

The sex offender next door: deconstructing the United States' obsession with sex offender registries in an age of neoliberalism

Robert M. Worley^{a*} and Vidisha Barua Worley^b

^a*Department of Sociology and Criminal Justice, Texas A&M University – Central Texas, 1001 Leadership Place, Killeen, Texas 76549, USA;* ^b*Department of Business and Public Leadership, University of North Texas at Dallas, 7400 University Hills Boulevard, Dallas, Texas 75241, USA*

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In the 1990s, against the backdrop of an ascending Age of Neoliberalism, sex offender registration statutes were passed in the United States. These laws require law enforcement officials to utilize computer technologies in order to publicly identify individuals who have been convicted of sexual offenses. In this study, we conducted in-depth interviews with twenty-four respondents who were forced to register as sex offenders. All of these participants resided within Southeast Texas, which is arguably one of the most punitive regions within the United States. The vast majority of the sample reported moderate to severe forms of harassment as a result of being *outed* as sex offenders via computer technologies. We conclude that in the post-Keynesian United States, the Web-based monitoring of sex offenders will continue to remain a popular American pastime and may even expand to other industrialized democracies throughout the world.

Keywords: sex offender registration; neoliberalism; stigma; shaming; culture of surveillance

Introduction

In 1947, California became the first state within the United States to maintain a sex offender registry. Individuals convicted of sex offenses were required to provide law enforcement authorities with their place of residence and check in annually around their birthdays (Agan 2011). California officials passed this law in an effort to enhance public safety and prevent recidivism. Nevertheless, former sex offenders were afforded a high level of anonymity and could more or less live their lives without harassment or scrutiny from their neighbors. The rehabilitation model was popular in American penology, and there would soon be unprecedented amounts of governmental assistance, including educational subsidies and extremely low-interest housing loans subsidized by the federal government (West and Hewlett 1998). Additionally, the federal government would begin spending billions upon billions of dollars on public transportation, sewage systems, parks, as well as other projects (Kornblum and Julian 2011).

Keynesian economic theory, which emphasized aggressive policy responses by the public sector, was prevalent and would dominate until the early 1970s. Rising income levels and unprecedented economic growth were also associated with low incarceration rates. In 1960, there were no more than 117 convicts per 100,000 residents in the

*Corresponding author. Email: worley_r@ct.tamus.edu

United States (Wacquant 2009). The American prison population would continue to decline by about 1% per year; and by 1970, in the wake of the Civil Rights Movement and President Lyndon B. Johnson's War on Poverty, there were only 96 convicts per 100,000 residents (Perkinson 2010; Soss, Fording, and Schram 2011).

As Wacquant (2009) points out, by the early 1970s, at a time when there were fewer than 350,000 American prisoners residing within the nation's correctional systems, prominent scholars, such as, David Rothman (1971) and Norval Morris (1974), speculated that prisons and jails were in an inevitable state of decline. However, beginning in 1973 and during the demise of Keynesian economics, the American imprisonment rate would rapidly escalate, eventually giving the United States the dubious distinction of incarcerating over 25% of the world's prisoners, despite comprising only 5% of the world population (Garland 2010). Today, criminal justice officials employ a variety of technological gadgets, such as electronic energy devices, computerized mapping of offenses, satellite-aided electronic monitoring, and genetic fingerprinting, to manage and control those deemed to be dangerous (Wacquant 2009; Soss, Fording, and Schram 2011). Computerized sex offender databases, which are accessible by the general public, reflect the United States' shift from rehabilitating individuals to managing and surveilling a sub-class of society.

