I, Jessica E Moss, hereby submit this original work as part of the requirements for the degree of Master of Arts in Geography.

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Boundaries of Law: Jurisdictional Differences Affecting Sex Offender Residential Patterns in the Cincinnati Tri-State Region

Student’s name: Jessica E Moss

This work and its defense approved by:

Committee chair: Colleen McTague, Ph.D.
Committee member: Changjoo Kim, Ph.D.
Committee member: Kevin Raleigh, Ph.D.
Boundaries of Law:
Jurisdictional differences affecting sex offender residential patterns in the Cincinnati Tri-State Region

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By Jessica Moss
Advisor: Dr. Colleen McTague
Committee Members: Dr. Changjoo Kim & Dr. Kevin Raleigh

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Recent controversies over the nature of sex offender residency restrictions have inspired multiple studies examining the effects of such laws on sex offender recidivism and where these convicted offenders choose to live. Discussions regarding neighborhood stability and its relationship with where convicted sex offenders are permitted to live are rich and detailed, providing evidence that such restrictions do not serve their intended purpose. The surge in such restrictive ordinances has created something of a "domino effect" among neighboring political jurisdictions, all attempting to prevent these offenders restricted from one location from moving into their own. Despite the potential questions arising from such edge areas, little research has been performed analyzing the effects of differing laws on sex offender residency patterns through a multi-jurisdictional region. This study is one such attempt to analyze how varying restrictive ordinances between three states and counties in the Greater Cincinnati area affect the spatial distribution of sex offender residencies.

Key words: Sex offenders, Boundaries, Restrictions, GIS, Crime Analysis, Cincinnati
CHAPTER 1: INTRODUCTION

One of the most controversial policy based initiatives currently debated within the United States revolves around policing sex offenders, and how to monitor, control, and prevent sex crimes in communities throughout the country. Of particular interest regarding sex crimes and the offenders who commit them are the ways such offenses are addressed following prison internment. Sex crimes, particularly those against children, are perceived as some of the most heinous and deplorable acts that can be committed, and therefore receive special attention and specific additional policies in an attempt to prevent their occurrence.

This trend can be seen through the evolution of federal laws over the past twenty years, implemented in an effort to monitor such offenders. Commonly referred to as “Megan’s Laws”, these laws build on the requirement of law enforcement to make information regarding sex offenders more readily available to the public. Such legislation is designed to inform citizens about potential threats, allowing them to participate in policing their communities themselves.

What began as an effort to monitor ex-offenders gradually evolved into laws that regulate and restrict them from certain activities, and even from specific places. While the restriction from specific activities (such as some employment fields) is neither novel nor new, as many ex-felons face similar employment restrictions and are not permitted ownership of guns, the restrictions on the physical environment in which an offender is permitted to live has become increasingly common and, therefore, subject to much inquiry and research.
The purpose of this study is two-fold. First, current sex offender residences in the Cincinnati Tri-State area are compared to their respective conviction locations, and secondly, differing laws between Ohio, Kentucky, and Indiana regarding residency restrictions are examined. Every effort was made to include all state and local laws regarding restrictions and enforcement so as to reach a greater understanding of how these laws might affect the spatial patterns of sex offender residencies. While several studies have attempted to compare offender patterns to restriction areas, simply mapping offenders and restriction zones does not accurately depict the nuanced and complicated nature of these laws. Not all sex offenders are subjected to the same restrictions between each state, and indeed, even within the same jurisdiction. This research attempts to provide a deeper understanding of these laws and their potential effects (if any) on residency choices between different types of sex offenders.
CHAPTER 2: BACKGROUND & LITERATURE REVIEW

History of Sex Offender Registration and Restriction Laws

The first federal law of this nature was enacted in 1994, entitled the Jacob Wetterling Crimes Against Children and Sexual Violent Offender Registration Act. Named for Jacob Wetterling, an eleven year old boy kidnapped in St. Joseph, Minnesota, this legislation set the precedent for what is now commonly known as a sex offender registry. The law requires that all states must implement a registry for those convicted of sex crimes and crimes against children. Additionally, it requires that states verify addresses of offenders annually for at least ten years after an offender has been placed on the registry, or, in the case of those classified as “Sexually Violent Predators”, for life. States that refuse to comply receive a 10% reduction in federal criminal justice funds. Currently, all 50 states are in compliance with the stipulations of this law (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 1994). An amendment to this act in 1996, called Megan’s Law, requires that such registries be made available to the public through Community Notification (Megan’s Law, 1996). Community notification entails providing information from states’ sex offender registries to the public, allowing any information collected under state registration to be disclosed for any purpose permitted under state law (SMART).

While federal legislation that enables citizen involvement (or at least heightened awareness) in the monitoring of sex offenders is well publicized, another act was implemented in 1996 that is not as well known. The Pam Lychner Sexual Offender Tracking and Identification
Act includes two important requirements for the Federal Bureau of Investigation. First, the FBI is required to register and verify addresses of all sex offenders residing in states without a “minimally sufficient” registry. Since later federal legislation increased the requirements for state registries beyond what was originally deemed “minimally sufficient”, this portion of the act is no longer relevant. However, the second component requires the FBI to establish a national database for the purpose of tracking and monitoring any person convicted of a criminal offense against a minor, all sexually violent predators, and anyone convicted of a sexually violent offense (regardless of the age of the victim). Such a national registry differed from the previous requirements which required each state to develop its own state-specific registry (SMART). This stipulation is intended to improve communication and tracking of offenders between states.

The most recent significant federal legislation regarding the policing of sex offenders is the Adam Walsh Child Protection and Safety Act of 2006. This act made sweeping updates to the Jacob Wetterling Act of 1994 by creating a tier system for categorizing sex offenders, determined by the severity of their crimes (Adam Walsh Child Protection Act 2006). Additionally, it builds on the Pam Lychner Act by creating a national sex offender registry and requiring each state that adopts the act to apply identical criteria for posting offender data on the internet. Unlike the Jacob Wetterling Act, only 17 states are presently in compliance with this law, including Ohio (but not Kentucky or Indiana). For the state of Ohio, the Ohio Attorney General’s Office provides a list of the specific offenses that fall under each tier, further noting
that comparable violations from other jurisdictions will place the offender in the same tier \(^1\) (SMART).

This latest version of sex offender legislation has come under considerable criticism for multiple reasons. First and foremost, the law is written to be applied retroactively, meaning that offenders who were convicted prior to its enactment would be included in its restrictions when the law goes into effect. This has resulted in a cascade of lawsuits and appeals, because many states forbid such retroactive application of laws, and subsequent challenges against such implementation have been brought before state Supreme Courts (State v. Williams, Hyle v. Porter, Commonwealth of Kentucky v. Michael Baker). Other criticisms include the increased cost to taxpayers for enforcing such stringent requirements on a larger number of offenders, as well as the increased burden placed on policing agencies, which are often already at reduced manpower (Hannah 2008).

Though less stringent restrictions (usually applying only to those offenders on probation or parole) had existed for a decade prior, the earliest notable major state-wide restriction came in the form of California Proposition 83: a movement so controversial that the elected officials in the state decided to put the issue in a state ballot measure for constituents to vote on directly. Proposition 83, which prohibits registered sex offenders from living within 2,000 feet of any school or park in the state, passed with a 70% majority on November 7\(^{th}\), 2006 (Department of Corrections and Rehabilitation). Within the next few years, over 30 states, and hundreds (if not thousands) of municipalities followed suit. While there is currently no federal statute restricting sex offenders from living in certain areas, the layered hierarchy of state and

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\(^1\) See “OHIO OFFENSE TIERS” in Appendix A
local ordinances and restrictions create a patchwork of restricted areas encompassing vast portions of the country.

**Routine Activity Theory & Social Disorganization Theory**

While these laws are often perceived as “feel-good” legislation and knee-jerk reactions to calm panic over perceived threats to children in a community, they are founded in Criminal Justice theory. First and foremost, it is important to highlight the problem with the common misconception that all sex offenders form a single homogenous group. In fact, many mistakenly categorize all sex offenders as child-victim sex offender (pedophile), despite the fact that only a small portion of sex offenders would be classified as such. Pedophiles are often thought to be “incurable” and therefore a lost cause, despite research suggesting otherwise. The public continues to believe that these particular offenders will reoffend given the opportunity (Hanson and Morton-Bourgon 2004; Bureau of Justice Statistics 2003; Levenson et al. 2007). Therefore, it is regularly assumed that the only option remaining is to remove all opportunities for them to recidivate.

Routine Activity Theory, developed by Cohen and Felson in 1979, suggests that crime is normal, inevitable, and largely influenced by the availability of opportunity to commit such a crime. This theory postulates that crime is not significantly influenced by social economic status and conditions, but rather by the availability of opportunity, or the lack of barriers that might prevent such an opportunity. Such barriers are referred to as capable “guardians”, and can take many forms, including people, such as parents, grandparents, other family, and alert neighbors. “Guardians” are not, however, limited to human interaction, but can include lighting, cameras,
or even esoteric features such as the mere perception of security and safety reflected in well-
tended buildings, infrastructure, or other property.

The two most important directives of Routine Activity Theory for preventing crime are
the existence of a capable guardian to protect potential victims, and the removal of opportunity
for a crime to be committed. Sex offender registration and residency restrictions are designed
to fulfill both of these requirements. Through public registries and community notification,
guardians are generated in every neighborhood. Watchful parents and neighbors now have the
tools to be aware of the presence of sex offenders, and the specific information about each
individual offender – where they live, what they look like, and potentially their perceived risk.
While police may have had access to this information long before any such laws, publicizing the
details and notifying the public of sex offenders’ presence has significantly increased the
number of eyes tracking the movements of offenders.

Working in concert with notification laws are the residency restrictions added by many
jurisdictions. These laws are intended to reduce opportunities for sex offenders to commit sex
crimes by limiting their physical access to potential victims. Applying this theory, it is not
difficult to understand the reasoning for such restrictions. By restricting offenders from living
adjacent to locations where potential victims (children) are expected to congregate, it is hoped
that there will be less exposure to temptation, and more importantly, less opportunity. On the
surface, this seems a legitimate strategy, but multiple studies have suggested that residency
restrictions are unlikely to have any such effect (Colorado Department of Public Safety 2004;
Minnesota Department of Corrections 2003; Duwe et al. 2008).
The registries create more awareness, and thus increase the number of capable guardians (Tewksbury et al. 2008). These capable guardians scan their neighborhoods and grow concerned over the number of opportunities they see for sex offenders. This leads to the creation of increasingly large residency restrictions designed to reduce access to opportunity, which, when enforced, can result in a number of collateral consequences, including clusters of displaced offenders (Davey 2006; Zarella and Oppman 2007). Groups of offenders are perceived as even more dangerous than a single offender, and the capable guardians are on the alert again to find more ways to reduce opportunity (Casady 2009; Davey 2006). This has led to the suggestion for creation of anti-clustering laws in some areas (Kilgannon 2006).

