

Punishment beyond Incarceration: The Negative Effects of Sex Offender Registration and Restrictions

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Abstract

This study aimed to systematically review the current literature available on the sex offender registration and restrictions. Topics include the sex offender registry, internet and employment restrictions, residency restrictions, and chemical and surgical castration. The collateral consequences of sex offender registration and restrictions were examined. The study concluded that while the sex offender registry and other sex offender restrictions serve the purpose of deterrence and public safety, they may be flawed. The effectiveness of sex offender rehabilitation was included to show its' effect on recidivism rates. Implications of the current policy were discussed. Suggestions for future policy and research were outlined.

There are currently over 500,000 United States citizens listed on the sex offender registry (Schultz, 2014). It is suspected that a vast majority of those offenders will return back in to our society. Unlike any other offender, sex offenders are subjected to strict rules and restrictions upon their release from incarceration, even though they have already paid their debt to society by serving their sentence. These rules and restrictions were created to satisfy public interest and as an attempt to increase public safety. Though public safety is at the core of sex offender policy, these initiatives may be doing more harm than good.

The goal of this thesis research is to outline the collateral consequences associated with sex offender registration and restrictions. It is hoped that this research can be used educate the public about sex offender myths and misperceptions, the effectiveness of treatment, and how current sex offender policy hinders successful re-entry and promotes violence, harassment, and higher rates of general recidivism. There is a need for sex offender policy to be reformed. Current practices are shown to be flawed in their original purpose, as well as being unjust and unfair in regards to the treatment of sex offenders in our nation. There is a need to balance the need for effective public safety measures with the ethical treatment of sex offenders. The content in this paper outlines current implications and suggestions for future changes.

"You are a sex offender and there are rules, and whether you like them or not, you've got to follow them. You're a second-class citizen and will be for the rest of your life."

-Judge T. Jordan Gallaghe

Literature Review

Who are Sex Offenders?

Sex offenders can be described by using several different definitions. Most commonly, a sex offender is loosely defined as an individual that commits any crime of a sexual nature including, but not limited to: sexual assault, rape, voyeurism, exhibitionism, pedophilia, molestation, etc. The Federal Bureau of Investigations has officially defined a sex offender as an individual that commits an offense "against chastity, common decency, and morals; including incest, indecent exposure, and statutory rape (FBI, 2011)." For the purposes of this research, sex offenders will be defined as an individual who commits a sex offense, as defined by the Federal Bureau of Investigations, including both rape and sexual assault.

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Offenders charged with pedophilic crimes against prepubescent children will not be included in the definition of sex offenders in this study. Psychologically, pedophiles differ greatly from sex offenders and the two cannot be considered a part of the same subgroup of offenders. Pedophilia is a psychological disorder that describes an individual that has a sexual attraction, primarily or exclusively, to boys and/or girls that are prepubescent (Murray, 2000). An individual can be labeled a pedophile whether the urge was acted upon or not. Seeing that pedophiles and sex offenders have different psychological compositions and motives, pedophiles will be excluded from this analysis.

Sex offenders have commonly been victims of sexual assault themselves. Research indicates that sexual abuse histories are prevalent in sex offenders (Dwahan & Marshall, 1996; Graham, 1996; Jespersen, Lulumiere & Seto, 2009). Considering that being sexually abused at a young age promotes sexual deviancy, it's suggested that sexual abuse histories are a primary cause to future sexual offending (Lindsay, Steptoe & Haut, 2011). It is important to note that sexual offending can be caused by several other factors. An individual's physical environment, social and cultural environment, and personal circumstances can all influence sexual offending (Ward & Beech, 2006). Mental illness is also prevalent in sex offenders. Many sex offenders are diagnosed with mental illnesses including, but not limited to: substance use disorders, psychotic disorders, anxiety disorders, and mood disorders (Booth & Gulati, 2014).

Why Study Sex Offenders?

The sex offender population has been studied for years to make advances with treatment initiatives, reentry tactics, and policy. Since 2005, the number of sex offenders in our criminal justice system has dramatically increased (Engle, McFalls & Gallagher, 2007). In the last five years alone, the number of sex offenders within the United States has increased by 17% (Call, 2015). If this trend continues, it is speculated that there could be over one million sex offenders in the United States within the next ten years (Call, 2015). The recent increase in the population can be contributed to new laws, harsher sentencing, and being punished for crimes that were once considered to be tolerable (Lane, 2003). Despite changing laws to combat against sexual offending, sex offenses are still one of the highest underreported crimes (Beichner, 2013). Seeing that many sex offenses are underreported, it is difficult to truly know exactly how many sex offenders there are.

In our society, sex offenders are viewed as a distinct group of offenders that have abnormalities and are a part of their own social group. This connotation is far from correct. Only a small percentage of sex offenders present with abnormalities, and most sex offenders participate in several different social groups (Brown, 2005). Inaccurate representation of sex offenders can stem from the media's streamlining of extreme cases that rarely occur. By showcasing these rare cases, the fear of sex offenders has increased in our communities. The inaccurate representations and false beliefs about sex offenders causes the community to shy away from reentry, which is likely to occur for many incarcerated sex offenders (Malinen, Willis & Johnston, 2013). Approximately 95% of incarcerated sex offenders will eventually be released from prison and will return to their communities (Mancini, 2013).