Wacquant (2009) contends that America's mass imprisonment binge escalated against the backdrop of Neoliberalism, a market-driven approach that emphasizes liberalized trade, efficiency, and free enterprise. While it is true that the Obama White House has recently managed to increase certain entitlements, such as food stamps, this has done little to ease the sense of insecurity in the wake of the 2008 global financial crisis (Toobin 2012; Tomasic 2011). In addition, the recent 2013 sequestration has led to deep spending cuts that may further undermine the economy and undermine President Obama's economic vision. Today, in the Age of Neoliberalism, Americans have become obsessed with punishment and are not afraid to spend an incredible amount of money to subdue individuals deemed to be dangerous (Wacquant 2009; Soss, Fording, and Schram 2011). Presently, America's criminal justice juggernaut consumes more than \$200 billion dollars a year with the carceral function constituting over one-third of the price tag (Perkinson 2010). As the United States has downsized social welfare programs, it has supersized its criminal justice system, and convicted sex offenders have become the 'privileged target[s] of the penal panopticism' (Wacquant 2009). The passage of statutes, such as, the Jacob Wetterling Act (1994), Megan's Law (1996), and the Adam Walsh Act (2006) require law enforcement officials to upload the names and photographs of sex offenders into centralized public registries (Agan 2011; Megale 2011). In addition, a registrant's current residence, place of employment, and offense information is typically included in these databases (Sample, Evans, and Anderson 2011; Vandiver, Dial, and Worley 2008).

The present study examines the experiences of individuals who have been *outed* as sex offenders via Internet-based registries. The passage of the most recent piece of federal legislation, the Adam Walsh Act of 2006, requires all 50 states to maintain publicly accessible Internet sites where sex offender registration is available (Megale 2011; Levenson and Tewksbury 2008). Under this Act, states that do not maintain sex offender registries automatically face a 10% reduction in their Bureau of Justice Assistance grant. In this study, we analyze the experiences of 24 sex offenders registered with the State of Texas. The Texas Code of Criminal Procedure authorizes the state's Department of Public Safety (DPS) to provide public internet access to a computerized database of registered sex offenders. Texas is notorious for being one of the most punitive jurisdictions within the United States (Campbell 2011). The state incarcerates approximately 691 out of every 100,000 residents, leads the nation in executions, and ranks first in supermax lockdowns and for-

profit imprisonment (Garland 2010; Perkinson 2010). In this study, we explore the manner by which technology is being utilized by law enforcement officials in order to regulate and control sex offenders in an Age of Neoliberalism.

Methodology

Data for the study were collected as part of an earlier project on the study of sex offenders within the community. The lead author conducted in-depth interviews with 24 registered sex offenders across seven counties in East Texas. The interviews were all conducted in the subject's home between June 2005 and January 2006. An initial letter was mailed to 232 males who were listed as sex offenders on the Texas Department of Public Safety's sex offender registry. The names and addresses of each potential respondent were publicly available on the website. The letter explained the purpose of the study and invited potential respondents to participate in face-to-face interviews. Twenty-two of these letters (9%) were returned, as the registrants no longer lived at the addresses listed on the website. Of the remaining sampling frame, a total of 24 participants (11.5%) agreed to be interviewed. While this may appear to be a very low response rate, this study is not meant to provide generalizations about all registered sex offenders. Instead, it is an exploratory study designed to generate hypotheses and provide a baseline of information about a very small population.

We were extremely concerned with respecting the rights of each potential participant and did not want the subjects to feel compelled to participate at any time. In order to provide appropriate safeguards for the respondents, this project went through a full human subjects review at Sam Houston State University. Each participant was told that they would be granted complete confidentiality, provided that the interview did not generate new reports of child physical or sexual abuse. In addition, respondents were informed that confidentiality would be broken if they indicated an intent to harm either themselves or other people. Each of the 24 respondents participated in semi-structured interviews that ranged between 60 to 90 minutes. Participants were asked a wide range of questions pertaining to their offense, the adjudication process and punishment, as well as the effects the registry had on their overall quality of life. In order to help the subjects feel relaxed and at ease, all of the responses were handwritten, rather than recorded. Immediately after each day of interviewing, the responses were typed and analyzed for themes.

Sample demographics

At the time of the interview, the subjects ranged in age from 17 to 66 years old, with an average age of 44. Sixteen of the respondents (67%) were Caucasian, four (17%) were Hispanic, three were African American (13%), and one (4%) was an American Indian. Exactly half of the respondents ($n = 12$) were employed at the time of the interview. Their jobs included that of a truck driver, bakery manager, factory worker, heavy equipment operator, plumber, personal fitness trainer, and laborer. Of the respondents who were unemployed, only four claimed to be actively looking for work. The remaining respondents reported that they were either retired or disabled. In addition, one subject, who was only 17 years old at the time of the interview, was a full-time student.

