

Residency laws

■ Restrictions aim to prevent repeat crimes and keep communities safe, but proof is not established critics say

BY JENNIFER SMITH
STAFF WRITER

One after another, the laws keep coming.

Across Long Island, communities concerned about the access sex offenders have to children have passed ever-tighter legislation restricting where convicted child molesters, rapists and other sex offenders can live. Nationally, 21 states and hundreds of municipalities have similar laws on the books.

But experts in sex-offender treatment and recidivism say there is little proof such measures keep communities safer or prevent sex offenders from striking again. In Iowa, for example, the number of registered sex offenders unaccounted for more than doubled after a strict residency law went into effect. And studies of supervised sex offenders in two other states indicated that where offenders lived had no impact on new sexual offenses they committed.

"There really isn't any empirical evidence to say they are a viable strategy for keeping communities safe," said Jill Levenson, a human services professor at Lynn University in Boca Raton, Fla., and a board member of the Association for the Treatment of Sexual Abusers.

More harm than good

Levenson and other experts say making it harder for sex offenders to find housing can lead to stress and instability, which can increase the likelihood they will re-offend.

Law enforcement officials caution that housing restrictions can result in clustering of sex offenders in certain areas. Long Island already has more than a dozen such clusters. The laws also can create more homeless or chronically transient sex offenders, making it harder to track them.

"We're trying to separate them from vulnerable people," said Joseph J. Abramo, the supervising probation officer for Suffolk County's sex offender unit. "But it does create stressors on them, and I hope it doesn't cause them to go underground or act out."

The Long Island laws are

Weighing in

Supporters, critics of laws to restrict sex offender housing, make their case.

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Offenders in the state of Washington soon will be required to wear satellite tracking devices.



IOWA



A state law barring sex offenders from living near schools or day care centers forced offender Dan Santee out of his Iowa home.

Ohio police use a geographical information system to monitor offenders living within 1,000 feet of schools.



part of a national trend that began a few years ago and snowballed in the wake of high-profile crimes, such as the killing last year of 9-year-old Jessica Lunsford by a sex offender in Florida, who lived nearby.

Earlier this year, Suffolk County passed a law forbidding sex offenders from living within a quarter-mile of schools and playgrounds.

Soon after, Nassau set the limit at 1,000 feet from schools

and 500 feet from public parks. In November, the Village of East Rockaway added places of worship, libraries and community centers to the zone.

And Long Beach is considering an even more stringent resolution later this month that includes school bus stops and the beach in the 1,000-foot marker — essentially banishing sex offenders from city limits.

Lawmakers behind such bills say they are common-sense

edicts that place limits on sex offenders who aren't supervised once off of probation or parole. While restrictions alone won't solve the problem, Suffolk bill's author, Legis. Jon Cooper (D-Lloyd Harbor), said, "If we're serious about this as a society, wanting to protect our kids, we need to put our money where our mouth is."

Differences between them

But some question the assump-

tions that shape residency restrictions, which they call a one-size-fits-all approach to a complex problem.

