



128 DORRANCE STREET, SUITE 220  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
[www.riaclu.org](http://www.riaclu.org)

**TESTIMONY IN OPPOSITION TO 15-H 6025,  
AN ACT RELATING TO SEX OFFENDER RESIDENCY  
April 8, 2015**

When the current law banning sex offenders from residing within 300 feet of a school was enacted, it was done with literally no discussion or debate and with no testimony in support of the proposal. Time has not made this law any better. Rather than being expanded, the law should be repealed.

The ACLU believes there are a number of serious legal concerns about the current law, all of which are only exacerbated by this bill. But leaving aside legal issues, these laws are ineffective and counter-productive, and they are recognized as such almost uniformly by law enforcement officials and by professionals involved in the treatment of sex offenders. The law, and this bill, makes no attempt to differentiate between sex offenders based on their risk level or the length of time since they offended or any other relevant factor.

On a more general level, residency restrictions are based on the flawed assumption that most sexual abuse is committed by strangers. Yet the statistics are clear: 90% or so of child sexual assaults are committed by family members, friends or acquaintances of the victim, not by strangers who find their victims at schools or parks. Thus, a law like this completely misses the mark, for the problem has nothing to do with not knowing where a sex offender is located. Unfortunately, the law has the further negative impact of making it very difficult for sex offenders to reintegrate themselves into the community, and the resulting instability can have the effect of increasing, rather than decreasing, the likelihood of recidivism. It certainly increases their risks of homelessness and limits police ability to monitor their location.

It is important to emphasize that this view is shared by many in law enforcement. As the Iowa County Attorneys Association noted: “Research shows that there is *no correlation* between residency restrictions and reducing sex offenses against children or improving the safety of children.” A statement they issued goes on to point out in detail the numerous other problems associated with these laws. This is particularly relevant because Iowa was one of the first states in the country to implement residency restrictions for sex offenders. Closer to home, a Rhode Island legislative task force on sex offenders that the General Assembly itself created some years ago came to the same conclusion. A few years ago, Day One also issued a statement opposed to residency laws. In short, as appealing as a law like this might appear politically, it is a disaster as a matter of public policy.

We urge the Committee to carefully consider the consequences associated with this law and to repeal it, not expand it.

## ***A Sample of Organizational Opposition to Sex Offender Residency Requirements***

“Residency restrictions are having unintended consequences that decrease public safety ... Because residency requirements cause instability, which may increase the risk of re-offense, Day One opposes residency restrictions.”

- **Day One**, “Policy Statement on Management of Sex Offenders,”  
[www.ilvoices.com/uploads/2/8/6/6/2866695/07-dayone.pdf](http://www.ilvoices.com/uploads/2/8/6/6/2866695/07-dayone.pdf)

“Sex offenders in the states with residency restrictions are more likely to move frequently, become homeless, or ‘go underground,’ all of which consequences make them much more difficult to supervise and monitor. Instead, research shows that sex offenders with residential and family stability (which can be disrupted by such restrictions) are less likely to commit new sex offenses.”

- **Rhode Island Sex Offender Management Task Force**, Draft Policy Statement

“The unintended consequences of residence restrictions include transience, homelessness, instability, and other obstacles to community reentry that may actually compromise, rather than promote, public safety ... Thus, residence restrictions, aimed at improving community safety may inadvertently create an environment in which offenders are at an increased risk to reoffend.

- **Association for the Treatment of Sexual Abusers**, “Sexual Offender Residence Restrictions,”  
<http://www.atsa.com/pdfs/Policy/2014SOResidenceRestrictions.pdf>

“There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.”

- **Iowa County Attorneys Association**, “Statement of Sex Offender Residency Restrictions in Iowa,”  
[http://www.csom.org/pubs/iowa%20DAs%20Association\\_Sex%20Offender%20Residency%20Statement%20Dec%202011%2006.pdf](http://www.csom.org/pubs/iowa%20DAs%20Association_Sex%20Offender%20Residency%20Statement%20Dec%202011%2006.pdf)

“There is no evidence to support the efficacy of broadly applied residential restrictions on sex offenders, and ... it is contrary to good public safety policy to create sex offender ghettos.”

- **Association of State Correctional Administrators** Resolutions, “Resolution #13- Neighborhood Exclusion of Predatory Sex Offenders”,  
[www.asca.net/system/assets/attachments/910/Resolution\\_13.pdf](http://www.asca.net/system/assets/attachments/910/Resolution_13.pdf)

“Whereas, it is contrary to good public safety policy to create disincentives for predatory sex offenders to cooperate with the responsible community corrections agencies, therefore be it resolved that the American Correctional Association calls upon all legislative bodies to take into consideration the unintended consequences to statutes intended to exclude these offenders from neighborhoods or locations.”

- **American Correctional Association**, “Neighborhood Exclusion of Predatory Sex Offenders”,  
[http://www.uncomfortabletruth.org/index.php?option=com\\_content&view=article&id=101:american-correctional-association-resolution&catid=44:residency-restrictions&Itemid=68](http://www.uncomfortabletruth.org/index.php?option=com_content&view=article&id=101:american-correctional-association-resolution&catid=44:residency-restrictions&Itemid=68)