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### Individuals Who Have Been Convicted of A Sex Offense: Attitudes on Legislation and Policy

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**Individuals Who Have Been Convicted of A Sex Offense:  
Attitudes on Legislation and Policy**

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### **Abstract**

Sex offender legislation, both at the state and federal level, was designed to keep communities safer. However research suggests that many of these laws do not decrease recidivism and in some cases may increase risk for reoffending. Despite this there has been little movement to repeal these laws. As such, it is important to understand how the current legislation impacts individuals who have committed a sex offense and their ability to successfully reintegrate into communities post-incarceration and what if anything can be done to improve existing laws. The current study surveyed 46 individuals convicted of sex offenses about their opinions about current sex offender legislation and what they would do to improve it. Respondents consistently endorsed negative attitudes towards sex offender-specific legislation. When asked to consider future offenders' punishments, respondents overall endorsed more punitive legislation when the crime in question was committed against a child vs. an adult. Recommendations for improvement included a more 'case-by-case' lens when considering the sanctions a person should have to face, less punitive restrictions, and shorter-term sentencing. Findings are discussed as they pertain to future research and legislative reform.

*Keywords:* Attitudes, sex offenders (SO), sex offender registration and legislation (SORL), recidivism, reintegration, offender perspectives

## **Individuals Who Have Been Convicted of a Sex Offense:**

### **Attitudes on Legislation and Policy**

As of May 2021, there are 780,407 individuals convicted of a sexual offense registered throughout the United States (Rairdon, 2021). Public attitudes toward those who have committed sex crimes strongly shape policy and legislation regarding their incarceration, treatment, and reintegration (King, 2016; Leavitt-Hatch, 2020; Russell, 2020). Based upon public pressure (Levenson et al., 2007; Wiersma & Siedschlaw, 2016), lawmakers have enacted numerous pieces of legislation directed toward those who have committed a sexual offense including sex offender (S.O.) registration and notification (SORN), Sexually Violent Predator (SVP) laws, GPS monitoring, and residence restrictions (Calkins et al., 2014; Jeglic & Calkins, 2016). Correspondingly, many of these laws have been premised on myths and misinformation about those who commit sex crimes and there is little evidence to support their effectiveness at preventing reoffending (Jeglic & Calkins, 2016; King, 2016; Wurtele, 2020). In a 2021 meta-analysis conducted by Zgoba & Mitchell focusing on the efficacy of SORN and evaluating its effectiveness across a 25-year-span, their findings further suggested these policies have no statistically significant effect on lowering recidivism rates, contrary to popular belief. Other myths include the misguided notion, that those who commit sex crimes recidivate at very high rates (those who commit sex offenses actually have the lowest recidivism rates of all offender types), that they are a homogenous group in their risk and offending patterns, and that they are strangers to their victims (Dowler, 2006; Levenson et al., 2007; Sample & Bray, 2003, 2006; Wurtele, 2020). These myths elicit strong emotional responses from the public when there are highly publicized cases of sexual abuse in the media which policymakers admit influence their push for more consequential legislation (Meloy et al., 2012).

### **Laws and Policies for Individuals Convicted of a Sex Offense**

Over the past several decades many laws and policies have been created with the intention of protecting the public from individuals who have been convicted of a sex offense (Onderak, 2020). Many of these policies have positive intentions and intuitive appeal, yet research suggests that they are largely ineffective at preventing sexual recidivism (Nobles et al., 2012; Omori & Turner, 2015; Tewksbury et al., 2012). Additionally, multiple studies suggest they tend to utilize already scarce resources that could be better allocated towards prevention efforts (Omori & Turner, 2015; Zevitz & Farkas, 2000). Not only are these policies ineffective but they potentially even increase the risk for reoffending, instead of lowering or mitigating recidivism rates (Jeglic & Calkins, 2016). In addition to facing limitations due to numerous policies, individuals who have committed a sex offense also face further obstacles in their quest to reintegrate back into society including stigmatization, discrimination, housing instability and more. All of the aforementioned obstacles seriously impress upon an individual's ability to successfully reintegrate post-incarceration (Hall, Daniels, Buckley, & Anderson, 2017; Hamilton et al., 2021; Kernsmith et al., 2009; Tewksbury & Lee, 2007).

### **Registration and Notification**

The Jacob Wetterling Act, named for an 11-year-old boy who was abducted and killed in Minnesota, was passed in 1994 and required all states to keep a registry of the personal information (i.e. names, photos, addresses, and offense type) of all individuals convicted of a sex offense (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 1994). Two years later, after the murder of Megan Kanka by Jesse Timmendequas, a known sex offender, the law was amended to require that this registry information be accessible to the public (Megan's Law, 1996). Further, with the passing of the Adam Walsh Child Protection and

Safety Act in 2006, the registry system became more punitive with the implementation of increased mandatory minimum sentences and requirements for length of registration period, as well as the elimination of the statute of limitations (Adam Walsh Act, 2006). Although all of these laws were enacted with the idea that they would act as a deterrent for future sex offenses, numerous studies and decades of research suggest the opposite is true (Damuth, 2020; Rubenstein et al., 2019; Tewksbury & Jennings, 2010; Tewksbury et al., 2012; Vásquez et al., 2007; Zgoba & Mitchell, 2021; Zgoba et al., 2009). Consequently, in the twenty years since its ratification, a meta-analysis conducted by Zgoba and colleagues suggests these laws, and more specifically SORN legislation, have not had a statistically significant impact on sexual reoffending rates (Zgoba et al., 2018; Zgoba & Mitchell, 2021). On the contrary, these laws and policies have been found to do little to prevent sex offenses and instead create psychological distress, family issues, and numerous other obstacles for registered sex offenders (RSOs), as well as acting as another obstacle between incarceration and reentry into society (Byrne et al., 2020; Hamilton et al., 2021; Russell, 2020).

