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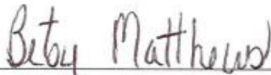
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Assessing Collateral Consequences
Accompanying Sex Offender Legislation

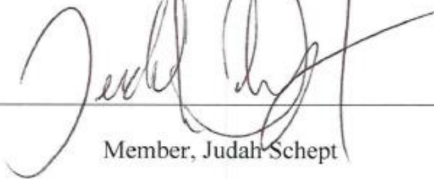
By

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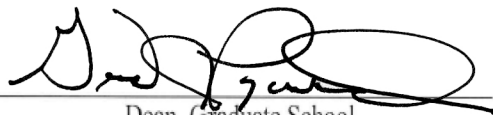
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Assessing Collateral Consequences
Accompanying Sex Offender Legislation

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Submitted to the Faculty of the Graduate School of
Eastern Kentucky University
in partial fulfillment of the requirements
for the degree of
Master of Science
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Dedication

This thesis is dedicated to my father, Michael Charles,
for his unwavering support and continual inspiration.

I love you.

Acknowledgements

I would like to thank my thesis chair, Dr. Betsy Mathews, for her continued guidance and patience for the past year and a half. I would also like to thank my other committee members, Dr. Judah Schept and Dr. Kristie Bevins, for their comments and assistance not only for this thesis but in the classroom over the past two years. I would like to express my gratitude to Lexington Probation and Parole for welcoming me with open arms; especially the therapists of the Sex Offender Treatment Program, Kevin Conlee and Keishia Lansaw. You both have taught me an immense amount that will stay with me throughout my academic and professional career and I will cherish our friendships forever. Finally, to the participants of the SOTP program, without each of you my thesis would be non-existent. Thank you for sharing your stories with me. Thank you for continuing to better yourself. And thank you for searching for the light at the end of the tunnel when you are constantly surrounded by darkness.

Abstract

Sex Offenders are often the most feared group of offenders. In response to this fear, sex offender registries were created as a method for monitoring convicted offenders and for providing communities with a sense of security by publicizing information about potential predators nearby. The underlying questions are whether or not notification and registration laws actually reduce crime and make the community safer. According to the literature, and to the current study, they do not. However, community safety and recidivism rates are not the only factors that pose concern attributed to registration and notification. Researchers alike have argued that these practices are a violation of human rights and the stigma surrounding the label infringes upon the lives of offenders and their family. Therefore, collateral consequences experienced by both offenders and by third parties are a common occurrence. In the current study, nine common themes were identified: impact on employment; impact on housing; perceptions of the registry; mental and emotional health; denial of service excluding housing and employment; impact on families; impact on other relationships; support networks; and vituperative attacks. The same nine themes were used to assess family members. Through each of these themes, an array of collateral consequences were identified that range in severity. In the discussion and conclusion section, reintegration difficulty, myths surrounding stranger danger, and ways in which social capital can be gained are discussed.

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Chapter 1

Statement of the Problem

Under federal and state codes, a sex offender is defined as an individual who has committed a sexual act prohibited by law (42 U.S. Code § 16911). Kentucky law defines a sex offender as, “any person convicted of, pleading guilty to, or entering an Alford Plea to a sex crime” (KRS 17.500(9)). Debatably, Kentucky defines a sexually violent predator as, “any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation” (KRS 17.500(10)). Although popular images of sex offenders focus on rapists and child molesters, the legal definition also includes persons convicted of behaviors such as statutory rape, prostitution and indecent exposure. Under Kentucky law, for example, sex offenses are listed under approximately 17 potential criminal charges (Mungo, 2015) ranging the most serious felonies to minor misdemeanors.

Public opinion of sex offenders is predicated on the images of the most serious of these offenses. As such, sex offenders are considered to be the most despised group of people in the world (Brewster, DeLong, & Moloney, 2012; Hackett, Masson, Balfe, & Phillips, 2015). They are often demonized (Brewster et al., 2012; Hackett et al., 2015), feared (Craun & Kernsmith, 2006; Hackett et al., 2015; Tolson & Klein, 2015), villainized (Tolson & Klein, 2015), ostracized and stigmatized (Frenzel, Bowen, Spraitz, Bowers, & Phaneuf, 2014) by law abiding citizens, other criminal offenders, and law enforcement. Because of these perceptions, sex offenders have been subjected to some of the strictest containment policies administered in the United States (Van Voorhis and Salisbury, 2016).

Trends in dealing with convicted sex offenders include long prison sentences followed by stringent release conditions of parole (Zevitz & Farkas, 2000). For example, in Kentucky, these conditions broadly include:

participation in a Sex Offender Treatment Program (SOTP) (Kentucky Department of Corrections, 2011); no contact with anyone under the age of 18 (including family and their children) unless approved by the probation/parole officer and clinician of SOTP (Kentucky Department of Corrections, 2011); no overnight stays in a home inhabited by children under the age of 18 unless written approval is given by the probation/parole officer and clinician of SOTP (Kentucky Department of Corrections, 2016); no contact with victim or victims family unless authorized by aforementioned parties (Kentucky Department of Corrections, 2011; Kentucky Department of Corrections, 2016); not establishing, pursuing, or maintaining a dating, romantic, or sexual relationship unless authorized by aforementioned parties (Kentucky Department of Corrections, 2011); not possessing items which may attract children (Kentucky Department of Corrections, 2016); only working/volunteering for any business, organization, or activity that is approved by Probation/Parole Officer (must also avoid working/volunteering in any area that children may congregate) (Kentucky Department of Corrections, 2011; Kentucky Department of Corrections, 2016); not possessing any sexually arousing material or frequenting businesses pertaining to the matter (Kentucky Department of Corrections, 2011; Kentucky Department of Corrections, 2016); not driving, walking, riding by any area children may frequent (unless this is the only route to take or other permissible

instance) (Kentucky Department of Corrections, 2011); limited computer activity (must have a software installed, at own expense, that blocks sexually explicit material and must also avoid any social media, chatrooms, or instant messaging programs in which children participate) (Kentucky Department of Corrections, 2011); and must reside in a residence that is further than 1000 feet of a school, daycare, or publicly owned playground (Kentucky Department of Corrections, 2011; Kentucky Department of Corrections, 2016).

At least six states have enacted laws requiring lifetime electronic monitoring for sex offenders, even if their sentence has expired, and at least 23 use GPS to monitor paroled sex offenders (Erooga, 2008; Gable & Gable, 2005) allowing probation and parole officers to track offenders in real time and establish parameters that restrict the offender from going to certain areas.

Perhaps the most prominent response to sex offenders nationally, is the enactment of sex offender registration and notification (SORN) laws. These laws were created as a method for monitoring convicted offenders and for providing communities with a sense of security by publicizing information about potential predators nearby (Craun & Simmons, 2012; Tewksbury, 2006; Tewksbury, Mustaine, & Payne, 2011). Most people assume that a registered sex offender is someone who has sexually abused a child or engaged in a violent sexual assault of an adult (Human Rights Watch, 2007). A review of state SORN laws by Human Rights Watch revealed, however, that states required individuals to register as sex offenders even when their conduct did not involve coercion or violence, and may have had little or no connection to sex. For example:

- at least five states required registration for adult prostitution-related offenses
- at least 13 states required registration for public urination, of those, two limited registration to those who committed the act in view of a minor
- at least 29 states required registration for consensual sex between teenagers
- at least 32 states required registration for exposing genitals in public, of those, seven states required the victim to be a minor.

Even when limited to the most serious sexual offenses, there is little empirical support for SORN laws as a public safety policy (Drake & Aos, 2009). Some experts suggest that collateral consequences of registry laws may undermine their effectiveness by disrupting their lives and relationships (Andrews & Bonta, 2003; Erooga, 2008; and Hanson & Harris, 1988). Their research on sex offenders has indicated that lifestyle instability is a risk factor for both general and sexual recidivism and that offenders with employment and stable relationships have lower recidivism rates compared to those who do not. Given this, the collateral consequences of these laws are an important area of study.

Past studies on the collateral consequences of SORN laws have generally relied on data collected through self-administered survey tools and, thus, do not fully explicate the ways in which people are impacted by registration and notification policies (Drake & Aos, 2009). The current study aims to examine collateral consequences experienced by sex offenders and third parties due to Kentucky SORN laws. Particularly, the researcher is interested in exploring the knowledge that both offenders and third parties have in regard to registries and notification practices, exploring their perception of registries and

notification practices, and exploring the impact that registries and notification practices has had on their lives and the lives of others around them.

Chapter 2

Literature Review

Sex Offender Registration and Notification Laws: A Brief History

For more than a century, registration has been used to for a variety of types of offenses (Tewksbury et al., 2011). In 1947, California became the first state to maintain a sex offender registry (Craun & Simmons, 2012; Worley & Worley, 2013). Individuals were required to provide law enforcement authorities with their place of residence and were required to “check in” once a year around their birthdays. Sex offenders during this time were granted a great deal of anonymity and lived fairly normal lives without harassment or scrutiny. However, during the 1990s the game changed.

As part of the Omnibus Crime Bill, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 was enacted (Brewster et al., 2012; Frenzel et al., 2014; Tewksbury, 2006; Tolson & Klein, 2015; Worley & Worley, 2013). This new legislation mandated that states track sex offenders by their residence for 10 years following release from prison. Furthermore, offenders convicted of violent sexual offenses were required to report their residence quarterly for the rest of their lives.

Two years later, this act was amended by Megan’s Law. Megan’s Law required local and state law enforcement agencies to release “relevant” information about sex offenders to protect the public, deter crime, and reduce recidivism rates of sexual offenders (Brewster et al., 2012; Craun & Kernsmith, 2006; Frenzel et al., 2014; Tewksbury, 2006; Tolson & Klein, 2015; Worley & Worley, 2013). All 50 states have implemented some version of Megan’s Law. Kentucky, for example, has opted to collect information such as the offender’s picture, home address, type of crime committed,

registry length, and age of the victim. This information is then reported via the internet (in Kentucky, there are numerous sites devoted to displaying the information but the official site is the Kentucky State Police website) where search features such as offenders name, city, town, and zip code are available and mapping features which allow users to map offender's addresses, all offenders within a specified county, city, zip code, or distance of certain address are available (Brewster et al, 2012). From these websites, flyers containing offender's information, including their photograph, can be printed and distributed throughout the community.

The newest piece of legislation, The Adam Walsh Act, was passed in 2006. Title I of the Adam Walsh Act, better known as Sex Offender Registration and Notification Act (SORNA) requires convicted sex offenders to register in any jurisdiction where they live, work, or go to school (Gottschalk, 2015). They only have three days to report in person to the authorities any changes in personal information. Failure to do so is punishable by up to 10 years in prison. This act mandated that all states place convicted sex offenders on an online registry including juvenile sex offenders who are convicted in adult criminal court or are at least 14 years of age (Salerno, Najdowski, Stevenson, Wiley, Bottoms, Vaca, & Pimentel, 2010). This meant that the public now had access to personal information such as offender's name, demographical information, identifying information (height, weight, eye color, etc.), home address, and a recent photograph of the offender (Brewster et al., 2012; Frenzel et al., 2014; Tolson & Klein, 2015; & Worley & Worley, 2013). The requirements for frequency of registration and duration of the registration period are tied to sex offender classification levels, which are intended to reflect the measure of risk to the public. The level for any individual offender is determined by the

court in some states, and by an administrative board in others. In most states if the offense is anything but minor, you are required to register from 15 years to life.

