

**Residential Proximity &  
Sex Offense Recidivism  
in Minnesota  
April 2007**



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# **Table of Contents**

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<b>TABLES</b> .....	i
<b>EXECUTIVE SUMMARY</b> .....	1
<b>INTRODUCTION</b> .....	5
<b>DATA AND METHODS</b> .....	8
<b>RESULTS</b> .....	12
Offender Residence-Offense Location Distance .....	12
Victim-Offender Relationship .....	13
Alcohol/Drug Use .....	15
Physical Force .....	16
Type of Victim Contact .....	17
Offender Residence-First Contact Distance for Direct Contact Offenders .....	20
Residential Proximity for Direct Contact Offenders .....	21
<b>CONCLUSION</b> .....	24
<b>REFERENCES</b> .....	27

## **TABLES**

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Table 1. Location of Sex Reoffenses .....	12
Table 2. Distance between Offender's Residence and Offense Location .....	13
Table 3. Victim-Offender Relationship of Sex Reoffenses .....	14
Table 4. Offense Location-Offender Residence Distance by Victim-Offender Relationship .....	14
Table 5. Reoffense Characteristics by Use of Alcohol and/or Drugs .....	15
Table 6. Reoffense Characteristics by Use of Physical Force .....	16
Table 7. Recidivist Characteristics by Type of Victim Contact .....	18
Table 8. Offender Residence-First Contact Distances for Direct Contact Offenders.....	20
Table 9. A Comparison of Residential Proximity Offenders.....	22

## **EXECUTIVE SUMMARY**

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In an effort to curb the incidence of sexual recidivism, state and local governments across the country have passed residency restriction laws. Designed to enhance public safety by protecting children, residency restrictions prohibit sex offenders and, in particular, child molesters from living within a certain distance (500 to 2,500 feet) of a school, park, playground or other location where children are known to congregate. Given that existing research has yet to fully investigate whether housing restrictions reduce sexual recidivism, the present study examines the potential deterrent effect of residency restrictions by analyzing the sexual reoffense patterns of the 224 recidivists released between 1990 and 2002 who were reincarcerated for a sex crime prior to 2006.

In order to determine whether the 224 cases might have been affected by residency restrictions, four basic criteria were used.

1. Because housing restrictions are geared primarily towards deterring sex offenders—namely, child molesters—from initiating contact with potential victims, offenders had to establish direct contact with the victims, as opposed to gaining access to their victims through another person they know such as a significant other (e.g. wife, fiancée, girlfriend, etc.), friend, co-worker, or acquaintance.
2. The contact had to have occurred within at least one mile of the offender's residence at the time of the offense.
3. The first contact location had to have been near a school, park, daycare center, or other prohibited area.
4. The victim had to have been under the age of 18 at the time of the offense.

Data on the most recent sex offense for the 224 recidivists were derived from the criminal complaint, the pre-sentence investigation (PSI) report, the Statewide Supervision (SSS) database, and the Minnesota Department of Corrections' (DOC) Correctional Operations Management System (COMS) database.

## ***Results***

Not one of the 224 sex offenses would likely have been deterred by a residency restrictions law. Only 79 (35 percent) of the cases involved offenders who established direct contact with their victims. Of these, 28 initiated victim contact within one mile of their own residence, 21 within 0.5 miles (2,500 feet), and 16 within 0.2 miles (1,000 feet). A juvenile was the victim in 16 of the 28 cases. But none of the 16 cases involved offenders who established victim contact near a school, park, or other prohibited area. Instead, the 16 offenders typically used a ruse to gain access to their victims, who were most often their neighbors.

Residential proximity had very little impact on the 224 sex offenses examined here for several reasons. First, the results clearly indicated that what matters with respect to sexual recidivism is not residential proximity, but rather social or relationship proximity. A little more than half (N = 113) of the 224 cases were “collateral contact” offenses in that they involved offenders who gained access to their victims through another person, typically an adult. For example, one of the most common victim-offender relationships found in this study was that of a male offender developing a romantic relationship with a woman who has children. The sex offender recidivists examined here used their relationships with these women to gain access to their victims—the women’s children. Likewise, it was relatively common for offenders to gain access to victims through babysitting for an acquaintance or co-worker, or living with friends who had children.

Second, even when offenders established direct contact with victims, they were unlikely to do so close to where they lived. This may be due mostly to the fact that offenders are more likely to be recognized within their own neighborhoods. As a result, when direct contact offenders look for a victim, they are more likely to go to an area relatively close to home (i.e. within 20 miles of their residence), but still far enough away (i.e. more than one mile) to decrease the chances of being recognized.

### ***Additional Key Findings***

- Of the 224 sex offenses, 85 percent occurred in a residential location such as the offender's home, while the remaining 15 percent took place in a public location.
- The vast majority (79 percent) of the 224 offenders victimized someone they knew.
- When the offender victimized a stranger, 28 percent committed the offense in their own residence, 23 percent within one mile of their home, and 49 percent committed the crime more than one mile from their residence.
- Whereas only 35 percent established contact directly with their victims, half (50 percent) of the sex offender recidivists gained access to their victims through a form of collateral contact such as a girlfriend, wife, co-worker, friend, or acquaintance. For the remaining 14 percent, the offenders were biologically related to their victims.
- Compared to the other 145 recidivists, the 79 direct contact offenders were more likely to use alcohol and/or drugs prior to the offense, to use physical force during the offense, and to have a history of victimizing adult strangers. These offenders were the least likely to victimize children in either their previous or current offense.
- The 113 collateral contact offenders were more likely to have longer criminal histories and a history of victimizing female acquaintances under the age of 18. In their reoffense, more than half (53 percent) victimized a female acquaintance under the age of 18.
- The 32 recidivists who offended against a biological family member were more likely to be older white males who had a history of victimizing family members and children under the age of 13.