Challenging such theoretical underpinnings that appear to justify the enactment of such legislation, many researchers cite the collateral effects and risks of such residency restrictions. One such example is a study performed by Tewksbury, Mustaine, and Stengel (2008). Utilizing census tract data from a county in Kentucky, they examined the proximity of registered sex offenders to potential opportunities for committing sex crimes. Hypothesizing that policies regarding sex offender registries and community notification would increase the guardianship capabilities of citizens, “opportunities” were measured by the presence of available and suitable targets or victims (such as female headed households and children). Additionally, they surmised that the residential restriction laws in effect would “remove potential offenders from the vicinity of suitable targets”. However, they found that “neither the measure of potential offenders nor any of the measures of capable guardians … are statistically associated with the rates of sexual offenses”. Instead, they suggest that offenders are more likely to be found in economically disadvantaged neighborhoods.
A second study in 2010 by Zandbergen, Levenson, and Hart examined similar hypotheses. They stated that according to routine activity theory, “predatory or pedophiliac sex offenders are most likely to commit new assaults against children when they have unrestricted or unmonitored access to youngsters”. Therefore, living near a school or other place where children congregate would increase the opportunities for offenders to commit crimes. Further, using such a theoretical focus would suggest that sex offenders intentionally reside in locations in close proximity to potential victims with reduced guardianship in an effort to increase their opportunities to commit sex crimes. Unlike the previous study by Tewksbury et al., these authors approached their study from a recidivism perspective by attempting to “determine whether sex offenders who lived closer to schools or daycares were more likely to reoffend sexually than those who lived farther away.” Despite the differences in their approach, the authors came to a similar conclusion: there was no empirical association between where the sex offenders lived and whether they reoffended sexually against a minor. Again, they determined that routine activity theory does not provide an adequate theoretical foundation for residence restrictions. They did, however, suggest that this theory may provide some explanation for the risks associated with children when offenders “visit places where children are commonly found and where familiarity, authority, and relationships with children can be cultivated”. Instead, the authors suggest that the focus should be placed on where offenders loiter instead of where they sleep.

In response to the challenges against routine activity theory as an explanation for sex offender residency choices, many authors have suggested that these phenomena can be better explained by the social disorganization framework. This theory, first outlined by Shaw and
McKay (1942), highlights the importance of social ties and community for preventing crime. The presence of strong social networks within a neighborhood enables the residents to “band together” and work as a cohesive unit, exerting informal social control to identify and address problem behavior, such as crime and delinquency. However, in economically disadvantaged communities, with high residential mobility and turnover, the absence of such bonds within the community reduces the residents’ ability to identify, resolve, and remove sources of crime and danger. In essence, it is thought to be easier for those who wish to commit crime to “hide” within a socially disorganized community, where people may often move, or are not familiar enough with their neighbors to work together in an effort to identify a source of delinquent behavior and remove it from the community.

The characteristics that make socially organized neighborhoods a preferable place to live for a typical non-offending citizen work in reverse to alienate sex offenders and discourage them from establishing a residence there. While the informal social control and stability of such areas may be the ideal environment in which a sex offender can successfully reintegrate into society, those very same characteristics quickly turn against individuals perceived as a risk and a danger to the neighborhood. In these communities, the additional awareness enabled by community notification laws is further developed by communication and stable relationships between neighbors who work in concert to provide strong guardianship for one another. In contrast, a socially disorganized community may only have a few members aware of the presence of an offender in their midst, and these individuals are less likely to bind the community together in opposition to the potential threat. Therefore, it may be easier for an offender to live within the neighborhood that has a higher degree of anonymity (Tewksbury
2005). However, this same anonymity also carries less enforcement of accountability and a lesser degree of the informal social control that could be especially beneficial to an offender trying to successfully reintegrate into society.

**Urban Concentration and Mobility**

The question of where registered offenders choose, or are thought, by process of elimination, to be forced to live, has been addressed in numerous studies aimed at understanding the effect of residency restrictions. Some research has indicated that sex offenders are more likely to be pushed out to rural areas due to the residency restrictions and registration notification laws. Levenson and D’Amora argue that residence restrictions will effectively exile sex offenders from urban areas and force them into rural isolation (2007). This argument was reaffirmed in a study by Chajewski and Mercado (2009), in which the effects of residency restrictions in three different types of jurisdictions were compared. They found that urban areas had more restricted areas due to the higher concentration of schools and concluded that offenders “would likely be relegated to less central, less urbanized communities”. In a similar vein, Menard and Ruback found that indicators of crime are actually seen in higher rates in rural areas and that such counties have higher rates of child sexual abuse than urban ones, but are primarily ignored due to lower overall prevalence reflected in lower total population (2003). They explain this phenomenon by noting that the “environment of strong informal social control dictating secrecy with regard to personal problems and disdain toward government intervention would make it difficult for both child sexual abuse victims or
their families to report and child protection or criminal justice professionals to proceed in child sexual abuse cases.”

In contrast, other research suggests that sex offenders concentrate in urban areas. This has already been confirmed in many instances throughout the country, where “disadvantaged neighborhoods are home to a disproportionate number of all child sex offenders (Mustaine et al. 2006). Freeman-Longo argues that because larger areas have more difficulty in managing their resident offenders, released offenders will purposely seek them out, suggesting that the urban area will draw offenders (1996). Tewksbury predicts that offenders will be pushed to urban areas due to barriers created in rural areas, stating that “registrants in nonmetropolitan communities experience more social consequences of registration” (2005).

The tenets of Routine Activities Theory would suggest that offenders might intentionally place themselves near potential victims (such as in an urban area) as one such study in Arkansas seems to suggest. Researchers found that nearly half of all child molesters lived in close proximity to places where children gather, whereas only a quarter of sex offenders with adult victims lived in similar areas (Walker et al. 2001). Research suggests that it is more likely offenders are attracted to socially disorganized areas, often more prevalent in urban environments. Two findings in particular were repeated. The primary factor in determining residence for offenders was related to issues surrounding housing costs (Tewksbury 2008; Mustaine et al. 2006; Zanbergen 2010). Burchfield and Mingus (2008) argued that “offenders being released from prison typically have limited financial resources and, thus, limited housing options”. This finding was not supported in a different study focused in Hamilton County, Ohio,
in which the rent prices for restricted areas were compared to those of unrestricted areas by using Census 2000 block groups, and it was found that more than half of the non-restricted residential parcels were located in block groups with an average rent of less than $500 (Grubesic et al. 2007). The authors do note that although this does not address the quality of such locations, “it does reflect [the presence of] a reasonably affordable group of housing options for convicted offenders”. A recent study examining the same area (Hamilton County, Ohio) found that offenders who chose to relocate into restricted zones are often actually downgrading by choosing areas with lower socio-economic status than where they lived before. This finding led the authors to “call into question the claim that the restriction zones have forced offenders to move into lower quality neighborhoods” (Rey et al. 2014).

Additionally, the potential for greater anonymity in socially disorganized areas available in the city may be particularly inviting to sex offenders. This argument was alluded to in another study of housing options for convicted sex offenders in Hamilton County, Ohio in which the authors compared socio-economic variables as well as housing costs between restricted and unrestricted Census 2000 block groups (Grubesic et al. 2008). It was found that, at least in Hamilton County, Ohio, unrestricted block groups possessed an arguably more favorable demographic and socio-economic composition than restricted block groups, but that offenders still resided in greater numbers in socially disorganized restricted block groups. The authors argue that it is possible the offenders actually prefer the more socially disorganized block groups despite their being restricted, even if they risk punishment for residing in them.
While on the surface this may seem to be for nefarious intentions, Tewksbury, Mustaine, and Stengel suggest an alternate explanation, noting that the anonymity offered by a socially disorganized neighborhood “may serve dual purposes. In one case the offender may be permitted greater opportunities to re-offend. Or, alternatively, disorganization may simply allow the individual to live without others knowing of their past transgressions” and therefore, perhaps with less risk of negative attention (2008). The constant threat of “outing” and potential harassment can create a stressful environment, and while many may not care whether or not a convicted sex offender is under duress or feels safe, it has been argued that greater stress increases the risk of recidivism (Hanson and Morton-Bourgon 2004). Anecdotally these arguments appear to be confirmed, peppered throughout the media around the country, especially regarding the increasing presence of clusters in specific areas on the fringe of society (Phillips 2007; Zarella and Oppmann 2007; Davey 2006; Sahugan 2008; Kilgannon 2006; Gonnerman 2007). In one such report by Minnesota Public Radio, the increased prevalence of offenders residing in poorer urban neighborhoods in Minneapolis was examined, with the conclusion that “offenders seeking cheap apartments and relative anonymity have turned to poorer, urban settings... the public outcry can be muted compared to more affluent neighborhoods” (Hughes 2004).

Such research has done little to soothe policymakers and residents from worrying about offenders from nearby jurisdictions moving into their neighborhoods. This Not-In-My-Backyard attitude has resulted in a domino effect of residency restrictions throughout the country, as “neighboring towns pass progressively more severe measures to keep exiled sex offenders from migrating to their communities” (Levenson and D’Amora 2007). In a public safety brief, the
Council of State Governments points out that subtle differences in residency restriction legislation between neighboring jurisdictions worry policymakers into thinking sex offenders will “move from state to state in search of laws that are more lenient” (Council of State Governments 2008). Due to this concern, “some states are enacting legislation to protect their communities in reaction to laws passed in other jurisdictions” (Council of State Governments, 2008). This issue was explored in a New York Times article from 2006 highlighting the effects of an Iowa state law banning sex offenders from residing within 2000 feet of schools or day care centers, resulting in a large cluster of offenders living in a single motel – unbeknownst to travelers. Not long after the Iowa law was passed, six neighboring states joining the frenzy, as all feared becoming the “dumping ground” for Iowa’s recently displaced sex offenders (Davey 2006). Lincoln, Nebraska Police Chief Tom Casady refers to this “veritable arms race” as a ridiculous scenario wherein each city seeks to be “even more restrictive than their neighbors” (Casady 2009).

Despite these fears that offenders will travel from one state to another seeking more lenient restrictions, little research has been done to confirm whether or not this is a real threat. This concern is steeped in two assumptions; first, that offenders are a greater threat to their immediate surroundings, and second, that they are mobile enough to move to less restricted areas. However, residency restrictions usually only regulate where offenders cannot reside, with no limitations on where they can loiter or spend the remainder of their time outside of their homes. Although one study found that nearly two-thirds of sex offense arrests for adult offenders in Washington State occurred in the same jurisdiction where registry notifications took place, there were no residency restrictions enacted in Washington (Schram and Milloy
In contrast, another researcher noted that “nothing in these laws prevents a child abuser from going to the next town or community and abducting a child” (Freeman-Longo 1996). This same argument has been repeated elsewhere in the literature (Levenson and D’Amora 2007; Casady 2009). In response to these arguments, some states have taken this into account when designing the requirements of their sex offender registries. For example, both Indiana and Kentucky require out of state offenders to register with the local authorities if they work or attend school within the jurisdiction.

Although sex offenders are often thought to be a particularly unstable group in terms of residency (Turley and Hutzel 2001; Mustaine et al. 2006; Murray et al. 2011), ironically it may be that the residency restrictions themselves are a significant contributing factor to the higher transience among offenders, particularly as they grow increasingly popular (Levenson and D’Amora 2007). The more frequently they are forced to move due to added restrictions, the more transient they become, which in turn creates greater difficulties in tracking and monitoring them. Often they simply cease to comply with the registration requirements despite the legal repercussions, which causes great concern among public safety agencies (Casady 2009; Davey 2006). Media stories throughout the country report the increased prevalence of sex offenders in homeless shelters and camps, such as the notorious Miami-Dade Bridge in Miami, Florida, where a large cluster of sex offenders set up camp under the bridge because it was the only location available to them in the city following the passage of particularly stringent residency restrictions (Zarella and Oppman 2007). Such transience can also increase the risk of an offender recidivating, likely due to decreased stability. In one study in Georgia, each time a
sex offender parolee relocated, their risk of being rearrested increased by 25%, though not necessarily for an additional sex crime (Zanbergen et al. 2010).