As of early 2014, 17 states were deemed to have fully implemented SORNA; others have opted out despite the risk of losing federal funding (Gottschalk, 2015). These latter states feel the federal registry requirements are onerous, expensive, and unlikely to enhance public safety significantly. Furthermore, the federal financial penalty for failing to comply is minor compared to the cost of fully implementing the program. Texas, for example, estimated that it would cost nearly \$39 million to comply with SORNA whereas the state would only be losing \$1.4 million for failure to comply. Washington State, who established the country's first public registry in 1990, has also failed to comply with SORNA. Washington invests heavily in narrowing its registry and community notification efforts to focus on the truly high-risk offenders and to educate the public about the best research findings on sex offending/recidivism. State policy makers believe that SORNA would destroy these efforts by forcing the state to require more offenders to register and release the names and addresses of low-level offenders which they do not currently do.

Perceptions of SORN Laws

As one could imagine, the nature of SORN laws has caused some controversy. Citizens, law enforcement officers, victims of sex offenders, people who work with sex offenders and sex offenders themselves have varying opinions about public benefits associated with these laws. Studies have revealed that most community members support SORN laws (Craun & Simmons, 2012). Levenson, Brannon, Fortney, & Baker (2007, as

cited in Craun & Simmons, 2012) found that 95 percent of respondents agreed that the name and photograph of the registered sex offender should be available to the public, while a Massachusetts study found that on a scale from 1 (strongly disapprove) to 10 (strongly approve), participants' score averaged more than 8 in support of public sex offender registries (Proctor, Badzinski, & Johnson, 2002). Public perceptions about sex offenders and SORN laws are crucially mediated by the media, due to inaccurate reporting and sensationalizing those types of crimes (McCartan, 2004; Zevitz & Farkas, 2000). Citizen support for registries may also be fueled by misinformation about reconviction rates for sex offenders. According to Brown, Deakin, & Spencer (2008), 60% of male and 76% of female respondents estimated that the recidivism rate of sex offenders to be above 25%; actually, it is about 4.3% and the lowest of all other offender groups (Hood, Shute, Feilzer, & Wilcox, 2002). Brown et al (2008) suggest that citizens' overestimation of reconviction rates for sexual offenders has contributed to "feelings of fear, anger, insecurity, and antipathy towards sex offenders" (p. 264).

Redlich (2002, as cited in Craun & Simmons, 2012), found that law enforcement professionals have great support for registries; on a scale from 0 to 2 (0= no support, 1= not sure, 2 = yes support), these individuals scored an average of 1.94. Law enforcement personnel also believe that SORN laws provide a good way to monitor the offenders, that they are mostly fair, and more than one half of their sample (56%) believed that public notification and registries reduced the number of sexual assaults (Tewksbury et al., 2011). These positive perceptions of registry laws may arise from negative attitudes that law enforcement personnel have of sex offenders in general (Hogue, 1993, as cited in Willis, Levenson, and Ward, 2010; Hogue and Peebles, 1997).

Sex offender treatment providers are less supportive of SORN laws. For example, Malesky and Keim (as cited in Craun and Simmons, 2012) found that 80% of providers surveyed did not believe that registries would prevent the sexual abuse of children. Moreover, 70% of respondents believed that registries could have the unintended consequence of creating a false sense of security for parents and other community members.

Survivors of sexual abuse report mixed feelings about sex offender registries. A study of 399 online survey takers in the United States found that most believed registries provided a good monitoring tool and were a fair response to the offending behavior (Craun & Simmons, 2012). In this same study, however, a majority of respondents believed that registries created a false sense of security (67.1%) and that they were unlikely to effectively deter sexual abuse (38.8%).

Not surprisingly, there is little support for SORN policies among sex offenders themselves. Brannon, Levenson, Forteny, and Baker (2007) found that 70% of sex offenders believed that registries were at least somewhat unfair. In a study by Tewksbury and Lees (2007), sex offenders complained about inequality in that offenders of other nonsexual crimes were not required to be on a public registry. Findings from Tewksbury and Lees' (2007) study also indicated that, although sex offenders understood the public's desire for registries, they did not believe that registries prevented recidivism.

Collateral Consequences of SORN Laws

Registering as a sex offender places a scarlet letter on the forehead of the offender and further subjects him or her to unnecessary punishment (Gottschalk, 2015), or

collateral consequences that extend well beyond the formal sentence imposed by the court (Frenzel et al., 2014; Hackett et al., 2015). Despite warnings against the use of this information to harass, injure, or commit a crime against the registered offender (Brewster et al., 2012), many studies have found that sex offenders experience a significant level of harassment (Craun & Bierie, 2014; Craun & Simmons, 2012; Frenzel et al., 2014; Hackett et al., 2015; Levenson, D'Amora, & Hern, 2007; Tewksbury, 2004; Tewksbury, 2006; Worley & Worley, 2013). Other consequences include, unemployment and job losses (Craun & Bierie, 2014; Frenzel et al., 2015; Levenson, D'Amora, & Hern, 2007; Tewksbury, 2004; Tewksbury, 2006; Tolson & Klein, 2015), residency restrictions (Craun & Bierie, 2014; Frenzel et al., 2014; Hackett et al., 2015; Tewksbury, 2004; Tewksbury, 2006; Tolson & Klein, 2015), isolation and stigmatization (Craun & Bierie, 2014; Frenzel et al., 2014; Hackett et al., 2015; Tewksbury, 2006; Tolson & Klein, 2015), psychological, emotional, and relationship issues (Tewksbury, 2004; Tewksbury, 2006; Hackett et al., 2015; Craun & Simmons, 2012; Frenzel et al., 2014; Levenson, D'Amora, & Hern, 2007) and property damage (Levenson, D'Amora, & Hern, 2007).

Of specific concern are residency restrictions and registration requirements that create a Catch-22 situation for many former sex offenders (Gottschalk, 2015). Thanks to residency restrictions as part of Jessica's Law and Chelsea's Law, many registered sex offenders have virtually no place to reside in the city of San Francisco (Gottschalk, 2015). In San Diego, nearly 97% of the area is restricted with the remaining 3% being practically inhabitable (McGrain, 2015). In Miami, an encampment of sex offenders has found shelter under a bridge because the residency restrictions have made much of the city "out of bounds" to them (Gottschalk, 2015). In another case from Florida, the

father/husband was not permitted to live with his family as it fell within a “pedophile free zone” (Yoder, 2015). He was only permitted in the house from 6am- 10pm, therefore at night had to drive 12 miles out of town and sleep in his van. Some jurisdictions in Florida have even banned sex offenders from seeking safety in public shelters in the event of an emergency. In 2007, a Georgia man was sentenced to life in prison for failing to register. The fact that he was homeless because of the tough residency restrictions was not considered an acceptable excuse (Gottschalk, 2015). These are just a few examples of the hardships placed on an individual whose housing accommodations do not meet the residency restriction requirements. These residency restrictions, along with their status as a felon, create additional problems for registered sex offenders. A felon with no residency or mailing address has limited access to government assistance and employment opportunities (Pinard, 2010).

These far-reaching policies are complicated by inaccurate, misleading, or opaque information about the offender, crime, and victim (Erooga, 2008; Gottschalk, 2015). As an example, although all states include the registrant’s current age, few states provide information about the registrant’s age at the time of the crime or the date of the crime. This can lead to many mistaken assumptions. As the years go by, the offender’s age goes up while the victim’s age stays the same. What was once a “Romeo and Juliet” offense (sex between a 19-year-old and a 17-year-old at the time) now looks like a case of child rape to the public and leads to greater stigmatization.

Law enforcement officials have also been known to take measures in their own hands and go beyond what is necessary when it comes to community notification and protecting public safety (Gottschalk, 2015). In one case, an older man who, as a 20-year-

old, had consensual sex with his 16-year-old girlfriend was shocked to learn that police had been informing neighbors that he had raped a young girl. Actions such as this mislead the public about actual risk sex offenders pose and ignite community hostility and fear.

Public misperceptions about sex offenders generated from this type of misinformation may actually put sex offenders in danger. Yoder reports, while discussing Levenson and Tewksbury's 2009 study, "while 44 percent of the 2009 study respondents said they'd been threatened or harassed by neighbors, 7 percent said they'd actually been assaulted or injured" (Yoder, 2015, p. 6). He then starts talking about the Parker case. In 2013, a man named Charles Parker and his wife were found shot and stabbed to death in their South Carolina home (Yoder, 2015). Parker had spent 5 years in prison for having sex with a 31-year-old mentally challenged woman and was required to register as a sex offender. A white supremacist couple pulled up in front of the Parker's home pretending there was engine trouble. When Mr. Parker stepped outside to help, the supremacist couple forced him back inside the home where they proceeded to brutally murder Mr. and Mrs. Parker. When apprehended by the police, the male supremacist said that they had gotten the Parker's address from the registry and that if they had not been caught would have used the registry to hunt down another offender. They considered the Parkers a "casualty of war". While murder is an extreme example of the vigilantism associated with SORN policies, it should not in any way be ignored or made into an unlikely statistic.

As demonstrated by the above example, family members can also experience collateral consequences of sex offender registries. Surveys of sex offenders revealed that

spouses or partners can have experiences similar to those of the offender; offenders reported that their family members had suffered from harassment, unemployment and job losses, residency restrictions, isolation and stigmatization, emotional and relationship issues (Frenzel et al., 2014; Levenson & Tewksbury, 2009; Tewksbury, 2006), stress, fear, property damage, and shame (Levenson & Tewksbury, 2009). Tewksbury and Levenson's study of nearly 600 immediate family members of registered sex offenders revealed that the most common hardship was housing: More than 20 percent of their sample had to move out of a rental because their landlord found their relatives name on the registry; and 40 percent said they found it hard to find an affordable place to live.

Studies suggest that children are significantly impacted by a parent's status as a registered sex offender. In the study by Frenzel et al. (2014), out of a total of 443 online respondents, 37.2% of offenders reported that their children had been treated rudely in public; 9.6% of their children had been asked to leave a business or restaurant; 55.6% of their children had lost a friend due to their parent's status; 26.5% of their children had lost a spouse or dating partner; 44.8% of their children had been harassed in person; 14.8% of their children had been assaulted or attacked; 18% of their children had received harassing telephone calls; and 22.8% of their children had received harassing mail/flyers/notes. Many of those respondents also reported that they feel the parent-child relationship suffers because the offender cannot participate in "normal" parental duties such as carpools, school functions, trick or treating, going to the park, or letting their children have play dates (Frenzel et al., 2014). In a separate study of sex offenders, Levenson and Tewksbury (2009) found that two-thirds reported that their children felt left out of activities because of their parent's status, more than three-quarters felt that

their children were depressed, and almost half reported that their children had been or were currently being harassed. In this same study, family members living with registered sex offenders were more likely to experience threats and harassment by neighbors and the children of registered offenders were stigmatized and experienced differential treatment by teachers and classmates. More than half of the children reported experiencing ridicule, teasing, depression, anxiety, fear, and anger.

Collateral consequences extend beyond the individual sex offender and his or her family. According to Tolson and Klein (2015), sex offender registration policies damage community-level social capital. This, in turn, undermines a community's capacity for creating community safety and trust. By working together, "community members would be better suited to protect themselves against the potential harms of sex offenders, the sex offenders would be better suited to reintegrate into society, and the government would be better suited to track offenders and notify community members of potential harms" (Tolson & Klein, 2015 pg.387).

Do Registries Actually Prevent Recidivism and Reduce Sexual Crime?

The ultimate question is whether or not notification and registration laws *actually* reduce sexual crimes. Drake and Aos (2009) conducted a systematic review of nine studies which contained research evidence from all throughout the United States. Seven of the studies focused on specific deterrence -- the effect of the law(s) on recidivism rates of convicted sex offenders. These studies compared the recidivism rates of offenders subjected to current SORNA laws to recidivism rates of offenders whose crimes were

committed before the passage of the legislation, and found that the laws had no statistically significant effect on recidivism rates.

