

# Perceptions of Punishment

## How Registered Sex Offenders View Registries

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Sex offender registries (SORs) are a societal response to serious and presumably dangerous criminal offenders. Existing research on registries has focused on demographic overviews of registrants, assessments of registrants' recidivism, accuracy and completeness of listed information, and collateral consequences for registrants. The present research assesses the perceptions of registrants regarding the value of SORs as a tool to enhance community awareness and promote public safety. In addition, this study examines offenders' perceptions of the strengths and weaknesses of registry format and structure and suggestions for improvement. Results show that registrants see significant potential for registries but seriously question the efficacy and efficiency of how registries are currently constructed and used.

**Keywords:** *sex offender; sex offender registry; recidivism; collateral consequences; offender perceptions*

Predatory and violent offenders have been of great concern to the public and policy makers for years. Prevention efforts inside correctional facilities have been designed to reduce recidivism and rehabilitate offenders, typically including involvement in comprehensive treatment programs. In addition, offenders outside the prison walls have been subjected to court-mandated treatment programs, medical interventions, and other probation or parole requirements designed to inhibit reoffending. Recent prevention efforts also include community notification and mandatory registration for certain categories of violent and predatory criminals in an attempt to expose offenders to the public, increase community knowledge, and deter future criminal activity.

Historically, sex offenders have been particularly subject to severe sentencing laws and harsh treatment from society (Quinn, Forsyth, & Mullen-Quinn, 2004). Recent sanctions for sex offenders have included

registration on statewide sex offender registries, community notification, or a combination of the two. Deterrence is the central idea behind such actions under the rationale that sex offender registries (which are posted on the Internet) and community notification will effectively expose the offender to the public and minimize the possibility of reoffending. In other words, the criminal will recognize that the possibility of punishment is imminent and severe to an extent that reoffending will not be in his or her best interest (Beccaria, 1764/1963, p. 58). Sex offender registries and community notification are also designed to shame the offender and further deter future unlawful behavior. Quinn et al. (2004) point out that shaming and "branding" the offender has been used by lawmakers in an attempt to control deviant behavior throughout history.

Deterrence through shaming, societal ostracism, and increased community awareness has theoretical and empirical support in many instances. Nevertheless, it is important to examine how offenders perceive the sanctions and sentences that they receive or could potentially receive. Research has pointed to a significant relationship between offenders' perceptions of sanctions and the commission of crime (see Kinsey, 1992; Makkai & Braithwaite, 1994; Tyler, 1990). However, little research has been devoted to examining the way in which sex offenders perceive their sanctions, including sex offender registries.

The goal of the present study is to assess the perceptions of registered sex offenders (RSOs) regarding the utility of sex offender registries as a means of enhancing public safety and reducing sex offender recidivism. This information can provide those charged with designing, maintaining, and enforcing registries with valuable information about how, where, and why offenders may perceive problems and loopholes in the sanctions and where registrants may be motivated to abscond or falsely report information. Based on the perspective of RSOs, suggestions for modifications in the structure and process of sex offender registration can be identified. Gaining insights and perspectives from sex offenders will enable policy makers and criminal justice practitioners to better understand how the sanction of sex offender registration may or may not have an effect on offenders.

## **Review of the Literature**

### **History of Sex Offender Registries and Community Notification**

The Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act of 1994 officially formalized the practice of

registering sex offenders in statewide databases across the country.<sup>1</sup> Registries created under the legislation include demographic information, place of residence, and description of offense or offenses for each registrant. Registrants are required to be listed for a minimum of 10 years, and a lifetime registration is given for “particularly serious offenses.” State compliance is mandatory, with a 10% reduction in Byrne grant funding for noncompliance.

Megan’s Law, passed in 1996, is the federal legislation responsible for providing for the public release of information about sexually violent offenders. In addition, the 1996 amendment to the Wetterling Act known as the Pam Lynchner Sex Offender Tracking and Identification Act allows the FBI to establish a national database of sex offenders who are released from prison and requires lifetime registration for recidivists and offenders who commit certain aggravated offenses. These statutes, in combination, are designed to heighten public awareness of sex offenders (Pawson, 2002). Presently, 40 states have publicly accessible sex offender registries ranging in detail from 2 to 18 pieces of information listed per offender (Tewksbury & Higgins, 2005).

Community notification is also used to meet the requirements of the Jacob Wetterling Act and Megan’s Law. States use community notification either by itself or in combination with a sex offender registry. Finn (1997) explains that community notification tends to vary across jurisdictions and is carried out to different extents depending on the criminal record of each sex offender and the needs of a community. Goodman (1996) explains three types of community notification of varying degrees. The most severe—active notification—involves notifying community members without their request and is typically reserved for offenders judged to be of the highest risk to a community. Active notification may include newspaper ads, individual visits from police officers, and postings on the Internet. Generally used for medium-risk offenders, limited disclosure involves the unsolicited notification of select groups or organizations such as schools. Finally, passive notification requires inquiry from the citizen and is used for offenders of low risk.

## Research on Sex Offender Registries

Literature on sex offender registries and community notification can be classified into four general types: statistical profiles of registrants (Adams, 2002; Szymkowiak & Fraser, 2002; Vandiver & Walker, 2002), assessments of recidivism (Adkins, Huff, & Stageberg, 2000; Berliner, Schram, Miller,

& Milloy, 1995; Lieb, 1996; Pawson, 2002), evaluations of the accuracy of registry information (Levenson & Cotter, 2005; Plotkinoff & Woolfson, 2000; Tewksbury, 2002), and assessments of collateral consequences of registration (Tewksbury, 2004, 2005; Zevitz & Farkas, 2000a, 2000b, 2000c). The first three of these varieties focus exclusively on programmatic aspects of sex offender registries, with a primary emphasis on assessing the potential utility, accuracy, and efficacy of registries. The emerging literature on collateral consequences moves the focus to registrants and offenders subject to community notification and largely neglects to incorporate issues of utility, accuracy, and efficacy.

