SEX OFFENDER PERCEPTIONS OF RESIDENCY RESTRICTION LAWS

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ABSTRACT OF DISSERTATION

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ABSTRACT

The use of residency restriction laws to monitor and control the movements of registered sex offenders in the United States has gained momentum in recent years since the passage of the first federal laws mandating sex offender registries. More than 30 states and hundreds of cities and towns have passed these laws. The purported theory behind residency restriction laws is to prevent registered sex offenders from possible interactions with potential victims. While the residency restriction laws may be theoretically sound, in practice there has been little in the way of empirical proof that they work as designed. As of yet, Massachusetts does not have a statewide residency restriction law, however, there is continuing pressure to enact one. This study explored the possible effects of such a law on those who would be most affected by it: registered sex offenders in Massachusetts. The theoretical framework drew upon social exclusion, disintegration, and labeling theories regarding the potential effects of residency restriction. One hundred registered sex offenders were selected to take part in a survey responding to 12 statements designed to determine their perceptions and attitudes towards potential residency restriction laws. The survey was followed by open-ended interviews with ten of the participating registered sex offenders. The results of the survey and the interviews show that the vast majority of the participants felt that the residency restriction laws would hinder their ability to reintegrate into society. Such findings consequently suggest that new laws would not provide additional safety to potential victims and might instead lead to increased recidivism (repeat offending).
DEDICATION

This dissertation is dedicated to the memory of my sister, Juanita Rivera. She was not only my sister but a great maternal figure. She was an inspiration to all she met. She was fearless and determined, and she always fought for the rights of others. She was taken from us at an early age, but the impact she had on all of us will never be forgotten.

I also want to dedicate this work to my sister Sonia, who has given me so much without ever asking for anything in return and to my husband, Nelson, and our precious children Nelson, Christopher, and Christina.

I am truly thankful for having them in my life and for having endured my absence and distractions as I worked to finish the program.
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I appreciate Dr. Alan Clayton-Matthews, for stepping in as my chair when I needed him the most, and Dr. Neenah Estella-Luna, for being such a strong role model to me and other Latinas advancing academically and professionally. I would like to thank Dr. Judith Sgarzi for being a friend and mentor for over twenty years, and my entire committee for having the patience to deal with me and all of my insecurities and anxieties.

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CHAPTER 1: INTRODUCTION

Description of the Phenomenon

Several decades ago, various states in the United States began registering and tracking convicted sex offenders after release from prison. With the enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act in 1994, all states were federally mandated to maintain a sex offender registry. A registered sex offender (RSO) is any person convicted of a sex crime, including offenders placed on probation, paroled, or released into society after serving a prison sentence. Two years later, Congress passed Megan’s Law (1996), requiring public posting and notification by these state registries. Since that time, there has been an unprecedented amount of new legislation at the state and municipal level pertaining to the registration, posting, and local notification of police and the public about sex offenders (Agan, 2011).

In addition to these laws, many states and municipalities have now enacted residency restriction (RR) laws. These are statutes or ordinances which delimit specific boundaries or zones within which a registered offender may not reside. These “child safety zones” are usually set at geographic distances from places where children or other potential victims gather. According to the U.S. Department of Justice (2011), more than 30 states and hundreds of cities and towns in the U.S. already have RR laws preventing sex offenders from living, working, or spending time within specified distances from daycare centers, schools, parks, bus stops, and other community gathering places.

Massachusetts lawmakers first proposed a statewide RR law in 2004 as a means of preventing convicted sex offenders from reoffending against children. Although that measure did
not pass, and half a dozen proposals have since failed, there has been continuing pressure from Massachusetts activists to get the issue back on the legislative agenda (Massachusetts Law About Sex Offenders, 2011). The opponents of these laws have asked for basic civil rights for sex offenders, challenging them as a violation of constitutional rights, and subsequently bringing the issue to state and federal courts.

**Statement of the Problem**

No statewide Massachusetts law has yet been enacted. In some cases, state courts have overturned RR laws, however courts have upheld the majority of such laws as falling within the rights of the community to protect its citizenry. Within the last several years, various new proposals for RR laws have been advanced. In 2012, the Massachusetts Attorney General’s office had reviewed one such RR law in Ayer, while a Plymouth Town Hall meeting rejected another as being “fraught with constitutional complications” (Crouch, 2012, p. 2). Thus, the record is mixed regarding the prospects for eventual passage of such legislation.

Many studies have explored the problems of sex offender treatment, their level of supervision, and RSO recidivism, but none have focused on Massachusetts (e.g., Tewksbury, 2007; Zandbergen, Levenson & Hart, 2010). Some have reconsidered the effectiveness of residency restrictions in states where they have been imposed, invariably finding no correlation to sex offender recidivism (e.g., CSG, 2011). These studies, however, have not investigated the reactions of sex offenders to new RR laws, such as perceptions of the laws’ impact on their social reintegration, employment, and access to services, or the possible effects of ostracism and banishment on their ability to find housing and avoid reoffending.

The significance of this issue lies in the possible unintended consequences of RR laws: retaliation against excluders, mental hardship, unemployment, failure or refusal to register,
offender flight from registration, and most seriously, the drive to reoffend. This study is important because these RR laws affect the wider community, with consequences going far beyond the victim and the offender. As such, the study’s findings aim to serve as a guide for policymakers to examine the effectiveness of a new law and its potential effects before implementation. For, as some experts have argued, residency restrictions can actually pose hazards to public safety (Levenson, 2008; Levenson & Cotter, 2003).

Sex crimes are a significant social problem and need to be dealt with severely. Nonetheless, the majority of sex offenders are not incarcerated for life and eventually reenter society. Policymakers need to consider the effectiveness of RR laws and, if necessary, seek alternatives for dealing with RSO recidivism. This is especially the case because RR laws could force some law-abiding RSOs out of a community that supports their rehabilitation into places such as tent cities, rural camps, and public shelters; none of which are easily monitored or controlled.

**Purpose of the Study**

This study focuses on registered sex offenders’ perceptions of the potential impacts of a new state Massachusetts RR law, such as the Ayer Bylaw proposed in the state legislature (Crouch, 2012). The broader purpose of this study is to explore possible collateral public safety consequences and human suffering costs that RR laws could have in Massachusetts as a result of the potential social exclusion, deviant labeling, and social disorganization of registered sex offenders. As such, this study employed mixed research methods to evaluate sex offender perceptions of residency restrictions, and to consider how these laws may impact housing, social support, and the probability of recidivism.
Prior studies have not validated the public safety benefits of residency restriction or demonstrated a causal connection between registered sex offenders’ place of residence and subsequent reoccurrence of sex crimes. These studies suggest that the only certain effect of a new statewide Massachusetts RR law is the social and economic isolation of RSOs, which would result in difficulty finding housing, employment, and treatment, and consequently, preventing their reintegration into family and society.

In the absence of any evidence that these laws are effective, and given that there is evidence that such laws might actually be harmful, the basic premise of this study is that the state of Massachusetts should reject RR laws. Instead, the state should concentrate on more effective methods of monitoring, tracking, treatment, and the provision of health and social services for offenders released into society—services that could actually help prevent recidivism. The study sought to develop direct self-reported evidence from offenders about the potential that these laws may be harmful to their chances of social reintegration, unlikely to prevent them from reoffending or, in some cases, drive offenders to reoffend.

Research Questions

There are numerous research questions that can be connected to this study and other similar studies. The questions examined in this study were as follows:

1) Will legislation in Massachusetts restricting convicted sex offenders from living or working in certain areas increase the likelihood of sex offenders reoffending?

2) Would RR laws cause Massachusetts RSOs to become homeless, unemployed, unable to access services, or to act out against children and society?

3) How do sex offenders perceive and react to the implementation of new laws restricting their rights to live in certain communities?
Since analysis of the RR problem begins with offenders’ perceptions, this study’s primary focus was on Question 3: the impact an RR law would have on RSO relations with families and friends, access to services and treatment, and recidivism. The likelihood of positive responses to Questions 1 and 2 relied partially on the results of Question 3.

The basic theme generally articulated in the research questions (and in Question 3 more specifically) is that society needs to hear from RSOs themselves in order to determine which kinds of laws will be most effective. The study is not saying that RSO voices are the only ones society needs to hear from. However, the study is premised on the idea that RSOs must be present in this discussion, a discussion also including concerned citizens, activists on both sides of this issue, law enforcement, and lawmakers. Without input from RSOs themselves, the solution to this problem may never be correctly identified. Rather than helping to solve the problem, lack of input from RSOs may only exacerbate it, making it more difficult for both RSOs and the general public.

An important part of the framework for this study comes from Travis Hirschi’s social bond theory (Hirschi, 1969; see also Chiss, 2007; Umberson, 1987; Wiatrowski, et al., 1981). According to social bond theory, the difference between conventional behavior (social control) and deviance relies to a great extent on socialization. Social control is achieved when socialization works well, and deviance is the result of the failure of socialization. While Umberson (1987) does not argue that there is a direct flow from socialization to social control or deviance, she emphasizes the influence exerted through family relationships in the outcome that results in the internalization of the values needed to conform.

As explained by Tittle (1977), the key element within the theory is the importance of social integration and the bonds formed in the interactions between groups and individuals.
These interactions are not necessarily positive. Consider, for example, the influence of gang culture under certain conditions. A group may be dysfunctional in a sociopathic sense, but nonetheless serve the needs of its members if interactions are strong and play a major role in shaping an individual’s actions and ultimate approaches to society. Because of that effect, one must consider RSOs’ views when determining the effectiveness of RR laws, and RSOs’ future conformity to laws or their potential recidivism.

**Limitations**

This study was limited to the state of Massachusetts, where no law is yet in place, and to the demographic of male RSOs. This did not allow for generalizing. However, given that the study was designed to elicit responses from the RSO population within Massachusetts, the limits on the study did not prevent the extrapolation of important information resulting from those responses.

These limitations were balanced against an important innovation. While it is crucial to hear from RSOs, it is very rare for studies to include those directly affected by the passing of such residency laws. Here, this focus did not stem from concern for the wellbeing of RSOs, but rather a realization that RSO participation was necessary to identify how such laws may eventually impact on the endangered societal stratum and the general population. In other words, it is this subclass of the population that decides whether to conform to societal norms and laws, or break them again.

**Definitions of Terms**

*Child Safety Zone:* Areas where minor children gather and from which RSOs must maintain a distance measured in feet, fractions of a mile, or proximity (e.g., schools, preschools, youth clubs, playgrounds, swimming pools, and/or beaches).
**Violent Sex Offender:** An offender convicted of a violent sexual crime, for whom the risk of reoffending is deemed high. It is typically rated in degrees (e.g., Level 3 or Level 4 offender).

**Public Safety:** For the purpose of this study, public safety is defined as the prevention of and protection from acts that could endanger the safety of children and the general public.

**Registered Sex Offender:** An RSO is any person convicted of a felony sex crime, subsequently imprisoned and then paroled, or not imprisoned but placed on probation and released into society. The term is sometimes misidentified as meaning Released Sex Offenders.

**Residency Restriction Law:** A law, statute, or ordinance, which delimits specific boundaries or zones within which registered offenders may reside. Usually defined by geographic distance from child safety zones where children congregate.

**Banishment:** The traditional practice of driving a member of a community from its midst. It is used here to describe what could be the ultimate effects of RR laws, which make finding housing impossible in a given area.

**Social Exclusion:** A sociological theory of economic, ethnic, and criminal ostracism, whereby individuals are excluded from full participation in community and society.
Table 1 below outlines the layout of the remaining chapters for the study, as well as their flow.

Table 1

*Research Framework Breakdown*

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<td>A review of the literature related to RR laws for registered sex offenders, their efficacy and practicality.</td>
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<td>3</td>
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<td>5</td>
<td>General conclusions, with limitations, recommendations and possible future research directions</td>
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CHAPTER 2: REVIEW OF THE LITERATURE

Background

This literature review was conducted bearing in mind the large and steadily growing number of cities, counties, and states enacting sex offender RR laws. Researchers have compiled tables and lists of the 30+ states and 400+ U.S. cities and municipalities that now have these widely varying RR laws (California Research Bureau/California State Library, 2006; CSG, 2011). The principal effect of these laws and ordinances is to impose some kind of geographic restriction on the housing and daily activities of RSOs (Norman-Eady, 2007). They also pertain to parole and probation restrictions and rules where those apply, although not all RSOs are imprisoned, sentence, and paroled; some may go directly to probation without having been tried in court for a variety of legal reasons.

