

Are the Collateral Consequences of Being a Registered Sex Offender as Bad as We Think? A Methodological Research Note

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SINCE THE DEVELOPMENT of sex offender registries, research has explored various facets of their implementation and effects, including harmful collateral consequences of registries on sex offenders. Researchers have consistently found that sex offenders report registries have detrimental effects on their lives (Burchfield & Mingus, 2008; Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Robbers, 2009). In fact, even when authors recently found a deterrent effect of registries on sex offenders, they still suggested that registries be revised or limited due to the "significant harm to the reintegration efforts of ex-arrestees" (Park, Bandyopadhyay, & Letourneau, 2014, p. 206). This critical attitude in the literature toward sex offender registries is in part tied to the pervasiveness of studies documenting harm resulting from the registry in the eyes of registrants and their families. Collateral harms include harassment or victimization, social isolation, difficulty finding employment, and difficulty finding housing. Thus, even when research demonstrates a benefit to the registry, scholars have argued that the costs are even greater (Park et al., 2014).

Although this empirical research has provided significant insight into potential drawbacks of registration, the explorations have exhibited two limitations—each of which may serve to overestimate the harm of the registry. First, researchers studying registries have not used comparison groups of other ex-convicts or other residents who live in the same neighborhoods as sex offenders. (As reviewed below, the literature suggests that sex offenders tend to migrate toward socially disorganized areas with higher than average

crime rates.) Likewise, the literature shows that ex-convicts in general face myriad obstacles to reintegration, including stigma that limits employment or housing. It is important to understand whether the registry itself is generating the collateral harms that researchers have documented in the lives of returning sexual offenders. In other words, do registered sex offenders experience distinct harms above and beyond those generated by being a parolee or residing in a disorganized community?

Second, the literature to date is generally based on self-report surveys or interview methodologies in which researchers explicitly tell the sex offender that the registry and collateral consequences of the registry are the focus of the study. Broad literature exists that suggests such priming can lead to both selection bias (which subjects agree to participate) and a tendency of subjects to overstate what they believe researchers are looking for (confirmation bias). To understand the true scope of harm caused by sex offender registries, it is crucial to understand the impact of the registry above and beyond these potential sources of bias.

Current Research on Collateral Consequences of Sex Offender Registries

Researchers have examined the collateral consequences of registries on sex offenders' lives at various stages, from those still in prison to those living in the community. Tewksbury (2012) conducted in-depth interviews of 24 incarcerated sex offenders to determine their fears about life after being released. While most respondents reported that they had not internalized society's negative views about

sex offenders, they expressed fears about the perceptions of their neighbors. Tewksbury and colleagues extended this study by considering the views of female sex offenders. Female offenders surmised that there would be both positive and negative experiences as they attempted to reintegrate back into their communities, but they did not see their concerns as "pressing or significant" (Tewksbury, Connor, Cheeseman, & Rivera, 2012, p. 459). However, when sex offenders retrospectively assessed their prerelease worries about being on the registry, most admitted that their fears about community acceptance and targeting had been overstated; they did not experience these forecasted negative experiences in their communities (Burchfield & Mingus, 2008). Thus, while it appears prisoners experience some level of emotional discomfort and anxiety when thinking about their registration requirement, in many cases those concerns never materialize.

Researchers have also examined post-release offenders to assess how the registry impacts the lives of those who reside in the community and interact daily with their neighbors. In one study, only about five percent of sex offenders in New Jersey reported high levels of stress from being on the registry; most had a normal level of stress (Tewksbury & Zgoba, 2010). In another study that used a sample from Kansas and Oklahoma, registered sex offenders reported modest levels of stress due to their listing on the sex offender registry (Mustaine & Tewksbury, 2011a). Subjects reported more stress when they experienced direct sanctions or felt they were being watched by those around them (Mustaine & Tewksbury, 2011a). Overall, high

levels of stress were not commonly reported; rather, a low to moderate level of stress was the standard (Mustaine & Tewksbury, 2011a; Tewksbury & Zgoba, 2010).

Beyond mental stress, however, registered sex offenders described concrete consequences of being on the sex offender registry. Levenson and colleagues (2005; 2007), along with Robbers (2009), found that a substantial number of sex offenders reported they had lost their job due to the discovery of their status as a sex offender. Furthermore, between 5 percent and 10 percent of registered sex offenders reported being physically assaulted or injured, and 18 percent had their property damaged (Levenson & Cotter, 2005; Levenson et al., 2007). Nearly half reported losing a friend due to being discovered as a registered sex offender (Mustaine & Tewksbury, 2011a). Burchfield and Mingus (2008) conducted in-person interviews with sex offenders in the community about their experiences while on the registry. Some stated that they had trouble finding employment; however, they admitted this could be due to their ex-convict status and was not necessarily attributable to their placement on the sex offender registry (Burchfield & Mingus, 2008).