### ***Policy Implications***

A statewide residency restrictions law would likely have, at best, only a marginal effect on sexual recidivism. Although it is possible that a residency restrictions law could avert a sex offender from recidivating sexually, the chances that it would have a deterrent effect are slim because the types of offenses it is designed to prevent are exceptionally

rare and, in the case of Minnesota, virtually non-existent over the last 16 years. Rather than lowering sexual recidivism, housing restrictions may work against this goal by fostering conditions that exacerbate sex offenders' reintegration into society.

## **INTRODUCTION**

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In light of the perception that sex offenders pose a major threat to their communities because they are highly incorrigible, local and state governments have recently enacted policies that restrict where sex offenders are allowed to live. For example, at least 18 states have passed legislation that bars sex offenders from living near schools, daycare centers, parks and other areas where potential vulnerable victims may be present (Nieto and Jung, 2006).<sup>1</sup> And in Minnesota, local governments in Taylors Falls and Wyoming have passed ordinances restricting the placement of sex offenders.

Designed to enhance the safety of children, residency restrictions are targeted mainly towards child molesters, who often gain access to their victims through (1) marriage, (2) occupation, or (3) the neighborhood in which they live. Because residency restrictions are intended to prevent child molesters from making direct contact with children, they are primarily applicable with the third type of access—neighborhood (Walker, Golden, and VanHouten, 2001). But are such policy measures consistent with the reality of sexual recidivism? That is, are sex offenders highly likely to recidivate? And when they do reoffend, are they likely to directly establish contact with victims in close proximity to their own residence?

Existing research clearly indicates that sex offenders are, compared to other offenders, among the least likely to reoffend (Langan and Levin, 2002). Moreover, when sex offenders recidivate, they are much more likely to do so with a non-sexual offense. Examining recidivism among 9,691 sex offenders released from prison in 1994, Langan and colleagues (2003) found that only 12 percent of the rearrests in the three-year post-release period

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<sup>1</sup> Nieto and Jung (2006) identified 22 states (Alabama, Arkansas, California, Florida, Georgia, Illinois, Iowa, Kentucky, Indiana, Louisiana, Missouri, Minnesota, New Mexico, Michigan, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington, and West Virginia) with sex offender residency restriction laws. Of these, however, four (Minnesota, New Mexico, Oregon, and Texas) do not have statutory language specifically prohibiting sex offenders from living within a certain distance of a child congregation location. In New Mexico, for example, schools must be notified of sex offenders living within a one-mile radius, but the law does not restrict where they can live. In the other three states, a government body (e.g. Department of Corrections or the Parole Board) is responsible for determining where and how close a sex offender can live to a child congregation location. As a result, there are 18 states with legislation that automatically restricts where sex offenders can live.

involved a sex offense. When sex offenders recidivate sexually, at least 75 percent victimize individuals (both adults and children) they already know (Greenfield, 1997; Snyder, 2000).

Prior research has had relatively little to say, however, about **where** sex offenders recidivate. In 2001, Walker, Golden, and VanHouten examined the geographical relationship between sex offenders' residences and areas likely to contain potential victims in one Arkansas county. They found that child molesters were more likely to live in close proximity to schools, daycare centers or parks compared to offenders convicted of sex crimes involving adult victims. In 2004, however, the Colorado Division of Criminal Justice examined 130 sex offenders under probation supervision and found that those who reoffended sexually were no more likely than non-recidivists to live closer to schools and childcare centers (Colorado Department of Public Safety, 2004). Instead, the recidivists were randomly scattered throughout the Denver metropolitan area. Moreover, in a report to the legislature on residential placement for Level 3 offenders, the DOC found that residential proximity to a park, school, or daycare center did not appear to be a factor contributing to sexual recidivism (Minnesota Department of Corrections, 2003). These results are not necessarily generalizable to all sex offenders, however, since the sample was very small (N = 13) and limited only to Level 3 recidivist offenders (i.e., those considered highest risk to reoffend sexually) who were released between 1997 and 1999.

### **The Impact of Residency Restrictions on Sex Offenders**

While these studies explored the potential effects of housing restrictions on recidivism, other research has examined the impact on the offenders themselves. As Mustaine, Tewksbury and Stengel (2006) point out, sex offenders are frequently relegated to neighborhoods and communities marked by social disorganization. Furthermore, residency restrictions often force offenders to move from their residences. For example, Levenson and Cotter (2005) surveyed 135 sex offenders in Florida who were subject to residency restrictions that prohibited them from living within 1,000 feet of a school, daycare center, park, playground, or other place where children regularly congregate. Levenson and Cotter found that 50 percent of the 135 offenders, of whom 97 percent were child molesters, reported being forced to move on account of the 1,000 foot rule. In addition, the results indicated that the housing



restrictions also led to increased isolation, decreased stability, and greater emotional and financial stress.

### **The Present Report**

Because Minnesota has not enacted a residency restrictions law, it is not possible to precisely determine the actual impact of such a law on sexual recidivism. It is possible, however, to identify the cases that might have been affected by residency restrictions. Of the 3,166 sex offenders released between 1990 and 2002, there were 224, all of whom were male, who were reincarcerated for a sex offense following their initial release from prison. This study examines the reoffense patterns for these 224 offenders in an effort to determine whether any might have been affected by residency restrictions. In doing so, this study focuses on several key questions. First, where did offenders initially establish contact with their victims, and where did they commit the offense? Second, what were the physical distances between an offender's residence and both the offense and first contact locations? Finally, were other factors such as victim-offender relationship, supervision status, use of alcohol/drugs, and use of force associated with both residential proximity and the sexual reoffense?