### **GPS Monitoring**

With the use of satellites, GPS monitoring allows for the tracking of individuals via a device, often a bracelet, that an individual is required to wear while on probation or parole in the community (Crowe et al., 2002). Initially applied to correctional populations as a form of intensive supervision for lower level offenders, GPS monitoring has been a vital tool in alternative to incarceration practices (Bonta et al., 2000; Finn & Muirhead-Steves, 2002; Gies et al., 2016; Omori & Turner, 2015). Although several states implement GPS monitoring, conclusions on its effectiveness have been mixed. Many studies utilizing high risk samples have shown that individuals who are beholden to GPS monitoring have fewer parole registration

violations, arrests, and convictions (Gies et al., 2016; Turner et al., 2015) and are also less likely to abscond (Turner et al., 2015). Conversely, there have been other studies that have found that electronic monitoring was not related to recidivism, as reconviction or re-arrest rates are similar between those who are subject to electronic monitoring and matched control groups who are not monitored in this manner (Renzema & Mayo-Wilson, 2005).

### **Sexually Violent Predator (SVP) Laws**

SVP laws are based on two assumptions. First, the belief that there are certain offending patterns that make specific persons convicted of a sex offense more dangerous than others. Secondly, it is hard to know whether these individuals have received adequate treatment or punishment to deter them from reoffending in the future (Kendall & Cheung, 2004; Levenson et al., 2019). To mitigate these worries, over 20 states and the District of Columbia have enacted laws that allow for the civil commitment of individuals convicted of a sex offense (Rairdon, 2021). The laws vary from state to state, but most are targeted at confining higher risk individuals in a secure facility post-incarceration until a governing body determines they are no longer at risk to reoffend (Jeglic & Calkins, 2016). Many of these civil commitment programs have been present since the late 1990s following the landmark U.S Supreme Court decision, *Kansas v. Hendricks* (1997), in which four main criteria for SVP classification were established (King, 2020). For a person to be classified as a sexually violent predator and be subject to mandatory civil commitment, in which there is no time limit to which they can be held for, they must first have a criminal history including offenses sexual in nature. Second, there must be a mental abnormality present. Third, the person must have demonstrated a lack of control related to their preferred victim type (young boys, teen girls, etc.). Fourth, they must have displayed the highest level of repeated violent and sexually based criminal acts (Brar et al., 2012). In a study

conducted in 2017 it was estimated that over 5,000 offenders had been classified as SVPs and were being held indefinitely in mental health hospitals under SVP laws throughout the United States (Izzi, 2017). Meaning these individuals served the time they were originally sentenced to, arguably already paid their debt to society, and yet, they are still being legally remanded to these mental health hospitals for indefinite periods of time (King, 2020). Even after their debt to society has been deemed, paid, these people next face the treacherous maze that is navigating through residence restrictions for individuals convicted of a S.O put on the registry as they face reentry and reintegration.

### **Residence Restrictions**

With the passing of the Jacob Wetterling Act and the amendment of Megan's Law, the public is now privy to where individuals convicted of a sex offense are living within the community (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 1994; Megan's Law, 1996). To further manage these individuals and protect the community, many states have also set restrictions as to where these individuals can live (Ackerman et al., 2013). By setting buffer zones typically ranging from 500-2,500 feet around designated locations where children typically congregate (e.g. schools, bus stops, parks), lawmakers believe that they can prevent future sexual offending (Edward & Hensley, 2001). There is no evidence to suggest that residence restriction laws decrease recidivism convictions (e.g. Blood et al., 2008; Socia, 2012) regardless of how small or large the buffer zone is (i.e. 1,000 feet versus 2,500 feet; Nobles et al., 2012). In spite of how feckless these laws are, they remain in place. A survey conducted by Zevitz and Farkas (2000), found that these residency restrictions also limit the housing placement opportunities parole/probation officers have when trying to find living arrangements for offenders post conviction. Additionally, the ensuing laws



and statutes have come at more than just a numerical cost; there have been unintended psychological consequences for both the offenders and the individuals tasked with helping them (Zevitz & Farkas, 2000). For offenders, these laws and restrictions have led to a significant increase in their risk of homelessness, a major factor in stable, successful reintegration. Byrne et al. (2020) found a startling correlation between individuals who had been put on the sex offender registry and its predictive validity of the likelihood of experiencing homelessness.