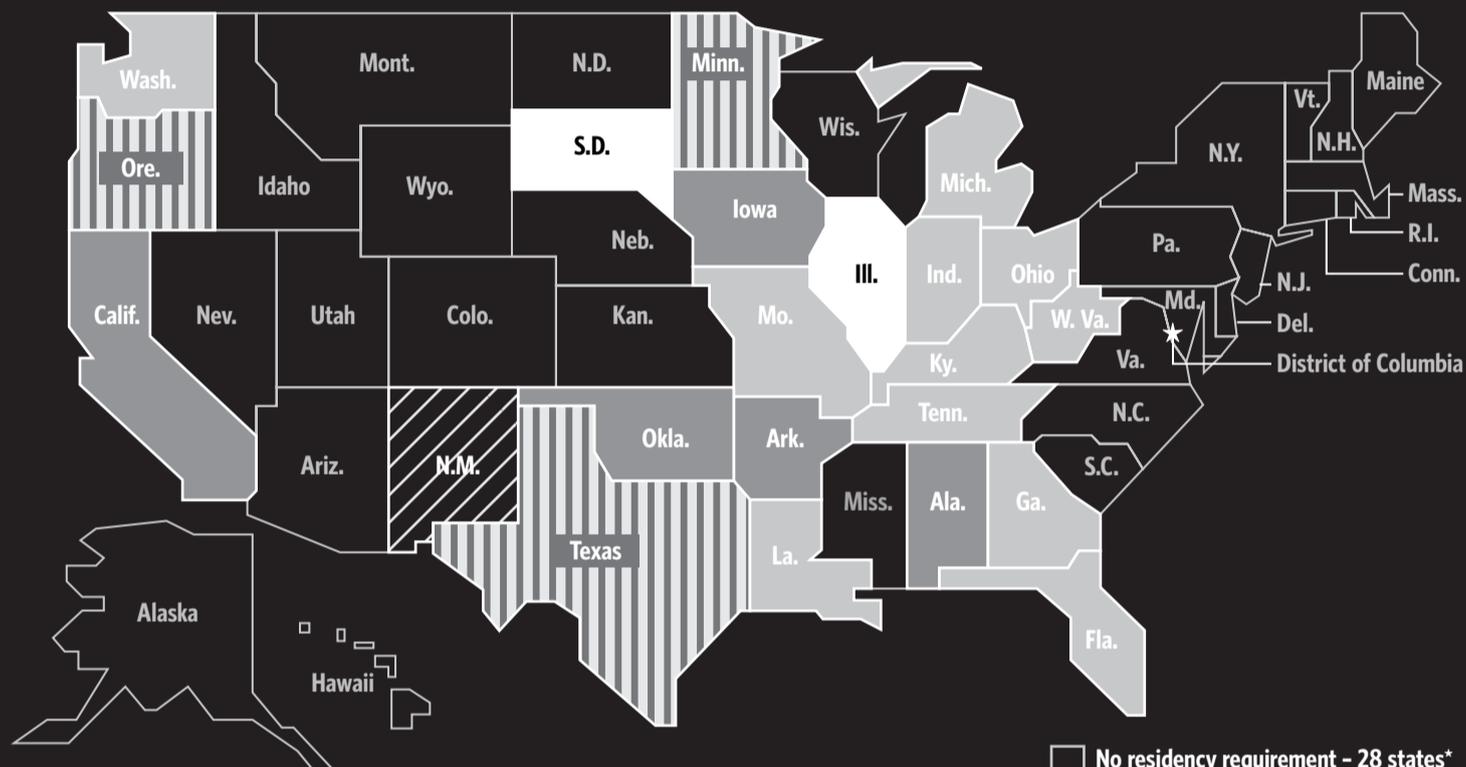
"Not all offenders are the same, and not all offenders pose the same risk," said Charles Onley, of the Center for Sex Offender Management in Maryland.

The laws in Nassau and Suffolk apply to all registered sex offenders, whether they have abused minors or adults. And

under microscope

Eye on the offenders

Twenty-one states have various restrictions that bar certain types of sex offenders from living within certain distances of places where children gather. These places can include schools, playgrounds and day care centers. In addition to statewide regulations, hundreds of municipalities nationwide have passed residency restriction laws. New York is one of 28 states that do not place residency requirements on offenders.



AP FILE PHOTOS

- No residency requirement - 28 states*
 - 0 to 500 feet - 2 states
 - 501 to 1,000 feet - 11 states
 - 1,001 feet to half-mile - 5 states
 - Determined by state parole or corrections departments - 3 states
 - Special restrictions - 1 state
- * Plus District of Columbia

In New Mexico, schools within a one-mile radius of a registered sex offender must be notified of his or her presence.

SOURCES: CALIFORNIA RESEARCH BUREAU, CALIFORNIA STATE LIBRARY

In Corpus Christi, Texas, a sign warns of the presence of a registered sex offender living in the community.

LONG ISLAND



NEWSDAY PHOTO / DANIEL GOODRICH

Suffolk County has passed a law prohibiting sex offenders from living within a quarter-mile of schools and playgrounds.

Some laws around LI

Sex offender residency restriction laws passed or currently being considered by LI counties:

April 2002. Suffolk Legislature passes law preventing county from providing housing to sex offenders within 1,000 feet of schools, churches, day care centers and other areas where children congregate.

February 2006. Suffolk Legislature passes law restricting registered sex offenders from living within 1/4 mile of any school, licensed day care center or playground. Law took effect in June.

April 2006. Nassau Legislature passes law restricting registered sex offenders from living within 1,000 feet of schools and 500 feet of parks. Law took effect in June.

regulations, such as the residency laws, aimed at preventing strangers from preying on children do not address the vast majority of sex offenses, which statistics show are committed by those knowing their victims.