*Overviews and statistical profiles.* The most basic research on sex offender registries provides either primarily descriptive overviews of registrant populations or cursory reviews of registrant recidivism. As of February 2001, Adams (2002) reported sex offender registries in 49 states and the District of Columbia, with a total of approximately 386,000 registrants. Sex offender registries were typically maintained by state police, departments of public safety, offices of the attorney general, or departments of corrections and showed a 46.2% increase in registrants from 1998 to 2001. In the most detailed statistical profile to date, Szymkowiak and Fraser (2002) report on 1,458 RSOs in Hawaii. They found the typical RSO to be a male between the ages of 40 and 49 residing in urban areas and having between 1 and 5 prior felony convictions. Vandiver and Walker (2002) examined characteristics of registered female sex offenders in Arkansas. In a sample of 40 women, the average female sex offender in that state was 31 years old, was Caucasian, and had no prior felony convictions.

*Assessments of recidivism.* The few available assessments of recidivism for RSOs have generally shown little or no reduction in recidivism arising from registration. Berliner et al. (1995) report that sex offenders sentenced under a special sex offender sentencing alternative in Washington did experience lower rates of rearrest and reconviction for non-sex-related offenses. However, no statistically significant difference was found with regard to sex offense recidivism. Lieb (1996) also reports on sex offenders in Washington and fails to find a significant difference in recidivism rates from sex offenders subject to community notification versus those not subject to community notification. Adkins et al. (2000) report on the effects of the Iowa sex offender registry on recidivism rates. Their study compares a group of sex offenders before the implementation of the registry with a group of sex offenders who were subject to registration. Sex offense

recidivism was low for both groups, and the slight (0.5%) difference in recidivism was not statistically significant. Finally, Pawson (2002) was unable to reach a conclusion in his study of the effectiveness of Megan's Law across the United States. Hence, based on the available research, it does not appear that sex offender registries and community notification in their current forms have a significant effect on sex offense recidivism rates.

*Accuracy of registry information.* Research regarding the accuracy of information on sex offender registries has identified numerous instances of misinformation and inaccurate data. The consequences of inaccurate information may include situations such as reported in California in which the state "lost" more than 33,000 RSOs (Curtis, 2003). According to Levenson and Cotter (2005), more than one half of a sample of 183 RSOs in Florida report that inaccurate information was posted about them online. Tewksbury (2002) concluded that enough information was missing on the Kentucky sex offender registry so that the registry could not be considered a valuable tool for effectively promoting community safety and awareness. In Kentucky, 43% of the registry pages were missing photographs of registrants. One urban county had substantial data that were either missing or misleading as a result of nonexistent addresses, addresses listed as commercial locations, or addresses listed as unknown. In contrast, however, Plotkinoff and Woolfson (2000) reported a compliance rate of nearly 95% for all registry requirements in the United Kingdom.

*Collateral consequences.* Research on sex offender registries and community notification has also reported numerous collateral consequences that accompany sex offender registration. Because mandatory sex offender registration is a relatively recent phenomenon, most research has simply addressed effects of collateral consequences that accompany any felony conviction. Research has identified numerous legal consequences including disenfranchisement, loss of the ability to own or possess a firearm, and numerous employment restrictions (Burton, Cullen, & Travis, 1987; Olivares, Burton, & Cullen, 1996). Social consequences such as stigmatization, relationship difficulties, employment problems, and feelings of shame and diminished self-worth have also been found to accompany felony convictions (Dodge & Pogrebin, 2001; Goffman, 1963; Pogrebin, Dodge, & Katsampes, 2001). Such consequences can create a very difficult reintegration into society for the offender (Harding, 2003).

Collateral consequences specific to sex offender registration have been found to be similar to other felony convictions in the way they affect the

practical, legal, and social aspects of an offender's life. However, research has also suggested that the nature and extent of these consequences may be much greater for sex offenders than for other felons (Tewksbury & Lees, 2005). For instance, in 2005, numerous communities across the nation began to pass ordinances establishing residential buffer zones around locations known to be frequented by children—including schools, day care centers, churches, libraries, public parks, and bus stops. Evaluations of the efficacy of such efforts have yet to be completed, although at least one study (Tewksbury & Mustaine, *in press*) has shown high rates of violations of such buffer zones. Other communities are requiring monitoring of RSOs via global positioning satellite technology, literally tracking every step of offenders. Tewksbury (2004, 2005) reports stigmatization, damaged relationships, harassment, and housing and employment difficulties for RSOs in Kentucky and Indiana. Similarly, Zevitz and Farkas (2000c) report experiences of societal ostracism, harassment, relationship and emotional difficulties, and problems with employment and housing by Wisconsin sex offenders subjected to community notification.

Collateral consequences of sex offender registration also affect people other than the convicted offender. Probation and parole officers in Wisconsin reported a loss of personnel, time, and budgetary resources as a result of a recent community notification program (Zevitz & Farkas, 2000a). Consequences have even been experienced by the very people whom sex offender registration was designed to help. Zevitz and Farkas (2000b) report increased levels of anxiety for citizens attending community notification meetings in Wisconsin. Zevitz and Farkas (2000c) also explain that citizens whom are notified of sex offenders' presence in the community can be held at least partly responsible for preventing successful reintegration of the offender into society.

## **Offenders' Perceptions of Sanctions**

Research regarding sex offender registries and community notification allows states to better assess specific practices, policies, and procedures. This literature also allows scholars and lawmakers to understand the way that sanctions affect offenders and society. In addition, policy makers are able to gain a better understanding of sex offenders, ensuring that the most effective sanctioning and monitoring strategies will be used. When legislators are attempting to make effective sanctions, it is important to consider the perspective of the offender who will be receiving the sanction. Larson and Berg (1989) explain that obtaining such information is valuable and has the potential to lead to unique and unanticipated insights. In addition, if

sanctions employed by policy makers are to achieve desired and intended outcomes, the offender must actually believe that the sanction is effectively punitive and deterrent (Crouch, 1993).