With regard to educational level, 17 respondents (71%) had obtained either a high school diploma or GED. Interestingly, three of these participants claimed to have earned their GED while they were incarcerated for a sex offense. Seven respondents (29%) reported having achieved a level of education beyond high school, with two claiming to have earned Associates' degrees and two reporting to have earned Bachelor's degrees.

Findings

Offense description

The respondents were asked multiple questions in reference to the sex offense that led to their registration. All 24 subjects reported accepting plea bargain agreements and either pled 'guilty' or did not dispute the charges against them. Fourteen of the registrants in this sample, claimed to have committed offenses against children. For example, 11 of the respondents (46%) pleaded guilty to the aggravated sexual assault of a minor, while three subjects (13%) pleaded guilty to statutory rape. Of the remaining registrants, three (13%) reported to have pleaded to a charge of rape or aggravated sexual assault against a female adult. Finally, four (17%) of the respondents engaged in other types of offenses, such as, indecency with a child, incest, and public exposure. During the interviews, ten (42%) of the subjects fully accepted responsibility for the offense that required them to register as a sex offender. For instance, when one respondent, a 55-year-old Hispanic, was asked to describe the incident that led to his registration, he expressed himself in the following way:

One night, I was walking home from a club and saw a bicycle in an apartment window. I broke the window to get the bicycle, and when I entered the apartment, I saw this lady lying naked on the floor. I grabbed a metal skewer [that was lying on a nearby grill] and forced her to perform oral sex. I was nervous as hell. I couldn't even get hard.

Another respondent, a married 30-year-old Caucasian, described the circumstances that led him to have an ongoing sexual relationship with an underage female nine years before he met his current wife.

I was twenty-one, and she was fourteen. We met through church. I had some serious self-esteem issues and felt like I couldn't get a girl my own age. I actually lived with this girl and her mother for one year. We kissed and held hands and that eventually led to sex. We were both virgins and had sex about five times before I got busted.

When asked how the relationship became known to law enforcement authorities, the above respondent stated:

The neighbor next door didn't like the fact that I was dating this young girl. So, he called the cops. They [police officers] asked me if I had sexual relations with the girl, and I answered 'yes.' After that, I was arrested and the detectives got both the Mom and girlfriend to cooperate and sign depositions. I took a plea deal because I was scared out of my mind!

While all of the interviewees reported that they accepted plea bargain agreements, eight respondents tried to minimize any wrongdoing. These individuals admitted that they acted inappropriately; however, they offered justifications or excuses as to why they engaged in sex offenses. For example, one respondent, a 67-year-old Caucasian, offered a rationalization when asked why he had sexual relations with a 14-year-old girl eight years earlier.

She wrote a lot of notes and put them on my car. I thought she looked at me as a father figure. I never had an inkling she was attracted to me. Anyway, I was at home drinking one day, and she knocks on my door. I let her in, and then she goes right to the bedroom. She called me in, and she's there butt naked. I had a weak moment. I wish I hadn't been drinking 'cause it never would of happened. Afterward, she wanted money. I told her that I didn't have any, which

was true. I was working as a dish washer at the time. Then she wanted me to start calling her school and tell them she was sick. I did this once or twice, but finally refused. That's when she told the cops. Three days later, they came to my trailer and wanted to know why she played hokey and why she was with me.

Another respondent, a 41-year-old Caucasian, tried to minimize his sexual offense from several years ago by blaming his behavior on stress and illegal drug use. This respondent, who raped a 74-year-old woman when he was 18, stated:

I had been doing a lot drugs and drinking and was stressed out. I had just gotten kicked out of school. One night, I was smoking weed, doing acid, and drinking. I picked her because she was an easy target. I needed someone to strike out at. All that was going through my mind was the stress I was under. I can't change it. I'm not shucking responsibility, but I was mad at the world and wanted to hurt someone. She just happened to be in my path.

Finally, six of the respondents completely denied any form of wrongdoing, despite the fact that they had pleaded guilty to a sex offense. For instance, one subject, a 39-year-old Caucasian who claimed to have been diagnosed with paranoid schizophrenic disorder, attributed his conviction to sibling rivalry. The interviewee alleged that his brother, a former sheriff's deputy, falsely accused him of molesting his niece, which forced him to accept a plea bargain for the aggravated sexual assault of a minor. The respondent expressed himself in the following manner:

Growing up, my brother was always super jealous of me. He'd try to dress like me and wanted to listen to the type of music I did. Then, he gets a job as a sheriff's deputy and overnight goes on a huge power trip. One time, he held a gun to my temple and says, 'I can have you arrested any time I want. Who do you think they'll believe.' He later brought charges against me for fondling his three and a half year old daughter. There was a redness in her genital region. I got a public defender but never had a chance to explain my side of the story. I pled 'no contest' and got deferred adjudication. The judge gave me five years probation, and I have to register as a sex offender for life.

