



# The consequences of sex offender residency restriction: Evidence from North Carolina



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## ABSTRACT

In recent years, a number of state and local governments in the United States have imposed residency restrictions on sex offenders to lower the risk of repeat sex offenses against children. The restriction prohibits sex offenders from living near places where children regularly congregate, such as schools and daycare centers. In this paper, I estimate the effect of the North Carolina residency restriction on recidivism patterns of affected sex offenders by exploiting a quasi-experimental variation in the timing of the release. I find that the restriction increases the likelihood of a new property crime conviction within two years of release by 2.5 percentage points. On the other hand, the effect of the North Carolina residency restriction on the risk of repeat sex offenses is mostly modest, although the restriction seems to decrease the number of repeat sex offenses among newly-released and young sex offenders. (JEL K14, K42)

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## 1. Introduction

Since the 1990s, a number of state and local governments in the United States have imposed residency restrictions on sex offenders to lower the risk of sex offense against children. The restriction prohibits sex offenders from living near places where children regularly congregate, such as schools and daycare centers, making it more difficult for sex offenders to establish contact with children and commit repeat sex offenses against them. The details of the restriction vary, but more than 30 states and hundreds of local government currently impose some form of residency restrictions on sex offenders (Mancini et al., 2013; Meloy et al., 2008).

In spite of its popularity among policy-makers, there is little evidence that the restriction leads to a significant reduction in repeat sex offenses against children (Blood et al., 2008; Duwe et al., 2008; Socia, 2012). On the other hand, many researchers express their concern that the restriction may have unintended, adverse consequences on sex offenders' life outcomes (Levenson and Cotter, 2005; Levenson and Hern, 2007; Levenson et al., 2007). Since residency restrictions reduce the stock of affordable and legitimate housing options, sex offenders may become more likely to live in neighborhoods with economic disadvantage and high criminal risks (Barnes et al., 2009; Chajewski and Mercado, 2009; Levenson and Hern, 2007; Mustaine et al., 2006; Socia, 2011; Zandbergen

and Hart, 2006). Indeed, survey responses from sex offenders show that they have difficulties in finding affordable housing options and living with supportive family members after the residency restriction is imposed, as well as suffering financially and emotionally (Levenson and Cotter, 2005; Levenson and Hern, 2007). In light of the extensive literature on the causal link between the place of residence and criminal risks (Kling et al., 2005; Sampson et al., 1997), it is important to understand the effect of residency restriction on sex offenders' overall recidivism risks in both repeat sex offenses and non-sex offenses.

This paper investigates the effect on sex offenders' recidivism risks of the North Carolina sex offender residency restriction, which prohibits all registered sex offenders in the state from living within 1000 feet of schools and daycare centers. Taking advantage of individual-level administrative data from the North Carolina Department of Correction (NCDOC), I follow incarceration and conviction records of 23,557 offenders (including 1158 sex offenders and 22,399 non-sex offenders) who were released from the state prisons between December 1, 2004 and December 1, 2008, two years before and after the effective date of the restriction in North Carolina (December 1, 2006).

The empirical strategy exploits an important exemption clause of the North Carolina restriction. The so-called "grandfather clause" of the restriction allows sex offenders who established their residence before the effective date of the restriction to continue their residency regardless of the distance to child-related facilities. Thus, when sex offenders released from prison search for their first post-

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release residence, those released after the effective date are subject to the 1000-ft. restriction, while those released before face no such constraint. If there is no systematic difference in criminal risks between sex offenders released before and after the effective date, a comparison of their recidivism outcomes will provide an estimate of the causal effect of the residency restriction on recidivism.

However, this before–after analysis can be problematic if there exist systematic changes in factors related to individual criminal risks over time, such as changes in the criminal justice environment and labor market conditions. This concern is particularly relevant in the present analysis, as overall crime rates in North Carolina were falling during the period under study.<sup>1</sup> Thus, I employ the difference-in-differences (DD) approach and compare the difference in recidivism rates between sex offenders released before and after the effective date, relative to the difference between non-sex felony offenders released before and after the effective date.

The DD analysis shows that the restriction increased the probability of sex offenders receiving a new conviction due to a property crime within 2 years of release by 2.5 percentage points (46%). Meanwhile I find some suggestive evidence that the residency restriction significantly reduced risks of repeat sex offenses by relatively young and recently released sex offenders.

The rest of the paper is organized as follows. Section 2 reviews the previous literature and discusses the institutional background of the North Carolina sex offender residency restriction. Section 3 describes the data and presents empirical analysis. Section 4 presents additional analyses on the validity and robustness of the main empirical analysis. Section 5 examines the post-release residential characteristics of sex offenders to explore the link between residential characteristics and recidivism. Section 6 concludes.

