

GEOSPATIAL ANALYSIS OF THE SEX OFFENDER RESTRICTION LAWS IN MONTGOMERY, ALABAMA, USA

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Abstract

Sex offender restriction laws have generated a lot of discussions since they were initiated more than two decades ago. The laws require buffer zones against sex offenders in regards of residency and employment and notification to residents of neighborhoods where convicted sex offenders reside. States are saddled with the responsibility of deciding opportunity sites against which the buffer zones should be based and the distances that sex offenders should keep away from the opportunity sites. In Alabama, the designated opportunity sites are schools and daycares and sex offenders are required not to reside or get employed within 2000ft of these facilities. Residents within 1000ft and schools and day cares within 3 miles of residence of a sex offender are expected to be notified of the sex offender's presence as a resident. This paper examines some of the implications of these restriction laws on sex offenders in the city of Montgomery, Alabama. The study found that 73% and 77% of developed land use areas and residential properties in the city fall within the restriction zone for sex offenders' residency and employment. These have implications for sex offender recidivism, homelessness and possible loss of proper monitoring, supervision and treatment of sex offenders.

Keywords: Sex offenders, Opportunity sites, Residential restriction, Notification zones

INTRODUCTION

There has been continuous attention paid to sexual crimes and sex offenders because of the obscene and often violent nature of such crimes. Consequently, in the United States of America (USA) several legislations have been crafted to address this problem. Two such laws are the Megan's Law of 1996 and the Jessica Lunsford's Law of 2005. Both laws are named after two children that were abducted, raped and murdered by sex predators. These laws provide for several restrictions on sex offenders such as a notification law which demands that the presence of a convicted sex offender taking residence in a neighborhood must be made known to other residents; and the residency law which forbids a convicted sex offender from residing within stipulated distances of prescribed facilities perceived as opportunity sites, such as schools, bus stops and churches, among others, as may be determined by states.

Principally, two basic behavioral functions associated with crime patterns are at the heart of this policy. These are the distance decay function and the opportunity function (Brantingham & Brantingham, 1993; Ratcliffe, 2006; O'Leary, 2011). The distance decay function assumes that sexual offenses are committed within short distances of the

offenders "comfort zones," which may be their residential areas or neighborhoods that offenders are familiar with. The opportunity function refers to the availability of sites where potential victims congregate. These include schools, playgrounds, public parks and churches. The proximity of sex offenders' residential locations to opportunity sites is, therefore, seen as a dangerous recipe for potential sex crimes (Velasco & Boba, 2000). Consequently, several states have designated certain facilities as opportunity sites and prohibited sex offenders from residing within stipulated distances of them.

Several studies have been undertaken to examine the geospatial impacts of sex offender's restriction laws (e.g., Harkness et al., 2006; Zhanbergen & Hart, 2006; Grubestic, Mack & Murray, 2007; Levenson, 2009, 2016; Socia, 2011; Huebner, Kras, Rydberg, Bynum, Grommon & Pleggenkuhle, 2014; U.S. Dept. of Justice, 2020). However, variations in details of the policy mean that impact levels and magnitudes may differ. For example, in Florida and Ohio states, the law restricts sex offenders from residing within 1000ft of designated opportunity sites. In Oklahoma and Iowa, the laws prescribe a 2000ft restriction. In Florida, opportunity sites are designated as schools,

daycare centers and bus stops while in Ohio only schools are so designated. In Oklahoma, opportunity sites are schools, daycare centers, parks and playgrounds. These details affect the magnitude and significance of impacts of the laws. Also, the spatial extent of the study area is important for the impacts of the laws. For example, a countywide study would encompass a much larger land area, most of which may not be inhabited or attractive as potential residential opportunities to convicted sex offenders in regards of residency and/or employment opportunities. A city provides a much compact space, concentrated number of convicted sex offenders and a larger number of opportunity sites, which means different levels of impact.

The significance of the spatial extent consideration brings into focus the factors of sex offences and their economic and social ramifications. First, most sex offenses occur in urban areas (Duhart, 2000). Second, the urban centers constitute the areas with the highest number and concentration of sex offenders for reasons of anonymity, and availability of employment opportunities. Third, the cities also have the highest number and concentration of opportunity sites for reasons of population concentration. The compact urban settlement pattern also means that the probability that sex offenders may be in close proximity to opportunity sites is higher and so residential restriction would probably be more significantly impactful.