Lasher and McGrath (2012) conducted a review of studies on the social and psychological impact of community notification on sex offenders. Across these studies, 8 percent of all participants reported being physically assaulted or injured and 14 percent report having their property damaged; 44 percent reported being threatened or harassed by neighbors (Lasher & McGrath, 2012). Beyond criminal acts, between 40 percent and 60 percent of participants reported negative psychological consequences such as feeling lonely, isolated, embarrassed, and hopeless (Lasher & McGrath, 2012). Again, the methodological approaches used in the reviewed research studies do not allow the reader to differentiate between the negative ramifications of being an ex-convict or living in a disorganized community from those brought on by the registry or environmental conditions.

Comparisons to Other Former Offenders

Much of the previous work that focuses on sex offenders implicitly assumed that the negative interactions these offenders might encounter in the community were due to the public nature of the sex offender registry. Unacknowledged in these studies was the plausible possibility that these integration difficulties could be explained by their status

as ex-convicts or by the nature of the communities in which they lived. If accurate, the difficulties and stigma sex offenders face should also be experienced by other types of offenders as they attempt to reestablish lives in the community following prison.

The literature has been fairly consistent in documenting that parolees experience stigma and structural disadvantage resulting in collateral consequences similar to those documented among sexual offenders (Petersilia, 2009; Travis & Visher, 2005), as do the families of those returning home from prison (Uggen, Wakefield, & Western, 2005; Wildeman & Wakefield, 2014). The broad and far-reaching collateral consequences for general offenders released to the community are attributed to processes similar to those found in the sexual offender literature. That is, one's status as an ex-inmate is often public or hard to hide. Like sexual offenders, for example, general parolees often have to signify their status on applications for employment and housing and may be revealed as an ex-criminal by other public symbols of status (e.g., ankle monitors or visits by parole officers). Collateral harm to the general parolee population has been tied to structural impediments (e.g., housing or employment restrictions) alongside informal sanctions (e.g., a marriage penalty as described by Uggen et al., 2005) that emerge because one's status as an ex-offender is generally fairly obvious and stigmatized.

It remains unclear whether sexual offenders experience stigma more often or to a larger degree than the general population of returning inmates. However, the few studies that exist today suggest there may be important similarities. Mingus and Burchfield (2012), for example, found that sex offenders reported an average score of 3.87 out of 5 on a stigma scale. This is roughly similar to the finding reported by Winnick and Bodkin (2008), in which general ex-offenders reported an average score of 4.15 out of 6 on the stigma scale. Although suggestive, conclusions on this question remain speculative until more studies have been conducted. Regardless, the larger point here is that the theoretical and empirical literature on the existence and pathway to collateral consequences for sexual offenders on the registry and general reentry population remains strikingly similar.

The literature is also clear in showing that sexual offenders have a tendency to reside in areas of social disorganization and disadvantage (Hipp, Turner, & Jannetta 2010; Mustaine & Tewksbury, 2011b; Mustaine, Tewksbury,

& Stengel, 2006). This is, of course, a pattern similar to that observed among parolees in general (Hipp, Turner, & Petersilia, 2010; Kubrin & Stuart, 2006). This pattern is particularly important because of the broad and consistent literature showing that these areas pose a higher risk of disorder and victimization for residents and their families (Bursik, 1988; Rose & Clear, 1998; Sampson & Groves, 1989; Shaw & McKay, 1942), as well as problems for other quality of life factors, such as stress, depression, and isolation (Wilson, 1987).

Suggestions for Future Research

The work performed to date has provided a strong foundation for understanding the perspective of registered sex offenders. However, the methodologies employed to date have demonstrated two consistent limitations. In this section, we provide suggestions for expanding the methodology for collateral consequences research to address these two potential sources of bias. Two primary suggestions for future work include: 1) surveying sex offenders without the researchers admitting knowledge of the participants' past sexual crimes, and 2) using comparison groups of other offenders or other residents in the community.