## 2. Background and previous literature

A number of new laws on sex offenders have been introduced at the federal, state, and local government level in recent decades. Two federal laws, Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (1994) and Megan's Law (1996), required states to maintain a registry of convicted sex offenders and make the registry information publicly available. In all 50 states, the registry information, including sex offenders' names, photographs, criminal histories and current residential locations, is publicly available online.<sup>2</sup> Other important laws and policies imposed on sex offenders include electronic tracking system, civil commitment, chemical castration, and residency restriction (Mancini et al., 2013; Velázquez 2008).

As of 2008, residency restrictions on sex offenders were employed in 33 states and hundreds of local governments (Mancini et al., 2013). Motivated by a number of high-profile cases in which child victims were violated and murdered by repeat sex offenders, the restriction aims to lower the risk of repeat sex offenses against children by prohibiting sex offenders from living near child-related facilities such as schools and daycare centers. The logic is that the restriction will increase the distance between sex offenders' residences and potential child victims, making it more difficult for sex offenders to establish contacts and commit sex offenses against children. Moreover, parents may feel more confident that their children will not be victimized by a stranger near their schools and

daycare centers, and this increased feeling of safety by parents and community members may result in substantial social gains. Indeed, Linden and Rockoff (2008) and Pope (2008) find a significant drop in the property price when a sex offender moves into the neighboring area, which reflects high values that individuals place on their safety from crime victimization.

However, critics of the policy argue that the restriction may not be an effective strategy to reduce repeat sex offenses against children for several reasons. First, the type of sex offenses that can be prevented by the residency restriction is extremely rare (Duwe et al., 2008; Snyder 2000). Most sex offenses against child victims are committed by family members and acquaintances who do not have to live near certain facilities to establish contact with victims. Snyder (2000) finds that strangers are responsible for only 7 percent of sex offenses against juveniles while 34 and 59 percent of such crimes are committed by family members and acquaintances, respectively. Duwe et al. (2008) report that there was not a single case of reported repeat sex offense in Minnesota between 1990 and 2006, in which a former sex offender established contact with a juvenile victim near a school, park or daycare center close to his home. These findings suggest that social proximity may be a more important determinant of sex offenses against children than geographic proximity. Simply increasing the distance between sex offenders' residences and child-related facilities may not be an effective strategy to reduce sex offenses against children.

Secondly, even in the absence of the residency restriction, there is little evidence that sex offenders living near child-related facilities are more likely to commit new sex offenses than those who live far from such facilities (Colorado Department of Public Safety, 2004; Zandbergen et al., 2010). Chajewski and Mercado (2009) find that sex offenders in urban areas tend to live closer to schools than other community members, but repeat sex offenders with child victims actually live further away from schools. Relatedly, Warren et al. (1998) document that an average serial rapist travels 3.14 miles to commit rapes. Conventional sex offender residency restrictions, with the minimum distance requirements ranging from 500 to 2500 feet, cannot prevent a sex offender from traveling a few miles from his house to commit a repeat sex offense. In light of these findings, the lack of evidence that the residency restriction significantly reduces repeat sex offenses against children should not be surprising (Blood et al., 2008; Duwe et al., 2008; Minnesota Department of Corrections, 2007; Nobles et al., 2012; Socia, 2012).

On the other hand, researchers worry that the residency restriction may have an adverse impact on life outcomes of released sex offenders, who may have difficulties in finding legitimate and affordable housing options, which can further aggravate their access to legitimate employment opportunities, supportive networks of family and friends, and treatment facilities (Barnes et al., 2009; Chajewski and Mercado, 2009; Zandbergen and Hart, 2006; Zgoba et al., 2009). This adverse effect can be particularly severe for sex offenders living in metropolitan areas, where child-related facilities are densely located. For example, 95% of the housing options in Orange County, Florida, are located within the areas covered by the state sex offender residency restriction (Zandbergen and Hart, 2006). Sex offenders who become too discouraged to find suitable housing may choose to become homeless, making it extremely difficult for the authority to monitor their locations. Given the importance of residential stability, legitimate employment, and supportive networks on reducing criminal risks (Sampson et al., 1997; Wilson, 1987), the restriction may in fact increase the overall risk of criminal recidivism of affected sex offenders (Barnes et al., 2009; Levenson et al., 2007; Mustaine et al., 2006).

In spite of the widespread adoption of the sex offender residency restriction across the country, there is surprisingly little empirical evidence on the effect of the residency restriction on recidivism.

<sup>1</sup> For example, the rate of index crimes (murder, rape, robbery, burglary, aggravated assault, larceny, and motor vehicle theft) in North Carolina declined by 8 percent between 2005 and 2010.

<sup>2</sup> However, there is little evidence that the registration and notification laws have led to a significant reduction in the number of sex offenses (Agan 2011; Letourneau et al., 2010; Prescott and Rockoff 2011; Sandler et al., 2008; Tewksbury et al., 2012; Vásquez et al., 2008).

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