Regardless of whether or not sex offenders are more transient, it is not possible to ascertain their personal motivations for moving without directly surveying them, and the survey responses may not be forthright and honest depictions. As noted by Rey et al. (2014), “We are unable to draw conclusions as to the motivation of the sex offenders regarding residential decisions and the extant variables that might influence such a decision (e.g. employment, transportation, treatment services, social networks)”. This gap in the literature is partially due to the difficulty in surveying sex offenders, who are described by Tewksbury in his own survey research as a very difficult population to access, usually resulting in very low response rates or a very small sample (2005). While his is one of the few examples of a survey requesting responses directly from sex offenders, it was specifically related to registration and community notification, and did not include questions regarding effects of residency restrictions and motivations for offender movements. However, the author did note that more than a third of registrants reported being denied a place to live, and that registrants in nonmetropolitan areas experienced more social stigmatization of registration.

Additionally, tracking offenders movements between different jurisdictions through sex offender registries alone may not provide very reliable results. While Rey et al. did track movement patterns of sex offenders (2014), their data were restricted to only those offenders whose moves both began and ended within Hamilton County, and therefore, a single jurisdiction. While they cited moving into and out of the county as “residency change
scenarios”, they note that data limitations prevent them from fully analyzing these possibilities. This is not surprising, as sex offender registries are often inconsistent between states, offering different pieces of information. Even the Adam Walsh Act, which was intended to standardize registries between different states, is only effective for the states that actually adopt it – and most have not due to the increased effort and enforcement required.

One such attempt to examine offender movements in West Virginia compares sex offender conviction sources to their current residences to examine trends (Turley and Hutzel 2001). The study includes two comparisons of interest; offenders convicted in and residing in suburban versus rural counties, and a comparison of those convicted within the state of West Virginia to those convicted out of state. An additional component to this analysis included examining the length of time offenders resided at each address. However, no comparison to neighboring counties or states is included, as the study only looks at offenders currently residing within West Virginia.
CHAPTER 3: STUDY AREA

While the City of Cincinnati is in Ohio along the Ohio River, the entire metropolitan area encompasses 15 counties in three states: Ohio, Kentucky, and Indiana (Figure 3.1). Even the interstate loop that circles Cincinnati falls in all three states. Many issues arise from a multi-jurisdictional area and several agencies have found ways to implement regional policy strategies that work together across state boundaries. Examples include the residency reciprocity agreements at University of Cincinnati, which allow students in eight of the northern Kentucky counties that border Hamilton County (the Ohio county in which Cincinnati falls) to be eligible for Ohio in-state tuition for certain programs (University of Cincinnati, Office of the Registrar). The Ohio-Kentucky-Indiana regional council of governments works to implement planning strategies between and among all three states (OKI Regional Council of Governments). Even the public transportation systems in Ohio (SORTA – Southwest Ohio Regional Transit Authority) and Kentucky (TANK – Transit Authority of Northern Kentucky) have worked to build routes that are easily accessible to one another (Metro). In a tri-state region such as the Cincinnati metropolitan area, cross-jurisdictional implementation and strategy is crucial to the success and vitality of the region. The Cincinnati Tri-State area was chosen for this study due to its multi-jurisdictional nature. Because the area encompasses three different states, it presents a unique opportunity to compare three different sets of state laws and restrictions regarding sex offenders, while still in the same metropolitan area. A large amount of commerce and movement patterns across the state boundaries within the region, and it is not uncommon for
Figure 3.1: Study Area – Cincinnati Tri-State
people to live in one county and work in another, even when the counties are in different states.

Although the Cincinnati Metropolitan area encompasses 15 different counties, only three were included within the scope of this study. One county from each state was selected, and these three counties were chosen due to their immediate adjacency to one another. In other words, Boone County, Kentucky, shares a boundary with both Hamilton County, Ohio and Dearborn County, Indiana. These three counties are the only counties within the metropolitan area that share a boundary with the other two states.

The laws for sex offender registration and residency requirements, though not as varied as elsewhere around the country, still differ between the three states. A detailed table outlining the differences between states is included in Appendix B. In the state of Indiana, offenders are classified into four separate risk categories: Sexually Violent Predators (IC 35-38.1-7.5), offenders against Children (IC 35-42-4-11), Sex Offenders (IC 11-8-8-4.5), and Violent Offenders (IC 11-8-8-5). For Sexually Violent Predators, the most severe classification, registrants are required to register for life, and update their registration status every 90 days. Additionally, local enforcement officials are required to verify the addresses of the offenders through personal visits to their residences. The three lesser categories all have ten year registration durations, and are required to update their registration only once each year. In contrast to Sexually Violent Predators, the residences of those in the three lesser categories are verified by a mailed form that must be signed and returned to the local law enforcement. Unlike other neighboring states, Indiana does not apply a blanket residency restriction on all sex offenders,

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2 In addition to every time the offender moves to a new address.
regardless of risk classification. Instead, only those offenders classified as either Sexually Violent Predators or Offenders against Children are restricted from living within 1,000 feet of any school property (except post-secondary institutions), youth programs, and public parks. Additionally, no offenders are permitted to live within one mile of their victims. If found in violation of the residency restrictions, offenders are charged with a Class D felony.

The Commonwealth of Kentucky, in contrast, does not provide specific names for their separate risk classifications, but roughly classifies them by the length of their registration. Two registration lengths are currently applied to sex offenders: Lifetime registrants, and 20-year registrants. Lifetime registrants are required to update their registration every 90 days (KRS 17.520(2) (a)), whereas 20-year registrants are only required to do so once a year (KRS 17.520(3)). All addresses are required to be verified through a mailed form, similar to Indiana. Unlike Indiana, Kentucky has recently undergone changes to their registration classification system. Prior to July 12th, 2006, the classification system was split between Lifetime registrants and 10-year registrants. Although this 10 year registration length was extended to 20 years in 2006, the law is not applied retroactively. In other words, those offenders who were originally required to register for only 10 years did not have their registration periods extended, and only new offenders (convicted after 2006) convicted of the same charges are required to register for 20 years. The statutes in Kentucky do not differentiate between risk classifications for the purposes of residency restrictions. All registrants are restricted from living within 1,000 feet of non-post-secondary schools, preschools, publicly owned playgrounds, and licensed daycare facilities. Those registrants who violate the residency restrictions are subject to a Class A misdemeanor for their first offense, and a Class D felony for any subsequent offenses. Kentucky
has been plagued with arguments and debates over retroactive application of their laws and the Supreme Court of Kentucky has ruled that the laws cannot be applied retroactively (Commonwealth of Kentucky v. Michael Baker). It is possible this ruling will be appealed to a higher court, which has led to some uncertainty as to how law enforcement agencies should enforce this law (Hannah 2008).

Ohio has arguably the most complicated sex offender registration and residency restriction laws compared to Indiana and Kentucky. Ohio is the only state among the three that has adopted the Adam Walsh Child Protection Act, and one of only 17 states in the US that has implemented it (SMART). Prior to the implementation of the Adam Walsh Child Protection Act, offenders were classified into three categories based on perceived risk. These categories have since been changed to comply with the Act, and are as follows: Tier I (previously “Sexually Oriented Offender”), which requires registration for 15 years, updated annually (ORC 2950.01(E)); Tier II (previously “Sexual Predator”), which requires registration for 25 years, updated every 180 days (ORC 2950.01(F)); and Tier III (previously “Habitual Sex Offender”), which carries a lifetime registration requirement, to be updated every 90 days (ORC 2950.01(G)). The previous classifications (“Sexually Oriented Offender”, “Sexual Predator”, and “Habitual Sex Offender”) carried 10 year, 20 year, and lifetime registration requirements respectively (ORC 2950.01). Juvenile sex offenders face slightly different requirements, and are not always required to be on the public registry while still a minor. Regardless of classification, however, all registrants are subject to the state residency restriction laws which stipulate that no sex offender may reside within 1,000 feet of any school, childcare facility, or “place where children gather” (ORC 2950.034). As in Kentucky, aspects of these laws have been challenged
before the state Supreme Court. In 2008, the Ohio Supreme Court ruled that because the residency restrictions in ORC 2950.031 were not expressly made retrospective, they could not be applied to an offender who committed his or her offense before the effective date of the statute, July 31st, 2003 (Hyle v. Porter). Three years later, the Supreme Court again ruled against retroactive application of laws, by determining that the tiered categories, and their respective regulations including community notification, could not be applied retroactively (i.e. to those convicted prior to the enactment of the Adam Walsh Act in Ohio in 2007) (State v. Williams). These rulings are further complicated by the fact that many municipalities within Ohio have passed additional residency restriction laws at different times that cannot be applied to those convicted prior to their enactment. Additionally, there are exceptions to the residency restrictions for certain facilities deemed necessary and useful for sex offenders, such as homeless shelters and rehabilitation centers. In sum, there are a variety of different legal technicalities that complicate the enforcement and use of residency restrictions for sex offenders in Ohio, more so than in Kentucky and Indiana.

An interesting and oft overlooked detail of residency restrictions in Ohio is the punishment for those in violation. Unlike Indiana, Kentucky, and most other states with residency restrictions, Ohio classifies them as civil. This means that while violations of the restrictions in Indiana or Kentucky carry punishments ranging from a Class A misdemeanor to a Class D felony, no such punishment exists in Ohio. While the county sheriffs may warn registering offenders if they reside within restricted areas, they are required to accept any address provided by the registrant. The Hamilton County Sheriff’s Office does keep track of which offenders are in violation, and forwards this information on to local prosecutors.
Prosecutors, armed with this information, may then have “cause for injunctive relief”\(^3\) against the registrant (ORC 2950.034(B)), and are able to have them evicted, forcing them to move from the restricted areas (McLaughlin 2005). Regardless, though the registrant may be evicted or required to move within a set time frame, they are not charged with any criminal offense. The consequences of illegally residing within a restricted area are far less severe than in neighboring states. At most, they may incur legal fees and the inconvenience and problems associated with eviction, but they are not charged with a criminal offense, and are not risking incarceration. This, along with the lack of retroactive application of residency restrictions, has led to confusion in public perception as well as in previous studies of sex offender residency patterns in Hamilton County, Ohio, leading researchers to question why so many offenders allegedly live in violation of the residency restrictions (Grubesic et al. 2007; Grubesic et al. 2008).

Table 3.1 shows the difference in residency restrictions for sex offenders in Ohio, Kentucky, and Indiana. There are a total of 78 different municipalities within the three county area. Of these 78 municipalities, only three have additional residency restrictions, and all three fall within Hamilton County, Ohio. These three municipalities (Cincinnati, Reading, and Norwood) all include parks to the list outlined by the state of Ohio of restricted features. Norwood and Reading identify all individual features within their respective jurisdictions offenders are restricted from living near.

