

CONTENTS

VOLUME 10 • ISSUE 2 • MAY 2011

VOLLMER AWARD ADDRESS

VOLLMER AWARD ADDRESS. Socially responsible Criminology: Quality relevant research
with targeted, effective dissemination207

Howard N. Snyder

VOLLMER AWARD COMMENTARY. The magic and power of data: A tribute to
Howard Snyder.....217

Shay Bilchik

VOLLMER AWARD COMMENTARY. Howard N. Snyder: The nation's foremost expert
on juvenile justice data.....223

David P. Farrington

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

EDITORIAL INTRODUCTION. Sex offender policies in an era of zero tolerance:
What does effectiveness really mean?229

Jill S. Levenson

EXECUTIVE SUMMARY. Overview of "Measuring the impact of sex offender notification
on community adoption of protective behaviors"235

Rachel Bandy

RESEARCH ARTICLE. Measuring the impact of sex offender notification on community
adoption of protective behaviors237

Rachel Bandy

POLICY ESSAY. The need to debate the fate of sex offender community
notification laws265

Lisa L. Sample

POLICY ESSAY. What is smart sex offender policy?275

Karen J. Terry

DECARCERATION IN CALIFORNIA

EDITORIAL INTRODUCTION. Decarceration: Political possibility, social sentiment, and structural reality	283
Vanessa Barker	
EXECUTIVE SUMMARY. Overview of “The past as prologue? Decarceration in California then and now”	287
Rosemary Gartner, Anthony N. Doob, Franklin E. Zimring	
RESEARCH ARTICLE. The past as prologue? Decarceration in California then and now	291
Rosemary Gartner, Anthony N. Doob, Franklin E. Zimring	
POLICY ESSAY. So policy makers drive incarceration – Now what?	327
Shawn D. Bushway	
POLICY ESSAY. Penal moderation in the United States? Yes we can	335
Mary Bosworth	

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

EDITORIAL INTRODUCTION. Policy implications of sex offender residence restrictions laws	345
Richard Tewksbury	
EXECUTIVE SUMMARY. Overview of “The policy implications of residence restrictions on sex offender housing in Upstate NY”	349
Kelly M. Socia	
RESEARCH ARTICLE. The policy implications of residence restrictions on sex offender housing in Upstate NY.....	351
Kelly M. Socia	
POLICY ESSAY. Residence restriction buffer zones and the banishment of sex offenders: Have we gone one step too far?	391
Kristen M. Zgoba	
POLICY ESSAY. Place a moratorium on the passage of sex offender residence restriction laws	401
J. C. Barnes	

POLICY ESSAY. Residence restrictions	411
Keri B. Burchfield	
POLICY ESSAY. The contexts and politics of evidence-based sex offender policy.....	421
Chrysanthi Leon	

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

EDITORIAL INTRODUCTION. Editorial introduction to: “Does fringe banking exacerbate neighborhood crime rates?”	431
Steven F. Messner	
EXECUTIVE SUMMARY. Overview of “Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending”	435
Charis E. Kubrin, Gregory D. Squires, Steven M. Graves, Graham C. Ousey	
RESEARCH ARTICLE. Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending	437
Charis E. Kubrin, Gregory D. Squires, Steven M. Graves, Graham C. Ousey	
POLICY ESSAY. Crime, local institutions, and structural inequality: The cost of payday lending institutions	467
Eric A. Stewart	
POLICY ESSAY. Criminology of the unpopular: Implications for policy aimed at payday lending facilities	473
Pamela Wilcox and John E. Eck	

Guide to Preparing Manuscripts

Editorial Policy—*Criminology & Public Policy* (CPP) is a peer-reviewed journal devoted to the study of criminal justice policy and practice. The central objective of the journal is to strengthen the role of research findings in the formulation of crime and justice policy by publishing empirically based, policy-focused articles. Authors are encouraged to submit papers that contribute to a more informed dialogue about policies and their empirical bases. Papers suitable for CPP not only present their findings, but also explore the policy-relevant implications of those findings. Specifically, appropriate papers for CPP do one or more of the following:

- Strengthen the role of research in the development of criminal justice policy and practice
- Empirically assess criminal justice policy or practice, and provide evidence-based support for new, modified, or alternative policies and practices
- Provide more informed dialogue about criminal justice policies and practices and the empirical evidence related to these policies and practices
- Advance the relationship between criminological research and criminal justice policy and practice

The policy focus of the journal requires articles with a slightly different emphasis than is found in most peer-reviewed academic journals. Most academic journals look for papers that have comprehensive literature reviews, provide detailed descriptions of methodology, and draw implications for future research. In contrast, CPP seeks papers that offer literature reviews more targeted to the problem at hand, provide efficient data descriptions, and include a more lengthy discussion of the implications for policy and practice. The preferred paper describes the policy or practice at issue, the significance of the problem being investigated, and the associated policy implications. This introduction is followed by a description and critique of pertinent previous research specific to the question at hand. The methodology is described briefly, referring the reader to other sources if available. The presentation of the results includes only those tables and graphs necessary to make central points (additional descriptive statistics and equations are provided in appendices). The paper concludes with a full discussion of how the study either provides or fails to provide empirical support for current, modified, or new policies or practices. The journal is interdisciplinary, devoted to the study of crime, deviant behavior, and related phenomena, as found in the social and behavioral sciences and in the fields of law, criminal justice, and history. The major emphases are theory, research, historical issues, policy evaluation, and current controversies concerning crime, law, and justice.

Manuscript Submissions—Manuscripts are to be submitted electronically to cpp@fsu.edu. The manuscript should be submitted in one Word (.doc) file with tables and figures in the same document as the manuscript text. Please note that Word 2007 is not yet compatible with journal production systems. Unfortunately, the journal cannot accept Microsoft Word 2007 documents until such time as a stable production version is released. Please use Word's "Save As" option, therefore, to save your document as an older (.doc) file type. Additional documents, including cover letters or memos to the editor, may also be e-mailed as supplemental files. Although we strongly encourage on-line submission, those who prefer not to submit on-line may send a CD to Julie Mestre, Managing Editor, Florida State University, Center for Criminology & Public Policy Research, 325 John Knox Road Building L-102, Tallahassee, FL 32303.

An executive summary of approximately 150 words and a brief biographical paragraph describing each author's current affiliation, research interests, and recent publications should accompany the manuscript.

Papers accepted for publication should comply with American Psychological Association guidelines concerning nonsexist language. We accept three formats for digital artwork submission: Encapsulated PostScript (EPS), Portable Document Format (PDF), and Tagged Image Format (TIFF). We suggest that line art be saved as EPS files. Alternately, these may be saved as PDF files at 600 dots per inch (dpi) or better at final size. Tone art, or photographic images, should be saved as TIFF files with a resolution of 300 dpi at final size. For combination figures, or artwork that contains both photographs and labeling, we recommend saving figures as EPS files, or as PDF files with a resolution of 600 dpi or better at final size. More detailed information on the submission of electronic artwork can be found at:

<http://authorservices.wiley.com/bauthor/illustration.asp>

The American Society of Criminology regards submission of a manuscript to this journal as a commitment to publish herein; simultaneous submission to another journal is unacceptable. Every effort will be made to notify authors of editorial decisions within 3 months of manuscript and processing fee receipt. Note that CPP publication decisions arrive by postal mail, so please indicate whether you prefer e-mail correspondence to postal mail upon submission of your manuscript.

Please consult and conform to the CPP Style Sheet, which is available at cpp.fsu.edu, prior to submission.

Criminology & Public Policy (Print ISSN #1538-6473/On-line ISSN #1745-9133) is published quarterly on behalf of the American Society of Criminology, 1314 Kinnear Road, Suite 212, Columbus, OH 43212 by Wiley Subscription Services, Inc., a Wiley Company, 111 River St., Hoboken, NJ 07030-5774.

Information for subscribers. *Criminology & Public Policy* is published in four issues per year. Institutional print and on-line subscription prices for 2011 are: US\$291 (U.S.), US\$358 (rest of world), €229 (Europe), £183 (U.K.). Prices are exclusive of tax. Asia-Pacific GST, Canadian GST, and European VAT will be applied at the appropriate rates. For more information on current tax rates, please visit www.wileyonlinelibrary.com/tax-vat. The price includes on-line access to the current and all on-line back issues to January 1, 2007 (where available). For other pricing options, including access information and terms and conditions, please visit www.wileyonlinelibrary.com/access. A subscription to *Criminology & Public Policy* also includes 4 issues of *Criminology*.

Delivery Terms and Legal Title. Where the subscription price includes print issues and delivery is to the recipient's address, delivery terms are Delivered Duty Unpaid (DDU); the recipient is responsible for paying any import duty or taxes. Title to all issues transfers FOB our shipping point, freight prepaid. We will endeavor to fulfil claims for missing or damaged copies within six months of publication, within our reasonable discretion and subject to availability.

Journal customer service. For ordering information, claims, and any inquiry concerning your journal subscription, please visit www.wileycustomerhelp.com or contact your nearest office. *Americas* e-mail: cs-journals@wiley.com; telephone: +1 781 388 8598 or +1 800 835 6770 (toll free inside the U.S. and Canada). *Europe, Middle East, and Africa* e-mail: cs-journals@wiley.com; telephone: +44 (0) 1865 778315. *Asia Pacific* e-mail: cs-journals@wiley.com; telephone: +65 6511 8000. *Japan* For Japanese speaking support, email: cs-japan@wiley.com; telephone: +65 6511 8010 or telephone (toll free): 005 316 50 480. **Visit our Online Customer Get-Help** available in 6 languages at www.wileycustomerhelp.com.

Membership. American Society of Criminology membership is available to all interested people. Individuals interested in joining should complete and return the application forms on the American Society of Criminology Web site (www.asc41.com). Membership in the American Society of Criminology includes a subscription to *Criminology* and *Criminology & Public Policy*.

Back issues. Information about the availability and prices of back issues can be obtained from the American Society of Criminology by e-mail (asc@asc41.com) or telephone (614-292-9207).

Mailing and on-line access. Journal Customer Services, John Wiley & Sons, Inc., 350 Main St., Malden, MA 02148-5020. Postmaster: Send all address changes to *Criminology & Public Policy*. View this journal online at wileyonlinelibrary.com. For submission instructions, subscription and all other information, visit [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1745-9133](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1745-9133).

Access to this journal is available free online within institutions in the developing world through the AGORA initiative with the FAO, the HINARI initiative with the WHO and the OARE initiative with UNEP. For information, visit www.aginternetwork.org, www.healthinternetwork.org, and www.oarescience.org. *Criminology & Public Policy* is published by Wiley Periodicals, Inc., Commerce Place, 350 Main Street, Malden, MA 02148; Tel: (781) 388-8200; Fax: (781) 388-8210.

ISSN <1538-6473> (Print)

ISSN <1745-9133> (Online)

Wiley contacts. Bi Xian Tan, Production Editor (e-mail: bxtan@wiley.com); Kristin McCarthy, Advertising (e-mail: kmccarthy@wiley.com).

Wiley's Corporate Citizenship initiative seeks to address the environmental, social, economic, and ethical challenges faced in our business and which are important to our diverse stakeholder groups. Since launching the initiative, we have focused on sharing our content with those in need, enhancing community philanthropy, reducing our carbon impact, creating global guidelines and best practices for paper use, establishing a vendor code of ethics, and engaging our colleagues and other stakeholders in our efforts. Follow our progress at www.wiley.com/go/citizenship.

Copyright © of The American Society of Criminology. All rights reserved. No portion of the contents of *Criminology & Public Policy* may be reproduced without the permission of the American Society of Criminology. Please forward all rights and permission requests to the American Society of Criminology, 1314 Kinnear Road, Suite 212, Columbus, OH 43212.

Disclaimer. The Publisher, the American Society of Criminology and Editor cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; the views and opinions expressed do not necessarily reflect those of the Publisher, the American Society of Criminology and Editor.

Printed in the USA by The Sheridan Group.

VOLLMER AWARD ADDRESS

Socially responsible Criminology: Quality relevant research with targeted, effective dissemination

A Vollmer Award Essay for *Criminology & Public Policy*

Howard N. Snyder

Bureau of Justice Statistics, U.S. Department of Justice

This address argues that some members of the criminology community must take upon themselves the responsibility of communicating the knowledge developed by the field to practitioners and decision makers. It is reasoned that only with such targeted dissemination will the full potential benefits from our work be realized.

In preparing these remarks, I reviewed earlier Vollmer Award Addresses. Malcolm Klein (2009) took the opportunity to answer a basic question, one that all scientists should carefully consider when designing, assessing, or reassessing their careers. At Lode Walgrave's receipt of the 2008 European Criminology Award, he colorfully captured the essence of this question by saying the following:

My plea for a socially responsible criminology does not oppose purely scientific emphases in criminological work. But if it were only that, criminologists would behave like chickens. Chickens lay their egg without concern about how it will be used. Whether used for an omelet, or boiled hard, scrambled, or laid out to hatch, chickens do not care. Likewise, some scientists lay their "egg of knowledge" and do not care how it will be used. To create more energy or a bomb, to improve living conditions for all or to increase individual profits for the rich, to understand better people in trouble or to provide new labels to justify their social exclusion, these scientists do not care. Their only mission is,

Direct correspondence to Howard N. Snyder, Bureau of Justice Statistics, 810 7th Street NW, Washington, DC 20531 (e-mail: Howard.Snyder@usdoj.gov).

they claim, to produce knowledge. Just as the chickens' mission is to produce eggs . . .

So the question we all should ask ourselves is "Am I a chicken?" Klein (2009) answered it by saying, "[t]ruthfully, after all the career experiences outlined in this essay, I think I am with the chicken. Let others face the frustration of how to use my eggs."

I have been one of those others, experiencing the frustrations noted by Klein (2009) as well as the moments of great satisfaction when I saw research findings drive decision making. I have spent much of my career trying to share the few eggs I have produced and the many eggs produced by other criminologists with practitioners and policy makers, persons who could use the information to improve how society deals with those who might or do find their ways into the juvenile and criminal justice systems. I strongly believe that, along with conducting quality relevant research, the field of criminology should work deliberately to communicate its findings to the many diverse audiences that could benefit from the work of our field. In the remarks that follow, I hope to convince at least some of you to assume this responsibility.

Whose Job Is It?

I understand why such dissemination efforts are not an integral part of most criminologists' career plans. We are trained to question all research findings, and rightfully so—that is how science progresses. As a result, we are never 100% certain that our findings (and especially those of others) reflect a truth or are, in reality, a statistical anomaly. Without this certainty, many find it difficult to encourage others to base their important decisions on the results of research. The problem with this position is that few practitioners and policy makers have the luxury of not deciding, as we often do. They will and must make decisions based on whatever information they have available to them—information that often is little more than folklore, war stories, or a single, spectacular, high-profile, and possibly random event. Cautious criminologists should consider the words of John F. Kennedy who said, "There are risks and costs to a program of action, but they are far less than the long-range risks and costs of comfortable inaction."

Certainly, when we promote the use of current research findings, some of our recommendations in the future might be proven wrong. (Consider medical doctors in the past who treated their patients with leaches, lobotomies, and thalidomide.) However, I would argue that the findings of high-quality empirical criminological research in the long run will provide decision makers with sound counsel far more often than not. Any gambler knows that just a little increase in a player's winning percentage will result in a positive cash flow at the end of the night. Gamblers do not expect to win all the time, but they would be delighted to know that they will win more in the future than they have in the past. Just as card counting can improve a gambler's odds of winning at blackjack,

the findings of quality research can improve the decision makers' edge, resulting in better programming, more cost savings to the public, and improved outcomes for the persons involved.

Socially responsible criminologists have another reason for actively and accurately disseminating the findings of quality research. Others, often wearing the cloak of a scientist, distort or wildly extend research findings to support their own political or social agendas. When these statements are made often and through media outlets that reach millions of people, the distortions become truths and actions are taken that result in harm, then and into the future. Socially responsible criminologists should be prepared to counter these arguments or possibly even to inoculate the public in advance to resist such arguments when they are made.

One of the great disappointments in my career was that I (and others) did not more aggressively fight the elevation of the notion of the *juvenile superpredator* as the reason for the increase in juvenile violent crime in the mid-1990s. This construct, which was later abandoned by its major proponents, blamed juvenile violence on individuals who were beyond treatment; some even argued that these superpredators' DNA had been mutated before birth by the action of their crack-addicted mothers. With no hope for treatment and no way to prevent even young offenders from growing into these monsters, state governments reduced funding for juvenile intervention and treatment programs, increased prison capacity, and passed legislation that made it easier to transfer juveniles into the criminal justice system for handling (i.e., warehousing) as adults. No one knows how many more juveniles found their way into adult prisons because of this notion, but the flow continues to this day because few states have rolled back these transfer laws. Some of us could have done more to fight the spread of this idea before it took hold in the minds of state legislators and others; the arguments were relatively easy to invalidate. All I can say is, when the notion began to resurface again 10 years later, many criminologists openly fought against it before it could gain a new foothold.

Targeted Dissemination

I realized early in my career that the dissemination of research would be a major part of my activities. I worked in an environment that gave me ongoing access to juvenile and criminal justice professionals (i.e., police officers, district attorneys, detention workers, judges, probation officers, and corrections professionals) as well as justice planners, policy makers, legislators, and funders. I had the opportunity to develop an understanding of their worlds and their information needs. It was clear that these disparate audiences could benefit from the findings of research.

It was also clear that they were eager to absorb new insights. They (at least the vast majority) knew that they had difficult jobs to do and that they needed to improve their skills as well as their decision-making success. For example, I remember one new juvenile court judge saying to me that he was the most powerful social worker in his community

and the one least trained to do it. To fill these information gaps, practitioners generally turn to their colleagues for help. They shy away from researchers and research because they believe research has little practical utility for them. It is the job of socially responsible criminologists to show these audiences that our work has relevance, which is done by understanding the audience's information needs and then summarizing the findings of relevant research (and its possible applications) into a package that they can easily absorb and retain.

In the hope of attracting more chickens (or potential chickens) to my side of the fence, I would like to share an experience that I hope demonstrates the value of, and the personal satisfaction that comes from, the effective dissemination of research findings. Over the years, I have come to believe that successfully communicating research to persons who could use the information to make a difference is as important as doing the research itself—and, for a small cost, greatly enhances the benefits that flow from the work.

Afterschool Peak in Juvenile Violence

The story begins in the mid-1990s with a call from a group of advocates who were trying to oppose the enforcement of a juvenile curfew law in a major U.S. city. They knew the appeals court would base its decision in part on the curfew law's effect on public safety. The court would seek to determine whether limiting the rights of one group (i.e., the juveniles) could be justified by the benefits that would result to the whole community. This case occurred at a time when violent juvenile crime was a major national concern, and a commonly proposed intervention was "midnight basketball," based on the assumption that violent juvenile crime peaked in the last evening hours—the curfew hours. The advocates asked whether data existed to document when juvenile violence occurred.

The Federal Bureau of Investigation had just released the first wave of data from its new National Incident-Based Reporting System (NIBRS). These data captured the time of day of violent crime incidents reported to law enforcement. In response to the advocates' question, our analyses of the NIBRS data showed that juvenile violence did not peak around midnight but in the middle of the afternoon. Subsequent analyses comparing school days with nonschool days (i.e., weekends and summer days) found that the 3 p.m. peak was concentrated on school days. In fact, more than half of all juvenile violence known to law enforcement occurred in the 4 hours between 3 p.m. and 7 p.m. on school days—when juveniles were with other juveniles and often lacked supervision. The advocates used these data to argue against the imposition of the curfew law.

I and other researchers at first were concerned about the generalizability of these findings. The first wave of NIBRS data came from only three states (Alabama, North Dakota, and South Carolina). Although similar time-of-day patterns were found in each State, it was hard to argue that these States were representative of the United States or of major U.S. cities. My colleagues and I at the National Center for Juvenile Justice (NCJJ) published the findings along with a simple two-line graphic and began to present them (with

cautions) at meetings of practitioners and researchers. At these meetings, we asked those in attendance to attempt to replicate the findings with data available to them. Gradually, many did replicate the findings with their local data, and as new annual NIBRS files were released with a growing sample of contributors, our analyses continued to confirm the findings.

When we were confident that the findings characterized a valid crime pattern, we published more extensive sets of temporal analyses and began to promote the importance of these findings whenever we could—at presentations to state legislators, criminal justice planners, policy makers, justice practitioners, and funders, as well as in radio and print media interviews. As a result, the *New York Times*, *Newsweek*, and *USA Today* each published our two-line graphic and summarized our findings.

After a few years, I knew our dissemination efforts were successful because the research findings seemed to be known everywhere. For example, arriving in Marquette, Michigan, one cold day to give a seminar at the local university and to participate on a panel at the local public television station, I saw on the front page of the area's local newspaper (*The Mining Journal*) a copy of our time-of-day graphic and a story confirming the pattern locally. Other evidence of the extent of the dissemination was in a telephone call I received from a junior-high-school football coach in North Carolina. He told me that he had been trying for several years to raise funds to support an afterschool, intramural football program with little success. However, when he showed his county officials our graphic that had been given to him by one of his students, the afterschool *athletic* program became an afterschool *crime-prevention* effort and funds were found to support it. In all, beginning in the 1990s, funds for afterschool programs skyrocketed in this country, in some part, I strongly feel because of the research coupled with our dissemination efforts.

Face-to-Face Presentations

Over the years, I have learned some things about effective communication with our audiences. I have found that the most effective is a well-crafted, face-to-face presentation or briefing. For many audiences, speakers first should try to reduce the levels of anxiety (and possible mistrust) audience members often bring to such presentations. Their anxiety stems from the anticipated irrelevancy of the research or the anticipated complexity of the material to be presented. Overcoming this barrier often is accomplished by demonstrating that you understand the types of problems they face and by assuring them that the material to be presented will always keep their perspective in mind. Once you have the audience's trust (or lessened their distrust), you then can summarize relevant research findings, hopefully with memorable examples and graphics—and maybe even a little humor. A great advantage of a face-to-face presentation is that speakers can read their audience, recognizing when points should be developed more fully. Also, speakers can respond to clarifying questions that assist in communicating the “at times” difficult ideas or findings. It is sad that face-to-face presentations are so effective in communicating research findings

to our audiences because through them you can reach only a limited number of persons—although this fact might change with the greater use of YouTube and other such video-sharing sites.

Written Reports

If the dissemination package is to be a written document, then socially responsible criminologists must learn to write in a style that is attractive to their audiences. (Remember, few practitioners, policy makers, or members of the public read academic journals.) In general, to be effective with our audiences, documents must be relatively short, to the point, with engaging graphics to communicate trends or more complex patterns.

When I was with NCJJ, we prepared a series of reports (e.g., Snyder and Sickmund, 1995, 1999, 2006) that worked hard to communicate research findings and statistics to our various audiences. We always knew that academics were one of our audiences, so we made certain that the summaries of research were accurate and current and, when necessary, that the analysis methods were clearly presented. However, we wrote primarily for nonacademic audiences. We limited discussions of theory and focused on empirically sound research findings and statistical trends. We also spent a great deal of energy developing colorful, appealing, and informative graphics. Most importantly, although the major reports in this series were approximately 250 pages in length, seldom were sections longer than 2–3 pages, and never did material in one section refer to content in another. As a result, readers seeking information on a specific topic (and each report had a great topic index) were assured that their questions would be answered directly and concisely. To disseminate the contents of the latter reports in the series, we also produced Web-based sets of PowerPoint slides of each of the more than 200 graphics found in the reports so that eighth graders, college professors, and state representatives could copy these files and incorporate our work into their own presentations.

The *Juvenile Offenders and Victims* reports were successful by any measure. Hundreds of thousands of copies were disseminated in hardcopy or were downloaded from the Internet. They are among the most referenced documents in the field of juvenile justice. Although a portion of their success is clearly the relevant content of the reports, I strongly believe that a major reason for their success is the presentation style. Printed reports can communicate research findings more efficiently than face-to-face presentations, especially if the reports are readily available on the Internet. However, successful reports must be designed and written with the needs and capabilities of the audiences in clear focus. The lesson for socially responsible criminologists is that what you have to say and how you say it are both critical components of successful dissemination.

Data Dissemination/Analysis Tools

Finally, today some criminologists also have the option of disseminating their data/information in ways that end users can explore on their own without needing technical

intermediaries. Thirty years ago, the only way a criminal justice planner or a defense counsel could analyze a research database (assuming he or she could obtain access to it) was to have computer support at a university or research center mount a nine-track magnetic tape and write cryptic computer code to perform the needed analyses. Essentially, technocrats stood between the data and the end user, controlling (and obviously limiting) access to the desired information. Over the years, technology developments have removed the need for the middle man. If designed properly (i.e., with the audience's needs and capabilities in mind), then online tools can provide our audiences with more detailed information than any report could possibly do.

The tools fall into two general categories. The first, generically labeled a data dissemination tool, retrieves specific data from a large database at the request of the user. Examples of such tools display precalculated county-level crime estimates in predefined table shells, similar to selecting one page out of thousands in a large book. Such tools are most useful when the underlying data are collected at a microlevel for many units of geography or subsamples.

The second interactive information tool can be labeled a data analysis tool. These tools enable their users to conduct original analyses of the underlying database, with the tool performing the tasks of programmers in the past. While at NCJJ, I helped to develop data analysis tools that enable nontechnical users to do their own analyses of the nation's microdata on population demographics, murder, juvenile court referrals, and juvenile custody populations. At the Bureau of Justice Statistics, I have developed a data analysis tool that enables users to investigate the recidivism patterns of many possible subsamples of released prisoners using a variety of definitions of recidivism. The output potential of such data analysis tools is far beyond any other dissemination mode; and if the tools are carefully designed, then nontechnical audiences will learn quickly how to use them and interpret the output properly.

Socially responsible criminologists should determine whether their audiences would benefit from data dissemination or data analysis tools that incorporate their data (or those of other researchers), and if the audiences would benefit, then the extra effort to produce these tools is far outweighed by their potential information value for our audiences.

Help Develop Local Empirical Information

I have talked about the responsibility I believe criminologists have to disseminate the field's knowledge eggs, and I have given examples of some productive dissemination techniques. Another dissemination-related consideration for socially responsible criminologists opens up a whole new arena of activities. Modern criminal justice and other social agencies have administrative management information systems that contain high-quality data that could be used to inform our audiences. Useful information can be distilled from these data and can be provided to our audiences. However, these data often are inaccessible or poorly

structured to support research. And if local in-house analysts exist, they might be either unable to process the data or do not understand what information could or should be extracted.

I believe socially responsible criminologists should step into these situations and provide their expertise to overcome the barriers that prohibit the transformation of administrative data into useful information. With our assistance, local information technology staff could create the software to produce research extracts from the administrative data. You (and your students) could sit down with local practitioners and local analysts and discuss local information needs as well as the information potential of the local data. You (and your students) could assist in the data analysis and dissemination. In the end, the local community leaders would have information, local analysts (as well as you and your students) would have current and ongoing data to analyze, and the quality of the administrative data would likely improve. Just as disseminating quality research should be a goal for socially responsible criminologists, so too is facilitation of the production of quality and needed research by members of our audiences.

Final Thoughts

I have seen the findings of criminological research make a difference. I have seen a big city district attorney in the middle of a highly publicized local gang problem sit through 3 days of discussion with his colleagues from across the country. I have seen him listen to several research presentations summarizing the life-course development of law-violating behavior and recidivism patterns. Then, at the closing session of the program, when participants were asked to tell the group what they would do differently when they went back home and most of his colleagues announced that they would institute a serious habitual offender program to deal with their gangs, I heard him announce that he would create in his office an antitruancy program to reach the young status offenders before they entered the gangs and before they became chronic offenders. His colleagues were shocked—and I was delighted.

As a discipline, criminology must take the responsibility to communicate effectively the knowledge it creates to practitioners and decision makers. By doing so, we increase the value of the work and, hopefully, improve lives.

References

- Klein, Malcom W. 2009. Bootlegging: A career caught between fantasy and reality. *Criminology & Public Policy*, 8: 1–12.
- Snyder, Howard N. and Melissa Sickmund. 1995. *Juvenile Offenders and Victims: A National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. and Melissa Sickmund. 1999. *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Snyder, Howard N. and Melissa Sickmund. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Howard N. Snyder is Chief of Recidivism, Reentry and Special Projects at the Bureau of Justice Statistics within the U.S. Department of Justice. He oversees an extensive program of recidivism research and is responsible for the Federal Justice Statistics Program as well as the secondary analyses of data from the Uniform Crime Reporting Program. He is a nationally recognized expert on juvenile crime and the juvenile justice system. He has authored nearly 200 government publications, journal articles, and book chapters and has given more than 250 presentations to professional organizations on the topics of criminological research, crime, and the justice system.

The magic and power of data: A tribute to Howard Snyder

Shay Bilchik

Georgetown University

When my children were in the late stages of their elementary school years, we lived in Miami, Florida, and had the luxury of having a swimming pool in our backyard. Each summer, I would perform a magic trick at nighttime that would both amaze and thrill them. Crouching next to the lighted pool, I would scoop my hands into the water and cup them as I would show them that I had captured the light of the pool in my now glowing hands. It was magic, and it was a delight as they peeked inside to confirm that the deed had been done.

Little did they know that I had placed a lightning bug in my hand before the dramatic swoop that mystified them, and it was that lightning bug that was the real magician! I open this commentary with this story because the recipient of this year's Vollmer Award is the only "magician" I have ever known whose magic came from the world of data, statistics, and research. More importantly, he was a "magician" who told his secrets; teaching those who crossed paths with him the all-too-easy misconceptions we might form if we did not look closely at the data and test our assumptions (e.g., does the light come from the pool water or another source; then again, it is not all that hard to fool 7- and 9-year-olds!). Sadly, the same might be true for far too many policy makers if it were not for Howard's good work over the 30+ years of his career.

I met Howard Snyder when he was on the staff of the National Center for Juvenile Justice, and I was a prosecutor in Miami, Florida. We worked together over a 2-year period on a project in Arizona to create a way of better capturing and sharing data in the Maricopa County, Arizona, juvenile court that would help to highlight the potentially racially discriminatory effects of empirically developed risk assessment tools. *The Mathematics of Risk Classification: Changing Data into Valid Instruments for Juvenile Courts* stands today as one of his most significant contributions to the juvenile justice field. Howard always has

Direct correspondence to Shay Bilchik, Georgetown University, Box 571444, 3300 Whitehaven St. NW, Suite 5000, Washington, DC 20057 (e-mail: scb45@georgetown.edu).

been passionate in working toward achieving greater social and legal justice for youth who are at risk of entering or who are in the juvenile justice system. As stated in the prologue to the report documenting this work, “Ethically, statistically removing the influence of race on risk scores goes a long way to assure users that race is not a factor in the assignment of these scores. Practically speaking, in order to avoid having racial biases in the final product, the developer must use the race variable and then remove it” (Gottfredson and Snyder, 2005, pg. iii). Few juvenile justice researchers have been as committed to “removing invidious predictors” from risk assessment tools.

I was a neophyte to the legal profession and certainly to the world of data and research when I had the opportunity to cross paths with Howard on this project. As a result, he became my data mentor, gently opening my eyes to this new and tremendously important world. Little did I know that throughout his tenure at the National Center for Juvenile Justice and now at the Bureau of Justice Statistics he would continue to serve in that role. This behavior would not come as a surprise to anyone reading this commentary who has known Howard during his outstanding career. Indeed, he has mentored countless policy makers and practitioners as well as academicians and his fellow researchers and statisticians.

Perhaps of equal importance, however, is that he conducted his work and mentored others in a way that helped them make sense of the data and statistics. In this regard, he translated the numbers to make them more meaningful in relation to the analyses that he undertook and what was of importance to the juvenile justice field. He challenged conventional thinking and the all-too-easy assumptions that policy makers and practitioners would make based on the story they thought the data were telling.

I remember so clearly a session he facilitated with a group of state legislators during which he did some of his translational “magic.” He asked them to imagine that they were each standing at the roulette wheel watching the action. They saw the ball land on black five times in a row. He now asked the audience of lawmakers to place a bet. Without exception, they bet “red,” convinced that the odds would be with them after five blacks in a row. As the hypothetical unfolds, the ball keeps landing on black up to 100 times and the lawmakers keep betting red, losing every bet and still believing the odds would be with them on the next spin of the wheel. As Howard turned the story into a lesson learned, he explained that at some point they needed to examine their assumptions about how the world works in the face of contradictory data—that perhaps this wheel was not presenting the same odds as expected and that perhaps some other force was in play that was providing a different set of results than the approximate 50/50 probability of an outcome of “red” or “black” with each spin of the wheel. In the end, they understood that the misperceptions they held could cause them to make poor decisions and that these misperceptions were hard to change even when presented with overwhelming empirical evidence. He then asked them to open their minds to the possibility that some of their beliefs about juvenile crime and the juvenile justice system were wrong and to give the information he was about to present the chance to change these beliefs.

This was also the case in how he formulated his research and presented it to the research community. His work from 1978 to 2008 in support of the National Juvenile Court Data Archive saw it expanded from paper-and-pencil reporting to using extracts of court management information systems to monitor trends in juvenile delinquency cases disposed of by juvenile courts across the country. Howard helped to grow this body of information to the point where it has been reported to cover upward of 81% of all juvenile justice involved youth in the country (Puzzanchera, Adams, and Sickmund, 2010).

His work through the annual Juvenile Court Statistics reports and the Easy Access to Juvenile Court Statistics web tool all was designed to pierce the veil of what a state's data seemed to be saying, allowing closer and more sophisticated examination of these data by nontechnical users. This outcome also applied to work around the Federal Bureau of Investigation's murder and arrest statistics, National Incident Based Reporting System, and Office of Juvenile Justice and Delinquency Prevention (OJJDP) national data on juveniles in custody.

As the Director of the Juvenile Justice Statistics and Systems Development Program, supported by the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, he coauthored the first and three subsequent editions of the *National Report on Juvenile Offenders and Victims*. This series became an invaluable resource for researchers, policy makers, and practitioners, distilling varied and complex data sets into minichapters that provided the data and told the stories that the data revealed.

I believe this to be perhaps Howard's greatest contribution to the policy maker and practitioner community. These reports provided the "elevator speech" explanation of what the data were telling us about juvenile arrests, filings, dispositions, and a variety of other core functions of the juvenile justice system. It was during my tenure as the Administrator of the Office of Juvenile Justice and Delinquency Prevention that I came to understand fully the importance of his work that he coauthored with Melissa Sickmund. With this one biannual publication, he helped to educate a generation of new policy makers, practitioners, and academics about the story the data were telling and the assumptions that we might be tempted to make that easily could prove to be false, impacted by some other factors we had not considered. Howard opened our eyes to those possibilities or at least the need to ask the question about what they might be.

Two examples of his influence on national policy and practice occurred in the mid-1990s through Howard's tendency to challenge conventional thinking with his innovative approach in analyzing the data we have before us.

The first was his inquiry around the time of day that juvenile crime peaked. His timeline that showed elevated juvenile crime levels during the after-school hours rather than after dark (Sickmund, Snyder, and Poe-Yamagata, 1997; Snyder and Sickmund, 1995) made the case for the need to provide after-school activities that supported positive youth development opportunities. Combined with the preceding release of the report from the William T. Grant Foundation (1988) on our national failure to provide positive youth development

opportunities in out-of-school time and the concurrent release of the Carnegie Council on Adolescent Development (1992) report on the importance of out-of-school time, Howard's work helped to prompt an increased focus and attention on the after-school hours and youth development programs as crime-fighting tools. This report helped to support a national movement toward increased federal, state, and local investment in after-school programs for children and youth. Clearly, the Boys and Girls Clubs of America, Big Brothers and Big Sisters, and countless other after-school programs owe a debt of gratitude to Howard. Although we knew these were important prosocial activities, he provided the data that made the case for them as crime-fighting tools.

The second was Howard's challenging of the fear mongering being spread by certain academics about the generation of juvenile superpredators that was upon us. He reminded us that population bulges and current crime trends were not events that were destined to combine in a way that would lead to the crime boom being predicted. He mapped out juvenile crime trends over 20 years showing that demographics were not always predictors of future crime trends, and he cautioned us to remember that other factors might be in play that would make the inevitable a nonevent (Snyder and Sickmund, 1999). Indeed, he helped us to understand that the alarming trends we were observing in juvenile violent offending in the late 1980s and early 1990s were primarily caused by a change in the police and juvenile court response to juvenile crime rather than by an actual increase in violence by youth. Of course, Howard was correct, and some are still looking for that generation of superpredators to arrive or are still apologizing for the error in their thinking and forecasting. I assume that they were not present at one of Howard's magic shows.

Although Howard has not single-handedly changed national policy, he gave so many of us the ammunition we needed to advocate for a more reasoned and informed approach to addressing juvenile delinquency, and his legacy lives on. I can make my point, as Howard would do, with the data. As reported to me by OJJDP staff, the OJJDP Statistical Briefing Book that he helped to develop as the online version of the National Report series received 8,725,380 "hits" between August 1, 2009 and July 31, 2010.

In the course of a career, we come across a handful of people who help shape our thinking and how we conduct ourselves professionally. Howard Snyder has been one of those people in my life, and I have no doubt that he has served in the same role for countless others. I can think of no one more worthy of the 2010 Vollmer Award.

References

- Carnegie Council on Adolescent Development. 1992. *A Matter of Time: Risk and Opportunity in the Nonschool Hours*. Report of the Task Force on Youth Development and Community Programs. New York: Carnegie Corporation of New York.
- Gottfredson, Don M. and Howard N. Snyder. 2005. *The Mathematics of Risk Classification: Changing Data into Valid Instruments for Juvenile Courts*. Washington, DC: National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention.

-
- Puzzanchera, Charles, Benjamin Adams, and Melissa Sickmund. 2010. *Juvenile Court Statistics 2006–2007*. Pittsburgh, PA: National Center for Juvenile Justice.
- Sickmund, Melissa, Howard N. Snyder, and Eileen Poe-Yamagata. 1997. *Juvenile Offenders and Victims: 1997 Update on Violence*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. and Melissa Sickmund. 1995. *Juvenile Offenders and Victims: A National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. and Melissa Sickmund. 1999. *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- William T. Grant Foundation. 1988. *The Forgotten Half: Pathways to Success for America's Youth and Young Families*. Washington, DC: Author.
-

Shay Bilchik is the founder and Director of the Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute. The Center's purpose is to focus the nation's leaders, across systems of care and levels of government, on the key components of a strong juvenile justice reform agenda. This work is carried out through the dissemination of papers on key topics, the sponsorship of symposia, and Certificate Programs at Georgetown providing leaders with short, but intensive study, and ongoing support in their reform efforts.

Prior to joining the Institute on March 1, 2007, Mr. Bilchik was the President and CEO of the Child Welfare League of America (CWLA), a position he held from February of 2000. Shay led CWLA in its advocacy on behalf of children through his public speaking, testimony and published articles, as well as collaborative work with other organizations. Prior to his tenure at CWLA, Shay headed up the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the U.S. Department of Justice, where he advocated for and supported a balanced and multisystems approach to attacking juvenile crime and addressing child victimization. Before coming to the nation's capital, Mr. Bilchik was an Assistant State Attorney in Miami, Florida from 1977–1993, where he served as a trial lawyer, juvenile division chief, and Chief Assistant State Attorney.

Mr. Bilchik earned his B.S. and J.D. degrees from the University of Florida. He and his wife Susan are the proud parents of two young adults, Melissa and Zach.

Howard N. Snyder

The nation's foremost expert on juvenile justice data

David P. Farrington

Institute of Criminology, Cambridge University

Howard N. Snyder is a worthy recipient of the Vollmer Award. He is one of the foremost scientist-practitioners in the United States. He has spent his career with one leg in the research world and the other in the applied world. For most of his career, he has translated research findings (including many of his own) to members of the juvenile justice community while at the same time encouraging the research community to address the information and research needs of the applied world of juvenile justice. He has made enormous efforts to communicate scientific knowledge to policy makers, practitioners, the mass media, and the general public.

In 2008, Howard moved from the National Center for Juvenile Justice (NCJJ) in Pittsburgh to the Bureau of Justice Statistics (BJS) in Washington, DC, to head the newly formed Recidivism, Reentry, and Special Projects Unit. He is designing and implementing a national program of research on the important topic of recidivism, as well as looking after the Federal Justice Statistics Program, the National Archive of Criminal Justice Data, and various other BJS data collection and analysis efforts. I have no doubt that Howard will be stunningly successful in his new role at the BJS, but in this commentary, I want to focus on his 30-year career at NCJJ.

Howard joined NCJJ in 1978, and I met him in approximately 1984 in Pittsburgh. I have had frequent contacts with Howard since then, and I served for more than 10 years (from 1987) on the Advisory Board of the National Juvenile Court Data Archive (NJCDA), along with Al Blumstein and Mac Klein. Howard founded the NJCDA in 1980 with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). I usually could combine Advisory Board meetings with visits to Pittsburgh to work with Rolf Loeber and Al Blumstein.

During his time at the NCJJ, Howard was responsible for the production of the annual *Juvenile Court Statistics* volume, which has now been published (remarkably) for more than

Direct correspondence to David P. Farrington, Cambridge University, Institute of Criminology, Sidgwick Avenue, Cambridge CB3 9DA, UK (e-mail: dpf1@cam.ac.uk).

80 years (see, e.g., Puzzanchera and Sickmund, 2008). Howard and his colleagues were extremely assiduous in visiting and making contact with people in different states to obtain the data they needed for the NJCDA and *Juvenile Court Statistics*. I believe that he has worked in every State in the United States, with the possible exception of Alaska! Howard always set high standards for his work. When he assumed responsibility for the *Juvenile Court Statistics* series in 1980, it was based on aggregate reports from juvenile courts of the number of cases processed annually. When he left the NCJJ in 2008, it was based on the annual collection of more than 1 million automated person-based case records with all the detailed information found in them.

Howard spent a huge amount of time answering questions and providing information about juvenile justice data to policy makers, practitioners, the mass media, and the general public. He was incredibly generous and unselfish with his time. Eventually, he had a brainwave. In the 1980s, the numerous juvenile court cases (approximately 700,000 per year in the NJCDA), and the availability of computing power at the time, meant that only a few specialized scholars could analyze the data. Along with his brilliant programmer Terry Finnegan, Howard therefore created a new data set, called Easy Access to Juvenile Court Statistics, in which each “index record” was defined by a combination of case attributes (e.g., year–sex–age–race–crime type, etc.).

Howard then reduced millions of automated juvenile court cases, each containing numerous variables, to a data set containing only a few thousand records, each with only a handful of variables that covered several years of juvenile court data. Even better, the Easy Access data set could be used by interested persons (e.g., in each state) to produce the cross tabulations that they needed and, therefore, hugely reducing the number of queries that Howard had to deal with! Floppy discs containing the program and data were given out freely in the 1990s, and eventually, the Easy Access data set could be downloaded from the Internet. Easy Access to Juvenile Court Statistics is now an online data analysis tool. The data set now includes 100,000 records, each with only ten variables, holding the equivalent of 36 million juvenile court cases from 1985 to 2007.

Flushed with the enormous success of Easy Access to Juvenile Court Statistics, Howard then produced Easy Access to the FBI Arrest Statistics, Easy Access to the FBI Supplementary Homicide Reports, Easy Access to Juvenile Populations, and Easy Access to NIBRS: Victims of Domestic Violence. Each of these programs and the accompanying data can be used easily by persons in different states with little expertise to create cross tabulations and can answer questions about trends over time. In my view, this suite of Easy Access applications, making key criminological information widely available to everyone, is one of Howard’s most important legacies from his 30 years at the NCJJ.

In addition to answering numerous queries about juvenile justice data, Howard travelled prodigiously and made hundreds of presentations all over the nation on juvenile justice topics. He was recognized widely as a lively, entertaining, sometimes provocative, but also scientific, balanced, and unbiased speaker. Without a doubt, for juvenile justice practitioners

and policy makers throughout the nation, he was the best known and most influential researcher (at least in the 1980s and 1990s). He was a great role model in bringing beautiful facts to bear on ugly ideas, such as the juvenile “superpredators.”

Howard somehow found time to publish numerous influential reports, of which some of the most important are the *Juvenile Offenders and Victims* series (see, e.g., Snyder and Sickmund, 2006). These reports made available to the masses (and to criminologists) a huge amount of relevant information in an easily understandable format. These publications are on the shelves of most law enforcement agencies, prosecutor offices, juvenile courts, and juvenile correctional agencies. They also have been used as textbooks in college classes of criminology, juvenile delinquency, and juvenile justice and are widely cited. Howard also published the annual *Juvenile Arrests* report (e.g., Snyder, 2008) and numerous other reports, even including one on juvenile suicides (Snyder and Swahn, 2004).

For many years, Howard Snyder was the first person that criminologists and juvenile justice professionals and decision makers called on when they needed research or statistical information. He was recognized widely as the foremost expert on juvenile justice statistics. Not surprisingly, therefore, Rolf Loeber and I enlisted his help with our two OJJDP study groups on *Serious and Violent Juvenile Offenders* (Loeber and Farrington, 1998) and *Child Delinquents* (Loeber and Farrington, 2001). Howard wrote excellent chapters for both of these books and was a fountain of knowledge for all study group members. What he did not know about juvenile justice data was not worth knowing!

Although Howard Snyder’s main fame lies in his knowledge of juvenile justice and especially his achievements in communicating research results to policy makers and practitioners, he also is a highly skilled and competent researcher himself. In 1985–1986, I collaborated with him and Terry Finnegan in writing an article on “Specialization in juvenile court careers” (Farrington, Snyder, and Finnegan, 1988). We used NJCDA data on nearly 70,000 juvenile court offenders in two states to investigate specialization using various methods including the forward specialization coefficient, which I had proposed. This data set had been created from the NJCDA by Howard and Terry for a study of juvenile court careers (Snyder, 1988). I was impressed by Howard and Terry’s excellent contributions to a complicated article. Howard later collaborated with Rolf Loeber in publishing another important *Criminology* paper on juvenile court careers (Loeber and Snyder, 1990).

Although Howard was recognized as the leading national expert and was doing stellar work, his years at the NCJJ were rarely easy. On the one hand, the National Council of Juvenile and Family Court Judges, based in Reno, Nevada, was the parent organization of NCJJ. On the other hand, the OJJDP was the major funding agency. It was difficult to satisfy the demands of both these bodies, and it was especially hard to secure continuous OJJDP funding for all projects, including the NJCDA. I do not know how Howard managed to stay sane in the face of constant threats (most years) that the funding would be cut off!

Beginning in the mid-1980s, I visited Pittsburgh several times a year, and I usually got together with Howard (if he was in town) and often visited the NCJJ offices. Howard was

proud of being born and brought up in Pittsburgh, and we often enjoyed steak dinners on the South Side, which was a cheerful working-class area (as was much of Pittsburgh) with attractions such as duelling pianos. It must have been quite a shock to Howard to move to Washington!

As I said at the beginning of the commentary, I am confident that Howard will be just as successful at the BJS as he was at the NCJJ. He is already using his previous experience to build a recidivism database. He has designed and is implementing a process whereby criminal history information on large samples of individuals can be extracted from state repositories, standardized into common fields and values, and summarized into a researchable database that will support recidivism studies. In the past, this process took years to complete; in the future, it will be completed in weeks. This development will enable the BJS to conduct more recidivism studies for the same cost. The first project to use this process will track the criminal offenses of 70,000 persons for a 5-year period after their release from state prisons.

I am sure that Howard soon will be recognized as the nation's foremost expert on recidivism data. Rolf Loeber and I are now benefiting from his expertise on our National Institute of Justice Study Group on Transitions from Juvenile Delinquency to Adult Crime. For his work in advancing knowledge about juvenile and now criminal justice as well as for his unparalleled efforts to communicate the results of research widely and to influence public policy, Howard Snyder is a deserving winner of the Vollmer Award.

References

- Farrington, David P., Howard N. Snyder, and Terrence A. Finnegan. 1988. Specialization in juvenile court careers. *Criminology*, 26: 461–487.
- Loeber, Rolf and David P. Farrington, eds. 1998. *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*. Thousand Oaks, CA: Sage.
- Loeber, Rolf and David P. Farrington, eds. 2001. *Child Delinquents: Development, Intervention, and Service Needs*. Thousand Oaks, CA: Sage.
- Loeber, Rolf and Howard N. Snyder. 1990. Rate of offending in juvenile careers: Findings of constancy and change in lambda. *Criminology*, 28: 97–109.
- Puzzanchera, Charles and Melissa Sickmund. 2008. *Juvenile Court Statistics 2005*. Pittsburgh, PA: National Center for Juvenile Justice.
- Snyder, Howard, N. 1988. *Court Careers of Juvenile Offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. 2008. *Juvenile Arrests 2005*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. and Melissa Sickmund. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, Howard N. and Monica H. Swahn. 2004. *Juvenile Suicides 1981–1998*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

David P. Farrington, O.B.E., is a professor of psychological criminology at the Institute of Criminology, Cambridge University. He is co-chair of the U.S. National Institute of Justice Study Group on Transitions from Juvenile Delinquency to Adult Crime as well as co-chair of the U.S. Centers for Disease Control Expert Panel on Promotive and Protective Factors for Youth Violence. His major research interest is in developmental criminology, and he is director of the Cambridge Study in Delinquent Development, which is a prospective longitudinal survey of more than 400 London males from age 8 to 48. In addition to more than 500 published journal articles and book chapters on criminological and psychological topics, he has published more than 75 books, monographs, and government publications.

EDITORIAL INTRODUCTION

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

Sex offender policies in an era of zero tolerance

What does effectiveness really mean?

Jill S. Levenson, Senior Editor

Lynn University

Protecting society from repeat sexual predators has become a crime prevention priority for U.S. lawmakers during the past two decades. A panoply of federal, state, and local laws now exists to monitor known sex offenders closely in an effort to prevent them from reoffending. The most ubiquitous of these policies is sex offender registration and notification (SORN). These laws require law enforcement agencies to collect data about a convicted sex offender's whereabouts and crimes and then to disclose that information on publicly accessible Internet sites so citizens can easily identify sexual criminals living within close proximity. The intention of these laws is to reduce reoffending through improved law enforcement monitoring and tracking of convicted sex offenders, increased surveillance by community members, and enhanced ability of concerned citizens to take protective actions to avoid known perpetrators. The research article and the policy essays in this issue offer some thought-provoking ideas about the empirical efficacy of registration and notification laws as well as open up new avenues of dialogue and debate for criminologists and criminal justice practitioners.

Rachel Bandy's (2011, this issue) research article offers new data about the degree to which concerned citizens use sex offender registry information for protective purposes. Armed with information about the whereabouts of convicted sex offenders, parents, and others can ostensibly take steps to avoid potentially dangerous individuals and situations. Previous research suggests that community members perceive themselves to be safer when

Direct correspondence to Jill S. Levenson, Lynn University, 3601 N. Military Trail, Boca Raton, FL 33431 (e-mail: jlevenson@lynn.edu).

they know where sex offenders live (Anderson and Sample, 2008; Levenson, Brannon, Fortney, and Baker, 2007; Lieb and Nunlist, 2008). Curiously, however, Bandy's sample engaged in few protective behaviors as a result of notification, although parents were slightly more likely to take protective actions on behalf of their children. On closer examination of Bandy's results, it is interesting to note that the perceived risk of sexual assault for children is low on the scale; on average, subjects rated the risk of their child being sexually abused as 3 on a 10-point scale. This finding is somewhat incongruous with the assumptions underlying notification laws. In other words, despite the vast media attention and urgent legislative responses to the perceived threat of sex offenders, parents seem to view the risk of sexual abuse to their own children as relatively minimal. Moreover, many protective behaviors used by respondents in Bandy's study related to general crime prevention rather than to child sexual abuse prevention. With regard to the one tactic that specifically addressed sexual abuse (warn children to be aware of sex offenders in the neighborhood), only 18% of respondents reported that they took this precaution. Thus, although community members strongly support notification and often report feeling safer as a result of knowing where sex offenders live (Anderson and Sample, 2008; Levenson, Brannon, et al., 2007; Lieb and Nunlist, 2008), the value of these laws in altering behavior may be limited, ultimately resulting in negligible practical benefit.

In her policy essay, Karen Terry (2011, this issue) provides commentary describing how Bandy's (2011) research highlights the controversies of notification policies. Terry outlines the flawed logic of these laws, leaving us unsurprised that most studies have not detected significant changes in rates of sex crimes in general or recidivism specifically as a result of SORN (Letourneau, Levenson, Bandyopadhyay, Sinha, and Armstrong, in press; Sandler, Freeman, and Socia, 2008; Vásquez, Maddan, and Walker, 2008; Zgoba, Witt, Dalessandro, and Veysey, 2009). She notes that notification emphasizes "stranger danger" and reinforces the notion of highly compulsive and repetitive predators, despite that most sex crimes are committed by first-time offenders not found on registries (Sandler et al., 2008), that few sex offenders' assault victims are previously unknown to them (Bureau of Justice Statistics, 1997), and that research has found recidivism rates to be much lower than commonly believed (Bureau of Justice Statistics, 2003; Hanson & Bussière, 1998; Hanson and Morton-Bourgon, 2005). She also cautions that as states implement the Adam Walsh Act and the scope of registration expands to include more individuals, the ability of the public to distinguish between higher and lower risk offenders will be compromised (Harris, Lobanov-Rostovsky, and Levenson, 2010). Although Terry acknowledges that SORN laws may help warn potential victims and prevent tragedies in some isolated cases, currently they are not designed to be effective in deterring the most common scenarios in which sexual assault occurs. She offers suggestions for more nuanced approaches to supervision, management, and community education.

Lisa Sample (2011, this issue) approaches the analysis of SORN laws from an innovative angle. She argues that evaluating both the instrumental and symbolic objectives of policies

is essential in the continuing dialogue about SORN laws and prevention of sexual violence. While acknowledging that it has been difficult to detect instrumental effects empirically, such as reduced reoffending and increased community protection behaviors, Sample points out that SORN policies achieve vital symbolic effects. They send a clear message to victims and concerned citizens that sexual victimization is important to lawmakers and that politicians are willing to address public concerns (Sample and Kadleck, 2008). Moreover, she contends, symbolic policies can achieve instrumental effects over time, and as criminologists, we should be open to exploring a wider range of positive outcomes beyond recidivism.

Much of the scholarly discourse around SORN policies has been about the unintended consequences of these laws, primarily the potential violations of offender rights and the obstacles to reintegration that may inadvertently contribute to risk factors for recidivism (Levenson and Cotter, 2005; Levenson, D'Amora, and Hern, 2007; Mercado, Alvarez, and Levenson, 2008; Tewksbury, 2005; Tewksbury and Lees, 2006). Indeed, sociologist Robert Merton (1936) observed wisely that social policies, notwithstanding their good intentions, can lead to unexpected outcomes; he called this paradoxical result the "law of unintended consequences." Merton observed that when a society overreacts to a perceived threat and seeks to curtail that threat by altering the social order drastically, subsequent unanticipated outcomes often occur. Collective values play a crucial role in social movements, and popular constructs of good and evil are motivating forces that can preclude full appreciation of the possible negative ramifications of change (Merton, 1936). Other scholars have concurred that by uniting against a common enemy, policy enactment can serve to reinforce social solidarity (Roots, 2004). For all these reasons, the collateral consequences of sex offender policies are likely to be disregarded by lawmakers and citizens who hope to deter sexual violence. Those who point out potentially counterproductive effects, especially as they relate to sex offender reintegration, are often dismissed as valuing the rights of criminals above the safety of children.

Sample (2011) recognizes this quandary but speculates that in the cost/benefit analysis, the symbolic expression of zero tolerance for sexual violence will always outweigh offender rights, fiscal considerations, and empirical testing. Bandy (2011) and Terry (2011) question the efficiency and efficacy of continuing to pursue implementing policies that achieve negligible practical results. Policy analysis requires a continuous process of evaluation that measures movement toward intended goals as well as unanticipated results that might prove contrary to the best interests of the community. And so, in this issue of *Criminology & Public Policy*, the debate continues, contributing to the scholarly dialogue and to our collective wisdom.

References

- Anderson, Amy L. and Lisa L. Sample. 2008. Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19: 371–396.

- Bandy, Rachel. 2011. Measuring the impact of sex offender notification on community adoption of protective behaviors. *Criminology & Public Policy*, 10(2): 237–263.
- Bureau of Justice Statistics. 1997. *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault* (No. NCJ-163392). Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics. 2003. *Recidivism of Sex Offenders Released from Prison in 1994* (No. NCJ 198281). Washington, DC: U.S. Department of Justice.
- Hanson, R. Karl and Monique T. Bussière. 1998. Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66: 348–362.
- Hanson, R. Karl and Kelly E. Morton-Bourgon. 2005. The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology*, 73: 1154–1163.
- Harris, Andrew J., Christopher Lobanov-Rostovsky, and Jill S. Levenson. 2010. Widening the net: The effects of transitioning to the Adam Walsh Act classification system. *Criminal Justice and Behavior*, 37: 503–519.
- Letourneau, Elizabeth J., Jill S. Levenson, Dipankar Bandyopadhyay, Kevin S. Armstrong, and Debajyoti Sinha. 2010. Effects of South Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*, 37: 477–481.
- Levenson, Jill S., Yolanda N. Brannon, Timothy Fortney, and Juanita Baker. 2007. Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7: 1–25.
- Levenson, Jill S. and Leo P. Cotter. 2005. The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21: 49–66.
- Levenson, Jill S., David A. D'Amora, and Andrea L. Hern. 2007. Megan's Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25: 587–602.
- Lieb, Roxanne and Corey Nunlist. 2008. *Community Notification as Viewed by Washington's Citizens: A Ten-Year Follow-up* (No. 08-03-1101). Olympia: Washington State Institute for Public Policy.
- Mercado, Cynthia C., Shea Alvarez, and Jill S. Levenson. 2008. The impact of specialized sex offender legislation on community re-entry. *Sexual Abuse: A Journal of Research and Treatment*, 20: 188–205.
- Merton, Robert K. 1936. The unanticipated consequences of purposive social action. *American Sociological Review*, 1: 894–904.
- Roots, Roger I. 2004. When laws backfire: Unintended consequences of public policy. *American Behavioral Scientist*, 47: 1376–1394.
- Sample, Lisa L. 2011. The need to debate the fate of sex offender community notification laws. *Criminology & Public Policy*, 10(2): 265–274.
- Sample, Lisa L. and Colleen Kadleck. 2008. Sex offender laws: Legislators' accounts of the need for policy. *Criminal Justice Policy Review*, 19: 40–62.

- Sandler, Jeffrey C., Naomi J. Freeman, and Kelly M. Socia. 2008. Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law. *Psychology, Public Policy and Law*, 14: 284–302.
- Terry, Karen J. 2011. What is smart sex offender policy? *Criminology & Public Policy*, 10(2): 275–282.
- Tewksbury, Richard. 2005. Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, 21: 67–82.
- Tewksbury, Richard and Matthew Lees. 2006. Consequences of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26: 309–334.
- Vásquez, Bob Edward, Sean Maddan, and Jeffery T. Walker. 2008. The influence of sex offender registration and notification laws in the United States. *Crime & Delinquency*, 54: 175–192.
- Zgoba, Kristen, Philip Witt, Melissa Dalessandro, and Bonita Veysey. 2009. Megan's Law: Assessing the practical and monetary efficacy [electronic version]. Retrieved February 8, 2009 from <http://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf>.
-

Jill S. Levenson is an Associate Professor of Psychology and Human Services at Lynn University in Boca Raton, FL. She is also a licensed clinical social worker with over 23 years of clinical experience in the sexual abuse field. Dr. Levenson researches the impact and effectiveness of social policies and therapeutic interventions designed to reduce sexual violence. She has been a co-investigator or consultant on four federal grants investigating the effectiveness of sex offender registration and notification in preventing recidivism. She has published over seventy articles and book chapters and has co-authored three books on the treatment of sex offenders and their families.

EXECUTIVE SUMMARY

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

Overview of “Measuring the impact of sex offender notification on community adoption of protective behaviors”

Rachel Bandy

Simpson College

Research Summary

The research presented here empirically evaluates the claim that sex offender notification is positively correlated with the public's adoption of protective behavior, while considering the impact ecological context has on the decision to adopt protective behaviors. This study assumes that people make decisions about their personal safety behaviors after calculating their perceived victimization risk; risk that is based upon a number of both personal and ecological variables including one's sex, race, parent status, neighborhood type, and whether or not one has received notification about a sex offender residing in close proximity. Holding that these factors impact behavior, a person then acts—or does not act—according to his or her calculation of risk. Because community notification is often geographically specific and because it is well documented that known sex offenders are concentrated in socially disadvantaged neighborhoods this study gives primacy to measuring protective behavior differences between socially disorganized neighborhoods and socially organized neighborhoods. Specifically, this research asks:

- (1) if notified residents undertake more protective behaviors on behalf of themselves or loved ones than do non-notified residents;*
- (2) if there is a difference in protective actions taken by notified residents of socially organized neighborhoods compared to notified residents of socially disorganized neighborhoods; and,*
- (3) if there is a difference in protective behavior between residents of socially disorganized neighborhoods who receive notification and those who do not.*

To explore these relationships a series of regression analyses was conducted on data generated from an adaptation of Ferraro's (1995) Fear of Crime in America Survey

($n = 407$). This study found no statistically significant relationship between receiving notification about a high-risk sex offender and the adoption of self-protective behaviors, controlling for differences in sociodemographics and neighborhood type. This has important implications as it undermines the very assumption upon which notification laws are based—that if people have knowledge of a person who poses a potential threat to their safety, they will change their behavior to mitigate this risk. This research project did not discern any significant group differences in response to notification, suggesting that—across the board—community members simply are not motivated by notification to change their personal safety habits. This study did find, however, that notified parents adopt more behaviors to protect their children than do non-notified parents. While the effect size is modest at best, this may not matter to the public and its elected officials as much of the traction gained by community notification laws has been in their potential to protect children and other vulnerable populations.

Policy Implications

Sex offender notification laws have been consistently upheld as constitutional with the most consistent legal argument for retaining these laws being the superseding right of the public to know about an offender's presence in the community over the offender's right to privacy because the disclosure of offender information served the legitimate function of public safety. This argument assumes that knowledge gained from community notification leads to behavioral changes. The data presented here do not support the claim that the public is safer from sex offenders due to community notification laws. The data do, however, provide modest support for a key assumption of notification laws: that children receive more protection against victimization when their families know about a high-risk sex offender residing nearby. What is unclear is the quality and relevance of this increased protection. The vast majority of child sexual abuse victims know their perpetrator, and the vast majority of offenders are not subject to notification laws. Victim advocates have suggested that notification laws may actually make some populations more vulnerable because it keeps most of the attention, education, and resources on the least likely perpetrator: a stranger.

The role of evidence-based research in informing this politically sensitive issue will likely unfold under the research agenda prioritized in the Adam Walsh Child Protection and Safety Act. Should future research confirm existent findings that notification laws offer little to no prophylactic benefit against sexual victimization, constitutionalists may be able to successfully argue that since these laws largely do not serve their intended public good, they are indefensible violations of civil liberties.

Keywords

sex offender notification, Megan's Law, risk of crime, protective behavior, social disorganization

RESEARCH ARTICLE

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

Measuring the impact of sex offender notification on community adoption of protective behaviors

Rachel Bandy

Simpson College

Community notification laws require government officials to inform the public of a sex offender's presence in the community when that offender has been identified as posing a high risk for recidivism. The logic behind these laws is that by providing the public with information about a potential threat to safety, citizens will be motivated to take protective actions to mitigate their risk for victimization (Walsh and Cohen, 1998). Since their federally mandated inception in 1996, much research has been conducted on the impacts community notification laws have had on offenders (e.g., English, 1998; Levenson and Hern, 2007; Petrosino and Petrosino, 1999; Tewksbury, 2005; Zevitz, 2006; Zevitz and Farkas, 2000). However, these laws primarily were written and designed with the public's behavior in mind—not the offenders'. Despite their existence in all 50 states, research focusing specifically on the effects of community notification laws on the public's adoption of protective behavior—the behavior the laws are intended to impact—is limited to a handful of recent studies (Anderson, Evans, and Sample, 2009; Anderson and Sample, 2008; Beck, Clingermayer, Ramsey, and Travis, 2004; Beck and Travis, 2004; Caputo and Brodsky, 2004).

The author gratefully acknowledges the helpful feedback from Sara Steen (University of Colorado-Boulder), Jeff Hayes (Institute for Women's Policy Research), and several anonymous reviewers on earlier drafts of this article. Direct correspondence to Rachel Bandy, Simpson College, 701 North C Street, Indianola, IA 50125 (e-mail: rachel.bandy@simpson.edu).

This lack of examination into community notification's instrumental goal of increasing public safety has not impeded the growth of these politically popular laws, with their most notable expansion in both scope and depth being the 2006 Adam Walsh Child Protection and Safety Act (hereafter the Walsh Act). Notification laws and their associated high costs have been justified to taxpayers by invoking the platitude "no price is too high" when it comes to protecting the public against the potential threat of sex offenders (Zgoba, Witt, Dalessandro, and Veysey, 2008). Moreover, the U.S. Supreme Court has validated these controversial laws by consistently ruling that the legitimate public good they serve (public safety) outweighs the civil liberty interests (privacy and protection against ex post facto punishment) of this class of offender, thereby rendering them constitutional (*Connecticut Department of Public Safety v. Doe*, 2003; Logan, 1999; *Smith v. Doe*, 2003). These rulings come despite a lack of empirical evidence supporting the claim that the public is safer as a result of community notification.

The research presented here empirically evaluates the claim that community notification is correlated positively with the public's adoption of protective behavior. This research project closely replicates a Hamilton County, Ohio, study conducted by Beck et al. (2004) in which they examined whether people who receive community notification undertake more protective behaviors (on behalf of themselves or loved ones) than people who do not receive notification. However, unlike Beck et al. (2004), this research considers the impact ecological context has on the decision to adopt protective behaviors. Because community notification often is geographically specific (i.e., only those living in close proximity of an offender receive notification) and because it is well documented that known sex offenders are concentrated in socially disadvantaged neighborhoods (Hughes and Kadleck, 2008; Mustaine, Tewksbury, and Stengel, 2006; Tewksbury and Mustaine, 2006; Zandbergen and Hart, 2006; Zevitz, 2003), this study gives primacy to measuring protective behavior differences between socially disorganized neighborhoods and socially organized neighborhoods. The contribution of this analysis is twofold. First, it provides some much-needed evaluation of the relationship of notification laws to protective behavior. Second, its emphasis on ecological space as an intervening variable in how people respond to notification provides insight into how well these laws serve as a crime prevention tool in communities that are the most vulnerable to victimization.

To frame this discussion, a brief background on notification and registration laws is presented followed by an examination of research findings on the impact of notification laws on the public. Concluding this discussion is an explanation of the notification policies and practices in this project's research site of Minneapolis, Minnesota.

Policy Background and Empirical Evaluation

The 1990s were a volatile time for the development of policies aimed at controlling a type of criminal who was considered by the public to be particularly problematic—the sex offender (Garland, 2001). Several high-profile sexual assault cases left the public with a

collective “realization that the modern strategy of crime-control-through-criminal justice [had] been tried and found wanting” (2001: 20). The failure was observed not as stemming from an implementation-of-policy-failure but rather as a failure of the theories about crime, criminality, and crime-control driving policy (Garland, 2001). A frustrated public looked to the legislature—not prison officials nor the psychiatric profession as it previously had—to address its concerns through “legislation designating sexual offenders as a separate category [of offender], authorizing procedures outside both the criminal law and the civil commitment process” (Lieb, Quinsey, and Berliner, 1998: 48, 53). It is under this cultural climate of distrust that current federal sex offender registration and notification laws were developed.

Federally Mandated Registration and Notification Laws¹

Registration laws generally require that offenders provide law enforcement and other designated parties with identifying information (e.g., name, address, and employer) to monitor their whereabouts. This information must be updated by the offender for as long as is statutorily required, or the offender will face criminal charges (Matson, 2001). Despite the seemingly recent interest and energy put toward the social control of sex offenders, registration laws have been in place in the United States since the 1930s (Lieb et al., 1998). Originally used by law enforcement as an intelligence tool, registries greatly expanded in size, scope, and purpose through the 1990s because of an increase in public awareness of sexual violence and victims’ rights activism, as well as a shifting in stakeholder roles, in which policy makers deferred less to the opinions of criminal justice professionals and more to the will of their constituents (Garland, 2001; Lieb et al., 1998). State-level activism and legislative initiatives culminated in a national agenda to protect the public against sex offenders in 1994 when the U.S. Congress enacted The Jacob Wetterling Crimes against Children and Sex Offender Registration Act (hereafter, the Wetterling Act), so named for a Minnesota boy who was abducted at gunpoint by a masked man assumed to be a sex offender (Matson, 2001).

The Wetterling Act mandated that all states have a sex offender registry and provided guidelines as to what information should be collected and maintained to eliminate inconsistencies between existing registries, improve the quality of law-enforcement intelligence, and provide for the sharing of such intelligence for investigative purposes. The Wetterling Act also authorized for the first time at the federal level *discretionary* community notification of sex offenders. This policy soon was followed by a demand from both the public and its elected officials for *mandatory* community notification after the sexual assault and homicide of 7-year-old Megan Kanka of New Jersey at the hands of a repeat sex offender. Community notification became a federal mandate in 1996 when Megan’s Law was added as an amendment to the Wetterling Act. By 2000, all 50 states had both sex offender registration and community notification laws (Adams, 2002).

1. For a thorough review of the history of sex offender laws in the United States, see Terry and Ackerman (2009).

The Wetterling Act was amended many more times to introduce such initiatives as a public national sex offender registry and increased sanctions for offenders who violate registration requirements before being repealed in 2006 by the Walsh Act. The Walsh Act was named after a 6-year-old Florida boy whose kidnapping and murder are believed to be the work of a known sex offender. Its goal is to broaden the scope of offenders subject to registration and notification practices and to strengthen the enforcement of states' registration and notification policies. This landmark legislation includes seven major titles, each named after a victim in a high-profile sex crime case.² Notably, the Walsh Act acknowledges the lack of research supporting the undergirding assumptions of sex offender laws. To address this issue, it provides for the first time extensive federal funding dedicated to research evaluating the impact of sex offender registration and notification laws on both offenders and the communities in which they live while simultaneously mandating the implementation of largely untested policies.

Empirical Evaluation of Community Notification Laws

Research on the impact of notification laws on community members has offered the following consistent findings: (a) These laws increase the amount of fear residents report feeling (Beck and Travis, 2004; Caputo and Brodsky, 2004; Phillips, 1998; Zevitz, 2004; Zevitz and Farkas, 2000)³; (b) residents overwhelmingly support these laws and believe them to provide an important public service (Caputo and Brodsky, 2004; Levenson, Brannon, Fortney, and Baker, 2007; Martin and Marinucci, 2006; Phillips, 1998); (c) most do not access community notification information (Anderson et al., 2009; Anderson and Sample, 2008; Gallup Poll, 2005).

Findings are mixed, however, on whether notification prompts protective behavior—the central goal of these laws. For the most part, research has found no significant relationship between notification and the adoption of risk-mitigating behavior (Anderson and Sample, 2008; Caputo and Brodsky, 2004; Phillips, 1998). The exceptions are Anderson et al. (2009) as well as the works of Beck and Travis (2004) and Beck et al. (2004). Although Anderson et al. (2009: 319) found that some characteristics (being female, having Internet access, having children, and being less educated) were correlated with taking protective action after having accessed an online sex offender registry, this work failed to define “protective action.” Nor did it differentiate between protective behaviors undertaken on behalf of oneself and on behalf of a loved one (e.g., one's child). Moreover, behavior modification was measured with only the following survey question: “Have you ever taken any preventative measures

2. For a review of the Walsh Act, see McPherson (2007).

3. A notable exception is the work of Anderson and Sample (2008: 387) who found that notified residents report feeling safer—not more fearful—because the notification reportedly made them “more aware.” The authors qualify this finding by speculating that respondents “derived a causal model for public safety. . . in which registry information makes them more aware, and awareness translates to some enhanced level of perceived public safety.”

as a result of the [online registry] information?” As such, no statement can be made as to the type of action taken or its likelihood for mitigating victimization risk.

Beck and Travis (2004) centrally considered protective behavior and its relationship to notification. Using a slight adaptation of Ferraro's (1995) Fear of Crime in America Survey, they surveyed 692 households in Hamilton County, Ohio, that because of their proximity to a sex offender's residence, either could expect to receive notification ($n = 97$) or could not expect to receive notification ($n = 139$). They found a significant relationship between notification and various types of protective behavior adaptations and suggested that the concomitant increase in fear (prompted by notification) explained the behavior change.

Beck et al. (2004) elaborated on this model by measuring as two distinct constructs respondents' *fear of crime*, “an emotional reaction of dread or anxiety to crime or symbols that a person associates with crime” (Ferraro, 1995: 4), and their *perceived risk of victimization*, “exposure to the chance of loss or injury” (Ferraro, 1995: 11), as research suggests that protective behavior adoption is not the result of fear but of perceived risk (Ferraro, 1995; Warr, 1984). In other words, if someone is afraid of sex offenders but believes he or she is at low risk for sexual victimization, then he or she has little motivation to take safety precautions; fear is the emotional by-product of both perceived risk and subsequent protective behaviors because both reinforce the notion that one must be vigilant about safety (Ferraro, 1995).

They hypothesized that if community notification heightens people's awareness about a potential and proximate threat, then they might perceive themselves to be at greater risk for victimization because of the risk that is articulated by the authorities who are mandated to “warn” the public about an identified threat; the public then might choose to mitigate this risk by adopting new and more rigorous personal safety habits. Again, they found a significant correlation between notification and protective behaviors taken on behalf of loved ones but not for oneself. However, they no longer found a correlation between fear and notification; instead, perceived risk was a significant correlate of notification. This finding has important implications as it contradicts research that found heightened fear of victimization to be correlated with self-protective behaviors (e.g., Liska, Sanchirico, and Reed, 1988; Taylor and Hale, 1986). Moreover, it might help to explain why residents commonly report increased fear after receiving community notification but not increased protective behavior—because of a lack of perceived personal risk.

Perceived risk of victimization is a variable that seemingly mediates the effects of community notification on the public's behavior. In assessing one's risk, people consider individual characteristics of both oneself and of a potential threat (e.g., sex, age, and race), as well as environmental cues (e.g., receiving notification and neighborhood type) (Ferraro, 1995; Hunter, 1978; Lewis and Salem, 1986; Wilson and Kelling, 1982). From this interaction of variables, one decides what protective behaviors to practice. Although individual-level variables do not prove to be particularly accurate predictors of risk, ecological

variables are accurate, as research has found neighborhood residents to have a generally accurate perception of their victimization risk (Lewis and Maxfield, 1980; McPherson, 1978). Ferraro's (1995) research on the relationship between the risk and the fear of crime considered ecological context by incorporating elements of social disorganization theory to explain the adoption of protective behaviors, as does the research presented here.

