

Lamenting the list: a partial test of Sherman's defiance theory as applied to female sex offenders

Jennifer L. Klein*, Danielle Tolson and Cathy Collins

Department of Sociology and Criminology & Law, University of Florida, Gainesville, FL, USA

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Through the community notification and sex offender registry laws that have been passed, the USA has created a strict legal environment that requires sex offenders to remain in compliance with the registry requirements placed on them by the state once they are released back into their communities. A variety of unintended consequences, such as unemployment and housing issues, have resulted from these laws and have the potential to impact the reentry efforts of released sex offenders. Using Sherman's defiance theory as a theoretical lens, the current study examines the experiences of registered female sex offenders living in Florida. One hundred and six registered female sex offenders were surveyed to examine their experiences while on the registry, and whether those events influence feelings of defiance toward the registry and criminal justice systems. Results suggest that these offenders indeed experience unintended consequences due to their registration status, which in turn shows support for the four canonical elements of Sherman's theory by inferring that these women feel unjustly punished and stigmatized. Research findings, policy implications, and limitations are discussed.

Keywords: female offenders; defiance theory; sex offenders; registry; unintended consequences

Traditionally, victims have underreported sex offenses. However, when the offenses are reported, they are subject to intense scrutiny by law enforcement, policy-makers, and the media (Jenkins, 2004; Koss, Gidycz, & Wisniewski, 1987; Russell, 1983, 1984; Tjaden & Thoennes, 2006). Although sex crimes are well examined, the question of what to do with offenders after they are released from prison was an issue prior to the establishment of the sex offender registry system. There has been a systematic fervor in the community to impose harsh sanctions on sex offenders and to keep them under constant state supervision (Meloy, Saleh, & Wolff, 2007). In order to deter sex offenders from reoffending and notify the general public of their presence in their communities, Congress enacted legislation in 1994 (Jacob Wetterling Act, 1994), which established the sex offender registry and community notification practices nationally. Convicted sex offenders are now subject to registration with the state; they must provide personal information including

*Corresponding author. Present address: Division of Criminal Justice, Department of Social Sciences, University of Texas at Tyler, 3900 University Blvd., Tyler, TX 75799, USA. Email: jklein87@ufl.edu

their demographic characteristics, residency information, and their photograph (Jacob Wetterling Act, 1994). Despite the goals that were originally stated by legislators, what once was a deterrent measure has evolved into punitive sanctions that limit opportunities released sex offenders have to reenter society. Furthermore, registry laws have created a variety of unintended consequences, such as barriers to employment and housing, which further exacerbate the reentry problem. Additional amendments to the Jacob Wetterling Act (see Adam Walsh Act, 2006; Megan's Law, 1996 for more registry sanctions) have increased the extent of registry requirements with which sex offenders must comply.

Sherman's defiance theory (1993) suggests that when offenders perceive sanctions as harsh and unjust they are likely to retaliate against the sanctioning agent and may have a higher likelihood of recidivism, compared with offenders who do not hold such views of the sanctioning agent. This study examines the experiences and attitudes of registered female sex offenders living in Florida. With the increased amount of registry requirements levied against sex offenders, the registry laws are creating a punitive legal environment, which arguably could be perceived as harsh and unjust by those who are required to comply with them. Using Sherman's defiance theory as a theoretical lens, we assess the exposure of sex offenders on the registry to unintended consequences and how those experiences may produce defiant attitudes toward the registry system.

Sherman's defiance theory

The issue of punishing offenders has long been debated among legal scholars. In an attempt to address this contentious topic, an integrated theory was proposed in the early 1990s, which combined elements of perceived justice, bonding, and shame. Sherman's (2006) defiance theory suggests that at a certain point, punishment may no longer have any effect on whether or not recidivism rates are lowered. Specifically, Sherman posits that punishment can backfire; the backfire comes from a sense of injustice associated with the sanction and as a result, the individual increases his/her level of criminal activity (Freeman, Liopsis, & David, 2006; Sherman, 1993). According to Sherman, an offender's reaction to sanctioning is central to three issues: (1) perceived legitimacy and respectfulness of the sanctioning agent, (2) the offender's perceived social bonds to the sanctioning agent and to the community, and (3) how the offender manages shame and feelings of pride (i.e., the degree to which the offender feels included or isolated from the community after sanctioning has taken place). Each of the three elements represents the integration of multiple theoretical perspectives within defiance theory. For clarity, each sub-theory is explained below, as well as how they come together to explain defiance.

At its basic premise, defiance theory is an amalgam of labeling theory, Braithwaite's (1989) reintegrative shaming, Hirschi's (1969) social bond, Tyler's (1990) procedural justice theory, and Scheff and Retzinger's (1991) sociology of master emotions. Previous research has shown that when a sanction is perceived to be fair – enough punishment for a given crime, but not too much to make it seem like an undeserved amount – compliance with the law is maintained. Conversely, if the sanction is perceived as excessive, then obedience is less likely to occur (Freeman et al., 2006; Sherman, 1993). The role of social bond is an extension of Hirschi's (1969) social bonding theory, which suggests that individuals who are more strongly bonded to society are less likely to engage in deviant or criminal behavior.