### **Collateral Consequences**

The aforementioned laws and policies often have unintended negative collateral consequences for individuals convicted of a sex offense. Individuals convicted of a sex offense often report several structural barriers such as job loss, difficulties finding housing, financial problems, and other destabilizing effects that impede successful reintegration (Ackerman et al., 2013; Baur et al., 2018; Lasher & McGrath, 2012; Levenson et al., 2007; Tewksbury, 2004). For example, more than half of the individuals surveyed by Mercado et al., (2008) reported loss of employment and 45% of individuals surveyed by Tewksbury (2005) stated that they were forced to leave their residences due to their registration status (Tewksbury, 2005). Laws such as these tend to interfere with these individuals' ability to find stable housing or gainful employment, yet stable employment and housing are two of the more important components of successful reintegration for individuals convicted of a sex offense (Andrews & Bonta, 2003; Kruttschnitt et al., 2000). The difficulty people often have when finding suitable housing was further confirmed, in a survey of 128 parole/probation officers in Wisconsin who reported that housing was one of the toughest obstacles of placing a newly released offender (Zevitz & Farkas, 2000a). Still, finding a suitable housing set up that does not violate any geographical restrictions is further plagued by landlords who often turn away possible tenants out of fear of the public repercussions

and negative media attention it may bring (Zevitz & Farkas, 2000a). Thus, these policies may be doing more harm than good in regards to promoting favorable reintegration and mitigating recidivism.

Those convicted of a sex offense also suffer psychological consequences of S.O. legislation such as feelings of hopelessness, depression, and isolation (Ackerman et al., 2013; Jeglic et al., 2011; Lasher & McGrath, 2012; Levenson & Cotter, 2005b; Levenson et al., 2007; Tewksbury, 2004). Evidence based studies, case law reviews, and empirical research suggest sex offender legislation may increase levels of hopelessness and depression; furthering negative outlooks on sex offender legislation and possibly destabilizing offenders (Calkins et al., 2014; Jeglic et al., 2011). Similarly, in a review of eight empirical studies comprising of 1,503 individuals convicted of a sex offense, Lasher and McGrath (2012) reported that up to 82% of respondents endorsed negative psychological consequences as a direct result of sex offender laws. Further, participants stated that specific laws, such as community notification, not only interfered with their ability to maintain a residency in a given area, but 44% reported being harassed and 7% reported physical assault(s) (Lasher & McGrath, 2012). Negative psychological consequences were not only experienced by the individuals who offended, but also by their family members and loved ones. In a sample of loved ones of individuals convicted of a sex offense, more than half of the participants surveyed by Tewksbury and Levenson (2009) reported feeling stress (68.2%) and isolation (55.3%) as a consequence of sex offender policies. Another study conducted by Grossi (2017), found that apart from the mental stigma those convicted of a sex offense face, the additional physical barriers of residency restrictions and the ensuing stress it puts on themselves and their family members, who are oftentimes their only support systems, was found to hinder offender reentry and reintegration, thereby negating one of the primary goals of the sex offender

registration and notification programs (Grossi, 2017). Further, these laws and policies cause unintended strain on probation and parole resources (Zevitz & Farkas, 2000a), as well as heightened anxiety among community members (Zevitz and Farkas, 2000b).

### **Perceptions of the Laws**

Researchers posit that the stress and negativity associated with these collateral consequences may contribute to recidivism rather than to desistance (Levenson & Cotter, 2005; Willis et al., 2010). There is a strong relation between how offenders perceive the legitimacy of the law or policy and whether or not they choose to recidivate (Kinsey, 1992; Makkai & Braithwaite, 1994; Tyler, 1990). In his popular theory of reintegrative shaming, Braithwaite (1989) explains that sanctioning the *crime* (reintegrative shaming) controls recidivism, whereas sanctioning or rejecting the *individual* (stigmatic shaming) leads to increased crime. Tyler (1990) further posited that the sanctions of the crime need to be viewed as fair for individuals to comply with them, as unfair sanctions reduce legitimacy. These theories have been supported in research showing that offenders who do not believe that the criminal sanctions for a potential *crime* are fair or administered properly have been reported to be more likely to commit that crime as a result of this belief (Sherman, 1993).

### **Attitudes of Individuals Convicted of a Sex Offense**

Due to the link between how individuals perceive laws and policies and whether or not they choose to abide by them, several researchers examined the perceptions of sex offender laws from those who are effected by them – those who commit the sex crimes themselves (Brannon et al., 2007; Levenson & Cotter, 2005; McGrath & Lasher, 2012). As a part of a larger study surveying individuals convicted of a sex offense residing in Midwest states, Ackerman and colleagues (2013) received 60 narrative responses regarding attitudes and experiences with

registration and notification. Although many participants recognized the merits of registration and notification, they also stated that it could only be successful if used more discriminately. However these responses gained were unsolicited, which may have biased the reporting. Likewise, after being asked about their opinions and experiences with the registry, many of the 22 participants interviewed by Tewksbury and Lees reported that registration and notification policies should only apply to those for whom it is necessary and legitimately helpful for the community to have their personal information (2007). Both of these studies are progressive in that they ask for the input of those who actually have to abide by these laws. However, like many similar studies, the suggestions made by participants in these studies were focused on registration and notification; few researchers have directly investigated other laws and regulations such as SVP laws, risk tier systems, GPS monitoring, and residence restrictions. Although this area of research is rather under-researched, the information could hold the key to a more comprehensive and successful prevention effort and treatment detail.

Opinion-based studies envelop a wealth of data showing how effective (or ineffective) these laws and policies actually are, as well as the unintended consequences interred. The current study anticipated overcoming these shortcomings by surveying individuals convicted of a sex offense who are living in the community and directly inquiring about their opinions about the sex offender laws and regulations to which they are subject. Viewing the laws that effect individuals convicted of a sex offense based on their personal experiences and perspectives, equates to better policy and legislation, ensurance that these policies are bettering the individuals whom they directly effect, and further effort to help the community and all members of society, regardless of previous offenses.