Literature consistently points to a strong relationship between offenders' perceptions of the legitimacy of criminal sanctions and recidivism (see Kinsey, 1992; Makkai & Braithwaite, 1994; Tyler, 1990). As Sherman (1993) explains, "People obey the law more when they believe it is administered fairly than when they don't" (p. 452). Although offenders' perceptions of sanctions are of significant value to policy makers, they are infrequently studied and rarely addressed by researchers and lawmakers (Alpert & Hicks, 1977; Zhang, Messner, & Lu, 1999). Studies have linked positive offender perception of sanctions to increased compliance with the law (Williams & Hawkins, 1992). Conversely, offenders who do not believe sanctions are fair, effective, or appropriately administered have been reported to commit crime as a result of such beliefs (Petersilia & Deschenes, 1994; Sherman, 1993; Sherman & Berk, 1984).

Research has also gauged offenders' perceptions of the severity of sanctions. It is important to know how severe offenders believe sanctions are, as this perception is expected to affect their likelihood to reoffend. Research has shown that if a penalty is seen by an offender as too severe, it may be viewed as too hard to overcome, which would ultimately lead to recidivism. Sherman and Berk (1984) studied the effects of mandatory arrest for domestic violence cases in Minnesota. They concluded that only for certain types of individuals did the arrest effectively deter future crime. The authors noted that men with "high interdependencies," such as married and employed offenders, were likely to be deterred by mandatory arrest policies. However, the authors also reported that a majority of individuals (who were unemployed and unmarried) showed a counterdeterrent effect, and "their reaction to further shame was rage and vindictive escalation of violence rather than remorse" (cited in Makkai & Braithwaite, 1994, p. 364). Williams and Hawkins (1992) report that collateral consequences of sanctions may be seen as especially punishing and consequently serve an important role in deterring reoffending. In short, offenders who perceived their punishment as severe yet fair and appropriate were less likely to anticipate reoffending, and those who do not perceive their sanctions as such may be likely to act out against those they feel are as responsible for their situations. The value of understanding how offenders perceive sanctions they receive is that this information allows policy makers and those who enforce sanctions to best target sanctions and to fine-tune their application to achieve maximum value.

Sherman (1993) argued that certain conditions and views of sanctions held by offenders may lead to increased criminal activity. Sherman explains that "both specific defiance by individuals and general defiance by collective [groups] result from punishment perceived as unfair or excessive and lead to increased crime" (p. 445). On the other hand, when an offender believes that a punishment holds a fair and reasonable level of severity, deterrence is likely to occur. Similarly, a punishment is most likely to be viewed as fair when it is seen by the offender as proportional to the offense (Petersilia & Deschenes, 1994). This perception of fairness is exemplified by the offender's compliance with the law. For example, Petersilia and Deschenes (1994) studied offender perceptions of certain intermediate sanctions and found that recidivism was least likely when intermediate sanctions were believed to be appropriately severe for a particular crime.

Information gained through the perception of the offender has the invaluable capability of enabling criminal justice practitioners and lawmakers to understand and gauge how sanctions may or may not have an effect on offenders. Turner, Greenwood, Fain, and Deschenes (1999) explain the value of the offender perspective in a program evaluation of a drug court. The view of the offender helps to "determine whether specific components of the program model . . . meet participants' expectations and thus whether theoretical concepts are being implemented correctly" (p. 63). In addition, this insight allows program administrators to "gauge the severity of . . . sanctions as seen through the eyes of those who are subject to them" (p. 63). The offender perspective should also be considered ideal in evaluating sex offender registration because of the new and untested nature of such a sanction.

Sex offenders' perceptions of sanctions, particularly of sex offender registry programs, are of considerable value. There are numerous implications that these insights are able to provide to make registries and notification programs more effective and useful. Ultimately, such knowledge can lead to increased compliance with laws and program requirements and provide for changes that lead to lower sex offense recidivism. As noted above, offenders need to view their sanctions as effective, fair, and appropriate for the punishments to most effectively deter future crime. In addition, it is important for criminal justice practitioners and legislators to know how the collateral consequences of specific sanctions (e.g., sex offender registration) may affect the behavior of an offender. Sanctions viewed as too severe, inappropriate, or unnecessary may be counterdeterrents that lead to reoffending. Because of this, it is imperative to learn the mind-set and beliefs of sex offenders subject to registration.

## The Present Study

The goal of the present study is to identify perceptions RSOs have about the sex offender registry as a tool for public safety. The existing literature on offenders' perceptions of sanctions has shown that perceptions of sanctions may influence behavior. However, this line of inquiry has yet to be extended to a wide range of sanctions, such as sex offender registration. In addition, it is valuable to assess the way that sanctions are perceived as effective or overly intrusive to determine what aspect of community-based sanctions may or may not be more likely to lead to adherence or violations. The views of RSOs, including their suggestions for where sanctions can be improved or enhanced, may enable lawmakers, correctional administrators, and the public to reevaluate the current structure and practice of sanction imposition. Ultimately, the present study is concerned with identifying how RSOs experience the sanction of registration and how these experiences can inform suggestions for modifications of the structure and process of sex offender registration.

## Method

Data for this study are all qualitative and were collected by way of one-on-one, personal interviews conducted with a sample of offenders, all of whom were listed on the Kentucky Sex Offender Registry (<http://kpspsor.state.ky.us>) at the time of data collection.<sup>2</sup> The Human Studies Protection Program office at the authors' university reviewed all materials. Data collection was conducted in February and March 2005.

## Sampling

The sampling frame for the study consisted of the list of all 653 registrants listed as residing in Jefferson County, Kentucky. Because the study was concerned with the experiences of registrants as registrants, all individuals with less than 6 months on the registry ( $n = 55$ ) were removed, as were all individuals whose registration page listed their residence as unknown or in a local correctional facility ( $n = 100$ ). This left a total of 498 individuals in the sampling frame. From this sampling frame, a 40% sample ( $n = 200$ ) was systematically selected.<sup>3</sup>

The 200 individuals selected for the sample were each sent a letter inviting them to participate in the study. The invitation letter included a Web

page address for the registrant to visit for more information on the study and the telephone number and e-mail address of the first author. Sample members were asked to contact the first author to schedule an interview. One week after the invitation letters were mailed, a reminder postcard, worded ambiguously but asking the registrant to contact the first author to schedule an interview, was mailed to all sample members who had not yet contacted the study team. Eight of the 200 invitation letters (4%) were returned because of the registrant's moving and leaving no forwarding address or the address not existing.<sup>4</sup>