The web-based monitoring of sex offenders

As mentioned previously, all 24 of the respondents in this study pleaded guilty to a sexually related offense. Nine participants (38%) were initially imprisoned for their offenses, while 15 subjects (63%) were given probation. However, all of the individuals within this sample were registered as sex offenders on a public Internet website. At the time of the interviews, all of the respondents were residing within the community and were supervised by either parole or probation agencies. As a result of being publicly identified as a sex offender by way of a computerized database, 20 of the respondents (83%) reported being tormented by members of their community in either their home or workplace. Computer technologies that were intended to enhance public safety also resulted in web-based monitoring (or what Wacquant (2009) refers to as *cybernetic voyeurism*) and led to the harassment of the vast majority of the sample. For example, several of the subjects claimed their neighbors made disparaging comments either directly to their faces or behind their backs. Other participants alleged that their neighbors often intentionally threw garbage on their lawns in order to antagonize them. Also, it was not uncommon for interviewees to report that cars would honk their horns while passing their residences. According to many of the respondents, drivers or passengers would occasionally scream out profanities or yell phrases, such as, 'Sex offender!' or 'Pervert!' One interviewee reported that when he first appeared

on a public registry, most of the neighbors within his community filled out a petition to evict him from his subdivision. Interestingly, this individual claimed that a local law enforcement officer intervened on his behalf, telling neighbors he was considered to be a 'low-risk' offender. Another respondent claimed that his home owner's organization was continuously harassing him. This participant, a 47-year-old Caucasian, who claimed he was falsely accused of molesting his two stepdaughters as the result of a bitter divorce, stated:

Every now and then I get letters from my Homeowner's Association telling me that my grass is too high or that my dogs are too loud. They're just trying to get rid of me.

In addition, one respondent, who lived with his mother, claimed that she was harassed at her workplace as a result of him being identified as a sex offender. When asked to provide more detail, he alleged that two teenagers visited his mother's place of work and taped copies of his sex offender registration photo all over her vehicle. This was consistent with other interviewees who asserted that their neighbors would often put copies of their registration information either on their front door or in their mailboxes. One subject also claimed that a week after his name and photo appeared on the public registry, all of the windows in his house were broken with rocks. The respondent promptly filed a police report, but none of the neighbors admitted to witnessing this event; therefore no formal action could be taken. In addition, several individuals within the sample claimed to have received obscene phone calls. Almost always, these calls were from unlisted numbers. One subject, who pleaded guilty to having sex with an underage female, provided a particularly frightening account of an anonymous phone call that he claimed to have recently received.

I picked up the phone the other night and heard someone on the other end say, 'You're gonna die!' It was creepy as hell. I always log the dates and times of these phone calls in case something happens to me. But, usually, it's just kids. The calls mostly happen during the summer when they are out of school and bored.

While the vast majority of the sample reported at least one instance of harassment as a result of being publicly identified as a sex offender, one subject claimed that he was also assaulted. This individual, who pleaded guilty to sexually molesting his 12-year-old daughter, said:

Three of my former coworkers came on my property and assaulted me. I suffered a concussion and had a fractured skull. By the time, I got to the emergency room, I was also urinating blood. During the scuffle, I stabbed one of the son of bitches, and the D.A. [prosecutor] tried to pin me with aggravated assault with a deadly weapon. Fortunately, the grand jury gave me a 'no-bill' [charges were dropped].

When the above respondent was asked whether or not his assailants were punished, he indicated that no formal action was taken because he refused to press charges.

I didn't want to testify at anyone's trial since I was told that my criminal history would come out. I just didn't want to deal with this hassle.