\(^3\) In scenarios involving residency restrictions, “injunctive relief” generally means the prosecutor is granted the authority to have the offender evicted.
Table 3.1: State Laws Regarding Sex Offender Residency Restrictions

<table>
<thead>
<tr>
<th>State</th>
<th>Restricted Features</th>
<th>Code or Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>Offender may not reside within 1,000 feet of: Non post-secondary school property, child care facility, “place where children gather”</td>
<td>ORC 2950.034</td>
</tr>
<tr>
<td>Indiana</td>
<td>Offender may not reside within 1,000 feet of: Non post-secondary school property, youth program, public park</td>
<td>IC 35-42-4-11</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Offender may not reside within 1,000 feet of: Non post-secondary school property, licensed day care facility, public park or playground</td>
<td>KRS 17.545</td>
</tr>
</tbody>
</table>
CHAPTER 4: METHODS

While few geographers can claim to simultaneously be legal experts, it is important that great care be taken in understanding and interpreting the specific laws and ordinances that apply for residency restrictions before attempting to map them. If such efforts are not made, vast discrepancies can be created that lead to inaccurate research and faulty conclusions. The laws at each political scale must be examined and understood before attempting to draw conclusions about the geographic effects on the local population. As there are no federal residency restrictions, the examination of residency restriction laws should begin with state level restrictions, followed by county, and then further by local municipalities. In many instances, there may be additional restrictions at finer scales (such as neighborhood and subdivision regulations), however for the purposes of this study, these are not considered.

Two distinct objectives formed the framework for the methods employed in this study: mapping the sex offenders, and mapping the residency restrictions. Mapping sex offenders was accomplished through geocoding, and restriction zones were created through a combination of various buffers. Great care was taken to consider all local laws and statutes governing these two objectives.

Due to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994, US federal law requires states to maintain a registry of sex offenders. While there are variations in what is reported and made available based on additional state and local laws, and whether or not a particular state has chosen to comply with the Adam Walsh...
Child Protection and Safety Act of 2006 (which requires classifying sex offenders into tiers), the registry itself is a baseline requirement that must include the offender’s name, a photograph, and an address. In most states, such registries are available on the internet, and it is, therefore, possible to acquire a listing of sex offenders residing in each county, as well as their last known address.

For the purposes of this study, the registries for Dearborn, Hamilton, and Boone counties were all accessed via their respective websites on March 1st, 2012, and prepared for geocoding (Dearborn County Sheriff’s Office, Hamilton County Sheriff’s Office, Kentucky State Police). While basic name and address information was available for all three states, there was some variation in the secondary information made available. Additionally, the categories applied to sex offenders were not consistent between the three different states, or even between all offenders within the same state.

Offender residences were geocoded using a composite address locator, as suggested by Zandbergen et al. (2010). However, due to differences in data availability and offender registries in all three states, each county was geocoded separately with slight variations in procedure. For Hamilton and Dearborn counties, parcels (with parcel addresses) were used as the primary locator, with streets (ArcGIS US Streets 10.0) serving as secondary locator. Because parcels were not available for Boone County, offenders were geocoded using only streets for the address locator. Additionally, Dearborn and Boone County include offenders currently incarcerated within their jurisdictions, whereas Hamilton County does not. In cases where the composite address locator could not identify a location, a combination of google maps and local
geographic knowledge was used to determine the offender’s location. This was particularly prevalent in Hamilton County, where many offenders did not list specific street locations, as several were homeless. In these instances, usually a park or rough location was provided. Every attempt was made to locate the listed residence of these offenders and great care was taken to determine as accurately as possible the location provided. This was made possible through local knowledge of facilities referenced (i.e. “Under Blue Bridge”) or parks (i.e. “Washington Park” and “Serpentine Wall”). However, it should be noted that as these locations indicate the homelessness of the individual, it can be debated whether they would be considered a “residence” in a research setting. For legal purposes, the address provided by the offender is treated as the residence. Undoubtedly the transient nature of such offenders would make it difficult to locate them if deemed necessary.

In addition to geocoding the actual location of offenders, other information provided by the registries was included wherever possible, though the information available varied by state. Every effort was made to normalize these data between states with the goal of consistency. This included conviction location and information regarding how offenders were categorized. For Hamilton and Dearborn counties, conviction location was usually identified with both county and state, whereas the Boone county registry only included state. Conviction location was then coded (Conviction Source Code) to designate the various hierarchical geographies of interest, i.e. within the same county of residence, within the same state of residence, within the larger study area, or out of the study area entirely. This approach was based on that of Turley &

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4 In some cases (for all three counties) conviction location was listed as “Federal” or “Military”. These cases were coded as “Out of Area”.
Hutzel (2001), where offenders were categorized according to whether they were convicted within West Virginia, or out of state.

Categorization proved to be far more problematic, in part due to differences between how the three states label their registered offenders. As Ohio is the only state in the study area to adopt the tier level categorization required by the Adam Walsh Act, Tier levels are available, with Tier I being the least severe and requiring the shortest amount of time on the registry, and Tier III being the most severe, thereby requiring a lifelong registration. In Ohio where the Tier system has been adopted, there are still inconsistencies due to the fact that currently, only offenders who have been convicted since the Act was adopted (July 1st, 2007) are obliged to be categorized by the tier system, while all others may be grandfathered in under the prior categorization (ORC 2950.31, Appendix A). The levels and descriptions used to categorize offenders prior to the AWA include Sexual Predator, Habitual Sex Offender, and Sexually Oriented Offender (and in some cases, descriptions included “Child Victim” or “Notify”). The only indicator of categorization in Kentucky is the number of years the offender is required to remain on the registry. Indiana included information about registration type as well as its own system of offender classification, which can be used to determine whether or not an offender is subject to residence restrictions.

There are two components to the determination of whether or not an offender is in violation of residency restrictions. The first part requires an understanding of which offenders are subject to the residency restrictions in the first place, and the second part involves

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5 It should be noted that in all three states, registration type refers not only to the length of time during which the offender must remain on the registry, but also the frequency with which the offender’s address must be verified. For instance, in Kentucky, an offender who is required to remain on the registry for life also must have his or her address verified every 90 days.
identifying what geographical area is restricted. In both considerations there are a number of exceptions, and multiple levels of variation depending on the state, and in some instances, the city.

There are a multitude of factors that vary by state that must be considered when determining whether or not an offender is subject to the imposed residency restrictions. In Indiana, there are four classifications primarily used for offenders: Sexually Violent Predator, Offender Against Children, Sex Offender, and Violent Offender. Of these four categories, only Sexually Violent Predators and Offenders Against Children are subject to the 1000 foot residency restriction (IC 35-42-4-11). However, if an offender is released on parole, the judge deciding the case may use discretion in determining whether to add a residency restriction. This information is not included in the registry at the time of this study, and, therefore, it was not possible to determine definitively if those classified as Sex Offenders and Violent Offenders were on parole, and also restricted from living within a certain distance of schools, parks, and youth programs. For the purposes of this study, it was assumed that the only determinant in Indiana for whether or not an offender was subject to restrictions was the sex offender classification. In Indiana, the residency restriction is 1,000 feet from a school property, youth program, or public park. Additionally, an offender may not reside within one mile of his or her offenders; however, as victim information is not publicly available information for privacy reasons, this restriction was excluded from this study.

Although the Ohio Revised Code restricts all registered offenders from living within 1,000 feet of a school, preschool, day-care center, or “place where children gather”, in 2008 the
Supreme Court of Ohio held that this law cannot be applied retroactively (Hyle v. Porter). Therefore, any offender convicted prior to the enactment of state level residence restrictions is not subject to them (July 31st, 2003). The sex offender registry in Ohio does not supply conviction date, which is necessary in order to determine which offenders are subject to the restrictions. This is a significant limitation for any study attempting to determine how many offenders are living in violation of the residency restrictions, present research included. Even a public records request from the Hamilton County Sheriff’s office did not include conviction dates, or whether offenders were considered to be in violation of residency restrictions. Thus, for the purposes of this study, there was no alternative but to assume that all offenders are subject to the residency restrictions\textsuperscript{6}. Since such a large number of offenders are required to register for life, and the residency restrictions are relatively new compared to length of time offenders must remain on the registry, it is quite possible that the vast majority of offenders in Hamilton County are not legally subject to residency restrictions. To further complicate the issue, in Ohio certain locations are considered exceptions to the residency restrictions, such as centers with a sex offender rehabilitation program (which often provide a residence for offenders as part of their program), or homeless shelters. Therefore, an offender residing at such a location is not considered to be in violation of the residency restriction laws.

According to Kentucky Statute, all offenders, regardless of conviction date, are subject to the residency restrictions that went into effect on July 12\textsuperscript{th}, 2006 (KRS 17.545). However, at least one case has gone to the Kentucky Supreme Court challenging the legality of applying this law retroactively, so in effect it is still being determined how aggressively this restriction should

\textsuperscript{6} Though this data limitation was not noted in their work in Hamilton County, Grubesic et al 2007 and 2008 faced similar problems regarding lack of conviction date, which is likely the underlying explanation for why so many offenders in their results reside in restricted areas.
be enforced (Commonwealth of Kentucky v. Michael Baker). Regardless, conviction date was
not available via the information provided by the sex offender registry and could not be used to
determine residency restriction status. All offenders listed on the registry are assumed to be
subject to the residency restrictions, just as in Ohio. In Kentucky, an offender is not permitted
to live within 1,000 feet of a high school, middle school, elementary school, preschool,
publically owned playground, or licensed day care facility.

The second component for determining residency restrictions involves the actual
restricted features themselves, along with the 1,000 foot buffers. The features that form the
basis for the restriction areas are similar among the three states (see Figure 1). The size of the
buffer (1,000 feet) is the same, and all three states specify the measurement be taken by
property line. Restriction areas follow a hierarchical legal structure. Those set on a state level
must be followed by all counties, those set at a county level must be followed by all
municipalities, and individual municipalities may add additional restrictions. Each census
designated political jurisdiction within the study area was researched to determine if additional
residency restrictions were enacted within the local code of ordinances. Only three
municipalities included additional restrictions: The cities of Cincinnati, Reading, and Norwood,
all within Hamilton County. Cincinnati specified the inclusion of all park and recreational
facilities, including YMCA/YWCA properties and Boys and Girls Clubs (Cincinnati Code of
Ordinances Section 763-5). Norwood specified libraries, public recreational centers, and public
swimming pools (Norwood Code of Ordinances 533.14). Unlike the other two cities, and likely
due to its smaller size, the City of Reading actually listed each individual facility, including the
parks, pools, schools, athletic fields, preschools, and libraries that fall within the city’s jurisdiction (Reading Code of Ordinances 666.17).

The data for restricted features were in some cases provided by GIS agencies for each jurisdiction (CAGIS in Hamilton County, Dearborn GIS for Dearborn County). However, Boone county GIS was not willing to provide shapefiles. Therefore, the publicly available web mapping system used by Boone County GIS for registered sex offenders was employed to individually identify restricted features (Boone County Planning Commission). The shapefiles that were provided by the different GIS agencies were primarily point files. Because the laws explicitly state that the 1000 foot measurement must be taken from property line, the point files were used to identify restricted parcels. The parcels, in turn, were used as the restricted features. Boone County GIS was not willing to provide parcels for this study, and therefore the buffers were generated from the point features, leading to an underestimation of restricted area.

Because the statutes or code in all three states specified that the measurement be taken from property line, it would be inaccurate to simply generate a 1,000 foot buffer from each feature. If any part of a property line falls within 1,000 foot of the property line of a restricted feature, that property is considered off-limits for sex offenders. Therefore, for Hamilton and Dearborn counties (where parcel shapefiles were provided), instead of an actual “buffer” created through geoprocessing in ArcGIS, a “Select By Location” method was employed instead. All parcels where any part of the parcel fell within 1,000 feet of a restricted

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7 In some situations, multiple parcels may be associated with a single point features (such as a school occupying several parcels). Every effort was made to include all parcels associated with a specific point feature, but there may be some slight geographical discrepancies due to such an error.
feature parcel were selected to create a shapefile of overall restricted area. For Boone County, a simple 1,000 foot buffer around each feature point was generated.

