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# False Security: North Carolina Sexual Offenders' Perceptions of Residence Restrictions

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Despite increasingly restrictive sexual offender legislation from 1994 until 2006, there is little evidence that these laws are reducing the number and severity of sexually motivated crimes. This study used a nonrandom sample of 231 adult sexual offenders from 11 outpatient treatment sites and assessed their experiences with residence restrictions in the state of North Carolina. Results indicate sexual offenders face emotional and financial difficulties as a result of residence restrictions, even in a state where restrictions are less stringent. Young adults, in particular, had difficulty securing housing and were often unable to live with supportive family members. Overall, sexual offenders believed residence restrictions do nothing to prevent recidivism.

During the 1980s and 1990s, a series of highly publicized abductions and murders of young children resulted in new and increasingly stringent sexual offender legislation. The abduction and murder of Adam Walsh in 1981, Jacob Wetterling in 1989, and Megan Kanka in 1994 each resulted in a change to or the development of a new public policy governing the actions of convicted sexual offenders. Specifically, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act in

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1994, which required all states to keep an up-to-date registry of offenders. Passed in 1996, Megan's Law required states to enact some form of community notification in regard to the geographic location of sexual offenders. In 2006, the Adam Walsh Act mandated states to place offenders on a tier system corresponding to the severity of their crimes and indicating the duration of time they are required to register as sexual offenders.

Due in large part to the lay belief that offenders are unlikely to be rehabilitated, registered sexual offenders experience significant difficulty integrating into society (Zevitz, 2004; Payne, Tewksbury, & Mustaine, 2010). Sanctions imposed upon them, such as residence restrictions, contribute to this difficulty. Currently, 30 states and numerous local governments have residence restrictions for sexual offenders (Meloy, Miller, & Curtis, 2008; Levenson, 2012). These restrictions prevent offenders from living, and in many cases, working near areas where children congregate, such as schools, daycares, and/or public parks. Restrictions vary by state from a distance of 300 to 2,500 feet (Agudo, 2008; Levenson, 2012; Levenson & Cotter, 2005). This study examines the perceived impact of residence restrictions on sexual offenders in the state of North Carolina, which has a residence restriction of 300 feet (NCGS 14-208.5). Although this restriction is not as stringent as the legislation many states or municipalities have enacted, the present study indicates sexual offenders face similar challenges regardless of the spatial distance restrictions imposed by law.

### LITERATURE REVIEW

State residence restrictions primarily converge along two areas of legislation: how restrictive the law is and to whom it applies (Agudo, 2008). In most states, the term *sexual offender* covers an array of crimes. Protecting the public, particularly children, from sexual crimes is a primary goal of sexual offender legislation and residence restrictions. However, most states do not separate sexual offenders into different categories according to the type of crime (Meloy et al., 2008).

Laws designed to label and segregate sexual offenders from the broader society typically garner strong support from elected officials and their constituents. With the majority of states enacting residence restrictions that ban offenders from living near places where children gather or from working in proximity to daycares or schools (White, 2008), many offenders find it difficult to secure adequate housing. In Orange County, Florida, only 64% of the county is available for sexual offenders to live (Zandberg & Hart, 2006). The percentage is smaller in reality because of the difficulty sexual offenders have finding a place where community members will allow them to live. Although community notification increases neighborhood awareness, it can also result in sexual offenders being relegated to disadvantaged communities

or neighborhoods (Mustaine, Tewksbury, & Stengel, 2006). Consequently, a major problem created by residency laws is the "clustering" of sexual offenders in one specific area (Levenson, 2009), often with poor quality housing.

A study conducted in Chicago, Illinois found that economically disparate communities host a larger percentage of sexual offenders than their more affluent counterparts. Disadvantaged neighborhoods host 329 (32.6%) child sexual offenders living in restricted areas, whereas affluent neighborhoods host only 25 (2.5%). Because disadvantaged communities have less available living space for offenders and also are generally smaller than affluent communities, it is reasonable to expect a greater amount of offenders violating residence restrictions in disadvantaged communities (Hughes & Burchfield, 2008). Given the difficulty of securing appropriate housing, many offenders experience transience or chronic homelessness (Levenson, Zboga, & Tewksbury, 2007; The Council of State Governments, 2007; U.S. Department of Justice, 2008); an occurrence which makes effective monitoring of sexual offenders more difficult.