Stigmatization implies that the offender feels labeled as ‘deviant’ or ‘criminal’ as a result of being detected for a criminal offense s/he committed. Refusal to acknowledge shame suggests that the offender denies the shame associated with the detection of the criminal offense and instead feels a sense of pride for his/her actions (Sherman, 1993, 2006). This proposition is an extension of the principles explained in Braithwaite’s (1989) reintegrative shaming theory. As a restorative justice approach, the objective is to shame the act committed and not the offender, and furthermore to reintegrate the offender back into the community (Braithwaite, 1989; Freeman et al., 2006). However, sometimes the offender refuses to acknowledge the shame associated with the offense – something that is critical to the shaming intent proposed in reintegrative shaming theory (Freeman et al., 2006). For registered sex offenders, living on the registry complicates the relationship between the state, the community, and him/herself by maximizing the opportunity for public embarrassment and shame while minimizing bonds with the general community.

The minimal prior literature that exists, focuses exclusively on defiance theory in relation to the sex offender registry or specifically to male or female sex offenders (Tewksbury & Lees, 2007), but researchers have examined the different elements of the theory in the past. This research suggests that instead of creating a reintegrative atmosphere, the legal climate maintains physical and social isolation (Tewksbury & Connor, 2012) that stigmatizes sex offenders (Brannon, Levenson, Fortney, & Baker, 2007; Levenson & Hern, 2007; Zevitz & Farkas, 2000) and keeps them away from community members. This isolation makes reentry difficult to achieve (Petersilia, 2003), which in turn increases the possibility of offenders exhibiting defiant attitudes and behaviors; consequently, these issues have been identified as concerns for recidivism (Brannon et al., 2007). Not only does the sex offender registry do an inadequate job of reintegrating sex offenders, but it also perpetuates feelings of shame and embarrassment within individuals who have fulfilled their debt for their criminal offenses (Klein, Rukus, & Zambrana, 2012; Levenson, D’Amora, & Hern, 2007; Tewksbury, 2004, 2005), both of which have also been identified through research as precursors for recidivism (Kruttschnitt, Uggen, & Shelton, 2000).

While the general public is generally supportive of the sex offender registry, those who are actually registered have a differing opinion. Registered offenders view the registry system as harsh and unfair (Brannon et al., 2007) in addition to being stressful (Klein et al., 2012; Levenson et al., 2007; Tewksbury, 2004, 2005). The long registration periods instituted by the Adam Walsh Act have made sex offenders feel as though they are ‘trapped’ (Tewksbury & Lees, 2007, p. 403), suggesting that punishment is unfair and unjust. Researchers have found that despite being on the registry themselves, offenders believe that in theory the registry is a good tool in its attempts to deter (Levenson et al., 2007; Tewksbury & Lees, 2007), but in application they have less faith in its effectiveness (Brannon et al., 2007), or that community members actually access the community notification information on a regular basis (Tewksbury & Lees, 2007).

These negative attitudes towards the sex offender registry and community notification exemplify the elements of Sherman’s defiance theory. If the offender is resentful of the sanction and feels that it is unfair or disproportional to the offense, then s/he is more likely to act out against the sanction. This defiance could occur with offenders who fail to register with the state, provide inaccurate information with law enforcement, abscond from the custody of law enforcement, or in the

worst-case scenario – return to criminal offending (recidivism). These represent behaviors monitored by the state to promote the safety of society; a review of the registry and its effects on sex offender can assist in elaborating on the depth of this issue.

Development of the registry and its effects on sex offenders

In the 1990s, a moral panic occurred concerning sex offenders. Moral panics typically result when a group of individuals – in this instance the aforementioned sex offenders – pose a threat to the societal values and interests of the majority of community members (Cohen, 1972). Most moral panics end up phasing out over time, such as the Reefer Madness-marijuana of the 1930s or the Red Scare of the 1950s, but some are renewed when the threat reasserts itself. The idea for sex offender registration was not a new concept, but it was one that was resurrected again with the panic in the 1990s. As early as the 1930s and 1940s, efforts were made by law enforcement to keep track of sexually dangerous individuals (Lieb, 2003; Meloy et al., 2007). Legislators began a decade long process of systematically linking states together through the use of registries beginning with the enactment of the Jacob Wetterling Act (1994), which tracks the activities of released sex offenders on the local, state, and national levels (Office of Justice Programs, 2008). Following the passage of this Act, Megan's Law was passed (1996), which required registry information be made available to the general public. These two acts made a nation-wide sex offender registry possible and required 'public officials to notify communities of offenders in their midst' (Janus, 2006, p. 16). Public notification establishes a safety mechanism for community members to know how many sex offenders are residing in their neighborhood and if the offenders are living in a close proximity to them (Burchfield & Mingus, 2008). Subsequently, additional amendments to the Jacob Wetterling Act have expanded the size and scope of the registries that apply to a variety of sex-related offenses. Most notably, the Adam Walsh Act (2006) requires sex offenders to register for longer periods of time, gives US Marshals greater freedom to locate those individuals who fail to register, and requires any juvenile sex offender over the age of 14 to register with the state (Chaffin, 2008; Wright, 2008a; Young, 2008). Although these are just a few examples of the increased sanctioning of the sex offender laws, what has resulted is an increase in the amount of time, effort, and resources that have been devoted to surveilling sex offenders.