Sex offenders and a culture of surveillance

All of the respondents in this sample were *outed* as sex offenders as a result of being registered in public databases. It seems evident that sophisticated computer technologies inadvertently created 'video vigilantes' who took it upon themselves to torment sex offenders

in their communities. In addition, besides being victims of harassment, the majority of subjects within this sample claimed they were monitored and controlled by various technologies, such as, polygraphs, GPS monitoring, eye scans, and penile, as well as other devices. One subject, who maintained his innocence, even though he pleaded guilty to molesting his two stepdaughters, stated:

I have to take a lie detector test every six months, which costs me \$300. The examiner asked me if I'd ever touched my stepdaughters inappropriately, and I said 'no.' I passed the test but can't go back to the judge, since I've already pled guilty. Also, when my adult daughter came to visit me, I had to take a polygraph to prove that I never sexually molested her as a child. These polygraphs are serious business. If you fail too many of 'em, the probation officer will slap an electronic tether on your ankle [GPS monitoring] and watch your every movement. They can also revoke your probation.

Another respondent, who received ten years of probation for masturbating in front of his 15-year-old stepson on multiple occasions, described how he was required to submit to a penile plethysmograph prior to being sentenced by the court. He expressed himself in the following manner:

I know it sounds crazy, but I thought that masturbating in front of my wife's kid would actually help my relationship. She was a frigid bitch and never wanted anything to do with me. I only wanted to get her attention. When the judge requested that a plethysmograph be done, a doctor measured my dick while showing me pictures of underage boys. It was a stressful experience, but I showed everyone that I wasn't into kids. I think this is why I only got probation.

Another interviewee claimed that he was ordered by the court to take a blood test to determine whether or not he had improper sexual relations with his 13-year-old niece. This subject, a 56-year-old African American stated:

When my niece got pregnant, I knew I was in trouble. She dropped the dime on me [informed authorities], but I denied everything. Eventually, I was ordered to take a DNA test. When the results came back that I was more than 99% likely to be the father, I knew there was no point in lying anymore. I admitted what I did.

There was also a subject who alleged that a police officer treated him differently as a result of him being registered as a sex offender. This informant, a 43-year-old Hispanic, stated:

I was driving one night and a state trooper pulled me over. At first, he was real friendly. But, as soon as this cop pulled my license, he realized I was a sex offender. All of a sudden, he gets real mean and gives me tickets for faulty tires and a faulty light. I had to go to a mechanic to show that my truck was not defective. Eventually, the charges were dismissed.

Two other respondents provided similar accounts where they had been harassed by overzealous law enforcement officials as a result of being registered as convicted sex offenders. Seven subjects (29%) who were either on probation or parole also claimed that it was not uncommon for a community corrections officer to call them on their home phones. Sometimes, they would speak to an actual person; however, on other occasions, a sophisticated computer technology was utilized to verify that they were sober (remote alcohol monitoring) and at home during the late hours of the night (random calling and voice verification). Two respondents also reported that their local television news stations broadcast

their names and photos during Halloween. When asked to elaborate, one subject expressed himself in the following manner:

Halloweens are absolute hell. You can't open your door or even turn on your house lights. The probation officers warn us about this every year. And, the damn media always shows my picture on TV every year. Halloween the worst!

It was not uncommon for registrants who were on probation or parole to report having to take frequent urinalysis tests. Many respondents claimed that they were often compelled to urinate in the presence of a community corrections officer. One subject, who was convicted of indecency with a 15-year-old child, claimed that he had been forced to submit to an eye scan on more than one occasion. He stated:

I've never had a problem with drugs or alcohol. Hell, the only reason I'm on the registry is because I grabbed the left breast of a fifteen-year-old girl while I was dancing. She was completely clothed, and the contact was minimal. But, my probation officer makes me do these eye scans. They last about fifteen seconds and read the retinas in your eyes. The scan looks for signs of alcohol use or the usage of cocaine, marijuana, heroin, and any other kinds of narcotics. If a probation officer doesn't trust you, she'll make you do an eye scan every visit.

Interestingly, while all of the 24 registrants in this study were subjected to various forms of technological surveillance and control, almost half of the respondents claimed that they themselves were restricted from utilizing technology, as a condition of their parole or probation. For example, 10 of the 24 subjects (42%) stated that they were not permitted to use the Internet. One registrant, whose wife was a teacher, reported that even she was not allowed to access the Internet. He claimed to have spent over \$2000 on an attorney so that his wife could utilize cyberspace at home. However, this respondent reported that a judge ultimately denied his wife access to the World Wide Web, despite the fact that she had never been convicted of a crime.