Thus, the aim of the current study was threefold:

- 1) To examine the individuals who have been convicted of a sex offenses' views toward sex offender legislation and policy based on their experiences
- 2) To examine if views toward legislation change based on the type of sex offense committed
- 3) To gather suggestions regarding how to improve the effectiveness of sex offender legislation

It is hypothesized that individuals convicted of a sex offense will:

- 1) Endorse negative attitudes toward sex offender policy and legislation, reporting that these laws are interfering with their process to successfully reintegrate into the community;
- 2) Be most in favor of enforcing these laws when the individual has committed a contact offense against a child;
- 3) Recommend less restrictions and supervision from parole and probation officers, suggesting less restrictions on where they are allowed to work and live.

## **Methods**

### **Procedures**

For the recruitment process there were two methods utilized to enlist participants ( $n=46$ ). The first method of recruitment was via the internet. Researchers recruited participants from online support groups for individuals convicted of a sex offense. In this recruitment method, participants only had the option of participating through an online survey ( $n=23$ ). If they agreed to participate, participants then received a link to the online survey created using SurveyMonkey. In the second method of recruitment, research assistants contacted treatment agencies that work directly with people convicted of a sex offense ( $n=7$ ). The survey was paper-based and the participants were provided ample time to complete it. If participants did not wish to stay and take

the paper-based survey, they were given the option to take the online version of the survey. Additionally, the individuals who chose to participate in the study were asked to forward the survey to any people they knew that had also been convicted of a sex offense. The new potential participants were then given the option to complete the survey through an online link from SurveyMonkey or be mailed a paper-based survey ( $n=16$ ).

### **Participants**

The inclusion criteria for participants consisted of individuals who had been convicted of committing a sex offense and who had already served their time and who had been released into the community after completing their sentence. The sample was mostly male ( $n=40$ , 87%), with one individual identifying as female ( $n=1$ , 2.2%), and the remaining five not providing a gender ( $n=5$ , 10.9%). Most people identified as either White ( $n=24$ , 52.2%), or African American ( $n=12$ , 26.1%), with the remainder identifying as Latino ( $n=6$ , 13%) or other/unknown ( $n=4$ , 8.7%). The participants' age at the time they took the survey ranged from 25 to 75 years old ( $M = 49.37$ ,  $SD = 12.87$ )(Table 1).

### **Measures**

The survey was based on a collection of published studies examining the perceptions and opinions held by various individuals regarding SORN legislation (Levenson & Cotter, 2005; Levenson et al., 2007; Tewksbury & Lee's, 2007; Zevitz & Farkas, 2000). Our survey asked a total of 49 questions. Apart from the demographic information collected ( $n=3$ ), conviction type and the circumstances surrounding their conviction ( $n=16$ ), opinion-oriented multiple choice questions ( $n=13$ ) and open ended response style questions ( $n=6$ ) were asked regarding personal opinions of registration, community notification, the tier system, GPS monitoring, residence

restrictions, and SVP civil commitment laws. The remaining questions ( $n=11$ ) probed for further information on their offense type, opinion, or previous knowledge regarding sex offender legislation. Suggestions and other comments were also surveyed after each separate enquiry. Subsequently, there were not sufficient qualitative responses to extricate themes and provide numerical reports; thus examples will be provided.

## Results

Demographics and background information on each participant's legal convictions can be found in Table 1. The majority of participants reported the offense they committed was against a child ( $n=28$ , 60.9%). The remaining participants committed offenses against either adults ( $n=4$ , 8.7%), or unidentified ( $n=13$ , 28.3%) or both ( $n=1$ , 2.2%). The majority of our participants ( $n=41$ , 89.1%) indicated that sex offender registration laws applied to them. The most common offense types were possession of child sex abuse material (CSAM) ( $n=11$ , 23.9%) and sexual assault ( $n=15$ , 32.6%).

### ***Registration***

The first area of inquiry was regarding sex offender registration. When asked if future offenders should have to register, almost two-thirds of the responding sample indicated, "yes," there should be registration for future offenders ( $n=28$ , 60.9%). In order to examine the role victim age may play in their decision making, three instances were given for their consideration including a person who had offended against an adult (or someone above the age of consent), a child (someone below age of consent) and a non-contact offense (i.e.-child sex abuse material). A likert scale with a total of five options including *strongly agree*, *agree*, *neutral*, *disagree*, and *strongly disagree*, was then given in order for participants to mark whether or not they supported

registration for a minimum of 20 years. A significant difference in support for registration was found depending upon the type of crime [ $F(2, 90)=33.41, p=.001$ ](Table 2). Over half the sample ( $n=27, 58.7\%$ ) indicated when the offense in question was against a child, they agree or strongly agree there should be a 20 year minimum requirement (Table 3). Comparatively, when the offense was against an adult, almost half the sample flipped, and said they disagree with those future offenders having to register ( $n=22, 47.8\%$ ). Over three-quarters of the sample were against registration when the offense in question was a non-contact offense ( $n=36, 78.2\%$ ). Post hoc analyses reveal there was also a significant increase in support for registration when the offense was against a child ( $M=2.76, SD=1.43$ ) compared to an adult ( $M=3.37, SD=1.082$ ).