Beyond geographic limits circumscribing the movements of RSOs, such laws differ in their definitions of prohibited facilities or activities, distances from those facilities or activities, and rules for different classes of offenders by level of danger. Off-limit facilities include schools, playgrounds, bus stops, daycare centers, youth clubs, and swimming pools. These rules are applied selectively to members of the population of released, paroled, or probationary offenders estimated at between 700,000 and 900,000 people in the United States (BOJS, 2011). Because even definitions of a “sex offender” vary so greatly, researchers have concluded that direct comparative studies of these laws and their effects are problematic, and usually limited to local circumstances.

Classification by Offender Type

Sex offenders, as a class, have much lower rates of recidivism than the general convict/parolee population (New York State Division of Probation, 2007). While there are a few
exceptions to this statement, as in the case of rapists and pedophiles, these are viewed as distinct subgroups. Nonetheless, the classification of sex offenders is typically broken down first by level of danger on an individual basis. The three most serious types are called the sexual predator, the sexually violent offender, or the predicate sex offender (with multiple convictions). Offenders are then classified by likelihood of repeat offense (e.g., Level 1, 2, 3, etc.). These labeling classes are reported to the public under conditions of the federal Megan’s Law, which requires reporting the presence of RSOs to communities. There are no consistent patterns or frameworks for applying state-defined offender levels to reporting systems at the federal level (Agan, 2011; Donald, 2006).

The inherent limitations on alternatives to simple enforcement of such parole and probationary rules and restrictions have been studied. Armstrong and Freeman (2011) found that power outages, equipment failures, and false alarms severely hamper the effectiveness of GPS tracking (the so-called “bracelet”). Even close tracking of actual place of residence has limited effectiveness, since most residency restrictions only apply to the place where the registered sex offender is domiciled, and thus only constrain the time when the offender is at home and perhaps asleep (Agan, 2011).

This time lapse in residency coverage accounts for the proliferation of new local laws and ordinances also restricting the daytime movement of registrants, places of employment, and so on. At the same time, it illustrates the inherent limitations of residency restrictions and GPS tracking for monitoring the majority of offender activities (BOJS, 2011).

Legal Challenges and Precedent

The literature notes many challenges to RR laws, but relatively few are upheld. Where they are, it is usually on the basis of technical or language issues, or because a violation of the
U.S. Constitution’s prohibition of *ex post facto* laws (i.e., Article 1, Section 9). David Jung (2006) of the Hastings College Institute of Public Research conducted a review of the higher court decisions and found that, in most instances, the state laws were upheld or only modified slightly by appellate courts. Norman-Eady (2007) summarized these diverse legal opinions and decisions:

The courts have held that (1) residency restrictions are a form of civil regulation intended to protect children and thus prohibitions on *ex post facto* laws do not apply; (2) the federal constitution does not include a right to live where one chooses; and (3) residency restrictions are rationally related to states’ legitimate interests in protecting children from harm.

In short, RR laws are infrequently overturned, although such decisions have occurred in Kentucky, Massachusetts, and Georgia on equal protection, due process, or *ex post facto* grounds. However, RR laws have mostly been upheld, when properly worded, on the grounds that the public has a right to protect itself against criminal threats.

**Theoretical Literature**

The conceptual framework of this study has been constructed around two main bodies of theory. The first is interest group theory, which discusses how political pressures from various interest groups are applied to state and local governmental leaders and legislatures. This part of the policy process may not take into account the actual effects of the law. The second body of theory revolves around social theories, primarily the concept of social exclusion, labeling theory, and the theory of social disorganization. Social exclusion theory examines factors which serve to exclude specific groups from the mainstream society. Labeling names and identifies individuals
as social deviants who are dangerous to the community. Social disintegration theory looks at the breakdown of community and civil order in criminal subcultures.

**Public Policy Process**

Public interest groups and advocacy coalitions are frequently able to bring enormous pressure on legislators, particularly on high-profile issues like sex offender sentencing and parole. Given the complexity of the issue, the large number of individual variables, and the differences in state and local laws, strong public reaction often encourages legislative proposals that appear, on the surface, to be the “right thing.” In the U.S., typical actors in the public policy process for RR laws are church groups or leaders, child victim advocates, and politicians in local and state legislatures, who are often unwilling to be seen casting a vote against “child safety” (Kingdon, 1997).

There is considerable political pressure on legislators to introduce, support, and pass sex offender restrictions such as those reviewed in this study, but empirical evidence and public policy analysis seem to have less influence on lawmakers. Many local ordinances have been passed in Massachusetts without any independent policy analysis of the collateral consequences or real utility of these measures. Further study of these laws and their unintended effects is needed to better inform the public policy process and to develop well-thought-out solutions to the problems faced by offenders attempting to reintegrate into society.

**Labeling Theory**

Perhaps the most conspicuous element of sex offender restrictions is the labeling of offenders by level of danger to society, applying terms such as “violent sexual predator” to the most threatening offenders. Borrowing from an established tenet of sociology and criminology, labeling theory holds that a labeled person or group of persons become what society perceives
them to be (Becker, 1963; Farrington, 1977). As an individual is arrested, convicted, and incarcerated, he is labeled as a felon upon release, and identified and ostracized as such by the public notification process. As the concept is applied to sex offenders, labeling them creates a perception that they all remain highly dangerous and therefore should be ostracized, isolated, and even banished from the community (Farrington & Murray, 2012).

Labeling someone as a sex offender also influences offenders to see themselves in that way and to act accordingly. The act of restricting sex offenders from living in certain places labels them as outsiders who require enhanced security measures, round the clock surveillance, and separation from any and all potential victims. Many registered sex offenders undoubtedly require close monitoring, but given the evidence of low recidivism rates, labeling theory suggests that most RSOs are wrongly isolated and restricted.

**Social Exclusion Theory**

This study broadly considers the consequences of forcing sex offenders to the margins of society. Social exclusion theory identifies social, economic, political, and policing factors that separate, suppress, and exclude persons or groups from mainstream civil society. This theory developed around the analysis of Third World poverty and underdevelopment, but has since been applied to other systems of social exclusion, including criminal justice and corrections (Sen, 2000). Travis (2002) identified the restriction of the civil rights of persons convicted of crime (e.g., denial of voting, contracting, even marriage) as a form of “invisible punishment” that has grown rapidly in recent years. He additionally noted that in the U.S., these forms of social exclusion are imposed largely without judicial review because the Fourteenth Amendment (Section 2) grants states the power to deny the right to vote to persons convicted of “participation
in rebellion, or other crime.” Parole rules also grant law enforcement many coercive powers to search and control offenders.

The relevance of social exclusion to residency restrictions for RSOs is clear in that sex offenders are publicly identified, prevented from residing in large areas, and thus are legally excluded from accessing employment, health and social services, and, in some cases, even their own homes (where there are children, for example). Restoration of full civil rights upon completion of a criminal sentence has long been supported by reformers and was urged by the 1955 Standard Probation and Parole Act, but the “movement to roll back collateral sanctions peaked in the 1980s,” and states’ denial of parental, voting, employment, and residency rights has increased sharply in recent years (Travis, 2002, pp. 20-22). These measures appear to be a response to public pressure on politicians, as public opinion tends to favor residency restrictions for sex offenders and is openly hostile to the rights of sex offenders.

**Social Disorganization**

Social disorganization theory arose from the Chicago School of Criminology, beginning with Shaw and McKay’s (1942) classic research into the neighborhood and community origins of chronic delinquency. According to this theory, high neighborhood crime rates, offender recidivism, and concentrations of criminal activity are the product of community subcultures where delinquency is an accepted behavior. Shaw and McKay argued that criminality is not innate to ethnic groups or even socioeconomic classes, but is an inevitable response to a social and cultural setting that fosters illegal activities. In this theory, place of residence and neighborhood type are determining factors in the youthful offender’s entry into delinquent activity and, as a paroled or released adult, in their reimmersion in local criminal subcultures
based on drugs, prostitution, and theft. In theory, return to areas with criminal associates and activities would probably influence convicted offenders to reoffend (including RSOs).

Residency restriction laws have the effect of “ghettoizing” RSOs by restricting places of residence and limiting their daily movements. When these laws make it impossible for the individual to return to family, find gainful employment, receive treatment and social services, and reintegrate into society, the person becomes a social pariah. As a result, a spatial pattern develops where RSOs are forced into rural areas or homeless enclaves, and an impoverished, desperate subculture of sexual offenders emerges. As with urban ghettos, RSO enclaves are geographically fixed and persist over time as their population ages and new offenders arrive to take the place of the old (Zandbergen & Hart, 2006). According to social disorganization theory, if we combine social exclusion from jobs, housing, and social services with spatial or geographic clustering of criminal subcultures, we have an incubator for recidivism.

**Empirical Studies**

Academics, criminologists, and sociologists have applied both quantitative and qualitative methods to the study of the effects of residency restriction laws. Despite the many new laws over the last decade, there is no evidence of a growing social threat, such as an increase in sex crimes or child abductions. Indeed, according to federal statistics, child abuse rates and violent sexual crimes are generally declining in the new century (BOJS, 2011). This decline, however, is not related to residency restrictions or other conditions of parole or probation. Studies of RR laws for paroled or registered offenders consistently show no deterrent effects on RSO recidivism, location of sex crimes, or crime rates. Such empirical studies argue against adopting policies that may have unintended negative consequences, and some studies have considered
whether RR laws might be contributing to negative outcomes (e.g., Levenson & Cotter, 2003, 2005; Nieto & Jung, 2007).

Tewksbury (2005) studied sex offender perceptions of the registration and public notification laws among 121 registered sex offenders in Kentucky, and found that “social stigmatization, loss of relationships, employment, and housing, and both verbal and physical assaults” are experienced by a significant minority of registered sex offenders (p. 67). Levenson and Cotter (2003) conducted a survey of 138 sex offenders placed under such restrictions, and found evidence that the laws appear to prevent offenders from living with family, obtaining housing and employment, and reintegrating into the community. Levenson has also pointed to the lack of empirical evidence supporting a positive impact of community notification, residency restriction, and geographical proximities on actual reoffending and recidivism more generally (Levenson, 2005).

Studies have also examined the methods used to define geographic limits. Zandbergen and Hart (2009) reported that these laws had extremely restrictive effects on rental housing availability in Miami-Dade County. Out of over 400,000 affordable rental units, only 52 were available under these restrictions in January 2009, mostly in unincorporated areas. In July of that year, all of the 42 units left available were in rural areas (p. 3). Zandbergen, Levenson, and Hart (2010) also studied the effectiveness of residency restrictions on proximity to schools and daycare centers. Using a matched sample of 330 recidivists and non-recidivists in the state of Florida, they found “no significant relationship between re-offense and proximity to schools and daycares” (p. 482), confirming the previous studies of RSO recidivism. The principal effect of RR laws was simply to render housing and treatment opportunities difficult or impossible to access.
Worth’s (2005) research shows that there are few legal or constitutional protections of the residency rights of parolees and probationers who are already subject to rules on proximity to places such as bars, brothels, and known criminal hangouts. Critics like Worth (2005) and Prescott and Rockoff (2011) further show that banishment increases the danger of repeat offenses through loss of address and tracking information, disappearance, or flight from surveillance. Statistical evidence of banishment’s effects is inconclusive, but there is data showing that the often-claimed link between the offender’s place of residence and crimes at sites with potential targets (i.e., children) simply does not exist, even among parolees living near schools and playgrounds (Agan, 2011; Walker & Golden, et. al, 2001, pp. 15-33).

In sum, the bulk of the relevant research tracking sex offenders for recidivism has failed to find any connection between the enactment of RR laws and offenders’ propensity to reoffend. These findings are consistent with the present study’s theoretical framework regarding the punitive effects of the social exclusion and labeling of registered sex offenders.

Research targeting cities and states has collected and compiled recidivism data, however Massachusetts is difficult to analyze due to the patchwork quilt of local laws and the absence of statewide law. More than 20 Massachusetts communities have enacted RR laws, including Methuen, Dedham, Hanson, Pembroke, Rockland and Weymouth, while a Plymouth Town subcommittee rejected a similar proposal (Legere, 2009). The state attorney general recently ruled the state could still “legitimately prevent offenders who are shown to represent a risk of harm to their elderly neighbors from living with this vulnerable population” (Lazar & Ellement, 2011, p. B1). Attorney Andrew Crouch (2012) has noted that in Massachusetts, “sex offender residency ordinances are increasingly used by local communities to drive convicted offenders from their communities” (p. 2). These conflicting opinions suggest that public opinion, high court decisions,
and legislative prerogatives remain controversial and contradictory in the state of Massachusetts today.

