

A House of Cards

The Impact of Concealable Stigmas on Registered Sex Offenders

by

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THESIS

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To my mother, who stood by me in good times and bad, and never lost faith in my ability to accomplish anything I set my mind to. She would have been so proud.

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## **LIST OF ABBREVIATIONS**

ACLU	American Civil Liberties Union
AIDS	Acquired Immune Deficiency Syndrome
ATSA	Association for the Treatment of Sexual Abusers
AWA	Adam Walsh Act
COSA	Circles of Support and Accountability
DCFS	Department of Children and Family Services
DPM	Disclosure Processes Model
HIV	Human Immunodeficiency Virus
ICJIA	Illinois Criminal Justice Information Authority
LEO	Law Enforcement Only
LGBTQ	Lesbian, Gay, Bisexual, Transgender/sexual, Queer/Questioning
MSR	Mandatory Supervised Release
NAMBLA	North American Man/Boy Love Association
NARSOL	National Association for Rational Sexual Offense Laws
NRC	National Research Council
PRB	Prison Review Board
RSO	Registered Sex Offender
RSOL	Reform Sex Offense Laws
SCOTUS	Supreme Court of the United States
SMART	Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking
SORA	Sex Offender Registration Act
SORNA	Sex Offender Registration and Notification Act
SOSEN	Sex Offender Solutions and Education Network



## SUMMARY

This study uses data from 30 face-to-face, semi-structured interviews with individuals who are listed on the sex offender registry in Illinois. In addition, transcripts from legislative debates in Illinois between 1989 and 1994 are also used in a contextual analysis of the socially constructed nature of the modern-day concept of “sex offenders.” Taken together, these data are used to illustrate the process by which individuals with a concealable stigma, specifically registered sex offenders, navigate their daily existence while interacting with others who may or may not be aware of their hidden stigma. There are a number of issues to be explored that center around how concealing an important aspect of their lives mitigates interactions with people they encounter on a regular basis. This study examines the ways in which individuals listed on the registry alter their own participation in various activities as a way to avoid situations that put them in danger of being discovered, as well as how people listed on the sex offender registry behave in situations where others may or may not be aware of the status as a “sex offender,” and where those on the registry may themselves not know whether others are aware of their status. Finally, this project considers various coping mechanisms utilized by people on the sex offender registry in dealing with concealing certain aspects of their lives from others.

This dissertation is laid out in two general sections. The first section, found in Chapters 2 and 3, lay out the argument that the modern-day concept of “sex offender” was socially constructed as a way to justify harsh and punitive legislation hastily passed in reaction to high-profile, but anomalous, instances of particularly heinous sexual assaults. This section also traces the progression of today’s sex offender registry from a law enforcement-only registry designed to help police solve abduction, sexual assault, and murder cases involving children, to a nation-

## **SUMMARY (continued)**

wide instrument used to not only shame the individuals listed on it, but also to facilitate a host of rules, restrictions, and requirements targeted to a very specific group of individuals.

The second section, found in Chapters 4, 5, and 6, explores the lived experiences of those individuals who are listed on the registry. Chapter 5 focuses on issues of disclosure, specifically how those on the registry go about deciding who to tell, when to tell, and how to tell others about their stigmatized status. Chapter 6 explores the ways in which the stigma of being on the registry is so obdurately persistent and permeates so many aspects of an individual's life.

In Chapter 7, I summarize the results and consider alternatives to the way the issue of sexual offending is handled today in the United States. I discuss the concept of restorative justice, specifically through the use of Circles of Support and Accountability, or COSAs, and I make the argument that this method could work in Illinois, despite the obstacles resulting from stringent "sex offender" specific parole requirements.

## CHAPTER 1: INTRODUCTION

The world is full of stigmatized individuals. They walk among us. Some of them we know, we recognize. They are stigmatized because of the way they look, the way they act, or the way they talk. One knows of their stigma almost immediately upon encountering them. They are often shunned, avoided, and even feared.

Other stigmatized individuals, however, navigate among us undetected, unperceived, unknown. We are oblivious to their stigma until it is discovered, or until they self-disclose. Only if and when their stigma becomes known does their status change from normal to stigmatized (Goffman, 1986[1963]). It is this individual, the stigmatized one who can walk among the normals undetected, who must learn to navigate an existence filled with uncertainty, risk, deception, and ambiguity. This individual must interact with others who know, others who do not know, and others who, from the perspective of the stigmatized, may or may not know about his or her hidden stigma.

There are many examples of individuals with concealable stigmas. Closeted homosexuals, individuals with HIV/AIDS, former mental patients, convicted felons, and individuals who utilize a colostomy bag all could be described as having a concealable stigma. There is, however, one category of stigmatized individuals who must navigate a unique set of circumstances that makes concealing their stigma more challenging, while at the same time creating a huge incentive for insuring its concealment. This group is known collectively as registered sex offenders, or RSOs. Unlike almost any other, this group's stigma is formalized by the state through laws that require their stigma be made public via a searchable database on the internet. And yet, while the sex offender registry is available to anyone with internet access, it reveals the RSOs stigma only when it is purposefully accessed. Thus the uncertainty that anyone

with a concealable stigma faces regarding who does or does not know is exacerbated for the individual whose name appears on the public registry. The motivation to conceal that particular stigma, though, is greatly heightened as a result of sharp public animosity toward those in this category. The unique combination of public availability and high motivation for concealment makes the registered sex offender an interesting study in the way that individuals who possess a concealable stigma navigate their daily existence among others who may or may not be aware of his or her stigma.

This study explores the unique challenges faced by those with a concealable stigma, specifically looking at registered sex offenders as an ideal type for this population. In particular, I consider the way that registered sex offenders process and give meaning to feedback from others, the ways in which they cope with the stress of concealing their stigma, and the ways in which they navigate their existence interacting with others who do, others who do not, and others who may or may not know about their hidden stigma.

This research is grounded in the symbolic interactionist tradition, and draws on several theoretical perspectives, including Cooley's looking-glass self, Goffman's perspective on stigma, and social-psychological literature dealing with stigma. I begin, then, with an overview of these theoretical perspectives.

## **Theoretical Perspectives**

### ***The Looking-Glass Self***

The notion of the looking-glass self was first introduced by Cooley in 1902 in his book entitled "Human Nature and the Social Order" (Cooley, 1983[1902]). He suggested that from the time we are born, we begin the process of creating our own self-awareness by observing how others react to us, imagining how we must appear to others, imagining how others are judging us,

and then making adjustments to our own self-image based on those imaginings. Through the imagination of the looking-glass self, “we perceive in another’s mind some thought of our appearance, manners, aims, deeds, character, friends, and so on, and are variously affected by it” (Cooley, 1983[1902], p. 184). It is important to note that in this perspective, it is not what others *actually* think about us, but rather what we *imagine* that they think about us that impacts our self-concept. According to Cooley (1983[1902]), “a self-idea of this sort seems to have three principle elements: the *imagination* of our appearance to the other person; the *imagination* of his judgment of that appearance; and some sort of self-feeling, such as pride or mortification” (p. 152, emphasis added). While Cooley primarily focused on the impact of reflections from significant others, Mead (1934) extended the concept to include what he called the generalized other. The generalized other can be thought of as the attitude of any particular community or group. Thus, the “other” from whom feedback is reflected need not be physically present as long as one has a mental impression of others (Mead, 1934; Shrauger & Schoeneman, 1979).

The notion that our own self-concept is based, at least in part, on our perception of what others think of us is a cornerstone of the symbolic interactionism perspective. This perspective distinguishes itself from other sociological perspectives in its recognition of the importance of interaction in the construction of society. Specifically, “symbolic interactionism sees meanings as social products, as creations that are formed in and through the defining activities of people as they interact” (Blumer, 1969/1986, p. 5). People not only interact with each other, but they can interact with themselves through inner dialogue, making the self an object of their own awareness (Mead, 1934; Prus, 1996). Meaning is assigned to others, as well as to objects, through a process that involves an inner dialogue, a conversation with one’s self, an interaction between what Mead (1934) terms the “I” and the “me.” This process of meaning creation is what

captures the essence of Cooley's looking-glass self, since he argues that it is our *imagination* of what others think of us that influences our own self-concept. Interaction with others fuels the inner dialogue of our interaction with our selves, through which we attribute meaning to the feedback we receive from others, which then influences the way we think of ourselves. Clearly, this is a cyclical process, since the way we think of ourselves impacts our behavior, which impacts the way others see us and the feedback they present.

The validity of the looking-glass self concept has been empirically challenged by a number of researchers. In the late seventies, Shrauger and Schoeneman (1979) reviewed empirical research related to reflected appraisals, a process considered to be a measurable manifestation of the looking-glass self. Their overall conclusion was that "there is no clear indication that self-evaluations are influenced by the feedback received from others in naturally occurring situations" (Shrauger & Schoeneman, 1979, p. 549). Almost all of the research they looked at, however, focused on a very specific type of feedback, that is, feedback that was intentional and overt. In addition, these studies tend to look at the association between *actual* evaluations of others and self-concept, rather than an individual's *perception* of others' evaluations and their self-concept. Quite contrary to the original vision of the looking-glass self as articulated by Cooley (1983[1902]), they contend that in order to validate the concept of reflected appraisals, one must also demonstrate a congruence between an individual's self-perception and the *actual* perceptions of others, and also a congruence between "*perceived* other-evaluations and *actual* other-evaluations" (Shrauger & Schoeneman, 1979, p. 552, emphasis added). However, they examined a number of studies that demonstrated a discrepancy between perceived and actual evaluations (Shrauger & Schoeneman, 1979). As a result, their overall conclusion that there is little empirical support for the notion of reflected appraisals may suggest

a methodological issue whereby capturing the inner-dialogue through which an individual gives meaning to his perception of the feedback he receives from others is more difficult than assessing the correlation between actual (overt) feedback and self-concept. In the end, they concede that “the relative ease with which direct evaluation can be explored ought not to preclude the examination of other viable aspects of social interaction that may also lead to the modification of self-evaluations” (p. 569).

The disconnect between what others *actually* think of us and what we *imagine* they think of us was studied by Felson in 1985. Drawing on a psychoanalytic perspective, he argues that what we imagine others think of us is really a form of projection whereby we project our own thoughts about ourselves onto the actions of others, thereby assuming they are thinking of us what we already think of ourselves. Like Shrauger and Schoeneman (1979), Felson (1985) suggests that symbolic interactionism implies that there should be some accuracy between our *perception* of how others see us and how others *actually* see us. He also notes that studies consistently demonstrate a disconnect between actual and perceived evaluations (Shrauger & Schoeneman, 1979). Felson (1985) argues that this is the result of communication barriers, since “people do not usually communicate their appraisals of others to those others” (p. 73). As before, he seems to miss the point that even overt communication consists of symbols which must be interpreted by the recipient (using the recipient’s imagination), and thus it is still *perceived* evaluation that impacts one’s self-concept.

A more recent test of reflected appraisals was conducted by Yeung and Martin (2003). Using data from 56 self-established communes, they examine whether people come to think of themselves in ways similar to the ways in which they are viewed within the commune. By looking at data collected in two stages, they offer a longitudinal examination of this relationship.

They find support for reflected appraisals, particularly in feedback that comes from others in a high-status position. They also find that over time, people can manipulate others into seeing them the way they want to be seen. This suggests that people are not simply malleable beings who alter their self-concept each time they are confronted with feedback from others. Instead, they conclude that “given time, people can create trajectories for themselves that may shape how they are seen by others, which we can consider a process of externalization” (Yeung & Martin, 2003, p. 846). Though their study suffers from the same misunderstanding as previous studies, specifically that they examined the correlation between expressed (as opposed to perceived) evaluations and self-concepts, they nonetheless capture an important element of reflected appraisals, which is the cyclical nature of the reflection-evaluation process. Individuals adjust their self-concept based on their perception of others’ appraisals, and this in turn influences the way others see and react to them, which thus alters one’s perception of what others think of them.

The notion of the self as both subject and object has become such a basic concept that it is often taken for granted among social scientists (Gecas & Schwalbe, 1983). Because it is so taken-for-granted, Gecas and Schwalbe (1983) argue that “taken alone, the looking-glass self orientation leaves us with an essentially passive and conformist view of human beings” (p. 78). They suggest instead a theory of efficacy-based self-esteem, where a person’s self-concept comes not just from what they see reflected of themselves in others, but also “from the consequences and products of behavior that are attributed to the self as an agent in the environment” (Gecas & Schwalbe, 1983). They suggest that this view is entirely consistent with Cooley (1983[1902]) who, they contend, saw reflected appraisals as just one of the processes that go into forming the self-concept. Thus, they envision the self as being influenced not just by



reflected appraisals, but also from the belief that one has an efficacious impact on his or her environment. Despite the risk of tautological reasoning (since it is only through interaction with others that efficacious action gains meaning), their findings offer insight into issues related to self-concept among stigmatized populations. They note that “first and foremost, efficacy-based self-esteem depends on an individual’s opportunities to engage in efficacious action” (Gecas & Schwalbe, 1983, p. 81). Those who are not afforded such opportunities cannot rely on efficacious action as a source on which to build a positive self-concept. For this reason, Gecas and Schwalbe (1983) argue that for those in subordinate positions, the looking-glass self process is probably more relevant.

An important distinction between reflected appraisals and Cooley’s looking glass theory comes from Franks and Gecas (1992). They argue that “most of the quantitative research inspired by Cooley’s thesis is limited to the same one-sided emphasis on ‘reflected appraisals’” (p. 49). Reflected appraisals, they suggest, ignore key aspects of Cooley’s self-theory, focusing only on reflexive processes described by the looking-glass metaphor. As an alternative, they offer four qualifications to Cooley’s original looking-glass self. The first recognizes that reflected appraisals only impact self-concepts after they have gone through an interpretive process. The second qualification notes that individuals are selective about whose opinions they deem important. The third involves a continuity between one’s character and his or her self-conception. This continuity is what gives a level of stability to one’s self-concept in the face of competing appraisals. Finally, they reiterate the argument made by Gecas and Schwalbe (1983) that self-conceptions are also impacted by efficacious action. The inclusion of these four qualifications into the looking-glass self concept more fully encompasses Cooley’s overall theory on the development of the self.

## ***Stigma Management***

In order to understand the effect of stigma on the reflect appraisal process, it is important to first understand some of the basic concepts of stigma itself. Goffman (1986[1963]) described two different categories of stigmatized people based on how easily others can identify their stigma. Those that have stigmas which are readily apparent he describes as *discredited*. For these individuals, managing the consequences of their stigma consumes a significant part of their lives. Individuals whose stigma is not readily apparent, but instead must be disclosed or discovered, he refers to as *discreditable*. Because discreditable individuals must constantly worry about who does and who does not know about their stigma, information management becomes central to them. More recent literature refers to these discreditable characteristics as hidden or concealable stigmas (Herek, 1996; Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000). Important differences exist between visible stigmas and concealable stigmas, both in their consequences and in the way in which they are managed (Crocker & Major, 1989; Goffman, 1959; Katz, 1979). While those with a visible stigma must contend regularly with adverse reactions from others, discreditable individuals, those with a concealable stigma, must focus primarily on “choosing whether, when, how, and to whom to disclose their stigma” (Pachankis, 2007, p. 328).

Discreditable stigmas include, among many others, positive HIV status (Pittam & Gallois, 2000), homosexuality (Oswald, 2007), mental disorders (Hinshaw & Stier, 2008), and criminal background (J. Scott & Evans, 2009). Although each of these stigmas shares a common trait of concealability, there are mediating factors that differentiate the characteristics and consequences of each. Crocker and Major (1989) identified six factors that mediate stigma: time since acquisition of the stigma; concealability of the stigma; acceptance of negative attitudes toward the stigmatized group; responsibility for the stigma; centrality of the stigma; and token or

solo status. These mediating factors impact the extent to which any given stigma will adversely affect one's self-concept. Certain stigmatized groups, for example, reject negative attitudes toward their group in order to "affirm their identities as legitimate grounds for the dignity, worth and pride they believe is rightfully theirs" (Schneider & Conrad, 1980, p. 32). For someone in this group, their stigma may be very high in centrality, but since they reject the negative stereotypes, they may experience less of a burden to conceal their stigma. Some groups, however, are so severely stigmatized that there is no new, proud identity to which they can aspire (Schneider & Conrad, 1980). If the stigma for such groups is high in centrality, and if they cannot reject the negative attitudes, the costs of failing to conceal their stigma may be quite high indeed. Similarly, some stigmas (i.e., having had an abortion, past infidelity) may be quite easily concealed, since short of an individual choosing to disclose the stigma, it is unlikely anyone would ever know. For those on a public registry, not only are the chances greatly increased that someone else may find out about their stigma, but there is an added ambiguity of never being certain of who knows and who does not.

### ***Social-psychological perspectives on stigma***

The level to which people alter their own self-concept based on what they see reflected by others depends largely on the extent to which people believe they are portraying themselves accurately. The more accurately they portray themselves, the more influential will be the reflections from others. Jourard (1971) suggests that "an individual forms a positive self-concept only when presenting his or her true self to others" (p. 339). Of course, no one portrays their entire self to everyone, as this would be pragmatically impossible. Thus, while one does not confide intimate details to their waiter in a restaurant, neither are they likely to allow feedback reflected from the waiter much credence in forming their own self-concept. Nonetheless, most

people expect others to accept that they are who they claim to be (Goffman, 1959). Thus, when it is perceived that reflected appraisals are the result of inaccurate or incomplete information, those appraisals “may be discounted because the target knows they are based on incomplete data” (Felson, 1985, p. 78).

Shrauger and Shoeneman (1979) suggest at least two other factors that may impact the way in which reflected appraisals impact the self-concept of stigmatized individuals, particularly those with a hidden or discreditable stigma. First, they note that if evaluations are to be made public, they may tend to be more significant than private evaluations (Shrauger & Schoeneman, 1979), since for them, information management is a key concern (Goffman, 1986[1963]). In addition, they found that the quantity of others who validate feedback affects the level to which a person accepts that feedback. That is, the more an evaluation, either negative or positive, is repeated by different others, the more likely it is to impact a person’s self-concept. Though a person who is good at keeping his concealable stigma hidden may not encounter direct feedback regarding the stigma, he is nonetheless likely to be affected by feedback from a “generalized other” (Mead, 1934). The way in which a particular stigmatizing characteristic is portrayed in the media, or talked about in social circles, or impacts others whose stigma is discovered, conveys the evaluation of the generalized other. The very public nature of the sex offender registry exacerbates the negative effects of this particular stigma. Not only does it make the evaluation public, but the ubiquitousness of the registry exponentially increases the number of people who can potentially learn about the stigma.

Finally, Gecas and Schwalbe (1983) argue that the ability to act efficaciously is at least as important as reflected appraisals in its effect on one’s self-concept. This, of course, is dependent on an individual having opportunities to engage in efficacious action. Stigmatized individuals, as

a result of either formal or informal social control, may be denied opportunities for such action, opportunities that may be opened to “normals,” or those who do not have that particular stigmatizing characteristic. This may make them more susceptible to the evaluations of others, since “individuals located near the bottom of the power hierarchy, whose degree of autonomous action is more circumscribed, may be more dependent upon the opinions of others” (Gecas & Schwalbe, 1983, p. 82). The link between efficacious action and self-concept, then, must be considered in relation to the opportunities afforded or denied someone with a discreditable stigma. As a result of social and legal sanctions and restrictions aimed at those listed on public sex offender registries, opportunities for efficacious action tends to be severely limited.

### **The Unique Stigma of Public Registries**

There is a group of individuals today whose status is highly stigmatized, and for which each of the mediating factors listed above is highly salient. This is a rapidly growing subset of convicted felons whose names and identifying information are listed on a public registry, a group of individuals collectively known as registered sex offenders (RSOs). Of any group scorned, the RSO is among the most highly stigmatized, since the stigma embodies strong social taboos surrounding sexuality combined with a fierce collective belief in the sanctity of childhood innocence that has developed over the past century (Jenkins, 1998). A unique combination of mediating factors makes the issues faced by individuals listed on the sex offender registry especially difficult, and the task of concealing their stigma distinctly more arduous. These factors tend to make the stigma of being on a public registry highly salient, while at the same time the very nature of having committed a shameful act makes it highly unlikely that anyone would ever find a new, proud identity to which they can aspire. Because information about an individual’s stigma is made readily available to anyone with internet access and a desire to know, the stigma

for those on the registry is exacerbated by the public and widespread disclosure of that stigma. Finally, because being on a registry almost always entails severe social and legal restrictions and sanctions, those on the registry are often left with few opportunities to engage in “efficacious” action that could, to a degree, mitigate the negative effects of their stigma.

At the same time, because those on the sex offender registry are often viewed as subhuman and vile, little research has been conducted on the effects of legislation and societal attitudes on these individuals themselves. Research to date has tended to focus on collateral consequences of sex offender registries (Farkas & Stichman, 2002; J. S. Levenson, D'Amora, & Hern, 2007; Tewksbury, 2005; Tofte, 2007), efficacy of sex offender treatment programs (Lacombe, 2007; T. Ward, Gannon, & Birgden, 2007), and the effects of registered sex offenders on others (Lynch, 2002; Quinn, Forsyth, & Mullen-Quinn, 2004). Studies focused on people listed on the sex offender registry have highlighted the offender’s perspective (Tewksbury & Lees, 2007; Waldram, 2007), but have not specifically examined the impact of stigmatizing legislation on individual self-conception, nor on the way in which individuals navigate their daily realities while concealing such a negative stigma.

The current study, then, focuses on individuals listed on the sex offender registry, specifically looking at the impact of concealing their status as a “sex offender” on their own self-concept and on their daily interactions with others. Because their status as a “sex offender” can be concealed, these individuals face the unique challenge of reintegrating while carrying the burden of knowing that people they meet might have an entirely different opinion of them if their status were to become known. At the same time, as a result of mandatory sex offender registries across the United States, those on the registry must deal with the fact that their status could be already known or could become known at any time. Thus, those on the registry face a unique

challenge of navigating their daily existence through interactions with others who may or may not know about the individual's status. Exacerbating the issue is the fact that the individual on the registry may not be aware that any given person they encounter knows, or does not know, about their stigmatized status. And because of extremely negative attitudes surrounding those on the sex offender registry, it is likely that individuals on the registry are acutely aware of the potential consequences of either self-disclosure or discovery.

### **Publicizing a Stigma**

The "sex offender" stigma differs from almost any other concealable stigma in that it is publicized by the state. Starting in the mid-1990s, the U.S. government passed a series of laws requiring not only that those convicted of sexually-based offenses register certain information with law enforcement agencies, but that information about those individuals be made publicly available on internet websites known as sex offender registries (Thomas & Mingus, 2007). Although exactly what information is posted on these sites varies between states, at a minimum these registries generally include the offender's name, offense, picture, and in most cases, the offender's address. In some states, information about the offender's place of employment is also included. In 2006, Congress passed the Adam Walsh Act in an attempt to compel states to make their sex offender registry more standardized (Farley, 2008; Andrew J. Harris, Lobanov-Rostovsky, & Levenson, 2010). Though not every state has chosen to comply with the Adam Walsh Act, all 50 states and the federal government have passed some sort of sex offender registration legislation (Meloy, 2005). In some instances, community notification becomes an active process whereby community members are notified via email or flyers that an offender has moved into the neighborhood (M. Cohen & Jeglic, 2007). Thus, it is not always necessary for concerned citizens to check the internet to discover the status of a person on the registry.

In addition to the sex offender registration, states have passed a number of laws restricting the behaviors of those individuals who are on the registry. A number of states have passed residency restrictions, limiting where individuals convicted of sexually-based offenses may live (J. Levenson, Zgoba, & Tewksbury, 2007; Nieto & Jung, 2006). In most cases, restrictions revolve around proximity to schools, parks, and daycares. In urban locations, residency restrictions often preclude those on the registry from living within many city limits. In Miami, Florida, for example, the residency restrictions were so severe that many individuals on parole for a sexually-based offence were forced to live under a bridge until city officials intervened to find them more suitable housing (Zarrella & Oppman, 2007). Although a number of recent studies have highlighted the inefficacy and unintended consequences of residency restrictions (J. Levenson et al., 2007; Nieto & Jung, 2006), these restrictions have remained quite popular with voters, and have therefore been retained and, in many instances, made even more restrictive.

Individuals convicted of sexually-based offenses also face restrictions as to where they are allowed to go. For example, in Illinois, those convicted of sex offenses are not allowed in public parks or in schools (Criminal Code of 1961, ILCS ch. 720, § 11/9.3, 2005). Those who are parents of school-aged children may petition the school or school district for permission to attend certain activities in which their child is participating, but the law does not provide any requirement that the school or school district grant these requests. Such restrictions are important for those on the registry because it can potentially force the issues of disclosure. Individuals labeled as “sex offenders” who work for a company that hosts its annual company outing at a local park may have to explain why they are unable to attend. Parents who would like to attend their child’s school activities are forced to make their status known to the child’s school or



school district. Individuals in this stigmatized group, then, must often choose between missing out on important events or self-disclosure of an embarrassing stigma.

What is clear is that those who bear the label of “sex offender,” unlike most any other stigmatized group, have their stigma made publicly available to almost anyone who is interested and willing to look for it. Family, friends, church congregations, and potential employers all have access to information revealing the stigma of the “sex offender” label. The availability of this information on the internet means that others can learn about one’s stigma without the individual knowing that their identity has been compromised. For the person listed on the sex offender registry, then, “the cognitive difficulties of concealing a stigma are of a unique nature in that they are additionally characterized by cognitive preoccupation with giving off clues of the stigma, vigilance of the possibility that the stigma is suspected, and suspiciousness that one’s stigma has been discovered” (Pachankis, 2007, p. 333).

### **By Any Other Name**

In this paper, I find myself dealing with a dilemma so poignantly described by Adrienne Rich (1974) in her poem, “The Burning of Paper Instead of Children.” She writes, “This is the oppressor’s language, yet I need it to talk to you” (Rich, 1974, p. 151). I find that I, too, need the “oppressor’s language” in order to explain the flaws in that language. As I describe throughout the following chapters, the modern-day notion of “sex offender” is a socially constructed concept that essentializes a disparate group of individuals into a unified category, and in doing so, ascribes a host of horrific characteristics to each and every individual to whom the label is applied. And yet, avoiding the colloquialism makes for a very cumbersome read.

Barbara Fields (1990) argues that the notion of “race” continues to exist in our society today precisely because we continue to talk about it as though it is real. It is a difficult

proposition to teach about the concept of “race” without reifying the concept of race. Likewise, it is difficult to write about “sex offenders” without giving legitimacy to the idea that there is such a category of humans who possess some sort of innate characteristic that separates them from the rest of humankind.

The term “sex offender” is generally used in a way similar to how “firefighter” describes a person who fights fires, or “minister” a person who ministers to the needs of a congregation. The latter definitions, however, imply a sense of continuation, where the action described is ongoing. A “firefighter” is one who is actively engaged in fighting fires, or whose occupation it is to fight fires. Once that individual no longer fights fires, it is unlikely that he or she would still be referred to as a “firefighter,” except perhaps in a past-tense form, such as “retired firefighter.”

And so it is with the term “sex offender.” The term implies an ongoing or continuing activity, as in one who offends sexually (as opposed to one who *offended* sexually). Because of this, the term is laden with negative social meaning. To label one as a “sex offender” is to ascribe characteristics to that individual that suggest that he or she not only committed a sexually-based offense, but that they also possess traits that make them different than “normal” people, implying that by their very nature they are likely to commit another sex offense.

Because of this, activist groups and other organizations that work with those who have committed sexually-based offenses eschew the term “sex offender.” For example, in a 2011 report by the Association for the Treatment of Sexual Abusers (ATSA), a footnote states that they avoid labeling terms such as “pedophile,” “child molester,” and “child rapist” since “they are misleading because of their emotional and mixed use by the public and media” (Tabachnick & Klein, 2011, p. 6). And yet, they perpetuate the concept of an ongoing activity by opting to use the term “adults, adolescents, and children who sexually abuse” (Tabachnick & Klein, 2011, p.

6). It is, perhaps, difficult for them to avoid this misleading terminology since the words “sexual abusers” is part of their organizational title.

The discussion of terminology is more than just academic. There are tangible effects that result from the language choices we make. Patricia Hill Collins (1999) introduced the concept of “controlling images” which “take on special meaning because the authority to define these symbols is a major instrument of power” (pp. 67-68). Controlling images are created and reified, and then applied in a stereotypical fashion to a group of individuals. The term “sex offender” becomes a controlling image because it transforms the definition from *what a person did* to *what a person is*. The belief that “sex offender” is something a person *is* becomes justification for a host of laws and restrictions that erode civil rights and social standing.

To avoid this conundrum, I have adopted a technique promoted by The Opportunity Agenda, an organization that promotes social justice by working with various community organizations, teaching them effective messaging techniques. The Opportunity Agenda advocates “people-first messaging.” They explain the importance of this on their website:

This can often be done by using terms as adjectives rather than nouns (i.e. Black or White people vs. Blacks and Whites; LGBTQ people vs. gays and lesbians; young people vs. youths) or by actively putting “people” first (i.e. people with disabilities vs. disabled people; people living in poverty vs. poor people; people who are homeless vs. homeless people). (“Social Justice Phrase Guide,” 2017)

Using “people-first” language can result in more cumbersome descriptions, but it is an important step in avoiding the reification of socially constructed categories such as “sex offender.” For this reason, I will attempt to utilize “people-first” descriptions whenever possible. When referencing individuals, I will avoid the term “sex offender” and opt for people-first terms such as “individual on the registry” and “individual who committed a sexually-based offense.” For the sake of clarity, however, I will utilize the descriptive title of “sex offender registry” since that is how it is labeled in most legislative efforts and on state websites. In order to minimize the

repetitiveness of the term “sex offender registry” I will often refer to it as “the registry.” This is a bit misleading as there are other public registries in Illinois.<sup>1</sup> However, since this paper deals specifically with those on the sex offender registry, it should be assumed that any reference to “the registry” refers to the sex offender registry.

Finally, I will use the prosaic term “registered sex offender” as a term that ascribes only one characteristic to an individual, namely that he or she is listed on the public sex offender registry. Although I bristle at using even this term, as I recognize the misleading stereotypes conjured by the phrase, I use the term since it is the most common and recognizable terminology used to describe individuals who are listed on the registry.

### **The Current Study**

The current study uses data from 30 face-to-face, semi-structured interviews with individuals who are listed on the sex offender registry in Illinois. In addition, transcripts from legislative debates in Illinois between 1989 and 1994 are also used in a contextual analysis of the socially constructed nature of the modern-day concept of “sex offenders.” Taken together, these data are used to illustrate the process by which individuals with a concealable stigma, specifically registered sex offenders, navigate their daily existence while interacting with others who may or may not be aware of their hidden stigma. There are a number of issues to be explored that center around how concealing an important aspect of their lives mitigates interactions with people they encounter on a regular basis. This study examines the ways in which individuals listed on the registry alter their own participation in various activities as a way to avoid situations that put them in danger of being discovered, as well as how people listed on

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<sup>1</sup> Specifically, Illinois has 1) the sex offender registry (SOR); 2) the violence offender against youth registry (VOYA); 3) a murderer registry; 4) an arsonist registry; and 5) a methamphetamine manufacturer registry. These are all viewable on the Illinois State Police website, [www.isp.state.il](http://www.isp.state.il). Except for the sex offender registry, these websites are obscure and do not tend to carry the level of stigma evoked by the sex offender registry.

the sex offender registry behave in situations where others may or may not be aware of the status as a “sex offender,” and where those on the registry may themselves not know whether others are aware of their status. Finally, this project considers various coping mechanisms utilized by people on the sex offender registry in dealing with concealing certain aspects of their lives from others.

This dissertation is laid out in two general sections. The first section, found in Chapters 2 and 3, lay out the argument that the modern-day concept of “sex offender” was socially constructed as a way to justify harsh and punitive legislation hastily passed in reaction to high-profile, but anomalous, instances of particularly heinous sexual assaults. This section also traces the progression of today’s sex offender registry from a law enforcement-only registry designed to help police solve abduction, sexual assault, and murder cases involving children, to a nationwide instrument used to not only shame the individuals listed on it, but also to facilitate a host of rules, restrictions, and requirements targeted to a very specific group of individuals.

The second section, found in Chapters 4, 5, and 6, explores the lived experiences of those individuals who are listed on the registry. Chapter 5 focuses on issues of disclosure, specifically how those on the registry go about deciding who to tell, when to tell, and how to tell others about their stigmatized status. Chapter 6 explores the ways in which the stigma of being on the registry is so obdurately persistent and permeates so many aspects of an individual’s life.