Although extensive statistical analyses were not employed for this study, some exploratory techniques were used to visualize the distribution of offenders in the study area for context. For each county, a mean center point for both general population (derived from 2010 Census Blocks) and registered sex offenders was created. Additionally, a standard deviational ellipse for both population and registered sex offenders was generated. This allowed a comparison between the geographical distribution of the population as a whole to the sex offender population.
CHAPTER 5: RESULTS

Geocoding Results

Of the 1,492 total registered sex offenders in the study area, the vast majority resided within Hamilton County (Table 5.1). Of the offenders in the study area, 84.5% lived in Hamilton County, 8% in Dearborn County, and 7.5% in Boone County. This is similar to the population distribution among the three counties (82.6% in Hamilton County, 5.2% in Dearborn County, and 12.2% in Boone County). To demonstrate the similarity of population distribution patterns to offender residence distribution, standard deviational ellipses were created for each of the counties comparing total population and offender location (Figure 5.1).

Table 5.1: Geocoding Match Rates

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population (2010)</th>
<th>Match Rates</th>
<th>Unmatched Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton (Ohio)</td>
<td>802,374</td>
<td>Matched</td>
<td>Incarcerated</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,248</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unmatched</td>
<td>Out of Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Unable to Locate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,260</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Number of Offenders</td>
<td>1,492</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,545</td>
<td>Total Study Area</td>
</tr>
</tbody>
</table>

The use of composite address locators in Hamilton and Dearborn Counties was highly successful, and even the simple street level geocoding for Boone County worked well. Of the
Figure 5.1: Sex Offender and General Population Distribution by County
1,260 registered offenders in Hamilton County, 99% were matched to a location. Of the 12 that could not be matched, two were not actually within Hamilton County. The remaining offenders had incomplete addresses, or residence descriptions that were too general to be accurately located (e.g. “White Chevy Astro Van on Montgomery Rd in Norwood”). Wherever possible, local knowledge was used to match offenders to locations with non-address descriptions, such as “Under Blue Bridge” (Roebling Suspension Bridge) or “Serpentine Wall” (a wall feature within a park on the banks of the Ohio River).

Boone County and Dearborn County differed from Hamilton County in that they listed their incarcerated offenders on their registry. Additionally, they included offenders who attended school or worked in the county, even if they did not reside there. For the mapping components of this study, incarcerated and out of area offenders were removed, and therefore not geocoded. For Dearborn, 63 of the 120 registered offenders were matched, but of the 57 unmatched offenders, 42 were incarcerated, and nine lived outside of Dearborn County, leaving only six within the county that were not matchable (91.3% effective match rate). In Boone County, 82 of the 112 offenders were matched. Of the 30 registered offenders who were not matched, four were incarcerated, and 26 resided outside of Boone County (leaving an effective 100% match rate). In cases where the offenders were not automatically matched through the address locator, each address was researched via the assistance of Google Maps to determine its location whenever possible.

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8 In some cases an offender may be on two registries due to work or school. Offenders were only geocoded in the county in which they resided.
**Conviction Source**

Despite the adjacency of the three counties in the study area, there was little movement of offenders between the different counties. For all three counties, the conviction source of all offenders is shown in Table 5.2. Those who were listed on the registry for work or school reasons were not included in the results. Incarcerated individuals were also removed due to the lack of information regarding conviction location for offenders still in jail.

**Table 5.2: Conviction Source**

<table>
<thead>
<tr>
<th>Conviction Source</th>
<th>County</th>
<th>Hamilton (Ohio)</th>
<th>Dearborn (Indiana)</th>
<th>Boone (Kentucky)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Count</td>
<td>Percent</td>
<td>Count</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td>0</td>
<td>0.0</td>
<td>8</td>
</tr>
<tr>
<td>Hamilton County, Ohio</td>
<td></td>
<td>852</td>
<td>67.6</td>
<td>0</td>
</tr>
<tr>
<td>Other County, Ohio</td>
<td></td>
<td>277</td>
<td>22.0</td>
<td>2</td>
</tr>
<tr>
<td>Boone County, Kentucky</td>
<td></td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Other County, Kentucky</td>
<td></td>
<td>32</td>
<td>2.5</td>
<td>3</td>
</tr>
<tr>
<td>Dearborn County, Indiana</td>
<td></td>
<td>3</td>
<td>0.2</td>
<td>42</td>
</tr>
<tr>
<td>Other County, Indiana</td>
<td></td>
<td>6</td>
<td>0.5</td>
<td>9</td>
</tr>
<tr>
<td>Out of Area, Federal, or Military</td>
<td></td>
<td>90</td>
<td>7.1</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1260</td>
<td>100.0</td>
<td>69</td>
</tr>
</tbody>
</table>

For Hamilton County, 67.6% of all offenders were convicted within the county, and 22.0% were convicted in a different county in Ohio, for a total of 89.6% convicted in Ohio. Only 2.5% of offenders residing in Hamilton County were convicted in Kentucky, but even in these cases, none were convicted in Boone County. The number of Hamilton County offenders convicted in Indiana was even smaller, with only 0.7% total convicted in Indiana, and only half of those were convicted specifically in Dearborn County. A larger portion of the resident offenders were convicted out of the study area or by federal or military sources (7.1%). These
Figure 5.2: Hamilton County – All Conviction Sources
Figure 5.3: Hamilton County – Non-Hamilton County Conviction Sources
Figure 5.5: Hamilton County Conviction Sources

results are represented in a chart in Figure 5.5, and displayed in the maps in Figures 5.2, 5.3, and 5.4. Figure 5.2 shows all conviction sources while Figure 5.3 shows only those not convicted in Hamilton County. Figure 5.4 shows all offenders convicted outside of Ohio.

In Dearborn County, 73.9% of resident offenders were convicted within the state of Indiana. In fact, 60.9% of offenders were convicted within Dearborn County, while 13.0% were convicted elsewhere in Indiana. None of the offenders residing within Dearborn County were convicted in Boone or Hamilton Counties, but 4.3% were convicted in a different Kentucky county, and 2.9% were convicted somewhere else in Ohio. Only 7.2% of Dearborn offenders were convicted outside of the study area, similar to the results in Hamilton County. Dearborn County results are displayed in a chart in Figure 5.9. Figure 5.6 shows the conviction source of all offenders in the county regardless of conviction source, while Figure 5.7 shows only those convicted outside of the county, and Figure 5.8 all those convicted outside of the state.
Figure 5.6: Dearborn County – All Conviction Sources
Figure 5.7: Dearborn County – Non-Dearborn Conviction Sources

Source: U.S. Census Bureau, Dearborn County Sheriff's Office
Figure 5.8: Dearborn County – Non-Indiana Conviction Sources

Source: U.S. Census Bureau, Dearborn County Sheriff's Office
Figure 5.9: Dearborn County Conviction Sources

Although county of conviction was not available for offenders on the Boone County registry, state of conviction was provided. Of those offenders in Boone County, 70.7% were convicted within Kentucky, 8.5% in Ohio, while only 1.2% were convicted in Indiana (representing only one offender). A large portion of offenders residing in Boone County (19.5%) were actually convicted outside of the study area, or through federal or military sources, representing the largest portion of out of state offenders in the study area. These results are displayed in Figure 5.12, as well as in Figures 5.10 and 5.11. While Figure 5.10 shows all offenders in Boone County, Figure 5.11 shows only those convicted outside of Kentucky.
Figure 5.11: Boone County – Non-Kentucky Conviction Sources
Figure 5.13 shows all of the restricted land in the study area. Hamilton County is the largest county in the study area, and also has the largest portion of land area offenders are restricted from living in (Table 5.3). Of the 391.2 square miles of parceled land in Hamilton County, 105.2 square miles (26.9%) are restricted. This includes the additional restrictions in Cincinnati, Norwood, and Reading. Boone County and Dearborn County have vastly smaller portions of their land area restricted. Of the 256.9 square miles of land in Boone County, only 10.6 (4.1%) are restricted. Similarly, only 11.8 of the 300.8 square miles of parceled land in Dearborn County are restricted (3.9%).

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9 Because parcels were not available for Boone County, restricted areas were determined via a simple buffer, which is a slight underestimation of actual restricted land.
Figure 5.13: Sex Offender Restriction Areas

Residency Restriction areas per state and local law. Hamilton and Dearborn counties are generated by parcel. Parcels were unavailable for Boone county, and were determined by Euclidean distance (simple buffer).

Source: U.S. Census Bureau, CAGIS, Dearborn County GIS, Boone County GIS
Table 5.3: Restricted Land Area

<table>
<thead>
<tr>
<th>County</th>
<th>Hamilton (Ohio)</th>
<th>Dearborn (Indiana)</th>
<th>Boone (Kentucky)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricted</td>
<td>105.2</td>
<td>11.8</td>
<td>10.6</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>286.0</td>
<td>289</td>
<td>246.3</td>
</tr>
<tr>
<td>Total Land Area</td>
<td>391.2</td>
<td>300.8</td>
<td>256.9</td>
</tr>
</tbody>
</table>

Table 5.4: Residency Restriction Violators

<table>
<thead>
<tr>
<th>County</th>
<th>Hamilton (Ohio)</th>
<th>Dearborn (Indiana)</th>
<th>Boone (Kentucky)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Violation</td>
<td>443</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Not in Violation</td>
<td>805</td>
<td>26</td>
<td>71</td>
</tr>
<tr>
<td>Unknown</td>
<td>12</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Total Offenders</td>
<td>1260</td>
<td>34</td>
<td>82</td>
</tr>
</tbody>
</table>

Hamilton County houses the largest number of offenders living in restricted areas (Table 5.4). However, it should be noted yet again that while a large portion of offenders on the Hamilton County registry are not subject to residency restrictions, the information needed to determine offenders’ status in terms of whether or not the restriction apply to them is not available via public registry. With this limitation in mind, if it were assumed for the purposes of this study that all offenders are subject to the restrictions, more than a third of them would be in violation (35.2%). While it is not possible to determine the actual number of offenders violating the law via the data provided in the registry, it is unquestionably far lower than the estimation provided here (See Chapter 4: Methods). Sex offender residences generally follow the population distribution at large, and areas with higher concentrations of general population also have a larger number of offenders in violation of restriction areas (Figure 5.14).
Figure 5.14: Hamilton County – Residence Restriction Violations and Population Density
Figure 5.15: Dearborn County – Residence Restriction Violations and Population Density
Figure 5.16: Boone County – Residence Restriction Violations and Population Density
As noted previously, only certain offenders in Dearborn County are subject to residency restrictions. Of the 69 offenders residing in Dearborn County that were not incarcerated, 34 were subject to residency restrictions, 32 were not, and three were unknown. For the 34 offenders known to be legally subject to such restrictions, five were in violation of them (14.7%), 26 were not (76.5%), and three were not able to be geocoded (8.8%). As in Hamilton County, concentrations of sex offenders follow the general population distribution patterns (Figure 5.15), but there seems to be little connection between offenders in violation of restrictions and population density.