According to social disorganization theory, geographically concentrated criminality, deviant behavior, and deviants (e.g., sex offenders) will be found in locations marked by *neighborhood disorder*, that is, "the condition whereby a community lacks the necessary structure to "maintain effective social controls" (Kornhauser, 1978: 120). As both a result of and contributor to this ineffective social control, neighborhoods become and remain socially disorganized. According to Shaw and McKay (1942), early architects of social disorganization theory, neighborhoods that are socially disorganized are marked by high poverty rates, high mobility rates, and high racial heterogeneity. These structural features impede residents in producing a consensus among community members as to which behaviors are socially acceptable and from realizing collective goals such as crime prevention. This inhibition, in turn, might diminish a neighborhood's "collective efficacy" or its willingness to work together toward a common goal (Pattavina, Byrne, and Garcia, 2006; Sampson, Raudenbush, and Earls, 1997). These structural barriers, by extension, also might offer insight into the extra challenges faced by residents of disorganized neighborhoods in their efforts to mitigate victimization risk. Because community notification often is geographically specific, considering both neighborhood organization and individual-level variables has the potential to provide a more thorough understanding of the factors individuals take into consideration when deciding how to respond to community notification.

Community Notification at the Research Site: Minneapolis, Minnesota

Motivating protective, risk-mitigating behavior is the explicit goal of community notification in the state of Minnesota, a state regarded as a model for community notification practices. In codifying the law, its state legislators wrote

if members of the public are provided adequate notice and information about a sex offender who has been or is about to be released from custody and who lives or will live in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release. (MN statute 244.052)

To motivate citizens adequately to adopt protective behaviors, the city of Minneapolis conducts what is known as "active notification,"⁴ meaning that law enforcement is charged

4. Alternately, some jurisdictions practice "passive notification" meaning that they collect sex offender information, but the onus is on the public to seek it out. Popular modes of passive notification include

with the responsibility of actively seeking out an audience to inform about a high-risk offender's existence. In Minnesota, the only offenders subject to community notification are those deemed to pose the highest risk⁵ of reoffense, categorized as Level 3 offenders, which make up a small segment of the offender population. As such, community notification in Minnesota is highly selective, but it is aggressive.

Minneapolis uses community meetings to notify residents within an approximate three-block radius of an offender's home of that offender's existence in the neighborhood. At these meetings, information considered pertinent to public safety is shared (e.g., photograph, criminal history, approximate address, and victim type) as well as an educational presentation on protecting against sexual assault. The same meeting format is used uniformly across neighborhoods throughout the city and is facilitated by the Minneapolis Police Department (MPD) (Sgt. J. Hinchliff, personal communication, October 7, 2005). Minneapolis's notification policies and procedures are held in high regard nationally and are used by several jurisdictions. They were developed under consultation with Washington state officials, who were the first in the nation to introduce community notification policies and practices in a systematic manner. Notification procedures include the repeated dissemination of printed offender fact sheets, flyers, and personal safety handouts, both in English and in several other languages commonly spoken in Minneapolis. Additionally, several authorities from the MPD, community corrections, state department of corrections, as well as sexual assault advocates attend every community notification meeting and make themselves available on a continual basis to any residents that wish to speak with them. According to risk communication theory, when authorities need to communicate risk of a potential threat (natural- or human-made disaster) to induce the public to take protective actions, the best results come from communication that is given (a) in the written form, (b) repeatedly, and (c) by a multitude of authoritative groups (Mileti, Fitzpatrick, and Farhar, 1992). As such, it is reasonable to expect that if community notification were to prompt the undertaking of protective behaviors, then this effect would be observed most readily in a locale such as Minneapolis. For these reasons, Minneapolis was selected as the research site for this project.

Data and Methods

Community notification effects on protective behavior were examined from a sample of English-language proficient residents of the city of Minneapolis who were 18 years of age or older and living in a neighborhood that had been subject to community notification between July 2004 and January 2006. One thousand residents from 20 neighborhoods were

Web sites and maintaining sex offender information available for viewing at local police departments or other government agencies.

5. Risk is determined through the application of the actuarial risk-assessment tool MN-SOST-R (Minnesota Sex Offender Screening Tool-Revised).

sampled, resulting in 407 participants. The research questions addressed here ask whether notified residents undertake more protective behaviors on behalf of themselves or loved ones than do non-notified residents; whether protective actions taken by notified residents of socially organized neighborhoods were different from those actions taken by notified residents of socially disorganized neighborhoods; and whether protective behavior between residents of socially disorganized neighborhoods who receive notification were different from those who do not.

Sample: Neighborhoods and Residents

A matched-case sampling design was used for this study, with the test group and the control group matched according to their notification status (“expected to receive sex offender notification” or “did not expect to receive sex offender notification”) and according to their neighborhood type (“socially organized” or “socially disorganized”). Comprising the test group ($n = 192$) were Minneapolis residents who reside in neighborhoods where sex offender notification has taken place and who live close enough to the offender to be subject to notification (within an approximate three-block radius of the offender’s residence, per MPD protocol). Residents from these same neighborhoods, who were not subject to notification (because they live outside the approximate three-block radius of the offender’s residence), made up the control group ($n = 215$).

The sampling frame was developed by first collecting from the MPD a list of all notification meetings that occurred in Minneapolis between July 2004 and January 2006. A timeframe of 18 months was chosen to ensure an adequately large and diverse number of neighborhoods from which to draw a sample. The information provided by the MPD identified the specific geographic areas within a neighborhood that received notification when an offender moved into that neighborhood. The 75 notification meetings that occurred within Minneapolis during the research timeframe took place within 41 neighborhoods.

To refine the sampling frame, each of these 41 neighborhoods was categorized as being either “socially organized” or “socially disorganized.” Neighborhoods in Minneapolis were identified as socially disorganized if they fit Shaw and McKay’s (1942) theoretical criteria of having a *high poverty rate*, measured as a resident poverty rate greater than the city average of 11.9%; *high residential mobility*, measured as a rental property rate higher than the city average of 48.6%; and *high racial heterogeneity*, measured as more than 28.7% of neighborhood residents are racial minorities.⁶ Data compiled by the Minneapolis Office of

6. A value of 28.7% was chosen as the data point because it was the figure used to identify minority-concentrated areas in a class-action lawsuit against the city of Minneapolis (*Hollman v. Cisneros*, 1992), which successfully argued that the city purposely segregated low-income housing in neighborhoods that were poverty stricken or high-minority areas, “thereby concentrating the poor and

City Planning from the 2000 U.S. Census were used to determine which neighborhoods fit these criteria.

In addition to these three theoretical factors, crime rate was given some consideration when determining neighborhood organization; a neighborhood crime rate higher than the city average suggested that a neighborhood might be socially disorganized. Neighborhood crime rates were measured by using Uniform Crime Reports Type 1 offense statistics provided by the MPD in conjunction with neighborhood population figures provided by the Minneapolis Office of City Planning. Because data from the 2000 U.S. Census were used to determine poverty, race, and residential mobility figures, crime data were used from 2000 as well to maintain consistency.⁷ Once neighborhood poverty rates, racial composition, residential mobility rates, and crime rates were collected for each neighborhood affected by sexual offender notification, a classification of “socially organized” ($n = 22$) or “socially disorganized” ($n = 19$) was applied.

To check the face validity of these classifications, additional neighborhood-level qualitative data were collected from the MPD Crime Prevention Specialists (CPSs). CPSs are civilian employees of the police department whose main charge is to assist each neighborhood in developing self-sufficient, self-identified crime-prevention measures that suit its individual neighborhood needs. CPSs are particularly well suited to discuss neighborhood dynamics, resources, social and physical space issues, as well as residents’ concerns. They are highly engaged with neighborhood activities such as neighborhood associations, crime-watch groups, block-clubs, as well as local advocacy groups. Information from CPSs confirmed that neighborhood-level data from the 2000 U.S. Census for all sample neighborhoods were still accurate.

Finally, 20 of the 41 neighborhoods subject to notification were selected as geographical areas from which to draw the sample of residents. A final neighborhood sample size of 20 was chosen, as it was considered large enough to provide variety among neighborhoods but small enough to allow for an adequate number of residents per neighborhood to be sampled, given the available resources. Ten neighborhoods classified as being “socially organized” and ten neighborhoods classified as “socially disorganized” were chosen as sites from which to sample residents. Neighborhoods showing the highest degree of organization or disorganization (as determined by earlier calculations) were selected as sample neighborhoods as an additional precaution against potential changes in the neighborhood since the 2000 U.S. Census. Additional criteria for inclusion in the study included city-wide geographical dispersion and

people of color and failing to give them ‘access’ and ‘opportunities’” (Rawson, 1996). The city of Minneapolis now uses 28.7% to determine which neighborhoods have a high rate of minority residents.

7. Ideally, both Type 1 and Type 2 offenses would have been considered when calculating neighborhood crime rates, but Type 2 offense statistics were not available per neighborhood for the year 2000.

T A B L E 1

Comparison of Sample and City-Wide Characteristics, Percentage/Mean

Variables	City of Minneapolis	Sample (N = 407)
Sex (female)	49.76	64.4
Race (non-White)	34.9	13.5
Age (median) ^a	31.2	46.36
Parent (yes, child 18 or younger)	24.99	28.7
Education (college graduate)	29.91	38.1
Income (median, in thousands)	38	49
Homeowner (yes)	51.4	82.1
Employed (yes)	72.06	79.4
Relationship Status (married)	37.94	42.3
Housing Tenure (years in city)	—	24.0
Block Club/Crime Watch Member (yes)	—	41.8
Crime Victim (yes)	—	82.1
Notified (yes)	—	45.8
Neighborhood type (disorganized)	—	50.0

^aMedian age reported by the Minneapolis Office of City Planning included residents younger than 18 years, whereas this study's sample only included those residents 18 years and older.

the number of sexual offender notification meetings held per neighborhood. Neighborhoods with multiple meetings were more likely to have notified residents throughout their neighborhood and not just in one section of the neighborhood. Therefore, choosing neighborhoods with multiple meetings served to increase the likelihood that the sample would include respondents who have attended notification meetings or who otherwise received notification.

Once the sample neighborhoods were selected, the sampling frame of eligible households was developed. To determine eligible households, the geographical areas affected by sexual offender notification were mapped for each of the 20 sample neighborhoods. The precise locations targeted by notification were provided by the MPD. By drawing the boundaries for the exact neighborhood blocks that received notification and for those that did not, eligible households were identified. Per sample neighborhood, 50 households were selected to receive a survey. Of these 50 households, 25 were within the notification range for their neighborhood and 25 were outside the notification range for their neighborhood. To determine which households would be selected to receive a survey, the geographical center point of notification was identified. From there, the closest 25 households received a survey (test group). Finally, the notification perimeter was identified, and the first 25 households outside the notification range received a survey (control group). Table 1 provides a comparison of select self-reported demographic characteristics of study participants and Minneapolis residents, per data from the U.S. Census Bureau and Minneapolis Office of City Planning.

Despite comprehensive efforts, the sample is not highly representative of the city overall; women are overrepresented, as are White, above median income, and highly educated homeowners. Beck et al. (2004), Beck and Travis (2004), as well as Caputo and Brodsky (2004) had somewhat similarly disproportionate samples. This sample is likely indicative of populations self-selecting into a study of disproportionate interest to each group.

Data and Variables

Data were generated from a 54-question survey administered in both hardcopy and electronic form. The surveys were identical; only the mechanism through which it could be completed was different in an attempt to maximize the response rate. The hardcopy version was to be completed in writing and returned in the provided self-addressed, postage-paid envelope. The electronic version was made available to residents via SurveyMonkey (Palo Alto, CA). The survey instrument is an adaptation of Beck et al.'s (2004) version of Ferraro's Fear of Crime in America Survey and was used because of its demonstrably sound measures of fear, risk, and protective behaviors.⁸

Dependent variables. The dependent variables of interest are *perceived risk* and *protective behavior adoption*, with each variable measured for both oneself and on behalf of loved ones.⁹ Perceived risk has been operationalized as follows: *perceived self-risk for victimization*, "exposure to the chance of loss or injury" (Ferraro, 1995: 11) for oneself; and *perceived altruistic-risk for victimization*, "exposure to the chance of loss or injury" (Ferraro, 1995: 11) for one's child and/or another household member. Five survey items measured both perceived self and altruistic risk for victimization, asking the respondent to rate the likelihood that a specific type of victimization will happen to them or a loved one. Responses were measured on a 10-point Likert-type scale. A respondent's scores for each variable were based on indices defined by the mean scores of the responses given to the questions. If at least three of five risk questions were answered, then a mean scale value was calculated for the respondent. Those who did not reach this threshold were excluded from analyses.

Independent variables. Independent variables of interest included *notification status*, measured dichotomously as whether a respondent received sex offender notification (no = 0); *neighborhood type*, measured dichotomously as whether a respondent resides in a neighborhood that is socially disorganized (no = 0); and *sociodemographics*, measured as dummy variables for sex (male = 0), race (White = 0), parent status (no = 0), and

8. Ferraro conducted reliability analyses (based on the additive index he created for risk) and factor analyses for his risk measurements. Cronbach's alpha coefficients of reliability were computed for the overall index of risk of crime as well as subindices of the items designated as crimes against a person and crimes against property. Ferraro found his overall index to have a high reliability (reliability coefficient was .87). He also performed factor analyses, and his LISREL models showed an excellent fit to the data.

9. Measures for altruistic-risk and altruistic-protective behaviors are differentiated for one's child and other adult household members.

T A B L E 2

Perceived Self- and Altruistic-Risk

Survey Question: "Rate the chance that the following specific crimes will happen to you, your child, and/or other household members in the next 12 months."	<i>N</i>	Mean, 1-Min, 10-Max Scale (Standard Deviation)
Self		
Home burglarized	401	3.94 (2.36)
Being raped/sexual assaulted	404	2.33 (1.61)
Being murdered	404	2.03 (1.53)
Being kidnapped	401	1.69 (1.30)
Being attacked with a weapon	403	3.39 (2.07)
<i>Perceived risk for self index</i>	404	2.68 (1.45)
Child		
Home burglarized	154	3.60 (2.53)
Being raped/sexual assaulted	159	3.01 (1.97)
Being murdered	160	2.31 (1.97)
Being kidnapped	155	2.55 (2.05)
Being attacked with a weapon	159	3.36 (2.35)
<i>Perceived risk for child index</i>	156	2.90 (1.81)
Other Household Members		
Home burglarized	280	3.80 (2.36)
Being raped/sexual assaulted	279	5.33 (2.51)
Being murdered	282	2.04 (1.55)
Being kidnapped	281	1.88 (1.47)
Being attacked with a weapon	279	3.36 (2.07)
<i>Perceived risk for other household members index</i>	280	2.66 (1.46)

prior victimization status (no = 0).^{10, 11, 12} Additionally, collected information included the respondent's age (in full years), schooling (in years), income (in increments), and the length of residency in their current neighborhood (measured in years).

Results

The following mean indices were created for perceived risk: risk for self, risk for one's child, and risk for other household members, as illustrated in Table 2.

Table 2 indicates that, in general, people perceive themselves, their children, and other household members to be at low risk for victimization. Interestingly, parents generally perceive low risk of victimization to their children—a notable finding given the frequent

10. Because this study is interested in the effect of notification and not the effect of a specific delivery mechanism (e.g., public meetings vs. Internet), respondents who received notification from any source—not just community meetings—were counted as "notified."
 11. See the Sample section of this article for a full theoretical explanation and operationalization.
 12. Parent status is defined as anyone who has a child of 18 years or younger living in or out of their home.

TABLE 3

Self-Protective Behaviors

"In the past 12 months to limit risk of victimization, have you . . ."	N	Percentage
Self-avoidant behaviors	398	
Avoided unsafe areas during the day	235	57.7
Avoided unsafe areas during the night	358	88.0
Limited activities because of crime	133	32.7
Self-defensive behaviors	402	
Installed extra locks	135	33.2
Kept a dog for protection	85	20.9
Carried a weapon	32	7.9
Installed security lights	215	52.8
Taken a self-defense class	33	8.1
Gotten a roommate	22	5.4
Engraved an ID on property	34	8.4
Stopped walking at night	199	48.9
Bought a gun or other weapon	41	10.1
Installed burglar alarm	67	16.5
Joined block club	95	23.3
Moved to a new neighborhood	18	4.4
Changed jobs or work shifts	9	2.2
Became involved with crime prevention specialists	100	24.6
Overall protective behavior index	$N = 397$	Mean; 0-min, 17-max

and intense media attention and legislative response to potential sexual threats against children.

Self-protective behavior was operationalized to mean action taken to reduce the likelihood of criminal victimization of oneself and was measured with five survey items. The behaviors were conceptualized as being either *avoidant* in nature (e.g., avoiding unsafe areas at night) or *defensive* (e.g., purchasing a weapon). Respondents had 3 avoidant behaviors and 14 defensive behaviors from which to choose, with 17 being the maximum number of overall protective behaviors a respondent could have undertaken. *Altruistic-protective behavior* was operationalized to mean action taken to reduce the likelihood of criminal victimization of loved ones and was measured with ten survey items. Respondents had three avoidant behaviors and seven defensive behaviors from which to choose, with ten being the maximum number of altruistic-protective behaviors undertaken for either their child or another household member. Both variables were treated as dichotomous (no = 0) and calculated as summative indices with results presented in Tables 3 and 4, respectively.

As indicated in Table 4, altruistic-protective behaviors most likely to be undertaken were warnings about not talking to, or letting into one's house, a stranger—directives given by parents long before community notification laws went into effect. The altruistic precaution that is perhaps most directly related to protecting one's child against sexual

T A B L E 4

Altruistic-Protective Behaviors

“Within the past 12 months to limit risk of victimization, have you warned your child or another household member to . . .”

	<i>N</i>	Percentage
Altruistic avoidant behaviors		
Avoid unsafe areas during day		
Child	151	25.8
Other	280	21.8
Avoid unsafe areas during night		
Child	150	34.0
Other	281	42.3
Limit activities because of crime		
Child	152	22.4
Other	282	21.6
Altruistic defensive behaviors		
Lock doors and windows		
Child	153	49.0
Other	281	73.3
Not let in strangers		
Child	151	60.3
Other	279	29.0
Not to speak to strangers		
Child	149	47.7
Other	277	11.9
Be aware of dangerous person in neighborhood		
Child	151	18.5
Other	280	18.9
Be aware of sexual offenders in neighborhood		
Child	151	17.9
Other	280	16.4
Learn self-defense		
Child	152	19.7
Other	280	9.6
Carry defense item		
Child	150	8.0
Other	279	11.8
Overall altruistic-protective behavior index	<i>N</i> =	Mean; 0-min, 10-max (standard deviation)
Child	145	3.01 (2.77)
Other	271	2.53 (2.20)

abuse (warning one’s child to avoid known sexual offenders in the neighborhood) only was undertaken by 18% of respondents. However, notified parents were more likely to give this warning than were non-notified parents as indicated by a Cramer’s V of .295 ($p \leq .05$). This finding suggests that a significant relationship is present between receiving notification and

taking at least one action to mitigate a child's risk for sexual victimization. This relationship is considered in more detail in later analyses when other variables are taken into account.

This study assumes that people make decisions about their personal safety behaviors after calculating their perceived victimization risk—risk that is based on several personal and ecological variables, including one's sex, race, parent status, neighborhood type, and whether one has received notification about a sex offender residing in close proximity. Holding that these factors impact behavior, a person then acts—or does not act—according to their calculation of risk.

To explore these relationships, a series of three ordinary least-squares multiple linear regression analyses were conducted for the dependent variables of perceived risk and protective behavior. In Model 1, the dependent variable is regressed on notification, with Model 2 introducing control variables.¹³ This analysis is elaborated on in Model 3 in which neighborhood type is introduced as an intervening variable. As much of the traction gained by community notification laws has been in their potential to protect children and other vulnerable populations, the same analyses were conducted to test the significance of notification on perceptions of altruistic-risk and altruistic-protective behavior. As the altruistic-risk perception/protective behavior adaptations for a child will likely vary from that for another adult, these populations are measured independently. For models about children, only respondents who are parents to children 18 years and younger are included; for models about other household members, only respondents who live with other adults (with or without children) are included.

The relationship between perceived risk (self and altruistic) and notification was analyzed first. These findings are presented in Table 5.

Contrary to Beck et al.'s (2004) finding, this research found notification and risk perception to be significantly and *negatively* correlated. Specifically, notified residents are *less* likely than non-notified residents to perceive their children to be at risk for victimization (Models 1, 2, and 3) as well as themselves or other adult household members (Model 3). Anderson and Sample (2008) made a similar finding, whereas in their research, notified residents reported feeling safer than non-notified residents. They speculated that this feeling was a result of residents equating notification with awareness and awareness with public safety. This project found sex, race, and education to be fairly consistent predictors of perceived risk, which is a finding supported by other research (e.g., Covington and Taylor, 1991; Kanan and Pruitt, 2002; Lee, 1982; Liska et al., 1988; Riger, Gordon, and Bailly, 1978). Specifically, women report higher perceived self-risk for victimization than do men (Models 2 and 3). People of color report higher perceived self- and altruistic-risk than do White people (Models 2); when neighborhood type is considered, race remains a significant predictor for altruistic risk. A significant and negative correlation

13. Sociodemographic variables with high nonresponse were removed from the final regression models to maintain sample size.

TABLE 5

OLS Regression of Self- and Altruistic-Perceived Risk on Notification, Sociodemographics, and Neighborhood Type

Independent Variable	Model 1			Model 2			Model 3		
	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)
Notified (yes)	-.012 (.146)	-.959** (.313)	-.085 (.187)	-.099 (.152)	-.722* (.308)	-.286 (.180)	-.330* (.165)	-1.265** (.335)	-.640** (.188)
Sex (female)				.504** (.162)	.088 (.356)	-.260 (.185)	.586** (.167)	.467 (.374)	-.188 (.183)
Race (non-White)				.661* (.302)	3.152** (.639)	2.207** (.410)	.534 (.322)	2.588** (.639)	2.048** (.404)
Age				.002 (.006)	.026 (.017)	-.001 (.007)	.001 (.006)	.016 (.017)	.00 (.007)
Education Level				-.135* (.066)	.129 (.139)	-.173* (.077)	-.143* (.068)	.080 (.136)	-.154* (.076)
Parent (yes)				-.131 (.163)		.022 (.182)	-.129 (.166)		.096 (.177)
Disorganized neighborhood (yes)							-.001 (.159)	.100 (.321)	.160 (.175)
N	396	114	243	354	107	232	326	98	216
R ²	.000	.077	.001	.069	.289	.166	.142	.393	.271

p* < 0.05 level; *p* < 0.01 level (two-tailed).

Note. SE = standard error.

was found between perceived risk and education (i.e., the more education one has, the less risk one perceives for oneself and other adult household members but, notably, not for children).

To consider whether increased awareness resulting from notification correlated with increased protective behaviors, three regression models were constructed again. In Model 1, protective behavior is regressed on notification, with sociodemographic controls added in Model 2 and with neighborhood type added in Model 3. Findings are presented in Table 6.

Similar to Beck et al.'s (2004) finding, the present research found that, when controlling for sociodemographic variables (Model 2), notification is a statistically significant predictor of altruistic-protective behavior adoption on behalf of both children and other adult household members, albeit one with a modest effect size. When neighborhood type is added as a variable (Model 3), the relationship only remains intact for behaviors taken on behalf of children. The most consistent predictor of both self- and altruistic-protective behavior adoption is high-risk perception, a finding corroborated by Ferraro (1995) and Beck et al. (2004). The introduction of neighborhood type proved to be a significant

TABLE 6

OLS Regression of Self- and Altruistic-Protective Behavior on Notification, Sociodemographics, and Neighborhood Type

Independent Variable	Model 1			Model 2			Model 3		
	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)	Self-Beta (SE)	Child Beta (SE)	Other Beta (SE)
Notified (yes)	.512* (.239)	.757 (.462)	.865** (.285)	.243 (.230)	1.588** (.486)	.942** (.267)	-.152 (.249)	1.444* (.569)	.540 (.283)
Sex (female)				.548* (.247)	.798 (.544)	-.433 (.276)	.544* (.255)	.921 (.585)	-.579* (.269)
Race (non-White)				.264 (.454)	2.314 (1.171)	-.600 (.662)	.143 (.483)	1.989 (1.160)	-.404 (.654)
Age				.012 (.009)	.029 (.027)	-.012 (.010)	.010 (.009)	.035 (.027)	-.013 (.010)
Education level				.141 (.098)	.068 (.220)	.131 (.116)	.064 (.101)	.091 (.218)	.087 (.113)
Parent (yes)				.662** (.244)		.270 (.270)	.861** (.249)		.510 (.261)
Altruistic risk				.478** (.083)	.479** (.157)	.762** (.100)	.427** (.087)	.482** (.170)	.627** (.104)
Disorganized Neighborhood (yes)							.536* (.238)	-.515 (.505)	-.108 (.257)
N	389	109	236	348	102	224	321	93	209
R ²	.012	.035	.038	.240	.307	.273	.287	.358	.387

* $p < 0.05$ level; ** $p < 0.01$ level (two-tailed).

Note. Originally, protective behaviors were conceptualized as consisting of two action types (avoidance behavior and defensive behavior), and three indices of behavior were created for self- and altruistic-behaviors (avoidant, defensive, overall). However, as analyses did not result in significant findings, the domains of behavior were combined into one index for self-protective and one index for altruistic-protective.

variable, as residency in a socially disorganized neighborhood also is a significant and positive predictor of self-protective behavior. This finding suggests that respondents do take into consideration environmental cues when determining personal safety behavior; however, notification is not a significant variable in this calculation. Surprisingly, neighborhood type was not a significant predictor for altruistic protective behavior. This outcome is contrary to research, which has found that, in an effort to protect their children from victimization risk, parents in disorganized neighborhoods restrict and monitor their children's behavior more so than do families who reside in wealthy, socially organized neighborhoods (Elliot, Menard, Rankin, Elliot, Huizinga, and Wilson, 2005; Furstenberg, Cook, Eccles, Elder, and Sameroff, 1999).

TABLE 7

Interaction Effect between Notification and Neighborhood Type

	Self-Risk Beta (SE)	Self-Protective Behaviors Beta (SE)
(Constant)	2.723 (.513)	2.149 (.792)
Notified	-.284 (.216)	-.426 (.337)
Neighborhood disorganization	.055 (.232)	.367 (.361)
Notified* neighborhood disorganization interaction	-.103 (.315)	.313 (.489)
<i>N</i>	326	321
<i>R</i> ²	.142	.233

p* < 0.05 level; *p* < 0.01 level (two-tailed).

Notes. Control variables tested but not shown include sex, race, age, education level, and parent status. Because earlier analyses did not indicate neighborhood type as a significant predictor of altruistic protective behaviors, only self-protective behaviors are considered here.

To explore the impact neighborhood type has on the effects of notification, the potential for an interaction effect between the two variables was considered. Examined here is the notion that, although residents from both organized and disorganized neighborhoods might be impacted by notification, the effect of this notification might not be uniform across neighborhood types. As such, differences in protective behavior adoption between notified residents of socially organized neighborhoods and disorganized neighborhoods were measured.

Under additional consideration were differences in protective behavior between notified and non-notified residents within only socially disorganized neighborhoods. Research has suggested that residents of disorganized neighborhoods are keenly aware of their victimization risk and, as such, live in a near-constant state of fear, identified by Goffman (1971) as “dissociated vigilance.” As a result, they employ personal safety measures on a daily basis. To explore this phenomenon, the impact of notification was measured within socially disorganized neighborhoods. Two multiple regression models were specified as follows:

$$Y = a + b1D + b2N + b3 \times DN$$

where *Y* is the level of perceived risk (Model 1) and the number of protective behavior adaptations (Model 2), *D* is the dichotomous variable for neighborhood type, *N* is the dichotomous variable for notification, and *DN* is the interaction of neighborhood type and notification. The findings are presented in Table 7.

The interaction between notification and neighborhood type was insignificant, suggesting no discernable difference in the impact of notification on perceived-risk or protective-behavior adaptations between socially organized and socially disorganized neighborhoods. Additional analyses showed no significant differences in perceived risk or protective behavior between notified and non-notified residents of socially disorganized neighborhoods. The lack of notification's impact on protective behavior might be understood partially as a result of residents (out of perceived necessity) having already incorporated protective behaviors into their everyday routines; a sex offender in their neighborhood is perceived as posing no more of an immediate threat to them than the gang members or drug dealers who already live in their neighborhood. In other words, one can take only so many precautions to mitigate one's risk of criminal victimization, and these precautions are employed regardless of community notification by those living in socially disorganized neighborhoods.

Discussion

Supporting the findings of Anderson and Sample (2008) and Beck et al. (2004), this study found no statistically significant relationship between receiving notification about a high-risk sex offender and the adoption of self-protective behaviors, controlling for differences in sociodemographics and neighborhood type. This finding has important implications, as it undermines the assumption on which notification laws are based (that if people have knowledge of a person who poses a potential threat to their safety, then they will change their behavior to mitigate this risk). This research project did not discern any significant group differences in response to notification, suggesting that—across the board—community members simply are not motivated by notification to change their personal safety habits. If what these data suggest is true, then notification laws, arguably, do not serve their intended purpose and are, therefore, an inert tool for crime prevention. However, this finding does not tell the whole story. When it comes to the safety and well-being of children, the impact of notification on protective behavior is slightly different.

This research found, as did Beck et al.'s (2004), a statistically significant relationship between receiving notification about a high-risk sex offender and the adoption of protective behaviors undertaken to protect children; specifically, notified parents adopt more behaviors to protect their children than do non-notified parents. Although the effect size is modest, this finding might not matter to the public and to its elected officials. One hardly can turn on the television or read a newspaper without a daily account of the latest child victim of a sex offender. As such, notification laws have been heralded as a necessary crime-prevention measure for protecting society's most vulnerable citizens—children. The data presented here provide modest support for the following key assumption of notification laws: that children receive *more* protection against victimization when their families know about a high-risk sex offender residing nearby. What is unclear is the *quality* and *relevance* of this increased protection. Most child sexual abuse victims know their perpetrator, and

most offenders are not subject to notification laws. Victim advocates have suggested that notification laws actually might make some populations *more* vulnerable because it keeps most of the attention, education, and resources on the least likely perpetrator—a stranger (Wetterling and Wright, 2009). By emphasizing the label of sex offender instead of learning to identify suspicious behaviors, children might not recognize their victimization for what it is, as this form of abuse often takes place at the hands of a person known—and loved—by the child.

It was thought that additional vulnerability might be found in the environment in which one receives notification and that, as a result of this vulnerability, notification would impact residents differentially based on their neighborhood. The present research, however, did not find social disorganization to be a significant predictor of how residents respond to notification. The lack of a significant relationship might be an indication that the criteria used to measure disorganization are, in fact, inaccurate measurements of structural disadvantage, which is a common criticism of the theory. A renewed interest in social disorganization theory has taken hold within social research stemming from relatively recent attempts to elucidate and refine key elements of this theory, such as how social control operates in neighborhoods and how it influences crime. A most notable contribution is from Sampson et al. (1997: 919), who explained how informal social control is realized through “collective efficacy. . . a mutual trust among neighbors combined with a willingness to intervene on behalf of the common good.” In this research, respondents commonly offered as a write-in answer to an open-ended question about protective behavior that they “got to know neighbors” as a means to protect themselves better from crime. Although collective efficacy has produced mixed results in explaining perceived risk and protective behavior, it might be worth additional exploration in light of notification.

Policy Implications

Since their inception, notification laws have faced numerous legal challenges, most prominently based on issues of constitutionality. Generally, these laws have been upheld as constitutional because they are presumed to serve a pressing public good—risk mitigation against criminal victimization. The empirical support for this claim is modest and select. The present research project did not discover any significant relationship between notification and self-protective behaviors, nor did the research of Anderson and Sample (2008), Beck et al. (2004), or Caputo and Brodsky (2004). Although Beck et al. and the present study both found that notified residents undertake more protective behaviors on behalf of their children than do non-notified residents, these results must be interpreted with caution. First, this research project found only a modest effect of notification on altruistic behavior. Second, both studies were limited to one jurisdiction within one state, and despite federal efforts to streamline notification policies and procedures, they still vary greatly across the country. Third, data for both studies are cross-sectional; therefore, it is impossible to

determine whether notification, in fact, does cause protective behavior changes or whether, as suggested by Roxanne Lieb of the Washington State Institute for Public Policy, behavior changes are really the result of a general increase in public awareness of sexual violence (Fitch, 2006).

Should the large-scale, longitudinal notification studies that will be conducted as a direct result of new federal funding, per the Walsh Act, determine that no significant relationship exists between notification and risk mitigation, new grounds might form, on which to challenge these controversial laws. Therefore, the most salient policy implication of this study might be the empirical support it provides to counter the undergirding assumptions used to uphold the legality of notification laws.

Legal Challenges

The most common challenges to community notification laws have been those based on the violation of constitutional protections—specifically, the protection against ex post facto punishment, cruel and unusual punishment, and the guarantee of due process (Lieb et al., 1998). On these grounds, notification laws have been challenged in more than a dozen states.

The rulings within these states have varied greatly, but generally, the laws have been upheld as being constitutional when they have demonstrated adequate due process protections. Additionally, they have survived challenges because the courts have determined that their “principle purpose is regulatory in nature and not punitive . . . that the primary concern of these statutes is protecting the public” (Lieb et al., 1998: 76). Overall, the most consistent legal argument for retaining these laws has been the superseding right of the public to know about an offender’s presence in the community over the offender’s right to privacy because the disclosure of offender information served a function of public safety. In a *Harvard Law Review* editorial analyzing notification laws in various states, it was offered that:

Given the special circumstances surrounding sex crimes, a community’s interest in having adequate knowledge to make informed decisions about . . . safety . . . weighs heavily against an individual ex-convict’s interest in anonymous rehabilitation. (1995: 792)

In this same vein, the New Jersey State Supreme Court remarked in an unsuccessful challenge to its notification laws that

we do not perceive . . . a society clamoring for blood, demanding names of previously convicted sex offenders in order to further punish them, but rather families concerned about their children who want information only in order to protect them. . . (*Doe v. Poritz*, 1995)

Both of these arguments assume that knowledge leads to behavioral changes. Should future research confirm existent findings that notification laws offer little to no prophylactic benefit

against sexual victimization, lawyers might be able to argue successfully that because these laws do not serve their intended public good, they are indefensible violations of civil liberties.

Legal Challenges in an Era of New Penology and New Punitiveness

Registration and community notification laws have been criticized by legal scholars as being “tough on crime” measures that serve no penological purpose other than to operate as a means for punitive expression, penal segregation, and penal marking (Garland, 2001). Critics point to notification laws as an indication of the criminal justice system’s shift toward philosophies of both new penology and new punitiveness (i.e., penological management aimed at efficiency, predictability, and the aggregation of criminal types for ease of prison management while affording the public and politicians opportunities for the expression of disgust toward a wholly unpopular population) (Edwards and Hensley, 2001; Feeley and Simon, 1992). The New Jersey State Supreme Court acknowledged these philosophies in their ruling in favor of notification laws. They wrote that:

[Notification laws] do not represent the slightest departure from our State’s or our country’s fundamental belief that criminals, convicted and punished, have paid their debt to society and are not punished further. They represent only the conclusion that society has the right to know of their presence, not to punish them, but in order to protect itself. . . the statistical information concerning them, make it clear. . . that re-offense is a realistic risk and knowledge of their presence a realistic protection. (*Doe v. Poritz*, 1995)

When this ruling was issued, no empirical research yet existed on the impact of notification laws on community members’ risk-mitigating behavior. Despite this issue, state and federal courts have issued rulings based on the presumption of public safety being served by notification laws. Garland (2001) explained this disjuncture between evidence-based research and criminal justice policy as the result of the populist and politicized appeal of notification laws. He argued that registration and notification laws have been

constructed in ways that privilege public opinions over the view of criminal justice experts. . . [these policies] give a privileged place to victims; an image that has been politicized. . . the sanctified persona of the suffering victim has become a commodity in the circuits of political and media exchange. (Garland, 2001: 143)

As such, any invocation of the offender’s rights seems to be an insult to the crime victim (Simon, 2003). Notification laws can withstand legal challenges precisely because offenders’ rights and liberties have been reconstructed and deprioritized under philosophies of new penology and new punitiveness (Pratt, 2000). Therefore, even if research determines that

no utilitarian societal benefit is derived from notification laws, they might remain in place because they serve an expressive purpose as an outlet for public disgust at a group of criminal offenders whose behavior has been deemed socially reprehensible.

Legal scholars have observed that notification laws would have been unthinkable policy initiatives during an era when criminal justice policies were informed by the principles of penal-welfarism and that the crime politics of the past few decades have resulted in a new constellation of social control (Bottoms, 1995). The role of evidence-based research in informing this constellation likely will unfold under the research agenda prioritized in the Walsh Act. Even if future research does conclude consistently that notification laws do not promote public safety, these laws might remain intact as the expressive goals of notification laws might be far too popular among the public to allow their repeal based on a lack of proven utility. Therefore, because of what they symbolically represent and their political currency, notification laws might be a metaphorical bell that cannot be “unrung.”

References

- Adams, Devon B. 2002. *Summary of State Sex Offender Registries*. Washington, DC: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.
- Anderson, Amy L., Mary K. Evans, and Lisa L. Sample. 2009. Who accesses the sex offender registries? A look at legislative intent and citizen action in Nebraska. *Criminal Justice Studies*, 22: 313–329.
- Anderson, Amy L. and Lisa L. Sample. 2008. Public awareness and action resulting from sex offender notification laws. *Criminal Justice Policy Review*, 19: 371–396.
- Beck, Victoria Simpson, James Clingermayer, Robert J. Ramsey, and Lawrence F. Travis. 2004. Community response to sex offenders. *The Journal of Psychiatry and Law*, 32: 141–168.
- Beck, Victoria Simpson and Lawrence F. Travis. 2004. Sex offender notification and protective behavior. *Violence & Victims*, 19: 289–302.
- Bottoms, Anthony. 1995. The politics and philosophy of sentencing. In (Chris Clarkson and Rod Morgan, eds.), *The Politics of Sentencing*. Clarendon, U.K.: Oxford Press.
- Caputo, Alicia A. and Stanley L. Brodsky. 2004. Citizen coping with community notification of released sex offenders. *Behavioral Sciences and the Law*, 22: 239–252.
- Covington, Jeanette and Ralph B. Taylor. 1991. Fear of crime in urban residential neighborhoods: Implications of between- and within-neighborhood sources for current models. *Sociological Quarterly*, 32: 231–249.
- Edwards, William and Christopher Hensley. 2001. Contextualizing sex offender management legislation and policy: Evaluating the problem of latent consequences in community notification laws. *International Journal of Offender Therapy and Comparative Criminology*, 45: 83–101.

- Elliot, Delbert S., Scott Menard, Bruce Rankin, Amanda Elliot, David Huizinga, and William Julius Wilson. 2005. *Good Kids from Bad Neighborhoods*. New York: Cambridge University Press.
- English, Kim. 1998. The containment approach: An aggressive strategy for the community management of adult sex offenders. *Psychology, Public Policy, and Law*, 4: 218–235.
- Feeley, Malcolm M. and Jonathan Simon. 1992. The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30: 449–474.
- Ferraro, Kenneth F. 1995. *Fear of Crime: Interpreting Victimization Risk*. Albany, NY: SUNY Press.
- Fitch, Kate. 2006. Megan's Law: Does it protect children (2)? An updated review of evidence on the impact of community notification as legislated by Megan's Law in the United States. *NSPCC*. Retrieved August 1, 2009 from nspcc.org.uk/Inform/publications/Downloads/meganslaw2execsummary_wdf48053.pdf.
- Furstenberg, Frank, Thomas D. Cook, Jacquelynne Eccles, Glen H. Elder, Jr., and Arnold Sameroff. 1999. *Managing to Make It: Urban Families and Adolescent Success*. Chicago, IL: University of Chicago Press.
- Gallup Poll. 2005. *Sex Offender Registries are Underutilized by the Public (June 9)*. Retrieved August 1, 2009 from gallup.com/poll/16705/sex-offender-registries-underutilized-public.aspx.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago, IL: University of Chicago Press.
- Goffman, Erving. 1971. *Relations in Public*. New York: Harper Colophon Books.
- Harvard Law Review. 1995. Recent legislation. Criminal law—Sex offender notification statute—Washington state community protection act serves as a model for other initiatives by law makers and communities. 108: 787–792.
- Hughes, Lorine A. and Colleen Kadleck. 2008. Sex offender community notification and community stratification. *Justice Quarterly*, 25: 469–495.
- Hunter, Albert. 1978. *Symbols of Incivility: Social Disorder and Fear of Crime in Urban Neighborhoods*. Washington, DC: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice.
- Kanan, James W. and Matthew V. Pruitt. 2002. Modeling fear of crime and perceived victimization risk: The (in)significance of neighborhood integration. *Sociological Inquiry*, 72: 527–548.
- Kornhauser, Robert. 1978. *Social Sources of Delinquency*. Chicago, IL: University of Chicago Press.
- Lee, Gary R. 1982. Residential location and the fear of crime among the elderly. *Rural Sociology*, 47: 655–669.
- Levenson, Jill S., Yolanda N. Brannon, Timothy Fortney, and Juanita Baker. 2007. Public perceptions about sex offenders and community policies. *Analysis of Social Issues and Public Policy*, 7: 137–161.

- Levenson, Jill S. and Andrea L. Hern. 2007. Sex offender residence restrictions: Unintended consequences and community re-entry. *Justice Research and Policy*, 1: 59–73.
- Lewis, Dan A. and Michael G. Maxfield. 1980. Fear in the neighborhoods: An investigation of the impact of crime. *Journal of Research in Crime and Delinquency*, 17: 160–189.
- Lewis, Dan A. and Greta Salem. 1986. *Fear of Crime: Incivility and the Production of a Social Problem*. New Brunswick, NJ: Transaction.
- Lieb, Roxanne, Vernon Quinsey, and Lucy Berliner. 1998. Sexual predators and social policy. In (Michael H. Tonry, ed.), *Crime and Justice: A Review of Research*, vol. 23. Chicago, IL: University of Chicago Press.
- Liska, Allen E., Andrew Sanchirico, and Mark D. Reed. 1988. Fear of crime and constrained behavior: Specifying and estimating a reciprocal effects model. *Social Forces*, 66: 827–837.
- Logan, Wayne A. 1999. Liberty interests in the preventative state: Procedural due process and sex offender community notification laws. *Journal of Criminal Law and Criminology*, 89: 1167–1231.
- Martin, Mark and Carla Marinucci. 2006. Support behind tough sex offender initiative. *San Francisco Chronicle*. July 18.
- Matson, Scott. 2001. *Community Notification and Education*. Silver Springs, MD: Center for Sex Offender Management.
- McPherson, Lori. 2007. Practitioner's guide to the Adam Walsh act. *Update*, 20: 1–7.
- McPherson, Marlys. 1978. Realities and perceptions of crime at the neighborhood level. *Victimology*, 3: 319–328.
- Mileti, Dennis S., Colleen Fitzpatrick, and Barbara C. Farhar. 1992. Fostering public preparedness for natural hazards: Lessons from the Parkfield earthquake prediction. *Environment*, 34: 16–20, 36–39.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006. Residential location and mobility of registered sex offenders. *American Journal of Criminal Justice*, 30: 177–192.
- Pattavina, April, James M. Byrne, and Luis Garcia. 2006. An examination of citizen involvement in crime prevention in high-risk versus low-to-moderate-risk neighborhoods. *Crime & Delinquency*, 52: 203–231.
- Petrosino, Anthony J. and Carolyn Petrosino. 1999. The public safety potential of Megan's law in Massachusetts: An assessment from a sample of criminal sexual psychopaths. *Crime & Delinquency*, 45: 140–158.
- Phillips, Dretha M. 1998. *Community Notification as Viewed by Washington's Citizens*. Olympia: Washington State Institute for Public Policy.
- Pratt, John. 2000. Sex crimes and the new punitiveness. *Behavioral Sciences & the Law*, 18: 135–151.
- Rawson, Josie. 1996. Razing Minneapolis. *City Pages*. August 7.
- Riger, Stephanie, Margaret T. Gordon, and Robert Le Bailly. 1978. Women's fear of crime: From blaming to restricting the victim. *Victimology*, 3: 274–284.

- Sampson, Robert J., Stephen W. Raudenbush, and Felton Earls. 1997. Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 227: 918–924.
- Shaw, Clifford R. and Henry D. McKay. 1942. *Juvenile Delinquency and Urban Areas*. Chicago, IL: University of Chicago Press.
- Simon, Jonathon. 2003. Managing the monstrous: Sex offenders and the new penology. In (Bruce J. Winick and John Q. LaFond, eds.), *Protecting Society from Sexually Dangerous Offenders: Law, Justice, and Therapy*. Washington, DC: American Psychological Association.
- Taylor, Ralph B. and Margaret Hale. 1986. Testing alternative models of fear of crime. *Journal of Criminal Law and Criminology*, 77: 151–189.
- Terry, Karen J. and Alissa R. Ackerman. 2009. A brief history of major sex offender laws. In (Richard G. Wright, ed.), *Sex Offender Laws: Failed Policies, New Directions*. New York: Springer.
- Tewksbury, Richard. 2005. Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, 21: 67–82.
- Tewksbury, Richard and Elizabeth E. Mustaine. 2006. Where to find sex offenders: An examination of residential locations and neighborhood conditions. *Criminal Justice Studies*, 19: 61–75.
- Walsh, Elizabeth Rahmberg and Fred Cohen. 1998. *Sex Offender Registration and Community Notification: A Megan's Law Sourcebook*. Kingston, NJ: Civic Research Institute.
- Warr, Mark. 1984. Fear of victimization: Why are women and the elderly more afraid? *Social Science Quarterly*, 65: 681–702.
- Wetterling, Patricia and Richard G. Wright. 2009. The politics of sex offender policies: An interview with Patricia Wetterling. In (Richard G. Wright, ed.), *Sex Offender Laws: Failed Policies, New Directions*. New York: Springer.
- Wilson, James Q. and George L. Kelling. 1982. Broken windows. *Atlantic Monthly*, 249: 29–38.
- Zandbergen, Paul A. and Timothy C. Hart. 2006. Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8: 1–24.
- Zevitz, Richard G. 2003. Sex offender community notification and its impact on neighborhood life. *Crime Prevention and Community Safety: An International Journal*, 5: 41–61.
- Zevitz, Richard G. 2004. Sex offender placement and neighborhood social integration: The making of a scarlet letter community. *Criminal Justice Studies*, 17: 203–222.
- Zevitz, Richard G. 2006. Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies*, 19: 193–208.
- Zevitz, Richard G. and Mary Ann Farkas. 2000. *Sex Offender Community Notification: Assessing the Impact in Wisconsin*. Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

Zgoba, Kristen, Phillip Witt, Melissa Dalessandro, and Bonita Veysey. 2008. *Megan's Law: Assessing the Practical and Monetary Efficacy*. Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

Court Cases

Connecticut Department of Public Safety v. Doe, U.S. 538 (2003).

Doe v. Poritz, N.J. 142 (1995).

Hollman v. Cisneros, U.S. 434 (1992).

Smith v. Doe, U.S. 84 (2003).

Statutes Cited

Adam Walsh Child Protection and Safety Act of 2006, 109 U.S.C. § 4472 (2006).

The Jacob Wetterling Crimes against Children and Sex Offender Registration Act 42 U.S.C. § 14071 (1994).

Community Notification Act, MN statute 244.052 (1996).

Rachel Bandy is an assistant professor of sociology and criminal justice at Simpson College and a member of the Iowa Board for the Treatment of Sex Abusers. Before receiving a PhD in sociology from the University of Colorado–Boulder in 2007, she held the positions of Sex Offender Notification Coordinator for the City of Minneapolis and Director for Domestic Violence and Sexual Assault Prevention for the State of Minnesota. Her recent publications appear in *Punishment & Society* and in *Sex Offender Policies: Failed Policies, New Directions*, edited by Richard G. Wright.

POLICY ESSAY

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

The need to debate the fate of sex offender community notification laws

Lisa L. Sample

University of Nebraska at Omaha

More than 10 years after the passage of sex offender registration and community notification laws, research continues to suggest that few, if any, of their goals have been realized. Many scholars suggest that these laws were intended to affect sex offenders' behaviors and to reduce reoffending; yet to date, scant empirical evidence of this effect has been found (Adkins, Huff, and Stageberg, 2000; Levenson, 2006; Schram and Milloy, 1995; Walker, Madden, Vasquez, VanHouten, and Ervin-McLarty, 2005; Zevitz, 2006). As discussed by Bandy (2011, this issue), others argue that the goal of notification is to engender self-protective behaviors among citizens; yet investigations into the public's behaviors suggest that these laws do little to encourage individuals to adopt preventative measures for themselves or their children (Anderson and Sample, 2008; Anderson, Evans, and Sample, 2009; Beck and Travis, 2004). The lack of empirical evidence to demonstrate reduced recidivism or changes in citizen's behaviors, coupled with the constitutional and human rights questions surrounding these laws, have lead some scholars to conclude that community notification has little value and should be repealed. In this policy essay, I suggest, however, that much debate still needs to take place before deciding on the utility and the fate of community notification laws.

The Functions of Law

With Gusfield's (1963) dramatic theory of American politics, he introduced us to the two functions of law. He explained that legislative action is often dramatic in nature, in

The author wishes to thank Mary K. Evans and David Sample for their feedback and suggestions. Direct correspondence to Lisa L. Sample, School of Criminology and Criminal Justice, University of Nebraska at Omaha, Omaha, NE 68182 (e-mail: lsample@mail.unomaha.edu).

that the action taken is intended to move an audience into a certain way of thinking rather than toward action related to an ostensible goal. In this way, law can be of either a symbolic or an instrumental nature. It can function ceremonially, meant to affect change in attitude or perception rather than meant to achieve instrumental goals. Policies and laws generally are thought to have an instrumental purpose or effect when they result in changes to the behaviors of the people responsible for creating or alleviating a public problem, whether those people are criminal justice officials, citizens, or sex offenders (Grattet and Jenness, 2008; Oliver and Marion, 2008; Rosenberg, 1991). In contrast, policies and laws often are cast as symbolic in nature when policy makers pass them in an attempt to be perceived in a favorable light by the public (Howard, 1999; Jenness, 2004). The law is meant to demonstrate an understanding of, and willingness to, address a perceived problem, although policy makers do not expect the policy or law to be enforced or to affect the problem appreciably. When examined within this broader context, notification laws largely have been cast as symbolic in nature, with little utility, and thereby are a waste of criminal justice resources (Avrahamian, 1998; Petrosino and Petrosino, 1999; Tewksbury, 2002). This view raises several questions, however, that deserve answers before deciding notification's fate. Can largely symbolic laws develop instrumental effects over time? Must criminal laws have instrumental effects to justify their expense, and who should decide what these instrumental effects should be? Are there no circumstances under which the expenses of symbolic legislation can be justified? Although I alone cannot answer these questions, throughout the rest of this essay, I suggest that, as criminologists, these are questions that we should not ignore when discussing sex offender and other criminal justice policies.

Symbolic and Instrumental Effects of Notification Laws

Attempts to distinguish between the instrumental and symbolic effects of various policies and laws have created a dichotomous vision of law's purpose (Grattet and Jenness, 2008), which is likely not the case. Policies and laws originally might be crafted to achieve both symbolic and instrumental functions, as shown in the passage of domestic violence laws. These laws were not only intended to protect women from domestic abuse, but also were meant as an acknowledgment by legislators that a problem existed and that the plight of women mattered to them. Women's groups heralded the passage of these laws for their symbolic message; yet these laws also had instrumental effects on the ways in which police agencies handled domestic violence calls. The passage and implementation of these laws demonstrate the dual functions legislation can be meant to achieve.

It is also possible, however, that policies meant to achieve instrumental goals might have only symbolic effects on implementation or that symbolic policies might evolve over time to have instrumental effects, which is what Grattet and Jenness (2008) found in their examination of hate crime law. When investigating law enforcement action in response to the passage of hate crime law, Grattet and Jenness (2008) found that the law that was

thought to be largely symbolic in nature engendered instrumental effects. They note that, although hate crime law often was perceived as unenforceable, it did have appreciable effects on enforcement practices, albeit conditioned by the organizational context of enforcement agencies. These scholars concluded that the nature of policies and laws should not be cast as solely either symbolic or instrumental, but rather, they can provide a schematic to demonstrate both the symbolic and instrumental uses.

In much the same way as hate crime laws have been cast largely as symbolic in nature, so have sex offender notification laws. Many scholars have suggested that the passage of sex offender registration and community notification laws were the result of a “moral panic” about sex offending, particularly the victimization and sexually related homicides of children, thus making them more symbolic than instrumental in nature (Gavin, 2005; Hinds and Daly, 2000; Jenkins, 1998; Quinn, Forsyth, and Mullen-Quinn, 2004; Sample, 2006; Steinbock, 1995; Zgoba, 2004). These findings were reaffirmed through Sample’s and Kadleck’s (2008) interviews with legislators in Illinois, who admitted that the passage of registration, notification, and civil commitment laws were meant to acknowledge public concern, express their understanding of the public’s fear, and demonstrate their willingness to address the perceived growing sex offender problem. They also admitted that they believed these laws would have little to no appreciable effect on sex offenders’ behaviors, but they believed their legislative actions would make citizens feel safer. Although it seems that notification laws, at least in Illinois, were passed to serve a symbolic function, this perception does not naturally imply that they have no instrumental effects.

From examinations of the intent of sex offender registration laws, from which notification laws come, it is clear that one purpose of these laws was to provide law enforcement agencies with sex offender information that would help them to investigate sex crimes and to apprehend offenders (Levenson, 2006; Sample and Evans, 2009; Terry and Ackerman, 2009). In this way, registration was intended to be a tool for the police. By extension, the release of registry information to the public through notification laws also can be considered a law enforcement tool. Not only can citizens use this information to help protect themselves against attack, thus reducing calls for service to police, but also the increased informal surveillance of sex offenders provided by citizens should help law enforcement agents monitor sex offenders’ behaviors, investigate sex crimes, and apprehend offenders. To date, I know of no investigations that examine the degree to which sex offender registration and notification have achieved these goals and assisted law enforcement agencies.

Although to date, scholars have investigated registration and notification laws’ influence on the lives of sex offenders, recidivism, and citizen behavior, and have found few effects, are these the only justifiable instrumental functions of these laws? It is possible that changes in the actions of offenders or citizens are not the only instrumental effects worthy of investigation. As Grattet and Jenness (2008) found in their examination of hate crime legislation and its effect on law enforcement behavior, perhaps registration

and notification have had an appreciable effect on the way in which criminal justice agencies monitor sex offenders' activities, investigate sex crimes, apprehend offenders, and take sex offenders to trial. Ultimately, actions by law enforcement and prosecutors might not have served to reduce initial offending or reoffending, but perhaps police agencies clear sex crimes more quickly than prior to when notification laws were passed, or perhaps prosecutors have made stronger cases against sex offenders based on the surveillance of neighbors than before registry information was released. Qualitative and quantitative data should be gathered on the effects registration and notification laws have on police and prosecutorial behaviors before we make definitive conclusions on the utility of these laws.

Also, before scholars draw conclusions about the efficacy of notification, these laws deserve more time to demonstrate effects. The Adam Walsh Act was just passed in 2006 and, to some degree, was intended to create some uniformity across states as to how the public is notified of sex offender information and what information should be included in notification procedures. Although we have observed few instrumental effects of these laws to date, this point does not naturally imply that they will never have an instrumental purpose. It is premature to debate the future of notification laws before we have fully explored all their possible symbolic and instrumental functions and have given them a proper amount of time to demonstrate effects.

Are Instrumental Effects Necessary to Justify the Expense of Law?

Because symbolic legislation is often the result of some "moral panic" in which a problem seems to be created, rather than inherent (Barak, 1994; Ben-Yehuda, 1990; Cohen, 1972), we often cast it as a waste of time, energy, and financial resources for criminal justice professionals to enforce. This issue is most apparent when discussing sex offender legislation. In response to the passage of sexual psychopath laws in the 1940s, Sutherland (1950) branded these laws as solely symbolic in nature and ones that would needlessly increase the costs of mental health institutionalization. Winick and LaFond (2003) suggested that, on balance, sexually violent predator laws are unwise because they are not financially expedient. Mental health institutionalization is costly and takes only a small portion of offenders off the street. Cobley (2003) argued against electronic monitoring of sex offenders because it does little to reduce the grooming behaviors of sex offenders and stretches the resources of community corrections agencies. In sum, many have argued for the discontinuation of various sex offender policies because they lack the instrumental effects of reducing offending. This argument suggests that instrumental effects, or some changes in behaviors, are the only cost-effective justifiable goals of law. Therefore, are there no symbolic effects of law that justify their costs and existence?

Although laws might have no significant impact on reducing offending, perhaps the simple existence of some laws makes citizens feel safer; is this not a justifiable function of law? Are the emotional effects of law on citizens not worthy of its costs? Legislators have

acknowledged that the enactment of sex offender laws is largely symbolic in nature, but they believe that this symbolism could accomplish two distinct goals (Sample and Kadleck, 2008). It could make citizens feel safer against sexual victimization once they believed sex offenders' whereabouts are being monitored. Additionally, the passage of such laws would demonstrate that citizens' concerns matter to elected officials. In this way, symbolic legislation often is meant to make people feel safer than before the law was passed, whether it actually increases safety or not, and helps politicians demonstrate their willingness to address public concern.

The symbolic effects of notification laws have been investigated by scholars, and some suggest that these laws do not make the public feel safer (Beck and Travis, 2004; Zevitz, 2004). Indeed, Beck and Travis (2004) found that active community notification procedures of door-to-door visits and town hall meetings were significantly related to increases in personal fear of victimization. Moreover, the knowledge of the presence of sex offenders in a community increased residents' fear of crime (Zevitz, 2004). In contrast, other scholars have documented opposite effects (Anderson and Sample, 2008; Levenson, Brannon, Fortney, and Baker, 2007; Phillips, 1998). Although Anderson and Sample (2008) found that only approximately one third of Nebraska residents accessed the sex offender registry, the overwhelming majority knew of its existence and felt personally safer knowing registry information was available. This finding reaffirmed an earlier one in which the majority of 400 Washington residents sampled reported feeling safer against sex offenders when armed with sex offender addresses and information (Phillips, 1998). Moreover, Levenson et al. (2007) also reported that the majority of respondents of their survey generally knew how notification of sex offenders was achieved by law enforcement, believed that the public should have access to this information, and thought that notification strategies are effective at reducing sexual victimization. Despite the mixed results of the effects of notification laws on the public's perceptions of safety, the real question pertaining to notification laws is as follows: Are the symbolic effects of the laws viable goals or functions for the law in such a way to justify their expense?

Passage of legislation often validates the public's perception of the existence of a social problem, but it also portends to offer some solution. As criminologists, we would like the passage of criminal justice policies and laws to be based on an empirically observed growing social problem, and we would like the solutions offered for such to be based on "best practices" in the field, but this ideal scenario will likely seldom be the case. Whether empirically validated or not, the public's perception of a problem makes it real to them and one that deserves solutions. Perhaps we should think about and debate all possible symbolic and instrumental functions of a law before we deem it a failure, and perhaps we should recognize the value of both symbolic and instrumental goals. The question of whether the existence of symbolic effects justifies the costs of notification laws cannot be answered in this essay; however, it is one that deserves debate before proclaiming that sex offender notification laws have little utility.

The Violation of Human and Constitutional Rights as an Expense of Symbolic Law

Several scholars have highlighted the latent consequences of notification laws on the lives of sex offenders (Levenson and Cotter, 2005; Mustaine, Tewksbury, and Stengel, 2006; Tewksbury, 2005; Tewksbury and Lees, 2006; Zevtiz, 2003). Sex offenders report experiencing harassment, social isolation, stigmatization, and feelings of vulnerability as a result of sex offender laws, all of which may prompt continued misbehavior (Levenson, and Cotter, 2005; Tewksbury, 2005; Tewksbury and Lees, 2006). Moreover, offenders have experienced loss of employment, loss of housing, loss of social relationships, and property damage as a result of notification procedures (Levenson and Cotter, 2005; Tewksbury, 2005; Tewksbury and Lees, 2006). On balance, some argue that the social consequences sex offenders experience as a result of notification laws actually might exacerbate their behaviors rather than reduce them. In this way, the costs of notification on sex offenders' lives might outweigh the benefits of enforcing these laws, particularly in light of their inability to reduce recidivism or to promote preventative measures among citizens. In fact, Bandy (2011) suggests this type of argument to mount legal challenges to the constitutionality of notification laws. Even Bandy, however, acknowledges the difficulty of defending the rights of convicted sex offenders.

As Bandy (2011) suggests, offenders' rights are of little priority in the "get tough" era of crime control. Victims' rights and public safety have taken precedent over the rights and liberties of criminal offenders. This trend is never more apparent than when discussing the rights of those who offend sexually. Unlike other violent offenses, sex offending is viewed as a particularly egregious forum of criminal behavior because the victims are often those whom society feels most compelled to protect—women and children (Furby, Weinrott, and Blackshaw, 1989; Jenkins, 1998). Core values and institutions, such as monogamy, family, and motherhood, all are challenged when women who represent these principles and institutions are sexually attacked (Jenkins, 1998). Sex crimes against children are perceived as even more reprehensible; they not only offend most people's sense of decency but also underscore the inability of law enforcement and parents to protect those in society least able to protect themselves (Sutherland, 1950). Few people will likely come to the defense of convicted sex offenders' rights to live harassment free when their crimes have affected and endangered those in society perceived to be the most vulnerable. To this end, even Bandy (2011) explains that notification laws' lack of utility or increases in public safety will not be enough to justify their demise. Their symbolic expression of the public's disgust for sex offenders and their crimes will likely outweigh their lack of effectiveness, their financial costs, and the resources expended by criminal justice agencies to enforce them.

Practicality of Repealing Law

Beyond the passage of the 18th Amendment to the U.S. Constitution prohibiting the sale and manufacture of alcohol and the 21st Amendment's repeal of such, few of us can

name either largely symbolic or instrumental laws that have been repealed. Punctuated-equilibrium theory teaches us why the repeal of any governmental policy or law proves difficult. While studying the stability and occasional change in public policy, True, Jones, and Baumgartner (2007: 156) observed that both issue definition and agenda setting affect the ability for public policies to experience either change or stability. As issues rise and fall on the public agenda, reinforcement in the way public issues are defined over time creates obstacles to anything other than modest policy change because people's rational decision-making processes already have weighed various definitions of an issue and have settled on a favorable one. In contrast, the questioning of a problem's definition and the amount and type of public attention it receives creates opportunities for reversals in policy outcomes (2007: 156). In this way, punctuated-equilibrium theory suggests that it requires both a change in the way people come to define a problem and a change in the amount and type of attention the problem receives for even incremental changes to a public policy to take shape. This point likely explains why the only real change we have noted in notification laws over time has been their expansion.

Since the late 1980s, the only change that seems to have occurred in the definition of sex crimes or the attention they garner nationally is an expanding definition of what constitutes illegal sexual behavior and an increasing amount of media and legislative attention to these acts (Jenkins, 1998; Sample and Kadleck, 2008). As original definitions of sex offenses have been expanded and subsequently reinforced on the public agenda through attention from policy makers and media, we have witnessed not only a stability in the core requirements of notification laws but an expansion of these laws to all 50 states (Megan's law) as well as new federal legislation (Adam Walsh Child Protection Act of 2006) requiring Internet notification. According to punctuated-equilibrium theory, the expansion and reinforcement of the definitions of sex offending will prove to be obstacles to major legislative change and will serve simply to reinforce the status quo of notification laws. In practical terms, it is unlikely that scholars and their research can move public perception and help to redefine the sex offender problem. Without the public's acceptance of new definitions of sex offending as well as a reduction in the attention these crimes receive, it is likely that notification laws will never see repeal. Perhaps it is time we accept this reality and concentrate our attentions on finding new instrumental uses for notification laws, investigating symbolic effects, and contenting ourselves with limiting the scope or consequences of these laws rather than with recommending their demise.

The principles of punctuated-equilibrium theory suggest that sex offender notification laws are here to stay. They then provide us with the opportunity to debate several questions surrounding criminal justice policies and laws. Should American citizens be content with largely symbolic crime policies and laws that demonstrate policy makers' willingness to address problems, ease public fear, solidify public consensus of appropriate and inappropriate behavior, and provide a model of policies and laws for other states, or should they want more from crime-control efforts? Does a tipping point exist at which time the resources

expended to enforce symbolic laws outweigh their benefits as well as a point at which the financial and human costs of the law become too high to continue to support legislation that is largely symbolic in nature? Who should make this judgment? Perhaps this is the role of scholarly research—to assist the public and policy makers in balancing costs and benefits of legislation and helping to identify ways to increase the instrumental effects of symbolic policies and laws. If instrumental effects cannot be achieved, or if these effects are limited at best, then perhaps academics' greatest contributions will be to help policy makers determine a tipping point for the costs and functions of polices and laws and to help them decide when enough legislation is enough.

References

- Adkins, Geneva, David Huff, and Paul Stageberg. 2000. *The Iowa Sex Offender Registry*. Des Moines: Iowa Department of Human Rights.
- Anderson, Amy L., Mary K. Evans, and Lisa L. Sample. 2009. Who accesses the sex offender registries? A look at legislative intent and citizen action in Nebraska. *Criminal Justice Studies: A Critical Journal of Crime, Law, and Society*, 22.
- Anderson, Amy L. and Lisa L. Sample. 2008. Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19: 371–396.
- Avrahamian, Koresh A. 1998. A critical perspective: Do “Megan’s Laws” really shield children from sex-predators? *Journal of Juvenile Law*, 19: 301–317.
- Bandy, Rachel. 2011. Measuring the impact of sex offender notification on community adoption of protective behaviors. *Criminology & Public Policy*, 10(2): 237–263.
- Barak, Gregg. 1994. *Media, Process, and the Social Construction of Crime*. New York: Garland Publishing, Inc.
- Beck, Victoria Simpson and Lawrence F. Travis. 2004. Sex offender notification and protective behavior. *Violence & Victims*, 3: 289–302.
- Ben-Yehuda, Nachman. 1990. *The Politics and Morality of Deviance*. New York: State University of New York Press.
- Cobley, Cathy. 2003. The legislative framework. In (Amanda Matravers, ed.), *Sex Offenders in the Community: Managing and Reducing Risk*. Devon, U.K.: Willan.
- Cohen, Stanley. 1972. *Folk Devils and Moral Panics, the Creation of the Mods and Rockers*. New York: St. Martin’s Press.
- Furby, Lita, Mark R. Weinrott, and Lyn Blackshaw. 1989. Sexual offender recidivism: A review. *Psychological Bulletin*, 105: 3–30.
- Gavin, Helen. 2005. The social construction of the children sex offender explored by narrative. *The Qualitative Report*, 10: 395–415.
- Grattet, Ryken and Valerie Jenness. 2008. Transforming symbolic law into organizational action: Hate crime policy and law enforcement practice. *Social Forces*, 87: 501–527.
- Gusfield, Joesph R. 1963. *Symbolic Crusade. Status Politics and the American Temperance Movement*. Urbana: University of Illinois Press.

- Hinds, Lyn and Kathleen Daly. 2000. The war on sex offenders: Community notification in perspective. *Australian and New Zealand Journal of Criminology*, 13: 284–306.
- Howard, Gregory J. 1999. Garbage laws and symbolic policy: Governmental responses to the problem of waste in the United States. *Criminal Justice Policy Review*, 10: 157–299.
- Jenkins, Philip. 1998. *Moral Panic, Changing Concepts of the Child Molester in Modern America*. London, U.K.: Yale University Press.
- Jenness, Valerie. 2004. Explaining criminalization: From demography and status politics to globalization and modernization. *Annual Review of Sociology*, 30: 147–171.
- Levenson, Jill S. 2006. The new scarlet letter: Sex offender policies in the 21st century. In (David Prescott, ed.), *Applying Knowledge to Practice: Challenges in the Treatment and Supervisions of Sexual Abusers*. Brandon, VT: Safer Society Press.
- Levenson, Jill S., Youlanda Brannon, Timothy Fortney, and Juanita Baker. 2007. Public perceptions and community protection policies. *Analyses of Social Issues and Public Policy*, 7: 1–25.
- Levenson, Jill S. and L. P. Cotter. 2005. The effects of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21: 49–66.
- Mustaine, Elizabeth Ehrhardt, Richard Tewksbury, and Kenneth M. Stengel. 2006. Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, 27: 329–350.
- Oliver, Willard M. and Nancy E. Marion. 2008. Political party platforms, Symbolic politics and criminal justice policy. *Criminal Justice Policy Review*, 19: 397–413.
- Petrosino, Anthony J. and Carolyn Petrosino. 1999. The public safety potential of Megan's Law in Massachusetts: An assessment from a sample of criminal sexual psychopaths. *Crime & Delinquency*, 45: 140–158.
- Phillips, Dretha M. 1998. *Community Notification as Viewed by Washington's Citizens*. Olympia: Washington State Institute for Public Policy.
- Quinn, James F., Craig J. Forsyth, and Carla Mullen-Quinn. 2004. Societal reaction to sex offenders: A review of the origins and results of the myths surrounding their crimes and treatment amenability. *Deviant Behavior*, 25: 215–232.
- Rosenberg, Gerald. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago, IL: University of Chicago Press.
- Sample, Lisa L. 2006. An examination of the degree to which sex offenders kill. *Criminal Justice Review*, 31: 230–250.
- Sample, Lisa L. and Mary K. Evans. 2009. Sex offender registration and community notification. In (Richard D. Wright, ed.), *Sex Offender Laws: Failed Policies, New Directions*. New York: Springer.
- Sample, Lisa L. and Colleen Kadleck. 2008. Sex offender laws: Legislators' accounts of the need for policy. *Criminal Justice Policy Review*, 19: 40–62.
- Schram, Donna D. and Cheryl D. Milloy. 1995. *Community Notification: A Study of Offender Characteristics and Recidivism*. Olympia: Washington State Institute for Public Policy.
- Steinbock, Bonnie. 1995. A policy perspective. *Criminal Justice Ethics*, 14: 212–234.

- Sutherland, Edwin H. 1950. The diffusion of sexual psychopath laws. *American Journal of Sociology*, 50: 142–148.
- Terry, Karen J. and Alissa R. Ackerman. 2009. A brief history of major sex offender laws. In (Richard D. Wright, ed.), *Sex Offender Laws: Failed Policies, New Directions*. New York: Springer.
- Tewksbury, Richard. 2002. Validity and utility of the Kentucky sex offender registry. *Federal Probation*, 66: 1.
- Tewksbury, Richard. 2005. Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, 21: 67–81.
- Tewksbury, Richard and Matthew Lees. 2006. Perceptions of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26: 309–334.
- True, James L., Bryan D. Jones, and Frank R. Baumgartner. 2007. Punctuated-equilibrium theory: Explaining stability and change in public policy making. In (Paul A. Sabatier, ed.), *Theories of the Policy Process*. Cambridge, MA: Westview Press.
- Walker, Jeffery. T, Sean Madden, Bob E. Vasquez, Amy C. VanHouten, and Gwen Ervin-McLarty. 2005. *The Influence of Sex Offender Registration and Notification Laws in the United States*. Retrieved December 15, 2005 from acjc.org.
- Winick, Bruce J. and John Q. LaFond. 2003. *Protecting Society from Sexually Dangerous Offenders*. Washington, DC: American Psychological Association.
- Zevitz, Richard, G. 2003. Sex offender community notification and its impact on neighborhood life. *Crime Prevention and Community Safety: An International Journal*, 20: 41–61.
- Zevitz, Richard G. 2004. Sex offender placement and neighborhood social integration: The making of a scarlet letter community. *Criminal Justice Studies*, 17: 203–223.
- Zevitz, Richard. 2006. Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies*, 19: 193–208.
- Zgoba, Kristen M. 2004. Spin doctors and moral crusaders: The moral panic behind child safety legislation. *Criminal Justice Studies*, 17: 385–404.

Statute Cited

Adam Walsh Child Protection Act, 42 U.S.C. §16911 (2006).

Lisa L. Sample is an Associate Professor in the School of Criminology and Criminal Justice at the University of Nebraska, Omaha. She received her Ph.D. in Criminology and Criminal Justice from the University of Missouri, St. Louis. Her research interests include criminal and juvenile justice policy. More specifically, she conducts research in juvenile and criminal justice sentencing disparities, drug control policies, prison reentry programs, and sex offender behavior and policies. She has worked with several state and local agencies to evaluate programs intended to address juvenile truancy, prisoner reentry, drug use, and methamphetamine manufacture and sale.

POLICY ESSAY

IMPACTS OF SEX OFFENDER NOTIFICATION ON COMMUNITY BEHAVIOR

What is smart sex offender policy?

Karen J. Terry

John Jay College of Criminal Justice

In July 1994, 7-year-old Megan Kanka was raped and killed by a recidivist sex offender living across the street from her in Hamilton Township, NJ. The perpetrator, Jesse Timmendequas, had a history of sexually abusing children and lived with two other sex offenders; yet his neighbors were unaware of their criminal history. Because of Jesse's anonymity, he lured Megan into his house to see his puppy. Megan's parents said that if they had only known that sex offenders were living across the street from them, Megan would be alive today. They then advocated for notification of sex offenders' whereabouts to become mandatory in all states, and many politicians were eager to support her and any legislation that could potentially protect children from sexual predators. As a result, the federal government and all states enacted their own versions of registration and community notification laws (RCNLs), which are known colloquially as "Megan's Law."

During the last decade and a half, RCNLs have overcome legal challenges to be developed and expanded; now, RCNLs regulate the rights and movements of sex offenders living in the community. Like Megan's Law, most of these policies are "memorial laws" based on the emotionally charged cases of a child being raped and/or killed by a stranger (Terry and Furlong, 2008). The goal of RCNLs are to raise awareness of sex offenders in the community so that individuals can protect themselves from victimization, and such awareness should in turn reduce the likelihood that the registered offenders will recidivate (Beck and Travis, 2006). But the laws were not based on a sound theoretical framework of crime prevention and control, and there are some fundamental flaws in the basis of this legislation. More than a dozen years after their implementation, empirical studies now show moderate, if any, effects of this legislation on either the recidivism levels of the offenders (Zgoba, Witt, Dalessandro, and Veysey, 2008) or the protective behaviors that they are

Direct correspondence to Karen J. Terry, PhD, John Jay College of Criminal Justice, 899 Tenth Avenue, New York, NY 10019 (e-mail: kterry@jjay.cuny.edu).

meant to generate (Anderson and Sample, 2008; Bandy, 2011, this issue). The question then becomes what purpose the laws serve. Although the Bandy article does not advocate for the abolition of the laws, it recommends a substantial level of caution for the current trend of expanding the laws and their reach.

Registration and Community Notification Laws

Registration guidelines vary by state but generally require that offenders convicted of a sexually based offense submit information to a law enforcement agency that includes the offender's name and any aliases, home address, date of birth, social security number, photograph and/or physical description, fingerprints, the type of offense the person was convicted of, the age of the victim, the date of conviction, the punishment received, any vehicles registered to the offender, and the place of employment or school (see Terry and Furlong, 2008, for a full overview of all state statutes, case law, and analyses). Offenders are assessed as to their level of risk to the community and, in most cases, are designated into low-, moderate-, or high-risk categories. Notification statutes allow for this information to be disseminated to the community, and the methods of dissemination vary by state and/or local jurisdiction. When these laws were first implemented, a variety of "active" and "passive" methods of notification was employed (Beck and Travis, 2006). However, since the U.S. Supreme Court decided on the constitutionality of Internet notification in *Connecticut Department of Public Safety v. Doe* (2003), the primary form of notification is the posting of such information on state websites.