The fact that thousands of sex offenders are registered and released into society every year means that law enforcement, civil administrators, and the citizenry at large must deal with the presence of offenders in the community. It is therefore necessary to consider the possible consequences of related rules and restrictions, and especially new laws that do not have empirical, evidence-based data regarding recidivism. The lack of data on RSO behaviors and beliefs constitutes a serious gap in the literature. This research, although limited to a Massachusetts state population, aims to contribute to a better understanding of offenders’ views and perceptions regarding the effects of RR laws, in order to provide an alternative to reliance on the opinions and prejudices of an uninformed public that has little experience or understanding of RSOs’ situation.

This study addresses the issue that evidence-based public policy analysis is lacking for the kind of new sex offender RR law being proposed in Massachusetts and implemented in many other states, counties, and municipalities. The literature reviewed contains numerous examples of useful studies based on registry records, court cases, and interviews of convicted sex offenders, creating a body of primary evidence on the effects of exclusionary laws and residency restrictions. It is impossible to statistically correlate all the different laws by state or city and offender population, with so many different outcomes for offender deterrence, recidivism, unemployment, and homelessness. Differences in the levels of sex offender, in definitions of prohibited facilities or activities, and in distances from those facilities or activities, make direct comparison of the various laws and their effects problematic.
For a public policy analysis of a new Massachusetts law, however, a narrowly-targeted analysis of both the intended and unintended consequences of a Massachusetts law is essential. The researcher has reviewed theoretical and public policy arguments for and against such restrictions, which vary widely from one jurisdiction to the next. These RR laws belong to a new class of “specialized sex offender statutes” that have emerged over the last dozen years building upon the public notification mandate of the first Megan’s Law passed in New Jersey in 1994 (Mercadol, Alvarez & Levenson, 2001). These extremely punitive laws clearly reflect public attitudes and political pressures against sex offenders, but they may also impact society, offenders, and victims in ways as yet unknown, without actually protecting potential victims, or treating and rehabilitating RSOs in an effective manner.
CHAPTER 3: METHODOLOGY/RESEARCH DESIGN

Operational Research Questions

Research Questions

The research questions and survey items for this study were drawn from the current literature as developed by authorities in the field. The researcher also used this literature to develop the questions asked of the participants. Specifically, the survey used here is modified from the original survey instrument originally employed by Levenson (Levenson & Cotter, 2005a). As operationalized in the research survey and interview design, the study posed the following three primary research questions:

1) How do sex offenders perceive the implementation of RR laws affecting their relations with their family and family home?

2) How do sex offenders perceive the implementation of RR laws affecting their access to housing, employment, treatment, and transportation?

3) How do sex offenders perceive the implementation of RR laws affecting the likelihood that they would reoffend?

Because the study was exploratory and considers the hypothetical effects of a future law, it is neither testing a hypothesis nor measuring an effect. Rather, it is exploring the perceptions and beliefs of the offenders themselves to develop a picture of the probable response of these offenders to a new law that would further restrict their places of residence, prospects of employment, and possibilities of reintegration into family and community. Within these limitations, the researcher stands by the validity and reliability of the results, which were produced by study of a small population in a single state and legal framework.
Propositions to be explored

In this study, the researcher explored the proposition that a statewide Massachusetts RR law would:

1) Be perceived by RSOs as an impediment to their efforts to reintegrate into their family, community, and society as a whole;
2) Serve to social exclude RSOs, and subject them to significant hardship in finding housing, employment, and treatment; and
3) Potentially increase the likelihood of reoffending due to the social disorganization of those crime-ridden urban or rural areas where RSOs consequently have to live and congregate.

Study’s Primary Approach (Methodology)

The primary approach of the study was qualitative and descriptive. The research focused on RSOs in the state of Massachusetts and on their perceptions and reactions to a proposed new state RR law. The study employed an interview and survey questionnaire research design to assess the connection between residency restrictions proposed for sex offenders and labeling, social exclusion, and social disorganization theories. These theories suggest that, as societies act to ostracize or banish persons or groups by various legal, economic, and social constraints, those who are excluded are driven into desperate circumstances.

The survey and interview procedure was justified by the local nature of all RR legislation—they are imposed by cities, counties, and states only—and by the present lack of a rich picture of RSOs’ perceptions of these laws and their probable impact. No research had yet been conducted on the perceived or probable effects of the law(s) being proposed for the state of Massachusetts. As such, this study addressed the need to evaluate the positive and negative
reactions of the group most impacted, so that policymakers and legal advocates can be prepared to respond to new proposals.

**Sampling**

**Target Population**

The target population for the research comprised of all Massachusetts-registered Level 3 sex offenders, which are the individuals most likely to be impacted by a new state law. A non-random convenience sample included some sex offenders who were homeless, as well as those with temporary or permanent residency. As the study was qualitative, no attempt was made to generalize the survey or interview results to RSO populations outside of Massachusetts.

From the target population, after asking if persons were willing to participate in a survey of RSOs, a convenience sample of 200 individuals was made based on availability. From those individuals responding to this query, a non-random final selection of one hundred (n=100) individuals was made, based on proximity, dates of availability, and the lack of conflicting information on address, status, and type of offense. When the survey was administered and collected, subjects were asked if they would volunteer to participate in a face-to-face interview. Based on response and availability, ten (n=10) final subjects were selected for these in-depth, semistructured interviews.

**Measures and Variables**

The choice of basic descriptive statistics for the survey data was justified by the qualitative nature of the study and the research goal of measuring offender attitudes and perceptions, rather than developing individual profiles or correlations between and among groups or individuals. In keeping with the research objective to identify the perceptions, beliefs, and attitudes of the offender population, subsequent content analysis of interview transcripts
measured the frequency of specific themes as counted in words, phrases, and expressions reflecting the subjective state of the interview respondent. The survey data provided more structured information about these perceptions, beliefs, and attitudes.

The survey questionnaire items are linked directly to the following three variables:

1) RSO concerns about an RR law’s impact on ties to family and home (Items 1-4).
2) RSO concerns about access to housing, employment, and social services/treatment or facilities (Items 5-8).
3) RSO concerns and beliefs about the impact of an RR law on their propensity to recidivism and the possibility that they may reoffend (Items 9-12).

A large initial contact population (n=200) served to randomize the selection process, and provided a sufficient pool to ensure the availability of the required number of survey respondents. The final number of survey respondents (n=100) was large enough that it did not require a formal power analysis. Polkinghorne (2005) has suggested that qualitative research should have a sample size of five to 25 participants. Consequently, the researcher deemed ten (n=10) interview subjects a sufficient number to obtain rich, in-depth responses to interview questions in the study’s qualitative research design and context.

Pilot Study

Sample Survey and Interview Guide

The researcher developed a short survey questionnaire (see Appendix A) and sample interview guide for a preliminary pilot test of the instruments. The researcher then administered a predetermined set of semistructured interview questions to three pilot test subjects who met the same sampling criteria as the participants in the study. The availability of the volunteer
participants determined the schedule of the final interviews. Participants individually answered the final survey in a group setting, and the researcher conducted all interviews in person.

The pilot test of interview questions pretested the relevance, understandability, and face validity of the interview questions before the final research occurred. The researcher reviewed any problems, obvious confusion, incomplete items, or incorrect or unintelligible responses to the interview items, and revised the survey for retesting. The resulting final list of questions reflected the generally strong understanding of the concepts and questions shown by participants in the pilot test.

**Pilot Study Results and Research Design**

No major impediments to the research occurred in the pilot test, however a number of minor issues in the instruments arose. One survey item about the respondent being unable to support his or her family under a new RR law, for example, was deleted because two respondents indicated confusion as some were not supporting families, and some said they could not predict their future employment prospects. An interview question about mental hardship was changed because respondents asked for definitions or explanations of the term “hardship.” Some respondents seemed unwilling to admit that future hardships posed a challenge for them. After review and discussion, this term was changed to read “emotional suffering.” Two respondents, who did not completely fill out all survey items, were not chosen to test the interview questions.

The pilot test provided a preliminary review of the research design and testing of the interview model, to ensure the items evoked responses to the research questions and allow reasonable conclusions regarding the answers to those questions. The pilot test of the interview
questions proved successful in eliciting the higher level of understanding, responsiveness, and openness needed to obtain meaningful responses from the subjects.

**Data Collection Procedures**

The researcher solicited volunteer participants through one social service agency that provides sex offender treatment in Massachusetts. A flyer was posted and distributed at the facility where reception and intake personnel accepted volunteers as well as established sex offenders in treatment sessions. Participants individually answered the survey questionnaire in a group setting at their request and convenience, with replies collected as soon as the participants finished and submitted to the group facilitator. All surveys and interviews were anonymous and confidential.

The execution of an in-depth, open-ended interview involves planning where and how to conduct the interviews. The in-depth interviews were conducted individually and privately on-site at the service agency, which helped to focus the dialogue on the perceptions of each individual, giving each participant the opportunity to share his unique experiences. The interviews were recorded on a portable voice recorder and converted into text by a professional transcription service.

The researcher’s strategy for both the interviews and surveys was to contact, meet, and discuss with RSO subjects the importance and urgency of the study, given the proposals to implement residency restriction in Massachusetts that could impact their lives.

All surveys and transcribed interviews were recorded and stored on a secure password-protected hard drive. All data was backed up for data security, with anonymity and confidentiality maintained throughout the research period. After final tabulation of the survey data and analysis of the interview content, the researcher deleted the original files from the hard
disk, retaining only aggregated and analyzed data. The researcher destroyed original recordings of interviews after transcription. As with survey data, the researcher maintained no personal identification or link to the study with participants after the initial contact.

Confidentiality and anonymity are particularly crucial in this type of research. The respondents’ RSO status inevitably leads them to hold suspicions of the researcher’s motives and the possible uses of the material. There were no other perceived or anticipated threats to the security of the study data on the researcher’s personal computer or recorder, however, respondents may not have been convinced of the security and anonymity of the responses they offered. The data storage methods employed served to address this issue.

**Data Analysis Procedures**

The researcher collected 100 survey responses (n=100) and compiled them in an Excel spreadsheet. The survey responses were then tabulated, with basic descriptive statistics compiled for each cluster of items linked to the variables. Analysis of the interview data was conducted using NVivo9, a qualitative software package designed to work with text-based or multimedia information, such as interview transcripts. The researcher analyzed recordings by qualitative descriptive methods, using “a reasonable combination of sampling, data collection, analysis, and representation” of the verbal statements in the interview transcripts (Sadelowski, 2000, p. 334). The qualitative analysis involved parsing the transcripts, identifying key words, and extracting main themes from the interview texts.

**Ethics**

The researcher obtained informed consent from all participants and completed the forms for institutional review. The principal ethical challenge in the research stemmed from respondents’ fears that their identities and responses might be reported to the authorities. The
researcher assured participants of the confidentiality and anonymity of their responses, and of the security of the interview transcripts. It was anticipated that the respondents may still have been doubtful regarding their anonymity. Survey and personal interview questions were therefore phrased in the future tense (hypothetical) so as not to alarm respondents. The principal challenge was to reassure potential participants of the anonymity and safety of participation, and to avoid situations requiring disclosure of subject identities.

Since state laws require officers of the court to report any misconduct, past or present, participants were informed of the researcher’s current position as the Chief Probation Officer of the Chelsea District Court, and her duty to report. In an attempt to further earn the participants’ trust and reassure confidentiality and anonymity, the researcher discussed the requirements, process, possible risks, and benefits of informed participation with participants.

The investigative strategy was to study and survey RSOs who were at liberty to talk freely and candidly because they were not under residence restrictions, so they would feel comfortable to express their concerns openly. The principal challenge to collecting the information related to RSO concerns, as described above, due to which there were fewer volunteers than anticipated. A qualitative researcher is always subject to investigator bias, and cannot help being in a position of power relative to the subjects and thus possibly suspect in their eyes. The best constraint against the researcher’s abuse of this position is to maintain strict security and confidentiality of the study data.

**Boundaries and Delimitations**

The boundaries or delimitations of the research were set at a single small population and sample within a single state, and based on a hypothetical problem (the passage of a residency restriction law for sex offenders). The research was similar to but did not emulate the various
studies that have been conducted in other states and municipalities. The research did not seek to determine the causes or consequences of sexual offenses, nor did it consider the effectiveness of alternative forms of punishment or other means for protection of potential victims.

**Concluding Restatement of the Problem**

This study provides useful data and information regarding offender perceptions and reactions to a residency restriction law in Massachusetts, and should be incorporated into any public policy analysis conducted for the Massachusetts legislature when such a state law is again presented for consideration. According to all research thus far, residency restriction laws have no demonstrable benefits and many potential costs. They are an unnecessary drain on law enforcement resources, impose pointless punitive effects on offenders who have paid their debt to society, and may well have unintended negative consequences by reducing RSOs to desperate circumstances where they are most likely to reoffend.
CHAPTER 4: RESULTS AND FINDINGS

Introduction

In this chapter, the results of the survey and the semistructured personal interviews are presented. The qualitative and descriptive methodology used in this study examined and assessed the relationships between the impact of residency restrictions on RSOs—some laws and statutes already in place, and some currently proposed before various U.S. legislative bodies (municipalities, counties, and states)—and the criminology theories of labeling, social exclusion and social disorganization.