Conceptually, therefore, the impact of the restriction law is hinged on the size of residential opportunities in the study area, the range of designated opportunity facilities, the number and location of the opportunity sites and the number of convicted sex offenders' resident in the area. The details of the restriction laws and the spatial extent of the study are therefore crucial to the nature and magnitude of the impacts of sex offenders' restriction laws. This study examines the geospatial implications of the sex offenders' residential restriction laws in an urban setting in the city of Montgomery, Alabama.

LITERATURE REVIEW

Alabama Sex Offender Registration Act and Residential Restriction Law

The State of Alabama is one of the first states to have passed both Megan's and Jessica Lunsford's laws in 1996 and 2005, respectively. The Sex Offender Registration

Act, Section 15-20A-11 - Adult sex offender - Prohibited Residence Locations states that:

“(a) No adult sex offender shall establish a residence or maintain a residence after release or conviction within 2,000 feet of the property on which any school, childcare facility, or resident camp facility is located unless otherwise exempted pursuant to Sections 15-20A-23 and 15-20A-24. For the purposes of this section, a resident camp facility includes any place, area, parcel, or tract of land which contains permanent or semi-permanent facilities for sleeping owned by a business, church, or nonprofit organization used primarily for educational, recreational, or religious purposes for minors and the location of the resident camp has been provided to local law enforcement. Resident camp does not include a private residence, farm, or hunting or fishing camp.

(h) For the purposes of this section, the 2,000-foot measurement shall be taken in a straight line from nearest property line to nearest property line. (i) Any person who knowingly violates this section shall be guilty of a Class C felony.”

Section 15-20A-13 also states that:

(b) No adult sex offender shall accept or maintain employment or a volunteer position within 2,000 feet of the property on which a school or childcare facility is located unless otherwise exempted pursuant to Sections 15-20A-24 and 15-20A-25.

Section 15-20A-21 deals with the notification policy:

(1) In the Cities of Birmingham, Mobile, Huntsville, and Montgomery, the chief of police shall notify all persons who have a legal residence within 1,000 feet of the declared fixed residence of the adult sex offender and all schools and childcare facilities within three miles of the declared fixed residence of the adult sex offender that the adult sex offender will be establishing or has established as his or her fixed residence.

Each year, during the sex offender's birth month and every three months thereafter, the offender must register in person and register with the local law enforcement agency. The registration form, accompanied with a current photograph and fingerprints are then forwarded to the Alabama Law Enforcement Agency (ALEA) for verification and updating of information on offender (ALEA, 2020)

Implications of the Sex Offenders' Residential Restriction Law

Several reasons have been adduced for the residential restriction policy on sex offenders. Levenson (2007) identifies three of these assumptions: (i) all sex offenders re-offend (or at least a vast majority of them); (ii) treatment does not work; and, (iii) stranger danger (i.e., the belief that strangers pose more danger than known persons). Consequently, advocates of residential restriction policies believe that they (policies) will restrict the likelihood of sex offenders coming into contact with potential victims. However, these beliefs are not apparently supported by the facts.

Levenson (2009) contends that there is no relationship between recidivism of sex offenders and their residential proximity to opportunity sites. Most sexual crimes are committed by persons who are acquaintances of the victim, or in many instances very close relatives (Spoo, Kaylor, Schaaf, Rosselli, Laake, Johnson & Jeglic, 2017). And rather than most designated opportunity sites, sexual crimes occur more in the victims' homes (Greenfield, 1997). Nevertheless, a large security premium is placed on "safe" neighborhoods, which are perceived as neighborhoods sans convicted sex offenders. For example, studies indicate that presence of sex offenders have adverse effects on property values. Larsen, Kenneth & Joseph (2003) found that single-housing prices decline by 17% within 0.01 mile of a dangerous sex offender's home. Linden and Rockoff's (2006) estimated 4% depreciation of the values of homes within similar spatial dimensions of a sex offender's residence in Mecklenburg County, North Carolina. They aver that there is a strong distaste of proximity to sex offenders and that households are willing to pay high costs for policies that remove offenders from their neighborhoods. Within such contexts, the restriction law is an attractive proposition.

On the other hand, Nieto and Jung (2006) have documented several opinions of experts opposed to the residency limitation law. These span from fear that offenders are being pushed to go underground and away from treatment and monitoring, to a possible false sense of safety that is accorded the community. The policy invariably separates sex offenders from family members who act as emotional support buffers, and from employment opportunities. In the process it creates new hardships that may initiate instability. It has been suggested that isolation of offenders often exacerbates, rather than mitigate, the risk factors that result into recidivism (Hanson & Harries, 2001; NACDL, 2007).