RCNLs have been challenged on several constitutional issues, including violations of ex post facto, due process, cruel and unusual punishment, equal protection, and protections against search and seizure. The courts have continuously upheld these laws as constitutional, reasoning that they are regulatory and promote the state's interest in preserving public safety (Janicki, 2007). Other issues before the courts have also been contentious, such as the determination of appropriate sanctions (criminal) for failure to register (civil statute), definition of "sex-based" offenses (e.g., kidnapping, "sexting," and public urination as indecent exposure), types of risk-assessment procedures, tier-level classification, the lack of clarity in laws as they apply to homeless and juvenile offenders, and the broad scope of Internet notification (Terry and Ackerman, 2009).

Although states vary their RCNL requirements because of practical and philosophical differences, these variations have created numerous logistical barriers. Two laws have led to the nationalization of RCNLs in an attempt to reduce these problems, although many of those same barriers remain. The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 was the first to establish a national database at the Federal Bureau of Investigation with the information about those offenders who had sexually abused a minor or committed a sexually violent offense. The Adam Walsh Child Protection and Safety Act of 2006 is the most comprehensive act created to date related to the supervision and management of

sex offenders in the community. It sets national standards for registration and notification, civil commitment, child pornography prevention, and Internet safety; makes failure to register a deportable offense for immigrants; and establishes grants to assess the legislation empirically.

Although the aim of the Adam Walsh Act is ambitious in scope, it does not address some of the fundamental problems with RCNLs. First, RCNLs apply only to convicted sex offenders. Most sexual offenses are unreported, and those that are reported have a low conviction rate. Thus, the number of known offenders posted on the registry is a small number of the actual individuals who have committed sexually based offenses. Second, a key objective of RCNLs is to reduce the rate of recidivism, and many state statutes either explicitly or implicitly state this in their objectives. Yet sex offenders have low recidivism rates, with studies showing a 5.3% recidivism rate over 3 years (Bureau of Justice Statistics, 2003) or 13.7% for a new sexual offense in 5 years (Hanson and Morton-Bourgon, 2005). Most people who are arrested for committing a sexual offense do not have a prior conviction for sexual offending (although many have a criminal history that includes nonsexual offenses). When sex offenders do reoffend, they are more likely to commit a nonsexual offense than a sexual one (Lussier, LeBlanc, and Proulx, 2005; Miethe, Olson, and Mitchell, 2006; Simon, 2000; Smallbone and Wortley, 2004; Sothill, Francis, Sanderson, and Ackerley, 2000).

Another limitation of RCNLs is that these laws are geared toward the prevention of sexual abuse by strangers, even though most offenders are known to the victim. In cases of sexual abuse of minors, approximately 90% of the victims had some type of relationships to the perpetrator. Nonetheless, legislation is influenced by the high-profile, emotionally charged cases of sexual abuse and/or murder of children by strangers. The Adam Walsh Act is even dedicated to 17 victims noted in the introduction to the legislation—Jacob Wetterling, Megan Kanka, Pam Lychner, Jetseta Gage, Dru Sjodin, Jessica Lunsford, Sarah Lunde, Amie Zyla, Christy Fornoff, Alexandra Zapp, Polly Klaas, Jimmy Ryce, Carlie Brucia, Amanda Brown, Elizabeth Smart, Molly Bish, and Samantha Runnion—nearly all of whom were abducted, violently sexually assaulted, and/or killed by strangers. In fact, these cases show yet another flaw in the legislation, which is that registration is based on the location of the offender's residence. Yet empirical studies show that the location of the offenders' residences is not necessarily linked to the location of the abuse situation. The Minnesota Department of Corrections (2007) conducted a study of sex offenders' proximity to their victims and found that of the 224 offenders in their sample, only 16 offenders lived within a 1 mile of the abuse location. This is true for most victims listed on the Adam Walsh Act, where in many cases the perpetrator traveled to a different neighborhood from where he was registered (e.g., Jessica Lunsford) or even state (e.g., Dru Sjodin), to commit the offense. In some cases, (e.g., Samantha Runion, Polly Klaas, and Elizabeth Smart) notification would have been irrelevant because the victims were violently abducted and knowledge of the perpetrator's identity could not have prevented those offenses.

Not only does the Adam Walsh Act perpetuate the problems of the statewide RCNL requirements, but also it expands the requirements in significant ways. First, it removes much of the discretion about risk assessment. The Adam Walsh Act requires states to assess the risk of sex offenders based on the type of offense rather than on a risk-assessment instrument, and as such, it is no longer possible to take into consideration the aggravating and/or mitigating circumstances of the offenses (Levenson, D'Amora, and Hern, 2007). Second, the community will now be notified about more sex offenders—the high-risk offenders who are most likely to recidivate as well as the moderate-risk offenders and some of those who may have been previously labeled low-risk offenders. This is problematic because the community no longer can discern which offenders are the most dangerous and most likely to recidivate, which was the original purpose of the notification legislation. Third, it expands the registry to mandate registration of juveniles older than 14 years of age, many of whom could be assessed as Tier III (high-risk) offenders who would therefore remain on the registry for life (Enniss, 2008). This policy is inconsistent with the empirical literature, which shows that most juvenile sex offenders do not go on to commit offenses as adults (Caldwell, 2007; Zimring, Jennings, Piquero, and Hays, 2009; Zimring, Piquero, and Jennings, 2007). Caldwell, Ziemke, and Vitacco (2008) showed inconsistent risk designations for juveniles between Sex Offender Registration and Notification Act (SORNA) guidelines and the validated risk-assessment instruments for juveniles (Psychopathy Checklist: Youth Version and the Juvenile Sex Offender Assessment Protocol–II). And because the SORNA guidelines apply a one-size-fits-all assessment of offenders' risk, they do not take into consideration unique developmental factors related to juveniles (Letourneau and Miner, 2005).

These concerns about RCNL relate to recidivism of offenders. However, as Bandy (2011) notes, it is also important to understand what protective behaviors people take once notified about the offenders in their neighborhood. Two critical findings emerged from their study: Notified individuals are no more likely to adopt self-protected behaviors than those who are not notified, but they are more likely to adopt more protective behaviors on behalf of their children. The question now should be whether these protective behaviors are adequate to help prevent victimization and whether the knowledge resulting from the notification leads to a higher level of collective efficacy.

Discussion

Highly publicized cases of child sexual abuse, kidnapping, and murder have led to a moral panic about sex offenders and what to do with them. This panic over the sexual “predators,” “fiends,” and “monsters” has led to an increase in the laws regulating the behavior of offenders in the community, laws that are usually not based on empirical findings of effective policies. Some states (e.g., Colorado) are committed to the implementation of evidence-based best practices and to conducting policy evaluations of the laws they enact (Lowden, English, Hetz, and Harrison, 2003). Federal legislation such as the Adam Walsh Act, however,

removes discretion from states about what laws should be implemented and how to enforce them.

RCNLs are not without benefits. These and other sex offender laws have increased the awareness about sexual victimization, which is a critical step toward protection from abuse. This awareness can lead to a dialogue about best practices for prevention as more researchers focus on what works. Awareness about the realities of sexual abuse emerged more generally in the mid-1970s through the mid-1980s, which led to changes in child protection laws (e.g., mandatory reporting laws), an increase in publications on the topic (e.g., launch of the journal *Child Abuse and Neglect* in 1976), research on the prevalence and harm of sexual victimization (e.g., Finkelhor, 1979, 1984; Herman and Hirschman, 1977; Russell, 1986), task forces assessing the rights of and services for victims (e.g., President's Task Force on Victims of Crime), and federal funding to study the impact of victimization (e.g., Davis, 1987; Finn and Lee, 1987; Villmoare and Neto, 1987).

It is also true that RCNLs might prevent some tragic cases of abuse, such as with individuals like Megan Kanka. Had Megan's parents known that Jesse Timmendequas lived across the street from them, they could have warned her to stay away from him. However, warning children about specific, high-risk individuals who are strangers is not enough to make RCNLs sound policy. Educating children about the realities of sexual abuse is a critical step in reducing the potential for their victimization. Rates of sexual victimization in childhood are enormously high, but most children are abused by someone close to them, not by a stranger. Bandy (2011) shows that parents who are notified about sex offenders in their neighborhood may demonstrate more protective behaviors of their children. The question is, what are these protective behaviors and do these behaviors lead to the prevention of abuse? Do the protective behaviors involve education about sexual abuse generally or warnings about strangers? Do they provide the children with knowledge about what are bad behaviors and tools to protect themselves from those who commit inappropriate acts? Future research should clarify these issues.

To protect the community, the focus of RCNLs should be twofold. First, it should provide a "containment approach" model of supervision and management of offenders, so that offenders are monitored as well as reintegrated into the community. To label offenders without a focus on reintegration is not useful for them or for the community. Second, RCNLs should provide information to community members that will help them protect themselves not only from registered sex offenders who may live nearby but also from those who may commit acts of sexual violence in the future. The introduction to the laws should not focus on the "dangerous sex offenders who will likely recidivate" but instead should focus on the greater likelihood of sexual abuse by an acquaintance, family member, or other person in a position of authority over a child. The commitment in the Adam Walsh Act to study the efficacy of the legislation is promising. However, it remains to be determined what steps would be taken to reduce the punitiveness of the law if research shows it is not effective at accomplishing the goals it sets forth.

References

- Anderson, Amy L. and Lisa L. Sample. 2008. Public awareness and action resulting from sex offender notification laws. *Criminal Justice Policy Review*, 19: 371–396.
- Bandy, Rachel. 2011. Measuring the impact of sex offender notification on community adoption of protective behaviors. *Criminology & Public Policy* 10(2): 237–263.
- Beck, Victoria S. and Lawrence F. Travis III. 2006. Sex offender notification: A cross-state comparison, *Police Practice & Research*, 7: 293–207.
- Bureau of Justice Statistics. 2003. *Recidivism of Sex Offenders Released From Prison in 1994*. Washington, DC: U.S. Department of Justice.
- Caldwell, Michael F. 2007. Sexual offense adjudication and sexual recidivism among juvenile offenders. *Sexual Abuse: A Journal of Research and Treatment*, 19: 107–113.
- Caldwell, Michael F., Mitchell H. Ziemke, and Michael J. Vitacco. 2008. An examination of the Sex Offender Registration and Notification Act as applied to juveniles: Evaluating the ability to predict sexual recidivism. *Psychology, Public Policy and Law*, 14: 89–114.
- Davis, Robert C. 1987. *Crime Victims: Learning How to Help Them, Research in Action*. Washington, DC: U. S. Department of Justice, National Institute of Justice.
- Ennis, Brittany. 2008. Quickly assuaging public fear: How the well-intended Adam Walsh Act led to unintended consequences. *Utah Law Review*, 697–717.
- Finn, Peter and Beverly Lee. 1987. *Serving Crime Victims and Witnesses*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Finkelhor, David. 1979. *Sexually Victimized Children*. New York: Free Press.
- Finkelhor, David. 1984. *Child Sexual Abuse: New Theory and Research*. New York: Free Press.
- Hanson, R. Karl and Kelly E. Morton-Bourgon. 2005. The characteristics of persistent sexual offenders. *Journal of Consulting and Clinical Psychology*, 73: 1154–1163.
- Herman, Judith L. and Linda Hirschman. 1977. Father-daughter incest. *Signs*, 2: 735–756.
- Janicki, Megan A. 2007. Better seen than herded: Residency restrictions and global positioning system tracking laws for sex offenders. *The Boston University Public Interest Law Journal*, 16: 285–311.
- Letourneau, Elizabeth J. and Michael H. Miner. 2005. Juvenile sex offenders: A case against the legal and clinical status quo. *Sexual Abuse: A Journal of Research and Treatment*, 17: 293–312.
- Levenson, Jill S., David A. D’Amora, and Andrea L. Hern. 2007. Megan’s law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25: 587–602.
- Lowden, Kerry, Kim English, Nicole Hetz, and Linda Harrison. 2003. *Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines*. Denver, CO: Sex Offender Management Board.
- Lussier, Patrick, Marc LeBlanc, and Jean Proulx. 2005. The generality of criminal behavior: A confirmatory factor analysis of the criminal activity of sex offenders in adulthood. *Journal of Criminal Justice*, 33: 177–189.

-
- Miethe, Terance D., Jodi Olson, and Ojmarrh Mitchell. 2006. Specialization and persistence in the arrest histories of sex offenders: A comparative analysis of alternative measures and offense types. *Journal of Research in Crime and Delinquency*, 43: 204–229.
- Minnesota Department of Corrections. 2007. *Residential Proximity & Sex Offense Recidivism in Minnesota*. St. Paul: Author.
- Russell, Diane E. H. 1986. *The Secret Trauma: Incest in the Lives of Girls and Women*. New York: Basic Books.
- Simon, Leonora M. J. 2000. An examination of the assumptions of specialization, mental disorder, and dangerousness in sex offenders. *Behavioral Sciences & the Law*, 18: 175–308.
- Smallbone, Stephen W. and Richard K. Wortley. 2004. Criminal diversity and paraphilic interests among adult males convicted of sexual offenses against children. *International Journal of Offender Therapy and Comparative Criminology*, 48: 175–188.
- Soothill, Keith, Brian Francis, Barry Sanderson, and Elizabeth Ackerley. 2000. Sex offenders: Specialists, generalists—or both? *British Journal of Criminology*, 40: 56–67.
- Terry, Karen J. and Alissa Ackerman. 2009. A brief history of major sex offender laws. In (Richard G. Wright, ed.), *Sex Offender Laws: Failed Policies, New Beginnings*. New York: Springer.
- Terry, Karen J. and John S. Furlong. 2008. *Sex Offender Registration and Community Notification: A “Megan’s Law” Sourcebook*, 2nd ed. Kingston, NJ: Civic Research Institute.
- Villmoare, Edwin and Virginia V. Neto. 1987. *Victim Appearances at Sentencing Hearings Under California’s Victims’ Bill of Rights, Executive Summary*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Zgoba, Kristen, Phillip Witt, Melissa Dalessandro, and Bonita Veysey. 2008. *Megan’s Law: Assessing the Practical and Monetary Efficacy* (Award no. 2006-IJ-CX-0018). Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.
- Zimring, Franklin E., Wesley G. Jennings, Alex R. Piquero, and Stephanie Hays. 2009. Investigating the continuity of sex offending: Evidence from the second Philadelphia birth cohort. *Justice Quarterly*, 26: 58–76.
- Zimring, Franklin E., Alex R. Piquero, and Wesley G. Jennings. 2007. Sexual delinquency in Racine: Does early sex offending predict later sex offending in youth and young adulthood? *Criminology & Public Policy*, 6: 507–534.

Case Cited

Connecticut Department of Public Safety v. Doe, 123 S. Ct. 1160 (2003).

Statute Cited

Adam Walsh Act, 42 USCS § 16901 (2006).

Karen Terry, PhD, is a Professor and Acting Associate Provost/Dean of Research at John Jay College of Criminal Justice. Dr. Terry has several publications on sex offender treatment, management and supervision, including: *Sex Offender Registration and Community Notification: A “Megan’s Law” Sourcebook* (Civic Research Institute) and *Sexual Offenses and Offenders: Theory, Practice and Policy* (Wadsworth). She has been involved with numerous research projects regarding sexual offenses and offenders. Most notably, she was the principal investigator for two studies assessing child sexual abuse by Catholic priests; the first examined the nature and scope of the problem from 1950–2002, and the second analyzed the causes and context of the crisis from 1950–2010.

EDITORIAL INTRODUCTION

DECARCERATION IN CALIFORNIA

Decarceration

Political possibility, social sentiment, and structural reality

Vanessa Barker, Senior Editor

Stockholm University

The San Andreas Fault makes California a major site of continental transformation and combustion. The same might be said of its fiscal policies and imprisonment rates—public policies that are literally crushing the state. Faced with a federal court order to reduce its prison population by 25% and a \$20 billion budget deficit, state officials in California are under tremendous pressure to govern differently, spend less, and imprison less. Under such twin pressures, California could become a major site of decarceration. This moment is noteworthy because it could indicate a break in, if not a reversal of, 20 years of prison growth in California. In addition, it could provide critical support to an emerging movement toward “penal moderation,” which is the movement toward less repressive and milder penal sanctions, evident in more than half of the U.S. states and in Europe. In 2009, for example, 26 states reduced their prison populations (Greene and Mauer, 2010). Large-scale changes in California and elsewhere could offer a powerful rebuke to the policies and practices of mass incarceration, policies that have left many people, especially young minority men, permanently excluded from sustainable social and economic life (Clear, 2008; Petersilia, 2003).

The following set of policy essays offers readers a vivid portrayal of the policy dynamics behind decarceration, placing the reduction of the prison population in social and political context. Rosemary Gartner, Anthony N. Doob, and Franklin E. Zimring (2011, this issue) make a compelling case that decarceration is a distinct possibility in California but not a certain outcome. They offer this assessment based on a gripping, yet detailed, analysis of a major prison population reduction under Governor Ronald Reagan—an unexpected development in the late 1960s. The authors then trace the policy lessons from the case study to understand better the political possibilities and impediments to reform under the current

Direct correspondence to Vanessa Barker, Stockholm University, 106 91 Stockholm, Sweden (e-mail: Vanessa.barker@sociology.su.se).

administration. In her policy response, Mary Bosworth (2011, this issue) makes the case that prison population reductions are desirable on democratic and moral grounds and are connected to broader movements toward “penal moderation” evident in the United States and in Europe. In contrast, in his response, Shawn D. Bushway (2011, this issue) raises cautionary notes about decarceration. He asks plainly whether decarceration is actually desirable, pointing to concerns about crime control and the purpose of criminal justice.

Specifically, Gartner, Doob, and Zimring (2011) identify the following key criminal justice policies that significantly reduced California’s prison population:

1. Decreased probability of a prison sentence
2. Increased rate of release from prison
3. Decreased rate of imprisonment for parole revocation

In other words, state officials decreased the prison population by sending fewer people to prison, releasing more people from prison at a faster rate, and sending fewer people back to prison who violated parole. These responses are straightforward policy mechanisms that slowed the growth of the prison population at the front end with less input as well as at the back end with greater output and less reentry. Gartner et al. make it clear that what is crucial for prison population reduction, particularly one with magnitude and relative speed, was the confluence of these three mechanisms operating at the same time. Just implementing one of the depressants for prison populations is not likely to lead to any substantial reductions.

Gartner et al.’s (2011) identification of the policies that decreased the prison population is a major contribution to criminology (see Bushway, 2011), but as they are quick to point out, contemporary reformers cannot simply mimic these earlier policies, as they were created under a different set of political conditions than are operable today. Decarceration was possible in California in the late 1960s in part because the structure of state government allowed for more decision-making power in the executive branch and insulated civil servants; both features enabled Reagan to realize certain aspects of fiscal conservatism and allowed the parole board to play a definitive role in reducing the prison population without public backlash. Today, the capacity of the governor and legislature is limited by fiscal constraints imposed through the initiative process, determinant sentencing laws (which also eliminated the discretionary power of the parole board to release inmates), and other anticrime initiatives such as the Victims Bill of Rights and Three Strikes Law—policies and politics that have fundamentally transformed that policy-making environment in California, making it less pragmatic and more volatile. Because imprisonment seems to be the “inevitable and appropriate response to crime” (Gartner et al., 2011), the authors write that considerable ideological obstacles need to be overcome. Within these constraints, they still to point to areas of policy reform that could lead to significant reductions in the prison population (the introduction of nonrevocable parole and increased good time credits). They explain that changes to the determinant and

truth-in-sentencing laws are also necessary but depend on a change in the state's political climate.

In her policy essay, Mary Bosworth (2011) presents a more hopeful view of changing political climates that could and do support penal moderation. She provides readers with a thoughtful analysis of some of the emotional, cultural, and social sentiment necessary for decarceration. She reminds readers that changes in penal policy depend not only on proximate sentencing policies but also on deeper emotional expression and support (Loader, 2010) and that public sentiment is not inherently punitive (Barker, 2009; Green, 2006) as often assumed. Bosworth shows how public support can be nationalistic and populist as well as support more lenient penal sanctioning as in the case of Scotland. She also shows how public concern for civil liberties and due process has led to penal moderation under a right center coalition in England and Wales. Bosworth makes it clear that penal moderation is politically possible but must include public debate and public engagement.

In his policy essay, Shawn D. Bushway (2011) offers a critical view of decarceration. First, he points out that decarceration does not necessarily mean that offenders exit the criminal justice system (arrest and conviction rates do not disappear). Decarceration just shifts the venue and changes the type of treatment of criminal justice sanctioning. The increased use of probation or parole still subjects offenders to criminal justice supervision and control—control that can be highly intrusive. He wants clarification about the nature, form, and purposes of alternatives to incarceration before they are assumed to be better, more effective, or less repressive than the prison. At the same time, however, Bushway is not a radical abolitionist. He does suggest that imprisonment might serve an important crime-control function. Imprisonment might be necessary, he explains, just as probation might be unnecessary, depending on the goals of criminal justice. What he seeks is an open debate about the nature and purposes of all forms of criminal justice sanctioning and not just a critique of the prison.

In the pages that follow, readers will find a lively and informed debate about the underlying politics of decarceration, a discussion of the social sentiment necessary to sustain it, and a critical view of the movement itself.

References

- Barker, Vanessa. 2009. *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*. New York: Oxford University Press.
- Bosworth, Mary. 2011. Penal moderation in the United States? Yes we can. *Criminology & Public Policy*, 10(2): 335–343.
- Bushway, Shawn D. 2011. So policy makers drive incarceration—Now what? *Criminology & Public Policy*, 10(2): 327–333.
- Clear, Todd R. 2007. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. New York: Oxford University Press.

- Gartner, Rosemary, Anthony N. Doob, and Franklin E. Zimring. 2011. The past as prologue? Decarceration in California then and now. *Criminology & Public Policy*, 10(2): 291–325.
- Green, David. 2006. Public opinion versus public judgment about crime: Correction and “comedy of errors.” *British Journal of Criminology*, 46: 131–154.
- Greene, Judith and Marc Mauer. 2010. *Downscaling Prisons: Lessons from Four States*. Washington, DC: The Sentencing Project.
- Loader, Ian. 2010. For penal moderation: Notes towards a public philosophy of punishment. *Theoretical Criminology*, 14: 349–368.
- Petersilia, Joan. 2003. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press.
-

Vanessa Barker is an associate professor of sociology at Stockholm University. Her book *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders* (Oxford University Press 2009) received a 2009 PASS Award from the National Council on Crime and Delinquency. She is working on a new book on globalization, immigration, and penal order in Europe, supported in part by the National Science Foundation Law and Social Sciences Program.

EXECUTIVE SUMMARY

DECARCERATION IN CALIFORNIA

Overview of “The past as prologue? Decarceration in California then and now”

Rosemary Gartner

Anthony N. Doob

University of Toronto

Franklin E. Zimring

University of California – Berkeley

Research Summary

In 1968, California Governor Ronald Reagan’s second year in office, the imprisonment rate in the state’s institutions was 146 per 100,000 residents. In 1972, California’s state prisons incarcerated 96 prisoners per 100,000 residents – a decrease of 34% and the state’s lowest level of imprisonment since at least 1950. This study examines how this reduction was accomplished during the tenure of a governor elected in part because of his tough approach to crime and disorder. We find that the decrease in the prison population resulted from a confluence of events, rather than a single dominant cause, and that this process extended over a period of years, rather than being limited to Reagan’s first year or two in office. There are lessons of value in this history for California’s and other states’ current problems with high imprisonment rates. However, differences in law, in the scale of imprisonment, and in the politics of penalty are likely to limit efforts to substantially educe prison populations in California and elsewhere.

Policy Implications

The growth of the level of imprisonment in the United States, coupled with financial and legal pressures to reduce those levels to something more sensible and financially viable, provides a strong impetus for understanding how imprisonment rates can be controlled. For jurisdictions facing court or financial pressures to reduce imprisonment, successful efforts to lower prison populations, whether in the United States or elsewhere, should be of particular relevance. However, although much has been written about the

reasons for the enormous growth in imprisonment in the United States since the mid-1970s, the study of effective ways to limit this growth or reverse it has been described as 'virgin territory.'

It is reasonably well established that the size of a jurisdiction's prison population is a function of imprisonment policies rather than crime or arrest rates. Thus, to understand trends in imprisonment rates one needs to examine criminal justice policies that determine who and how many go into prison, how long they stay there, and whether, after release, they are returned to prison if they violate release conditions. It is not, however, the case that reducing imprisonment can be accomplished by simply adjusting one of these levers or reversing one of the policies that led to an increase in imprisonment.

California's brief but dramatic experience with decarceration in the late 1960s and early 1970s illustrates these points. The 34% reduction in the state's prison population between 1967 and 1971 – which Governor Reagan celebrated in his second inaugural address – resulted from a number of quite different changes occurring over more or less the same span of time. One factor that was not responsible, however, was crime: Reported crime rates and felony arrest rates were increasing at the same time imprisonment was decreasing. Instead, the reduction was due to (a) a decrease in the probability of a prison sentence (due to a program that subsidized counties for placing offenders on probation rather than sending them to state prison), (b) an increase in the rate of release from prison (due to a decrease in length of time served before parole release), and (c) a decrease in the rate of return to imprisonment as a consequence of parole failure (due to a change in practice by the Adult Authority, California's parole board).

Recently, a few states – including New York, Michigan, Oregon, and Colorado – have experimented with policy changes to halt or reverse the growth in their prison populations. Among the reforms tried are elimination of some mandatory minimum sentences, revisions to sentencing laws that return discretion to judges, amendments to truth-in-sentencing laws, and changes in drug policies and laws. Indeed, early in 2010 the California Department of Corrections and Rehabilitation launched its own reforms to shrink its inmate numbers in response to both a federal court order and a budgetary crisis; among these was the creation of "nonrevocable parole" for low-risk parolees. Unfortunately, most of these efforts have had at best modest effects on prison growth and many have been or are being challenged by public interest groups and politicians.

Does the Reagan-era reduction in imprisonment offer any insights into achieving nontrivial reductions in prison populations? In the 1960s and early 1970s, California produced a relatively low-visibility, multiyear program at the state level of government. Major legislative changes were not required, however, multiple changes were. Substantial levels of decarceration cannot be achieved by reducing commitments to prison or increasing parole release or decreasing prison return after parole failure. All three

components must happen together to have important effects. That is the first lesson from the Reagan-era episode. The second is that the reduction in imprisonment was the result of a process that extended over a period of years rather than instantly, due to a single policy or procedural change.

However, there are now impediments to reform in California (and elsewhere) that did not exist 40 years ago, including a series of changes in (a) the scale of imprisonment, (b) state finances, (c) state-level power to set prison terms, (d) the visibility of penal policy, (e) the relative influence of state administrators and the public on correctional policy, and (f) beliefs about the efficacy of imprisonment. These limit the capacity of a twenty-first century governor to act and alter the publicity and controversy that will accompany any major reduction in imprisonment.

Large-scale decarceration is more difficult in 2010 than in the 1960s, although not impossible. Big changes will require visible policy shifts and legislative as well as executive branch participation. The decisions that are the targets for substantial decarceration have not changed since the Reagan years, but the mechanics of achieving shifts involve much more cooperation within and across levels of government.

Keywords

imprisonment, decarceration, prison populations, California

The past as prologue?

Decarceration in California then and now

Rosemary Gartner

Anthony N. Doob

University of Toronto

Franklin E. Zimring

University of California – Berkeley

One consequence of the massive growth in prison populations in the United States and other Western countries in the last 30 years is an extensive body of research and theorizing on the expansion of the carceral state. Explanations for this growth have added the terms “penal populism” and “the new punitiveness” to the criminological lexicon and have implicated a range of social, political, economic, and demographic forces in this expansion (e.g., Pratt, Brown, Brown, Hallsworth, and Morrison, 2005; Ruth and Reitz, 2003; Simon, 2007; Tonry, 2004; Whitman, 2003). In contrast, much less is known about attempts to reduce prison populations significantly.¹ As Jacobs (2007: 695) stated, “What has not yet been systematically explored . . . is how to decarcerate. This is practically virgin territory.” The relative absence of scholarly attention to decarceration efforts might have contributed to what Listwan, Jonson, Cullen, and Latessa (2008) referred to as a hegemonic punitive worldview, one that is fatalistic about the

We are grateful to Joan Petersilia, Robert Weisberg, Vanessa Barker, and three anonymous reviewers for their helpful comments on a previous draft. The Social Sciences and Humanities Research Council of Canada provided support for writing this article through grants to Rosemary Gartner and Anthony Doob. Direct correspondence to Rosemary Gartner, Centre of Criminology, University of Toronto, 14 Queen’s Park Crescent West, Toronto, Ontario M5S 3K9 (e-mail: rosemary.gartner@utoronto.ca); Anthony Doob, Centre of Criminology, University of Toronto, 14 Queen’s Park Crescent West, Toronto, Ontario M5S 3K9 (e-mail: anthony.doob@utoronto.ca); Franklin Zimring, Boalt Hall School of Law, University of California, Berkeley, Berkeley, CA 94720-7200 (e-mail: fzimring@law.berkeley.edu).

1. The best known examples of successful efforts to reduce imprisonment took place in two European countries—the Netherlands (Downes, 1988) and Finland (Lappi-Seppälä, 2000)—during times in which high imprisonment was rarely perceived as a virtue.

possibilities for halting or reversing the growth of imprisonment. To challenge that view, Listwan et al. (2008) examined what they saw as opportunities for resisting the penal harm movement and documented some states' retreat from high-profile punitive policies, such as three-strikes laws.

For one state in particular, attention to ways to not only halt but also reverse the growth of the prison population is badly needed. California currently imprisons approximately 165,000 people in its state prisons and is under federal court order to decrease this number by 40,000 inmates (a 25% reduction) by 2011.² The state's \$20 billion budget deficit also is putting pressure on the government to cut the costs of imprisonment, which exceed \$10 billion annually and have increased 50% in the last 10 years. Governor Schwarzenegger has proposed a variety of ways to reduce the prison population, some strange (e.g., paying Mexico to build prisons that would house California inmates), some ill-considered (e.g., a constitutional amendment prohibiting the size of the prison budget to exceed the budget for higher education), and some that have been repealed already (e.g., a program that allowed the early release of county jail inmates).³ So far, the only policy change that seems to have lowered the prison population is the introduction of a "parole violation decision-making instrument" that is intended to cut the number of low-risk parolees returned to prison for technical violations (Pew Center on the States, 2010). However, this policy on its own would take many years to achieve the reduction in the prison population mandated by the federal court order.

Several other states are struggling to find ways to reduce their prison populations, largely—but not solely—in response to budget deficits. To the extent some of their efforts have worked, as we describe in the subsequent discussion, California could learn from these methods. Another source of guidance for California might be found in its own history. The current high-profile and divisive conflict over imprisonment that Governor Schwarzenegger faces is a marked contrast to the quiet success of one of his predecessors. Ronald Reagan, also a Republican governor with a legislature dominated by Democrats, presided over a 34% reduction in the state's prison population. How this happened without apparent controversy and under a governor who, as Barker (2009: 66–67) noted, characterized "rising crime and civil disorder as a result of moral depravity" and, in his first term in office, introduced

-
2. Initially, the federal court order required a reduction of 43,000 inmates. However, in 2009, California reduced its state prison population by more than 4,000 prisoners, as described subsequently.
 3. This policy was necessitated by the state's decision to lower the population of its state prisons by sending thousands of convicted offenders, who would normally have gone to prison, to county jails and local reentry programs. The result was overcrowding in county jails, in response to which the state legislature passed a law allowing early release of jail inmates for good behavior. When several hundred inmates in county jails were released in the first 2 months of 2010 because of confusion over how to determine time credits, an immediate public outcry was raised that led to the repeal of the policy (Archibold, 2010; McGreevy, 2010b).

a crime-control package that “prioritized stiffer and certain penalties for a wide range of crimes” is the main focus of this article.

Before describing what happened to imprisonment in California in the late 1960s and early 1970s, we will discuss what research on the increase in imprisonment suggests about ways to reduce prison populations, what scholars have said recently about the possibilities of lowering prison populations, and whether some efforts, both in the past and recently, to reduce imprisonment might provide useful models for California. We then piece together the story behind the most substantial drop in California’s prison population in its history. The final section of the article is concerned with whether, and to what extent, the changes carried out in the 1960s and early 1970s could be replicated in the penal and governmental circumstances of 2010. We think lessons of value can be found in the earlier history for California’s current problems with imprisonment, but a variety of differences in law, the scale of imprisonment, and the politics of penalty will limit the capacity of even the best efforts to reduce the state’s prison population.

How Can Prison Populations Be Reduced?

Potential sources of guidance on how to reduce California’s prison population include research on the causes of the expansion of imprisonment during the last 30 years, recent discussions of and efforts to cut back imprisonment in other states, and California’s own history with downsizing imprisonment. The first two sources are discussed in this section.

Research on the Causes of the Expansion of Imprisonment

One place to look for ideas about reducing prison populations is research on the causes of the expansion of imprisonment. The number of studies examining the factors responsible for the increase in imprisonment in the United States is sizeable, even when considering only those published in the last 15 years. For our purposes, a review of current work summarizing the findings is sufficient. Recently, Pfaff (2008) identified four types of theory developed to explain prison growth and then reviewed 20 major studies testing versions of these theories published between 1990 and 2006. The methodological, conceptual, and definitional problems Pfaff noted in these studies prevent him from drawing strong conclusions. Nonetheless, he found some evidence that increases in crime rates, the relative sizes of the population aged 15–24 years and the Black population, as well as the strength of a conservative political culture were associated with increases in imprisonment growth in the United States. Acknowledging that “policy shifts over the past 30 years have surely increased prison populations” (2008: 563), Pfaff nonetheless stated that existing research does not provide a means to estimate the impact of various policies with any specificity.

Based on their own analysis of imprisonment trends in the United States during the last 25 years, Raphael and Stoll (2009) came to somewhat different conclusions. They considered many of the same factors identified in Pfaff’s review but decomposed these into

policy determinants and behavioral determinants. Behavioral determinants are factors that affect crime rates, such as deinstitutionalization of the mentally ill, the crack epidemic, and declining labor market prospects for low-skilled workers (that should have positive effects on crime) as well as demographic changes (such as increased immigration), a decrease in age groups at the greatest risk of crime, and increases in education levels (that should have negative effects on crime). In the end, they found that behavioral determinants played only a small role in explaining the increase in incarceration and that changes in who was sent to prison and for how long explain 80–85% of the prison expansion during the past 25 years. Similar to Blumstein and Beck (1999), Raphael and Stoll placed responsibility for why so many Americans are in prison primarily on policy innovations at the state and federal levels. Thus, to the extent that consensus exists in recent research about the causes of prison growth in the United States, it is a combination of changes in criminal justice policies during the last 30 or so years, such as the move to determinate sentencing, truth in sentencing laws, mandatory minimum sentences, and mandatory parole systems, that have played a critical role. These changes have occurred within and were made possible by a shift in the larger political and cultural context that, according to Simon (2007), saw the executive branch of federal and state governments associate their authority with the role of the prosecutor to “govern through crime.”

Recent Strategies and Efforts to Reduce Imprisonment in the United States

Given consensus about the strong effects of policy decisions on prison growth, it is not surprising that discussions of how to reduce prison populations focus on the need for action by state and federal governments. Among the most important steps, according to many scholars and activists, would be repealing mandatory sentencing provisions and truth-in-sentencing statutes as well as restructuring parole and probation eligibility and revocation policies in addition to sentencing options (Jacobsen, 2005; Listwan et al., 2008; Mauer, 2007; Richards, Austin, and Jones, 2004; Roberts, 2008). Such steps are possible because, as these studies indicate, the public is less punitive than often is recognized, sufficient evidence exists (and could be more widely disseminated) about the harms of these policies, and the current fiscal crisis has created a willingness—indeed, the necessity—to find ways to cut prison costs. The questions this necessity raises are whether it is feasible to expect that government action can reverse the causes of the increase in imprisonment and whether doing so would lead to reductions in imprisonment.

Government efforts to reduce prison populations significantly in the last 50 years, although relatively rare, are not unknown and occasionally have been successful, at least temporarily. In some European countries, the periodic granting of amnesties or general pardons has a long political tradition. Since the 1960s, both Italy and Poland have dramatically reduced their prison populations—albeit mainly in the short term—on numerous occasions through such practices (Greenberg, 1980; Zimring and Hawkins, 1991). In France, at least once a year on a national holiday, collective (as opposed to

individual) pardons and commutations are given to prisoners and thousands of prisoners are released (Roché, 2007). Although this tradition has not spread to the United States, some states, such as Washington and Minnesota, purposely have lowered—at least in the short term—their prison populations after introducing sentencing guidelines in the early 1980s (Barker, 2009; Marvell, 1995). One well-documented case of a state reducing its rate of prison growth through the early release of offenders occurred in the early 1980s. Between 1980 and 1983, more than 21,000 inmates in Illinois state prisons were granted early release in what James Austin (1986: 406) described as “the nation’s most ambitious early release effort to date.” The program was instituted by Michael Lane, the director of the Illinois Department of Corrections, because he expected that the 1978 passage of a determinate sentencing law would lead to prison overcrowding. As Lane (1986) noted, he assumed the early release program would be a temporary measure that would be followed by larger changes to the new sentencing policy. However, these larger changes never occurred and the stabilization of the prison population resulting from the early release program ended when the program was canceled in 1983. Ten years later, the Illinois prison population had more than doubled, from 15,432 in 1983 to 36,543 in 1993 (Olson, 2000).

More recently, other states have experimented with policy changes to halt or reverse the upward trend in their prison populations. As the most recent prison count report from the Pew Center on the States (2010) suggested, at least some of these changes seem to have been successful because, for the first time in 38 years, the total number of state prisoners in the United States declined in 2009. Population reductions occurred in 26 states, with California leading the way in absolute numbers (4,257).⁴ However, the number of prisoners continued to grow in the other 24 states. Detailed descriptions of how reductions were brought about in different states (e.g., Alexander, 2009; Greene, 2003; Greene and Mauer, 2010; Greene and Schiraldi, 2002; Weiman and Weiss, 2009) indicate that they resulted from “conscious efforts to change policies and practices . . . relied on many different types of reform initiatives . . . and had the twin goals of reducing the prison population and promoting cost-effective approaches to public safety” (Greene and Mauer, 2010: 2). The reforms that have been tried include eliminating some mandatory minimum sentences, revising sentencing laws to return discretion to judges, amending truth-in-sentencing laws, changing drug policy and laws, implementing merit time credits (e.g., for good behavior or completion of certain programs), and reducing revocations for parole and probation violations. New York provides an example of one of these conscious efforts. It achieved a 20% reduction in its prison population between 2000 and 2008 by scaling back the Rockefeller Drug Laws, developing diversion programs for drug and nonviolent offenders, and establishing a merit time program (Greene and Mauer, 2010).

4. As discussed in footnote 3, a good part of California’s reduction was accomplished by sending convicted offenders to county jails instead of state prisons.

Some of these efforts, even those with only modest effects on prison growth, also have raised concerns and opposition. Certain states that revised parole and sentencing policies before the economic crisis are now struggling to retain the financing for these programs (Steinhauer, 2009). In New York and Nevada, plans to close prisons because of smaller inmate populations have riled small towns and rural areas that rely heavily on prisons for jobs as well as politicians who rely on prisoners to enhance the populations of their jurisdictions (Dwyer, 2010). In Oregon, a program to shorten sentences was suspended after an interest group sponsored media portrayals of it as dangerous; in Colorado, an early release program was scaled back because few inmates were judged eligible for it; and in Michigan, state prosecutors and the attorney general have been challenging decisions under its newly revised parole procedures (Davey, 2010).

As noted, since the federal court ordered California's state government to deal with its problem of prison overcrowding by reducing its prison population, the Schwarzenegger administration has offered several ideas for accomplishing this. In case the state loses its appeal of the order, it has submitted a plan to make use of private prisons, build new prison facilities, and send some prisoners to states with lower incarceration costs (Theriault, 2010). However, these measures address only the overcrowding problem and do not require the state to lower its prison population. Therefore, in January 2010, the California Department of Corrections and Rehabilitation (CDCR) launched reforms similar to those enacted by other states that are intended to shrink its inmate numbers.⁵ These reforms have created "nonrevocable parole" for low-risk parolees and codified the recently implemented parole violation decision-making instrument (CDCR, 2010). Low-risk parolees are no longer subject to traditional parole supervision upon release and cannot be returned to prison for technical violations. A less publicized initiative will allow prisoners to reduce their sentences by, for example, completing certain educational and treatment programs or by working on fire-fighting crews. However, the CDCR expects this time credit program to result in fewer than 1,000 early releases during its first 2 years (Palta, 2010).⁶ Furthermore, the combined effect of the two initiatives is expected to be a gradual decrease of only approximately 6,500 prisoners (or 4% of the prison population) during 2010–2011.

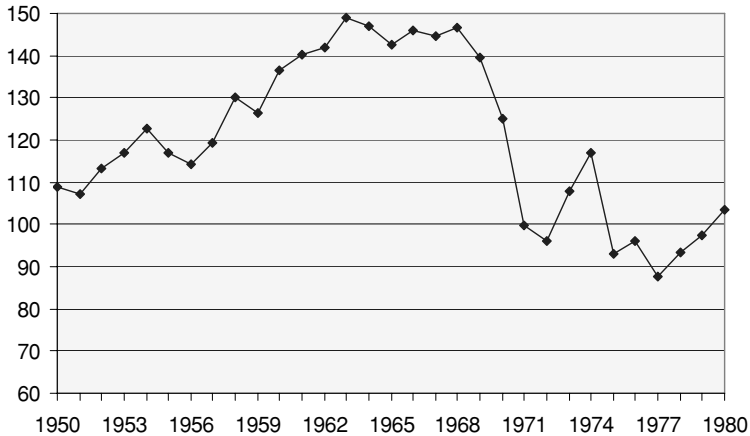
Currently, then, the Schwarzenegger administration has offered no proposals for a more substantial decrease in the state's prison population. Reforms to sentencing policies, noted earlier as a policy change other states have made, are on the agenda of neither the governor nor the state legislators, who "live in fear of the politically powerful correctional officers' union lobby" (*New York Times*, 2010). Moreover, some reforms instituted early in 2010

5. The CDCR changed its name from the California Department of Corrections in 2005 with the reorganization of the state's correctional service bureaucracy.

6. The CDCR does not refer to this as an early release program but as an incentive credit program (Palta, 2010). Governor Schwarzenegger stated shortly after the August federal court decision that no prisoners would be released early in response to the order (Steinhauer, 2009).

FIGURE 1

California's Total Institutional Population Rate (per 100,000 Residents), 1950–1980⁷



already are under fire from law enforcement officials, state legislators, and crime-victim advocates who argue that they will endanger public safety (McGreevy, 2010a).

Thus, it seems that California's governor and state legislature might be unwilling or unable to enact the types of reforms suggested by research on the causes of prison expansion and used by other state governments to lower their prison populations. Perhaps, however, they could learn something from the state's previous and successful experience at cutting imprisonment.

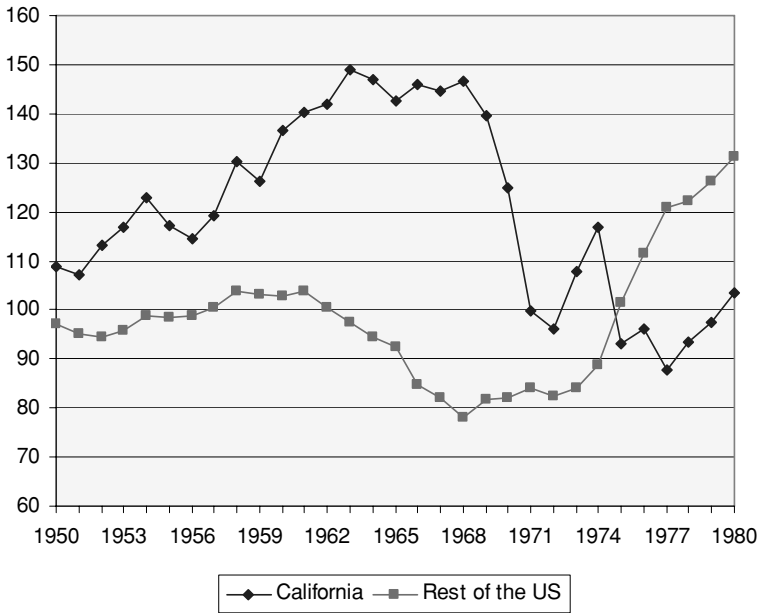
The Reduction in California's Prison Population

In 1967, when Ronald Reagan began his first term as governor of California, the state's prisons held 27,741 inmates. The next year, its prison population hit an all-time high of 28,462. However, 4 years later, in 1972, California's state prisons housed only 19,773 inmates and the imprisonment rate had dropped from 146 (in 1968) to 96 (in 1972) per 100,000 population—the lowest since at least 1950 (Figure 1). This steady and sustained reduction began in the last 2 years of Reagan's first term as governor and continued through the first 2 years of his second term. Yet it has gone largely unremarked by scholars of imprisonment, perhaps because it took place just before the dramatic upturn in U.S. imprisonment rates and in a state that subsequently was perceived as a national leader in prison growth.

7. The curve for the felony imprisonment rate during this period looks almost the same. In 1968, 118 felons were in prison per 100,000 California residents. In 1972, this figure had dropped to 77. This figure is contained in the Appendix.

FIGURE 2

Trends in Imprisonment Rates (per 100,000 Residents) in California and the Rest of the United States, 1950–1980



It is possible that little can be learned from this particular episode in California’s history if the downward trend in imprisonment was not distinctive or, in other words, if it was part of a broader trend in the United States rather than specific to California. Indeed, Zimring and Hawkins (1991) showed that a general decline occurred in state imprisonment rates in all regions of the United States between 1960 and 1970. So we first need to determine whether the drop in the state’s prison population was specific to California.

To address this question, we present trends in California’s total institutional population and in the total institutional population for the rest of the United States (49 states plus the District of Columbia) in Figure 2. Consistent with Zimring and Hawkins’s (1991) analysis, imprisonment in the rest of the United States did decrease, at least between 1960 and 1968. However, between 1968 and 1972, the imprisonment rate for the United States (sans California) increased slightly.⁸ More importantly, the trend in the imprisonment rate in

8. Figure 2 has a very slight inaccuracy in the curve for the “Rest of the United States.” To create this rate, we took the “total” imprisonment numbers and subtracted from them the federal imprisonment counts and the “total” California counts. This last number includes some indeterminate number of people who *might* not have been included in the “total” in the first place (e.g., those under the authority of the California Youth Authority). The distortion created by this problem is almost certainly minimal if not invisible.

California was different. California's rate increased from 1960 to 1963 and then remained relatively stable through 1968. During the subsequent 4 years, as the imprisonment rate in the rest of the United States inched upward, California's rate plummeted. Both the timing and the slope of that drop are sufficiently different from the pattern in the rest of the United States to suggest that something distinctive happened in California to drive down its prison populations between 1968 and 1972.

One factor that makes this drop in the state's prison population both fascinating and potentially relevant to contemporary California is that it was presided over by a Republican governor, who had been elected in part because he vowed to take a tough approach to crime and disorder. During his first term as governor, Reagan gave several speeches in which he decried the rising tide of immorality responsible for "terror . . . in our streets and parks and schoolyards," and he urged the state to "reject the permissive attitude which pervades too many homes, too many schools, too many courts" (*New York Times*, 1968: 20). On the surface, it is not easy to reconcile Reagan's well-known reputation as a crime fighter with the release of thousands of the state's prisoners. This issue raises the following question: How much of a role did the governor play in the imprisonment drop?

Contemporary Accounts of the Reduction in Imprisonment

The Reagan Factor. Some of those who had experience in and knowledge about California's penal system at the time placed Reagan clearly at the center of this remarkable change in imprisonment. In 1980, a series of oral histories was collected from legislators, elected and appointed officials, and others active in public life during Ronald Reagan's two terms as governor of California.⁹ Among those interviewed was Howard K. Way, a Republican state senator from 1962 to 1975 and an early advocate of determinate sentencing. Part of the interview with Way focused on penal reform legislation and the reorganization of the correctional services that occurred during Reagan's tenure. According to Way (1986: 32–33), "people find it hard to believe, but" the state administration "wanted to reduce the prison population; it was up. In 1972, the Reagan administration paroled about 10,000. They reduced the prison population dramatically."

Way's (1986) insider account was paralleled by that of Jan Marinissen, the criminal justice secretary for the American Friends Service Committee in northern California in the 1960s and 1970s. In his interview, Marinissen (1985) began by describing how Edmund G. (Pat) Brown, Sr., the Democratic governor who preceded Reagan, viewed imprisonment. "When Pat Brown was around, he emphasized very strongly the more institutions, the better. That was his philosophy. You help people by locking them up, by putting them in

9. These oral histories became part of the Reagan Gubernatorial Era Series of California's Government History Documentation Project, which is housed at the Bancroft Library at the University of California, Berkeley.

institutions. That began to get out of hand” (1985: 8). Reagan, according to Marinissen, had a different philosophy:

So now we are about ‘71, ‘72, I think. Because of the increasing [prison] population, and because of government agencies concerned about fiscal policies, Governor Reagan decided—the population was 29,000—he decided 10,000 people should be released. Reagan called in all the boys of the Adult Authority board . . . and told them, “I want you to do the following thing. You reduce the prison population.” That’s what happened. Reagan almost overnight released 10,000 prisoners, from 29,000 to 19,000. (Marinissen, 1985: 13–14)

According to these accounts, then, Ronald Reagan, elected to office in part because of his hard-line stance toward student protesters, urban unrest, and general lawlessness, was singularly responsible for what was then one of the most dramatic and rapid reductions in a state’s prison population in U.S. history.¹⁰

Multiple factors: From probation subsidies to changes in parole procedures. A different and more complex account emerges from other historical sources, however. In 1971, a subcommittee of the U.S. House of Representatives was established to assess problems regarding corrections throughout the country. As part of its work, the subcommittee visited several prisons in California and invited written and oral submissions from various correctional officials in California. The first person to be called as a witness at this session was Raymond Procnier, Reagan’s appointee as director of the California Department of Corrections. In his testimony, Procnier noted that the following:

It is not unusual at all today . . . to be condemned for being too strict, uptight, and cruel and, on the same issue, to be condemned for being too liberal by another group of people. The truth of the matter is that we have been modestly successful, at least in California, in solving one of the problems, because, at this point in time, we have reduced from 28,600 inmates down to 20,000 inmates.

10. These accounts seem to date the decrease in imprisonment somewhat later than it actually occurred (see Figure 1). An abbreviated and slightly revised version of this story subsequently appeared in John Irwin’s and James Austin’s (1994) book, *It’s About Time*. “When Ronald Reagan became governor,” they wrote, “he instructed the parole board to reduce the prison population. The board began shortening sentences, which it had the power to do within the indeterminate sentence system, and in two years lowered the prison population from 28,000 to less than 18,000” (1994: 173). A few years later, Eric Schlosser, a journalist writing on America’s prison industrial complex for *The Atlantic*, also referred to Reagan’s use of the Adult Authority to reduce California’s prison population (Schlosser, 1998). Most recently, Candace Kruttschnitt and Rosemary Gartner (2005: 13), in their book on women’s imprisonment in California, reiterated the Irwin–Austin story, and in 2007, Frank E. Zimring, in commenting on Schwarzenegger’s proposal to release thousands of low-risk prisoners, suggested that this plan would “be on par with the results of changes in parole policy that Governor Reagan imposed in the early 1970s” (quoted in Furillo, 2007).

This is a result of the work of professionals and real community support and good attitude in the community. (Proconier, 1971: 14)

In his written statement, Proconier (1971: 165) acknowledged that “[o]nly two and a half years ago, I could not have envisioned the sharp and dramatic decline which has occurred in the number of persons in prisons.”

Proconier suggested that a key reason for the decrease in the prison population was legislation enacted in 1965 that empowered “the state to provide subsidies to county probation departments if they reduced commitments to state and adult juvenile facilities” (Lerman, 1975: 107; see also Glaser, 1995). This program used data from earlier years to estimate the number of prisoners each county would send to the California state prison system. “Counties that produced reduced commitments to the state got subventions; those that didn’t got nothing” (Lerman, 1975, quoting one architect of the program: 110–111). The idea was that if counties were financially encouraged, then they would impose probation sentences rather than short prison sentences. As a result of the subsidy program, Proconier (1971: 172) claimed that “California courts are now doing a much better screening job, limiting prison sentences much more effectively to those persons who actually require strict long-term control.”

Henry Kerr, then chairman of the California Adult Authority, testified immediately after Proconier. He pointed to the Adult Authority’s goal of releasing an inmate “as soon as he is legally eligible” and described a procedure whereby parole violations involving less serious charges “are resolved by the parolee being either continued or reinstated on parole” (Kerr, 1971: 179).¹¹ Furthermore, according to Kerr, the Adult Authority was looking for ways to expand this procedure “since recent research studies suggest that short-term returnees do as well upon re-release as those released after longer periods of re-imprisonment” (1971: 179).¹²

One account of the drop in imprisonment places primary responsibility on Reagan’s shoulders and suggests that he directed the Adult Authority to release inmates early to address overcrowding and the increasing costs of imprisonment. The other account attributes the drop to several factors, including a probation subsidy program instituted before Reagan became governor, changes in parole procedures, and the combined actions of professionals

11. Proconier (1971: 179) also referred to this parole practice, noting that “California makes good use of short-term return of parolees to institutions—in preference to formal parole revocation and return for long periods of imprisonment.”

12. Nowhere in any of the testimony to the House subcommittee was Ronald Reagan’s name mentioned nor did any discussion take place of the role he played in the reduction in the state’s prison population. However, anecdotal evidence from other sources indicates that Reagan gave senior civil servants a good deal of independence in running their departments and agencies. For example, in his interview for the oral history project, Allen F. Breed, appointed by Reagan as director of the California Youth Authority, was asked how much he was expected to consult with and receive approval from higher officials in running the CYA. He answered, “I’m really amazed at the degree of flexibility—I’ve got to go farther than flexibility; the degree of autonomy in terms of program operation that the Reagan administration gave me” (Breed, 1984: 10).

working within the state's criminal justice and correctional systems. The latter account has more in common with current efforts to reduce prison populations than does the former. But how accurate is it? Instead, did Reagan direct the decrease largely on his own? Are other factors present that could account for the decrease, factors that were not part of a conscious strategy to reduce the prison population?

The Causes of the Reagan-Era Reduction in Imprisonment

In this section, we examine possible explanations for the reduction in imprisonment between 1968 and 1972 in California and in so doing assess the validity of the different accounts of it provided by those involved with and knowledgeable about correctional policies at the time.

A Drop in Crime?

Although crime rates, as Pfaff (2008) suggested, have some effect on imprisonment rates, little evidence suggests that the size of prison populations is a simple function of the crime rate. For example, in the United States as a whole, imprisonment rates have increased steadily since the mid-1960s, whereas crime more or less peaked in the mid-1970s and then decreased in the 1990s. In contrast, in Canada, the trend in reported crime is similar to that in the United States; yet the imprisonment rate has been relatively stable for 50 years (Webster and Doob, 2007). In their examination of U.S. imprisonment rates almost 20 years ago, Zimring and Hawkins (1991: 124) concluded that a "lack of direct and simple relationship [between crime rates and imprisonment rates] . . . would enable us to successfully explain most fluctuations in the rate of imprisonment by reference to changes in crime rates."

Nevertheless, this conclusion does not mean that crime and imprisonment rates are never positively correlated. In England and Wales, for example, both rates gradually increased during the past 50 years (Webster and Doob, 2007: Figures 3 and 6). Thus, it is worth determining whether decreases in reported crime in California between 1968 and 1972 could be responsible for the decline in imprisonment. To that end, trends in rates of property crime, violent crime, and homicide during the period in question are shown in Figure 3.

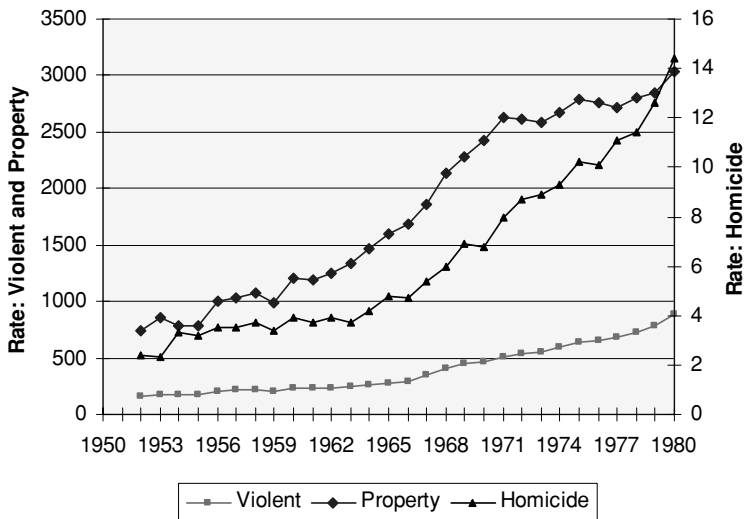
Property and violent crime rates did not track imprisonment rates in California, which is consistent with the conclusion of Zimring and Hawkins (1991). Instead, crime rates were increasing in the years leading up to Reagan's election in 1967 and continued to increase throughout his two terms as governor. As such, trends in crime do not seem to provide an explanation for the reduction in imprisonment in California.

A Reduction in Arrests?

Just as trends in imprisonment rates are not necessarily determined by trends in crime rates, trends in crime rates and arrest rates also can show little relationship. Therefore, even though reported crime was increasing, arrest rates might not have followed suit. If arrest rates instead were dropping, then this fact could help account for the drop in imprisonment. A reduction in arrest rates in Reagan's first term as governor is not as improbable as it might

FIGURE 3

California Crime Rates (per 100,000 Residents), 1952–1980



sound because one of his major goals was to reduce the size and cost of government. If one consequence of this reduction was cutbacks in or freezing of police budgets, then arrest rates could have dropped. Fewer arrests would mean fewer people taken to court and at risk of imprisonment. To examine this possibility, trends in the arrest rate of adult felons between 1960 and 1980 are shown in Figure 4.

Between 1960 and 1966, arrest rates were essentially stable despite an increase in crime rates (Figure 3). During these years, then, rising crime rates were not paralleled by increasing arrest rates. However, between 1966 and 1972, arrest rates, like crime rates, clearly increased. No evidence exists that a reduction in arrests (and, hence, in prosecutions) during Reagan's first term was responsible for the drop in prison populations.

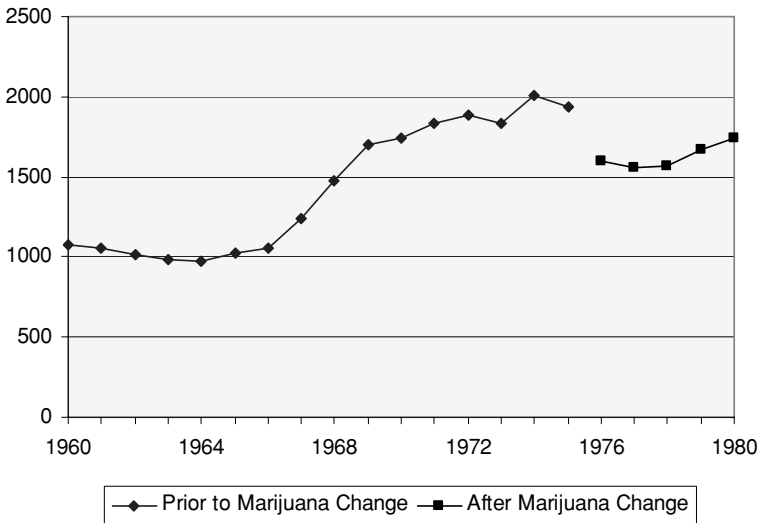
Jail not Prison?

Another possible explanation for the decline in California's imprisonment rate has to do with sentencing practices. In California, those sentenced to incarceration, if their sentences were relatively short, could serve their time in county jails rather than in state prisons. Therefore, if sentence lengths were reduced dramatically during Reagan's tenure or if the Reagan administration, in an effort to reduce the state budget, pressured judges to send minor offenders to jails instead of prisons, then the drop in state imprisonment rates could have reflected a change not in the number of people incarcerated but in who was paying the bill—the state (as in prisons) or the counties (as in jails).

To explore this possibility, Figure 5 shows trends in the population of California's city and county jails as well as prison camps between 1960 and 1980. Between 1968 and 1972,

FIGURE 4

Felon Arrest Rates (per 100,000 Residents) in California, 1960–1980¹³



the sentenced population in jails declined rather than increased, and the total jail population rates were almost identical in 1968 and 1972 (135 and 131 per 100,000, respectively). In other words, the drop in the prison population was not caused by any apparent displacement of state prisoners to county jails. If an increase did occur in persons diverted from prison to jail between 1968 and 1972, then a compensatory decrease would have had to occur in the “ordinary” jail population. Although this possibility cannot be ruled out, it would require an as yet unidentified mechanism and, therefore, might best be considered a victim of Occam’s razor.

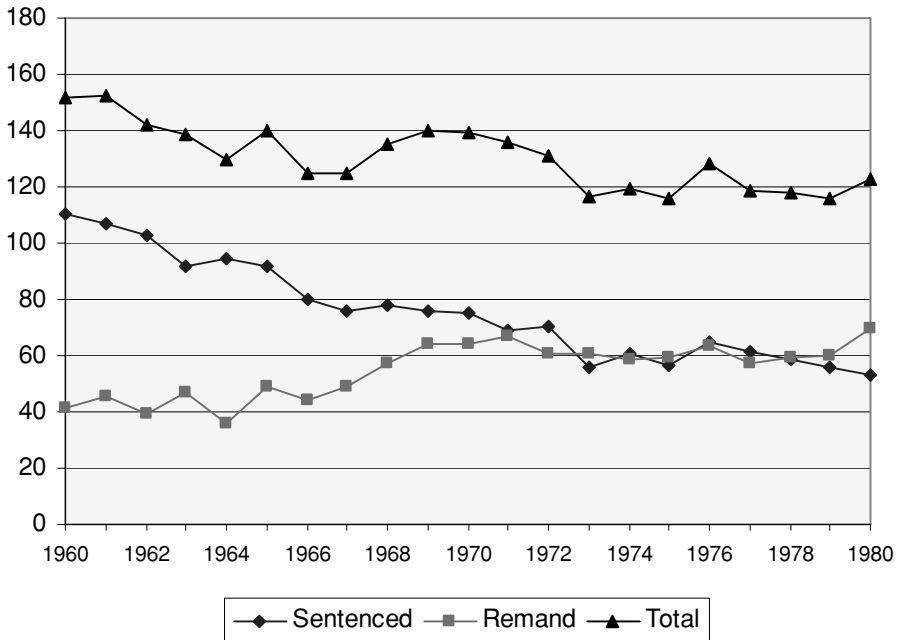
Fewer Admissions to Prison?

In the context of increasing crime and arrest rates as well as stable or decreasing jail populations, a drop in prison populations would seem improbable unless (a) fewer people were sent to prison and (b) more people were released from prison. According to the story told by Way (1986) and Marinissen (1985), the latter was responsible for the drop, but according to Figure 6, the former also played an important role in the reduction in imprisonment. Throughout Reagan’s first term as governor and into his second term, the number of felony admissions (from court) to California’s prisons steadily declined.

13. California changed its laws on felony possession of marijuana in the mid-1970s, hence, the break in the trend line.

FIGURE 5

Trends in the City and County Jail and Camp Population Rates (per 100,000 Residents) in California, 1960–1980



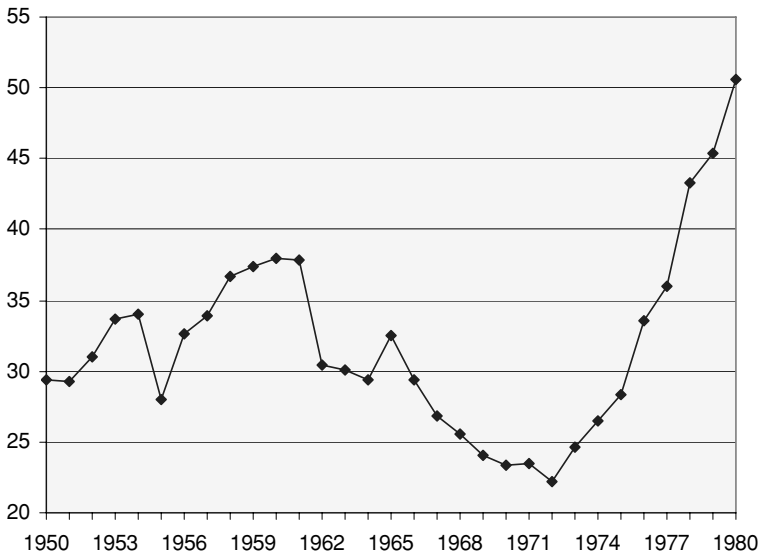
However, as Figure 6 shows, this decline began *before* Reagan could have had any influence over imprisonment policies.

What initiated the drop in admissions was almost certainly the probation subsidy legislation described by Procnier in his 1971 testimony before the House subcommittee. At the time the legislation was passed, it was assumed that “[a]t least 25 percent of the new admissions to state correctional agencies can safely be retained in the local communities with good probation supervision” (Lerman, 1975: 112). This assumption turned out to have some merit. Fewer people were in prison in 1972 than 4 years earlier in part because the state gave money to the counties (that were responsible for probation services and prosecutions) to keep offenders out of state prisons. It was cheaper for the state to pay the counties to take care of less serious offenders out of custody than to house them in expensive (state) prison facilities. This explanation is corroborated by another finding—a 62% increase, between 1966 and 1972, in the rate of offenders on probation (see Figure 7).

Some reduction in California’s imprisonment rate, then, almost certainly came from a policy put in place while Ronald Reagan’s predecessor, Governor Brown, was in office. In a fashion consistent with political institutionalist accounts of penal policy (see, e.g., Savelsberg,

FIGURE 6

New Admissions of Felons to California Prisons (per 100,000 Residents), 1950–1980



1994), Reagan inherited at least part of the solution to the problem of increasing prison populations.¹⁴

More Releases from Prison?

To this point, we have ruled out some explanations for the decrease in California’s prison population and have identified one factor that contributed to that decrease but that cannot be attributed to Reagan’s influence. We now turn to the explanation provided by Way (1986) and Marinissen (1985) and present information on trends in the release of state prisoners on parole. The rate at which offenders are released from prison can be expressed in many different ways. Figure 8 presents the following measures: the number of parole releases per 100,000 residents and the number of parole releases per 100 felons in custody that year (which standardizes the number in terms of the pool of potentially eligible people). According to these data, the “parole rate” clearly increased between 1968 and 1971. The raw numbers behind this trend in the parole rate also hint at a possible source for the claim that Reagan was responsible for the release of 10,000 prisoners. In 1968, 6,614 prisoners in state institutions were released on parole; in 1971, this number had increased to 10,014

14. It is worth noting that the probation subsidy program, when applied to youths, simply might have moved youths from the more sophisticated and internationally recognized state-run California Youth Authority to county programs (Lerman, 1975).

FIGURE 7

Adult Probation Rate (per 100,000 Residents) in California, 1966–1990

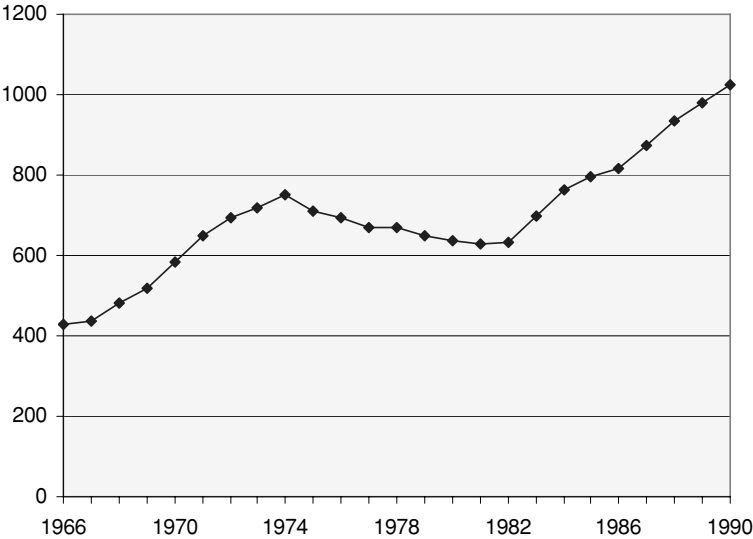


FIGURE 8

Parole Rates from California State Prisons, 1950–1980

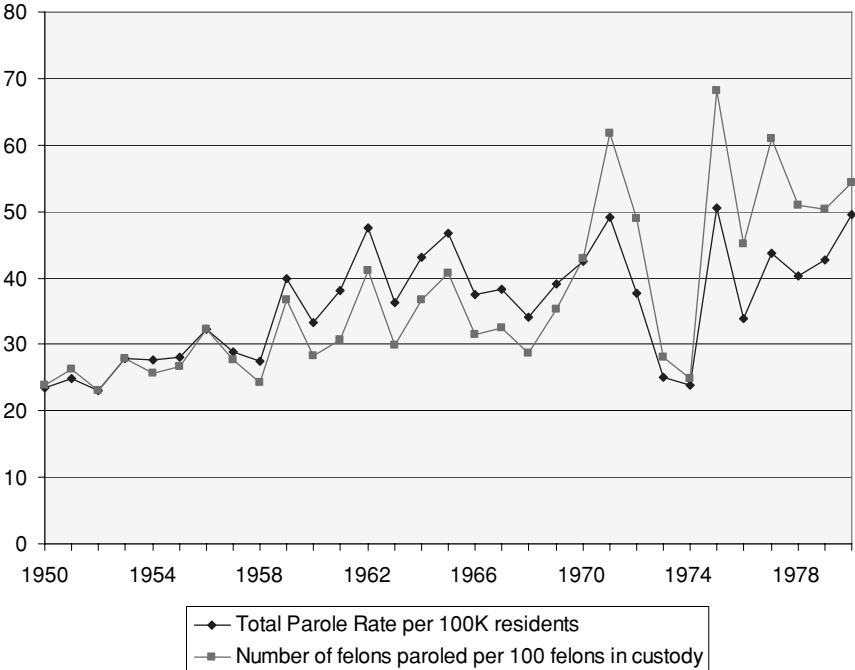
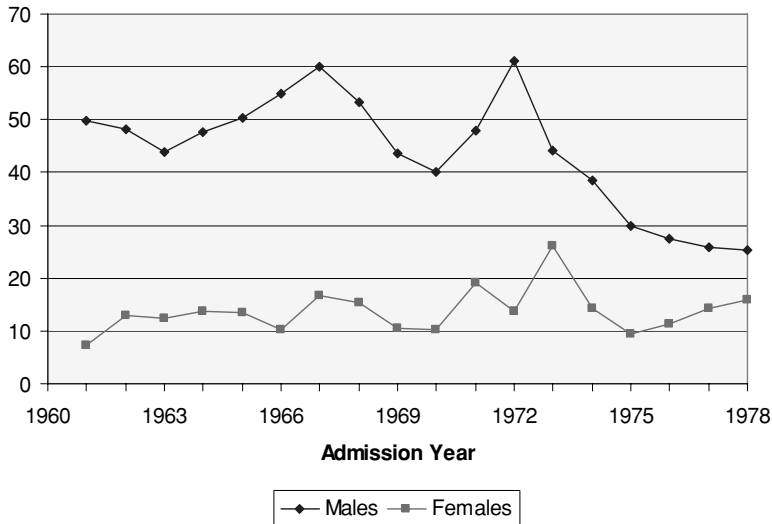


FIGURE 9

Percent of Those Admitted in a Given Year Who Were in Prison on December 31st of the Third Year After Admission (Admission Year = Year 1), California 1961–1978



prisoners. The story told by Way and Marinissen, then, seems to have some factual basis (i.e., 10,000 prisoners *were* released on parole in 1971). However, this fact cannot be the sole cause of the decrease in the prison population. As noted, the drop from more than 28,462 prisoners to 19,773 prisoners began in 1968 and ended in 1972.

Another way to measure the changes in parole decision making that contributed to the decline in the state prison population is the length of time prisoners served before being released on parole. Unfortunately, we could not find adequate measures of length of time served before parole.¹⁵ We therefore examined a more complex, but perhaps more descriptive, measure—the proportion of prisoners who were in prison on December 31 of the third year after they were admitted (Figure 9).

An easy way to understand this figure is to look at the period 1967–1970. Of those males admitted to California prisons in 1967, approximately 60% were still in prison at the end of their third calendar year of imprisonment (i.e., on December 31, 1969). In contrast,

15. The most obvious reported data—the median time served before parole—is not a sensitive measure because the median sentence is likely to be completely unaffected by reductions in “time served” for long sentences. For example, the median number of months served varied between 30 and 36 months for males admitted to prison between 1963 and 1974. This figure would be completely unaffected by relatively large changes in the “longest served” prisoners or modest changes of those with relatively short “time served.”

of those admitted in 1970, only approximately 40% were still imprisoned at the end of their third calendar year of imprisonment (December 31, 1972). In other words, during Governor Reagan's first term, the parole board released a growing proportion of prisoners before the end of their third year of imprisonment. As Figure 9 shows, the magnitude of the decline in the proportion still in prison at the end of their third year was much greater for men than for women, but the proportional decline was similar. The reduction, however, was short lived for both sexes and, given the prior trends, not strong. Nevertheless, it would seem that the timing of release decisions is another factor that contributed to the reduction in overall imprisonment and that can be clearly tied to Reagan's time in office.

A third way to document how parole decision making contributed to the drop in the prison population is to examine trends in the proportion of prisoners released at sentence expiry. California prisoners, of course, could be refused parole altogether and as a result could be released only at the expiration of their sentences. Alternatively, a prisoner might be released at the expiration of the sentence as a result of being returned to prison from parole. In Figure 10, we pool the numbers of those first released at the end of their sentences and those discharged after return from parole. It is clear that the California parole authorities from 1950 onward tended to refuse parole to a decreasing proportion of prisoners. This practice is completely consistent with the prevailing view at the time in California (and today among those who have studied reentry) that supervised reentry is preferable to release "cold" into the community without support or supervision. However, it is difficult to note any distinctive change in this trend that coincided with Reagan's term as governor.