Many people believe that they are most likely to be sexually assaulted by a stranger but this is not the case. Individuals have a much higher chance of being sexually assaulted by a family member or a close friend than running in to "stranger danger (Salter, 2003)." The public also has a false belief that sex offenders have high recidivism rates. Sex offenders have low recidivism rates in terms of sexually reoffending (Mancini & Budd, 2013). For sex offenders that do recidivate, it is likely to be due to a violation of registration requirements, rather than another sex offense (Tewksbury, Jennings & Zgoba, 2011). Overall, our society is convinced that nothing works in terms of sex offender policy and treatment. This belief can hinder a sex offenders' successful reentry and compromise the safety of all individuals. It is important to study sex offenders to both educate and protect the public.

Key Legislative History

Though there have been several forms of sex offender legislation introduced over the years, three acts largely influenced our current registration system that we use today. The first form of sex offender legislation was introduced in 1994 by the implementation of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This act required that sex offenders convicted of sexually violent offenses or offenses against children provide registration information and inform law enforcement of their whereabouts. States had the discretion to release pertinent registration information to the public, however, this was not required. Once the act was introduced, states were given three years to be in full compliance with the requirements. States that were acting in good faith to implement the system were given an additional two-year extension if needed (Wright, 2003).

Megan's Law was introduced in 1996 and extended the privileges that states had pertaining to the sex offender registry information. This law stated that information disclosed in the registry could be released for all purposes permitted by state law. Information that could be used to protect the public from offenders registered per the Jacob Wetterling Act requirements could now be released. Information released commonly included the offender's name, address, offense convicted of, and their picture. Megan's Law was primarily enacted as a form of community notification with an interest of public protection (Levenson, D'Amora & Hern, 2007).

The Adam Walsh Child and Protection Safety Act was passed in 2006. Registration requirement durations were introduced as well as the expansion of required registry information. The public could now access information pertaining to sex offenders via the internet (Freeman & Sandler, 2010). This act introduced many of the provisions that are used in our current sex offender registration system today. When looking at these key pieces of legislation, it is important to note that they were all enacted following extreme cases that do not align with the norms of sexual offending. The three acts listed above were products of cases where the children were abducted, sexually offended against, and murdered by strangers – which may be a contributing factor to our overall cultural fear of sex offenders and “stranger danger.” The legislation produced from these three cases was a means to satisfy the public's need for the supervision and control of sex offenders to promote public safety (Shaffer, 2010). Though inaccurate, the idea of “stranger danger” is still a concern of society and shapes the way that the public perceives sex offenders.

Registration Requirements

Our current sex offender policy is known as the Sex Offender Registration and Notification Act (SORNA). SORNA is a registration and notification system that established minimum national standards that sex offenders must abide by. These national standards are required to be used within all fifty states, however, each jurisdiction has the authority to make their requirements more stringent. Jurisdictions also have the ability to impose residency restrictions, internet restrictions, or require chemical or surgical castration prior to the offender's release. Other than release of certain personal information, a state's discretion to go beyond the minimum national requirements of SORNA is not limited. Jurisdictions also commonly expand on registration length, classes of sex offenders required to register, and the information that is available on their public sex offender registration website (DOJ, 2007).

In all states, sex offenders are required to provide their full name and aliases, current and prior addresses, internet identifiers and addresses, all phone numbers, social security number, any temporary lodging information or other popular addresses, travel documents, employer name and address, school information, professional licenses, vehicle information, date of birth, physical description, type of offense committed, full criminal history, driver's license or identification card, a DNA sample, fingerprints, and a current photograph (DOJ, 2007). The website accessible to the public cannot include the victim's identity, the offender's social security number or travel and immigration document numbers, or any arrests that the offender was not convicted of. All public SORNA websites in each state, at a minimum, must include the full name of the offender and any aliases, all residential and popular addresses, vehicle information, a physical description of the offender, all sex offenses the offender was convicted of, and a current photograph. Several states even require that identification cards and driver's licenses denote sex offender status (Carpenter, 2013).

SORNA classifies sex offenders by tier I, II, or III based on their offense. Tier I offenders typically serve a sentence of one year or less. These offenders may have charge such as possession of child pornography. Tier I offenders have a minimum registration requirement of fifteen years. Tier II offenders typically commit offenses involving the production or distribution of child pornography, the use of minors in pornography, sexual contact with minors, and the use of a minor in sexual performance. Tier II offenders have a minimum registration requirement of twenty-five years. Tier III offenders engage in acts such as sexual acts with a child less than twelve years, using threat or force in sexual acts, or completing sexual acts with an involuntarily drugged or unconscious individual. Tier III offenders have a lifetime registration requirement. Jurisdictions have discretion on the registration requirements; they are only required to meet the minimum. Some jurisdictions choose forego the tier classification system and have all sex offenders be subject to lifetime registration.

If sex offenders do not abide by all registration requirements, they will face criminal charges and possibly fines. Sex offenders can be charged with failure to register if they do not register or provide current and accurate information. Any time a sex offender's information changes they must immediately update their registration information, which most commonly must be done within three business days.

Sex offenders who knowingly fail to register or provide updated registration information can serve up to ten years of imprisonment. Sex offenders are responsible for knowing the specific requirements of the jurisdiction that they reside in (DOJ, 2007). Seeing that each jurisdiction has the ability to set forth specific requirements, it can be difficult for offenders to keep up with the rules when they move areas.

Internet and Employment Restrictions

Though not popular in many jurisdictions, some states have imposed internet bans and employment restrictions for sex offenders after their release. Many states require that email addresses and screen names be given to law enforcement officials for monitoring. In some states, this information is also included for public viewing on the online registry. Sex offenders may be required to submit to random checks of their computer equipment, and may also be required to install hardware or software to their systems for monitoring. Many social media sites, such as Facebook, Twitter, and LinkedIn to name a few, are banned from being accessed. Some jurisdictions ban internet use by sex offenders completely, which can also include the possession and use of smart phone technologies (Regina, 2012; Tewksbury & Zgoba, 2009).