A total of 22 interviews were completed, representing a 12% response rate. Although this is not a high response rate, it is important to keep in mind that this is a very difficult population to access. Previous research looking at registrants has relied on small samples (2.4%; Vandiver & Walker, 2002) or has used only officially recorded data, avoiding collection of data directly from registrants (Adkins et al., 2000; Szymkowiak & Fraser, 2002; Tewksbury, 2002). Similarly, studies of sex offenders have almost always collected data from offenders who are incarcerated or in treatment, or researchers have collected data from professionals working with sex offenders (treatment providers, probation officers, etc.). Only three studies have gathered data directly from sex offenders in the community, typically relying on survey data (Tewksbury, 2004, 2005), with these having sample sizes of 121 or less and response rates of 15% to 20%. Therefore, the current study, employing data collection methods that required more of an investment from the sample members and not being anonymous, is seen as having a respectable sample size and response rate.

## Procedure

All data are from one-on-one, in-person, semistructured interviews completed by one of the authors. Interviews were scheduled at times and locations of the registrants' choosing. Interviews were conducted on campus, in the registrants' home, at residential treatment facilities, and in restaurants or coffee shops. Interview length ranged from 30 to 90 minutes. Because of funding constraints, no incentives were offered to registrants for participation.<sup>5</sup> Interviews included a range of topics including registrants' knowledge of the sex offender registry, perceptions of reactions from family members, friends, acquaintances, and coworkers, perceptions of strengths and weaknesses of the registry as a tool for public safety, general social, work, or educational experiences as a known, convicted RSO, whether or not (and to whom) the registrant had disclosed his or her registration status

**Table 1**  
**Description of Sample**

|  |    |
|--|----|
| <i>Number of Offenders</i>               | 22 |
| Registration period                      |    |
| 10 years (%)                             | 50 |
| Lifetime (%)                             | 50 |
| Mean length of time on registry (months) | 38 |
| Mean age                                 | 48 |
| Race                                     |    |
| White (%)                                | 86 |
| Black (%)                                | 14 |
| Marital status                           |    |
| Currently married (%)                    | 41 |
| Have children (%)                        | 64 |
| Have children younger than 18 (%)        | 9  |
| Living arrangement                       |    |
| Live alone (%)                           | 50 |
| Live with spouse or partner (%)          | 36 |
| Other (%)                                | 14 |

and demographics. No questions were asked about the offense or criminal justice processing of the registrants' case, although a large majority of interviewees did discuss their offense, victim, and case processing.

### **Analytic Technique**

All interviews were audiotaped and transcribed in full. Data were coded following principles of analytic induction (Charmaz, 1983) in multiple readings. Each reading of the transcripts focused on a narrow range of conceptual categories (interactions with family, emotional stresses, voluntary or involuntary disclosure).

### **Description of Sample**

The sample of interviewees is almost exclusively male (95%), is primarily White (86%), and has a mean age of 48 (see Table 1). This distribution should not be surprising as females account for a very small proportion of RSOs, with previous studies reporting between 0.8% and 3.0% of RSOs as females (Adkins et al., 2000; Szymkowiak & Fraser, 2002; Tewksbury, 2004; Vandiver & Walker, 2002).

In terms of their registration characteristics, the sample is evenly distributed between lifetime and 10-year registrants. Also, the sample has a mean length of time on the registry of just more than 3 years. In regard to their conviction offenses, 27% have been convicted of rape, 59% have a sexual abuse conviction, 45% have a conviction for sodomy, and 5% have a conviction for some other sexual offense.

In addition, examination of the characteristics of the sampling frame show that 97.5% are male, that 53.2% of the RSOs in the county are 10-year registrants, and that they have been on the registry for a mean length of time of 46.5 months, have a mean age of 42.6, and are 66.6% White. Therefore, the research sample is slightly younger, has an average of 8 months less on the registry, and is somewhat more White than the population as a whole. However, there is also no indication or reason to believe that the sample of interviewees is not representative of the population of sex offenders in the community where the study was conducted.

## Findings

Analysis of the interviews shows that RSOs do perceive the sex offender registry as a good and valuable entity, believe the existence of the registry can and does make positive contributions to society, but also believe there are a number of problems and difficulties in the structure, form, and uses of the registry. Although RSOs have a generally positive view about the existence and use of sex offender registries, registrants question whether or not the registry in its current form can be and is effective in enhancing community awareness of sex offenders and public safety. Also, there is widespread belief among registrants that although use of a sex offender registry for some types of offenders may be valuable and important, there needs to be more differentiation, classification, and/or distinction among which offenders are subject to registration and what information is provided on the registration about registrants.

### **Registrants' Perceptions of the Value of Sex Offender Registration**

When viewing sex offender registration as a concept and while attempting to remove themselves from the picture, registrants universally recognize the value and potential contributions to community awareness and public safety that registries offer. The value of having a listing of known sex

offenders, along with their residence and description, is seen as something that makes sense and is perceived to be a possible contributor to public safety. Almost without exception, RSOs expressed an understanding of why society would want to have a sex offender registry. However, there is also widespread dissatisfaction with having oneself listed (as discussed below).

As a concept and tool for both the public and law enforcement, sex offender registries are perceived in mixed ways. Two questions are central to RSOs' perceptions about the practical value of sex offender registries. First, there are mixed views expressed by registrants concerning whether registries can raise community members' awareness of dangers and potential predators in their neighborhoods. Second, RSOs also are of varying mind-sets regarding whether being listed on the registry is likely to influence the likelihood of offenders' recidivating.

Among those registrants who believe that the registry may be an important tool for enhancing community awareness, this belief appears to be largely based on their assumptions that registries are regularly consulted by community members. As other research has shown, RSOs generally believe that sex offender registries are checked by many (if not most) community members. Because of this assumption, RSOs also commonly believe that these community members who consult the registry will be vigilant about both watching registrants in their neighborhoods and informing other neighborhood residents about RSOs. This sentiment is expressed clearly by Preston, a child molester and lifetime registrant:

I think it's a good thing. If my being there and the other people being there will help cut down on the child sex abuse and all that, then it's a damn good thing.