The problem in Linn County, Iowa, became a reference point for opponents of the restriction law. According to law enforcement agents in Cedar Rapids, 247 of the 435 (56.8%) sex offenders registered before the 2000 feet restriction policy was imposed have disappeared. Sheriff Don Zeller summarized the problem succinctly: "We went from knowing where about 90% of them were (to) 50 to 55% ...the law created an atmosphere that these individuals can't find a place to live" (Nieto & Jung, 2006). Some studies have suggested that the law has exacerbated the problem of homelessness in cities. Cann and Scott (2020) found that there is a significant relationship between the implementation of sex offenders' residential restriction law and rates of homelessness among convicted sex offenders in South Carolina.

MATERIALS AND METHODS

Study Area

Montgomery, Alabama is the capital city of the State of Alabama, USA, and the county seat of Montgomery County. According to the official website of the city (<https://www.montgomeryal.gov/live/about-montgomery/facts-about-montgomery>), it has a population of 201,998 and a total land area of 402.43 sq. km out of which 140.377 sq.km is computed by researchers for residential land uses in the cropland data.

In the state of Alabama, there are over 16,000 registered sex offenders on the register (ALEA, 2020). The agency notes that data on some sex offenders are not accessible to the public due to court restrictions on juvenile, young adult offenders and out-of-state status.

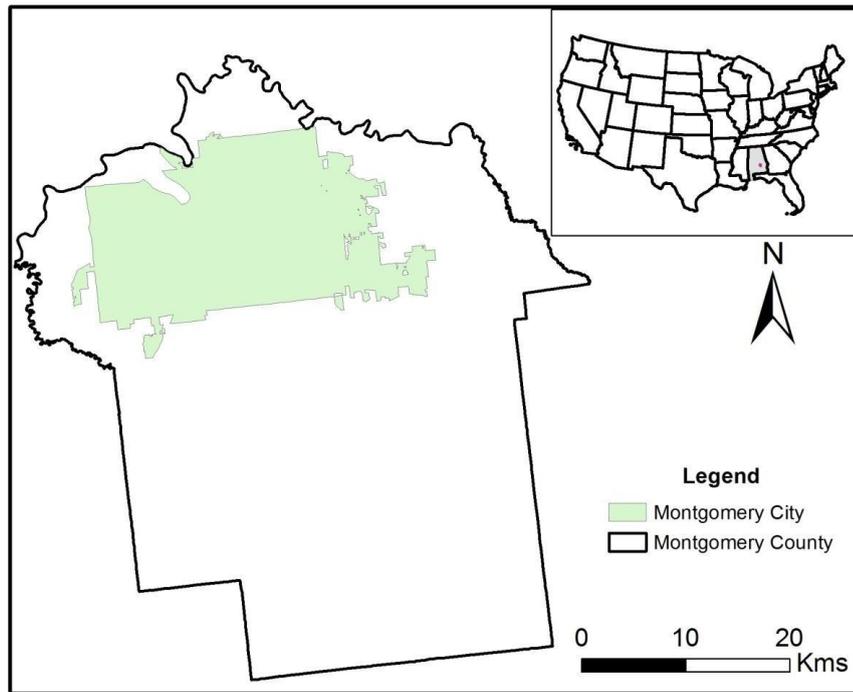


Figure 1 Montgomery City, Alabama, USA (Study Area)

Data Types and Sources

Several types of data were collected from different sources. These included the data on sex offenders, schools, Daycares and land uses in the city of Montgomery, Alabama. Census data, e.g., block, blockgroups and tract shapefiles were also collected.

Sex Offender Data

Data on sex offenders were collected from the Montgomery, Alabama, Registered Sex Offenders website (<https://www.city-data.com/so/so-Montgomery-Alabama.html>). The information available on the website included comprehensive information on sex offenders: names and aliases, residential addresses, offenses committed, dates of conviction, photographs, race, height and weight measurements, eye colors and distinguishing marks on the body such as birth marks, scars and tattoos. It however does not contain information on location of crime sites, and no information on victims or their characteristics are available.

The sex offenders' data was collected on September 16, 2020. This is important because the website gets updated frequently. The data used is therefore static and applies to the situation as at the date of data collection. There were 398 records of sex offenders for the city of Montgomery, Alabama.