Two of the studies focused on general deterrence – the effect of the law(s) on sex offense rates of the general public (Drake & Aos, 2009). Findings from these two studies indicate that registration laws do have a slight deterrent effect on sex crimes. Prescott and Rockoff's study (2008) used NIBRS data to examine the impacts of registration/notification laws in 15 states. Their analysis controlled for a comprehensive set of factors including crime rates, county income, demographics, and the heterogeneity of reporting jurisdictions and time. Overall, Prescott and Rockoff's findings imply that the average registration/notification law produces a statistically significant 10 percent reduction in sex offense rates. The second general deterrence study included in Drake and Aos's analysis was conducted by Shao and Li (2006). The authors used UCR panel data for all 50 states from 1970 to 2002 to investigate the impact of registration laws on reported rapes to police. Shao and Li found a statistically significant negative relationship between registration and reported rapes. The magnitude of their estimate is a two percent reduction in reported rapes.

There are a number of reasons for why registries do not do a better job of preventing sex crimes. The first has to do with the theoretical basis for these laws, or deterrence theory. In broad terms punishment may be expected to affect deterrence in one of two ways (Wright, 2010). First, by increasing the certainty of punishment potential offenders may be deterred by the risk of apprehension. Second, the severity of punishment may influence behavior if potential offenders weigh the consequences of their actions and conclude that the risks of punishment are too severe.

The major problem with deterrence theory, according to Wright (2010) is that it assumes that human beings are rational actors who consider the consequences of their behavior before deciding to commit a crime (Wright, 2010). A study by Hanson and Morton-Bourgon (2005), however, identified six characteristics associated with first time and persistent sexual offenders which limit the likelihood that they are acting rationally at the time of the offense. These include:

- 1.) *Sexual deviancy*: deviant social interests, such as children, rape, and other paraphilias, as well as sexual preoccupations and gender dysphoria;
- 2.) *Antisocial orientation*: antisocial personality (i.e. antisocial personality disorder, psychopathy, etc.), antisocial traits (i.e. lifestyle instability, substance abuse, hostility, etc.), and a history of rule violation (i.e. childhood criminality, history of nonsexual crime, violation of conditional release, etc.);
- 3.) *Sexual attitude*: tolerance of sexual crime, support for adult-child sex, and low sex knowledge (i.e. no sense of boundaries, no sense of the mechanics, etc.);
- 4.) *Intimacy deficits*: poor social skills, negative social influences, conflicts in intimate relationships, emotional identification with children, and loneliness;
- 5.) *Adverse childhood environment*: conflicts with and separation from parents, neglected, parental divorce, strong discipline, and physical and sexual abuse; and
- 6.) *General psychological problems*: internalization of psychological problems (i.e. anxiety, low self-esteem, and major mental illness).

Another problem with deterrence theory is the lack of certainty of detection and/or arrest (Wright, 2010). If there were 100 percent certainty of arrest after committing a crime, few people would do so. But since most crimes, including serious

ones, do not result in an arrest and conviction, the overall deterrent effect is dramatically reduced. For instance, compared to any other violent crime sexual assault remains underreported to authority regardless of the age of the perpetrator (Finkelhor & Ormrod, 2001). Of juvenile sexual assaults, 30% are reported to police and other authorities and of adult sexual assaults 29% are reported to police and other authorities. Clearly enhancing the severity of punishment will have little impact on those who believe they will not be “caught”.

The second reason as to why these laws don't reduce sex crimes has to do with the collateral consequences previously discussed. Research has indicated that lifestyle instability is a risk factor for both general and sexual recidivism (Andrews & Bonta, 2003; Erooga, 2008; and Hanson & Harris, 1988) and that offenders with employment and stable relationships have lower recidivism rates compared to those who do not. Therefore, housing instability and disruption of family and community relationships seem likely to increase, not reduce, risk of re-offending and ultimately, undermine the purpose of the registry.

SORN Laws: A Question of Ethics and International Law

According to research by Human Rights Watch (2007) registration, residency restriction, and community notification laws are “ill-considered, poorly crafted, and many cause more harm than good” (p. 3) by:

- being overboard in scope and overlong in duration;
- requiring people to register who pose no risk to safety;

- allowing anybody from any location to access online sex offender registries for any purpose; and
- effectively “banishing” registrants from entire urban areas and forcing them to live far from their homes and families.

SORN laws, like other non-incarcerative sanctions suffer from what von Hirsch (1990) calls the “anything-but-prison fallacy” -- the idea that an individual cannot complain about how he or she is being punished if there is something still worse that might have been done instead (e.g., prison).

Von Hirsch addresses two main concerns associated with non-incarcerative sanctions. The first is the issue of “just desserts.” Just desserts can be described as the proportionality of the sanction to the gravity of the crime conviction (von Hirsch, 1990). Seldom are the questions of the proportionality considered with noncustodial measures. This is especially true when it comes to sex offender registry laws where even low level of offenses (e.g., Sodomy in the 4th degree, a class A misdemeanor punishable by no more than 12 months in jail/prison) are subjected to SORN laws .

The second concern von Hirsch raises about noncustodial sanctions is the intrusiveness of such sanctions. Extensive literature on desert exists, but less thought has been devoted to what makes a punishment unacceptably humiliating or violates other’s privacy. As previously discussed, sex offender registry and notification laws intrude in the lives of offenders and their families in significant ways, calling into question the ethics of such measures.

Gottschalk (2015) thoroughly examined the ethics of sex offender registries and notification laws and concluded that sex offender registries violate human rights of

privacy, freedom of movement, and physical safety. For example, according to Article 3 of the Universal Declaration of Human Rights (UDHR) every person is entitled to “life, liberty, and security of person” (United Nations General Assembly, 1948). Some jurisdictions in Florida have banned sex offenders from seeking safety in public shelters in the event of an emergency (Gottschalk, 2015). Denying offenders asylum in a shelter not only compromises their security but their life as well.

Article 5 states that, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (United Nations General Assembly, 1948). Most may not agree, but it is easy to make the argument that a person having to put their picture, address, and the crime they committed on a public site (Kentucky State Police Sex Offender Registry) along with all of the other collateral damage (issues with employment, healthcare, housing, family, etc.) is and could be considered degrading treatment or punishment (Craun & Simmons, 2012; Frenzel et al, 2014; Hackett et al, 2015; Tewksbury, 2006; Tolson & Klein, 2015; Worley & Worley, 2013).

Article 12 of the UDHR states that, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks” (United Nations General Assembly, 1948). Law enforcement officials have been known to take measures in their own hands and go beyond what is necessary when it comes to community notification and protecting public safety as was shown in the case listed on page 11 -12 (Gottschalk, 2015). Actions such as this mislead the public about the actual risk sex offenders pose and ignite community hostility and fear. It is clear to see from this example that sex offenders are not in fact entitled to equal

protection of the law without any discrimination as those who are supposed to enforce the law intentionally discriminated against this older gentleman.

Article 25 of the UDHR states that “(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection” (United Nations General Assembly, 1948). Sex offenders and their families are not granted with equal housing, employment, medical care, and necessary social services opportunities. As aforementioned, offenders in need of shelter and food are not permitted in homeless shelters (Gottschalk, 2015; Sex Offender Treatment Program Participants in discussion with the author, 2016). Many families are also denied housing and employment opportunities because landlords and bosses do not want sex offenders living or working on their property (Pinard, 2010; Sex Offender Treatment Program Participants in discussion with the author, 2016; Yoder, 2015). In a case involving a family from Florida, the father/husband was not permitted to live with his family as it fell within a “pedophile free zone” (Yoder, 2015). He was only permitted in the house from 6am- 10pm, therefore at night had to drive 12 miles out of town and sleep in his van. This is an extreme example of how housing options become very difficult to the offender.

Finally, Article 27 (1) states that, “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement

and its benefits” (United Nations General Assembly, 1948). According to sex offender policies, however, sex offenders are not permitted to be on social media websites, are not permitted to partake in trick or treat activities, and cannot be in or around any area where children tend to congregate (Frenzel, et al.,2014; Kentucky State Police Sex Offender Registry; Pinard, 2010).

Regardless of the crime control benefits sex offender policies might deliver, we must ask ourselves if such invasive practices are in the best interests of the offender and the community. How will we ever understand what it is in society that produces this type of violence if we refuse to recognize the humanity of those who commit it? The next section of this paper addresses several theoretical challenges that, in addition to these ethical issues, should raise a red flag about the efficacy of sex offender registration and notification laws.

Theoretical Challenges to Sex Offender Registration and Notification Laws

Many criminal justice interventions lack a cohesive theoretical framework (Latessa, Cullen, and Gendreau, 2002). That is, they aren’t based on what is known about the causes of criminal behavior or the tenants of behavioral reformation. Sex offender registration and notification laws are no different. Along with the aforementioned problems with deterrence theory as the basis for sex offender registration and notification laws, there are other theoretical challenges. This section of the paper will describe three theories that provide direct challenges to these laws: Goffman’s theory of social stigma, Lemert’s labeling theory, and Braithewaite’s theory of reintegrative shaming.

Goffman's *Stigma* explores the numerous situations of persons who are not able to conform to standards that society calls normal (Goffman, 1963). These individuals are disqualified from full social acceptance and are stigmatized. A "stigma", according to Goffman, is an attribute, behavior, or reputation which is socially "discrediting" in a particular way. This stigma causes an individual to be classified in the minds of others as "undesirable" and socially rejected. The stigma can also apply to individuals associated with the primary individual, a phenomenon Goffman refers to as "courtesy stigma." The stigmatized must then constantly strive to adjust to their unwarranted "social identities" and the image of themselves must daily confront, and be affronted by, the image which others reflect back to them. Meaning Jim, the respectable business man, loving father and husband, and excellent neighbor no longer exists and has been replaced by Jim the sex offender, who lives at 111 Duncan Street, charged with indecent exposure.

Goffman describes three types of stigmatization: stigma of character traits, physical stigma, and stigma of group identity. Stigma of character traits are "blemishes of individual character perceived as weak will, domineering, or unnatural passions, treacherous and rigid beliefs, and dishonesty, these being inferred from a known record of, for example, mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts, and radical political behavior" (Goffman, 1963, p. 4). Physical stigma refers to physical deformities of the body, while stigma of group identity is a stigma that comes from being of a particular race, nation, religion, etc. Sex offenders not only receive stigma of character traits but the group itself is also stigmatized through the collateral consequences associated with sex offender registry and the legislation.

Goffman also acknowledges that this stigmatization is transmitted through lineages and contaminates the family.

Goffman also discusses a discrepancy that may exist between a person's virtual identity and actual identity. This discrepancy spoils his social identity; it has the effect of cutting him off from society and from himself so that he stands a discredited person facing an unaccepting world. Goffman (1963) has pointed out that social interaction between "normal" people and the stigmatized is often characterized by uneasiness, embarrassment, ambiguity, and intense efforts at impression management, and these experiences are felt by those who bear the stigma and those who do not.

Labeling theory suggests that people come to identify and behave in the way in which they are labeled (Bernburg, Krohn, & Rivera, 2006). This theory is most commonly related to the sociology of crime and deviance, where it is used to point out how social processes of labeling and treating others as criminally deviant actually fosters that behavior. Lemert (1967) is concerned with the effects that being labeled has on the self or identity. Primary deviance, he asserts, is the initial rule breaking behavior that is carried out by individuals who see themselves and is seen by others as a conformist (Mork, 2008). Primary deviance happens for a number of reasons and, if left alone, has very little effect on the self (Hamlin, 2016). If, however, this deviance is labeled as "criminal" or "delinquent" it may result in "secondary deviance," or behavior that comes about as a response to the societal reaction to primary deviance (Hamlin, 2016). The self-concept is changed from normal to deviant. The person takes on a new identity or acquires a new "master status" around which future behavior is organized (Becker, 1963).