Or, in the more concise statement, Andy, who has been on the registry for 9 months for conviction for more than a dozen counts of sodomy with a 14-year-old boy, states, "I think people should be knowledgeable."

However, not all RSOs share this view. Many also question whether a registry, especially in its present form, can realistically be expected to promote widespread community awareness. These registrants recognize that the registry is quite large and that locating specific individuals, especially by chance, is not a very likely event. Also, those who question the efficacy of the registry for promoting community awareness point out that for it to be effective, community members need to regularly go to the Internet site

and search for registrants. Many registrants recognize this is also not very likely to occur. Arthur, a 53-year-old, three-time-divorced registrant who has had no contact with his siblings or adult children for nearly a decade, explained this, saying,

I don't see that it would prevent a lot of sexual abuse occurring. One, I don't see where a large enough segment of the public is aware of the registry to take advantage of it. I don't see where it—it's too broad for all the people it has on it. . . . I just don't see where it has a major impact on the public or on the prevention of sexual abuse.

Or, in the words of Jon, a lifetime registrant who has been on the registry for only a year and a half:

By literally taking 95% of the people who come out and putting us all on the list for life—and they put how many more thousand people on there every year. At some point there will be so damn many people on that list that, to some extent, you're just another face in the crowd. I think that lessens the impact of it to the public. When they look at it and there is 400 people on there—you say, "Hell, it's everywhere, what can you do?"

Just as the population of RSOs is split in their beliefs about whether sex offender registries may or may not be effective for raising community awareness of the presence of sex offenders in a neighborhood, so too are they split in their beliefs about registries' abilities to reduce recidivism. A minority of registrants do believe that RSOs are less likely to reoffend, primarily because they believe registrants are under careful and constant watch by community members. In addition, this assumption is complemented by the view that registrants' knowledge of their existing label will deter them from reoffending because they are likely to be suspects and investigated in any future reported instances of sexual offenses.

More common, however, is the view that having a sex offender registry is a highly inefficient and ineffective means for deterring offenders and reducing recidivism. As Jon very bluntly puts it, "If I'm going to reoffend, that registry is not going to keep me from it." Explaining this common view a bit more, Mike, a 10-year registrant convicted of molesting his stepson, suggested,

There has to be a deterrent so if people know about the registry before they offend, maybe they won't offend again. It might act as a good deterrent, but I doubt it. The electric chair doesn't keep people from killing people.

Questions about the abilities of sex offender registries to achieve their stated purposes—raising community awareness and reducing recidivism—lead RSOs to point out that a number of changes to the structure, format, and process of registries and the registration process are needed. Changes, whether in who is registered, what information is listed about registrants, or how determinations about who is listed and for how long are made, are perceived by registrants as critical to the success of the registry and vitally important for both community safety and “fairness” for offenders.

Remembering that RSOs universally believe in the concept and idea of sex offender registries, their near-universal call for (varying) changes to the registry reinforces their expressions of support for the concept. No registrant interviewed for this project called for the end of the registry or registration process, but nearly all advocated for at least some types of modifications so that the registry would be more likely to achieve its stated goals.

As discussed below, a number of specific changes are suggested by RSOs, typically focusing on providing some degree of categorization or differentiation between types of registrants. It is important to be able to differentiate between “true sex offenders, those that are actually a danger” and those not seen as dangerous (i.e., themselves). Without such distinctions, users of the registry may not be able to effectively distinguish RSOs whom they should and should not fear. As one registrant summed up what he sees as the problem with the lack of differentiation in registrants’ listings, “It’s one size fits all.... So, in its present form, it’s a waste of time.”

The failure to distinguish among RSOs based on degrees of dangerousness, whether registrants have or have not completed a treatment program, and those who target children sits at the core of registrants’ frustrations with the registration experience. More than any other issue, registrants decry being equated with predators, “real pedophiles,” and offenders they themselves define as “dangerous,” “heinous,” and “a real threat to others.” Commenting on his frustrations at being registered in the same way and virtually indistinguishable from more serious sex offenders, Tyler, a 29-year-old lifetime registrant, reflected,

I don’t think it’s really appropriate for me. I’m sure there are some people who it is appropriate for. I think it should go more into repeat offenses with different victims, different dates—more into people who are deemed more predatory . . . . I think there’s a place for it, but I don’t think they took a lot of time to think about the effective way to use it. I think they’ve done it like running cattle through fields, it’s just massively done.

For many registrants, their frustration and dissatisfaction with the registry and their experiences with it could be significantly diminished if only they believed that the information provided to the public about them and their offense or offenses allowed others to “see that I’m not like those others.”

### **“I Don’t Associate With Those Kinds of People”**

A near-universal theme expressed by RSOs is the belief that they are different from “those kinds of people” who are—and are generally believed should be—on the sex offender registry. RSOs express a strong desire to distinguish themselves from those whom they see as the “real criminals” and sex offenders who they believe are “dangerous,” “vicious,” or “sexual predators.”

Almost without exception, the RSOs interviewed for this project explained, sometimes in lengthy detail, that they did not believe themselves to be dangerous or “as extreme” as other RSOs. Scott, a lifetime registrant with convictions on 11 counts of molesting 12- and 13-year-old boys, explained his frustration at being listed alongside, and not distinguished from, other sex offenders, saying,

To read some of the things on there, you can’t make a distinction between the monsters and the people that are in there for lesser evils. The wording on there is so brief and simple. My own charge—if I read that and I was John Q. Citizen, I would say, “Lord, that’s a dangerous guy right there!”

The belief that one is different from other sex offenders is not only pervasive but is also seen as a major contributor to both strong social stigmas experienced by RSOs and negative interactions experienced with others who know of one’s status as an RSO. Registrants generally believe that they are widely perceived and defined simply by their status as a sex offender and not as individuals. Arthur lamented what he perceived as his being inaccurately perceived by others, saying,

Just being on the registry and being called a sex offender. People have visions of the most extreme cases. They don’t think, “Oh, I wonder if Arthur put his hand on an underage female’s breast through her clothing while he thought she was asleep?” They think, “I wonder if Arthur dragged some 6-year-old out into the woods and repeatedly raped her and then left her to die on the side of the road?” That’s what people think of when they hear “sex offender.”

