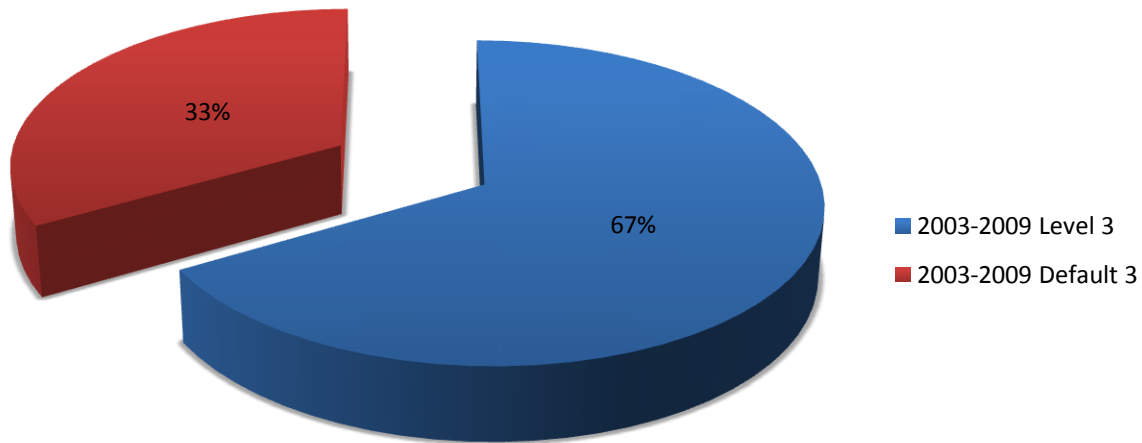


# Other Considerations

- Many sex offenders assigned Level 3 are done so by default.
- Sex offenders can default by failing to appear, failing to cooperate; or becoming aggressive.
- Not all Level 3's are Child Molesters.
- Experts fear that residency restrictions could lead to more sex offenders going underground or dropping out of sight. (Nieto 2006; Levenson 2008; Duwe et al. 2008; Boer 2010)

# Percentage of 3 vs. Default 3

## Total 2909



# Interesting Findings

50 Files Reviewed

26 Level 3

24 Defaults

21 CM

18 CM

5 Not CM

6 Not CM

81% CM

75% CM

19% Not CM

25% Not CM

3 Def. CM Statutory Offenses



# Definitions for Prior Info

- Child is defined as 14 years of age or younger.
- No internet or "hands off" offenders included.
- Statutory is defined as consensual sex with the victim at least 12 and no greater than 5 years difference in age.

# Research

- In Minnesota, Dwue, Donnay and Tewksbury analyzed offense patterns of every sex offender released from Minnesota prisons between 1990 and 2002 and who were incarcerated again for a new sex offense prior to 2006.
- It is not likely that one of the offenses could have been prevented by residency restrictions.

# Minnesota Study

- 85% of the sexual offenders' re-offenses occurred in a residential location.
- Slightly more than 54% of the offenders committed the re-offense in their own residence.

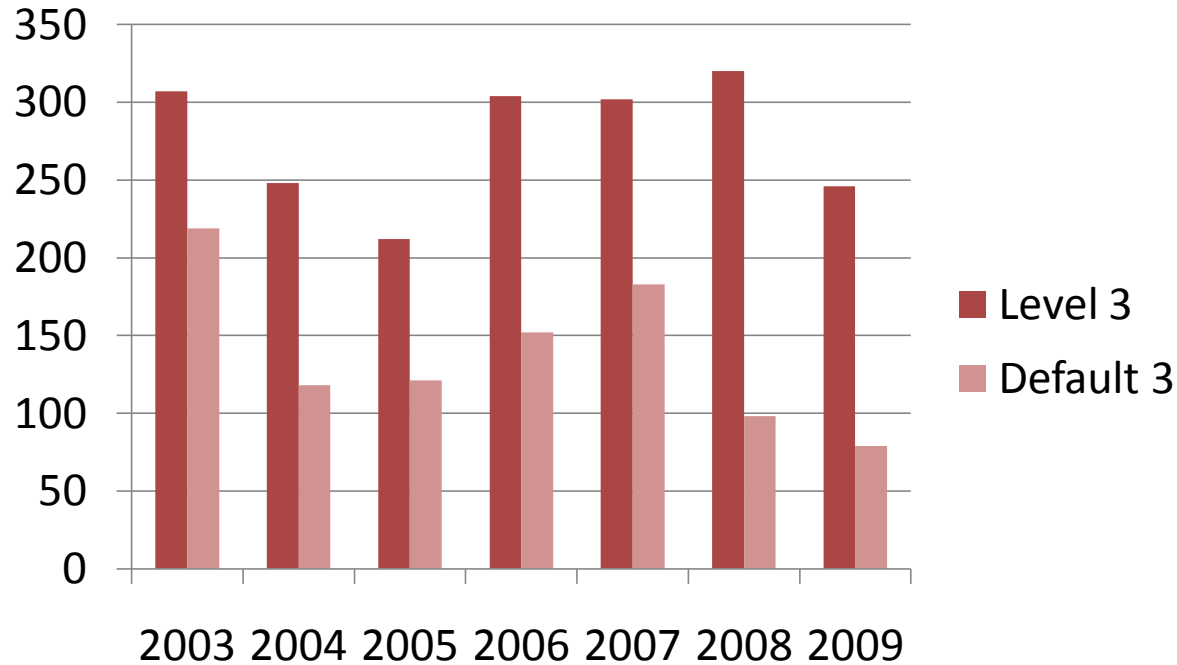
# Further Research

- A 2004 Colorado study found that sex offense re-offenders were randomly located and did not live closer to schools and parks than those who did not re-offend.
- A California Study found a minimal amount of evidence indicating the effectiveness of restricting residence locations available to sex offenders; however, the available studies find the laws have no impact on re-offense rates

# Nieto and Jung

- Nieto and Jung found that the thirteen most serious sex offenders released in Minnesota between 1997 and 1999 that were re-arrested for committing new sex offenses did not live within 2,500 feet of a school or park.