Schools and Daycare Facilities

The restriction policy in Alabama covers two basic opportunity facilities: schools (high, junior and middle schools, elementary schools) and daycare centers. Data on high, middle, junior and alternative schools were collected from the Montgomery City Public Schools website

(<https://www.montgomeryal.gov/live/community/montgomery-public-schools>) while those on private schools and daycare centers were collected from several websites, which contained information on names and addresses of facilities. These were collected on September 16, 2020. There are many websites dedicated to providing information on schools and daycare centers in Montgomery for different number of reasons, including advertising and promotion of schools and daycare centres, grading schools and daycare centers, among others. Data were collected only from websites that posted the most comprehensive list (highest number) of schools and daycare centers. The data was then closely cross-checked against information from other websites to fill in for schools and daycares that may not have been listed in the preferred website and to insure that the addresses and names are consistent. Some addresses listed in the website used were found to be inaccurate, especially with regards to street address nomenclatures (e.g., Avenue vs Street, or Road,

etc), which were then corrected. A total of 247 public and private schools and daycare centers were identified in the city of Montgomery, Alabama.

Data on Montgomery and Land Uses

Several shapefiles for Montgomery were downloaded from the United States Bureau of Census website (https://www.census.gov/geo/partnerships/pvs/partnership20v1/st01_al.html). These included census blocks, block groups and tracts; population, housing and income data; and comprehensive roads and address features. These were important for determining area size of the city, income and population distribution, and geocoding of sex offenders, schools and daycare facility addresses. Data were collected on September 16, 2020.

Data on land uses in the city was obtained from the cropland data downloaded from the United States Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Geospatial Data Gateway website (<https://datagateway.nrcs.usda.gov/>).

The cropland data has detailed information on the land uses of each parcel of land in the study area. Developed land uses are categorized as high, medium or low density.

Data Processing and Analysis

The basic concepts employed in the investigation are geocoding of location information (addresses) of opportunity facilities and residential location of sex offenders, and creation of buffer zones around opportunity facilities. All shapefiles were imported into a personal geodatabase for better data management. ArcGIS 10.5 was employed in analyzing the data.

Geocoding Operations

Data were collected on 398 registered sex offenders for the city of Montgomery. Sixteen (16) offenders were listed as "homeless" and five (5) as "out of state." There were eight (8)

addresses that were incomplete. They had street names but no house numbers. Of the remaining 369 addresses, 358 were successfully geocoded (97%), out of which 340 addresses were verified within the city limits of Montgomery.

Buffering Operations

The restriction policy is basically a geographical requirement, which sets a buffer zone around schools and daycare facilities against sex offenders. Three buffer zones were created. Both the residential and employment restriction zones required a buffer of 2000 ft created around schools and daycare facilities in the city. Two buffer zones of 1000 ft and 3 miles were created around the residential addresses of sex offenders as notification zones.

RESULTS

Residential and Employment Restriction

The residential and employment restriction policies for the city of Montgomery, Alabama require that convicted sex offenders do not reside or should not seek or receive employment within 2000ft of schools and daycare centers. The result of the analysis indicates that 97 sex offenders are probably in violation of this restriction law as their residential addresses fall within the 2000ft buffer zones of schools and daycare centers (Figure 2). This is a product of the conscious planning decisions to locate schools and daycare centers close to residential areas for easy accessibility, safety and convenience. Consequently, buffers around opportunity sites will inevitably affect most residential land use parcels.

Section 15-20A-11(c) however states that changes to property within 2000ft of a sex offender's residence after the offender has taken residence shall not be deemed a violation. Since no data was available on the dates of establishing residence for sex offenders, it is difficult to ascertain how many, if any, of the sex offenders are in violation of this residential restriction law in Montgomery.