Lastly, participants were given the opportunity to give suggestions and describe what they felt were positives/negatives about the current registration laws. Answers consisted of decreasing the minimum length of time required for registration and increasing the amount of time between registry check-ins. Table 4 lists common and representative themes from the sample, including their responses to the question, "If you had the opportunity to change anything about the current registration laws, what would you change?" Common responses included:

For juveniles I believe that registration should be on a case by case basis.

Making public the home and work addresses of registered sex offenders. It is hard enough for us to function without the constant fear of being attacked or exposed. People don't often read the details they just label people like us as perverts or predators. Police monitoring is enough.

That it has a cap to it. It should not be for the rest of your life.



The time of registration is too long.

The common theme present in the respondents quotes highlights the frequent sentiment, the system is in need of reform and change is necessary. Likewise, another common theme among participants was the idea that the punishments for offenders are too harsh and punitive. This in turn leads to collateral consequences, like job loss, which has been found to increase a person's likelihood of recidivating (Byrne et al., 2020).

### ***Community Notification***

Participants were asked about their community notification (Megan's Law), including posting flyers and door-to-door police visits. Of the 43 individuals that responded, 91% said they were not supportive. When probed for further details, half the respondents then said they would "agree" or "strongly agree" with community notification when the crime was against a child ( $n=23$ , 50%). When the offense was against an adult over half the respondents indicated they either "disagree" or "strongly disagree" with that offender then facing community notification ( $n=25$ , 55.5%). Three quarters of the sample also "disagreed" or "strongly disagreed" with the offender facing community notification when the offense was a non-contact offense ( $n=35$ , 77.7%). There was also a significant difference in support of community notification when the offense was committed against a child ( $M=2.84$ ,  $SD=1.43$ ), as compared to a non-contact offense ( $M=4.22$ ,  $SD=1.17$ ). Common responses to the question, "If you had the opportunity to change anything about the current community notification laws, would you change?" included:

Only notification for offenders[s] that are repetitive.

Let the public be able to get the information if they want it. There is no need to force feed it to them.

There would be no community notification, there would only be law enforcement notification. There are no notifications for people who have committed [aggravated] assault, robberies, or murder.

Notification should only be required for hands-on offenses.

Similar to previous themes, respondents expressed the commonly and strongly held idea, the system needs reform. Furthermore, respondents also commonly mentioned the double-standard that exists both in society and in our criminal justice system. Although all crimes are bad, only sex offenders are made to register on a public list, another issue harmfully effecting the respondents abilities to successfully reintegrate.

### ***Tier System***

The tier system was questioned next with a similar likert scale grading system regarding how accurate participants felt the system was in assessing and determining risk levels of offenders. Only 13% indicated they felt the current system was either, “very accurate” or “accurate,” in its ability to assess and determine risk levels of offenders ( $n=6$ ). Participants were further asked to indicate how accurate they felt the current tier system was in assessing risk and classifying offenders based on their own experiences on 1 to 5, with 1 being “very accurate” and 5 being “very inaccurate,” the average opinion of the tier system was that it was, “inaccurate,” or 4 ( $M=4.02$ ,  $SD=1.11$ ). Common responses regarding the tier system and what if anything they would change about it were:

Ability to be removed. Being lowered in the tiers through a systematic process.

I don't believe it currently gives enough credit to the level of treatment an individual [receives] and is biased against offenders under the age of 30. Some of the assessments ask about long term relationships and living alone and most young offenders have had neither.

I would like to be able to revisit the issue every 5 years with the hope of lowering the score numbers used in [the] tiering process by accomplishing necessary aspects like keeping a job, steady residence, [remaining] crime free, etc..

Frequent themes among respondents surveyed about the tier system conveyed a need for further investigation into the efficacy of the tier system and its ability to properly classify individuals who commit sexual offenses while still maintaining its validity and reliability over time with dynamic risk factors being accounted for.

### ***GPS Monitoring***

Participants were asked to state whether or not they thought all individual convicted of a sexual offense, regardless of risk, be subject to GPS monitoring, before the final open-ended question asking what, if anything, they would change about the current procedures. Participants were then asked whether or not they thought future individuals convicted of a sexual offense should be required to have GPS monitoring for a minimum ten year period. 45.7% of participants indicated they were against GPS monitoring, even when the crime was against a child ( $n=21$ ). Only 15.6% endorsed having GPS monitoring for future individuals convicted of a sex offense when the crime was committed against an adult ( $n=7$ ). Even less supported GPS when it was a

non-contact offense ( $n=5$ , 10.9%). Offenses toward children ( $M=3.20$ ,  $SD=1.49$ ) consistently averaged more neutral scores compared to non-contact offenses ( $M=4.3$ ,  $SD=1.09$ ) which were more likely to show individuals 'disagree' or 'strongly disagree' with the monitoring of. When asked for suggestions of improvements and what if anything they would change, respondents said the following:

The length of GPS monitoring.

Ability to be removed through systematic process.

The time frame and evaluations on those wearing them.

Each case is separate and unique. It should not be a universal blanket.

Repeat offenders could be monitored but only if they are highly likely to reoffend.

Respondents reported themes indicating a further need for the reassessment and improvement necessary for the current system to prevail; including limiting the use of unnecessary GPS tracking devices.