One of the most bothersome parts of being seen “just like all those others” for RSOs is the belief that when the public thinks of an RSO, they

assume all such persons are child molesters or pedophiles. Frustrations at being perceived as such are present across the sample and expressed in often very strong and sometimes harsh language. When comparing themselves with other RSOs, it is common for interviewees to explain that although their victims may have been legally too young to consent to sexual activity of any form, they did not victimize children. Charlie, convicted for sexually abusing his preadolescent stepdaughter, complained,

They don't differentiate between the guy that goes out and goes to a party and runs across a 16-year-old girl and has oral sex with her or the guy that drags a 5-year-old off the playground and rapes and kills her. It's still a sex offender.

Or, Andrei, a 64-year-old convicted child molester who was not sure if he was a 10-year or lifetime registrant, argued that he was not a pedophile and strongly disliked having others (presumably) assume he was such. Explaining his view, he stated,

If a guy goes out here and stalks a kid at a school yard or a young kid—I think he ought to be (on the registry)... But this girl ... she was 13 years old and, in my opinion, old enough to have said “no.” I basically didn't have sex with her—it was oral sex.... I never was exposed to her, I had my clothes on, fully dressed—it was here in this house. And I kissed her vagina and put my finger in it.

In his mind, Andrei did not have sex with a child because he believed she was “old enough to have said ‘no.’” Therefore, he reported being extremely frustrated that his sex offender registry listing might lead others to assume he was a pedophile.

Across the sample of interviewed RSOs, there was an expressed sentiment that to be considered one and the same as “those kinds of people” (i.e., pedophiles, sexual predators, and “real” sex offenders) was both insulting and perhaps the worst aspect of registration. Jordan, a 51-year-old convicted of molesting his daughter, explained this experience:

I hate to be categorized and monitored with all these people who are serial, reoffender, or vicious child predators. I don't put myself in that category with them. I hate to be looked upon as that kind of person because I don't feel I am that kind of person . . . . It's degrading and dehumanizing to know that people can pull my picture up and compare me to the guy under me or the guy they saw before me.

Related to the frustration regarding being seen “just like all of those other guys” is RSOs’ questioning of why only sex offenders are subject to placement on a publicly accessible registry. For many RSOs, there is a belief that the existence of the sex offender registry serves only to reinforce stereotypes and stigmas of sex offenders as the “worst kind of criminal.” However, in the minds of RSOs, there are a number of other varieties of offender that are “much worse, and much more of a danger than we are.” One of the most common sentiments expressed by RSOs was that having a registry for only sex offenders was unfair, illogical, and an inefficient use of resources.

Having a sex offender registry, but not a registry for all (other) violent offenders, or, as suggested by a few RSOs, for all criminal offenders, serves only to exacerbate stereotypes and stigmas and fails to provide much additional safety for society. Frequent mention was made in interviews of the efficacy of sex offender treatment programs; many RSOs recited statistics about the low recidivism rates of sex offenders (especially those who complete treatment programs), followed by questioning about why such “low-risk” types of offenders are subject to registration but “truly violent” and “the more dangerous types” of criminal offenders are not.

Many RSOs offered suggestions along with their questioning and criticism for how a more valuable registry might be structured and operated. Primary suggestions centered on requiring registration for offenders convicted of all forms of violent offenses, registering offenders who victimize children (but not adults), and registering only repeat offenders.

Questions persisted across the sample of RSOs. Questions regarding why only sex offenders were subject to registration, questions about whether the registry could be effective, and questions about what registering only sex offenders says about society and common values in society emerged from all of the interviews. Preston, a 63-year-old convicted of multiple counts of fondling and performing oral sex on a 12-year-old girl, expressed his belief that the sex offender registry shows that society may have misplaced values. In his words,

I wish we could do the same thing for burglars and drunk drivers and some of the others. My problem is that it seems like I committed the crime du jour. I mean had I got drunk and run over the same 12-year-old girl and killed her, I probably would have got 3 years (in prison) and it all would have been over with. But, to use a vulgar term, her ass was worth more than her life.

Sex offenders see registration in its current form as particularly frustrating and the source of many problems in their lives. Registrants call into

question the consistency and proportionality of registries when compared with other criminal justice policies and practices. Changes in the process and form of registration would seem to placate offenders and increase their perceptions of registries as a fair and just tool for society.

### **Registrants' Suggestions for Improving the Sex Offender Registry**

As indicated above, nearly all registrants identified and advocated changes to the structure and form of the registry or the registration process. Although numerous suggestions for change were offered, three main modifications were commonly expressed. First and most frequently and strongly articulated, RSOs desired to see the registry distinguish among types of sex offenders. Second, the process by which individuals are assigned to registration for either 10 years or life was questioned, and based on their assumptions about how this determination is made, suggestions for alterations were offered. And third, restrictions on who would be provided access and under what conditions or circumstances were voiced by a number of RSOs.

The strong collective call for better differentiation among types of offenders listed on the registry is a direct outgrowth of registrants' frustrations at being equated with and listed alongside offenders they define as more serious and more distained than they perceive themselves. Nearly all RSOs offered explanations of how and why they believed they were different from other RSOs. And again reinforcing their general support for the concept of a sex offender registry, almost all registrants acknowledged the value of having "those other kinds of sex offenders" on a registry. But they also desperately wanted to be able to point to something on their own registry listing to show they were "not nearly as bad as some of those others on there."

Matt, a 28-year-old convicted of multiple counts of sodomy with his 15-year-old stepdaughter, expressed his desire to see distinctions among listed registrants, saying,

I just wish that they would categorize it. There's guys that are there—a guy rapes a 15-year-old girl, cuts her clothes off, then cuts her throat—yeah, put them on there. They need to be on there. Like myself, it was nonviolent, consensual—it was wrong—but put me on there in a different category. Like the guy who was 18 and his girlfriend (was underage)—they was going together. He got charged with rape just because they broke up. That's

wrong—he didn't hit her or beat her or nothing, and he's in that category too—and there's no getting off of it.