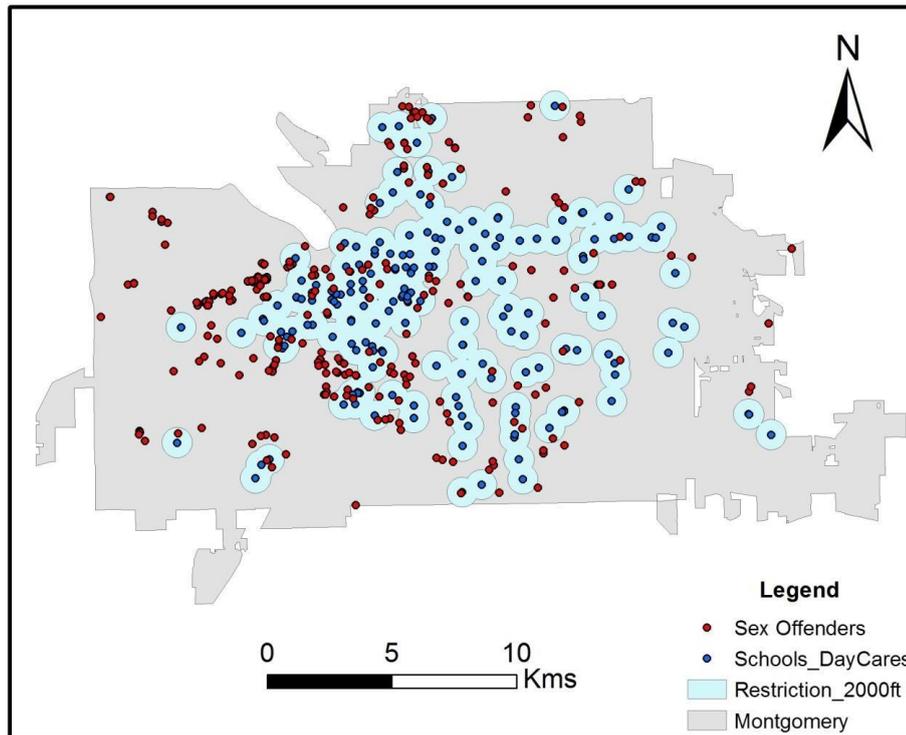


Figure 2 Location of Sex Offenders and Opportunity Sites (School and Day Cares)

The total land area of the city of Montgomery is 402.43 sq. km of which 140.38 sq. km is classified as developed land uses. The remaining 279 sq. km is taken up by agricultural and other (e.g., barren land and water) land uses. The developed land uses are classified as low, medium and high intensity. These include housing or residential, business and commercial, educational and other land uses. The 2000ft residential and employment restriction zone covers 114.53 sq. km. This is 82% of the developed land area of the City. The actual area of overlap between the restriction zone and the developed land uses is 101.79 sq. km, which is 73% of the developed land use area. The implication is that only 27% of the developed land area that contains residences and employment opportunities (e.g., business/commercial, educational and housing) is available to sex offenders for residential and employment accommodation. This greatly reduces the opportunities for sex offenders to get accommodation and employment (Figure 3).

A more detailed examination of the census block data of the city indicates that there are 92,115 residential parcels available. However, 70,779 housing units are intersected by the restriction buffer. This is 76.84% of residential properties that are probably restricted to registered sex offenders for residential purposes. Only the remaining 21,336 properties are open to competition for sex offenders and others. Figure 3 shows that much of the core city center is already taken out by the restriction zone and alternative housing is probably available only at the peripheries of the City. This probably explains why the highest density of sex offenders resides at the edges of the developed land uses (Figure 4). This may be equally true of employment for convicted sex offenders.

Further analysis shows that 228 sex offenders (67%) currently reside in census tracts where 40% or more of residents earn \$25,000 or less annually. These are usually poor neighbourhoods where crime levels are high.