## **DATA AND METHODS**

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To address these questions, data were gathered on the 224 sex offender recidivists released from a MCF between 1990 and 2002; all sample members were reincarcerated in a MCF for a sex offense prior to January 1, 2006. The measure of recidivism used—reincarceration—is employed due to the greater availability of data on the offenders who returned to prison for a new sex crime.

### Measures

Several different sources of data were used to examine proximity: the criminal complaint for the sexual reoffense, the pre-sentence investigation (PSI) report, the Statewide Supervision System (SSS), the Minnesota Bureau of Criminal Apprehension (BCA) offender registry, and the Correctional Operations Management System (COMS)—the database maintained by the Minnesota Department of Corrections. These sources were reviewed for each of the 224 recidivists, and data were recorded for each of the following items: (the sources used for each item are included in parentheses):

- Offender's address at the time of the re-offense (criminal complaint, PSI report, SSS, and BCA offender registry)
- The address of the location where the new offense occurred (criminal complaint)
- The location/address where the offender first established contact with the victim (criminal complaint and PSI report)
- The type of location where the offense took place; e.g. offender's residence, victim's residence, public building, etc. (criminal complaint)
- The type of location where the offender first established contact with the victim; e.g. offender's residence, victim's residence, bar/nightclub, etc. (criminal complaint)
- The relationship between the offender and victim; e.g. stranger, girlfriend's daughter, babysitter, etc. (criminal complaint)
- The amount of force used; e.g. no force, force with injury, etc. (criminal complaint)
- The presence of alcohol and/or drug use by the offender and/or the victim around the time of the offense (criminal complaint and PSI report)

Additional offender and victim data were also collected from COMS. The variables derived from COMS include supervision status at the time of the offense, prison-based treatment outcome, prior criminal history, age at release, sentencing county, institutional discipline history during the 12 months prior to release, length of stay, length of supervision, supervision type, number of supervised release violations, and victim characteristics of their prior sex offense.

### Analysis

Once all data were collected, the physical distances between the offender's residence and both the offense and first contact locations were calculated, using Google Earth. For example, using the "Directions" feature, the offender's address was entered in the first address location (i.e. "From"), whereas the offense or first contact location was entered in the second address location (i.e. "To"). The "Ruler" feature in Google Earth was then used to determine the straight-line distance (in both feet and miles) between the first and second address locations.

Four criteria were used to determine whether residency restrictions might have prevented a sex crime from occurring. As noted above, housing restrictions are geared primarily towards deterring sex offenders—namely, child molesters—from initiating contact with potential victims by prohibiting them from living within a certain distance of a school, park, daycare center or other area where children might be present. The first criterion, then, concerns the means by which the offenders established contact with their victims. Therefore, the analyses focus on direct contact offenders, who typically initiated contact with their victims by approaching them on the street, meeting them in a bar, or breaking into the victim's home. Additionally, the analyses also assess offenders who gained access through indirect means (e.g. girlfriend's daughter, babysitter, friend's son or daughter, etc.) in order to provide a more complete picture of the patterns of sexual reoffending.

The second criterion concerns the distance between an offender's residence and where he (all 224 offenders were male) first established contact with the victim. There is no clear consensus on the distance requirement across jurisdictions that have implemented housing

restrictions; statutes range from 500 to 2,500 feet. The distances in most states, however, are often between 1,000 to 2,500 feet (Levenson and Cotter, 2005). This study therefore determines residential proximity on the basis of a 1,000 foot zone (0.2 miles) as well as a 2,500 foot zone (0.5 miles). To ensure that neither distance is overly restrictive, residential proximity is also determined on the basis of a one mile zone (5,280 feet). As a result, three distances are used in this study to determine residential proximity: 1,000 feet, 2,500 feet, and 5,280 feet (one mile).

The third criterion concerns the type of location where the offender established contact with the victim. In order for a case to be considered one that might have been prevented by a residency restrictions law, the offender had to have established victim contact in or near one of the prohibited areas: a school, park, playground, daycare center, or other location where children are known to congregate.

The fourth criterion concerns the age of the victim. Because housing restrictions focus on the protection of children, the victim(s) had to have been under the age of 18 at the time of the offense in order for it to be considered a case where a residency restriction law might have made a difference.

All four of the criteria outlined above had to be met in order for an offense to be classified as one that might have been prevented by housing restrictions. If, for example, an offender established direct contact with a juvenile victim 0.3 miles (1,584 feet) away from his residence at a park and committed the offense in the same location, residential proximity would be relevant for both the 0.5 mile (2,500 feet) and 1.0 mile distances, but not for the 0.2 mile (1,000 feet) distance. Similarly, if an offender broke into a neighbor's home 0.1 miles (500 feet) away from his own residence and victimized a juvenile female victim, the case would not meet the criteria for classification because the first contact location was the victim's home.

Other criteria could also be included such as the offender's sexual criminal history. The objective here, however, is to identify whether residency restrictions might have deterred any

of the 224 cases from occurring, regardless of whether the offender had a history of victimizing children. Nevertheless, offender's sexual criminal history is included in the analyses presented later.