In Chapter 7, I summarize the results and consider alternatives to the way the issue of sexual offending is handled today in the United States. I discuss the concept of restorative justice, specifically through the use of Circles of Support and Accountability, or COSAs, and I make the argument that this method could work in Illinois, despite the obstacles resulting from stringent “sex offender” specific parole requirements.

## **Why It's Important**

Perhaps the most challenging aspect of writing about such a deeply stigmatized group of individuals is in answering the question of its importance. Why should we care about the lived experiences of “sex offenders”? If they experience difficulties in their lives, isn't that their own doing? Their just deserts? This argument is summed up in an emotionally-driven 2005 editorial by attorney Douglas Kern:

Yes, my pervert-enabling friends: the mass incarceration of sexual predators will be expensive. It will deprive many ex-cons of any significant chance at rehabilitation. It will deprive society of many contributions that recovered sex offenders could make. It will shame and stigmatize the families, friends, and loved ones of sex offenders. I don't care. No community in America deserves to be the guinea pig for social experimentation in the care and feeding of violent sex criminals. And no sex offender should live a life that combines the boundless contempt of society with infinite opportunities to commit further atrocities. (Kern, 2005)

Throughout this paper, I continuously explore the reasons why we, as academics, as law enforcement, as advocates, and as a society in general, should care about the issue of how those listed on the sex offender registry deal with the overt stigma of this shaming technique. The arguments can be summed up in two broad categories: justice and pragmatics.

From a justice standpoint, the atrocities of destroying the lives of individuals who have committed sexually-based offenses becomes poignant when juxtaposed to the argument that the modern-day notion of “sex offender” is a socially-constructed one. When we abandoned the belief that there is such a category as “sex offender” that is made up of people who are imbued with innate and evil characteristics, and who are destined with near-absolute certainty to commit another sexually-based offense, and instead embrace the concept that this category was created and reified in an attempt to justify punitive and harsh treatment of those thus labeled, then we have no choice but to recognize that we eternally punish and destroy lives not because of something that an individual has done, but because of a stereotypical category into which they

were forced. Emerging from a cloud of misperception and misunderstanding, the injustice of modern-day sex offender registries, laws, restrictions, and stigmas becomes all too clear.

The second reason to care about the lived experiences of those on the registry today is purely pragmatic. Over 20 years of academic research suggests that public registries, and the level to which those listed on public registries are stigmatized, work counter to the stated purpose of registries and their accompanying restrictions. There is little empirical evidence that the “naming and shaming” techniques employed via publicly listing certain individuals accomplishes the goal of reducing recidivism or making communities safer. In fact, I will argue throughout this paper that registries actually do the opposite. By pushing offenders deeper and deeper into the fringes of society, we remove the very motivations on which adherence to social norms are predicated. The folly of public registries thus become more apparent when contrasted with empirically validated and more effective alternatives, such as restorative justice techniques, that allow offenders to take responsibility for their actions while at the same time giving communities an active role in ensuring the safety of its residents.

In the following chapters, I will expound on both the justice and pragmatic reasons we, as a nation, as a society, and as a community, should care about the lived experiences of those forced to endure the stigma of being listed on a public registry.

## CHAPTER 2: HOW TO CONSTRUCT A PARIAH

### **The Pariah**

A pariah is an outcast, the lowest of the low, the scourge of society. Throughout history, social groups have created their pariahs, that one *other* group of people everyone loves to hate (Arendt, 2013; Durkheim, 1933). Witches, Jews, and blacks have all experienced the consequences of being social pariahs. They were burned at the stake, annihilated in gas chambers, and lynched from treetops. Perhaps every culture, in every age, needs its pariahs, someone to whom nearly everyone else can feel superior. In the United States today, there is one group that has been marked as modern-day pariahs. This moniker was clearly stated, ironic in retrospect, by the now-disgraced Governor of Illinois, Rod Blagojevich, who proclaimed, back when he was still governor in 2005, “There is nothing more vile than a sex offender” (Rackl & Fusco, 2005).

In the past two decades, a flurry of legislation, both at the federal and the state levels, has been passed dealing with the pariahs known as “sex offenders.” The assumption, of course, is that these laws have been created in *response* to the problem of sex offending. This does not appear to be the case. Rather, I argue that the category of “sex offender” has been constructed and demonized as a result of harsh and punitive legislation. It’s easy to see why people get confused. The same confusion surrounds issues of race. Many people believe that racism was the cause of slavery in the United States. Some contemporary scholars, however, argue that race as we know it today was created as a *result of*, and to justify the practice of, slavery (Alexander, 2010; A. Davis, 1981; Fields, 1990; Wacquant, 2002). What they mean is that the abominable practice of chattel slavery was started in the U.S., and then it needed to be justified against the



backdrop of a nascent country touting ideals of freedom and justice for all. Enter race. Suddenly, not only were people different colors, but some colors were better than others, more naturally imbued with inalienable rights, more suited to being master rather than slave. In this hue-based hierarchy, whiteness was pushed to the top while blackness was relegated to the bottom, to the position of social pariah. And so it is, contrary to conventional thinking, we can argue that race and its resultant racism are the result of, not the cause of, slavery.

Here I argue that the category commonly referred to as “sex offender” is the result of, not the cause of, legislation. That’s not to say that sex offenses did not exist before legislation was passed. As far back as history can trace, people (mostly men) have forced their way into sexual acts. Clearly, sex offenses continue to be perpetrated and the problem of sexually-based offending is a serious issue facing society today. And yet, this unified category pejoratively labeled “sex offender” is a relatively new phenomenon. Historian Philip Jenkins (1998) traced the history of “moral panics” surrounding sex offenses throughout the past century. He noted a familiar pattern in the way boundaries are drawn, or redrawn, around acceptable and unacceptable sexual behavior. Restrictive legislation is passed not as a reaction to an increase in sexually-based offenses, but in reaction to a degradation of moral boundaries surrounding sexuality that leaves society groping for definitions of right and wrong. Specifically, Jenkins says that “for moral traditionalists, a campaign against sex crime provided an effective weapon for combating what they saw as a slide toward decadence, which had been unchecked since about 1965 and which was symbolized by the tolerance of divorce, abortion, homosexuality, drugs, and sexual promiscuity” (p. 121). Such moral panics threaten people’s way of life, weaken their grasp on what is right and what is wrong, causing them to falter and grasp onto something that shores up the social foundation on which they have stood for so many years. “Sex offenders”

make the perfect scapegoat, the ones to which a confused society can point to and announce with righteous indignation, *I may not be perfect, but at least I'm not a sex offender!* (see Douard, 2008; Kirkegaard & Northey, 1999).

It is important to differentiate between the problem of sexual-based offending and the problem of creating a social category that we now call “sex offenders.” No credible scholar would try to deny the problem of sexual offending. Real people are harmed every day by sexual harassment, sexual abuse, and sexual assault, and we as a society absolutely must confront the issue. This does not detract from the argument that the category of “sex offender” is socially constructed and problematic. In fact, creating such a broad category diminishes the effectiveness of law enforcement and monitoring since scarce resources must be spread out over a relatively large population. The problem, however, is not with who goes into the category, but rather with taking a heterogeneous group and labeling them as “sex offenders” since “this means that the great diversity of motive, commitment, and norm violation among those convicted of sexual legal infractions is largely ignored” (Quinn et al., 2004). Attempting to weed out the “truly dangerous” from the “not so dangerous” shrinks the number of people impacted by the label, but it does nothing to resolve the inherent issues with homogenizing a disparate group of individuals.

Perhaps the most significant problem with creating a category of “sex offenders” is that it can only be understood in terms of a normative category of “not sex offenders.” And while it is certainly true that there are those who have been convicted of a sexually-based offense and those who have not, the differential categories suggest that everyone in the “not sex offender” category is imbued with similar characteristics that are normal and natural, and thus are not a threat to society, while those in the “sex offender” category share the characteristics of perversion (“not normal”), unnatural, and dangerousness. The category of “sex offender” was not created as a

psychological category, but rather a legal one, one that is the result of a conviction for a sexually-based offense. The assumption of abnormality, perversion, and dangerousness ascribed to those in the “sex offender” category, however, are the very basis for the plethora of social and legal actions taken against anyone who is, by virtue of a legal status, relegated to this category.

The logic of eschewing socially constructed categories can be seen in the sociology of sexuality. Queer theorists contest using essentializing categories such as “homosexual” and “heterosexual” to define one’s identity. Instead, they recognize that these categories are socially constructed and can only be understood within the social context through which they emerged (Fuss, 2013; Sedgwick, 1993; Seidman, 2016). Michele Foucault (2012) argued that the category we label today as “homosexual” is a relatively modern social construct (Spargo, 1999). Foucault certainly did not try to argue that same-sex activities did not occur long before the category of “homosexual” was created, but it was not until the late nineteenth century that the category of “homosexual” was created and became what Foucault referred to as a species, “an aberrant type of human being defined by perverse sexuality” (Spargo, 1999, p. 18). Once created, a category, such as “homosexual,” influences social, cultural, and legal norms, rendering the category itself more significant than those thus labeled (Seidman, 2016). Following that logic, Wacquant argues that we now treat “sex offenders as the act of a particular species of individuals rather than a particular type of legally proscribed conduct” (Wacquant, 2009). I argue that it is the category of “sex offender” that has been socially constructed, not the notion of sexually-based offenses, and thus it is the category itself that is being challenged.

Once the pariah category has been created, the state, with unfettered access to the public arena, solidifies this classification through sound bites and legislation, creating what Collins (1999) calls “controlling images,” a discursive category that does the cultural work in popular

imagination. The visceral treatment of individuals convicted of sexually-based offenses is justified through rhetorical arguments used to garner support for increasingly harsh and restrictive legislation. This, along with inflated media coverage of anomalous high-profile sex offenses, convinces the public that people on sex offender registries are worthy of demonization. In a bizarre circular process, legislation aimed at those convicted of sex offenses simultaneously justifies previous legislation *and* makes a case for additional legislation. The rhetoric that surrounds sex offender legislation reifies a variety of myths that are then used to support even more laws. These myths, like most myths reified, refuse to yield to reason and empirical evidence. As Jonathon Swift once observed, “reasoning will never make a man correct an ill opinion, which by reasoning he never acquired” (Swift, 1721, p. 27).

### **Legislating Pariahs**

The construction of the pariahs we now categorize as “sex offenders” is well documented in academic literature. It began in earnest in 1994 with the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, a law named after a young boy who was abducted by a masked gunman (Lewis, 1996). Although Jacob and the gunman were never found, and although the gunman was never identified as a sex offender, the law that bears the young boy’s name was the first law instituting a state sex offender registry (Louwagie & Brooks, 2016). Two years later, Megan’s Law was passed requiring states to adopt some form of public notification for offenders already covered by the Wetterling Act (Filler, 2001). This federal law was named after Megan Kanka, a girl who was raped and killed by a man previously convicted of a sex offense who lived next door. In 2006, Congress passed what has become known as the Adam Walsh Act, which is actually just one part of the broader Sex Offender Registration and Notification Act, or SORNA. The stated intent of this law was to

bring state laws into alignment with each other in order to prevent registered sex offenders from “cherry picking” which state to live in (SMART, 2017). If adopted by a state, this law would greatly increase the burden to those already listed on the sex offender registry, widen the net for which offenses would be registerable, and dramatically lengthen the term of registration for the vast majority of offenders. Nearly any offender whose victim was under the age of 18 would be required to register for life under the 2006 Adam Walsh Act. The law also required that juveniles as young as 14 be required to register if convicted of a sexually based offense (C. Young, 2008). Because of the difficult and expensive measures the Act requires, as of 2017, only 17 states had been deemed to be in “substantial compliance” with the requirements of the Adam Walsh Act (SMART, 2017).

The creation of the sex offender registry was the direct result of high profile incidents. The rhetoric used to justify the creation and expansion of the registry, and eventually the myriad of restrictions that go along with it, resulted in the creation of a new class of social pariahs known as registered sex offenders. Whether or not this was intentional, it is clear that positive public response to sex offender registries spurred politicians to expand both the registries and the restrictions that became interlinked with the registry. The unprecedented intrusion into the civil rights of people convicted of sex offenses required even stronger rhetoric, which further exacerbated the low standing of these individuals in society, solidifying their position as the “lowest of the low.”

There is little doubt that the use of rhetoric has become a political staple in the legislative process. Daniel Filler, a Professor of Law at Drexel University, argues that rhetoric serves at least three pragmatic purposes. First, and most apparent, it can influence voting decisions. Second, rhetoric acts as an educational tool, informing both legislators and the public about

social issues. And finally, it is used in judicial reviews to help courts determine the original intent of confusing or ambiguous laws (Filler, 2001). Aside from the pragmatic, rhetoric can also be simply entertaining. Vivid, impassioned speeches capture the attention of the media and the public through venues such as C-SPAN, which offer near constant access to legislative debates.

In the push for sex offender legislation, there was little need for influencing voting decisions. Laws bearing the names of child victims generally met little or no opposition. Nonetheless, the discussions were fraught with impassioned and vividly detailed rhetoric surrounding the high-profile cases for which the laws were named. Stories were recounted about Jacob Wetterling and Megan Kanka in order to elicit emotions ranging from sadness for the victims, to fear for children everywhere, to revulsion against those who perpetrated the acts.

### **Creating Pariahs through Emotional Rhetoric**

Legislation was introduced as a way to prevent such acts in the future by making sure the public knew where those convicted of sex offenses resided. The emotional rhetoric used to support these laws, however, went beyond garnering sympathy for victims and hatred against the offenses. In an effort to allay potential concerns about the civil and constitutional rights of perpetrators, lawmakers began to refocus attention on perpetrators themselves. Much the same way that black slaves were described as only “three-fifths human” and thus ineligible for full citizenship, sex offenders were systematically stripped of their humanity through “linguistic choices that worked to dehumanize individuals convicted of sexual offenses” (Filler, 2001, p. 338). Terms such as beast, monster, pervert, pedophile, and animal not only rallied support for sex offender legislation, but also served to justify any restrictions that the law may prescribe against those offenders (Lynch, 2002). Thus the focus began to shift away from the act of sexual offending, and the desire to prevent it, to the perpetrator of the act himself, that is, to the generalized and homogenized “sex offender.”

With the shift in rhetoric from sex offenses to “sex offenders” came the calls for ever-increasing restrictions for those on the registry. The cyclical logic progressed from “sex offenders are bad so we need to put them on a list” to “if they are on this list, they must be bad and must be restricted to keep it from happening again.” Thus, the U.S. saw a shift from the war on sex *offending* to the war on sex *offenders*. Corey Rayburn Yung, a law professor at the Marshall Law School in Chicago, notes that “the public and legislators who have internalized numerous aspects of the dominant rhetoric about sex offenders have overwhelmingly supported the wave of unprecedented sex-offender laws, including residency restrictions, registration requirements, and post-detention civil commitment” (Yung, 2012, p. 84). In the end, the rhetoric that initially aimed to protect children by identifying and tracking those who had committed sex offenses became the same rhetoric that justified the relegation of the registered sex offender to the status of pariah and justified the continued erosion of civil and constitutional rights for those individuals.

### **The Use of Political Rhetoric**

The use of rhetoric in political debates is well documented. Several studies have examined the way emotional rhetoric manipulates legislative debates surrounding sex offenders and proposed legislation to deal with them (J. Brown & Dillard, 2013; Filler, 2001; Grimmer, 2013; Socia & Brown, 2014). Lynch (2002) noted that rhetoric used in federal debates on sex offender legislation evoked feelings of disgust, justifying laws that treat sex offenders as inhuman with fewer rights than ordinary citizens. She explains how powerful the rhetoric of disgust can be, saying:

From the perspective of social interaction, when individuals or classes of people come to be viewed as disgusting, then all those who fall in the category of the disgusting will be subject to measures that seek to quarantine, separate, or even destroy them to defuse their powerfully contaminating forces. And the process by

which disgust gets linked to an entity at the cultural level is often through language and the use of metaphor. (Lynch, 2002, p. 540)

The feelings of disgust, then, are translated into tangible consequences, generally through harsh and restrictive legislation.

Similarly, Filler (2001) examined the use of rhetoric during debates surrounding what is commonly referred to now as “Megan’s Law,” a law mandating states to create some form of community notification to alert residents of the presence in their neighborhood of someone convicted of a sexually-based offense. He notes that Megan’s law is “controversial legislation because it targets a narrow segment of the criminal-offender population, sex offenders, subjecting them to public shame and, potentially, vigilante violence” (Filler, 2001, p. 318). He argues that although the law was initially framed in terms of child protection, the rhetoric used to justify the bill focused heavily on victim narratives, misleading statistics, and details of anomalous but well-known incidents. More importantly, in order to justify the erosion of civil liberties for a select group of individuals, legislators dehumanized people convicted of sex offenses through the use of rhetoric (Filler, 2001).

Yung (2012) explores legislative rhetoric he calls “the sex-offender bomb.” He argues that by using this type of analogy, lawmakers and justices can justify curtailing civil liberties and constitutional protections to an alarming level. However, he outlines the dangers of invoking the “sex-offender bomb” analogy:

This rhetoric and the ideas contained within it are not without consequence. They form the basis for an ongoing crackdown on sex offenders that threatens not just those targeted, but also the basic American values of freedom, redemption, and the rule of law. Relying on strongly held myths about stranger danger, sex-offender recidivism, and sex-offender homogeneity, the criminal war against sex offenders shows little sign of abating. (Yung, 2012, p. 83)

He acknowledges the powerful impact of metaphors like the “sex-offender bomb,” but also acknowledges the dangers they present when they influence public policy.



Other researchers, while not specifically studying the use of rhetoric in legislative debates, nonetheless recognize its use and the problems associated with it. For example, Gavin (2005) explores the social construction of sex offenders through the use of narratives. She found that “the dominant narrative construction, in Western societies, concerning child sex offenders identifies such individuals as purely male, inherently evil, inhuman, beyond redemption or cure, lower class, and unknown to the victim (who is constructed as female)” (Gavin, 2005, p. 395). She argues that the use of this type of rhetoric by lawmakers and the media creates a dominant narrative that is virtually immune to the challenges of empirical research. Ultimately, in order to challenge these narratives, society must “deconstruct the child sex offender by introducing alternative narratives that include the notion that offenders are socially created rather than innately evil” (Gavin, 2005, p. 410).

In their efforts to justify procedural changes that make it easier to prosecute individuals accused of a sexual offense, as well as civilly commit certain individuals even after they have served their sentence, Moreno (1997) argues that lawmakers resorted to dehumanizing sex offenders through the use of political jargon such as “sexual predator.” He notes that lawmakers often make arguments that are totally unsupported by empirical research, drawing instead on demonizing rhetoric to justify their actions. In the end, he concludes that “when the justifications and assumptions used to support these legal schemes are examined, we may discover that those assigned to protect society are motivated by public hatred and vindictiveness rather than fundamental legal principles of impartiality and reason” (Moreno, 1997, p. 560). In other words, laws are often passed based on emotion rather than on empirical evidence of their potential efficacy.

Douard (2008) talks about rhetoric in terms of framing. He argues that sex offenders are framed as “monsters” so that they can be considered not quite human, and thus “society can then justify depriving them of liberty beyond the constitutional constraints of the criminal code” (Douard, 2008, p. 32). He suggests that sex offenders are persons who have made immoral choices, but through the frame of the “monster,” they are seen as unable to control themselves or their behaviors. “Our standards of legal justice,” he argues, “do not apply to persons reframed as monster” (Douard, 2008, p. 35). This illustrates the importance of language and the terms that are assigned to stigmatized populations.

Finally, Fox (2012) suggests there is a progression stemming from legislative rhetoric, which is then taken up and reiterated by the media, which then eventually influences judicial discretion. She argues that the moral panic over “sex offenders” has been sustained longer than most previous moral panics because of this progression. Through the use of this type of rhetoric, “sex offending has been restructured again as an incurable compulsion requiring intense criminal justice” (Fox, 2012, p. 166). This conclusion is more fully explained in Chapter 3.

### **Contextualizing the Pariah**

It is important to recognize the role that rhetoric, particularly in the hands of lawmakers who have tremendous access to the public arena, plays in the social construction of the pariahs known today as “sex offenders.”

This is not to suggest that lawmakers are themselves evil, intent on destroying those who commit sexual offenses. Socially constructed ideologies do not materialize except within a larger social context. Garland (1990) argues:

Penal laws and institutions are always proposed, discussed, legislated, and operated within definite cultural codes. They are framed in languages, discourses, and sign systems which embody specific cultural meanings, distinctions, and

sentiments, and which must be interpreted and understood if the social meaning and motivations of punishment are to become intelligible (p. 198).

Thus it is important to understand what was happening within the United States in the 1990s and surrounding decades in order to understand why and how modern attitudes towards those who are convicted of sexually-based offenses developed as they did. In addition, it is important to understand the ways in which our ideology surrounding the concept of childhood has morphed during the past 100 years or so into the modern, idealistic notion that children are innocent, precious, and in need of protecting from the evils of the world (Mintz, 2004). I will briefly discuss both contextualizing concepts here.

Among the many social issues influencing the climate of the early 1990s was the history of moral panics related to sexual offense. Jenkins (1998) examined moral panics surrounding sexually-based offenses that have occurred in the U.S. as far back as the late 1800s. He noted that these moral panics were cyclical and relatively predictable. Specifically, as society began to lose track of its moral boundaries in regard to sexuality—as it inevitably did as patriarchy was challenged, talk of free love abounded, and sexual taboos such as homosexuality leaned toward legitimacy—moral panic would ensue as various interest groups floundered to reestablish those boundaries. Jenkins noted that sex panics occurred about every 20 years and lasted around 10 years, after which they diminished as a result of legal challenges, shifts in media attention, and the findings of empirical research (Jenkins, 1998). This cycle is explored in detail in the next chapter.

Lancaster (2011) also noted a series of events or social issues transpiring in the 1960s and 1970s that led to the modern day sex panic. Rising divorce rates, the *Roe v Wade* decision, the Equal Rights Amendment, and gay rights battles all increased social anxiety regarding the fate of the heterosexual, nuclear family. Adding fuel to the fire was the rise of the evangelical

conservative movement, which having been unsuccessful in its fight against racial equality, turned its attention to sexual deviancy:

In the rhetoric of the New Right, sex became the recurring occasion for the conflation of cause and effect and for the projection of a world ruled by fear. In short order sex panic became the enduring technique of the modern conservative moment—its minimal form, its very existence. (Lancaster, 2011, p. 41)

In the 1970s, members of the religious right, including the likes of Jerry Falwell, Pat Robertson, and Anita Bryant, demonized gays, accusing them of trying to recruit young people into their “lifestyle” and equating gays with child molesters.

In the 1980s, Americans bore witness to a variation of child sex panics known as satanic ritual abuse (Lancaster, 2011; Victor, 1998). Widely reported media attention focused on accusations against individuals and institutions, such as daycares, alleging systematic physical and sexual abuse through satanic rituals. Despite a distinct lack of any credible evidence, a virtual witch-hunt resulted in a series of convictions, sending bewildered parents and teachers to prison for crimes that boggled the imagination (Lancaster, 2011). Although satanic ritual abuse was soon discredited, the lasting effects of those types of sex panics continued to influence public perception and political posturing. Lancaster (2011) summed it up, saying:

Because they allied antagonistic social movements against a phantasmic threat, Reagan-era sex panics had important cultural consequences. They buttressed conservative Christian notions of immaculate childhood sexual innocence while joining forces with neo-Victorian feminist accounts of sex as trauma. They distilled diffuse anxieties about sex and children into the pervasive perception that all children everywhere are at perpetual risk of sexual assault. In the resulting culture of hypervigilant child protection, the denial of childhood sexuality and the perpetual hunt for the predatory pervert are opposite sides of the same coin: the innocent and the monster, the perfect victim and the irredeemable fiend. (Lancaster, 2011, p. 59)

Aside from the sex panic landscape, it is important to understand the shift in crime and punishment in general that occurred during the final few decades of the twentieth century. Prior to the 1970s, the penal system focused on rehabilitation and reintegration (Garland, 1990). While

prison conditions were often difficult, “for most of the twentieth century, penalties that appeared explicitly retributive or deliberately harsh were widely criticized as anachronisms that had no place within a ‘modern’ penal system” (Garland, 1990, pp. 8-9). In the mid-1970s, however, the U.S. witnessed vast changes in the tone of crime policy, a return of the victim’s perspective, and an overall notion that the public must be protected at all costs (Garland, 1990). Liberals began to lose faith in the ability of the state to adequately rehabilitate offenders, decrying the vast discretionary powers held by those involved in the criminal justice system, from the judges on down to correctional personnel. Conservatives, meanwhile, blamed the perceived uptick in crime on the rehabilitative, as opposed to retributive, efforts of the Liberals, claiming “soft-hearted judges sought to reform habitual felons by placing them on probation and parole boards released supposedly cured but still dangerous offenders back into society” (Cullen, Gilbert, & Cullen, 1983, p. 3). In 1977, after several attempts to revise the way convicted felons were sentenced, Illinois passed legislation to move from indeterminate sentencing to sentencing that was “determinate in nature but requiring significantly longer sentences for certain types of offenses and offenders” (Goodstein & Hepburn, 1986, p. 307). The move to indeterminate sentencing was one of the first indications that Illinois, like much of the nation, was shifting to a more punitive mentality surrounding crime and punishment.

Indeed, throughout the U.S., and in other countries as well, a clear pattern emerged signaling a shift away from rehabilitation and towards punishment and retribution. Spending on prisons increased dramatically, from about 1.5 percent of state and local spending in 1970, to 4.3 percent in 2000 (Steen & Bandy, 2007). In the 1990s, the shift toward a more punitive mentality can be seen in criminal justice initiatives such as “Truth in Sentencing” laws and “Three Strikes” laws (Williams, 2003). The “War on Drugs” in the 1980s was accompanied by sentencing

guidelines that dramatically increased sentence lengths for those convicted of drug crimes (Lynch, 2012). Lynch (2012) describes the War on Drugs, saying “it has been exceptionally punitive, meting out prison sentences in the overwhelming majority of drug cases” (p. 180). All of this combined set the tone for lawmakers to adopt a “tough on crime” mantra, one that can clearly be seen in the passage of contemporary sex offender legislation.

The moral panics surrounding sexuality that occurred throughout the 1900s were both influenced by, and in turn influenced, shifting notions of children and childhood. History shows that children have not always been viewed as they are today, as vulnerable and innocent in need of protecting in order to facilitate development into well-adjusted adults (Mintz, 2004). In the middle-ages, children were portrayed as small adults who “went straight into the great community of men, sharing in the work and play of their companions, old and young alike” (Ariès, 1965, p. 411). Early American settlers known as the Puritans believed that children were born into sin, complete with evil desires, and thus need protecting not from predators, but from the devil and themselves. While Puritan discipline was strict, the Puritans were also among the first to document what they believed to be effective childrearing techniques (Mintz, 2004). By the mid-eighteenth century however, influenced by philosophers such as Rousseau and Locke, children began to be seen as pure and innocent, spoiled by entering into an adult world and the evils it contained (Levine, 2006). In the late 1800s and early 1900s, the romantic vision of childhood “encouraged the notion that children needed to be sheltered from adult realities, such as death, profanity, and sexuality, in order to preserve their childish innocence” (Mintz, 2004, p. 77). Ironically, this version of childhood also led to the creation of some of society’s harshest institutions for children, such as orphan asylums and reformatories, since children who did not comport themselves to this romantic vision of childhood were sent to these places in the belief

that “it was possible to solve social problems and reshape human character by removing children from corrupting outside influence and instilling self-control through moral education, work, rigorous discipline, and an orderly environment” (Mintz, 2004, p. 161). This odd contradiction between innocence and delinquency continued into the 1900s, where it was further complicated by ambiguous representations of sexuality (Stearns, 2016).

The changing perceptions of childhood between the eighteenth and nineteenth centuries led to the idea that children had to be protected by adults from the evils of the world, both real and imaginary. Children were protect from adult realities, including sexuality, and thus “grew up in an environment of extreme sexual ignorance, superstition, and fear” (Mintz, 2004, p. 221). It is against this backdrop that early moral panics surrounding sexually-based offenses began in the early 1900s (Jenkins, 1998).

The twentieth century brought with it rapid and dramatic changes in society, particularly with regard to issues related to women and children. In this century, the concept of adolescence came into prominence, teenagers became a target of marketing, and older children rebelled against both parental and government interference in their lives (Mintz, 2004). The sexual revolution of the 1960s meant children were no longer ignorant of sexuality, but at the same time, adults fought to prolong the years of innocence (Stearns, 2016). Thus “new Western standards promoted a complex juggling act in which sex was frowned upon, but a certain amount of sexually laden flirtation was encouraged. Some children, and indeed some adults, found the combination confusing” (Stearns, 2016, p. 80).

As youth began to assert their independence, they were supported by legal victories, including their right to obtain condoms without parental approval, laws prohibiting schools from discriminating based on sex, and legal protections for children born out of wedlock (Mintz,

2004). At the same time, experts warned about the underdeveloped brain and emotionally immaturity of young people, sparking efforts to control both the level to which children were exposed to sexually-based content and the freedom of young people to engage in sexual behavior (Levine, 2006).

Combined with a greater focus on the rights of victims, these ideologies sparked a number of irrational panics in the mid to late 1900s (Jenkins, 1998; Lancaster, 2011). In addition to daycare panics of the 1970s and 1980s, there was widespread concern about stranger abductions, razor blades and poisons in Halloween candy, and sexual exploitation of teenagers by older men (Levine, 2006). In the 1990s, these panics included gangs and superpredators. More recently, the U.S. has seen panics over Internet pornography, sexual predators, youth violence, and of course, “sex offenders” (Mintz, 2004). Steven Mintz (2004), who studied the changing notions of childhood from medieval times through the late twentieth century, argues that these panics arose from legitimate concerns, but that they were also fueled by “interest groups that exploit parental fears, well-meaning social service providers, child advocacy groups, national commissions, and government agencies desperate to sustain funding and influence” (p. 339). The problem, he argues, comes when these panics drive public policy since this tends to divert attention away from other social issues.

Although it is easy to argue that lawmakers simply pander to public fears, it is often the case that the same social climate that perpetuates public fears also influences the perceptions of lawmakers. Sample and Kadleck (2008) interviewed a number of Illinois lawmakers, politicians, and treatment providers in mid-1999 through the beginning of 2000. The researchers asked these public figures about their thoughts on the flurry of sex offender legislation passed in the early to mid-1990s, as well as their thoughts and perceptions of “sex offenders.” They concluded that



“the congruence between these thoughts and opinions and the passage and content of sex offender laws reaffirms the findings of scholars that suggest policy makers’ own personal perceptions of a problem often drive the need for, and the content of, legislative responses” (Sample & Kadleck, 2008, p. 59). In other words, lawmakers really do believe that legislation restricting and monitoring those convicted of sex offenses is necessary because these individuals are dangerous, incurable, and likely to repeat their offense.

The legislative initiatives described in this chapter occurred in what Leon (2011) describes as the “containment era” which began around 1980 and continues today. During this era, “rehabilitation is rarely promoted, while strategies to prevent and punish have grown exponentially” (Lynch, 2002, p. 108). This era underscores the wide-spread popular belief that those who commit sexually-based offenses are incurable, that treatment does not work, and that rehabilitative efforts are a waste of time (Quinn et al., 2004). In the midst of such prevailing attitudes, it is not surprising to see lawmakers responding with punitive measures rather than investing time and money into treatment or rehabilitation efforts.

It is against this backdrop that the actions, words, and legislative action of Illinois’ lawmakers in the last two decades of the twentieth century are presented. Politicians react to public sentiment, and although the following section was written with the benefit of hindsight, it is important to recognize the climate in which these events took place.