These registries have remained popular with politicians and the general public (Kernsmith, Comartin, Craun, & Kernsmith, 2009; Lieb & Nunlist, 2008; Petrunik & Deutschmann, 2008), but research has shown that most registry knowledge comes from problems created through inaccurate depictions of sex offenders made by the media (Levenson & Cotter, 2005; Sample & Kadleck, 2008; Wright, 2004). Not only does research suggest that politicians ignore empirical research regarding the registries (Chaffin, 2008), but also that a substantial number of community members choose to remain uneducated about the realities of sex offender registries (Kernsmith et al., 2009; Proctor, Badzinski, & Johnson, 2002). Despite their failure to reference the registries, many citizens report feeling safer because of them (Kernsmith et al., 2009; Lieb & Nunlist, 2008). Many researchers do not share this same enthusiasm. While there have been a few studies documenting a limited deterrent effect related to registries (Levenson & D'Amora, 2007; Prescott & Rockoff,

2008; Veysey, Zgoba, & Dalessandro, 2008; Welchans, 2005), many show no such link (Adkins, Huff, & Stateberg, 2000; Avrahamiam, 1998; Gonnerman, 2007; Levenson & Cotter, 2005; Madden, 2008; Minnesota Department of Corrections, 2003; Petrosino & Petrosino, 1999; Sandler, Freeman, & Socia, 2008; Schram & Milloy, 1995). Some researchers indicate that perhaps there may be modest deterrent effect of registries because the laws that endorse them are vague and make limited distinctions between types of sex offenders, thus overinflating their dangerousness (Chaffin, 2008; Levenson & D'Amora, 2007; Lieb, Quinsey, & Berliner, 1998; Meloy et al., 2007; Wright, 2008a, 2008b).

Female sex offenders: an atypical offender

The sex offender registry and community notification laws require that released offenders register with local law enforcement, and in turn, law enforcement must alert community members about the offenders living in their specific jurisdiction. Based on evidence presented, there are both significant advantages and drawbacks associated with the registry system and with community notification. Despite the growing amount of literature on deviant sexual behaviors, female sex offenders are often understudied since most offenders are male (Elliott, Eldridge, Ashfield, & Beech, 2010; Tewksbury, Connor, Cheeseman, & Rivera, 2012; Wijkman, Bijleveld, & Hendriks, 2010). In any given state, women make up a small percentage of those listed on the registry; sometimes, comprising less than 5% of the total number of registered sex offenders (Szymkowiak & Fraser, 2002; Tewksbury, 2004). Despite their low numbers, the female sex offender population is growing – from 1995 to 2004, the number of registered female sex offenders rose 11% (US Department of Justice, 2005). There is cause for concern about the growing number of female sex offenders since there has been a noticeable decrease in reported sex offenses during the same time period (US Department of Justice, 2005; Vandiver, Dial, & Worley, 2008).

Furthermore, female sex offenders do not fit the mold of what is considered the stereotypical sex offender. The predominant sex offense is thought to involve a male offender who commits a contact offense against a younger, female victim (Embry & Lyons, 2012). Despite the notion that female sex offenders contradict the expected demographic profile of a sex offender, they are still processed through the criminal justice the same way as men and are subject to the same registry requirements. This is coupled with research showing that female sex offenders receive shorter prison sentences than their male counterparts (Embry & Lyons, 2012; Sandler & Freeman, 2011), providing for the longstanding chivalry–patriarchy hypothesis embedded in our patriarchal court system that feminist scholars have stood by for years (Chesney-Lind, 2006; Farnworth & Teske, 1995; Koons-Witt, 2002). Although these issues do not promote a very optimistic picture regarding the need to study female sex offenders, the importance still stands. Women are being convicted of sex offenses, and are required to register with the state – that alone subjects them to the various consequences of the registry expanded upon earlier. It is important to study the real-life ramifications of the registry to see how that system is impacting those women who are required to comply with it.

The current study

Sherman posits that offenders' perceptions of unfair sanctioning and stigmatization, poor social bonds, and refusal to acknowledge shame will lead to defiant behavior, or in other words, recidivism. We seek to examine how unintended consequences may explain these four predictors of defiance among Florida's female registered sex offenders. Unintended consequences exist in many forms, such as unemployment or lack of suitable housing, and are often the result of being placed on the sex offender registry and being publically identified as a sexual offender through the community notification process. Rather than using the four elements of Sherman's theory to predict recidivism, we will test the aforementioned unintended consequences against the four elements of his theory.

Our analysis will determine whether these women feel shame for their offenses and their offender status, if they feel alienated from their communities, families, and friends, and if they think others are able to view them as anything other than a sex offender. As a framework, defiance theory directs our attention to the potential for defiant attitudes and behavior, and will serve as a tool to illustrate the unintended consequences of the sex offender registry. It is hypothesized that individuals who experience more unintended consequences will be more likely to perceive their sanctions as unfair and stigmatizing, report having weaker social bonds, and will be less likely to acknowledge shame.

