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Message Center

Residence Restriction Laws: Do they prevent sexual abuse?

What is a residence restriction law?

Photo of a man on his front porch

Residence restriction laws are state and municipal regulations that prohibit convicted sexual offenders from residing within 500 to 2500 feet of a school, park, daycare, and or bus stop. Many, but not all, states have adopted these laws since the early 1990s in an effort to prevent sexual offenders from re-offending.

What are the premises of residence restriction laws?

Most of the laws have been prompted by highly publicized, horrific crimes against children that involved abduction and murder or mutilation. Though these crimes are extremely rare compared to other forms of sexual offending, they are clearly the impetus for current trends in public policy with respect to residence restriction.

The assumption of the laws is that sexual offending can be prevented by keeping previously convicted offenders away from school zones and parks where they could presumably identify potential victims and perpetrate abuse. Unfortunately, this basic assumption fails to take into consideration what research shows about the sexual abuse of children. First, most abuse is not perpetrated by strangers. A 2008 study by David Finkelhor and his colleagues showed that 71 percent of sexually abused children were abused by an acquaintance, 18 percent by a stranger, and 10 percent by a family member. Second, most sexual abuse is perpetrated by offenders who have no previous convictions. Eighty-seven percent of those arrested for sexual offending have not been previously convicted of a sexual crime.

Does living near a school or a park effect a sexual offender's likelihood to re-offend?

Studies of child molesters who do re-offend have not shown them to be more likely to live closer to schools or day care centers than molesters who do not re-offend. In a Colorado study, the molesters who abused again were found to live in widely disperse geographic area with no particular pattern of housing near schools (Colorado, Department of Public Safety, 2004). In Minnesota, after studying patterns of re-offending, it was found that none of the cases:

- took place on school grounds,
- none of the offenses were related to being in proximity to a school or park, and
- re-offenders were more likely to travel distances from their homes—possibly to avoid being recognized.

The authors concluded that residential proximity is unrelated to sexual offense recidivism (Minnesota Department of Corrections, 2003). Colorado researchers reached the same basic conclusion:

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Child Sexual Abuse in U.S. News Reports: What does the media teach the public?

“Placing restriction on the location of supervised sex offender residences may not deter the sex offender from re-offending and should not be considered as a method to control sexual offending recidivism.”

Do states that use residence restriction have lower rates of sexual offending?

Rates of child sexual abuse have been declining throughout the country for the past 25 years. More knowledge, heightened awareness, better education, and increasing avenues for reporting are all thought to be contributors to the steady decline. Proponents of stronger sexual offender management may also conclude that harsher punishments have also discouraged sexual offending. That said, the states that use residence restrictions for sexual offender management do not necessarily have lower rates of abuse. There is also no empirical study showing residence restrictions linked to a general decline in child abuse rates.

Do sexual offenders need residence restriction?

Absolutely. Child molesters who target strangers, those who have used school, day care, or park settings in the past to abuse should be prohibited from living near or being in these environments. The difficulty with the laws as they stand is the absence of empirical support for their effectiveness, coupled with the known negative consequences for the communities they are meant to serve.

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