Or, as Jordan suggested,

I can understand these repeat offenders and killers. We've got to do something with them.

In a related issue, a majority of RSOs also call for having an objective assessment or evaluation of registrants completed and used to determine dangerousness and registration status. It is at this point in the registration process that RSOs believe clinicians need to be included. Those who suggest that registries should have clinicians—most often mentioning psychiatrists, psychologists, or those who run a sex offender treatment program—involved in the decision also expressed a belief that presently the decisions about who is listed and whether registration is for a period of 10 years or lifetime seemed random or based on little objective evidence. Whether an individual is included on the registry is not really a decision but is based on one's conviction offenses. Determinations about length of registration are based on a risk evaluation, although many registrants believed “the people who made this decision . . . weren't more qualified than I am to do so.” Or, as another RSO stated, “The psychiatrists know who's likely to reoffend.”

Having some type of evaluation completed is believed by registrants to be the first step toward limiting which convicted sex offenders are included on the registry. It is the belief of these individuals that if objective, clinically based evaluations were completed on sex offenders, those deemed to be low (or “no”) risk would be unlikely to be listed. As Chris, a 67-year-old convicted 8 years earlier for molestation of his granddaughter, explained it,

I don't think they should have it for people who are not a threat, not violent folks. I don't think they should have it for exhibitionists. I think some of those people are not harmful but just got screwed up somewhere along the way and need some counseling. I think the therapists who have them could sign off and say they should be or shouldn't be [on the registry]. I don't think that the courts should be, I think that the therapists and doctors should be the ones to sign off. In other words, if they make that positive move to sign off that they wouldn't have to be on it.

Registrants not only call for having objective, clinical assessments completed as a tool for determining if particular individuals should be listed on

the sex offender registry, but they also believe that completing a risk evaluation during the time that a registrant is on the registry would be productive. The idea here is to identify registrants who could be removed from the registry or have their listing reflect a diminished threat level. Again, the belief is that this needs to be done by qualified, specially trained clinicians. The idea of reviewing registrants with an eye toward identifying those who need to remain on the registry and those who could be removed was thoughtfully presented by Tyler:

I think there needs to be a way that after  $x$  amount of time people can be reviewed or interviewed again, tested, psychology-wise, to see if it's really efficient leaving these people on there for lifetime. I think after a while it's kind of not necessary.... It needs to be more about how we deal with these guys after they've been on there for a period of time. Instead of just saying they're on there and to hell with them. There needs to be like a committee to review the people on it after a certain amount of time to see if it's really serving a purpose by still listing these people on here after  $x$  amount of years.

For some registrants, having a risk evaluation completed while on the registry is perceived as providing an incentive and motivation for RSOs to pursue treatment, to avoid problematic situations, and to simply provide yet another reason for maintaining a crime-free lifestyle. However, this is not a possibility at the present time (although several registrants thought it was the case). Jordan also put forth the idea of an evaluation of registrants at some point following their listing. As he suggested,

I've paid the price and I feel that enough should be enough. There should be some way that I could be able to cut the leash from this program, and I am not being given this opportunity and I don't think it's fair.... If I'm ever given the opportunity where I could have my name taken off the sex offender registry, I would like to see, in the future, about maybe some way a person could earn a way to get off it. Even a life sentence in prison is 20 years. A life sentence on this is until death.

Some RSOs had their biggest problem with the registry center based on the fact that anyone, anywhere, at any time can access the registry and find their name, description, home address, and photograph. For these registrants, they desired to see strict limits placed on who could access the registry. In essence, although claiming to support the idea of a sex offender registry in concept, these registrants believed the registry should be used primarily or exclusively by law enforcement and other officials, not the

general public. Paul, a 52-year-old lifetime registrant who transferred his registration from another state following a rape conviction, summed up this argument and well represented the views of this set of registrants:

I would probably change the fact that it's too easy for people to have access to a sex offender registry and then form their own opinion about the person on the registry just by the information they are looking at. If I could change anything about the registry, I wouldn't even allow people to know that person is on there unless it directly affects them personally.

An additional suggestion, although offered by only a few of the RSOs, is to remove registrants' pictures from their listings. The issue of including registrants' photographs is perceived by those calling for their removal as "an invasion of my privacy" and "just going too far, having your name and address on there should be enough." Others, however, although not necessarily liking the fact that their picture is included, recognize the reasons it is included.

The suggestions for modifications to the sex offender registry offered by RSOs directly arise from their experiences, and frustrations, with how registration has affected RSOs on a personal level. Stemming from their beliefs that "not all sex offenders are the same," these registrants believe that there should be more detailed and careful review and classification of offenders and that these distinctions should be reflected in individual listings. Suggestions are also related to registrants' desires to be able to more carefully manage who knows of their status and what information others are able to access about them and their offenses. This is not to imply that the suggestions RSOs offer are without merit. Implementation of some of the approaches and structural changes that are presented in fact could be beneficial, for both registrants and the wider community.

## Conclusion

The purpose of this study was to identify and understand the perceptions of RSOs regarding the use of a sex offender registry as a tool for public safety. The understanding this study provides is valuable to policy makers and practitioners, as offenders' perceptions of sanctions can affect likelihood of reoffending. Through in-depth, qualitative interviews with a sample of Kentucky RSOs, significant insight was gained concerning the Kentucky sex offender registry.

The sex offenders in this study have a widespread belief that the concept of a sex offender registry has the potential to be a valuable tool for

promoting public safety and heightening community awareness. Although a majority of offenders expressed discontent with being on the registry, the majority of respondents also understood why society would want a registry. However, registrants are divided in their views regarding the practicality of sex offender registries. Some offenders believe that goals of community awareness and increased safety are unlikely to be achieved because the registry contains a large number of offenders and requires citizen inquiry to locate an offender. Individuals holding this view simply doubt the effectiveness of registries because they feel it is unlikely that very many citizens actually check the registry and would be able to locate a specific individual out of thousands of listed names. On the other hand, a sizable portion of offenders are under the assumption that citizens look at the registry often and are keenly aware of who is on the registry. This view permeates these offenders' lifestyles and interactions with others and effectively increases the extent to which collateral consequences of sex offender registration are experienced.