Study methodology

A full test of Sherman's theory would predict that feelings of unfairness, weak bonds and alienation, stigmatization, and shame displacement – the traditional elements of defiance theory might ultimately lead to defiant behavior, i.e., reoffending. This study does not examine recidivism but rather the defiant attitudes that could lead an offender in a recidivistic direction.

Sample

Data for this study were collected from a mail-out survey sent to all eligible female sex offenders registered in Florida. The Florida Department of Law Enforcement (FDLE) provided an original list of 984 registered females in March 2010. From this list, detailed data including offenders' names, addresses, birthdays, legal status (i.e., incarceration, deportation, deceased), offender status (predatory vs. offender¹), and county of residence was obtained. Eligibility criteria included in-state residency, as well as not being deceased, incarcerated, deported, or having absconded.² Ineligible registrants were removed ($n = 415$), leaving a sample of 569 possible participants. A letter of invitation, a consent form, a survey, and a prepaid return envelope were mailed to all eligible participants. One week after the initial mailing, a reminder letter was sent to those who had not yet returned their survey. By December 2010, 106 surveys were returned providing a response rate of 18.6%. This response rate falls within the expected parameters of a mail-out study based on previous literature suggesting a typical response rate between 9 and 20% when a reminder letter is sent out (Collwell, Miller, Miller, & Lyons, 2006), and the sample size is consistent with the previous literature on female sex offenders (Burchfield & Mingus, 2008; Mathews, Hunter, & Vuz, 1997; Rosencrans, 1997; Tewksbury, 2004, 2005; Tewksbury & Lees, 2007; Tewksbury & Zgoba, 2010; Vandiver & Walker, 2002).

Descriptive statistics were obtained for the 106 respondents – participants were predominately offenders ($n = 101$, 95.3%) rather than predators, were white ($n = 98$, 92.5%), had a minor for a victim ($n = 92$, 86.8%), had children ($n = 89$, 84.0%), and the majority between the ages of 31–40 ($n = 31$, 29.3%) and 41–50 ($n = 38$, 35.8%). The state of Florida provided all demographic variables except for participants' parental status, however the state did not provide any of the ethnicities of the participants, and the only available racial identifiers provided were broken down dichotomously as black or white. These statistics largely follow the statewide demographics of all female sex offenders living in the Florida. In total, there was a 20:1 ratio of sex offenders to predators, which makes this sample very similar to the state as a whole (FDLE, personal correspondence with the sexual predator unit, 2012).

Analytic procedure

The survey used was, in part, as a replication of a survey created by Tewksbury (2004, 2005) in which he assessed the attitudes and negative consequences of registered female offenders with respect to their registry status. Specifically, Tewksbury assessed the unintended consequences offenders may have encountered. These negative experiences included experiences with job loss, being forced to move, harassment, and alienation from family and friends, among other issues. In addition to the replicated Tewksbury items, we included defiance theory measures that are original to this study. These included measures of offenders' perceptions of injustice and stigmatization, quality of social bonds, and levels of shame. Expanding the work of Tewksbury, we used unintended consequences to explain feelings of injustice and stigmatization, poor social bonds, and shame which defiance theory posits are predictors of defiant behavior.

Variables

Independent variable

The main predictor used is the unintended consequences experienced by the women in the community, composed of a 10-item scale asking how many times an individual experienced the following consequences: job loss, denial of a work promotion, denial of a place to live, rude treatment in public, being asked to leave a business or restaurant, loss of friendship, being harassed in person, being assaulted or attacked, receiving harassing or threatening phone calls, or receiving harassing or threatening mail, flyers, or notes. The 10 items were measured on a five-point Likert scale ranging from 0 (the participant experienced the consequence 0 times, or never) to 4 (the participant experienced the consequence four times or more), with higher scores indicating having experienced more negative unintended consequences as a result of their registry status. The construction of this composite measure was derived from Tewksbury's study (2004). Confirmatory principle components factor analysis was conducted (Varimax rotation with Kaiser normalization) to ensure that items all loaded on to the same component as expected, which was confirmed by factor analysis; (all items loaded at .688 or higher). The scale has a high reliability, with a Cronbach's alpha of .883. Table 1 shows the descriptive results of the 10 items that comprise the unintended consequences scale.

Control variables

In addition to the independent variable of unintended consequences, several control variables were used for this analysis. These variables included the offender's status (offender or predator), race (black or white), the type of victim involved in the sex offense (minor or adult victim), whether or not the offender had children (yes or no), and the offender's age. All information except for the participants' parental status was provided by FDLE (2010). Participants also self-reported demographic information. The self-report data and state-provided data were cross-checked against each other to insure statistical integrity of the control variables. These control variables were chosen because they are publically available pieces of information available via the sex offender registry, with the exception of the participants' parental status. That variable was included in the models because there are several restrictions placed on sex offenders who are parents, when they commit an offense against a minor (i.e., loss of custody, and restriction of visitation).

Dependent variables

The four predictors of defiance served as the dependent variable group for the ordinary least squares (OLS) regression analyses. Four models were derived from the following predictors: (1) *unfair sanctions*, (2) *poor bonds and alienation*, (3) *stigmatization of the offender; not the offense*, and (4) *refusal to acknowledge shame*. Each of the four elements served as a separate dependent variable. Based on Sherman's original conceptualization of the theory, the four elements are tested independently of one another. In the results section, it is shown that by separating defiance theory into the individual theoretical constructs, four significant models are predicted. From this reasoning, we did not include the additional, nonsignificant models in the paper.