Labels can be dehumanizing. For example, once someone is deemed a rapist, it is that much easier to turn them into something more sinister (a monster, inhuman, etc.). Labeling theory has negative repercussions for the individual because others are biased against them due to that label (Bernburg, Krohn, & Rivera, 2006). In many cases, negative labels may increase the probability that the individual becomes involved in deviant social groups. Non-labeled individuals and labeled individuals may tend to avoid one another in order to avoid uncomfortable interaction dynamics. As Bernburg's (2003) study has found, individuals who become known as delinquents in their communities often say they feel most comfortable associating with other delinquent peers in order to avoid that righteous gaze of concerned individuals in the community. This, in turn, increases the risk of reoffending.

Braithwaite's theory of reintegrative shaming suggests that shaming techniques can be stigmatizing and undermine an individual's attempts to reintegrate (Braithwaite, 1989). Critics fear that shaming scars the offender by means of "humiliation, depression, and anger, all of which, as has been laid out, will further them down the path of criminality and violence" (Karp, 1994, p. 5). However, Braithwaite's idea of reintegrative shaming states a different case that may in fact help the offender and the community.

In an article by Braithwaite and Mugford (1994), reintegrative shaming is distinguished from stigmatized shaming. The authors contrast the social process in which an offender is ostracized, by stigmatized shaming, with a process that reintegrates the offender back into the community. According to Braithwaite's book, *Crime, Shame, and Reintegration* (1989),

“Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law abiding citizens. These gestures of reacceptance will vary from a simply smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant. Disintegrative shaming (stigmatization), in contrast, divides the community by creating a class of outcasts.” (pg. 55).

SORN requirements are clearly a form of stigmatizing shaming. An unnamed interviewee from Zeviatz and Farka’s study (2000) states, “You taunt a dog long enough, no matter how calm and cool, it’s going to bite. Public taunt the sex offenders and sooner or later something is going to snap.” Another interviewee from that study stated, “Patterns of the cycle of sexual offending revolves around an individual being under pressure and his behavior under pressure. There is no more pressure than being exploited, and because sex offenders are miserable that puts them in the cycle to recommit an offense.”

Chapter 3

Current Study

The current study examined collateral consequences experienced by sex offenders and by third parties due to Kentucky SORN laws. Approximately 7,421 offenders are subjected to sex offender registries in Kentucky. An offender's length of registration is based on a number of statutory requirements, which include: the type of offense they were convicted of, whether they have multiple convictions, a history of convictions for crimes that constitute sexual offenses or specified crimes against victims who are minors (Kentucky State Police Sex Offender Registry). Kentucky only has two registry periods: 20 years and Lifetime. Lifetime registrants are those who have been convicted of Rape 1st degree; Sodomy 1st degree; Kidnapping; Unlawful Confinement of a Minor (except by a parent); those who have prior convictions of specified offenses; those convicted of two or more felony criminal offenses against minors; and all offenders moving into Kentucky and registering from another state or anyone designated as a Sexually Violent Predator in another jurisdiction. Twenty-year registrants must register for 20 years following discharge from confinement or for 20 years following the maximum discharge date on probation, shock probation, conditional discharge, parole or other form of early release, whichever is greater. If offenders are re-incarcerated, their time on the registry is placed on "hold" while they are incarcerated, and resumes again once they are released. KRS 17.510(4) provides that registrants are required to return to the appropriate local probation and parole office not less than once every two years in order for a new photograph to be obtained. The registrant must pay the cost of updating the photo for registration purposes (Kentucky State Police Sex Offender Registry).

Residency requirements come along with the registration process. Each state and city have their own set of ordinances or “pedophile free zones” as they are often named, that place restrictions on where a sex offender can live or go. In Kentucky, a sex offender is not permitted to live within 1,000 feet of a school, public playground, or day care facility.

“If a new school, daycare facility or publicly owned playground opens within one thousand (1,000) feet of the registrant's residence, the registrant shall be presumed to know of this and must move within ninety (90) days. This restriction does not apply to a youthful offender probated or paroled during his or her minority or while enrolled in an elementary or a secondary education program”
(Kentucky State Police).

The study explored several key research questions including:

- 1.) What are offenders’ perceptions of the sex offender registry?
- 2.) How do registry requirements impact offenders’ personal and professional lives?
- 3.) How do registry requirements impact the lives of family members?

Study Sample

The study sample included 26 registered individuals with sex offenses and 5 family members. A convenience sampling strategy was used. A convenience sample is a type of non-probability or non-random sampling where members of the target population meet certain criteria, such as being easy to reach, available at a given time, or for the purpose of this study, willing to participate (Etikan, Musa, & Alkassim, 2016).

Potential participants were identified through weekly contact with the District 9 Office of Kentucky Division of Probation and Parole. The treatment therapists allowed me to present my research project to the treatment group. Those who expressed interest were provided with a recruitment letter that explained the purpose and nature of the study. Once the individual agreed to participate and signed a consent form, a time and date was scheduled for a follow-up telephone call from project staff or for an interview at probation and parole.

Some of the family members who participated in the study were recruited through the offender's interview. Offenders were given a recruitment letter to pass along to family members/friends who might be willing to participate in the study. The family member/friend were instructed to contact the researcher if they want to learn more about the study. Other family members were directly recruited from partner meetings held at the District 9 Kentucky Division of Probation and Parole. They were, again instructed to contact the researcher if they expressed interest in the study.

Data Collection

Offender data were collected through face-to-face, semi-structured interviews. This interview style combined a pre-determined set of open-ended questions with the opportunity for the interviewer to explore particular themes or responses further. Questions addressed nine key areas including housing issues, employment issues, perceptions of the registry, mental health impact, how the registry has impacted their family, how the registry has impacted them personally, relationship impact, what support they have available to them, and denial of services excluding housing and employment;

each having their own specific indicators. The interviews lasted 20-45 minutes depending on the responses given by the participants. All interviews were recorded, with the offender's consent, and later transcribed by the principle researcher.

Similar data collection procedures were followed for family members/friends, but the interviews were conducted via telephone rather than face-to-face. The pre-determined set of open-ended questions pertained to issues revolving around the same nine key issues listed above. The telephone conversations were recorded with the individual's consent.

An identifying case number was assigned to each interview participant. The case number corresponded to the type of interviewee (i.e. spouse, adult child, offender, family member, etc.). These case numbers were recorded on the interview instruments and the transcribed interviews.

Data Analysis

A thematic analysis (Braun & Clarke, 2006) was employed to analyze data and present findings relative to the study's aims. Because it has not been joined to a pre-existing theoretical framework, thematic analysis can be used flexibly. A thematic analysis is appropriate for identifying, analyzing and reporting patterns or themes that recur across a data set (Boyatzis, 1998). A two-part coding process was used to organize the data: open coding and axial coding.

For open coding, the lead investigator and a colleague separately coded five of the transcribed interviews, noticing patterns of responses, common terms, ideas, etc. The lead investigator and staff member then met to compare codes and develop a code book. Using the established codebook, the lead investigator then coded all remaining cases. Next, using

the established codebook, the lead investigator and colleague met to identify relationships among the open codes and identify axial codes. Axial coding consists of identifying relationships among the open codes. The open codes, or subcategories, were assigned to an over-arching theme, or axial code (i.e. depression, anxiety, and stress are subcategories of the over-arching theme mental health). 9 axial codes were identified as the result of this process.

To summarize the data, the lead investigator recorded the number of times the open codes were identified across all transcripts and the number of participants who made statements reflective of the open and axial codes. The investigator also identified poignant quotes that reflected the open and axial codes.

Chapter 4

Findings

The findings of the study centered around nine key themes. Table 1 lists each of these themes along with specific indicators, or sentiments, relevant to the theme. Also reported are the number of times the sentiment was expressed throughout the interviews and the number of respondents who expressed the sentiment. As can be seen, there are many reoccurring sentiments that emerged within the data. This section of the paper will explore each theme and highlight poignant comments made by respondents to demonstrate the many ways in which sex offender registry and notification laws impact their lives.

Table 1: Collateral Consequences Reported By Sex Offenders in the Lexington-Fayette Area

COLLATERAL CONSEQUENCE	NO. OFFENDERS REPORTED	NO. OF TIMES EXPRESSED
IMPACT ON HOUSING	12	12
IMPACT ON EMPLOYMENT	25	27
PERCEPTIONS OF THE REGISTRY		63
Negligible Impact/Protection/Effectiveness	16	16
Fairness of Registration Laws/Associated Practices	5	5
Unfair Registration Laws/Associated Practices	21	21
Restriction of Place/Social Participation	16	18
Distrust of Authority	3	3

Table 1 (continued)

COLLATERAL CONSEQUENCE	NO. OFFENDERS REPORTED	NO. OF TIMES EXPRESSED
MENTAL HEALTH/EMOTIONAL HEALTH		74
Stress	13	18
Depression	13	16
Anxiety	10	13
Emasculation	2	2
Diminished Self-Worth	5	6
Feeling Misunderstood	7	8
Coping Strategy	6	6
DENIAL OF SERVICE EXCLUDING HOUSING/EMPLOYMENT	3	5
SUPPORT NETWORKS		56
Group Support	20	20
Family Support	19	22
Church Support	6	6
PRIVATE THERAPY	8	8
IMPACT ON FAMILIES		47
Impact on Adult Family Members	14	16
Impact on Children	7	10
Impact on Family Relationships	18	21
IMPACT ON OTHER RELATIONSHIPS		21
Impact on Dating Relationships	5	6
Impact on Friend/Acquaintance Relationships	13	15
VITUPERATIVE ATTACKS/CRITICISMS		120

Table 1 (continued)

COLLATERAL CONSEQUENCE	NO. OFFENDERS REPORTED	NO. OF TIMES EXPRESSED
Vigilantism/Vandalism/ Threatening Behavior	7	8
Being Shunned/Avoidance/ Whispering/Weird looks/Rejection	20	28
Feeling Exposed/Paranoia/ Vulnerability/No Escape	22	42
Perception of Fear	8	9
Gossip	10	10
Label/ Master Status	14	23

Impact on Employment

Registration and community notification had a tremendous impact on employment opportunities for offenders. In the current study, 25 out of 26 (96%) total participants expressed concern with finding employment and the subject was mentioned a total of 27 times. While some individuals were able to find employment quickly, and mentioned in the interviews that they were “lucky”, they still recognized that others have a harder time and that employers are reluctant to hire felons. Most participants associated their lack of employment/difficulty to obtain employment directly to their profile status as a felon, but several associated this obstacle to their high-profile status as a “sex offender”.

Participant O-005 reflects on how the registry attributed to his job loss.

He got wind that I was teaching there and basically told my department that it's time to get rid of me. So, I lost my job and I lost my career that I worked so hard for, for no other reason than the registry. If there were other issues or other conditions that played a role in that, I would be fine with it. But there wasn't. I was an excellent teacher and had extremely high marks from my students and it was, and still is, a very difficult thing for me to accept. (O-005)

Participant O-025 reflects on why he feels the registry limits him from being promoted.

The registry is why I cannot be promoted; although, the registry does not directly prevent promotion, it is the reason my boss will not consider promotion. (O-025)

Impact on Housing

Exclusion and difficulty of residence were frequently mentioned as consequences of registration and community notification. Twelve of 26 (46%) participants expressed registration requirements as having an impact on their living arrangements due to residency restrictions. Those who were able to find housing, whether in apartments or hotels, often claimed that it was in “bad areas” of town, that it was in horrible condition (i.e. bed bugs, prostitutes, drugs, gangs, etc.), and that the rent was too high. Although only twelve expressed having a direct issue, all interviewed participants expressed sympathy for others trying to find housing in Lexington, Kentucky due to the high number of parks, playgrounds, daycares, schools, and “offender free zones”.

Participant O-018 reflects on housing availability in Lexington and how difficult it is finding a place that is registry approved.