### **Pariahs in Illinois**

In this section, I focus on how the Illinois General Assembly, following the lead of national sentiment and the federal congress, contributed to the progression of a category known as “sex offenders” to modern-day pariahs. The information presented here was garnered by combing through legislative transcripts from the Illinois General Assembly, which are available

on their website dating back to 1971. Specifically, I started with 1986, the year the Habitual Child Sex Offender Registration Act was passed. From there, I skipped to 1989, since no reported legislation pertaining to those convicted of sexually-based offenses was passed between 1986 and 1990. I then searched legislative transcripts for both the House and the Senate for each legislative session between 1989 and 1996 (session 86 through session 89) looking for the key words “sex” and “offender.” For each transcript found that included either of those keywords, I searched the document specifically for any sex offender-related legislation set for “third reading.” In Illinois, each bill must be read in the Senate or the House three times. The first two times are perfunctory and rarely, if ever, does debate happen during those readings. The third reading is the final reading, after which the opportunity is given for debate. After the debate (if there is a debate), the issue is voted on. Generally, a simple majority is required for passage. By searching for and reading these “third readings,” I was able to hone in on the portions of the transcripts most likely to contain debate.

Each transcript that contained a third reading for a bill related to the term “sex offenders” was downloaded and saved locally. I then went through each transcript searching again for the word “sex” to find all instances of third readings of bills that pertained to those convicted of sex-related offenses. (Sometimes more than one sex offender-related bill was debated in a single session.) I cataloged each of these readings, noting the date, bill number, bill sponsor, whether or not there was debate, a short summary of the bill, and the results of the vote. I also copied relevant quotes into a separate document which I then linked to the spreadsheet with a code.

With this data, I set out to illustrate how the rhetoric used by Illinois legislators contributes to the social construction of the contemporary concept of “sex offenders.” This

research is not meant to be generalizable or predictive. Rather, I present the information as illustrative of the process of social construction.

### **Safety, Not Pariahs**

It is unlikely that anyone in Illinois, or elsewhere, imagined back in the 1980s that legislation aimed at those convicted of sexually-based offenses would morph into the harsh and punitive patchwork of laws that invade the daily lives of individuals forced to register today. Nonetheless, in 1986, the Illinois Senate began debate on a bill that would create the Habitual Child Sex Offender Registration Act. The proposed law was aimed at individuals convicted of two or more sexual offenses against a minor and would require them to register with law enforcement for a period of ten years. The bill passed the Senate unanimously without discussion (S. Transcription Debate, 84th Gen. Assembly, at 137-138. May 23, 1986).

In the Illinois House of Representatives, the debate over the bill was much more lively. Still, the conversation focused almost entirely on the *need* for the legislation rather than on the characteristics of the offenders. Representative Parke argued the need for the registry saying:

Currently we are having an epidemic in Illinois and in the United States, an epidemic in sex crimes against our children. We are having an epidemic of kidnapping, an epidemic of murders. We have to... this kind of legislation will help our law enforcement agencies stop this kind of carnage on our children. Society demands that we protect our children.... The punishment does not shock the consciousness. Rather, it imposes a relatively minor burden when weathered against the state's right to protect its citizens. (H. Transcription Debate, 84th Gen. Assembly, at 208-209. June 23, 1986)

Unlike future debates surrounding sex offender legislation, particularly during the early to mid-1990s, there were those who voiced opposition to this bill. For example, Representative Young warned his colleagues:

I understand what a sensitive area this is, but at the same time I think this House would be establishing a precedent that would be extremely dangerous - the precedent being making someone who has served their time and paid the price for the crimes they have committed within the law to have to register their name and

address. I think this is a bad precedent. I wonder if it could withstand constitutional scrutiny. (S. Transcription Debate, 84th Gen. Assembly, at 212. June 23, 1986)

Almost prophetically, Young went on to suggest the potential pitfall of such legislation:

And I'm afraid that when we pass this, then we'll come back next year and then murderers will have to register for ten years after their release. Then, the year after that, we'll have armed robbers registering and the next thing you know, everybody will have to register after they get released from Jail. (S. Transcription Debate, 84th Gen. Assembly, at 212. June 23, 1986)<sup>2</sup>

Similarly, Representative Hicks argued against the bill, not by supporting those who commit sex offenses, but by invoking the larger issues of fairness in the criminal justice system:

I think it's a wrong situation for us to get into to try to tell criminals once they've been rehabilitated and have served their time, that we're going to then register them and try to brand them for years to come, and I simply can't vote 'yes'. (S. Transcription Debate, 84th Gen. Assembly, at 216. June 23, 1986)

In response, Parke continued to focus on safety issues, only mentioning in passing the recalcitrant nature of repeat offenders:

This is affecting our quality of life, Ladies and Gentlemen. We cannot continue to have people that are capable of repeat offenses on the street without some way of being aware that these people are living in our neighborhoods. (S. Transcription Debate, 84th Gen. Assembly, at 216. June 23, 1986)

The bill passed the House on a vote of 97 to 17, and became the law that would, over time, morph into the present-day Sex Offender Registration Act.

### **Pariahs, Not Safety**

Illinois's Habitual Child Sex Offender Registration Act of 1986 broke new ground in the state, for the first time requiring those who had completed their court-imposed sentence to continue interacting with, and being subject to, law enforcement well beyond the end of their prison time, parole time, or probation period. With little resistance to the new law, coupled with

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<sup>2</sup> In Illinois, there are currently five registries: Sex offender registry, Violence Against Youth registry, Murderer registry, Arsonists registry, Methamphetamine Manufacturer registry (Illinois State Police website, [isp.state.il.us](http://isp.state.il.us)).

reports of wide-spread sexual abuse and ritual abuse, lawmakers were emboldened to take legislation to the next level, further stripping away taken-for-granted civil rights for those who commit sexually-based offenses. In 1993, the 1986 law was amended and renamed the Child Sex Offender Registration Act, requiring registration after a single conviction for a sexual offense against a minor. In 1996, the act was once again amended to require anyone convicted of a felony sex crime to register, regardless of the age of the victim. The act was renamed the Sex Offender Registration Act and is still the basis for registration in Illinois today. During the 89<sup>th</sup> General Assembly session, which encompassed 1995 and 1996, a number of bills were introduced building on the established sex offender registration policies. In particular was Senate Bill 721 (SB721). This bill included a number of different changes to the criminal statutes, ranging from juveniles convicted of carjacking, thirteen- and fourteen-year-olds who commit murder, increased penalties for marijuana, and various sex offenses. One of the major changes proposed in this bill was opening up the registry information to the public. Prior to this, information provided during registration was made available to law enforcement only. This bill called for “public access to the names, addresses and conviction information of persons registered under the Sex Offender Registration Act for a sex offense committed against a child under eighteen” (S. Transcription Debate, 89th Gen. Assembly, at 48. November 16, 1995). This bill was debated extensively in both the House and the Senate. During these debates, there was a subtle shift in the rhetoric, moving the conversation away from public safety by emphasizing the recalcitrant nature of sex offenders. Senator Raica set the tone for this, stating:

My concern, Ladies and Gentlemen of the Senate, is that when you’re dealing with sex offenders, number one, these are people who are repeat offenders, almost automatically, one, and two, they’re beyond rehabilitation. So the next time you probably ever hear of this offender, he has committed his second or third or fourth sex crime against a child. (S. Transcription Debate, 89th Gen. Assembly, at 55. November 16, 1995)

Representative Lindner echoed those sentiments in the House debate:

But there is a lot of documentation that sex offenders cannot be rehabilitated. I have done some research on this. In Illinois prisons, there are only three programs that are full-on sexual offender treatment programs. They are totally voluntary. People can drop out at any time. There are not many people in those programs now. I have spoken with psychologists who have been in programs in states where they have mandatory rehabilitation programs, and they have told me that this does not work, that sexual offenders cannot be rehabilitated; therefore, we need this strong notification Bill. (H. Transcription Debate, 89th Gen. Assembly, at 34. November 6, 1995)

Representative Schoenberg affirmed this belief, saying, “Because, as one of my colleagues has pointed out earlier, an independent study has born that out, I too, do not believe that sex offenders can be rehabilitated through our penal system” (H. Transcription Debate, 89th Gen. Assembly, at 55. November 16, 1995). Both of these lawmakers conflate anecdotal evidence with empirical research, citing the former as though it were the latter.

On this particular bill, there were a few lawmakers who dared dissent, albeit cautiously. Senator Molaro called for a more reasoned, thoughtful approach to addressing the problem of sex offending:

Everybody should know when a sex offender comes in. But we have to be responsible and not willy-nilly make bills that make no sense and just throw it out to the public and say let the Supreme Court or the police departments figure this out. We should figure it out and we should take the time to do it. (S. Transcription Debate, 89th Gen. Assembly, at 52. November 16, 1995)

Senator Cullerton questioned out loud whether laws like this one would be able to withstand constitutional challenges:

Well, would you like to, as the sponsor of the bill, indicate on the record whether or not you -- you think there's a -- why you don't think there's a constitutional problem? Ex post facto laws that we're passing to -- in other words: someone has already been sentenced, someone has already been released, they've served their sentence. (S. Transcription Debate, 89th Gen. Assembly, at 91. May 8, 1996)

(See Chapter 3 for an outline of various legal challenges that were mounted in response to sexual offense laws.)

The response to those who would dare oppose laws regulating those convicted of sexual offenses veered into emotional pleas, often involving anecdotes taken from the speaker's home district. For example, Senator Dunn related the following story, not about a sex offender, but about a murderer:

Unfortunately, in August of this year, in my district, a ten-year-old boy was killed by an individual who lived about two miles from my own home, and that individual is charged, of course, with murder. The individual who committed this offense was twenty-seven and had been incarcerated on a twenty-five-year sentence, served twelve years and got out. And he was in for murdering a five-year-old child. This bill is not perfect, as you, will hear in the debate, but it's a step in the right direction, and I join Senator Bomke in an attempt to create a valid good system. It could be better. It doesn't cover the situation that occurred in my district because it doesn't have in the offense of first degree murder of a child. I wish that were in; it's not in. I'm not totally sold on the notification plan that's in there, but it's a step. (H. Transcription Debate, 89th Gen. Assembly, at 53. November 16, 1995)

And again, Representative Spangler invoked a story about an individual who sexually abused and then murdered a ten-year-old. It is telling that he opens his remarks by admitting he is about to make an emotional appeal:

It's very seldom that I rise and try to invoke the emotions of the Body here. But I must do it because think back to how we opened up our Session today, remembering those who died in the Oklahoma bombing. I want to talk to you briefly about an individual, 10 years old, Christopher Myer. Christopher Myer, does everyone remember him? I don't want you to forget his name either because there was a perpetrator of that crime murder after sexual abuse against a 10-year-old by an individual that every single person that had contact with him, including the attorney that defended him, said, 'if this individual gets a chance again, he will murder a child again.' ... So let's get off the political mumbo-jumbo here in trying to harangue the Sponsor and say, 'do you know how much it costs. Do you know how many are out there? Do you know how many have notified or made the, you know fulfilled the obligation of the law?' Let's get on with the point of business here and let's take care of all the other Christopher Myers under the age of 18 throughout the state in all of our communities and get on with good public policy and let the laws manage themselves when they get up to the point where they can be taken care of. (H. Transcription Debate, 89th Gen. Assembly, at 30. April 19, 1996)

Note in Spangler's emotional plea that he tried to pivot the legislators away from "mumbo-jumbo" such as cost, numbers, or details, and instead asked them to vote in favor of the bill for the sake of the children, shifting the process away from intelligent debate and toward emotional reasoning.

As the decade went on, more and more sex offender legislation was introduced. In the late 1990s, many of the bills were heard and passed without a single word of debate, often passing unanimously, or with but a few silent dissenters. When debates did occur, the rhetoric became more inflammatory, focusing on the offenders themselves as sub-human, beyond rehabilitation, and destined to strike again. During a debate on whether or not juveniles should be included on a public registry, Representative Mautino dehumanized sex offenders, saying:

I wish you would have taken and included that provision in there, which would have had some teeth. Because we can't legislatively fix stupid, and these animals are going to be out there. We got to let them know that if they fail to follow the intent of the law, they're going to go back to jail. (H. Transcription Debate, 89th Gen. Assembly, at 31. November 3, 1995)

Introducing the term "animals" help lawmakers overcome any reservations they might have regarding the fairness of these laws toward the offenders themselves.

In debating residency restrictions, ones that would prevent individuals convicted of a sexually-based offense, and whose crime was committed against a minor, from living within 500 feet of schools, playgrounds, and daycares, Senator O'Malley brought out the unsupported statistical argument:

I would like to also state that this particular individual who commits the crimes that we have described and set forth specifically in the amendment that was adopted here in the house are the very individuals who have the highest case of -- statistics would demonstrate have the highest case of recidivism in -- of all criminals. (S. Transcription Debate, 91st Gen. Assembly, at 57. November April 7, 2000)



Again, without any data to support his argument, Senator Patka bolstered the claims made by O'Malley:

And Senator O'Malley correctly pointed out that the highest incident of recidivism that we have, unfortunately, found among those who are sentenced to Department of Corrections involve those who have predisposition to commit certain violent sexual crimes and crimes against children. It is very unfortunate, but it is a documented fact, that the -- with the possible exception of those who commit crimes with firearms and armed robberies. (S. Transcription Debate, 91st Gen. Assembly, at 60. April 7, 2000)

Senator Lightford confirmed the recidivist nature of sex offenders based on his experience of interviewing sex offenders:

I've interviewed sex offenders several times. They have a problem. They will re-offend again if -- in the presence of children if they live around this. This is what they -- their minds thrive on. (S. Transcription Debate, 91st Gen. Assembly, at 61. April 7, 2000)

Senator O'Mally then returned to close his arguments with perhaps the most condemning bit of rhetoric of this debate:

[T]his is one more statement to these people who are predators on our children that -- get out of Illinois. Don't do it in Illinois. In any way, shape or form, what could be more important than protecting our children from these very people who many of us have recited right here on the Floor today, and -- and especially someone as -- as knowledgeable as you, Senator Lightford, that recidivism is a real problem with these people? These are people who are, like, in a candy shop, and let's keep 'em out of the candy shop, 'cause the candy tends to be our children. (S. Transcription Debate, 91st Gen. Assembly, at 62. April 7, 2000)

The "candy shop" analogy suggests that "sex offenders" are predators who will devour children unless they are physically separated from the children, a rhetorical technique designed to dehumanize certain individuals.

In the early 2000s, a number of bills were introduced that created a second-class citizen status for people convicted of sex offenses, one who has fewer civil and constitutional rights than those who have not been convicted of a sex offense. Among other things, these bills attempted to regulate where such offenders could and could not live (residency restrictions); regulate where

they could and could not be physically present (presence restrictions); remove the statute of limitations on certain sex offenses; create registration requirements and other restrictions for registered sex offenders who attend college; treat people convicted of sex offenses on parole differently than all other parolees; limit where people convicted of sex offenses can work; and require the collection of a vast array of information from individuals when they register, including private information such as email address, internet screen names, and any internet site a registrant visits.

One such example of creating a group of second-class citizens came from Senator Radogno as he responded to a concern that a registered sex offender might have to break his lease if a daycare opened up within 500 feet of where the offender was living. Rodagno responded:

Well, this poor guy, who's a sex offender, would have to break their lease. And I guess the message is, if you're going to be a sex offender, you're going to have to take the consequences and, yeah, you're at risk of having to break your lease or sublet it. (S. Transcription Debate, 92nd Gen. Assembly, at 22. May 31, 2002)

In another example, Senator Geo-Karis objected vehemently over a bill that would provide tax credits to companies hiring individuals with felony convictions because the sponsor refused to exclude sex offenders from the bill. In explaining why he would vote "present" he said:

I seldom vote against a bill of my good colleague who's sponsoring this one, but sex offenders bothers me. I cannot, in good conscience, support a bill like this unless they are excluded. When people commit various sexual -- acts against children and other people, it bothers me, and I -- I am sorry I cannot help you on this one. And although I am in sympathy with your thoughts, I cannot vote for your bill. (S. Transcription Debate, 93rd Gen. Assembly, at 59. May 13, 2003)

Geo-Karis also demonstrated his belief that people convicted of sexually-based offenses have fewer rights than other citizens during a debate about allowing previously sealed records to be used in civil commitment hearings:

I'm not going to be supporting anyone who's sexually violent, and I think it behooves us to do everything we can to protect the people from sexually violent people. ...And are we going to let these people go loose and do some more damage to people? Of course not. Let's vote for the bill, and let's stop this hogwash about protection. I'll protect the rights of any citizen, but when they're sexually violent and they hurt other people, I certainly will not protect those people who are sexually violent. (S. Transcription Debate, 92nd Gen. Assembly, at 53. May 10, 2001)

Similarly, Senator Hendon appeared dumbfounded that anyone would suggest that those convicted of sex offenses have rights and that those rights should be considered in passing legislation. In a debate about a bill that would require background checks for carnival ride operators, Hendon bristled at the suggestion that it might violate the rights of someone convicted of a sex offense:

I don't understand some of the questions about discriminating against anybody. We're targeting some people who have access to our children, and some of you should have been in committee to hear the mother's testimony and hear -- and feel her tears. She wasn't -- it wasn't an act. She wasn't crying just to impress anyone. She was crying out of pain for what her daughter went through. (S. Transcription Debate, 93rd Gen. Assembly, at 55. March 26, 2004)

Ironically, another example comes from a debate about creating an arsonist registry modeled after the sex offender registry. In this debate, Representative Molaro argued that people who commit sex offenses are in a lower class even than other convicted felons. His argument went like this:

[Y]ou know, you have sex offenders, obviously it's... it's proven by its own term 'sex offender'. Whatever caused them to do that, you know, I don't want to get too blue out on the floor here, but obviously there's arousal so they can at any time strike again. (H. Transcription Debate, 93rd Gen. Assembly, at 85. April 1, 2004)

Similarly, in arguing for different, specialized parole restrictions specifically for those convicted of sex offenses, Senator Collings said:

Sex offenders are not like car thieves or burglars, and so now when they're paroled, they don't get any kind of specific supervision based on the type of crime that they committed.... This -- legislation increases the restrictions on sexual

offenders. It just codifies, puts into the statute, ways of patrolling and monitoring sex offenders to make all our communities safer. So I just -- it's restrictive. It just enhances the safety of our communities by mandatorily fitting the supervision to the offense. I don't know -- any other way to say it. (S. Transcription Debate, 93rd Gen. Assembly, at 74. May 11, 2004)

One final example of how legislators discount the civil rights of those convicted of sex offenses comes during a debate on whether or not to give a judge the discretion to keep someone off of the sex offender registry if they committed their crime as a juvenile. In arguing against the bill, Senator Watson opined:

You mentioned one of my favorite organizations, the ACLU. I'm just curious, you say there's no opposition. If they're for it, I'll guarantee you there's got to be opposition, and if there isn't, there will be at least from over here. Tell me, how is the ACLU involved in this and what is their position and why are they supporting this legislation?.. Well, if the ACLU is for it, I ain't -- I'm agin [sic] it. And if there isn't an organization in this country that is out of touch with the mainstream thinking of what this country stands for and believes in, it's the ACLU. So, my attitude would be, if they're for it, the -- the right vote is red. (S. Transcription Debate, 94th Gen. Assembly, at 358. April 14, 2005)

Likewise, during the same debate, Senator Righter made it clear that some people have more civil rights than others:

How is it not in the public's best interests, the people who are potential victims of sex offenders, not to require them all be on the list for ten years? I mean, who -- I'm concerned about who are we looking out for? Are we looking out for the people who could be victimized or are we looking out for the people who committed the offense and trying to give them a break? (S. Transcription Debate, 94th Gen. Assembly, at 359. April 14, 2005)

Once a group of individuals has been demoted to the status of pariah, and to a rank of second-class citizen, it becomes difficult for anyone to champion their cause. Speaking up on their behalf carries the risk of being ostracized, socially ridiculed, or worse, relegated to the same inferior status. For politicians, there is the added risk of opponents using their support against them during a political election. Legislators are keenly aware of this risk and often talk about it openly, admitting that they will vote for a bill they don't fully support just to avoid a negative

advertisement against them. For example, Representative Durkin expressed concerns over the constitutionality of civil commitment, while at the same time admitting that he would vote in favor of it:

My only concern is that at, I mean I think all of us are going to vote for this Bill, and I, personally, don't like these people, and I want them put away as long as we can. However, I think we have to be very conscious of what constitutional limitations that we do have. My only concern is that if the Supreme Court, within perhaps the next six months, returns the decision on this, and they do find that both of these statutes are unconstitutional in violation of ex post facto, due process and also the double jeopardy clause. (H. Transcription Debate, 90th Gen. Assembly, at 303. April 15, 1997)

Representative Johnson, in discussing a bill that would prohibit people convicted of sex offenses from parks, was even more candid about his concerns about voting against such a bill:

I am certainly not going to urge anybody in here to vote 'no' on this, because this again, is what campaign brochures are made out of.... Some of this just doesn't make good public policy sense. Again, everybody in here probably will vote for this, and I'm certainly not gonna tell anybody not to but it's for those reasons that I will vote 'no'. (H. Transcription Debate, 91st Gen. Assembly, at 86. May 13, 1999)

In debating a bill that would remove the option of probation from certain offenses,

Representative Delgado summed up the risk of voting against the bill by saying:

I would ask that you consider this carefully, but of course, we're in a Catch-22 because we're gonna have to vote it out 'cause folks are gonna be worried about their campaign, the next campaign to come around. (H. Transcription Debate, 94th Gen. Assembly, at 119. April 13, 2005)

And finally, the issue of negative ad campaigns was presented bluntly during a debate of a bill that would provide a path for juveniles to be removed from the sex offender registry.

Senator Dillard, who clearly saw the merits in such legislation, expressed his frustration that "if you ever have an election, I'll guarantee you, you'll see a mail piece saying that you are soft on sex offenders if you vote Yes on this bill" (S. Transcription Debate, 94th Gen. Assembly, at 361. April 14, 2005).

## **Conclusion**

As long as there is sex, there will be those who violate societal norms of sex. Today, we label those violators “sex offenders.” Any society has a right, even an obligation, to sanction those who violate sexual norms in order to protect its citizens from those violations. Though one could argue the social construction of “sex offenders” based on the notion that all sexual norms are, themselves, social constructs, that is not the intent of this paper. Instead, I have argued that the modern-day pariah qua “sex offender” is, at least in part, the product of political and emotional rhetoric used to justify the unprecedented erosion of civil rights that result from the enactment of laws ostensibly designed to protect society from those who would violate its sexual norms. Put another way, law makers enact laws that diminish the civil rights of individuals convicted of sexually-based offenses, and then use rhetoric to make them seem less human, less deserving, and incurable in order to justify diminishing those rights. In a vicious cycle, the political rhetoric captures the attention of the media, and the media fuels the fears of the general public, who then demand that politicians take action to protect them (Beale, 2006; Thompson, 2010). Protection comes at the cost of even more civil rights, and the cycle begins again. In this way, the “sex offender” is transformed into the pariah.

The arguments I make are drawn from the logic of Barbara Fields (1990) who suggested that the cause and effect of slavery and racism has been reversed in historical records for so many years that many people have come to believe that slavery came about as a result of racism—that is, that we made people whose skin color was black into slaves because we were already convinced that black people were inferior. In fact, she argues, black people from West India and Africa were enslaved for economic reasons, and then in order to justify the gross mistreatment of human beings against a backdrop of a nascent society built upon the notion that

all men are created equal, political leaders conjured the notion that some men are more equal to others, and this lack of equality is somehow tied to one's skin color. Thus, came the invention of race as a primary category.

No doubt there are those who will bristle at the juxtaposition of black slavery against the modern day "sex offender" issue. Dark skinned people were stolen from their homes and enslaved through no fault of their own, while those who find themselves thrust into a category called "sex offender" have perpetrated harm on another human (or at very least, been convicted of such a crime.) I do not in any way intend to argue that what is being done to those who commit (or are convicted of) sexually-based crimes rises to the level of atrociousness that enslaving human beings does.

But the arguments presented in this paper have nothing to do with race. Instead, I draw on the cause and effect order error proposed by Fields to argue that the notion that laws were created, and civil rights eroded, in response to a group of people known as "sex offenders" who were recalcitrant and dangerous suffers from the same methodological error as thinking slavery was the result of racism. Instead, I argue that laws were enacted that denied the civil rights of a group of people who had been convicted of sexually-based offenses, and then in order to justify denying those rights, political rhetoric was used to ascribe characteristics of subhuman, recalcitrant, and dangerous to people who were then labeled as "sex offenders." The correlation between Fields's argument and the argument presented in this paper is not about race or "sex offenders." It is about the causational direction of ascribing characteristics in order to justify an ideology, rather than assuming the ideology resulted from the ascribed characteristics.

In this chapter, I presented the political rhetoric employed in debates that took place in the Illinois General Assembly between 1986 and 2006 to illustrate the ways in which politicians

ascribe negative characteristics to people convicted of sexually-based offenses in order to justify both enacted and anticipated legislation aimed at monitoring and restricting these individuals. I've shown how politicians use emotional storytelling, unsupported statistics, and dehumanizing language in discussions about sex offender legislation. I've also shown how powerful the socially constructed category of pariah can become, such that politicians become bound to support legislation they may not agree with for fear of being seen as sympathetic to a subhuman class of people.

### **Why it's Important**

This dissertation focuses on individuals with a discreditable stigma, specifically those who are stigmatized by being on the Illinois Sex Offender Registry. Through in-depth interviews with 30 individuals on the registry, I examine the way these men and women navigate their daily existence interacting with people to whom their status as a registered sex offender is known, people to whom their status is not known, and people to whom their status may or may not be known.

In reading about the plight of those who participated in this study, there is a paradigm shift to be experienced when one ceases to see them as subhuman, recalcitrant, and dangerous individuals who struggled under the yolk of laws designed to protect society, and instead begins to see them as individuals who have made bad choices, who now live very ordinary lives, but who struggled under the yolk of laws designed around a socially constructed persona. The purpose of this chapter is to facilitate that paradigm shift.

It is my hope that as you read the following chapters, you will not envision interviews with a bunch of "sex offenders." Rather, I hope that what you will see is interviews with 30 individuals who have been saddled with the label of "sex offender."



## CHAPTER 3: THE CYCLE OF PANIC

### **The Sex Panic Cycle**

We are each born into a world complete with structures and systems that already exist. The life that a person experiences is intertwined with the social structures and systems that are in existence, and the changes that occur in those structures and systems, during that person's lifetime (Blau, 1977; Merton, 1968; Nadel, 2013). The choices one makes, and the consequences of those choices, happen within a context that is both temporal and spatial. Thus, to understand the lived experiences of individuals who are listed on a public registry, such as the sex offender registry, it is important to examine not just their perception of their experiences, but also the time period and location in which those experiences occur.

In this chapter, I lay out the social structures that define the context in which individuals on the sex offender registry exist today. I do this using the frame of moral sex panics as described by historian Philip Jenkins (1998). Jenkins detailed a series of moral panics starting with the early twentieth century, arguing that each proceeded in a logical and cyclical fashion. He argues that such moral panics begin after one or more anomalous but horrific event involving a particularly sensationalized sexual assault, which is then elevated to a moral panic through the rhetoric used by the media and politicians. This results in harsh and punitive legislation targeting those who have committed a sexually-based offense. Jenkins then suggests that the moral panics wane only after academic studies denounce the efficacy of legislation, when advocacy groups begin influencing public opinion by changing the narrative, and when courts begin to strike down laws as unconstitutional. Relative calm follows each moral panic until the next sensationalized and egregious crime stokes the flames of panic once more.

The current sex panic began, according to Jenkins, around the late 1980s. In this chapter, I juxtapose the various stages of a sex panic cycle described by Jenkins to the current era and ask why it is that the current era has lasted much longer than previous sex panic eras. In particular, I consider how the current sex era began and the way in which it was sensationalized by both the media and politicians. I then consider academic responses, the creation and impact of advocacy organizations, and the legal responses that should have signaled the diminishment of the current era years ago. I conclude with thoughts on why the current era seems to be obdurately hanging on.

### **Moral Panics**

Moral panics have, arguably, been around since the beginning of recorded history. The Biblical story of Lot seems to suggest a moral panic surrounding the angels qua strangers sent to witness the moral depravity of the cities of Sodom and Gomorrah. The townspeople panic at the appearance of such strangers in their town and they demand these strangers be brought out in order, as the story goes, that they may have sex with them. The story ends with the ultimate destruction of both cities.

Another historical manifestation of moral panics can be seen in early American history through what has become known as the Salem Witch trials. Kai Erikson (1969) studied Puritan communities and argues that moral panics occur when moral boundaries are blurred. He says that “boundaries remain a meaningful point of reference only so long as they are repeatedly tested by persons on the fringes of the group and repeatedly defended by persons chosen to represent the group’s inner morality” (Erikson, 1969, p. 13). In Puritan villages, pious observation of Biblical commandments was expected, and thus the moral boundaries of the community were not “repeatedly tested” in the same way in which they might be in other communities. Thus, the

moral boundaries were redrawn such that acts, such as cursing or spitting on the ground, that would be considered nothing more than a minor social *faux pas* in other communities were elevated to the status of serious social or legal infractions punishable to the level of a criminal offense. In making this claim, Erikson draws on Durkheim's (1933) notion of structural functionalism which suggests that all social phenomenon exists because it serves a useful function in society. Thus, moral panics exist precisely for the purpose of reestablishing moral boundaries that have become obscured for one reason or another. Contemporary sex panics, then, could be said to exist in order to more clearly define the boundaries between acceptable and unacceptable sexual behavior, a moral boundary that has become obscured throughout the twentieth century as a result of shifting attitudes toward sexuality, combined with media representations of sex that glorify the "taboo" (Douard, 2008; Kirkegaard & Northey, 1999). Thus sexual acts that result in the offender being listed on a public registry represent the line between acceptable and unacceptable sexual behavior. Sex panics, then, become the struggle to define those lines.

The repeated testing of moral boundaries is often done in very public ways. For the Puritans, it often involved physical markings, public parades and floggings, and public humiliation using stocks and pillory. Throughout history, public executions, floggings, and other forms of punishment were used as a deterrence to others who would violate social norms and laws. Even prisons take on a public display through media portrayals of both real and fictionalized accounts, creating what Michelle Brown (2009) calls the "penal spectator." Her description of the penal spectator applies equally to prisons as it does to the public humiliation used by Puritans:

In this looking, this subject acts as bystander and outsider as opposed to an engaged participant or witness. She may stare curiously or reflectively, peer

sideways from her peripheral vision, or gape and gawk directly, but the object of her gaze is inevitably other people's pain. And it is this quality which complicates any kind of penal spectatorship. (M. Brown, 2009, p. 21)

It is by acting as "penal spectators" that individuals witness the consequences of crossing moral boundaries and in this way, the moral boundary is more clearly defined and reinforced.

Several important studies have taught us much about how the cycle of moral panics works. A seminal study of moral panics comes from Stanley Cohen (2002), who broke new ground in criminological methods by looking at the reactions to, rather than the causes of, a moral panic that occurred in the 1960s in England. The frenzy that produced the moral panic was centered on two groups of British youth, eventually labeled as the "Mods" and the "Rockers." Cohen (2002) argues there are at least three elements needed for a successful moral panic: 1) a suitable enemy; 2) a suitable victim; and 3) "a consensus that the beliefs or action being denounced were not insulated entities ('it's not only this') but integral parts of the society or else could (and would) be unless 'something was done'" (p. xii). He notes that since his original study, researchers have further clarified these original three elements into more succinct elements that include concern (rather than fear); hostility (toward the perpetrators as well as agencies that report and deal with the problem); consensus (that the threat exists); disproportionality (blowing the problem out of proportion); and volatility. He argues that one of the most subjective determinants of a moral panic is disproportionality, since the question of whether or not public reaction to a problem is proportionate to the dangers it poses depends on to whom the question is posed. Clearly, members of the press who write the stories and politicians who face immense pressure to "do something" about the problem would argue that their reaction is proportional to the problem, while the "folk devils," or those who are targeted as perpetrators, might argue that the media, politicians, and in turn society, all overreact.

In Cohen's (2002) analysis, he clearly suggests that moral panics are often the result of the media and "moral entrepreneurs" (pp. xxviii-xxix). Media participates in at least one of three roles: 1) setting the agenda; 2) transmitting the images; and 3) making the claim. Cohen thus supports the claim made by Erikson (1969) that moral boundaries remain meaningful by being repeatedly tested, but suggests that in contemporary society, it is the media that tests the limits of moral boundaries through "media-induced deviancy amplification" (p. xxix), which is to say by highlighting, sensationalizing, and exaggerating anomalous incidents.