## **RESULTS**

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The results show that 85 percent of the offenses occurred in a residential location (see Table 1). The other 15 percent took place in a public location, of which most were an exterior location such as a street, alley, or park. A little more than half (53 percent) of the recidivists committed the offense in their own residence. Of these 118 reoffenses, the offender shared the residence with the victim in 34 percent of the cases. A little more than 41 percent of the offenses took place in the victim's home. In 57 percent of these cases, the victim did not share the residence with the offender.

**Table 1. Location of Sex Reoffenses**

<i>Location of Offense</i>	<i>Number</i>	<i>Percent</i>
Offender's Residence	78	34.8
Victim's Residence	53	23.7
Shared Residence	40	17.9
Residence of Acquaintance/Family Member	14	6.3
Other Residence (e.g. hotel room)	5	2.2
Exterior Public Location	28	12.5
Interior Public Location	6	2.6
Total	224	100.0

For 27 of the 224 cases, it was not possible to estimate the distance between the offender's residence and the location where the offense took place due to the absence of specific address information for either one. This was especially true for the older cases, primarily those that took place in the early to mid-1990s.

### Offender Residence-Offense Location Distance

Of the 197 cases where specific address information was available, nearly two-thirds (63 percent) took place inside the offender's residence (see Table 2). Of that 63 percent, the victim shared the residence with the offender in 36 percent of the offenses. These results suggest that offenders were most likely to commit offenses in or near their place of residence. More specifically, as the distance between the offender's residence and the offense location increased, the number of offenses decreased. For example, 18 percent of the offenses took place within five miles of the offender's residence, 7 percent from 6-10 miles, 4 percent from

11-15 miles, and 2 percent for 16-20 miles and 21-25 miles, respectively. However, relatively few of the offenses (9 percent) took place within one mile of the offender's residence.

**Table 2. Distance between Offender's Residence and Offense Location**

<i>Distance</i>	<i>Number</i>	<i>Percent</i>
Offender's Residence	79	40.5
Offender/Victim Shared Residence	45	22.8
Less than 1 mile	17	8.6
1-5 miles	19	9.6
6-10 miles	14	7.1
11-15 miles	8	4.2
16-20 miles	4	2.1
21-25 miles	3	1.5
26-50 miles	5	2.5
Over 50 miles	3	1.5
Total	197	100.0

Compared to the offender residence-offense location distance, estimating the distance between the offender's residence and the first contact location was more difficult for several reasons. First, the address information regarding the specific location where offenders first established contact with their victims was frequently unavailable in the criminal complaint. Second, for some cases, geographic distance was irrelevant in that several offenders first established contact over the telephone or the internet (i.e. dating personals). Finally, and perhaps most important, the majority of the offenders knew their victims at the time of the offense, often for some time before the crime took place. For example, determining the specific location where an offender first met his stepdaughter (his victim) is largely irrelevant to the issue of residential proximity. Consequently, the findings regarding the offender residence-first contact distance will focus only on the direct contact offenders, and will be presented later in this report.

### Victim-Offender Relationship

As shown below in Table 3, 21 percent of the offenders victimized someone they did not know. This percentage is higher than that normally seen in sex offender populations because

**Table 3. Victim-Offender Relationship of Sex Reoffenses**

<i>Victim-Offender Relationship</i>	<i>Number</i>	<i>Percent</i>
Stranger	48	21.4
Acquaintance/Other Known	51	22.8
Babysitter	13	5.8
Neighbor	8	3.6
“Romantic/Dating”	13	5.8
Friend of Family	20	8.9
Significant Other’s Son/Daughter	39	17.4
Family/Biological	32	14.3
Total	224	100.0

this is a sample of recidivists, who are more likely to victimize strangers. Consistent with research on sex offenders in general, the vast majority (79 percent) of offenders, however, victimized someone they knew. Acquaintance/Other Known was the most common victim-offender relationship (23 percent), followed closely by offenders who victimized the daughter or son of the woman with whom they had developed a romantic relationship (17 percent). This category includes men who molested their stepdaughters or stepsons. In 14 percent of the cases, offenders victimized family members such as their own daughter, niece, or granddaughter.

When the offenders victimized a stranger, 28 percent committed the offense in their own residence (see Table 4). When they committed the offense outside their residence, however, most did so more than one mile away from their home; fully 49 percent of the stranger-on-stranger reoffenses took place more than one mile from the offender’s residence. In contrast,

**Table 4. Offense Location-Offender Residence Distance by Victim-Offender Relationship**

<i>Distance</i>	<i>Stranger</i>	<i>Acquaintance/ Other Known</i>	<i>Babysitter</i>	<i>Neighbor</i>	<i>Romantic</i>	<i>Friend of Family</i>	<i>Significant Other’s Son/ Daughter</i>	<i>Other Family</i>	<i>Total</i>
Offender’s Residence	27.9	73.8	76.9	37.5	41.7	58.8	88.8	80.8	62.9
< 1 mile	23.3	0.0	7.7	62.5	8.3	0.0	0.0	0.0	8.6
1-5 miles	18.6	7.1	0.0	0.0	16.7	23.5	2.8	3.8	9.6
6-10 miles	11.6	2.4	15.4	0.0	16.7	0.0	5.6	7.7	7.1
11-20 miles	14.0	7.1	0.0	0.0	8.3	5.9	2.8	0.0	6.1
21-50 miles	2.3	9.5	0.0	0.0	8.3	5.9	0.0	3.8	4.1
> 50 miles	2.3	0.0	0.0	0.0	0.0	5.9	0.0	3.8	1.5
N	43	42	13	8	12	17	36	26	197



23 percent occurred within one mile of the offender’s residence. Of the 17 offenses that took place within one mile of the offender’s residence, ten involved strangers, five involved neighbors, one involved a babysitter, and one involved a “consensual,” romantic relationship.