Jurisdictions also have the power to restrict sex offenders from being employed at jobs that work with or near children. Many sex offenders are prohibited from being employed in daycares, schools, recreational centers, or other places of employment heavily populated by children (Tewksbury & Zgoba, 2009). These provisions can heavily impact a sex offender's ability to find employment, as their prospects are now limited. States have the discretion to determine if a certain area of employment is appropriate for the offender. Sex offenders are required to report current employment information and any changes in employment to law enforcement officials. There is no evidence that internet and employment restrictions curtail future sexual offending, however, studies do show that these restrictions promote higher rates of unemployment for sex offenders (Tewksbury & Zgoba, 2009). Sex offenders that are unemployed are likely to deal with other factors such as homelessness and financial stress, which can promote criminal behavior.

Residency Restrictions

Currently, at least thirty states implement a form of residency restriction on sex offenders (ATSA, 2008). While some states may apply these restrictions to specific types of sex offenders, most states apply residence restrictions to all sex offenders (Wright 2015). Residency restrictions are intended to prohibit sex offenders from living anywhere from a 500-2500 foot radius from schools, daycares, playgrounds, recreation centers, parks, or any other areas heavily trafficked by children (ATSA, 2008). Some states have expanded their restrictions to include movie theatres, sports facilities, amusement parks, and libraries (Meloy, Miller & Curtis, 2007). These restrictions can impose difficulty finding housing in many cities and towns, ultimately banishing a sex offender from the area (Yung, 2007). Due to the restrictions, many sex offenders are pushed to rural areas and some even suffer from homelessness (ATSA, 2008).

While states as a whole have enacted residency restrictions, many local ordinances have put their own restrictions in place. Surrounding cities, towns, and ordinances then in turn implement restrictions to prevent sex offenders from moving in to their communities. Some researchers have referred to this domino effect as being a form of banishment of sex offenders (Levenson, 2010; Tewksbury, 2007; Yung, 2007). The domino effect produced from the residency restrictions pushes sex offenders away from heavily populated areas, and in to rural areas where needed services can be difficult to access. Many sex offenders have reported that this banishment has increased psychosocial stressors that also increase the likelihood of recidivism such as financial hardship, lack of housing, and distance from families and services (Levenson, 2008). The study also concluded that younger offenders were impacted by the restrictions the most.

While the goal of residency restrictions is to limit a sex offender's access to child victims, there is little research in support of the policy. Many studies have concluded that residency restrictions have no effect of lowering sexual recidivism rates (Durling, 2006; Levenson, 2008; Levenson, 2010; Meloy, Miller & Curtis, 2008; Nobles, Levenson & Youstin, 2012; Tewksbury, 2007; Walker, 2007; & Wright, 2015). These studies also point out that while residency restrictions prohibit a sex offender from living in certain areas, they cannot legally prohibit an individual from sitting across the street near such areas. Offenders will still have access to the population that residency restrictions are trying to protect. Additionally, not all sex offenders have victimized children. Due to this, the basis of the need for the residency restriction is invalidated and the purpose cannot be applied to many sex offenders.

Chemical and Surgical Castration

There are currently eight states that exercise surgical and chemical castration as a condition of release. California, Georgia, Louisiana, Montana, Oregon, Texas, and Wisconsin have imposed provisions that require sex offenders to undergo a form of castration prior to being released back in to society (Norman-Eady, 2006). Sex offenders undergoing chemical castration receive an injection of medroxyprogesterone acetate (MPA). MPA is a chemical typically used for women who need to treat severe symptoms of menopause or uterine bleeding. When used on men, the effects of MPA drastically reduce testosterone levels (Lee & Cho, 2013).

Some states do not gain informed consent prior to going through with the procedure (Scott & Holmberg, 2003). Texas is currently the only state that allows sex offenders to choose only surgical castration rather than going through chemical castration as well (Norman-Eady, 2006). Unlike chemical castration, surgical castration is not mandatory in any state, it is only voluntary. Seeing that it is mandatory in several states, chemical castration is the most popular method of sex offender castration.

The largest meta-analysis to date, in regards to the treatment of sex offenders, shows that castration is effective at reducing the sexual recidivism rates of sex offenders. The study showed that the surgical castration of sex offenders yielded the best results of all treatment methods. Chemical castration also proved to be effective in lowering recidivism rates. The study concluded that castration was a more effective method for reducing sexual recidivism when compared to other psychosocial treatments (Losel & Schmucker, 2005). Though it has proven to be effective, castration is an unpopular method of treatment and or punishment, considering only eight states use it. Many ethical and legal concerns are raised regarding the topic. The support of the public may be an issue as well. Individuals may be less supportive of biological agents if they have health risks or change the offender's personality (Berryessa, Chandler & Reiner, 2016).

Public and Media Perception of Sex Offenders

Public fear has been considerably influential when looking at how sex offenders are perceived in our society. A recent study noted that individuals who report being fearful of any type of sex offender are most likely to support the sex offender registry (Kernsmith, Craun & Foster, 2009). Another study noted that most people have false beliefs about sex offenders. Many people believe that sex offenders have high recidivism rates and that sex offender treatment is ineffective at curtailing future offending. Individuals with these false beliefs are likely to be in support of the sex offender registry and community notification system (Levenson, Brannon, Fortney & Baker, 2007). It is also a common belief that an individual is more likely to be victimized by a stranger. Victims of sex offenses are more likely to be victimized by a family member or close friend (Salter, 2003).