Another British phenomenon became the topic of a study done by Stuart Hall and colleagues (S. Hall, Critcher, Jefferson, Clarke, & Roberts, 2013) related to what became known as "muggings." In their study of how an incident morphs into a full blown moral panic, Hall and his colleagues (2013) draw on Cohen's (2002) definition of a moral panic, which they parse into a cycle that agrees almost lockstep with the cycle presented by Jenkins (1998). Hall et al. outline that cycle as follows:

In what we might call the common-sense view, sometime in the early 1970s British cities were visited by a dramatic and unexpected epidemic of 'mugging'. The police, reacting to these events, spurred on by a vigilant press, by public anxiety and professional duty, took rapid steps to isolate the 'virus' and bring the fever under control. The courts administered a strong inoculating dose of medicine. It disappeared within twelve months, as swiftly and suddenly as it had appeared. It departed as mysteriously as it had arrived (S. Hall et al., 2013, p. 17).

The essential elements of the moral panic cycle are remarkably similar between Hall and Jenkins: it starts with some sort of triggering event, gets sensationalized by media reports, stokes public fears which catches the attention of politicians who further stoke the flames of panic, and results in strong legislative measures. Where they differ from Jenkin's view is in suggesting that the moral panics abate "mysteriously," whereas Jenkin's argues that panics wane as a result of academic and legal challenges.

Several sociologists and historians have written about moral panics surrounding sexuality that occurred during the 1900s and continue until today. Jenkins (1998) specifically considers the definition of a panic as defined by Cohen (2002) and Hall (2013) and recognizes that some may suggest that what he calls panics are actually justifiable responses to a horrific social problem. He argues, though, that using the term “panic” does not insinuate the absence of a problem, nor does it suggest that solutions to the problem should be ignored. Rather he says that using the word “panic” indicates “fear that is wildly exaggerated and wrongly directed” (Jenkins, 1998, p. 7). He summarizes the results of this exaggerated fear, saying:

It comes to be believed that legions of sex fiends and homicidal predators stalk the land, that the number of active pedophiles runs into the millions, that tens of thousands of children are abducted and killed each year, that sinister cults have infiltrated preschools and kindergartens across the country, that incest affects one-fourth or even one-half of all young girls, that child pornography is an industry raking in billions of dollars and preying on hundreds of thousands of American youngsters every year. (Jenkins, 1998, p. 7)

Similarly, Lancaster (2011) acknowledges the difficulty in defining a sex panic, but recognizes the hallmark signs when “sensationalist reportage of statistically uncommon occurrences triggered, as though by Pavlovian response, the formation of vigilant citizens’ organizations, demands for police protection, and the writing of laws that failed to discriminate between serious and minor offenses” (Lancaster, 2011, p. 38).

The purpose of this chapter, however, is not to defend or deny the reality of moral sex panics, but rather to expound on the state of affairs as they exist today as a way of contextualizing the experiences of the people that were interviewed for this study. In my reading of those who have written about moral sex panics, I am persuaded by their arguments that what they describe are, in fact, moral sex panics (see Fox, 2012).

Moral panics, of course, do not occur in a vacuum. Throughout the 1900s, civil rights movements erupted demanding equal rights, and equal recognition, of women, gays and lesbians,

people of color, people with physical and mental disabilities, and to a lesser extent, minors.

Criminal justice reform in the 1970s took a sharp turn away from reform efforts and instead focused on punishment and victim's rights (Leon, 2011). Sexual norms were strongly challenged with the "free love" movement of the 1960s, and the explosive popularity of television and movies introduced wildly conflicting messages about youth and sexuality, where children and teenagers were to be seen as precious and innocent while at the same time they were highly sexualized in the media (Levine, 2006). The rapid changes brought with it fear and uncertainty as previously held moral boundaries were repeatedly challenged, leading to a rash of fears around morality and sexuality. Levine argues that these fears became politicized in the late twentieth century as two disparate sources formed an uneasy alliance to combat sexual assault:

On one side were feminists, whose movement exposed widespread rape and domestic sexual violence against women and children and initiated a new body of law that would punish the perpetrator and cease to blame the victim. From the other side, the religious Right brought to sexual politics the belief that women and children need special protection because they are "naturally" averse to sex of any kind. (Levine, 2006, p. xxiii)

These movements achieved the laudable victory of forcing previously hidden sexual abuse, harassment, and assault out of the shadows and into the limelight where victims could receive the help they needed, and perpetrators could face the justice they deserved. In doing so, these movements both influenced, and were influenced by, the moral sex panics that came before and after them. Victims emerged to relate tales of horrific pain and abuse, and these stories were seized on by activist groups who demanded justice and change. Politicians used these stories as fodder for legislative efforts to mollify an angry and fearful constituency. Clearly, the zeitgeist of civil rights movements during the twentieth century factored into the political climate that led to the creation of sex offender registries and the laws and restrictions associated with them.

The majority of this chapter is dedicated to outlining the social context in which individuals on public sex offender registries navigate their daily lives today. I do this by using the individual elements within the cycle laid out by Jenkins (1998) to illustrate how the current sex panic era began, how it was fueled by exaggerated media attention, and how it led to the proliferation of punitive legislative initiatives, in particular the creation of what has become modern-day sex offender registries. Following Jenkins' argument that previous sex panics had waned because of academic scrutiny, legislative challenges, and advocacy organizations reframing the issue, I will consider how these have played into the current era, ending with a discussion of why the current sex panic era has not abated the way previous sex panics have in the United States.

I begin in the next section with an outline of the sex panic cycle detailed by historian Philip Jenkins, who studied the cycle of sex panics beginning in the early twentieth century and culminating in the current sex panic era that continues to today.

### **Round and Round it Comes**

Several scholars have examined the history of sex panics, or moral panics, that have occurred throughout modern history (i.e., Denno, 2008; Jenkins, 1998; Lancaster, 2011; Leon, 2011; Logan, 2009; Victor, 1998). In particular, historian Philip Jenkins (1998) outlined a cyclical pattern of moral panics surrounding sex crimes dating back to the early twentieth century. He argues that the U.S. has seen four major sex panic cycles prior to the current era. The first occurred from approximately 1935 to 1957, and he labeled this the "Age of the Psychopath." The second began around 1958 and continued until about 1976 in what he called the "Liberal Era." Then, from 1976 to 1986, he described a panic as the "Child Abuse



Revolution.” The current cycle of moral panic surrounding sexual abuse began in the 1990s and continues today. He calls this era the “Return of the Sexual Psychopath.”

Each of the periods that Jenkins describes follows a similar and predictable pattern. The panics generally begin with one or more sensationalized media accounts of a particularly brutal or heinous crime. This in turn riles the public, which further fuels media accounts and catches the attention of politicians who seize the opportunity to become part of the media blitz. Lawmakers react to the panic with increasingly restrictive and punitive legislation. This process repeats in a cycle of media reinforcing panic leading to further legislation. The severity of the laws passed to deal with the crisis results in various constitutional challenges and also attracts the attention of researchers. Over time, as laws are struck down by courts and researchers questioning the legality and efficacy of the legal measures, the panic begins to wane, leading to a short respite of calm before the next wave of sex panic is ignited.

While there is almost always one or more identifiable and sensationalized crime leading into a moral panic, not every heinous sex crime sparks a sex panic, nor are the sensationalized crimes the only factor in creating a sex panic. Lancaster (2011) defines a moral panic as “any mass movement that emerges in response to a false, exaggerated, or ill-defined moral threat to society and proposes to address this threat through punitive measures: tougher enforcement” (p. 23). Similarly, Victor (1998) suggests that moral panics are driven not by behavior, but by beliefs that are promulgated after exaggerated or sensationalized events. While egregious and brutal crimes may cause emotions to run high, he argues that “belief, not emotion, is the motivational dimension of a moral panic.... The main observable behavior during a moral panic is the communication of claims, accusations and rumors” (Victor, 1998, p. 543).

Whether or not a particular high-profile sex crime will lead to a moral panic depends on many social factors, including the ability of special interest groups to strike a chord with the media, the public, or lawmakers. Jenkins (1998) explains why some events evoke a panic and some do not, saying:

Problems rise and fall, evolve and mutate, depending upon such intertwined factors as demographic changes, shifting gender expectations, economic strains, and racial conflicts as well as the social, political, and religious ideologies built upon these underlying realities. Any given concept of childhood or of the dangers that children face cannot be understood without reference to these shifting foundations. (p. 216)

Similarly, Lancaster (2011) argues that sex panics are deeply rooted in politics, and he describes these panics as a “technique for running political campaigns, staging (in some cases contriving) and addressing social issues, and solving problems in a variety of communicative or administrative domains” (p. 26).

Although the current cycle of sex panic can be traced to specific high-profile crimes (as will be described later in this chapter), it is important to frame modern responses to sexually-based offenses within the larger context of criminal justice reforms that began in the late 1970s and early 1980s. Researchers who study trends in the criminal justice system have long recognized a sharp upturn in incarceration rates starting in the late 1970s (Clear & Frost, 2015; Garland, 2001; Pfaff, 2011; Wacquant, 2002). Since then, the prison rate in the U.S. has more than quadrupled, rising from about 200,000 in 1973 to 1.5 million in 2009 (Travis, Western, & Redburn, 2014). Many explanations for this sudden explosion in the incarceration rates have been offered by scholars and researchers. Garland (2001) suggests the increase is a result of a gradual change in attitude toward the state’s role in crime and punishment. Throughout the twentieth century, a shift occurred that gradually held the state responsible for protecting the public not just in business dealings, but with regards to all forms of crime. With this, the state

was also expected to protect the criminal as well as the public. As such, government organizations took on the responsibility of arresting, trying, confining, and rehabilitating those who violated the law. This entailed prison programs as well as post-incarceration rehabilitative efforts.

A 2014 study by the National Research Council (NRC) argued that increasing sentence lengths was the proximate cause of the expansion of incarceration rates (Travis et al., 2014). Pfaff (2011), however, claims the NRC study oversimplified the problem, and sees prosecutors as central to understanding the explosion of prison populations in recent decades. He argues that there is a moral disconnect between prosecutors, whose very job may depend on conviction rates, and the financial demands placed on the state by those same convictions. Because prosecutors and judges are often elected, they must maintain a specific image in order to continue to be elected. And because their budgets are local, with little or no repercussions from the problems associated with over-incarceration, they have little incentive to reduce prison populations and, in fact, have considerable incentive to continue to send people to prison.

Pfaff's explanation fits well into Jenkin's cycle where a prosecutor qua politician seizes on a high-profile sex crime, determined to prosecute it to the fullest extent of the law, justifying his or her actions through harsh and derogatory rhetoric, which further fuels media attention aimed at evoking fear and panic. This cycle helps to explain the dramatic increase, both in number and level of punitiveness, of laws aimed at those who have committed a sexually-based offense since the late 1980s and early 1990s.

### **The Current Era**

Jenkins (1998) identified the current era, which started in the 1990s, as the "Return of the Sexual Predator" (p. 189). Leon (2011) calls the current era of sex panic the "Containment Era"

since “containment” is the designation for the prominent model for managing those convicted of a sexually-based offense. In the wake of several high-profile sex crimes, and in the context of an increasingly punishment-oriented approach to criminal justice, the “sex offender” at the end of the twentieth century was seen as “virtually unstoppable, either by repeated incarceration or by prolonged programs of treatment or therapy, because their acts arose not from any temporary or reversible weakness of character, but from a deep-rooted sickness or moral taint” (Jenkins, 1998, p. 189).

In this section, I will look at the various components of the current era of sex panic as laid out by Jenkins (1998). He argued that moral sex panics always start with sensationalized sexually-based offenses. Thus, I begin by looking at the high-profile cases that initiated the current era. Moral panics are perpetuated by dramatic responses by politicians and lawmakers, and so I next examine the legislative responses, both nationally and in Illinois, to these egregious crimes. Once the moral panics are in full swing, Jenkins (1998) suggests three ways in which the panics begin to wane: successful legal challenges, academic responses that call into question the efficacy of the laws and policies that were passed in response to the panic, and efforts by advocacy organizations to stem the misinformation perpetuated around the moral panics in an effort to sway public opinion. This chapter will consider each of these. Finally, I consider why it is that the current era seems to be lasting longer than previous eras, and why the panic that gave way to the current era doesn’t seem to be dissipating as it did before.

### **High-Profile Crimes in the Late 1980s and Early 1990s**

In 1984, a pre-school in Manhattan Beach, California, became the focus of investigation into allegations of sexual abuse, pornography, and satanic ritual abuse. The state suspended the license of the pre-school and its owner, Virginia McMartin, was put on trial. At the end of the

trial, no evidence was found of any abuse, and no one was convicted of any crimes. Although this event, and other “satanic ritual abuse” accusations of the time, did not result in the level of public attention given to later sex crimes, it nonetheless resulted in some changes to criminal justice policy, including nationalizing the mandated requirements for reporting child abuse (Leon, 2011).

In 1989, a tragic crime was committed that could be seen as the catalyst for the current era of sex panic and many subsequent laws. Jacob Wetterling was kidnapped in October of 1989 at gunpoint as he and two other boys rode their bikes toward their home in Minnesota after renting a video. The perpetrator took 11-year-old Jacob and told the other two to run across a field and warned them not look back or they would be shot. The identity of the kidnapper was not known until 2016 when Danny Heinrich was arrested for possession of child pornography. He became a person of interest in the Wetterling case and eventually reached a plea agreement whereby he would provide details of the abduction, including the location of the body, in exchange for not being charged with the murder. He was instead sentenced to 20 years in prison for child pornography, although there is a strong likelihood that he will face civil commitment once he completes his sentence (Louwagie & Brooks, 2016).

Then, in October of 1993, 12-year-old Polly Klaas was abducted from her California bedroom by a stranger wielding a knife. Polly was hosting a slumber party when the man broke in, tied up all of the girls, and put pillow cases over their heads. He kidnapped Polly, leaving the rest of the girls behind. After two weeks, Polly’s remains were found. The perpetrator, Richard Allen Davis, had twice been convicted of kidnapping ("The Sad Case of Polly Klaas," 1993). He is currently on death row.

Perhaps the most famous case, at least among those that had laws named after them, was the 1994 murder of Megan Kanka. Megan, who was 7 years old at the time, was lured into the home of Jesse Timmendequas who then sexually assaulted and murdered the girl.

Timmendequas had twice been convicted of a sexually based offense. Kanka's mother, Maureen Kanka, was outraged that she was never notified about the presence of a convicted sex offender so near her home (Goldman, 1997).

Another crime, one that occurred in 1981, became famous years later after the victim's father, John Walsh, went on to create a television sensation known as "America's Most Wanted." In 1981, 6-year-old Adam Walsh disappeared from a Hollywood, Florida mall. Sixteen days later his severed head was found by fishermen in a canal off the Florida turnpike. His remains were never found. In 2008, authorities announced that Ottis Toole, who had died more than a decade prior, was responsible for the murder ("Police: 1981 Killings of Adam Walsh solved," 2008). In 2006, the federal government would pass the Adam Walsh Protection and Safety Act (AWA) as part of the Sex Offender Registration and Notification Act (SORNA). This law is discussed later in this chapter.

### **Legislative Responses**

A critical component to any moral panic is the response by public officials (S. Cohen, 2002; S. Hall et al., 2013; Jenkins, 1998). Political figures, from local community leaders all the way up to the U.S. President, reacted to these high-profile sex crimes by calling for lawmakers to take action to protect society. The legislative response began at the national level and then worked its way down to state-level, and in some cases, even community-level regulations aimed at those who commit sexually-based offenses. In this section, I examine some of the most significant legislative action that kicked off the current sex panic era.

### *Nation-wide*

These sex crimes struck fear in the hearts of many Americans because they were perpetrated by strangers against middle-class children. Lawmakers responded by passing legislation aimed at the “stranger danger” problem, pushing legislation touted as “tough on crime” through the system, often by naming the laws after the victims.

In 1994, in response to the kidnapping of Jacob Wetterling, Congress passed the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (42 U.S.C.A. § 14071). The Act encouraged states to implement registration and notification laws regarding individuals convicted of sexually-based offenses against children, and those who were adjudicated as “sexually violent predators.” Included in the Act was a provision to allow states to release information about those convicted of sex offenses to the public, though notification was not mandatory (Ball, 1995; Champagne, 2003; Lewis, 1996).

Perhaps the most well-known law of this type is Megan’s Law. Although often referred to as “Megan’s Law,” there are actually several laws that make up the requirements that bear Megan’s name. The first is the Jacob Wetterling Act mentioned above. In 1996, Congress passed a law actually called “Megan’s Law” that requires states to adopt some form of community notification (Public Law 104-145). That same year, Congress adopted the Pam Lyncher Sexual Offender Tracking and Identification Act of 1996 (Public Law 104-236), which created a federal database of registered sex offenders (Ball, 1995; Champagne, 2003; Filler, 2001). Although there was no law named after her, the case of Polly Klaas played an instrumental role in the passage of the “Three Strikes” law in California (Auerhahn, 2002).

## ***Illinois***

Illinois passed the “Habitual Child Sex Offender Registration Act” in 1986 (Ball, 1995). This law defined a habitual child sex offender as “any person convicted, discharged, or paroled from a correctional facility after this date of a second or subsequent sex offense (attempts included) where the victim was under 18 years of age” (*Sex offender registration in Illinois (No. ISP5-622)*, 2003, p. 2). This law was narrowly focused and directed toward protecting the public from repeat offenders. Following several high profile sexual offenses in the late 1980’s, the law was amended in 1993 to require registration of anyone convicted of a sexually-based offense against a minor and was renamed “Child Sex Offender Registration Act” (Ball, 1995; *Sex offender registration in Illinois (No. ISP5-622)*, 2003). In 1995, the law was further amended to include anyone convicted of any sex offense, whether or not the victim was a minor. It also required registrants to report to law enforcement agencies annually for a period of 10 years. Also in 1995, the governor of Illinois signed the “Child Sex Offender and Community Notification Act” requiring law enforcement agencies to notify various community organizations when a registered sex offender moves into their neighborhood (*Sex offender registration in Illinois (No. ISP5-622)*, 2003). Since then, dozens of laws have been passed over the years targeting those convicted of sexually-based offenses. The Illinois State Police Sex Offender website was established in November, 1999 (*Sex offender registration in Illinois (No. ISP5-622)*, 2003).

## ***The Adam Walsh Act***

In 2006, congress passed into law the Adam Walsh Act (AWA) as part of the broader Sex Offender Registration and Notification Act, or SORNA (Freeman & Sandler, 2009). The goal of the law was to bring all states into relative agreement regarding the way in which sex offenders were labeled and registered. Although research was trending toward risk-based assessments,



which use actuarial data to predict the likelihood that someone will repeat their offense (Andrews, Bonta, & Wormith, 2006; Hanson & Thornton, 1999; J. S. Levenson & Cotter, 2005a), the AWA required all states to adopt a tiered system based solely on the crime for which they were convicted. The requirement would result in an upside-down pyramid, where the vast majority of offenders would be classified as tier 3 (the highest level of risk) and only a small number of individuals would fall into the lowest level of risk (tier 1). The bill called on states to increase prison sentences and registration lengths for those in tiers 2 and 3 and called for a dramatic increase in the amount of data to be collected from registrants. It also called for an increase in the number of times per year individuals would be required to register in person with law enforcement agencies. States were required to fully comply with the requirements of the AWA by 2009 or risk losing 10 percent of their Omnibus Crime federal funding (Freeman & Sandler, 2009). As of 2017, only 17 states were listed on the federal SMART (Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking) website as being in substantial compliance with the requirements of the AWA (SMART, 2017; Zgoba et al., 2015).

### **Academia Responds**

Jenkins argued that one important part of bringing moral panics to heel is the response by the academic community. As researchers study the purported justification for strict and severe legislation, they often discover that the underlying issues in any moral panic are overblown and exaggerated. In this section, I consider the response by academia during the three decades encompassing the current sex panic era. The initial response, during the last decade of the twentieth century, focused mainly on the constitutionality of the laws that were being passed ostensibly to reign in the growing problem of sexual assault. Much of the research during this decade was published in legal journals. During the first decade of the twentieth century,

researchers began to consider the efficacy of laws, restrictions, and registration requirements. In other words, the discussion began to shift from “*is it legal*” to “*is it working*”. Researchers also expanded their studies to include analyses of the collateral consequences of public registries and restrictions associated with those registries. More recently, academics have begun considering the impact that registries and registration laws have on the individuals who are listed on those registries themselves. Thus, research moved beyond asking how registries might negatively impact communities, family members of those on the registry, and others loosely associated with individuals on the registry, to ask how the registry impacts the lived experiences of those who are listed on those registries.

In this section, I highlight only a few academic articles in order to illustrate the general themes that emerged during the three decades since the current sex panic era began.

### ***1990-1999***

The academic response to the mandate requiring states to create registries for those convicted of sex offenses was immediate and often condemning. From the mid- to late-1990s, much of the literature published focused on the constitutionality of the registry and questioning whether it would stand against inevitable legal challenges. An on-line search using the criteria of “sex offender registration” between the years of 1990 and 1999 shows that, among the first 50 responses, the vast majority were from legal journals. Legal scholars questioned the legality of public registries, publishing articles with titles like “The Child Sex Offender Registration Laws: The Punishment, Liberty Deprivation, and Unintended Results Associated with the Scarlet Letter Laws of the 1990s” (Earl-Hubbard, 1996), “Scarlet Letter Sex Offender Databases and Community Notification: Sacrificing Personal Privacy For a Symbol's Sake” (Kabat, 1997), and “Sex Offender Registration: Community Safety or Invasion of Privacy” (Orecchio & Tebbett,

1998). Though critical of new registration laws, authors often held out hope that with some tweaking, the laws could be improved. For example, Lewis (1996) offered “two ways to rewrite the Jacob Wetterling Act so as to ease the burdens that it imposes on the rights of former sex offenders without sacrificing the state interests in crime prevention and law enforcement” (p. 2), while Lieb (1996b) suggested registration and notification laws “cause[s] our society to further debate how best to balance the risks posed by sex offenders released from prison. From this debate and our experiences with the law, we will progress toward more effective solutions” (p. 300). Similarly, Presser & Gunnison (1999) compared registry and notification to community justice initiatives, such as Braithwaite’s (1999a) reintegrative shaming. They conclude that “the principles of notification are largely inconsistent with those of community justice” (Presser & Gunnison, 1999, p. 299). Because too little was known about the effects of registration laws, as well as about successfully treating sex offenders, they suggested more studies needed to be done, concluding, “though strange bedfellows, sex offender notification and restorative community justice might become friends yet” (Presser & Gunnison, 1999, p. 312).

Some research did look at the efficacy of registration laws, but most found that the laws were simply too recent to yield any reliable judgement on their effectiveness. One retrospective study, however, asked whether the registration and notification laws might have prevented crimes that had already been committed. Petrosino & Petrosino (1999) studied a group of incarcerated individuals who were designated “sexual psycho-paths” to see if Megan’s law would have prevented their most recent (instance) offense. They concluded that the law would have had the potential to interrupt only 6 of the 12 stranger-predatory cases. Their policy suggestion was to increase what they called “cross-border sharing of notification data” (Petrosino & Petrosino, 1999, p. 154), investigate sex crimes in a more generalized way (don’t limit the

search to only individuals who match a profile), and develop a “theory-based policy evaluation” when developing registration and notification laws.

Finally, some scholars sharply criticized the registry as both ineffective and unconstitutional. Bedarf (1995) concluded that registration is ineffective partly because it is too unwieldy to maintain with accuracy. She also suggested that registries “incite panic and violence within the community, and thereby prevent reformed sex offenders from reintegrating into the community” (p. 885). Finally, the author opines that community notification laws “offend the dignity of man, and thus violate the Eighth Amendment guarantee against cruel and unusual punishment” (Bedarf, 1995, p. 885). Though not as harsh regarding the concept of registration as a whole, Winick (1998) argued that without providing a path to eventual removal from the registry, the registration and notification laws offer no positive benefits to offenders to refrain from offending again. He concludes that “this is a message of hopelessness that can only diminish the individual’s motivation and ability to change. Instead, sex offender laws should be rewritten and applied in such a way as to offer a message of hope” (Winick, 1998, p. 568).

### ***2000-2009***

In the first full decade following the nation-wide implementation of sex offender registration and notification laws, researchers began looking at not just the constitutionality of the policies, but also at the efficacy of the laws. In 2008, Sandler, Freeman, and Socia (2008) looked at past crimes to see if the current registration laws would have prevented them. They used a time-series analysis to examine the difference in arrest rates before and after New York’s enactment in 1995 of SORA (Sex Offender Registration Act) using data that spanned 252 months. Similar to Bedarf’s 1995 study, Sandler and colleagues determined that less than five percent of the sexual crimes they studied *might* have been influenced by registration and

notification laws. They concluded that “given the limited resources available for sex offender management, perhaps communities would be better served if their scarce resources were used for sexual abuse prevention initiatives designed to educate the public on the realities of sexual offenses and sex offenders” (Sandler et al., 2008, p. 299). In other words, given that registration was unlikely to prevent sexually-based offenses, the time and money spent on public registries would be better spent on measures designed to prevent sexual assaults rather than deal with them after the fact.

Beyond the question of effectiveness, many researchers began to turn their attention to the collateral consequences of the laws. Tewksbury, who authored or co-authored scores of articles between 2000 and 2009 regarding sex offender registration laws, turned his attention to the effects of the registry on registrants themselves. In one study, he looked at the collateral consequences of the registry on those who were forced to register (Tewksbury, 2005), while in another, he and his colleague looked at the perceptions that those on the registry hold toward registration and notification laws (Tewksbury & Lees, 2006). Similarly, Levenson, who also authored many articles related to the registry, examined the collateral consequences of registration laws and their impact on those listed on the registries. Among the collateral consequences these researchers identified were loss of job, loss or denial of a place to live, and loss of friends. In Tewksbury’s study (2005), these were all common occurrences, with 30 percent or more of respondents claiming to have experienced one or more of them. Less common experiences included phone or mail harassment, being assaulted, or being asked to leave a business. The author also examined registrants attitudes toward being on the registry. Registrants were asked if they believe being on the registry makes it less likely that they will commit an offense in the future, and the results were split, with almost 40 percent saying no, and just over

40 percent saying yes. He concluded that “the value and utility of sex offender registration needs to be questioned and reevaluated with achievement of the stated goals balanced against unintended costs and consequences” (Tewksbury, 2005, p. 79). Levenson & Cotter (2005b) found similar results with regards to the collateral consequences of registration laws, but also noted that some individuals on the registry saw positive effects, including a willingness to manage risk knowing they are being watched, more motivation to not reoffend in order to prove they are not a bad person, and less access to potential victims. In the end, though, the authors concluded that “the public’s ‘right to know’ must be balanced with the potential social and fiscal costs of Megan’s Law to communities as well as to sex offenders attempting to successfully reintegrate into society” (J. S. Levenson & Cotter, 2005b, p. 63).

Researchers also began asking members of the community (who were *not* on a public registry) about their attitude toward sex offender registration and notification laws. Using a telephone survey, Kernsmith, Craun, and Foster (2009) surveyed 733 participants in an effort to examine the attitude of the public to see if they have stronger negative feelings towards those who offend against children as opposed to those who offend against adults. They also examined attitudes toward registry requirements. Participants reported fear of having any registered sex offender living near them, but more so if the victim was a child. Women expressed higher levels of concern than men. About 97 percent believed that pedophiles and those convicted of incest should have registration requirements, and only about 65 percent believed a rapist should. The authors suggest that “the knowledge of people’s reactions and perceptions of safety in relation to strangers convicted of sexual offending are [sic] important to understand in order to develop programs that could provide individuals and families with effective strategies for reducing the risks from known offenders” (Kernsmith et al., 2009, p. 299).

## ***2010 to Present***

In recent years, scholars have continued questioning the efficacy of public registries, and also looking more closely at the lived experiences of those on the sex offender registry. Mingus and Burchfield (2012) modified a study originally involving former mental health patients to examine how the stigma of being on the registry impacted registrants in their effort to reintegrate into society. They found that the more an individual believes he or she will be devalued and/or discriminated against, the more he or she will avoid activities or opportunities that would facilitate reentry into society.

Similarly, Richard Tewksbury continued looking at how the registry impacts those who are listed on it (i.e., Tewksbury & Jennings, 2010; Tewksbury & Zgoba, 2010). In addition, he studied the registry from the perspective of other stake holders, including parole board members (Tewksbury & Mustaine, 2012), law enforcement officials (Tewksbury & Mustaine, 2013), and community corrections professionals (Tewksbury, Mustaine, & Payne, 2011). He also considered the efficacy of registries on recidivism rates (Tewksbury, Jennings, & Zgoba, 2012).

Another researcher, Jill Levenson, continued to study the registry and its impact on those listed on it. Among the many articles she authored or co-authored were studies on fugitive sex offenders (J. S. Levenson, Ackerman, & Harris, 2014), transient sex offenders (J. Levenson, Ackerman, Socia, & Harris, 2015), and missing or presumed missing offenders (J. S. Levenson & Harris, 2012), as well as several articles related to the ethics and efficacy of treatment (i.e., J. Levenson, 2014; J. S. Levenson, Prescott, & D'Amora, 2010; Prescott & Levenson, 2010; Tony Ward, Levenson, & Levenson, 2011).

In addition to articles about the impacts of the registry in general, scholars turned their attention to the Adam Walsh Act (AWA), passed by congress in 2006. One such study included a

survey of states to consider the differences between the requirements of the AWA and current state laws, as well as the impediments to implementing AWA requirements. They found “the barriers to AWA implementation within many states to be multifaceted and complex, suggesting the potential need for a recalibration of federal policy governing registration and notification” (Andrew J Harris & Lobanov-Rostovsky, 2010, p. 202).

Another study examined the difference in recidivism between those convicted of a sexually-based offense and those convicted of a non-sexually-based offense in the years following the implementation of sex offender registration laws (Jennings, Zgoba, & Tewksbury, 2012). They found that individuals convicted of non-sexually-based offenses showed a higher prevalence of having a high-risk trajectory for recidivism. They also found that those convicted of sexually-based offenses experienced a greater number of collateral consequences after release. The consequences were mostly related to finding suitable housing.

Carpenter and Beverlin (Carpenter, 2011) examined the evolution of registration laws, suggesting that even though they were ruled constitutional by the U.S. Supreme Court, the laws have evolved significantly in the intervening years such that, as they stand today, they must be considered punishment and therefore be subject to constitutional protections such as *ex post facto* prohibitions and due process.

Although it is impossible to summarize the thousands of scholarly articles published related to sexual offending and sex offender registries, it is worth noting that academia has grown from a general skepticism of registries as they were first introduced, to a much more critical analysis of registries today, both in terms of their effectiveness and of the impact that registries have on those on the registry. As with the previous eras of sex panics described by



Jenkins (1998), academic research can have a dramatic impact when it comes to bringing about changes to laws and social attitudes that result from these moral panics.

### **Bring in the Lawyers**

Often motivated by academic research, individuals directly impacted by registration laws seek remedy through the courts. Lawsuits challenge aspects of registration and its associated restrictions as unconstitutional. Courts, less vulnerable to political pressures, begin to strike down laws, or at least portions of laws, that clearly trample on the constitutional rights of those the law targets. As successful legal challenges began to unravel the maze of laws created in response to moral panics, the panics themselves begin to wane, or at least they have in previous sex-panic eras throughout the twentieth century.

In this section, I consider some of the most significant and impactful legal challenges that have been brought since the beginning of the current sex-panic era.

### ***Federal and State Level Challenges***

Legal challenges began almost immediately after enforcement of registration laws began (Ball, 1995). The first case to make it to the U.S. Supreme Court would set a precedent that continues to be cited in legal challenges even today. The challenge is known as Smith V Doe (2003) and was filed after Alaska passed its version of Megan's Law (known as the Alaska Sex Offender Registration Act) in 1994 which required anyone convicted of a sex offense to register with the state, even if the crime was committed before the enactment of the law. Two individuals sued the state claiming it was a violation of the *ex post facto* clause of the Constitution, since they were being retroactively punished for their crimes. The case was heard by the U.S. Supreme Court in 2003. On a vote of 6-3, the Court rejected the *ex post facto* argument, claiming that registration is not a punitive measure, but merely a civil regulatory measure. The prevailing

opinion of the court was very specific in distinguishing how registration differs from parole in that “the sex offenders are free to move about and conduct their lives without supervision. No permission is required to move or change personal appearances, but the state must be notified when such changes occur” (“Smith V Doe,” 2003, p. 2). Because the registration requirements were clearly distinct from parole requirements, the court concluded that registration was not punishment, but merely regulatory and thus refused to extend *ex post fact* protection to registration laws. The distinctions on which this case was decided are significant as they became a major point in future litigation, especially against the application of the Adam Walsh Act of 2006.