Alcohol/Drug Use

Of the 224 reoffenses, the available evidence indicated that 69 percent did not involve the use of either alcohol or drugs on the part of the victim or the offender. The use of alcohol was

**Table 5. Reoffense Characteristics by Use of Alcohol and/or Drugs**

<i>Characteristics</i>	<i>None</i>	<i>Alcohol</i>	<i>Drugs</i>	<i>Both</i>	<i>Total</i>
<u>Distance</u>					
Offender’s Residence	65.1	65.1	77.8	37.5	62.9
Less than 1 mile	8.8	11.6	0.0	0.0	8.6
1-5 miles	10.9	4.7	0.0	25.0	9.6
6-10 miles	5.4	9.3	22.2	0.0	6.9
11-20 miles	5.4	7.0	0.0	25.0	6.3
21-50 miles	4.7	2.3	0.0	12.5	4.2
Over 50 miles	2.3	0.0	0.0	0.0	1.5
N	137	43	9	8	197
<u>Victim-Offender Relationship</u>					
Stranger	21.3	18.4	40.0	20.0	21.4
Acquaintance/Other Known	15.5	40.8	20.0	50.0	22.8
Babysitter	5.8	6.1	0.0	10.0	5.8
Neighbor	3.2	6.1	0.0	0.0	3.6
“Romantic/Dating”	6.5	6.1	0.0	0.0	5.8
Friend of Family	11.0	4.1	0.0	10.0	8.9
Significant Other’s Son/Daughter	20.0	12.2	20.0	0.0	17.4
Family/Biological	16.8	6.1	20.0	10.0	14.3
N	155	49	10	10	224
<u>Force</u>					
None	65.8	44.9	40.0	50.0	59.4
Physical Force	20.6	40.8	20.0	20.0	25.0
Force w/Weapon	1.9	6.1	10.0	10.0	3.6
Force w/Injury	8.4	6.1	10.0	0.0	7.6
Force w/Weapon & Injury	3.2	2.0	20.0	20.0	4.5
N (percent)	155 (69.2)	49 (21.8)	10 (4.5)	10 (4.5)	224

present in 22 percent of the offenses, while the remaining nine percent were evenly split between the use of drugs and both alcohol and drugs (see Table 5). Although the use of alcohol and/or drugs appears to be unrelated to distance, the findings suggest that offenses in which the offender was an acquaintance to the victim were more likely to involve the use of substances, particularly alcohol. In addition, offenses in which the offender used physical force against the victim were slightly more likely to involve the use of alcohol and/or drugs.

### Physical Force

The data show that 91 offenders (41 percent) used physical force in their reoffense (see Table 6). More specifically, 17 offenders inflicted injury to the victim without a weapon, 10 caused

**Table 6. Reoffense Characteristics by Use of Physical Force**

<i>Characteristics</i>	<i>None</i>	<i>Force</i>	<i>Force w/ Weapon</i>	<i>Force w/ Injury</i>	<i>Force w/ Weapon &amp; Injury</i>	<i>Total</i>
<u>Distance</u>						
Offender's Residence	73.5	51.1	25.0	53.3	40.0	62.9
Less than 1 mile	4.3	14.9	12.5	6.7	30.0	8.6
1-5 miles	6.8	10.6	12.5	20.0	20.0	9.6
6-10 miles	7.7	6.4	12.5	6.7	0.0	7.1
11-20 miles	2.6	12.8	0.0	13.3	10.0	6.1
21-50 miles	4.3	0.0	37.5	0.0	0.0	4.1
Over 50 miles	0.9	4.3	0.0	0.0	0.0	1.6
N	117	47	8	15	10	197
<u>Victim-Offender Relationship</u>						
Stranger	9.0	35.7	37.5	41.2	60.0	21.4
Acquaintance/Other Known	21.1	21.4	50.0	29.4	20.0	22.8
Babysitter	6.8	7.1	0.0	0.0	0.0	5.8
Neighbor	3.8	3.6	12.5	0.0	0.0	3.6
"Romantic/Dating"	6.0	3.6	0.0	11.8	10.0	5.8
Friend of Family	9.8	12.5	0.0	0.0	0.0	8.9
Significant Other's Son/Daughter	25.6	7.1	0.0	5.9	0.0	17.4
Family/Biological	18.0	8.9	0.0	11.8	10.0	14.3
N	133	56	8	17	10	224
<u>Alcohol/Drug</u>						
None	76.7	57.1	37.5	76.5	50.0	69.2
Alcohol	16.5	35.7	37.5	17.6	10.0	21.9
Drugs	3.0	3.6	12.5	5.9	20.0	4.5
Both	3.8	3.6	12.5	0.0	20.0	4.5
N (percent)	133 (59.4)	56 (25.0)	8 (3.6)	17 (7.6)	10 (4.4)	224

injuries with a weapon, and eight used force with a weapon but did not inflict injuries. The remaining 56 offenders used physical force that involved neither weapons nor injuries. Stranger-on-stranger offenses were more likely to involve the use of physical force than all other types of offender-victim relationships. Conversely, offenders who victimized the daughter or son of their significant other (e.g. girlfriend, fiancée, etc.) were less likely to use physical force. Regarding distance, offenses occurring outside the offender's home were more likely to involve the use of physical force. In particular, offenses taking place within 20 miles of the offender's residence (except for those between 6-10 miles) were most likely to involve the use of physical force.