This widespread national fear and panic about the sex offender population may be contributed to the media's inaccurate representation of sex offenders, which fuels public outcry. The media seeks out high-profile cases to showcase to the public. Often, the story presented about the case is exaggerated (Sample & Kadleck, 2008). Details of the high-profile cases presented in the media sparks public interest, which in turn causes the media to seek out more information to present to the public. This never-ending reporting cycle encourages public fear and influences proposed legislature to be passed (Sample & Kadleck, 2008). Most people report that the media is their primary source for knowledge about sex offenders (CSOM, 2010). The media and public perception of sex offenders are extremely influential in the implementation of sex offender policy (Sample & Kadleck, 2008).

Discussion

Recidivism

Sex offender registration and restrictions were implemented to protect the public and reduce recidivism rates. Recidivism refers to a relapse into criminal behavior, which includes rearrest, reconviction, or returning to prison, after one serves their sentence or goes through a type of intervention (NIJ, 2014). When compared to non-sex offenders, sex offender recidivism rates are low (Hanson & Morton-Bourgan, 2005; Langevin, R., Curnoe, Federoff, Bennett, Langevin, M. & Peever, 2004, Sample & Bray, 2006; & Tewksbury, Jennings & Zgoba, 2012). It is a common belief in our society that sex offenders have high rates of recidivism but, per research, this belief is false. Considering this, it is also important to note that offenders charged with pedophilic-type crimes, whom are excluded from this study, contribute to the high recidivism rates that many media outlets report (Harris & Hanson, 2004).

When looking at sex offender recidivism, we must remember that it is presumed that a high number of sex offenses go unreported (Engle, Mcfalls & Gallagher, 2007). When sex offenders do reoffend, it is much more likely to be due to a violation of registration requirements rather than a sexual offense (Tewksbury, Jennings & Zgoba, 2012). The sexual recidivism rate for sex offenders is extremely low, with most sex offenders being rearrested for other types of crimes (Hanson & Morton-Bourgan, 2005; Harris & Hanson, 2004; & Tewksbury, Jennings & Zgoba, 2012). Sex offenders over fifty years old are less likely to recidivate, and recidivism rates decrease the longer a sex offender has been in the community (Hanson & Harris, 2004). Seeing that sexual recidivism rates are low the registration requirements and restrictions may be effective at curtailing future sexual offending, however, we must also consider the effects of sex offender treatment programs. Though sexual recidivism rates are low, registration requirements and restrictions show to be ineffective at preventing general recidivism. In some cases, general recidivism may even be promoted due to the strict stipulations that sex offenders are subject to.

Rehabilitation

Sex offender rehabilitation programs have become increasingly popular in both prisons and the community. Currently, thirty-nine states mandate that sex offenders must complete a rehabilitation program before they can be released back in to society (West, Hromas, & Wenger, 2000). While nine states utilize a medical interventions and therapy as treatment (Scott & Holmberg, 2003), nearly every state utilizes Cognitive Behavioral Therapy as their sole treatment method (Moster, Wnuk & Jeglic, 2008). Cognitive Behavioral Therapy is designed to target cognitive distortions, teach social skills and empathy, promote relapse prevention, introduce anger and emotion management, and address deviant sexual behavior (Mancini, 2013). The therapy utilizes both group and individual sessions to address the offense that the sex offenders committed. The flexibility of the therapy allows each offender to participate in an individualized program, rather than a blanket-cure-all approach.

It was found that Cognitive Behavioral Therapy is the most efficient and effective form of sex offender treatment and rehabilitation available (Mancini, 2013; McGrath, Cumming, Burchard, Zeoli & Ellerby, 2010). Recidivism rates of all categories are significantly reduced for sex offenders who have undergone Cognitive Behavioral Therapy, (Craig, Browne & Stringer 2003; Hanson, Gordon, Harris, Mareques, Murphy, Quinsey, & Seto 2002; Lösel & Schmucker, 2005; Luong & Wormith, 2006; & MacKenzie, 2006), except for pedophiles whom are excluded from this research. Sex offenders who participate in community-based treatment programs are likely to reduce their likelihood of recidivating even more (Aytes, Olsen, Zakrajsek, Murray & Ireson, 2001). Participating in community-based treatment programs also allow sex offenders to form bonds and establish a support system to help with preventing future offending.

While treatment initiatives have proven to show positive outcomes in terms of recidivism, there are still some downfalls. There are limited seats in many treatment programs within correctional institutions. Seeing that many states mandate treatment prior to being released, many sex offenders end up remaining incarcerated longer than their original sentence due to needing to complete their treatment (McGrath, Cumming & Livingston, 2003). Lengthy prison sentences also have an adverse effect of recidivism. Sex offenders that serve longer prison sentences have increased recidivism rates, though offenders that received treatment are still less like to recidivate than those who did not (McGrath, Cumming & Livingston, 2003). Sex offenders that drop out of treatment without fully completing it, in states that do not mandate treatment as a condition of release, are more likely to recidivate than sex offenders who received no treatment at all (Taft & Wilkinson, 2001).