Table 2 shows the survey questions that were formatted to each of the four defiance theory elements. These measures were developed for this survey and each question was originally measured using a five-point Likert scale with responses ranging from strongly disagree to strongly agree. Substantial variability existed in the response options for some of these measures. To compensate, the five-point Likert scale was collapsed into a three-point scale. To do this, the strongly disagree/disagree and strongly agree/agree responses were combined into single components. The values of (1) for each disagree response, (2) for undecided, and (3) agree response were assigned and subsequently added together. The respective measures for these variables, were scaled across participant responses before running each individual regression model, where higher scores indicated experiencing higher levels of defiant attitudes and lower scores indicated lower levels of defiant attitudes. Also aiding in the decision to separate out the models was the confirmatory factor analysis conducted on the variables. Confirmatory factor analysis showed that when separated according to the four elements of defiance theory, all items loaded onto their respective components and reliability tests produced strong Cronbach's alphas, indicating that the four different scales are all reliable³ (Tavakol & Dennick, 2011).

Table 1. Descriptive statistics for collateral consequences used as independent variable.

Questions	Frequency ($n = 106$)
<i>How many times have you lost a job?</i>	
0 times	$n = 38$ (35.8%)
1 time	$n = 22$ (20.8%)
2 times	$n = 19$ (17.9%)
3 times	$n = 4$ (3.7%)
4 + times	$n = 19$ (17.9%)
<i>How many times have you been denied a promotion at work?</i>	
0 times	$n = 61$ (57.5%)
1 time	$n = 11$ (10.4%)
2 times	$n = 10$ (9.4%)
3 times	$n = 3$ (2.8%)
4 + times	$n = 17$ (16.0%)
<i>How many times have you lost a place to live?</i>	
0 times	$n = 39$ (36.8%)
1 time	$n = 17$ (16.0%)
2 times	$n = 7$ (6.6%)
3 times	$n = 7$ (6.6%)
4 + times	$n = 35$ (33.0%)
<i>How many times have you been treated rudely in a public place?</i>	
0 times	$n = 59$ (55.7%)
1 time	$n = 14$ (13.2%)
2 times	$n = 8$ (7.5%)
3 times	$n = 6$ (5.7%)
4 + times	$n = 19$ (17.9%)
<i>How many times have you been asked to leave a business or restaurant?</i>	
0 times	$n = 94$ (88.7%)
1 time	$n = 3$ (2.8%)
2 times	$n = 1$ (.9%)
3 times	$n = 1$ (.9%)
4 + times	$n = 5$ (4.7%)
<i>How many times have you lost a friend because of your registration status?</i>	
0 times	$n = 56$ (52.8%)
1 time	$n = 9$ (8.5%)
2 times	$n = 11$ (10.4%)
3 times	$n = 5$ (4.7%)
4 + times	$n = 24$ (22.6%)
<i>How many times have you been harassed in person?</i>	
0 times	$n = 57$ (53.8%)
1 time	$n = 11$ (10.4%)
2 times	$n = 11$ (10.4%)
3 times	$n = 9$ (8.5%)
4 + times	$n = 18$ (17.0%)
<i>How many times have you been assaulted or attacked?</i>	
0 times	$n = 90$ (84.9%)
1 time	$n = 3$ (2.8%)

(Continued)

Table 1. (Continued).

Questions	Frequency (<i>n</i> = 106)
2 times	<i>n</i> = 5 (4.7%)
3 times	<i>n</i> = 3 (2.8%)
4 + times	<i>n</i> = 5 (4.7%)
<i>How many times have you received harassing/threatening telephone calls?</i>	
0 times	<i>n</i> = 74 (69.8%)
1 time	<i>n</i> = 11 (10.4%)
2 times	<i>n</i> = 1 (.9%)
3 times	<i>n</i> = 3 (2.8%)
4 + times	<i>n</i> = 17 (16.0%)
<i>How many times have you received harassing/threatening mail/fliers/notes?</i>	
0 times	<i>n</i> = 71 (67.0%)
1 time	<i>n</i> = 9 (8.5%)
2 times	<i>n</i> = 4 (3.7%)
3 times	<i>n</i> = 3 (2.8%)
4 + times	<i>n</i> = 19 (17.9%)

Analytic plan

Before running the four regression models, collinearity diagnostics were conducted between the independent variable; unintended consequences; and each of the dependent variables; (1) unfair sanctions, (2) poor bonds/alienation, (3) stigmatization of the offender, and (4) refusal to acknowledge shame. Each test shows little correlation with a variance inflation factor (VIF) of 1.034 and a tolerance of .967 between the independent and four dependent variables. Thus, we concluded that multicollinearity was not a problem within the models. There is some concern that without trying to explain recidivism, the models may seem tautological in using unintended consequences to predict the elements of defiance theory. However, we feel there is enough variation in the questions asked concerning the unintended consequences to ensure a tautological loop is unlikely. One item regarding loss of friendships causes some concern for predicting poor bonds and alienation, and stigmatization of the offender. Our diagnostic testing for collinearity and multicollinearity resolves the issue of tautology within the models, allowing us to test these models.