Survey Instrument Results

The study recruited volunteer participants for the survey through one social service agency that provides sex offender treatment in Massachusetts, and based on subjects’ current listing in the state sex offender registry. Treatment facilitators advertised and accepted volunteers for the study. Participants individually answered the survey questionnaire in a group setting at their request and convenience, with replies made to the treatment provider which were, in turn, provided to the researcher in a secure manner. As is standard procedure in these cases, all replies were anonymous and confidential.

Overall, the results of the survey (see Table 2) did not hold any major surprises. The findings show similar attitudes and concerns seen in previous surveys of RSOs conducted in states where such laws are already in place.
### Table 2

*Massachusetts Survey Response Percentages (n=100)*

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I will not be able to live in a home that I or my family own. (Family)</td>
<td>97%</td>
</tr>
<tr>
<td>2. I will not be able to live with supportive family members. (Family)</td>
<td>97%</td>
</tr>
<tr>
<td>3. I will not be able to return to my hometown and family. (Family)</td>
<td>91%</td>
</tr>
<tr>
<td>4. I will be forced further away from family and friends who need me. (Family)</td>
<td>83%</td>
</tr>
<tr>
<td>5. I am likely to become homeless or to be forced to leave the state. (Homeless, Employment)</td>
<td>95%</td>
</tr>
<tr>
<td>6. Landlords will probably refuse to rent to me as an RSO. (Homeless, Employment)</td>
<td>65%</td>
</tr>
<tr>
<td>7. I will find it difficult or impossible find employment in a restricted area. (Homeless, Employment)</td>
<td>82%</td>
</tr>
<tr>
<td>8. I will have to live further from public transportation and public facilities. (Homeless, Transportation)</td>
<td>78%</td>
</tr>
<tr>
<td>9. If I wanted to reoffend, I could do so even if I was subject to residency restrictions. (Recidivism)</td>
<td>100%</td>
</tr>
<tr>
<td>10. I may be subject to unnecessary probation violations because of the law’s restrictions. (Recidivism)</td>
<td>99%</td>
</tr>
<tr>
<td>11. Residency restrictions may push me in criminal subculture and association with bad elements. (Recidivism)</td>
<td>93%</td>
</tr>
<tr>
<td>12. I will have trouble accessing mental health counseling, sex offense treatment and other social services. (Recidivism)</td>
<td>87%</td>
</tr>
</tbody>
</table>

*Note.* The variable(s) categorizing the questions are in parentheses following each question. Percentage averages of question categories (1-4, 5-8, and 9-12) are in bold.
Each of the three variables into which the survey instrument broke down showed very high percentages of positive answers, which in this case corresponded to a negative impact on the RSOs: Family Concerns (92%); Homelessness and lack of employment opportunities (80%); and Recidivism (95%). Significantly, the section dealing with recidivism had the highest percentage overall (95%), with one item (Question 10: If I wanted to reoffend, I could do so even if I was subject to residency restrictions) scoring 100%. This finding is in keeping with the results of other surveys conducted in states where such laws are already in place. For example, Table 3 presents the results of Levenson’s study (2008). In that survey, 74% of the respondents said that if they wished to do so, they could reoffend despite the imposition of residency restrictions. At the same time, only 7% of the participants agreed that residence restrictions would prevent them from reoffending, only 9% felt that such laws succeeded in limiting their access to children, while 12% felt that such laws actually protected children from sexual predators.

The survey results and the preponderance of RSO skepticism of these laws led the investigator to question the purpose and effectiveness of RR laws, given that the argument justifying them is to better prevent RSOs from being in the vicinity of children and thus reoffending. In fact, as shown in item 11 of the Massachusetts survey conducted in this study, residence restrictions may well have the opposite effect, given that 93% of those respondents answered positively to the statement: “Residency restrictions may push me into the criminal subculture and association with bad elements.”
Table 3

*Perceptions about Utility of Residence Restrictions in Preventing Recidivism (Levenson, 2008)*

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I am more able to manage my risk factors.</td>
<td>17%</td>
</tr>
<tr>
<td>2. Residence restrictions are successful in limiting access to children.</td>
<td>9%</td>
</tr>
<tr>
<td>3. I believe that residence restrictions help me to prevent offending.</td>
<td>7%</td>
</tr>
<tr>
<td>4. I believe that residence restrictions protect children from sex offenders.</td>
<td>12%</td>
</tr>
<tr>
<td>5. If I wanted to reoffend, I could do so despite residence restrictions.</td>
<td>74%</td>
</tr>
</tbody>
</table>

**Variable 1: Impacts to Ties with Family and Home**

With respect to family concerns, fear of homelessness, and lack of employment, the data from this study suggests that worries over these factors may very well lead to recidivism as well. Of the respondents, 92% expressed concerns about family and family support in the first four items, with 97% fearing that they would not be able to return to a home that they or their family owned, or that they would not be able to live with supportive family members. Over 90% of the participants feared they would not be able to return to their hometowns or families at all under the proposed legislation, given the uncertainty of the specific range of restricted zones combined with the various ways these could be interpreted under any given jurisdiction. Among the interview participants, the main concern expressed was how to determine what constituted a violation of restricted zones. For instance, did simply walking through a restricted zone to get to the family home or other residence constitute a violation? Such concerns reflect the confusion surrounding the scope and constitutionality of RR laws.
Variable 2: Access to Housing, Employment, and Services

The percentages of those who answered positively were somewhat lower than the other two variables. Here, the largest percentage was for the fear of becoming homeless or being forced to leave the state (95%). The lowest percentage was for the item asking about the fear that landlords would not give them access to rental housing (65%). The second largest percentage (82%) was connected to the concern that finding employment in a restricted area would not be possible. The fact that not being able to access rental housing was at 65%—a relatively low figure—could have several explanations, one of them being that some RSOs, given their previous experience under these circumstances, have given up on bothering to search for rental housing and have relied instead upon homeless shelters and encampments in unincorporated areas.

Again, these results are in keeping with and somewhat higher in most cases than those found in the survey conducted in a state that already has such laws in place. In one such case, the similarities between the results in this survey and those in Levenson’s study (2008) in a state where these laws are already in place were very close: 95% of the respondents in this survey stated they feared becoming homeless compared to 87% in Levenson’s study. Also, while there was no direct correlation between the Massachusetts survey utilized here and the one employed in Levenson’s survey, it is interesting to note that 73% of Levenson’s respondents indicated having suffered emotionally, matching the eight out of ten interview respondents (see Table 4).
Table 4

Psychosocial Consequences of Residence Restrictions (Levenson, 2008)

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I have suffered financially due to residence restrictions</td>
<td>66%</td>
</tr>
<tr>
<td>2. I have suffered emotionally due to residence restrictions</td>
<td>73%</td>
</tr>
<tr>
<td>3. I live farther away from employment opportunities</td>
<td>57%</td>
</tr>
<tr>
<td>4. I live farther away from social services and mental health treatment</td>
<td>41%</td>
</tr>
<tr>
<td>5. I live farther away from public transportation, no car</td>
<td>27%</td>
</tr>
<tr>
<td>6. I live farther away from family support</td>
<td>63%</td>
</tr>
<tr>
<td>7. I worry that if I have to move I will be unable to find a place to live</td>
<td>87%</td>
</tr>
</tbody>
</table>

Massachusetts Survey vs. Surveys from States where an RR Law is in Place

In comparing the concerns of RSOs who took the survey in Massachusetts to those RSOs in states where such laws are already in place, it appears at first that the fears and expectations of the Massachusetts respondents have come to pass in such states. While the percentages in most of Levenson’s survey (2008) are generally higher in the Massachusetts survey employed here, the practical results of enacting these laws seem to follow the pattern expressed by the respondents in the Massachusetts survey.

In particular, the stated goal of such laws (i.e., preventing the opportunity to reoffend) does not seem to have come to fruition. Instead, without any empirical evidence of any benefits of such laws, the laws appear to have heightened financial and emotional stress factors among RSOs, both in states with such laws and in states where such laws are being debated. This may, in turn, increase the odds of reoffending. The survey percentages were high enough and the testing sample large enough for this not to be a statistical blip. Furthermore, both Levenson’s (2008) survey and the surveys employed here serve to reinforce each other. As seen in Levenson
and Cotter’s article (2005a), which surveyed 135 Florida RSOs, most participants raised similar concerns about housing, isolation, financial and emotional stress, and the dangers of such laws causing an increase in reoffending.

**Interview Results**

The results of the interviews indicate some consensus opinions and confirm some of the dominant themes with respect to each of the five questions asked, as seen in the following opinion summaries.

**Question 1: Would an RR law cause you financial hardship or unemployment? In what way?**

The responses to this question were split. However, this split was not in terms of whether the law would or would not prevent the search for employment, but rather whether participants needed employment as a way of having the financial means to survive. Three of the ten respondents indicated that such a proposed law would not affect their financial situation, because they were or planned to go on disability, as illustrated in the general statement compiled from Respondents 1 and 4: “I receive benefits . . . so I don’t think this law would change my financial situation . . . unless they decide to take away my disability checks.” Respondent 5 also declared that he was homeless, unemployed, and fighting to get on disability. As he stated, “Nobody wants to give me a job anyway because I’m a convicted sex offender.”

The other seven respondents relied on a paycheck for financial survival and agreed that the proposed law would seriously impede their ability to seek or keep meaningful employment. All stated that finding a job of any kind is extremely difficult as it stands, and that such a law would eliminate the possibility of whatever form of employment they could currently find.
Respondent 2, an ex-teacher, best stated the general experience of many RSOs, in recounting what happened when he found employment in a shoe store after his release from prison which was, unbeknownst to him, located less than a block from a daycare center:

“I know this because one of the parents recognized me from the website and went to my boss demanding I be fired. I still have a job because I have an understanding boss.” Similarly, Respondent 3 stated: “My conviction hasn’t necessarily affected my ability to find a job, because I always apply for jobs nobody wants. But if this shit goes on the books, I’ll never be able to work again.”

Respondent 10 summed up the practical effects in terms of the types of zoning restrictions such laws would put in place: “Everywhere in Boston is considered a school zone.” While not literally true, this assertion reflects the overlapping of the numerous children zones and the absence of suitable rental housing in many urban centers. Similarly, respondent 7 alluded to the difficulty of finding jobs under present conditions, and stated that “this law would take out 90% of the other jobs.” Respondent 8 lashed out, stating that such laws were “unconstitutional,” stating, “I have the right to live wherever I want the government can’t tell me where I can and cannot go,” though adding, “nobody wants to give me work anyway.” As evident from these responses, there is no doubt among the respondents that any law not only restricting their movements but also where they can reside and work would be detrimental to their ability to earn a living.

**Question 2: Would a residency restriction law cause you emotional suffering? In what way?**
Eight of the ten respondents were vehement about their feeling that such a law would cause them emotional suffering, or rather, more emotional suffering than they already endured as registered sex offenders. The responses ranged from the mild (“I would have to leave the shelter and that would cause me great suffering,” Respondent 1) to Respondent 3’s position that “this goes beyond emotional suffering. This is cruel and unusual punishment.” In one case, the respondent described his present ability to still lead what he described as a “normal” life, but did not believe he could continue to do so if such a law is passed. This helplessness is evident in Respondent 2’s view:

“I know that my victim’s parents would devote their lives to make sure I’m not in a restricted area so they can see me back in prison. I don’t even want to think about how much more of this I can take.”

This theme of not being able to “take much more” of the harassment RSOs experience runs throughout a number of the respondents’ replies to this question. In one case, Respondent 6 called it “an unnecessary burden on people that are already at their possible lowest.” The respondent goes on to point out that he “molested [his] victim at [his] home, not at the park,” pointing out the irrelevance of such restrictions. Respondent 7 talked about the “sense of belonging” that most people crave, and how such a law would “prevent [him] from being around most people,” stating “that’s really depressing.”

On a similar theme, after making a point about how sex offenders are treated differently than other criminals who pay for their crimes through their prison term, Respondent 10 stated: “I can’t imagine being an outsider is a good thing.” Respondent 4 made the point that such laws have the potential to prevent RSOs from getting the treatment they need: “If I can’t go to counseling because it happens to be in a restricted area, then I can’t deal with my emotions,
which is not a good thing.” The resulting inability to get such treatment may lead to recidivism or, at the very least, acts of desperation.