"A lot of these offenders are people who have access to your children or to you," said Onley, adding that overall, between 70 to 80 percent of sexual offenders, including re-

peat offenders, know their victims.

An FBI study found more than 92 percent of girls 17 and under and 95 percent of boys in the same age group reporting a sexual assault identified a family member or acquaintance as the culprit. "It's date rape, a priest, your uncle or granddaddy, the schoolteacher," Onley said. "It's not the guy hiding behind the bush."

While residency laws make

less sense with respect to sexual abuse by non-strangers, Cooper said, they still would apply to cases where children are menaced by strangers.

Questioning the impact

Researchers are not so sure. A 2004 report on sex-offender housing by Colorado's public safety department said distance markers from schools and parks may not

deter recidivism."

A report the year earlier by Minnesota's department of corrections tracked 329 of the state's most serious sex offenders, known as Level 3's. It found that the location of the homes of those offenders relative to places where children congregate had no bearing on their subsequent sex crimes.

Thirteen of the 329 re-offended. Two of the 13 did so after driving from their homes to

parks several miles away.

"Enhanced safety due to proximity restrictions may be a comfort factor for the general public, but it does not have any basis in fact," the report said.

That danger is not lost on local law enforcement officials faced with enforcing new residency restrictions. "While it's true they can't live there, there is nothing to say they can't be

See OFFENDERS on A4

★ Residency restrictions questioned

OFFENDERS from A2

sitting in the park with a bunch of balloons and animals when the kids come," said Nassau County probation director John Carway. That was echoed by Florida sex offenders Levenson surveyed in a 2005 study on their attitudes towards that state's 1,000-foot proximity law. Most surveyed said the rule wouldn't impact their risk of re-offense.

Other sex offenders surveyed noted that despite such rules, there were still children in their neighborhoods. "What is the point if the houses on your same block are full of kids?" one respondent asked.

Local lawmakers who back residency limits often say high recidivism rates among sex offenders justify blanket restrictions. According to an oft-cited 1994 federal Bureau of Justice Statistics study, male sex offenders were four times as likely as non-sex offenders to commit a sex crime in the three years after their release from state prison. "Most sex offenders do not re-offend," said Karl Hanson, a senior research officer with Public Safety Canada who studied sex offenders for two decades.

On average, he said, sex offenders have a 10 percent to 15 percent recidivism rate five years after their release; that rate rises to about 20 percent after 10 years.

Those who support residential restrictions for sex offenders say the laws might not be perfect, but they're an improvement over the lack of supervision in New York for offenders no longer on parole or probation. "It's really a reaction to the lack of funding being allocated to monitor and supervise sex offenders for life," said Laura Ahearn, of the Stony Brook-based advocacy group Parents for Megan's Law.

But questions remain about the unintended consequences such laws can inflict.

"What we're seeing on a national basis is that, the more restrictive the residency requirements become, the more frequently sex offenders fail to comply and become 'whereabouts unknown' and drop off the radar screen," said Richard Hamill, head of the New York State Alliance of Sex Offender Service Providers.

In Iowa, the number of registered offenders with no known address more than doubled since a state law banning sex offenders from living within 2,000 feet of a school or child care facility went into effect last year.

Suffolk and Nassau probation officials say it's too soon to tell if the new rules will cause people here to go underground. But they are concerned that shrinking areas of available housing will cluster sex offenders in neighborhoods that don't violate distance restrictions, such as one cluster in the Gordon Heights / Coram area — if they can find a place at all.

"As more and more restrictions are put on people, where are the people going to live?" Abramo said. "It doesn't make problems go away by displacing them." As of October, there were 1,283 registered Level Two and Three sex offenders on Long Island.