FIGURE 10

**Releases from Prison at Sentence Expiry (per 100 Felons in Prison), California
1950–1980**

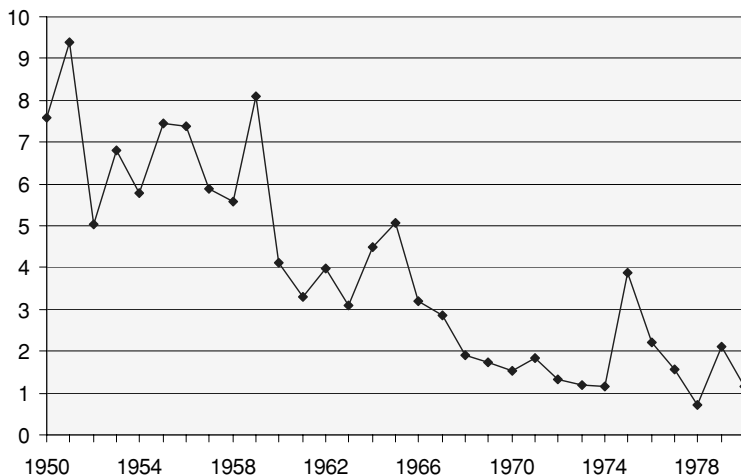
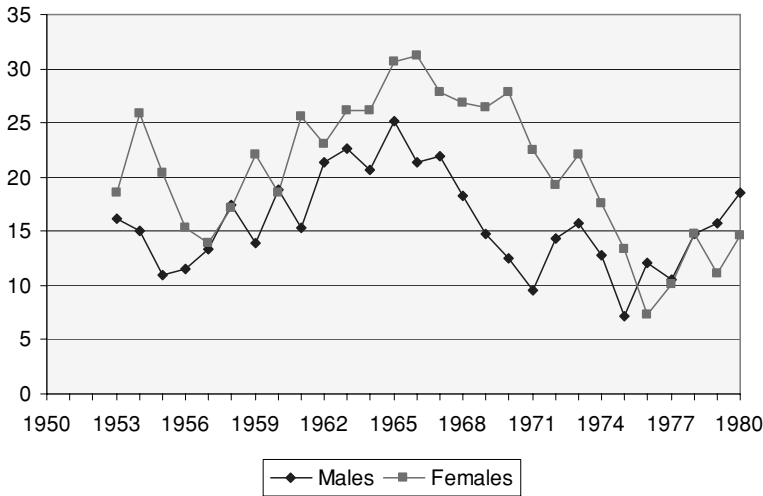


FIGURE 11

Percentage of Felon Parolees Suspended in Year Paroled in California, 1953–1980



Fewer Parole Suspensions?

Prisoners released into the community on parole have a reasonable likelihood of having their parole revoked or suspended because of either violations of the conditions of release or new offenses. In the case of technical violations, in particular, parole officers had an enormous amount of discretion as to whether to suspend parole. Thus, if the Reagan administration, through the Adult Authority, communicated a desire to reduce prison populations, then parole officers in the 1960s and 1970s could have contributed by reducing parole suspensions. In Figure 11, we graph trends in the proportion of female and male parolees who were suspended during the year in which they were paroled. Between 1967, the year Reagan first took office, and 1971 this proportion dropped from 27.9% to 22.5% for females and from 21.9% to 9.5% for males. Therefore, it seems that parole decision making at both the state level (i.e., the Adult Authority) and the local level changed during Reagan’s tenure such that more people were released from prison on parole and fewer people on parole were returned to prison.

To summarize, the dramatic reduction in California’s prison population during Reagan’s tenure as governor was a result of policies and practices in place prior to his first term in office and of substantial changes in parole practices that occurred while he was in office. Thus, the evidence we have reviewed provides greater support for the multifactor account given by Procnunier (1971) and Kerr (1971) in their testimonies to the U.S. House of Representatives subcommittee than it does for the account that places almost sole responsibility for the decline on a singular set of actions by Reagan.

Discussion

This account of how the dramatic reduction in California's prison population was achieved is of particular interest both because Reagan openly took credit for it, despite its apparent inconsistency with his political orientation, and because no public backlash occurred against him or the cutbacks in imprisonment. As we have shown, little evidence suggests that Reagan called in "all the boys of the Adult Authority board" and told them, "You reduce the prison population," as Marinissen (1985) claimed. Nonetheless, after 4 years of cultivating his tough-on-crime image, Reagan pointed to the reduction as one major achievement of his first term in office. In his second inaugural address in January 1971, Reagan stated the following:

With the entire nation plagued by runaway crime rates and bulging prisons, our major California cities report a reduction in crimes of violence. Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison at any time in our history and our prison population is lower than at any time since 1963.

Clearly, like his prison officials later that year, Reagan was celebrating what was then perceived—and perhaps could still be perceived—as good correctional practice.

Nevertheless, an incongruity seems to persist, at least on the surface, between Reagan's social conservatism and his celebration of lower imprisonment rates. If we look to another conservative politician's perspective on imprisonment, however, then we can observe that the determinants of imprisonment rates are not likely to be found simply in political rhetoric about crime and criminal justice. Much has been written about Margaret Thatcher's law and order politics and her view, which paralleled Reagan's, that "the permissive society" was responsible for increasing crime rates (e.g., Downes and Morgan, 2002; Terrill, 1989). Nevertheless, when Thatcher began her term in office in 1979, the imprisonment rate in Great Britain was 85 (per 100,000); when she stepped down in 1990, the rate was virtually the same (88 per 100,000) (Doob and Webster, 2006: 309). This finding does not mean that imprisonment rates in Great Britain were not influenced by Thatcher's political ideology. Indeed, it underpinned her belief that some types of offenders should not be imprisoned.¹⁶

In the same fashion, Reagan's political ideology presumably influenced his decisions to support, or at least not interfere with, policies that kept some offenders out of prison.

16. In a 1988 Green Paper titled *Punishment, Custody and the Community*, Thatcher stated: "for . . . less serious offenders, a spell in custody is not the most effective punishment. Imprisonment . . . reduces their responsibility; they are not required to face up to what they have done. . . . Punishment in the community would encourage offenders to grow out of crime and to develop into responsible and law abiding citizens" (Her Majesty, Queen Elizabeth II, 1988: 2). The Green Paper went on to state that, "The Government believes that there is scope for reducing the use of imprisonment by introducing a form of punishment which leaves the offender in the community but has components which embody . . . some deprivation in liberty, action to reduce the risk of offending and recompense to the victim and the public" (1988: 9). Similar words are hard to find from the Conservatives after she left office or from the Labour governments that followed the collapse of the Conservatives in the 1990s.

Furthermore, both Thatcher and Reagan were fiscal as well as social conservatives. In his first inaugural address as governor in 1967, Reagan pledged to “put our fiscal house in order. . . . We are going to squeeze and cut and trim until we reduce the cost of government. It won’t be easy, nor will it be pleasant, and it will involve every department of government” (Reagan, 1983: 70). In other words, reducing the size and the cost of government, a key element in Reagan’s political ideology, could have been the most important factor in determining his imprisonment policies.

However, this point does not explain how thousands of inmates could be released during Reagan’s tenure without inciting the wrath of the electorate. Between 1969 and 1971, California was the site of a series of high-profile serial and multiple murders, which kept crime on the front pages of the state’s newspapers. Some insights into why the increasing fear of crime did not translate into criticism of Reagan’s reduction in imprisonment are offered by Allen F. Breed (1984) and Ray Procnunier (1984) in their interviews for the oral history series. Breed described Reagan’s reaction to Breed’s and Procnunier’s efforts to change state prison policy to allow conjugal visits as follows:

He had our memo and he had a little twinkle in his eyes and he said “This is a very liberal issue.” We both were quiet and he said “No liberal could possibly support it. But a conservative could, if it’s the right thing to do.” Then he talked a little about this concept that there are some kinds of changes that can be made that people will support from a conservative that they wouldn’t necessarily support from a liberal. (Breed, 1984: 12)

Procnunier also noted that this was one of Reagan’s strategies with the following: “Reagan said to me a couple of weeks ago, ‘Who’s going to accuse me of being liberal?’ when we were going to do something really decent Reagan did not have to look like he’s tough” (Procnunier, 1984: 37).

Adding the Reagan-era California prison reduction story to findings from research on the causes of the subsequent growth in imprisonment suggests that policy shifts are much more important for lowering prison populations than are changes in crime or demography.

Can California Do It Again?

The more than 30% reduction in imprisonment that California achieved between 1968 and 1972 was probably the largest relatively sustained decline in imprisonment attributable to policy invention in the United States since that time. What can this earlier experience tell us about how to reduce imprisonment in California in the second decade of this century and about the prospects for duplicating the relative scale of the earlier reduction?

What California produced in the 1960s and early 1970s was a relatively low-visibility, multiyear program concentrated at the state level of government. Major legislative innovations were not required at the time the reductions were executed. County government

was involved because the commitment rate to prison was reduced and offenders were placed on probation at the county level rather than imprisoned at the state level. The following key transitional probabilities drove the decline: a decrease in the probability of a prison commitment, an increase in the rate of release from imprisonment, and a decrease in the rate of return to imprisonment as a consequence of parole failure.

The first and most important lesson from this early episode in deliberate decarceration is that it is easier to have a large effect if multiple changes are made. For substantial levels of decarceration, it is not a question of reducing commitments *or* increasing prison release *or* decreasing prison return after parole failure; all three components must happen together if the effects are to be large. In this important respect, the more complicated historical account of the declining imprisonment rate in the late 1960s is the much better model for current conditions. Big changes in prison numbers require change at the front end *and* the back end of the prison system as well as in the return loop associated with parole failure, which is what happened in California in the late 1960s and early 1970s. It is also what is happening now in states that recently have reduced their prison populations, such as New York, Michigan, and New Jersey (Greene and Mauer, 2010).

A second major lesson of the Reagan-era decarceration is that the reduction in imprisonment numbers was a process that happened over a period of years rather than instantly as a result of a single change. In sharp contrast to Christmas amnesties or celebrations of national holidays that open prison doors on a single occasion and then quickly close them, the process in California was gradual and accretive—as it will have to be if any large-scale reductions are to occur in the 21st century. An example is the 20% reduction in New York State's prison population that took 10 years (1999–2009) to achieve (Greene and Mauer, 2010).

Impediments to Reform

However, impediments to reform are now present in California that did not exist 40 years ago, including a series of changes in (a) the scale of imprisonment, (b) state finances, (c) state-level power to set prison terms, (d) the visibility of penal policy, (e) the relative influence of state administrators and the public on correctional policy, and (f) beliefs about the efficacy of imprisonment. These differences limit the capacity of a 21st-century California governor to act and alter the publicity and controversy that will accompany any major reduction in the system. From the perspective of 2010, the Reagan-era reductions were relatively easy and quiet. Forty years later, the prospects for any large shrinkage are uncertain, and a quiet and easy reduction of 34% is impossible, as is apparent from the current debates in California over changes to its criminal justice policies and practices.

30% of what? The scale of imprisonment in California expanded dramatically during the generation after 1970, which alters the scale as well of the decarceration task. The multiyear achievement of the Reagan-era policy shift was approximately 10,000 fewer prisoners. To reduce the prison population of 2010 by 25%, as the federal court has ordered, would

require the net removal of more than 40,000 prisoners. It can be argued, of course, that the huge expansion of imprisonment should make a reduction of 40,000 easier because the excessive level of incarceration should produce a low-risk group of inmates to release, as well as economic benefits that increase with scale. However, 40,000 felons to be kept out or sent out of prison is four times the effort of 10,000, and California's jails and supervision capacity have not grown as much as its prisons. Furthermore, to the extent that state officials are worried about the possibility of a "critical incident" (e.g., in which a released offender commits a serious violent offence), roughly four times as many offenders might turn this possibility into reality. Denominators are not relevant for critical incidents. The larger the cohort that the policy must move, the larger the political resistance, political risk, and economic cost. A 25% reduction in California prisoners in 2010 is the equivalent of closing the entire state prison system of Arizona and Virginia. To return to New York State's recent experience as an example, the 20% reduction in its prison population was a drop of 14,443 during 10 years.¹⁷ Absorbing 1,400 more ex-convicts per year in a state of 19,500,000 seems to be an inconsequential task compared with absorbing 20,000 ex-convicts each year for the next 2 years in a state of 36,500,000, which is what California must do to comply with the federal court order.

The disappearing public purse. The current financial crisis of the state government in California has attracted international attention (Ahen, 2010; Quinn, 2010), with multibillion-dollar deficits growing even as state government employees go on euphemistically titled "furloughs." In other words, in 2009, state engineers, wildlife conservation managers, and university professors were sent on furloughs to save state funds, whereas in the 1960s and early 1970s, it was state prisoners who were sent on furloughs. To save funds, Governor Schwarzenegger threatened during the summer of 2009 to close most state parks but not prisons.

Several commentators have argued that current fiscal pressures on state budgets have created an opportunity to reduce prison populations, and they have evidence to draw on (Greene and Mauer, 2010). Some states are closing prisons with little publicity to save money, whereas others are publicly justifying the downsizing of imprisonment by referencing the budget crisis. However, financial pressures are not necessarily an unalloyed ally in efforts to cut imprisonment. Relying on the fiscal crisis to help dismantle the carceral state can be problematic. Cuts in prison spending justified based on the fiscal crisis could lead to only short-term reductions in the prison population and could make the conditions for those who

17. Much of this reduction resulted from the scaling back of the Rockefeller Drug Laws, although the decline in serious crime in New York City during the past 20 years also contributed to the drop in imprisonment in New York (Zimring, 2007). Currently in New York, slightly more than 25% of new admissions to prison are for drug offenses, whereas 10 years ago, approximately 34% of new admissions were for drug offenses. Currently in California, slightly more than 25% of new admissions to prison are for drug offenses. Thus, New York had considerably more room to reduce its prison population by scaling back its drug laws than California would have.

are still confined worse (Gottschalk, 2007). Moreover, some alternatives to imprisonment recently developed to reduce prison populations could be targeted for budget cuts because of the financial crisis. For example, Kansas cut its prison population in part by diverting some offenders to drug treatment programs; now these programs are struggling to retain their funding (Steinhauer, 2009).

Similarly, it could be difficult to parlay the budget crisis in California into fewer state prisoners. Transforming any savings in operating prisons into the transfer payments to counties that greased one set of wheels of reduced prison commitment rates in the 1960s and 1970s might not be easy. Without state money to ease the administrative pain and support the services to sudden nonconvicts at the county level, the resistance of county and city governments to decarceration would be a natural add-on to the toxic politics of criminal justice at the state level.

The reduction in state-level authority. During the Reagan-era reductions, the executive branch of state government controlled two of the three important decision points that determined prison population. County-level government (prosecutors and judges) had the power to choose between prison and nonprison sentences and, thus, to select how many of each 100 convicted felons became part of the prison population. However, the state's parole board determined how long inmates served in prison and, thus, controlled the timing of release. Parole supervision was also a state function. Financial incentives were the carrot used to reduce the commitment rate (that was beyond direct state control), and the other two decision points were controlled directly by the executive branch of the state government.

The determinant sentencing laws that came into effect in 1977 removed parole power to determine release dates for most California prisoners. For the next 30 years, county prosecutors and judges had most of the power to decide not only who went to prison but also how long that person would serve. The state government that pays all the bills for prison, thus, has had little direct power over either the rate of commitment or the duration of prison stays. This "correctional free lunch" for county use of state prisons is one incentive that is important in understanding the pace of California prison growth, particularly in the 1980s. In addition, the loss of power to use the setting of parole release dates as a method of prison population control leaves the state government with direct control of only one of the three prime determinants.

However, in addition, changes have been made in the legislation governing parole violations and revocations in California. Currently, "California, for the most part has a mandatory parole release system" (Grattet, Petersilia, Lin, and Beckman, 2009: 2), whereby "there is no appearance before a parole board to determine whether they are fit to return to the community" (Grattet, Petersilia, and Lin, 2008: 5). Until recently (Pew Center on the States, 2010), California had created a list of parole violations that required parole agents to report any violator to the Board of Parole Hearings (Grattet et al., 2009: 3). It was estimated that 85% of parole violations, including technical violations, were subject to no discretion. The Board of Parole Hearings, for the most part (approximately 90% of the time), returned

the violating parolee to custody (Grattet et al., 2009: 4). With the changes outlined by the Pew Center on the States (2010) report (mentioned earlier), the number of revocations should be decreased. However, in other areas, change could be more difficult to accomplish.

A governor would need substantial financial incentives and new legislation or a change in a regulation “adopted as a result of a heinous murder committed by a parolee” (Grattet et al., 2009: 4) to compensate for the substantial decline in prison term-setting power (and the power to determine the amount of time actually served) of the state government. However, the governor of California today lacks not only easy access to extra money but also (as we shall see) legislative influence. In other words, Governor Schwarzenegger has much less power to decide who should be released from prison and when than Governor Reagan had.

The perils of high visibility. The manner in which crime and prison policy are under surveillance in the state’s capital now is dramatically different from the conditions of the early 1970s. The union of prison guards in the state is a legendary political power and an important financial source in state politics (Page, 2007). Interest group lobbies, such as the state’s district attorneys association and citizen and victim interest groups, are now permanent fixtures in Sacramento. They can monitor statistics on prison population and construction with sophistication. Prison population statistics for the previous Wednesday at midnight are available the next Monday.¹⁸ An unobtrusive decline in the state’s prison population by 20–30% is an oxymoron in the political circumstances of 2010. In the sustained financial emergency, it is a tribute to the staying power of the guard’s union as well as to the other groups supporting current conditions that Governor Schwarzenegger’s proposals to cut less than half of the Reagan 34% reduction were stalled in the California legislature.

The traditional way around the punitive politics of legislation was to locate the levers for policy change in the administrative structure of the executive branch—the regions of governance inhabited by people like Allen Breed and Raymond Procunier, but even the best stealth administrators of the golden years of California’s government could not avoid the radar screens maintained by contemporary interest groups.¹⁹

18. These figures can be accessed at cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.asp.

19. It should not be assumed, however, that the public, inevitably, would have opposed Reagan’s liberalizing imprisonment policies in California had they been given the opportunity. Campbell (2007) pointed out that in 1971 Governor Reagan vetoed a bill that would have liberalized voting rights for former prison inmates even though the bill had received overwhelming support from both houses of the legislature. However, subsequent events demonstrated that “direct democracy” in the area of policy related to the criminal justice system need not be punitive in this era. In 1974, Proposition 10, which would restore voting rights to ex-felons passed easily with 56.3% of California voters in favor of liberalizing ex-felon voting rights. Campbell (2007) pointed out that the issue received almost no public debate (or newspaper coverage) in part because other matters (e.g., the economy and Watergate) got more attention. “Voters supported the measure decisively, suggesting that—absent orchestrated media campaigns—California voters were not solidly committed to punitive policies” (Campbell, 2007: 196).

The vanishing influence of governmental expertise and the growing influence of direct democracy. It was not merely the power of the senior state bureaucrats that sounds like the distant past in the story of the 1970s; it was their prestige as well. One reason men like Proconier, Kerr, and Breed had so much power was that legislators, governors, and elites—and to a large extent, the public at large—believed them to be experts and trusted them. This faith in civil servants is clear from the oral history interviews with Proconier and Breed, both of whom emphasized their independence and autonomy. In his introduction to their interviews, Sheldon Messinger (1984: ix) wrote the following: “Both Breed and Proconier make clear that they received little direction or interference from the governor’s office during the Reagan regime. . . . One could easily believe from these interviews (and from much else, I might add) that corrections was only occasionally an area of positive policy concern for state administrations.”

Two related developments since Reagan’s gubernatorial reign have changed this area in ways that are relevant to California today. First, the standing of state administrators with governors, with legislators, and with the public has declined substantially in the past 30 years. Garland (2001) portrayed this decline more generally as a consequence of the shift away from penal welfarism: “Adjustments of penal law, the creation of new sanctions, the reform of institutional regimes, the devising of early release mechanisms—all of these were largely the work of senior civil servants and expert advisers who were quite removed from public debate and media headlines” (36–37).

At the same time that trust in civil servants has declined, corrections has become an area of immense concern not only for state administrators but also for the electorate and the interest groups that draw their members from it. Growing involvement by the public in debates over correctional policy has occurred throughout the United States during the last few decades, but it has had particularly important consequences in California because of the state’s direct initiative process. This process allows citizens the option to bypass the Legislature and go straight to the public in an effort to place an issue of interest on the ballot for voter approval or rejection. The initiative process in California has been in existence since 1911, and the 1,187 titled initiative measures introduced between 1912 and 2002 covered areas as diverse as reapportionment, taxation, pensions, campaign reform, labor, and the environment (California Secretary of State, 2002). Prior to 1973, only nine initiatives were introduced in the courts, law, and order area, with all of them between 1916 and 1936. In other words, in the 30 years preceding 1973, no initiatives in this area were introduced. Thus, Governor Reagan and the state’s correctional authorities had little reason to make corrections an area of “positive policy concern” in part because it was so unlikely that penal policy would be targeted by this type of direct democracy.

In contrast, in the 30 years after 1973, 89 initiatives related to courts, law, and order were introduced, among these Propositions 8, 115, and 184, which were qualified and

approved.²⁰ In discussing the influence of citizen initiatives in California in the 1970s and 1980s, Barker (2009: 72–73) argued the following:

The structure of California's political system, such as its decentralized political authority, contributed to the perception of government inaction on crime, a condition that . . . can undermine trust between the state and civil society. In this situation, citizens may have been more likely to turn to the initiative, a dramatic embodiment of California's decentralized decision making and distrust of state elites, to try to solve their own problems.

Thus, Governor Schwarzenegger, like his recent predecessors, does not have the luxury to be complacent about the direct influence of the electorate on correctional policy as Governor Reagan did. Under these conditions, little opportunity will be available to use delegation to civil service professionals as a technique to remove policy choices from political scrutiny in California.²¹

The belief in the efficacy of imprisonment. Ronald Reagan, in his second inaugural address, extolled the facts that parolees were not being sent back to prison as often and that the number of people in state prisons had dropped as a result. The message was that less imprisonment was good correctional policy and “the right thing to do.” Whether and how strongly he believed this does not really matter. What matters is the implicit message he sent to Californians that more imprisonment is not only not better, but also it is something to be avoided. In contrast, political leaders currently pushing for reducing imprisonment in California rarely voice this view. Instead, reducing imprisonment is perceived as a necessary response to a federal court order, to a budget crisis, or to overcrowding. Indeed, as noted earlier, some of Governor Schwarzenegger's proposals, such as privatizing prisons or sending prisoners to other states or countries, are aimed not at reducing imprisonment but at reducing its costs.

When Schwarzenegger delivered his first state of the state address in 2005, he claimed that he would make California once again a national leader in “corrections integrity,

20. Most of these initiatives were aimed at increasing penalties for crime or weakening criminal procedures that protected those accused of crime. For example, Proposition 8, or the Victims' Bill of Rights, was passed in 1982 and included amendments to the California Penal Code to create harsher penalties for recidivists. Proposition 115, or the Crime Victims Justice Reform Act, was passed in 1990 and made several changes in California's criminal law and judicial procedures. Proposition 184, or the Three Strikes Law, significantly increased prison sentences of persons convicted of felonies who previously have been convicted of violent crimes or serious felonies. However, initiatives also can be used to support more lenient penal reforms. In 2001, Proposition 66, which would have repealed many aspects of the Three Strikes Law, was supported by 47% of those who voted.

21. This fact does not mean that criminal justice professionals, as well as academics, are not called on to serve on expert panels and commissions on correctional policy in California. However, the ability of senior civil servants to make and institute policy decisions about criminal justice and corrections with limited oversight by the state executive has largely disappeared.

innovation and efficiency.” As Joan Petersilia described it, Schwarzenegger was committed to reestablishing rehabilitation as a key focus of correctional policy, which is why the California Department of Corrections was renamed to include rehabilitation in its title. This commitment, however, did not stop him from campaigning vigorously against an amendment to the Three Strikes Law that would have required the third felony to be either a violent or a serious crime. Furthermore, his Public Safety and Offender Rehabilitation Services Act of 2007 provided funds to expand the state’s prison capacity greatly, and in 2006, he back-tracked on his proposal to reduce incarceration through parole reform in the face of considerable opposition. It was only after his reelection in 2007, and with the knowledge that he could not run for the governorship again, that he placed it back on his agenda (Petersilia, 2008).

In California politics in 2010, then, little room exists to question imprisonment as an inevitable and appropriate response to crime or to herald its curtailment. In this sense, the current official approach to imprisonment seems to be much like that attributed to Governor Brown, Reagan’s predecessor, by Jan Marinissen (1985), as noted. To the extent that prison reform is discussed, it is done so in terms of making prisons more efficient and more effective. In the absence of the sort of questioning of imprisonment by elected officials, including district attorneys, that has occurred in New York and Michigan, the likelihood of a substantial reduction in California’s prison population seems limited.

Possibilities for Reform

Despite the significant impediments to reforming criminal justice and correctional policy and practice in California, glimmers of hope are evident in recent developments in California and other states. California Senate Bill X3 18, as noted earlier, has introduced numerous changes to California incarceration and parole policy, including authorizing the placement of offenders into nonrevocable parole if they meet certain criteria, increasing the minimum dollar amount for certain felony-level property crimes, and increasing the good-time credits prisoners can earn. These changes have expanded the power of the state to affect parole decisions and have both front- and back-end effects on imprisonment similar to (although not at the level of) the probation and parole practices that lowered California’s prison population in the Reagan years. Moreover, in a significant move away from its past positions on correctional policies, the California Correctional and Peace Officers Association did not publicly oppose SB X3 18 and it currently supports the idea of alternatives to imprisonment (Archibold, 2010; California Correctional and Peace Officers Association, 2010). In addition, the California Correctional and Peace Officers Association’s “blueprint for reforming California’s prison system” includes establishing a sentencing commission and more evidence-based rehabilitation programs so that good-time credits can be given to those who complete them.

As discussed earlier, some states have reduced prison populations by changing their determinant and truth-in-sentencing laws. Although California’s governor and legislature

so far have refused to consider such changes, the experiences of other states—especially the absence of widespread public opposition to these changes and the cost savings associated with them—could encourage California’s politicians to do so. If California’s new governor, Jerry Brown, is willing to lead from the front and express the type of caution over the efficacy of imprisonment that officials and political leaders in a few other states have done, prison downsizing is possible. Finally, just as the fiscal crisis and external pressures have pushed other states to reduce prison populations, these same pressures (including that from the federal court) also would provide a new governor with justifications for continuing and expanding the reforms with which California has just begun to experiment.

Conclusion

For reasons we have discussed, we suggest that large-scale decarceration is more difficult in California in 2010 than in the 1960s, although it is not impossible. Big changes will require visible policy shifts as well as legislative and executive branch participation. The decisions that are the targets for substantial decarceration have not changed since the Reagan years, but the mechanics of achieving shifts now involve much more county-level cooperation, and some political methods of the Reagan years cannot work in contemporary California. In particular, decarceration by insulated civil servants is no longer a likely possibility. In that sense, a Reagan-style decarceration cannot happen. However, with a change in the state’s political climate, it is possible for California to lower its prison population, even if less substantially and with less celebration than the Reagan-era reduction.

References

- Ahen. 2010. California, in financial crisis, opens prison doors. *Beijing Today*, 14 May. Retrieved May 22, 2010 from beijngtoday.com.cn/blogger/ahen/california-in-financial-crisis-opens-prison-doors.
- Alexander, Elizabeth. 2009. *Michigan Breaks the Political Logjam: A New Model for Reducing Prison Populations*. New York: American Civil Liberties Union.
- Archibold, Randal C. 2010. California, in financial crisis, opens prison doors. *New York Times*, March 23. Retrieved May 1, 2010 from nytimes.com/2010/03/24/use/24calprisons.html.
- Austin, James. 1986. Using early release to relieve prison crowding. *Crime & Delinquency*, 32: 404–502.
- Barker, Vanessa. 2009. *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*. New York: Oxford University Press.
- Breed, Allen F. 1984. Theory and practice in juvenile justice. In *The Art of Corrections Management, California 1967–1974*. Government History Documentation Project, Ronald Reagan Gubernatorial Era. Berkeley, CA: Regional Oral History Office.

- Blumstein, Albert and Allen J. Beck. 1999. Population growth in U.S. prisons, 1980–1996. In (Michael H. Tonry and Joan Petersilia, eds.), *Prisons*. Chicago, IL: University of Chicago Press.
- California Correctional and Peace Officers Association. 2010. CCPOA on prison reform. *On the Issues*, January. Retrieved May 22, 2010 from ccpoa.org/issues/ccpoa_on_prison_reform.
- California Department of Corrections and Rehabilitation (CDCR). 2010. *CDCR Implements Public Safety Reforms to Parole Supervision, Expanded Incentive Credits for Inmates*. CDCR press release, January 21. Retrieved April 30, 2010 from cdcr.ca.gov/News/2010_Press_Releases/Jan_21.html.
- California Secretary of State. 2002. *The History of California Initiatives*. Sacramento: Author. Retrieved May 8, 2010 from sos.ca.gov/elections/init_history.pdf.
- Campbell, Michael C. 2007. Criminal disenfranchisement reform in California. *Punishment & Society*, 9: 177–199.
- Davey, Monica. 2010. Safety is the issue as budget cuts free prisoners. *New York Times*, March 4. Retrieved April 30, 2010 from nytimes.com/2010/03/05/us/05parole.html.
- Doob, Anthony N. and Cheryl Marie Webster. 2006. Countering punitiveness: Understanding stability in Canada's imprisonment rate. *Law & Society Review*, 40: 325–367.
- Downes, David. 1988. *Contrasts in Tolerance: Post-War Penal Policy in the Netherlands and England and Wales*. Oxford, U.K.: Clarendon Press.
- Downes, David and Rod Morgan. 2002. The politics of law and order. In (Mike Maguire, Rod Morgan, and Robert Reiner, eds.), *The Oxford Handbook of Criminology*. Oxford, U.K.: Oxford University Press.
- Dwyer, Jim. 2010. When cell doors won't close. *New York Times*, February 16. Retrieved April 30, 2010 from nytimes.com/2010/02/17/nyregion/17about.html.
- Furillo, Andy. 2007. Schwarzenegger proposes release of 22,000 prisoners. *Sacramento Bee*, December 21. Retrieved September 24, 2009 from scrippsnews.com/node/29371.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago, IL: University of Chicago Press.
- Glaser, Daniel. 1995. *Preparing Convicts for Law-Abiding Lives: The Pioneering Penology of Richard McGee*. Albany: State University of New York Press.
- Gottschalk, Marie. 2007. Dollars, sense, and penal reform: Social movements and the future of the carceral state. *Social Research*, 74: 669–694.
- Governor Arnold Schwarzenegger. 2005. *State of the State Address*. Sacramento: State of California.
- Grattet, Ryken, Joan Petersilia, and Jeffrey Lin. 2008. *Parole Violations and Revocations in California*. University of California, Davis and Irvine: Center for Evidence-Based Corrections.
- Grattet, Ryken, Joan Petersilia, Jeffrey Lin, and Marlene Beckman. 2009. Parole violations and revocations in California: Analysis and suggestions for action. *Federal Probation*, 73: 2–11.

- Greenberg, David. 1980. Penal sanctions in Poland: A test of alternative models. *Social Problems*, 28: 194–204.
- Greene, Judith. 2003. *Positive Trends in State-Level Sentencing and Corrections Policy*. Washington, DC: Families Against Mandatory Minimums.
- Greene, Judith and Marc Mauer. 2010. *Downscaling Prisons: Lessons from Four States*. Washington, DC: The Sentencing Project.
- Greene, Judith and Vincent Schiraldi. 2002. *Cutting Correctly: New Prison Policies for Times of Fiscal Crisis*. San Francisco, CA: Center for Juvenile and Criminal Justice.
- Her Majesty, Queen Elizabeth II. 1988. *Punishment, Custody and the Community*. London, U.K.: Her Majesty's Stationery Office, Cmd. 424.
- Irwin, John and James Austin. 1994. *It's About Time: America's Imprisonment Binge*. Belmont, CA: Wadsworth.
- Jacobs, James B. 2007. Finding alternatives to the carceral state. *Social Research*, 74: 695–699.
- Jacobsen, Mark. 2005. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York: New York University Press.
- Kerr, Henry. 1971. Corrections hearings before Subcommittee No. 3 of the Committee on the Judiciary, House of Representatives. 92nd Congress. First Session on Corrections. *Part II: Prisons, Prison Reform and Prisoners' Rights, California*. October 25. Serial No. 15.
- Kruttschnitt, Candace and Rosemary Gartner. 2005. *Marking Time in the Golden State: Women's Imprisonment in California*. New York: Cambridge University Press.
- Lane, Michael. 1986. A case for early release. *Crime & Delinquency*, 32: 399–403.
- Lappi-Seppälä, Tapio. 2000. The fall in the Finnish prison population. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 1: 27–40.
- Lerman, Paul. 1975. *Community Treatment and Social Control: A Critical Analysis of Juvenile Correctional Policy*. Chicago, IL: University of Chicago Press.
- Listwan, Shelley Johnson, Cheryl Lero Jonson, Francis T. Cullen, and Edward J. Latessa. 2008. Cracks in the penal harm movement: Evidence from the field. *Criminology & Public Policy*, 7: 423–465.
- Marinissen, Jan. 1985. "To Let the Legislature Know": *Prison Advocacy and the American Friends Service Committee in California, 1960–1983*. Government History Documentation Project, Ronald Reagan Gubernatorial Era. Berkeley, CA: Regional Oral History Office.
- Marvell, Thomas B. 1995. Sentencing guidelines and prison population growth. *Journal of Criminal Law and Criminology*, 85: 696–709.
- Mauer, Marc. 2007. The hidden problem of time served in prison. *Social Research*, 74: 701–706.
- McGreevy, Patrick. 2010a. California launches plan to cut prison population. *Los Angeles Times*, January 26. Retrieved May 1, 2010 from articles.latimes.com/2010/jan/26/local/la-me-prisons26--2010jan26.html.

- McGreevy, Patrick. 2010b. California lawmakers act to repeal early-release law. *Los Angeles Times*, April 30. Retrieved May 1, 2010 from articles.latimes.com/2010/jan/26/local/la-me-jails-20100430.html.
- Messinger, Sheldon L. 1984. Introduction. In *The Art of Corrections Management, California 1967–1974*. Government History Documentation Project, Ronald Reagan Gubernatorial Era. Berkeley, CA: Regional Oral History Office.
- New York Times. 1968. G.O.P. testimony on violence. *New York Times*, August 1, p. 20.
- New York Times. 2010. Spineless in California. *New York Times*, January 7. Retrieved May 1, 2010 from nytimes.com/2010/01/08/opinion/08fri3.html.
- Olson, David. 2000. Prison sentences for drug offenses. *Illinois Criminal Justice Information Authority: Trends and Issues Update*, 1 (10): 1–4.
- Page, Joshua. 2007. *The “Toughest Beat”: Incarceration and the Prison Officers Union*. Unpublished doctoral dissertation, University of California, Berkeley.
- Palta, Rina. 2010. California prisons: The mass release that wasn't. *Crosscurrents from KALW News*, March 29. Retrieved April 30, 2010 from kalwnews.org/audio/2010/03/29/california-prisons-mass-release.html.
- Petersilia, Joan. 2008. Influencing public policy: An embedded criminologist reflects on California prison reform. *Journal of Experimental Criminology*, 4: 335–356.
- Pew Center on the States. 2010. *Prison Count 2010*. Washington, DC: Author.
- Pfaff, John F. 2008. The empirics of prison growth: A critical review and path forward. *Journal of Criminal Law and Criminology*, 98: 547–620.
- Pratt, John, David Brown, Mark Brown, Simon Hallsworth, and Wayne Morrison, eds. 2005. *The New Punitiveness: Trends, Theories, Perspectives*. Devon, U.K.: Willan.
- Procunier, Raymond. 1971. Corrections hearings before subcommittee No. 3 of the Committee on the Judiciary, House of Representatives. 92nd Congress. First session on corrections. *Part II: Prisons, Prison Reform and Prisoners' Rights, California*. October 25. Serial No. 15.
- Procunier, Raymond. 1984. Administering your prisons. In *The Art of Corrections Management, California 1967–1974*. Government History Documentation Project, Ronald Reagan Gubernatorial Era. Berkeley, CA: Regional Oral History Office.
- Quinn, James. 2010. California is a greater risk than Greece, warns J.P. Morgan chief. *The Telegraph*, February 26. Retrieved May 22, 2010 from telegraph.co.uk/finance/financetopics/financialcrisis/7326772/California-is-a-greater-risk-than-Greece-warns-JP-Morgan-chief.html.
- Raphael, Stephen and Michael A. Stoll. 2009. Why are so many Americans in prison? In (Stephen Raphael and Michael A. Stoll, eds.), *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom*. New York: Russell Sage Foundation.
- Reagan, Ronald. 1971. *2nd Inaugural Address*. Retrieved March 29, 2009 from californiagovernors.ca/gov/h/documents/inaugural_33b.html.
- Reagan, Ronald. 1983. *A Time for Choosing: The Speeches of Ronald Reagan, 1961–1982*. Chicago, IL: Regnery Gateway.

- Richards, Stephen C., James Austin, and Richard S. Jones. 2004. Thinking about prison release and budget crisis in the blue grass state. *Critical Criminology*, 12: 243–263.
- Roberts, Julian. 2008. Reducing the use of custody as a sanction: A review of recent international experiences. In (Mike Hough, Rob Allen, and Enver Solomon, eds.), *Tackling Prison Overcrowding: Build More Prisons? Sentence Fewer Offenders?* Bristol, U.K.: Polity Press.
- Roché, Sebastian. 2007. Criminal justice policy in France: Illusions of severity. In (Michael H. Tonry, ed.), *Crime and Justice: A Review of Research*, Volume 36. Chicago, IL: University of Chicago Press.
- Ruth, Henry and Kevin R. Reitz. 2003. *The Challenge of Crime: Rethinking Our Response*. Cambridge, MA: Harvard University Press.
- Savelsberg, Joachim. 1994. Knowledge, domination and criminal punishment. *American Journal of Sociology*, 99: 911–943.
- Schlosser, Eric. 1998. The prison-industrial complex. *The Atlantic*, December. Retrieved March 29, 2009 from theatlantic.com/doc/199812/prisons.
- Simon, Jonathan. 2007. *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press.
- Steinhauer, Jennifer. 2009. To cut costs, states relax prison policies. *New York Times*, March 25. Retrieved April 30, 2010 from nytimes.com/2009/03/25/us/25prisons.html.
- Terrill, Richard J. 1989. Margaret Thatcher's law and order agenda. *American Journal of Comparative Law*, 37: 429–456.
- Theriault, Denis. 2010. California finds that prison costs aren't so easy to cut. *San Jose Mercury News*, March 23. Retrieved April 30, 2010 from mercurynews.com/california-budget/ci.14744860.
- Tonry, Michael H. 2004. *Thinking about Crime: Sense and Sensibility in American Penal Culture*. New York: Oxford University Press.
- Way, Howard K. 1986. *Issues in Corrections: The Adult Authority, Determinate Sentencing, and Prison Crowding, 1962–1982*. Government History Documentation Project, Ronald Reagan Gubernatorial Era. Berkeley, CA: Regional Oral History Office.
- Webster, Cheryl Marie and Anthony N. Doob. 2007. Punitive trends and stable imprisonment rates in Canada. In (Michael H. Tonry, ed.), *Crime and Justice: A Review of Research*, Volume 36. Chicago, IL: University of Chicago Press.
- Weiman, David R. and Christopher Weiss. 2009. The origins of mass incarceration in New York State: The Rockefeller Drug Laws and the local war on drugs. In (Stephen Raphael and Michael A. Stoll, eds.), *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom*. New York: Russell Sage Foundation.
- Whitman, James Q. 2003. *Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe*. New York: Oxford University Press.
- Zimring, Franklin E. 2007. *The Great American Crime Decline*. New York: Oxford University Press.
- Zimring, Franklin E. and Gordon Hawkins. 1991. *The Scale of Imprisonment*. Chicago, IL: University of Chicago Press.

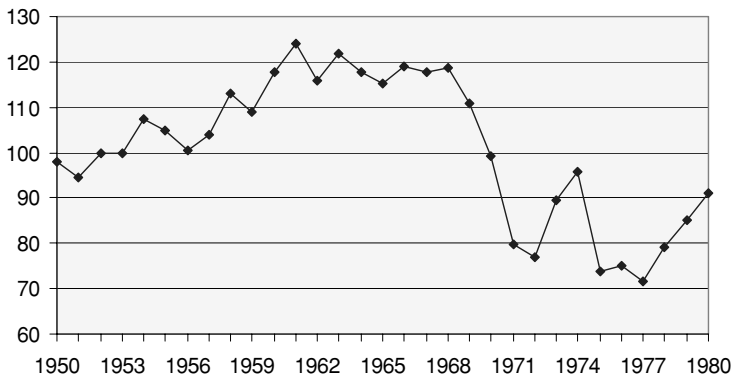
Rosemary Gartner is a professor of criminology at the Centre of Criminology, University of Toronto. Her research interests include historical and comparative patterns in lethal violence, trends in imprisonment, and women and crime. Her most recent book is *Marking Time in the Golden State: Women's Imprisonment in California*, coauthored with Candace Kruttschnitt.

Anthony N. Doob is a professor of criminology at the Centre of Criminology, University of Toronto. His research interests include understanding trends in imprisonment rates, especially the relative stability of Canadian imprisonment rates in the past 50 years (*Law & Society Review*, vol. 40; *Crime and Justice: A Review of Research*, vol. 37, both coauthored with Cheryl Marie Webster). Along with Jane Sprott, he is the author of *Justice for Girls? Stability and Change in the Youth Justice Systems of the United States and Canada* (2009).

Franklin E. Zimring is the William G. Simon Professor of Law at Boalt Hall School of Law at the University of California, Berkeley. His most recent books are *The Great American Crime Decline* (Oxford), *Criminal Law and the Regulation of Vice* (West, with Bernard Harcourt), and *The Next Frontier: National Development, Political Change and the Death Penalty in Asia* (Oxford, with David Johnson).

APPENDIX

California Total Felon Prison Population Rate (per 100,000 Residents)



POLICY ESSAY

DECARCERATION IN CALIFORNIA

So policy makers drive incarceration— Now what?

Shawn D. Bushway

University at Albany

Four years ago, David McDowall and I were asked to respond in *Criminology & Public Policy* to a descriptive, informal time series analysis by Webster, Doob, and Zimring (2006) on incarceration policy in California (Bushway and McDowall, 2006). In the essay, we argued that Webster, Doob, and Zimring should have used formal time series techniques designed for this type of causal analysis. Four years later, I find myself once again responding in *Criminology & Public Policy* to a largely descriptive, informal time series analysis on incarceration policy in California by two of the same authors (Gartner, Doob, and Zimring, 2011, this issue). It is tempting to repeat myself.

However, I find myself largely uninterested in the central question answerable by time series analysis. Time series analysis can tell us whether the onset of Ronald Reagan's governorship was associated with a decrease in the California incarceration rate. Time series analysis cannot tell us which policy changes caused the dramatic change in incarceration rate. The latter question is far more interesting than the former.

Although social science is at times hard pressed to identify and distinguish real change from noise, this issue is not, unfortunately, the problem when it comes to incarceration rates in the United States. It has been well documented that incarceration rates have increased dramatically in the United States and that this change is not part of the normal incarceration process in this country. Furthermore, a real and genuine consensus now exists that the boom is largely the result of policy changes (Blumstein and Beck, 1999; Pfaff, 2008; Raphael and Stoll, 2009; Sabol, 2010; Spelman, 2009).

We do not, however, have anything approaching a consensus about what the specific policy changes were that caused the growth in prison rates (Pfaff, 2008; Sabol, 2010). The

Special thanks to David McDowall and Peter Reuter for helpful comments. All errors remain my own. Direct correspondence to Shawn D. Bushway, School of Criminal Justice, University at Albany, 135 Western Ave. Albany, NY 12222 (e-mail: sbushway@albany.edu).

reasons for this lack of understanding are largely empirical. Prison rates are endogenous with respect to both policies and crime (Sabol, 2010), and this endogeneity makes estimating the causal relationship between policies and prison population extremely difficult. What are needed are relatively exogenous policy changes that then can be linked with subsequent changes in incarceration. These changes are hard to find. Economist Steve Raphael (2009: 92), in his policy essay responding to the Spelman piece, revealed candidly that he had been “unable to find a consistent relationship between sentencing policy measures and changes in incarceration rates that survive basic specification checks.” This admission is not casual but a realistic concession by a top-rate empiricist after what amounts to years of efforts. It also led him to conclude that continued efforts to understand the specific policies must necessarily include “qualitative and historical research on sentencing policy” (2009: 93).

This brings us directly to Gartner, Doob, and Zimring (2011).¹ The value of Gartner, Doob, and Zimring comes from their careful description of the possible links between specific policy changes and changes in the imprisonment rates. As noted by Raphael (2009), this analysis is not easy to do with standard quantitative data and methods.

What, then, is the role of social-science research, beyond careful and illuminating descriptions of policy change such as the one by Gartner, Doob, and Zimring (2011)? To answer that, I turn to yet another policy essay from *Criminology & Public Policy*, this one by Rod Engen (2009), in response to an empirical article by John Wooldredge (2009) on the impact of structured sentencing on unwarranted disparity in Ohio. Engen (2009: 333) concluded that the “preoccupation with detecting and explaining unwarranted disparity in sentencing research has been accompanied by a near-exclusive emphasis on individual-level social psychological theories of decision making and, to a lesser extent, on contextual theories (e.g., racial threat) that still emphasize subjective decision making as the central causal mechanism.” What is needed, according to Engen, is research that focuses explicitly on sentencing laws and structure as well as on their impact on both punishment and other outcomes, such as crime.

Amen, brother. It is not possible to overemphasize this need for research on the impact of sentencing laws and sentencing structures on outcomes. Classic sentencing research on disparity traditionally has done a poor job of capturing the structure of the sentencing laws that drive sentencing.² This situation has improved recently with a renewed focus on

-
1. To my surprise, Gartner, Doob, and Zimring (2011) do not cite Raphael (2009), and Raphael does not formally acknowledge awareness of the Gartner, Doob, and Zimring article. Nonetheless, I found this connection to be an excellent testimony to the value of *Criminology & Public Policy* and the policy essays. Research on incarceration policy is progressing, and *Criminology & Public Policy* (and its format of policy essays) is playing an important role in this process, in part by asking smart people from a variety of disciplines to think hard about a topic.
 2. Consider, for example, research on federal sentencing. Researchers typically included criminal history and crime severity scores linearly in a standard ordinary least-squares regression as a way to control for the legal structure that uses criminal history and crime severity to assign punishment. However, such a

deviations from the guidelines, but this focus on deviations from guidelines does not help us to understand the impact of the guidelines themselves on overall outcomes.

To understand the guidelines, or any other sentencing structure, we must first understand what the guidelines are trying to do theoretically. The criminal justice system is not really a system but a collection of stages and decision makers with different goals and constraints (Garber, Klepper, and Nagin, 1983).³ A full model of the system would require explicit theoretical models of the motives and decision making of each of these actors, which then could be modeled empirically. Empirical identification of exogenous variation in sentencing structures of the kind described by Raphael (2009) is not enough; valid estimation of the impact of sentencing laws on subsequent outcomes also requires some model of actor behavior (Manski and Nagin, 1998).

Formal models of criminal justice decision making are hard to come by. Those that do exist, like in Landes (1971) and Knowles, Persico, and Todd (2001), are easy to criticize on the grounds that they are not realistic (e.g., Engel, 2008; Tonry, 2010). However, in a research environment with almost no theoretical structure regarding the institutions that drive sentencing outcomes, realism might be overrated. We need to start to build simple, and testable, models of how sentencing actually works.⁴

Blumstein's (1993) simulation model of racial bias in prison is a classic and important case in point. In his attempt to explain racial disparity in prison, Blumstein decided to forgo regression analysis and instead generated a plausible counterfactual. In his simple model, each stage in the system is racially neutral and moves people to the next stage in the same proportion (racially) that they are in the preceding stage. This simple model results in a strong prediction that racial disparity in prison should be equal to the racial disparity at the arrest stage. This conclusion turns out to be a reasonably accurate prediction for serious crimes, despite its simplicity, but a rather bad prediction in the case of drug crimes. Although not causal, this result has helped to motivate policy reform around drug policy.

The larger point here is that research needs to be focused on first identifying the point of any given sentencing structure (theory) and then linking that sentencing structure to that outcome (empirical testing.) Although the testing can be hard because of endogeneity (i.e., Raphael, 2009), simply simulating a reasonable/plausible counterfactual, as in the

model, which is designed to reflect the legal regime, cannot come close to recapturing the sentencing guidelines themselves. In other words, the linear model used by researchers cannot recapture the guideline recommendations that are generated using only the factors that drive the guidelines (crime severity and criminal history scores) (Engen and Gainey, 2000; Mustard, 2001).

3. Because all of these decision makers affect the sentencing outcome, any discussion of sentencing must consider the entire system, and not just the decision of the judge at the sentencing hearing.
4. The role of theory in criminology more broadly is subject to some debate. I tend to agree with Nagin and Tremblay's (2005: 918) opinion that "(t)heories need to be based on the best possible description of the phenomenon under study. Yet even then theories are generally little more than simpleminded human brain products offered for falsification."

case of Blumstein (1993), might generate interesting insight. Moreover, the nature of the sentencing process, whether it be random assignment of judges to cases (Green and Winik, 2010) or the creation of errors in the filling out of guideline worksheets (Bushway, Owens, and Piehl, 2010), might provide useful variation for studying the sentencing process itself. Researchers need to focus explicitly on the sentencing process and what the actors are trying to achieve if they are to generate useful insight into how policy affects things like incarceration levels (Forst and Bushway, 2010).

However, the need to link policy to outcomes is not just a research concern, particularly when it comes to the recent focus on mass incarceration. Readers who found the Gartner, Doob, and Zimring (2011) article interesting should make it a point at least to browse the Summer 2010 issue of *Daedalus*, the journal of the American Academy of Arts and Sciences, which was dedicated to the challenge of mass incarceration in America. I was particularly struck by the article by Robert Weisberg and Joan Petersilia (2010), titled “The danger of pyrrhic victories against mass incarceration.” In it, they warn against steadfast opposition to incarceration on any grounds but argue instead about “curtailing unnecessary incarceration” (2010: 131).

The term “unnecessary incarceration” implies that “necessary incarceration” in fact might exist. In addition, once words like “necessary” start getting used, questions like “Necessary for what?” necessarily follow. Policy makers need to know what the policy is supposed to do before they can evaluate its effectiveness. If sentencing policy is at least partially trying to control crime, then the policy needs to be linked to crime outcomes.

This link between sentencing policy and crime control has been broken largely in the public debate. Politicians can talk about being “tough on crime,” with no evidence, credible or otherwise, that the policy in question will have any effect on crime. One benefit of the prisoner reentry discussion in criminology is that it has reattached the question of recidivism and crime control to the sentencing discussion. It makes little or no sense to worry about the crime of the person reentering society if crime control/rehabilitation is not part of the reason why the person was sentenced in the first place. More to the point, crime control cannot appear as an issue in the backend without eventually causing people to wonder why people are sentenced and managed in the first place. It is, in my opinion, inevitable that risk assessment, which had started at the back end of the process in the United States, now has begun to be used as part of the sentencing process at the front end (Hannah-Moffatt, 2010).

It also is inevitable that this reconnection of policy to crime control will involve social science. Formal risk assessment is nothing more (or less) than the application of social-science statistical techniques to the question of risk prediction. More broadly, social science can reconnect sentencing and crime control through the careful study of how the treatment by the criminal justice system impacts both the crime of individuals (Durlauf and Nagin, in press) and crime more generally (Miles and Ludwig, 2007).

I am excited about the recent wave of articles that seem to be taking the causal link between criminal justice policy and crime seriously.⁵ However, this discussion needs to be about sentencing more broadly rather than simply about incarceration. The question of crime control must be made on a continuum of treatment options, something that is not being done in the near hysteria about “mass incarceration.” The people that were deincarcerated in California did not exit the criminal justice system; they simply were treated in a different manner, usually through some form of community supervision (parole or probation). Although empirically more challenging, the nature of the treatment (type of program, length of program, etc.) seems fundamentally more important than the program venue (community or prison).⁶

Gartner, Doob, and Zimring (2011) wrote their article to demonstrate that a large-scale change in treatment venue—from prison to probation or parole—is possible. Knowing such a change is possible is an important first step. The next step, in my view, is knowing whether it is desirable. Crime control is one, although clearly not the only, factor that will help to determine that point. Gartner, Doob, and Zimring’s (2011) description of the political context facing any such large policy change makes it clear that these kinds of policy decisions are the result of a complex set of factors that ultimately will be tough to understand or model (Gottschalk, 2009; Raphael, 2009). However, social scientists can and should play a role in this process by studying how sentencing policies can affect both sentencing outcomes and crime with renewed vigor.

References

- Blumstein, Alfred. 1993. Racial disproportionality of U.S. prison population revisited. *University of Colorado Law Review*, 64: 743–760.
- Blumstein, Alfred and Allen Beck. 1999. Population growth in U.S. prisons, 1980–1996. In (Michael H. Tonry and Joan Petersilia, eds.), *Prisons*. Chicago, IL: University of Chicago Press.
- Bushway, Shawn D. and David McDowall. 2006. Here we go again—can we learn anything from aggregate level studies of policy interventions? *Criminology & Public Policy*, 5: 461–470.
- Bushway, Shawn D., Emily Owens, and Anne M. Piehl. 2010. *Sentencing Guidelines and Judicial Discretion*. Working Paper.

5. See, for example, the forthcoming book by Phil Cook, Jens Ludwig, and Justin McCrary on alternatives to incarceration.

6. It might be useful to compare the incarceration debate with a discussion about the best treatment options for a disease. Policy makers can (and do) discuss whether the treatment should occur in a hospital or not, but the discussion about disease management is driven largely by a discussion of treatment options rather than of treatment venues. Venues will matter in any cost–benefit discussion, but it seems odd to me that, in criminology, the treatment has become synonymous with the venue itself.

- Cook, Phil, Jens Ludwig, and Justin McCrary. In press. *Making Crime Control Pay: Cost-Effective Alternatives to Incarceration*. Chicago, IL: University of Chicago Press.
- Durlauf, Steve N. and Daniel S. Nagin. In press. Imprisonment and crime: Can both be reduced? *Criminology & Public Policy*.
- Engel, Robin. S. 2008. A critique of the outcome test in racial profiling research. *Justice Quarterly*, 25: 1–36.
- Engen, Rodney. 2009. Assessing determinate and presumptive sentencing—Making research relevant. *Criminology & Public Policy*, 8: 323–336.
- Engen, Rodney and Randy Gainey. 2000. Modeling the effects of legally relevant and extra-legal factors under sentencing guidelines: The rules have changed. *Criminology*, 38: 1207–1230.
- Forst, Brian and Shawn D. Bushway. 2010. *Discretion, Rule of Law, and Rationality*. Paper presented at the Symposium on Crime and Justice: The Past and Future of Empirical Sentencing Research, Albany, New York.
- Garber, Steven, Steven Klepper, and Daniel S. Nagin. 1983. The role of extralegal factors in determining criminal case disposition. In (Alfred Blumstein, ed.), *Research on Sentencing: The Search for Reform*, Vol. II. Washington, DC: National Academy Press.
- Gartner, Rosemary, Anthony N. Doob, and Franklin E. Zimring. 2011. The past as prologue? Decarceration in California then and now. *Criminology & Public Policy*. This issue.
- Gottschalk, Marie. 2009. Money and mass incarceration: The bad, the mad, and penal reform. *Criminology & Public Policy*, 8: 97–109.
- Green, Donald and Daniel Winik. 2010. Using random judge assignments to estimate the effects of incarceration and probation on recidivism among drug offenders. *Criminology*, 48: 357–387.
- Hannah-Moffatt, Kelly. 2010. *Actuarial Sentencing: An “Unsettled” Proposition*. Paper presented at the Symposium on Crime and Justice: The Past and Future of Empirical Sentencing Research, Albany, New York.
- Knowles, John, Nicola Persico, and Petra Todd. 2001. Racial bias in motor-vehicle searches: Theory and evidence. *The Journal of Political Economy*, 109: 203–229.
- Landes, William M. 1971. An economic analysis of the courts. *The Journal Economic of Labor Economics*, 14: 61–107.
- Miles, Thomas J. and Jens Ludwig. 2007. The silence of the lambdas: Detering incapacitation research. *Journal of Quantitative Criminology*, 23: 287–301.
- Manski, Charles and Daniel S. Nagin. 1998. Bounding disagreements about treatment effects: A case study of sentencing and recidivism. *Sociological Methodology*, 28: 99–137.
- Mustard, David B. 2001. Racial, ethnic, and gender disparities in sentencing: Evidence from the U.S. federal courts. *Journal of Law and Economics*, 44: 635–358.
- Nagin, Daniel S. and Richard E. Tremblay. 2005. From seduction to passion: A response to Sampson and Laub. *Criminology*, 43: 915–918.

-
- Pfaff, John F. 2008. The empirics of prison growth: A critical review and path forward. *Journal of Criminal Law and Criminology*, 98: 547–620.
- Raphael, Stephen. 2009. Explaining the rise in U.S. incarceration rates. *Criminology & Public Policy*, 8: 87–95.
- Raphael, Stephen and Michael A. Stoll. 2009. Why are so many Americans in prison? In (Stephen Raphael and Michael A. Stoll, eds.), *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom*. New York: Russell Sage Foundation.
- Sabol, William J. 2010. *Implications of Criminal Justice System Adaptation for Prison Population Growth and Corrections Policy*. Paper presented at the Symposium on Crime and Justice: The Past and Future of Empirical Sentencing Research, Albany, New York.
- Spelman, William. 2009. Crime, cash, and limited options: Explaining the prison boom. *Criminology & Public Policy*, 8: 29–77.
- Tonry, Michael H. 2010. *Less Imprisonment, Less Crime: A Reply to Daniel Nagin*. Florence, KY: Cengage.
- Webster, Cheryl, Anthony N. Doob, and Franklin E. Zimring. 2006. Proposition 8 and crime rates in California: The case of the disappearing deterrent. *Criminology and Public Policy*, 5: 417–448.
- Weisberg, Robert and Joan Petersilia. 2010. The dangers of Pyrrhic victories against mass incarceration. *Daedalus*, 139: 124–133.
- Wooldredge, John. 2009. Short-versus long-term effects of Ohio's switch to more structured sentencing on extra-legal disparities in prison sentences in an urban court. *Criminology & Public Policy*, 8: 285–312.
-

Shawn D. Bushway is an Associate Professor of Criminal Justice, and Public Administration and Policy at the University at Albany (SUNY). He received his Ph.D. in Public Policy Analysis and Political Economy in 1996 from the Heinz School of Public Policy and Management at Carnegie Mellon University. His current research focuses on the process of desistance, the impact of a criminal history on subsequent outcomes, and the distribution of discretion in the criminal justice sentencing process.

Penal moderation in the United States?

Yes we can

Mary Bosworth

*Centre for Criminology
University of Oxford*

For several years, criminologists have expended considerable energy in documenting and critiquing the so-called punitive turn in criminal justice practices in numerous countries. Reams of pages have been written counting and accounting for the growing numbers behind bars, the expansion of police powers, and the deepening harshness of criminal sentencing. We live in a “culture of control” (Garland, 2001) that is characterized by “penal populism” (Pratt, 2009), “harsh punishment” (Whitman, 2004), and a shrill and vindictive media (Beckett, 1997; Green, 2007). We are all “governed through crime” (Simon, 2007), whereas “the poor” and “urban outcasts” fare the worst (Wacquant, 2007, 2009; Western, 2007).

Many good reasons exist for such accounts. Yet, as others have observed, this literature has come at a cost, locking criminological inquiry into a “dystopic” vision of state control impervious to, or ignorant of, the range and vitality of counter initiatives that have sprung up, or perhaps always have existed challenging such punitiveness (Bosworth, 2010a; Braithwaite, 2003; Zedner, 2002). Restorative justice (Braithwaite, 2002), community justice initiatives (Clear, 2007), and the abolition movement (Davis, 2002; Sim, 2009) all have flourished over the same time period. Moreover, beyond the United States, many countries have witnessed either falling or stable prison populations (see, inter alia, Lacey, 2008; Lappi-Seppälä, 2000; Tonry, 2007). Punishment and imprisonment is not—everywhere—always the same (O’Malley, 1999).

It is, therefore, extremely welcome to see a growing number of initiatives taking a different tack, among which this study of decarceration in California fits. Such interventions take many forms. Outside the academy, a growing number of organizations seek to challenge the government’s reliance on imprisonment from outright abolitionist groups like Critical

Direct correspondence to Mary Bosworth, Centre for Criminology, University of Oxford.

Resistance (criticalresistance.org) to those more concerned with mitigating sentencing practices like Families Against Mandatory Minimum Sentences (famm.org). Some years ago, Michael Jacobson (2005), director of the Vera Institute in New York City and professor at the John Jay College of Criminal Justice, laid out a comprehensive blueprint for “downsizing prisons.” His critique of the economic burden that states incur when sustaining bloated criminal justice systems was extended by the innovative “justice mapping” of Eric Cadora, which famously demonstrated the economic cost, block by block, of sending offenders to prison (see, e.g., Cadora, 2006).

Some of this work is bearing fruit, as the language of “cost–benefit analysis” previously deployed in support of prison (Haynes and Larsen, 1984; Levitt, 1996), is now used against it (Pew Charitable Trusts, 2007; Scott-Hayward, 2009). What activists and policy makers lack, however, is a coordinated conceptual framework to help shift not only penal institutions and practices but also those more subtle structures of feeling and belief that have proven so effective in ratcheting up punitive practice. It is this final area on which this policy essay will focus in a bid to develop the points made by Gartner, Doob, and Zimring (2011, this issue) about the prospects of reducing U.S. reliance on mass incarceration. In so doing, I build on the work of scholars, predominantly working in the United Kingdom, who recently have set forth the ideas of “penal moderation” and “penal parsimony” in an effort to dampen the punitive rhetoric associated with practices of imprisonment in the United States as well as in England and Wales (see, e.g., Bosworth, 2010b; Lacey, 2008; Loader, 2009, 2010; also, for the United States, Simon, 2010).

Penal Moderation

In January 2010, the Centre for Criminology at the University of Oxford held a small symposium titled “Reinventing Penal Parsimony.”¹ At this event, we invited a group of criminologists and legal scholars to discuss the following set of questions:

What are those institutions and practices, structures of belief and feeling . . . which place policing, criminal sanctions and the penal system at the heart of processes of social ordering? How might such structures and feelings be challenged? Why these institutions and practices and not others? What, in particular, would have to shift for other qualities, such as restraint, minimalism, moderation, maybe even mercy, to be prioritized? What might institutional arrangements organized around these ideas look like? (Bosworth, 2010b: 252).

In posing such questions to scholars working across a range of fields from policing to legal philosophy, we hoped to work toward a more unified set of ideas about penal moderation and

1. The papers from this symposium were published in a special issue of *Theoretical Criminology* in August 2010 and included articles by Jonathan Simon, Richard Jones, Ian Loader, Antony Duff, Monique Marks and Jennifer Wood, and Sonja Snacken (Bosworth and Loader, 2010).

parsimony. Moreover, we encouraged authors to address both policy and belief. Although the ultimate targets of penal moderation are those institutional arrangements and practices that enable harsh punishment, the route to change lies as much in sentiment as it does in legislation or procedure. So how might such a shift in sentiment occur?

According to Ian Loader (2010), a more moderate approach to punishment can be engineered in two main ways: either through what he calls “moderation-by-stealth” or by “moderation-by-politics.” The first strategy avoids engaging publicly with thorny questions over punishment and thus does little to change public discourse and understanding of imprisonment. The second, in contrast, is explicitly committed to public debate. It seeks to understand as well as to influence “hearts and minds” before turning to policy.

In terms of the article under consideration by Gartner, Doob, and Zimring (2011), it seems that Reagan engaged in a form of “moderation-by-stealth,” deploying what Loader (2010: 361) has labeled “decoy-rhetoric” (talking tough on crime in public while overseeing an actual decline in the prison population). Evidently, this strategy did not signal a philosophical commitment to decarceration as witnessed by Reagan’s later stance on law and order while U.S. president, the deleterious impact of which continues to be felt today (Beckett, 1997; Bosworth, 2010a: Chapter 5).

While governor of California, Arnold Schwarzenegger, seems to have opted for Loader’s second form of moderation-by-stealth—the economic argument. Indeed, given the current financial climate, one of the most obvious cases to be made for a reduced reliance on imprisonment is that prisons are expensive. On its own, however, this particular line of reasoning easily backfires. Considerable costs can be cut without reducing penal populations in a manner that would make the experience of incarceration worse; reducing staffing levels, time out of cell, and even food are all examples of such. The infamous tent city of the Maricopa County jail in Arizona is a case in point.

Although the economic crisis that began in 2008 does seem to be forcing California to decarcerate, the economic burden of imprisonment previously had been accepted as a “price worth paying,” even as it expanded well beyond most other state-funded services. California, along with numerous other areas of the United States, effectively swapped their investment in public tertiary education for paying for new prisons (Gilmore, 2007), with little or no negative political repercussions. Without an emphatic commitment to decarceration as a principled measure in itself or, indeed, to placing offenders into community penalties instead of prison, economic arguments provide ineffective challenges to the primacy of imprisonment.

What then of moderation-by-politics? Does this stance offer a more sustainable and thoughtful avenue out of current practice and what might be some of its limitations? According to Loader (2010: 363), the following is true:

[P]ursuing moderation as politics means making one’s case across the now diverse settings of public will-formation (even and perhaps especially those where one expects a hostile reception); fostering dialogue with citizens,

and seeking to challenge and move (rather than take-as-given) prevailing understandings of the meanings and place of punishment in our collective life.

This version of moderation cannot happen behind closed doors purely through an enlightened, self-serving, or pragmatic set of policy initiatives. Instead, it rests on an explicit engagement with “the passions that crime and punishment provokes” (Loader, 2010: 363).

Moderate Penal Policy

Before the pessimists shrug their shoulders and say that such public debate cannot be done, it is instructive to recall that moderate penal regimes already exist. Some have been that way for a long time, whereas others are more recent. If we take the rate of imprisonment as our measure of moderation or excess, then we can observe immediately that all European states incarcerate far fewer members of their polity than U.S. states and the federal government, although, relatively speaking, they imprison proportionally more of their foreign residents (van Kalmthout, Hofstee-van de Meulen, and Dünkel, 2007).² Finland, for example, reduced its prison population from one of the highest within Europe to one of the lowest over a few years (Downes, 1988; Lappi-Seppälä, 2000), whereas since World War II (WWII), Germany has remained steadfastly consistent in its restricted reliance on incarceration (Lacey, 2008).

Whereas previously criminologists focused without comment on penal policies in America, recently multiple authors have concentrated on places with small prison populations and more moderate penal discourses (see, e.g., Cavadino and Dignan, 2006; Lacey, 2008; Tonry, 2007). Alongside, although somewhat separate to that body of work, a series of books also have been published recently pointing out the variety within the United States in penal practices and beliefs (see, e.g., Barker, 2009; Bosworth, 2010a; Miller, 2008).

According to these studies, there are diverse reasons for the range in punitive sentiment and, consequently, many ways in which penal moderation can be fostered. In much of Europe, for example, Sonja Snacken (2010) argues that human rights legislation and guidelines brought in after the horrors of WWII have become a powerful bulwark against excessive punitive practices (at least as far as European Union citizens are concerned). Europeans are proud of their human rights record and regularly rank the protection of rights as one of the primary roles for the European Union (Snacken, 2010: 287).

2. Of course, some reasons exist for which such rates are not entirely ideal; official statistics are not always reliable everywhere, imprisonment rates also can be affected by a range of amnesty programs that some states use, and in any case, the impact of imprisonment in one country will not be comparable with that of another because of minimum standards of care within penal establishments. Nonetheless, prison rates tend to be used in such comparative accounts as they usually are considered to be the most reliable measure we can readily obtain.

Scotland offers a different approach. In 2006, Scotland, which although part of the United Kingdom is governed by a devolved Scottish parliament and operates under a separate legal system, commissioned an investigation into its criminal justice system explicitly to see whether reforms could be made. Although the initiative came from the top, the line of reasoning put forward for moderation was more populist and couched in nationalist terms. According to the authors of the report, criminal justice policy is a choice that reflects the national interest and character. Rather than looking south of the border to England and Wales, with its heavy reliance on imprisonment, the Scottish Prison Commission (2008) urged Scotland to draw its penal practices and imagination from other, smaller nations like Ireland, Sweden, and Norway, all of which exhibit much lower rates of imprisonment.

Finally, in England and Wales, somewhat unexpectedly, the current center-right coalition government is engaging with public calls for punishment in a moderate fashion. Responding to concerns over the erosion of civil liberties and due process protections that had occurred under New Labour, they are abandoning a series of key criminal justice provisions of the previous 10 years, all of which played a role both in driving up prison populations and in harshening penal rhetoric. At the time of this writing, a replacement discourse seems to be emerging; the home secretary, Theresa May, recently promised an overhaul of civil penalties, whereas the Justice Secretary Kenneth Clark warned that public expectations about the efficacy of the prison—a simplistic belief that “prison works”—are exaggerated. The prison population, he says, should be reduced, starting with short-term sentences.

Challenges

Before we paint too rosy a picture of the prospects and causes of decarceration, we must recall both that prison rates in most U.S. states and the federal system remain high. So, too, after a few years of decline, many are growing again (West and Sabol, 2010).

Certain structural problems remain entrenched. In California, for instance, the prison officer union continues to wield undue influence over public debate and expectations (Gilmore, 2007), and harsh sentences remain on the books. Even practices that look moderate, such as Schwarzenegger’s calls for rehabilitation, actually might expand the criminal justice system, diverting some prisoners to a large new body of residential, rehabilitation centers (Bosworth, 2010a).

Finally, the moral panic over undocumented immigrants, which in 2010 in Arizona took a particularly vicious turn, for some years has underpinned an expansion of the immigration detention system (Bosworth, 2007; Simon, 1998). Given that most immigration detainees are placed in state, federal, or local correctional facilities and indeed are often postsentence convicts, a direct connection is found between U.S. immigration policy and its practices of imprisonment (Bosworth and Kaufman, 2011). A moderate approach to penal policy needs to take into account all of these challenges to avoid generating a replacement set of discourses and practices.

Conclusion

Some evidence indicates that U.S. state legislatures are waking up to the considerable economic and social cost of mass imprisonment. Across the country, and most notably in California, a flurry of court intervention, legislative activity, and commissions has occurred, seeking to halt the ever-expanding size of the penal population. Diversion initiatives such as Proposition 36 in California and a growing nationwide dissent over mandatory minimum sentences seem to indicate a potential for a shift away from an overreliance on incarceration. However, for all the potential for reform, the actual decarceration has been minimal, and few prisons have been closed.

As Gartner, Doob, and Zimring (2011) suggest, much can be done if political will is present. Yet, generating and supporting that will is far from straightforward. Although, while governor of California, Ronald Reagan oversaw a reduction in the state prison population, as is well known, while he was U.S. President, he aggressively pursued rhetoric and policies of law and order that continue to resonate today. Much of the terminology that has been intertwined so deeply with punitive practices emerged during the 1980s and often was fostered directly by the Reagan Administration.

At times, conservatives create the space for more lenient treatment; it was George Bush, after all, who passed the Second Chance Act, and it is a Tory-led coalition in the United Kingdom that is calling for a reduction in the imprisonment rate. By the same token, since the 1990s, center-left administrations (e.g., that of Clinton or, in the United Kingdom, Tony Blair and Gordon Brown) pursued an energetic criminalization, broadening the targets and powers of the criminal justice system.

For the penal moderate, the challenge remains how to lower the temperature and expectations about criminal justice overall. We need to move away from looking for solutions to social problems in the criminal justice system. For that shift to happen not only do we need realistic alternatives, such as accessible drug treatment, safe and available public housing, decent education, as well as work and training, we also need an ongoing, transparent, and democratic discussion.

Many options are available to initiate this discussion. One suggestion that Jonathan Simon (2010) recently put forward is to approach penal expansion as a social health crisis. Comparing bulging prison populations with the expanding waistlines of many Americans, Simon argued that policies and terminology deployed in the battle against obesity might cross over into a reconfiguration of crime policy. For others, we should pay more attention to educating the public about the impact of punishment; when given more information about the impact of punishment and the individual concerned, those who are surveyed about sentencing tend to be more moderate (Roberts and Hough, 2002).

In any set of policies, it will be important to engage actively with the U.S. public. Politicians, in pursuit of harsh policy, often appeal to “public opinion” as their motivation and justification. Much evidence suggests, however, that such “opinion” is far more complicated and varied than policy makers would have us believe (Beckett, 1997). As

Democratic Senator Jim Webb (VA) sets out a national review of criminal justice policy, it will be important to meet with representatives from those communities most directly affected by mass imprisonment—the women and children left behind in the inner cities as well as the men behind bars. One model he might wish to emulate is that of the Vera Institute of Justice in New York City that conducted public hearings and prison visits over a 15-month period. The resulting report (Gibbons and Katzenbach, 2006) identified many areas of concern in prison conditions and public safety while documenting some good practice.

Some years ago, Michael H. Tonry (2005) argued that nobody would have chosen the outcome of criminal justice policies had they known what they would bring—one in three young Black men in prison, billions of dollars siphoned off to warehouse absent fathers and sons, and a national prison system dogged by sexual abuse and drug problems. Even if this system has come about unintentionally, it is possible to choose an alternative. To do that in a coherent and fair manner, politicians and the public must work together. Criminologists have an important role in this process, both in drawing attention to the damage wrought by penal excess and by mapping out a more optimistic and just way ahead. Moderate penal policies are not only possible but, ultimately, surely the only choice for the United States to make.

References

- Barker, Vanessa. 2009. *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*. New York: Oxford University Press.
- Beckett, Katherine. 1997. *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford University Press.
- Bosworth, Mary. 2007. Identity, citizenship and punishment. In (Mary Bosworth and Jeanne Flavin, eds.), *Race, Gender and Punishment: From Colonialism to the War on Terror*. New Brunswick, NJ: Rutgers University Press.
- Bosworth, Mary. 2010a. *Explaining US Imprisonment*. Thousand Oaks, CA: Sage.
- Bosworth, Mary. 2010b. Introduction: Reinventing penal parsimony. *Theoretical Criminology*, 14: 251–256.
- Bosworth, Mary and Ian Loader, eds. 2010. Reinventing penal parsimony: Special issue. *Theoretical Criminology*, 14(3).
- Bosworth, Mary and Emma Kaufman. 2011. Foreigners in a carceral age: Immigration and imprisonment in the U.S. *Stanford Law and Policy Review*, 22(1): 101–127.
- Braithwaite, John. 2002. *Restorative Justice and Responsive Regulation*. Oxford, U.K.: Oxford University Press.
- Braithwaite, John. 2003. What's wrong with the sociology of punishment? *Theoretical Criminology*, 7: 5–28.
- Cadora, Eric. 2006. 'Open Society'. *Criminal Justice Matters*, 64(1): 20–23.
- Cavadino, Michael and James Dignan. 2006. *Penal Systems: A Comparative Approach*. London: Sage.

- Clear, Todd. 2007. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. New York: Oxford University Press.
- Davis, Angela. 2002. *Are Prisons Obsolete?* New York: Open Media.
- Downes, David. 1988. *Contrasts in Tolerance*. Oxford, U.K.: Oxford University Press.
- Garland, David. 2001. *Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Gartner, Rosemary, Anthony N. Doob, and Franklin E. Zimring. 2011. The past a prologue? Decarceration in California then and now. *Criminology & Public Policy*, 10(2): 291–325.
- Gibbons, John J. and Nicholas de B. Katzenbach. 2006. *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons*. New York: Vera Institute of Justice.
- Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.
- Green, David A. 2007. *When Children Kill Children*. New York: Oxford University Press.
- Haynes, Peter and Clark R. Larsen. 1984. Financial consequences of incarceration and alternatives: Burglary. *Crime & Delinquency*, 30: 543–547.
- Jacobson, Michael. 2005. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York: New York University Press.
- Lacey, Nicola. 2008. *The Prisoner's Dilemma*. Cambridge, U.K.: Cambridge University Press.
- Lappi-Seppälä, Tapio. 2000. The fall of the Finnish prison population. *Journal of Scandinavian Criminology and Crime Prevention*, 1: 27–40.
- Levitt, Stephen D. 1996. The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *The Quarterly Journal of Economics*, 111: 319–351.
- Loader, Ian. 2009. Ice cream and incarceration: On appetites for security and punishment. *Punishment & Society*, 11: 241–257.
- Loader, Ian. 2010. For penal moderation: Notes towards a public philosophy of punishment. *Theoretical Criminology*, 14: 349–368.
- Miller, Lisa. 2008. *The Perils of Federalism: Race, Poverty and the Politics of Crime Control*. New York: Oxford University Press.
- O'Malley, Pat. 1999. Volatile and contradictory punishment. *Theoretical Criminology*, 3(1): 175–196.
- Pew Charitable Trusts. 2007. *Public Safety, Public Spending: Forecasting America's Prison Population 2007–2011*. Washington, DC: Author.
- Pratt, John. 2009. *Penal Populism*. London, U.K.: Routledge.
- Roberts, Julian V. and Mike Hough, eds. 2002. *Changing Attitudes to Punishment: Public Opinion, Crime and Justice*. Cullompton, U.K.: Willan.
- Scott-Hayward, Christine. 2009. *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*. New York: Vera Institute of Justice.
- Scottish Prison Commission. 2008. *Scotland's Choice*. Edinburgh, Scotland: Author.

