

Unintended Consequences of Sex Offender Residency Laws:

Can GIS Mapping Help?

By Janet Mandelstam and Carrie Mulford

Authors' Note: Findings and conclusions reported in this article are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Laws that limit where registered sex offenders may live have become increasingly popular during the past decade. By 2007, 27 states and hundreds of municipalities had passed laws that prohibited sex offenders from living near schools, parks, playgrounds or day care centers. These laws have wide public support, and proponents say they protect children from sexual predators by reducing both the temptation and the opportunity for convicted sex offenders to commit more crimes. But research is showing that the laws may have unanticipated consequences: They may so severely limit legal housing options for registered sex offenders that the offenders report false addresses, become homeless or go underground, all of which make it more difficult — if not impossible — for community corrections officers to monitor their whereabouts.

Residency laws are modeled after Florida's Jessica's Law (2005), named for Jessica Lunsford, the 9-year-old Florida girl who was kidnapped and killed by a molester. They are the latest in a series of laws that aim to protect the public, especially children, from convicted sex offenders who are released into the community. Previous laws include the Wetterling Act (1994), which mandated sex offender registration, and Megan's Law (1996), which required that the public be notified when an offender moves into a community. Residency restriction laws typically require that an offender live

more than 1,000 feet from a school or other venue that may attract a large number of children; depending on the locality, the distance can vary from 500 to 2,500 feet.

Numerous media reports have recounted difficulties offenders face when trying to find legal, affordable housing. The restriction zones often overlap — especially in urban areas. In some cities, the only acceptable sites are in high-crime neighborhoods or in business and commercial zones. When residential areas are available, sex offenders just released from prison may not be able to afford the rents there. Even in rural areas with greater distances between schools, much of the unrestricted land is forest or farmland.

Studies in three states — New Jersey,¹ California² and Ohio³ — used Geographic Information Systems (GIS) mapping to assess the impact of current laws or to project the outcome if a law were to be implemented. In all cases — from rural townships to intensely urban areas — they found that legal residential areas for sex offenders were severely limited.

New Jersey

New Jersey does not have a statewide sex offender residency restriction law, but as of 2007, some 113 New Jersey municipalities had barred offenders from living near schools, parks, beaches, day care centers or bus stops. Researchers used GIS mapping to examine three distinct areas in northern New Jersey: the rural townships of Phillipsburg and Alpha in Warren County, the city of Newark, and Bergen County. They assessed the potential impact of residency restrictions near schools using

a 1,000-foot zone and the maximum 2,500-foot zone. They first plotted the residences of the registered sex offenders and the schools and then added the restricted zones. Results were fairly definitive and surprising:

- In the rural townships, there were 16 registered sex offenders. With a 1,000-foot restricted zone, five would have to move. With a 2,500-foot zone, all would have to relocate, and the city centers would be off-limits. Although half of the township land would be outside the restricted zones, most of that land was uninhabited.
- In Newark, there were 196 registered offenders. With a 1,000-foot restricted zone, 127 would have to move; with a 2,500-foot zone, the number jumped to 193. Only about 7 percent of city land — two city blocks and a few streets — would be outside the 2,500-foot zone.
- In Bergen County there were 56 registered offenders. With a 1,000-foot zone, 21 would have to move, and with a 2,500-foot zone, 51 would have to relocate. Slightly more than one-third of the county would be outside the 2,500-foot zone, but much of that area is natural reserves or roads.

Researchers also found that when schools were located near township or county boundaries, the restricted zones extended into neighboring jurisdictions. In two instances, the zones extended into adjacent states, calling into question whether the laws can be adequately enforced in such cases.

California

In 2006, California voters overwhelmingly approved a law that requires registered sex offenders to live at least 2,000 feet from schools and parks. After the law became effective, researchers used GIS to assess its impact in San Diego County. They first examined all lots in the county, then identified residential parcels and overlaid schools and parks with the 2,000-foot restricted zones. Approximately 27 percent of residential parcels were outside the zones and, therefore, acceptable.

Ohio

Hamilton County, Ohio, is part of a large metropolitan area covering southwest Ohio that includes the city of Cincinnati and parts of Kentucky and Indiana. Researchers located 1,098 registered sex offenders in the county. When they mapped the restricted zones around schools, they found that 494 offenders were living within the zones in violation of an existing law.

Using the Tools

These studies show that GIS mapping can be a valuable tool for local officials — especially for jurisdictions that are contemplating the passage of residency laws. Officials can use the mapping data to determine whether affordable housing will be available in approved areas. Such analysis could demonstrate whether a proposed law is feasible. Localities with a residency law already in place can use the data to determine whether the restricted zones result in a lack of housing options for offenders. If unrestricted zones have sufficient affordable housing, offenders may be less likely to go underground, thereby remaining accessible to community corrections officers.

ENDNOTES

¹ Chajewski, Michael and Cynthia Calkins-Mercado. 2007. A geo-spatial analysis of sex offender residency restrictions in the state of New Jersey. Presentation at NIJ's Ninth Crime Mapping Research Conference, March 28 – 31 in Pittsburgh.

² Wartell, Julie. 2007. Sex offender laws: Planning for an election. Presentation at NIJ's Ninth Crime Mapping Research Conference, March 28 – 31 in Pittsburgh. Available on NIJ's Crime Mapping Web page at www.ojp.usdoj.gov/nij/events/maps/pittsburgh2007/papers/Wartell2.pdf.

³ Grubestic, Tony H., Alan T. Murray and Elizabeth A. Mack. 2007. Geographic exclusion: Spatial analysis for evaluating the implications of Megan's Law. Presentation at NIJ's Ninth Crime Mapping Research Conference, March 28 – 31 in Pittsburgh. Also published in *Social Science Computer Review*, 25(2):143-162; available online at <http://ssc.sagepub.com/cgi/reprint/25/2/143> (subscription or fee required).

Janet Mandelstam is a freelance writer and former communications director at the Vera Institute of Justice. Carrie Mulford, Ph.D., is a social science analyst at the National Institute of Justice.

Reprinted with permission of the American Correctional Association, *Corrections Today*, August 2008. All rights reserved.