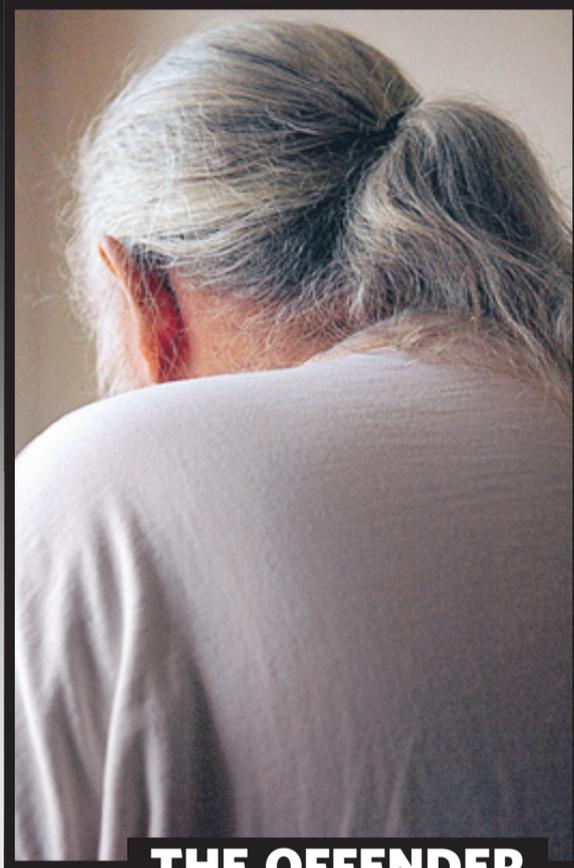
Iowa's law — one of the most stringent in the country — has undermined rehabilitation of sex offenders by making it nearly impossible for them to find housing, jobs or sustain a family life, according to a statement this year from the Iowa County Attorneys Association. The prosecutors' group said Iowa's residency restriction compromised the safety of children.

It is not clear what will happen on Long Island, where distances are smaller and restrictions newly imposed. But those who treat sex offenders say the instability such rules can cause — from constant evictions to the inability to live with family members whose homes lie within buffer zones — can pose another threat to public safety.

"This is a population that doesn't deal well with stress," Hamill said. "When we create policies that cause them to lose their housing and lose their jobs, many don't respond well. And for some, committing sex offenses is a way of managing that stress."

Staff writer Brandon Bain contributed to this story.

Speaking out



THE OFFENDER

JOHN L., 64, A LEVEL 2 SEX OFFENDER

Lives in Gordon Heights, served four years in prison for possessing child pornography.

A computer programmer in Patchogue at the time of his arrest, he said his wife and three children have cut off all contact with him.

I made a terrible mistake. It cost me my freedom. It cost me my family and friends. But is it fair to have it cost me my right to live?

I gave up my freedom once before and I'll never give it up again. No one can understand that unless they've lost their freedom, too.

The politicians, they are the ones who are fueling this . . . They're pointing at us and saying, 'They are a threat to you, and I'll make sure they won't hurt you.' . . . So what is their solution? Why don't they outline a plan for where to put us? Hate is not a solution.

On various civil confinement proposals pending in the New York State Assembly:

If a guy has served his term, how can you lock him up again? There's something fundamentally wrong with that.

On heavy media coverage of the issue:

Bad news sells papers and makes big headlines on TV. But often they're not getting any input from the offenders themselves . . . If you guys didn't keep printing these stories, the issue would die off. Each day we're painted a little more sinister and it's scaring more and more people.

— ERIK GERMAN



THE NEIGHBOR

JOYCE PULLIAM, 53, OF MASTIC

Lives across the street from a home that housed four Level 3 sex offenders who were forced to leave when it was determined the house was within a quarter-mile of a school.

People are so disgusted with the system and the children are the ones that are being hurt."

On residency restriction laws and the house across the street:

Those laws are a joke . . . They weren't supposed to be within a quarter-of-a-mile of a school, they were obviously put into that house. Nobody looked to see if there was a school, nobody cared to see if there was a school. So it took the community coming together, making a big stink with the press and the TVs and everything, for them to figure out we have to move them.

On civil confinement:

They should have some sort of civil confinement because these people are supposed to be working during the day and doing the right thing. If somebody has been out and they've been clean, so to speak, without any re-offense for maybe 10 years then maybe they can lax up on somebody like that, but they have to prove themselves first. Because they've only proven themselves to be a harm and a danger. So to me, these are nice little laws, they sound great on the books. But are they really accomplishing anything as far as protecting a child from getting molested, raped or killed?

It's not even just for protection of the kids, it's also for their protection. If they have this problem where they cannot control themselves sexually when it comes to approaching a child, then we should be giving them help in resisting the temptation that they succumb to. And society is not doing that.

— BRANDON BAIN

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Do you think towns should be able to prohibit sex offenders from certain areas? Share your thoughts on this topic, or read a special section about sex offenders on Long Island at newsday.com