Sex offenders interviewed in this study also expressed mixed views in the way that being listed as a sex offender may affect recidivism. A minority of offenders believe that registries are able to prevent reoffending. Most offenders of this view believe that RSOs are more carefully watched and monitored by society and would be the likely suspects in the event of a sexual offense in the community. However, the majority of sex offenders hold the cynical view that registries are highly inefficient and ineffective for reducing recidivism. These offenders generally feel that registries do little to heighten community awareness and protect the public, which in turn provides no deterrent effect on sex offenders.

Many sex offenders did, however, express that they thought registries could deter future sex crimes if changes were made in the format, structure, and process of sex offender registration. Overwhelmingly, the main flaw that offenders saw in the current system was the failure to distinguish among different types of sex offenders and the one-size-fits-all mentality displayed in the current form of the registry. This sentiment was typically coupled with the belief by the majority of respondents that they were not the same as the other registrants, perceiving themselves as neither dangerous nor predatory. Here it is important to keep in mind that the Kentucky Sex Offender Registry does not distinguish among levels of sex offenders or include any information or indication of an individual offender's dangerousness or risk level. Rather, this registry simply lists all offenders convicted of any sex offense. The implication here is that including a designation of an offender's clinically designated risk level or dangerousness is important for registries to be effective.

A second frustration held by many offenders was the process by which registrants were assigned to lifetime or 10-year registration. Most offenders did not feel that this process was well thought out and failed to show uniformity. They also expressed discontent for the fact that they were “trapped” with registration for a certain amount of time. This frustration is particularly important with regard to recidivism, where studies have shown that offenders viewing punishment as too severe or inescapable may be more likely to reoffend (Petersilia & Deschenes, 1994; Sherman & Berk, 1984). The use of lifetime registration may be an overly strict and restrictive sanction. Numerous RSOs may be convicted of small or lesser offenses, nonviolent offenses, or noncontact offenses (e.g., pornography, exposure, etc.) yet be required to be listed for a minimum of 10 years and perhaps life. This may be especially damaging for registrants convicted as teenagers or during their early 20s. Policy makers may find it beneficial to revisit the issue of length of registration, considering the negative effects of the numerous previously identified collateral consequences of registration (Tewksbury, 2004, 2005; Zevitz & Farkas, 2000c).

A final suggestion for improvement mentioned by a number of sex offenders was the accessibility of the registry. Some offenders were frustrated with the fact that any person can access the registry for any reason, at any time. Most registrants did not question the appropriateness of law enforcement having access, but they reportedly did not understand the rationale for allowing registries to be accessible for others. In the minds of many offenders, this leaves the door open for harassment, stigmatization, and increased collateral consequences.

Examination of the literature brings into question the practicality and actual worth of sex offender registries. Research has consistently shown flaws in the structure and format of sex offender registries. Information listed on registries has often been found to be inaccurate, incomplete, missing, or misleading (Levenson & Cotter, 2005; Tewksbury, 2002). Studies have also found that sex offender registries make no discernable difference in sex offense recidivism rates (Adkins et al., 2000; Berliner et al., 1995; Lieb, 1996; Pawson, 2002). And finally, data from this study reveal that sex offenders are dissatisfied with sex offender registration in its current form and do not see it as a fair and valuable sanction, a perception that could ultimately affect recidivism rates. This information significantly calls into question the true efficacy of sex offender registries, at least in their current form and structure. It appears that sex offender registries are designed primarily with child predators and pedophiles in mind. However, many—if not a majority of—offenders on sex offender registries are not child predators

or pedophiles. These offenders, however, are sanctioned in the same manner as those who victimize children.

The findings of this study suggest the need for a range of improvements to the current format, process, and structure of sex offender registries. Although the perspective of offenders is often of minimal concern to those who oversee and implement sex offender registry programs, the insights provided by offenders offer opportunities for a more efficient and effective system. For the goals of decreased recidivism and community awareness to be achieved, changes may need to be made to meet the needs of both offenders and society. With the relatively recent implication of most sex offender registries and community notification programs, more research is needed to gain a better understanding of sex offenders' perceptions of such sanctions.

## Notes

1. It should also be noted that several states preceded the federal effort to develop registries of sex offenders. These include the Community Protection act of 1990 in Washington and the Sex Offender Registration Act in Minnesota in 1991.

2. Information on the Kentucky Sex Offender Registry Web site includes, for each offender, name, registration date, date of birth, current address, county of residence, date of last update for the entry, sex, height, weight, hair and eye color, offenses for which the offender has been convicted, length of registration (10 years or life), and whether or not the offender is compliant with registration requirements. In addition, most offenders also have a photo included on their registration page (although, as reported by Tewksbury, 2002, a significant minority of individuals does not have photographs accompanying their information). Registry information is maintained and updated by the Kentucky State Police. The registration process does include collection of a DNA sample from all offenders, although at present this information is not directly linked to the registry. It should be noted that Kentucky does not do community notification and does not indicate a risk level for registrants beyond an indication of whether an individual is registered for 10 years or life. Kentucky lists all persons convicted of a sexually related offense on the registry, regardless of risk level. In fact, the registry listing does not include registrants' risk-level designation.

3. A 40% sample was chosen because of funding, resource restraints, and the assumption that this would yield a sufficient number of interviews to allow data analysis.

4. This is slightly lower than previous research that has shown rates of inaccurate addresses for registered sex offenders of 4.1% (Tewksbury, 2005), 14.0% (Tewksbury, 2004), and 26.4% (Tewksbury, 2002). In addition, it should be noted that in the current study, 5 registrants scheduled interviews and then either did not show for their scheduled interview appointment or refused to complete the interview after meeting with the researcher.

5. Three individuals called to schedule interviews but refused when they were informed that they were not being paid. Also, one individual called to ask, "Is this mandatory? Do I have to do it for my probation?" When informed it was not mandatory, the individual hung up. Four other individuals called, asked questions about the project, promised to call back to schedule interviews, but did not do so.

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