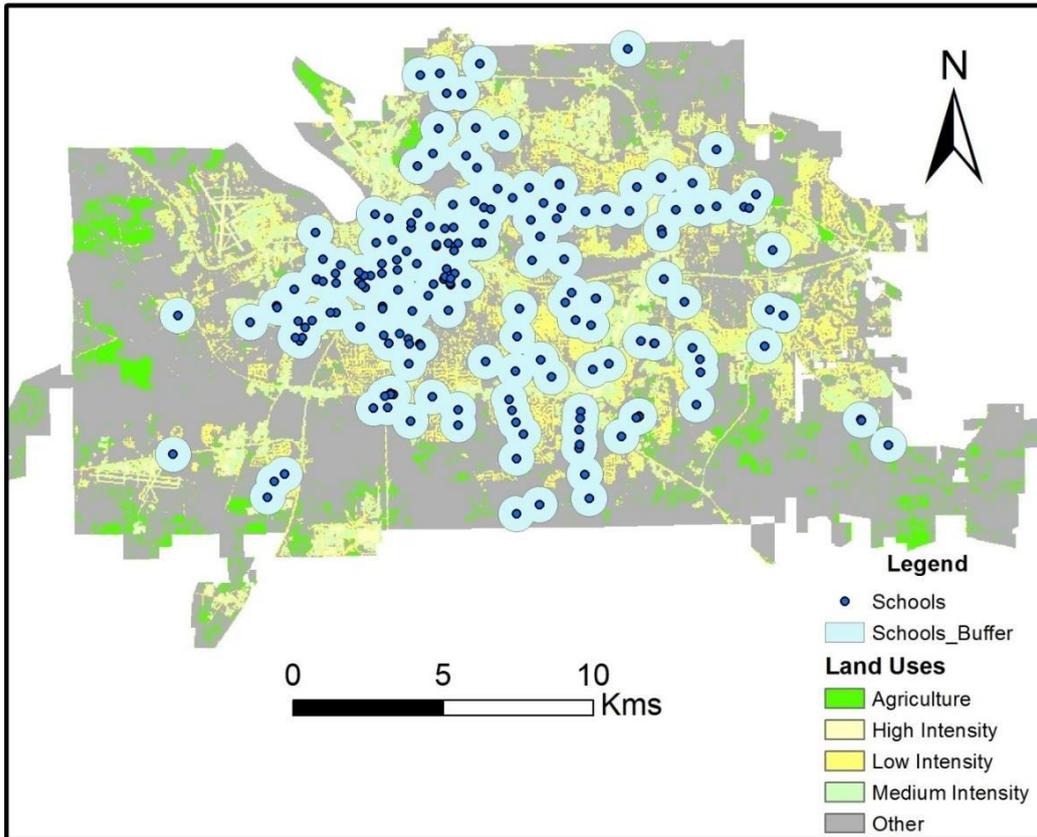


Figure 3 Residential and Employment Restriction Zone

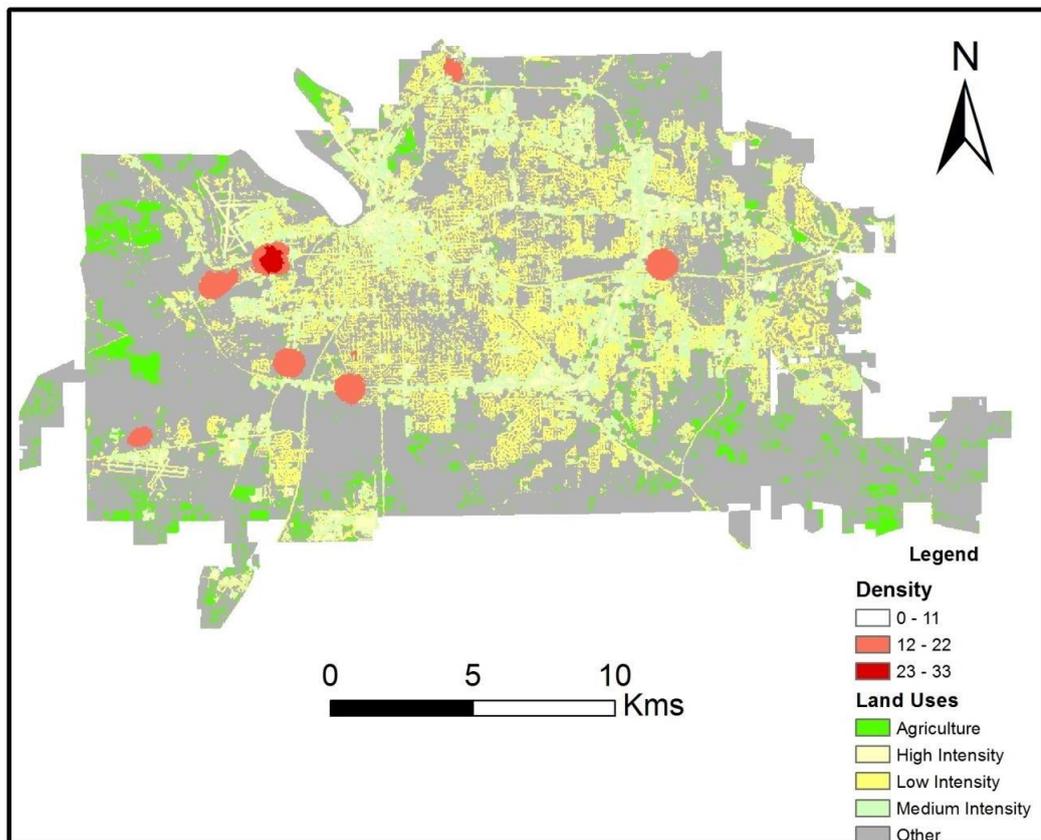


Figure 4 Residential Density for Sex Offenders

Notification Restriction

The notification policy requires that residents living within 1000ft of the residence of a convicted and registered sex offender be notified of the offender’s presence in the neighbourhood as a resident. Schools and daycare centers within three (3) miles of the residence of the said offender should also be notified. Figure 5 shows the area of notification

for the present crop of sex offenders residing in the city of Montgomery, Alabama.

For neighbourhood notification, the buffer zone covers an area of 47.70 sq. km. This represents the area that the law requires that residents be notified that a sex offender has established residence within 1000ft of their residence. The notification zone for schools and daycare facilities covers almost the entire city.