OLS regression was used to examine the relationship between the unintended consequences experienced in regards to the females' sex offender status and defiant attitudes felt towards this status. The following four regression models estimate the four elements of defiance theory – unfair sanctions (Table 3, Model 1), poor bonds or alienation (Table 3, Model 2), stigmatization of the offender (Table 3, Model 3), and refusal to acknowledge shame (Table 3, Model 4) – in relation to their experiences with unintended consequences.

Results

Overall, the results support the hypotheses proposed – increased experiences with unintended consequences result in greater perceptions of injustice and stigmatization, poorer social bonds, and greater levels of shame displacement. Model 1 (model predicting unfair sanctions), shows that overall, the model is significant at

Table 2. Descriptive statistics for defiance theory used as dependent variable.

Defiance theory model	Frequency	Defiance theory model	Frequency
<i>Unfair sanctions</i>			
'I feel I am bring unfairly punished by being on the Florida Sex Offender Registry'		<i>Stigmatization of the offender</i> 'Because I am registered on the Florida Sex Offender Registry, I will never be seen as anything other than a sexual offender'	
1 = Disagree	n = 9 (8.5%)	1 = Disagree	n = 18 (17.0%)
2 = Unsure/Undecided	n = 18 (17.0%)	2 = Unsure/Undecided	n = 27 (25.5%)
3 = Agree	n = 79 (74.5%)	3 = Agree	n = 61 (57.5%)
'I believe that having my picture on the Florida Sex Offender Registry is going too far'		'People do not treat me with respect once they find out that I am required to register as a sexual offender'	
1 = Disagree	n = 11 (10.3%)	1 = Disagree	n = 32 (30.2%)
2 = Unsure/Undecided	n = 26 (24.5%)	2 = Unsure/Undecided	n = 27 (25.5%)
3 = Agree	n = 69 (65.1%)	3 = Agree	n = 47 (44.3%)
'I feel that the Florida Sex Offender Registry has unfairly characterized me as a sex offender'		'I feel that community members do not treat me fairly once they find out that I am required to register as a sexual offender'	
1 = Disagree	n = 6 (5.7%)	1 = Disagree	n = 22 (20.8%)
2 = Unsure/Undecided	n = 16 (15.1%)	2 = Unsure/Undecided	n = 27 (25.5%)
3 = Agree	n = 84 (79.2%)	3 = Agree	n = 57 (53.8%)
<i>Poor bonds and alienation</i>			
'People avoid being around or talking with me if they know I am on the Florida Sex Offender Registry'		<i>Refusal to acknowledge shame</i> 'I feel ashamed that I am on the Florida Sex Offender Registry'	
1 = Disagree	n = 42 (39.6%)	1 = Disagree	n = 7 (6.6%)
2 = Unsure/Undecided	n = 35 (33.0%)	2 = Unsure/Undecided	n = 11 (10.4%)

(Continued)

Table 2. (Continued).

Defiance theory model	Frequency	Defiance theory model	Frequency
3 = Agree	n = 29 (27.4%)	3 = Agree	n = 88 (83.0%)
'I feel that since I have registered on the Florida Sex Offender Registry, I have been ostracized from my community'		'I am ashamed that I have committed a sexual offense.'	
1 = Disagree	n = 29 (27.4%)	1 = Disagree	n = 13 (12.3%)
2 = Unsure/Undecided	n = 35 (33.0%)	2 = Unsure/Undecided	n = 7 (6.6%)
3 = Agree	n = 42 (39.6%)	3 = Agree	n = 86 (81.1%)
'I no longer feel a part of my community because I am required to register as a sexual offender'		'I avoid certain public places because I am afraid of being recognized as a sex offender'	
1 = Disagree	n = 29 (27.4%)	1 = Disagree	n = 50 (47.2%)
2 = Unsure/Undecided	n = 19 (17.9%)	2 = Unsure/Undecided	n = 14 (13.2%)
3 = Agree	n = 58 (54.7%)	3 = Agree	n = 42 (39.6%)

Table 3. OLS regression models predicting the four elements of defiance theory.

Variable	Model 1 (unfair sanctions)			Model 2 (poor bonds or alienation)			Model 3 (stigmatization of the offender)			Model 4 (refusal to acknowledge shame)		
	B	SE	β	B	SE	β	B	SE	β	B	SE	β
Unintended consequences	.813***	.210	.365	1.628***	.225	.601	1.756***	.222	.627	.215***	.046	.490
Offender race	1.497	.852	.166	1.206	.914	.110	1.483	.902	.131	.250	.187	.121
Offender age	.034	.022	.144	.031	.024	.109	.027	.024	.090	.001	.005	.017
Offender status	1.605	.983	.152	1.579	1.056	.123	2.701*	1.041	.204	.278	.216	.115
Parental status	.478	.483	.093	.320	.519	.051	.106	.512	.017	.176	.106	.149
Constant	2.947	1.528		.092	1.640		-.286	1.618		1.627	.336	
F-Statistic	4.490***			11.075***			14.043***			6.712***		
R ²	.193			.371			.428			.263		
VIF	1.034			1.034			1.034			1.034		
Tolerance	.967			.967			.967			.967		

Note: N = 106.
 ***p < .001; **p < .01; *p < .05.

the .001 alpha level as indicated by the *F*-statistic (4.490). The unintended consequences variable was the only significant predictor (at the .001 alpha levels), when controlling for race, age, offender status, and parental status. The predictor and control variables for this model are able to explain roughly 19.2% of the variance ($R^2 = .192$). This model further suggests that a one-unit increase in unintended consequences causes a .813 increase in perceptions of unfair sanctions.