Punishment beyond Incarceration

Sex offenders are subject to requirements and restrictions that no other type of offender faces. These stipulations can have a detrimental effect of a sex offender's life, and can be considered as a punishment. Though sex offenders have served their sentence, a feat that pays off many other types of offenders' debt to society, sex offenders are still forced in to a life-time worth of punishment beyond incarceration. Though recidivism rates for sex offenders have proven to be some of the lowest (Hanson & Morton-Bourgan, 2005; Harris & Hanson, 2004; & Tewksbury, Jennings & Zgoba, 2012), and many sex offenders go through effective treatment programs pre-and-or-post-release (Aytes, Olsen, Zakrajsek, Murray & Ireson, 2001; Craig, Browne & Stringer 2003; Hanson, Gordon, Harris, Mareques, Murphy, Quinsey, & Seto 2002; Lösel & Schmucker, 2005; Luong & Wormith, 2006; & MacKenzie, 2006), our society still feels that we need to add more layers of protection. While community safety is of great importance, does it constitute the negative toll it takes on the lives of sex offenders?

The sex offender registry serves as a constant reminder of the crime that an individual committed. Unlike any other offender, sex offenders are required to give up personal information which is then placed on a registry that can be easily accessed online by the public. This information makes sex offenders an easy target for verbal and physical harassment (Tewksbury, 2005). In several communities, flyers that notify community members about sex offenders have been passed out and posted in public areas (Levenson & Cotter, 2005). On Halloween, communities have been known to post signs indicating which homes sex offenders reside in, and give a precaution for parents and children to stay away. Some communities have even decided that sex offenders must have signs on their property year-round (Taete, 2013). Sex offenders have also experienced interpersonal difficulties as a collateral consequence of the registry. Many sex offenders have feelings of vulnerability and humiliation, along with family and close friend relationships becoming strained (Tewksbury & Lee, 2006). With the information provided by the online registry, it can be difficult for sex offenders to successfully reintegrate back in to society and live a “normal” life, without daily fear and discrimination.

Internet restrictions limit many resources that are available to sex offenders. For many individuals, the internet is a way to network, apply for jobs, and maintain relationships with friends and family. Social media sites are completely banned for sex offenders and some jurisdictions ban the internet completely, including the use of smart phones. Internet restrictions are associated with high levels of stress, loss of relationships, and difficulty finding employment and services (Tewksbury & Zgoba, 2009). Skype, and similar video-chatting technologies, are also on the list of restrictions for sex offenders. For individuals that live far away from their families, this is the only way that they get to see each other. Sex Offenders do not have this option. With technology advancing, many needed services and communications are now accessible through the internet. Internet restrictions prohibit sex offenders from gaining easy access to these things. With this being said, many sex offenders are cut off from family and friends, suffer feelings of isolation, and have a more difficult time obtaining needed information (Tewksbury & Zgoba, 2009).

Employment restrictions severely limit the number of job opportunities available to sex offenders. Though not all sex offenders have committed a crime against a child, in most states they are all banned from employment that deals with children. This includes places such as schools, libraries, recreation centers, movie theatres, pools, and daycares. These restrictions cause many sex offenders to be unemployed and suffer severe financial loss (Tewksbury & Jennings, 2010). In addition to the restriction already in place, sex offenders have a difficult time finding employment in general due to the stigma associated with their label (Mercado, Alvarez & Levenson, 2008). Without employment, it can be difficult to flourish in society. Though many offenders may face the difficulty of finding a job, sex offender restrictions on employment can make becoming gainfully employed nearly impossible.

Residency restrictions are potentially the most debilitating requirements that sex offenders face in regards to punishment post-incarceration. The restrictions put in place require that sex offenders live a certain distance away from areas that children commonly congregate. These areas include schools, parks, libraries, movie theatres, amusements parks, and recreational facilities to name a few. The radius that encompasses these areas ends up pushing sex offenders completely out of towns and cities, often requiring them to reside in rural areas. This also creates “clusters” of sex offenders in certain areas (Socia, 2012). Being forced to live in these rural areas pushes sex offenders away from things including their families and friends, employment opportunities, public transits, and medical services. Many have referred to this restriction as a “banishment” of sex offenders (Yung, 2007; & Zgoba, 2011). Many sex offenders associate residency restrictions to feelings of isolation, loss of relationships and stability, homelessness, and financial stress (Levenson & Cotter, 2005).

Though less popular, surgical and chemical castration are also unique forms of punishment for sex offenders. While these techniques can yield positive outcomes (Losel & Schmucker, 2005), they can also have detrimental effects on the offender. Castration can alter an individual’s personality (Berryessa, Chandler & Reiner, 2016) and can pose several health complications. Chemical castrations can leave problems such as osteoporosis, depression, infertility, anemia, and cardiovascular disease (Lee & Cho, 2013). Surgical castration has been known to promote weight gain, hair loss, loss of protein, depression, and suicidal tendencies (Weinberger, Sreenivasan, Garrick, & Osran, 2005). In some states, sex offenders are required to go through a form of castration as a condition of their release. To be released from incarceration, sex offenders are subjected to health complications that accompany their castration. Along with this, some castrations are completed without informed consent (Scott & Holmberg, 2003). Sex offenders are the only group that are required to adhere to this strict list of requirements and restrictions.

Ethical and Legal Implications

While everyone deserves to live a life free of being sexually victimized, our policies do not address this need in a sensible nor fair way. The mandatory sex offender registry and notification system essentially diminishes the privacy of all convicted sex offenders. It can be argued that not all the information available to the public via the registry is on a need-to-know basis. The Human Rights Watch has reported several instances where sex offenders were harassed, had their property damaged, stalked, beaten, killed, and even committed suicide due to the registration system and its' stipulations (Human Rights Watch, 2007). These instances covered many different types of sex offenders, ranging from rapists to individuals charged with peeing in public and indecent exposure. While the registry was implemented for means of public safety, it is not always accessed for such purpose.