The two respondents who answered that the proposed law would not cause emotional suffering stated, in effect, that there was little more the government could do to make their lives more stressful than they already were. In other words, in these cases it was a matter of no longer caring or allowing themselves to be emotionally stressed. Indeed, the majority of respondents suggested a sense of losing hope and giving up. In the case of two respondents, the lack of feeling and sense of despair is out in the open. It has become a part of their reaction to dealing with the external world. Again, the results of such feelings can be catastrophic, not just for RSOs but for society in general. As Respondent 5 states plainly:

I gave up caring a long time ago. I do what I need to do. . . . This is oppression. This is what the government does when they want to get rid of a particular group. But they are not going to break me.

Respondent #8 concurs: “No, this cannot hurt me. . . . I have done almost 20 years behind bars and I’m done being emotional. I’ll find a way to be wherever I want to be.” Connecting these two respondents is a combination of hopelessness and a fight-back attitude; the idea of not being broken no matter what is done to them combined with an attitude of going it alone. The implication here seems to be that the social bond has been broken, not just temporarily through the original criminal act, but permanently, and that the opportunity or ability for rehabilitation has already passed.

Question 3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?
Eight of the ten respondents answered either an unqualified or qualified “yes” to this question. The two that answered negatively did not put a positive spin on having answered that way. In fact, it appears their situation is even worse than those who answered affirmatively. Respondent 1 said that a residency law would not affect him because “my family doesn’t want anything to do with me, which is why I’m in the shelter.” Respondent 8 went even further, stating that he had no blood relatives and “no stable place to call home . . . traveling with the sovereign nation from place to place.” It is clear that both these respondents have reached a point where the idea of family, home, stability is no longer in their vocabulary, let alone being an option.

The other eight interview respondents had a range of living arrangements and each one indicated that these arrangements would be disturbed if such a law were passed. Respondents 2, 6, 7, and 9 stated that they lived with parents at the present, some with both parents and some with their mother. According to Respondent 2, he has been forced to live with his parents because the parents of the victim “have run me out of every apartment . . . since [his] release. As he stated: “If this law goes into effect, I would have to leave the only safe haven I have.” This respondent dreads the idea of having to live in a shelter or on the street. Respondent 6 lost his wife and children when he was convicted and now lives with his mother. His fear is that if such a law were passed, he would not be able to remain with his mother “because her house is like twenty feet from the playground [he] grew up playing in.” This was echoed by Respondent 9, who indicated that his mother and other family members all live near parks, schools and other places where children would congregate, thus preventing him from staying there if such a law were passed. Similarly, according to Respondent 3, who lives with his wife and two children, the passage of such a law would make these arrangements untenable, given that they live near
schools and playgrounds: “This law would separate me from my family and force me in to a shelter or the streets.”

Respondent 7 did not indicate exactly with whom he presently lives, but did state that he felt “lucky that not everyone in my family turned their backs on [him],” suggesting that he does live with a family member. He stated that his family lives in fear that others will find out that he is a sex offender, and the proposed law will only make that worse: “This law would put even more burden on them and they would probably cut ties with me.” Likewise, Respondent 4 stated that he presently lives in the basement apartment of a friend, but remarked: “I’m sure he would want me to move out if this law is enforced.” He also stated that, although he was not sure, he did believe that there would be places in the neighborhood where he would not be allowed.

Respondent 10, who lives with a girlfriend and their son, also indicated they would most likely split up if the law came into being: “I can’t ask them to move into who knows where with me. They shouldn’t have to pay for what I did.” Respondent 5 also did not indicate where he is living at the present time, simply stating that this law would not allow him to stay with family and friends.

Aside from the two respondents who were already in a shelter or homeless with no fixed address when the interviews took place, the others all agreed that this law would most likely prevent them from living where they presently live. Several indicated that the next step down was the street, given that they had exhausted all other possible places to live. In the majority of instances, the fear was that those who were now allowing them to stay would not be able to carry on if the law forced them to create geographical boundaries where an RSO would not be allowed to enter. The respondents also indicated that the majority of neighborhoods (including those
where they were brought up) had schools, playgrounds, parks, daycare facilities, and other child zones, making them automatically off-limits.

**Question 4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?**

All but one answered that such a law would definitely affect access to social services and/or medical facilities, either because it would make it more difficult to get to places where these services are located or that the services are held in places that would be off-limits to RSOs. The one respondent who did not feel this way (Respondent 10) stated that he “would find a way to get to my counselor and doctor’s appointments.” He did not elaborate on exactly how he would do this.

Of the nine that did respond affirmatively, Respondent 8 (who claims to be a member of the “sovereign nation”) said that this would actually be a good thing if it were to happen because it “would be a great excuse not to have to go to treatment for sexual predators.” This implied is in accordance with this respondent’s response to the other interview questions, which expressed the sentiment that he cannot be hurt anymore no matter what legislation is passed, that he is already alone, and that he no longer feels any emotional stress. Similarly, Respondent 3, admitting that the places he would need to go for counseling and/or medical services “are probably near the places this law says I can’t go to,” went on to state: “I guess I can use this as an excuse not to see my probation officer.” Respondent 2 also brought up the ironic situation of not being able to visit his parole officer at his office because the office is “in the same building as a school or daycare.”

The other seven respondents were concerned to some degree that the proposed law would severely curtail their access to these services. Respondents 1, 2, 4, and 9 all stated they either live
in what would become a restricted area or must travel through restricted areas to get to their services or have services located in restricted areas. Respondent #1 stated: “The veteran’s shelter is right next to a school and playground. . . . All the services I receive are in the general vicinity so I think going to these places would be out of the question.” Respondent 4 indicated that he needed to go into town for his social and medical services, stating “I know there’s a daycare or a park in every corner in the city,” and pointing out that most of those arrested in this town for drug violations are also charged with school zone violations. Similarly, Respondent 9 stated that all his services were in town and located in the proximity of excluded areas and implied that the law would force him to seek such services at a greater distance.

Respondents 5, 6, and 7 were not as clear in their responses to this question. Respondent 5 indicated that he sleeps in a park near the hospital or his counselor’s office so that he doesn’t have to travel using public transportation. A law that does not allow him to sleep in parks would make it more difficult to keep his medical/counseling appointments. Respondent 6 was not completely clear on how a proposed law would work, surmising that “if I’m not allowed near a school, I guess I would not be allowed in the hospital and my doctor’s office.” This individual implied that he would either no longer take part in such services or that he would need to travel greater distances to find venues where he would not be breaking the law merely by being in the vicinity. As for Respondent 7, it appears he did not quite understand the question, stating that he lives with his brother and the house is located very close to a school. He suggested that if he were forced to leave his brother’s place, then it would become more difficult to attend counseling or obtain needed medical services.

Overwhelmingly, the respondents to this question agreed that the passage of this law would make it more difficult for them to obtain counseling and medical services. In some cases,
the respondents indicated they would be forced to forego such services, thus leaving them in even more isolated positions.

**Question 5: Would an RR law possibly cause you to break the law at some point? In what way?**

This final question, designed to underscore the consequences of such a residency law, had equally split “yes” and “no” responses. However, the details of those responses resulted in some unusual answers, both for those who answered affirmatively and negatively. On the negative side, Respondent 1 qualified his response with “you never know what you would do in a situation like this.” He went on to call the law “inhuman” and “pretending like we don’t exist.” However, despite stating that he’s not the same person he was before returning from Iraq (when he committed the offense), he stated the hope that “I never feel like I’m out of options, which is how I felt when I committed my offense.” Respondent 7 also qualified his negative response, stating that he hoped “nothing bad happens.” He declared the law “crazy” and went on to ask: “How can they wipe me out of existence and make people think that I don’t exist?” Respondents 6 and 9 both responded tersely and without further explanation that they had no desire to return to jail, and that they would do all in their power to avoid such a situation. Respondent 10, after admitting to being tortured in prison, stated that he did “not want to do something stupid and be away from my family.”

On the affirmative side, similar qualifications were made by several of the respondents while others were more direct and forceful in their responses. Respondent 8 (the self-proclaimed citizen of a sovereign nation) declared categorically that he would not conform to such a Massachusetts law, arguing “no one can tell [him] where to live.” The implication here was that
he was willing to risk a return to prison, although it was not clear if he actually believed such an RR law was likely to be implemented in the state of Massachusetts.

Respondents 2 and 5, in contrast, qualified their answers with quasifatalistic statements about prison, stating that it would most likely be the safest place for them if such a law were to be enacted. Respondent 2 went on to say, “I guess that if I’m not going to be treated like a human being, then no one should be surprised when I act like an animal.” Respondent 5 also said that given the fact there would be no place for him to go, prison would be the likely result: “I’ll ask to be in segregation all day. . . . I can at least be fed three times a day.” Similarly, Respondent 4 felt that the enactment of this law would probably lead to being jailed given his criminal record, calling the law “the icing on the cake.” Respondent 3 did not respond directly to the question about breaking the law. But he did state that he would “go back home to be with my wife and kids,” thus implying that this would mean breaking the law if the law prevented him from being within a certain distance of children, given that there are schools and playgrounds in the vicinity. He went on to state that his wife and children were fully aware of what he had done, and questioned “if they don’t have a problem with it why should anyone else?”

Regardless of how participants responded, participants generally felt backed into a corner, hopeless, and that they were not given any real options. This was particularly true of those who either would not conform or who felt that prison was the safest place for them (Respondents 2, 5, and 8). Even the five respondents who answered negatively prefaced their statements with the “hope” that they would not be forced to break the law to be with their families or to attend counseling sessions.

Several respondents lashed out at the perceived unfairness of such an RR law, and one questioned how the law could be “successful” given that there was no explanation or mechanism
for how it could be properly implemented. Table 5 provides a breakdown by percentage for the ten respondents’ answers to the five main research questions.

Table 5

Percentages of Affirmative Responses

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Would a residency restriction law cause you financial hardship or unemployment? In what way?</td>
<td>50%</td>
</tr>
<tr>
<td>2. Would a residency restriction law cause you emotional suffering? In what way?</td>
<td>80%</td>
</tr>
<tr>
<td>3. Would a residency restriction law force you to live farther away from family support or a family home? In what way?</td>
<td>80%</td>
</tr>
<tr>
<td>4. Would a residency restriction law force you live farther away from social services or medical facilities? In what way?</td>
<td>90%</td>
</tr>
<tr>
<td>5. Would a residency restriction law probably cause you to re-offend at some point? In what way?</td>
<td>50%</td>
</tr>
</tbody>
</table>

Survey Responses vs. Interview Questionnaire

When it comes to the impact on family and home ties (survey questions 1-4 and interview question 3), the percentages were 92% for survey respondents, and 80% for the interview respondents. Access to housing, employment, and treatment (survey questions 5-8 and interview question 1) resulted in 80% for survey respondents and 70% for interview respondents. On recidivism or the danger of reoffending (survey questions 9-12 and interview question 5), the results were 95% for survey respondents and 50% for interview respondents. While the first two variables showed similar percentages between the survey instrument and the interview respondents, the third (recidivism) showed a large gap, with the survey questionnaire scoring much higher. This may have been due to the specificity of the four survey instrument questions
versus Interview Question 5. As well, the survey instrument did not specifically ask whether the offender would break the law because of the residency laws but rather set up a series of conditionals.

In matching the survey variables with the interview questions, it is clear that the majority of respondents in each of the three instances expressed a fear of being: (a) forced to leave family and friends behind; (b) homeless and unemployed; and (c) incapable of not breaking the law. In the first two instances, the majority of respondents felt that the imposition of an RR law would leave the respondents with little choice, given that they would be restricted to marginal areas that would not allow them to live with family or friends. In their view, this would result in a trickledown effect leading to homelessness and loss of job opportunities. In the third instance (the danger of recidivism), respondents feared that they would not be able to abide by the rules set out in such laws, making it highly probably that they would either purposefully or inadvertently break the law. Additionally, when one factors in the responses from the two interview questions not directly matched in the survey (Question 2 re: emotional distress and Question 4 re: distance from services), it becomes clear that the passage of such laws would lead to significant mental, physical, and emotional disruptions in RSOs’ lives. In fact, from these responses, it can be surmised that such laws actually increase the odds of sex offenders reoffending.