Finding a place in Lexington is horrible. I looked for six months before I was able to move into my house. I was only able to move in here because my friend, her husband, and their family lived there and it was approved through my probation officer. Then when they moved to a new house I just took over the lease. But for six months I tried everywhere, and when I would find a landlord that would rent to me it would violate the residency restrictions. One place was five feet too close, five feet too close to a park that you could not even see and I couldn't get it. They make it very hard to live here and then if somebody opens a day care, you have to move. (O-018)

Participant O-025 reflects on how employment difficulty coupled with housing difficulty makes for a difficult life.

I can only afford a run down, one room apartment. I'm surrounded by drug addicts all around me. I wish not to live there. (O-025)

Perception of the Registry

Although only one section of the interview directly explored the participants' thoughts and feelings in regard to the registry (e.g., Does it do what it is designed to do? Is it fair?), respondents shared their perceptions throughout the entire interview. Sixty-three comments reflecting their perceptions of the registry fell into five separate sub-categories: Negligible Impact/Protection/Effectiveness; Fairness of Registration

Laws/Associated Practices; Unfair Registration Laws/Associated Practices; Restriction of Place/Social Participation; and Distrust of Authority.

Negligible Impact/Protection/ Effectiveness

Sixteen out of 26 participants (61%) revealed that they did not feel the registry was effective or that it provided the protection it was designed to provide. Many comments implied, “If an offender wants to reoffend, they will find a way.”

Participant O-011 reflects on his perception of how the majority of offenders are not the real danger.

Ok, so you nail down where this guy lives this, that, and the other, but those types of offenders don't carry out their crimes in the area where they live. So knowing where they reside isn't doing anyone any good. But for the other 80% of us, that like Kevin [the SOTP therapist in Lexington] says is the incest-like-type crimes, we're not predators. We're not out stalking little children, but we're the ones that are being punished the most. (O-011)

Whereas O-022 has a different opinion saying, maybe registries are forcing people to keep their eyes in the wrong direction.

Public registries serve as a distraction for future offenders. Keeping the public eye on “the faces of offending” allows the unknown threats to remain unknown. Recidivism rates among convicted offenders is staggeringly low. (O-022)

Fairness of Registration Laws/Associated Practices

Only five out of 26 (19%) participants felt that the laws and associated practices were fair. This includes their thoughts and feelings regarding residency restrictions, offering up personal information to law enforcement, being under supervision, and public notification. These individuals stated that the rules in place were fine or simply said, “I don’t know much about it, I just do what they tell me to.”

I think the registry is a good tool to let people know about sex offenders. I feel the laws and restrictions are pretty fair as well but I don’t know much about it. I just know I’m in the system and I try to avoid all of it as much as possible. (O-012)

Unfair Registration Laws/Associating Practices

Twenty-one out of 26 (81%) participants felt they were unfair. This includes their thoughts and feelings regarding residency restrictions, offering up personal information to law enforcement, being under supervision, and public notification. These individuals suggested that the practices currently in place could be improved upon, or even changed to only be seen by law enforcement officials.

Participant O-005 shares many others views that registry laws are in fact punitive.

I don’t think that it is particularly effective and frankly in any other reality it would be unconstitutional. But of course, we live in a country where people seem to like the idea of punishing people forever for anything that they’ve done. While the stifle force has suggested that the registries are not punitive; they most definitely are. (O-005)

Restriction of Place/Social Participation

Restriction of place and social participation posed a problem for 61 percent of participants as 16 out of 26 expressed their experiences a total of 18 different times. This category revolves around the issues of the 1000 ft restriction; the areas of which sex offenders are not allowed to frequent or be near (day care centers, schools, parks, play grounds, swimming pools, or other areas children may congregate); and the social activities that offenders cannot participate in such as decorating for certain holidays.

Participant O-006 reflects on how SORN policies limit not only his participation in Holiday activities but his parents' participation as well.

My nephews like to do crafts for Halloween and Christmas; my mom would like nothing more than to show off her babies' work on the front porch but they can't decorate because I live there. Under the rules, it states we can't have anything that will attract children to the house because I'm a sex offender. If I am ever off work on Halloween I have to let them know and my porch light, along with every other light in the house, must be off and I must pretty much stay in bed. (O-006)

Participant O-009 discusses how he couldn't even take his wife out on a date.

You can't do this you can't do that. I can't even go see a movie without asking permission. (O-009)

Distrust of Authority

Four out of 26 (15%) participants expressed a distrust of authority. This included probation officers, treatment counselors, and other government officials.

Participant O-016 was not very trustworthy of authority. From conversation I feel this was because he was afraid of being sent back to prison.

I trust my family 100%, but I trust the group less. They are on the side of the law so there's a fine line there with what you can disclose. (O-016)

Participant O-007 was also not trustworthy of authority due to an experience he had with a probation officer.

I think they try to intimidate you just to keep you in line. She asked me what I was reading and it was a vampire series by Laurel K. Hamilton. My girlfriend had bought them for me while I was in prison so that I would have something to do. My PO did a quick little Google search and saw that one of the books looked like a Harlequin novel. She pointed at it and said, "That will send you back to jail." I told her I didn't even have that cover, that my book looked different. So, she looks the book up on Wikipedia and because there was one line that described the future of the series focusing on the sexual and romantic relationships of the protagonist I wasn't allowed to read it. I'm under the impression that at any time your PO decides that you're going back to jail, then you're going back. (O-007)

Mental Health/Emotional Health

Persons subjected to registry and notification laws expressed an array of psychological and emotional problems. Mental health issues were mentioned by respondents a total of 74 times. These issues self-reported by respondents included:

stress, depression, anxiety, emasculation, diminished self-worth, feeling misunderstood, and coping strategy.

Stress

Half of the participants (13 out of 26) attributed their high amount of stress to being on the registry. Several made the comment that registration and community notification, on top of trying to accommodate your life with the restrictions, was just “a lot to deal with”. This consequence was mentioned a total of 18 different times throughout the interview process.

Depression

Half of the participants (13 out of 26) attributed their feelings of depression to being on the registry and it was mentioned a total of 16 different times.

Participant O-020 was reflecting back to the time before he began to take treatment seriously.

I was really depressed for a while and drank a lot. (O-020)

Participant O-008 discusses current issues he is going through.

They had to increase my antidepressant... This may be my depression speaking but they almost make it to where, ok you're out now don't fuck up or you'll be put back in. But they can come up with a reason to put you back in. I'd rather eat a bullet than put up with that to be quite honest. Because there's just some things you cannot come back from and a sex offense is one of them. (O-008)

Participant O-021 also discusses current issues he is facing as well.

I feel very ashamed and depressed a lot of the time. I have been seeing a psychiatrist for several years to help with that and some other issues as well. (O-021)

Anxiety

The data showed that 38.5% (10 out of 26) self-reported anxiety. This mental health issue was mentioned a total of 13 times and through observation, could be seen and felt as some interviewees were very nervous/cautious during the interview.

Participant O-012 reflects on how moving into a new home and disclosing your status as an offender can be debilitating.

I honestly think I suffer from anxiety but I haven't been diagnosed or anything. Like, we just moved into our new house over the weekend and we told our landlord who we are and they are accepting of it. But I'm freaking out because they know now and what if they come over and start something or put a sign in the yard. I just feel like we are under surveillance all the time. (O-012)

Emasculation

Emasculation was the least reported emotional consequence as only 2 out of 26 participants experienced this issue. They felt concern with not being able to provide for themselves, their families, or go to work without any issues.

Participant O-004 reflects on how going to work and disclosing his status makes him feel like he cannot provide for himself and for his family.

Now, I can't even be at work to work without being a little bit nervous and feeling bad. I mean I've already got this class [SOTP], I've already got this out on the street [public registry], I can't even go to work and feel like a man and feel like I have control of something without having something that happened out there a while back reminding me about it. (O-004)

Diminished Self-Worth

Five out of 26 (19%) participants reported a diminished self-worth (i.e., their sense of their own value or worth as a person).

Participant O-022 reflects on how his status prevents him from bettering himself.

When I think about doing things for myself, going back to school, starting a business, etc., I assume I am SOL (shit out of luck) before I even try. (O-022)

Participant O-021 talks of how his self-love levels are at an all-time low.

My self-confidence and feelings of self-worth have reached rock bottom. (O-021)

Feeling Misunderstood

Seven out of 26 (27%) respondents reported feeling misunderstood. They assumed that members of the public, family, government officials, and therapists could not really know what they were going through unless they have been through this situation themselves. These feelings were mentioned a total of eight times throughout the interview process.

Participant O-022 reflects on how he has no one but his mother and even she does not understand him.

My mother is all that I have, but it is very hard to talk to or confide in her because she just doesn't understand. However, I'm not sure anyone really understands.

(O-022)

Coping Strategy

Six out of 26 (23%) participants indicated that they had a certain way of "dealing" with being on the registry. Others specified that they, "just do what they tell me to do".

Participant O-012 just tries to forget about it and only deal with it on the days she has to.

My perspective is out of sight out of mind. If I try to mess with it, it will take over my entire life. (O-012)

Participant O-009 is much like her but is one of those "just do what they tell me to do" people as well.

We have to sort of abide by that logic because that's the way the law is. (O-009)

Denial of Service Excluding Housing or Employment

A total of three (11.5%) participants expressed denial of services excluding housing or employment but this instance was mentioned five times.

Participant O-019's story was one of the most heart breaking I had heard throughout this experience. However, he talked about this incident like it did not matter that he was not

welcome in these areas. He even laughed when he talked about his windows being tinted and how he was glad they were. Maybe this was a coping strategy.

The homeless shelters have right on the front sign that sex offenders aren't welcome and the Catholic Center won't even let me go in to take a shower. So, when I need it, I take a sponge bath in my truck. I park and sleep on a dead-end street; not around any houses and my windows are tinted. Which is a good thing too cause they could get me for exposing myself. (O-019)

Participant O-008 discussed how two entities denied him services because of his status.

I lost my car insurance and Kentucky Farm Bureau wouldn't give me home owners insurance over it. I also had a therapist say he could no longer see me because I was a felon. She practices out of her home and she was afraid, that god forbid something happen in the neighborhood and here she had felons coming to her home, that it would look bad on her. So even in a professional sense you have people who will shun you because of what your status could do to them. (O-008)

Participant O-014 reflected on how he was denied asylum in a time of need.

When I was really messed up on my medication, I tried to go into the adult assisted living facility and they would not accept me. (O-014)

Support Networks

Fifty-six comments were made about the type of social support available to respondents. This support came from several sources including church, family, and group and private therapy.

Church Support

According to respondents, in order to attend church services, individuals with sex offenses must go through several channels. Those in treatment must first get approval from the treatment counselors. Then, they must find a pastor, minister, etc. willing to accept them into their church. Finally, the individual seeking to attend services must get the signature of that person on a form stating that they are approving the “offender” to become a member of their church. While this seems like an almost unsurmountable challenge, six out of 26 (%) participants reported that their congregation was of great support to them.

Family Support

Many of the participants had a strong family support network. Nineteen out of 26 respondents (73%) reported that their families have stood by them and have supported them throughout the entire process. This type of support was mentioned 22 different times.

Participant O-021 reports that he owes all of his success to his support group.

Without my support group, I would’ve probably drank myself to a deeper depression and been thrown back in jail trying to manage paying normal bills,

putting food on the table, child support, and additional fees for the SOTP, supervision and drug testing fees. Without my amazing support team to help build me back up and support me financially, I would have had to turn to something to make a quick buck. Thank God for my support team! (O-021)

Group Support

Many participants spoke highly of the treatment group in which they participated and felt that it was a safe place to talk about their issues. Twenty out of 26 participants (77%) reported that they felt they could turn to the group and the treatment counselors for support.

Participant O-017 spoke highly of the group setting saying that it felt healthy to go.