Many states require all types of sex offenders to place themselves on the registry and adhere to its' requirements. This may pose an ethical dilemma. While the registry may be effective when giving information about high-risk offenders as a public safety tool, it may not be necessary for other offenders. Communities may feel safer and become more aware knowing about the high-risk rapist living in their neighborhood, but is it necessary to know about the low-risk offender convicted of indecent exposure? Rather than looking at sex offenders on an individual basis and doing risk assessments, typically, all sex offenders are required to adhere to the same guidelines. If a sex offender is low-risk, why are we continuing to punish them?

Along with ethical issues, sex offender registration and restrictions may also have legal implications. When considering the history of our legal system, it is presumed that offenders should be free of restrictions of their liberties and privacy, however, this is not the case for sex offenders. Though sex offenders have paid their debts for the crime that they have committed by serving their sentence, they are still subject to requirements and restrictions upon their release. The information that they are required to release to the registry can infringe on the sex offender's privacy. While the implication is noticed, it's argue that there is simply a stronger interest in the rights of the community than the individual rights of the sex offender (Orrechio & Tebbett, 1999).

There have also been arguments that the sex offenders are victims of cruel and unusual punishment, which is a violation of the eighth amendment, since some believe that sex offender registration and requirements are forms of punishment post-incarceration. The information gained from the registry can subject sex offenders to harassment and violence, which many have reported feels like a punishment itself (Human Rights Watch, 2007). Residency requirements essentially banish offenders from their communities, support systems, employment, and sometimes families, which can have negative emotional and psychological impacts on their lives (Levenson, 2008). No other offender is subject to this type of punishment after serving their sentence. For many sex offenders, they will face this punishment indefinitely. Even if taken off of the registry, offenders still must live with the label that accompanies it.

Theoretical Framework

Several theories can be associated with sex offenders and the registry. As stated previously, sex offenders are widely feared in our society and face laws and policies that other offenders do not. This may be in part due to *moral panic theory*. Moral panic theory comes in to play when "a condition, episode, person, or groups of persons emerges to become defined as a threat to societal values and interests (Cohen, 1972)." Cohen states that the media can play a large role in creating the panic. Whether it be simple news, or choosing to focus on an extreme sex offense case, the media does have an impact on eliciting fear in our society. When reporting these cases, the media focuses on the aspects that reflect our ideas of unacceptable behavior. This sends people in to a "moral panic," and causes them to believe that these extreme cases are happening everywhere (Cohen, 1972). The fear caused by these crimes is incommensurate to the actual danger.

When looking at the history of sex offender policy, we can see that major laws were passed after the occurrence of extreme cases. The cases pertaining to Jacob Wetterling, Megan Kanka, and Adam Walsh involved the abduction, sexual assault, and murder of children at the hands of a stranger. The characteristics of these cases fall outside of the norms of typical sexual offending. Despite this, the media focused on these cases and a moral panic was sparked throughout our nation. To satisfy the interests of the public and promote the new perceived need of increased public safety against sex offenders, new sex offender policy was implemented and reformed to fit the current political climate. Though moral panics are typically of a shorter time span (Cohen, 1972), this one has continued for over two decades.

This is believed to be due to our current legislature that causes our public to feel that they must be “watch dogs” for these crimes because the societal fear of sex offenders is so great (Burchfield, Sample & Lytle, 2014).

Deterrence theory was a product of the work produced by Jeremy Bentham, Thomas Hobbes, and Cesare Beccaria. Modern day deterrence theory states that a credible threat of punishment reduces crime (Paternoster, 2010), and that the more severe a punishment the more likely an individual will refrain from committing the crime (Akers, 2000). In our society, the fear of incarceration serves as a deterrent for individuals considering engaging in criminal activity (Katz, Levitt & Shustorovich (2003). While all individuals have this deterrent in the back of their minds, potential sex offenders have another layer of punishment to consider. Upon release, sex offenders will be bound to a lifetime’s worth of punishment. Public fear has sparked the interest for additional layers of deterrence made specifically for sex offenders, but are the additional certainty of punishments that sex offenders face working?

Studies show that the registry may be effective at deterring unregistered individuals from committing sexually motivated crimes (Prescott, 2012). Despite this, research indicates that the sex offender registry has an adverse effect on individuals that are registered (Prescott & Rockoff 2011). Registered sex offenders are likely to reoffend due to psychological, financial, emotional, and physical stressors that are considered to be collateral consequences of the sex offender registry (Levenson & Cotter, 2005; Tewksbury, 2005; Tewksbury, 2007; Zevitz & Farkas, 2000; & Zgoba, 2010). While the registry was put in place as another layer of public safety and criminal deterrence, its’ collateral consequences for registered offenders may be potentially causing more harm to be done than good.

Labeling theory may also be a contributing factor to the failed workings of the sex offender registry. Whether a convicted sex offender has undergone treatment or not, they will still fall victim to society’s pre-conceived perceptions. Labeling theory addresses the idea that an individual’s label, typically given from society, can directly impact their behavior (Conley, 2011). Upon release from incarceration, offenders have the option to go back to their lives and get a fresh start, however, sex offenders are not given this chance. Upon release, sex offenders are required to place themselves on the registry and follow its’ guidelines and restrictions. Their information is made readily available to the public, which makes it difficult for the offender to escape their label and successfully reintegrate back in to society.