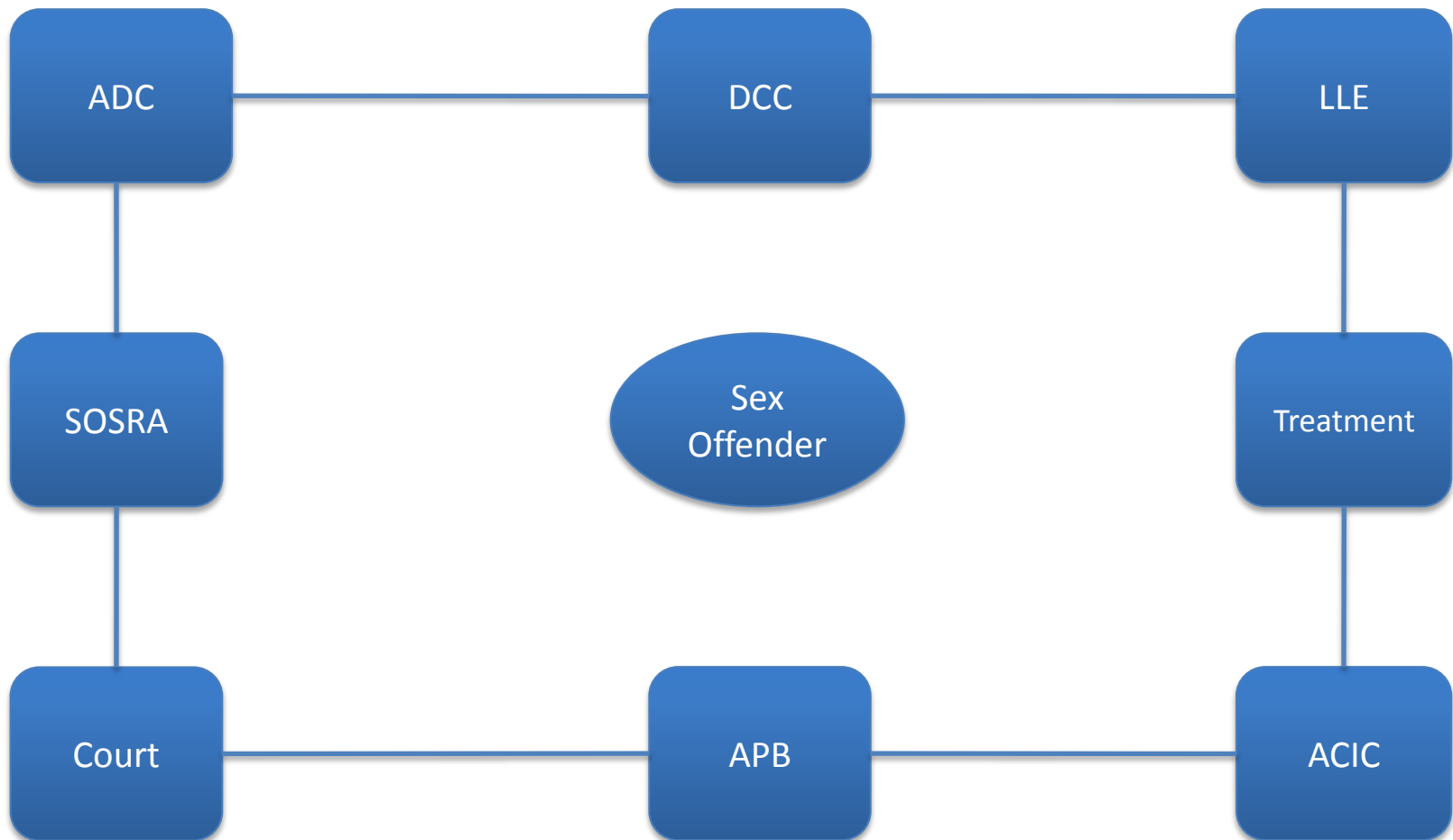
# Have Residency Restrictions Done Any Good?



# What should we be doing?

- SOSRA strives to develop sex offender management strategies with sister agencies throughout the state.
- By creating sex offender management opportunities, we create a boundary around the sex offender to lessen the opportunities to offend.

# Sex Offender Management





# What Does All This Mean?

- Continue Research
- Consider Child Safety Zones vs. Residency Restrictions
- Consider decision based on behavior and age of victim.
- Seek input from entities involved in sex offender management.
- Work with legislators to draft legislation that is empirically based.

# Conclusion to date...

- Not all sex offenders re-offend.
- To the extent possible base policy on research, no emotion.
- Unexpected outcomes may increase risk and cost taxpayers a great deal of money.
- Information made available to the public does not necessarily change parental behavior.
- As more information becomes available, laws and policies must change.

# Recommendations to date...

- Assess sex offenders individually.
- Use state of the art methods and research.
- Tie restrictions to behavior and age of victim, not a number.
- Focus limited resources toward those most likely to re-offend.
- Educate the public.
- Continue research and base policy on findings.

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