### Type of Victim Contact

As noted above, determining the location where offenders first established contact with their victims was often difficult, particularly for offenders who had known their victims for some time. More important, however, the data show that residential proximity had only modest relevance in a majority of the 224 reoffenses. More specifically, 79 offenders (35 percent) directly established contact with the victim. For these "direct contact" offenders, they met their victims by approaching them on the street, meeting them in a bar, or breaking into the victim's home. For the remaining 65 percent, however, the offenders were biologically related to their victims (14 percent), or they gained access to their victims through a form of collateral contact such as a girlfriend, wife, co-worker, friend, or acquaintance (50 percent). Thus, for the "biological contact" and "collateral contact" offenders, residential proximity was not nearly as important as social or relationship proximity.

As shown in Table 7, direct contact offenders were, compared to the other recidivists (i.e. collateral and biological contact offenders), more likely to be minorities from the Minneapolis/St. Paul Metro area. Although they were less likely to have a felony conviction prior to their initial prison commitment, they had, on average, more than twice as many institutional disciplinary convictions as the other recidivists. In their sex reoffense, where they established direct contact with their victims, all of the offenders victimized acquaintances and strangers. In particular, it was almost evenly split between the two, although nearly one-third assaulted a stranger adult female victim. Consistent with earlier

findings, which showed a connection between stranger victims, physical force, and the use of alcohol/drugs, direct contact offenders were more likely to use physical force and alcohol/drugs.

**Table 7. Recidivist Characteristics by Type of Victim Contact**

<i>Characteristics</i>	<i>Direct Contact</i>	<i>Collateral Contact</i>	<i>Biological Contact</i>	<i>Total</i>
<u>Demographics</u>				
White Offenders (percent)	60.8	66.4	78.1	66.1
Average Age at Release (years)	32.8	32.3	36.7	33.1
Metro (percent)	57.7	54.5	46.9	54.5
<u>Criminal History</u>				
Prior Sex Crime (percent)	30.4	38.1	21.9	33.0
Prior Felony (percent)	53.2	64.6	56.3	59.4
<u>Institutional</u>				
Recent Discipline Convictions	5.6	2.5	2.4	3.5
Length of Stay (months)	29.8	26.2	27.5	27.6
Completed Treatment (percent)	9.0	8.9	12.5	9.5
Treatment Dropout (percent)	6.4	9.8	6.3	8.1
<u>Post-Release</u>				
Length of Supervision (months)	25.2	20.9	17.2	21.9
ISR (percent)	21.5	8.0	6.3	12.5
SRVs (number)	0.56	0.46	0.66	0.53
<u>Reoffense</u>				
Alcohol/Drugs (percent)	36.7	30.1	18.7	30.8
Physical Force (percent)	59.5	31.9	25.0	40.6
Supervised at Time of Offense (percent)	34.2	24.8	31.3	29.0
Time Unsupervised (months)	34.8	42.5	32.9	38.7
<u>Prior Victim Characteristics</u>				
Female (percent)	82.7	85.0	90.3	85.0
Child (percent)	24.1	49.6	59.4	42.0
Adolescent (percent)	33.6	40.5	31.3	35.7
Adult (percent)	35.4	16.8	9.4	22.3
Family (percent)	8.9	22.1	50.0	21.4
Acquaintance (percent)	57.0	72.6	40.6	62.5
Stranger (percent)	34.2	5.3	9.4	16.1
<u>Reoffense Victim Characteristics</u>				
Female (percent)	83.5	88.5	87.5	86.6
Child (percent)	19.0	52.2	62.5	42.0
Adolescent (percent)	27.8	33.6	28.1	30.8
Adult (percent)	53.5	14.2	9.4	27.2
Family (percent)	0.0	18.6	100.0	23.7
Acquaintance (percent)	45.6	74.3	0.0	53.6
Stranger (percent)	54.4	7.1	0.0	22.8
N (percent)	79 (35.3)	113 (50.4)	32 (14.3)	224

Unlike collateral and biological contact offenders, direct contact offenders were much less likely to victimize those under the age of 13 (i.e. “Child”) in either their previous or current offense. Instead, they were much more likely to victimize adults. Indeed, adults were the victims in 54 percent of their reoffenses, which is more than four times greater than for the other recidivists. Further, these offenders were more likely to have a history of victimizing adult strangers. For example, in their previous sex offense, 35 percent had victimized adults, whereas 34 percent had victimized strangers.

Compared to the other recidivists, collateral contact offenders had more significant criminal histories, as they were most likely to have both a prior felony conviction and a previous sex crime conviction. However, they had, on average, the fewest number of supervised release violations (SRVs). In their reoffense, 74 percent victimized acquaintances, 19 percent family members (e.g. stepdaughter), and 7 percent strangers (see Table 7). Approximately 53 percent of the acquaintance victims were females under the age of 18. Collateral contact offenders were more likely to have a prior history of offending against female acquaintances under the age of 18—the same group that comprised 53 percent of their reoffense victims; thus, they had a relatively high rate of specialization. At 75 percent, collateral contact offenders were least likely to be under supervision at the time of the offense. Moreover, the average amount of time between the end of their post-release supervision and the offense date (43 months) was nearly a year longer than the other recidivists.

The 32 recidivists who offended against a biological family member were more likely to be older (by an average of about four years) white males who had, on average, the most supervised release violations (SRVs) compared to the other recidivists. In their reoffenses, which were least likely to involve alcohol and/or drugs, females under the age of 18 were the victims in 78 percent of the cases. Half (N = 16) of the 32 offenders had a history of victimizing family members. Moreover, these offenders were most likely to have previously victimized children under the age of 13.