Geographic information systems (GIS) mapping is a valuable asset in monitoring the impact of residence restrictions. However, preliminary studies using GIS have found numerous errors in geocoding. These errors raise questions about the accuracy of reported residence restriction violations (Zandbergen & Hart, 2009) and whether offenders are actually residing within the mandated distance from parks, schools, and daycare centers. GIS mapping can also be beneficial to states, towns, and communities as a mechanism through which to determine the impact of various distance-related (e.g., 300 feet, 1000 feet, etc.) housing restrictions on offenders (Mandelstam & Mulford, 2008; U.S. Department of Justice, 2008). For example, if a state government is considering implementing a zoning law that would require all registered sex offenders live 2,500 feet from areas where children congregate, GIS mapping can provide data on the feasibility of the proposal. In 2008, the Georgia Supreme Court overturned legislation requiring sexual offenders live at least 1,000 feet from bus stops, parks, schools, or other places children gather, citing the undue hardship it would place on offenders to find a legal residence ("Georgia sexual offender," 2008). An additional yet often overlooked use of GIS mapping is to examine the proximity of housing available to offenders in relation to needed or required services, such as treatment providers, probation/parole officers, and public transportation.

Under current legislation, offenders living too close to bus stops, day-cares, schools, etc. must relocate to be compliant with their court order, often eliminating a supportive family member's residence. The restrictions can also make it difficult to find jobs; reducing opportunities for economic advancement and creating financial and emotional hardships (Datz, 2009; Levenson & Cotter, 2005; Tewksbury & Lees, 2006). Lower sexual offender recidivism is associated with stable employment (Virginia Criminal Sentencing Commission, 2001). However, residence restrictions indirectly decrease employment

opportunities by limiting workplace, housing, and transportation options. All of these barriers can inhibit the social and economic integration, growth, and development of offenders and their families. Consequently, residence restrictions may increase stress, which can also increase an offender's likelihood of reoffending. The methods lawmakers deem most appropriate to deal with sexual offenders, primarily registration and residence restrictions, are not always the most effective (Agudo, 2008). Once a sexual offender is subject to residence restrictions, they frequently do not have a chance to appeal nor are they provided with much education on the restrictions. These regulations are also often challenged with regard to their constitutionality. Most notable however, is that the effectiveness of residence restrictions and registration have not been supported by empirical evidence (Colorado Department of Public Safety, 2004; Levenson, 2012; Levenson, Brannon, Fortney, & Baker, 2007; Levenson, Zgoba, & Tewksbury, 2007; Minnesota Department of Corrections, 2007; Tewksbury & Lees, 2007). Multiple recent studies indicate residence restrictions do not reduce already low rates of sexual offender recidivism (Bonnar-Kidd, 2010; Gwyn, 2007; Huenke, O'Connell, Price, & Weidlein-Crist, 2007; Ohio Public Safety, 2007; Sample & Bray, 2006; Valentine & Huebner, 2006; White-Carns, McKelvie, & Cohn, 2007; Zgoba, Veysey, & Dalessandro, 2010). In their present form, residence restrictions may alienate sexual offenders from the larger community and impede the rehabilitation process (Bagley, 2008). Similarly, community notification may increase feelings of risk and perceived level of threat within the community (Beck, Clingermayer, Ramsey, & Travis, 2004), leading to discriminatory behaviors perpetrated by community members or potential employers.

The United States is the only country with laws that control so many areas of a sexual offender's life. Other countries have community notification regulations, but not the mixture of community notification and residence restrictions (Tofte, 2007). The legal considerations of residence and work restrictions for sexual offenders are exclusionary, and the public perception that residence restrictions create a safer environment is short-sighted and has not been empirically demonstrated. Residence restrictions often further the stereotype that sexual offenders are strangers; perpetuating a false sense of security. In an overwhelming majority of cases, sexual offenses are committed by family, friends, or acquaintances of the victim (Bagley, 2008; Levenson, 2012). Even though residence restrictions are meant to keep children safe from sexual offenders living in their community, the small number of offenders that commit new crimes frequently do so outside their community of residence. One study of sexual offenders in Minnesota found that participants were more likely to reoffend outside of their own neighborhood to avoid being recognized by their neighbors (Walker, 2007). It is important to note that not all states have enacted residence restrictions. Some states are analyzing the connection between housing and recidivism in states with existing restrictions before enacting their own legislation.

The purpose of this research was to gather exploratory information on sexual offenders' perceptions of residence restrictions in the state of North Carolina. The researchers sought to gather preliminary information regarding difficulties faced by sexual offenders securing housing and employment due to their status. Though other scholars have explored this topic, this research is unique in that it represents the first study of sexual offender residence restrictions in the state of North Carolina. This research is also unique in the fact that previous research has focused on states where residence restrictions are far more stringent than those in North Carolina. The researchers sought to determine whether sexual offenders subject to less stringent restrictions faced similar hardships to those in states with greater distance restrictions.