### ***Residence Restrictions***

Participants were asked to endorse whether or not they thought sex offenders should have to face residency restrictions as well as the degree to which they agree a person should be residentially restricted based on the three possible offense categories (offending against a child, offending against an adult, and non-contact offending). Just under three-quarters of participants indicated they were against residency restrictions ( $n=32$ , 72%). 41.3% of respondents indicated they were for residency restrictions when the offender's crime was against a child ( $n=19$ ). When

the crime was against an adult, only 8.7% “agreed” or “strongly agreed” with maintaining residency restrictions ( $n=4$ ). Another significant difference in support for residence restrictions was found when comparing offenses against a child ( $M=3.28$ ,  $SD=1.49$ ) compared to non-contact offenses ( $M=4.41$ ,  $SD=0.98$ ). When asked what if anything they would suggest changing about the current residence restriction laws in place respondents said:

Allow people to do their time and move on with their lives. Educate on how these restrictions keep offenders anchored in their past which leads to past behaviors.

The length of time for which one must submit to these restrictions. It should be administered per case/individual and not generalized to every sex offenders.

Lift restrictions. It is hard enough to find a place to live with this kind of crime. Without restrictions adding to more stress and anxiety in trying to [reintegrate] into society.

Themes reported by respondents highlight the current restrictions are causing more harm in the reintegration process and the results are negative attitudes of such laws. Respondents recommended limiting the type of individual subject to residence restrictions so as to minimize collateral consequences, like a lack of housing availability, to only those deemed necessary/at risk.

### ***SVP Laws***

The last topic of enquiry was regarding SVP laws including whether or not SVP’s should be subject to civil commitment post incarceration. Following a likert scale for difference of opinion based on offense type was an open ended section for participants to express what they would change about the current SVP civil commitment laws, if anything. A significant difference

was found for SVP laws across groups [ $F(2, 88)=13.87, p<.001$ ]. Respondents were most in favor of SVP laws when the alleged future offense was against a child ( $n=16, 34.8\%$ ). Those in favor of SVP laws dropped to about 24% when the offense was against an adult ( $n=11$ ). Smaller still was the number of respondents “agree[ing]” or “strongly agree[ing]” with SVP laws for future non-contact offenders ( $n=5, 11\%$ ). 78% of respondents either “disagree” or, “strongly disagree” with non-contact offenders being subject to SVP laws ( $n=36$ ). A significant difference in support was found for SVP laws when the offense was against a child ( $M=3.18, SD=1.53$ ) compared to a non-contact offense ( $M=4.22, SD=1.20$ ). When asked what if anything they would change about the current SVP laws respondents noted:

No commitment, only prison [and] parole.

If someone is sexually violent and has multiple chances to change their behavior and can't and are a true risk then yes, commit them. But the same should go for drug dealers and murderers.

If it isn't going to apply to all crimes, then it is discrimination.

Themes such as the aforementioned send the message individuals who commit sex offenses wish to be treated like the other individuals who have committed non-sexual offenses (i.e-like humans; equal to everyone else).

## **Discussion**

The objective of this study was to investigate the opinions toward sex offender laws and policies as perceived by those who are most impacted by them - the individuals convicted of sexual abuse themselves. As hypothesized, negative attitudes towards current sex offender

legislation were found to be held by the majority of individuals answering our survey. This information was not surprising considering the numerous previously published studies also reporting negative attitudes toward sex offender legislation by various groups including individuals who commit sexual offenses as well as their spouses, the parole officers in charge of S.O's, and others (Brannon et al., 2007; Hamilton et al., 2021; Levenson et al., 2007; Meloy et al., 2012; Ragusa-Salerno & Zgoba, 2012; Rubenstein et al., 2019; Russel, 2020; Tewksbury, 2004, 2005; Zevitz & Farkas, 2000a). Moreover, the negative attitudes apparent in our study further confirm the previously drawn conclusions that notion registries are "unfairly harsh" on respondents (Meloy et al., 2012; Russel, 2020). Likewise, our survey found similar themes also apparent in several other studies such as experiencing collateral consequences, feelings of anxiety and depression, legal concerns, and further issues raised about the (in)effectiveness of sex offender legislation (Hamilton et al., 2021; Rubenstein et al., 2019). Subsequently, these results were not surprising and in context are somewhat expected considering several other studies have questioned the effectiveness of these laws, leading the individuals subject to them to be more likely to scrutinize them instead of suggesting or implying they work (Russel, 2020; Zgoba & Mitchell, 2021). Much the same, our respondents indicated in the open ended portion of our survey that they often felt the current laws were ineffective and had more negative collateral consequences and felt more punitive than having positive mitigating effects on sexual offenses, which was similar to previous findings and themes (Ackerman et al., 2013; Ragusa-Salerno & Zgoba, 2012; Russel, 2020; Zgoba et al., 2018).

In line with our second hypothesis, overall those who committed sexual offenses felt that individuals who perpetrated offenses against a child should be subject to more post release sanctions when compared to those who committed offenses against an adult. Moreover,

individuals who committed sexual offenses were more supportive of legislation for future offenders when it was directed at those who committed violent sexual offenses against children as opposed to those who committed sexual offenses against an adult or non-contact sexual offenses. As seen in Table 2, participants consistently averaged high levels of agreement on the survey likert scale when the offense was against a child in comparison to the less strongly held convictions for adults and non-contact crimes. As hypothesized, we found that overall respondents would recommend fewer restrictions for future offenders.