We all have similar situations. There's a lot of comfort, respect, and support there. So, everyone listens to one another and understands kind of what they are going through. I'm guessing everyone is open and gives criticism pretty freely in a respectful way. It feels healthy to go to that group. (O-017)

Participant O-009 also spoke highly of the group, especially of the therapist

I think anytime you can have a group session it's good. I think [the therapist] is a good man, I'll put that out right in front. He's a good man. I think he tries to help us and he's sincere about what he does. I don't think he considers us to be violent people or what you call scum. I think he's helped a lot. (O-009)

Private Therapy

Some individuals sought out private therapy as well either as an extension for the treatment they were already receiving or for other separate matters. Eight out of 26 (%) participants reported that they sought out private therapy as an extension of treatment. A few of these individuals reported that there were certain matters they felt more comfortable discussing with a private therapist rather than with the treatment counselors.

Impact on Families

As previously discussed, the consequences of registering as a sex offender bleed over onto third parties as well. These consequences include all of those that the offender experience and other specific consequences that arise for the family members and children of the offender. Forty-seven comments were made throughout the interviews regarding the impact registry requirements have had on families including adult members of the family, on children, and on relationships within the family.

Impact on Adult Family Members

For the current study, 14 out of 26 (54%) participants reported that registration and third-party collateral consequences had an effect on family members. This occurrence was mentioned a total of 16 times. Some of these occurrences involved parents having to keep property in certain cities so that the registered individual would have a place to live. Some involve parents being shunned by society. But all involve third party consequences that the family members did not sign on for.

Participant O-025 discusses how his label affects his mother's ability to find stable residence.

My mother has been denied residence for having a son that's a sex offender and I don't even live with her. (O-025)

Participant O-022 reflects on how his status affects the relationship his mother has with her family and friends.

Many people who used to visit my mom don't come around anymore since I got home. Even her own brother publicly called her a "baby raper's mom". (O-022)

Participant O-022 discusses how his status is affecting his girlfriend and her children.

My girlfriend is going through a pretty nasty divorce and her husband is using that against her in any way possible. Apparently, it's all over Facebook that she is dating "Chester the Molester" and he's there to insure that his daughter can never be around me. (O-022)

Impact on Children

Seven out of 26 (27%) participants reported that their children were impacted by third party collateral consequences.

Participant O-011 reflects on how his daughter had to change her last name to escape the ridicule that came from being attached to her father's last name.

My daughter has been ridiculed at school quite a bit. She has actually changed her name. She is no longer a [O-011's last name] but switched to her mother's maiden name just to get away from the ridicule at school. (O-011)

Participant O-018 discusses how she cannot even be around her children because of the incident and how they do not have her last name anymore as well.

Not just the registry has affected it, but the whole situation. I haven't seen my kids in over three years and it's been really hard. I've been able to talk to them on the phone for two years now so I talk to them a lot and we're working on the visitation part. My mom has custody of them right now. But for me, as long as I'm on the registry I will not take them back from her because that's not fair to them. Their friends aren't going to be able to come over because who wants their child being in a sex offender's house? It would just make life difficult for my kids. Right now, they are protected because my mom moved them to a different city. They are about an hour and a half away from me but they don't live in the state where it happened so nobody knows, their names were kept out of everything, and they have a different last name than me. (O-018)

Impact on Family Relationships

Overall, 18 out of 26 (69%) respondents reported that the offense has had an impact on family relationships and this was mentioned a total of 21 times. Respondents reported that the implications of the registry and other supervision terms limits family relationships as they cannot be around certain people, and age groups, unless they are approved partners or the approved partners are with them. Furthermore, some family members have chosen to disregard the individual with the sex offense and the other family members who do support them. Other relationships were damaged because the victim(s) were a family member.

Participant O-021 recalls how he was unable to see his son, nephew, and nieces and how he was unable to visit his brother at his home until he became an approved partner.

I was not able to see my own son even though my crime had nothing to do with him. I could see him while in jail but not on the outside until he reached 18. I was not allowed to see my nieces and nephews either. I could not even go to my brother's home until he became an approved partner. My older brother was put out over the holidays to provide housing of his own because he had a new born that could not be in the same house as me overnight and had it not been for my mother and aunt already being an approved partner, I would not have been able to see my newborn nephew or brother and sister in law during the holidays. (O-021)

Impact on Other Relationships

Twenty-one comments indicated that having relations with a person labeled as a sex offender can have an impact on other relationships such as friendships, acquaintances, and romantic relationships.

Impact on Dating Relationships

According to respondents, for registered offenders in treatment, before a romantic relationship can even really begin, the "partner" must come to what is called a partner meeting. There, the registered individual, the partner, and the therapist will sit down and have a discussion. The therapist will then decide if the two seem like a healthy match and will ask if the "partner" would be willing to participate in the last six months of treatment with the registered individual. Many participants discussed the difficulty of disclosing their

offense within the first few dates and finding someone willing to support them in the program. Others said that they chose not to date for this very reason. In the current study, five out of 26 (%) participants reported that registering as a “sex offender” impacted their current dating relationship at the time and this was mentioned a total of 6 times.

Participant O-004 discusses the difficulty he has in even going out on the first date due to having to disclose who he is.

We're working together and flirting and having a good time and we're adults at the same time but the fact that she would have to eventually know the truth because it's part of my contract with SOTP scares me. Because I don't know how she will react. We could be hitting it off great and then as soon as I tell her it could change. Plus, we have to have partner meetings with treatment and I don't want her to have to come to meetings with me and experience all this because she has her own life. I can't even get passed having a potential date. Everything plays out in my mind. So instead I say no, because I can get my heart to open up to a relationship and I don't want to put her through that. (O-004)

Impact on Friend/Acquaintance Relationships

Thirteen out of 26 (50%) participants revealed that registration has had an impact on their relationships with friends and acquaintances. Most participants revealed that the relationship had not completely been severed but that the pair or group was no longer as close as they once were or that the individual themselves felt “left out”. This issue was mentioned a total of 15 times.

Participant O-007 reflects on how his prior friends cut him off without even knowing the story.

All of my prior associations have been affected; I thought it was interesting how it fell across gender lines. The females were more likely to cut me off. But I had a falling out with a faction of my previous acquaintances who have never spoken to me about it at all, I don't think they know what happened and don't care to know. The label was all it took and they washed their hands of me. (O-007)

Vituperative Attacks

Vituperative attacks in nature are abusive, malicious, slanderous, insulting, and offensive. Throughout the interviews, 120 comments were made about vituperative comments or actions experienced as the result of being a registered sex offender. These comments or actions fell into six subcategories: vigilantism/vandalism/threatening behavior; being shunned/avoidance/whispering/weird looks/rejection; feeling exposed/paranoia/vulnerability/no escape; perception of fear; gossip; and label/master status.

Vigilantism/Vandalism/Threatening Behavior

Seven out of 26 participants reported that they experienced some type of threatening behavior or vigilantism. The types of attacks reported included spreading around flyers at work in an attempt to provoke the offender, egging vehicles, confrontation about the offense, and other property destruction. These incidents were reported a total of eight times throughout the interview process.

Participant O-005 describes a drive-by encounter he had at his home.

I had a rock thrown through my window about six years ago. You know whatever chicken-shit did it, I'm assuming it was a he, left a note with their telephone number on it.

Being Shunned/Avoidance/Whispering/Weird Looks//Rejection

Twenty out of 26 participants (77%) reported experiencing being shunned or avoided, whispering being their backs, weird looks, and rejection; whispering and weird looks were the most common. These types of incidents were mentioned a total of 28 times throughout the interview process. All respondents reported that these incidents were eyewitness accounts in which the individual unmistakably felt the actions made were against him/her.

Participant O-004 recalls an incident he had at a grocery store while having an outing with his family.

My family and I went to Kroger the other day and I saw this couple with their children and I smiled at them. I don't think I look scary or whatever but they grabbed their kids and walked around me. That feels weird, you know? Initially you feel somewhat normal when you're in a place with a lot of people just passing by one another; you feel like you're blending in like a normal citizen. But once people start walking around you, that makes you feel different and not in a good way, in a bad way. To me that hurts more than the things we [sex offenders] can't get like housing and things of that sort. Being rejected hurts me more. (O-004)

On the other hand, Participant O-022 generally feels watched every day.

I feel very estranged in public, like there's a sign over my head everywhere I go.

(O-022)

Feeling Exposed/Paranoia/Vulnerability/No Escape

Twenty out of 26 participants (77%) reported feeling exposed, paranoid, vulnerable, and that there was no escaping the scrutiny that comes with the registration requirements. These feelings were reported 42 times throughout the interview process. Some participants felt that everyone knew who they were or what they did. Others felt that they were walking on egg shells at all times because they were scared of being sent back to prison. All participants who reported these feelings described them as a life sentence, or something they couldn't escape.

Participant O-003 is concerned about the fact that we do not know what goes through people's minds.

I think sex offenders are the only group of criminals that are getting discriminated on because how are you going to target one group of people and not target any other group. You're tearing me from the inside out; putting me out there for the whole world to see who I am, where I live, read up on me. I don't know where you live. Anybody can see where I live and I don't know what people have in their head. They may be trying to get me and they may do something to my family because my face, and my address, and my house is on the internet. That's discrimination. (O-003)

Participant O-004 states that although he will be removed from the registry nothing gets removed from the internet.

It's not fair that sex offenders are the only group on a registry. It's like I have my own little website. You want to know all about me just type in my name and you'll find it. Even though I only have to be on there for 20 years my information is still going to be out there to find. Even if they take it down, nothing gets fully removed from the internet. (O-004)

Participant O-005 talks about the stress of being on the registry and how that stress coupled with the ridicule, isolation, and shaming can in turn increase recidivism rates.

I think for some folks, like people who know we are living under bridges and cardboard boxes, the registry and its restrictions are akin to poking an animal in a cage with a stick. And just poking it and poking it and poking it. And God help that animal ever get out. When an individual reoffends who's on the registry, who has tried but not necessarily found their way, we immediately point at the problem within that individual and fail to consider how society helped create that second offense in a very indirect yet meaningful way. (O-005)

Perception of Fear

Eight out of 26 (31%) participants reported feeling that the public was fearful of them due to their status as a sex offender. This feeling was mentioned a total of nine times throughout the interview process. All eight participants report eyewitness accounts of other displaying acts of avoidance in which the participant interpreted as "fear".

Participant O-003 describes how people in his neighborhood never walk by his house.

When they come past our house, they'll either run or cross the street, especially if we are coming in or out. They'll just take off running, like why are you running? It's not like we're going to jump out of the bushes or something. They have the people in the public thinking you're going to be behind a tree somewhere and attack them and that's just crazy stuff. (O-003)

Participant O-007 calls out SORN laws saying...

To put living restrictions like that on us, implies that all sex offenders are pedophiles that prowl around these places trolling for children which isn't the case. (O-007)

Gossip

10 out of 26 (38.5%) respondents reported having experienced gossip. This gossip was reported to have been displayed on social media sites such as Facebook and Twitter and on public forums such as Topix.

Participant O-017 recalls an incident that he had with an ex-coworker and his son on social media.

So, like one of my managers got fired and his son was upset that he got fired. His son got on the company's Facebook page and was like, "I'm never shopping there again. They have a pedophile that is working in the produce section." Then a bunch of people started saying stuff on the post because it was public. But that's not even what I was charged with so its non-sense. (O-017)

Participant O-008 talks about an incident he had with an ex-friend who wrote a status about him on social media.