Summary

This chapter has presented the results and a preliminary analysis of the qualitative findings of the survey instrument responses (n=100) and interview questionnaires (n=10) conducted by the researcher. The results of the interviews confirmed and expanded upon the descriptive results from the survey questionnaire. Both components of the study found overwhelming majorities with negative perceptions of these laws, to the effect that (a) the
proposed restriction laws would have a negative effect on the housing, job prospects, and possibility of treatment for RSOs; and (b) without having any positive effect on recidivism rates. In fact, the majority of responses also indicated that RSOs feared that the proposed laws would make it more difficult for them not to reoffend or, at the very least, increase their risk of being sent back to jail simply for breaking the law, either purposely or inadvertently.
CHAPTER 5: CONCLUSIONS, SUGGESTIONS FOR FURTHER RESEARCH, AND CONCLUDING REMARKS

Introduction

This chapter presents some general conclusions with respect to the survey questionnaire responses (n=100) and semistructured interviews (n=10) taken from a population of RSOs from Massachusetts. The results are further compared to previous studies conducted with similar sets of RSOs in other states. The Massachusetts participants were asked to respond first to a survey questionnaire (a modified version of the original instrument designed by Levenson [2008]). Of those who responded to and completed the survey questionnaire, ten volunteered for the opportunity and were accepted to take part in follow-up semistructured interviews.

Both the survey questionnaire and the follow-up interviews were designed to solicit responses from RSOs with respect to a set of variables pertaining to concerns about family, residences, employment, and access to medical and social services and counseling. These concerns were presented in the face of the possibility of the passage of new RR laws in Massachusetts. The survey questionnaire and interviews were also designed to test these perceptions in the context of the social labeling, exclusion, and disorganization theories with which such laws have been associated.

Finally, the study attempted to examine what can be called the “unintended” consequences of such laws, which act against the intended purposes of such laws. These consequences may range from preventing willing RSOs from reintegrating into society and thus leading productive lives, to actually pressuring and pushing RSOs to break the law (intentionally or otherwise) and perhaps reoffend with sex crimes. Of even more concern is the question of
how such laws affect recidivism and the danger of reoffending, which subsequently holds increased danger for the victims of such crimes.

The results of this study reinforce findings from previous studies about RSO attitudes and responses to RR laws, thus adding to the research on a subject that is of extreme importance for ensuring the safety of possible future victims and the reintegration of RSOs into society. Additionally, if the overwhelming majority of studies point to the failure of RR laws in reintegrating RSOs and preventing reoffending—or at their very least ineffectiveness—it is hoped that lawmakers and activists will look at different approaches to this very serious social problem.

The basic premise of the study is that given the lack of any evidence that these laws have proved effective where they have been put in place, the state of Massachusetts should seriously consider rejecting RR laws. Instead, the state should place more emphasis on finding more effective methods of monitoring, address tracking, treatment, and providing health and social services for registered offenders released into society. The idea is for the state to focus on ways that allow individual RSOs to reintegrate into society without setting up restriction parameters that cause RSOs to become more isolated and thus potentially more dangerous, given their already high rate of ostracism.

The study has sought to develop direct self-reported evidence about whether offenders perceive these RR laws as (a) harmful to their chances of social reintegration, considered by many as the key to preventing recidivism; and/or (b) not useful in terms of preventing them from reoffending. Additionally, the study has sought to determine if these laws cause mental and emotional stress on the part of the RSOs. While this in itself may not be considered significant in terms of having empathy for offenders who have been sentenced for sex crimes, the ultimate
results of such stress may prove to be detrimental to society as a whole due to their influence in RSO behavior.

Research Questions and RSO Responses

This section examines in greater detail the responses to the three research questions articulated above and analyzes the implied consequences of these responses.

Question 1: Will legislation in Massachusetts restricting convicted sex offenders from living or working in certain areas increase the likelihood of sex offenders reoffending?

RSOs’ responses indicate that the incorporation of RR laws might well increase the likelihood of sex offenders reoffending. RSOs’ responses also correspond to previous studies on regions and states where such laws are already in place, which indicate that recidivism is likely (e.g., Levenson & Cotter, 2005a; Levenson & D’Amora, 2007; Mercado, Alvarez & Levenson, 2008; and Tewskbury, 2007). According to Levenson (2006),

Though laudable in their intent, there is little evidence that recently enacted sex offender policies achieve their stated goals of reducing recidivistic sexual violence. Furthermore, exclusionary housing policies are not evidence-based in their development, as they tend to capture the widely heterogeneous group of sex offenders rather than utilize risk assessment technology to identify those who pose a high risk to public safety. There is emerging research suggesting that residence restrictions lead to serious unintended collateral consequences for offenders, such as limiting their opportunities for employment, housing, education, treatment services, and prosocial support systems. As a result, current social policies may contribute to dynamic risk factors for offenders in the community, ultimately becoming counter-productive. Emotionally reactive
legislation based on fear and anger rather than research and data will not be effective in keeping our communities safe. (p. 46)

Similar concerns emerge from the present study. A majority of the respondents did not believe that RR laws would make it harder to reoffend if they so desired. In fact, the recidivism section of the survey instrument scored the highest in terms of the potential negative impact of RR laws.

The lack of any positive effect arising from such laws was most startling, especially in terms of the laws’ intended purpose to protect potential victims. This was expressed in the 100% affirmative response to Item 9, which stated “If I wanted to reoffend, I could do so even if I was subject to residency restrictions.” The other items in this section scored almost as high with few of the respondents answering negatively. As such, it appears that both the literature and the present study reach the same conclusion in the case of recidivism: RR laws are of very limited value when it comes to preventing sex offenders from reoffending. Moreover, such laws may very well encourage RSOs to reoffend, given that they cause increased mental and emotional stress.

**Question 2: Would RR laws cause RSOs to become homeless, unemployed, unable to access services, or to act out against children and society?**

Because this is a qualitative survey, any response to this question needs to be qualified. Determining whether RR laws cause such harm requires empirical and statistical studies of RSO homelessness, unemployment, and access medical and social services. The causality of actions harming children and society is complex, and has many contributing factors. However, if the initial feelings and attitudes of the RSOs themselves are any indication, the answer to this research question appears to be “yes.”
The majority of the survey respondents indicated that the RR laws would impact them in these areas. In particular, the idea of becoming homeless rang true for 95% of survey respondents. While there was no direct question dealing with homelessness in the interview questionnaire, the responses in the survey indicate that an RR law would push offenders out of their present areas and safe zones (e.g., family homes, friends’ basements, etc.) and into the “unknown.” That unknown, given that most landlords will not rent to sex offenders, would be either a shelter or homelessness. Given that many shelters also house women and children, the logical conclusion of this would be homelessness.

As for the lack of job opportunities, the consensus was that the RR laws would increase the likelihood of unemployment. Most RSOs find it extremely difficult to land jobs as it is, given the fact they are on a sex offender registry which anyone can access. They must rely either on the goodwill of employers who can hire and fire at will, or be willing to accept whatever jobs are thrown at them; jobs that no one else wants. The addition of residency restrictions would simply make the task of job searching practically impossible.

Such implications do not only affect the particular RSO unable to earn a living. By removing the sense of purpose that a job creates in a person, and by making that person incapable of taking care of himself and/or his family, such a person is deemed valueless and hopelessly irredeemable. This condition also makes the idea of rehabilitation unattainable. Similarly, where the majority of respondents indicate that these laws will negatively impact access to needed medical and social services (including counseling for sexual offences), the consequences extend beyond the individual offender. One commonly held assumption is that RR laws are a ‘no-brainer’ and that the general public should all be in favor. However, as Levenson (2006) points out:
Housing restrictions have been enacted in most localities with little resistance.
Child safety is clearly the primary concern when sex offender restrictions are
imposed. . . . Decreasing access to potential victims seems . . . to be a reasonable
strategy for preventing sex crimes. However, there is no evidence that housing
restrictions achieve this goal. . . . Such laws greatly diminish housing options for
sex offenders, often forcing them out of metropolitan areas . . . farther away from
social support, employment opportunities, treatment centers, and social services.
These consequences may inadvertently contribute to dynamic risk factors that
ultimately increase danger. (p. 33)
The majority of survey respondents indicated that RR laws might well lead them to reoffend with
sex crimes, to be driven to seek out other criminals and therefore increase risks of reoffending, or
to break the law in other ways (e.g., violate parole/residency restrictions). In this way, the study
reveals side effects unintended by those who originally formulated and enacted these laws,
increasing rather than reducing the dangers to both society and future victims.

**Question 3: How do sex offenders perceive and react to the implementation of new laws
restricting their rights to live in certain communities?**

The majority of respondents perceive the implementation of such laws in a negative way,
with no positives outcomes on any level. This is both a practical and emotional reaction. On the
practical side, as previous studies have shown, such laws restrict the movements and living
arrangements of RSOs in ways that impact on their ability to find housing and work. On the
emotional side, the laws put even more pressure and stress on individuals who are left with few
choices in the first place.
A minority of interview respondents indicated that they were on the verge of losing the hope of ever being allowed to integrate back into society, no matter what they did in their efforts to do so. Incorporation of RR laws was considered the last straw or the final nail in the coffin. While the majority of interview respondents still held out hope that their efforts would be rewarded, they too did not feel optimistic about the outcome. This perception generally confirms the social exclusion theory by which marginal groups are kept on the periphery of society, and denied hope for reintegration at any point.

It may be this lack of optimism and a sense of hopelessness that eventually leads some of the RSOs to either reoffend (“What does it matter anyway? No matter what I do I will not be allowed to become a useful member of society again”) or to break RR laws. This is counterproductive and goes against the tenet that felons who have served their time deserve the opportunity to reintegrate back into society. By further restricting the movements of RSOs in order to ensure that those prone to recidivism might be prevented from creating new victims, it could ironically result in those unlikely to reoffend committing an offence, without stopping those already prone to recidivism. While many in the justice community would not consider the perceptions of convicted sex offenders as a valid factor in policymaking, RSOs’ reaction to such laws warrants attention. If the intention of imprisonment and release is to work towards rehabilitation and to minimize the opportunity or danger of reoffending, then RSOs’ reactions must be part of the equation.

As described by Levenson (2006), RR laws are often rooted in three assumptions: (1) all sex offenders reoffend; (2) treatment does not work; and (3) the concept of “stranger danger” (p. 33). However, if one were to take these assumptions at face value, it would call into question the purpose of these laws. If all sex offenders reoffend and if treatment does not work, then society
might as well throw sex offenders in prison and leave them there. Furthermore, there is reason to be skeptical about these assumptions. The idea that treatment does not work comes from research done in the 1970s and 1980s (Furby, Weinrott & Blackshaw, 1989). However, more recent research has shown reductions of recidivism rates of up to 40% through the use of Cognitive Behavior Treatment (Hanson et al., 2002; Losel & Schmucker, 2005). The concept of “stranger danger” is commonly used to justify laws that keep sex offenders out of restricted child safety zone areas. However, the statistics on sexual offences indicate that the offender is most often someone known to the victim, with 93% of child sexual abuse perpetrated by an acquaintance (BOJS, 2000). In addition, all sexual offenders of all types and levels of danger are impacted by these laws, not just those who prey on children, making the banishment of RSOs from a geographical domain where children congregate illogical.

**General Conclusions**

There were no major surprises in the responses to either the survey or in the interviews. The responses reflected a number of previous studies along the same lines, as evident in the following general conclusions:

1) The majority of RSOs feel that RR laws create problems that make it nearly impossible to return to a productive role in society.

2) The restrictions go far beyond what is intended when it comes to rehabilitation or the prevention of reoffending.

3) The restrictions would force many RSOs to move out of urban areas, given the number of schools, daycares, parks, bus stops, and other prohibited locations.

4) The restrictions would force many RSOs onto the streets or in rural areas far from potential treatment.
5) If RSOs are prevented from taking up a role in the social order, obtaining treatment, or getting jobs, pessimism would set in with results opposite of those intended by the lawmakers: the threat of increased recidivism.

These general conclusions underscore an adherence to the social exclusion, deviant labeling, and social disorganization theories previously discussed. Such trends have been supported clearly by RSOs’ expressed feelings of social marginalization illustrated in the surveys and interviews.

Those advocating for RR laws argue that these laws are for the greater good of the community, and that the concerns, welfare, potential joblessness, and emotional states attached to sex offenders should not enter into the discussion. After all, these are people who have committed crimes against the most vulnerable and thus do not deserve special treatment or attention. On first examination, most would agree with this assessment. As evident from the literature, however, there is no empirical proof that the enactment of RR laws increases public safety, and previous studies have not shown a connection between RSOs’ residences and the tendency to reoffend. As such, the sole effect of such a law would be the further social, economic, and emotional isolation of Massachusetts’ RSOs, leading to increased difficulty finding housing, employment, and treatment. This, in turn, would make it extremely difficult to achieve a reintegration into society. These outcomes are contrary to the state’s goal of increasing public safety and protecting the welfare of children.