Upon further examination, several themes emerged among the reasons respondents recommended less restrictions, including numerous collateral consequences, several emotions like depression, hopelessness, fear, and more, as well as concerns regarding legislative effectiveness and legal standing. Many of these themes were also previously cited in similar studies, further suggesting the common shared experiences amongst individuals convicted of a sexual offense have been negative and even detrimental at points (Dowler, 2006; Hamilton et al., 2021; Levenson et al., 2007; Levenson et al., 2019; Levenson, 2008; Willis et al., 2010). Acknowledging many of the comments made mention of some issue the respondent had personally had due to the notification system (notification resulted in job loss, housing issues, harassment, etc.), this result was not surprising and given similar results in a number of previous studies (Brannon et al., 2007; Edwards & Hensley, 2001; Hamilton et al., 2021; Levenson et al., 2007; Willis et al., 2010), further suggests the SORN legislation is detrimental to individuals who have been convicted of a sexual offense and has had a negative impact overall on these peoples lives.



Our data further confirms the numerous other studies reporting similar findings regarding the harmful collateral consequences these laws often have on offenders and their families and the little good such laws are having (Ackerman et al., 2013; Jeglic et al., 2012; Levenson, 2008; Levenson et al., 2007; Mercado et al., 2008; Nobles et al., 2012; Onderak, 2020; Russel, 2020). Almost every individual reported that these laws were interfering with their ability to successfully reintegrate into the community, find a stable job, a home, and/or reconnect with family and friends; all of which are integral parts of lowering recidivism rates and helping individuals better reintegrate post incarceration (Byrne et al., 2020; Grossi, 2017; Jeglic & Calkins, 2016; Leavitt-Hatch, 2020; Mercado et al., 2008; Sample & Bray, 2003; Tewksbury, 2005; Tewksbury & Jennings, 2010).

### **Limitations**

This study is not without limitations. First, only 46 individuals convicted of sexual offenses completed our survey thus limiting its generalizability. While the number of respondents is small compared to the number of individuals on the national registry, it is somewhat in line with previous self-report surveys [Ackerman et al., 2013 ( $n=60$ ), Brannon et al., 2007 ( $n=125$ ), Hamilton et al., 2021 ( $n=218$ ); Leclerc et al., 2011 ( $n=94$ ), Levenson, 2007 ( $n=193$ ); Levenson, 2008 ( $n=109$ ) Winters et al., 2017 ( $n=84$ )] and can still provide some useful data to build off of for future research. Second, as is common with surveys, there was missing data and incomplete responses (Hamilton et al., 2021; Perillo et al., 2021; Russell, 2020; VanHouten & Ervin-McLarty, 2005; Zgoba et al., 2018) which given our relatively small sample further limited the generalizability. Given the self-report nature of the study we were also not able to further query individuals about their responses. Additionally, although we put open ended questions in

hopes of obtaining qualitative data, many of the open ended responses were cursory or omitted altogether thus limiting the utility of the qualitative data. Lastly, there were insufficient qualitative responses to systematically code themes into enough data for statistical quantitative analyses.

### **Future Directions**

Future research studies may use in-person or virtual interviews with participants to overcome some participation limitations experienced in this study. Improving the tier system to allow for a more dynamic assessment of the individual as well as the notion of ‘graduating’ through the tier system may also be a direction to examine. Additionally, a better understanding of the laws and challenges offenders face post-conviction would also help mitigate and prevent future offenses. As previous studies suggest, the most significant change necessary may lie in prevention efforts and in directing attention to where sexual violence most likely occurs: in families or among persons already acquainted with the victim (Jeglic & Mercado, 2013). In addition to legal reform, redistributing funds, and opening the door on societal stigma regarding individuals convicted of a sexual offense, future studies may also hope to include larger samples and more extensive cross-cultural investigations, including on a multi-national level. The information and gathered results support the growing number of studies that suggest the current legislation is not evidence based and in need of serious reform, in both the United States and across the globe (Cowan et al., 2020).

### **Implications**

The views held by individuals convicted of a sex offense regarding sex offender legislation vary by the type of offense committed and the age group the individual offended against however, the overall general opinions and attitudes held were negative. Additionally, while many participants suggested that all legislation should be changed so that each offense is considered on a case-by-case basis, many other suggestions (e.g. consider good behavior, define the terms of the law more accurately, lessen the severity) varied by specific policy/legislation. If the individuals whom these laws impress upon, are discouraged from and unable to be productive members of society because of how these laws are designed and carried out, then these individuals, the victims (both future and past), and the community at large are being improperly served. By the same token, improving these laws may help all individuals convicted of a sexual offense, past and present, and improve their quality of life (Damuth, 2020). By reworking these laws, changing the legislation, improving the tier system, re-examining SVP civil commitment laws, and working in tandem with the offenders themselves, lawmakers and the public at large can hope to increase positive offender engagement in society and edify future decision making and legislation (Zgoba & Mitchell, 2021).

Criminal justice reform, specifically that of the sex offender registry and the various legislation, is necessary in this country. Our study found individuals convicted of a sexual offense(s), hold negative attitudes regarding such laws and have numerous negative experiences directly related to such legislation. Decades of previous research has shown the current system is ineffective at best, and detrimental at worst, to individuals convicted of a sex offense (Nobles et al., 2012; Omori & Turner, 2015; Tewksbury et al., 2012; Zgoba et al., 2018; Zgoba & Mitchell, 2021).