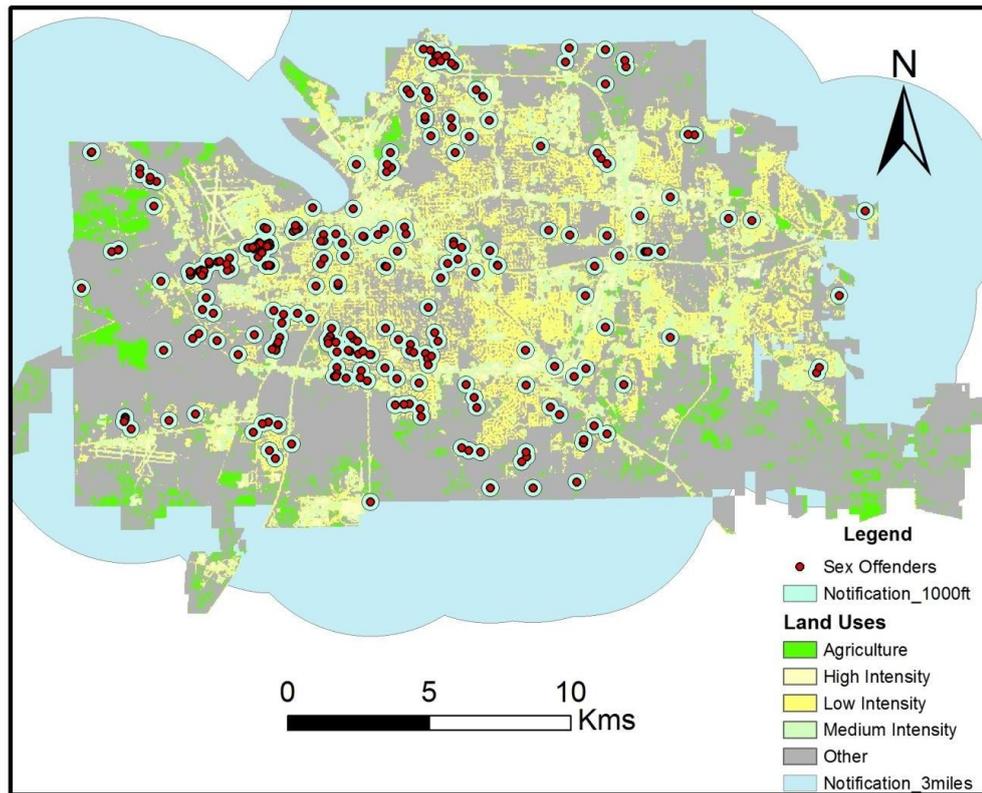


Figure 5 Notification Zones for Sex Offenders’ Residency

DISCUSSION

The implications of the sex offenders’ restriction laws in Montgomery, Alabama are manifold. Levenson (2016) noted that felony convictions (e.g., sex offenses) come with employment obstacles, denial of public benefits (including housing), decreased educational opportunities, estrangement from family and friends and disenfranchisement.

First is the problem of availability and affordability of housing for rent for sex offenders. About 73% of the developed land area and 77% of residential properties in Montgomery are within the 2000ft residential and employment restriction zone. By implication only 27 % and 24% of the developed land area and residential properties, respectively, are available to sex offenders.

Levenson (2009) reported that in Orange County, Florida, 99% of residential properties are within the state’s restriction zone, and 60% of residential dwelling are within the restriction buffer in Columbus, Ohio. In New Jersey, it is 80% and in four metropolitan areas of South Carolina, 45% of residential parcels are restricted.

With limited employment opportunities available to sex offenders, most of them are less financially independent or can afford a mortgage (Levenson and Hern, 2007; Socia, 2011) and therefore are not capable of paying high rents for compliant residential properties. There is therefore the likelihood of a concentration of sex offenders in poor, high density and crime-laden neighbourhoods.

Already, 67% of registered sex offenders in Montgomery live in poor neighbourhoods where at least 40% of residents earn \$25,000 or less annually.

Sex offenses come with a strong stigma. Larsen et al. (2003) and Linden and Rockoff (2006) indicate that neighborhood residents are adverse to accommodating convicted criminals, especially sex offenders for fear of losing a “safe” neighborhood, and the loss of property values due to proximity of sex offenders to the property. This situation is made worse by the notification law which ensures that residents are notified when a convicted sex offender takes residence in the neighborhood. With the present burden of stigma that the sex offender group carries, it is conceivable that not many neighborhoods will be sympathetic and welcoming, even if housing is available (Levenson & Hern, 2007). The stigma insures an experience of harassment and closes many windows of employment opportunities for many offenders. Residential choices, therefore, are limited to neighborhoods that are affordable. A major problem here is the potential clustering of displaced sex offenders into a small number of low-profile and low-income neighborhoods, many of which may be ridden already with high levels of crime (Levenson & Cotter, 2005).