The registration and its’ collateral consequences may change the offender’s master status, which is the primary identifying characteristic of an individual (Presser & Gunnison, 1999). Many individuals are known by their jobs or family role, but sex offenders are primarily known as just sex offenders. By living with this master status and the stigma associated with it, an individual’s perception of themselves changes. The notion that an individual’s idea of “self” is developed through society’s perceptions and one’s interactions with community members is known as looking glass self (Scheff, 2005). Essentially, individuals who are given a label will eventually conform to it, and it becomes a self-fulfilling prophecy (Schultz, 2014). This label and the stigma that accompanies it can contribute to future offending, diminished social capital, and the weakening of social ties which results in anomie.

Sampson and Laub’s **age-graded theory** indicates that social bonds impact an individual’s life, even in to adulthood (Katz, 1999). Social bonds in adulthood increase an individual’s social capital and can prevent deviancy from occurring due to increased levels of self-control (Doherty, 2005). Currently, the sex offender registry and its’ restrictions have a negative impact on the ability of a sex offender to form meaningful social bonds. The label of sex offender pushes many family members and friends away from the individual, as they are now subject to some of the same harassment as a sex offender is (Levenson, 2009). Though employment stability and close bonds with employers and coworkers significantly reduces recidivism rates (Kruttschnitt, Uggen & Shelton, 2000; & Harris & Cudmore, 2015), we still impose harsh employment restrictions that promote high rates of unemployment (Tewksbury & Zgoba, 2009). While many individuals stay in contact with family and friends via social media, sex offenders do not have that option. Internet restrictions also prevent an individual from maintaining their social bonds. Finally, residency restrictions, in most areas, essentially banish sex offenders and push them out to rural areas. This pushes them away from family, friends, employment, needed services, and transportation. Without these things, it is nearly impossible to maintain relationships and attachments, thus resulting in decreased levels of social control and increased risks of recidivating (Doherty, 2005; & Katz, 1999). To see positive results and increased public safety, we must focus on restoring and maintaining crucial social bonds in the adult offender’s life post-incarceration. Ultimately, many offenders face reintegrative shaming after committing their crime. They are shamed for their act and receive disapproval, but in the end, they typically gain back respect and are accepted back in to their groups.

Sex offenders face the opposite – *disintegrative shaming*. When reintegrating back in to society, sex offenders are stigmatized, harassed, disrespected, and are typically isolated from their groups and/or society. This isolation pushes sex offenders away from society and promotes emotional and psychological stressors. The isolation and lack of forgiveness causes important and meaningful social bonds to be severed, which weakens an individual's social ties and promotes deviancy (McAlinden, 2005). Other research shows that disintegrative shaming hinders full reintegration back in to society and reduces the effectiveness of treatment programs (Robbers, 2009). Due to the registry, sex offenders can potentially be the victim of disintegrative shaming for their whole life, even if they get off of it.

Future Direction

Policy Changes

Sex offenders are far less likely than any other offender to recidivate (Hanson & Morton-Bourgan, 2005; Langevin, R., Curnoe, Federoff, Bennett, Langevin, M. & Peever, 2004, Sample & Bray, 2006; & Tewksbury, Jennings & Zgoba, 2012), and it may be cruel to treat them as social pariahs rather than giving them a chance at successful reentry as we do with every other offender. Despite this, it would be unreasonable, in our society, to do away with the sex offender registry and restrictions completely. However, we can propose policy changes that may make this situation fairer for sex offenders, while also weighing in on the reasonable need for public safety. To make an effective change, it is important to consider how much of a danger each sex offender poses to our communities. Rather than using a single one-size-fits-all approach and set of restrictions for these offenders, they should each be looked at and evaluated individually when considering extra restrictions and rules.

Not all sex offenders need to be subjected to strict rules and restrictions after release from incarceration. When looking at the research, we can see that many of these restrictions do more harm than good in most situations. Residency restrictions have shown to be ineffective at reducing sexual recidivism rates (Durling, 2006; Levenson, 2008; Levenson, 2010; Meloy, Miller & Curtis, 2008; Nobles, Levenson & Youstin, 2012; Tewksbury, 2007; Walker, 2007; & Wright, 2015), but introduce other consequences such as homelessness and severed bonds between family members and friends. Residency guidelines can essentially banish offenders out in to rural areas. This presents a considerable problem in the management of sex offenders. By pushing sex offenders out in to rural areas not only are we creating problems for them, but we are creating problems for law enforcement and probation officers. Many agencies have reported that sex offenders who are pushed out in to rural areas or become homeless are nearly impossible to monitor which makes it difficult to supervise their behavior (Cain, 2008). Without proper supervision, we may be compromising the safety of the public. To fix this, we need to re-evaluate residency restrictions. Rather than restricting where an individual can live, it may be reasonable to do a risk-assessment for each offender to determine their level of supervision needed, and even utilize GPS monitoring systems for high-risk offenders. This will allow us to closely monitor the offenders who pose a danger to society. Making housing available near treatment centers and services may also be a viable option. This can prevent homelessness, while also providing a sense of stability and support, to help make the offender's transition back to society successful.

Internet restrictions also have collateral consequences associated with them. Internet restrictions cut off an offender's ability to connect with family and friends, find and apply to jobs, and surf the web for information in general. While some sex offenders may have utilized the internet to solicit their victims or to view and/or exchange pornography, that is not the case for all sex offenders. It is reasonable to monitor offenders that have used the internet for their crimes, however, individuals that haven't should not be subjected to these restrictions. Rather than banning the internet completely for offenders that did commit their crimes online, offenders should be allowed to utilize technology as a source of news and information and to find and apply for jobs. Social media access as a means of communicating with family and friends could be allowed, but closely monitored. Research indicates that maintaining relationships and attachments significantly reduces the likelihood of recidivism (Doherty, 2005; Katz, 1999; Levenson, 2008; Levenson, 2010; Tewksbury & Lees, 2006; Tewksbury, 2007; & Zgoba, 2011). By allowing internet access, even if monitored rather than completely banning it, we can help provide stability.