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Table 1. Demographics of Sample

		% (n)
Gender	Male	87 (40)
	Female	2 (1)
	Unidentified	11 (5)
Age	25-44	28 (13)
	45-64	61 (28)
	65+	11 (5)
Race/Ethnicity	Black/African-American	26 (12)
	Latinx	13 (6)
	Native-American	0 (0)
	White	52 (24)
	Asian-American	0 (0)
	Other	9 (13)
Offense Category	Child	61 (28)
	Adult	9 (4)
	Both	2 (1)
	Unidentified	28 (13)
Offense Type	CSAM*	22 (11)
	Indecent Exposure	4 (2)
	Rape	12 (6)
	Sexual Assault	29 (15)
	Statutory Rape	12 (6)
	Other	27 (14)

\*CSAM (*Child sex abuse material*)

Table 2. Comparison Responses: Offense Category and Corresponding Averages

Offense Type	Valid N	(n)% Yes	Child (Mean)	Adult (Mean)	Non-contact (Mean)	F	Sig.	$\eta^2$
Registration	44	(28) 60.9	2.76	3.37	4.28	33.41**	<.001	.426
Community Notification	43	(4) 9.3	2.84	3.49	4.22	25.02**	<.001	.362
GPS	42	(19) 45.2	3.20	3.72	4.30	16.12**	<.001	.264
Residency Restrictions	45	(13) 28.9	3.28	4.11	4.41	18.19**	<.001	.288
SVP	44	(20) 46.5	3.18	3.49	4.20	13.87**	<.001	.240

\*\* significant at  $p < .001$

*Likert Scale: 1=Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree*

Table 3. Respondents Endorsements For Future Offenders

Please rate whether you agree or disagree with the offenders being required to register for a minimum of 20 years.	<i>N</i>	% Agree or Strongly Agree
Someone who offended against a child (Under the age of consent)	27	59
Someone who offended against an adult	13	28
Someone who committed a non-contact offense	5	11
Please rate whether you agree or disagree with the offenders being subject to community notification for a minimum of 10 years.		
Someone who offended against a child (Under the age of consent)	23	50
Someone who offended against an adult	11	24
Someone who committed a non-contact offense	5	11
Please rate whether you agree or disagree with the offenders being GPS monitored for a minimum of 10 years.		
Someone who offended against a child (Under the age of consent)	17	38
Someone who offended against an adult	7	15
Someone who committed a non-contact offense	5	11
Please rate whether you agree or disagree with the offenders being subject to community notification		
Someone who offended against a child (Under the age of consent)	19	44
Someone who offended against an adult	4	9
Someone who committed a non-contact offense	4	9

Table 4. Sex Offender Laws and Sample Suggested Changes

Law	Survey Question	Response(s)
Registration	If you had the opportunity to change anything about the current registration laws, what would you change?	<p><i>“For juveniles I believe that registration should be on a case by case basis.”</i></p> <p><i>“Registration for non contact offenses”</i></p> <p><i>“Making public the home and work addresses of registered sex offenders. It is hard enough for us to function without the constant fear of being attacked or exposed. People don't often read the details they just label people like us as perverts or predators. Police monitoring is enough.”</i></p>
Community Notification	If you had the opportunity to change anything about the current community notification laws, what would you change?	<p><i>“only notification for offender[s] that are repetitive”</i></p> <p><i>“let the public be able to get the information if they want it. There is no need to force feed it to them”</i></p> <p><i>“Registration for non contact offenses”</i></p> <p><i>“There would be no community notification, there would only be law enforcement notification. There are no notifications for people who have committed [aggravated] assault, robberies, or murder.”</i></p>
Tier System	If you had the opportunity to change anything about the current tier classification system, what would you change?	<p><i>“they are often too harsh”</i></p> <p><i>“Ability to be removed. Being lowered in the tiers through a systematic process”</i></p> <p><i>“I don't believe it currently gives enough credit to the level of treatment an individual [receives] and is biased against offenders under the age of 30. Some of the assessments ask about long term relationships and living alone and most young offenders have had neither.”</i></p> <p><i>“Define risk and base on severity of offense and ability to change tiers [based] on merit and time”</i></p>

Table 4. (Continues on the next page.)



Table 4. (Cont.)

Law	Survey Question	Response(s)
GPS Monitoring	If you had the opportunity to change anything about the current GPS monitoring procedures, what would you change?	<p><i>“The length of GPS monitoring.”</i></p> <p><i>“Each case is separate and unique. It should not be a universal blanket.”</i></p> <p><i>“Repeat offenders could be monitored but only if they are highly likely to reoffend”</i></p>
Residency Restrictions	If you had the opportunity to change anything about the current residence restriction legislation, what would you change?	<p><i>“Allow people to do their time and move on with there lives. Educate on how these restrictions keep offenders anchored in their past which leads to past behaviors”</i></p> <p><i>“The length of time for which one must submit to these restrictions. It should be administered per case/ individual and not generalised to every sex offender.”</i></p> <p><i>“It has been stretched to include so many places considered to be, “where children congregate”. I think it should be more succinct.”</i></p>
(SVP) Civil Commitment	If you had the opportunity to change anything about the current sexually violent predator civil commitment laws, what would you change?	<p><i>“If someone is sexually violent and has multiple chances to change their behavior and can't and are a true risk then yes, commit them. But same should go for drug dealers and murders”</i></p> <p><i>“civil commitment seems an unconstitutional violation of ex post facto laws at sentencing. I understand that such power exists, but it seems to be a politically expedient solution to a bypass civil law.”</i></p>