#### **METHOD**

# Sample

A nonrandom purposive sample (n = 231) was surveyed regarding their experiences with and perceptions of residence restrictions in the state of North Carolina. A letter describing the study was distributed at a paper session during a quarterly meeting of the North Carolina Association for the Management and Treatment of Sexual Offenders. Clinicians interested in participating left contact information and an estimate of the number of adult sexual offenders under their treatment. The researchers then contacted the interested clinicians and mailed survey packets to their offices. Eleven outpatient treatment facilities across the state of North Carolina distributed survey packets to their group treatment clients. Whereas this sample is not necessarily representative of sexual offenders in North Carolina or the United States, these findings will shed light on experiences and perceptions of sexual offenders in the surveyed groups.

## **Procedures**

Clinicians at 11 outpatient treatment facilities across the state distributed survey packets at sexual offender group therapy sessions. Each survey packet contained the survey instrument and a statement of informed consent. Participants were told their participation in the study was voluntary and they could elect not to complete the survey with no repercussions. They were specifically advised they could place a blank survey in the envelope, seal it, and place it in the drop box to give the appearance of participation. The participants were further advised their responses would remain anonymous. They were informed that research staff did not have access to any names of individuals attending therapy sessions, nor would any characteristics of the treatment facilities be released. During the administration of the survey, no

investigator, therapist, or probation/parole officer was in the room, minimizing the perception of coercion. Participants were allowed ample time to complete the survey. The clinician gathered the sealed envelopes and mailed them to the researchers.

This research was conducted in accordance with federal guidelines for the ethical treatment of human participants. We obtained approval from an Institutional Review Board and from the North Carolina Department of Corrections. The return of a completed survey was considered consent for participation.

# Survey Instrument

The survey instrument was designed to measure sexual offenders' experiences with residence restrictions. The instrument was adapted (with permission from the lead author) from a survey used in previous research (Levenson & Cotter, 2005; Levenson & Hern, 2007; Levenson, 2008) and was altered to measure requirements for North Carolina sexual offenders. The original instrument was administered in the states of Florida (Levenson & Cotter, 2005; Levenson, 2008) and Indiana (Levenson & Hern, 2007), which have more severe residence restrictions. North Carolina's first residence restriction laws were enacted on January 1, 1996, and were amended in 1998, 2001, and 2008, to comply with the standards set forth in the Wetterling, Megan, Lychner, and Lunsford Acts. The most recent revisions prohibit sexual offenders from living within 300 feet of schools and day care facilities. Questions regarding housing, employment, and living with supportive family members were included in the survey, with yes/no response options. Demographic and offense history information were also gathered.

## RESULTS

The study had a sixty-seven percent response rate.<sup>1</sup> Approximately 345 surveys were distributed to 11 outpatient treatment sites across the state of North Carolina and 231 completed surveys were returned.

Thirty-seven percent (n=86) of respondents were aged 18 to 33, 35% (n=85) were aged 34 to 41, and 19% (n=44) were aged 50 to 65. Thirty-five percent (n=81) of the sample reported they were never married, whereas 24% (n=56) were married and 26% (n=61) were divorced. Approximately 10% (n=24) were either separated or widowed. Seventy-four percent (n=171) identified their race as White/Caucasian, 12% (n=28) identified

<sup>&</sup>lt;sup>1</sup>This response rate may be an underestimate. Clinicians provided their best estimates of the number of sexual offenders in group treatment and survey packets were sent based on that estimate. Some clinicians overestimated so enough packets would be available to group members.

themselves as African American, 3% (n=8) as Latino, 1% (n=3) as Asian American, and 4% (n=9) classified their race as Other.

Almost 31% (n=71) obtained a high school diploma or GED, 29% (n=67) attended some college, 9% (n=22) had an Associate's degree, and 7% (n=17) had a Bachelor's degree. Nearly one quarter (n=54) of the sample earned less than \$10,000 annually, whereas almost 44% (n=101) earned between \$10,000 and \$30,000 annually. Twenty-five percent (n=57) earned more than \$30,000.

### Victims and Treatment

Respondents indicated that 97% of victims were less than 18 years of age. Five percent (n=11) were 5 years old or younger, 25% (n=58) were between ages 6 and 12, and 53% (122) were ages 13 to 17. Thirty-three percent (n=75) of respondents reported family members as victims, 42% (n=97) reported acquaintances as victims, and 24% (n=56) reported strangers as victims. Seventy-three percent (n=168) reported offending against females and 17% (n=38) reported offending against males.