I had friends, former friends, which put things on social media that I found out about. This one girl actually wrote this big long letter and posted it on social media. She had wrote something along the lines of, “this is a boy I have known since third grade. Always nice, extremely polite. Seemed very caring..” and then it went into what she “heard” about my offense and at the end she says, “ I don’t know if we can really help people like this, they ought to just take him out and shoot him.” (O-008)

Label/Master Status

Label and master status refer to terms we commonly hear when referring to an individual with a sex offense (i.e. rapist, sex offender, pedophile, etc.). Fourteen of 26 (54%) participants reported this consequence as an issue. The issue of labeling was reported a total of 23 times throughout the interview process.

Participant O-005 discusses the term “sex offender” and how the term defines a person for life.

And the idea that even the name “sex offender”, suggests the present tense. It’s not person who offended, its offender. And so yeah that’s pretty difficult. I don’t think most people, even those on the registry, stop to think about that particular language attribute. But it is impactful to me and I think about it. (O-005)

Participant O-010 discusses how the label has made people *think* they know who he is without actually knowing him.

I hate the stigma that comes along with it. I've had more people tell me who I am based on what's on paper than who actually know me. (O-010)

Participant O-009 feels that the label will stick around for a life time and that nothing will change the way the public perceives him.

Once they know about us, what we did, that's the way they will perceive us to be for the rest of our lives. (O-009)

Third Party Collateral Consequences

The same nine key findings from the section above were the center of the findings for this section as well. Table 2 lists each of these themes along with specific indicators, or sentiments, relevant to the theme. Also reported are the number of times the sentiment was expressed throughout the interviews and the number of respondents who expressed the sentiment. This section of the paper explores each theme and highlight poignant comments made by respondents to demonstrate the many ways in which the sex offender registry and notification laws have bled over third party lines and impacted their lives as well.

Table 2: Collateral Consequences Reported By Third Parties in the Lexington-Fayette Area

CODE	NO. PEOPLE MENTIONED	NO. TIMES MENTIONED
IMPACT ON HOUSING	0	0
IMPACT ON EMPLOYMENT	1	1

Table 2 (continued)

CODE	NO. PEOPLE MENTIONED	NO. TIMES MENTIONED
		19
PERCEPTIONS OF THE REGISTRY		
Negligible Impact/Protectiveness/ Effectiveness	4	4
Fairness of Registration Laws/Associated Practices	3	3
Unfairness of Registration Laws/Associated Practices	5	8
Knowledge of Registration Laws/Associated Practices	4	4
MENTAL HEALTH/EMOTIONAL HEALTH		28
Stress	3	3
Anger	4	10
Confusion	1	2
Saddened/Upsetting	3	7
Anxiety	1	1
Embarrassment	2	4
Depression	1	1
DENIAL OF SERVICE EXCLUDING HOUSING/EMPLOYMENT	0	0
SUPPORT NETWORKS		9
Family	5	5
Friends	2	2
Church	2	2
IMPACT ON FAMILIES		23
Impact on Adult Family Members	5	8
Impact on Children	5	7
Impact on Family Relationships	4	8

Table 2 (continued)

CODE	NO. PEOPLE MENTIONED	NO. TIMES EXPRESSED
IMPACT ON OTHER RELATIONSHIPS	0	0
VITUPERATIVE ATTACKS		10
Vigilantism/Vandalism/Threatening Behavior	2	5
Weird Looks/Whispering	1	1
Gossip	3	4

Impact on Employment

Only one out of five respondents contributed being associated with an individual with a sex offense as being impactful on their employment.

Respondent S-001 discusses her employment difficulty because of being married to an offender.

I do believe I was let go of a job because I was married to an offender. When it came out in the paper of who he was, I wasn't there another 8-9 months. It was never said that was why I let go, but it didn't have to be said. (S-001)

Perceptions of the Registry

Negligible Impact/Protection/Effectiveness measures respondents' thoughts and feelings on how effective the registry is and if it does the job it is set out to do. Indicators of this category were mentioned a total of 19 times. Four out of five (80%) respondents feel that it is not effective; however, do understand why the registry is in place and that it

is a good idea in some situations. Regarding opinion of unfairness or fairness of the laws and practices surrounding registration and notification, the results were a mixed bag. All five respondents (100%) felt that registration was unfair in some way but three of those respondents (60%) felt that in some way they were also fair. Like with offenders, I was curious as to how knowledgeable the public is about the specific restrictions offenders are placed under (where they cannot go, what they cannot do, etc.). Four out of five respondents (80%) correctly identified basic areas in which registered offenders cannot frequent. The other respondent did not have an answer.

Respondent S-001 showed little support for the registry.

No, if people want to commit a sex offense they will. I think a registry would be ok in some situations, but it all comes down to the degree of the offense. I think the registry can be an asset for a lynch mob, it can do more harm than good. (S-001)

Respondent C-001 showed a bit more support for the registry but also showed some mixed feelings about the way in which they are labeled.

But when it comes to other people, I don't necessarily disagree with the sex offender laws. Before it happened to me, I would've thought they were too lenient if anything. But I don't agree with the fact that they are all registered as a violent offender. I think that should be situational. (C-001)

Mental Health/Emotional Health

Similar to individuals with sex offenses, the effects of the stigma take a mental and emotional toll on third parties. Respondents expressed an array of mental and emotional concerns they have felt due to their loved ones being on the registry and continue to feel throughout their own personal experiences; Stress (60%), Anger (80%; mentioned 10 times), Confusion (20%; mentioned twice), Saddened/Upsetting (60%; mentioned 7 times), Anxiety (20%), Embarrassment (40%; mentioned 4 times), and Depression (20%). Indicators of this category were mentioned a total of 28 times.

Respondent C-002 recounts when the story first broke and recalls her experience with SORN laws.

I was angry at first and then just confused as to why everything had to change. I was sad because I was popular in the sense that people loved coming to my house and spending the night because we would have so much fun, but then that changed after the incident and I became popular in a negative way. I became the kid whose dad apparently did stuff with a girl only a few years older than me. I hated when the social workers visited the house. It made everyone so uncomfortable and forced us to be unnatural because we were afraid of what they may find to be inappropriate. They would examine the house and made my mom change all the doorknobs. Apparently, we needed locks on our bedroom and had to lock our doors if we lived with a sex offender. (C-002)

Respondent F-002 explains her distaste for SORN policies.

It upsets me because I don't feel my son should be on the registry. I don't feel the punishment fits his crime. I feel angry when I hear how the law fits for one but not the other. I get upset and it hurts when I see my son struggle trying to hold his head above water when he is being held back by the laws that flip flop according to who wants to apply them to those that break them. (F-002)

Support Networks

Also similar to individuals to sex offenses, the respondents relied heavily on Family (100%) as a support network. The respondents were less likely to rely on Church members (40%) as support network and introduced Friends (40%) as a new support network. The two respondents who claimed friends as a support network were adult children of the registered offender who were quite a bit younger than the other respondents. It cannot be determined at this time if age is a factor. Indicators of this category were mentioned a total of 9 times.

Impact on Families

As previously discussed, the consequences of registering as a sex offender bleed over onto third parties as well. These consequences include all of those that the offender experience and other specific consequences that arise for the family members and

children of the offender. Indicators of this category were mentioned a total of 23 times by third parties.

Impact on Adult Family Members

Five out of five (100%) of the third party respondents say that registration and community notification has had impact on adult family members. This indicator was mentioned a total of eight times.

Respondent F-001 discusses how SORN polices have restricted her son from participating in family functions.

It's ruined our family get togethers, holidays and anytime minor family members came to visit it required his mother, brother or I as approved partners be with him in order to spend time with his son, nieces and nephews. He was unable to be a part of their school functions from 8th grade to graduation. Especially his son's and nephew's football career, he has coached them from flag football to little league to middle school. To continue coaching them through their high school years, they had to jump through hoops just to find a facility to practice. (F-001)

Impact on Children

In regard to the offense affecting Children of the offender in some way, all third-party respondents reported that it had some affect (100%) and it was mentioned a total of seven times.

Respondent C-002 reflects on a time when his father was in jail and he and his brother was left to take care of his grandfather the rental property.

We were in a pretty tough spot with me and my brother both in school or working. My dad's the primary caregiver for my 90 year old grandfather and it sucked for us to have to take over everything. Ya know, we had to stop what we were doing and take care of my grandpa and the rental property; we weren't ready for that. (C-001)

Impact on Family Relationships

Finally, in regard to Family Relationships, four out of five third party respondents (80%) reported that registration and community notification had a negative impact and this was mentioned a total of eight times.

Respondent C-002 discusses how SORN policies have caused a riff between her parents.

It has caused a lot of fights between my mom and dad and the entire situation is pretty stressful. (C-002)

Vituperative Attacks/Criticisms

Much like with individuals with sex offenses, third party's experiences vituperative attacks and criticisms as well. These can include bullying, gossip, threatening behavior, weird looks, vandalism, etc. Most believe that the vicious and violent natured consequences stop at the "offender" but it does not in all situations. These can carry over onto the spouse, the parents, another family member, and even the children. Out of five respondents, a total of 10 vituperative attacks were reported. These

can be broken down into; Vigilantism/Vandalism/Threatening Behavior (40%, mentioned 5 times), Weird looks/Whispering (20%), and Gossip (60%, mentioned 4 times).

Participant S-001 recalls a few incidents where she was targeted by the victim.

When it first happened, we were at a school function and I had some of her family members who wanted to jump me. We were going to fight. Then there was one time we were at a ballgame and someone vandalized his truck. But as far as anything happening to me, it's just been between me and the girl. She contacted me and wanted to meet with me. The only way I would meet with her is if I could take a recorder. She wouldn't meet after that. The rest of us have been the talk of Topix as well. People still talk about it and try to make a big deal out of it when it happened 7 years ago. (S-001)

Respondent C-002 recalls an incident where his family was talked about on social media.

The only kind of derogatory or negative remarks were made on Topix. It didn't last long, it was right after he got out. They were saying some pretty nasty stuff but a family friend reported it and that was the last of it. (C-001)

Chapter 5

Discussion and Conclusion

The present study examined collateral consequences experienced by sex offenders and by third parties in the Lexington-Fayette area due to registration and notification practices. The data revealed that persons subjected to SORN policies, as well as third-parties (e.g., family members), experienced an array of collateral consequences from denial of service to vituperative attacks/criticisms. The most common themes that emerged were:

- Feeling Exposed/Paranoia/Vulnerability/No Escape
- Being Shunned/Avoidance/Whispering/Weird looks/Rejection
- Impact on Employment
- Label/Master Status
- Impact on Family Relationships
- Unfair Registration Laws/ Associated Practices
- Stress
- Restriction of Place/Social Participation

These findings corroborate earlier quantitative and qualitative studies.

There were several limitations to the present study. First, this study was limited by reliance on self-reported data from sex offenders and from third parties, as there was no possible opportunity to corroborate their responses with objective information. Second, this sample size might not fully represent the population of sex offenders in the Lexington-Fayette area. Those who volunteered may have had a more negative opinion

about sex offender registries than those who chose not to participate. Relatedly, the treatment population from which the sample was drawn might differ in important ways from offenders not in therapy, especially in the ways in which they are able to handle and process the collateral consequences. Third, interviews in the treatment setting may have also introduced a bias as they are potentially coercive environments. Participants may have withheld information out of fear of possible repercussions. The interviews were administered in a closed environment, confidentiality and consent forms were signed, and participants were clearly advised that their involvement was completely voluntary; however, some participants may have felt compelled to answer in a certain manner. Fourth, due to IRB-imposed restrictions on the recruitment of family members for participation in the study, the validity and generalizability of responses is limited by too few interviews with family members. Finally, because I was unable to speak with minors to account, first-hand, for the collateral consequences experienced as the result of SORN policies, the data is limited to second hand accounts that are known by the offenders and other family members.