Thus, it is the recommendation of the researcher that the state of Massachusetts should abandon its efforts to enact such laws and focus instead on finding alternative and effective ways to monitor RSOs, track where they live, and provide treatment, health benefits, and counseling. Such efforts could lead to increased safety and security for the general public and reduce the recidivism rates to even lower levels than they are at present. Indeed, several studies have shown
that recidivism is much lower than the media leads the public to believe. A Bureau of Justice Statistics (2003) study found that 5.3% of sex offenders were rearrested within a period of three years following release from prison. A massive Canadian study of 29,000 sex offenders found a recidivism rate of 14% (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004).

As previously discussed, this study suggests that RR laws are consistent with the theory of social exclusion. If social exclusion is defined as “economic, ethnic and criminal ostracism, whereby individuals are excluded from full participation in community and society” (Cite, Year, #), then RR laws do just that. According to Sen (2000), social exclusion serves to suppress an individual’s capabilities (abilities and skills), while lowering his ability to function within society, leading to loss of quality of life. In fact, it can be argued that RR laws not only lead to social exclusion but to actual banishment. Originally used to describe conditions under tribal rule, banishment now refers to expelling a member from a community through the removal of housing options, job opportunities, or health and social services. According to the study, it appears that RSOs are already effectively ostracized and on occasion banished for crimes already punished through imprisonment. The social ostracism and banishment that released or unincarcerated offenders face are for crimes which they might commit but have not. The message that RR laws sends out, albeit perhaps unintentionally, is that RSOs do not belong within society despite having already paid for their crimes.

While banishment seems unduly harsh given the difficulty of predicting such things as who will or will not commit a crime, it could be justifiable if empirical evidence indicated ostracism or banishment reduced the number of sex crimes or RSO recidivism. Research has shown that this is not the case. In fact, the perspectives and attitudes of RSOs reveal that they are more likely to reoffend, given the constraints that RR laws place on them. In effect, the laws seem to create a
lose-lose situation: the loss of already eroded rights for RSOs without potentially decreased security for society.

**Limitations of the Study**

Aside from the small sample size, which necessarily limited the generalizability of the study, other limitations were as follows:

1) All respondents came from one state, which may differ from situations and conditions elsewhere.

2) All respondents were voluntary, thus creating a non-random participant population, which may have influenced results.

3) All results are self-reported and cannot be verified independently. This limitation was offset through soliciting self-reported opinions rather than statements of fact.

It is important to note that the study was not created to produce statements of fact, but rather to gauge the opinions and perceptions of a certain set of RSOs with regard to their feelings about RR laws. Thus, these results do not constitute a set of definitive answers or the proof or disproof of a hypothesis, but rather probe the effects of possible RR laws on RSOs. Moreover, these results are in line with those of previous studies.

**Further Research Recommendations**

This study of RSO perceptions of proposed RR laws and their effects on both their intended targets (RSOs) and society in general is, by its very nature, preliminary and incomplete. Thus, further study in this area is needed. Recommendations for future research include the following:
1) An expansion of the survey and semistructured interviews to include a larger number of RSOs from across various states. This way, comparative studies could be conducted to determine if the experiences of Massachusetts RSOs are reflected elsewhere.

2) More in-depth questionnaires and one-on-one interviews among the population of Massachusetts RSOs to further probe areas such as the effects on mental health of RR laws, the implications of sweeping assumptions about recidivism, and the identity and location of reoffenders.

3) An expansion of the survey to determine how the general population feels about RR laws for RSOs. Such a survey could also explore the relationship between the impact of the media on the general population and what empirical studies have discovered.

4) A survey among the general population that solicits recommendations on the best way to handle RSOs.

5) An examination of how other countries deal with RSOs.

6) A survey and interview study among a similar group of Massachusetts RSOs to determine what they think better approaches or solutions might be when it comes to dealing with recidivism.

**Concluding Remarks**

Though this study raises as many questions as it answers, it provides a foundation for examining the given field of study and determining future research needs. It also provides a new comparison to existing studies in the literature, particularly concerning how to deal with RSOs in a way that fosters rehabilitation, the causes and factors of recidivism, the general state of sex offender laws in the United States, and their efficacy the reduction of serious offences and recidivism. Moreover, while RSOs’ perceptions to proposed RR laws in Massachusetts may
appear predictable—a targeted group is expected to react negatively to further attempts to curtail their freedoms, especially for acts for which the group has already been punished—the implication that these laws would be as detrimental to society as they would be to individual sex offenders is surprising.

A law that curtails the rights of a specific group can be constitutional and socially acceptable, provided that the law works in the interests of the majority within society, and assuming there is some positive effect to the law. In this case, there does not seem to be any such positive effect. RSO’s opinions concerning the RR laws’ impact on recidivism is of especial concern. This study suggests that such laws might increase risks to society. The results also indicate that these laws further tear apart any social bond that may remain, leaving RSOs isolated and incapable of taking part in the type of social interaction that, according to Social Bond Theory, leads to conformity and lawful or moral conduct. Such isolation was echoed in the sense of desperation articulated by the respondents, who felt they must continue to pay for their offences after their release, and that their actions to rehabilitate were futile due to assumptions of their continued guilt by the community. Indeed, some RSOs indicated that they had either already given up hope of being accepted back in society or would quickly do so if such a law were passed.

Overall, this study has aimed to contribute to the ongoing debate concerning RSOs by providing new data concerning RSOs’ perceptions and attitudes towards RR laws. It is clear that, at this time, such laws are not the best approach to improve public safety and security and, more specifically, prevent sex offences. Further studies are needed to find additional solutions to these significant problems.
APPENDIX A: INTERVIEW GUIDE

Hello, my name is Carmen Gomez. I’m a Chief Probation Officer and a graduate student in the Department of Law and Public Policy at Northeastern University. I’m interviewing you today to get feedback regarding recent proposals for a new residency restriction law in Massachusetts. As you may know, these laws prohibit registered sex offenders from living, working, or spending time within specified distances from day care centers, schools, parks, bus stops and other places. My study is trying to find out how registered sex offenders think such a law will affect them. The following are open-ended questions about the probable impact of a new law on you personally. Please take your time and answer as truthfully and accurately as possible.

**Interview Questions**

1. Would a residency restriction law cause you financial hardship or unemployment? In what way?

2. Would a residency restriction law cause you emotional suffering? In what way?

3. Would a residency restriction law force you to live farther away from family support or a family home? In what way?

4. Would a residency restriction law force you live farther away from social services or medical facilities? In what way?

5. Would a residency restriction law probably cause you to re-offend at some point? In what way?
A Massachusetts Residency Restriction Law has been proposed, requiring RSOs to maintain a quarter mile distance from playgrounds, schools, daycare centers, and swimming pools. If such a law is imposed in your hometown (answer yes or no):

1. I will not be able to live in a home that I or my family own. (Family)
2. I will not be able to live with supportive family members. (Family)
3. I will not be able to return to my hometown and family. (Family)
4. I will be forced further away from family and friends who need me. (Family)
5. I am likely to become homeless or to be forced to leave the state. (Homeless, employment)
6. Landlords will probably refuse to rent to me as an RSO. (Homeless, employment)
7. I will find it difficult or impossible to find employment in a restricted area. (Homeless, employment)
8. I will have to live further from public transportation and public facilities. (Homeless transportation)
9. If I wanted to reoffend, I could do so even if I was subject to residency restrictions. (Recidivism)
10. I may be subject to unnecessary probation violations because of the law’s restrictions. (Recidivism)
11. Residency restrictions may push me in criminal subculture and bad associations. (Recidivism)
12. I will have trouble accessing mental health counseling, sex offense treatment, and other social services. (Recidivism)
APPENDIX C: INVITATION TO PARTICIPATE IN A RESEARCH STUDY

Hi, my name is Carmen Gomez and I am a Chief Probation Officer and a graduate student in the Department of Law and Public Policy at Northeastern University interested in the possible effects of a proposed Residency Restriction law for registered sex offenders (RSOs) in the Commonwealth of Massachusetts. If you are an RSO who feels that new laws might affect your personal rights and social standing in your community, I am inviting you to participate in a survey study of this question. Participation is anonymous, confidential, and entirely voluntary, so that if you do choose to begin the project, you can always leave the project at any time before its completion. If you choose to continue after taking the survey, you may be asked to participate in an open-ended interview session with the researcher.

The purpose of this research is to see if RSOs believe that new residency restriction laws will limit their access to housing, employment, and essential social services. The potential benefit of the project lies in a better understanding of how RSOs actually see themselves in the context of these proposed laws, and how they expect such laws would impact their own lives. The researcher is a student at Northeastern University, and the project is subject to the research protocols and protections of the Institutional Review Board of that school.

Your participation in this research project will take less than 30 minutes for the survey, and perhaps another 30 minutes if you choose to participate in the interview. There are no physical, psychological, or legal risks to participating in the research, and your name will not be associated with any permanent records, or reported to any state or local agencies. Your anonymity ensures that there is no way to link your responses to your personal information, your name or any public services agencies you may be involved with.
There is also no anticipated personal benefit or preference given to you if you participate, but there will be a $5 gift coupon for meals and refreshments for those who take the survey. There are no negative consequences for early withdrawal or failure to complete the survey and interview.

If you are comfortable with taking part in this research project, please leave your name with your counselor and you will receive a phone number to call for an appointment. If you have any questions or concerns, I will be happy to discuss them with you at your convenience.

Sincerely,

Carmen Gomez
Ph.D. Student
Northwestern University
APPENDIX D: INTERVIEW RESPONSES

Interview 1

Question 1 (Q1): Would a residency restriction law cause you financial hardship or unemployment? In what way?

Answer 1 (A1): No, I’m a disabled veteran. I receive benefits for being a veteran so I don’t think this law would change my financial situation.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, being in the shelter is my only connection to the world because I’m so afraid of stepping outside my comfort zone. If this law is passed, I would have to leave the shelter and that would cause me great suffering.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: No, my family doesn’t want anything to do with me, which is why I’m in the shelter. This law would probably keep me even farther away from them anyways.

Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, if this law is passed, I have no idea where I would go. The veteran’s shelter is right next to a school and a playground. I’m already afraid to go by these places since my picture is on the wall at the police station and I know someone will recognize me one day. All of the services I receive are in the general vicinity so I think going to these places would be out of the question. I need to be in counseling.
Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: No, well, I hope not. You never know what you would do in a situation like this. This is inhuman. This law pretends like we don’t exist and, whether people like it or not, we do. I know that what I did is wrong. I committed the offense after I came back from Iraq. I blame my PTSD [Posttraumatic Stress Disorder] for what I did. I’m not the same person I used to be but I hope I never feel like I’m out of options which is how I felt when I committed my offense.

Interview 2

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: Yes, it would cause me additional financial hardship. I was a teacher when I committed the offense and so I was obviously terminated from my job at the school. I work at a shoe store now and there is a daycare center less than a block away. I know this because one of the parents recognized me from the website and went to my boss demanding I be fired. Thankfully, I was spared with a very serious warning. Even though my boss is a good guy, he is not going to risk his business to keep a person like me working.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, even though I’ve been through a great ordeal I am still able to have a “normal” life. If this law is passed I’m completely screwed. I can’t deal with any more rejection and name-calling. I had a high profile case and people have been really abusive and unfair. I know that my victim’s parents would devote their lives to make sure that I’m not in a restricted area so they can see me back in prison. I don’t even want to think about how much more of this I can take.
Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, I’m currently living with my parents because my victim’s parents have run me out of every apartment I’ve had since my release. They kept telling my neighbors that I’m a pedophile. If this law goes into effect I would have to leave the only safe haven I have. I look at the other people in sex offender treatment and I can’t imagine what they go through at the shelters, let alone on the streets.

Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, I wouldn’t even be able to visit my probation officer whose office is the same building as a school or daycare. All my services are too close to the proposed excluded areas so I have no idea what I would do.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: Yes, prison would probably be the safest place for anyone like me if this law goes in to effect. This law would exclude sex offenders from the most basic of places such as a hospital or the supermarket. I don’t know how this law has been successful in other states. I guess that if I’m not going to be treated like a human being, then no one should be surprised when I act like an animal.

Interview 3

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?
A1: Yes, I have been able to work since I was released from prison after serving ten years for aggravated rape. My conviction hasn’t necessarily affected my ability to find a job because I always apply for jobs nobody wants, but if this shit goes on the books, I’ll never be able to work again. There’s already a lot of scrutiny on us but this takes it to another level. I don’t think that I would be able to support myself and my family.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, sex offenders are the only convicted felons that continue to pay for their crimes. Every year there’s some new law because of some kid who was raped and murdered. These laws don’t stop the behavior. Sex offenses are crimes of opportunity and the only thing that has been able to help me is counseling and reporting to my “d-bag” probation officer. The constant reminder is getting old. This is a lot of stress to deal with and, to top it off, now this law would restrict my freedom even more. This goes beyond emotional suffering. This is cruel and unusual punishment.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, I live with my wife and our two kids. For the record I never molested little kids. We live next to two schools and who knows how many playgrounds. This law would separate me from my family and force me into a shelter or on the streets. I probably wouldn’t even be able to visit my mom at the elderly complex where she lives.

Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?
**A4:** Yes, I think that all of the places I go to for counseling and other things are probably near the places this law says I can’t go to. I guess I can use this as an excuse not to see my probation officer.

**Q5:** Would a residency restriction law possibly cause you to break the law at some point? In what way?

**A5:** Yes, I would go back to my home to be with my wife and kids. It wouldn’t be fair to them, I still have to take care of them. My wife and my kids know what I did. If they don’t have a problem with it, why should anyone else?

**Interview 4**

**Q1:** Would a residency restriction law cause you financial hardship or unemployment? In what way?

**A1:** No, unless they decide to take my disability checks away from me, but I don’t think they would.

**Q2:** Would a residency restriction law cause you emotional suffering? In what way?

**A2:** Yes, I thought that having to register was bad enough. My emotions will be running high if this law is approved. People never think about the backlash of these things. If I can’t go to counseling because it happens to be in a restricted area then I can’t deal with my emotions, which is not a good thing.

**Q3:** Would a residency restriction law force you to live farther away from family support or a family home? In what way?

**A3:** Yes, I live in a basement apartment of a friend’s house, and I’m sure he would want me to move out if this law if enforced. I don’t know how close they are but I know that there are a couple of the restricted places in my neighborhood.
Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, I go into town for all of my social and medical services, and I know that there’s a daycare or a park in every corner in the city. That’s why anyone arrested with drugs is also charged with a school zone violation. In Boston, there’s probably two places in the whole city where this is not the case.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: Yes, with my jacket [criminal record], that’s always a possibility, but this law would be the icing on the cake.

Interview 5

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: No, I’m homeless and unemployed. I’m fighting to get on disability. Nobody wants to give me a job anyway because I’m a convicted sex offender.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: No, I gave up caring a long time ago. I do what I need to do so I don’t go back to jail—not fun in there. I refuse to go to a shelter so I guess I already excluded myself—just kidding. I stay here and there with friends and family. This is oppression. This is what the government does when they want to get rid of a particular group. But they are not going to break me.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, I guess I wouldn’t be able to stay with my friends and family.
Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, I guess. If this law excludes me from sleeping in parks and around, then I would have to use public transportation to get to these places. I try to sleep close to hospital or my counselor’s office the night before I have appointments at these places.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: Yes, if there’s no place to go then I’ll go to prison. I’ll ask to be in segregation all day. This is what this law would do to me anyhow. I can at least be fed three times a day.

Interview 6

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: No, I’m on disability.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, this is an unnecessary burden on people that are already at their possible lowest. Telling me that I’m not good enough to be around other people doesn’t help me deal with my “monsters.” I molested my victim at our home, not at the park. Even teachers who molest kids almost never do it at the school.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, I already do. My wife divorced me and my kids want nothing to do with me. My mom is the only one who talks to me and, if they pass this law, I’m probably going to be restricted from vising her because her house is like 20 feet away from the playground I grew up playing in.
Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?
A4: Yes, I think so. I don’t know exactly how this law would work but if I’m not allowed near a school, I guess I wouldn’t be allowed near the hospital and my doctor’s office.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?
A5: No, let’s hope not. I don’t want to go back to jail.

Interview 7

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?
A1: Yes, it has been very hard to find work since I came out of prison. I think this law would only make things harder. Right now I don’t have many choices and this law would take out 90% of the other jobs.

Q2: Would a residency restriction law cause you emotional suffering? In what way?
A2: Yes, this law would definitely cause me emotional suffering. I would feel like a total loser. Even though I have to register, I can still walk around with some freedom. This law will prevent me from being around most people. That’s really depressing. We want to belong.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?
A3: Yes, I have been very lucky that not everyone in my family turned their backs on me, but they are afraid people are going to find out I’m a sex offender, and I don’t blame them for feeling like that. This law would put even more burden on them and they would probable cut ties with me.
Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, I live with my brother and his house is right next to a school. I lived in a shelter when I came out of prison and it was awful.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: No. This is a really hard question to answer, so I’ll say no hoping nothing bad happens. This law is crazy. How can they wipe me out of existence and make people think that I don’t exist?

Interview 8

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: This is unconstitutional. I have the right to live wherever I want. The government can’t tell me where I can and cannot go. No, I’m a sovereign and nobody wants to give me work anyway. I have a hard time dealing with authority figures, which is why I’m being violated by my probation officer.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: No, this cannot hurt me. The law is about oppressing people, not helping. They want me to feel bad for what I did and keep paying for it. I have done almost 20 years behind bars, and I’m done being emotional. I’ll find a way to be wherever I want to be. I have the support of other sovereign nation members.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?
A3: No, I have no blood relatives and no stable place to call home. I have been traveling with the sovereign nation from place to place but I’m stuck here because of this case.

Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, I can only hope. This would be a great excuse not to have to go to treatment for sexual predators.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: Yes, I will not conform to this law. No one can tell me where to live.

Interview 9

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: Yes, a home is the foundation for people like me. If I’m kicked out of my mom’s apartment, I would probably lose my job and everything I have.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, living with my mother gives me comfort and stability. Not having a place to live would be very stressful.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, my mom and other family members all live at a close proximity from parks and schools. If I can’t live with those areas then I would probably have to move far away.
Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: Yes, all of my services are in town and near excluded areas.

Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: No, I will do everything in my power not to ever see the inside of a prison again in my life.

Interview 10

Q1: Would a residency restriction law cause you financial hardship or unemployment? In what way?

A1: Yes, I will definitely lose my job if this law goes into effect. There is no place I could live in the Boston area, which means I would have to go too far from my job. I don’t have a driver’s license. Everywhere in Boston is considered a school zone.

Q2: Would a residency restriction law cause you emotional suffering? In what way?

A2: Yes, this law makes me a monster. I did something wrong, but I shouldn’t have to pay for it for the rest of my life. I can’t imagine that being an outsider is a good thing.

Q3: Would a residency restriction law force you to live farther away from family support or a family home? In what way?

A3: Yes, I would be able to live with my girlfriend and our son. I can’t ask them to move into who knows where with me. They shouldn’t have to pay for what I did.

Q4: Would a residency restriction law force you to live farther away from social services or medical facilities? In what way?

A4: No, I would find a way to get to my counselor and doctor’s appointments. I see my PO [probation officer] at night at the police station and I think I can keep doing that.
Q5: Would a residency restriction law possibly cause you to break the law at some point? In what way?

A5: No, I don’t want to do something stupid and be away from my family. If my girlfriend stays with me, I would find a way to keep us together. I was tortured in prison. I do not want to go back.
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes %</th>
<th>No%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I will not be able to live in a home that I or my family own. (Family)</td>
<td>97%</td>
<td>3%</td>
</tr>
<tr>
<td>2. I will not be able to live with supportive family members. (Family)</td>
<td>97%</td>
<td>3%</td>
</tr>
<tr>
<td>3. I will not be able to return to my hometown and family. (Family)</td>
<td>91%</td>
<td>9%</td>
</tr>
<tr>
<td>4. I will be forced further away from family and friends who need me. (Family)</td>
<td>83%</td>
<td>17%</td>
</tr>
<tr>
<td>5. I am likely to become homeless or be forced to leave the state. (Homeless, employment)</td>
<td>5%</td>
<td>95%</td>
</tr>
<tr>
<td>6. Landlords will probably refuse to rent to me as an RSO. (Homeless, employment)</td>
<td>35%</td>
<td>65%</td>
</tr>
<tr>
<td>7. I will find it difficult or impossible find employment in a restricted area. (Homeless, employment)</td>
<td>18%</td>
<td>82%</td>
</tr>
<tr>
<td>8. I will have to live further from public transportation and public facilities. (Homeless transportation)</td>
<td>22%</td>
<td>78%</td>
</tr>
<tr>
<td>9. If I wanted to reoffend, I could do so even if I was subject to residency restrictions. (Recidivism)</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>10. I may be subject to unnecessary probation violations because of the law’s restrictions. (Recidivism)</td>
<td>1%</td>
<td>99%</td>
</tr>
<tr>
<td>11. Residency restrictions may push me in criminal subculture and association with bad elements. (Recidivism)</td>
<td>7%</td>
<td>93%</td>
</tr>
<tr>
<td>12. I will have trouble accessing mental health counseling, sex offense treatment, and other social services. (Recidivism)</td>
<td>13%</td>
<td>87%</td>
</tr>
<tr>
<td>Respondent</td>
<td>Interview Question 3</td>
<td>Interview Question 1</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>1</td>
<td>No/rejected by family/lives in shelter</td>
<td>No/disabled veteran/receives benefits</td>
</tr>
<tr>
<td>2</td>
<td>Yes/living with parents/hounded by victim’s parents</td>
<td>Yes/former teacher/works in store near daycare center/fears loss of job if law passes</td>
</tr>
<tr>
<td>3</td>
<td>Yes/at present with wife and children/next to schools/would be forced onto streets</td>
<td>Yes/has worked/may lose jobs if law passed/can’t support family</td>
</tr>
<tr>
<td>4</td>
<td>Yes/lives in friend’s basement/restricted areas in neighborhood</td>
<td>No/on disability</td>
</tr>
<tr>
<td>5</td>
<td>Yes/unable to stay with friends and family</td>
<td>No/homeless and unemployed/no jobs available</td>
</tr>
<tr>
<td>6</td>
<td>Yes/divorced and no access to children/stays with mom/house close to playground</td>
<td>No/on disability</td>
</tr>
<tr>
<td>7</td>
<td>Yes/would mean leaving family/ties would be cut</td>
<td>Yes/law would remove rest of jobs</td>
</tr>
<tr>
<td>8</td>
<td>No/no relatives/traveling with sovereign nation</td>
<td>No/no work/right to live anywhere</td>
</tr>
<tr>
<td>9</td>
<td>Yes/family near schools/won’t be able to live there</td>
<td>Yes/if kicked out would lose job and everything</td>
</tr>
<tr>
<td>10</td>
<td>Yes/forced to leave girlfriend and son/can’t ask them to move</td>
<td>Yes/will lose job/too many school zones</td>
</tr>
</tbody>
</table>
**APPENDIX G: EMOTIONAL SUFFERING AND DISTANCE FROM SERVICES**

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Question 2</th>
<th>Question 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes/in shelter/would be forced to leave if law passed/great suffering</td>
<td>Yes/shelter next to school/all services in general vicinity/needs counseling</td>
</tr>
<tr>
<td>2</td>
<td>Yes/tries to lead “normal” life/law would disrupt that/can’t think of going back to prison</td>
<td>Yes/not even able to visit parole officer/in same building as school/all services close to restricted zones</td>
</tr>
<tr>
<td>3</td>
<td>Yes/forced to continue to pay for crimes after release/ goes beyond emotional suffering/cruel and unusual punishment</td>
<td>Yes/all places for counseling would be in restricted zones/use as excuse not to see parole officer</td>
</tr>
<tr>
<td>4</td>
<td>Yes/registering bad enough/backlash not considered/if can’t go to counseling then can’t deal with emotions</td>
<td>Yes/social and medical services all surrounded by schools, daycares, parks</td>
</tr>
<tr>
<td>5</td>
<td>No/no longer cares/does what he needs to do/oppression/government attempt to exclude/will not break</td>
<td>Yes/if unable to sleep in parks, unable to get to social and medical services</td>
</tr>
<tr>
<td>6</td>
<td>Yes/new burden on people at their lowest/isolation not good way to deal with his “monsters”</td>
<td>Yes/if not allowed near school then not allowed in doctor’s office or hospital</td>
</tr>
<tr>
<td>7</td>
<td>Yes/feel like loser/now can still walk around with some freedom/wants to belong</td>
<td>Yes/lives with brother but would be forced to move because near school</td>
</tr>
<tr>
<td>8</td>
<td>No/can’t be hurt/done jail time and done being emotional/find way to be wherever he wishes to be</td>
<td>Yes/good excuse for not going to treatment for sexual predators</td>
</tr>
<tr>
<td>9</td>
<td>Yes/now lives with mother/no place to live would be very stressful</td>
<td>Yes/all services in or near restricted areas</td>
</tr>
<tr>
<td>10</td>
<td>Yes/makes him a monster/ shouldn’t have to pay all his life/being an outsider not good</td>
<td>No/will find way to get to social and medical services/sees parole officer at police station.</td>
</tr>
</tbody>
</table>
REFERENCES


Doe v. Miller, 405 F. 3d 700 (8th Cir. 2005).


State v. Seering, No. 34/03-0776, S. Ct. of Iowa (2005).