Because conviction date is not available via the Boone County sex offender registry, and since it is not yet certain whether those convicted prior to the residency restriction laws will be subject to them, it was assumed that no registered offenders are permitted to live in restricted areas. Despite this, 13.4% of the non-incarcerated resident offenders in Boone County live in such restricted areas. However, the actual count of offenders is relatively small (11), and unlike Dearborn and Hamilton Counties, parcels were not available for the analysis in Boone County. This may lead to some address geocoding errors for offenders and slight underestimation of restriction buffers. Figure 5.16 displays the location of sex offenders (both residency restriction violators and non-violators) compared to population density in Boone County. Similar to Hamilton and Dearborn counties, the larger concentrations of offenders are in the areas with higher population densities (and those in violation of residency restrictions are in the more densely populated areas). However, many offenders in Boone County live in the more rural areas of the county, and much of the high density area has no resident sex offenders.
Offender Severity Level

Though all three counties categorized their respective sex offenders in different ways, each county still utilized some method of classifying offenders by severity. In Hamilton County, a tier system has recently been instituted, but many offenders are still categorized under the methods used prior to the adoption of this system.

Table 5.5: Hamilton County Offender Levels

<table>
<thead>
<tr>
<th>Hamilton County Offender Levels</th>
<th>Number of Offenders</th>
<th>Percent of Offenders</th>
<th>Number in Restricted Areas</th>
<th>Percent in Restricted Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier III</td>
<td>20</td>
<td>1.6</td>
<td>13</td>
<td>26.0</td>
</tr>
<tr>
<td>Habitual Sex Offender</td>
<td>30</td>
<td>2.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Level</td>
<td>422</td>
<td>33.6</td>
<td>161</td>
<td>38.2</td>
</tr>
<tr>
<td>Tier II</td>
<td>56</td>
<td>4.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Victim Predator, Sexual Predator</td>
<td>366</td>
<td>29.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Level</td>
<td>785</td>
<td>62.5</td>
<td>269</td>
<td>34.3</td>
</tr>
<tr>
<td>Tier I</td>
<td>63</td>
<td>5.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Victim Oriented Offense, Sexually Oriented Offender</td>
<td>722</td>
<td>57.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Offenders: 1257</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As shown in Table 5.5, only 4% of offenders in Hamilton County fall under the highest level of severity, classified as either a Tier III offender (1.6%), or an Habitual Sex Offender (2.4%). A third fall into the middle category of Tier II (4.5%), or either of the descriptions used in the previous classification system, including Child Victim Predator and Sexual Predator (29.1%). The largest portion of offenders was classified as Tier I (5.0%), or Child Victim Oriented Offense or Sexually Oriented Offender (57.4%). A roughly equal portion of low and middle level offenders lived in restricted areas (34.3% and 38.2% respectively), with less of the highest level offenders (26.0%) residing in such places (Figure 5.17).
Dearborn and Boone County levels were categorized by the length of time each offender is required to remain on the registry (Lifetime, 11-20 Years, or 10 Years). Unlike Hamilton County, the largest portion of offenders in Dearborn and Boone fell in the most severe category of Lifetime Registrant (50.8% and 45.3% respectively) as can be seen in Table 5.6.

Table 5.6: Dearborn and Boone County Offenders Levels

<table>
<thead>
<tr>
<th>Level</th>
<th>Dearborn (Indiana)</th>
<th>Boone (Kentucky)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Percent</td>
</tr>
<tr>
<td>Lifetime Registrant</td>
<td>32</td>
<td>50.8</td>
</tr>
<tr>
<td>20 Year Registrant</td>
<td>7</td>
<td>11.1</td>
</tr>
<tr>
<td>10 Year Registrant</td>
<td>24</td>
<td>38.1</td>
</tr>
<tr>
<td>Total Classed Offenders</td>
<td><strong>63</strong></td>
<td></td>
</tr>
</tbody>
</table>

10-year registrants (the lowest level) comprised 38.1% of registered offenders in Dearborn County, and 33.7% in Boone County. For non-incarcerated resident offenders, an equal number of Lifetime and 10-year registrants were living in restricted areas in Boone County (five), and only a single 20-year registrant violated the residency restrictions (Figure 5.18).
Far fewer registrants in Dearborn County are even subject to these spatial restrictions, but among those that are, three violators are Lifetime registrants and two are 10-year registrants. No 20-year registrants were in violation of the restrictions (Figure 5.19).

**Offender Concentrations**

For those offenders that were geocoded, it was determined how many offenders were living at a single address for all three counties. 72 of the 1063 addresses for sex offenders in Hamilton County housed multiple offenders (Figure 5.20). Of these, 54 locations included two or three offenders, and 17 included between four and ten offenders. In many of these
instances, the address was for an apartment building, and residents listed different apartments. In some other cases, the address provided was for a facility such as a homeless shelter which may house many sex offenders. The largest number of offenders at a single location was at the Volunteers of America facility, at which 26 offenders lived at the time of this study. This facility (formerly known as the Pogue Center) provides a sex offender rehabilitation program.

Both Dearborn County and Boone County are far more rural than Hamilton County, as mentioned previously. This is likely part of the reason why there are far fewer concentrations of offenders in these counties. For Dearborn County, only one location houses more than one offender, and it is located on the western county line (Figure 5.21). The two offenders residing in this rural house share the same last name, so it is possible they are related.

In Boone County, there were only two locations in which more than one offender resided at the same address (Figure 5.22). The largest concentration consisted of 12 offenders at an extended stay hotel in Florence. The second, much smaller, concentration included two offenders residing in a motel on Dixie Highway. Both locations are on the eastern edge of the county, near Interstate 71/75.
Figure 5.20: Hamilton County – Offender Concentrations
Figure 5.21: Dearborn County – Offender Concentrations

Source: U.S. Census Bureau, Dearborn County Sheriff's Office
Figure 5.22: Boone County – Offender Concentrations
CHAPTER 6: ANALYSIS & DISCUSSION

The question of which county would be easiest for an offender to live in is not easily answered. While there is less restricted area in Boone and Dearborn counties, and not all offenders are even subject to restrictions in Dearborn County, the laws in Hamilton County are complicated by the fact that restrictions do not apply to all offenders. In addition, there are many exceptions for certain locations (such as rehabilitation centers). On top of this, those offenders who do violate the residency restriction laws in Hamilton County are not committing a criminal offense, but a civil one. They can be forced to move, and may incur legal fees, but if they are not on probation or parole, and have broken no other laws, they will not be returned to prison or convicted of an additional offense. This is not the case in Dearborn and Boone Counties, where residency restriction violations carry a criminal offense, including either a Class D Felony, or a Class A Misdemeanor, depending on the state and number of previous offenses.

Therefore, while on the surface it may appear that it would be wiser for an offender in Hamilton County to move to Dearborn County where perhaps they will not be subject to residency restrictions, or instead to Boone County where there is far less restricted land area, it may be that the offender in question was convicted prior to Ohio’s residency restriction laws, and is not subject to them anyway. Alternatively, even an offender who is subject to the restrictions might decide that being caught violating a residency restriction would only require that they move, and, therefore, it is worth the risk to have greater access to the resources that an urban county like Hamilton can provide. While the scope of this study is not extensive
enough to answer all these questions, it is possible to glean some insight from the data available and the analyses performed.

Unsurprisingly, the largest number of sex offenders resided in the county with the largest population (Hamilton). With a population of 802,374 (Census 2010), Hamilton County houses 82.6% of the population of the study area as a whole (Table 6.1). Similarly, 84.5% of the sex offenders in the Tri-State area also live in this county. Boone and Dearborn Counties, with their much smaller population counts, were similarly proportionate in terms of number of sex offenders. A slightly higher number of offenders resided in Dearborn County (and slightly less in Boone County) than might be expected by its population, but not to a significant degree. This suggests that although there are differences in the laws between the three states, and some regions may arguably be “easier” for an offender to find housing, there are no significant differences in the sex offender population distribution between them.

Table 6.1: Population and Sex Offender Counts

<table>
<thead>
<tr>
<th></th>
<th>Hamilton County</th>
<th>Dearborn County</th>
<th>Boone County</th>
<th>Total Study Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Percent</td>
<td>Count</td>
<td>Percent</td>
</tr>
<tr>
<td>Population</td>
<td>802,374</td>
<td>82.6</td>
<td>50,047</td>
<td>5.2</td>
</tr>
<tr>
<td>Sex Offenders</td>
<td>1,260</td>
<td>84.5</td>
<td>120</td>
<td>8.0</td>
</tr>
</tbody>
</table>

To further demonstrate this point, conviction sources were analyzed to determine if there were many offenders that, though convicted in one state, moved to a neighboring one to take advantage of the differing laws, and potentially seek easier access to housing or resources. The results suggest that this was not a common phenomenon. Overall, offenders tended to
reside within the same state, and even the same county, in which they were convicted. Although Hamilton County has the largest portion of restricted land area, with more than a quarter of the parcels in the county falling within a thousand feet of a restricted feature, two-thirds of the sex offenders residing in Hamilton County were also convicted there (Figure 5.5). Furthermore, another 22% of Hamilton County offenders were convicted elsewhere within the state of Ohio. Only three offenders came from Dearborn County, and another six came from elsewhere in Indiana. Of these nine offenders, five would likely not even be subject to residency restrictions were they to have remained in Indiana (due to the fact that only certain categories of offenders in Indiana have residency restrictions). Surprisingly, not a single offender on the Hamilton County registry was convicted in neighboring Boone County, although 2.5% were convicted somewhere else in Kentucky.

Similar to Hamilton County, 60.9% of the resident offenders in Dearborn County were convicted within the county (Figure 5.9). A further 13.0% were convicted elsewhere in Indiana. As in Hamilton County, no offenders were convicted in Boone County, and surprisingly, none were convicted in Hamilton County either. Only two came from Ohio at all (representing 2.9%), and three from Kentucky (4.3%). It is striking that despite proximity to the two other counties in the study area, no offenders residing within Dearborn County were convicted in either of them.

Although the specific county of conviction was not available for Kentucky, the state level patterns remained similar to those in Hamilton and Dearborn Counties (Figure 5.12). Nearly three quarters (70.7%) of the offenders in Boone County were convicted within Kentucky. Compared to the other two states, a slightly larger portion was convicted in neighboring Ohio,
with 8.5% (seven individuals) convicted there. Only one offender came from the state of Indiana. One notable difference lies in the larger portion (19.5% compared to 7.1% in Hamilton County and 7.2% in Dearborn) of Boone offenders from further out of the study area (states other than Ohio, Kentucky, or Indiana), including federal, military, and international convictions. However, this percentage still only represents 16 individuals, so it is possible that the small number is not significant in light of the total number of offenders.