A key phrase that was used in the Smith v Doe case claimed that the recidivism risk for sex offenders is “frightening and high” (Ellman & Ellman, 2015, p. 496). This phrase has been repeated many times during various legal challenges of the constitutionality of sex offender laws. Ellman & Ellman (2015) looked at where this phrase originated and how it has been used repeatedly over the years to justify legislation aimed at placing restrictions on those convicted of a sexually-based offense. They found the phrase actually originated from Supreme Court Justice Kennedy in justifying his conclusions in *McKune v Lile* in 2002, where he claimed that the recidivism rate for untreated offenders was estimated to be “as high as 80 percent” and then went on to describe this as a “frightening and high risk of recidivism” (Ellman & Ellman, 2015, p. 495). In *Smith V Doe* (2003), the Justice used his own assessment of *McKune*, stating, “Alaska could conclude that a conviction for a sex offense provides evidence of substantial risk of recidivism. The legislature's findings are consistent with grave concerns over the high rate of recidivism among convicted sex offenders and their dangerousness as a class. The risk of recidivism posed by sex offenders is ‘frightening and high’” (Ellman & Ellman, 2015, p. 496).

Ellman & Ellman (2015) found that the statement made in the McKune case cited only one source, The U.S. Department of Justice, National Institute of Corrections, *A Practitioner's Guide to Treating the Incarcerated Male Sex Offender* xiii (1998). That guide, in turn, cites only one source for its claim of such a high recidivism rate—a 1986 *Psychology Today* article. Ellman & Ellman (2015) said of the *Psychology Today* article:

But the sentence is a bare assertion: the article contains no supporting reference for it. Nor does its author appear to have the scientific credentials that would qualify him to testify at trial as an expert on recidivism. He is a counselor, not a scholar of sex crimes or re-offense rates, and the cited article is not about recidivism statistics. It's about a counseling program for sex offenders he then ran in an Oregon prison. His unsupported assertion about the recidivism rate for untreated sex offenders was offered to contrast with his equally unsupported assertion about the lower recidivism rate for those who complete his program. (p. 498)

In short, the argument that recidivism rates for those convicted of sex offenses was “frightening and high” continued to be repeated in court cases, despite lacking any empirical evidence.

A second major Supreme Court case set a precedent against the argument that registries violated due process protections. In *Connecticut Department of Public Safety v Doe*, also in 2003, “John Doe” sued the state of Connecticut for publishing his name and information about his crime on a publicly accessible database. He claimed that the state had a duty to prove he was dangerous before publishing this information, and that his right to due process was violated because he was not afforded a hearing to determine whether or not he was a danger to society. The U.S. Supreme Court ruled unanimously that he was not entitled to due process because the website in question made no prediction about his level of dangerousness, but simply made it known to the public that he was convicted of a sexually-based offense, information that was already publicly available through court records (“*Smith V Doe*,” 2003).

Taken together, *Smith v Doe* (2003) and *Connecticut Department of Public Safety v Doe* (2003) became stalwart barriers against many legal challenges brought on behalf of individuals

on the registry, which may explain the relative scarcity of lawsuits of this type making it to the U.S. Supreme Court. However, a couple of recent court cases suggest that the foundation on which these seminal cases were based may be weakening. In 2007, Ohio attempted to bring its laws into compliance with federal SORNA, also known as the Adam Walsh Act, requirements. The retroactive application of sex offender registration was challenged on constitutional grounds in *State v Williams*. In 2011, the Ohio Supreme Court struck down the retroactive application of the state's AWA because they concluded that the requirements of the act constituted punishment, and thus were subject to the *ex post facto* protections of the constitution (ACLU, 2012). This is significant in that the court specifically pointed out that restrictions required under the federal Adam Walsh Act went far beyond those that the Supreme Court considered in its 2003 rulings. Writing for the majority opinion, the Court said, "Therefore, I do not believe that we can continue to label these proceedings as civil in nature. These restraints on liberty are the consequences of specific criminal convictions and should be recognized as part of the punishment that is imposed as a result of the offender's actions" (*State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374).

At the federal level, a similar court case known as *Doe v Snyder* (2003) made its way through the system and ended up in the U.S. Supreme Court. In 2016, the Sixth Circuit court of appeals upheld a challenge brought in *Doe v Snyder* (2003) against the state of Michigan. The court concluded that Michigan's version of the Adam Walsh Act, which was signed into law in 2011, constitutes punishment and therefore could not be applied retroactively. The lead attorney for the ACLU, who brought the suit, explained the court's decision, saying:

In a unanimous opinion, the Court of Appeals decided that retroactively imposing punishment without individual risk assessment or due process violates the Constitution. The court noted that the 2006 and 2011 SORA amendments added geographic exclusion zones, imposed strict new reporting requirements, and

extended registration up to life for the vast majority of registrants, without providing any review or appeal (with rare exceptions). The court found SORA to be more like criminal probation or parole than like a civil regulation. (Aukerman, 2016, para. 5)

In other words, the court found that Michigan's 2011 registration law goes far beyond the laws that were in effect when SCOTUS first ruled on registration laws in 2003. While original registration laws could be labeled as regulatory, the Court of Appeals found that the expanded reach and restrictions of modern registration laws clearly constitute punishment, and are therefore subject to the *ex post facto* protections of the Constitution.

In 2017, the U.S. Supreme Court refused to hear the appeal of Doe v Snyder (2003) and thus the ruling of the Sixth Circuit court of appeals was upheld ("Snyder v. Doe," 2017). Although this the impact of this case is limited to those who live within the geographical boundary of the sixth circuit, rulings such as this one erode the legitimacy of public registries, perhaps moving us closer to the end of the current sex panic era.

### ***Legal Challenges in Illinois***

Although there have been many lawsuits brought by individuals against registration laws in Illinois, up until recently none have found their way to the Illinois Supreme Court where the challenges could potentially impact most, if not all, individuals on the registry. One exception was People v Adams (1991), a challenge brought by a man who was required to register under the Habitual Registration Act for a second conviction of a sexually-based offense. Daniel Adams argued that the law violated the cruel and unusual punishment provisions of the constitution. The Illinois Supreme Court, however, concluded that the registration law was not punitive but merely regulatory, and therefore did not violate either the U.S. or the Illinois Constitutions (Ball, 1995).

In the last few years, several lawsuits have made it to, or are making their way up to, the Illinois or U.S. Supreme Courts. These suits, although they are brought on behalf of specific plaintiffs, seek to overturn laws affecting a majority of individuals on the Illinois registry today.

In 2014, Mark Minnis, a man listed on the Illinois Sex Offender Registry for a crime committed when he was a juvenile, was indicted for violating the Sex Offender Registration Act because he failed to tell authorities about updates to his Facebook page. He challenged the law as unconstitutionally vague. In May 2015, he won his case in the 11<sup>th</sup> Judicial Circuit when the judge agreed that the law was overbroad. The State appealed the case to the Illinois Supreme Court, where it was overturned. “In a unanimous decision authored by Justice Charles E. Freeman, the Illinois Supreme Court held that a provision of the Sex Offender Registration Act survived First Amendment scrutiny because it bolsters the government’s interest in protecting the public without restricting more speech than necessary” (Maloney, 2016, paragraph 2). Touted as a First Amendment issue, the ruling has the potential to impact how much and what sort of information the State could be allowed to require from people when they register. This case challenges the state’s right to require those on the registry to provide vast amounts of personal information, and thus could have the effect of limiting the reach of registration laws. It is unclear whether or not this case will be appealed to the U.S. Supreme Court.

In February 2017, an Illinois appeals court struck down a law that prohibits those on the registry from being in parks. The court found that the law has the potential to criminalize innocent behavior, such as walking a dog or attending a wedding in a park. The court ruled the law “facially unconstitutional because it is not reasonably related to its goal of protecting the public, especially children, from individuals fitting the definition of a child sex offender or a

sexual predator” (Shields, 2017, paragraph 8). The main issue taken by the court was the law had the effect of criminalizing innocent conduct:

As written, the law at issue makes it a crime for convicted sex offenders to attend concerts, picnics, rallies, or Chicago Bears games at Soldier Field, for example, or visit popular places like the Field Museum, the Shedd Aquarium, the Art Institute, the Adler Planetarium, or the Museum of Science and Industry, all of which are public buildings on park land. (Shields, 2017, paragraph 4)

The case was filed on behalf of Marc Pepitone, an individual who was on the registry for an offense against a minor and who was accused of being in a public park. He was sentenced to 24 months conditional discharge, 100 hours of public service, and \$400 in fines and costs. In April of 2018, the Illinois Supreme Court overturned the lower court’s ruling, arguing that legislators are better equipped to determine if a law, such as the one prohibiting individuals convicted of a sexually-based offense from being in public parks, contributes to the safety of the general public. The case was remanded to the lower court so that it could be litigated based on a secondary argument made by the plaintiff, namely that park restrictions violate the *ex post facto* clause of the constitution.

In 2015, an advocacy group called Illinois Voices for Reform (detailed in a later section) partnered with two civil rights attorneys from Chicago to talk about the potential for challenging various sex offender-related laws in Illinois. After more than a year of discussion, attorneys Mark Weinberg and Adele Nicholas filed their first lawsuit in federal court challenging specific laws as “vague” and therefore unconstitutional. According to the Illinois Voices website:

This lawsuit focuses on the way certain laws are written. The attorneys argue that the laws are written in such a vague and confusing way that the ‘average citizen’ would have trouble following them. These laws pertain to restrictions on where a registered citizen is or is not allowed to be. The lawsuit claims these laws are ‘vague’ and therefore, under the U.S. Constitution, void. If a judge agrees, he can strike down these laws as unconstitutional. ("Void For Vagueness Lawsuit," 2016)

The suit was brought on behalf of six individuals on the registry—five men and one woman—who are identified only as “John Doe” or “Jane Doe.” Attorney General Lisa Madigan and State Police Director Leo Schmitz were named as defendants in the 19-page lawsuit (Staff, 2016).

The same attorneys filed a second lawsuit in 2016, this time challenging the city of Chicago’s decision to force registrants out of their home if a school or daycare opens within 500 feet of the registrant’s home. The suit was brought on behalf of two men who, because of legal restrictions imposed on them as a result of having been convicted of a sexually-based offense involving a minor, were not allowed to live within 500 feet of a school or daycare. Each of them lived in their home for more than a year, one as an owner and one as a renter, when a home daycare was opened or licensed within the 500 foot zone. The plaintiffs were told they had 30 days in which to find a new place to live and vacate their current home (“Vasquez et al v. Alvarez et al,” 2016). The State filed a “motion to dismiss” which was granted, and the case has been appealed. The City of Chicago agreed to hold off on evictions while the case was pending.

A third lawsuit was filed by Weinberg and Nicholas in early 2017, this time in response to a recent law in Illinois that requires anyone convicted of a sexually-based offense to serve a minimum of three years on mandatory supervised release (MSR, often referred to as “parole”) and then petition the Prisoner Review Board (PRB) in order to be released from MSR. This means that individuals may serve many years on MSR, and potentially be under supervision for life. One of the unintended consequences of this legislation is that “individuals convicted of sex-related crimes who are sentenced to three years to life of mandatory supervised release (“MSR”) find themselves stuck in prison for life as a result of the imposition of unmeetable restrictions on where they can live that must be satisfied in order for such individuals to be released on MSR” (“3 to Life’ Parole Lawsuit,” 2016). In the lawsuit, the attorneys argue that “the challenged



scheme results in what amounts to a Kafkaesque nightmare whereby these individuals are denied any semblance of proportionality in their prison sentences and due process of law” (“Murphy et al v. Madigan et al,” 2016). At the time of this writing, the case was still pending in federal court.

Though many of the legal challenges brought about at both the national level and the state level are ongoing, there is a clear suggestion that courts are beginning to look at registration laws more critically. This could, in the long run, signal a change in the way society deals with individuals convicted of certain crimes, and perhaps cast doubt on the future of public registries. Jenkins (1998) argued that legal challenges are a crucial aspect of the demise of moral panics, though in previous sex-panic eras, these challenges impacted the moral panics much sooner than what we are seeing in the current era.

### ***Legislative Reform***

A natural consequence of legal challenges is a change in the way in which legislation is created and modified. When laws are struck down by courts, lawmakers have to decide whether to enact revised legislation that will pass constitutional muster, or whether it will abandon the laws that were found unconstitutional. In order to deal with these difficult decisions, task forces are being created in several states to look at the patchwork of laws, restrictions, and regulations that have been created during the past few decades. Illinois is one of those states that has decided to take a closer look at its laws surrounding public registries and the restrictions associated with those registries.

In 2016, Illinois Representative Elgie Sims introduced a bill that would create a task force charged with looking at laws related to individuals convicted of sexually-based offenses. (Introduced as HB5572 on February 9, 2016). After several amendments, it was passed and signed into law in August of 2016. The task force was administered by ICJIA (Illinois Criminal

Justice Information Authority) and was made up of individuals representing law enforcement, legislators, corrections, treatment providers, social workers, victim's advocates, and others. It was supposed to also include someone representing an organization who works with individuals on the registry, but the state refused to approve the individual submitted for that role. The task force brought in experts to talk about topics such as recidivism and treatment, risk assessment, and the efficacy of registration and notification laws. In January 2018, the task force issued a report and made recommendations for changes to existing laws. As of the end of the 2018 legislative session, no laws were passed, or even introduced, that would have attempted to implement any of the task force recommendations.

### **Advocacy Organizations**

Many stigmatized or marginalized groups eventually come together to form alliances, bonds, or organizations in order to improve their social position and resist further marginalization. Almost as soon as federal laws mandating public registries were passed, nascent organizations began forming. Today, a nation-wide organization known as National Association for Rational Sexual Offense Laws (NARSOL, previously known as Reform Sex Offender Laws, or RSOL) is among the most well-known advocacy organization for people on the registry. NARSOL had its origins in a 1999 petition written by Paul Shannon entitled, "A Call to Safeguard Our Children and Our Liberties" (Shannon, 2007). On its website, the organization claims to have been "officially born" in 2006 after Paul Shannon, "a long time peace and social justice educator in the Boston area," published an article in the online newsletter "Counterpunch." RSOL began holding national conferences in 2008. In 2016, they changed their name to NARSOL in response to a growing concern over perpetuating the label "sex offender."

As part of their mission, they actively encouraged state organizations to form an alliance with the national organization. As of 2017, they listed 15 state affiliates on their website.

The organization is not without its controversies. One of the founding members was an individual named Tom Reeves, who is reported to be one of the founders of NAMBLA (North American Man Boy Love Association), an organization that attempts to legitimize sexual activities between men and boys (TheRebtube, 2012). Another on-line organization calling itself “Evil Unveiled” takes exception to any organization it considers to be “pro sex offender,” and puts NAMBLA and RSOL in the same category. Reeves worked under the pseudonym “Alex Marbury” so as to avoid his past connection with NAMBLA. In the history section of its website, RSOL acknowledges the link between one of its founders and NAMBLA and admits the use of the pseudonym. However, the site spins this as a positive, stating:

While some see this past connection as a liability, his knowledge about the names of the members of his previous association proved highly valuable during this movement’s earliest years as he kept a special watch to ensure that no NAMBLA leaders publicly signed our Statement. “Alex” chose to use a pseudonym to further disassociate his new advocacy from his earlier one. This was an intentional effort to protect our organization and our advocacy from being sabotaged by any distraction from its primary focus: the reform and eventual eradication of public sex offender registries. ("National Association for Rational Sexual Offense Laws: Our History," 2017).

Sometime around 2010, Illinois formed a local advocacy organization called Illinois Voices for Reform.<sup>3</sup> Loosely associated with NARSOL, it was started by the mother of an individual who was incarcerated for a sexually-based offense. Leadership was quickly taken over by Tonia, the mother of a 19-year-old young man convicted of a sexual relationship with his girlfriend who was just 16 at the time. Early on, Illinois Voices existed mainly as a support organization for others who were dealing with issues similar to Tonia’s. As Illinois began to pass

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<sup>3</sup> Information about Illinois Voices is based on my own historical knowledge of, and participation with, the organization.

a series of laws aimed at convicted sex offenders, Illinois Voices began an active campaign geared toward influencing legislators. As its supporter-base expanded, the organization actively lobbied lawmakers to consider the unintended consequences of the bills they were debating.

The organization was incorporated in the State of Illinois in 2011. In 2008, Illinois Voices began sending letters to individuals listed on the Illinois Sex Offender Registry inviting them to visit the website and join its mailing list. Between 2010 and 2017, the list of supporters grew from about 100 to just over 1000. In 2015, Illinois Voices partnered with Mark Weinberg and Adele Nicholas, two civil rights attorneys in Chicago. They began weekly discussions about the possibility of filing suits against laws in Illinois that they considered to be unconstitutional. The attorneys filed their first two lawsuits in 2016, another in 2017, and continue to file lawsuits in 2018.

In 2016, Illinois Voices organized and co-sponsored a symposium entitled “The Registry 20 Years Later: Discussing the Unintended Consequences.” Their website invited interested individuals to “join attorneys, criminal justice advocates, service providers, and directly-affected people in a two-day convening about the unintended consequences of public registries” (“The Registry 20 Years Later: Discussing Unintended Consequences,” 2016). Over 100 individuals attended the conference.

In 2017, Illinois Voices co-sponsored two events designed to influence public opinion regarding public registries, and sex offender registries in particular. Both were held at the University of Chicago. The first was a symposium entitled, “We Shouldn’t Have Policies We Are Afraid to Talk About: A Symposium on Public Crime Registries” which was attended by more than 400 individuals. The second event was part of a conference called, “What is an artistic practice of human rights?” The semi-artistic presentation, entitled “A True Person of No Status:

A Lecture on Public Crime Registries in 21 Parts,” featured speakers and entertainers discussing the impact of registries on the lives of individuals and families (“What is an Artistic Practice of Human Rights?”, 2017).

Since the beginning of the current era of sex panics, which started in the early 1990s, many support or advocacy organizations were formed by those on the registry or others who are impacted by the registry, such as family and friends. As often happens with nascent activist movements, these organizations were impacted by internal strife, external rumors, philosophical differences, and political ambition. Some of the organizations have survived, while others dissolved somewhere along the way.

In 1999, an organization calling itself “SOHopeful Legal Defense Fund” was started in Oregon. Its purpose was specifically to challenge the practice of publicly posting identities and addresses of people convicted of sexually-based offenses. In 2004, SOHopeful renamed itself “SOHopeful International” and expanded its mission to include support services to those on the registry. Although their website address is now used by an on-line law advice service ([www.sohopeful.org](http://www.sohopeful.org)), their mission statement can still be found on a blogspot page entitled, “The Voice of Reason” where it states, “SOHopeful International works hard to educate the public, legislators and the media about the realities of sex offenses and offenders, the myriad ways to prevent abuse in the first place and educate parents (and their kids) about the laws, appropriate behavior and good boundaries” (SOHopeful, 2005). The organization shut down in 2008 after its Executive Director was indicted, and subsequently convicted, on charges of being involved in an international child pornography ring (CNN, 2009; Ryan, 2008).

Another organization was created in the early 2000s as more of a support entity. SOSEN (Sex Offender Support and Education Network) was organized by a member of SOHopeful

named David, who originally created a website called “Braindead.” After becoming concerned that SOHopeful might claim ownership of his work, David created the stand-alone organization he called SOSEN. A rift between the two organizations can be seen in a press release put out by SOSEN in 2005 defending itself against statements made against it by SOHopeful (C., 2005). SOSEN continues to exist today, and according to its website, its mission is “to educate the public, the news media, law enforcement and legislators with the true facts about child sexual abuse in an attempt to reduce the unfounded and unwarranted hysteria as a result of misinformation and propaganda” ([sosen.org/our-mission](http://sosen.org/our-mission)).

Today there are many small organizations or websites advocating for people on the registry. Some of these are specialized, such as W.A.R. (Women Against Registry), which was started in 2011 as an offspring from the RSOL conference. It was created to present the perspective of family members who were also impacted by having a loved one on the registry ([www.womenagainstry.org](http://www.womenagainstry.org)). Other sites simply provide research and information, as is the case with eAdvocate, which began in 1996 as a series of “GeoCities” websites. The site moved in 2007 to blogspot where it continues to provide links to current research, news articles, etc. ([sexoffenderresearch.blogspot.com](http://sexoffenderresearch.blogspot.com)). Many of these organizations or websites provide links to each other, and when taken collectively, include links to scores of websites and organizations that advocate for people on public registries.

### **The Broken Cycle**

In his study of moral panics throughout the twentieth century, Jenkins (1998) saw that the waves of panic tended to span about a 20 year period before beginning to wane. Given that, we might expect the current era, what he calls the “return of the sexual predator” era, to be waning since it began around 1994. This chapter described some of the events predicted in Jenkins’

(1998) work: Academic researchers have become increasingly skeptical about the efficacy and the constitutionality of registration laws, and legal challenges seem to be favoring the viewpoint of academia. And yet, the controversy over what to do with those who commit sexually-based offenses rages on, legislation continues to be passed at the local, state, and federal level, and this legislation continues to become more and more punitive and restrictive. In this section, I ask why it is that this era refuses to fade as previous eras have done.

Writing in the late 1990s, just as internet access and cell phones were becoming a household staple, Jenkins (1998) predicted the tenacity of the current era of sex panic saying, “the cycle has been broken in the modern era, when child abuse has become part of our enduring cultural landscape, a metanarrative with the potential for explaining all social and personal ills” (p. 232). This suggests that the current sex panic era continues based solely on an ideological shift. Although his point is valid, I offer a couple more thoughts on why the current sex panic era seems to be persisting beyond the length of time seen in previous eras.

Perhaps the most likely culprit in the perpetuation of the current era is technology. Since the time that registration laws in the current era were first passed in the mid-1990s, the U.S., and indeed the world, has witnessed an explosion in the growth and use of the internet. When the modern registry was mandated by federal law, the information was reserved for law enforcement only (often referred to as LEO). The laws were amended to require community notification, which at the time meant posters and flyers disseminated by local law enforcement agents. It wasn't until 1999 that Illinois created a website for the public display of registered sex offenders (*Sex offender registration in Illinois (No. ISP5-622)*, 2003). Once public registries were created, politicians like Illinois Attorney General Lisa Madigan seized on them as a way to convince the public that *something* was being done about the problem of sexually offending. For example,

each year around Halloween time, Madigan takes to the press to encourage everyone to check the sex offender register before sending their kids out to trick-or-treat ("Madigan: Check sex offender registry before trick-or-treating," 2016). Such rhetoric creates an illusion of the importance of registries in making communities safer, and thus makes registries resistant to efforts to reform or eliminate them.

Another reason for the extended duration of the current era could lie in its political utility. Politicians have a vested interest in keeping the current sex panic alive. Few issues in society today evoke the level of fear as much as children being sexually assaulted. Each year in Illinois, lawmakers, particularly freshman lawmakers, introduce a spate of legislation aimed at those who commit sexually-based crimes. Even though a scant few of those bills actually become law, just introducing the bill is enough for the politician to tout their efforts to crack down on this widespread problem. Lawmakers who dare to challenge the wisdom of sex offender laws or registration laws are met with scathing accusations from their political opponents. In 2016 Dave Severin, a Republican candidate for Illinois Representative, was criticized in political ads by his opponent, Democrat John Bradley, because Severin had hired a convicted sex offender at his place of business. Republicans fired back by accusing Bradley of standing by while then-Representative Keith Farnham “committed heinous crimes on his state computer” (Parker, 2016). Farnham had been convicted in 2015 of possessing child porn (Seidel, 2015). Similarly, Representative Will Guzzardi faced a slew of negative ads during his 2014 election campaign. His opponent in the primary race, incumbent Representative Toni Berrios, repeatedly accused Guzzardi of not supporting sex offender laws in Illinois. During the campaign, Berrios “hammered Will in daily mail pieces showing little blonde girls getting lured into cars, scary men’s faces lurking in the shadows, and one particularly disturbing piece depicting a young girl



with large, dirt-stained hands ominously placed on her shoulders from behind” (Sagrans, 2014). A side-effect of these negative political campaigns is that they keep the sex panic salient in the public arena.

Without a doubt, the social changes that occurred in the latter part of the twentieth century have contributed to the tenacity of the current panic era. With the shift in focus from rehabilitation of offenders to more attention placed on the rights of victims, women and children have become embolden to come forward with reports of sexual harassment, sexual abuse, and sexual assault. While these reports are tragic and desperately call for justice, they also serve as fodder, if not for the perpetuation of the sex panic, at least as a justification for the continuation of legal and social sanctions, including public registries, sparked by the current sex panic era. Just in the past few years, accusations of sexual misconduct against high-profile men have sparked what is being called the #metoo movement ([metoomvmt.org](http://metoomvmt.org)). Often times, the mere accusation results in severe social sanctions, such as losing one’s job or social position. This has sparked claims that the #metoo movement is a form of moral sex panic (Gessen, 2018; Sullivan, 2018), and counterclaims that it is not a moral panic precisely because of the importance placed on victim’s rights and the call for women to be heard and believed (Atwood, 2018; Gattuso, 2018). In either case, the widespread attention given to these matters may certainly contribute to the perpetuation of the current sex panic era.

Finally, the creation of a category of people labeled as “sex offenders,” publicized by online registries, may serve the function of delineating acceptable from non-acceptable sexual behavior. Durkheim (1933) suggested that the punishment of wrongdoers in society serves the purpose of defining moral boundaries. Kai Erickson (1969), in his famous study of early American Puritans, found that when moral boundaries become less clearly defined, a community

will tighten the circle around behaviors that it deems inappropriate in order to more clearly delineate those boundaries. Through the act of naming offenders and punishing their transgressions, moral boundaries are drawn, or redrawn, and publicized so that others in the community will know what those boundaries are. Today, in an era fraught with ambiguous and conflicting representations of sex and sexuality, the moral boundaries can be blurred when it comes to differentiating between normal and perverted. Sexual acts may be considered immoral in “real life” while the same acts are lauded in television shows or movies. An example of this is the recent case involving actor Kevin Spacey. As President Underwood, Spacey enthralled millions of viewers with sexual escapades, womanizing, and dishonest sexual affairs. When accusations surfaced of sexual misconduct in his off-screen life, the actor was immediately criticized and removed from his television show (Kornhaber, 2018). With such confusion reigning supreme in our culture today, it is not surprising that people search for a defining line to indicate right from wrong. Registries, and the classification as a “sex offender,” may serve as a proxy for the delineation between sexual behavior that is acceptable and behavior that is not: a transgression that lands one on the sex offender registry is clearly unacceptable, and those who are not on the registry must surely be abstaining from such obscenities. Lynch (2002), who identified language of disgust in rhetoric used to enact legislation aimed at individuals who commit sexually-based offense, argues that these laws “play a role in constructing and preserving boundaries between the pure and the dangerous, and reflect on socio-cultural anxieties and discomforts surrounding sexuality, family, and gender roles” (p. 113). The current sex panic era, as defined by Jenkins (1998), may be less resistant to social and legal remedy specifically because it is perceived as serving the useful function of illuminating the boundary between appropriate and inappropriate sexual behavior (Leon, 2011).

### **Why It's Important**

The experience of any individual cannot be understood without considering the social, spatial, and temporal context in which that individual exists. Very similar events will be subjectively experienced quite differently in different places, in different times, and in different social environments. Each of the men and women interviewed for this study has a unique and idiosyncratic existence. And yet, they all share certain social, spatial, and temporal realities. They all live in the United States at the beginning of the twenty-first century, and all live under a set of rules and restrictions set down by social and legal norms in the state of Illinois. During the interviews, questions were posed to try to get a better understanding of their unique existence—their age, sex, sexual orientation, family upbringing, education, and other individual demographics. This chapter, however, focused on their shared social context.

Although many of those who participated in this study were alive during previous sex panic eras, they all were convicted and live their daily lives today in the most current moral panic era, one that started around the mid-1990s. Thus, in this chapter we have considered the laws, academic research, support groups, and legal challenges that inform not just the lives of those on the registry, but of society in general, which in turn impacts the lives of those on the registry. Understanding these social contexts will help the reader more fully understand the daily experiences of those on the registry as described in the next chapters.

## CHAPTER 4: METHODS

### **The Current Study**

In this chapter, I lay out the study design and protocols used for the current study. I also discuss my decision to self-disclose my own status as an individual on a public registry. Information about the sample of individuals interviewed for this project is included, as well as a breakdown of the demographics of the sample juxtaposed to the demographics of individuals listed on the sex offender registry in Illinois as of November 2017.

### **Methods and Sample**

#### ***Methodological Perspective***

In order to examine the way in which individuals with a discreditable, or hidden, stigma navigate their daily existence interacting with others who know, others who do not know, and others who may or may not know about that stigma, this study draws on interviews from 30 individuals who are (or were at the time of the interview) listed on the sex offender registry in Illinois. Individuals on the public registry were chosen to represent an “ideal type” of stigmatized individuals. Max Weber introduced the concept of ideal type in order to “refer to the construction of certain elements of reality into a logically precise conception” (Girth & Mills, 1946, p. 59). The ideal type, then, is a theoretical grouping that can be studied based on its commonalities, while at the same time recognizing that individual differences always occur within any group. Similarly, Young (1994) reconceptualized Sartre’s (Sartre, Rée, & Jameson, 2004 [1960]) notion of a serial collectivity that allows us to see a group as a collective without assuming that everyone in the group shares all characteristics. Instead, we can study what they *do* have in common. In this study, everyone I interviewed shares the stigma of being listed on a public registry, and thus they may experience similar consequences as others who have a concealable

stigma. Beyond that, I recognize that there is no homogenous category of individuals that all share some sort of innate characteristic or trait, and that the sample I selected for this study is made up of individuals whose life experiences and standpoint result in quite diverse reactions to the stigma they share.

Those listed on the registry constitute an ideal type for individuals with a concealable, or hidden, stigma precisely because of the unique circumstances which all but ensures that these individuals will experience many, if not most, of the consequences that anyone with any type of concealable stigma would face. Unlike most concealable stigmas, the stigma of being on a public registry is, as its name implies, public. Anyone with internet access, and the desire to look, can learn of this otherwise hidden stigma. Very few concealable stigmas are publicized and codified by the government through tools such as the public registry and its associated requirements and restrictions. Although Illinois currently maintains five public crime registries (sex offender, violence against youth, murderer, arsonists, and meth manufacturer), only the sex offender registry carries a host of requirements and restrictions that extend beyond registration itself. Finally, few concealable stigmas carry the social scorn and potential for negative social sanctions as does being listed on a sex offender registry. All of these combined serve to create a stigmatized group that is likely to have something in common with nearly any other concealable stigma, while at the same time not representing any other stigmatized group in its totality. Thus, while this study considers the consequences of being on the registry specifically, in a general sense, it is looking at the consequences of a concealable stigma at a theoretical level.

The symbolic interactionist perspective demands that the researcher be cognizant of the “double hermeneutic” (Giddens, 1993[1976]; Prus, 1996), which is the recognition that “social scientists (as minded, interpreting, acting entities) are analyzing other minded, interpreting,

acting entities” (Prus, 1996, p. 118). Thus, while trying to interpret the thought process by which the participants of this study perceive and interpret evaluations from others, I remain consistently aware of my own standpoint, my own biases, my own cognitive lens through which I interpret the symbolic world I encounter. Standpoint theory holds that “all knowledge is constructed in a specific matrix of physical location, history, culture, and interests, and that the matrices change in configuration from one location to another” (Sprague, 2005, p. 48). My personal standpoint is informed by, among other things, my status as a white male, as a gay man, as an academic, and as a parent; my experiences as a former sex offender counselor; and as one whose own background issues affords me the status of “outsider within” (Collins, 1986) in this particular study—an outsider by virtue of my relatively privileged position as a middle-class academic, and insider as a result of my own experiences that are quite similar to the participants of this study.

Equally important is the recognition that even as I ask participants to examine the way in which they interpret feedback they get from others, these participants will be evaluating the feedback they receive from me, and I will simultaneously be interpreting the feedback I receive from them. Simply by asking participants to reflect on and verbalize the cognitive process they use to interpret their symbolic world, I realize that this may, in fact, influence their interpretations.