- Sim, Joe. 2009. *Punishment and Prisons: Power and the Carceral State*. London: Sage.
- Simon, Jonathan. 1998. Refugees in a carceral age: The rebirth of immigration prisons in the United States, *Public Culture*, 10(3): 577–607.
- Simon, Jonathan. 2007. *Governing Through Crime*. New York: New York University Press.
- Simon, Jonathan. 2010. Do these prisons make me look fat? Moderating the U.S. consumption of punishment. *Theoretical Criminology*, 14: 257–272.
- Snacken, Sonja. 2010. Resisting punitiveness in Europe? *Theoretical Criminology*, 14: 273–292.
- Tonry, Michael H. 2005. *Thinking About Crime: Sense and Sensibility in American Penal Culture*. Cambridge, U.K.: Cambridge University Press.
- Tonry, Michael H., ed. 2007. *Crime, Punishment and Politics in Comparative Perspective*. Chicago, IL: University of Chicago Press.
- van Kalmthout, Anton, Hofstee-van de Meulen, Femke and Frider Dünkel, eds. 2007. *Foreigners in European Prisons*. Nijmegen, the Netherlands: Wolf Legal.
- Wacquant, Loic. 2007. *Urban Outcasts: A Comparative Sociology of Advanced Marginality*. Cambridge, U.K.: Polity Press.
- Wacquant, Loic. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press.
- West, Candace, William Sabol and Sarah Greenman. 2010. *Prisoners in 2009*. Bureau of Justice Statistics Bulletin. NCJ 231675.
- Western, Bruce. 2007. *Punishment and Inequality in America*. New York: Russell Sage Foundation.
- Whitman, James Q. 2004. *Harsh Punishment: Criminal Punishment and the Widening Divide Between America and Europe*. New York: Oxford University Press.
- Zedner, Lucia. 2002. The dangers of distopia in penal theory. *Oxford Journal of Legal Studies*, 2: 341–366.

Mary Bosworth is Reader in Criminology at the University of Oxford and a fellow of St Cross College. She writes about race, gender and citizenship with a particular focus on prisons and border control. Her books include *Engendering Resistance* (1999), *The US Federal Prison System* (2002), *Explaining US Imprisonment* (2010) and, with Carolyn Hoyle *What is Criminology?* (2011). She is currently conducting an ethnography of life in British immigration detention centres.

EDITORIAL INTRODUCTION

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

Policy implications of sex offender residence restrictions laws

Richard Tewksbury, Senior Editor

University of Louisville

The supervision, control, and monitoring of sex offenders is one of the most debated and controversial criminal justice issues in the United States today. Through sex offender registration and notification (SORN), as well as accompanying legal restrictions on their behaviors, employment, and residential locations nearly all jurisdictions in the nation today attempt to reduce recidivism. However, such policies and practices are viewed by the public (Schiafone and Jeglic, 2009) as well as by most scholars as, at best, contributing minimally to public safety. Among the most serious and far-reaching of the policies designed to control sex offenders' behaviors are residential restrictions.

Limitations on where registered sex offenders may live have been widely shown to impose negative consequences on both offenders (Levenson, Zgoba, and Tewksbury, 2007; Tewksbury, 2007; Tewksbury and Lees, 2006; Zandbergen and Hart, 2006, 2009) and their families (Farkas and Miller, 2007; Levenson and Tewksbury, 2009; Tewksbury and Levenson, 2009). Among the most clearly demonstrated findings of the research on SORN, including residential restrictions, is that registered sex offenders are likely to be concentrated either in very dense, socially disorganized communities or in rural communities lacking in employment, treatment, and transportation options (Barnes, Dukes, Tewksbury, and DeTroye, 2009; Hughes and Burchfield, 2008; Hughes and Kadleck, 2008; Minnesota Department of Corrections, 2003; Mustaine, Tewksbury, and Stengel, 2006; Red-Bird, 2009; Tewksbury and Mustaine, 2006, 2008; Zandbergen and Hart, 2006, 2009; Zgoba, Levenson, and McKee, 2009). However, despite the well-established negative consequences of such policies, residential restrictions are increasingly common across the nation. Initial

Direct correspondence to Richard Tewksbury, Department of Justice Administration, University of Louisville, Louisville, Kentucky 40292 (e-mail: tewks@louisville.edu).

research efforts have demonstrated that residential restrictions are likely to contribute little to public safety (Barnes et al., 2009; Blood, Watson, and Stageborg, 2008; Duwe, Donnay, and Tewksbury, 2008; Levenson, 2008; Minnesota Department of Corrections, 2007; Zandbergen, Levenson, and Hart, 2010), but such findings have yet to slow or reverse the move to impose more, farther reaching, and restrictive policies from being implemented.

Kelly Socia (2011, this issue) adds to this body of work through an examination of the effects of varying sizes and scopes of possible residential restrictions for sex offenders in Upstate New York. As Socia demonstrates, regardless of the size of restricted zones or the types of locations near which registered sex offenders may legally reside, there are serious repercussions imposed on offenders and communities. In Upstate New York, the use of residential restrictions are highly likely to corral registered sex offenders—via the combination of legal restrictions, practical considerations, and economic realities—into the most socially disorganized communities. When such occurs, the foundational intents of both SORN and residential restrictions are likely to be contradicted and public safety is placed into jeopardy.

Accompanying the reporting of how varying sizes and scopes of residential restrictions may affect options for where offenders may live, the four policy essays included in this issue (Barnes, 2011; Burchfield, 2011; Leon, 2011; Zgoba, 2011) clearly show the misguided and deleterious consequences of residential restriction policies. These essays, each by a scholar well versed in the dynamics and consequences of SORN and residential restrictions, argue that such policies are in need of serious revision or elimination. This is not to say that no positive outcomes are associated with residence restriction policies. Socia (2011) shows that one potential positive consequence is that sex offenders may be forced to reside outside of socially disorganized communities (assuming they can travel there and find and afford housing). Chrysanthi Leon also argues that residence restrictions offer the positive of symbolic value, which may be possessed by both policy makers and society in general (as such policies may be a “means of fortifying solidarity” against the socially undesirable).

Although the general message of each of these policy essays (and Socia’s [2011] main article) is the same, each author also offers a unique take on how, where, and why residential restrictions are flawed, and on how, where, and why these public policies are in need of modification. Perhaps most basic here is the argument—common across these policy essays—that the assumptions on which residential restrictions are founded are flawed and inaccurate. As just one example, residential restrictions prevent known sex offenders from living near child congregation locations. The assumption here is that all sex offenders victimize children and, most likely, children with whom they do not already have a relationship. Both of these ideas are inaccurate. Additionally, residence restrictions are based on the assumption that if offenders live farther away from schools, day cares, and so on, they are unable or unlikely to access such locations. But, as Kristen Zgoba (2011) notes, “a motivated offender always has access to public transportation.” The range of faulty

foundational assumptions is summarized by Keri Burchfield (2011) who concludes that “virtually every assumption built into residence restriction policies is faulty or not based on empirical evidence.” Clearly, residence restriction policies are in dire need of modification or elimination. As this article and its policy essays show, if we are to hold to a belief in the value and utility of evidence-based policies; residential restriction policies must be revised, restructured, or removed.

References

- Barnes, J. C. 2011. Place a moratorium on the passage of sex offender residence restriction laws. *Criminology & Public Policy*, 10(2): 401–409.
- Barnes, J. C., Tony Dukes, Richard Tewksbury, and Timothy M. DeTroye. 2009. Analyzing the impact of a statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20: 21–43.
- Blood, Phyllis, Lanette Watson, and Paul Stageborg. 2008. *State Legislation Monitoring Report: FY2007*. Des Moines: Iowa Department of Human Rights.
- Burchfield, Keri B. 2011. Residence restrictions. *Criminology & Public Policy*, 10(2): 411–419.
- Duwe, Grant, William Donnay, and Richard Tewksbury. (2008). Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35: 484–504.
- Farkas, MaryAnn and Gale Miller. 2007. Reentry and reintegration: Challenges faced by the families of convicted sex offenders. *Federal Sentencing Reporter*, 20: 88–92.
- Hughes, Lorine A. and Keri B. Burchfield. 2008. Sex offender residence restrictions in Chicago: An environmental injustice? *Justice Quarterly*, 25: 647–673.
- Hughes, Lorine A. and Colleen Kadleck. 2008. Sex offender community notification and community stratification. *Justice Quarterly*, 25: 469–495.
- Leon, Chrysanthi. 2011. The contexts and politics of evidence-based sex offender policy. *Criminology & Public Policy*, 10(2): 421–430.
- Levenson, Jill S. 2008. Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21: 153–166.
- Levenson, Jill S. and Richard Tewksbury. 2009. Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34: 54–68.
- Levenson, Jill S., Kristin M. Zgoba, and Richard Tewksbury. 2007. Sex offender residence restrictions: Sensible crime policy or flawed logic? *Federal Probation*, 71: 2–9.
- Minnesota Department of Corrections. 2003. *Level Three Sex Offenders Residential Placement Issues*. St. Paul: Author.
- Minnesota Department of Corrections. 2007. *Residential Proximity & Sex Offender Recidivism in Minnesota*. St. Paul: Author.
- Mustaine, Elizabeth Ehrhardt, Richard Tewksbury, and Kenneth M. Stengel. 2006. Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, 27: 329–350.

- Red-Bird, Beth. 2009. *Assessing Housing Availability Under Ohio's Sex Offender Residency Restrictions*. Columbus: The Ohio State University.
- Schiavone, Stacy K. and Elizabeth L. Jeglic. 2009. Public perception of sex offender social policies and the impact on sex offenders. *International Journal of Offender Therapy and Comparative Criminology*, 53: 679–695.
- Socia, Kelly M. 2011. The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10(2): 351–389.
- Tewksbury, Richard. 2007. Exile at home: The unintended collateral consequences of sex offender residency restrictions. *Harvard Civil Rights – Civil Liberties Law Review*, 42: 531–540.
- Tewksbury, Richard and Matthew B. Lees. 2006. Perceptions of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26: 309–334.
- Tewksbury, Richard and Jill S. Levenson. 2009. Stress experiences of family members of registered sex offenders. *Behavioral Sciences and the Law*, 27: 611–626.
- Tewksbury, Richard and Elizabeth Ehrhardt Mustaine. 2006. Where to find sex offenders: An examination of residential locations and neighborhood conditions. *Criminal Justice Studies*, 19: 61–75.
- Tewksbury, Richard and Elizabeth Ehrhardt Mustaine. 2008. Where registered sex offenders live: Community characteristics and proximity to possible victims. *Victims and Offenders*, 3: 86–98.
- Zandbergen, Paul A. and Timothy C. Hart. 2006. Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8: 1–24.
- Zandbergen, Paul A. and Timothy C. Hart. 2009. *Availability and Spatial Distribution of Affordable Housing in Miami-Dade County and Implications of Residency Restrictions Zones for Registered Sex Offenders*. Miami, FL: Miami Coalition for the Homeless.
- Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart. 2010. Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37: 482–502.
- Zgoba, Kristen M. 2011. Residence restriction buffer zones and the banishment of sex offenders: Have we gone one step too far? *Criminology & Public Policy*, 10(2): 391–400.
- Zgoba, Kristen M., Jill Levenson, and Tracy McKee. 2009. Examining the impact of sex offender residence restrictions on housing availability. *Criminal Justice Policy Review*, 20: 91–110.

Richard Tewksbury is Professor of Justice Administration at the University of Louisville. His research focuses on issues of collateral consequences of sex offender registration and community notification, sex offender recidivism and correctional institution culture and management.

EXECUTIVE SUMMARY

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

Overview of “The policy implications of residence restrictions on sex offender housing in Upstate NY”

Kelly M. Socia

University at Albany, SUNY

Research Summary

Only a handful of studies have evaluated how residence restrictions would affect sex offender housing options, and even fewer have compared different residence restrictions to one another. This study analyzed how different types of statewide residence restrictions would affect the housing options of convicted sex offenders in the Upstate New York region. Combinations of five buffer zone sizes (500 – 2,500 feet) and three scopes of restricted locations resulted in comparisons between fifteen unique residence restriction policies. Neighborhoods (i.e., census block groups) were first separated into three groups based on the percentage of restricted housing parcels they contained under each residence restriction policy (i.e., less than 33 percent of restricted housing parcels for the least restricted group, between 33 and 66 percent for the moderately restricted group, and more than 66 percent for the most restricted group). Measures of housing density, housing availability and housing affordability, and social disorganization were compared between these groups using ANOVA.

Findings indicate that the least restricted neighborhoods were consistently the least dense and the least socially disorganized. However, the size and scope of a restriction influenced conclusions about the availability and affordability of housing and the overall number of neighborhoods offering substantial unrestricted housing to sex offenders. Additionally, comparing the extremely unrestricted and extremely restricted neighborhoods (i.e., neighborhoods containing less than 10 percent and more than 90 percent of restricted housing parcels, respectively) yielded similar conclusions to the comparisons of the least and most restricted neighborhoods.

Policy Implications

This study is important because it provides recommendations for best practices for evaluating potential or existing sex offender residence restriction policies in the future, as well as providing policy makers with evidence-based research to base policy decisions from. Some of the best practices promoted by this study include examining neighborhoods at the census block group level, using factor analysis for measuring social disorganization, and controlling for differing housing markets across the study area. In terms of evidence-based research results, this study found that how a residence restriction policy affects sex offender housing options at the neighborhood level can depend largely on the size and scope of the policy in question, but the neighborhoods likely to be the most restricted are typically the most dense, the most disorganized, and offer the most available and affordable housing options.

As a result, policy makers should consider both the potential benefits of these policies, such as limiting sex offenders from residing in the most disorganized neighborhoods, and the potential consequences, such as limiting available and affordable housing options, or forcing offenders into only a handful of rural neighborhoods that may lack adequate support structures. Policy makers are advised to carefully study proposed or existing residence restrictions to ensure the evidence-based implementation (or retraction) of such policies.

The results of this study indicate that residence restrictions, particularly in Upstate New York, are unlikely to be effective at either promoting the rehabilitation of registered sex offenders or increasing the safety of community members, particularly in less urban areas. As such, when policy makers are unable to devote the resources required to carefully study the effects of a proposed restriction, the results of this study suggest that residence restrictions should be bypassed in favor of other, more evidence-supported policies. Residence restrictions should not be used by policy makers who are seeking a “quick fix” to the problems of increased sex crimes or concerns about increased sex offender reentry. In order to be effective, alternative policies should have research evidence supporting their ability to (a) increase the ability of communities to informally monitor and control other neighborhood residents (see Walker, et al., 2001), (b) increase the supervision and treatment of such offenders (Walker, 2007), and/or (c) increase other opportunities that provide for the successful reentry and rehabilitation of convicted sex offenders.

Keywords

sex offender, residence restrictions, social disorganization, housing, neighborhoods

RESEARCH ARTICLE

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

The policy implications of residence restrictions on sex offender housing in Upstate NY

Kelly M. Socia

University at Albany, SUNY

Across the country, state and local legislatures have enacted residence restriction laws against convicted sex offenders in response to fears involving the sexual victimization of children (Walker, 2007; Yung, 2007). These laws attempt to restrict the interactions between convicted sex offenders and children, with the expectation being that this tactic will lead to reduced sexual recidivism and victimization. To accomplish this goal, residence restrictions prohibit convicted sex offenders from living within a certain distance, typically between 500 and 2,500 feet (see Meloy, Miller, and Curtis, 2008; Nieto and Jung, 2006), of specific places where children congregate (i.e., the scope of the restriction). Although both state and local restrictions commonly include schools and daycares in their scope, they also might include areas such as parks, playgrounds, churches, pools, bike trails, fairgrounds, malls, and even bus stops (Meloy et al., 2008). In effect, these restrictions create buffer zones of a given size around the child congregation locations defined in the restriction's scope. Sex offenders subject to such restrictions are prohibited from living on property that is either fully or partially within a buffer zone. As such, this policy can limit the ability of sex offenders to find housing either

Although not a comprehensive list, the author gratefully acknowledges the helpful comments and critiques of Drs. Alan Lizotte, Steven F. Messner, Greg Pogarsky, and Richard Tewksbury; three anonymous reviewers; and especially Dr. Janet Stamatel. Unfortunately, the author is responsible for any and all errors. Direct correspondence to Kelly M. Socia, Draper Hall, School of Criminal Justice, University at Albany, SUNY, 135 Western Avenue, Albany, NY 12222 (e-mail: ksocia@gmail.com).

after their release from incarceration or upon a subsequent relocation while in the community.

A residence restriction splits housing into two groups: the unrestricted housing outside of the buffer zones and the restricted housing full or partially inside the buffer zones. All else equal, sex offenders subject to a residence restriction will be more likely to seek, and successfully find, housing located in the neighborhoods containing the least restricted housing. However, if the less restricted neighborhoods have different characteristics compared with other neighborhoods, then the ability of sex offenders to find housing could be impacted, which potentially could lead to unintended benefits or consequences for both sex offenders and residents. Therefore, comparing the spatial, demographic, and social characteristics of the less restricted neighborhoods with the average characteristics of the neighborhoods in an area can help policy makers examine how a residence restriction could change sex offender housing options from what they are prior to the restriction.¹ Additionally, describing how the characteristics of the less restricted neighborhoods differ from those of the more restricted neighborhoods can indicate which types of neighborhoods (based on their spatial, demographic, and social characteristics) would be affected most by a residence restriction policy. In either case, the results from these comparisons can aid policy makers in deciding whether the implementation of a residence restriction would lead to unintended consequences or benefits for their jurisdiction.

The Present Study

The present study examines how a statewide residence restriction policy affects sex offender housing options in Upstate New York and interprets these findings for policy makers who might be considering or evaluating such restrictions. It uses spatial analysis to determine the coverage of residence restriction policies, with data aggregated to the neighborhood level. Neighborhoods then are categorized into groups based on the percentage of total housing in the neighborhood that would be restricted under a given residence restriction policy. These groups are compared based on characteristics that the existing literature identifies as relevant to successful sex offender reentry (e.g., neighborhood social disorganization, housing affordability, and housing availability) or as indirectly relevant based on how a residence restriction spatially restricts housing (e.g., the spatial density of housing in a neighborhood).

Specifically, the neighborhoods with the least restricted housing are compared with the neighborhoods with the most restricted housing using analysis of variance (ANOVA) techniques. Additionally, the least restricted neighborhoods are compared with the average

1. Measuring the average characteristics of all neighborhoods in an area provides an indication of what an average neighborhood's characteristics are *prior* to a residence restriction being implemented.

characteristics of all neighborhoods in the sample. Finally, the neighborhoods with extreme amounts of unrestricted housing are compared with both the neighborhoods with the extreme amounts of restricted housing and the average characteristics of all neighborhoods in the sample. Multiple residence restrictions are analyzed with each representing a unique combination of scope and buffer size, allowing for comparisons between different policies.

This study begins with a brief review of the relevant literature and identifies how this article can contribute to this research. It then describes neighborhood characteristics important for analyzing how a residence restriction affects sex offender housing options. The research questions, research design, and results then are presented, followed by a discussion on the potential benefits and consequences of a statewide residence restriction policy in Upstate New York and how this study's findings fit into the existing literature. The limitations of the present study are addressed before the conclusions, which summarize the public-policy implications of residence restrictions and offer recommendations for policy makers and future researchers.

Literature Review

As residence restrictions are relatively new, research specific to these policies is still in its preliminary stages (Levenson, 2009). The few studies examining the efficacy of residence restrictions have found that such policies either would not or did not lead to reduced sex offenses.² In fact, research has yet to be published indicating that residence restrictions reduce sex crimes as intended.³ Instead, most of the current research has focused on the unintended consequences of these policies. To do this analysis, many of these studies have

-
2. Of the two studies that most directly examined whether these policies reduced sex offenses, the first study retroactively analyzed 224 recidivism incidents committed by convicted sex offenders to determine whether any would have been prevented had a residence restriction been in place at the time of the reoffense (Duwe, Donnay, and Tewksbury, 2008; Minnesota Department of Corrections, 2007). The researchers concluded that "over the last 16 years, not one sex offender released from a MCF [Minnesota Correctional Facility] has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home" (Minnesota Department of Corrections, 2007: 25). The second study analyzed aggregate data by comparing the number of charges and convictions of sex crimes against minors in Iowa before and after the enforcement of a statewide residence restriction law (Blood, Watson, and Stageberg, 2008). Findings indicated that sex offenses against minors did not decrease after the law was implemented, although only 3 years of data were analyzed. On a related note, a recent study found that convicted sex offenders who recidivated in Florida did not live any closer to schools or daycares compared with nonrecidivists (Zandbergen, Levenson, and Hart, 2010). This finding is counter to the underlying hypothesis on which these policies are based. Levenson (2009) offered a further review of studies with related findings that can inform on the ability of residence restrictions to reduce sex crimes effectively (e.g., Colorado Department of Public Safety, 2004). Overall, it seems unlikely that residence restrictions are resulting in their intended effects.
 3. This lack of supporting evidence is consistent with many research findings for other recent sex offender policies, such as registration and community notification. For information on the efficacy of other types of sex offender policies at reducing sex crimes, see the review by Socia and Stamatel (2010) and the studies in the May 2010 issue of *Criminal Justice and Behavior*, as introduced by Harris and Lurigio (2010).

examined the locations where sex offenders were living and the unintended consequences that result from influencing where these offenders could live (CSOM, 2008; Levenson, 2009). These consequences include reducing available and/or affordable housing, forcing sex offenders into neighborhoods with certain characteristics, and restricting all housing in a given area.

Additionally, some research has examined the characteristics of neighborhoods where sex offenders live, frequently finding that sex offenders live in neighborhoods with characteristics of social disorganization (e.g., Hughes and Burchfield, 2008; Hughes and Kadleck, 2008; Mustaine and Tewksbury, 2008; Mustaine, Tewksbury, and Stengel, 2006a, 2006b; Tewksbury, 2007; Tewksbury and Mustaine, 2008; but see Tewksbury and Mustaine, 2006; Youstin and Nobles, 2009). If the implementation of a residence restriction causes sex offenders to be *more* likely to live in socially disorganized neighborhoods that lack the capability for effective social control, then an unintended consequence of these policies might be an increase in recidivism (Barnes, Dukes, Tewksbury, and De Troye, 2009; Mustaine et al., 2006b; Zandbergen and Hart, 2006). However, if residence restrictions reduce housing in the most disorganized neighborhoods, then sex offenders who must relocate from these neighborhoods might be subject to greater social control, which could reduce recidivism rates.⁴ Alternatively, if residence restrictions restrict housing in neighborhoods offering the most available and affordable housing, then sex offenders might be subject to increased financial and emotional stress, which can negatively affect their chances of successful reentry and rehabilitation (e.g., Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003; Willis and Grace, 2008).⁵

Furthermore, some research indicates that sex offenders can be forced entirely out of dense, urban neighborhoods because these neighborhoods have a high density of child congregation locations that result in overlapping buffer zones of restricted housing (e.g., Chajewski and Mercado, 2009; Zandbergen and Hart, 2006; Zgoba, Levenson, and McKee, 2009). If sex offenders are forced out of urban neighborhoods entirely, then these offenders might be less likely to find employment and might have to live farther from treatment centers

4. It also is possible that increased social control over sex offenders could yield better detection rates of offenses, thus leading to potential *increases* in sexual recidivism rates, or otherwise might increase the rates of parole violation. It is likely that such findings would be indicative of better monitoring practices rather than of actual increases in the commission of crime/violations.

5. This outcome is assuming that sex offenders abide by the residence restrictions. Unfortunately, preliminary research shows that many sex offenders continue to live in restricted locations after the passage of a residence restriction (e.g., Grubestic, Mack, and Murray, 2007; Hughes and Burchfield, 2008; Levenson and Cotter, 2005; Tewksbury and Mustaine, 2006; Youstin and Nobles, 2009). In fact, Hughes and Burchfield (2008) found that more than 50% of sex offenders with child victims continued to live within restricted housing years after such a policy was passed in Chicago. Furthermore, research in Jefferson County, Kentucky, found that even when sex offenders did move, they were likely to end up in a more disorganized neighborhood compared with where they were living (e.g., Mustaine et al., 2006a).

and public transportation options (e.g., Barnes et al., 2009; Casady, 2009; Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003), which might influence their successful reentry and rehabilitation.

The literature that directly examines how these policies influence housing options for sex offenders has been growing in recent years. Still, only a handful of studies mapped actual or proposed residence restriction policies and analyzed the restrictions they impose on sex offender housing options. These studies can be separated into two groups: those analyzing a single policy of a set size and scope (Table 1) and those comparing different types of residence restriction policies (Table 2). In most cases, these studies analyzed existing or proposed residence restrictions in specific counties or cities.

Of these studies, five measured the amount of restricted housing based on the restricted status of individual housing parcels, whereas four measured the amount of land area covered by a restriction.⁶ Six studies included the residential locations of registered sex offenders, six examined a single city or county, and five compared restrictions of different sizes and scopes. Key aspects of these studies are available in the associated tables, and their conclusions are summarized in subsequent sections.

Studies of Single Residence Restriction Policies

The results of studies of single residence restriction policies are conflicting. Studies in Chicago, Illinois, and Franklin County, Ohio (which includes the city of Columbus), found that residence restrictions reduced affordable housing options and restricted housing mainly in high-poverty areas (Hughes and Burchfield, 2008; Red-Bird, 2009).⁷ However, a third study found that a proposed residence restriction would restrict most rental housing in Hamilton County, Ohio (which includes the city of Cincinnati), but no difference would exist in the affordability or availability of restricted and unrestricted housing (Grubestic et al., 2007).⁸ A fourth study that was part of a larger report from the Minnesota Department of Corrections (2003) noted that a 1,500-foot residence restriction around schools and parks would have restricted most of the housing in the cities of Minneapolis and St. Paul and that sex offenders subject to these restrictions likely would be forced into more rural areas. Because all these studies focused on a single proposed residence restriction of a set size and

6. A housing parcel is a single plot of taxable land on which a residential structure exists. These properties also can be referred to as "residential parcels" and can vary in physical size, type of building (e.g., single/dual family home, multiunit apartment building, etc.), and the total number of housing units (i.e., residences) they contain.

7. Hughes and Burchfield (2008) surmised that this reduction occurred because of the higher number of schools, daycares, and parks located in disadvantaged neighborhoods and because such neighborhoods were typically smaller than the affluent neighborhoods.

8. In that study, affordability was measured using categories for the average contract rent of the census block group, whereas availability was measured as the calculated number of vacant renter-occupied units in each census block.

T A B L E 1

Residence Restriction and Housing Studies: Single Policy Analysis

Author	Location	Restriction Size	Restriction Scope	Housing Measure	Neighborhood Aggregation	Sex Offenders	Findings
Grubestic et al. (2007)	Hamilton County, Ohio	1,000'	Schools	256,946 housing parcels	Census block and block group	1,095 registered sex offenders	Between 31% and 45% of sex offenders would have been living in a 1,000' buffer zone around schools or related properties, and most sex offenders (88%) lived within 2,000' of such areas. No difference was found in either availability or affordability between restricted and nonrestricted housing parcels. Approximately one third of all rental property was located outside of the buffer zone.
Hughes and Burchfield (2008)	Chicago, Illinois	500'	Schools, daycares, and parks	Amount of land area	Census tract	2,025 registered sex offenders with child victims	Chicago's 500' restriction produced more restricted housing in disadvantaged tracts, which had more schools, parks, and daycares, and were smaller than the affluent tracts. Approximately 50% of sex offenders with child victims continued to live near restricted locations years after the residence restriction was passed. A disproportionate number of sex offenders lived in disadvantaged neighborhoods compared with the general population.
Minnesota Department of Corrections (2003)	Minneapolis and St. Paul, Minnesota	1,500'	Schools, daycares,* and parks	Amount of land area	Not analyzed	Not analyzed	A 1,500' residence around public and private schools and parks would have restricted most housing in both cities. Sex offenders subject to these restrictions likely would be forced into more rural areas. * A 1,500' restriction around registered day cares would result in similar buffer zones as those around schools but also would have restricted additional areas.
Red-Bird (2009)	Franklin County, Ohio	1,000'	Schools and daycares	1,883 housing parcels sampled via a proportional stratification measure	Census tract	1,428 registered sex offenders	Sex offenders were more likely to live in low-income neighborhoods than the general population. Approximately one third would be in violation of the restriction. Four fifths lived in areas with median rents below the county median rent. Restrictions reduced the amount of affordable housing more than they reduced the amount of available housing. Approximately 60% of all housing parcels were in the buffer zone, but more than 80% were restricted in high-poverty areas. No relationship was found between the sex offender residence and the proportion of homes with children.

T A B L E 2

Residence Restriction and Housing Studies: Multiple Policy Analysis

Author	Location	Restriction Size	Restriction Scope	Housing Measure	Neighborhood Aggregation	Sex Offenders	Findings
Barnes et al. (2009)	Four South Carolina counties	1,000' and 1 mile (5,280')	Schools and daycares	540,613 housing parcels	Census block	246 registered sex offenders on community supervision	The 1,000' policy would restrict almost half of all unoccupied residential property, and put approximately 20% of sex offenders in violation. The 1-mile restriction would restrict more than 80% of all unoccupied residential property and would put approximately 80% of sex offenders in violation. In three of the four counties, sex offenders would be forced to reside farther from treatment centers because of the restriction.
Chajewski and Mercado (2009)	A New Jersey rural township, suburban county, and urban city	1,000' and 2,500'	Schools	Amount of land area	Not analyzed	268 registered sex offenders	Urban areas experienced the most restricted housing. Approximately one third of sex offenders in rural and suburban areas, and two thirds in urban areas, would be within a 1,000' buffer. In all areas, most sex offenders would be within a 2,500' buffer. Although sex offenders in urban areas lived closer to schools than the general population, those with child victims lived farther than those with adult victims.
Zandbergen and Hart (2006)	Orange County, Florida	1,000' and 2,500'	Schools, daycares, parks, bus stops, and attractions, both individually and combined	269,428 housing parcels	Not analyzed	Not analyzed	The 1,000' and 2,500' restrictions around all locations would restrict 95.2% and 99.7% of potentially available properties, respectively. Bus stops resulted in the most coverage. As urban areas experienced the most restricted property, sex offenders would be forced into low-density rural and agricultural areas to find housing. The scope of the restriction was more important than its size.

Zandbergen and Hart (2009a, 2009b)	Miami-Dade County, Florida	1,000', 1,500', 1,750', 2,500', plus multiple other local ordinances	Combinations of schools, daycares, parks, and public school bus stops, in addition to multiple actual local ordinances.	927,624 housing parcels	Not analyzed	Not analyzed	Restriction zones severely restricted the availability of housing, especially that of affordable housing. The least restrictive scenario of a 1,000' restriction around schools, daycares, and parks left 233,002 unrestricted housing units, of which 73,987 were considered affordable (i.e., had a monthly housing cost of \$1,250 or less). In this scenario, available housing would be located in many municipalities. The most restrictive scenario excluding public school bus stops left 49,007 housing units, of which only 13,926 were affordable. Including public school bus stops in any scenario left approximately 1% or less of available housing for sex offenders. Under these more restrictive scenarios, most available housing units would be located in heavily unincorporated areas, and the remaining units would be in only six municipalities. In all cases, the amount of available housing was restricted further if only rental units were considered, or if "actually available" units were considered.
Zgoba et al. (2009)	Camden County, New Jersey	1,000' and 2,500'	Schools, daycares, parks, and churches	Amount of land area	Census block	211 registered sex offenders	Approximately 80% of the county's population lived within 2,500' of schools or daycares. Most sex offenders lived within 1,000' (58%) and 2,500' (88%) of one of more restricted locations. Sex offenders with adult victims lived significantly closer to schools and parks than those with child victims. No significant differences were noted between proximity to restricted locations and victim-offender relationship.

scope, they could not comment on how *changes* in the residence restriction's size and scope would have affected results.

Studies of Multiple Residence Restriction Policies

However, studies that have analyzed multiple residence restriction policies *have* been able to inform on how changes to a residence restriction could affect results (see Table 2). Despite having analyzed many different buffer sizes and scopes among all these studies, their results were similar. For instance, these studies concluded that residence restrictions resulted in limited housing options (e.g., Barnes et al., 2009; Chajewski and Mercado, 2009; Zandbergen and Hart, 2006, 2009a, 2009b; Zgoba et al., 2009), that many sex offenders lived within the proposed or existing buffer zones (e.g., Barnes et al., 2009; Chajewski and Mercado, 2009; Zgoba et al., 2009), and that sex offenders likely would be forced to seek unrestricted housing in low-density rural/agricultural areas because of a residence restriction policy (Zandbergen and Hart, 2006, 2009a, 2009b).⁹ Furthermore, as the size and scope of the restriction increased, these results became more pronounced. Neighborhood density also was identified as an important factor. For example, when Chajewski and Mercado (2009) compared results from a rural township, a suburban county, and an urban area, they found that the denser, urban areas contained more restricted housing than the less dense, rural areas. Similarly, Zandbergen and Hart (2009a, 2009b) found that under different residence restriction scenarios, most unrestricted housing was located in rural, unincorporated areas of the county.¹⁰

Conclusions of the Literature

Several conclusions can be drawn from the general literature on sex offender residences and from the literature analyzing specific residence restriction policies. First, the densest neighborhoods contained the most restricted housing, in terms of both the highest percent of housing units and the highest percent of restricted land area. This is probably because these neighborhoods were physically smaller or because they contained more child congregation locations than less dense neighborhoods. Second, housing availability and affordability, along with measures of neighborhood disadvantage, are important considerations when examining both where sex offenders were living and how a residence restriction might affect sex offenders' housing options. This consideration is especially relevant given the research findings that sex offenders frequently lived in the most available, affordable, and

9. Additionally, an unpublished study of multiple residence restrictions in Broward County, Florida, is referred to in a recently released final report by the county's Sex Offender and Sexual Predator Task Force (2009). Although few specifics about this study are available, it seems that the larger buffer zones resulted in substantially fewer unrestricted units in the unincorporated areas of Broward County.

10. These results are not surprising given the prediction of Zgoba et al. (2009: 15) that "dwellings situated farther from schools and daycare centers are located in more affluent areas with lower density and larger properties."

disadvantaged neighborhoods. Third, increasing either the size or the scope of the restriction led to significant increases in restricted housing, although only one study (Zandbergen and Hart, 2009a, 2009b) considered how small increases in buffer size (such as an increase of 500 feet) would influence the results. Finally, although the residence restrictions varied from study to study in both size and scope, most buffer sizes ranged from 500 to 2,500 feet, and most scopes included some combination of schools, daycares, and parks or playgrounds (e.g., Barnes et al., 2009; Chajewski and Mercado, 2009; Grubestic et al., 2007; Hughes and Burchfield, 2008; Minnesota Department of Corrections, 2003; Red-Bird, 2009), although a few included other locations, such as churches (e.g., Zgoba et al., 2009), school bus stops (e.g. Zandbergen and Hart, 2009a, 2009b), and other children's attractions (e.g., Zandbergen and Hart, 2006).

This Study's Contributions to the Existing Literature

Although prior studies have provided an important groundwork for policy makers and researchers, there are areas in which this study can contribute to the findings and methodology of the existing literature. For example, the first contribution of this study is that it compares a wider range of study areas than has been examined previously, and it provides findings for areas that are typical of those found throughout the United States (see U.S. Census Bureau, 2002: 6). This setup also allows for a closer examination of the relationship between neighborhood housing density and restricted housing, which could be a central factor for which neighborhoods become restricted.

The second contribution stems from the lack of consensus regarding the measurement of restricted housing. Analyzing the percent of land area covered by a restriction, as has been done in some prior research, actually does not measure the percent of restricted *housing* and might lead to errors in estimation, particularly in neighborhoods that contain a diverse mixture of residential, nonresidential, and combined-use parcels. Thus, measuring restricted housing parcels seems preferable, especially when paired with neighborhood-level data. Furthermore, using neighborhood data allows for approximating the density of residences *within* housing parcels (i.e., housing units per parcel and single vs. multifamily zoning), which accounts for multifamily housing parcels that offer more potential housing units per housing parcel than single-family housing parcels.¹¹

Related to this point, the third area of contribution comes from supporting the use of parcel data rather than point data. In fact, the use of point data to approximate the geographic location of either restricted housing parcels or of restricted locations in the scope (e.g., schools, daycares, and playgrounds) has its own specific concerns. Because point data typically represent the geographic center of the plot of land, only conservative estimates of buffer zone coverage and restricted housing are allowed (see Zandbergen, 2008; Zandbergen

11. The author would like to thank Dr. James W. Golden for his helpful comments in regard to single versus multifamily housing in relation to sex offender residences.

and Hart, 2009c). By obtaining geographic parcel data for both restricted locations (e.g., schools, daycares, and playgrounds) and residential housing, the spatial boundaries of the parcels can be used to analyze the spatial coverage of buffer zones better and to provide more accurate estimates for whether individual residential housing options are fully or partially within a buffer zone.¹²

A fourth contribution of this study stems from the lack of consensus regarding the definition of a neighborhood. Although most studies have used either a census tract or a census block as an approximation of a neighborhood, both have potential limitations. For instance, studies that rely solely on census blocks (e.g., Barnes et al., 2009; Zgoba et al., 2009) are limited in the amount of census data they can analyze because of data restrictions meant to ensure resident anonymity. Conversely, studies that rely solely on census tracts (e.g., Hughes and Burchfield, 2008; Red-Bird, 2009) cannot measure the diversity that exists within each tract (see Goodman, 1977). The present study defines neighborhoods as individual census block groups and recommends this methodology for similar studies in the future because the census block group is the smallest unit of aggregation that still provides access to the census demographic and housing data that are available at the census tract level but are unavailable at the census block level.

Finally, although different indicators of neighborhood disorganization (or a similar measure) have been central to many studies of sex offender residential locations (e.g., Hughes and Burchfield, 2008; Hughes and Kadleck, 2008; Mustaine and Tewksbury, 2008; Mustaine et al., 2006a, 2006b; Tewksbury, 2007; Tewksbury and Mustaine, 2006, 2008), these indicators rarely have been included in examinations of how residence restrictions affect sex offender housing (but see Hughes and Burchfield, 2008). As noted, social disorganization can have important consequences for successful sex offender reentry and rehabilitation. As such, the fifth area of contribution is that this study provides extended research on how residence restrictions influence housing in neighborhoods with indicators of social disorganization.

Neighborhood Characteristics of Interest to the Present Study

The existing literature has identified specific neighborhood characteristics useful in examining how a potential residence restriction policy can affect the residential options of sex offenders. These characteristics describe the spatial density of housing, the availability and affordability of housing, and the neighborhood levels of disorganization. In addition to these characteristics, this study examines the overall proportion

12. An anonymous reviewer noted that the use of point data is less of a concern for studies analyzing aggregated neighborhood level data on restricted housing, at least compared with studies analyzing individual level data. Still, when point data are used to determine whether individual sex offender residences are within restricted buffer zones, rather than analyzing the percentage of land or all housing that is within the buffer zones, the aggregation of these data does not mitigate the positional errors of the buffer zones in relation to individual sex offender residences.

of neighborhoods that are either least restricted or most restricted after a residence restriction, and it considers the influence of size and scope on these outcomes. These variables all have important implications for the successful reentry and rehabilitation of sex offenders, resident safety and peace of mind, as well as stakeholder buy-in for policy makers.

Density. The existing research indicates that the densest, most urban neighborhoods become the most restricted as a result of a residence restriction policy, likely because they contain many child congregation locations within a relatively small area (e.g., Chajewski and Mercado, 2009; Minnesota Department of Corrections, 2003; Zandbergen and Hart, 2006; Zgoba et al., 2009). As noted, restricting offenders from living in denser, more urban neighborhoods might force them to seek housing in less dense, more rural neighborhoods farther from employment opportunities, treatment centers, and public transportation options (e.g., Barnes et al., 2009; Casady, 2009; Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003).

Housing availability and affordability. Finding available and affordable housing is extremely important in terms of successful reentry, and Roman and Travis (2004) noted that affordability can be the most significant barrier to exoffenders finding housing. If residence restrictions reduce access to available and affordable housing, then sex offenders subject to these restrictions could face increased financial and emotional stress or might be unable to find *any* housing in a community, either of which can reduce these offenders' chances of successful reintegration (Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003; Wagner, 2009; Willis and Grace, 2008) and ultimately increase the risk faced by neighborhood residents.¹³

Social disorganization. *Social disorganization* has been defined as "the capacity of a neighborhood to regulate itself through formal and informal processes of social control" (Bursik, 1988: 127). As noted, it frequently has been related to the types of neighborhoods where sex offenders live.¹⁴ If a residence restriction policy limits sex offender housing to the most disorganized neighborhoods, then the lack of social control in these areas might lead to potential increases in recidivism or other unintended consequences that can harm sex offenders' chances of successful reintegration (Barnes et al., 2009; Mustaine et al., 2006b; Zandbergen and Hart, 2006) and therefore place residents in jeopardy.

13. Even for those offenders who are grandfathered under a new residence restriction policy, who can live with family members, or who otherwise can find housing after initial release, finding available and affordable housing might become a concern for them during a future move. This concern is particularly relevant given county-level studies that found many sex offenders had moved after their initial release (e.g., Levenson and Cotter, 2005; Mustaine et al., 2006a; Turley and Hutzell, 2001) in addition to the long-term employment difficulties of individuals with a felony conviction (e.g., Pettit and Lyons, 2007; Sabol, 2007; Tyler and Kling, 2007; Western, 2002; Zgoba, Witt, Dalessandro, and Veysey, 2008).

14. This trend, in part, could be a result of the relationship between disorganized areas and available or affordable housing options, but such an examination is outside the scope of the present study.

Alternatively, if a residence restriction policy limits sex offender housing to the least disorganized neighborhoods, then offenders moving into such neighborhoods might find themselves subject to increased neighborhood social control. This situation potentially could increase sex offenders' chances of successful reintegration into the community, reduce the chances of sexual recidivism against other residents, and increase the probability that sexual recidivism and parole violations will be detected or otherwise reported to law enforcement.

Overall neighborhood options. In addition to the previous neighborhood characteristics, an important fourth consideration involves the overall proportion of neighborhoods in which sex offenders realistically can find unrestricted housing. For example, if a residence restriction left only a handful of neighborhoods with unrestricted housing, then it is likely that sex offenders seeking housing, and abiding by the residence restriction, would begin to cluster in these neighborhoods.¹⁵ This outcome likely would result in undesirable consequences for residents of these neighborhoods in terms of decreased housing values (e.g., Larsen, Lowrey, and Coleman, 2003; Linden and Rockoff, 2008; Pope, 2008), increased fears of victimization (e.g., Beck and Travis, 2004; Caputo and Brodsky, 2004; Phillips, 1998; Zevitz and Farkas, 2000), and increased residents' intentions to move (e.g., Zevitz, 2004). Furthermore, this outcome could lead to backlash against the policy makers proposing such laws.

Alternatively, if sex offenders clustered in a handful of neighborhoods as the result of a residence restriction, then the whereabouts and actions of these offenders might become easier to monitor, and treatment centers or access to public transportation options could be placed strategically in or near these areas. Furthermore, residents living in more restricted neighborhoods likely would be supportive of these restrictions, as they could lead to fewer sex offenders living nearby. For all these reasons, it is important to consider what proportion of neighborhoods has the least restricted housing, as these neighborhoods might experience the largest influx of sex offenders after the implementation of a residence restriction policy.

Restriction size and scope. Because the size and scope of a restriction determines how much housing is restricted, it can impact how stakeholders ultimately are affected. For example, a residence restriction with a 500-foot buffer might produce different results than a restriction with a buffer of either 1,500 feet or 2,500 feet. Similarly, a restriction with a scope that imposes buffer zones around K–12 schools and daycares might produce different results than one that includes all educational facilities, daycares, playgrounds, and parks in its scope. Therefore, it is important to compare different types of residence restrictions to determine how changes in the size and scope can influence the outcomes of these policies.

15. However, research on sex offender residences with child victims in Alachua County, Florida, found that although these offenders seemed clustered in a limited number of overall block groups, sex offenders became more spatially dispersed throughout the county after the city of Gainesville enacted a 2,500' local residence restriction policy to supplement an existing 1,000' statewide policy (Youstin and Nobles, 2009).

Comparing different size and scope combinations also will help policy makers who are considering multiple types of residence restrictions or who are considering modifying an existing policy.

Methodology

The existing literature provides a solid foundation on which to design a study that evaluates how residence restrictions affect sex offender housing options. This section begins by identifying the study's two main research questions. It then explains the research design of the study, including the sample, unit of analysis, measurement of restricted housing and comparisons between neighborhoods, the types of residence restriction policies being considered, and the measurement of relevant neighborhood characteristics. The research questions are as follows:

1. Under a statewide residence restriction, how do the less restricted neighborhoods (as measured by the amount of restricted housing) compare with other neighborhoods in terms of the following:
 - a. Neighborhood characteristics measuring spatial density, such as the density of housing parcels and the density of housing units within housing parcels.
 - b. Neighborhood characteristics influencing the ability of registered sex offenders to find realistic housing options, as measured by the average availability and average affordability of housing.
 - c. Neighborhood characteristics measuring social disorganization, which can influence the successful reentry and rehabilitation of sex offenders.
2. Do increases in the residence restriction's buffer size or additions to the scope influence the differences in characteristics between the less restricted neighborhoods and other neighborhoods?

Research Design

Sample. This project examines neighborhoods from a large sample of counties in New York. Counties were included if they met two criteria. The first criterion was based on the average spatial density of tax parcels (i.e., plots of taxable land), and the second was based on the availability of data for the study. Counties were selected that had an average tax parcel density that fell within the range of the average statewide tax parcel density in the United States.¹⁶ Applying this range to New York counties resulted in the exclusion of most New York City metropolitan counties, with the exception of Putnam, and thus, extremely dense, urban environments that are atypical for much of the United States were

16. In the United States, states range from 3 to 472 average tax parcels per square mile (see Stage and von Meyer, 2003).

excluded.¹⁷ Next, counties within this density range were included in the final sample if they had spatial parcel boundary and recent tax roll data available for this study. These data allow for selecting relevant child congregation locations and for calculating the percent of restricted housing in each neighborhood using geographic parcel boundaries rather than address points.

Of the 62 total counties in New York, 56 counties fell within the desired parcel density range, and appropriate parcel data could be acquired from 47.¹⁸ The final data set of 47 counties accounted for almost 2.1 million housing parcels, representing 84% (47/56) of the counties in the density range, 76% (47/62) of all counties in New York, and 88% (46/55) of the counties in the Upstate New York area.¹⁹

Unit of analysis. The unit of analysis in this study is the neighborhood, which is measured as a census block group. As noted, the block group allows for full use of the 2000 U.S. Census data, which is unavailable when using census blocks, while providing more detail regarding neighborhood differences than if census tracts were used. Analyzing neighborhoods, rather than the overall number of restricted housing parcels, allows for measuring neighborhood indicators of spatial density, housing availability and affordability, and social disorganization. Additionally, much of the controversy for policy makers considering residence restrictions lies not with which individual houses are restricted but with which neighborhoods are less or more restricted, and whether the less restricted neighborhoods differ from either the more restricted neighborhoods after the restriction or the average neighborhood prior to the restriction. This leads to the methods used to determine restricted housing and to compare neighborhoods with one another.

Restricted housing. An individual housing parcel is considered to be restricted if it is partially or completely within any of the buffer zones resulting from a residence restriction of a given buffer size around a given scope of child congregation locations (Figure 1). Aggregating individual parcels to the neighborhood level provides a measure of the percentage of restricted housing parcels resulting from the residence restriction policy.

Comparing neighborhoods. To compare the characteristics of neighborhoods with one another, neighborhoods first are separated into three categories based on how much restricted housing they contain under a particular residence restriction. These three categories identify the neighborhoods containing the least restricted (<33% restricted housing parcels), moderately restricted (33–66% restricted housing parcels), and most restricted (>66%

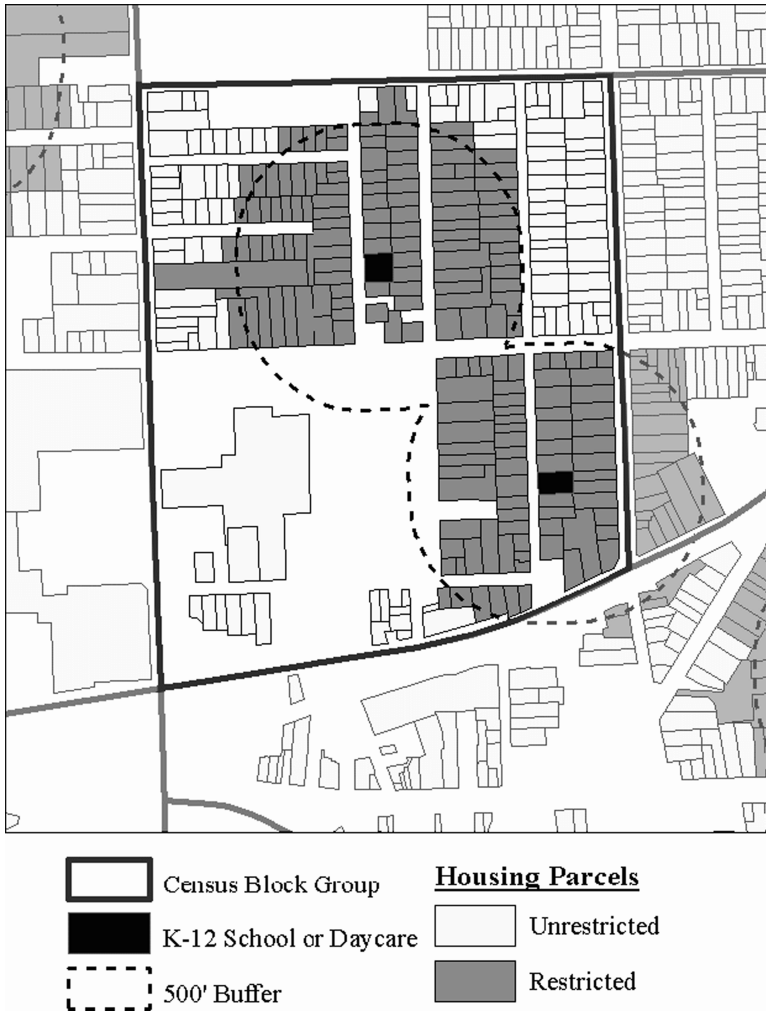
17. In addition to the atypical nature of the New York City area neighborhoods, the inclusion of such a vast number of these neighborhoods in the analysis, which are different from typical upstate neighborhoods, could overshadow results from the upstate neighborhoods entirely or otherwise could produce conclusions that are not applicable to the Upstate New York area.

18. Oneida County was included in the study despite tax roll data being unavailable for parcels within the city of Utica.

19. Upstate New York is considered by this study to be all counties not located within the New York Metropolitan Statistical Area (NYMSA).

FIGURE 1

A Residence Restriction Buffer of 500' Around K-12 Schools and Daycares

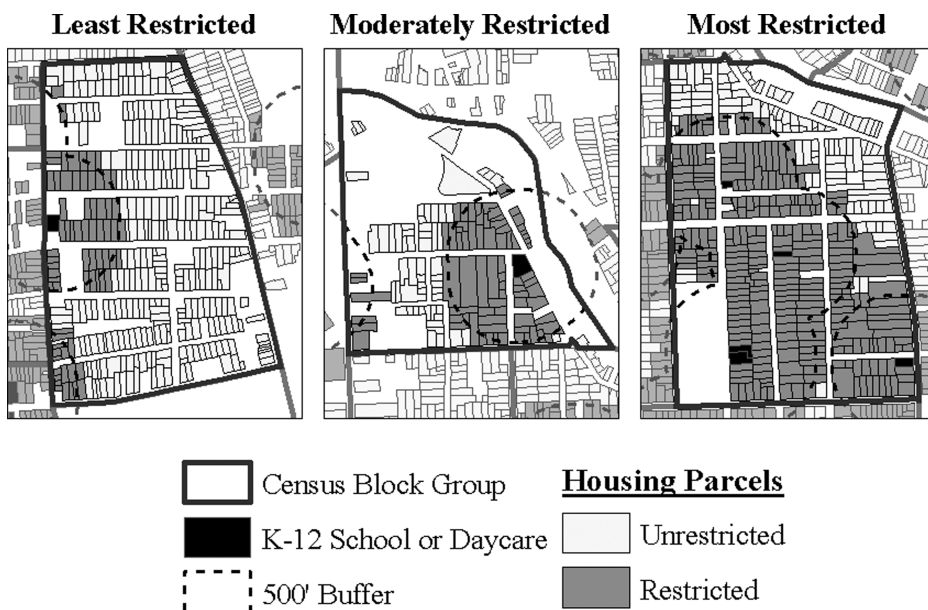


restricted housing parcels) housing.²⁰ Figure 2 provides an example of what a neighborhood in each category might look like in terms of restricted and unrestricted housing parcels.

20. Using these categories provides an intuitive interpretation of the effects of a residence restriction; in the least restricted neighborhoods, less than one out of every three potential housing options would be restricted (i.e., within a buffer zone); in the moderately restricted neighborhoods, between one and two of every three housing options would be restricted; and in the most restricted neighborhoods, more than two of every three housing options would be restricted. Using this separation also allows for each category (i.e., least, moderate or most restricted) to cover an equivalent range of the percent of

FIGURE 2

Examples of Least, Moderately, and Most Restricted Neighborhoods



Additionally, neighborhoods containing extreme amounts of unrestricted or restricted housing (i.e., less than 10% or more than 90% restricted housing parcels, respectively) are compared to determine whether these results are similar to the results found using the least and most restricted categories or whether these “extreme” neighborhoods produce different conclusions.

Comparing the average characteristics of these neighborhood groups indicates whether certain types of neighborhoods are more likely to be restricted after the implementation of a residence restriction and, therefore, indicates which neighborhoods might be most burdened with sex offenders who are relocating or returning to the community. To understand how sex offenders’ housing options changed compared with before the residence restriction, the least restricted neighborhoods and the extremely unrestricted neighborhoods each are compared with the average neighborhood characteristics of the entire sample of neighborhoods. These comparisons are conducted using ANOVA to distinguish whether and how a particular characteristic significantly differs between the two neighborhood groups in question.

Restriction size and scope. Because changes in a residence restriction’s size and scope can affect which housing parcels are restricted, multiple analyses are conducted, with each

restricted housing (~33%) and provides a category of restricted housing that separates the least restricted and the most restricted neighborhoods.

examining a single residence restriction of a unique size and scope combination. This study examines five sizes of restrictions that range from 500 to 2,500 feet, in increments of 500 feet, and three scopes representing a limited scope (K–12 schools and daycares), a medium scope (all educational parcels, daycares, parks, and playgrounds), and a comprehensive scope (all educational parcels, daycares, parks, playgrounds, religious institutions, and several other relevant child congregation locations).²¹ Thus, each neighborhood contains 15 separate measures of restricted housing, with each measure indicating the percent of restricted housing that the neighborhood would contain under a single residence restriction.

The relevant neighborhood characteristics in this study measure the neighborhood housing density, availability and affordability, and social disorganization. As noted, ANOVA analysis allows for comparing these characteristics between different groups of neighborhoods, with each group representing a different amount of restricted housing (least, moderately, and most restricted for the first analysis and extremely unrestricted and extremely restricted for the second analysis) resulting from a residence restriction of a given size (500'–2,500') and scope (limited, medium, and comprehensive). These comparisons identify which characteristics are significantly different between the least restricted and the most restricted neighborhoods, between the extremely unrestricted and the extremely restricted neighborhoods, and between both the least restricted and the extremely unrestricted neighborhoods and the average neighborhood prior to the restriction. How each of these characteristics is measured is explained with greater detail in the subsequent sections.

Density. A neighborhood's density is measured in three ways. The first measure represents a level of overall urbanization and is measured as the average spatial density of housing parcels per square mile. As noted, more urban neighborhoods might contain more child congregation locations because of a greater demand for such services and therefore are hypothesized to contain more restricted housing than less urban neighborhoods. The second measure of density is the percentage of housing parcels that are zoned as multifamily dwellings according to county tax records. All else being equal, neighborhoods with higher percentages of multifamily dwellings are likely to have more housing units in a given area

21. A total of 39 different types of locations are included in the comprehensive scope. These locations include parcels zoned for schools (K–12); colleges and universities; special schools and institutions; other educational facilities and education-related property; libraries; movie theaters; amusement facilities; fairgrounds; amusement parks; game farms; bowling centers; covered and uncovered ice/roller skating rinks; YMCAs/YWCAs/and so on; indoor and outdoor swimming pools; other indoor and outdoor sports; sporting activities and sporting facilities; riding stables; improved beaches; various child and adult camps and camping facilities; resorts; playgrounds; athletic fields; picnic grounds; religious facilities; cultural facilities (e.g., museums and art galleries); recreational facilities (e.g., nature trails and bike paths); city/town/village-, county-, or state-owned public parks and recreation areas; and licensed daycares. All child congregation locations were identified through the use of the property class code available in the parcel tax records, with the exception of daycares, which were geocoded to a street address and then merged with the associated parcel.

than neighborhoods with more single-family dwellings. The third measure of density is the average number of housing units per housing parcel, as identified using 2000 U.S. Census data. This measure provides an indication of how many potential residences (individual apartments and homes) are contained in the average housing parcel in each neighborhood and is a more precise measure of housing density than only using the percentage of multifamily housing parcels in a neighborhood.²²

Housing availability. The availability of housing is measured as the percent of vacant rental housing units in the neighborhood according to the 2000 U.S. Census. This measure gives an indication of the proportion of housing units in a neighborhood that can be occupied on relatively short notice by individuals without the ability to obtain a mortgage, which might be a chief concern for released sex offenders who are unlikely to have either the financial resources required for a down payment on a home or the stable employment record required to qualify for a mortgage and who otherwise cannot stay with family or friends.²³

Housing affordability. The affordability of housing is measured as the median contract rent in the neighborhood divided by the fair market rent of a two-bedroom apartment in that particular housing market in 2000, as indicated by the 2000 U.S. Census and the Office of Housing and Urban Development, respectively.²⁴ Using the ratio of the neighborhood rent and the fair market rent of the housing market allows for comparing neighborhoods that might be subject to vastly different housing market conditions. A housing affordability ratio of 1.0 represents a neighborhood with a median contract rent that is equal to the fair market rent for a two-bedroom apartment in that particular housing market. When comparing between ratios, a higher ratio indicates a more expensive, less affordable neighborhood, controlling for local housing market conditions.

Social disorganization. Neighborhood indicators of social disorganization are measured using a factor analysis of 2000 U.S. Census data that identifies concentrated disadvantage, residential stability, and ethnic heterogeneity. The measurement of these factors is similar to previous studies of neighborhood social disorganization (see Morenoff, Sampson, and Raudenbush, 2001; Sampson, Raudenbush, and Earls, 1997; Silver and Miller, 2004).²⁵ Concentrated disadvantage loads highly on the percent of unemployed residents, the percent

22. Similar to the percent of multifamily housing parcels, this measure allows for the identification of neighborhoods that offer more potential living spaces per parcel, which might be the same as the neighborhoods offering more overall housing parcels per square mile or more multifamily residences overall. In fact, these two measures are not highly correlated ($R^2 = 0.33$) and thus provide unique measurements of housing density that might produce similar results.

23. The author would like to thank Dr. Richard Tewksbury for his helpful comments regarding this point.

24. Fair market rent represents an estimate of the cost to obtain an apartment in suitable condition for habitation in a particular housing market, which can cover multiple counties.

25. Specifically, the three factors were identified using an oblique rotation with Kaiser normalization. Using an orthogonal rotation did not change the overall conclusions. Factor analysis results are available from the author.

of households headed by single females with children, the percent of residents receiving public assistance, the percent of residents living below the poverty line, and the percent of Black residents.²⁶ Residential stability loads highly on the percent of owner-occupied housing and the percent of residents living in the same house for the last 5 years. Ethnic heterogeneity loads highly on the percent of foreign-born residents and the percent of Hispanic residents.

Results

The main results of the study are presented in Tables 3–5. The mean characteristics (and standard errors of the mean) for the least restricted and most restricted neighborhood groups at each buffer size are presented in Table 3 for a limited scope (i.e., K–12 schools and daycares), in Table 4 for a medium scope (i.e., all educational parcels, daycares, parks, and playgrounds), and in Table 5 for a comprehensive scope (i.e., all child congregation locations). In each table, the first column of data represents the average characteristics for all 5,520 neighborhoods in the sample and thus the characteristics of the average neighborhood as measured prior to the implementation of the residence restriction. Means of the least restricted neighborhoods that significantly differ from those of the most restricted neighborhoods, or from those of the average neighborhood prior to the restriction, are noted with an asterisk or a plus sign, respectively.

The focus of the study is on the differences between the least restricted and the most restricted neighborhoods and between the least restricted neighborhoods and the average neighborhood prior to the restriction. As such, results for the moderately restricted group (i.e., neighborhoods with 33–66% restricted housing parcels) are not included in Tables 3–5 for clarity, but they are available from the author. Additionally, descriptive statistics and the correlations between the variables are given in Appendix A. The major findings in terms of neighborhood measures of density, availability, affordability, and disorganization are discussed in subsequent sections.

Density

Regarding research question 1a, the results indicated that the least restricted neighborhoods were always the least dense neighborhoods, regardless of how density was measured and regardless of the size and scope considered. This point was true for comparisons between the least restricted neighborhoods and both the most restricted neighborhoods and the average neighborhood prior to the restriction. Thus, denser neighborhoods were affected more (i.e., more restricted) by residence restrictions than less dense neighborhoods. This finding is consistent with the results of previous studies (e.g., Chajewski and Mercado, 2009; Zandbergen and Hart, 2006; Zgoba et al., 2009).

26. Although the percent of Black residents is included in the factor analysis, the exclusion of this variable did not change overall conclusions (results available from author).

T A B L E 3

Mean Neighborhood Characteristics by Buffer Size and Restricted Group, Limited Scope

Buffer Size Restricted Group	None Prior	500'		1,000'		1,500'		2,000'		2,500'	
		Least	Most	Least	Most	Least	Most	Least	Most	Least	Most
N (neighborhoods)	5,520	3,978	543	2,725	1,727	2,109	2,545	1,731	3,005	1,489	3,349
% (neighborhoods)	100	72.07	9.84	49.37	31.29	38.21	46.11	31.36	54.44	26.97	60.67
Housing parcel density	997	662*	2,402	416*	1,926	281*	1,720	185*	1,613	150*	1,527
	(16)	(15)	(56)	(14)	(30)	(13)	(25)	(11)	(22)	(10)	(21)
Percent multifamily	18.52	13.00*	40.84	9.49*	34.06	7.49*	29.79	6.45*	27.80	5.90*	26.23
	(.29)	(.28)	(.99)	(.27)	(.59)	(.23)	(.49)	(.20)	(.45)	(.19)	(.42)
Units per housing parcel	1.67	1.57*	2.17	1.47*	2.03	1.40*	1.95	1.39*	1.91	1.39*	1.87
	(.03)	(.03)	(.11)	(.04)	(.06)	(.03)	(.05)	(.04)	(.05)	(.04)	(.04)
Percent rental vacancy	7.46	7.06*	9.76	7.13*	8.55	7.25†	7.92	7.41	7.68	7.54	7.51
	(.08)	(.10)	(.25)	(.13)	(.15)	(.15)	(.12)	(.16)	(.11)	(.18)	(.10)
Affordability ratio	1.21	1.23*	1.12	1.24*	1.15	1.23*	1.17	1.22†	1.19	1.21	1.20
	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)
Concentrated disadvantage	0	-.26*	1.35	-.36*	.67	-.40*	.43	-.42*	.33	-.42*	.27
	(.01)	(.01)	(.06)	(.01)	(.03)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)
Residential stability	0	.15*	-.61	.24*	-.38	.30*	-.28	.34*	-.24	.38*	-.21
	(.01)	(.01)	(.04)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.01)	(.01)
Ethnic heterogeneity	0	-.20*	.79	-.34*	.54	-.43*	.41	-.47*	.35	-.50*	.29
	(.01)	(.01)	(.04)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)

* Indicates a significant difference from the means of both the most restricted neighborhoods and the average neighborhood prior to the restriction ($p < .05$).

† Indicates a significant difference from the mean of the most restricted neighborhoods ($p < .05$).

T A B L E 4

Mean Neighborhood Characteristics by Buffer Size and Restricted Group, Medium Scope

Buffer Size Restricted Group	None Prior	500'		1,000'		1,500'		2,000'		2,500'	
		Least	Most	Least	Most	Least	Most	Least	Most	Least	Most
N (neighborhoods)	5,520	3,001	1,106	1,909	2,529	1,426	3,228	1,149	3,617	952	3,846
% (neighborhoods)	100	54.37	20.04	34.58	45.82	25.83	58.48	20.82	65.53	17.25	69.67
Housing parcel density	997	535*	1,908	248*	1,692	116*	1,552	64*	1,459	46*	1,399
	(16)	(16)	(39)	(13)	(25)	(8)	(21)	(5)	(20)	(4)	(19)
Percent multifamily	18.52	9.43*	39.03	6.42*	30.84	5.40*	27.15	5.09*	25.23	4.82*	24.18
	(.29)	(.24)	(.76)	(.19)	(.49)	(.16)	(.43)	(.15)	(.40)	(.16)	(.38)
Units per housing parcel	1.67	1.42*	2.29	1.36*	2.01	1.30*	1.92	1.29*	1.88	1.30*	1.84
	(.03)	(.03)	(.10)	(.04)	(.05)	(.03)	(.04)	(.03)	(.04)	(.03)	(.04)
Percent rental vacancy	7.46	7.00*	8.76	6.98*	8.13	7.22†	7.78	7.57	7.56	7.59	7.44
	(.08)	(.12)	(.17)	(.15)	(.12)	(.17)	(.11)	(.20)	(.10)	(.21)	(.10)
Affordability ratio	1.21	1.25*	1.14	1.23*	1.16	1.22†	1.19	1.20	1.21	1.20	1.21
	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)
Concentrated disadvantage	0	-.34*	.82	-.43*	.45	-.45*	.30	-.44*	.23	-.44*	.19
	(.01)	(.01)	(.04)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)
Residential stability	0	.23*	-.47	.34*	-.30	.39*	-.23	.43*	-.19	.45*	-.17
	(.01)	(.01)	(.03)	(.01)	(.02)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)
Ethnic heterogeneity	0	-.36*	.75	-.50*	.46	-.56*	.34	-.58*	.28	-.59*	.24
	(.01)	(.01)	(.03)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)

*Indicates a significant difference from the means of both the most restricted neighborhoods and the average neighborhood prior to the restriction ($p < .05$).

†Indicates a significant difference from the mean of the most restricted neighborhoods ($p < .05$).

T A B L E 5

Mean Neighborhood Characteristics by Buffer Size and Restricted Group, Comprehensive Scope

Buffer Size Restricted Group	None Prior	500'		1,000'		1,500'		2,000'		2,500'	
		Least	Most	Least	Most	Least	Most	Least	Most	Least	Most
N (neighborhoods)	5,520	2,224	1,707	1,268	3,123	862	3,693	585	4,011	420	4,011
% (neighborhoods)	100	40.29	30.92	22.97	56.58	15.62	66.90	10.60	72.66	7.61	72.66
Housing parcel density	997	377*	1,817	119*	1,569	60*	1,436	40*	1,349	31*	1,349
Percent multifamily	(16)	(16)	(31)	(10)	(22)	(7)	(20)	(5)	(19)	(3)	(19)
	18.52	6.75*	37.35	5.31*	27.70	4.70*	24.84	4.46*	23.46	4.16*	23.46
	(.29)	(.19)	(.60)	(.19)	(.44)	(.21)	(.39)	(.22)	(.37)	(.28)	(.37)
Units per housing parcel	1.67	1.34*	2.19	1.35*	1.92	1.31*	1.84	1.29*	1.81	1.30*	1.81
	(.03)	(.03)	(.07)	(.04)	(.04)	(.04)	(.04)	(.03)	(.04)	(.04)	(.04)
Percent rental vacancy	7.46	6.83*	8.82	7.22†	7.82	7.27	7.50	7.22	7.44	7.25	7.44
	(.08)	(.14)	(.14)	(.19)	(.11)	(.23)	(.10)	(.28)	(.10)	(.32)	(.10)
Affordability ratio	1.21	1.25*	1.13	1.21†	1.19	1.20	1.21	1.19†	1.22	1.19†	1.22
	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)
Concentrated disadvantage	0	-.43*	.72	-.45*	.32	-.45*	.21	-.44*	.16	-.44*	.13
	(.01)	(.01)	(.03)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)
Residential stability	0	.31*	-.41	.40*	-.24	.44*	-.18	.46*	-.16	.48*	-.14
	(.01)	(.01)	(.02)	(.01)	(.02)	(.01)	(.01)	(.02)	(.01)	(.02)	(.01)
Ethnic heterogeneity	0	-.48*	.69	-.56*	.36	-.60*	.26	-.60*	.21	-.62*	.18
	(.01)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)	(.02)	(.01)	(.02)	(.01)

* Indicates a significant difference from the means of both the most restricted neighborhoods and the average neighborhood prior to the restriction ($p < .05$).

† Indicates a significant difference from the mean of the most restricted neighborhoods ($p < .05$).

Housing Availability

Regarding research question 1b, when considering smaller residence restrictions, the least restricted neighborhoods had less available housing than both the most restricted neighborhoods and the average neighborhood prior to the restriction. When the size of the restriction increased, the least restricted neighborhoods no longer had less available housing, although the buffer size at which this increase occurred decreased as the scope of the restriction increased. Therefore, the least restricted neighborhoods became comparably more available as the size and scope of the restriction increased. However, at no time were the least restricted neighborhoods significantly *more* available than either the most restricted neighborhoods or the average neighborhood prior to the restriction.

Housing Affordability

Also regarding research question 1b, and similar to the results regarding available housing, with small restrictions, the least restricted neighborhoods had less affordable housing than both the most restricted neighborhoods and the average neighborhood prior to the restriction. As the size of the restriction increased, however, the least restricted neighborhoods ceased to be less affordable than both the most restricted neighborhoods and the average neighborhood prior to the restriction, and increases in the scope of the restriction again reduced the buffer size at which this occurred. Thus, the least restricted neighborhood became comparatively more affordable as the size and scope of the residence restriction increased. Interestingly, a comprehensive scope with a 2,000–2,500-foot buffer resulted in least restricted neighborhoods that were significantly *more* affordable than the most restricted neighborhoods (Table 5).

Social Disorganization

Regarding research question 1c, neighborhood social disorganization yielded consistent results regardless of either the factor or the type of residence restriction analyzed. That is, for all size and scope combinations, the least restricted neighborhoods were always significantly less disadvantaged, more residentially stable, and less ethnically heterogeneous than both the most restricted neighborhoods and the average neighborhood measured prior to the restriction. These results are consistent with the results of previous studies that measured social disorganization with techniques other than the factor analysis method used by this study.

Restriction Size and Scope

Regarding research question 2, these results indicate that increasing the buffer size and scope influenced conclusions about how a residence restriction affects sex offender housing options. How these changes influenced conclusions regarding housing availability and affordability have been noted already, but they also influenced the overall number of neighborhoods in each restricted category. Specifically, increasing the buffer size and scope led to fewer least restricted neighborhoods. This outcome makes intuitive sense, as an

increase in buffer size or scope never can decrease the amount of restricted housing. However, the change in the proportion of least restricted neighborhoods decreased with each subsequent 500-foot increase in buffer size.²⁷

Comparing Extremely Unrestricted/Restricted Neighborhoods

The results for comparisons using the extremely unrestricted and extremely restricted neighborhoods are similar to those results of the least restricted and the most restricted neighborhoods. Specifically, the extremely unrestricted neighborhoods always were less dense and less disorganized than both the extremely restricted neighborhoods and the average neighborhood prior to the restriction. At smaller restriction sizes, the extremely unrestricted neighborhoods also were less affordable and less available than both the extremely restricted neighborhoods and the average neighborhood prior to the restriction, but this scenario was not the case at larger restriction sizes and scopes. These results are presented in Table 6 for the limited scope.²⁸

Summary of Results

To summarize, the least restricted neighborhoods always were less dense and less disorganized, and typically they were less available and less affordable than both the most restricted neighborhoods and the average neighborhood prior to the restriction. Under residence restrictions of large sizes, the least restricted neighborhoods ceased to be significantly less available and affordable than other neighborhoods. Increasing the scope of the restriction also reduced the buffer size at which this change occurred. However, increasing the size or the scope of the restriction also reduced the proportion of least restricted neighborhoods in the sample. The results of the extremely unrestricted and extremely restricted neighborhood comparisons were very similar to the results of the least and most restricted neighborhoods. Table 7 summarizes the neighborhood characteristics that significantly differed between the least and most restricted neighborhoods for each of the 15 residence restrictions analyzed.

Discussion

Previous studies have found that the densest neighborhoods typically became the most restricted as a result of a residence restriction policy, but they also have found conflicting

27. This finding is not surprising, as increasing the radius of the buffer zone from 500 to 1,000 feet yields a coverage area that is 300% larger, an increase of 1,000 to 1,500 feet yields a coverage area that is 125% larger, and an increase from 2,000 to 2,500 feet yields a coverage area that is only 56% larger. Thus, increasing the size (i.e., radius) of a larger existing buffer zone by a set number of feet likely will result in smaller increases in restricted housing than if a smaller existing buffer was increased by the same number of feet.