The same concept can be applied to employment restrictions. When looking at the policy, many of these restrictions are associated with keeping children safe. In reality, not all sex offenders victimize children. Rather than banning all sex offenders from working with or near children, we should look at the likelihood of the individual offending against a child.

An individual charged with peeing in public or having consensual teenage sex does not need to have employment, or residency, restrictions given to them. On the other hand, if an offender was convicted of molesting a child, we may want to consider their employment prospects and help them find a job that promotes the safety of both the public and of the offender. While these laws are in place as a means of public safety, and some of them serve a purpose, many of these restrictions punish offenders without any real cause. Offenders that have not sexually victimized a child should not be banned from employment that deals with children for the remainder of their life, nor for the time that they are required to place themselves on the registry. Rather than restricting all individuals, we should only be looking at our dangerous offenders. Ultimately, when looking at imposing extra restrictions and rules after release from prison, we should be looking at offenders on an individual basis and tailoring their requirements specifically to address their needs.

Finally, the registry itself poses problems that need to be evaluated. The size of the sex offender registry is becoming too large to remain effective. Dangerous offenders are becoming hidden in lists comprised mainly of offenders that pose no serious threat to society (Lehrer, 2016). To make the registry more operable, we should start by excluding offenders who have committed minor offenses. The registry serves no real purpose for individuals charged with sex offenses dealing with peeing in public, prostitution, consensual teenage sex, and indecent exposure, to name a few. By reducing the number of people required to register, we can better manage the offenders who have a higher risk of recidivating and endangering the public. While the registry can be a useful tool for law enforcement and probation officers, it may not be essential for the community to have access to. Community notification and making registry information public has not been proven to be effective at curtailing sexual offenses (Bonnar-Kidd, 2010; Lehrer, 2016; Socia & Stramatel, 2010; & Zevitz & Farkas, 2004). In many cases, community members use accessible registry information for means other than public safety, such as harassment and violence towards sex offenders and their family members (Bonnar-Kidd, 2010; Human Rights Watch, 2007; Levenson, 2008; & Tewksbury & Lees, 2006). Seeing that this part of policy is shown to be both harmful and ineffective, it may be essential that the registry only be accessible to needed law enforcement and probation officers. By limiting public access, we can reduce harassment and violence while also protecting the rights and privacy of sex offenders that have already been released from incarceration. Other forms of state specific community notifications, such as signs in yards, identification cards stamps, and specific colored license plates should also be re-examined.

Educating the Public

Our society has largely influenced the implementation and evolution of sex offender policy over the years. Many policies were created in response to the public fear of sex offenders that was fueled by media reporting and representation (Sample & Kadleck, 2008). Due to the way that the media chooses to report cases, community members typically hold false beliefs about sex offenders. Many individuals believe that most sex offenders are a part of distinct social groups (Brown, 2005), have high rates of recidivism, offend against people that they have no association with (Salter, 2013), and cannot receive treatment that is effective (Mancini & Budd, 2015). In reality, sex offenders typically belong to 'normal' social groups, have low rates of recidivism, respond well to treatment, and are most likely to victimize people that they know, such as family and close friends. Most of the beliefs that the public holds about sex offenders are inaccurate and can be detrimental to public safety and successful re-entry.

To make effective change and policy reformations, we must get the public on board. To do so, we must ensure that they have the correct information regarding sex offenders. It's crucial that the public understands the collateral consequences associated with sex offender registration and restrictions, and the effectiveness of sex offender treatment initiatives. Above all, we must address the biggest fear associated with sex offenders: stranger danger (Salter, 2013). The outcry for public safety generated from the extreme sex cases showcased by the media derives from the fear of an unknown individual victimizing innocent community members. When the public can understand that they are more likely to be victimized by an individual that they are closely associated with, we may be able to make more strides towards effective public safety initiatives and the fair and just treatment of sex offenders in our society.

"These are human beings who made a mistake. If we want them to succeed, we're going to need to build a place for integrating them in to our culture. Right now, you couldn't walk in to a church or community meeting and say, 'I was a sex offender, but I've gone through treatment. I now have this lovely family, and I am so grateful to be a part of this community.' There is no place for success stories. Nobody believes them."

-Patty Wetterling

Conclusion

Sex offenders are not only punished by means of incarceration, but they face the punishment of stigmatization and unique daily obstacles that no other type of offender faces. They are the only group of offenders to face a continuation of punishment after serving their sentence, the typical means of paying back one's debt to society. This punishment beyond incarceration has been sparked by public fear, largely produced by media influences, and the desire for extra layers of public safety and protections. While the policies created have a meaningful purpose and interest in public safety, they may do more harm than good. The collateral consequences associated with sex offender registration and restrictions have a negative impact on non-sexual recidivism rates and the lives of convicted sex offenders in general. Our current policy hinders successful re-entry and treatment initiatives, and has some ethical and legal implications. By looking at criminological theory and further educating the public, we may be able to take steps towards making meaningful changes to current sex offender policy to make it more fair and just.

"It's a classic case of moral panic. We're clearly responding to extreme fears of sex crimes, but the fear is in disproportion to the actual threat."

-Paul S. Applebaum

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