With this in mind, I had an important and difficult decision to make at the onset of conducting interviews. I had to decide whether or not to disclose my own status as an individual listed on the registry. I had several concerns about self-disclosing. First, I feared it would lead to participants taking the study less seriously, as though it were being conducted less by an academic and more by an individual with an agenda. Second, though related, is that I was concerned that disclosure would shift the participants’ perception of me, causing my status as an

individual on the registry to become a master status through which all of my questions and comment would be filtered. Finally, I worried that my own act of self-disclosure might suggest a philosophical position that disclosure is a necessary or important precursor to intelligent discourse, which is a position I adamantly reject.

Some researchers support the idea of breaking down the divide between researcher and participant through self-disclosure. Oakley (1981) suggests the formation of “sisterly bonds” as a way to gain a subjects trust and reduce the inequality between researcher and subject. She viewed interviews as a meeting of peers, which often involved a mutual exchange of information rather than a one-way set of questions. Sprague (2005) cautions that this approach should not be used without careful consideration, noting that “investigators talking personally about themselves may do more to ease the discomfort of the investigators or to create *the illusion of equality* than it does to produce more valid data or to empower those under study” (p. 134, italics in original). She expressed concern that disclosure could increase social desirability bias, suggesting that participants might slant their responses in order to please the interviewer.

After much internal deliberation, I decided that in this case, disclosure might actually mitigate the issue of social-desirability bias. I based this on my own experiences as both interviewer and participant. In previous studies, I conducted interviews together with a college professor who was not listed on the registry, and I did not disclose my own status as a person on the registry. During these interviews with individuals on the registry, I witnessed firsthand the way that participants would measure their choice of words carefully, which I interpreted as an attempt to minimize the shame they felt in discussing their situation, since there was an underlying assumption that each of them had committed some sort of sexually-based offense. On the other side of the table, I participated as a subject in a study about individuals on the registry

who were also college students. The interviewer, a graduate student, disclosed his own status as an individual on the registry. I felt it immediately changed the dynamic and put me more at ease to be open and honest about myself and my experiences.

In the end, I made the conscious and deliberate decision to self-disclose prior to the start of each interview. I used wording similar to, “Like yourself, I am also on the registry and have been since 2003.” Unless they asked, I said nothing more about it, and did not discuss the details of my offense, thus modeling my decision not to ask them about theirs. Only one individual asked me directly about my offense, and I answered his question honestly but briefly, reiterating my belief that the offense is not relevant to the discussion of how they navigate their daily existence while living with a concealable stigma. My own subjective perception is that my disclosure put respondents more at ease, though I did not ask this question of them directly.

### ***Sample***

Currently, there are over 15,000 individuals on the Illinois Sex Offender Registry.<sup>4</sup> Although an ideal study would entail a random sample of that population, studies that have attempted to randomly sample the population of registered sex offenders have reported notoriously low response rates (Burchfield & Mingus, 2008; Tewksbury, 2005). Therefore, I employ a method known as purposive sampling which involves selecting participants “based on a specific purpose rather than randomly” (Teddlie & Tashakkori, 2003, p. 713). Generally speaking, purposive sampling results in a smaller number of participants, but ones that are more likely to directly address the phenomenon to which the research project is focused (Teddlie & Yu, 2007). I utilized existing organizations to distribute recruitment materials to registered sex offenders inviting them to participate in this study. There are at least two organizations that work

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<sup>4</sup> Although the Illinois Sex Offender Database shows over 30,000 people, when you subtract those who are living outside of Illinois, or who are incarcerated or detained, the actual number is just over 15,000 as of November, 2017.



directly with individuals on the registry, including Illinois Voices for Reform and Hands Up.<sup>5</sup> I asked them to distribute a recruitment letter (via email or postal service) to Illinois members who are on the registry (see Appendix B). Interested individuals were told to contact me directly via email or phone. A request was made to those who responded to forward the recruitment letter on to others they may know who might be interested in participating. In this way, the recruitment process is expanded using a technique known as “snow-ball” sampling (Atkinson & Flint, 2001; Biernacki & Waldorf, 1981). Emails and letters were sent to over 500 individuals between these two organizations. I received 71 initial responses. Respondents were initially asked to participate in several phases of the study for a period of up to one year, though in the end, I ended up only conducting a single interview with most participants as I explain in the next section. Respondents were not compensated for their participation. A total of 31 individuals were interviewed for this study, though one individual was dropped from the study after it became apparent that his goal in participating was to find a venue for his assertion of innocence, and thus he evaded almost every question I asked.

I made the miscalculation of not asking demographic questions as part of the interview. My intention was to collect a written survey at the end of the study that would provide demographic information as well as information about the offense (see Appendix E). Unfortunately, only 20 of the 30 participants completed the demographic survey, even after contacting them several times in an attempt to convince them of the importance of the information. Thus, information I would have preferred to come directly from the participant is

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<sup>5</sup> It should be noted that at the time of the initial recruitment letters, I was a member of, but not the leader of, both of these organizations. Thus the recruitment emails were sent out by the then leader of each organization. Since then, I have assumed leadership responsibilities for both organizations.

instead left up to my own interpretation. This includes gender, race, and sexual orientation identification.

Participants came from all over the state of Illinois (I logged almost 4,000 miles of travel to and from interviews.) Only one female participated. The majority of participants identified (or I describe) as white, four reporting as Hispanic and one as Native American. Clearly missing in my interviews are individuals who identify as Black or African American. As I was conducting my research, I felt it was important to maintain an “opt-in” method of recruiting participants, thus only individuals who contacted me in response to my request for participants were included. In hindsight, I would have benefitted from a more concerted effort at recruiting a more diverse population for my sample.

The table below presents the demographic information for the individuals who participated in this study, juxtaposed to the demographic information of the current list of individuals on the sex offender registry in Illinois.

**Table 1: Demographic Comparison**

		Current Study Participants (N=30)		Illinois State Sex Offender Registry <sup>a</sup> (N=15,084)	
		Number	Percent	Number	Percent
<b>Age</b>					
	Younger than 25	3	10.0	675	4.47
	25-64	27	90	13176	87.35
	65 or older	0	0	1233	8.17
<b>Race</b>					
	White or Hispanic <sup>b</sup>	29	96.7	9508	63.03
	Black	0	0	4432	29.38
	Asian	0	0	106	0.7
	Unknown/Other	1	3.3	1038	6.88
<b>Sex</b>					
	Male	29	96.7	14614	96.88
	Female	1	3.3	470	3.12
<b>Married</b>					
	Yes	12	40	N/A	
	No	18	60	N/A	

<sup>a</sup> From the Illinois State Police Sex Offender Registry, November 2017. Excludes out of state and incarcerated individuals.

<sup>b</sup> The Illinois Sex Offender Registry reports white and Hispanic in the same category.

In order to assure anonymity, all of the names of participants have been changed for this dissertation. I refer to participants only by a first name that I made up for them. Appendix A lists participants by pseudonym and provides a brief description of each participant.

### ***Study Protocol***

My original protocol called for conducting multiple interviews with each participant, including a ride-along interview when the participant went in for his or her annual registration. The recruitment email suggested that the study would involve multiple interviews spanning a time period of up to one year (see Appendix C). It is likely this extended commitment accounts for why many individuals who indicated an initial interest opted not to participate after reading the details.

It became immediately obvious that scheduling participants, even for the initial interview, was going to be difficult. In talking to them about scheduling future interviews, particularly the ride-along, I realized it would be almost impossible. Many did not know, or would not share, when their next registration date was, and many of them told me they would often decide last minute to make the journey to the police station to register. As I spoke with participants, it became less clear as to what additional interviews would garner, as we seemed to exhaust the topic during the initial interview. Because of this, I opted to alter the study to include only a single, face-to-face, semi-structured interview with each participant. They were notified of this, and no participant expressed any concern for this change (see Appendix D).

Thus, the data for this study come from 30 semi-structured interviews with individuals who are, or were at the time, listed on the sex offender registry in the state of Illinois. Interviews consisted of my asking open-ended questions and probing for additional information (see

Appendix F). In addition, I engaged in ethnographic observations during interviews. This means not only paying close attention to the verbal response of the participant, but also noting non-verbal cues from inflections, body movements, and facial expressions.

Most interviews were conducted at the home of the participant. A few of the participants requested the interview to take place at another location, and these requests were honored. All interviews were conducted in a private setting to avoid concern of being overheard. Interviews were recorded using two recording devices in case either were to malfunction. The recordings were later transcribed and entered into a qualitative research application for analysis. In addition, I recorded field notes immediately after each interview, which were also transcribed and entered in the analysis application.

During the interview, participants were given a blank journal and asked to write down any events or issues they encountered before the end of the study period. After I complete all my interviews, I sent a pre-paid envelope and asked them to return the journal. I also included a written demographics survey, which included questions about the offense (Appendix E). Despite repeated requests, only 20 of the 30 participants returned the journal and survey. Of those that returned the journal, almost all contained no entries. Therefore, I opted to not include the journals in the study.

### **Data Analysis**

The data for this project come from field notes and transcriptions of qualitative interviews. Semi-formal and focused interviews were recorded using a digital recording device and then transcribed. The data were analyzed using a process known as open coding followed by focused coding. Open, or initial, coding consisted of multiple readings of the field notes and transcriptions and using terms, or codes, to describe themes that emerge. After initial coding, the

data were re-read, and codes aggregated to represent larger themes, a process known as focused coding (Lofland, Snow, Anderson, & Lofland, 2006). While I specifically sought themes related to how individuals on a public registry navigate their daily existence, I was also open to recognizing themes that transcend those that I initially set out to analyze. This allowed me to “develop, modify, and extend theoretical propositions so that they fit the data” (Emerson, Fretz, & Shaw, 1995, p. 143).

As I coded the data, many themes began to emerge, each one worthy of consideration on its own. During each subsequent pass through the data, I looked for the themes that were more prevalent, which is to say were mentioned more often by multiple participants. In order to begin the process of transforming data and codes into a written product, I utilized the method of memoing, which is essentially writing down thoughts, ideas, connections, and experiences related to a specific theme or idea (Lofland et al., 2006). Memos allowed me to begin making sense of the data, and also to flesh out concepts enough to determine if it was an avenue I wished to pursue. Often, in drafting a memo, I realized that while the concept was interesting, there simply was not enough data available through my interviews to fully develop the theme. In this way, I was able to narrow down the themes, or topics, to the ones included in this dissertation. Some of the themes I considered but did not use are noted in the concluding chapter under Future Studies.

## CHAPTER 5: TO TELL OR NOT TO TELL

### **Keeping it a Secret**

Stigmas can be visible or they can be invisible. People with a visible stigma cannot easily hide from public scrutiny. Those with an invisible, or concealable, stigma navigate a daily existence among others who may know about the stigma, and others who are not aware of the stigma. Often, the stigmatized individual does not know for sure who does, or who does not, know about his or her stigma.

Those with a concealable stigma face additional consequences as a result of hiding their stigma (Herek, 1996; Miller & Kaiser, 2001; Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000). People who conceal their true identity often report having feelings of isolation, fraud, and “an inner turmoil that is remarkable for its intensity and capacity for absorbing an individual’s mental life” (L. Smart & Wegner, 2000, p. 221). In addition, constantly concealing a stigma steals valuable cognitive resources which must be expended to keep and maintain the secret, resulting in negative physical and psychological health outcomes (Oswald, 2007). The constant threat of discovery creates a level of stress that is above and beyond that experienced by individuals with visible stigmas, and thus it is clear that efforts to conceal a stigma have a “powerful, negative impact on an individual’s daily life” (Pachankis, 2007, p. 328). Smart & Wegner (2000) go even further to suggest that “in the effort to hide their true identities, those with concealable stigmas must face an internal struggle that leads to anguish and perhaps even to psychopathology” (p. 221). Clearly suggested is that there are measurable differences in the lived experiences of individuals who have a visible stigma as compared to those who have a concealable stigma.

From the perspective of the looking-glass self, concealing a stigma has distinctly negative effects on a person's self-concept (Pachankis, 2007). As discussed more fully in chapter one, the looking-glass self represents the way people believe they are being perceived by others, which in turns impacts an individual's self-perception (Mead, 1934). Because an important aspect of one's life (the concealable stigma) is constantly hidden from others, any feedback reflected back to an individual becomes less genuine, less efficacious in "the formation of positive evaluations of one's entire self" (Pachankis, 2007, p. 336). In other words, it's like trying to gauge one's overall appearance by looking into a hand mirror. Because only part of the image is presented to the mirror, the reflected image will be incomplete and unreliable. Not surprisingly, people who conceal a stigma often report feelings of fraud and deviance (Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000).

In this chapter I will discuss the ways in which people with a discreditable, or hidden, stigma deal with the issue of disclosure. Drawing from interviews with 30 people who are listed on the sex offender registry in Illinois, I compare the strategies they identified for deciding how, when, and to whom to disclose their status with strategies identified in research with people with other types of hidden stigmas. I begin by reviewing studies done with other stigmatized groups, including those with invisible chronic conditions (Charmaz, 1991; Joachim & Acorn, 2000), member of the LGBTQ+ community (P. Corrigan & Matthews, 2003), and unemployed professionals (Letkemann, 2002). From there, I identified and illustrated the five major strategies for deciding whether or not to disclose that emerged from my interviews. Juxtaposed to these strategies is an overarching motivation for *not* disclosing, which is persistent fear of the consequences for disclosing. I illustrate the various strategies through interview data. I conclude

with a discussion about why it is important to understand the reasons why a person with a concealable stigma would choose to disclose, or not disclose, that stigma to others.

I begin with a discussion of the disclosure strategies, both in the current study and in similar studies with other stigmatized populations.

### **Strategies for Disclosure**

Little has been written about how and why a person on the sex offender registry discloses his or her status. However, studies have looked at disclosure strategies of other stigmatized groups. Joachim and Acorn (2000) and Charmaz (1991), for example, looked at individuals with chronic health conditions, including those with what they termed “invisible chronic conditions.” They identified at least three disclosure strategies. Protective disclosure involves controlling information—specifically how, when, where, and to whom the information is disclosed. Spontaneous disclosure, on the other hand, is an emotion release, a reaction to shock or disbelief, as when an individual suddenly finds out he or she has a terminal illness. Finally, preventative disclosure relates to the perceived risk that someone else may discover the stigmatizing condition on their own. Preventative disclosure, then, “appears to be based on the degree of believed risk that another will find out about the condition and the expected social consequences of being detected” (Joachim & Acorn, 2000, p. 246).

Ragins (2008) studied stigma disclosure in work and non-work environments. She notes that one of the difficulties faced by those with an invisible stigma is in having to make the decision whether or not to disclose the stigma. Such a decision is not a one-time decision, but rather “occurs with each social interaction and reflects a judgment that weighs the benefits associated with establishing a close relationship on the one hand against the potential risks and fears of social rejection on the other” (Ragins, 2008, p. 197). Ragins identified three antecedents



to disclosure. The first relates to self-verification, or the need to self-disclose in order to close the gap between the way an individual sees him or herself, and the way he or she believes others perceive them. The second antecedent is the stigmatized individual's perception of the anticipated consequences of disclosure. Specifically, when an individual perceives that the positive consequences will outweigh the negative consequences, he or she may decide it is time to self-disclose. Finally, the level to which an individual perceives he or she will find a supportive environment will inform their decision whether or not to self-disclose.

In the LGBTQ (Lesbian, Gay, Bisexual, Transgender/sexual, Queer/Questioning) community, self-disclosure is often termed "coming out." Corrigan and Matthews (2003) identified decision rules that gay men employ in deciding whether or not to come out. They found that gay men choose to self-disclose because doing so meets at least one of six needs: 1) self-esteem enhancement; 2) closing the distance in a relationship; 3) resolving interpersonal problems (i.e. avoiding the constant questions about lifestyle choices); 4) preventing negative consequences of someone else "outing" them; 5) bolstering the LGBTQ movement by joining others who have come out; and 6) spontaneous coming out (last minute decisions, accidental disclosure, etc.).

The authors also identified four reasons gay men would decide NOT to self-disclose: 1) their sexual orientation is neither appropriate nor relevant to a situation; 2) protecting others close to them (i.e. parents, grand-parents, etc.); 3) lack of emotional resources to handle the coming out process; and 4) fear of someone using their sexual-orientation against them. There are some clear parallels to coming out as gay and coming out as a person on the sex offender registry. As one person I interviewed put it, "it's almost like, it's like a second coming out. I mean there was the first gay thing, now there's this."

In looking at how unemployed professionals decide whether or not to disclose, Letkemann (2002) identified ancillary effects to not disclosing. He termed these effects “derivative stigmata” which “arise from the practices of stigma management rather than from the initial stigma itself” (p. 511). For example, when one chooses to conceal their stigmatized status, and then is later discovered, they may also be viewed as deceitful and untrustworthy. In order to avoid the derivative stigmata, individuals may employ a proactive approach to self-disclosure.

Chaudoir and Fisher (2010) analyzed various research about disclosure strategies and developed what they term the disclosure processes model, or DPM. They identified two main categories of antecedent goals for self-disclosure: Approach-focused goals, and Avoidance-focused goals. The approach-focused goals include the pursuit of positive outcomes, attention to positive cues, positive effect, and approach coping. The avoidance-focused goals include preventing negative outcomes, attention to negative cues, avoiding negative effects, and avoidance coping.

The strategies for deciding whether or not to disclose a concealable stigma seem to be fairly consistent across differing types of stigma. Individuals who are listed on a public crime registry employ very similar disclosure strategies.

### **To Lie or Not to Lie**

As part of managing information, the individual with a discreditable stigma has to consider many aspects of disclosure. To whom they will disclose, when they will disclose, where they will disclose, how they will disclose, and why they will disclose are all decisions that are mentally juggled on a constant basis. Goffman (1986[1963]) suggests that individuals with a discreditable stigma must decide “to display or not to display; to tell or not to tell; to let on or not to let on; to lie or not to lie; and each case, to whom, how, when, and where” (p. 42). This is

complicated by the ambiguity of who already knows and who does not, and how much the other person knows. In this chapter, I will consider how those on the sex offender registry make the decision whether or not to disclose.

During my interviews with individuals on the registry, I asked a series of questions related to how they decide the issue of disclosure. I noticed six general themes as to why the participants would decide to disclose, as well as one reason why they would refrain from disclosing (see Table 3). The latter was fear of the consequences for disclosing which acts as a mitigating factor to the reasons why they should disclose. In general, even when the participant expressed fear of the consequences, the reasons for disclosing were sufficiently compelling to override that fear and thus, if they chose to disclose, it was generally, but not always, for one of the other reasons.

In order to identify these particular strategies, I compiled a list of statements made by respondents that I had categorized as “disclosure” during the coding and recoding phase of my analysis. In reading each statement and examining the context in which the statement was made, I determined the nature of the strategy that the respondent was employing. I then grouped these by strategy and assessed the themes that emerged, that is, the statements that were made by more than one individual. Each of the strategies I identified were used by as few as three respondents (Pre-emptive, cited by 10% of my sample) and as many as twenty respondents (Necessity, cited by 66% of my sample). In identifying these categories, I used statements that were relatively easy to identify as relating to the assigned category. However, there were many more statements that could be interpreted as relating to a particular category, but that were less easily categorized without resorting to highly subjective interpretation.

**Table 2: Disclosure Strategies - Comparison of Studies**

Current Study	Joachim & Acorn (2000) and Charmaz (1991)	Ragins (2008)	Corrigan & Matthews (2003)	Letkemann (2002)	Chaudoir & Fisher (2010)
<b>Reasons to Disclose</b>					
Necessity	Protective	Self-Verification	Self-esteem enhancement	Derivative stigmata	Pursue positive outcomes
Relationship Status	Spontaneous	Anticipated Consequences	Closing distance in relationship		Attention to positive cues
Know Me First	Preventative	Supportive Environment	Resolving interpersonal problems		Positive affect
Pre-emptive			Avoid being “outed”		Approach coping
Gauging Reaction			Bolstering movement		Prevent negative outcomes
Honesty			Spontaneous coming out		Attention to negative cues
					Avoid negative affect
					Avoidance coping
<b>Reasons NOT to disclose</b>					
Fear of Consequences			Not appropriate to situation.		
			Protecting others		
			Lack of emotional resources		
			Using stigma against them		

### ***Necessity***

By far, the most often cited reason for deciding to disclose was necessity. The participants felt that there were certain situations, or certain actions, or certain circumstances that would make it necessary for them to disclose. While “necessity” is itself a subjective concept, it ordinarily became necessary to disclose when the consequences of *not* disclosing were perceived to be greater than the consequences of disclosing. A 2002 study found that individuals with HIV faced a similar dilemma in deciding whether or not to disclose their status. Since having HIV is a concealable stigma, those affected were often torn between the need for privacy and the need to protect others (Derlega, Winstead, Greene, Serovich, & Elwood, 2002). Similarly, individuals I interviewed often expressed being torn between avoiding the shame and embarrassment of admitting they were listed on the public sex offender registry, and the need to protect others. The

concern was not that they would directly harm someone. Instead, they were concerned with protecting others from the potential emotional effects of discovering their stigmatized status. For example, if an individual found out a co-worker was on the registry, that individual might confront the boss. Therefore, the person on the registry might feel compelled to proactively disclose to the boss so that the boss is not be blind-sided by the co-worker.

One of the main reasons that disclosing became necessary was the likely presence of children, either physically in the same location or within the context of a defined relationship. For example, when the participant believed he or she would be in a place or situation where there were likely to be minors also present, even if those minors were accompanied by a parent or other adults, the participant might feel obligated to disclose their status as a registered sex offender. Bart,<sup>6</sup> a 32-year-old white, heterosexual, married man, explains the need to disclose his status to a fellow gamer:

I suppose I do remember now that I do role playing games with a group of friends, and one of them, I wasn't, I didn't really know them, and he has two kids, and he was hosting the games, so I had to talk to him let him know the situation, and he said that he knew a little bit about it, but he didn't know the whole thing.

Although it was unlikely that he would have come into contact with the children, and even less likely that he would have had any sort of unsupervised contact with any minors, Bart felt that had he not disclosed, he could have subjected himself to the scorn of the evening's host if the host found out, or that the host could have been confronted by others in the group.

Sometimes, the lack of children in a situation justifies non-disclosure. When asked if he'd ever considered disclosing his status to his employers, Jerrod, a 40-year-old white, heterosexual, married man, had this to say:

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<sup>6</sup> Pseudonyms have been used in place of actual names. See Table 4 at the end of the chapter for a summary of participants cited in this chapter.

I never considered doing that. Only because I just don't think it's relevant. I mean I'm not working with children and no kids come in there. It's so fast paced that they don't pay any attention to that. It's not on my mind. I don't know how else to explain it. And plus, you know, I like working there and if they did say that you have to go then it would be pretty defeating, you know, cause it's a good job but if you're let go because of something like that, it would be pretty ridiculous.

Jerrold's response also illustrates how fear trumped any reason for disclosing. He perceived that the consequences of disclosing were greater than the consequences of *not* disclosing, particularly because of the lack of children in his work environment. This over-arching fear that mitigates many of the strategies for disclosure is discussed later in this chapter.

For some, the presence of children becomes an even more critical factor. Christian, a 50-year-old, white, heterosexual man, married a woman who had children from a previous marriage. When his step-children interact with other children, he is often brought into the interaction.

Disclosure was necessary in order to pre-empt any misunderstandings:

I do feel that that's something that would need to be done. Because you're going to be in a social situation, a very informal situation, where there are going to be kids running around and I think it's the right thing to do. I think the leadership should be prepared for that moment when somebody comes up to them and says, "Do you know that's a sex offender in there and he's talking to two kids?" Because my little one is bringing, finds two little ones and they bring them over and say this is his dad, except they don't call me his dad. Stepdad.

Christian was also active in a music group and he felt it was necessary to be upfront with the group about his being on the registry. His decision to disclose to this group was based on two concerns: first, that it would be better to hear it from him than to hear it from someone else; and second, that he could be put in a potentially compromising position based on where the group was asked to perform:

The chorus for instance... I told the leadership of the chorus before I auditioned. Because, one, I didn't want someone to come to them and say, "Did you know you have a sex offender singing with you?" and them go, "No," because I didn't want them to appear uninformed to somebody else coming to them. And also so they would know that if they booked a gig at a park, I am not going to be there. If they booked a gig at a high school, I'm not going to be there.

It's not just children that create a sense of necessity. The fear that one could lose a job or a place to live because an employer or landlord discovered the participant on the registry was enough to prompt to disclose. Participants often expressed a belief that it would be better to not get the job, or not get the apartment, than to get it and lose it later. Ronald is a 33-year-old, white, heterosexual man who lives with his wife. He explains why he felt it was necessary to disclose in advance to a potential landlord or employer:

Like employment when they do a background check, you know, if it affects me here at home, then yes, I'll be honest about it. If it affects me getting a job or employment, to where, ok we're doing a background check for the rest of your life, is there anything coming up, well, I gotta mark yes. If they say, seven years, I can say no, but I'm sure it still will come up. Or if they say 10 years, I still mark no, but will discuss in interview just in case. Other than that, from the public, I don't say a word.

For Tony, a 45-year-old, gay, Hispanic man, disclosure at work was necessary because of the position it could put his supervisor in. While he was generally reticent to disclose his offense to others, he expressed concern that his supervisor might inadvertently put him into a risky situation. Tony worked at a chain store that sold donuts and breakfast sandwiches to the public. Though he was careful to avoid contact with minors, he worried that he might be asked to do something that would force him into direct interaction with children, and that this could end up reflecting badly on his supervisor. Thus, he told me:

'Cause I think it's her right to know. Not only that, I'd rather be proactive, because she's my employer. Because if she happens to go on there, and she's on there, and she's googling, oh, what's this all about? And she sees it, and then she says, 'hey, you know what, why didn't you tell me? I need to know these things. This is my store. Your personal life is up to you, but you need to tell me about this.' So I'd rather be proactive rather than reactive.

Not everyone acquiesced to the urge to disclose out of necessity. Some wrestled with whether or not it was truly necessary to disclose. For example, Robbie, a 48-year-old white, heterosexual, married man, put it like this:

Let me think. Yes, it was on, I think it was on the application, so the only one that knew it, the only one probably in that whole factory that knew it, was HR and maybe the manager. The manager and I never had a discussion about it. By that time, I mean, if I'm in a situation where I don't see any kids, where they're not hiring kids for summer programs or anything, I don't see any need to tell them. Because I don't see any liability issues for anybody.

Robbie went on to talk about the internal struggle he experienced while considering whether or not it was necessary for him to disclose:

Because, in fact the work relationships. There were people that didn't need to know. Didn't affect them, I wasn't around their kids. You know, I wasn't around, they didn't need to know that, but I felt like this obligation to full [laughs] disclosure all the time. It was just a poor boundary. I really don't know where I learned that. In all my self-examination, I don't know where I picked up on 'everybody needs to know everything about me all the time.' Because it's not true.

Finally, in an interesting twist of logic, Jeremy, a 24-year-old white, heterosexual, married man, believed it was necessary for him to disclose if it meant preventing someone else from making the same mistake he had made when he decided to have "consensual sex" with a girl who was three and a half years younger than himself (he was 19 at the time). When Jeremy sees a 17-year-old flirting with girls a little younger than that, he steps in:

Oh yeah, the girl was like 16, 15 or whatever and I'm going to go over there and I'm like, oh no. And I had a talk with them right then and there. You think it can't happen, seriously go check the registry. I'm fucking on it for exactly what you are thinking about doing right now. Don't do it. You know, so it just depends on the situation. If it needs to come up I bring it up.

Of course, exactly when it will be "necessary" is a matter of personal interpretation. But clearly, a major factor in the decision of when it is necessary to disclose is the perception that not disclosing would result in consequences more serious than the consequences resulting from disclosure. This form of proactive, or preventative, disclosure was fairly common among the participants in this study.



## ***Relationship Status***

Another subjective, yet often cited, reason for disclosing was the status of a relationship. This was often described in terms of when a relationship turned serious, or when it became more than casual. Relationship status was often mentioned when describing an intimate or romantic relationship but was also mentioned in discussions of other types of relationships. Though many of the reasons given for disclosing tend to overlap, there are subtle differences. Relationship status, then, is similar to necessity, but with a more specific focus on a perceived shift in the relationship between the participant and another individual.

Christian describes the almost-palpable moment when the relationship with the woman who would eventually become his wife changed from a status where disclosure was not required to one where it was:

We had started hanging out after chorus, for extended periods of time. Then, to me it was just friendship, I thought. I think we were both just fooling ourselves. So one night we were there until, I think four in the morning, and we were just talking and talking. I realized that at some point during this evening we were going to kiss, and just before it happened I stopped her. I said, you know what, we need to talk about something before we do this. And I told her.

It may have been the eminent physical contact that caused this relationship to shift from *friendship* to *more than friendship*, thus triggering an internal decision to disclose. However, Christian goes on to illustrate the complexity of gauging a relationship status as it relates to disclosing:

I think it depends on the relationship and the situation. There are people that I work with today that I have worked with for eight years, that still don't know. There was a woman that I worked with at the grocery store that I told the third day that I worked with her. Because she asked me to do something I couldn't do. I was like, 'Okay, we need to have a talk.'

Here he conflates *relationship status* with *necessity*, suggesting a complicated internal monologue that stigmatized individuals must engage in constantly as they interact with people

who may or may not know about their stigmatized status. Darren, a 53-year-old, heterosexual, married, white man, articulates this monologue aloud:

Interviewer: But you didn't, even after you made friends with them, you didn't tell them?

Darren: No. No. Because, I mean it wasn't like we were going to be BEST friends, we were just, you know, friends at work or whatever, just casual acquaintances.

Interviewer: So what is the line, do you think, at which you feel it's necessary to tell somebody?

Darren: I think if they're going to be involved in my life in some capacity.

The subjective concept of *necessity* is replaced here with the subjective concept of *involved*, illustrating the complexity of the question of whether or not to disclose.

The decision to disclose is often agonized over, especially when it comes to nascent intimate relationships. It was clear through my interviews that participants struggled between upfront honesty, such as telling potential partners prior to the initial date, and waiting to see where the relationship went before disclosing. The expressed fear was that telling someone prior to the first date would taint the relationship from the start. This illustrates the concept of *master status*, the status ascribed to a person that tends to overshadow any other status (Falk, 2001; Goffman, 1986[1963]; Harding, 2003). Participants worried that pre-emptive disclosure would lead to an ascribed status that would prevent others from seeing any other aspect of the participant's life and personality.

For some, the need to be honest and upfront won out over the fear of being labeled with a master status. Ronald, who was married at the time, made it clear that when he had been dating, full disclosure was required at all times:

I've always told them prior to dating, yeah. 'Cause I don't want there to be no secrets or skeletons-in-the-closets type of myth.

His is more than just a pre-emptive strategy since he does not worry about “secrets or skeletons” with everyone he meets. This is made clear in another part of the interview:

Interviewer: So how do you go about deciding who you’re going to tell and who you’re not going to tell?

Ronald: I try not to tell anybody unless I have to. That’s how I go about it.

The juxtaposition of “always told them” and “try not to tell anybody” illustrates the change in thinking that happens when a relationship moves from casual to intimate. Most of the individuals in this study expressed a feeling that disclosure was required when a relationship turned intimate, though there was ambiguity as to what constitutes an intimate relationship.

Bart, who is also married, talked about the need to disclose before the relationship became too serious. Again, this was not his strategy with everyone, but just with potentially intimate relationships:

Yeah, um, it was someone I’m interested in, I didn’t want to try to hide anything, and if it was a deal breaker, it would have been sad, but best to get it out in the open early, instead of six months down the road.

For Nick, a single, 36-year-old, heterosexual, white man, there is a point, albeit subjective, where a relationship turns intimate, and it is at that point that he decides to disclose:

Interviewer: Um, since becoming on the registry have you had any intimate relationships, have you dated?

Nick: Yeah, I let them all know beforehand.

Interviewer: Before you started dating?

Nick: Well, before we get intimate.

Interviewer: Before you get intimate.

Nick: Right.

Interviewer: But not necessarily before you start dating.

Nick: Right.

Exactly when a relationship gets to the point where disclosure is warranted is not so clear-cut, as explained by Phil, a single, 32-year-old white man. He puts it like this:

I don't think there is an exact set point that I have for myself. I think if it's in a relationship, it depends how serious it would be. And exactly what type of seriousness that is, I really couldn't define or put in black and white. I think there is a time. I think there should be. But let's say, in terms of friendships or whatever, I don't feel obligated.

Phil suggests a difference between an intimate relationship and a friendship, arguing that a friendship does not trigger a need to disclose. For some, however, the relationship status is expanded to include non-intimate relationships as well. Still, the implication is that a person passes a point in the relationship where it is no longer casual, but is something more, triggering an internal need to disclose.