Nearly one quarter (n=56) of respondents had been attending their current treatment group for 6 months or less. Nineteen percent (n=43) were part of their current treatment group between 6 months and 1 year, 27% (n=63) attended between 1 and 2 years and 24% (n=56) were part of their current group for more than two years. Only 14% (n=33) reported being in treatment prior to their current treatment group, and half (n=19) were in community-based treatment programs.

# Experiences with Residence Restrictions<sup>2</sup>

Twenty-one percent (n=49) of respondents were grandfathered, meaning they did not have to move from a residence because their offense took place prior to restrictions going into effect (see Table 1). A sizable minority was unable to live with supportive family members (n=45) or with family members who depend on them (n=66) because of the restrictions. Many (n=76) reported difficulty locating a residence that met restriction guidelines and some (n=55) reported landlords refusing to rent to them because they are sexual offenders. Nearly half (n=110) reported emotional difficulty and many (n=73) also reported financial difficulties due to the restrictions.

# Perceptions of Residence Restrictions<sup>3</sup>

Table 2 describes sexual offenders' perceptions of residence restrictions. Seventy percent (n = 162) worry that if they ever have to move again, they

<sup>&</sup>lt;sup>2</sup>Portions of this data are discussed briefly in another paper.

<sup>&</sup>lt;sup>3</sup>Portions of this data are discussed briefly in another paper.

**TABLE 1** Sexual Offenders' Experiences with Residence Restrictions

Item	Valid	Missing	% yes
Grandfathered in under new law, so did not have to move from a residence	222	9	21.2
Had to move from a home I owned because it was too close to a school/day care	229	2	4.8
Had to move from a home I rented because it was too close to a school/day care	227	4	9.1
When released from jail, unable to return home because too close to school/day care	226	5	11.7
Unable to live with supportive family because too close to school/day care	228	3	19.5
Unable to live with family who depend on me because too close to school/day care	227	4	28.6
Family members forced to move because of restrictions	228	3	12.1
Have become homeless because of residence restrictions	226	5	7.8
Landlord refused to rent because a sexual offender	223	8	23.8
Landlord refused to renew lease because a sexual offender	222	9	8.2
Found it difficult to secure housing that wasn't too close to school/day care	225	6	32.9
Have suffered emotionally because of housing restrictions	225	6	47.6
Have suffered financially because of housing restrictions	224	7	31.6
Because of restrictions, I live further from employment opportunities	223	8	24.2
Because of restrictions, I live further from social services and/or mental health treatment	223	8	13.0
Because of restrictions, I live further from supportive family and/or friends	221	10	24.2

*Note.* N = 231.

will be unable to find a place to live. Only around one third of respondents believe they are better able to manage their risk factors because they cannot live near a school (n=65) and that the restrictions are successful in limiting their access to children (n=73). Nearly three quarters (n=170) of respondents believe the restrictions do nothing to prevent offenders from offending again, and if they wanted to reoffend, the restrictions would do nothing to prevent reoffending (n=172).

Bivariate correlations were used to determine whether a significant relationship existed between offender demographic characteristics and experiences of residence restrictions (see Table 3). Younger offenders were more likely to report landlords denying rental housing, having more difficulty securing housing that met restriction requirements, and having to live

 TABLE 2 Sexual Offenders' Perceptions of Residence Restrictions

Item	Valid	Missing	% yes
I worry that if I ever have to move, I will be unable to find a place to live.	227	4	70.1
I am more able to manage risk factors because I cannot live near a school/day care.	218	13	28.1
Residence restrictions are effective in limiting my access to children.	218	13	31.6
I think residence restrictions help prevent me from reoffending.	221	10	22.1
I think residence restrictions help protect children from sexual offenders.	219	12	35.9
If I really wanted to reoffend, I would be able to do so despite restrictions.	214	17	74.5

*Note.* N = 231.

further away from supportive family and friends. Those with higher levels of education reported suffering more emotional distress as a result of residence restrictions. Respondents with younger victims reported more difficulty securing housing that was not too close to schools or day care facilities.

 TABLE 3 Correlations Between Offender Characteristics and Experiences

Item	Age	Marital status	Education	Victim age
Grandfathered under new law	.045	037	.030	089
Had to move out of home that I owned	.029	.008	.063	.012
Had to move out of home I rented	068	.044	023	.062
When released from jail, I was unable to return home	041	.109	.089	.041
Unable to live with supportive family members	113	031	002	076
Landlord refused to rent to me	137*	019	002	.123
Found it difficult to find a place to live that was not too close to school	178**	.034	041	145*
I have suffered emotionally because of housing restrictions	100	024	.166*	015
I have suffered financially because of housing restrictions	099	.039	.032	002
Because of housing restrictions, I live further from employment	098	013	.049	084
Because of housing restrictions, I live further from social services and/or mental health treatment	073	.021	.039	019
Because of housing restrictions, I live further from supportive family/ friends	148*	.021	040	058

<sup>\*</sup>p < .05. \*\*p < .01.