Despite its limitations, this study enriches our understanding of the many ways in which the lives of persons convicted of sex offenses are negatively impacted by sex offender registration and notification policies. The comments made by participants explicate the emotional tolls of living under intense scrutiny and underline the ethical issues associated with SORN policies. These findings, for example, confirm von Hirsch's (1990) concerns about the intrusiveness of community-based sanctions. von Hirsch states that offenders should not be treated in a humiliating or degrading fashion and that convicted criminals can still be punished but with dignity. "Acceptable penal

content,” he asserts requires “constraints to prevent punishments in the community from degrading the offender or threatening the rights of third parties” (pg. 163). Clearly, SORN policies do not align with von Hirsch’s conception of acceptable penal content.

But sounding the alarm about ethical issues associated with SORN policies is likely to fall on deaf ears. According to Maruna (2001), these types of policies serve an important societal function. They provide a way to separate the Us from the Them (2001). That is, they separate good and evil and relieve US from having to search within ourselves for any signs of deviance. They feed what Irwin (1985) calls the myth of the “bogeyman” (as cited in Maruna, 2001, p. 4), or the belief that deviants are permanently different from “normal” members of society. This belief, that social deviants are individuals with an unchangeable flawed nature, demands their segregation from mainstream society.

Constructs, such as that of the bogeyman, are developed from uninformed perceptions and may serve to reduce or heighten fear or manage interactions (Sherif, Harvey, White, Hood, and Sherif, 1988 as cited in Willis, Levenson, & Ward, 2010). The media- newspapers, film, television, magazines, books, and radio- have never at any point in time been impartial (Walker,2009). They have always been “black and white” never giving the consumer a grey area to explore the “what ifs” and “maybes”. Therefore, sex offenders seem to those who only know them through the eyes of the media as unpredictable, evil, and very dangerous monsters (Willis, Levenson, & Ward, 2010). A study involving interviews from U.S. politicians by Sample and Kadleck (2008) revealed that the politicians’ primary source of information about sex crimes came from the media.

It was this information that fueled their legislative proposals for what are now known as SORN policies.

If ethical concerns aren't enough to prompt changes to the legislation, policy makers should pay close attention to the many ways in which SORN policies may undermine community safety. First and foremost, as suggested by participants' comments, SORN policies appear to exacerbate or produce mental and emotional health problems among persons subjected to them. Participants cited feeling stressed, depressed, anxious, and emasculated as the result of their experiences. What is unknown is whether these individuals were predisposed to certain mental health problems before being placed under such scrutiny or whether the problem is a direct result of registry requirements and notification practices. Either way, mental health problems are likely to contribute to poor decision-making and an increased likelihood of sexual and non-sexual recidivism.

A study of dysfunctional coping among sex offenders supports this argument (Mann, Hanson, and Thornton, 2010). According to Mann et al., "dysfunctional coping is defined as the ways in which sexual offenders manage negative emotions such as anger, anxiety, rejection and humiliation, which are related to their risk of sexual recidivism" (p. 204). The two forms of dysfunctional coping involve responding to stress (a) through sexual responses or (b) through other externalized behaviors. Sexualized coping is when one uses sex to manage negative emotions and stressful life events. Sex offenders often report an increase in deviant sexual fantasies and masturbation during period of stress (McKibben, Proulx, & Lusignan, 1994). Moreover, some research shows a link between negative emotions and sex among those who engage in high-risk sexual

behavior (Bancroft, Janssen, Strong, Carnes, Vukadinovic, & Long, 2003a, 2003b) and in child molesters (Whitaker, et al., 2008). Most disturbing, perhaps, is that this type of sexualized coping was found to significantly predict sexual recidivism in the Dynamic Supervision Projection conducted by Hanson, Harris, Scott, and Helmus in 2007 (Mann, Hanson, & Thornton, 2010).

Externalized coping among sex offenders, “involves the tendency to respond in a reckless, impulsive manner when faced with stress or problems” (Mann, Hanson, & Thornton, 2010, pg. 204). Impulsive behavior is a common issue with sex offenders that, according to Hanson and Bussière (1998), is more likely to lead to reoffending with a nonsexual crime than with a sexual crime. In the Bridgewater recidivism study, however, externalized coping significantly predicted serious sexual recidivism at both a 5-year and 10-year period (Knight & Thornton, 2007). The risk factors related to externalized coping mechanisms that contributed most to sexual recidivism differed across certain groups. For child molesters, the most common predictors at the 5-year mark were impulsivity and frequency of past adult sexual crimes against children; at the 10-year mark the most common predictor was social isolation. For rapists, the most common predictor of re-offense at the 5-year mark was pervasive anger whereas offense planning was the most common predictor at the 10-year mark.

The second way that SORN policies may undermine community safety is by creating instability in sex offenders’ lives. Stable residence, productive work activity, and effective treatment are essential for managing the behavior of these offenders in the community (Cumming & Buell, 1997 as cited in Zevitz and Farkas, 2000). According to the current study sample, however, finding housing and employment have become

extremely difficult for sex offenders in the Lexington-Fayette area. Those convicted of a sex offense are not welcome in homeless shelters or similar organizations where other citizens can go for shelter and a hot meal, thereby impeding their ability to get their most basic needs met.

The third way that SORN policies may undermine community safety is through the stigma experienced by those subjected to them. The stigma of being an offender can cause one to become quite isolated from the world around them preventing them from living a “normal” life. Goffman (1963) spoke about how the intersection between those who were stigmatized and those who were “normal” consisted of uneasiness and embarrassment. For some the struggle is too difficult and they choose to withdraw from society rather than maintain or attempt to reintegrate into the community structure (Tolson & Klein, 2015). This disappearance can be physical or social; for instance, physically absconding causes issues in the legal aspect of the registry’s supervision and state supervision requirements. However, social disappearance can be quite alarming as well. If a person chooses to become socially isolated they are risking increased mental health problems such as depression, anger issues, or suicidal ideations (Hayes, 2008; Stinson & Becker, 2011, as cited in Tolson & Klein, 2015).

Finally, SORN policies may actually endanger citizens by creating a false sense of security. High profile cases, such as the Adam Walsh case, have perpetuated the myth of “Stranger Danger.” That is the common misconception that strangers are the real danger thereby making the “family” a safe haven from sexual danger (Chenier, 2011). Parents have instilled the idea of “Stranger Danger” into their children by drilling phrases like, “don’t talk to strangers” and “don’t run off or that mean man will get you” into their

head. Websites such as, the Children's Rescue Network and Kidsmartz.org have spoken out against using the term "Stranger Danger" claiming that it is teaching children to fear the world when the real potential dangers are the ones who are closest to them. According to the Rape and Abuse Crisis Center (2015a), statistics show that around 2/3 of adult sexual abuse cases involve someone the victim knows. Furthermore, according to the Rape and Abuse Crisis Center (2015b) 93% of juvenile sexual assault victims know their attacker; family members account for 34.2% and acquaintances for 58.7%. Strangers only account for 7% of perpetrators.

The most obvious policy implication of this study is to get rid of registration and notification policies altogether. They seem to do more harm than good. The collateral consequences highlighted in this and other studies are evidence enough to support that registries are anything but fair and freeing. Registries drastically limit the ability for the sex offenders to integrate back into society which can divert them toward more accessible yet illegal options.

Given that this is unlikely, however, there are ways in which courts and correctional agencies can intervene to minimize their detrimental effects. Tolson and Klein (2015), for example, state that the Supreme Court needs to revisit the fact that the registry is a civil action and not a secondary criminal sanction. Based on this study, and others before it, the registry is clearly punitive in nature no matter how the court decides to label it.

Correctional agencies should work with offenders and their families to develop strong support networks. Having a good support network is critical for sex offenders as it could prevent relapse (Tolson & Klein, 2015). It is also essential for family members as

the stigmas associated with the RSO often bleeds over onto third parties. Support networks can come in a variety of forms. Study participants cited that family members, faith groups such as church congregations, social groups such as friends and acquaintances, and therapy whether private or the SOTP group served as their support networks and had a tremendous positive impact on their life. These support networks provide the RSOs and their families with the social support and capital needed for successful reintegration and to maintain healthy behavioral norms (Tolson & Klein, 2015).

One way in which social capital may be gained is through public psychoeducation (Kleban & Jeglic, 2012). Kleban and Jeglic conducted a study to determine if a brief psychoeducational intervention could influence individuals' attitudes toward sex offenders. Additionally, the study sought to determine the specific nature of intervention that may be the most effective in influencing attitudes toward the treatment of sex offenders. Overall, the findings show that the psychoeducational intervention had a significant effect on subsequent attitudes towards the sex offender population. Furthermore, the nature of the intervention significantly influenced the level of attitude change achieved by the intervention. The study suggests that it is feasible to change public attitudes regarding the treatment of sex offenders and that a discussion group format may be the most effective method for changing the attitudes toward the treatment and general opinions of sex offenders.

Equally as important, agencies should invest in cognitive behavioral therapy for sex offenders. Cognitive behavioral therapy is directed at solving current problems and used to teach clients skills to modify dysfunctional thinking or behavior (Beck Institute,

2016). These setbacks do not always have to be related to possible sexual offending because as we have seen offenders suffer from various mental and emotional health issues. Research has shown that these types of programs have also been quite effective in reducing recidivism rates (Maletzky & Steinhauser, 2002). When assessed in 5-year intervals over a 25-year span, cognitive behavior treatment was shown to have been effective in both individual and group therapy as measured by criminal record reviews, self-reports, and when available polygraph and plethysmograph (measures blood flow, usually to the penis) assessments. Of the original 7,275 offenders in the sample, between one half to two thirds did not re-offend if they continued to stay in treatment; however, many of those who ended treatment prematurely did reoffend. Those who reoffended were most likely to be rapists and homosexual pedophiles.

But perhaps most importantly, policymakers need to call for reconsideration of how sex offenses are determined and labeled. In other words, we need to reduce the number of people subjected to the current classification of these labels and figure out a way to sort out what crimes need to be on a registry, for now, and what crimes do not. Misdemeanor offenses do not belong on a 20 year registry. The only way this can happen is if members of legislation, academia, corrections, and mental health come together to develop the best approach and strategy to tackle this feat.

In addition to these policy implications, there are some important research implications. More research is needed to better understand the costs and benefits of community notification to offenders and society. Despite the good intentions of registration and community notification, the value, efficiency, and fairness of these entities have been called into question. (Brewster et al., 2012). The current study

highlights some of the issues attributed to registration and community notification including withdrawal, isolation, housing, and employment problems; but, more research on how the stress of community notification may increase rather than decrease the risk of sexual reoffending is needed. Larger and more diverse samples that are studied overtime at both the individual and group level would determine if such laws are effective. Furthermore, there is a huge gap in the research where children of the offender are involved and students, such as me, cannot gain access to this protected group due to IRB regulations. The current study confirmed prior research's findings that children of the offender suffer from a variety of collateral consequences; however, this information was gained second hand or from children who had reached adult age. I have found no literature to date in which minor children account for their own experiences of third party collateral consequences.

The present study examined the collateral consequences that accompanies sex offender registration and community notification. Despite extensive research literature on sexual offending, much of the current sexual offender policy within the United States runs counter to such literature, and instead, is based on common myths about sexual offenders (Williams, Thomas, & Prior, 2015). Not surprisingly, these policies have been found to be costly, ineffective, invasive, unfair, and a violation of human rights. Furthermore, they infringe on the individual's ability to reintegrate back into society and for those who cannot, force him or her to become isolated succumbing that individual to the risk of mental illness and possible reoffending. It is important for scholars and legislators to continue the discussion and research of sex offender registries to make educated decisions regarding the release of sex offender information; the effectiveness

and efficiency of registration; the management of sex offenders; and future policy making. On one hand, the goal is to minimize recidivism (Tolson & Klein, 2015). On the other hand, the goal must be to create a more cohesive network of actors: sex offenders, community members, and the government must realize that their current relationship harms the community more than it protects its members.

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42 U.S. Code § 16911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

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