Model 2 (model predicting poor bonds/alienation) also is significant at the .001 alpha level as indicated by the *F*-statistic (11.075). Like Model 1, the unintended consequences variable was the only significant predictor (at the .001 alpha level) when controlling for race, age, offender status, and parental status. The predictor and control variables for this model are able to explain roughly 37.1% of the variance ($R^2 = .371$). This model further suggests that a one-unit increase in unintended consequences causes a 1.628 increase in perceptions of poor bonds or alienation.

Model 3 (model predicting stigmatization of the offender) also is significant at the .001 alpha level as indicated by the *F*-statistic (14.043). The unintended consequences and offender status variable were both significant at the .001 and .05 alpha level respectively for this regression, when controlling for race, age, offender status, and parental status. The predictor and control variables are able to explain roughly 42.8% of the variance ($R^2 = .428$). This was the strongest of the four models. This model further suggests that a one-unit increase in unintended consequences causes a 1.756 increase in perceptions of stigmatization of the offender.

The final model, Model 4 (model predicting the refusal to acknowledge shame) is also significant at the .001 alpha level as indicated by the *F*-statistic (6.712). Like Models 1 and 2, the unintended consequences variable was the only significant predictor (at the .001 alpha level) when controlling for race, age, offender status, and parental status. The predictor and control variables for this model explain roughly 26.3% of the variance ($R^2 = .263$). This model suggests that a one-unit increase in unintended consequences causes a .215 increase in the participant's refusal to acknowledge shame.

The results of these four models tests show significant findings, which indicate that the respondents felt defiant attitudes toward the Florida Sex Offender Registry and their place within the system. Since this is a cross-sectional survey and only a partial test of defiance theory, we are unable to determine whether or not recidivism occurred, as predicted by Sherman's (1993, 2006) argued outcome of defiance theory, but the data do suggest that these participants are reporting attitudes consistent with the elements of Sherman's theory. The results of all four OLS regression models are shown in Table 3.

Discussion

Life on the registry inevitably causes registrants to experience any number of unintended consequences that result from their public status as sex offenders. Prior research documents unemployment, loss of housing, harassment, and experiences with vigilantism (Jenkins, 2004; Klein et al., 2012; Levenson et al., 2007; Ost, 2002; Tewksbury, 2004, 2005; Zevitz & Farkas, 2000). The results reported here also show that these experiences also happen with female sex offenders in the state of Florida, and are aligned with what prior research has found regarding this issue. Although the women have experienced unintended consequences while on the registry, their exact influence on defiant attitudes is not clear. However, the results

suggest unintended consequences are predictive of factors, which Sherman posits may lead to defiant behavior (i.e., recidivism).

Furthermore, these results suggest that simply being registered is enough for participants' to exhibit defiant attitudes toward the registry system itself. The four models are all highly significant and are able to explain between 19.3 and 42.8% explained variance within the models themselves. However, only the unintended consequences variable is a significant predictor for all four models, with the exception of the offender status variable within Model 3 (stigmatization of the offender). These results indicate that the registry punishes all types of offenders and that the demographic features of the participants do not influence any of their defiant attitudes. For example, the participants do not exhibit more defiant attitudes based on their race. The only influential factor that all participants share is that they have all been convicted of a sex crime. These results suggest that the label of 'sex offender' overrides all other aspects of the participants' lives and is label the most influential to their experiences while living in the community.

There has been limited research that explicitly tests defiance theory in relation to the sex offender registry (Tewksbury & Lees, 2007). This analysis suggests positive relationships between the unintended consequences and the four elements of defiance theory. As an offender's experience with unintended consequences becomes more frequent, so will their perceptions of (1) believing the registry is unjust, (2) alienation and/or poor social bonds, (3) being stigmatized as a sex offender, and (4) a refusal to acknowledge shame. These relationships are supported in prior literature, which suggests that registered sex offenders perceive the registry as unjust (Brannon et al., 2007; Tewksbury & Lees, 2007), stressful, a system which causes shame (Klein et al., 2012; Levenson et al., 2007; Tewksbury, 2004, 2005), and alienates those who are registered (Brannon et al., 2007; Levenson & Hern, 2007; Tewksbury & Connor, 2012; Zevitz & Farkas, 2000).