Another alternative scenario for sex offenders to seek housing in the City is a move away from the city to surrounding neighborhoods or other cities/towns or rural areas, which could offer anonymity and opportunities for a new life (Tewksbury & Mustaine, 2006; Zevitz, 2006). The move may encourage non-registration by sex offenders in new locations for fear of a spiral cycle of the experiences in the city. The implication is that their new addresses are unknown. The aims of supervision and treatment of sex offenders suffer defeat in the process as monitoring and rehabilitation become impossible without knowing where they are located. A move away from the city may also mean a move away from family and friends, who are the support system sex offenders need to help them reintegrate into the community and keep them away from re-offending (Burchfield, 2011; Tewksbury & Copes, 2012; Steiner, Makarios and Traveis, 2015).

Homelessness is a real implication for sex offenders (Levenson, Ackerman, Socia & Harris, 2015; Levenson, 2018). Rydberg,

Grommon, Huebner and Bynum (2014) and Cann and Scott (2020) showed that residential restrictions of sex offenders lead to homelessness. Monitoring, supervision, treatment, rehabilitation and reintegration of sex offenders therefore become more difficult (Socia, 2011). These result in a higher chance of sex offenders to recidivate. Levenson (2016) reported that 2-3% of registered sex offenders in the USA have been designated as homeless. This is slightly higher in Montgomery, at about 4%, which calls for caution.

CONCLUSION

There is a plethora of research that suggests that sex offender restriction laws do not appear to solve the problem of sex crimes in communities (Socia, 2014; Levenson, 2018). However, there is no denying their political or even social appeal (Tewksbury, Mustaine & Payne, 2011; Socia, 2012). Some studies, however, indicate that some aspects of sex offenders’ restriction laws are losing their appeal with citizens. Anderson, Sample and Cain (2015) found that 56% of Nebraskans favoured residential restriction of less than 1000ft as prescribed by the policy in Nebraska. Spoo et al. (2015) also found that victims of sexual offenses are more supportive of sex offenders and less punitive in their perception of the restriction laws than non-victims. Victims, they found, are less supportive of sex offenders’ registration and notification laws and in more support of their treatment and rehabilitation. It is no wonder that the calls for the repeal of these laws has grown over time (Levenson, 2018). According to Socia (2014) the states of Kansas and New Hampshire have prohibited blanket statewide sex offender restriction policies.

Several suggestions have been presented. For example, Levenson (2007) suggests that “child safety zones” rather than residential restriction laws will be more helpful. Child safety zones prohibit sex offenders from loitering around opportunity sites where they may come into contact with and cultivate relationships with children. Global Positioning Systems (GPS) equipment could be used to supplement the monitoring and enforcing the law on movements of sex offenders. Socia (2014) further suggests that restriction laws should be customized to individual sex offenders such that those convicted on sex crimes not related to proximity to stranger-child

victims may not be subjected to the residential restriction laws.

Sex offender laws should include some positive incentives for registrants rather than only the negative motivation it provides. For example, first time offenders who maintain a consistent record on the supervisory role, submit themselves to treatment options available to them and do not reoffend within a given period of time, should be taken off the registry. This may curry compliance with the registration requirements even if offenders should move out of the city.

Clearly the residential restriction law is a preventive measure applied retroactively. It seeks to prevent recurrence of an offense, rather than its occurrence. The target therefore is convicted persons. The simple logic is that potential offenders are hard to determine but known predators can be contained. There is, however, definitely a need to examine more closely the impact of the residency restriction policy in regards to its efficacy as a preventive measure against sexual offenses and violence. There is no doubt that the problem of sexual crimes should be given all the attention it deserves because it is one that touches the nerve of the whole community. Levenson (2007) succinctly summarizes the emotion that associates with sex offenders:

“Politicians and citizens are unlikely to be sympathetic to the challenges these restrictions create for sex offenders, and rightly so. Some sex offenders do indeed pose a serious threat to communities, and neighborhood residents have a legitimate and valid interest in protecting children from sexual violence. From a public safety standpoint, however, it is more efficient to establish policies that do not inadvertently contribute, even indirectly, to the risk for re-offense. Professional and policymakers alike are encouraged to consider a range of available options for creating safer communities and to endorse those that are most likely to achieve their stated goals while minimizing collateral consequences” (p. 8)

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