Surveying offenders without acknowledging their registration status may provide additional insight into how sex offenders reintegrate into their communities. To date, researchers have informed offenders that they are being surveyed because of their sex offender status; in other words, the offenders are specifically told they are being sampled because of their stigma. This sets the context for all the questions that follow—the respondent is fully aware that his or her appearance on the sex offender registry is the reason for the outcomes on the survey questions. This priming may influence how sex offenders answer the survey questions (Podsakoff, MacKenzie, Lee, & Podsakoff, 2003; Salancik, 1984; Salancik & Pfeffer, 1977). Studies that communicate they are focused on the subjects' experience on the registry could generate bias in responses in at least two ways. Many could see this as an opportunity to help eliminate the registry (e.g., perhaps if they can explain how terrible it is their responses will help efforts to limit the registry). Second, survey instruments which include a list of items on potential problems that may be caused by the registry could be priming subjects to report problems—to generate confirmation or social desirability bias (Tourangeau & Yan, 2007). This may be

magnified if questions on a survey list myriad potential harms. At the least, priming toward a negative account of life when the survey topic is one's experience on the sex offender registry is more likely than when a survey's outward purpose was to measure satisfaction with one's life in his or her community.

Not only may priming bias responses, but it may lead to higher non-response rates. The strong majority of previous survey research had response rates of less than 20 percent (Burchfield & Mingus, 2008; Mustaine & Tewksbury, 2011a; Tewksbury & Zgoba, 2010), and some that were less than 10 percent (Ackerman & Sacks, 2012; Jeglic, Mercado, & Levenson, 2012). This is lower than national average-response rates in mail survey data, which hover currently around 45 percent (Shih & Xitao, 2008). It is plausible that these low response rates are in part due to sex offenders not wanting to participate in a survey that focused on the past crimes they committed.

Beyond proposing that researchers surreptitiously survey sex offenders, we also suggest the use of comparison groups to provide an opportunity to determine how similar sex offenders are to others in their neighborhoods or to other ex-offenders. Without a comparison group it is not possible to attribute negative experiences, such as vandalism or depression, to being on the registry with any degree of confidence. For example, a survey mailed to registered sex offenders in New Jersey contained questions about their experiences of being a sex offender, such as: "My property has been damaged by someone who found out I am a sex offender" (Jeglic, et al., 2012, p. 51). Levenson and Cotter (2005) assessed offenders' level of agreement with the statement "I feel alone and isolated because of Megan's Law" (p. 58). A registered sex offender may attribute an act of vandalism or social isolation to his or her appearance on the registry, but a comparison group of neighbors and other ex-felons from the same community would allow for a better understanding to determine if vandalism and social isolation are common within the neighborhood. If researchers simply asked, "My property has been damaged" and a similar percentage of registered sex offenders and neighborhood residents reported damage to their property, it would present a different story about the impact of registries and illustrate that registered sex offenders may be personalizing crimes and incorrectly attributing normal neighborhood crimes to their sex

offender status. The same logic holds true if a comparison group shows that sex offenders are equally as isolated as other residents in their neighborhoods. Comparison groups are even more vital when one considers that sex offenders tend to live in socially disorganized areas (Mustaine & Tewksbury, 2011b), where crime is higher and social connections tend to be limited (Sampson & Groves, 2009). It therefore would not be surprising if other residents of the community experienced the same difficulties that registered sex offenders are attributing to the registry.

Future research must expand to provide a more comprehensive picture. One way that this might be accomplished is through mail surveys. Although obtaining a sufficient sample size of both offenders and neighbors for such a survey requires some work, it is possible. Craun and Freisthler (2008) applied a combination of mapping and mail surveys to reach neighbors of registered sex offenders. A similar technique could be employed to survey neighbors and sex offenders under the guise of a community safety or neighborhood satisfaction survey. By comparing registered sex offenders to others in the neighborhood (or to other convicted felons in the same communities), valid comparisons could be made on items such as crime experienced, employment instability, social isolation, and mental health issues, which would lead to a more informed understanding of registry consequences.

New research using the ideas discussed here may find that sex offenders still report worse outcomes than those in the comparison groups. However, relying on the self-report of offenders who are asked to attribute experiences *due to their registry status* leads to unnecessary uncertainty and potentially exposes the analysis to bias.¹ Correcting for these two methodological limitations in future research will allow for a stronger foundation of knowledge from which policy makers and practitioners can draw to develop evidence-based policies and interventions for the successful reintegration of sex offenders. Unless research corrects for these two sources of bias, the field will continue to have a difficult time convincing policy makers of the magnitude of the problems posed by the registry. If the registry is truly causing harm, and that harm is significant and independent of these methodologies, then measuring the registry effect independent of these other pathways

to collateral consequences will provide more persuasive evidence to policy makers of this fact than extant research, along with helping to identify effective strategies to minimize difficulties with reintegration.

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¹ In fact, future research could test this supposition by determining how answers differ between those informed of the reason for their selection versus those sex offenders who are not.

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