Conclusion

This paper provides one of the first comprehensive examinations of men who are required to register as sex offenders. One of the major findings of this study is that the overwhelming majority of respondents reported that they had experienced significant levels of harassment as a result of having to publicly register as sex offenders. We contend sex offender registration statutes, such as the most recent Adam Walsh Act (2006) separate sex offenders from mainstream society. The information available on Internet-based registries is often extremely limited and provides very little meaningful data. Megale (2011) argues that the definition of what constitutes a 'sex offense,' in the United States, is overly broad. For example, some jurisdictions within the US consider acts, such as public urination, prostitution, adult-on-adult incest, streaking, and consensual sex between teenagers, as offenses that may warrant mandatory registration. While the above behaviors may offend our sensibilities, they may not necessarily warrant a lifetime registration as a sex offender. In addition, the sparse information contained on sex offender registries is often confusing and may give the public a false sense of security (Wacquant 2009). In this respect, sex offender registries are particularly problematic, as they may lower parental vigilance in monitoring the child's contacts with family members and friends, who are statistically much more likely to offend against children (Quinn, Forsyth, and Mullen-Quinn 2004).

In the post-Keynesian United States, courts have upheld the constitutionality of sex offender registries, despite the fact they create a social stigma, which often leads to feelings of shame and helplessness (Vandiver, Dial, and Worley 2008). Stigmatization also leads to sex offenders being concentrated in poor neighborhoods where at-risk children are put at a higher danger of being sexually abused. It is apparent from this study that sex offender registration statutes within the United States encourage the web-based monitoring of sex offenders and may ultimately hinder offenders from reintegrating back into their communities. Although the US is currently the only nation that has public sex offender registration statutes, these laws nevertheless have the potential to flourish in other countries. In an ascending Age of Neoliberalism, a market driven approach that emphasizes the hardening of criminal justice policies, many First-World nations have imported the United States' punitive criminal justice policies (Soss, Fording, and Schram 2011). For example, in England, Tony Blair's New Labour implemented repressive criminal justice policies leading to an unprecedented incarceration rate (Wacquant 2009). Additionally, the French legislature, in 2004, passed the Perben II Law on Crime, which exponentially increased the powers of law enforcement officials (Shea 2009; Wacquant 2009). Also, in Italy, the former Prime Minister of Italy, Silvio Berlusconi, won by a landslide on his 2008 law and order platform. Meanwhile, Second World nations, such as Brazil, South Africa, and Turkey have begun to harden criminal justice policies, perhaps in an attempt to emulate the punitive United States (Wacquant 2009).

Over the past decade, several industrialized democratic nations have begun to employ some variation of sex offender notification statutes. The United Kingdom instituted notification procedures in 1997 with the passage of the Sex Offenders Act (Thomas and Thompson 2012). It is noteworthy that this was done shortly after the United States passed the Jacob Wetterling Act (1994) and Megan's Law (1996). In 2000, New South Wales was the first state within Australia to pass a sex offender notification law. Interestingly, this statute known as the Child Protection Act, was modeled after the United Kingdom's statute. By 2005, all eight regions within Australia would have sex offender notification statutes, as well as the web-based, Australian National Child Offender Register (ANCOR) spanning the entire continent (Vess et al. 2011). Countries, such as, Canada and the Republic of Ireland have also instituted sex offender notification statutes within the last ten years (McAlinden 2012).

While the above nations have passed sex offender notification statutes, to date the United States is the only country that makes the names, photographs, addresses, and work places of sex offenders known to the general public. Internet-based sex offender registries, which are accessible to the public, are likely to provide a false sense of security and possibly lead to retaliation against individuals who are listed on the registry. In this respect, technology may actually facilitate, rather than prevent crime. Moreover, such measures lead to a concentration of sex offenders in impoverished neighborhoods, thus increasing the likelihood of sex offenses against children in these areas who are already at risk. While it may be prudent for law enforcement officials to monitor convicted sex offenders from afar, policymakers throughout the world should carefully consider the consequences of publicly outing sex offenders in an era where punitive punishments have become the new norm.

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