28. The results for the medium and comprehensive scopes indicate similar results and are available from the author.

T A B L E 6

Mean Neighborhood Characteristics by Buffer Size and Extreme Unrestricted or Restricted Group, Limited Scope

Buffer Size Restricted Group	None Prior	500'		1,000'		1,500'		2,000'		2,500'	
		<10%	>90%	<10%	>90%	<10%	>90%	<10%	>90%	<10%	>90%
M (neighborhoods)	5,520	2,516	192	1,629	994	1,200	1,828	963	2,388	810	2,782
% (neighborhoods)	100	45.58	3.48	29.51	18.01	21.74	33.12	17.45	43.26	14.67	50.40
Housing parcel density	997	519*	2,732	366*	2,322	253*	2,002	201*	1,835	159*	1,728
	(16)	(18)	(98)	(18)	(40)	(17)	(29)	(16)	(25)	(15)	(23)
Percent multifamily	18.52	11.39*	42.44	8.59*	39.85	6.93*	34.33	5.84*	31.41	5.54*	29.36
	(29)	(34)	(1.62)	(33)	(77)	(30)	(59)	(26)	(51)	(27)	(47)
Units per housing parcel	1.67	1.55*	2.39	1.46*	2.12	1.45*	2.05	1.40*	1.99	1.37*	1.95
	(.03)	(.04)	(.26)	(.04)	(.07)	(.05)	(.06)	(.06)	(.05)	(.05)	(.05)
Percent rental vacancy	7.46	7.28†	10.87	7.36†	9.25	7.56†	8.43	7.68	8.07	7.93	7.76
	(.08)	(.13)	(.40)	(.17)	(.20)	(.20)	(.14)	(.24)	(.12)	(.27)	(.12)
Affordability ratio	1.21	1.23*	1.13	1.22†	1.12	1.21†	1.16	1.21†	1.17	1.21	1.18
	(.01)	(.01)	(.02)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)	(.01)
Concentrated disadvantage	0	-.30*	1.98	-.37*	1.06	-.40*	.66	-.41*	.49	-.40*	.39
	(.01)	(.01)	(.09)	(.01)	(.04)	(.01)	(.03)	(.01)	(.02)	(.01)	(.02)
Residential stability	0	.21*	-.71	.29*	-.55	.34*	-.39	.39*	-.32	.42*	-.27
	(.01)	(.01)	(.08)	(.01)	(.03)	(.01)	(.02)	(.01)	(.02)	(.01)	(.02)
Ethnic heterogeneity	0	-.29*	.86	-.39*	.72	-.45*	.55	-.50*	.46	-.52*	.39
	(.01)	(.02)	(.05)	(.02)	(.03)	(.02)	(.02)	(.02)	(.02)	(.02)	(.02)

* Indicates a significant difference between the means of the extremely unrestricted neighborhoods (<10% restricted housing parcels) and both the extremely restricted neighborhoods (>90% restricted housing parcels) and the average neighborhood prior to the restriction ($p < .05$).

† Indicates a significant difference between the means of the extremely unrestricted neighborhoods (<10% restricted housing parcels) and the extremely restricted neighborhoods (>90% restricted housing parcels) ($p < .05$).

T A B L E 7

Significant Differences Between Least and Most Restricted Neighborhoods by Buffer Size and Scope ($p < .05$)

	Buffer Size			
	500'	1,000'	1,500'	2,000'
Limited scope	Density social disorganization Affordability availability	Density social disorganization Affordability availability	Density social disorganization Affordability availability	Density social disorganization affordability
Medium scope	Density social disorganization Affordability availability	Density social disorganization Affordability availability	Density social disorganization Affordability availability	Density social disorganization
Comprehensive scope	Density social disorganization Affordability availability	Density social disorganization Affordability availability	Density social disorganization	Density social disorganization Affordability +

Note. Unless otherwise indicated, the means of the characteristics listed in this table are significantly lower for the least restricted neighborhoods (i.e., less dense, less available, less affordable, or less disorganized) compared with the means of the most restricted neighborhoods ($p < .05$).

+ Indicates that the least restricted neighborhoods are significantly more affordable than the most restricted neighborhoods ($p < .05$).

results as to whether these neighborhoods offered housing that was more affordable or more available than less restricted neighborhoods. Additionally, some scholars contend that residence restrictions might force sex offenders to live in more disorganized areas than they otherwise would have resided in (e.g., Tewksbury and Mustaine, 2008).²⁹ Existing research also finds that increasing the buffer size or scope can lead to increased housing difficulties (see also Levenson and Tewksbury, 2009). The results of the current study help interpret the findings (and disagreements) of previous studies, provide researchers with methodological recommendations for future studies, and provide guidelines for policy makers who might be considering or evaluating residence restrictions in their jurisdiction.

To review, this study examined the effects of a statewide residence restriction on sex offender housing options in Upstate New York. The combination of five buffer sizes ranging from 500 feet to 2,500 feet and three scopes of restricted locations (i.e., limited, medium, and comprehensive) resulted in the analysis of 15 unique residence restriction policies. Neighborhoods, defined as census block groups, first were sorted into three categories based on the amount of restricted housing they contained (i.e., the least, moderate, and most restricted neighborhoods). The average characteristics of the least restricted neighborhoods were compared with the average characteristics of both the most restricted neighborhoods and the entire sample of neighborhoods, with the latter representing the average neighborhood prior to the implementation of a residence restriction policy. This process was repeated for each unique residence restriction policy. Finally, the extremely unrestricted neighborhoods were compared with both the extremely restricted neighborhood and the average neighborhood characteristics of the entire sample. The neighborhood characteristics of interest to this study described the average spatial density, housing availability and affordability, and social disorganization of each group of neighborhoods.

Findings and Policy Implications

The findings of this study indicate that the implementation of a residence restriction policy in the Upstate New York area would have many unintended consequences, but one potential benefit. The implications for policy makers and other stakeholders are explained in the following sections as they relate to each of the study's major findings.

29. The results of this study do not necessarily contradict this conclusion, as disorganized communities might be the least *likely* to implement such restrictions at the local level (Mulford, Wilson, and Parmley, 2009), and they might be the least able to keep sex offenders from moving into the neighborhood (Walker, Golden, and VanHouton, 2001). However, these reasons become largely irrelevant when considering a statewide residence restriction policy without additional local-level policies, as all neighborhoods are on equal legal footing under the statewide law. Although this does not account for differences in the ability of neighborhoods to prevent sex offenders from *illegally* living within a buffer zone, as has been noted in other research, this topic is not the focus of the present study.

Density. Regardless of the size or the scope of the residence restriction, or how neighborhoods were categorized based on restricted housing, the densest neighborhoods were always the most restricted. As a result, sex offenders abiding by these residence restrictions likely would have to seek housing in the least dense (i.e., most rural) neighborhoods, assuming they could find available and affordable housing in such areas.³⁰ Prior research indicates that these neighborhoods typically offer less access to treatment facilities, fewer public transportation options, and fewer employment opportunities (e.g., Barnes et al., 2009; Casady, 2009; Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003). This finding means that sex offenders would be moving to areas that might lack adequate support structures that are conducive to successful reentry and rehabilitation, and recidivism rates (sexual or otherwise) might increase as a result (see Colorado Department of Public Safety, 2004). This outcome would not be desirable from a reentry standpoint, in terms of both successful rehabilitation and resident safety, and thus is a potential unintended consequence.

Available and affordable housing. One of the most important questions is whether sex offenders would be able to find affordable and available housing in the less restricted neighborhoods. This study finds that differences in availability and affordability largely can depend on the size and scope of the residence restriction. Specifically, the least restricted neighborhoods (and the extremely unrestricted neighborhoods) also were the least available and least affordable when the residence restriction was small in both size and scope. In these instances, a residence restriction would limit available and affordable housing for sex offenders, which could increase the emotional and financial stress, homelessness, and noncompliance with both registration and residence restriction requirements (e.g., Levenson, 2008; Levenson and Cotter, 2005; Minnesota Department of Corrections, 2003), thus resulting in unintended consequences.

Although larger, more comprehensive restrictions did not show these same differences in housing availability and affordability, they left few neighborhoods in the least restricted category and even less in the extremely unrestricted category. This policy could force sex offenders to cluster into a handful of neighborhoods, where there may not be enough housing left unrestricted to meet the needs of these relocating sex offenders. This outcome would be different than those found with smaller restrictions, but it is an unintended consequence nevertheless. These different outcomes help explain how similar studies can find conflicting results, even when they analyze similar areas within the same state (e.g., Grubestic et al., 2007; Red-Bird, 2009). In short, residence restrictions are not a “one-size-fits-all” policy, and how they affect sex offender housing can depend both

30. These results are consistent with the findings of Youstin and Nobles (2009), who found that sex offenders in Alachua County, Florida, dispersed into less rural areas after the enactment of a more severe 2,500' residence restriction in the city of Gainesville that supplemented the existing 1,000' state residence restriction policy.

on the type of neighborhoods being examined and on the specific size and scope of the restriction under consideration. In any case, the unintended consequences of such restrictions in Upstate New York either would be to force sex offenders to seek housing in less available and less affordable areas or to restrict such housing to only a handful of neighborhoods.

Social disorganization. The sole unintended *benefit* found in this study stems from the ability of a residence restriction of any size or scope to limit sex offender housing in the most disorganized neighborhoods. Specifically, the least restricted (and extremely unrestricted) neighborhoods always were less disorganized than the most restricted (and extremely restricted) neighborhoods likely because the most disorganized neighborhoods also are typically the densest, at least in Upstate New York, and density seems to be linked closely to the amount of restricted housing in each neighborhood. This finding leads to a catch-22 for policy makers. On the one hand, limiting the ability of sex offenders to live in urban areas might increase sex offender recidivism rates because of the lack of treatment facilities, employment opportunities, and public transportation options available in rural areas. On the other hand, limiting sex offenders' ability to live in the most disorganized neighborhoods might be beneficial if such neighborhoods cannot provide the support structures and social control needed for successful reentry and rehabilitation. However, studies have found that many sex offenders live in disorganized neighborhoods both before and after their conviction (e.g., Craun, 2010; Hughes and Burchfield, 2008; Hughes and Kadleck, 2008; Mustaine and Tewksbury, 2008; Mustaine et al., 2006a, 2006b; Tewksbury, 2007; Tewksbury and Mustaine, 2006, 2008). If the implementation of a residence restriction meant that sex offenders could not return to their original neighborhoods of residence and therefore could not live with or near supportive friends and family, then the negative consequences of losing these social ties potentially could counteract any benefits gained from removing these offenders from disorganized neighborhoods. Thus, limiting the ability of sex offenders to live in socially disorganized neighborhoods is a potential unintended benefit of residence restrictions but *only* to the extent that it otherwise does not negatively effect the existing support structures available to sex offenders.

Restriction size and scope. As noted, changes in the size and scope of the restriction did not influence any conclusions regarding neighborhood density or social disorganization. However, larger sizes and more comprehensive scopes led to fewer differences in housing availability and affordability between the groups of neighborhoods. These results on the surface seem to support the implementation of larger, more comprehensive residence restrictions, but this recommendation would be unwise because sex offender housing would be limited to only a handful of neighborhoods. Because this study found that larger, more comprehensive restrictions would result in fewer least restricted neighborhoods (and fewer extremely unrestricted neighborhoods), such restrictions likely would concentrate sex offenders in a few sparsely populated neighborhoods, compared with either smaller, less comprehensive restrictions or none at all. Although these few least restricted neighborhoods

do offer similarly (or more) available and affordable housing than more restricted neighborhoods, it is likely because of the low demand (and low supply) of rental housing in these rural upstate neighborhoods.

As a result, sex offenders who must move into the least restricted neighborhoods (or the extremely unrestricted neighborhoods) under the most severe residence restrictions would have few housing options and even fewer rental options and likely would be located farther from job opportunities, treatment centers, and public transportation. If these few sparsely populated neighborhoods do not contain enough housing for all sex offenders who might have to move there, then there may also be a substantial increase in the number of homeless sex offenders, who are harder to monitor on a regular basis than offenders with a permanent and stable address. Additionally, sex offenders facing such restrictive housing options simply might refuse to register with law enforcement or remain in violation of the residence restriction laws, which would mean an increase in the number of unregistered (and largely untraceable) sex offenders.³¹

Any of these outcomes might harm sex offenders' chances of successful reentry and ultimately harm residents in Upstate New York. Furthermore, concentrating sex offenders into a handful of neighborhoods could result in increased fear, reduced housing values, and other unintended consequences for residents in these neighborhoods. Given the long list of potential unintended consequences, the single (tentative) unintended benefit, and the lack of other research supporting the efficacy of these restrictions, policy makers are advised against implementing residence restriction policies in the future.

Limitations and Delimitations

The limitations of this study include the method of geocoding daycares and the exclusion of counties with missing or otherwise unavailable data, whereas the delimitations include the generalizability of the results for extremely urban areas and the calculation of affordable housing. Each of these variables is examined in greater detail in the following discussion.

First, although most child congregation locations were identified at the parcel level through the use of county tax records, data limitations forced daycares to be geocoded to a street address point and then associated with the closest parcel. Although attempts were made to correct any errors manually in matching daycares to parcels, a few parcels might remain identified incorrectly as being (or not being) a daycare. This process is a limitation for measuring the precise coverage of residence restrictions, but it is unlikely that it has

31. Interestingly, a recent article by Duwe and Donnay (2010) found that failure to register was unrelated to either sexual or general recidivism for Minnesota sex offenders who were released from prison between 2000 and 2004. However, failure to register was related to an increased probability of having another failure to register offense.

resulted in different overall conclusions, given both the many other child congregation locations used in this study and the focus on aggregated neighborhood-level data.

Another limitation is that some counties that fell within the specified density range could not provide data for this study and thus were excluded from the analyses. Although these excluded counties represent only 16% of the counties in the target density range, it is unclear whether the results of this study can be generalized to these missing upstate counties. Still, these results can help to aid policy makers representing towns, cities, counties, and states who are considering implementing such restrictions and can help to direct the methodology of future researchers seeking to examine the effects of residence restrictions.

A delimitation of this study is that these results cannot be generalized to much more urban areas, such as counties in the New York City Metropolitan Area, as this study specifically excluded counties that were not representative of the typical parcel density found throughout the United States.³² As noted, including these dense counties in the present study could have overshadowed conclusions that were relevant to less urban areas. On a related note, it is likely that many sex offenders displaced from the New York City area as a result of a residence restriction would move to the Upstate New York region anyway, leading to more difficulties for both residents and sex offenders in these less dense counties.

A final delimitation concerns the calculation of affordable housing. Measuring affordable housing as the ratio of the gross neighborhood rent compared with the fair market rent of a two-bedroom apartment does not indicate which neighborhoods can be considered reasonably priced for newly released sex offenders, who might lack savings accounts, steady income or financial support from family members, and be prohibited from receiving government housing subsidies. Thus, estimates of affordability should be interpreted as comparisons between different neighborhoods rather than as representative of what is truly affordable for the average registered sex offender. Still, these measures provide an indication of comparable affordability and how it could be affected by residence restrictions, and similar measures of affordability and availability should be considered in future studies that involve multiple housing markets.

Conclusions

This study provides important contributions to the existing literature on residence restrictions and sex offender housing, in terms of both its methodology and its results. Regarding the measurement of neighborhoods, this study recommends that future studies

32. Given the extreme density of counties in the New York City Metropolitan Area, and the past and present results regarding neighborhood density, it is likely that even a small residence restriction would prevent much or all housing in such an area (see also Colorado Department of Public Safety, 2004).

use census block groups as a proxy for neighborhoods, as it allows for the full use of important census data that are unavailable at the census block level while providing more detail than when using census tracts. This study also shows that examining a single residence restriction, or even two vastly different sizes or scopes, can hide important results available only through a more detailed comparison. Additionally, housing affordability can be measured between areas with vastly different housing markets by controlling for the fair market rent price within each market.

Although some of these methods might not be as useful for those studies examining specific proposed or existing residence restrictions in a single jurisdiction, future studies of statewide residence restrictions can use these methods to consider the effects of such policies across a wide range of neighborhoods and counties. Building on these results, future research should examine where sex offenders are returning to and currently living in the community and to what extent this shift is influenced by social ties and housing considerations. Combining the results of this study with such research would help policy makers to make more appropriate decisions regarding the implementation, augmentation, or retraction of residence restriction policies in the future.

This study also provides policy makers with an indication of what types of unintended consequences and benefits might result from the passage of a residence restriction policy in Upstate New York. In fact, the results of this study indicate that these policies might produce serious unintended consequences that can harm both sex offenders and residents. Although the sole tentative benefit of such a policy would be that housing for sex offenders would be reduced in the most disorganized areas in Upstate New York, the consequences would include limiting the ability of sex offenders to find available and affordable housing as well as their ability to live in the most urban areas. Additionally, these consequences would be magnified at larger sizes or more comprehensive scopes, and in some instances, residence restrictions would force sex offenders to seek unrestricted housing in only a few sparsely populated neighborhoods.

Although it is unlikely many residents, law enforcement officials, or policy makers are concerned with the hardships of sex offenders (see Casady, 2009), these restrictions have the ability to cause problems with successful reentry and rehabilitation, and as a result, residents might be placed in greater jeopardy of sexual assault. In the future, policy makers should consider these issues *before* implementing residence restrictions, particularly given the lack of research showing they are effective. For example, policy makers could consider whether it is possible to implement such a policy that would force sex offenders out of disorganized areas *without* forcing them either into areas they cannot find affordable or available housing in or out of urban areas entirely.³³ The results of this study indicate that this scenario is

33. However, it is unlikely the residents in the neighborhoods experiencing an influx of sex offenders would be satisfied by this outcome (Walker et al., 2001), and because residents in the least disorganized areas

unlikely to occur in Upstate New York, as most disorganized areas also seem to be located in the densest areas.

Yet it would be naïve to think that policy makers always will be able to evaluate residence restrictions statistically when faced with public pressures to “do something” about rising crime rates (sexual or otherwise) (see Walker, 2007). Based on the results of this study, policy makers, particularly in Upstate New York, therefore are advised against imposing residence restriction policies in the future. In instances in which policy makers are seeking a “quick fix” to the problem of increased sex crimes or concerns about sex offender reentry, residence restrictions should be bypassed in favor of evidence-supported policies that increase the ability of communities to monitor and control other neighborhood residents informally (see Walker et al., 2001), increase the supervision and treatment of such offenders (Walker, 2007), or increase other opportunities that provide for the successful reentry and rehabilitation of convicted sex offenders.

References

- Barnes, James C., Tony Dukes, Richard Tewksbury, and Timothy M. De Troye. 2009. Analyzing the impact of a statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20: 21–43.
- Beck, Victoria Simpson and Lawrence F. Travis. 2004. Sex offender notification and fear of victimization. *Journal of Criminal Justice*, 32: 455–463.
- Blood, Phyllis, Lanette Watson, and Paul Stageberg. 2008. *State Legislation Monitoring Report: FY2007*. Des Moines: Iowa Department of Human Rights.
- Bursik, Robert J., Jr. 1988. Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26: 519–551.
- Caputo, Alicia A. and Stanley L. Brodsky. 2004. Citizen coping with community notification of released sex offenders. *Behavioral Sciences & the Law*, 22: 239–252.
- Casady, Tom. 2009. A police chief's viewpoint: Geographic aspects of sex offender residency restrictions. *Criminal Justice Policy Review*, 20: 16–20.
- Center for Sex Offender Management (CSOM). 2008. *Legislative Trends in Sex Offender Management*. Washington, DC: Author.
- Chajewski, Michael and Cynthia Calkins Mercado. 2009. An evaluation of sex offender residency restriction functioning in town, county, and city-wide jurisdictions. *Criminal Justice Policy Review*, 20: 44–61.
- Colorado Department of Public Safety. 2004. *Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community*. Denver, CO: Author.

are likely to be the most organized and politically active, this trend could result in serious political consequences for the policy makers that propose such restrictions. Furthermore, using residence restrictions only as a means to regulate sex offender housing in specific neighborhoods ignores the fact that these policies do not seem to be reducing sexual recidivism as was intended originally.

- Craun, Sarah W. 2010. Evaluating awareness of registered sex offenders in the neighborhood. *Crime & Delinquency*, 56: 414–435.
- Duwe, Grant and William Donnay. 2010. The effects of failure to register on sex offender recidivism. *Criminal Justice and Behavior*, 37: 520–536.
- Duwe, Grant, William Donnay, and Richard Tewksbury. 2008. Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35: 484–504.
- Goodman, Allen C. 1977. A comparison of block group and census tract data in a hedonic housing price model. *Land Economics*, 53: 483–487.
- Grubestic, Tony H., Elizabeth Mack, and Alan T. Murray. 2007. Geographic exclusion: Spatial analysis for evaluating the implications of Megan's Law. *Social Science Computer Review*, 25: 143–162.
- Harris, Andrew J. and Arthur J. Lurigio. 2010. Introduction to special issue on sex offenses and offenders: Toward evidence-based public policy. *Criminal Justice and Behavior*, 37: 477–481.
- Hughes, Lorine A. and Keri B. Burchfield. 2008. Sex offender residence restrictions in Chicago: An environmental injustice? *Justice Quarterly*, 25: 647–673.
- Hughes, Lorine A. and Colleen Kadleck. 2008. Sex offender community notification and community stratification. *Justice Quarterly*, 25: 469–495.
- Larsen, James E., Kenneth J. Lowrey, and Joseph W. Coleman. 2003. The effect of proximity to a registered sex offender's residence on single-family house selling price. *Appraisal Journal*, 71: 253–265.
- Levenson, Jill S. 2008. Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21: 153–166.
- Levenson, Jill S. 2009. Sex offender residence restrictions. In (Richard G. Wright, ed.), *Sex Offender Policies*. New York: Springer.
- Levenson, Jill S. and Leo P. Cotter. 2005. The impact of sex offender residence restrictions: 1,000 feet from danger, or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49: 168–178.
- Levenson, Jill S. and Richard Tewksbury. 2009. Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34: 54–68.
- Linden, Leigh L. and Jonah E. Rockoff. 2008. Estimates of the impact of crime risk on property values from Megan's Law. *The American Economic Review*, 98: 1103–1127.
- Meloy, Michelle L, Susan Miller, and Kristin Curtis. 2008. Making sense out of nonsense: The deconstruction of state-level sex offender residence restrictions. *American Journal of Criminal Justice*, 33: 209–222.
- Minnesota Department of Corrections. 2003. *Level Three Sex Offenders Residential Placement Issues*. St Paul, MN: Author.
- Minnesota Department of Corrections. 2007. *Residential Proximity & Sex Offender Recidivism in Minnesota*. St. Paul, MN: Author.
- Morenoff, Jeffrey D., Robert J. Sampson, and Stephen W. Raudenbush. 2001. Neighborhood inequality, collective efficacy, and the spatial dynamics of urban violence. *Criminology*, 39: 517–559.

- Mulford, Carrie F., Ronald E. Wilson, and Angela Moore Parmley. 2009. Geographic aspects of sex offender residency restrictions: Policy and research. *Criminal Justice Policy Review*, 20: 3–12.
- Mustaine, Elizabeth E. and Richard Tewksbury. 2008. Registered sex offenders, residence, and the influence of race. *Journal of Ethnicity in Criminal Justice*, 6: 65–82.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006a. Residential location and mobility of registered sex offenders. *American Journal of Criminal Justice*, 30: 177–192.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006b. Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, 27: 329–350.
- Nieto, Marcus and David Jung. 2006. *The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review* (No. CRB 06-008). Sacramento: California Research Bureau.
- Pettit, Becky and Christopher J. Lyons. 2007. Status and the stigma of incarceration: The labor-market effects of incarceration, by race, class, and criminal involvement. In (Shawn D. Bushway, Michael A. Stoll, and David F. Weiman, eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-industrial America*. New York: Russell Sage Foundation.
- Phillips, Dretha M. 1998. *Community Notification as Viewed by Washington's Citizens* (Document ID: 98-03-1101). Olympia: Washington State Institute for Public Policy.
- Pope, Jaren C. 2008. Fear of crime and housing prices: Household reactions to sex offender registries. *Journal of Urban Economics*, 64: 601–614.
- Red-Bird, Beth. 2009. *Assessing Housing Availability Under Ohio's Sex Offender Residency Restrictions*. Columbus: Ohio State University.
- Roman, Caterina Gouvis and Jeremy Travis. 2004. *Taking Stock: Housing, Homelessness, and Prisoner Reentry*. Washington, DC: Urban Institute.
- Sabol, William J. 2007. Local labor-market conditions and post-prison employment experiences of offenders released from Ohio state prisons. In (Shawn D. Bushway, Michael A. Stoll, and David F. Weiman, eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-industrial America*. New York: Russell Sage Foundation.
- Sampson, Robert J., Stephen W. Raudenbush, and Fenton Earls. 1997. Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 227: 918–924.
- Sex Offender and Sexual Predator Task Force. 2009. *Final Report*. Broward County, FL: Author.
- Silver, Eric and Lisa L. Miller. 2004. Sources of informal social control in Chicago neighborhoods. *Criminology*, 42: 551–583.
- Socia, Kelly M. and Janet P. Stamatel. 2010. Assumptions and evidence behind sex offender laws: Registration, community notification, and residency restrictions. *Sociology Compass*, 4: 1–20.
- Stage, David and Nancy von Meyer. 2003. *An Assessment of Parcel Data in the United States*. Retrieved December 29, 2009 from nationalcad.org/data/documents/Assessment-of-Parcel-Data-in-50-States.pdf.

- Tewksbury, Richard. 2007. Exile at home: The unintended collateral consequences of sex offender residency restrictions. *Harvard Civil Rights-Civil Liberties Law Review*, 42: 531–540.
- Tewksbury, Richard and Elizabeth E. Mustaine. 2006. Where to find sex offenders: An examination of residential locations and neighborhood conditions. *Criminal Justice Studies*, 19: 61–75.
- Tewksbury, Richard and Elizabeth E. Mustaine. 2008. Where registered sex offenders live: Community characteristics and proximity to possible victims. *Victims & Offenders*, 3: 86–98.
- Turley, Erica and Laura Hutzell. 2001. *West Virginia Sex Offender Study*. Charleston, SC: Criminal Justice Statistical Analysis Center.
- Tyler, John H. and Jeffrey R. Kling. 2007. Prison-based education and reentry into the mainstream labor market. In (Shawn D. Bushway, Michael A. Stoll, and David F. Weiman, eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-industrial America*. New York: Russell Sage Foundation.
- U.S. Census Bureau. 2002. *U.S. Summary: 2000, Census 2000 Profile*. Retrieved January 20, 2010 from <http://www.census.gov/prod/2002pubs/c2kprof00-us.pdf>.
- Wagner, Lindsay A. 2009. Sex offender residency restrictions: How common sense places children at risk. *Drexel Law Review*, 1: 175–209.
- Walker, Jeffery T. 2007. Eliminate residency restrictions for sex offenders. *Criminology & Public Policy*, 6: 863–870.
- Walker, Jeffery T., James W. Golden, and Amy C. VanHouton. 2001. The geographic link between sex offenders and potential victims: A routine activities approach. *Justice Research and Policy*, 3: 15–33.
- Western, Bruce. 2002. The impact of incarceration on wage mobility and inequality. *American Sociological Review*, 67: 526–546.
- Willis, Gwenda M. and Randolph C. Grace. 2008. The quality of community reintegration planning for child molesters, effects on sexual recidivism. *Sexual Abuse: A Journal of Research and Treatment*, 20: 218–240.
- Youstin, Tasha J. and Matt R. Nobles. 2009. Residency restrictions: A geospatial analysis of sex offender movement over time. *Crime Mapping: A Journal of Research and Practice*, 1: 55–76.
- Yung, Corey R. 2007. Banishment by a thousand laws: Residency restrictions on sex offenders. *Washington University Law Review*, 85: 101–160.
- Zandbergen, Paul A. 2008. Commentary On Duwe, Donnay, and Tewksbury (2008): “Does residential proximity matter? A geographic analysis of sex offense recidivism.” *Criminal Justice and Behavior*, 35: 1449–1451.
- Zandbergen, Paul A. and Timothy C. Hart. 2006. Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8: 1–24.
- Zandbergen, Paul A. and Timothy C. Hart. 2009a. *Availability and Spatial Distribution of Affordable Housing in Miami-Dade County and Implications of Residency Restriction*

Zones for Registered Sex Offenders. Miami, FL: Miami Coalition for the Homeless, Inc.

Zandbergen, Paul A. and Timothy C. Hart. 2009b. *Availability of Affordable Rental Housing in Miami-Dade County Under a 1,750 Feet Residency Restriction Zone (Addendum to Availability and Spatial Distribution of Affordable Housing in Miami-Dade County and Implications of Residency Restriction Zones for Registered Sex Offenders)*. Miami, FL: Miami Coalition for the Homeless, Inc.

Zandbergen, Paul A. and Timothy C. Hart. 2009c. Geocoding accuracy considerations in determining residency restrictions for sex offenders. *Criminal Justice Policy Review*, 20: 62–90.

Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart. 2010. Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37: 482–502.

Zevitz, Richard G. 2004. Sex offender placement and neighborhood social integration: The making of a scarlet letter community. *Criminal Justice Studies*, 17: 203–222.

Zevitz, Richard G. and Mary Ann Farkas. 2000. Sex offender community notification: Examining the importance of neighborhood meetings. *Behavioral Sciences & the Law*, 18: 393–408.

Zgoba, Kristen M., Jill S. Levenson, and Tracy McKee. 2009. Examining the impact of sex offender residence restrictions on housing availability. *Criminal Justice Policy Review*, 20: 91–110.

Zgoba, Kristen M., Philip Witt, Melissa Dalessandro, and Bonita Veysey. 2008. *Megan's Law: Assessing the Practical and Monetary Efficiency*. Washington, DC: National Institute of Justice.

Kelly M. Socia is a Ph.D. candidate in the School of Criminal Justice at the University at Albany, SUNY. Prior to his doctoral studies, Kelly earned his B.S. in business administration at Rochester Institute of Technology, his M.A. in criminal justice at University at Albany, SUNY, and worked as a management analyst for the Department of Defense. His research interests include reentry policies, registered sex offenders, geographic information systems, and spatial analyses.

A P P E N D I X A

Descriptive Statistics and Correlations

	Descriptive Statistics					Correlations							
	Mean	SD	Min	Max		1	2	3	4	5	6	7	8
Housing parcel density	997	1180	>1	7322		1.00							
Percent multifamily	18.52	21.70	0	100		.49	1.00						
Units per housing parcel	1.67	2.08	0	60.44		.00	.33	1.00					
Percent rental vacancy	7.46	6.27	0	75.61		.08	.26	.09	1.00				
Affordability ratio	1.21	.39	0	4.73		-.01	-.22	-.13	-.09	1.00			
Concentrated disadvantage	0	.95	-0.97	6.22		.44	.63	.26	.34	-.22	1.00		
Residential stability	0	.75	-7.17	1.82		-.33	-.54	-.30	-.08	.10	-.52	1.00	
Ethnic heterogeneity	0	.88	-1.67	3.50		.34	.77	.44	.20	-.20	.64	-.73	1.00

POLICY ESSAY

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

Residence restriction buffer zones and the banishment of sex offenders Have we gone one step too far?

Kristen M. Zgoba

New Jersey Department of Corrections

In the article by Socia titled “The policy implications of residence restrictions on sex offender housing in Upstate NY” (2011, this issue), he provides a thorough review of the existing studies on sex offender residence restrictions and an empirical analysis of the possible consequences of restrictions in the Upstate New York region. This is a timely and important quantitative analysis, as only a handful of studies have empirically tested the efficacy of sex offender residence restrictions and have offered sage advice to the citizenry and legislators contemplating implementation. Specifically, Socia examined how the utilization of five buffer zone sizes (ranging from 500 feet to 2,500 feet) and three levels of restricted housing (limited, medium, and comprehensive) would affect the housing options available to convicted sex offenders. The results provide a variety of collateral consequences worthy of investigation prior to implementation, but also they reveal that sex offenders would be relegated to less socially disorganized and dense neighborhoods. Although this result may yield theoretical importance and advocates will likely capitalize on this finding, the practical implications foreshadow offender difficulties with arranging housing, treatment services, transportation, employment, as well as maintaining familial and acquaintance bonds. In summary, Socia (2011) warns against the adoption of a one-size-fits-all approach to legislating home ownership and residence of sex offenders without deliberation of the unintended side effects. His results should serve as a caution that displacement of efforts and misallocation of funding and resources will have deleterious effects on our communities. Most importantly, Socia leaves the readers questioning whether the quick-fix solutions that

Direct correspondence to Kristen M. Zgoba, Research & Evaluation Unit, New Jersey Department of Corrections, Trenton, NJ 08625 (e-mail: kristen.zgoba@doc.state.nj.us).

policy makers gravitate toward are window dressings in disguise and place the community in harm's way.

History of Residence Restrictions

The exile and banishment of sexual offenders from communities is a concept that has enjoyed a resurgence in popularity in the form of modern-day residence restrictions (Saxer, 2009; Yung, 2007). However, the banishment of offenders traces back to western countries, whereby exile and "transportation" were common forms of punishment in the 18th century. These forms of punishment involved the relocation of criminals to other colonies or to geographically challenged lands, including Siberia, Van Diemen's Land, and Australia (Schmallegger and Smykla, 2009). In this early form, exile served two important purposes. First, offenders were physically removed from their familiar surroundings and forced into a foreign community with other offenders. This served the function of allowing the community to forget these individuals existed, as they were out of sight and out of mind. Second, offenders were psychologically punished by the stigma attached to their exile and the condemnation experienced by family and the community. This shaming served as an additional sanction. Later influenced by the Enlightenment period, the collective conscience witnessed a transition toward rejection of these colonies and began developing the foundation of our modern-day penal system (<http://law.jrank.org/pages/4646/Banishment.html>; Schmallegger and Smykla, 2009). In essence, society began to recognize that exiling communities of offenders to live and work together in isolation may not serve the rehabilitative purposes originally expected. However, it bears noting that the U.S. Constitution does not prohibit banishment, provided that the punishment and sentencing meet the substantive and procedural requirements of due process of law (<http://law.jrank.org/pages/4646/Banishment.html>).

Centuries later, society bore witness to growing levels of fear and discontent over sex offenders in the community (Zgoba and Levenson, submitted). Among even offenders themselves, sex offenders represent the most vilified of criminals. Focus on sex offenders came to light in the 1930s with the emergence of sexual psychopath legislation (American Psychological Association [APA], 1999; LaFond, 2005). During this time frame, sex offenders were assumed to be mentally aberrant and often were described as "sick," setting them apart from opportunistic criminals. This sexual psychopath legislation laid the foundation for the modern-day sexual violent predator and civil commitment statutes (Cornwell, Jacobi, and Witt, 1999). Since the early 1990s, increasingly strict legislation has been enacted to track, monitor, apprehend, and punish sexual criminals (Zgoba and Levenson, submitted). The U.S. Congress passed the Jacob Wetterling Act in 1994, which established requirements that sex offenders must register their addresses and personal information with law enforcement agencies. The Wetterling Act was amended in 1996 to allow for public disclosure of this information through notification. During this time, all 50

states and the District of Columbia enacted some version of such community registration and notification laws, collectively referred to as “Megan’s Law” (Presser and Gunnison, 1999; Zevitz and Farkas, 2000). Sex offenders must register their addresses with local police jurisdictions within a specified time of release from prison. By way of the registration process, the public is then notified of the offender’s presence in the neighborhood. The goal of notification is to inform both the public and past victims so that they can protect themselves accordingly. Ten years later in 2006, the Adam Walsh Act enhanced sex offender registration and notification (SORN) requirements, expanded the duration of sex offender registration, and increased penalties for sex offenders who fail to register (Zgoba and Levenson, submitted).

According to the National Center for Missing and Exploited Children (2009), it is estimated that there are more than 700,000 convicted sex offenders required to register in the United States, and in 2007, it was claimed that nearly 100,000 registered sex offenders were “noncompliant” and potentially “missing” (Levenson, Letourneau, Armstrong, and Zgoba, 2010; Zgoba and Levenson, submitted). The U.S. Marshals Service (2007) report that they captured more than 7,000 sex offenders charged with registration noncompliance. During this time frame of increasing sanctions, publicized child molestations, and absconding offenders, communities became concerned not only with being notified of a sex offender’s whereabouts, but also they were concerned with restricting their whereabouts. Florida became the first state in 1995 to implement a statewide restriction on the location of sex offender housing (Levenson, 2009). In the years that followed, a minimum of 30 states adopted sex offender residence restrictions (Meloy, Miller, and Curtis, 2008). By the early 2000s, hundreds, if not thousands, of local jurisdictions across the nation had adopted sex offender buffer zones (Levenson, 2009; Levenson and Cotter, 2005; Levenson, Zgoba, and Tewksbury, 2007; Tewksbury and Mustaine, 2006). Florida (Miami Beach) was also the first state to pass local ordinances after the tragic and highly publicized death of Jessica Lunsford. These restrictions were modeled after zoning laws that restricted adult entertainment businesses (Levenson, 2009). According to Levenson (2009), approximately half of the statewide bans apply to all registered sex offenders as a component of the registration statute, regardless of the victim’s age, whereas the remaining vary between probation supervision and offenses against minors. Residence restrictions laws typically prohibit registered sex offenders from living within 1,000 to 2,500 feet of schools, parks, playgrounds, day care centers, bus stops, or other places where children congregate (although not all venues are included in all laws) (Zgoba, Levenson, and McKee, 2009). Such laws tend to have a domino effect, whereby neighboring towns pass similar or more restrictive policies in an effort to deter exiled sex offenders from migrating to their communities (Zgoba et al., 2009). As such, each community is faced with the recognition that they do not want to become a haven for sex offenders and is forced into a “not-in-my-backyard” mentality. In contemporary populous societies, the effect is lost. One community’s exile becomes the neighboring community’s problem.

Is There Value to Be Found?

In an effort to not besiege the reader with solely negative information, one must ask him/herself why these laws and other sex offender policies are so popular? I propose that the answer is multifaceted, but that at their core, it is because they maintain face validity or face value. They simply make sense to lawmakers and the public. If we as a society are scared of sex offenders, it makes sense to keep them in prison, notify the public of their whereabouts, and limit their housing. If we are concerned about a child molester having access to children, then restrict that access. It lends a certain level of accountability to average citizens for their safety and the safety of their children. These laws allow the community to be active participants in the criminal justice process and provide the tools to protect themselves. It is intuitive; it makes sense.

Additionally, this particular study by Socia (2011) yielded proof that the implementation of residence restrictions in Upstate New York would limit sex offender housing in the most disorganized neighborhoods, regardless of the size or scope of the law. Specifically, the least restricted (and extremely unrestricted) neighborhoods available for sex offender housing were always less disorganized than the most restricted (and extremely restricted) neighborhoods. Proponents of social disorganization theory would indicate that limiting sex offenders' ability to live in the most disorganized neighborhood may be beneficial if such neighborhoods are not able to provide the support structures and/or social control needed for successful reentry and rehabilitation. Furthermore, it stands to reason that offenders would have more access to unsupervised victims in these disorganized areas, increasing their potential to recidivate. As such, Socia concedes that restricting sex offenders from disorganized neighborhoods may be beneficial, only to the extent that it does not otherwise negatively affect the existing support structures available to sex offenders.

Drawbacks and Consequences of Residence Restrictions

Having said all that, one must consider the opposite argument, do these sex offender laws make sense because we want them to serve an intuitive purpose and because we are emotionally tied to their existence? After all, many of these laws are in existence because of the public's strong outcry and the subsequent legislative response to this discord. These types of laws that purport to protect society's most vulnerable citizens face few obstacles in their journey through legislative hearings, where victims and their families often offer compelling testimony (Zgoba et al., 2009). Although on the surface many of these laws make sense, when the relevant information is dissected and the cases are analyzed, the level of validity these laws once held no longer resonates. Until recently many of these laws were untested mandates, but an increasing number of empirical studies have begun to emerge on the topic of sexual offense legislation. It seems that many of these laws have been tied to a general misinterpretation of statistics and to the anecdotal results of earlier reviews. However, a recent study in New Jersey indicated that sex offender registration and

notification had no effect on community tenure (time to first rearrest), it was not effective in reducing sex reoffenses or the number of victims, and it had no effect on the type of sexual reoffense or first-time sexual offense (still largely child molestation/incest) (Veysey, Zgoba, and Dalessandro, 2008; Zgoba, Veysey, and Dalessandro, 2009). New York State (Sandler, Freeman, and Socia, 2008) found no effect of that state's community notification law in decreasing sex offense rates by either previously convicted sex offenders or first-time offenders. Additionally, South Carolina showed no effect of sex offender registration and notification laws on adult recidivism (Letourneau, Levenson, Bandyopadhyay, Sinha, and Armstrong, in press). At best, the empirical support for community notifications laws has been weak to date.

Moreover, research has not validated the efficacy of sex offender residence restriction legislation; to the contrary, no relationship has been found between a sex offender's residential placement and likelihood of reoffending. A recent examination of sex reoffending by the Minnesota Department of Corrections reported that none of the 224 repeat offenses would have been deterred by a residential restriction law (Duwe, Donnay, and Tewksbury, 2008; Minnesota Department of Corrections, 2003). In addition, a great deal of research has indicated that residence restrictions yield contrary results and maintain collateral consequences that may lead to increased offending. Several researchers have cited that diminished housing availability increases the potential for homelessness and transience, which may encourage an offender to register a false address. Collectively, these studies are relatively consistent with their findings that displaced sex offenders experience increased instability, reduced support from family members and friends, maintain decreased access to therapy and treatment, and have diminished employment opportunities (Levenson, 2008; Levenson and Cotter, 2005; Levenson and Hern, 2007; Mercardo, Alvarez, and Levenson, 2008; Tewksbury, 2005; Tewksbury and Lees, 2006). Florida has been witness to the effects of residence restrictions in Broward County, as a large volume of sex offenders are left to register their addresses as the Julia Tuttle Causeway. These offenders have fashioned makeshift homes out of tents and vehicles in an attempt to remain in compliance with jurisdictional residence restrictions. In addition, in the Orlando area of Florida, Zandbergen and Hart (2006) found that nearly all of the properties zoned for residential use were located within common sex offender exclusion zones. It bears mentioning that Florida was the first state to implement both local and statewide residence restrictions.

Where Do We Go From Here?

There is no doubt that a predatory subset of sexual offenders exists and that they pose an increased risk to the community. Unfortunately, our current policies may forfeit accuracy in targeting these highest risk sex offenders, in favor of more comprehensive measures that provide the perception of safety by including a larger proportion of lower risk offenders (Zgoba and Levenson, submitted). As we begin to widen this already burgeoning net of

700,000 registered sex offenders across the country, it must be recognized that our allocation of resources will grow impossibly thin (National Center for Missing and Exploited Children, 2009). As this occurs we drastically limit law enforcement's ability to focus their efforts on the most dangerous offenders, thereby weakening any potential effect. In a time when most states are experiencing budget and fiscal deficits and many correctional institutions are reconsidering sentencing options for technical violations and nonviolent offenses, such a practice seems counterintuitive (Levenson et al., 2010).

The research on sexual offender treatment and legislation is a dynamic, continuously evolving field and keeping up with its pace is a challenge (Meloy and Coleman, 2009). Although most contemporary initiatives have yielded little empirical evidence of success, limited management techniques have offered cautious optimism. Specifically, global position system (GPS) tracking of sex offenders, chemical castration, and the containment model have provided some preliminary foundation for effective management of sex offenders in the community.

The GPS was introduced in the criminal justice field more than 40 years ago, but only recently has it gained popularity in the area of sexual offender supervision. To date, approximately 35 states use GPS monitoring to track various risk levels of sex offenders while allowing them reentry into the community and simultaneously decreasing the costs associated with incarceration. This technologically advanced tool allows "real-time" supervision of sexual offenders, but it reduces the contact that parole or probation officers would normally have with offenders.

Pharmacological treatment of sexual offenders, which often is generically termed "chemical castration," diminishes the individual's responsibility for controlling his or her behaviors and relies more on the biochemical control of impulses (APA, 1999; Scott and del Busto, 2009). Most pharmacological treatments for sexual offenders operate under the assumption that a suppression of the offender's sexual drive will decrease the likelihood of paraphiliac behavior and deviant fantasies (APA, 1999; Meisenkothen, 1999). Similar to GPS technology, chemical castration, usually provided in the form of the female birth control Depo Provera (Pfizer, New York, NY), offers an additional "hands-off" method for law enforcement to maximize its supervision efforts.

A final promising method originating from the Colorado Division of Criminal Justice is a tailored approach referred to as the containment model. This approach uses a comprehensive combination of three areas, including criminal justice supervision, sex-offense-specific treatment provided by a specialist, and postconviction polygraphs (English, 2009). The containment model is a victim-centered philosophy that stresses collaboration among various agencies and lays its foundation in years of empirical evidence across the nation. This approach for dealing with adult sex offenders provides an adoptable framework for state agencies to increase public safety and reduce community fear (English, 2009).

The community has a right to both feel and live safely from sexually violent offenders, and policy makers are well intentioned in their efforts to bring this sentiment to fruition.

This cycle begins to collapse when laws are drafted and developed without an empirical basis that lends a voice to the facts. Attention needs to be paid to researchers, correctional administrators, and clinicians, as their feedback and evidence can aid in accurately framing future directions. Rather than a generic approach to dealing with sex offenders, criminal justice practices should fundamentally rely on the individualized, empirically tested risk assessments conducted in most states. This tailored approach offers a reasonable and justifiable alternative to the broad policies currently in existence.

Decades of criminological and criminal justice research have identified a variety of characteristics that are imperative to successful reentry into the community and decreased reoffending. Many of these variables are those that we see at risk in our contemporary attempts at exiling sex offenders. Specifically, residence restrictions minimize levels of social support, employment, and housing opportunities, while increasing psychological and social stressors. Laws that disrupt stability and push sex offenders into rural communities, such as those explained by Socia (2011), where they are more difficult to track and supervise are unlikely to be in the best interest of public safety (Levenson, 2008; Levenson and Cotter, 2005; Levenson and Hern, 2007). Socia convincingly suggests that policy makers also could consider whether it is possible to implement such a policy that would force sex offenders out of disorganized areas without forcing them either into areas where they cannot find affordable or available housing in, or out of urban areas entirely.

Residence restrictions are not logical as a matter of criminal justice policy, nor sensible in terms of public safety. Limiting access of already handicapped offenders to stabilizing opportunities does not promote rehabilitative conditions. However, at the end of the day, most individuals will state that the means justify the end of protecting our children. It should be noted, however, that a motivated offender always has access to public transportation.

References

- American Psychological Association. 1999. *Dangerous Sexual Offenders: A Task Force Report of the American Psychiatric Association*. Washington, D.C.: American Psychological Association.
- Cornwell, John, John Jacobi, and Phil Witt. 1999. The New Jersey Sexually Violent Predator Act: Analysis and recommendations for the treatment of sexual offenders in New Jersey. *Seton Hall Legislative Journal*, 24: 1–42.
- Duwe, Grant, William Donnay, and Richard Tewksbury. 2008. Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35: 484–504.
- English, Kim. 2009. The containment approach to managing sex offenders. Sex offender residence restrictions. In (Robert G. Wright, ed.), *Policy Alternatives*. New York: Springer.
- LaFond, John. 2005. *Preventing sexual violence: How society should cope with sex offenders*. Washington, D.C.: American Psychological Association.

- Letourneau, Elizabeth, Jill Levenson, Dipankar Bandyopadhyay, Debajyoti Sinha, and Kevin Armstrong. In press. Effects of south Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*.
- Levenson, Jill. 2008. Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21: 153–166.
- Levenson, Jill. 2009. Sex offender residence restrictions. In (Robert G. Wright, ed.), *Sex Offender Policies*. New York: Springer.
- Levenson, Jill S. and Leo P. Cotter 2005. The impact of sex offender residence restrictions: 1,000 feet from danger, or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49: 168–178.
- Levenson, Jill and Andrea Hern (2007). Sex offender residence restrictions: Unintended consequences and community re-entry. *Justice Research and Policy*, 9: 59–73.
- Levenson, Jill, Elizabeth Letourneau, Kevin Armstrong, and Kristen Zgoba. 2010. Failure to register as a sex offender: Is it associated with recidivism? *Justice Quarterly*, 27: 305–331.
- Levenson, Jill, Kristen Zgoba, and Richard Tewksbury. 2007. Sex offender residence restrictions: Sensible crime policy or flawed logic? *Federal Probation*, 71: 2–9.
- Meisenkothen, Christopher. 1999. Chemical castration—breaking the cycle of paraphiliac recidivism. *Social Justice*, 26: 139–154.
- Meloy, Michelle L. and Shereda Coleman. 2009. GPS monitoring of sex offenders. In (Robert G. Wright, ed.), *Sex Offender Policies*. New York: Springer.
- Meloy, Michelle L., Susan Miller, and Kristin Curtis. 2008. Making sense out of nonsense: The deconstruction of state-level sex offender residence restrictions. *American Journal of Criminal Justice*, 33: 243–266.
- Mercado, Cynthia, Shea Alvarez, and Jill Levenson. 2008. The impact of specialized sex offender legislation on community re-entry. *Sexual Abuse: A Journal of Research & Treatment*, 20: 188–205.
- Minnesota Department of Corrections. 2003. *Level Three Sex Offenders Residential Placement Issues*. St. Paul: Author.
- National Center for Missing and Exploited Children. 2009. *Registered sex offenders in the United States*. Retrieved September 13, 2009 from http://www.missingkids.com/en_US/documents/sex-offender-map.pdf.
- Presser, Lois and Elaine Gunnison. 1999. Strange bedfellows: Is sex offender notification a form of community justice? *Crime & Delinquency*, 45: 299–315.
- Sandler, Jeffrey, Naomi J. Freeman, and Kelly M. Socia. 2008. Does a watched pot boil? A time-series analysis of New York State's Sex Offender Registration and Notification Law. *Psychology, Public Policy and Law*, 14: 284–302.
- Saxer, Shelley Ross (2009). Banishment of sex offenders: Liberty, protectionism, justice, and alternatives. *Washington University Law Review*, 86: 1397.
- Schmallegger, Frank and John Ortiz Smykla. 2009. *Corrections in the 21st Century*, 4th Edition. New York: McGraw-Hill.

- Scott, Charles and Elena del Busto. 2009. Chemical and surgical castration. In (Robert G. Wright, ed.), *Sex Offender Policies*. New York: Springer.
- Socia, Kelly M. (2011). The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10(2): 351–389.
- Tewksbury, Richard. 2005. Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, 21: 67–82.
- Tewksbury, Richard and Matthew Lees. 2006. Consequences of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26: 309–334.
- Tewksbury, Richard and Elizabeth E. Mustaine. 2006. Where to find sex offenders: An examination of residential locations and neighborhood conditions. *Criminal Justice Studies*, 19: 61–75.
- Tewksbury, Richard and Elizabeth E. Mustaine. 2008. Where registered sex offenders live: Community characteristics and proximity to possible victims. *Victims and Offenders*, 3: 86–98.
- U.S. Marshals Service. 2007. *Facts and figures*. Retrieved June 22, 2010 from <http://www.usmarshals.gov/duties/factsheets/facts.pdf>.
- Veysey, Bonita Marie, Kristen M. Zgoba, and Melissa Dalessandro. 2008. A preliminary step towards evaluating the impact of Megan's Law: A trend analysis of sexual offenses in New Jersey from 1985 to 2005. *Justice Research and Policy*, 10: 1–17.
- Yung, Corey Rayburn. 2007. Banishment by a thousand laws: Residency restrictions on sex offenders. *Washington University Law Review*, 85: 101.
- Zandbergen, Paul and Timothy Hart. 2006. Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8: 1–24.
- Zevitz, Richard and Mary Ann Farkas. 2000. *Sex offender community notification: Assessing the impact in Wisconsin*. Research in Brief. Washington, D.C.: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.
- Zgoba, Kristen and Jill Levenson. Submitted for publication. Failure to register as a predictor of sex offense recidivism: The big bad wolf or a red herring?
- Zgoba, Kristen, Jill Levenson, and Tracy McKee. 2009. Examining the impact of sex offender residence restrictions on housing availability. *Criminal Justice Policy Review*, 20: 91–110.
- Zgoba, Kristen, Bonita Marie Veysey, and Melissa Dalessandro. 2009. An analysis of the effectiveness of community notification and registration: Do the best intentions predict the best practices? *Justice Quarterly*, 27: 667–691.

Kristen M. Zgoba is employed by the New Jersey Department of Corrections, Office of Policy and Planning, in the position of Supervisor of Research and Evaluation, and is also Co-Chairperson for the Department's Research and Review Board and is on the Board of Directors at the American Correctional Association. Dr. Zgoba also holds a position on Governor Jon Corzine's Re-entry Board for the Governor's Crime Plan, which has

continued with Governor Chris Christie. Dr. Zgoba teaches Criminal Justice Research Methods, Statistics, Prisons and Prisoners and Sex Offender Management classes at Rutgers University, New Brunswick and Newark. Her recent publications appear in *Justice Quarterly*, *International Journal of Offender Therapy and Comparative Criminology*, *Criminal Justice Policy Review*, *Criminal Justice Studies: A Critical Journal of Law and Society*, *Aggression and Violent Behavior: A Review Journal*, and *Criminal Justice and Behavior: An International Journal*.

POLICY ESSAY

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

Place a moratorium on the passage of sex offender residence restriction laws

J. C. Barnes

The University of Texas at Dallas

During the past few decades, lawmakers have devoted increasing attention to policies aimed at managing sex offenders released to the community. Indeed, since 1994, all 50 states have enacted at least two pieces of legislation specific to sex offenders; at the minimum, each of the 50 states has established a sex offender registry and a community notification system in compliance with the Jacob Wetterling Act of 1994 and Megan's Law of 1996, respectively (CSOM, 2008). Since this time, states have passed several other laws targeted at sex offenders. For example, some states require sex offenders to carry special identification cards, whereas other states have the authority to impose chemical castration (Mancini, 2009).

Among the newest wave of sex offender policies to sweep the United States are residence restrictions. A recent analysis revealed that since 1999 more than half of all states have enacted a residence restriction law (Mancini, 2009). Residence restrictions come in different shapes (i.e., different "hot-spot" locations) and sizes (i.e., different "buffer zones"). A hot spot is a specific location that is restricted for sex offenders, and it typically is defined as a park, playground, daycare center, or school. A buffer zone is the exclusion perimeter that is established around identified hot spots. For example, a buffer zone of 500 feet means that sex offenders cannot reside within 500 feet of hot spots. Buffer zones can range from 500 feet to more than 5,000 feet depending on the state of interest (Mancini, 2009; Meloy, Miller, and Curtis, 2008). Despite variation in the scope of hot spots that can be included and the size of buffer zones that can be used, all residence restriction laws operate on the following underlying rationale: keeping a sex offender away from areas where children are

Please direct correspondence to J. C. Barnes, School of Economic, Political, and Policy Sciences, The University of Texas at Dallas, 800 W. Campbell Rd., Richardson, TX 75080 (e-mail: jcbarnes@utdallas.edu).

likely to congregate will reduce the likelihood that he/she will recidivate with a child victim (CSOM, 2008).

This rationale necessitates the assumption that previously convicted sex offenders that are released to the community will seek would-be child victims near their (the sex offender's) home. In this sense, residence restriction laws are linked closely with the routine activities approach to crime control (Cohen and Felson, 1979). The routine activities approach states that the following elements must converge in time and space for a crime to occur: (a) a motivated offender must encounter a (b) suitable target that (c) lacks a capable guardian. In the language of routine activities theory, residence restriction laws seek to remove the motivated offender (i.e., the sex offender) from the equation, thereby minimizing the chances that a sex crime involving a child will occur.¹

In short, residence restriction laws rest on the testable assumption that sex offenders will seek new victims near their (the sex offenders') homes. To examine the tenability of this assumption, Duwe, Donnay, and Tewksbury (2008) analyzed the reoffense patterns of 224 Minnesota sex offenders who recidivated with a sex crime. Of direct interest is that only 28 offenders made first contact with their victim within 1 mile of the sex offender's residence (most offenses occurred between persons who previously were acquainted). None of these 28 cases, however, was likely to have been deterred by a residence restriction law because the first contact was not made in or around a hot-spot area (e.g., offenders did not meet victims in or near a school, a playground, or a bus stop). As noted by Duwe et al. (2008: 501), "it is unlikely that residency restrictions would have a deterrent effect because the types of offenses that such laws are designed to prevent are exceptionally rare and, in the case of Minnesota, virtually nonexistent in the past 16 years." To summarize, Duwe et al.'s study draws one key assumption of residence restriction laws into question. Specifically, the assumption that sex offenders are likely to recidivate by identifying potential victims near their (the sex offenders') homes is not supported by available research. Note, however, that only one study directly addresses this point, indicating the need for more research.

Despite the logical and theoretical inconsistencies surrounding residence restriction laws (see the discussions offered in Duwe et al., 2008; Mancini, 2009; Sample and Bray, 2006; Zgoba, Levenson, and McKee, 2009), states continue to enact them to prevent sex offender recidivism with a child victim. Thus, it is important to understand the consequences (both positive and negative) of these laws. One of the most important questions to be answered (from a policy standpoint) is whether residence restrictions deter recidivism among convicted sex offenders. This essay will consider the role that residence restriction laws play in deterring recidivism for sex offenders. Additionally, a range of other outcomes are important to consider when determining the utility of any given law

1. It also might be argued that residence restrictions act as a capable guardian.

(Mears and Barnes, 2010). Thus, the effects that residence restriction laws have on a range of other outcomes also will be considered.

The Consequences of Residence Restrictions

Prior literature suggests that sex offenders are less likely than other offenders to recidivate (CSOM, 2001). When sex offenders do recidivate, however, they are more likely to do so with a sex offense (Hanson and Bussiere, 1998; Langan, Schmitt, and Durose, 2003; Sample and Bray, 2006). The effectiveness of residence restriction laws in decreasing recidivism with a sex offense, therefore, is the most important issue to be considered. Unfortunately, the recency with which these laws have emerged has precluded much research from examining this issue. To be sure, the first states to enact a residence restriction law (Delaware and Florida) did not do so until 1995 (Meloy et al., 2008).

However, three studies speak to the deterrent effect of residence restriction laws (Blood, Watson, and Stageberg, 2008; Duwe et al., 2008; Zandbergen, Levenson, and Hart, 2010). Although these studies differ in analytical technique and sample selection procedures, the one commonality is that residence restrictions seem to be ineffective deterrents. For example, Zandbergen et al. matched sex offender recidivists (sex offenders who recidivated with a child victim) with nonrecidivists to determine whether the recidivists were more likely to live in close proximity to schools and day cares (i.e., hot spots). In this way, Zandbergen et al. could determine whether a residence restriction policy *might* have had an effect on recidivism. Their findings indicated that recidivists were no more likely to live in close proximity to schools and daycares as compared with nonrecidivists, leading to the conclusion that residential restrictions are unlikely to have any identifiable effect on sex offender recidivism rates. This conclusion also is supported by the findings from Blood et al. (2008) and Duwe et al. (2008).

Residence restriction policies show no sign of reducing sex offender recidivism. Perhaps one explanation for this finding can be located in government reports about the context of sex offender recidivism. Specifically, reports released from the Bureau of Justice Statistics show that when sex offenders do recidivate with a sex offense, approximately 75% victimize an acquaintance (Greenfeld, 1997; Snyder, 2000). Acquaintance-based sex offenses are unlikely to be affected by a policy such as residence restrictions because these types of offenses do not involve a sex offender searching for strangers to victimize in public places located near the offender's home.

Nonetheless, three studies are not enough to draw definitive conclusions about the effectiveness of a law as complex and diverse as residence restriction policies. Recall that residence restrictions take on different shapes and sizes depending on the state of interest. At this point, therefore, it is necessary to call for more research. Given that some states have nearly 15 years of data to draw from (Delaware and Florida in particular), criminologists should prioritize studies that can analyze trends in sex offender recidivism rates prior to

and after residence restriction policies were put into place (see Letourneau, Levenson, Brandyopadhyay, Armstrong, and Sinha, 2010, for an example of this type of analysis focusing on the effects of sex offender registration and notification policies in South Carolina). Until more evidence is presented, it is impossible to make definitive claims regarding the deterrent effects of residence restriction laws. For now, however, it is safe to conclude that the evidence does not look promising.

The effect of residence restrictions on a range of other outcomes also is worthy of discussion. As Mears and Barnes (2010) recently noted, many factors, aside from recidivism, are important to consider when determining the value of any given law. For example, whether residence restriction laws affect the offender's ability to reintegrate into the community successfully is an important issue to take into account. If residence restrictions positively influence the likelihood that an offender will reintegrate with the community, then an argument in support of the law might be extended, despite the lack of evidence that the law reduces recidivism.

Scholars have begun to examine these types of questions. Contributing to this knowledge base is the analysis presented by Socia (2011, this issue). Socia offers an extensive look at the effects that a residence restriction law would have on housing options for sex offenders living in 47 counties in the Upstate New York region. To do so, five different buffer zone sizes were analyzed (ranging from 500 to 2,500 feet) along with three different groupings of hot spots (ranging from a limited scope of hot spots to a comprehensive scope of hot spots). This process led to 15 separate estimates of the amount of housing available to sex offenders—based on the different buffer zone and hot spot combinations—for each of the 47 counties.

Socia's (2011) findings corroborate prior work that has examined similar issues (see, e.g., Barnes, Dukes, Tewksbury, and DeTroye, 2009; Chajewski and Mercado, 2009; Zandbergen and Hart, 2006; Zgoba et al., 2009; but see Grubestic, Mack, and Murray, 2007). In broad strokes, the analysis revealed that the least restricted neighborhoods (i.e., the neighborhoods that sex offenders would be allowed to reside in) tended to be less densely populated, had less social disorganization, were less affordable (more expensive), and tended to have fewer vacant rental homes available for new occupants. In other words, if a residence restriction law were passed in Upstate New York, then "legal" housing for sex offenders likely would be restricted to affluent areas with few vacant rental homes—precisely the type of neighborhood sex offenders would be least likely to have access to (Red-Bird, 2009).

A Possible Advantage of Residence Restrictions

Socia (2011) noted one potential benefit of residence restriction laws. In some cases, the passage of a residence restriction policy will force sex offenders to move into less disorganized areas than they would reside in otherwise. This trend might be beneficial to sex offenders' reintegration into the community to the extent that socially disorganized neighborhoods are a catalyst for sex offending. It is important to note, however, that sex offending is (typically)

not a group-based crime (an important element of social disorganization/collective efficacy theories: Sampson and Groves, 1989; Shaw and McKay, 1942). Thus, little reason exists to suspect that removing a sex offender from a disorganized neighborhood will have any identifiable effect on his/her recidivism risk. In fact, the following counterpoint might be more important: Because sex offenders are more likely to reside in disorganized neighborhoods (Hughes and Burchfield, 2008; Mustaine, Tewksbury, and Stengel, 2006), removing them from these areas might weaken their social support structure by limiting their access to family and friends. A weak social support network might exacerbate recidivism risks (Kruttschnitt, Uggen, and Shelton, 2000). Thus, before this unintended consequence of residence restrictions is declared a beneficial outcome, the full range of potential effects must be considered.

Several Possible Disadvantages of Residence Restrictions

As Socia (2011) and other similar analyses have discussed, several unintended consequences of residence restriction laws are likely to have a negative impact on an offender's reintegration success. For example, residence restrictions have been shown to limit available housing severely (affordability and raw number of choices often are affected greatly) for sex offenders released into the community. In some densely populated areas (namely, large cities), sex offenders are restricted from 100% of all housing options. Notable examples are Miami, Florida, where sex offenders have been advised to live under an interstate overpass (Laughlin, 2009) and Sacramento, California, where sex offenders have been advised to live in the state parole office (Warren, 2006). For this reason, it seems unrealistic to implement these laws in large metro areas where most housing would be restricted.

A second concern is that residence restriction laws force sex offenders into certain neighborhoods, in effect flooding these areas with a larger population of sex offenders than would be present otherwise. It is unlikely that this trend will affect individual sex offenders positively or the neighborhoods in which they reside. In fact, recent research has shown that real estate markets are sensitive to the presence of sex offenders; housing prices depreciate with the presence of sex offenders (Linden and Rockoff, 2007).

Third, some scholars have found that offender access to treatment is undermined by residence restriction policies. Barnes et al. (2009) reported, for example, that sex offenders would face increased distances to treatment facilities if South Carolina were to pass a 1-mile residence restriction policy; in some counties, the increase was substantial. Because, like most offenders, many sex offenders released to the community lack private transportation, increasing their distance to the nearest treatment facility could represent an important obstacle to successful reintegration.

Finally, a question raised by certain scholars (and most assuredly by criminal justice practitioners) is whose job it will be to enforce residence restriction laws when passed. In some cases, the state statutes clearly delineate which agency will be in charge of enforcing the residence restriction policy. In other cases, the dividing lines are less clear. Given the

fact that the enforcement of these laws can be a major undertaking, one can imagine a scenario in which criminal justice agencies dodge responsibility by claiming a lack of agential jurisdiction. In these situations, a residence restriction might be on the books but not be used by criminal justice officials, begging the question of the value of such a law.

Policy Recommendations

In sum, residence restriction policies are built on weak theoretical and logical foundations. Although routine activities is a viable theory, the assumptions underlying it do not hold up in the case of residence restriction laws. Additionally, almost no evidence—aside from the finding that residence restrictions might send offenders to less disorganized communities—indicates that these laws positively affect the offender, potential victims, or the community. In other words, these restrictions do not seem to reduce recidivism (although evidence is scant), and they impose several unintended consequences that are likely to do more harm than good. Weighing the evidence in this fashion suggests that residence restriction laws are bad policy.

Three policy recommendations can be made. First, policy makers should turn their focus to other forms of legislation that might be more fruitful. For example, the spending that would be allocated to ensuring compliance with a residence restriction instead might be allocated to treatment services. Two recent meta-analyses suggest that treatment can be an effective strategy for reducing sex offender recidivism (Hanson, Bourgon, Helmus, and Hodgson, 2009; Hanson, Gordon, et al., 2002). Hanson, Bourgon, et al. (2009) reported that treatment services adhering to risk–need–responsivity principles were more effective in reducing sex offender recidivism than programs that do not adhere to these principles. A similar pattern was found for programs that used cognitive/behavioral therapy (Hanson, Gordon, et al., 2002). Treatment services have a much greater chance of reducing recidivism rates than do residence restrictions.

Second, sex offender registration and notification laws seem to have a deterrent effect on first-time sex offenses (Letourneau, Levenson, et al., 2010). Because all 50 states have some form of registration, it is unnecessary to recommend the passage of new registration policies. Instead, it is recommended that the resources necessary to ensure compliance with a residence restriction be focused on keeping an up-to-date registry and notification system. More research should be conducted to open the “black box” on sex offender registries. What is it about a sex offender registry that reduces first-time sex offending? Interestingly, whatever the operative processes are, they do not seem to affect first-time sex offending for juveniles (Letourneau, Bandyopadhyay, Armstrong, and Sinha, 2010), nor do they seem to affect sex offender recidivism (Duwe and Donnay, 2010).

Finally, a third policy recommendation is that legislators place a moratorium on the passage of residence restrictions in states that do not have them already; a recent study revealed that 17 states have not yet passed a residence restriction policy (Mancini, 2009).

This recommendation will allow scholars time to investigate fully the effects of laws that are already in place. Once more research is available, the decision to maintain or to repeal existing laws should be given attention. In the meantime, researchers should prioritize studies that examine the long-term trends in recidivism as related to the passage of residence restriction policies; Delaware and Florida might be good places to start. Legislators should consider the aforementioned recommendations as alternatives to residence restrictions policies, at least until scholars have identified better the effects (or the lack thereof) of these restrictions on recidivism risks.

References

- Barnes, J. C., Tony Dukes, Richard Tewksbury, and Timothy M. De Troye. 2009. Analyzing the impact of a statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20: 21–43.
- Blood, Phyllis, Lanette Watson, and Paul Stageberg. 2008. *State Legislation Monitoring Report: FY 2007*. Des Moines: Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning.
- Center for Sex Offender Management (CSOM). 2001. *Recidivism of Sex Offenders*. Washington, DC: Author.
- Center for Sex Offender Management (CSOM). 2008. *Legislative Trends in Sex Offender Management*. Washington, DC: Author.
- Chajewski, Michael and Cynthia C. Mercado. 2009. An evaluation of sex offender residency restriction functioning in town, county, and city-wide jurisdictions. *Criminal Justice Policy Review*, 20: 44–61.
- Cohen, Lawrence E. and Marcus Felson. 1979. Social change and crime rate trends: A routine activities approach. *American Sociological Review*, 44: 588–608.
- Duwe, Grant and William Donnay. 2010. The effects of failure to register on sex offender recidivism. *Criminal Justice and Behavior*, 37: 520–536.
- Duwe, Grant, William Donnay, and Richard Tewksbury. 2008. Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35: 484–504.
- Greenfeld, Lawrence A. 1997. *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault*. Washington, DC: Bureau of Justice Statistics.
- Grubestic, Tony H., Elizabeth Mack, and Alan T. Murray. 2007. Geographic exclusion: Spatial analysis for evaluating the implications of Megan's Law. *Social Science Computer Review*, 25: 143–162.
- Hanson, R. Karl, Guy Bourgon, Leslie Helmus, and Shannon Hodgson. 2009. The principles of effective correctional treatment also apply to sexual offending: A meta-analysis. *Criminal Justice and Behavior*, 36: 865–891.
- Hanson, R. Karl and Monique T. Bussiere. 1998. Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66: 348–362.

- Hanson, R. Karl, Arthur Gordon, Andrew J. R. Harris, Janice K. Marques, William Murphy, Vernon L. Quinsey, and Michael C. Seto. 2002. First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14: 169–194.
- Hughes, Lorine A. and Keri B. Burchfield. 2008. Sex offender residence restrictions in Chicago: An environmental injustice? *Justice Quarterly*, 25: 647–673.
- Kruttschnitt, Candace, Christopher Uggen, and Kelly Shelton. 2000. Predictors of desistance among sex offenders: The interaction of formal and informal social controls. *Justice Quarterly*, 17: 61–87.
- Langan, Patrick A., Erica L. Schmitt, and Matthew R. Durose. 2003. *Recidivism of Sex Offenders Released from Prison in 1994*. Washington, DC: Bureau of Justice Statistics.
- Laughlin, Meg. 2009. Sex offenders living under Miami bridge sue over law. *St. Petersburg Times*. July 10, p. 7B.
- Letourneau, Elizabeth J., Dipankar Bandyopadhyay, Kevin S. Armstrong, and Debajyoti Sinha. 2010. Do sex offender registration and notification requirements deter juvenile sex crimes? *Criminal Justice and Behavior*, 37: 533–569.
- Letourneau, Elizabeth J., Jill S. Levenson, Dipankar Brandyopadhyay, Kevin S. Armstrong, and Debajyoti Sinha. 2010. Effects of South Carolina's sex offender registration and notification policy on deterrence of adult sex crimes. *Criminal Justice and Behavior*, 37: 537–552.
- Linden, Leigh L. and Jonah E. Rockoff. 2007. *There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws* (Working paper 12253). Cambridge, MA: National Bureau of Economic Research.
- Mancini, Christina. 2009. *Sex Crime in America: Examining the Emergence and Effectiveness of Sex Offender Laws*. Unpublished doctoral dissertation, Florida State University.
- Mears, Daniel P. and J. C. Barnes. 2010. Toward a systematic foundation for identifying evidence-based criminal justice sanctions and their relative effectiveness. *Journal of Criminal Justice*, 38: 702–710.
- Meloy, Michelle L., Susan L. Miller, and Kristin M. Curtis. 2008. Making sense out of nonsense: The deconstruction of state-level sex offender residence restrictions. *American Journal of Criminal Justice*, 33: 209–222.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006. Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, 27: 329–350.
- Red-Bird, Beth. 2009. *Assessing Housing Availability Under Ohio's Sex Offender Residency Restrictions*. Columbus: Ohio State University.
- Sample, Lisa L. and Timothy M. Bray. 2006. Are sex offenders different? An examination of rearrest patterns. *Criminal Justice Policy Review*, 17: 83–102.
- Sampson, Robert J. and W. Byron Groves. 1989. Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology*, 4: 744–802.
- Shaw, Clifford R. and Henry D. McKay. 1942. *Juvenile Delinquency and Urban Areas*. Chicago, IL: University of Chicago Press.

- Snyder, Howard N. 2000. *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*. Washington, DC: Bureau of Justice Statistics.
- Socia, Kelly M. 2011. The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10(2): 351–389.
- Warren, Jenifer. 2006. Sex offender housing scarce. *Los Angeles Times*. May 31.
- Zandbergen, Paul A. and Timothy C. Hart. 2006. Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8: 1–24.
- Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart. 2010. Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37: 482–502.
- Zgoba, Kristen M., Jill S. Levenson, and Tracy McKee. 2009. Examining the impact of sex offender residence restrictions on housing availability. *Criminal Justice Policy Review*, 20: 91–110.

Statutes Cited

- Jacob Wetterling Act of 1994, 42, U.S.C §. 14071 (1994).
- Megan's Law, P.L. 104-145, 110 Stat. 1345 (1996).
-

J. C. Barnes is an assistant professor in the Criminology Program at The University of Texas at Dallas. He has written on a range of topics including sex offender laws, the genetic and environmental influences on crime, and criminological theory. Recent works can be found in *Aggressive Behavior*, *Crime and Delinquency*, and *Journal of Criminal Justice*.

POLICY ESSAY

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

Residence restrictions

Keri B. Burchfield

Northern Illinois University

The last 25 years have witnessed a wave of legislation whose primary purpose has been to restrict, supervise, and control sex offenders released from prison. This body of policies includes sex offender community registration and notification laws and, more recently, residence restrictions. These restrictions are intended to keep sex offenders from residing near places where children congregate, thus, potentially reducing their opportunity to interact with, and victimize, local children. Certainly the intended benefit of these policies—community safety and protection from dangerous sexual predators—is sound; however, these policies have been implemented in response to political motivations, perceived public outcry, and misinformation about the true threats posed by sex offenders with little to no thought to their unintended consequences.

Recently though, a backlash seems to be building against these policies, as policy makers respond to a growing body of literature, as well as to increasing public concern, questioning their effectiveness. Residence restriction policies might have been the spark that ignited this debate. Faced with images of sex offenders living homeless under bridges, it is hard to ignore the collateral consequences of these policies. State policy evaluations and local repeals of residence restrictions demand a call for more research into what is and what is not effective in terms of community-based sex offender policies and ways to translate that research into policy.

In this essay, I will first highlight briefly some relevant findings from the literature about where sex offenders go after release (i.e., the residential options available to sex offenders) with an eye toward the impact of residence restriction policies on these options. Next, I will assess the empirical evidence about residence restriction policies, including the impact of these policies on sex offender recidivism and reintegration, as well as their implications for

Direct correspondence to: Keri B. Burchfield, 908 Zulauf Hall, Department of Sociology, Northern Illinois University, DeKalb, IL 60115 (e-mail: kburchfield@niu.edu).

community safety and social control. Certainly, the fundamental question to be addressed here is whether they reduce sex offenses. Finally, and most importantly, I will present some actionable items that policy makers should address when considering residence restrictions and other community-based sex offender policies.

Where Do They Go?

Any attempt to assess the effectiveness of residence restriction laws should consider the housing choices made by sex offenders, as well as the housing options available to them, after being released from prison. Even before local residence restrictions became commonplace, sex offenders, like most offenders released from prison, experienced difficulty finding and maintaining affordable housing close to friends, family, employment, and counseling services (see, e.g., Burchfield and Mingus, 2008; Levenson and Cotter, 2005; Tewksbury and Lees, 2006; Zevitz and Farkas, 2000). Additionally, studies suggest that sex offenders tend to experience relatively high rates of mobility, reporting multiple addresses to registration officials, with average lengths of residence of less than 2 years; furthermore, these offenders typically experience downward mobility, moving to a more disorganized neighborhood than the one where they were living previously (Mustaine, Tewksbury, and Stengel, 2006; Turley and Hutzel, 2001).