### Offender Residence-First Contact Distance for Direct Contact Offenders

In assessing the extent to which residential proximity had an impact on sexual reoffending, it is, as noted earlier, necessary to focus on the 79 direct-contact cases. As shown in Table 8, it was not possible to estimate the offender residence-first contact distance for 13 of the cases due to unavailable address information for either the offender's residence or the first contact location. However, even if it was possible to estimate the first contact distance, none of the cases would have likely been affected by residency restrictions according to the criteria outlined above. For example, in 10 of the 13 cases, the victim was an adult. In the three cases involving juvenile victims, one offender met the victim through his occupation. In the other two cases, the offenders established romantic, "consensual" relationships with the victims, both of whom were 14-years-old. One of the offenders, who was 24 at the time, met the victim at a party attended by mutual friends, while the other offender, who was 19-years-old, "picked up" the victim as she was taking a walk from her home.

**Table 8. Offender Residence-First Contact Distances for Direct Contact Offenders**

<i>Distance</i>	<i>Number</i>	<i>Percent</i>
Less than 1,000 ft. (0.19 miles)	18	22.8
1,000-2,500 ft. (0.20-0.47 miles)	5	6.3
2,501-5,280 ft. (0.48-0.99 miles)	7	8.8
1-2 miles	6	7.6
3-5 miles	10	12.7
6-10 miles	4	5.1
11-20 miles	4	5.1
Greater than 20 miles	7	8.8
Telephone	4	5.1
Internet	1	1.2
Unknown	13	16.5
Total	79	100.0

Given that four offenders established contact over the telephone and one offender initiated contact via the internet, there were 61 direct-contact cases in which address information was available. Of the 61 cases, more than half (N = 31) contacted their victims beyond a mile from where they were residing at the time of the offense. In 30 cases, the offenders met their victims less than a mile away from their home. However, one of these offenders victimized an inmate while he was incarcerated at a county jail, whereas another offender molested his roommate at a halfway house following his release from prison. Because residency

restrictions would not apply in either situation, both cases were excluded, lowering the total to 28. Of the 28 cases, 21 would qualify under a 2,500 foot (less than 0.5 miles) zone, whereas this number would drop to 16 for a 1,000 foot (less than 0.2 miles) zone.

#### Residential Proximity for Direct Contact Offenders

The 28 offenders who established direct victim contact within a mile of their residence were, compared to the other recidivists, more likely to be minorities who were slightly older at the time of release (see Table 9). They had lengthier institutional discipline histories and were much less likely to have completed prison-based sex offender treatment (in fact, no direct contact offenders successfully completed treatment). In their reoffense, they were most likely to target an adult female stranger. Indeed, 43 percent of the victims were adults, 79 percent were females, and 68 percent were strangers. Not surprisingly, these offenders were, compared to other recidivists, much more likely to have a history of victimizing strangers and, to a lesser extent, adults. In addition, they were more likely to have been under supervision at the time of the offense and to have used physical force during the sex crime.

But how many of the 28 cases might have been prevented by a law barring sex offenders from living near prohibited areas such as schools, daycare centers, or parks? Twelve cases would be eliminated from consideration because they involved adult victims. Of the remaining 16 cases with juvenile victims, 12 involved offenders who established direct contact within 1,000 feet while two additional cases involved an offender who initiated contact within 2,500 feet. Not one of the 16 cases, however, was facilitated by close proximity to a school, daycare, or park. Instead, the offenders in these 16 cases victimized neighbors, or they made contact with victims near their own property. For example, in eight of the cases, the victim was a neighbor to the offender in that they lived in the same residential block, trailer park, or apartment building. In four of the cases, the offenders made contact with the victims just outside their own property. In one incident, the offender met the victim, a 17-year-old male runaway, at a nearby fast food restaurant. One of the offenders molested a child who lived in the same apartment building of an acquaintance he was visiting. In another incident, the offender lived near a shopping mall, which is where he initiated contact with a juvenile victim. And in the final case, the offender gained entrance

**Table 9. A Comparison of Residential Proximity Offenders**

<i>Characteristics</i>	<i>Residential Proximity</i>	<i>Non-Residential Proximity</i>	<i>Total</i>
<u>Demographic</u>			
White Offenders (percent)	57.1	67.3	66.1
Average Age at Release (years)	35.2	32.9	33.1
Metro (percent)	50.0	55.2	54.5
<u>Criminal History</u>			
Prior Sex Crime (percent)	28.6	33.7	33.0
Prior Felony (percent)	57.1	60.0	59.4
<u>Institutional</u>			
Recent Discipline Convictions	5.50	3.26	3.55
Length of Stay (months)	32.2	27.0	27.6
Completed Treatment (percent)	0.0	10.8	9.5
Treatment Dropout (percent)	7.1	8.3	8.1
<u>Post-Release</u>			
ISR (percent)	17.9	11.7	12.5
Length of Supervision (months)	28.1	21.0	21.9
Supervised at Time of Offense (percent)	42.9	27.0	29.0
Time Unsupervised (months)	40.9	38.4	38.7
SRVs (number)	0.46	0.54	0.53
<u>Reoffense</u>			
Alcohol/Drugs (percent)	32.1	30.6	30.8
Physical Force (percent)	60.7	37.8	40.6
<u>Prior Victim</u>			
Female (percent)	75.0	86.8	85.3
Child (percent)	32.1	43.4	42.0
Adolescent (percent)	39.3	35.2	35.7
Adult (percent)	28.6	21.4	22.3
Family (percent)	10.7	23.0	21.4
Acquaintance (percent)	46.4	64.8	62.5
Stranger (percent)	42.9	12.2	16.1
<u>Reoffense Victim</u>			
Female (percent)	78.6	87.8	86.6
Child (percent)	28.6	43.9	42.0
Adolescent (percent)	28.6	31.1	30.8
Adult (percent)	42.8	25.0	27.2
Family (percent)	0.0	27.0	23.7
Acquaintance (percent)	32.1	56.6	54.0
Stranger (percent)	67.9	16.4	22.3
N	28	196	224