These results again suggest that, despite close geographic proximity, there is very little overlap among the sex offenders between the three counties. This can be partially explained by noting that parole or probation status were not determined for each offender, and it is possible that for some individuals, conditions of their parole or probation included restrictions from moving across state lines. Secondly, although incarcerated offenders were not included on the Hamilton County registry, they were for Boone and Dearborn Counties. This could partially skew results, as inmates are usually imprisoned in facilities closer to their location of conviction, or at least within the same state (with the exception of federal crimes). Even in light of these limitations, it is still noteworthy how few offenders moved across state lines and into a different jurisdiction, despite the fluidity often afforded within a single metropolitan area. An additional point of interest lies in the number of offenders residing within Hamilton County who were convicted outside of the county, but within the same state (Ohio). Far more individuals came from other counties within the same state to Hamilton County (22.0%) than in Dearborn (8.1%). However, since county of conviction was unavailable for Kentucky, it is not possible to determine if a similar pattern exists within Boone County.
Although determining concentrations of offenders is highly sensitive to scale, it is useful to briefly discuss overall concentration patterns. Generally speaking, sex offender residence patterns followed basic population density patterns. There are some notable exceptions, particularly in Hamilton County (Figure 5.14). The Mt.Lookout and Hyde Park neighborhoods in eastern Cincinnati have a high density of population, but few sex offenders, even with plenty of housing units outside of restricted areas. The same holds true for the densely populated neighborhood of Clifton, northwest of the University of Cincinnati campus. However, both of these areas, though dense, are also relatively expensive in terms of housing prices. The reverse is also true in some areas, such as in Fairmont, a neighborhood on the west side of Cincinnati (immediately west of Interstate 75), where a large number of offenders reside, despite the relatively low overall population density and the fact that much of the neighborhood is technically restricted area. Similar patterns exist in Boone County (Figure 5.16), such as in the area of Oakbrook (Northwest of Florence), where few sex offenders reside despite the high population density. Oakbrook is yet another example of an area in which housing costs are high compared to the surrounding areas.

In addition to overall patterns of sex offender concentration, locations where multiple offenders resided at the same address were mapped for each of the three counties. While the details of these concentrations were described in more detail earlier, it is useful to highlight the instances in Hamilton County where such locations fall within a restricted area. Among those locations in Hamilton County with more than five offenders at the same address, four sites are within restricted parcels. However, these four locations are all facilities providing public welfare services, which qualify as exceptions to the residency restriction laws.
• 115 West McMicken Avenue (26 offenders) – Veterans of America (formerly Pogue Center): offers sex offender rehabilitation services
• 1101 Summit Road (8 offenders) – Summit Behavioral Healthcare: State psychiatric behavioral health care organization
• 217 12th Street (8 offenders) – Drop-In Center: Homeless shelter
• 1526 Republic Street (6 offenders) – Joseph House Inc.: facility providing treatment and housing for homeless veterans

Although there are many offenders in Dearborn and Boone Counties that reside within restricted areas, there are far fewer instances of multiple offenders residing at the same address, and none of these sites are within restriction zones. This is not necessarily due to a difference in how the states’ laws are enforced, but is at least partially explained by variations in the amount of land restricted and the number of sex offenders residing in each county. More than a quarter of the parcels in Hamilton County are restricted, compared to only 3.9% of those in Dearborn, and only 4.1% of the land area in Boone County (Table 5.3). While this is in part due to additional types of features included in the restriction ordinances set forth in some of the local municipalities within Hamilton County, it is also due to larger number of schools, parks, and recreational facilities that exist within the county simply because of the higher population density and larger number of residents necessitating these services.

Additionally, there are substantially more offenders residing in Hamilton County than in either Boone or Dearborn (which is not surprising, since Hamilton County also has many more residents in general). Regardless, 35.2% of the offenders in Hamilton County are living in restricted areas, compared to only 14.7% in Dearborn and 13.4% in Boone (Table 5.4). However, as noted previously, it is unknown what portion of those offenders are actually subject to the residency restrictions, or how many of those locations are considered exceptions
to the law. For instance, the four locations noted above that were positively identified as exceptions to the restriction law house a total of 48 offenders, which in and of itself represents 10.8% of the total number of offenders in Hamilton County living in restricted areas (443). If these offenders alone were removed from the calculation, the number of those living in violation would be reduced to 395, representing 31.3% of all offenders in Hamilton County. This is not even considering the varying circumstances regarding conviction date, and how this affects whether or not offenders are subject to the residency restrictions.

The data available for Boone and Dearborn Counties offers other complications as well. Of the 120 offenders listed on the Dearborn County registry, 42 were incarcerated, nine did not actually reside in Dearborn County, and six were not able to be geocoded, leaving only 63 locatable resident offenders (Table 5.1). Of these, only 34 are even subject to the residency restrictions, leaving a much smaller population to compare with the two other counties in the study area. For Boone County, although there were more offenders for comparison (82), the lack of available parcel data led to much smaller restriction areas than those in Dearborn or Hamilton. Because the actual restricted area could be substantially larger due to variations in parcel size, the 13.4% of offenders determined to be living in violation of the restriction laws may be smaller than in reality (Table 5.4). However, even considering the possibility of such data errors, there are still substantial differences between the portions of offenders residing in restricted areas among the three counties.

These differences are also apparent when considering offender severity levels. Although “severity level” was ostensibly categorized differently for the three different counties, they are
roughly similar. For Boone and Dearborn Counties, severity was determined by the length of time the offender was required to remain on the registry. This length of time is determined by classification, which is in turn defined through statute by the charge with which the offender was convicted. The same process exists in Ohio (Hamilton County), but the year lengths are slightly different due to the adoption of the Adam Walsh Act. While Boone County has offenders registered for Life, 20 Years, or 10 Years, Dearborn County technically only separates offenders into two time length categories – Lifetime Registrant or 10-year registrant. Despite this, many offenders are required to register for some time length between ten years and life, which may be because they were convicted outside of the state (offenders are required to register for the length of time defined in their original conviction location, or according to the law in Indiana, whichever is longest), or due to changes in the law since their conviction. Prior to the adoption of the Adam Walsh Act, offenders in Ohio were separated into 10-year, 20-year, and Lifetime registrants (similar to Kentucky), but this was changed to 15 year, 25 year, and Lifetime registration. These time lengths correspond to classification or tier.

In Hamilton County, the categories considered to be the highest level of severity, requiring lifetime registrations (Tier III or Habitual Sex Offender), describe the smallest portion of resident sex offenders. The lowest level (Tier I, Child Victim Oriented Offense, and Sexually Oriented Offender), with the shortest length of registration time (15 years and 10 years respectively) encompass the largest portion (Figure 5.5). However, the distribution of offenders in each category is significantly different in Boone and Dearborn Counties, with the highest level of severity (Lifetime Registrant) including the largest portion of offenders (Table 5.6). Only 4% of offenders in Hamilton County are classed as Tier III or Habitual Sex Offender, whereas
nearly half of the offenders in Dearborn County and Boone County are classed in the highest level category. To some extent, it is not surprising that such a large portion of offenders in these counties are in this category, as once an offender is on the registry as a lifetime registrant they are never removed. Therefore, the number of offenders in this category will never decrease, unless they move out of the area and are counted elsewhere. What is surprising is that so few in Hamilton County are in this category, considering that they too are required to register for life.

The portion of offenders in each category that live in violation of residency restrictions reflected similar patterns between the three counties, suggesting that offender level does not seem to have a significant impact on whether or not an offender lives in a restricted area. While it is true that a smaller portion of the highest level offenders in Hamilton County reside in such restriction zones (26%), the number of offenders that fall within this category is small compared to the other two categories, as noted earlier. The portion of middle and low level offenders living in violation is roughly equal, at 38.2% and 34.3% respectively. Similarly, the portion of offenders in violation did not differ dramatically between high and low levels in Boone or Dearborn Counties either, though again, the actual number of offenders falling into each category that were subject to restrictions was small enough to make comparisons problematic. In Dearborn County, 15% of lifetime registrants and 20% of 10-year registrants live in restricted areas (Figure 5.19). The proportion is relatively similar in Boone County, with 13.5% of lifetime registrants and 17.2% of 10-year registrants living in violation (Figure 5.18).
CHAPTER 7: CONCLUSIONS

Limitations

This study included several limitations that bear noting, the greatest of which is the lack of conviction date for offenders. While this information was unavailable for all three states, it was most problematic for Ohio offenders due to the multiple levels of jurisdictions with residency restrictions. The Supreme Court of Ohio has held that any offender convicted prior to the enactment of residence restrictions is not subject to them (Hyle v. Porter). This is complicated by the fact that local jurisdictions contributed their own residency restriction additions at other times. The Supreme Court ruling that the residency restrictions are ex post facto laws, and therefore cannot be applied retroactively, would also affect the restrictions put into place at the City level of government within Ohio. Three cities within Hamilton County contributed their own additional residency restrictions that cannot be applied retroactively.

- City of Cincinnati: March 11th, 2007 (Cincinnati Municipal Code, Section 763-5)
- City of Reading: May 1st, 2007 (Reading Code of Ordinances, Section 666.17)
- City of Norwood: March 23rd, 2010 (Codified Ordinances of Norwood, Section 533.14)

However, the public sex offender registry does not supply conviction date, despite its role as a key piece of information in determining whether or not an offender is subject to residence restrictions. In fact, even the information provided through a public records request did not include conviction date. Because of the multiple layers of laws with varying effective dates in Hamilton County, as well as in the three cities within the county that include additional restrictions, it is simply not possible to adequately judge the portion of offenders living in
violation of the law. This lack of understanding regarding the laws and the fact that they cannot be applied retroactively, as well as the missing conviction date, has led to misunderstanding of just how many offenders are violating the law, both in the public, and in previous research (Keefe 2012). Therefore, any analysis that does not differentiate between those who are subject to the restrictions and those who are not, is at best incomplete. While it was assumed for the purposes of this study that all offenders are subject to the restrictions (due to this limitation on data availability), it is crucial to note how significantly different the results might be were this data included. Therefore, the implications of this study, and any others that do not account for conviction date, should be interpreted with caution.

Due to the lack of the needed data for Boone County, it was not possible to match offenders or restricted features to parcel, which is a superior method to that of street level geocoding (Zanbergen et al. 2010). This also caused differences in restriction areas, as they had to be created using simple Euclidean distance instead of the property lines required by state law. In addition to the problems associated with street level geocoding described by Zanbergen et al, parcels portray property lines, and usually have gaps in the feature geometry that represent right of way for roads. If the geocoding method places the point representing a sex offender within the right of way area instead of inside an actual parcel, this presents a problem when identifying offenders residing in restricted areas, as noted by Grubesic et al. (2007). Additionally, it should be pointed out that not all unrestricted parcels are residential or even

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10 An off-the-record interview with the spokesperson for Hamilton County Sheriff’s office suggested that at any given time, roughly 3% of offenders reside illegally in restricted areas, and the Prosecutor’s Office regularly works to evict those that do not comply. Unfortunately, no data was provided to enable an analysis or verification of this claim.
available to offenders for housing, but an analysis of housing availability was deemed beyond
the scope of this study, and can be found elsewhere (Grubesic et al. 2008).

Although every attempt was made to match even homeless sex offenders to the
location provided in their registry description, this was not always possible, as in some cases
there was simply not sufficient information. While this problem was only found in Hamilton
County, and the number of offenders that could not be matched in this way was negligible (12
out of 1,261), such offenders are often the greatest cause of concern for law enforcement
agencies.

Finally, although the three counties included in this study were chosen due to their
shared adjacency (each county shared a boundary with both of the other states in the study
area), the shape of the counties in Northern Kentucky is a limiting factor. While Dearborn
County and Hamilton County are each the most urban county for their respective states within
the study area, Boone County is not. Though the counties in Northern Kentucky are shaped in a
vertical North-South direction, the population distribution is skewed along the Ohio River,
which runs horizontally East to West. Because of this, it might have been more informative to
include the neighboring Kenton County due to its denser population and high number of sex
offenders. There is far more population movement between Kenton County and Hamilton
County, and therefore including offenders from Kenton County may have provided very
different results regarding conviction source. Because this study was limited to only one county
from each state, it may not accurately represent the patterns seen across the entire region.
Conclusion

The present study found that despite a common fear that offenders will inevitably move from a jurisdiction with heavier restrictions to one with fewer constraints, the results suggest that this is not the case in the Cincinnati Tri-State Area. Offenders in each county were found to primarily have been convicted either within the same county, or at least the same state. Very few offenders residing in one county were convicted in a neighboring county within the study area. While a small number of offenders worked or attended school in a neighboring county, most continued to reside in the county in which they were convicted.