Furthermore, as Socia (2011, this issue) points out, examinations into the types of neighborhoods where sex offenders reside typically find them relegated to more socially disorganized neighborhoods (see also Mustaine and Tewksbury, in press). By definition, these structurally disadvantaged neighborhoods might lack the capacity to supervise sex offenders informally. The presumed impetus for most recent sex offender policies, including community registration and notification and residence restrictions, is to empower residents with the knowledge of where local sex offenders can live, where they cannot live, and where they are living. Thus, that many sex offenders are living in neighborhoods where residents might not engage in this kind of informal social control is a significant problem highlighted by these studies. Taken together, assessments of residential options for released sex offenders generally reveal that the scarcity of stable, quality housing in safe, socially organized neighborhoods is not a new problem for them; the implementation of residence restrictions has simply exacerbated the issue.

In addition to considering the presumably “voluntary” housing choices made by sex offenders before the widespread implementation of residence restrictions, many studies have documented the quality of housing options and neighborhoods available, as well as those rendered unavailable, to sex offenders resulting from residence restrictions. As is reviewed succinctly by Socia (2011), these studies reveal a few important patterns. First, residence restrictions generally push sex offenders into sparsely populated rural areas away from valuable reintegrative resources like treatment centers, public transportation, and employment opportunities. In research that complicates this pattern, Socia finds that neighborhoods with fewer residence restrictions were also those that exhibited less social disorganization.

Thus, neighborhoods with more available housing for released sex offenders are those that might facilitate the kind of informal social control—informal supervision of local children, neighborly interactions and conversations about local disturbances, and reports to police of suspicious activities—which are necessary for the proper functioning of community-based sex offender policies. Alternatively, more socially organized neighborhoods potentially might provide released sex offenders with structural advantages and social ties to aid in reintegration. Unfortunately, this study did not empirically examine where sex offenders actually *are* living and thus could not account for the possibility that sex offenders are living in disorganized neighborhoods undetected and in violation of residence restrictions precisely because of the relatively disproportionate share of space off-limits in those neighborhoods (see Hughes and Burchfield, 2008).

In addition to pushing sex offenders into or out of certain types of neighborhoods, as residence restrictions increase in size and scope, they have the potential to displace sex offenders from their current homes or to prevent them from returning to those homes after being released. Thus, those who could not find legal housing might remain in prison to serve their parole, might be sent back to prison for violating residence restrictions, or might be left homeless (see Twohey, 2010; Zarrella and Oppmann, 2007).

The housing (or lack thereof) available to sex offenders as a result of residence restriction policies has significant sociological consequences. It is to these consequences that I now turn, specifically examining the empirical impact of these policies on sex offense recidivism rates and their effectiveness in terms of policy compliance, as well as considering the broader and somewhat less easily observable implications of these policies for sex offender reintegration and community safety and social control.

Intended and Unintended Consequences

In terms of the residential patterns of released sex offenders, the situation created by residence restriction policies is one that offers sex offenders increasingly limited legal housing options and might turn many neighborhoods into dumping grounds for these offenders. By attempting to appease the perceived public demand for ever-increasing restrictions on sex offenders' lives postrelease, particularly with children, it seems that policy makers have adopted a "not-in-my-backyard" mentality, which fails to consider the potential negative consequences of residence restriction policies and often leaves sex offenders with nowhere to go.

Fortunately, academic research has been quick to critique the efficacy of these residence restrictions scientifically, with empirical examinations of their consequences for sex offender recidivism rates and reintegration as well as assessments of their implications for community stratification and safety. Namely, this research has considered the most important question regarding the effectiveness of residence restrictions that asks whether they reduce sex offenses. The simple answer to that question is "no" (see Blood, Watson, and Stageberg, 2008; Duwe, Donnay, and Tewksbury, 2008). A more complete answer would acknowledge that virtually

every assumption built into residence restriction policies is faulty or not based on empirical evidence. To date, research could not substantiate any of the following premises of residence restriction policies: that the greatest threat to children is from “stranger danger” (sex offenders they do not know), that sex offenders choose their victims from restricted spaces near their homes, that sex offenders can and will abide by residence restrictions, and that officials can and will track violations (see Mahr, 2010).

Beyond documenting the failure of residence restrictions to reduce sex offense recidivism rates, the implications of additional research have suggested that the unintended consequences of these laws have the potential to *increase* sex offending. In terms of the social and psychological impact that these laws have on released sex offenders, they create tremendous difficulties in acquiring a basic need—housing—and potentially isolate sex offenders from positive social supports. Clinical research has demonstrated how the stress, alienation, and hopelessness that accompany this isolation might trigger a relapse (Edwards and Hensley, 2001; Freeman-Longo, 1996).

Finally, if these policies do not yield a reduction in sex offense recidivism rates, then how else might they impact community safety and social control? As Casady (2009) rightly argued, the proper question to address to convince policy makers and the general public of the failings of these policies is whether communities are demonstrably *safer* after the implementation of residence restrictions. Probably not. Because of the unintended consequences previously discussed, residence restrictions have the potential to force released sex offenders into sparsely populated rural areas away from social supports, cluster them into small spaces like apartment complexes or trailer parks, or force them “off the map” because they cannot or will not comply with the policy. Any one of these consequences will hinder the formal and informal social control and supervision of these offenders.

Policy Considerations

Given the growing body of scientific evidence and court appeals questioning the utility of residence restriction policies, as well as some vivid anecdotes of sex offenders living in colonies under bridges and in trailer parks, the time has come to reevaluate these policies. Evidence-based policies are called for that move us away from policies based on “emotion and politics” and toward those driven by “research and science” (see Casady 2009: 17; Tewksbury and Levenson, 2007). Policy makers must find a way to negotiate public emotion with scientific empiricism.

The bottom line is that if sex offenders have served their time in prison and are deemed eligible to be released, then they must be housed somewhere in our communities. Following from the review of the literature assessing the effectiveness of residence restriction policies, as well as considering their unintended consequences, the subsequent sections are key issues that policy makers should consider when considering the implementation or assessment of such policies.

Empirical (Geographic-Information-Systems–Based) Examination of the Consequences of the Policy’s Size and Scope

Policy makers adopting or reevaluating residence restriction policies should continue to consult scientists trained in geographic information systems (GIS) technology to assess the evidence properly about how much and what kinds of space will be restricted by the policy (see Zandbergen and Hart, 2009). These analyses should be used to inform policy by demonstrating the displacement of sex offenders from residential locations, the clustering of sex offenders in small parts of the city or state, and the identification of vulnerable neighborhoods, either those with large proportions of restricted places or those with structural characteristics that might impede residents’ knowledge of, as well as willingness and ability to control informally, local sex offenders. Accordingly, as the study by Socia (2011) demonstrates, residence restrictions do not affect all neighborhoods equally, and residence restrictions of varying sizes and scopes can have greatly divergent consequences; neighborhoods with fewer restrictions generally have less available and less affordable housing, whereas those neighborhoods with more restrictions are generally more social disorganized.

Furthermore, as GIS is now a popular crime-fighting tool familiar to many policy makers, law-enforcement officials, and the general public, the development and dissemination of maps to demonstrate the community impact of residence restrictions might be a useful way to inform the public of the intended and unintended consequences of these policies.

Risk Assessment and Classification of Sex Offenders

Another important consideration for policy makers is the development and application of an empirically tested risk assessment or classification system for sex offenders. All too often, policies are created with a “one-size-fits-all” approach, although evidence overwhelmingly suggests that different types of sex offenders exhibit widely varying recidivism rates. A classification system will allow law enforcement officials to target their limited time and resources toward those offenders most likely to reoffend. The development of such a classification system should be done in consultation with sex offender researchers and treatment providers who recognize the complexities of recidivism research.

Formal Community Supervision

It is wise to remember that residence restrictions are not a panacea to the problem of sexual victimization. These restrictions and many recently enacted sex offender policies rely on residential informal social control in the form of residents proactively looking up local sex offenders, surveilling their actions, and potentially informing authorities of policy violations. A policy can be used to balance this informal social control effectively with necessary forms of formal social control and supervision. This consideration is especially important as recent research demonstrates that residents often do not use sex offender registries to obtain information about local sex offenders (Anderson and Sample, 2008;

Burchfield, 2010; Kernsmith, Comartin, Craun, and Kernsmith, 2009; Levenson, Brannon, Fortney, and Baker, 2007). Thus, the formal supervision of high-risk sex offenders must continue postrelease.

A growing body of research supports the use of the “containment model,” which is a comprehensive approach to sex offender treatment and supervision that involves collaboration among specially trained sex offender parole officers and treatment providers who develop risk assessments and treatment plans that involve periodic polygraph examinations to ensure compliance (English, Pullen, and Jones, 1997). Empirical evaluations of the effectiveness of this model in reducing recidivism have yielded promising results in Arizona, Colorado, Illinois, Massachusetts, Washington, and Virginia (Heil and English, 2007). Furthermore, it is generally more cost-effective to provide this kind of intensive community supervision than to house these offenders in prison.

Alternative Housing Options

In addition to the containment model, policy makers also might consider the use of state-subsidized “three-quarter” houses or group-living quarters for released sex offenders. Although this type of housing initially might be controversial, policy makers are advised to consider its benefits, including providing affordable housing for released sex offenders with a community of supportive fellow ex-offenders, as well as facilitating the tracking and supervision of these offenders. These benefits have the potential to ameliorate some unintended consequences of residence restrictions, and studies of these living arrangements in Colorado and Minnesota have not documented any negative effects (see Cain, 2008).

Verify Sex Offender Registry Information Accuracy and Track Compliance

Several studies have identified the inaccuracies of sex offender registry information; thus, policies must be designed to provide for and allocate the manpower and financial resources necessary to verify registry addresses and other information, to track offenders, and to ensure compliance. If one of the goals of sex offender policy is to arm citizens with information about, and the location of, local sex offenders, then this information must be accurate.

Correcting Public Misperceptions and Misinformation

Finally, as these policies largely have been motivated by public outcry and parents’ fear for the safety of their children, policy makers should endeavor to inform and educate the general public about the true risks posed by sex offenders, as well as the steps they can take to help ensure the proper enforcement of sex offender laws. Public education efforts might involve elements of a community policing model, or town hall meetings, where local residents could be given information about how various state and local sex offender laws work, how to use the sex offender registry, and fact sheets about sex offenders and sexual victimization.

Data Access

As evidenced by the research reviewed here and elsewhere, rigorous empirical research and effective policy are contingent on quality (and available) data. Although some states have sponsored research examining the effects of sex offender policies on recidivism rates (e.g., Colorado, Iowa, Minnesota, and New Jersey), academic researchers often are limited in their efforts to analyze sex offender policies independently by the inability to acquire data from state criminal justice agencies (for recent exceptions, see Duwe et al., 2008; Zandbergen, Levenson, and Hart, 2010). Thus, policy makers are called on to support policies that necessitate that state and local criminal justice agencies provide data to allow for the proper empirical examination of sex offender recidivism rates.

This essay cannot cover all policy considerations relevant to the establishment or evaluation of residence restrictions. As documented by Socia (2011), residence restrictions alone have potentially harmful consequences not just for sex offenders but for entire neighborhoods. And this potential is the tip of the sex offender policy iceberg. However, by briefly reviewing studies of the effectiveness of these policies and by highlighting their most glaring unintended consequences, it is hoped that discussion will continue among social scientists, treatment providers, law-enforcement officials, and policy makers about the optimal synthesis of sex offender research, evidence-based policy, and political responsiveness to public demands for the safety and protection of children from sex offenders.

References

- Anderson, Amy L. and Lisa L. Sample. 2008. Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19: 371–396.
- Blood, Phyllis, Lanette Watson, and Paul Stageberg. 2008. *State Legislation Monitoring Report: FY2007*. Des Moines: Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning.
- Burchfield, Keri B. 2010. *Assessing Community Residents' Perceptions of Local Registered Sex Offenders: Results from a Pilot Survey*. Unpublished manuscript.
- Burchfield, Keri B. and William Mingus. 2008. Not in my neighborhood: Assessing registered sex offenders' experiences with local social capital and social control. *Criminal Justice and Behavior*, 35: 356–374.
- Cain, Keri B. 2008. *Managing Convicted Sex Offenders in the Community*. Washington, DC: NGA Center for Best Practices.
- Casady, Tom. 2009. A police chief's viewpoint: Geographic aspects of sex offender residency restrictions. *Criminal Justice Policy Review*, 20: 16–20.
- Duwe, Grant, William Donnay, and Richard Tewksbury. 2008. Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35: 484–504.

- Edwards, William and Christopher Hensley. 2001. Contextualizing sex offender management legislation and policy: Evaluating the problem of latent consequences in community notification laws. *International Journal of Offender Therapy and Comparative Criminology*, 45: 83–101.
- English, Kim, Suzanne Pullen, and Linda Jones. 1997. *Managing Adult Sex Offenders: A Containment Approach*. Lexington, KY: American Probation and Parole Association.
- Freeman-Longo, Robert E. 1996. Prevention or problem? *Sexual Abuse: A Journal of Research & Treatment*, 8: 91–100.
- Heil, Peggy and Kim English. 2007. *Prison Sex Offender Treatment: Recommendations for Program Implementation*. Sacramento: California Department of Corrections and Rehabilitation.
- Hughes, Lorine A. and Keri B. Burchfield. 2008. Sex offender residence restrictions in Chicago: An environmental injustice? *Justice Quarterly*, 25: 647–673.
- Kernsmith, Poco D., Erin Comartin, Sarah W. Craun, and Roger M. Kernsmith. 2009. The relationship between sex offender registry utilization and awareness. *Sexual Abuse: A Journal of Research and Treatment*, 21: 181–193.
- Levenson, Jill S., Yolanda N. Brannon, Timothy Fortney, and Juanita Baker. 2007. Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7: 1–25.
- Levenson, Jill S. and Leo P. Cotter. 2005. The impact of sex offender residence restrictions: 1,000 feet from danger, or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49: 168–178.
- Mahr, Joseph. 2010. Unregistered sex offenders roam free. *The Chicago Tribune*. Retrieved June 19, 2010 from chicagotribune.com/news/watchdog/ct-met-sex-offenders-main-20100205,0,4997002,full.story.
- Mustaine Elizabeth E. and Richard Tewksbury. In press. Residential relegation of registered sex offenders. *American Journal of Criminal Justice*.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006. Residential location and mobility of registered sex offenders. *American Journal of Criminal Justice*, 30: 177–192.
- Socia, Kelly M. 2011. The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10(2): 351–389.
- Tewksbury, Richard and Matthew Lees. 2006. Consequences of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26: 309–334.
- Tewksbury, Richard and Jill Levenson. 2007. When evidence is ignored: Residential restrictions for sex offenders. *Corrections Today*, 69: 54–57.
- Turley, Erica and Laura Hutzell. 2001. *West Virginia Sex Offender Study*. Charleston, SC: Criminal Justice Statistical Analysis Center.
- Twohey, Megan. 2010. Sex offender housing restrictions may lead to more crimes. *Chicago Tribune*. Retrieved June 19, 2010 from chicagotribune.com/news/ct-met-sex-offender-housing-20100408,0,970490.story.

- Zandbergen, Paul A. and Timothy C. Hart. 2009. Geocoding accuracy considerations in determining residency restrictions for sex offenders. *Criminal Justice Policy Review*, 20: 62–90.
- Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart. 2010. Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37: 482–502.
- Zarella, John and Patrick Oppman. 2007. Florida housing sex offenders under bridge. *CNN.com*. Retrieved February 14, 2008, from cnn.com/2007/LAW/04/05/bridge.sex.offenders/index.html.
- Zevitz, Richard G. and Mary Ann Farkas. 2000. Sex offender community notification: Managing high risk criminals or exacting further vengeance? *Behavioral Sciences and the Law*, 18: 375–391.
-

Keri B. Burchfield is an assistant professor of sociology at Northern Illinois University. Her primary research interests include communities and crime, specifically investigating neighborhood structural effects and the effects of community organization on crime prevention and control, as well as the sociological experiences of sex offenders.

POLICY ESSAY

IMPLICATIONS OF RESIDENCE RESTRICTIONS ON SEX OFFENDER HOUSING

The contexts and politics of evidence-based sex offender policy

Chrysanthi Leon

University of Delaware

Since the 1990s, popular tough-on-crime legislation has featured the violent sexual recidivist (Lynch, 2002). Passing new laws that tighten surveillance and other restrictions on sex offenders lets policy makers signal their concern with crime and their solidarity with victims and their families (Barker, 2007). Many believe it is too politically dangerous to question a sex offender policy. Nonetheless, correctional authorities and policy makers at every level recognize the associated fiscal costs and therefore need empirical support for making the best use of constrained resources (Cate, 2010). “The policy implications of residence restrictions on sex offender housing in Upstate NY” (Socia, 2011, this issue) is an important step forward for the study of sex offender punishment and for those who seek sensible policies in this area.

Socia (2011) does an excellent job of grounding his work in the criminological literature on recent sex offender policy innovations. This knowledge base has grown exponentially in the last 5 years, providing ample evidence of the unintended consequences of popular policies. He also makes important connections to the policy realm, indicating why policy makers should consider implementation issues related to residency restrictions. Put simply, Socia demonstrates that the unintended consequences of residency restrictions far outweigh the single uncertain benefit they might provide. Socia measures effects on availability, affordability, and social disorganization. He finds that sex offenders who must move into the least restricted neighborhoods under the most severe residence restrictions have few housing or rental options. If these few sparsely populated neighborhoods do not contain enough housing for all sex offenders who might have to move there, then homelessness likely will

Direct correspondence to Chrysanthi Leon, Department of Sociology and Criminal Justice, University of Delaware, 325 Smith Hall, Newark, DE 19716 (e-mail: santhi@udel.edu).

increase, which further inhibits the ability to manage and support them in the community. Overall, the tendency of such laws is to prevent sex offenders from living in urban areas. Socia suggests that these limitations might increase sex offender recidivism rates because of the lack of treatment facilities, employment opportunities, and public transportation options available. He also suggests a possible benefit. Limiting sex offenders' ability to live in the densest, disorganized neighborhoods might keep them out of communities that are not equipped for them in terms of services and social control. However, this benefit might be outweighed by the disruption of social supports, so Socia advises against new residency restrictions.

A great strength of this featured research is its generalizability. By examining counties that are representative of the typical parcel density found throughout the United States, the results will be applicable to most policy makers. However, contextualization and interpretation must take place before this research and its ilk can be of direct use in the policy realm. Although useful for policy makers and advocates, the article does not deeply engage with the political realities faced by those who would amend or oppose such restrictions. This methodologically rigorous study is one piece of the big picture that reform-minded policy makers need. In addition to the effects of such laws on reentry (which are well described by Socia's [2011] article and the other work cited within it), policy makers need to know how residency restrictions laws build on registration and notification laws and how communities respond to sex offender laws. By viewing this contribution in the context of other examinations of such sex offender policies, I highlight several important implications for future research and policy making.

Goals in Conflict: Symbolism and Impact

Too often, scholars, advocates, and even community members focus on implementation problems with sex offender laws without taking into account the symbolic role of lawmaking. Efforts to translate criminological knowledge into policy making thus tend to misunderstand the motivations of those who oppose the reforms.

Sociology in the Durkheimian tradition describes the powerful drive to use law to send messages (Durkheim, Lukes, and Scull, 1983). Similarly, historians have drawn our attention to important complexities in the framing of sex crime as a problem throughout the 20th century (Freedman, 1987; Jenkins, 1998). Jenkins and others suggested that lawmakers who passed sex offender laws in the early 20th century might have known that the new laws were not likely to address the sex crime problem, but they could not resist the public pressure to do something, demonstrating the kind of arousal and soothing that Murray Edelman (1985) described as a feature of symbolic politics (Jenkins, 1998: 72).

Contemporary penology continues to recognize the symbolic role of law making as a means of fortifying solidarity. Mona Lynch (2002) argued that sex offender policy making is based on an emotional drive and serves an expressive role. Specifically, Lynch examined

legislative rhetoric and documented expressions of disgust, fear of contagion, and pollution avoidance. Sex offenders play a role in constructing and preserving boundaries between the pure and the dangerous, and they reflect on sociocultural anxieties and discomforts surrounding sexuality, family, and gender roles. Notification and residency laws might be perceived as “governing through crime,” as they focus on the notion of “intolerable risks” by reifying the image of the monstrous sex killer and rely on “democratic penalty” by providing information about sex offenders to the public and then expecting parents and others to do the policing (Simon, 2000, 2007).

Altogether, this scholarship means that criminologists must take these powerful social structures and tendencies into account when trying to bring their work into the public sphere; bare implementation data cannot counter emotion successfully.

Overbroad Laws

Therefore, one of the first interpretive steps for criminologists is to explain the overly broad basis of contemporary sex offender laws. Two parts to this argument are particularly important for applying the featured research to public policy, which include the realities of sex offender recidivism and the undifferentiated approach to sex offender risk that characterizes current polices.

Sex Offender Recidivism

Contemporary sex offender laws expect past offenders to be future offenders. Two kinds of methodologically rigorous research contradict these expectations about recidivism, which include prospective follow-up studies of large samples of released offenders and meta-analyses that combine multiple studies to allow for large sample analysis.

The Bureau of Justice Statistics collected recidivism data on two thirds of all inmates released from state prison systems in 1994 (Langan and Levin, 2002). After a 3-year follow-up, state prisoners had almost a one-in-two chance of a new conviction. Drug offenders had the highest recidivism rates (60.5%), and of violent offenders, robbers had a 46.5% recidivism rate. Of the released sex offenders, the sex offense recidivism rate was only 5.3%.

Although this low sexual recidivism of adult sex offenders challenges our conventional wisdom, it is extremely well established (Zimring and Leon, 2008). Hanson and Bussiere’s (1998: 351) meta-analysis of numerous recidivism studies with an average follow-up of 4 to 5 years found “[o]n average, the sex offense recidivism rate was 13.4% (n = 23,393; 18.9% for 1,839 rapists and 12.7% for 9,603 child molesters).” Similarly, a 2004 analysis of 10 follow-up studies confirmed the low rate of 14% after 5 years (Harris and Hanson, 2004).

Lack of Differentiation

Thus, *sex offenders as a group present low risks of sexual reoffense*. However, not only do contemporary laws mistake general risk, but also they fail to make meaningful distinctions among offenders. This tendency has been exacerbated by federal laws that require states

to adapt their registration laws to the national model. The federal Adam Walsh Child Protection and Safety Act (2006) assigns people convicted of sex offenses to one of three tiers. Tier assignment determines inclusion in the community notification Internet database and, by extension, the impact of residency restrictions on offenders.¹ In the federal approach and in many states, the tier level is established by the offense without consideration of the particular individual's risk of reoffense (Harris, Lobanov-Rostovsky, and Levenson, 2010). Thus, if an individual with a long history of violent offenses pleads down to a minor sex offense, then he automatically will be deemed "low-to-moderate risk." In contrast, an individual with no previous criminal justice contacts and no other warning signs in his background who pleads to a charge of unlawful sexual contact automatically will be in the higher risk tier.

This approach to sex offender risk determination and registry placement, although statutorily mislabeled "risk based" in many states, is actually conviction-based. Recent analysis of the impact of Adam Walsh Act implementation shows that registrants are reclassified into higher risk categories not supported by known risk factors (Harris et al., 2010). This classification ignores a deep research base that provides the basis for individualized risk predictions (Hanson and Morton-Bourgon, 2009). Some states, such as New Jersey and Washington, use risk assessment tools to classify sex offenders. In these states, experts use factors associated with future sexual offending to place individuals along a continuum of low to high risk of future dangerousness. These assessments inform placement into the sex offender registry as well as treatment and supervision decisions for the offender when released in the community. They create a smaller, more targeted group of offenders whose housing would be restricted under residency laws, but unfortunately, this selection is not the norm.

Policy makers considering residency restrictions need to understand the low risk and undifferentiated group of offenders who will be subject to these restrictions. Furthermore, they need to understand the likely impacts on communities, social service, and criminal justice agencies.

Community Impact

Neighborhood Organization

Socia's (2011) work uses concentrated disadvantage, residential stability, and ethnic heterogeneity as measures of social disorganization. He offers meaningful modes of comparison across neighborhoods of capacities for social control. The results show that residency restrictions impact socially disorganized neighborhoods the most, regardless of

1. As of this writing, the U.S. Department of Justice has not penalized any states for failing to comply. However, states that are determined to be noncompliant with the Act face severe consequences such as a 10% reduction in criminal justice funding from the federal government's Byrne grant system. As a result, many states have amended their laws to meet the requirements in whole or in part.

the size or scope of the particular restrictions. This finding is important for several reasons, which Socia discusses. Scholars of inequality will be particularly troubled by the impact of sex offender laws on vulnerable communities. Several recent articles have examined the collateral consequences of these laws on particular communities (Hughes and Burchfield, 2008; Hughes and Kadleck, 2008; Mustaine, Tewksbury, and Stengel, 2006; Zevitz, 2004). Socia shows how widespread these laws are likely to be.

However, social disorganization could be examined more deeply. Although empirically supported for quantitative analysis, the measures used to account for social disorganization are proxies for the actual capacities we wish to examine. A deeper account of neighborhood capacities would aid both research and policy analysis in at least two ways. First, measures of neighborhood cohesion, specifically the informal control of sex offenders, should account for the presence of religious communities and other social institutions. Parole historically has been an informal mechanism in which community members pledged support through employment and other means. Furthermore, an emerging social movement surrounding sex offender reentry highlights the role of churches in providing oversight and opportunity for returning sex offenders. In addition, related to restorative justice, which has deep roots in North American culture, several communities offer specific programming for returning sex offenders that are known as Circles of Concern or Circles of Support and Accountability (Wilson, Picheka, and Prinzo, 2005). These typically work directly with local probation and parole departments and treatment practitioners to provide supervision and support to offenders. They often are instigated under the auspices of local religious communities. These groups also can be considered an off-shoot of the sex offender containment model, which is a federally promoted approach to sex offender management that involves multiple state and community actors in addressing sex offenders in the community (English, Pullen, and Jones, 1996). As a result, attention to the possibilities for community institutions that could provide informal social control would expand our understanding of the relative social organization of neighborhoods. This in turn can help policy makers by identifying institutions that should be part of the policy-making process or at a minimum should be consulted as stakeholders that will be affected by residency restrictions and other sex offender policies. Such identification might provide new partners for sex offender reentry.

Community Responses

In addition to providing direction for additional quantitative measures, attention to neighborhood factors through qualitative research can deepen our understanding of how punishment practices shape society. For example, sociologist Monica Williams has studied community responses to sexually violent predator (SVP) placements. In-depth interviews with state officials, residents and local officials in five communities that have dealt with SVP placements have suggested that public hostility toward sex offender reentry reflects contestations over government versus citizen responsibility, the best strategies for achieving

public safety, and the meaning of citizens' rights (Williams, 2010). Williams found that these responses reflect a process by which people express their positions in the ongoing negotiations that constitute the politics of crime control (see also Barker, 2007).

For policy makers, this research also demonstrates the need to have information about which neighborhoods will be "burdened with sex offenders" as well as which institutions within the neighborhood should be points of contact for policy makers and state officials who are enacting new laws. Work like that of Williams (2010) also might provide particular pathways to successful state and local communications and partnerships for sex offender policies.

Legal and Institutional Impact

In addition to the further exploration of residency restrictions on communities, policy makers should know about the legal and institutional impacts of these laws. Sex offender laws highlight the disconnect between the front and back ends of criminal justice systems as well as between law makers and law implementers, and it further concentrates discretion on the front end (Leon, in press). More research is needed here, but available evidence already shows the burdens borne by social service and correctional institutions as a result of registry and residency restrictions.

Case in Point: Juvenile Sex Offenders

Conviction-based registration and the related residency restrictions on juveniles in Delaware illustrate this impact (Leon, Burton, and Alvare, in press). We find that the various state agencies that deal with delinquent youth in Delaware cannot place youth in the community once names are publicized through the sex offender registry. Foster families who are willing to take such youth often cannot because of the residency restrictions that are tied to the registry and prohibit "sex offenders" from living within 1,300 feet of schools, parks, and other designated areas. The Division of Child Mental Health describes systematic placement failures resulting from registry and residency laws. For example, a teenage girl was refused a place in a treatment program within Delaware because it was too close to a school. The law as written would allow such a youth to *attend the school* that triggered the residency restriction but not *live in a treatment facility* near the school despite the fact that the girl would be under much stricter supervision in the facility than she would be if merely attending the school.

Even when foster families or treatment programs either are not excluded by the registry-defined residency restrictions or choose not to recognize them,² they might decline to subject

2. In Delaware, the burden now rests on the families or the programs to deny a placement because they are aware of the residency restrictions; law enforcement also might pursue charges against a youth for violating the restrictions, but it seems this case is infrequent and that families and programs are more likely to "police themselves" (Public meeting of the Delaware Sex Offender Management Board, March 29, 2010, as cited in Leon et al., in press).

themselves to the stigmas that accompany notoriety through the public registry. Thus, for a combination of reasons, including the sentencing judge's orders as well as a lack of community placement alternatives, many sexually offending youth from Delaware are in residential placements, which means institutional confinement. Of these youth, most are out of state because residency restrictions obstruct in-state treatment facilities. In the 2009 fiscal year, Delaware spent more than \$5 million to send 62 youth out of state for sex-offense-specific residential treatment. These high costs in terms of time spent in detention away from families as well as the financial costs to the state only can be justified if the youth are serious offenders who cannot be treated in the community and pose a high risk of reoffense. But the recently completed Delaware Youth Needs Evaluation shows that most are low-risk youth who would benefit most from non-sex-offender treatment provided in a community setting (Burton, 2009).

Constitutive Effects

Although it will be a tougher sell, policy makers also might be interested in the constitutive effects of restriction laws and how they undo many of the public education efforts the same policy makers and their constituents support. Beyond the tangible effects on individuals, communities, and institutions, sex offender laws reinforce outdated notions that allow sexual violence to continue. Several scholars of rhetoric and philosophy draw our attention to these effects. For example, Pamela Schultz (2005) analyzed detailed interviews with convicted sex offenders and found that framing them as monsters not only dehumanizes them and robs them of the capacity for choice, but also it undermines treatment. Similarly, Douard (2008–2009: 33) argued that “[t]he media’s and lawmakers’ framing of sex offenders as monsters, and the incorporation of the monster framework into legal proceedings through the use of psychiatric testimony and diagnoses, results in a nearly invisible, unjust deprivation of liberty.” Numerous scholars across the disciplines have emphasized the way sex offender laws like residency restrictions provide a false sense of security, promoting the idea that the bad guys can be identified easily and isolated. Given the reality that most sexual crimes are committed by familiars, policies that constitute sex offenders as monstrous “others” distract us from real dangers (Finkelhor, Hammer, and Sedlak, 2004).

Policy Making in Context

Socia (2011) acknowledges that policy makers often will lack the ability to evaluate residence restrictions statistically when faced with public pressures to “do something.” He thus recognizes that symbolic responses often take precedence over those concerned with implementation. Policy makers therefore would benefit from more explication of how opposing or modifying residency restrictions is “doing something” positively to address sexual violence. As a result, policy makers need to be equipped with the language of differentiation; they need to know that current residency restriction laws almost always

uncritically apply the risk categories enshrined in a state's registration and notification laws. For example, opposition to new restrictions could be framed best as freeing up resources to concentrate on the truly dangerous. Although I am reluctant to suggest antioffender rhetoric, another approach would be to emphasize the need to spend taxpayer money on the vulnerable groups that feature so prominently in contemporary punishment politics. This emphasis could take the form of contrasting the expected costs of new residency restrictions with the budgetary needs of local shelters for battered women. By directly comparing one use of resources with another that profits the intended beneficiaries of get-tough policies, politicians might demonstrate their solidarity with needy groups without also adding to ineffective policies like residency restrictions.

Policy makers who seek to bring evidence to bear on sex offender policies need to distinguish any recommended changes from a call to go "soft" on sex offenders. As the U.S. Supreme Court has made clear, registration is not punishment. Amendments to registration and residency restriction policies do not change the available sentence structure for sex offenses. This essay and the wider body of research on implementation instead address the separate issue of how to manage sex offenders *after* they have been punished to be sure that we are acting based on what we know will help prevent future offending.

References

- Barker, Vanessa. 2007. The politics of pain: A political institutionalist analysis of crime victims' moral protests. *Law & Society Review*, 41: 619–663.
- Burton, David L. 2009, October 30. *Delaware Youth Needs Evaluation: First Report: Preliminary Data and Implications*. Report delivered to Delaware Family Court.
- Cate, Matthew. 2010. *Criminal Justice Conversations*, Boalt Hall School of Law. Retrieved June 30, 2010 from law.berkeley.edu/cjconversations.htm.
- Douard, John. 2008–2009. Sex offender as scapegoat: The monstrous offender within. *New York Law School Law Review*, 53: 31–53.
- Durkheim, Emile, Steven Lukes, and Andrew T. Scull. 1983. *Durkheim and the Law*. New York: Martin's Press.
- Edelman, Murray J. 1985. *The Symbolic Uses of Politics*. Urbana: University of Illinois Press.
- English, Kim, Suzanne Pullen, and Linda Jones. 1996. *Managing Adult Sex Offenders on Probation and Parole: A Containment Approach*. Lexington, KY: American Parole and Probation Association.
- Finkelhor, David, Heather Hammer, and Andrea J. Sedlak. 2004. Sexually assaulted children: National estimates and characteristics. *Juvenile Justice Bulletin*. Washington, DC: U.S. Department of Justice.
- Freedman, Estelle B. 1989. "Uncontrolled desires": The response to the sexual psychopath, 1920–1960. *The Journal of American History*, 74: 83–106.

- Hanson, R. Karl and Kelly E. Morton-Bourgon. 2009. The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, 21: 1–21.
- Hanson, R. Karl and M.T. Bussiere. 1998. Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66: 348–362.
- Harris, Andrew and R. Karl Hanson. 2004. *Sex Offender Recidivism: A Simple Question 2004–03*. Public Safety and Emergency Preparedness Canada.
- Harris, Andrew J., Christopher Lobanov-Rostovsky, and Jill S. Levenson. 2010. Widening the net: The effects of transitioning to the Adam Walsh Act's federally mandated sex offender classification system. *Criminal Justice and Behavior*, 37: 503–519.
- Hughes, Lorine A. and Keri B. Burchfield. 2008. Sex offender residence restrictions in Chicago: An environmental injustice? *Justice Quarterly*, 25: 647–673.
- Hughes, Lorine A. and Colleen Kadleck. 2008. Sex offender community notification and community stratification. *Justice Quarterly*, 25: 469–495.
- Jenkins, Philip. 1998. *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven, CT: Yale University Press.
- Langan, Patrick and David Levin. 2002. *Recidivism of Prisoners Released in 1994*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Leon, Chrysanthi. In press. *Sex Fiends, Perverts and Pedophiles: Understanding Sex Crime Policy in America*. New York: New York University Press.
- Leon, Chrysanthi, David L. Burton, and Dana Alvare. In press. Net-widening in Delaware: The overuse of registration and residential treatment for youth who commit sex offenses. *Widener Law Review*, 17.
- Lynch, Mona. 2002. Pedophiles and cyber-predators as contaminating forces: The language of disgust, pollution, and boundary invasions in federal debates on sex offender legislation. *Law and Social Inquiry*, 27: 529.
- Mustaine, Elizabeth E., Richard Tewksbury, and Kenneth M. Stengel. 2006. Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, 27: 329–350.
- Schultz, Pamela D. 2005. *Not Monsters: Analyzing the Stories of Child Molesters*. Lanham, MD: Rowman & Littlefield.
- Simon, Jonathan. 2000. Megan's Law: Crime and democracy in late modern America. *Law & Social Inquiry*, 25: 1111.
- Simon, Jonathan. 2007. *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford, U.K.: Oxford University Press.
- Socia, Kelly M. 2011. The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10(2): 351–389.
- Williams, Monica. 2010. Exposing social control and politics in sexually violent predator placements. *Symposium: Visualizing Governing through Crime in California*. Irvine: University of California—Irvine.

- Wilson, Robin J., Janice E. Picheka, and Michelle Prinzo. 2005. Circles of Support & Accountability: An evaluation of the pilot project in south-central Ontario. 021192 Vol. *Correctional Service of Canada*.
- Zevitz, Richard G. 2004. Sex offender placement and neighborhood social integration: The making of a scarlet letter community. *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, 17: 203–222.
- Zimring, Franklin E., and Chrysanthi Leon. 2008. A cite-checker's guide to sexual dangerousness: Reply to Ruby Andrew. *Berkeley Journal of Criminal Law*, 13: 65–76.

Statutes Cited

Adam Walsh Child Protection and Safety Act, 42 U.S.C. § (1996).

Chrysanthi Leon, J.D., Ph.D., is an assistant professor of sociology and criminal justice at the University of Delaware. An interdisciplinary scholar, Leon focuses primarily on penology and the sociology of law. Her current research centers on sex crime and punishment; her other interests include mental health and criminal justice, reentry, specialized courts, and the relationship between law and social change. *Sex Fiends, Perverts and Pedophiles: Understanding Sex Crime Policy in America* is forthcoming in 2011 with NYU Press.

EDITORIAL INTRODUCTION

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

Does fringe banking exacerbate neighborhood crime rates?

Steven F. Messner, Senior Editor
University at Albany, SUNY

Going back at least as far as the classic work of the Chicago School in the early years of the 20th century, researchers and policy analysts have been keenly sensitive to the potential impact on crime of the institutional infrastructure of neighborhoods (Kornhauser, 1978). Much interest has focused on the crime-control capacity of the services provided by local institutions as well as on the crime-generating consequences of the absence of such services. In contrast, the research article by Kubrin, Squires, Graves, and Ousey (2011, this issue) examines the potential link between crime and the *availability* of a particular type of financial service in the neighborhood—payday lending. Payday lending tends to be used disproportionately by lower income residents. The transaction involves a short-term loan, typically for a small amount of funds, which is usually secured with a postdated check (see Stegman, 2007). The lender then cashes the check on payday having included a fee for the service. The practice is attractive to those with low incomes because, typically, it is easy to qualify for the loan, no credit check is required, and the application process is simple.

Payday lending has proven to be a highly controversial financial service. On the one hand, supporters claim that it provides ready access to credit that otherwise would have been unavailable to segments of the population. On the other hand, the interest rates associated with the loan are high when translated into an annual percentage, leading to complaints from some that “payday lending is *per se* a predatory lending practice” (Stegman, 2007: 170). Concerns about the financial distress that might be induced among those who secure payday loans and accumulate unmanageable debt have led to calls for greater regulation of the industry, although the link between payday lending (and fringe banking more generally) and financial distress has not gone unchallenged (see, e.g., Hawkins, in press).

Direct correspondence to Steven F. Messner, University at Albany, SUNY, 1400 Washington Ave. Arts & Sciences 351, University at Albany, Albany, NY 12222 (e-mail: s.messner@albany.edu).

Kubrin et al. (2011) observe that the lively debates about the potential benefits versus costs of payday lending have focused almost exclusively on the consequences of these services for the customers themselves. Their research is directed toward a different type of question; given the widely documented geographic concentration of payday lending services in poor communities, could broader neighborhood costs be associated with them in the form of higher crime rates? Drawing on routine activities theory, strain theory, and social disorganization theory, they hypothesize that the prevalence of payday lending operations in a neighborhood will be positively associated with levels of crime. They assess their overarching hypotheses in regression models with data for census tracts in Seattle. Consistent with theoretical expectations, their measure of the concentration of payday lenders exhibits significantly positive effects on rates of property and violent crime. These effects emerge despite controls for other established covariates of neighborhood levels of crime, spatial dependence, and possible endogeneity.

Given these results, Kubrin et al. (2011) conclude that a major policy challenge is to mitigate the criminogenic consequences of the concentration of payday lenders while preserving access to credit for those who are currently not well served by more traditional banking institutions. They propose a range of possible policy initiatives. These include capping interest rates, enacting zoning laws that restrict the location of payday lenders, and establishing “suitability standards” that restrict the extent to which payday lenders can continue to supply multiple loans to customers. They also propose that local authorities consider the location of these businesses when allocating law enforcement resources.

In his policy essay, Stewart (2011, this issue) places the findings reported by Kubrin et al. (2011) and their policy concerns within the broader context of the political economy. Drawing on the influential work of William Julius Wilson (1987, 1996), Stewart argues that the proliferation of payday lenders and other “problematic institutions” in poor, minority neighborhoods can be understood as another socially undesirable consequence of concentrated disadvantage. Residents of neighborhoods with high levels of concentrated disadvantage lack the financial resources to secure beneficial neighborhood services, tend to be alienated from mainstream society, and have limited capacity to exercise informal social control. As a result, they cannot effectively prevent the proliferation of “problematic institutions” or take effective action to remove them once established. Stewart thus focuses his policy lens on what he perceives as the big picture. From this perspective, addressing the criminogenic consequences associated with payday lending requires the revitalization of the infrastructure of disadvantaged neighborhoods and the empowerment of their residents.

The policy essay by Wilcox and Eck (2011, this issue) challenges a key feature of the interpretation advanced by Kubrin et al. (2011) and the associated policy recommendations. These authors adopt a “place-focused line of inquiry” and argue that payday lending establishments are best conceptualized as one type of a more general phenomenon of facilities that entail high traffic. Some of these facilities are “popular” in the public mind (e.g., churches), whereas others are less so (e.g., bars and payday lenders). They also observe

that places with high-traffic facilities tend to have relatively high levels of crime regardless of the specific activities of the facilities per se. Moreover, among any given type of high-traffic facility, only a few places actually exhibit high levels of crime. These observations lead Wilcox and Eck to raise questions about what policy implications should follow from findings that any particular facility, such as payday lenders, is associated with levels of crime across areas. They consider the potential benefits and costs of the following specific strategies: doing nothing, patrolling the places, problem solving, and regulation. Their bottom-line conclusion is that eliminating payday lenders from specified locations is not likely to have much of a crime-prevention impact, although much merit may be found in following Kubrin et al.'s policy recommendations for addressing other social problems associated with these services.

References

- Hawkins, Jim. In press. Regulating the fringe: Reexamining the link between fringe banking and financial distress. *Indiana Law Journal*.
- Kornhauser, Ruth Rosner. 1978. *Social Sources of Delinquency: An Appraisal of Analytic Models*. Chicago, IL: University of Chicago Press.
- Kubrin, Charis E., Gregory D. Squires, Steven M. Graves, and Graham C. Ousey. 2011. Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending. *Criminology & Public Policy*, 10(2): 437–466.
- Stegman, Michael A. 2007. Payday lending. *Journal of Economic Perspectives*, 21: 169–190.
- Stewart, Eric A. 2011. Crime, local institutions, and structural inequality: The cost of payday lending institutions. *Criminology & Public Policy*, 10(2): 467–472.
- Wilcox, Pamela and John E. Eck. 2011. Criminology of the unpopular: Implications for policy aimed at payday lending facilities. *Criminology & Public Policy*, 10(2): 473–482.
- Wilson, William Julius. 1987. *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago, IL: University of Chicago Press.
- Wilson, William Julius. 1996. *When Work Disappears: The World of the New Urban Poor*. New York: Random House.

Steven F. Messner is Distinguished Teaching Professor of Sociology at the University at Albany, SUNY. His research focuses on social institutions and crime, understanding spatial and temporal patterns of crime, as well as crime and social control in China. In addition to his publications in professional journals, he is co-author of *Crime and the American Dream*, *Perspectives on Crime and Deviance*, and *Criminology: An Introduction Using ExplorIt*, as well as co-editor of *Theoretical Integration in the Study of Deviance and Crime* and *Crime and Social Control in a Changing China*.

EXECUTIVE SUMMARY

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

Overview of “Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending”

Charis E. Kubrin

Gregory D. Squires

George Washington University

Steven M. Graves

California State University, Northridge

Graham C. Ousey

College of William and Mary

Research Summary

Payday lenders have become the banker of choice for many residents of poor and working-class neighborhoods in recent years, often trapping the most vulnerable residents in a cycle of debt. The substantial costs that customers of these fringe bankers incur have long been documented and have been the subject of much policy debate as part of the controversy over financial services generally in recent years. Yet there is reason to believe there are broader community costs that all residents pay in those neighborhoods where payday lenders are concentrated, costs which have not yet been recognized or taken into consideration in policy debates.

One such cost may be an increase in crime. Social disorganization theory provides reason to expect that where payday lending proliferates, neighborhood crime rates increase. In a study of Seattle, Washington, a city that has seen a typical increase in the number of payday lenders, we find that a concentration of payday lending leads to higher violent and property crime rates, controlling on a range of factors traditionally associated with neighborhood crime. The findings suggest important policy recommendations that could ameliorate these costs.

Policy Implications

Several steps could be taken by state and federal financial regulatory officials (including legislators and regulators), private industry and nonprofit financial service providers, and

law enforcement agencies to help eliminate the predatory practices of payday lenders, along with the subsequent community costs, and to provide access to small consumer loans on an equitable basis. Among the steps that could be initiated immediately are the following:

- 1. Congress could cap the interest rate that payday lenders are allowed to charge at 36% as several states have done and Congress did for loans to members of the military and their families;*
- 2. Credit unions could, profitably, offer small loan programs that enable their members to access credit on reasonable terms and to save and accumulate wealth as some community development credit unions are currently doing;*
- 3. Federal banking officials could provide Community Reinvestment Act credit to depository agencies that provide small consumer loans on equitable terms in order to encourage larger lenders to offer such services;*
- 4. State and local governments could enact zoning laws limiting the number and density of payday lenders as several have already done.*
- 5. Financial service regulators could establish suitability standards requiring lenders to offer only those loans that are in the financial interests of the borrowers; and*
- 6. Law enforcement officials could provide additional service in neighborhoods where payday lending outlets are concentrated.*

There may well be additional community costs that have not been recognized. To further understand the range of costs associated with payday lending, we propose the following research agenda.

- 1. Property values may be adversely affected as crime rates increase and those costs should be estimated;*
- 2. Owners of payday lending outlets often reside outside of the neighborhoods in which the businesses are located, resulting in a drain of capital from those areas that should be quantified;*
- 3. The costs in other communities beyond Seattle should be determined;*
- 4. To complement this snapshot of Seattle, longitudinal research should be conducted.*

Access to a wide range of financial services on an equitable basis has become the subject of much policy debate and social science research in recent years. Payday lenders constitute part of a network of fringe bankers that have been concentrated in low-income, minority communities but have begun to spread throughout metropolitan areas. Costs to borrowers have been documented with some precision. But broader community costs have not been subject to scrutiny. That payday lending is associated with crime should, in fact, come as no surprise. How we choose to respond to that connection remains to be determined.

Keywords

neighborhood crime, social ecology, payday lending, social disorganization, local institutions

RESEARCH ARTICLE

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

Does fringe banking exacerbate neighborhood crime rates?

Investigating the social ecology of payday lending

Charis E. Kubrin

Gregory D. Squires

George Washington University

Steven M. Graves

California State University, Northridge

Graham C. Ousey

College of William and Mary

Payday lenders have become the banker of choice for many residents of distressed urban communities in the United States. By offering cash advances on postdated checks, these businesses provide a growing number of financially strapped families the money they need to get by at least in the short run. As just one piece of a growing fringe banking industry (consisting of check cashers, pawn shops, rent-to-own stores, and other high-cost financial services), payday lenders provide services but at a heavy cost to some of the most financially vulnerable families. Much attention has been given to the costs the customers of such services are incurring. Yet additional broader community costs might have been ignored in recent debates and in the scholarly literature. One of those costs, and the focus of this research, is a possible link between payday lending and neighborhood crime rates.

We thank Robert Nash Parker and Glenn Deane for comments on an earlier draft of the article and Megan DeCrappeo for research assistance with this project. We are especially grateful to Ruth Peterson and Lauren J. Krivo for providing us with the data, which were prepared with funds from the National Science Foundation (SES-0080091). Direct correspondence to Charis E. Kubrin, Department of Sociology, George Washington University, Phillips Hall 409, 801 22nd St. N.W., Washington, DC 20052 (e-mail: charisk@gwu.edu).

Although pawn shops, loan sharks, and other predatory financial service providers have long histories, the number and range of such fringe banking institutions have mushroomed in the latter part of the 20th and early years of the 21st centuries amid great controversy. In financial services, the rise of subprime and predatory lending has led to record foreclosure rates. A broader economic recession is now reaching overseas. These developments have been followed by unprecedented bailout and rescue plans. Although these events have received most of the attention in financial industry circles, the increase in payday lending and other high-priced services has hardly gone unnoticed. Critics accuse payday lenders with charging exorbitant, exploitative interest rates and fees, and several states have taken legal action to restrict their activities or virtually put them out of business altogether. Providers maintain that they are offering valuable services to markets that are ignored by conventional financial services (e.g., banks, thrifts, and credit unions) and that their costs simply reflect the risks they encounter as well as other legitimate business costs.

The debates over payday lending so far have focused almost exclusively on the implications for immediate customers. Yet given the location of these services and the socioeconomic status of their customer base—what we refer to as the ecology of payday lending—other costs might be incurred by the communities in which they are located, costs that are paid by community members who do not use their services along with those paid by the clients. One potential cost for all residents might be higher crime rates in communities where payday lenders are located. Several theoretically plausible reasons have been suggested for such a link, starting with the simple fact that where payday lenders are present, a concentration of cash exists among store customers often late into the evening and during weekends in neighborhoods where many residents are experiencing financial hardships.

In the following pages, we provide some empirical evidence that such a connection, in fact, exists. Subsequently, we report on a case study of a fairly typical U.S. city where payday lending has grown in recent years—Seattle, Washington. In our discussion leading up to the analysis, we document the growth of payday lending and other fringe banking services in the United States and describe the controversy that such growth has produced. Next, we elaborate several theoretical arguments that support the hypothesized relationship between payday lending and neighborhood crime rates. Finally, we provide empirical evidence for that relationship in Seattle neighborhoods. Crime is just one community cost that might be associated with payday lending. In the conclusion, we briefly note other potential costs. We conclude with a discussion of the policy implications of our findings and recommendations for future research.

The Growth of Fringe Banking and Payday Lending

A two-tiered system in financial services has emerged in the United States in recent years, with one featuring conventional products distributed by banks and savings institutions and the other featuring alternative, higher cost services offered by payday lenders, check

cashers, and pawnshops—often referred to as “fringe bankers.” Fringe banking services are disproportionately though not located exclusively in low-income, minority neighborhoods (Fellowes, 2006; Graves, 2003; Li, Parrish, Ernst, and Davis, 2009; Logan and Weller, 2009; Temkin and Sawyer, 2004), and minority and low-income families are more likely than other families to use fringe banking services (Caskey, 1994; Hudson, 1996; Karger, 2005).

Fringe banking has been the subject of much policy debate among financial service providers, regulators, elected officials, and consumer groups. This reflects, in part, substantial growth of fringe banking, its greater concentration in distressed communities, and adverse economic consequences for those who rely on these institutions for financial services. To illustrate, payday lending outlets were virtually nonexistent in 1990, but by 2006, more than 15,000 outlets extended \$25 billion in credit (Lawrence and Eliehausen, 2008: 299). By 2008, more than 22,000 locations originated more than \$27 billion in loan volume annually (Parrish and King, 2009: 11).¹ The growth of payday lending has been impressive, growing faster than Starbucks during the mid-1990s (Graves and Peterson, 2008: 668). Today, more payday lenders exist than McDonald’s restaurants (Karger, 2005: 73).

Several studies demonstrate that these services are concentrated in low-income and minority neighborhoods, although they are starting to grow in many working and middle-class neighborhoods. In North Carolina, three times as many payday lenders per capita are present in African American neighborhoods as in White neighborhoods (King, Li, Davis, and Ernst, 2005). In the state of Washington, the site of the current study, they are twice as likely to be located in predominantly African American as White areas, and they also are concentrated in poverty zip codes (Oron, 2006). In California, they are eight times as concentrated in African American and Latino neighborhoods as in White neighborhoods. Even controlling on income, poverty, population, education, and other socioeconomic factors, the racial disparity persists (Li et al., 2009: 2). In Denver neighborhoods where the median income is below \$30,000, one check-casher exists for every 3,196 residents compared with one check casher for every 27,416 residents in neighborhoods where the median income is between \$90,000 and \$120,000 (Fellowes, 2006: 26–28).²

These services are expensive, and it is struggling working families who are paying the highest costs. The Center for Responsible Lending reported that payday lending costs U.S. families \$4.2 billion annually in excessive fees, or fees that exceed the risk posed by

-
1. Payday loans are cash advances on a postdated personal check generally for 2 weeks or less when the borrower will receive the next paycheck. Amounts are typically in the range of \$300 to \$500. To qualify, a borrower must have a checking account, source of income, and identification. Typically, the borrower writes the check for an amount exceeding the cash loan (to cover the finance charge, generally \$15–\$30 per \$100 or approximately a 390–780% annual percentage rate for a 2-week loan). At the next payday, the borrower can repay the full loan amount, the check could be deposited for payment, or the borrower can pay the finance charge and renew the loan for another term (Consumer Federation of America, 2007: 3, 4).
 2. Check cashers are businesses that charge a fee for cashing checks (Karger, 2005: 215).

borrowers and the costs of similar services provided by conventional financial institutions (King, Parrish, and Tanik, 2006: 2,7). Ironically, more than 75% of these fees cover the costs of loans taken out by borrowers to repay debts incurred from previous payday loans, which they could not pay when the debt originally came due (Parrish and King, 2009: 11). Payday lenders claim that their fees simply reflect the costs of doing business.

Payday lenders also assert their borrowers are primarily middle income, although recent research indicates it is low- and moderate-income borrowers who constitute a disproportionate share of customers. A study of Colorado borrowers found that those earning less than \$30,000 a year make up two thirds of payday lender customers. A Texas study found that the median income of borrowers was \$18,540 (Fox, 2007: 6, 7). A 2001 nationwide survey found that 23% earned less than \$25,000 and that 51.5% earned between \$25,000 and \$50,000 (Lawrence and Elliehausen, 2008: 305). In its 2007 Survey of Consumer Finances, the Federal Reserve, for the first time, asked whether respondents had taken out a payday loan in the previous year. Those who did so had a median income of \$30,892 compared with \$48,397 for those who had not taken out such loans. Payday loan borrowers had a median net worth of zero compared with \$80,510 for nonborrowers (Logan and Weller, 2009: 8).

The industry also claims that its customers are generally people who use their services only on rare occasions to meet sudden emergencies. According to the 2001 survey, however, more than 22% had 14 or more payday loans that year, another 26% had more than 6, and just 15% had only 1 or 2 (Lawrence and Elliehausen, 2008: 311). The Center for Responsible Lending found that less than 2% of all payday loans went to borrowers who just took out one loan. Repeat borrowing was more common with more than 60% of loans going to those who took out 12 or more loans per year and 24% going to those with 21 or more per year (King and Parrish, 2007: 2, 3). Half of these loans were taken out within 1 day of repaying a previous loan, indicating that borrowers often take out such loans to retire the debt of previous payday loans (Parrish and King, 2009: 8). Given the high fees and frequent use, payday loans have been referred to as “debt traps” by many consumer groups (Fox, 2007: 7, 8).

Policy makers have begun to listen to consumer complaints. In 2006, the U.S. Congress prohibited payday lending to military members and capped at 36% the interest rate that could be charged to them on any loan in connection with any other product (Powers, 2006). Fifteen states and the District of Columbia have small loan usury laws or rate caps that effectively prohibit payday lending at triple-interest rates (Center for Responsible Lending, 2010: 7). Several other states and Congress are considering legislation and regulations restricting such lending (*American Banker*, 2007). However, some national banks (e.g., Wells Fargo and U.S. Bank) are now offering “direct deposit advance” or “checking account advance” products that are similar to payday loans. Because the Office of the Comptroller of the Currency has preempted many state banking laws, the national banks it regulates

legally can make such loans, and they are doing so in at least six of the states with the 36% cap (Center for Responsible Lending, 2010).

All this attention is generated primarily by the growth of the industry, the fees that are being charged, and the customers and neighborhoods that are being targeted. Borrowers are clearly paying high costs, as already noted. Lost in this discussion, however, are the broader costs that many communities might be incurring, including perhaps heightened levels of crime. Payday lenders seem to be more concentrated in precisely those neighborhoods where crime rates are highest and where ex-offenders are most likely to return when they leave prison (Lynch and Sabol, 2001: 3; Rose and Clear, 1998; Visher, Kachnowski, LaVigne, and Travis, 2004). No research, however, has examined the direct impact of fringe banking services on neighborhood crime rates. There is reason to believe that such a connection exists and that it is costly.

Theoretical Context of the Payday Lending-Crime Nexus

Theoretical arguments for why payday lending and crime might be related draw on a mixture of criminological perspectives. At a minimum, the availability of cash in distressed neighborhoods at readily identifiable businesses frequently operating with evening and weekend hours suggests a probable link between crime and payday lending, according to routine activities theory. According to this theory, crime can be understood in terms of the “routine activities” of everyday life including what we do, where we go, and with whom we interact on a daily basis (Cohen and Felson, 1979). At its core is the idea that, in the absence of effective controls, offenders will prey on attractive targets. In the current context, residents who use payday lenders often leave these establishments with great sums of cash in their wallets and at late hours in the evenings as well as on the weekends, a fact likely not overlooked by potential criminals.

It is also reasonable to believe that some increase in crime could be attributable to the manner in which payday lenders might lubricate the cash-only drug trade. In places where cash is available on a moment’s notice to anyone with a job or government check, those wanting to fuel an addiction, or deviant lifestyle, need not wait until payday with ample payday loan opportunities.

Persons who find themselves in an ever-descending debt spiral, perhaps pressured by the threats of debt collectors, also would seem more likely to suffer from emotional difficulties that manifest themselves in violence, particularly against family, coworkers, friends, and neighbors, as strain theory would predict. Agnew (1992) claimed that strain, which can result from the presentation of negative stimuli (e.g., going into debt), can produce “negative affective states,” including anger, fear, frustration, or depression, that might lead to crime. This result is especially likely to occur among individuals who have few resources for coping with strain. Along these lines, it is also easy to imagine that hopelessly indebted persons might turn to other forms of crime to compensate for the debt incurred to payday lenders.

Perhaps the greatest insight on the payday lending-crime nexus comes from social disorganization theory, which has emerged as the critical framework for understanding the relationship between neighborhood characteristics and crime in urban areas. According to the theory, certain neighborhood characteristics can lead to social disorganization, defined as the inability of a community to realize the common values of its residents and to maintain effective social controls (Kornhauser, 1978: 120). Social disorganization, in turn, can lead to more crime.

The most commonly studied aspects of neighborhoods include economic deprivation, residential instability, and population heterogeneity. An impressive literature produced over decades has found that these and related characteristics are positively associated with community crime rates, both directly and indirectly through their effect on neighborhood processes such as informal social control and collective efficacy (for a review of this literature, see Kubrin and Weitzer, 2003).

Along with these community characteristics, local institutions are theorized to play a key role in shaping crime rates. This effect occurs in large part because such institutions structure the daily interaction patterns of residents, affect the ability of communities to exercise social control, and influence available routes to valued goals such as economic or community development. Disadvantaged neighborhoods, in particular, have difficulty attracting and maintaining the types of local institutions that impede crime by providing community stability, social control, and alternatives to occupy residents' time (Peterson, Krivo, and Harris, 2000: 32).

Neighborhood studies of crime have focused on a variety of local institutions such as bars, public housing, and recreational facilities. It is argued that recreation centers and libraries:

provide places and activities where people can gather, thereby structuring time and observing each other in public. To the degree that these institutions offer organized activities, they place local residents in settings that promote and facilitate the sharing of common values and goals. As this occurs, community networks are more likely to form and fulfill control functions. (Peterson et al., 2000: 34)

Other types of local institutions, however, such as bars, might serve to encourage criminal behavior in neighborhoods. Researchers have argued that their presence can cause crime directly by inducing violence within these establishments themselves (because of intoxication and impaired judgment) and indirectly by undermining informal social control in communities where bars are densely located (Parker, 1995; Roncek and Maier, 1991).

In a study on the role of local institutions and their effect on violent crime rates in Columbus, Ohio, neighborhoods, Peterson et al. (2000) found support for these arguments. They documented that a greater prevalence of recreation centers reduces violent crime, at least in the most economically disadvantaged areas of Columbus. They also documented

that a greater prevalence of bars in Columbus tracts is related to higher levels of violent crime. Beyond their study and previous research, however, they claimed that “scholars have not explored the empirical linkages between the presence of various types of institutions and neighborhood crime” (2000: 36) and cautioned that “additional research is needed to specify more fully what types of institutions . . . will have the most payoff” (2000: 57) for reducing community crime rates.

We would like to add payday lenders to the list of local institutions that might affect community crime rates. In line with social disorganization theory, we argue that a concentration of payday lenders might constitute a visible sign of neighborhood disorder and decline. According to research, disorder has been shown to increase fear of crime (Taylor, 2001) and to reduce informal social control, thereby increasing crime (Wilson and Kelling, 1982). Skogan (1992), in particular, characterizes disorder as an instrument of destabilization and neighborhood decline, with implications for community crime rates.

In summary, several reasons suggest why the presence of payday lenders in neighborhoods might be associated with violent and property crime rates in those neighborhoods. Previous research has investigated the relationship between crime and residential instability, poverty, unemployment, and other factors. Previous research also has documented the effect of local institutions on community crime rates including bars and recreational facilities. To date, however, no research has systematically examined the relationship between payday lending and crime. In fact, little overlap has occurred in the payday lending and crime literatures, despite the plausibility of such a relationship. As such, this study is the first empirical examination of the fringe banking–neighborhood crime nexus.

The Research Context

The city of Seattle, Washington, was selected because it is a representative major U.S. city (with a population of more than 550,000, of which non-Whites account for 30%) and is located in a state where payday lending has grown substantially over the last several years. Payday lending was legalized in Washington State in 1995. It grew slowly at first but then gained momentum in 2003 when the state legislature increased the maximum loan amount from \$200 to \$700. In Seattle, the number of payday lenders has grown from 37 in 2003 to 52 in 2007, an increase of nearly 41%. Equally important, as in most metropolitan areas, the location of payday lenders in Seattle is concentrated in low- and moderate-income and minority communities, where crime rates are the highest. We also selected Seattle as our study site because it is typical in terms of the number and density of payday lenders. Payday lenders in Seattle do not exhibit any unusual spatial pattern as one might find in heavily ghettoized cities or in cities with a significant military presence. Finally, we chose Seattle because it has been the focus of numerous studies of community crime rates over the last 20 years (Crutchfield, 1989; Kubrin, 2000; Matsueda, Drakulich, and Kubrin, 2006; Miethe and McDowall, 1993; Warner and Rountree, 1997). The current study builds on this literature.

The primary question we explore is whether those neighborhoods that have a relatively greater share of payday lenders exhibit higher crime rates after taking into consideration a range of factors known to be associated with crime (e.g., poverty, unemployment, population turnover, and related socioeconomic factors). We continue to consider that question in analyses that attempt to account for analytic complexities such as spatial autocorrelation and endogeneity. The findings will inform current policy debates and suggest directions for future research on the impact of payday lending.

Data and Methodology

To examine the relationship between payday lending and neighborhood crime rates, we perform a series of regression analyses using data on the location of payday lenders in conjunction with census and crime data for census tracts in Seattle. Census tracts approximate neighborhoods and are the smallest geographic level for which all three data sets are available.³

Independent Variables

Our key independent variable is the prevalence of licensed payday lenders in Seattle census tracts in 2005. To calculate this variable, we divide the number of payday lenders in a tract by the tract population size (expressed in units of 1,000 persons) and take the natural logarithm of this rate.⁴ The raw data on payday lenders were collected by Steven Graves as part of a larger study focused on payday lenders and the military (Graves and Peterson, 2005). The street address for each lender was assigned a census tract number using ArcView GIS. In the 116 Seattle tracts for which crime data were available, 44 lenders were in operation in 2005. This number is comparable with other major U.S. cities including Milwaukee (41), Fort Worth (62), San Francisco (45), and Salt Lake City (53). The minimum number of payday lenders in a Seattle tract was 0, whereas the maximum was 4. The mean number of lenders across all tracts was .38.

The following variables were constructed from the 2000 U.S. Census to reflect critical neighborhood differences: *percent secondary sector low-wage jobs* (percent of total employed civilian population age 16 years and older employed in the six occupations with the lowest mean incomes),⁵ *jobless rate* (percent of civilian labor force age 16–64 years who

3. Seattle has 123 census tracts, but only 116 were included in the analyses. Recently, several tracts have been reconfigured into other tracts or eliminated altogether. Tract 23 is now subsumed in tract 40, tract 55 is now subsumed in tract 57, and tract 37 no longer exists. The remaining tracts were excluded because they encompass unique areas without corresponding census data. Tract 53 is excluded because it encompasses the University of Washington campus, and tracts 83 and 85 are excluded because they encompass the University's medical complex.

4. We added a constant of 1 to the rate prior to computing the logarithmic transformation.

5. The occupations include health-care support; food preparation and serving-related occupations; building and grounds cleaning and maintenance; personal care and service; farming, fishing, and

are unemployed or not in the labor force), *percent professionals and managers* (percent of employed civilian population age 16 years and older in management, professional, and related occupations), *percent high-school graduates* (percent of adults age 25 years and older who are at least high-school graduates), *poverty rate* (percent of the population for whom poverty status is determined whose income in 1999 was below the poverty level), *percent Black* (percent of the total population that is non-Hispanic Black), *percent young males* (percent of the total population who are males between the ages of 15 and 24 years), *residential instability index* (index comprising percent renters, or percent of occupied housing units that are renter occupied, and percent movers, or percent of population ages 5 years and older who lived in a different house in 1995),⁶ *percent female-headed households* (percent of households that are female-headed with no husband), and *population* (tract population).⁷ The literature has demonstrated that these characteristics are related to community crime rates in a variety of cities throughout the United States (Krivo and Peterson, 1996; Kubrin, 2000; Morenoff et al., 2001; Warner and Rountree, 1997).

An important variable that classifies tracts as within or not within the Seattle Central Business District (CBD) is included in the analyses because few and atypical residents live in CBD tracts. In Seattle, CBD residents tend to be urban professionals with high incomes or people who are poor and homeless. Controlling for whether tracts are inside or outside the CBD minimizes the likelihood that the unique characteristics of this area will distort the results (Crutchfield, 1989).

Previous community-level studies have found it necessary to address the problem of multicollinearity among the independent variables. To evaluate this issue, we examined variance inflation factor (VIF) scores, which confirmed the high level of collinearity among many disadvantage-related variables. Using these diagnostics and previous research as a guide (e.g., Sampson and Raudenbush 1999: 621), we performed principal components factor analysis with varimax rotation. Not surprisingly, the results suggest that the disadvantage-related variables all load on a single component with an eigenvalue of 4.39. This component, which we label *Neighborhood Disadvantage*, explains 73% of the variance and consists of the following variables (factor loadings in parenthesis): percent secondary sector low-wage jobs (.94), jobless rate (.87), percent professionals and managers (-.86), percent high-school graduates (-.93), poverty rate (.80), and percent Black (.71).⁸

forestry; and material moving. The mean wages were derived from 2000 census data available in the Integrated Public Use Microdata Series (ipums.org).

6 The index represents the average of the standardized scores of these two variables.

7 All census data used in the study were compiled by Ruth D. Peterson and Lauren J. Krivo (2006) as part of the National Neighborhood Crime Study (NNCS). The NNCS contains information on the Federal Bureau of Investigation's Index crimes and sociodemographic characteristics for census tracts in a representative sample of large U.S. cities for 2000.

8. Similar to prior research, we include percent Black in the disadvantage index because of its high correlation with the other items that comprise the index. Treating percent Black as a separate covariate

In the analyses, the disadvantage index is used along with the residential instability index, young male rate, rate of female-headed households, total population, central business district, and our payday lending measure to predict Seattle neighborhood crime rates.⁹

Dependent Variables

Data used to compute violent and property crime rates at the census tract level come from Seattle Police Department annual reports. Following common practice, multiple year (2006–2007) average crime rates (per 1,000 population) were calculated to minimize the impact of annual fluctuations.¹⁰ The violent crime rate sums murder, rape, robbery, and assault rates, whereas the property crime rate is calculated as a sum of the burglary, larceny, and autotheft rates.¹¹

Analytic Issues and Strategy

One critical issue in neighborhood research is that of spatial dependence. Crime is not randomly distributed but is spatially concentrated in certain areas in the metropolis. Formally, the presence or absence of this pattern is indicated by the concept of spatial autocorrelation, or the coincidence of similarity in value with similarity in location (Anselin, Cohen, Cook, Gorr, and Tita, 2000: 14). When high values in a location are associated with high values at nearby locations, or low values with low values for neighbors, positive spatial autocorrelation or spatial clustering occurs. In analyses using spatial data, such as in the current study, one must attend to potential autocorrelation because ignoring spatial dependence in the model might lead to false indications of significance, biased parameter estimates, and misleading suggestions of fit (Messner, Anselin, Baller, Hawkins, Deane, and Tolnay, 2001: 427).

In the current study, we address potential spatial dependence by mapping the residuals from our regression analyses and running a series of diagnostic tests to check for problematic levels of spatial autocorrelation. We used multiple variants of the Moran's I test and several software packages, including GeoDA, SPSS, ArcMap 9.3, and s3 (Mathematica).

results in levels of collinearity that create partialling and interpretation difficulties in regard to the disadvantage and percentage Black variables. In analyses not shown here, we computed supplemental models with percent Black as a separate covariate. The substantive results regarding payday lending and crime did not change in those models.

9. Examination of collinearity diagnostics revealed no multicollinearity problems in the parameter estimates presented subsequently (maximum VIF was 2.5).
10. Crime data by census tract for 2008 through the present have not yet been released publicly.
11. Histograms and descriptive statistics indicate that several variables are highly skewed, and we include log-transformed versions of these variables in the analyses that follow. Transformed variables include the young male rate, payday lender rate, and violent and property crime rates.

A second critical issue has to do with the possibility that endogeneity might be found in the payday lending–crime relationship. Although it is our contention that the most well-grounded theoretical relationship is one in which the presence of payday lenders in an area affects the crime rate, we acknowledge the possibility that the relationship might be reciprocal (i.e., crime could affect where payday lenders set up shop). One reason for this trend is that moderate levels of crime might serve as an environmental signal that informs payday lenders of locations where a reasonably high demand should exist for the sorts of financial services they provide. To the extent this argument has some merit, it seems prudent to account for the possibility that payday lenders might be an endogenous, rather than an exogenous, regressor in our analyses. As discussed subsequently, we do this by implementing an instrumental variables model, a commonly used approach to model endogeneity in social relationships.

Given the issues just raised and our focus on investigating the relationship between payday lending and neighborhood crime rates, after providing some descriptive statistics, our multivariate analysis begins with the estimation of a series of ordinary least-squares (OLS) regression analyses in which the effects of payday lending on crime are examined. In the first model, we assess whether payday lending and crime rates are associated using a baseline model in which only payday lending is included. In the second model, we introduce into the analysis the standard neighborhood crime correlates (e.g., neighborhood disadvantage, residential instability, etc.) to determine whether any payday lending effect withstands these controls. In the third model, we make an effort to allow for the possibility that our payday lending measure is endogenous by estimating an instrumental variables regression via the two-stage least-squares (2SLS) estimator. To implement the instrumental variable model, we require an instrument that is justified on theoretical grounds and meeting the following conditions: (a) It is highly correlated with the measure of payday lenders, and (b) it is uncorrelated with the disturbance terms from the payday lending–crime equations. To that end, we instrument payday lender rates with a measure of the prevalence of Federal Deposit Insurance Corporation (FDIC) banking institutions (i.e., the natural log of banks per 1,000 population). Our theoretical justification for this instrument follows below.

Within the limits of zoning regulations, FDIC banks are likely to locate themselves strategically to provide convenient access to consumers with financial and banking needs. Payday lenders, in turn, are likely to opt for locations in relative proximity to traditional banks for several reasons. First, because FDIC banks are likely to be located in an advantageous position relative to consumer demand, setting up shop nearby provides payday lenders with access to a steady flow of potential customers. Second, because payday lenders tend to provide services that traditional banks do not (e.g., short-term loans to customers with weak credit histories, nighttime, and weekend hours), a location near an FDIC bank provides potential visibility to banking customers whose needs occasionally might be unmet by the traditional bank. Third and most important theoretically, almost every payday loan transaction requires the customer to present a postdated personal check

from a valid checking account to obtain their cash loan. Therefore, logic suggests that the vast majority of Seattle's payday loan customers keep a checking account with a bank that is also nearby. As such, traditional banks and payday lenders do not attract completely different clientele; the customers of the latter are simply a subset of the banks' clients. Although the availability of banks is a necessary condition for payday lenders, banks have little, if any, need for payday lenders (although some lenders have partnered with and, in some cases, even purchased, payday lenders). In essence, the relationship between payday lenders and FDIC banks is commensalistic. Payday lenders benefit from their geographic connection to FDIC institutions without seriously affecting the financial service market of the bank itself. Based on these reasons, we argue that a concentration of payday lending institutions is driven, in part, by the location of traditional banking institutions. Consequently, we expect that payday lenders and FDIC banks will collocate and that the concentration of FDIC banks should be correlated positively with the concentrations of payday lenders.

Consistent with this expectation, a recent analysis by Fellowes and Mabanta (2008: 10) reports that "of the 22,984 payday lenders now in business, about 95 percent are located within one mile of a bank or credit union branch, and 84 percent are located in the same neighborhood or census tract as a bank or credit union branch."¹² This pattern of collocation between payday lenders and FDIC banks also appears in Seattle. As evidenced by the map presented in Appendix A, tracts with a greater prevalence of FDIC banks tend to be tracts that also exhibit more payday lending institutions. Moreover, as expected, we find that the bivariate correlation between the payday lender rate and the FDIC banking rate across Seattle census tracts is fairly strong at $r = .64$. Thus, consistent with its role as an instrument, we believe both theoretical and empirical evidence is present indicating that the prevalence of FDIC banks is related to the prevalence of payday lenders. In contrast, we perceived no compelling reason to expect that the FDIC banking institution rate will be correlated with the disturbance terms from the crime equations. However, because this latter "exogeneity" assumption cannot be tested directly (Wooldridge, 2002: 86), findings should be interpreted with appropriate caution.¹³

12. Given that FDIC banks and payday lenders tend to be located close to one another, one might wonder why individuals choose to use the high-cost services of the latter. For starters, geographic proximity is not equivalent to access. As noted earlier, banks frequently do not offer products sought out by payday lending customers or provide services in a manner or at a time that is convenient for them.

Furthermore, available evidence suggests payday loan usage is tied to limited or negative credit experiences, imbalances between living expenses and income, and ignorance about lower cost options (Fellowes and Mabanta, 2008). Lower income residents also indicate that they avoid banks because they fear that they do not have enough money, think the fees are too high, are not comfortable dealing with banks, find banks have inconvenient hours, and believe banks refuse to provide the desired services (e.g., see Fellowes and Mabanta, 2008; Washington, 2006; see also Caskey, 1994: 78–83).

13. Because this assumption involves an unobservable (the disturbance term) concept, it cannot be tested directly with empirical data. However, when two or more instruments are available for a single endogenous regressor (i.e., the equation is "overidentified"), one can assess the adequacy of instruments

Finally, for each model, we test for evidence of spatial autocorrelation, and if needed, we account for spatial effects that might bias our estimates of the direct relationship between payday lending and crime. For all sets of analyses, we examine both violent and property crime rates in Seattle neighborhoods.