by breaking into the victim's home. In general, though, the offenders typically gained access to the victims by enticing them with a ruse; e.g. an offer to use the offender's phone or paying the victim money to clean the offender's residence.

Of the 224 cases, there were only three in which the offender established contact with the victim at a possible prohibited area where children are known to be present. The location was a park in two of the incidents, and a school in the other incident. In two of the cases, however, the offender lived more than 10 miles away from the first contact location, whereas the victim in the other case was an adult. Therefore, none of the 224 incidents of sex offender recidivism fit the criteria of a known offender making contact with a child victim at a location within any of the distances typically covered by residential restriction laws.

## **CONCLUSION**

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Only a minority of the 224 sex offender recidivists directly established contact with their victims. For those that did, they were much more likely to initiate contact with an adult. But even when offenders contacted juvenile victims directly, it was often more than a mile away from where they lived. Of the few offenders who directly contacted a juvenile victim within close proximity of their residence, none did so near a school, park, playground or other location where children are normally present. Thus, not one of the 224 offenses would likely have been affected by residency restrictions.

It is important to emphasize, however, that this study did not encompass every sex reoffense committed by the sex offenders released from an MCF between 1990 and 2002. For example, there were 80 additional offenders (N = 304) who were reconvicted of a sex offense, and 70 more (N = 374) on top of that who were rearrested. Still, regardless of the way in which recidivism is measured, the total number of sexual reoffenses committed by the offenders examined here constituted a very small fraction of the total number of sex crimes committed in Minnesota between 1990 and 2005. Indeed, given there were a little more than 10,600 criminal sexual conduct sentences during the 1990-2005 period, the sex offender recidivists in this study were responsible for approximately two percent (224 sex crime reconvictions) of the sex offenses in Minnesota that resulted in a conviction. Furthermore, recent data reveal that recidivists account for a relatively small portion of the total number of sex offenses. Of the 591 criminal sexual conduct sentences during 2004, only 10 percent (N = 58) involved offenders who had a previous sex crime conviction.

In general, the results presented here provide very little support for the notion that residency restriction laws would lower the incidence of sexual recidivism, particularly among child molesters. Why, then, does residential proximity appear to matter so little with regard to sexual reoffending? Much of it has to do with the patterns of sexual offending in general. Sex offenders are much more likely to victimize someone they know. For example, one of the most common victim-offender relationships found in this study was that of a male offender developing a romantic relationship with a woman who has children. The sex offender recidivists examined here used their relationships with these women to gain access

to their victims—the women’s children. Similarly, it was relatively common for offenders to gain access to victims through babysitting for an acquaintance or co-worker, or living with friends who had children. Thus, in half the cases, the offenders established contact with their victims through their relationship or acquaintance with another person, almost invariably an adult.

Even when offenders established direct contact with victims, they were unlikely to do so close to where they lived. This may be largely due to the fact that offenders are more likely to be recognized within their own neighborhoods. Indeed, many of the child molesters Levenson and Cotter (2005) interviewed for their study indicated that they were careful not to reoffend close to their own home. As a result, when direct contact offenders look for a victim, they are more likely to go to an area relatively close to home (i.e. less than 20 miles), but still far enough away (i.e. greater than one mile) to decrease the chances of being recognized.

A residency restrictions law would likely offer, at best, a marginal impact on the incidence of sexual recidivism. This is not to say, however, that housing restrictions would never prevent a sex offender from reoffending sexually. Based on the results presented here, however, the chances that it would have a deterrent effect are slim. Indeed, over the last 16 years, not one sex offender released from a MCF has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home. In short, it is unlikely that residency restrictions would have a deterrent effect because the types of offenses such a law are designed to prevent are exceptionally rare and, in the case of Minnesota, virtually non-existent over the last 16 years.

It is still possible, however, that a housing restrictions law could have an impact because laws sometimes have unintended consequences. It is debatable, though, whether the impact would be a positive one. In 2002, Iowa passed a residency restrictions law, prohibiting sex offenders from living within 2,000 feet of a child congregation location. Although there are no hard data on the impact of the law, anecdotal evidence suggests that residency restrictions have limited offender employment prospects, reduced suitable housing opportunities, and

threatened the reliability of the sex offender registry by causing more offenders to become homeless, change residences without notifying the authorities, or register false addresses. Moreover, the forced removal of offenders from established residences also appears to have had an adverse impact on family members, causing children to be pulled out of school and away from friends, and resulting in the loss of jobs and community connections for spouses. Finally, prosecutors have claimed the prospect of lifetime residency restrictions has reduced the number of offender confessions and led to more plea agreement refusals (Iowa County Attorneys Association, 2006). Therefore, by making it more difficult for sex offenders to successfully re-enter society, housing restrictions might promote conditions that work against the goal of reducing the extent to which they recidivate sexually.

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