Hamilton County has, by far, the largest amount of restricted land area between the three counties, which is in part due to the fact that it is an urban county, and three cities within its borders have additional residency restrictions. More than a third of its convicted sex offenders reside in such restricted areas. However, not all of these offenders are violating the residency restriction law, as not all are legally subjected to it. Most of the offenders residing in these areas are mid or low level offenders, and there is an inverse relationship between severity of offender category and number of such offenders listed on the Hamilton County registry. This differs from Dearborn and Boone Counties, where the largest portion of offenders on the registry are Lifetime Registrants.

Directions for further research

Further research that involves geographic analyses of residency restrictions should include all the varying levels of legal restrictions, and the exceptions (such as conviction date or rehabilitative centers) that can have a demonstrable effect on the accuracy and utility of
results. While this study focused on one multi-jurisdictional region, its results may not be easily applied to other such areas. Although there are differences between the laws in Ohio, Kentucky, and Indiana in terms of residency restrictions, all three states share the same buffer distance for restriction areas (1,000 feet) and include similar restricted features. The primary differences arise in how the laws are implemented and to whom they apply. Studies of other multi-jurisdictional areas with more significant differences (particularly in terms of buffer distances) between the state laws could prove particularly insightful in understanding how such laws affect sex offender residency choices.

However, while analyzing the locations of sex offender residences geographically is informative and can provide meaningful insight on general patterns, it does not explain the actual motivations behind offender residency choices. While others have noted the difficulty of surveying sex offenders, such an approach would be the best way to determine just how influential the residency restrictions are in terms of housing choices (Tewksbury 2005). A national database of all residency restrictions throughout the country, with hierarchical government organization would be particularly useful in reducing confusion among residents, law enforcement officers, researcher, and especially the offenders themselves. Such a resource could be beneficial in helping reduce instances of residency restriction violations, as well as for general public knowledge, though it is also possible it could cause alarm and generate more concern for residents.

Research of this nature is particularly important in terms of the potential policy implications. Similar studies have been used to inform members of congress on whether or not
residency restrictions might be effective in their home states (Colorado Department of Public Safety 2004). While such research was performed prior to the enactment of residency restriction legislation, few extensive studies have examined the results following the passage of such legislation. By examining the results from a geographic perspective, leaders in states neighboring other jurisdictions where such restrictions have been put into effect can determine whether following their example is necessary or effective.

The present research represents one effort to analyze the residency choices of sex offenders within a multi-jurisdictional area with varying laws regarding residency restrictions. By comparing the current locations of sex offenders in the Cincinnati Tri-State area to their listed conviction locations, it was determined to what degree offenders traverse state and local boundaries in response to differing laws. Additionally, the type and distribution of offenders in three separate states were compared to one another to examine how they differed both in severity and in degree of violation of residency laws.
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CHAPTER 9: Appendices
## Appendix A

### Ohio Offense Tiers

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2907.07 Importuning</td>
<td>1. 2907.21 Compelling Prostitution</td>
<td>1. 2907.02 Rape</td>
</tr>
<tr>
<td>2. 2907.04 Unlawful Sexual Conduct with a Minor, non-consensual and offender less than 4 years older than victim, not previously convicted of 2907.02, 2907.03, or 2907.04, or former 2907.12 (FSP)**</td>
<td>2. 2907.321 Pandering Obscenity Involving a Minor</td>
<td>2. 2907.03 Sexual Battery</td>
</tr>
<tr>
<td>3. 2907.08 Voyeurism</td>
<td>3. 2907.322 Pandering Sexually Oriented Material Involving a Minor</td>
<td>3. 2903.01 Agg. Murder with sexual motivation</td>
</tr>
<tr>
<td>4. 2907.06 Sexual Imposition</td>
<td>4. 2907.323 (A)(1) and (2) Illegal Use of a Minor in Nudity-oriented Material or Performance</td>
<td>4. 2903.02 Murder with sexual motivation</td>
</tr>
<tr>
<td>5. 2907.05 (A)(1)-(3), (5) Gross Sexual Imposition</td>
<td>5. 2907.04 when offender is at least 4 years older, or when the offender is less than 4 years older and has prior conviction for 2907.02, 2907.03, 2907.04, or former 2907.12 (FSP)</td>
<td>5. 2903.04(A) Unlawful Death or termination of pregnancy as a result of committing or attempt to commit a felony with sexual motivation</td>
</tr>
<tr>
<td>7. 2905.05 (B) Child Enticement with sexual motivation (new under SB 10)</td>
<td>7. 2919.22 (B)(5) Child Endangering</td>
<td>7. 2905.01 (B) Kidnapping of minor, not by parent</td>
</tr>
<tr>
<td>8. 2907.32 Pandering Obscenity</td>
<td>8. 2905.01 (A)(1)-(3), (5) Kidnapping with sexual Motivation</td>
<td>8. 2907.05 (B) (New section of GSI)</td>
</tr>
<tr>
<td>9. 2903.211 (A)(3) Menacing by Stalking with sexual motivation (new under SB10)</td>
<td>9. 2905.01 (A)(4) Kidnapping victim over 18</td>
<td>9. 2903.11 Felonious Assault with sexual motivation</td>
</tr>
<tr>
<td>10. 2905.03(B) Unlawful Restraint with sexual motivation (new under SB 10)</td>
<td>10. 2905.02 (B) Abduction with sexual motivation (new under SB 10)</td>
<td>10. Pre-AWA predators unless re-classified after hearing under ORC 2950.031 or 2950.032</td>
</tr>
<tr>
<td>11. Includes an attempt, complicity or conspiracy to commit any of these offenses</td>
<td>11. Any sexual offense that occurs after the offender has been classified as a Tier I offender.</td>
<td>11. Any sexual offense that occurs after the offender is classified as a Tier II or III offender.</td>
</tr>
<tr>
<td>12. Child-victim offender not in Tier II or III.</td>
<td>12. Includes an attempt, complicity or conspiracy to commit any of these offenses</td>
<td>12. Automatic classification after SVP specification 2971.03</td>
</tr>
<tr>
<td>13. Pre-AWA Habitual offenders, unless re-classified after hearing under ORC 2950.031 or 2950.032</td>
<td>14. Includes an attempt, complicity or conspiracy to commit any of these offenses</td>
<td></td>
</tr>
</tbody>
</table>

*Any law from another jurisdiction that is comparable to these offenses shall fall within that same tier.

** This offense should be removed in future.

*Created by the Special Prosecutions Section of the Ohio Attorney General’s Office Revised 8-29-07*
### Appendix B

<table>
<thead>
<tr>
<th>State</th>
<th>Classification</th>
<th>Code</th>
<th>Registration Length</th>
<th>Registration Update Frequency</th>
<th>Residence Restrictions</th>
<th>Punishment for violating residence restriction</th>
<th>Retrospective Start Date For Residence Restrictions</th>
<th>Address Verification Procedure</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indiana</strong></td>
<td>Sexually Violent Predators</td>
<td>35-38-1-7.5</td>
<td>Life</td>
<td>90 days</td>
<td>IC 35-42-4-11: 1000 feet of school property (not including post-secondary, youth program, public park, IC 35-42-4-11: 1 mile from residence of victim)</td>
<td>Class D Felony</td>
<td></td>
<td>Personal visit</td>
<td>The following stipulations change registration status from 10 years to Life, regardless of other classifications: if offender is over 18 and victim is under 12; if victim is seriously injured or killed; if force is used against victim or victim's family; if victim is rendered unconscious and unable to give consent; if offender has previously been convicted of 2 unrelated offenses under section Sa.</td>
</tr>
<tr>
<td></td>
<td>Offenders Against Children</td>
<td>35-42-4-11</td>
<td>10 years</td>
<td>1 year</td>
<td>IC 35-42-4-11: 1000 feet of school property (not including post-secondary, youth program, public park, IC 35-42-4-11: 1 mile from residence of victim)</td>
<td>Class D Felony</td>
<td></td>
<td>Mailed form</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sex Offender</td>
<td>11-9-6.4-5</td>
<td>10 years</td>
<td>1 year</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Mailed form</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Violent Offender</td>
<td>11-9-6.5</td>
<td>10 years</td>
<td>1 year</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Mailed form</td>
<td></td>
</tr>
<tr>
<td><strong>Kentucky</strong></td>
<td>Lifetime Registrant</td>
<td>17.520(2)(a)</td>
<td>Life</td>
<td>90 days</td>
<td>KRS 17.545 - 1,000 feet of high school, middle school, elementary school, preschool, publicly owned playground, licensed day care facility</td>
<td>KRS 17.545 (4)(a) First offense: Class A Misdemeanor. KRS 17.545 (4)(b) Subsequent offenses: Class D Felony</td>
<td></td>
<td>Mailed form</td>
<td>Any offender convicted of: Kidnapping a minor or unlawful confinement of minor (unless parent), conviction of rape or child molestation, convicted of more than 1 felony criminal offense against a minor, convicted of Rape or Sodomy in the first degree, any sexually violent predator.</td>
</tr>
<tr>
<td></td>
<td>10 Year Registrant Prior to July 12th, 2006</td>
<td>17.520(3)</td>
<td>10 years</td>
<td>1 year</td>
<td></td>
<td></td>
<td></td>
<td>Mailed form</td>
<td>Changed to 10 year registration on July 12th, 2006. All registrants given the 10 year category will retain that length unless convicted of a new offense subject to the new registration length.</td>
</tr>
<tr>
<td></td>
<td>20 Year registrant</td>
<td>17.520(3)</td>
<td>20 years</td>
<td>1 year</td>
<td></td>
<td></td>
<td></td>
<td>Mailed form</td>
<td>All those convicted of a sex crime that do not fall under the stipulations requiring lifetime registration are required to register for 20 years.</td>
</tr>
<tr>
<td><strong>Ohio</strong></td>
<td>Tier I</td>
<td>2950.01(G)</td>
<td>15 years (10 for juvenile)</td>
<td>1 year</td>
<td>1,000 feet of any school, childcare facility, or place where children gather</td>
<td>Civil - Prosecutor has cause of action for injunctive relief</td>
<td></td>
<td>Personal visit</td>
<td>No community notification</td>
</tr>
<tr>
<td></td>
<td>Tier II</td>
<td>2950.01(F)</td>
<td>25 years (20 for juvenile)</td>
<td>180 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Community Notification</td>
</tr>
<tr>
<td></td>
<td>Tier III</td>
<td>2950.01(G)</td>
<td>Life</td>
<td>90 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Community Notification</td>
</tr>
<tr>
<td></td>
<td>Sexually Oriented Offender (New Tier I)</td>
<td>2950.01</td>
<td>10 years</td>
<td>1 year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexual Predator (New Tier I)</td>
<td>2950.01</td>
<td>20 years</td>
<td>1 year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Habitual Sex Offender (New Tier III)</td>
<td>2950.01</td>
<td>Life</td>
<td>90 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Classifications prior to enactment of SB10 / Adam Walsh Act - new classification process by Tiers</td>
</tr>
</tbody>
</table>

*Items in grey colored text are older classifications that are no longer used for categorization. Offenders previously categorized as such remain so however.*