#### DISCUSSION

The purpose of this study was to gather preliminary data on the experiences of sexual offenders and their perceptions of residence restrictions in the state of North Carolina. This study provides a unique contribution to the literature in that sexual offenders in North Carolina face the least stringent residence restrictions (300 feet) compared to other states (1,000 feet to 2,500 feet). It is important to note, however, that the findings of this investigation correspond to other studies of sexual offenders (Levenson, 2008; Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Levenson & Hern, 2007; Mercado, Alvarez, & Levenson, 2008) in terms of demographics as well as reports of experiences with restrictions. Specifically, the sample population is comprised of primarily single Caucasian males between the ages of 18-41 who offended against females under the age of 18. The majority (75%) of respondents stated current restrictions would not deter them from committing new offenses. This statistic underscores the need for a review and possible revision of North Carolina sexual offender management policy. In their present form, these laws are largely perceived as ineffective by the individuals they were designed to control.

Less than one quarter of respondents reported victimizing a stranger, further discrediting the belief that the greatest danger to children lies outside of family and friends. In reality, sexual offenders are not strangers sitting outside of playgrounds, at bus stops, or the local elementary school. Sexual offenders usually know their victims rather than selecting them at random. Although imposing some limits may keep some children and communities safe, the current restrictions do little to protect the vast majority of victims who are known to their abusers. In light of this finding, it appears unlikely that residence restrictions in their present form would significantly prevent children from becoming victims of sexually related crimes.

Previous studies cite the importance of social supports in prohibiting reoffending behaviors (Levenson & Cotter, 2005; Zandbergen & Hart, 2006; Agudo, 2008; Zevitz, Crim, & Farkas, 2000). In the present study, approximately 20% of respondents were unable to live with supportive family members and nearly half of all participants experienced emotional difficulties because of residence restrictions. The byproduct of these factors is an increase in the amount of distress experience by offenders. Consequently, individuals experiencing the restrictions imposed by North Carolina sexual offender legislation may be more likely to reoffend.

Also contrary to public opinion, the recidivism rate for sexual offenders undergoing treatment is relatively low (Marques, Nelson, West, & Day, 1994; Hanson & Morton-Bourgon, 2004; Hanson & Morton-Bourgon, 2005). Studies indicate, however, that increased stress and disruption of supportive networks increase the likelihood of recidivism (Hanson & Bussiere, 1998; Hanson & Harris, 2001; Hanson & Morton-Bourgon, 2004). Sexual offenders in the current study reported financial as well as emotional difficulties as a

result of the restrictions. Many also discussed difficulty securing housing and employment. These are unintended but significant consequences of sexual offender residence restrictions. The findings of this study, in particular, underscore the effects of the unintended consequences of residence restrictions. Even in the state of North Carolina, with one of the least restrictive residence restrictions requirements (300 feet), sexual offenders reported similar levels of negative consequences and impediments to reintegration as states with more stringent residence restrictions.

## CONCLUSION

This sample may not be representative of sexual offenders in the United States. However, the demographic characteristics of the offenders in this study are similar to those in other studies of sexual offenders and residence restrictions (Levenson, 2008; Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Levenson & Hern, 2007; Mercado et al., 2008). Given the difficulty of accessing adult sexual offenders who are also subject to residence restrictions (and the size of samples used in existing research); the current sample size is relatively large. This sample size allows the researchers to draw tentative conclusions about the effects of less severe residence restrictions, particularly in North Carolina.

On the basis of these findings, it appears that residence restrictions are not perceived as a deterrent by sexual offenders and increase job-related, housing, and emotional distress experienced by respondents. There is a need to balance public safety with the constitutional rights of sexual offenders. Enacting more effective policies aimed at sexual offender management and rehabilitation may provide a viable solution.

The researchers suggest a review of the existing sexual offender policy in North Carolina to better protect children and effectively manage sexual offenders in the state, as well as the larger society. One possible alternative would be the legislative creation of a Sex Offender Management Board, similar to those already in existence in 26 other states (Lobanov-Rostovsky & McBride-Brown, 2009). This Board would effectively draft and monitor sexual offender policy in North Carolina and would be comprised of researchers, public safety officials, treatment providers, and victim advocates. One of their primary mandates would be providing legislators with empirically based data to inform policy.

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