Findings

Descriptive Statistics

A preliminary view of descriptive statistics suggests a positive association between payday lending and crime. Means, standard deviations, and correlations for all variables are presented in Table 1. The average count of payday lenders across Seattle neighborhoods is .38; the corresponding rate is 10 per 1,000 persons. Consistent with crime patterns throughout the United States, property offenses comprised the majority of reported crimes in Seattle in 2006–2007. The average rates for property and violent crime, respectively, were roughly 74 and 8 per 1,000 population. As expected, the explanatory variables, and particularly neighborhood disadvantage, have positive relationships with crime rates. More importantly, payday lending is significantly positively associated with both violent ($r = .48$) and property crime ($r = .56$). These correlations suggest initial support for a payday lending–crime relationship.

The bivariate relationship between payday lending and crime can be illustrated visually. Figure 1 plots the distribution of payday lenders and violent crime rates in Seattle neighborhoods. The map in Figure 1 clearly displays the strong bivariate relationship between payday lending and violent crime. In the downtown and inner-city areas where payday lenders are more numerous (as indicated by “x” on the map), the violent crime rate is also highest (as indicated by the darkest shading on the map). The safest neighborhoods in Seattle have no payday lenders in them. The map also shows moderate violent crime rates in areas with lower densities of payday lending. Results for the distribution of payday lenders and property crime rates, although not presented, mirror closely those for violent crime rates. At issue, however, is whether the relationship between payday lending and crime will remain after controlling for other community characteristics known to be associated with crime. To determine this relationship, we turn to the regression results.

Regression Results

Tables 2 and 3 present regression results for violent and property crime rates, respectively. These tables contain results from the series of three regression models, which were outlined earlier. For both tables, the first column reports a baseline OLS regression model in which violent or property crime rates are predicted only by the payday

via a test of overidentifying restrictions (e.g., see Baum, 2006: 191; Wooldridge, 2002: 121). Such testing is not possible in cases like ours in which only one excluded instrument is used for the endogenous regressor variable.

T A B L E 1

Descriptive Statistics and Correlations (N = 116 Census Tracts)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Violent crime rate (ln)	1.00	.80*	-.03	.74*	.45*	.63*	.25*	.45*	.48*	.75*	.62*	.56*	-.61*	.65*	-.63*
2. Property crime rate (ln)	1.00	1.00	-.23*	.44*	.38*	.75*	-.15	.58*	.56*	.64*	.41*	.25*	-.28*	.39*	-.29*
3. Total population			1.00	.08	.12	-.04	.22*	-.15	-.15	-.11	-.04	.08	-.22*	.12	-.12
4. Disadvantage index				1.00	.39*	.32*	.56*	.19*	.18	.80*	.87*	.71*	-.86*	.94*	-.93*
5. Young male rate (ln)					1.00	.51*	.13	.05	.20*	.46*	.23*	.18	-.44*	.40*	-.30*
6. Residential instability						1.00	-.28*	.46*	.34*	.65*	.23*	.09	-.23*	.31*	-.14
7. Female-headed households							1.00	-.29*	-.10	.17	.33*	.70*	-.56*	.48*	-.64*
8. Central business district								1.00	.24*	.42*	.31*	.02	-.05	.12	-.07
9. Payday lender rate									1.00	.30*	.19*	.05	-.17	.13	-.09
10. Poverty rate										1.00	.80*	.44*	-.55*	.70*	-.61*
11. Jobless rate											1.00	.54*	-.60*	.74*	-.77*
12. Percent Black												1.00	-.50*	.57*	-.65*
13. Percent professional													1.00	-.87*	.85*
14. Percent low wage														1.00	-.87*
15. Percent high-school graduate															1.00
Mean	7.69	73.74	4709	.00	6.30	.14	8.29	.08	.10	11.93	23.59	7.74	48.70	14.85	89.77
SD	11.60	78.00	1875	1.00	3.52	.86	5.27	.27	.24	9.16	8.25	10.11	13.30	7.46	9.45

Note. ln = measured in natural logarithm; means and standard deviations for all variables are expressed in nonlogged values for ease of interpretation.
*p < .05.

FIGURE 1

Payday Lenders and Violent Crime Rates in Seattle, Washington



lending variable. In the second column of each table, we expand on that initial model by adding measures typically associated with neighborhood crime rates. In the third column, we present results from a model that accounts for the potential endogeneity of payday lenders through an instrumental variables estimator. Finally, we calculate the level of spatial autocorrelation in each of the prior models. Consistent with our

T A B L E 2

OLS Regression Results for Violent Crime

	1	2	3
	Baseline Model	Ecological Correlates Model	2SLS-IV Endogeneity Model
Payday lenders (ln)	.482*** 3.424 (.582)	.248*** 1.756 (.325)	.196** 2.346 (.658)
Neighborhood disadvantage		.442*** .506 (.076)	.431*** .494 (.075)
Young male rate (ln)		.023 .062 (.143)	.017 .046 (.141)
Residential instability index		.351*** .469 (.087)	.334*** .447 (.088)
Female-headed households		.182** .040 (.015)	.188** .041 (.014)
Central business district		.189*** .806 (.221)	.182*** .776 (.218)
Population size		-.028 -.000 (.000)	-.018 -.000 (.000)
Constant	1.098 (.104)	1.478 (.318)	.687 (.283)
Model summary information			
R ²	.233	.808	.802
Adjusted R ²	.226	.742	—
D-W-H endogeneity test	—	—	1.08
Total number tracts (N)	116	116	116

Notes. Cell entries are standardized coefficients and unstandardized coefficients followed by standard errors in parenthesis. In the first stage of the 2SLS model, the excluded instrument predicting payday lenders is the number of FDIC lending institutions per 1,000 population (see Appendix A for full first-stage results).
 $p < .05$; ** $p < .01$; *** $p < .001$.

objectives, this model-building strategy allows us to gauge the extent to which the observed relationship between payday lending and crime remains after controlling for other ecological correlates.

Baseline model. In the first model of Table 2, we find evidence, not surprisingly, of a statistically significant positive relationship between payday lending and violent crime. Also not surprisingly, we find evidence of a statistically significant positive relationship between payday lending and property crime, as indicated in the first model of Table 3. In essence,

TABLE 3

OLS Regression Results for Property Crime

	1	2	3
	Baseline Model	Ecological Correlates Model	2SLS-IV Endogeneity Model
Payday lenders (ln)	.565*** 2.323 (.318)	.289*** 1.189 (.205)	.340*** 2.365 (.466)
Neighborhood disadvantage		.207** .137 (.048)	.171* .114 (.054)
Young male rate (ln)		.010 .016 (.090)	-.010 -.015 (.100)
Residential instability index		.534*** .355 (.055)	.401*** .310 (.062)
Female-headed households		-.006 -.001 (.009)	.016 .001 (.010)
Central business district		.237*** .587 (.139)	.214** .528 (.155)
Population size		-.149** -.00005 (.00002)	-.113* -.00004 (.00002)
Constant	3.842 (.057)	4.061 (.179)	3.952 (.201)
Model summary information			
R^2	.319	.773	.704
Adjusted R^2	.313	.759	—
D-W-H endogeneity test			11.04**
Total number tracts (N)	116	116	116

Notes. Cell entries are standardized coefficients and unstandardized coefficients followed by standard errors in parenthesis. In the first stage of the 2SLS model, the excluded instrument predicting payday lenders is the number of FDIC lending institutions per 1,000 population (see Appendix A for full first-stage results).

* $p < .05$; ** $p < .01$; *** $p < .001$.

these results suggest that across Seattle neighborhoods, as the presence of payday lenders increases, so do violent and property crime rates.

Ecological correlates model. In the second model, we introduce several measures typically associated with neighborhood crime rates. In line with prior research, regression results show that neighborhood disadvantage, residential instability, and female-headed households are all significantly positively associated with violent crime rates. Likewise, disadvantage and residential instability are significantly positively associated with property crime rates.

T A B L E 4

Moran’s I Test for Spatial Autocorrelation

Model	Dependent Variable	Technique	Moran’s I	Z Score	P Value	Pattern
Social disorganization model	Violent crime rate	Contiguity	.03	.70	.48	Random
		Inverse distance	-.02	-.25	.80	Random
Social disorganization model	Property crime rate	Contiguity	.07	1.40	.16	Random
		Inverse distance	.05	1.41	.16	Random
Endogeneity model	Violent crime rate	Contiguity	.03	.72	.46	Random
		Inverse distance	-.02	-.15	.87	Random
Endogeneity model	Property crime rate	Contiguity	.08	1.50	.13	Random
		Inverse distance	.05	1.37	.17	Random

Moreover, whether the census tract is located in the CBD also matters for violent and property crime rates. Our CBD variable is significant and positive in both models. Most important, however, is that the inclusion of these variables does not eliminate the association between payday lending and crime. Although the coefficients for the payday lending variable are roughly cut in half in the violent and property crime equations, payday lending remains a significant predictor in both models. In fact, the standardized coefficients suggest that the effect of payday lending is fairly robust, with a magnitude that compares favorably with several neighborhood measures that have been considered important predictors of crime for a long time.

Using variants of the Moran’s I test and several software packages, we next measured the potential effects of spatial autocorrelation within the OLS ecological model. We found that the effect of spatial autocorrelation was minimal in both analyses of violent and property crime, falling well below the threshold that might raise concern (see, e.g., Parker and Asencio, 2009: 208).

Table 4 reports the results of these tests, using a minimum threshold distance of 2,500 m and first-order contiguity models. As shown, the Moran’s I scores, which are similar to a Pearson’s *r* score, are low and in some instances slightly negative. Although typical in many cities, the lack of spatially autocorrelated data in Seattle appears because of its unusual physical geography. Unlike many cities, Seattle has numerous natural (e.g., bodies of water, hills, etc.) and manmade (e.g., bridges, freeways, etc.) barriers that seem to inhibit interaction. The map in Figure 1 helps make this point clear. This finding is consistent with other studies that have examined spatial autocorrelation and neighborhood crime rates in Seattle (e.g., Kubrin, 2000) and accounts for why previous researchers have not addressed autocorrelation directly in their analyses of Seattle neighborhoods (e.g., Crutchfield, Matsueda, and Drakulich, 2006; Rountree, Land, and Miethe, 1994; Warner and Rountree, 1997).

Endogeneity model. The third model in our investigation is an effort to explore the possibility that the payday lender rate is an endogenous regressor in our models. To account for endogeneity, we use an instrumental variables approach via 2SLS regression. Per our earlier discussion, in the first stage of the 2SLS analysis, the prevalence of payday lenders is instrumented by a single “excluded” instrument—the natural logarithm of FDIC banks per 1,000 persons—with the ecological variables specified as “included” instruments.

The results of this first-stage analysis, reported in Appendix B, are consistent with the bivariate evidence cited earlier and suggest that “FDIC banks” is a “relevant instrument” for the payday lender rate. Several statistics provide evidence of such relevance. First, the coefficient for the FDIC bank rate, which reflects its partial association with the payday lending rate (net of the other covariates), is positive and has a large and statistically significant t ratio. Second, we report an F test that also evaluates the relevance of the included instrument. This statistic is derived based on the R -squared of the first-stage equation after the included instruments have been partialled out (Baum, 2006: 207; see also Bound, Jaeger, and Baker, 1995). Previous research on instrumental variables (IV) methods has shown that, even when the instrument is a statistically significant predictor, bias might be found in the IV estimator because of limitations in the explanatory power of the instrument (see Baum, 2006; Staiger and Stock, 1997). Consequently, it has been suggested that, for a model with one endogenous regressor, an F statistic lower than 10 is problematic (Baum, 2006: 211). As shown at the bottom of the table in Appendix B, the F statistic in our analysis is 33—more than three times the minimum threshold suggested. Finally, we also present results of the Anderson canonical correlation underidentification test, which evaluates the null hypothesis that the equation is underidentified. In this case, the test statistic is large and statistically significant, thereby indicating a rejection of the null. In summary, these statistics imply that one of the two critical assumptions of IV analysis is supported in our data (i.e., that the instrument has a high partial correlation with the endogenous regressor). We note again, however, that the second assumption cannot be evaluated empirically, so findings and conclusions should be regarded as suggestive, not definitive.

Turning our attention to the second-stage regression results, reported as model 3 in Tables 2 and 3, our interest centers on whether the criminogenic effect of payday lenders remains evident in the instrumental variable analysis. Examining the results for violent crime first, the findings continue to indicate that the prevalence of payday lending institutions has a significant positive relationship with violent crime rates. Indeed, the results of the IV analysis mimic fairly closely the substantive results of the OLS analysis, both for the measure of payday lending as well as for the ecological variables. Moreover, a closer inspection of the coefficients in models 2 and 3 indicates that differences are not especially great. Intuitively, this similarity suggests that payday lenders might not be endogenous to violent crime. The “Durbin–Wu–Hausman (D-W-H) endogeneity test” reported at the bottom

of Table 2 evaluates that idea.¹⁴ In this case, the test is not significant, which suggests that little is changed by specifying payday lenders as endogenous to violent crime. Across model specifications, the evidence is consistent in indicating that payday lending is predictive of violent crime rates, controlling on a range of factors associated with neighborhood crime rates.

Looking next at the results for property crime, reported in the third model of Table 3, several findings are noteworthy. Most importantly, in big picture substantive terms, the results of the instrumental variables analysis differ little from OLS results. Payday lenders, neighborhood disadvantage, residential instability, population size, and location within the CBD all are significantly related to property crime rates in expected ways. Thus, the substantive issues most central to the current study seem unaffected by our efforts to model endogeneity in the relationship between payday lending and crime. However, differences in the magnitude of the coefficients in the OLS and IV analyses are more prominent in the property crime analyses than they were in the analyses of violent crime. For instance, the estimated effect of payday lending is roughly twice as large in the IV analysis compared with the OLS analysis. Given this difference, it is not surprising that the D-W-H test is statistically significant in Table 3. In essence, this test suggests systematic differences occur in the coefficients for the OLS and 2SLS-IV models. On the assumption that the instrumental variable is exogenous to the disturbance term of the property crime equation, this result is consistent with the idea that endogeneity exists in the relationship between payday lender prevalence and property crime rates. Nonetheless, our analyses suggest little reason to doubt that payday lending has an effect on property crime rates, net of our controls.¹⁵

Finally, to evaluate the potential for biases related to spatial processes in the endogeneity models, we once again measured the level of spatial autocorrelation using a variety of tests. As before, these results suggest no appreciable evidence of unmeasured spatial effects in our analysis of violent or property crime rates. The results of tests for spatial autocorrelation in these models using Moran's I are listed in Table 4.

In sum, the results of our analyses indicate that payday lending is significantly associated with both violent and property crime rates. This relationship holds even after controlling for a host of factors typically associated with neighborhood crime rates. Moreover, the significant, positive relationship between payday lending and crime remains evident in models that attempt to deal with endogeneity as well as after concerns with spatial autocorrelation have been addressed.

14. It should be noted this test statistic also relies on the critical assumption that the instrumental variable is uncorrelated with the crime equation disturbance term.

15. We replicated the models substituting in the individual components of the disadvantage index to see whether the effects of payday lending remained. In all supplemental analyses, payday lending remained a significant predictor of violent and property crime rates. Results of these analyses are available on request.

Conclusion

Payday lenders in Seattle tend to be concentrated in communities where crime rates are higher. More importantly, the correlation between payday lending and violent and property crime remains statistically significant after a range of factors traditionally associated with crime have been controlled for and when other model specifications have been taken into account. The substantial costs that customers pay for using payday lenders have long been documented for a long time. Our findings indicate that important broader community costs also might persist—such as exposure to crime—that *all* residents pay when they reside in neighborhoods with a concentration of payday lenders. These costs suggest numerous policy implications.

Policy Implications

One critical public policy challenge is to preserve access to small consumer loans on an equitable basis and to do so in a way that does not enhance the danger to those in the community where these services are provided. This is a challenge not just for financial service providers and regulators, law enforcement authorities, or community development officials. Coordinated efforts should be launched to meet these objectives successfully. One approach would be to cap the interest rate that payday lenders are allowed to charge at 36% as several states have done and as Congress did with respect to loans given to members of the military and their families. (Credit cards, although not ideal for all consumers, currently offer cash advances for far less than the 36% annual percentage rate.) Although this approach would reduce many abusive practices often associated with payday lending, it would likely put many payday lenders out of business. This outcome raises the question of whether alternative financial institutions could step in and provide small consumer loans.

One credit union has found a profitable way to serve this function with a high-risk pool of borrowers. In 2001, the North Carolina State Employee's Credit Union (SECU) created the Salary Advance Loan (SALO) product that helps employees make it from paycheck to paycheck while building savings. Members who have their paycheck automatically deposited can request salary advances up to \$500. The advance is repaid automatically the next payday. The annual percentage rate is 12%. Typical SALO borrowers have an annual income of less than \$25,000 with account balances of less than \$150. Two thirds take out advances every month. SECU has earned a net income of \$1.5 million on a loan volume of \$400 million with loan charge-offs of 0.27%. As Michael A. Stegman (2007: 183) concluded, this experience "shows that large institutions can market more affordable payday loan products to high-risk customers at interest rates that are a small fraction of prevailing payday loan rates." Credit unions around the country offer similar loans, generally with the proviso that borrowers also build a "rainy-day" fund with the credit provider.

Federal banking regulators could encourage larger financial institutions to offer similar services by giving credit to those lenders in their Community Reinvestment Act (CRA) examinations and evaluations. Under the CRA, federally regulated depository institutions

are required to ascertain and respond to the credit needs of their entire service areas, including low- and moderate-income communities. Regulators take lenders' CRA records into account when considering applications for mergers, acquisitions, and other changes in bank lending practices (Immergluck, 2004). Providing CRA credit for offering small consumer loans on equitable terms would encourage more large institutions to do so.

State and local governments could enact zoning laws that limit the number of new payday lenders. Today 81 cities, 5 counties, and 19 states have enacted local ordinances limiting the location and density of alternative financial institutions like payday lenders, check cashers, and pawn shops. For example, in 2008, St. Louis passed an ordinance prohibiting check cashers and short-term loan operators from opening within 1 mile of an existing store and within 500 feet of a residence, elementary school, or secondary school (Standaert, 2009: 432). Similar rules could be targeted explicitly to payday lenders. Such zoning laws could reduce the extent to which neighborhoods become stigmatized as a result of the concentration of fringe banking institutions.

A more direct approach would be to establish a suitability standard prohibiting payday lenders from providing multiple loans to borrowers or from offering loan terms that are designed to entrap borrowers in a cycle of debt. Current FDIC guidelines that prohibit regulated banks working with third parties (like payday lenders) from issuing loans to borrowers with recent outstanding payday loan debts could be extended to cover all payday lenders.

Another immediate concern is the safety of those in neighborhoods where payday lenders are concentrated. Local law enforcement authorities should assess levels of criminal activity carefully in those areas and consider providing additional service at appropriate times. Not only would employees and customers of payday lenders benefit, but residents of the surrounding neighborhoods likely would enjoy safer streets as well. In turn, this change might attract other businesses and more residents to the area, stimulating broader economic and community development in many currently distressed areas. In essence, by reducing the social disorganization of such neighborhoods, a virtuous cycle could be launched that might bring lower crime rates and several associated benefits.

Research Implications

A growing body of research has been developing on the business operations of payday lenders, their customer base, and the linkages to other financial services. Not so widely researched are the potential neighborhood costs associated with such institutions. As detailed in this study, a spike in neighborhood crime rates is one probable cost, but other related costs also might be associated. Most problematic, perhaps, might be a depressing impact on local property values because crime has been shown to be associated with declining property values (Bowes and Ihlanfeldt, 2001; Gibbons, 2004; Thaler, 1978). If a concentration of payday lenders reduced property values (and it is difficult to imagine it would increase values), then this effect would reduce the equity and wealth of property owners. In turn, property tax revenues would

decline and thereby require either a reduction in critical public services (e.g. schools, police, and fire protection) or an increase in taxes for local residents and businesses. It would be informative to know whether payday lenders have such an impact and, if so, to quantify that impact.

It also stands to reason that, in communities with significant concentrations of payday lenders, capital loss in the form of the so-called multiplier leakage might occur. In this scenario, capital crucial to local economic development efforts, or for simple circulation within the local economy, is siphoned off by payday lenders, most of which are owned by interests far removed from local branch operations. Compounding this, of course, is the fact that payday lenders are most prevalent in neighborhoods that already suffer from various types of disinvestment. Estimating the flight of capital from such communities because of the activity of payday lenders would provide valuable information for planners and regulators as well as for the research community.

Limitations of our study suggest several additional directions for future research. An obvious extension would be case studies of additional cities. We suspect that our findings are not unique to Seattle but that variations might be associated with the size, demography, regional location, industrial structure, and other city characteristics that affect the linkage between payday lending and crime. Unfortunately, uneven crime data and even poorer data on payday lenders constitute a key challenge.

How the payday lending–neighborhood crime link varies over time is also unknown. Payday lenders suddenly appeared on the map of virtually all major cities within the past 20 years. Depending on the trajectory of various political initiatives, their numbers could continue to grow or decline with equal speed. In the current study, we offer a snapshot. Longitudinal or pooled time-series work would offer the opportunity to flesh out this connection better. Moreover, relative to the limitations of the current analysis, such data likely would provide a better means of investigating the potential for reciprocal relationships between payday lenders and crime.

A final suggestion for future research involves expanding our model of neighborhood crime rates to include other potentially salient local institutions. Indeed, because of data limitations, we did not include measures of bars or recreational facilities, which previously have been linked to community crime rates. Although we believe incorporating such measures would not change the pattern of results, it is important for future research to account for the scope and diversity of local institutions when assessing the predictors of neighborhood crime rates.

A Final Word

Access to a wide range of financial services on fair and equitable terms has become a major public policy issue as well as the topic of much social science research in recent years. Payday lenders constitute part of the growing web of fringe bankers that have been concentrated in low-income and disproportionately minority communities, although they have begun to

expand into working- and middle-class communities as well. The cost of these services to individual borrowers and families has been evident for a long time, often quantified with some precision. Although not understood with the same level of specificity, the broader neighborhood costs are becoming recognized as facts of life in the nation's metropolitan regions. The link between payday lending and neighborhood crime, in fact, should come as no surprise. How we choose to respond to that connection, if we choose to respond at all, remains to be determined.

References

- Agnew, Robert A. 1992. Foundation for a general strain theory of crime and delinquency. *Criminology*, 30: 47–88.
- American Banker*. 2007, January 8. Making a case to the Pentagon: Five trade groups prep military lending input.
- Anselin, Luc, Jacqueline Cohen, David Cook, Wilpen Gorr, and George Tita. 2000. Spatial analyses of crime. In (David Duffee, ed.), *Criminal Justice 2000, vol. 4, Measurement and Analysis of Crime and Justice*. Washington, DC: National Institute of Justice.
- Baum, Christopher F. 2006. *An Introduction to Modern Econometrics Using Stata*. Stata Press.
- Bound, John, David A. Jaeger, and Regina M. Baker. 1995. Problems with instrumental variables estimation when the correlation between the instruments and the endogenous explanatory variable is weak. *Journal of the American Statistical Association*, 90: 443–450.
- Bowes, David R. and Keith R. Ihlanfeldt. 2001. Identifying the effects of rail transit stations on residential property values. *Journal of Urban Economics*, 50: 1–25.
- Caskey, John. 1994. *Fringe Banking: Check-Cashing Outlets, Pawnshops, and the Poor*. New York: Russell Sage Foundation.
- Center for Responsible Lending. 2010. *Mainstream Banks Making Payday Loans: Regulators Must Put Swift End to New Trend*. Durham, NC: Author.
- Cohen, Lawrence E. and Marcus Felson. 1979. Social change and crime rate trends: A routine activities approach. *American Sociological Review*, 44: 588–608.
- Consumer Federation of America. 2007, June 20. *Comments To the Federal Trade Commission Regarding the Fair Debt Collection Practices Act, Collecting Consumer Debts: The Challenges of Change*. Washington, DC: Author.
- Consumer Federation of America. 2008, December 10. *PayDay Loan Consumer Information: Legal Status*. Retrieved from usmilitary.about.com/od/millegislation/a/paydayloans.htm?p=1.
- Crutchfield, Robert D. 1989. Labor stratification and violent crime. *Social Forces*, 68: 489–512.
- Crutchfield, Robert D., Ross L. Matsueda, and Kevin Drakulich. 2006. Race, labor markets, and neighborhood violence. In (Ruth D. Peterson, Lauren J. Krivo, and John Hagan, eds.), *The Many Colors of Crime*. New York: New York University Press.

- Fellowes, Matt. 2006. *From Poverty, Opportunity: Putting the Market to Work for Lower Income Families*. Washington, DC: The Brookings Institution, Metropolitan Policy Program.
- Fellowes, Matt and Mia Mabanta. 2008. *Banking on Wealth: America's New Retail Banking Infrastructure and Its Wealth-Building Potential*. Washington, DC: Brookings Institution. Retrieved May 13, 2010 from brookings.edu/reports/2008/01_banking_fellowes.aspx.
- Fox, Jean Ann. 2007, March 21. *Testimony of Jean Ann Fox on Behalf of Consumer Federation, Consumers Union, National Consumer Law Center (on Behalf of Its Low Income Clients) Before the Subcommittee on Domestic Policy of the House Committee on Oversight and Domestic Reform*. Hearing on Foreclosure, Predatory Lending and Payday Lending in America's Cities.
- Gibbons, Steve. 2004. The costs of urban property crime. *The Economic Journal*, 114: F441–F463.
- Graves, Steven M. 2003. Landscapes of predation, landscapes of neglect: A location analysis of payday lenders and banks. *Professional Geographer*, 55: 303–317.
- Graves, Steven M. and Christopher Peterson. 2005. Predatory lending and the military: The law and geography of “payday” loans in military towns. *The Ohio State Law Journal*, 66: 653–832.
- Graves, Steven M. and Christopher Peterson. 2008. Usury law and the Christian right: Faith-based political power and the geography of American payday loan regulation. *Catholic University Law Review*, 57: 637–700.
- Hudson, Michael. 1996. *Merchants of Misery: How Corporate America Profits from Poverty*. Monroe, ME: Common Courage Press.
- Immergluck, Dan. 2004. *Credit to the Community: Community Reinvestment and Fair Lending Policy in the United States*. Armonk, NY: M.E. Sharpe.
- Karger, Howard. 2005. *Shortchanges: Life and Debt in the Fringe Economy*. San Francisco, CA: Berrett-Koehler.
- King, Uriah, Wei Li, Delvin Davis, and Keith Ernst. 2005. *Race Matters: The Concentration of Payday Lenders in African-American Neighborhoods in North Carolina*. Durham, NC: Center for Responsible Lending.
- King, Uriah and Leslie Parrish. 2007. *Springing the Debt Trap: Rate Caps Are Only Proven Payday Lending Reform*. Durham, NC: Center for Responsible Lending.
- King, Uriah, Leslie Parrish, and Ozlem Tanik. 2006. *Financial Quicksand: Payday Lending Sinks Borrowers in Debt with \$4.2 Billion in Predatory Fees Every Year*. Durham, NC: Center for Responsible Lending.
- Kornhauser, Ruth D. 1978. *Social Sources of Delinquency: An Appraisal of Analytic Models*. Chicago, IL: University of Chicago Press.
- Krivo, Lauren J. and Ruth D. Peterson. 1996. Extremely disadvantaged neighborhoods and urban crime. *Social Forces*, 75: 619–650.
- Kubrin, Charis E. 2000. Racial heterogeneity and crime: Measuring static and dynamic effects. *Research in Community Sociology*, 10: 189–218.

- Kubrin, Charis E. and Ronald Weitzer. 2003. New directions in social disorganization theory. *Journal of Research in Crime and Delinquency*, 40: 139–170.
- Lawrence, Edward C. and Gregory Elliehausen. 2008. A comparative analysis of payday loan customers. *Contemporary Economic Policy*, 26: 299–316.
- Li, Wei, Leslie Parrish, Keith Ernst, and Delvin Davis. 2009. *Predatory Profiling: The Role of Race and Ethnicity in the Location of Payday Lenders in California*. Durham, NC: Center for Responsible Lending.
- Logan, Amanda and Christian E. Weller. 2009. *Who Borrows From Payday Lenders?* Washington, DC: Center for American Progress.
- Lynch, James P. and William J. Sabol. 2001. Prisoner reentry in perspective. In *Crime Policy Report, Vol. 3*. Washington, DC: Urban Institute Justice Policy Center.
- Matsueda, Ross L., Kevin Drakulich, and Charis E. Kubrin. 2006. Race and neighborhood codes of the street. In (Ruth D. Peterson, Lauren J. Krivo, and John Hagan, eds.), *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America*. New York: New York University Press.
- Melzer, Brian T. 2007. *The Real Costs of Credit Access: Evidence from the Payday Lending Market*. Unpublished paper.
- Messner, Steven F., Luc Anselin, Robert D. Baller, Darnell F. Hawkins, Glenn Deane, and Stewart E. Tolnay. 2001. The spatial patterning of county homicide rates: An application of exploratory spatial data analysis. *Journal of Quantitative Criminology*, 15: 423–450.
- Miethe, Terance D. and David McDowall. 1993. Contextual effects in models of criminal victimization. *Social Forces*, 71: 741–759.
- Morenoff, Jeffrey D., Robert J. Sampson, Stephen W. Raudenbush. 2001. Neighborhood inequality, collective efficacy, and the spatial dynamics of homicide. *Criminology*, 39: 517–560.
- Oron, Assaf. 2006. March. Easy prey: Evidence for race and military related targeting in the distribution of pay-day loan branches in Washington state. Consulting report for the *Seattle Post-Intelligencer*.
- Parker, Robert N. 1995. Bringing “booze” back in: The relationship between alcohol and homicide. *Journal of Research in Crime and Delinquency*, 32: 3–38.
- Parker, Robert N. and Emily K. Asencio. 2009. *GIS and Spatial Analysis for the Social Sciences: Coding, Mapping, and Modeling*. New York: Routledge.
- Parrish, Leslie and Uriah King. 2009. *Phantom Demand*. Durham, NC: Center for Responsible Lending.
- Peterson, Ruth D. and Lauren J. Krivo. 2006. *The National Neighborhood Crime Study*. Columbus, OH: Ohio State University, Criminal Justice Research Center.
- Peterson, Ruth D., Lauren J. Krivo, and Mark A. Harris. 2000. Disadvantage and neighborhood violent crime: Do local institutions matter? *Journal of Research in Crime and Delinquency*, 37: 31–63.
- Powers, Rod. 2006, October 28. *Payday Loans*, Retrieved from usmilitary.about.com/od/millegislation/a/paydayloans.htm?p=1. Last accessed on January 10, 2011.

- Roncek, Dennis W. and Pamela A. Maier. 1991. Bars, blocks, and crimes revisited: Linking the theory of routine activities to the empiricism of "hot spots." *Criminology*, 29: 725–753.
- Rose, Dina R. and Todd R. Clear. 1998. Incarceration, social capital, and crime: Implications for social disorganization theory. *Criminology*, 36: 441–479.
- Rountree, Pamela Wilcox, Kenneth C. Land, and Terance D. Miethe. 1994. Macro-micro integration in the study of victimization: A hierarchical logistic model analysis across Seattle neighborhoods. *Criminology*, 32: 387–414.
- Sampson, Robert J. and Stephen W. Raudenbush. 1999. Systematic social observation of public spaces: A new look at disorder in urban neighborhoods. *American Journal of Sociology*, 105: 603–651.
- Skogan, Wesley G. 1992. *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*. Berkeley: University of California Press.
- Staiger, Douglas and James H. Stock. 1997. Instrumental variables regression with weak instruments. *Econometrica*, 65: 557–586.
- Standaert, Diane. 2009. The impact of fringe financial services on communities and consumers. In (Roger A. Clay, Jr. and Susan R. Jones, eds.), *Building Healthy Communities: A Guide to Community Economic Development for Advocates, Lawyers, and Policymakers*. Chicago, IL: American Bar Association.
- Stegman, Michael A. 2007. Payday lending. *Journal of Economic Perspectives*, 21: 169–190.
- Taylor, Ralph B. 2001. *Breaking Away from Broken Windows*. Boulder, CO: Westview Press.
- Temkin, Kenneth and Noah Sawyer. 2004. *Analysis of Alternative Financial Service Providers*. Washington, DC: Urban Institute.
- Thaler, Richard H. 1978. A note on the value of crime control: Evidence from the property market. *Journal of Urban Economics*, 5: 137–145.
- Visher, Christy A., Vera Kachnowski, Nancy LaVigne, and Jeremy Travis. 2004. *Baltimore Prisoners' Experiences Returning Home*. Washington, DC: Urban Institute.
- Warner, Barbara D. and Pamela Wilcox Rountree. 1997. Local social ties in a community and crime model: Questioning the systemic nature of informal social control. *Social Problems*, 44: 520–536.
- Washington, Ebonya. 2006. The impact of banking and fringe banking regulation on the number of unbanked Americans. *The Journal of Human Resources*, 41: 106–137.
- Wilson, James Q. and George Kelling. 1982. Broken windows. *Atlantic Monthly*, 211: 29–38.
- Wooldridge, Jeffrey M. 2002. *Econometric Analysis of Cross Section and Panel Data*. Cambridge, MA: MIT Press.

Charis E. Kubrin is an associate professor of sociology at George Washington University and a research affiliate at the George Washington Institute of Public Policy. Her research focuses on neighborhood correlates of crime, with an emphasis on race and violent crime. Charis is coeditor of *Crime and Society: Crime, 3rd Edition* (Sage, 2007) as well as coauthor of *Researching Theories of Crime and Deviance* (Oxford University Press, 2008) and *Privileged Places: Race, Residence, and the Structure of Opportunity* (Lynne Rienner, 2006). Her work has been published in various academic journals, including *American Journal of Sociology*, *City and Community*, *Criminology*, *Criminology & Public Policy*, *Homicide Studies*, *Journal of Quantitative Criminology*, *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, *Men and Masculinities*, *Social Forces*, *Social Problems*, *Social Science Quarterly*, *Sociological Perspectives*, *Sociological Quarterly*, and *Urban Studies*. In 2005, Charis received the American Society of Criminology's Ruth Shonle Cavan Young Scholar Award.

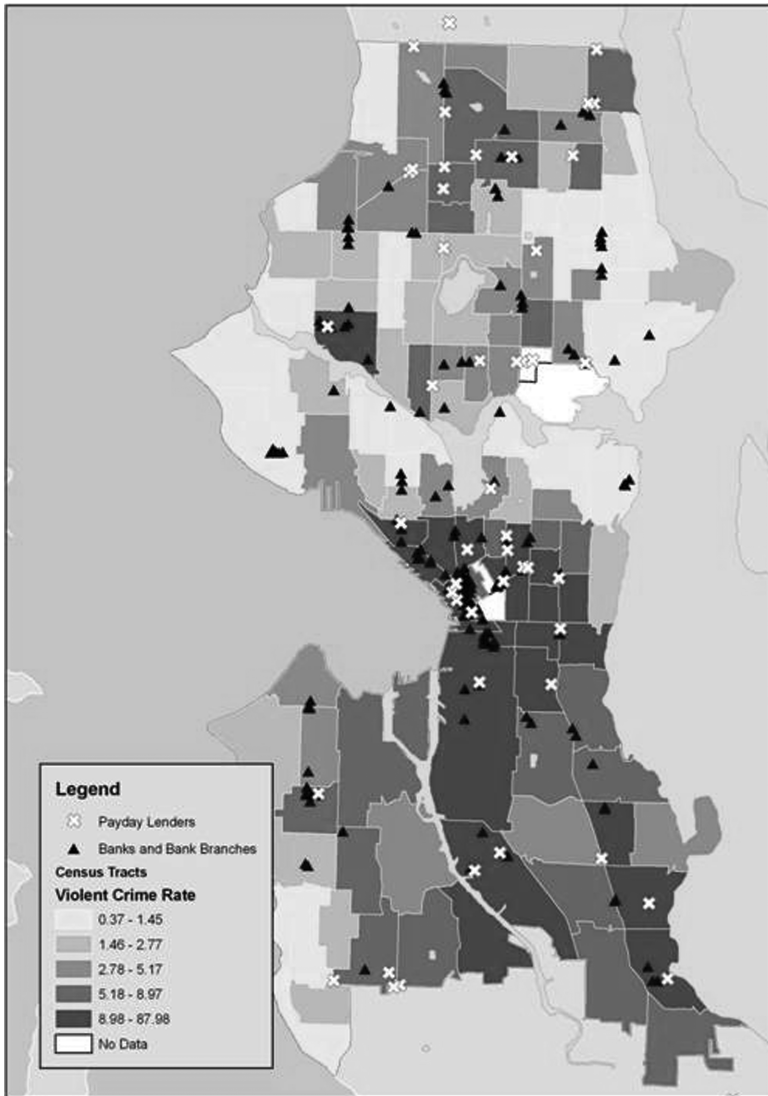
Gregory D. Squires is a professor of sociology and public policy and public administration at George Washington University. His research has focused on racial inequality and uneven metropolitan development with a focus on the role of financial institutions in shaping the opportunity structure in the nation's metropolitan regions. Recent publications include *Privileged Places: Race, Residence, and the Structure of Opportunity* (Lynne Rienner, 2006) and *The Integration Debates: Competing Futures for American Cities* (Routledge, 2010). He currently serves on the Social Science Advisory Board of the Poverty & Race Research Action Council, the Board of the Woodstock Institute, and the Advisory Board of the Fair Housing Legal Support Center at John Marshall Law School.

Steven M. Graves teaches a wide range of geography courses at California State University, Northridge. His primary research interests are in cultural and economic geography, but he also has ongoing research projects involving access to healthy foods, popular culture, and the vernacular built environment. Recent publications include a variety of studies on the site location strategies of predatory lenders as well as the origin and spatial history of hip-hop music.

Graham C. Ousey is the Arts and Sciences Distinguished Professor of Sociology at the College of William and Mary. His current research focuses on testing theories of the social ecology of violence, the links between criminal offending and victimization, and factors associated with cross-national variation in punitive attitudes. His previous research appears in numerous outlets, including *Criminology*, *Social Problems*, *Journal of Research in Crime and Delinquency*, *Journal of Quantitative Criminology*, *Justice Quarterly*, *Journal of Interpersonal Violence*, *Homicide Studies*, *Violence & Victims*, *The Sociological Quarterly*, and *Social Forces*.

APPENDIX A

Payday Lenders, FDIC Banks, and Violent Crime Rates in Seattle, Washington



A P P E N D I X B

First-Stage Model of Payday Lenders (ln)

Excluded Instrument	Coefficient	Standard Error
FDIC banks per 1,000 (ln)	.262***	.046
Controls		
Neighborhood disadvantage	-.015	.021
Young male rate (ln)	.069	.038
Residential instability index	.014	.023
Female-headed households	.002	.004
Central business district	-.043	.059
Population size	-.000008	-.000007
Summary results for first-stage regression		
Partial R^2 of excluded instrument	.234	
F test of excluded instrument (1,108 degrees of freedom)	33.00*	
Anderson canon. corr. underid. test	27.15*	

*** $p < .001$.

POLICY ESSAY

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

Crime, local institutions, and structural inequality

The cost of payday lending institutions

Eric A. Stewart

Florida State University

During the last 25 years, there has been renewed interest in research focused on the correlates of crime in disadvantaged neighborhoods (Sampson, Morenoff, and Gannon-Rowley, 2002). A key factor thought to influence crime in disadvantaged settings is a lack of crime-reducing local institutions, such as large-scale retail outlets, recreation centers, movie theaters, and other business institutions (Peterson, Krivo, and Harris, 2000; Small and McDermott, 2006; Wilson, 1996). Researchers have found that some local institutions play a critical role by providing resources that contribute to the formation of informal networks, reductions in crime, and improvement of life outcomes (Ludwig, Duncan, and Ladd, 2003; Peterson et al., 2000; Small, Jacobs, and Massengill, 2008; Yen and Kaplan, 1999). For example, Peterson et al. (2000) found that more recreation facilities lowered crime in disadvantaged neighborhoods. Small (2006) and Small et al. (2008) observed that local organizations, such as childcare centers, created opportunities for network formations by connecting poor residents to services that shape life chances. Furthermore, Yen and Kaplan (1999) found that the presence of supermarkets and clinics is associated with increases in health and well-being. Indeed, the logic of these findings suggests that proximity to local institutions can be a vital component to shaping opportunity structures in disadvantaged neighborhoods.

However, do all local institutions have the same effect? Do they all produce beneficial effects for residents? It is possible that some institutions increase negative outcomes in disadvantaged neighborhoods. In fact, a small but growing body of research has highlighted

I would like to thank Mark Berg for comments on earlier drafts of this manuscript. Direct correspondence to Eric A. Stewart, Florida State University, College of Criminology and Criminal Justice, 634 West Call Street, Tallahassee, FL 32306-1127 (e-mail: estewart2@fsu.edu).

that some institutions can engender problematic behaviors for their residents. For example, Nielsen and Martinez (2003) found that the density of alcohol outlets is associated with an increase in nonlethal violence. In addition, Peterson et al. (2000) observed that poor neighborhoods with a greater number of bars experienced higher levels of violence. Combined, these findings suggest that certain business-related institutions might, on balance, lead to more harm than benefits for some poor neighborhoods. Kubrin, Squires, Graves, and Ousey (2011, this issue) add to this line of research with their study. Kubrin et al. make an important contribution to the field by increasing our understanding of how some fringe banking institutions add to the crime problem. They examine the manner in which the “ecology of payday lending” influences crime in Seattle, WA. As Kubrin et al. observe, the greatest concentration of payday lending services is located in low-income neighborhoods. Their study provides evidence that suggests the density of payday lending providers is strongly predictive of increases in both violent and property crime rates in disadvantaged neighborhoods. Kubrin et al.’s findings, as well as those of others, underscore the importance of understanding the types of local institutions that are harmful to disadvantaged neighborhoods (Peterson et al., 2000; Sampson et al., 2002; Small et al., 2008; Wilson, 1987, 1996).

In my estimation, the findings of Kubrin et al.’s (2011) study highlight the broader implications of structural inequalities that exist in high-poverty, high-minority, and high-crime neighborhoods. I argue that their findings speak to inequality and stratification in the type or quality of resources residents have access to, and this differential distribution of resources can lead to a host of problematic outcomes for neighborhood residents. In particular, I focus on how the structural conditions that exist within some distressed neighborhoods can foster negative attitudes and a lack of social cohesion among residents, making it difficult for them to mobilize against crime-producing local institutions.

Structural Inequality, Neighborhood Disadvantage, and Problematic Institutions

William J. Wilson’s (1987) work on the “truly disadvantaged” has focused on the effects of neighborhood structural disadvantage and racial isolation on various problematic outcomes. Wilson (1987, 1996) argued that structural changes in the American economy, for example, the loss of well-paying manufacturing jobs, have weakened the employment base in many minority, inner-city neighborhoods. As jobs become increasingly scarce in inner-city neighborhoods, many residents lose access to the formal labor market, resulting in the depopulation of working- and middle-class families from predominantly African American neighborhoods (Wilson, 1987). These neighborhood structural changes have led to a concentration of the most racially segregated, disadvantaged populations who are sometimes characterized by acute poverty, joblessness, and a sense of alienation from mainstream society (Massey and Denton, 1993; Sampson and Wilson, 1995; Wilson, 1987, 1996).

As noted, Wilson (1996) argued that the depopulation of working- and middle-class families has created a major void in poor neighborhoods. As a result of civil rights mobilization in the 1960s and 1970s and the reduction of some structural barriers, working- and middle-class African American families moved out of the inner city, resulting in a concentration of residents with little access to important resources and institutions (Wilson, 1996). As Wilson (1987) argued, middle-class families serve as positive role models and contribute time and money to organizations that operate as social controls and promote conventional behavior. Moreover, their presence contributes financial and psychological resources that increase the quality of schools, social ties and networks, as well as recreational facilities, and it enhances police protection within a neighborhood. When middle-class families are abundant, they provide a “social buffer” that deflects the impact of high unemployment and poverty among those that are truly disadvantaged. However, the absence of working- and middle-class neighbors isolates poor families; in addition, this concentrated neighborhood disadvantage is likely to have important implications for residents. As Wilson (1996:54) noted, the “absence of working- and middle-class blacks . . . deprives ghetto neighborhoods of key resources, including structural resources . . . such as residents with income to sustain neighborhood services.”

In line with the structural processes mentioned, Kubrin and colleagues (2011) illuminate another, although less studied, aspect of urban structural decline. Kubrin et al. observe a disproportionate number of payday lending establishments in disadvantaged neighborhoods. Given the combination of scarce resources, lack of employment opportunities, and weak informal social control, residents in these neighborhoods are powerless to prevent the proliferation of threatening marketplace activities (Nielsen and Martinez, 2003; Peterson et al., 2000; Sampson and Groves, 1989; Wilson, 1987). In other words, disadvantaged residents lack not only the social, economic, and political resources required to have desired, beneficial institutions in their neighborhoods (Anderson, 1999) but also the resources to needed to prohibit potentially problematic institutions from becoming established. As Massey (1996: 407) argued, neighborhood poverty creates various kinds of alienation from broader society because it erodes public trust, order, and a sense of belonging for some disadvantaged residents. Thus, in this sense, residents cannot connect with or develop ties to institutions that serve as “resource brokers” and instead are inundated with crime-producing institutions. Payday lending establishments, bars, strip clubs, and illicit drug markets are a few examples of threatening institutions that reinforce inequality and crime for resource-deprived neighborhoods (Anderson, 1999; Berg and Rengifo, 2009; Peterson et al., 2000). These “business” institutions generate violence; however, they also provide some sort of financial support to some residents. In many ways, there is an overlap of these threatening marketplace institutions in the same locations (Anderson, 1999). Their growth, in turn, serves to increase the disadvantage in these neighborhoods that are already experiencing negative outcomes relating to health and well-being.

In summary, Kubrin et al. (2011) provide a sobering outlook for the institutional arrangements of disadvantaged neighborhoods. Their findings point to the types of problem-producing institutions that have proliferated in these settings and reproduce inequalities that are entrenched strongly in these places. In other words, although payday lending establishments might provide a service for some residents, it seems that there is a higher cost in the form of increased crime rates. Indeed, Kubrin and colleagues' study highlights the importance of identifying institutions that are beneficial to local settings (see Small et al., 2008) and of attracting those institutions to structurally disadvantaged neighborhoods. At the same time, their study also reinforces the idea that communities should be empowered to rid the problematic institutions from their borders.

One such method is to encourage programs that might have an impact on improving the structural pressures in disadvantaged neighborhoods. An example of such programs is the federal Empowerment Zone/Enterprise Community initiative (Liebschutz, 1995). The overarching focus of the Empowerment Zone/Enterprise Community initiative is to attract, concentrate, and coordinate a broad spectrum of public and private resources to revitalize disadvantaged neighborhoods, and to support community-based partnerships to expand employment opportunities and alleviate poverty for residents (Stegman, 1995). The program provides targeted funds and tax incentives to disadvantaged urban and rural neighborhoods. In addition, it requires sites to engage in a comprehensive approach to revitalization by addressing problems of human, economic, and community development in an integrated, holistic manner (HUD, 2001; Oakley and Tsao, 2007). Cities in which this initiative has taken place include Atlanta, Baltimore, Chicago, Detroit, New York, and Philadelphia. Oakley and Tsao (2007) found that Chicago's Empowerment Zone areas in distressed neighborhoods experienced significant reductions in poverty and unemployment rates. Additionally, their findings pointed to spatial effects of the intervention in that decreases in poverty from Empowerment Zone areas spilled over into non-zone-adjacent neighborhoods. Caution should be exercised, however, when reviewing such results, as more evidence is needed on whether such interventions affect local crime rates. Empowerment Zone programs seem to have important implications for neighborhood revitalization efforts that reduce poverty and unemployment rates, which have both been linked to crime.

In the end, it is important not to overlook the harsh structural pressures of joblessness, poverty, segregation, and racial prejudice that many residents face in disadvantaged neighborhoods (Sampson and Wilson, 1995; Wilson, 1987, 1996). It is imperative that structural pressures be addressed in disadvantaged neighborhoods to observe long-term and sustained reductions in crime. For example, implementation of policies aimed at increasing employment opportunities and at promoting harmony among neighborhood residents will serve to build community and possibly neighborhood social connections (Sampson, 1988). Society must invest in the revitalization of the infrastructure and institutions within disadvantaged neighborhoods to empower residents and alleviate poverty.

References

- Anderson, Elijah. 1999. *Code of the Street: Decency, Violence and the Moral Life of the Inner City*. New York: Norton.
- Berg, Mark T. and Andres Rengifo. 2009. Rethinking community organization and robbery: Considering illicit market dynamics. *Justice Quarterly*, 26: 211–237.
- Kubrin, Charis E., Gregory D. Squires, Steven M. Graves, and Graham C. Ousey. 2011. Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending. *Criminology & Public Policy*, 10(2): 437–466.
- Liebschutz, Sarah F. 1995. Empowerment zones and enterprise communities: Reinventing federalism for distressed communities. *Publius*, 25: 117–133.
- Ludwig, Jens, Greg J. Duncan, and Helen F. Ladd. 2003. The effects of MTO on children and parents in Baltimore. In (John Goering and Judith D. Feins, eds.) *Choosing a Better Life? Evaluating the Moving to Opportunity Social Experiment*. Washington, DC: Urban Institute Press.
- Massey, Douglas S. 1996. The age of extremes: Concentrated affluence and poverty in the twenty-first century. *Demography*, 33: 395–412.
- Massey, Douglas S. and Nancy A. Denton. 1993. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, MA: Harvard University Press.
- Nielsen, Amie L. and Ramiro Martinez, Jr. 2003. Reassessing the alcohol-violence linkage: Results from a multiethnic city. *Justice Quarterly*, 20: 445–469.
- Oakley, Deirdre and Hui-Shien Tsao. 2007. Socioeconomic gains and spillover effects of geographically targeted initiatives to combat urban distress: An examination of Chicago's Empowerment Zone. *Cities*, 24: 43–59.
- Peterson, Ruth D., Lauren J. Krivo, and Mark A. Harris. 2000. Disadvantage and neighborhood violent crime: Do local institutions matter? *Journal of Research in Crime and Delinquency*, 37: 31–63.
- Sampson, Robert J. 1988. Local friendship ties and community attachment in mass society: A multi-level systemic model. *American Sociological Review*, 53: 766–779.
- Sampson, Robert J., Jeffrey D. Morenoff, and Thomas Gannon-Rowley. 2002. Assessing neighborhood effects: Social processes and new directions in research. *Annual Review of Sociology*, 28: 443–478.
- Sampson, Robert J., and W. Byron Groves. 1989. Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology*, 94: 774–802.
- Sampson, Robert J. and William J. Wilson. 1995. Toward a theory of race, crime, and urban inequality. In (John Hagan and Ruth D. Peterson, eds.), *Crime and Inequality*. Stanford, CA: Stanford University Press.
- Small, Mario. 2006. Neighborhood institutions as resource brokers. *Social Problems*, 53: 274–292.
- Small, Mario, Erin Jacobs, and Rebekah Massengill. 2008. Why organizational ties matter for neighborhood effects. *Social Forces*, 87: 387–414.
- Small, Mario and Monica McDermott. 2006. The presence of organizational resources in poor urban neighborhoods. *Social Forces*, 84: 1698–1724.

- Stegman, Michael A. 1995. Recent US urban change and policy initiatives. *Urban Studies*, 32: 1601–1607.
- U.S. Department of Housing and Urban Development (HUD). 2001. *Interim Assessment of the Empowerment Zones and Enterprise Communities (EZ/EC) Program: A Progress Report*. Washington, DC: HUD.
- Wilson, William Julius. 1987. *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago, IL: University of Chicago Press.
- Wilson, William Julius. 1996. *When Work Disappears: The World of the New Urban Poor*. New York: Random House.
- Yen, Irene H. and George A. Kaplan. 1999. Neighborhood social environment and risk of death: Multilevel evidence from the Alameda County study. *American Journal of Epidemiology*, 149: 898–907.
-

Eric A. Stewart is a professor in the College of Criminology and Criminal Justice at Florida State University and a member of the Racial Democracy, Crime and Justice Network. His research interests include racial inequality and criminal outcomes, crime throughout the life course, and multilevel processes on adolescent development.

POLICY ESSAY

INVESTIGATING THE SOCIAL ECOLOGY OF PAYDAY LENDING

Criminology of the unpopular

Implications for policy aimed at payday lending facilities

Pamela Wilcox

John E. Eck

University of Cincinnati

If everything is very important, then nothing is important.

—Brian Mulroney, former Prime Minister of Canada

Eck, Clarke, and Guerette (2007) called a homogeneous set of places *facilities*. Payday lenders are a type of facility, just as are banks, apartments, bars, gas stations, drug treatment centers, and marijuana dispensaries. In “Does fringe banking exacerbate neighborhood crime rates? Social disorganization and the ecology of payday lending,” Kubrin, Squires, Graves, and Ousey (2011, this issue) show through thoughtful and thorough analysis that the concentration of payday lending facilities is associated with higher tract-level violent and property crime rates. Their study adds to numerous studies, including some contributed by the authors of this essay, that point to the crime-generating nature of particular facilities. Many facilities implicated in this place-focused line of inquiry, like payday lending establishments, are unpopular on several political, social, and moral grounds. In fact, unpopularity is often the reason for suspecting that the facility generates crime. The empirical demonstration of this suspicion adds one more reason to view them as problematic and in need of government scrutiny. Nonetheless, before offering policies aimed at addressing the payday lender- crime linkage demonstrated by Kubrin et al. (2011), we believe a broad, critical reexamination of the “criminology of the unpopular” is in order.

Crime and Places: Too Much of a Bad Thing

Several nonresidential land uses have been implicated as generating crime in the communities in which they sit. Throughout the 1980s and early 1990s, for instance, Dennis Roncek

Direct correspondence to Pamela Wilcox, School of Criminal Justice, University of Cincinnati, 600 Dyer Hall, Cincinnati, OH 45221-0389, (e-mail: pamela.wilcox@uc.edu); John E. Eck, School of Criminal Justice, University of Cincinnati, 600 Dyer Hall, Cincinnati, OH 45221-0389, (e-mail: john.eck@uc.edu).

and his colleagues published a series of studies highlighting the positive association between on-premise alcohol outlets and area crime (Roncek and Bell, 1981; Roncek and Maier, 1991; Roncek and Pravatiner, 1989). A good deal of other research supports the idea that neighborhoods and subneighborhoods (i.e., street blocks or block groups) with greater concentrations of certain facilities experience higher rates of crime. In addition to bars, facilities that have been shown to be positively related to area crime rates include fast-food restaurants (Brantingham and Brantingham, 1982), storefronts/commercial businesses (Kurtz, Koons, and Taylor, 1998), malls (LaGrange, 1999), parks/playgrounds (Lockwood, 2007; Wilcox, Quisenberry, Cabrera, and Jones, 2004), motels (Smith, Frazee, and Davison, 2000), public high schools (LaGrange, 1999; Roncek and Fagianni 1985; Roncek and LoBosco, 1983), abandoned buildings (Spelman, 1993), and industry (Lockwood, 2007). Additionally, Sherman, Gartin, and Buerger's (1989) seminal analysis of "hot spots" identified department stores, discount stores, bars, and convenience stores among those places with high volumes of calls for service in Minneapolis. Findings such as these have promoted and supported a criminology of the unpopular, whereby some establishments are presumed to generate crime, selected for study, shown to be associated with crime, and recommended for control (or even elimination). Although the empirical evidence on crime and facilities is valuable, we do not think categorical control of facilities is necessary.

Studies examining the crime-generating influence of nonresidential land uses, such as many of those cited previously, usually highlight the role of one particular facility. Because they typically are limited in terms of the number of facilities under study, discerning the effects of particular types of facilities relative to other types of facilities is not possible (as with Kubrin et al., 2011). This limitation might be creating a false impression in the literature that a small subset of undesirable facilities are positively correlated with crime, in contrast to the vast majority of facilities that are unrelated to crime, or even protective against crime. In fact, despite reasons for believing that important qualitative differences might exist in specific types of places, it is evident that a whole host of seemingly disparate facilities exhibit a positive correlation with area crime (Duru, 2010; Rice and Smith, 2002; Smith et al., 2000; Wilcox et al., 2004). It is rare to find examples of nonresidential land uses that are not positively correlated with crime (see Stucky and Ottensmann, 2009, for exceptions).

This raises the question as to whether we are very good at selecting specific bad facilities for study, or we are just observing a general effect of most places on crime. Our interpretation is that the second possibility is more likely; many forms of facilities, popular and unpopular, generate crime in their surroundings, which has little to do with the specifics of how the facility functions. Rather, viewed collectively, research seems more supportive of the idea that it is general characteristics of places that seem to matter most. The following common thread emerges across multiple studies: *Areas with high-traffic facilities have relatively more crime than comparable areas without high-traffic facilities (or*

with a lower density of such places). Thus, it is the traffic associated with the studied land uses, not the activities of the facilities per se, that likely lead to problems for the area. To use a vivid example, a high-traffic church might be as bad for a neighborhood as a high-traffic bar, and a low-traffic bar might be more beneficial than a high-traffic church.

Nonresidential land uses *of various types* typically involve more traffic than residential facilities, making them target-rich locations and thus susceptible to being identified as problematic types of places (Felson, 1987, 1994). Not surprisingly, these facilities tend to co-occur, or cluster together spatially, which lends to traffic and criminal opportunity. In fact, the high-traffic context in which most facilities sit is integral in understanding the observed correlations between crime and places. For instance, previous analysis of Seattle census tracts examined aggregated survey data that included residents' reports of the presence (or absence) of various busy places within a few blocks of their homes. The proportion of census-tract residents reporting the presence of six different "busy" nonresidential land uses—banks or offices, motels, convenience stores/gas stations, bars, fast-food restaurants, and shopping centers—loaded highly on a common latent factor, with the items exhibiting strong inter-item reliability (Wilcox et al., 2004; see also Miethe and McDowall, 1993). Thus, empirical evidence in Seattle indicates that many individual facilities identified by place-crime studies tend to cluster together. This clustering creates a busy context that is probably more salient than any one particular facility. We suspect payday lending places would be situated in such busy, opportunistic contexts.

Enhancing the opportunity, multiple commercial land uses tend to cluster along or near major roads and are thus easily accessible to offenders searching for targets (Bernaso and Block, 2009; Bernasco and Nieuwebeerta, 2005; Brantingham and Brantingham, 1993, 1995; Felson, 2006). It is no surprise, therefore, that previous studies have found presence and/or length of major roads, along with busy facilities, to be positively associated with neighborhood rates of crime (Duru, 2010; Greenberg, Rohe, and Williams, 1982; Stucky and Ottensmann, 2009). It is also not surprising that the location of payday lending establishments in Seattle appear along linear corridors (Kubrin et al., 2011, Figure 1). Many other nonresidential land uses also are undoubtedly found along these same Seattle corridors, with dense clustering probably occurring in neighborhoods containing payday lending establishments.

In short, busy places in general—rather than specific facility types—offer criminal opportunity. High-traffic locations are located nonrandomly across cities, and thus, they help to structure criminal opportunity ecologically. However, no convincing empirical evidence is available that particular types of high-traffic facilities, on the whole, provide substantially more criminal opportunity than others. Rather than specific facilities (like payday lenders) generating crime, strong suggestions in the literature claim that many facilities provide criminal opportunity, and it is the contextual clustering of public-use facilities, especially

along or near major roads, that is related to area crime. Contexts in which the density of facilities is particularly high create “thick crime habitat” (Felson, 2006).¹

Thus, the isolation of payday lending facilities as crime generators in Seattle neighborhoods will likely yield ineffective crime-prevention policy. We offer that policy must consider that it is the busy nature of facilities in general and the busy context in which facilities are often situated, rather than the facility type itself, that generates crime. In addition, policy also must consider the tremendous variation that exists both within busy areas and within facility types. Facilities in high-traffic contexts have more criminal opportunity than facilities in low-traffic contexts, but most places, even within high-traffic contexts, are problem free. In fact, because of differential place management practices, it is likely that much more variation in criminal opportunity exists within categories of high-traffic facilities as opposed to among categories of facilities. It is to these differences we now turn.

The Iron Law of Troublesome Places

In the previous section, we discussed why most high-traffic places are likely to be associated with area rates of crime (many facilities offer criminal opportunity, and they tend to be located among other facilities, providing opportunistic contexts). In this section, we consider another problem with targeting specific categories of places for crime-prevention policy; only a few places within any category of busy facility are really troublesome. Eck et al. (2007) identified 37 studies from 4 countries of 16 different types of facilities. All studies showed the following crime distribution: a small proportion of facilities produce a much larger proportion of the crimes, and most facilities had little crime. In studies that included places that never reported crime, zero crime facilities were the modal category. This finding was true regardless of the crime type examined, the size of the facilities, or even subcategories of facilities (e.g., dividing motels into national chains and locally owned). No exceptions were noted, despite the authors’ attempts to locate such studies.

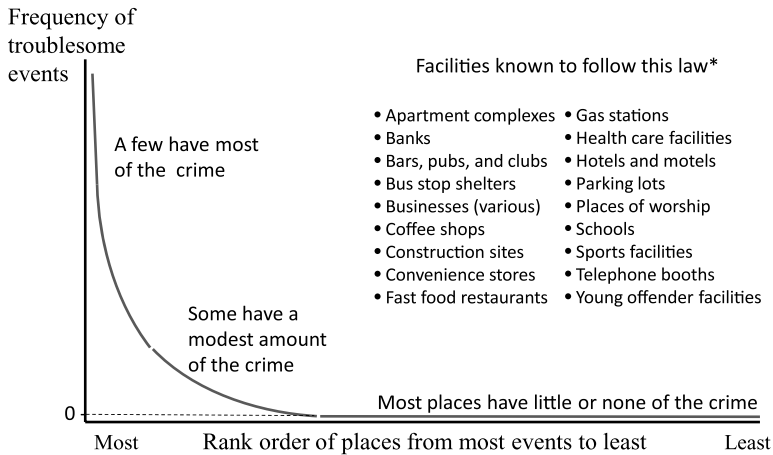
The ubiquity of this distribution of crime across facility types deserves a name: the “Iron Law of Troublesome Places” seems appropriate. Indeed, this empirical law applies to places undifferentiated by facility type (Pierce, Spar, and Briggs, 1988; Sherman, Gartin, and Rogan, 1989) and to street segments (Duru, 2010; Weisburd, Bushway, Lum, and Yang, 2004), so it applies to places regardless of how one defines a place.

Figure 1 is a generic sketch of the law. The law has three articles. Article I gets the most attention (a few places have most of the trouble), Article II is just as important (most places

1. It is noteworthy that the exceptional nonresidential land uses found by Stucky and Ottensmann (2009) to be negatively related to crime in Indianapolis areas were cemeteries and industry. These findings—although they do not follow the typical rule of a positive correlation with crime—are nonetheless consistent with our argument about busy places within busy contexts (rather than individual facility types) generating crime. Cemeteries are not busy facilities. Industries are less likely to be clustered with other busy places than are commercial facilities.

FIGURE 1

The Iron Law of Troublesome Places



*All from Eck, Clarke and Guerette, 2007, except coffee shops and places of worship (Duru, 2010).

are no trouble), and Article III seems obvious but has important implications (extreme skewness is the norm). No outliers were found.

In the absence of evidence to the contrary, we have to assume that the “Iron Law of Troublesome Places” applies to payday loan facilities in Seattle and everywhere else where they are numerous. We would expect this law to govern crime inside the facilities and in their surroundings. If this is true, then it also must be true that the results of the Kubrin et al. (2011) study are driven by the minority of the Seattle payday loan facilities; most have little or no crime in or around them.

Putting Policy in the Right Place

We have reviewed evidence that nearly all types of high-traffic facilities share an important attribute—they attract crime at higher rates than do low-traffic places—but within each type of high-traffic facility, most attract little or no crime, and a few attract a great deal of crime. So what are the policy implications of studies showing that a particular facility is associated with crime in a geographic area? We see four policy implications.

Do Nothing

Not acting on this research is a viable policy alternative for the following reasons. First, numerous methodological challenges are facing neighborhood-level place–crime studies, such as the one by Kubrin et al. (2011). The results of any particular study are driven, in part, by ad hoc assumptions about how to model skewed data (Park, 2010; Payne, 2010),

the choice of instrumental variables, and which variables have been omitted (or poorly measured). Second, the inability to disentangle the singular influence of the facility under scrutiny from the influences of associated facilities in the same area and the traffic streaming past these locations puts any policy regarding a facility type on thin ice. Third, if bars and payday loan facilities follow the same distribution as places of worship and bus stop shelters, then it is hard to make a strong claim that presumed troublesome places are worthy of special policy attention. Most high-traffic places offer criminal opportunity and are potentially troublesome. The question is expressed as follows: How much more troublesome is one facility type (e.g., payday loan facilities) relative to another type of facility (e.g., bars or places of worship)? In other words, what other type of high-traffic place would produce marginally less crime? For this question, we have no answers for policy makers.

Patrol Them

That said, doing nothing is seldom a viable political option when something has been shown to be associated with crime. Allocating police patrols to troublesome places often seems like a simple solution. However, patrolling all unpopular places might be worse than doing nothing for two reasons. First, all high-traffic facilities would have to get patrols, not just payday loan facilities. This process would be expensive. Police have many demands on their time, so adding another task means that something else must be left unaddressed. Second, patrolling places is not something we should do unless we have strong evidence that police will have an impact. Considerable evidence suggests that police can reduce crime at places but only at high-crime places (Braga and Weisburd, 2010). If payday loan facilities are associated with crime, then given the “Iron Law of Troublesome Places,” only a few such facilities need policing. However, if that is true, then a far better policing method exists than allocating patrols to all or even some of these facilities.

Problem Solve

For 25 years, police and researchers have been accumulating evidence that addressing crime concentrations by analyzing their causes and creating tailored local solutions, often with the community, works better than law enforcement (Braga and Bond, 2008; Weisburd, Telep, Hinkle, and Eck, 2009). This technique is called problem-oriented policing (Goldstein, 1990). This approach does not need to rely on untested statistical assumptions that undergird the unpopular place literature. It also can address the issues associated with traffic flows and other troublesome places nearby. In addition, it makes use of the “Iron Law of Troublesome Places” by focusing on the extreme tails of the place–crime distribution (Clarke and Eck, 2007).

Regulate

Rather than rely exclusively on the police, it might make more sense to create regulations governing high-crime places. The Chula Vista Police (2009) were successful at convincing

their city council to pass an ordinance that regulated crime at the most crime-ridden motels. The regulations can take into account the “Iron Law of Troublesome Places” and can be tailored to address the contextual effects of traffic patterns. It even might be possible to use market mechanisms to regulate crime at places (Farrell and Roman, 2006).

In summary, payday lenders might produce an overabundance of problems for society. If this is true, then they should be held accountable for these problems. Kubrin et al. (2011) provide a useful set of alternatives to these facilities that seem warranted regardless of their association with crime. However, payday lending establishments should not be singled out for their presumed criminogenic influences on their surroundings any more than any other high-traffic facility. Eliminating payday lenders will not prevent much crime around their former locations because of the combined effects of (a) the high-traffic context in which lending institutions are located and (b) the “Iron Law of Troublesome Places.” Until criminologists can show how much crime “good” places (e.g., places of worship, grocery stores, coffee shops, and florists) cause in their vicinity, we will have no clear idea if “bad” places are really bad or just unpopular.

References

- Bernasco, Wim and Richard Block. 2009. Where offenders choose to attack: A discrete choice model of robberies in Chicago. *Criminology*, 47: 93–130.
- Bernasco, Wim and Paul Nieuwbeerta. 2005. How do residential burglars select target areas? A new approach to the analysis of criminal location choice. *British Journal of Criminology*, 45: 296–315.
- Braga, Anthony A. and Brenda J. Bond. 2008. Policing crime and disorder hotspots: A randomized controlled trial. *Criminology*, 46: 577–608.
- Braga, Anthony A. and David Weisburd. 2010. *Policing Problem Places: Crime Hot Spots and Effective Prevention*. New York: Oxford University Press.
- Brantingham, Paul J. and Patricia L. Brantingham. 1982. Mobility, notoriety, and crime: A study of crime patterns in urban nodal points. *Journal of Environmental Systems*, 11: 89–99.
- Brantingham, Patricia L. and Paul J. Brantingham. 1993. Nodes, paths, and edges: Considerations on the complexity of crime and the physical environment. *Journal of Environmental Psychology*, 13: 3–28.
- Brantingham, Patricia L. and Paul J. Brantingham. 1995. Crime generators and crime attractors. *European Journal on Criminal Policy & Research*, 3: 5–26.
- Chula Vista Police. 2009. *Reducing Crime and Disorder at Motels and Hotels in Chula Vista, California*. Goldstein Award Submission. Center for Problem-Oriented Policing. Retrieved November 14, 2010 from popcenter.org/library/awards/goldstein/2009/09-47%28W%29.pdf.

- Clarke, Ronald V. and John E. Eck. 2005. *Crime Analysis for Problem Solvers: In 60 Small Steps*. Washington, DC: Office of Community Oriented Policing Services, U.S. Department of Justice.
- Clarke, Ronald V. and John E. Eck. 2007. *Understanding Risky Facilities*. Problem-Oriented Guides for Police, Problem-Solving Tools Series. Washington, DC: Office of Community Oriented Policing Services, U.S. Department of Justice.
- Duru, Haci. 2010. *Crime on Turkish Streetblocks: An Examination of the Effects of High Schools, On-premise Alcohol Outlets, and Coffeehouses*. Unpublished doctoral dissertation, University of Cincinnati.
- Eck, John E., Ronald V. Clarke, and Rob T. Guerette. 2007. Risky facilities: Crime concentration in homogeneous sets of establishments and facilities. In (Graham Farrell, Kate J. Bowers, Shane D. Johnson, and Michael Townsley, eds.), *Imagination for Crime Prevention*. *Crime Prevention Studies*, Volume 17. Monsey, NY: Criminal Justice Press.
- Farrell, Graham and John Roman. 2006. Crime as pollution: Proposal for market-based incentives to reduce crime externalities. In (Kate Moss and Mike Stephens, eds.), *Crime Reduction and the Law*. London, U.K.: Routledge.
- Felson, Marcus. 1987. Routine activities and crime prevention in the developing metropolis. *Criminology*, 25: 911–931.
- Felson, Marcus. 1994. *Crime and Everyday Life: Insight and Implications for Society*. Thousand Oaks, CA: Pine Forge Press.
- Felson, Marcus. 2006. *Crime and Nature*. Thousand Oaks, CA: Sage.
- Greenberg, Stephanie, William Rohe, and Jay Williams. 1982. Safety in urban neighborhoods: A comparison of physical characteristics and informal territorial control in high and low crime neighborhoods. *Population and Environment*, 5: 141–165.
- Goldstein, Herman. 1990. *Problem-Oriented Policing*. New York: McGraw-Hill.
- Kubrin, Charis E., Gregory D. Squires, Steven M. Graves, and Graham C. Ousey. 2011. Does fringe banking exacerbate neighborhood crime rates? Investigating the social ecology of payday lending. *Criminology & Public Policy*, 10(2): 437–466.
- Kurtz, Ellen M., Barbara A. Koons, and Ralph. B. Taylor. 1998. Land use, physical deterioration, resident-based control, and calls for service on urban street blocks. *Justice Quarterly*, 15: 121–149.
- LaGrange, Teresa C. 1999. The impact of neighborhoods, schools, and malls on the spatial distribution of property damage. *Journal of Research in Crime & Delinquency*, 36: 393–422.
- Lockwood, Daniel. 2007. Mapping crime in Savannah: Social disadvantage, land use, and violent crimes reported to the police. *Social Science Computer Review*, 25: 194–209.
- Miethe, Terance D. and David McDowall. 1993. Contextual effects in models of criminal victimization. *Social Forces*, 71: 741–759.
- Park, Seong min. 2010. *Improving Statistical Modeling of Repeat Victimization: Zero-Inflated Effect and Bayesian Prediction*. Unpublished doctoral dissertation, University of Cincinnati.

- Payne, Troy C. 2010. *Does Changing Ownership Change Crime? An Analysis of Apartment Ownership and Crime in Cincinnati*. Unpublished doctoral dissertation, University of Cincinnati.
- Pierce, Glenn, Susan Spaar, and LeBaron Briggs. 1988. *The Character of Police Work: Implications for the Delivery of Police Service: Final Report to the National Institute of Justice*. Boston, MA: Northeastern University, College of Criminal Justice.
- Rice, Kennon J. and William R. Smith. 2002. Socioecological models of automotive theft: Integrating routine activity and social disorganization approaches. *Journal of Research in Crime and Delinquency*, 39: 304–336.
- Roncek, Dennis W. and Ralph Bell. 1981. Bars, blocks, and crime. *Journal of Environmental Systems*, 11: 35–47.
- Roncek, Dennis W. and Donald Fagianni. 1985. High schools and crime—a replication. *Sociological Quarterly*, 26: 491–505.
- Roncek, Dennis W. and Antionette Lobosco. 1983. The effect of high schools on crime in their neighborhoods. *Social Science Quarterly*, 64: 598–613.
- Roncek, Dennis W. and Pamela Maier. 1991. Bars, blocks, and crimes revisited: Linking the theory of routine activity and opportunity models of predatory victimization. *Criminology*, 29: 725–753.
- Roncek, Dennis W. and Mitchell A. Pravatiner. 1989. Additional evidence that taverns enhance nearby crime. *Sociology and Social Research*, 73: 185–188.
- Sherman, Lawrence, Patrick R. Gartin, and Michael E. Buerger. 1989. Hot spots of predatory crime: Routine activities and the criminology of place. *Criminology*, 27: 27–55.
- Smith, William R., Sharon Glave Frazee, and Elizabeth L. Davison. 2000. Furthering the integration of routine activity and social disorganization theories: Small units of analysis and the study of street robbery as a diffusion process. *Criminology*, 38: 489–523.
- Spelman, William. 1993. Abandoned buildings: Magnets for crime? *Journal of Criminal Justice*, 21: 481–495.
- Stucky, Thomas D. and John R. Ottensmann. 2009. Land use and violent crime. *Criminology*, 47: 1223–1264.
- Weisburd, David, Shawn D. Bushway, Cynthia Lum, and Sue-Ming Yang. 2004. Trajectories of crime at places: A longitudinal study of street segments in the city of Seattle. *Criminology*, 42: 283–322.
- Weisburd, David, Cody W. Telep, Joshua C. Hinkle, and John E. Eck. 2009. Is problem-oriented policing effective in reducing crime and disorder? Findings from a Campbell systematic review. *Criminology & Public Policy*, 9: 139–172.
- Wilcox, Pamela, Neil Quisenberry, Debra T. Cabrera, and Shayne Jones. 2004. Busy places and broken windows? Toward defining the role of physical structure and process in community crime models. *Sociological Quarterly*, 45: 185–207.

Pamela Wilcox is Professor in the School of Criminal Justice at the University of Cincinnati. She received her Ph.D. (1994) in sociology from Duke University. She has published numerous works aimed at developing and testing theories of crime, victimization, and crime prevention, with an emphasis on criminal opportunity structures at multiple levels of analysis.

John E. Eck is Professor in the School of Criminal Justice at the University of Cincinnati. He received his Ph.D. (1994) in criminology from the University of Maryland. He studies crime patterns and places and has published many works for researchers and practitioners involved in preventing crime.