Study limitations and future research

Although we suggest that defiance theory is a good fit for examining the experiences and attitudes of registered sex offenders, there are several limitations to this study that must be addressed. First, defiance theory suggests that individuals are likely to engage in further unlawful behavior when they feel that they are unjustly being punished for their original crimes (Sherman, 1993, 2006). However, because this study is not longitudinal and does not ask about self-reported recidivism, the data are not able to show a temporal relationship between variables. Sherman's theory posits that there is a temporal relationship between experiencing a harsh and unjust sentence, which in turn could lead to retaliation against the sanctioning agent (i.e., recidivism). In this instance, the models suggest that unintended consequences experienced by female sex offenders in this sample are associated with feelings of injustice and stigmatization, weak social bonds, and the refusal to acknowledge shame.

Our second limitation rests in the sample size. A larger sample size would have been preferred as 106 participants is barely sufficient for our statistical model. However, for a study based on female sex offenders our sample size is comparable and in some cases exceeds those reported in prior literature (Burchfield & Mingus, 2008; Mathews et al., 1997; Rosencrans, 1997; Tewksbury, 2004, 2005; Tewksbury & Lees, 2007; Tewksbury & Zgoba, 2010; Vandiver & Walker, 2002). Additionally,

our response rate of 18.6% is consistent with research using a mail-out survey (Collwell et al., 2006). While our sample size is clearly large enough to produce strong regression models based on the number of variables included in our analyses (Green, 1991), we acknowledge that it is always beneficial to have a larger sample.

While our focus was on female sex offenders, our project could benefit from a gendered comparison. Looking at both male and female sex offenders might provide greater insight into defiant attitudes and whether or not experiences on the registry differ. We also used only Florida as a collection site for this project. Future research would benefit from a multiple state survey that takes the legal restrictions into account when examining perceptions of just and unjust punishments.

Policy implications

The current state of the registry creates a strict legal climate for which sex offenders must abide. The Adam Walsh Act (2006) created a comprehensive, national registry system which increased registration requirements, eliminated the statute of limitations for registration, required juveniles to register if they were adjudicated delinquent, and caused offenders to be classified based on the severity of their offenses. The implementation of the Adam Walsh Act has raised a variety of concerns regarding the new requirements for sex offenders. We are not arguing for the abolishment of the sex offender registry system or of community notification. However, with the passage of this Act we see an increase in punitive sanctions on sex offenders.

The results of our study suggest that with the implementation of increased punitive sanctions against sex offenders, a variety of unintended consequences are likely to occur. For the most part, the registered female sex offenders who participated in this study most commonly experienced problems with employment, housing, and harassment by community members. Experiencing these different issues systematically puts sex offenders at a disadvantage in terms of their reentry efforts. Having the opportunity to reenter society is part of the ritualistic process of punishment as discussed earlier (Maruna, 2011; Maruna & King, 2004). Maruna (2011) explicitly calls for the development of rituals that will allow the offender to reintegrate back into society with the support of the community. Aligned with their work, we suggest that a rite of passage that is cathartic, reflective, inclusive of the community, and recurrent provides mechanisms to prevent and minimize defiant attitudes. When the opportunity to successfully reenter society is denied to the offender, we must be concerned with the impact that denial will have on the offender's future behavior. Specifically with this scenario involving sex offenders, reentry is being hindered not only by community members but also by the law itself (i.e., the sex offender registry). With this two-fold denial, the elements of defiance theory may become more salient to the offender and raises concern regarding recidivism. Since there is a great deal of support for the registry system and for community notification, it is unlikely that laws will be repealed or become more lenient in the near future. Without change to the current registry structure, it is likely that the results of this study would be found with additional samples of registered sex offenders. These concerns regarding the reentry efforts of sex offenders should not be ignored, but instead should be studied further with a variety of populations to determine how widespread they really are.

Notes

1. In Florida, sex offenders can be classified as either a sexual predator or a sexual offender. The most basic definition of a sexual predator is someone who has been convicted of a capital, life, or first-degree felony sex offense on or after 1 October 1993. In addition, anyone who has any felony violations in addition to the original conviction will be deemed a sexual predator. The court can also deem someone to be a sexual predator. Also, regardless of meeting these previously mentioned conditions, anyone who has been civilly committed on or after 1 July 2004, must register as a sexual predator (FDLE, 2011). A sexual offender is defined as someone who has never been designated a sexual predator in Florida or in any other state and has committed a sexual offense that is not a capital, life, or first-degree felony sex offense. Juveniles who have been adjudicated delinquent and who were 14 years of age or older at the time of the crime, can also be designated as sexual offenders (FDLE, 2011).
2. Due to the fact that the registry list provided by the FDLE included all female sex offenders to ever register, researchers needed to remove all participants who would not be able to participate in the study.
3. Confirmatory factor analysis and Cronbach's alpha for the defiance theory measures: *unfair sanctions* all loaded at .725 or higher with a Cronbach's alpha of .762; *poor bonds/alienation* all loaded at .768 or higher with a Cronbach's alpha of .783; *stigmatization of the offender* all loaded at .807 or higher with a Cronbach's alpha of .850 and *refusal to acknowledge shame* all loaded at .695 or higher with a Cronbach's alpha of .522. All of the scales for the defiance theory measures are strongly reliable except for the Refusal to Acknowledge Shame scale. This could be due to having heterogeneous constructs within the measures (Tavakol & Dennick, 2011) – poor correlation was ruled out by univariate and bivariate testing as well as though collinearity diagnostics conducted in the regression itself.

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