Malory, a 32-year-old, divorced, heterosexual, white woman, and the only woman interviewed in this study, notes that the need to disclose extends to anyone in her life, but in the same sentence, suggests that only people who reach a certain relationship status in her life need to know:

Basically if you are in my life, you know. You know, especially if we have a close relationship. I mean, the majority of my entire church knows, you know, my situation. Some of the elders may not know. They may have heard but I haven't told them.

Darren applies a similar logic to the pastor of his church. He did not disclose his status prior to attending church, but did so after deciding that his relationship with the pastor had gone beyond a formal pastor/parishioner one to a level of friendship. This is how he describes that subjective line:

I felt like because he was not just a pastor but a friend, you know? He had been here a couple of times and taken us out to eat, and he was becoming basically a part of our lives. And he is a wonderful man. But you know, he was becoming close enough, and like I said, a part of our lives that I felt like I owed it to him to tell him.

Rodney, a 31-year-old, single, heterosexual, white man, talks about the mental toll it takes on him to not disclose, while at the same time indicating that he only discloses once a relationship passes an undefined point:

I'd probably hide it, hide it. It's suffocating, eventually, until it blows up and I have to tell her. See I have to follow my own feelings, can't live a lie 100%. But everywhere I go I live a lie. If I don't stop every person on the street and tell them, I feel like I'm living a lie. If I get to know them, invite them to my house and they find out and get all spooked, you know? Depends on the person, though.

The struggle about when to tell a potential intimate partner about being listed on the sex offender registry was something that affected nearly every participant I interviewed. Some, as I have shown, perceived a subjective line that, once crossed, triggered the need to disclose. Others offered little more than a shrug or a blank stare when I asked them when they would tell a potential girlfriend or boyfriend about their status. With the rare exception of those who insisted on disclosing prior to the first date, no other participant could define the tipping point in anything but vague generalities. One thing that they all agreed on, however, was that at some point disclosure was inevitable.

### ***Know Me First***

A common theme throughout my interviews was the disconnect between the way participants saw themselves, and the way they perceived they were seen by others. This was often described in terms of the “real self” or the “real me.” When it came to disclosure, participants often told me that if people could get to know them first, get to know who they are without the master status of “sex offender,” then they believed that disclosure would be mitigated by this knowledge. Thus, the decision to disclose often hinged on a subjective belief that the person to whom they would disclose had gotten to know them sufficiently well that the

revelation that the participant was on the sex offender registry would not irreparably damage the relationship.

Jesse is a 25-year-old, single, heterosexual, white man who is attending community college. He is also employed by the college. He firmly believes that once people get to know him without knowing about his being on the registry, that they will accept him and not judge him as a bad person. He puts it quite succinctly, saying:

As far as dealing with anything, I mean I don't just freely go around telling anybody anything, you know? I mean, to me it's not that I want to hide it from people. It's just I let people get to know me for me. Because I feel like if you get to know me for me and you understand that I'm a good person, then anything I tell you about my past you should at least, I would think, you would at least be a little compassionate about it. You know, those I get a chance to explain what happened, I don't just come out and say, "I'm a registered sex offender." You know because you say that, the first thing that pops in their head is the media, cops and everybody wants everybody to believe that sex offenders are child molesters when in fact they are not. Not all sex offenders are child molesters. I explain to them I was 20 and she was 16, we had sex, point blank.

Jesse claims that because he does not "look like a sex offender," people are able to get to know him for his other characteristics, and thus he waits until after he gets to know people before making the decision to disclose his status. The point at which people know him sufficiently remains a subjective call.

Similarly, Reed, a 24-year-old, single, heterosexual, white man, is quite confident in his ability to positively influence people's opinion of him, provided that they get to know him prior to finding out he is on the registry. Like Jesse, Reed waits until he believes people know him without the "sex offender" label before disclosing:

I make sure that they, there's no time frame, really. I just go with how much they know of my character before I get into that kind of a conversation. It usually doesn't take too long. You know, people who connect, bond pretty quickly, and you feel pretty comfortable in explaining the situation.

For Reed, disclosure is also mitigated by a sense that his offense was not an egregious one, since it involved himself as a teenager with a teenaged girl he had been dating. He told me several times that once people hear his story—which he tells them after they’ve gotten to know him—most are quick to dismiss his situation as unfortunate and unfair.

Rodney, who spent a considerable amount of time during our interview talking about how successful he was in his jobs prior to his offense, applied the idea of “people getting to know him” to his employment. He believed that if people could see what he can do as an employee before they learn about his status as a registered sex offender, his stigmatized status would be overshadowed by his status as a good worker. He explains it like this:

I would minimize it the best I possibly could. And, you know, by that time, that’s my whole goal, why I don’t tell my jobs. You know, let them find out, let them know me first, let them see me as the person who I am. Not just Rodney—sex offender, but Rodney—top salesman, Rodney—making 20 grand a month.

He was quite confident that once people got to know him, that his status would not be an issue.

He applied this outside of work as well, saying:

I know everybody in this building and I know everybody in this whole neighborhood and they accept me and love me for who I am, they all know that I’m on the list.

The flip side of this philosophy, however, was his belief that if people didn’t get to know him first, and then found about his status, he would not be accepted. He had the following to say about a job he held where customers came in on a regular basis. It was clear he did not want people finding out about his status if they hadn’t gotten to know him first:

I was working alone. Well, the 1300 people who came inside there every two months. I don’t know who knew and who doesn’t know. You know to keep your mouth shut and pretend to smile, you know what I mean? I just don’t know.

Mark, a 29-year-old, heterosexual, white man who is engaged to be married to a woman with children, struggles to know when a person knows him well enough for him to disclose. He

recognizes that allowing people time to get to know him would likely mitigate their reaction to his disclosure, but also expresses concerns that telling people that he is on the registry may still cause him to lose relationships. In this rather lengthy excerpt, he expresses the internal monologue he experiences in trying to decide whether or not to disclose:

I just basically, I mean, I sit there and think about it, and the first thought that comes to mind is the fact that they don't know me, they don't know who I am, the type of person I am. And my friends and family, those that care about me, do. And that matters to me. If I didn't have the friends and family that I do, it would be a lot more difficult, but I at least have people in my life that care for me and love me and understand the situation, and know who I am and not just what my charge says I am. If I didn't have that, it'd be a lot more difficult. Those that want to judge me, just based on what they read online, well, I just hope that they never have to go through a situation where they're judged unfairly. It gets difficult because you get people that you do have good interactions with, you can potentially be friends or hang out with, but then it's always in the back of your head, what's going to happen when they find out about my case? It's not going to stay hidden forever, it always comes out. What's going to happen then? You know, do I even want to risk making a potential friendship with them just to have it fail in the end? Do I tell them upfront, and make it so that there's never even a chance for it to start? Or do I wait a little bit? You get all those thoughts running in your head about what you should do. And the majority of time, you know, if I see a good potential friendship, I find really good interactions with somebody, you know, I'll wait and see how they react, and you know, let them get to know me a little bit before I tell them. And just go from there with it.

The desire for people to see what participants often described as the “real me” was a prevalent theme throughout the interviews. The goal was clearly to establish an alternate master status in hopes of preventing the status of being on the registry from becoming the master status. The strategy, then, became one of delayed disclosure rather than non-disclosure.

### ***Preemptive Disclosure***

Closely related was the idea that participants believed it would be better if others heard the information directly from them as opposed to hearing it from someone or somewhere else. This is a technique used by many people with a discreditable stigma. Goffman (1963) refers to this as transforming a *discreditable* stigma into a *discredited* stigma. This technique is perhaps



more often used by those on the registry than by others with a discreditable stigma precisely because of the public nature of the registry. Many discreditable stigmas are difficult to discover, while anyone with internet access can find out if a person is on the sex offender registry. Because of this, participants in this study often talked about pre-emptive disclosure, or telling a person before they find it out on the internet or from someone else.

Mack, a 29-year-old, heterosexual, white man and single father, believes that if people hear about his offense, they will be sympathetic. In fact, he believes that just having legal custody of his children will assuage people's fears, even after he discloses that he is on the registry. Because of this, he prefers to tell people upfront, before they learn about it on their own, so that he can provide the background information he believes is necessary in order to mitigate his disclosure:

Everyone knows. I mean, I'm usually up front right away because I think it would be more damaging if all of a sudden, it's like, hey, guess what? We found out you're on this list, what's up with this? And even though I tell them my story, if they didn't hear it from me first, they're like, well stay the hell away from us. So, I'm usually really, not when I *first* meet them, it's like when we're getting to talking, and then it's like, well, there is one thing you have to know. I tell them the whole story, and like I said, about 90% of the time, it's like, "So?"

Mack goes on to distinguish between disclosing to people with whom he forms a friendly relationship and people he simply encounters in a business setting:

But it's like, I'm just there to do a job, as of right now, I'm not required by law to say anything, so I usually keep it hush hush. I mean, but if, like, something were ever to strike up, an actual conversation, and it'd be more than just a client privilege, then yeah, I *would* tell them.

Reed prefers to tell people upfront because he also believes that he has a sympathetic story and that it would be better for people to hear it from him than for them to learn from somewhere else. Part of disclosing for him is having the time to adequately explain his situation:

Yeah, I try to make sure the situation will allow time for me to speak. Like, if I've only got a minute to talk to someone, I try to find another time where if I get like

10 minutes to explain, and then get their input, and then most of the time they're like, "Oh, ok. I understand."

For Reed, it's not just a matter of whether or not to disclose, but also how and when. He expresses a need to control both the content and the timing of the information he reveals.

Sometimes, multiple reasons for disclosing converge. For example, Jesse talks about his policy of preemptive disclosure but couches it in his desire to be seen as an honest person:

No, I tell everybody. You get to the point where you're close to me, I make sure you know. I don't want anybody hearing it second hand. Because my mom raised me that honesty is the best policy. Okay, and I feel like people respect you more regardless of what it is if you're honest and upfront about it.

Finally, Malory talks about a shift in her thinking. Initially, she believed that complete non-disclosure was the only way that she could be safe in a society where being on the registry is so highly stigmatized. However, she describes how she came to believe that preemptive disclosure would actually work better:

When I first was released from prison, I was just... you hear on the news how they talk about it. You know when I first heard about it, [people] were like, they put red Xs or black Xs on their doors around Halloween time. You know, the police are going to mess with you every day and you know, you'll never be able to see your kids, you won't have a family, you won't have a life. I thought I could maybe avoid that if I didn't tell anybody, but I guess I just had to kind of understand, you know open the situation, open my mind, open my heart to what somebody is willing to do for me. You know, I don't want anybody to be judgmental towards me and I'm not going to be judgmental towards you. So the more you know the better. You know, some people say the less you know the better but in a situation like that, you don't want to leave any room for any, you know, you're imagination. You don't need imagination. If somebody's a sex offender, the first thing that comes to mind is a child and probably a man.

The decision to preemptively disclose one's status as being on a public registry is an important aspect of information management. Changing a stigma from discreditable to discredited allows the stigmatized individual to then focus on how others will perceive the stigma, rather than whether or not others know about the stigma.

## ***Gauging Reaction***

Another often cited technique for determining the point at which disclosure should occur is by gauging the reactions of others. This technique generally involves a subjective analysis of implicit cues in the words and actions of others to determine if the stigmatized individual believes a person would be more understanding, or perhaps even sympathetic, to his or her story. This strategy is similar to Ragin's (2008) supportive environment antecedent. For example, hearing a person say something negative about sex offenders was enough to convince Ronald that he should not disclose:

Ronald: One friend of ours mentioned about how all sex offenders need to be locked in prisons for the rest of their lives. I'm like wait a minute. I'm friends with this woman, you know [laughs]. If she finds out I am, it might change her viewpoint of it.

Interviewer: So how do you react?

Ronald: I don't say anything. I basically keep to myself and don't respond to it. I'm basically ashamed to put it out there like that, you know? I've known her for a few years, never had any issues, but I don't want that to be a wedge.

Tony, who is attending college in hopes of becoming a paralegal, gauged the general demeanor of one of his professors, and decided to risk disclosing. He said his professor was:

...very opened minded, very receptive, that's kind of how I gauge people as to whether or not I think they're going to be opened or closed, and generally humanities professors, generally pretty liberal and open minded. Generally. Very stereotypical. I said, "Prof. V," this was five weeks in, we only had 3 weeks left. I said, "I know your office hours are after class, but there's something I'd like to talk about. I know that you're an attorney, this is important to me, is it ok?" He said, "Yeah, it's no problem. Where do you want to talk at?" I said, "Well it's really personal, can we not, can we go off campus?" So, I told him the entire story.

In this case, it worked out well for him, as the professor responded quite positively, encouraging him to continue his pursuit while at the same time warning him that finding a paralegal position, while not impossible, would be difficult.

Sometimes, disclosure based on an intuitive belief that someone will be understanding does not work out as well as it did for Tony. Aaron, a 28-year-old, single, gay, Hispanic man, joined a support group for gays and lesbians, believing they would be more understanding. It did not work out as he expected it would:

I joined a couple of support groups. The first one that I joined was actually because of my parole officer, my first parole officer. She wanted me to have a gay support group where she thought that I would grow as a gay person, because I have never really known anybody to be gay. So I just basically said I was gay and I didn't know anything about the gay lifestyle except what I had researched online which [chuckle] is very different from living. ...So when I joined this group, I really thought that I could you know, be myself and say things about me and I privately approached one of the ladies that ran the group and I said, well you know I want to kind of talk to you about this because I need somebody to talk to and I felt like it was the right type of setting. So when I told her about my conviction I got kicked out of the group.

Aaron told me that he later had an opportunity to confront the person responsible for his being kicked out. He met up with her as she was battling cancer. This had taken a physical toll on her, but he decided to express himself to her about the way she had treated him:

Many years later I did confront her as I had enrolled in another group and she was actually the director of the organization at the time, ... at the end I felt really compelled to bring up how she made me feel when I was excluded from the group. She passed away like two weeks after that and so to me, it was just, you know, kind of ironic that I saw this lady that was so vicious to me and as she sat in front of me. She had cancer, so she lost a lot of weight and she was very weak and, not that I want to be a bully, but I really, really felt like when I needed somebody, and nobody was there, you know? I felt weak and I felt small and so I wanted her to know how I felt. So I don't think I minimized anything because of her situation or her appearance. She apologized, and she actually recognized that she made a mistake. But that mistake only caused me, you know, to not trust.

Though he did not say it explicitly, it is possible that her physical demeanor persuaded him that she may now be more sympathetic to his plight, and thus he further disclosed his feeling to her, and this time it seemed to work out better.

Henry, a 32-year-old, heterosexual, married, white man, illustrates the iterative process in describing how he became comfortable enough with his neighbor to tell him. It was only after

several interactions that he came to believe his neighbor would react without animosity to his disclosure of being on the registry:

Some people, I don't feel as comfortable around. It depends on how comfortable I feel around them. I talk to my neighbors when I was at home almost on a daily basis. They had a pool out back, and they would go out there, and when they started openly coming to talk to me, that's when I started to tell them. When they would see me outside and be like, "Hey, how you doing?" and they'd start talking to me first, then I felt more comfortable knowing that they were comfortable enough talking to me, and then I would say, "Here, you know, before you find anything else, I'm just going to tell you, this is what the deal is, this is what happened." You know, I'm not dangerous, I'm not, you know, I'm not going to be hunting down" ... You know, but they didn't have kids either, that were little, you know. It would be different if my neighbors had little children, it would be harder for me to tell them, I think, the younger the child, and naturally, the more protective a parent is. So, I would understand it, it would probably take longer for me to build a relationship with someone with a younger child as to someone who didn't have any, or who didn't have any that lived at home.

Henry went on to tell me that after his disclosures, he gets generally positive responses.

Sometimes, though, even with a positive response, he is not sure how to respond:

I've had reactions on almost every end of the spectrum. I've had people who say it's no big deal. Surprisingly, I've had people who say, "Me, too." [laughs] I didn't know, he didn't know, we didn't know about each other and it just naturally happens that way. But I get a lot of people, after they know who I am, that are surprised. But, but it doesn't upset them that it's me. And it's hard for me to deal with sometimes because naturally, I get the reaction of, "Well, you would never know" and "You don't seem like that kind of person." It's like, what kind of person are you referring to? Because I know people, I went to group therapy with people who were as normal as everyday life. I also went to group therapy with people who I wouldn't trust with anyone ever. So, there's a big open spectrum, and it's hard for me, when people say stuff like that, you know, naturally I'm not going to say anything back to them, but, "you people" or "those people" is a pretty generalized statement.

Barry, a 38-year-old, heterosexual, married, white man, sums up the need to gauge people's potential reactions, saying:

I don't know if there is a set criterion. I feel like if someone's being honest and sharing a lot, and prove themselves, they can be trusted, that you can just see the timing's right.

Gauging people's reaction is quite consistent with the concept of reflected appraisals, or the looking-glass self (Cooley, 1983[1902]; Shrauger & Schoeneman, 1979), in that individuals will consider the reflected responses from others in order to determine the level to which they will disclose hidden parts of themselves. While this back and forth process is part of everyone's daily existence, it takes on special importance to those with a concealable stigma, as it plays a crucial role in determining how much of themselves they are willing to share with others.

### ***Honesty is the Best Policy***

Several participants expressed the desire to be open and honest as a matter of integrity. We see this same strategy described as *self-verification* by Ragin (2008) and *self-esteem enhancement* by Corrigan & Matthews (2003). Although this desire often overlapped with other reasons for disclosure, some participants indicated that honesty for honesty's sake was a primary factor in their decision to disclose. Aaron expressed such a desire, despite the fact that his disclosure did sometimes result in negative consequences:

One thing I learned early on through the conviction was that I didn't want to lie to anybody about any aspect of my life, when I saw how much it hurt people. I saw a lot of people just turn away from me because they felt deceived because I wouldn't disclose. Or because, I wouldn't lie like blatantly, but I would avoid questions and to people that's lying, so they felt like I was deceiving them. So part of me feels bad that I can't be completely honest and then the other part feels like I need to protect my life. I had a friend who went to a job and she got me fired because she said she wouldn't shop there anymore at the store that I was working at because they had a sex offender working there and caused me being terminated from the employment.

Sometimes, honesty is conflated with preemptive disclosure. Bart expressed his desire to be "open and honest" with his landlord, but in the same sentence admitted the reason he disclosed was that he believed it worked out better for him if the landlord heard it from him first. The suggestion was that it was better to be turned down for a place than to be accepted and then evicted later when the landlord found out:

When I was looking for a place before, that was kind of a sticking point, because I wanted to be open with the landlords instead of moving in and settling down and then them finding out, because I hate looking for places to live. And so I just want to be open and honest. There were a few people that said we'd have to pass because of it.

Honesty can also be used to ward off potential negative consequences. As Henry puts it, if you tell people up front, then you don't have to live with the fear that they will find out. His strategy is to be completely transparent, though it is not something he is completely comfortable with:

Transparency is what I consider something that works to my favor. If you can see through everything I do, then you can't question anything I do. And I try. I didn't used to be that way. In fact, I don't like being that way. I don't like having to expose every aspect of my life to people who have no *real* interest in needing to know that much information. But you do it just because that way you can put your hands up and say, "I'm not hiding anything. There it is." You can try to use it against me, but there's no way you can use it against me, because I've become transparent.

Clearly, the desire to be totally honest is often accompanied by other reasons to disclose and can also be mitigated by compelling reasons not to disclose. It was clear, nonetheless, that many participants felt the uncomfortable pang of dishonesty when they chose not to disclose. Being perceived as being dishonest, on top of the negative stigma of being on the sex offender registry, is consistent with what Letkemann (2002) termed a *derivative stigma*.

### ***Fear of Consequences***

Overarching all the reasons why a person opts to disclose is a compelling reason to avoid disclosure: fear—specifically, fear of what might happen if they *do* decide to disclose. Each of the reasons to disclose must be compelling enough to overcome their fear, which generally means that the consequences of not disclosing outweigh the consequences of disclosing. One obvious consequence, expressed here by Ronald, is just the threat of confrontation:

I think more or less that they already know, it's just like a scary thought with it, you know, what if they do know, what if, you know, I'm going to have confrontation over it... I just try to keep to myself.

A more generalized fear that many participants expressed was the fear that disclosing would somehow negatively alter the relationship. Bart talks about this concern when I asked him if he was concerned that his co-workers would find out:

Yeah, I had a pretty good rapport with most of the people I worked with there. I didn't want things to get awkward, I didn't want things to change, I didn't want people to have the wrong idea. So, things I want to avoid, I don't want to answer questions, I don't want to talk about it.

Interestingly, though, he also told me that he does not worry too much about friends finding out, believing that the relationship he has established with them was strong enough to mitigate the negative consequences of disclosure:

I think that they, that I have enough rapport with them that, it might surprise them, might bring a couple of uncomfortable questions, but I don't think it would, they would end a friendship or anything like that.

Here he clearly believes that he has established a formidable master status among his friends that would not be replaced by the new and negative status of being on the registry.

Tony expressed fear of losing his apartment more so than losing his job, despite the fact the he told me over and over during our interview that he was not happy with his current job, which involved working in a fast-food establishment, and that he could not seem to find another job. Nonetheless, he opted to disclose to his employer, but not to his landlord. He explains:

I opted not to be proactive, because that's where I live. I can always find, well, I shouldn't say always, but the likelihood of my finding another job is probably easier than the likelihood of my finding another place to live. So, I value, if this was Maslow's hierarchy of needs, I value my shelter more than my place of employment. So to me, that's more important, so, I've no desire, I will not be telling my landlord, unless I'm approached.



His response illustrates the inner turmoil those with a concealable stigma struggle with in making disclosure decisions. The articulated explanation he provides is likely the end result of a long and arduous inner dialogue reflective of what many participants described during our interviews.

Jeremy, who told me that he discloses to almost everyone, was very protective of his employment and his status as a student. He believed that people would be sympathetic to his situation—in fact, he was quite adamant that he didn't do anything wrong—but did not extend that faith to institutions, where decisions are made out of policy rather than empathy:

Like it's something you don't want someone like that to know. Just because they could change their policies or something like that, I mean, there's only two people that I generally don't tell. And that's like school, people related to my school and people related to my work. Because that's where my income comes from. It's comes from extra money from student loans and stuff. It helps to pay for my costs, and my employment obviously is how I pay my bills. That's the only time that I ever hesitate with that information just because obviously it's a negative stigma. I mean it's come out where I had a job before where I was there six months and the district manager found out about it and thought I was wrongfully arrested. They came to this house, said that I was not living at the address I said I was, even though they picked me up at the address that I had listed. I got arrested, I spent three days in jail, a completely innocent person. And when I was in jail obviously my boss had to tell the district manager, the district manager found out about it and fired me on the spot. So that's when I was wondering, 'alright well, should I tell people this? Because will I get fired?'

Jeremy's need to protect his job is not surprising. Nearly everyone I interviewed expressed concern over either getting a job or keeping their job. In fact, difficulty finding employment is one of the most common collateral consequences described in the literature (i.e., J. S. Levenson, 2008; Mingus & Burchfield, 2012; Tewksbury, 2005, 2007). For Jeremy, school serves as somewhat of a proxy for employment, since he uses student loan money to help meet his financial obligations.

Many stigmatized individuals worry about how people will react and worry that disclosure will mean the end of a relationship, or at least a negative change in the relationship.

Often, this fear stems from the perception that people tend to stereotype “sex offenders.” Jerrod expresses his concern like this:

I mean, if it wasn't painted with such a broad brush, I guess I would be more apt to tell more people about it. But I mean you tell people that, and you know I'd rather tell them I was a murderer than tell them I was a sex offender. It's not because of my shame. I'm not ashamed or anything like that. But, you know, the way they're going to react. How they're going to handle it. They just don't know. They don't know the facts, they don't know case by case. And then [the state police] put you on [the registry] as a sexual predator, well [people] think you're out preying on kids and stuff and that's very misleading.

Similarly, Phil imagined the worst when considering the possible consequences for disclosing. He expressed a variety of concerns throughout the interview, some bordering on paranoia, about telling people that he was on the registry. So concerned was he about people discovering his secret that he used a fake name when he contacted me for an interview, and he includes a disclaimer on the signature line of anything he writes, including emails. His fear is clear as he states:

I told them, and then some of them, the new people I met, I stopped telling because the more people I told, I noticed [them] backing away from talking to me slowly and slowly, whether it was conscious or unconscious. So that was pretty much my basis of whether I tell friends or not. And, you know, I can sort of learn from my mistakes. It's not worth it to, you know-- people always have the upper hand if they want to be vengeful for this because making this more public is, you know, the ultimate revenge.

Despite his fear, Phil was quite active in politics, even acting as a delegate during a presidential primary. I asked him about this disconnect between his deep-seated fears and his putting himself out there as a delegate. His response illustrates how even paranoid fears can be overcome when the positive consequences of participating outweigh the potentially negative consequences of being found out. When asked if agreeing to be a delegate was a risk for him, he said:

Oh, yeah. Oh, very much so. It was a very hard thing to come to terms with. “Do I really want to do this?” I decided, despite my instincts, that yeah, I do. I mean, there's a purpose for it. I mean, I met a lot of people. I experienced something. I felt like I contributed.

Things did work out for Phil in this case. He made some connections, and even met a girl that he dated for a while. He recognized, however, that things could have just as easily turned out another way:

I'm glad I did, but, you know, yeah. If, if that situation happened again, I'd still have the same feelings that, you know, it could possibly turn out in that worst-case scenario.

### **Discussion and Summary**

For those with a visible stigma—what Goffman (1986[1963]) called a “discredited” stigma—the most important task in life is how to manage the stigma and the reaction of others to that stigma. But for those with an invisible or concealable stigma—Goffman’s “discreditable stigma”—the most important task is information management, the attempt to control who knows about the stigma, and to what degree they know. A huge part of that information management involves decisions surrounding disclosure.

This chapter looked at how several stigmatized groups, including those with chronic illnesses (Charmaz, 1991; Joachim & Acorn, 2000), unemployed professionals (Letkemann, 2002), and gay men (P. Corrigan & Matthews, 2003), decide whether or not to self-disclose their stigma. Though the actual terms they use differ somewhat, there are some general concepts that remain constant across these various studies. In the end, the decision to self-disclose is made when the consequences of not disclosing are perceived to be greater, or worse, than the consequences of disclosing. In this chapter, I considered the disclosure logic of those who are listed on the sex offender registry in Illinois. I identified six themes related to why they would choose to disclose, and one over-arching theme as to why they would not. Each of these relates directly to the evaluation of whether the consequences of not-disclosing are greater, or worse, than the consequences of disclosing.

The first strategy I discussed was necessity. This occurred when the stigmatized individual perceived that it was important that others know that he or she was listed on the registry. Often, this involved the potential for some sort of social interaction where children would be involved or at least present. Participants might also have believed disclosure became necessary in order to protect another individual from the scorn they might encounter should others find out. For example, in order to protect a boss from the negative reactions of other co-workers, a person on the registry may opt to self-disclose to the boss.

Another strategy often described by participants was a subjective point at which a relationship shifted from casual to something more than casual. This often meant that the relationship advanced to a level of intimacy, generally in the context of dating. Though no one could define the exact point at which a relationship advanced beyond casual, many of the participants indicated that once they perceived the relationship had progressed to a more intimate one, self-disclosure was important. In addition to a dating relationship becoming intimate, this rationale was also used when a casual acquaintance became a close friend, when a business association became a friendship, or when a formal relationship (such as with a minister) drifted toward a more casual or close friendship.

Participants often indicated a desire for others to “get to know them first” before they decided to disclose. They felt if others would get to know them first, without knowledge of their stigma, a more positive master status would be established such that once they did disclose, the positive master status would mitigate the impact of disclosing their stigma. Participants often referred to their “real self,” a self not tainted by the negatives image of being on the registry. In other words, they wanted people to see that they were not just a “registered sex offender,” but

that they were also a father, husband, sister, mother, friend, neighbor, and many other things before they were a sex offender.

Often, the decision to self-disclose was a preemptive one, where participants believed it would be better to tell others themselves rather than have others find out some other way. By self-disclosing, participants indicated they would be able to mitigate the negative information by filling in the back story, explaining what happened and why, and highlighting the positive aspect of themselves. In addition, self-disclosing could avoid what Letkemann (2002) calls a derivative stigmata, or an additional negative stigma that is assigned based on belief that a person is dishonest or secretive for not having disclosed their stigma.

For many participants, the decision to disclose comes after a strategic game of gauging reactions. Similar to the popular children's game of Marco Polo (where one child yells "Marco" and others respond with "Polo" in order to provide clues as to where they are hiding), those on the registry will often gauge how others react to small bits of information, either provided by the stigmatized individual him/herself or by others, to decide how that individual would react to the disclosure. If participants felt that someone would react negatively, not only would they opt to *avoid* self-disclosure, they would often opt to distance themselves from that relationship altogether.

Finally, some participants suggested they would self-disclose simply because they felt honesty was the best policy. It was clear, however, that underlying the desire to be honest were often other strategic considerations, such as the potential of derivative stigmata (Letkemann, 2002), or fear of more negative consequences if they did not disclose.

Overarching all the reasons one might choose to self-disclose was the fear of negative consequences that would come from disclosing. In every scenario, participants had to weigh the

consequences of keeping their status a secret against the consequences of telling others. The potential consequences of revealing one's status as a registered "sex offender" are quite serious and can include loss of employment, loss of housing, excommunication from important relationships, and exclusion from social activities.

The decision whether or not to tell others about being on the registry is a complicated one, riddled with doubt and confusion. In the end, I found no single answer, or even single theme, during my interviews.

### **Why It's Important**

There are many reasons why a person with a discreditable stigma may choose to keep that stigma hidden or concealed. It is important to understand why a person chooses to disclose, or not to disclose, for several reasons. The first is that it is in the best interest of society that those who have been convicted of a sex offense become healthy, productive members of society, and research is quite clear that concealing a stigma is extraordinarily taxing on one's mental well-being (Herek, 1996; Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000). Another reason it is important to understand why those on the registry choose to disclose (or not disclose) is to counter the idea that they refuse to disclose because they are inherently (by virtue of being a "sex offender") dishonest and deceitful. Finally, understanding the strategies of disclosure can help those who provide treatment to individuals convicted of sex offenses develop more effective treatment plans.

**Table 3: Summary of participants cited in Chapter 5**

<b>Pseudonym</b>	<b>Age</b>	<b>Sex</b>	<b>RaceEthno</b>	<b>Orientation</b>	<b>Marital Status</b>
Aaron	28	Male	Hispanic	Homosexual	Never married
Barry	38	Male	White	Heterosexual	Married
Bart	32	Male	White	Heterosexual	Married
Christian	50	Male	White	Heterosexual	Married
Darren	53	Male	White	Heterosexual	Married
Henry	32	Male	White	Heterosexual	Married
Jeremy	24	Male	White	Heterosexual	Married
Jerrod	40	Male	White	Heterosexual	Married
Jesse	35	Male	Other	Heterosexual	Unknown
Mack	29	Male	White	Heterosexual	Divorced
Malory	32	Female	White	Heterosexual	Divorced
Mark	29	Male	White	Heterosexual	Never married
Nick	59	Male	White	Heterosexual	Never married
Phil	32	Male	White	Heterosexual	Never married
Reed	24	Male	White	Heterosexual	Never married
Robbie	49	Male	White	Heterosexual	Married
Rodney	32	Male	White	Heterosexual	Never married
Ronald	33	Male	White	Heterosexual	Married
Tony	45	Male	Hispanic	Homosexual	Never married

## CHAPTER 6: THE NEVER ENDING STIGMA

### **The Stigma Hierarchy**

Perhaps everyone has some sort of hidden stigma in their life, that nagging little secret in their life they hope and pray no one ever finds out about. The woman who had an abortion years ago. The man who had an affair with another man while he was married to a woman. The girl who has webbed feet. The mom who has a son or daughter in prison. The alcoholic. The person with a colostomy bag. The individual born with both male and female genitalia. The orphan who grew up never knowing his parents. The list goes on and on.

One could certainly argue that not all stigmas are created equally. But it is certain that all stigmas are created. There is no *a priori* stigma, for stigmas only exist in relation to the equally socially constructed concept of normal (Crocker & Major, 1989; Goffman, 1986[1963]; Link & Phelan, 2001). Thus, stigma is transient, temporal, and subjective. It is not an innate characteristic, but instead a relationship between those labeled as deviant and those who do the labeling (Becker, 1963; Goffman, 1986[1963]).

While people may be stigmatized for many reasons, for some the tangible effects of that stigma tend toward the non-existent. The woman who had an abortion years before may blanch during a pro-choice versus pro-life conversation, but currently in the United States it is unlikely that she will be banished, excommunicated, or ostracized on any large scale because of this decision (Kumar, Hessini, & Mitchell, 2009).

Other stigmas, however, are more pervasive, permeating many, if not most, aspects of an individual's day-to-day life. Stigmas can be framed as impacting along three dimensions: internal, social, and legal (P. W. Corrigan & Watson, 2002; Tewksbury, 2005). The internal impact of being stigmatized is well documented in the literature and can include emotional



turmoil, self-esteem issues, depression, withdrawal, and avoidance of healthy social activities (Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000). The social impact runs a wide spectrum from mere disapproval to social sanctions such as being refused employment or housing (i.e., Burchfield & Mingus, 2008; Farkas & Stichman, 2002; J. S. Levenson, 2008; J. S. Levenson et al., 2007; Tewksbury, 2005). When stigmas become legislatively codified, however, we begin to see the wide-spread impact of stigmas. That is, though the stigma itself rarely becomes illegal, it becomes illegal to do certain things, or be in certain places, if one is a member of the stigmatized group. Public registries, for example, codify the stigma for which the registry was created. Thus, an individual is transformed from a person who committed an act to person designated as a “sex offender,” “murderer,” “arsonist,” “animal abuser,” or any of a number of labels associated with offenses that can result in a legal requirement to be listed on a public registry. The reification of categories creates what Collins (1999) calls “controlling images” which are designed to “appear to be natural, normal, and inevitable parts of everyday life” (p. 77). These images are then applied to anyone who is legally stigmatized, such as by being listed on a particular registry, and this in turn exacerbates the social and individual impacts of the stigma. When legal and social impacts combine, the reach of a stigma grows rapidly, creeping into nearly every aspect of an individual’s life.

In this chapter, I consider some unique characteristics of the stigma of being on a public registry, and in particular the Illinois Sex Offender Registry. First, I look at how those on the registry perceive that they are being viewed by others (including Mead’s (1934) “generalized other) and how this perception is warped by perpetual negative messages from the media and politicians. Second, I consider how the codification of requirements and restrictions for those on the registry causes the stigma of being on the registry to permeate many different aspects of the

individual's life. From there I discuss how rapidly changing laws and inconsistent enforcement of those laws work to spread the impact of stigma across many unrelated aspects of the lives of those on the registry. Finally, I delve into the ways in which the registry creates dual-role relationships not just for those listed on the registry, but also for individuals with whom the individuals on registries interact on a regular basis.

### **Don't Look at Me Like That!**

Despite the protestation that "I don't care what anyone else thinks about me!" the reality is that everyone cares to some degree what others think of them. Cooley's (1933[1902]) theory of the "looking-glass self," also known as reflective appraisals, suggests that the way we perceive ourselves is at least partly derived by how we are viewed by others, or more succinctly, the way we *perceive* we are viewed by others (Felson, 1985; Jaret, Reitzes, & Shapkina, 2005; Khanna, 2004; Markowitz, Angell, & Greenberg, 2011).

There are a variety of ways that one can come to develop their perception of how others view them. The most direct way is through verbal communication, either directly (as in, "Mary, you're so smart!") or indirectly (as in overhearing someone say, "Isn't John such a handsome guy!") (Bugental, Kaswan, & Love, 1970; Mehrabian & Wiener, 1967). Verbal communication is hardly definitive, though, since it is impossible to determine if one's thinking matches his or her verbal expressions (Hegstrom, 1979). Thus, even verbal communications require an interpretation on the part of the individual, and nuances such as tone, timing, and context can shape the way an individual will accept (or reject) verbal comments (Jones & LeBaron, 2002; Shrauger & Schoeneman, 1979).

More often, we gather our clues to what we believe people think of us from more implicit communication (Douglas, 1975; E. T. Hall, 1959). The way someone looks at us, whether or not

they invite us to a party, or the attitude we perceive when interacting with others shapes our internal perception of the way we are viewed by others. This, of course, entails a great deal of interpretation, and that interpretation is mitigated by an individual's own set of core values and beliefs (Gecas & Schwalbe, 1983; Shrauger & Schoeneman, 1979). This often leads to significant misinterpretation, which makes for great television sitcom material but causes much unnecessary strife and anxiety in the daily lives of most people.

Our perception of ourselves is influenced heavily by how we believe we are perceived by what Mead (1934) calls the “generalized other.” The generalized other is what we see as the attitudes, thoughts, beliefs, and feelings of society, that is to say, the majority of people who make up the community (which can be anything from the community of friends we hang out with to the larger community of the nation in which we live). Determining the attitudes, thoughts, beliefs, and feelings of the generalized other comes from a complex network of input that includes personal comments from people one associates with regularly, news reports, statements by local, state, or national leaders, and probably most commonly, from entertainment and social media such as television shows, movies, Facebook posts, etc. (Holdsworth & Morgan, 2007; Link, Cullen, Struening, Shrout, & Dohrenwend, 1989; Markowitz et al., 2011; Mingus & Burchfield, 2012). The “generalized other,” then, is derived from a sort of reflected appraisal, what an individual *perceives* to be the thoughts, beliefs, and feelings a community as a whole. Holdsworth and Morgan (2007) suggest that “we can, therefore, see the generalized other as a part of an internal conversation within oneself” (p. 403). Thus, as with most reflected appraisals, the actual predominate attitude of a community becomes less relevant than what an individual *perceives* to be the predominant attitude of that community.

Those on the registry are no different than anyone else when it comes to the way they develop their own self-perception. Bombarded with a near-daily onslaught of negative messages of “sex offenders” and “sexual predators,” individuals on the registry will struggle to maintain a positive self-image, and family, friends, and others close to someone on the registry may also find themselves confronting doubts about their relationship with the registrant, as well as their own self-image.

Tony, a 45-year-old, gay, single, Hispanic man, clearly articulates the way he believes “others” see him, and how that impacts the way he sees himself:

I still feel like there is a solid stigma attached to who I am now, you know? I'm first and foremost I think in my eyes to most people, I am this dirty, perverted sex offender. Whereas before, I would have been a good teacher, a good school teacher. Now I'm just a sex offender who has a job. That's how I see myself.

He goes on to explain the impact this perception has on his own self-esteem:

But philosophically, I'm like, ok, why am I still taking up space here? I used to have a pretty good life. Lost it all, and now I'm barely coasting through life. All because of the stigma and the crime that I've committed. So...I feel worthless. I feel that my opinion isn't really valued. And I don't feel like I'm a part of society. It's almost as if I'm on the outside looking in and watching everybody living their lives, and then I'm not a participant. I'm an observer.

Tony's comments are the quintessential expression of reflected appraisals. It is unlikely that many, if any, people have actually told him they see him as a “dirty, perverted sex offender.” Nonetheless, this is how he *perceives* others see him, and this in turns impacts his own self-evaluation as “worthless.”

Pete, a 63-year-old, heterosexual, estranged, white man, had a distinctly negative view of himself, often referring to himself as a “pervert” and a “bad man.” He talked about how he came to view himself as anathema:

I talked to my next door neighbor a couple of times and he said I wish you would have moved cause my son, he has two boys, small, go to school, pass the school coming in, and he said that none of their friends' parents would let them come

over because you live beside me. So they're all afraid that I'm gonna go over there and molest and rape and kidnap the kids. I guess you learn that on, especially watching SVU, and all sex offenders reoffend. All of them do.

Here, the views of fictional characters on a television show are reified by the comments of his neighbors, leading him to the concrete conclusion that “they” must be right. He went on to describe an experience at a local church that further verified his negative self-image:

In fact I went to that church once, um, my girlfriend’s daughter was married and they had the reception there at the church and I went and got in there and people that all I knew were standing there and really happy for my wife, my girlfriend’s daughter being married and then I came in and they just stared straight ahead, you know nothing. So I just walked back out, came back here. They didn't want anything to do with me because I'm a sex predator now. I'm a bad guy and no one wants to live beside a sex predator. Who wants to sit beside a sex predator in church? Who even wants to communicate? I imagine the people who come here, part of my family now. I imagine they'll ostracize, too. I imagine they see the family here, they see people here, they don't want anything to do with them.

Again, it’s worth noting here that nothing was actually said to Pete when he walked into the church. Instead, he *perceived* that people were staring and extrapolated their thoughts from this perception, further reinforcing his own negative self-image.

Not everyone expresses what they believe to be the perceptions of the generalized other quite so explicitly. Darren, a 53-year-old, heterosexual, white man, is married to a very supportive woman and the two of them often attend church together. He says he is well liked in his church, but he believes that is because people are not aware of his being on the registry. He doesn’t think people know because, he says, “everybody always hugged me, said that they loved me and what a blessing I was.” I asked him what might happen if they found out. He choked up as his response belied his inner thoughts about how he thinks he would be perceived:

Well, I wouldn't get hugged and say I was a blessing anymore.... It's because of that, and because really since then, and I don't think I've ever said this to you [indicating his wife], that....I guess I feel like their affection and how they think about me is not real.... Yeah, it's not, I don't deserve, you know, the hugs and to say that I'm a blessing. Inside, I'd think, if he only knew what I did or who I really

am, would he really feel that way. It's still very hard for me to accept love, kindness, gentleness, understanding.

Once again, we see here the power of perception in shaping an individual's own self-image. Also clear in Darren's comments is the stress he feels as a result of concealing a part of himself and the belief that others would react differently to him if he did reveal his stigmatized status.

Barry is a 38-year-old, heterosexual, white man who lives in an apartment with his wife. He attends college full-time. He had hopes of becoming a counselor, but says his conviction and recent law changes make that unlikely. He expresses a strong belief that people will have a negative view of him if they find out he is on the registry, but he adds that they would hold this view only because they don't know him or his story. He says,

I really believe that if somebody could see the whole situation, what happened, my whole life, and this person's whole life, that it happened with, and knew exactly what truly happened, I don't think that people would be afraid of me. I think it's the fear, what I'm afraid of is the label and that people are just going to see me for that and come in with their own preconceived notions of what that is.... And that you have to think of yourself the way other people see you is painful.

And yet he believes that if people do find out that he's on the registry, that they will judge him without allowing him to tell his side of the story. This becomes a constant source of worry for him, causing him to avoid getting involved with any sort of activities at his school:

If I got involved, made new friends and joined the literary magazine, and they were to find out. Then the audience would find out, then the school finds out, then everyone knows in my class, then what would I do? And I try not to have any kind of internet presence at all. Not on Facebook or Twitter or anything.

Barry's avoidance technique exemplifies what Link and colleagues (1989) describe as modified labeling theory. This theory suggests that people will avoid healthy social activities merely because they believe they will be devalued and discriminated against, even if they have not experience these effects directly. Mingus and Burchfield (2012) applied this theory in a study of individuals on the sex offender registry in Illinois and found that the more a person believed

they would be devalued or discriminated against, the more they tended to avoid participating in activities that would promote successful reintegration.

Jeremy, a 24-year-old, heterosexual, white man, believes that he didn't actually commit a true crime because there was only a three and a half year age difference between him and the girl with whom he was convicted of having sex. He expressed his belief about how others see him like this:

Yeah, you just, people know like they check the registry, they know about it. It's not really a secret. Sometimes people point when they drive past my house, like I'm some sort of fucking zoo animal.

And yet he admits that the constant message he perceives from the generalized other—that he is some sort of pedophile—causes him to question himself:

Does it become a self-fulfilling prophecy when you aren't a pedophile but, yet you're treated like one? ...I find that sometimes I start questioning myself to a degree. Am I a pedophile? Am I? I see a girl walking by that's, you know, younger, and I'm like I don't know how old they are, I'm like, am I attracted to these younger girls? Like am I really a pedophile? Sometimes I really have to question myself. I don't think that I am, but you know, I just wonder like, am I a pedophile? It makes me feel like I am. Even though I'm not really. And I feel like you know it's the degree that I've been treated that I worry that someday it may become a self-fulfilling prophecy. And that because I'm treated as such, therefore I act.

It was clear during my interview with Jeremy that he did not really believe he was a pedophile.

And yet, bombarded with constant explicit feedback to the contrary, he felt obliged to at least consider the possibility. His ultimate rejection of the notion that he is a pedophile supports critics of Cooley's (1983[1902]) looking-glass theory who claim that Cooley failed to take into account the agency an individual has in being able to selectively choose what feedback to accept, and what feedback can be rejected (Gecas & Schwalbe, 1983; Yeung & Martin, 2003). In Jeremy's case, he considered the ubiquitous negative feedback suggesting that his status as a registered sex

offender makes him a pedophile, but then he rejects this notion, thus preventing it from strongly influencing his own self-image.

Rejecting negative messages is not always easy. Rodney is a 31-year-old, heterosexual, single, white male. He is a devout Christian and is very active in his church. Although he is generally well-accepted by others in his church, he still believes that he is viewed very negatively by the *generalized other*. He explains it like this:

It's hard, we're sex offenders like you know, it's 'a sex offender molested a child', 'a sex offender did this, did that, did that.' You know, people are scared and [sex offenders are] considered the lowest of all lows, the bottom of a tinted window. All these negative thoughts like I don't want a sex offender living in my neighborhood. You know, it's your best friends, except they don't even know it. You know, it's like, there are so many misconceptions.

Rodney reifies his perceptions of how he is viewed, and he goes on to describe the impact this has on him:

Oh wow, made me dark, depressive, gloomy all the time, I wouldn't interact with anybody, I would just sit there and sulk for a couple years straight. It turned me into a piece a crap. Mean, angry, hurtful, spiteful with myself. I said I had the natural qualities of wanting to help people and be nice to people when I see them and stuff like that, but it totally overwhelms everything that I was, I am, and turns it into something black and dark.

Unlike Jeremy, who was able to process and then reject the negative feedback, Rodney seemed to internalize the way he perceived he was viewed by others, and this changed something he *did* into something he *is*, thus turning him into something "black and dark."

Those I interviewed were keenly aware of a tendency for others to classify them into a single category, one that has become synonymous with "pedophile" and "pervert" (Lynch, 2002). Being stereotyped into such a negative category leads to fear and trepidation about the consequences of others finding out. Jerrod is a 40-year-old, married, heterosexual, white father of three. He told me:



If it wasn't painted with such a broad brush, I guess I would be more apt to tell more people about it, but I mean you tell people that and, you know, I'd rather tell them I was a murderer than tell them I was a sex offender. It's not because of my shame. I'm not shamed or anything like that but just about, you know, the way they're gonna react. How they're gonna handle it. They just don't know. They don't know the facts, they don't know case by case and then they put you on [the registry] as a sexual predator, well they think you're out preying on kids and stuff and that's very misleading.

Consistent with modified labeling theory (Kroska & Harkness, 2006; Link et al., 1989), just the belief that someone might view him in a negative way kept Jerrod from even attempting to do certain things, fearing the repercussions if others found out. As an experienced horticulturist, Jerrod sometimes thought about opening his own landscaping business. But, he explains:

Yeah, it wouldn't be, you know, "my name" landscaping, or anything like that. I might even consider having the whole company in my wife's name, period. So it's just something I have to think about cause, you know, I want to be able to have a successful business but if people know I'm on the sex offender registry, well they're not going to want me in their yard mowing.

At the time of our interview, Jerrod was working at a greenhouse, but he expressed fear of losing his job, not as a result of the owners finding out, but as a result of customers finding out and complaining. This is described by Burchfield and Mingus (2012) as a secondary collateral consequence, which inhibit efforts to reintegrate "not as a result of a conviction for a sex offense, but as a result of the negative public reaction to sex offenders" (p. 111). Although Jerrod never actually experienced this secondary collateral consequence, just the knowledge that it *could* happen was enough to keep him from pursuing the positive path of starting his own business.

When it comes to perceiving how one is viewed by the generalized other, Mario, a 46-year-old, heterosexual, Hispanic, unmarried father, sums it up saying, "Well, I think there is an underlying saying, even [among] felons, that my conviction is the worst conviction there is. There is no forgiveness for my conviction you know so..."

It is clear that those I interviewed had a difficult time separating themselves from the barrage of negative messages they experienced on a regular basis. The absorption of negative information amplified the effects of the stigma of being on the registry, thus keeping the stigma quite salient in their daily lives.

### **The Never Ending Story**

In the United States, a fundamental premise of the criminal justice system centers around the notion that one pays his or her debt to society, and is then he or she is returned to society to become a productive citizen. As a nascent country, the founders believed it was important to avoid the traps they left behind, so much so that they incorporated these principals of justice into several amendments of the Bill of Rights. This includes the Fourth Amendment, which protects against illegal search and seizure; the Fifth Amendment ensuring due process, and prohibiting self-incrimination and double-jeopardy; the Sixth Amendment, ensuring a fair and open trial; the Eighth Amendment, prohibiting excessive bail and “cruel or unusual punishment”; and the Fourteenth Amendment, passed in 1968, requiring equal protection under the law. Taken together, these enhancements to the constitution send a strong message about the limits of the criminal justice process.

Ask anyone who has experienced a serious encounter with the law, and in particular been convicted of any felony, and it is easy to see that the consequences for a criminal conviction tend to linger long after the individual has completed his or her sentence (Behrens, 2004; Olivares & Burton, 1996). Pinard (2006) suggests that part of the reason for this is that courts have refused to incorporate collateral consequences and re-entry issues into the criminal justice process, and thus “there is no point along the criminal justice continuum that formally addresses issues related to collateral consequences” (pp. 629-630). Travis (2003) agrees and argues that there are three

dimensions to the invisible punishment that results from collateral consequences. The first is that collateral consequences result not from physical punishment (such as incarceration), but rather through erosion of civil rights and privileges of citizenship. The second is that punishment occurs outside the scope of sentencing. And finally, unlike traditional crime and punishment, the collateral consequences of conviction are not typically included in legislative debate, or are included as civil recourse rather than as part of the criminal code. As one scholar notes, “these punishments are invisible ingredients in the legislative menu of criminal sanctions” (Travis, 2003, p. 17). I use the term “never-ending stigma” to describe the continuous extrajudicial castigation of those listed on the sex offender registry.

For the individual convicted of a sexually-based offense, unyielding consequences are codified, and indeed sanctioned, through inclusion on a publicly accessible registry and the requirements and restrictions that result from being on the registry. During my interviews, respondents spoke often of both the emotional and tangible toll created by being on the registry, and the feeling that it never ends, that they will be forever trapped in this stigmatized nest of animosity and scorn. The belief that there is no way out of this trap resulted in respondents feeling hopeless, anxious, depressed, and withdrawn, and left some of them wondering why they even bother to continue living.

Tony, at age 45, finds himself alone in life, and questions out loud what the future holds for him, saying:

That worry is always going to be there for the rest of my life. So, there's always that. Someone is going to find out. And that's just something that I accept.

At the time of the interview, Tony was attending college to become a paralegal, though he expressed doubts that he would be able to find employment in this field. He was also planning on

auditioning for a show at the college. When I observed that it does seem that he is at least trying to become a part of society, he explained:

Well, the poor me would be me, home in bed, doing nothing, not taking any initiative at all, just letting life happen. The balanced me is, alright, I've gotta take this, let's go, I've gotta get out there, I've gotta go to work, I've gotta pay the rent, I've got bills to pay, I've gotta move forward, or else I'm going to stay here and be sad and miserable, so the only way to keep going is to do that. Keep going. Try to proceed with any sort of life.

Despite feeling that the consequences of his offense will never subside, Tony has opted to push forward and try to make the best of his situation. Major and O'Brien (2005) have suggested that those with a social stigma often must choose between disengagement or striving. While Tony is tempted to disengage by refusing to participate in any social activities that could threaten to expose his stigmatized status, his decision to participate in a theater production suggests that he chose "an alternative way of coping with identity threat in socially valued domains [which] is to compensate, or strive even harder to overcome obstacles" (Major & O'Brien, 2005, p. 405). For Tony, striving was a better alternative than total disengagement.

Being on the registry comes with a host of restrictions and requirements and violating any one of them can, and often does, result in new felony charges which could mean prison time. Something as simple as forgetting to register a social media screen name or neglecting to notify the police after purchasing a new car has the potential for serious consequences. Christian worries about that a lot. He finds comfort and solace in singing with a local musical group, but the fact of his being on the sex offender registry never strays far from his consciousness. He puts it like this:

There is always something, every day, that reminds you what you can and can't do. So it's always right there in front of you. It's not something that you can just forget about. I mean, I'd love to just forget about it for a while. The only time that I truly do forget is when I'm singing. And even then there are times that something will creep in, but for the most part the singing is the best. It's the only

time when I can be completely immersed and nothing else exists. Otherwise there is always this little niggling voice telling me something.

Christian went on to relate a story about how pervasive these consequences can be. He was between meetings for one of his jobs (he worked several to make ends meet), so he decided to stop and do some work at the library, which he had often done before. This time, as he began to lay out his papers on the table, he was approached by two police officers who demanded identification, and then walked him out to a dark corner of the parking lot to question him as to why he was at the library. He tells the story like this:

It was just the verbal berating, and degradation, and the "Don't you think I would find this suspicious that a sex offender would want to be in the library where there's children?" No. Which of course was the wrong answer. I eventually had to say yes. "Oh my god yes, I can understand why you would think that." Just to shut him up. Because finally you realize you are not gonna get anywhere. And I'm in a dark parking lot. I mean, had he done this inside the library, no. I would feel comfortable enough to stand up and say no, this is not suspicious. Yes, I can be here. No, you cannot throw me out of this library. You don't have that right. I am in a legal place for me to be. But where I was, where they took me, I lost all of my standing because I was too scared.

He was then told he could come back to "their" town only for his meetings, and then he was to leave town and, as one officer threatened, "You don't ever want to meet me again!"

Christian had violated no laws, no restrictions, had done nothing suspicious or suggestive while in the library, and yet he was treated as though he were still a criminal. A collateral consequence of being convicted of a sexually-based offense is that the label of "sex offender" becomes a master status, and thus anything a person does—including something as innocuous as visiting a library—is viewed with suspicion through this master-status lens.

Stan, a 51 year-old, divorced, white homeless man, knew only too well the consequences of the persistent stigma of being on the registry. Once a successful business man who owned his own construction company, Stan now found himself living out of his truck, accepting the odd job

where he could. Even after years of being on the registry, Stan explained how it can suddenly devastate one's life. As he puts it:

You know it seems like you'd think an offense would start to fade away, and this seems to renew itself every year, somehow, someway.

As a former hockey coach, Stan was proud to see his son follow in his footsteps. Stan often attended his son's hockey games, which were held in a public rink outside of school property. He never experienced any issues, until the issue of sex offending became the topic of a popular TV talk show. Stan describes how this wound up impacting him:

You know, all of a sudden when Oprah made this big deal a number of years ago, then people who watch Oprah started going on the websites. That's what really kicked this all off. When Oprah Winfrey went ahead and publicized this, the people who were her minions went out and did what she does. That's when my name became, there was a spike in this, and that was years down the road. I mean years down the road. When you think everything's done and then all of a sudden it just came rolling, comes back full force, if not worse.

He then explained that he was harassed after that when he would attend hockey games to watch his son play, despite the fact that he was doing nothing illegal, and despite the fact that he had been doing so for years without incident. These sorts of incidents cause him to live his life in a perpetual state of anxiety, never knowing when something might happen to bring spontaneous difficulties into his life. He left it with this analogy:

It's like getting, you know, like they want us to feel in like, Israel where there's a bomb, and like, you know, but you never know it's coming. That just like being on the registry. You get a bomb all of a sudden from nowhere.

Though homeless and destitute, Stan nonetheless expressed a hope that he would soon revive his business, find a place to live, and get back on his feet again. His affect, though, belied his feelings of hopelessness and doubt, as he spoke quietly and flatly.

Barry, who spoke about his fear of getting involved with any activities that might cause his status to become known, also expressed a sense of hopelessness at a stigma that never seems to go away:

There is this underlying anxiety all the time that never really goes away. I think that when you've been on as long as I have, you just adapt to it. It's a habit. This low level of anxiety inside you is a habit as well. It keeps you cautious. I find a kind of comfort in it because it keeps me alert, keeps me... Because I'm really afraid of making a mistake because of some silly thing I didn't know about.

Although he speaks of his anxiety as a “comfort,” it is clear that it is only a comfort because it keeps him attune to a very real and persistent danger that any misstep could potentially lead to arrest, conviction, and even incarceration.

So abhorrent was the prospect of a never-ending lifetime on the registry that Rodney stated simply that he would not endure it. At 31 years of age, Rodney lived in a dingy little apartment that he sometimes shared with roommates to help make the rent. Rodney said that about three years earlier, he became a devout Christian, describing himself as “very religious.” He was a talented musician and worked off and on in various Christian bands. At the time, there was talk about passing a law that would extend Rodney’s registration from its current 10-year period to 15 years. He was adamant that he could not endure spending an additional five years on the registry, saying:

But I know my defense mechanism says I'm not doing it. It's just like I can't do, I convinced myself to do 10 years on the list. Another 5. I mean, Jesus Christ better be there and something better happen is all I'm gonna say. So I'm not sticking around. This stuff is bull. You know what I mean, so anyways.

When I asked him if it was really that big of an issue, the difference between 5 years and 10, he was quite frank in responding that he simply could not go another 5 years on the registry:

I'd probably not just live through that. I mean, I have already gone this far, but another 5 years, no, and then in 5 years it would be another 10 years. Something would come along, you know in 5 years' time, I don't know. I want off this list.

Rodney told me he was diagnosed with bi-polar disorder, which meant some days he dealt with being on the registry better than he did other days. Even during our brief interview, he oscillated between drawing strength through his religious beliefs and fighting despair at the thought of spending any more time on the registry. At one point, he ruminated about future possibilities:

Yeah, it's like why do anything? You know why, it's like you're, you're public information on a piece of paper on the internet and probably have a microchip in your hand in a couple of years.

Though Major and O'Brien (2005) suggest that stigmatized individuals will often choose between striving and disengagement, Rodney's experience clearly demonstrates the constant battle between the two. Although his participation in religious events gave him hope and meaning in his life, he struggled to maintain this positive outlook in the face of the never-ending stigma of being listed as a sex offender on a public registry.

### **The Moving Staircase**

In the Harry Potter movies, the staircases in the halls of Hogwarts (the mythical sorcerer's school) move constantly, creating a type of maze that students and faculty must navigate in order to travel from one floor to the next. Although they adjust eventually, the unpredictable movements of the stairs nonetheless leave all who traverse them in a constant state of uncertainty.

Many of those I interviewed describe their experience with an ever-changing registry in a similar fashion. With laws that change continuously, and that are interpreted differently by various law enforcement agencies, those on the registry describe a life of uncertainty. Although they adjust to this uncertainty, it still exerts a constant pressure on their daily lives, a pressure that was quite clear as they related their experiences during the interviews.

Nick is a 36-year-old, heterosexual, single white man who lives by himself in a tiny little cottage tucked into the corner of a trailer park complex. His place is so small that we struggled to



find a place for both of us to sit so we could conduct the interview. He explained that he only lives where he does because he was forced to move from his previous place as the result of an unexplainable shift in measurement by law enforcement:

I actually lived in a trailer over in the corner of the trailer park when I first got out of prison, when I was on parole. Three different parole officers did the measurements 'cause I guess there's a park over there, I don't even really know where it's at and I've lived here four years. One of them was considered one the hardest parole officers to have and the other two normal. Well they measured out and said everything is fine. I lived there for a year. Then about 8 o'clock at night one night, I get a call from the police department saying that they remapped the town, so I had to move. I don't know how I magically lost 20 feet or how my property moved 20 feet closer, whatever, they said I was too close to the park by 20 feet and told me I had to move. That's when I moved here. I mean, literally the trailer I lived is less than 50 feet that direction.

Although nothing changed in the year that he lived in the trailer home, he was nonetheless required to move when it was determined that he was too close to a park. He expressed concern that he might someday be forced to move again and this, more than anything, causes him to worry on a daily basis. Complying with any complex set of rules and regulations is nearly impossible when the enforcement of those rules is arbitrary and capricious. When the consequences of failing to comply are serious enough to impact one's housing, employment, or even freedom, those who are impacted by the rules and regulations find themselves avoiding even healthy activities for fear of accidentally violating the rules.

Malory, a 32-year-old, heterosexual, single mother of three, worries constantly about the future not just for herself, but for her children. Her fears snowball into an image of her someday ending up isolated on a proverbial island, excluded from society all together:

It does upset me that when I pled, I pled to only registry for only 10 years, and it really disturbs me that I have to now register for the rest of my life. And like I said, the future is what bothers me because everything is always changing. You know, you hear rumors about, oh, putting all the sex offenders on an island. Okay, where does that leave my children? You know? 'Cause that's where I get really concerned, you know? And I feel like I already served my time and if

you're really that worried about a sex offender, then you should keep them in prison.

Although she admitted that things were not really too bad for her at the moment, she expressed concern that something could change suddenly, leaving her and her children homeless and destitute.

Similarly, Reed, a 24-year-old, heterosexual, single white man, worries about whether he should even have children someday. He looks at all the restrictions he has to live with that would impact his ability to parent, and questions whether or not it would be a good idea to have children. When I pressed him, he said he couldn't say for sure because he doesn't know how things might change going forward:

I'm waiting more years for sure because if I get off within these 10 years like I'm supposed to, it might be easier when they're starting to get into the, like, "run around different places" stage. Thought I'd hold off until then, kind of thing, yeah, I guess you can say [being on the registry] has affected my decision in some way.

The inability to plan one's future can have a compounding effect on many other aspects of one's life. Decisions about where to work, where to live, who to date, and even what activities to participate in can all be impacted by the knowledge that laws can be, and often are, changed at any time.

Mack, a 29-year-old, heterosexual, single white man, is in an unusual situation in that he has sole custody of his children. As the sole provider for them, he is only too keenly aware of how being on the registry impacts his ability to parent and therefore affects his children. He describes how his life was shattered by a law that was passed after he was convicted that suddenly required him to register for life instead of just 10 years:

And I'm just blown away, 'cause it's like, I was told 10 years when I got out, so I guess while I was in, they changed the law, but now I found out, [sigh] if you're from another state, and it doesn't matter if you're on zero hour of getting off the registry, you move to Illinois, [snaps finger] you're life, no matter what. And, I'm

just so sick of getting that nice little letter and finding out, ok, what can't I do with my children now?

The anxiety of never knowing what changes might occur that would further restrict his ability to be a good parent caused Mack to consider seriously the prospect of moving out of Illinois, or possibly even out of the country, as soon as he was financially able. He spoke specifically about other states where his registration requirements would not be lifetime, and other countries that do not even have public criminal registries.

Mark is a 29-year-old, heterosexual, single white man who was engaged to a woman who has a daughter from a previous marriage. He told me they both did what they needed to do to make sure everything was done according to the law. He said they would not live together until they were married, and that the police were aware of his relationship with her. Nonetheless, he worried constantly about new laws that might be passed that he would have to follow. He told me:

I'm very, I'm one that's very much, every January first and July first, to look up the new laws associated with the registration just to make sure I don't violate anything unknowingly...And every time, I'll be honest, anytime I see something about a kid missing and a sex offender possibly had something to do with it, my heart drops. Because I know for a fact that if it was a sex offender that had something to do with it, my life was about to become more difficult.

Mark was keenly aware of how easily the opinions of the *generalized other* can be manipulated by sensationalized media accounts, and how this could impact him directly. His fears were apparently well-founded, as he contacted me sometime after our interview to tell me that he and his fiancé were being investigated by the Illinois Department of Children and Family Services (DCFS) because someone reported them, claiming they were living together. He was despondent because not only was he prohibited from being around his fiancé's daughter, but DCFS had threatened to take the daughter away from her mother as well. Mark has since moved out of the

state, though I do not know what became of his relationship with the woman to whom he was engaged.

In addition to law changes, individuals on the registry must deal with idiosyncratic law enforcement agencies that interpret and apply various laws differently. By law, the state police are required to visit each individual on the registry annually to ensure they are in compliance. During my interviews, however, I heard many differing stories, ranging from those who have never been visited by the state police to those who are constantly harassed by local law enforcement. Before Stan became homeless, he described the anger and trepidation he felt each time he was visited by the police:

Yeah, they do that one-year visit, residency visit or something, just to check on you. But you know, I've got to be honest with you, out of the twelve years plus that I lived there, they maybe came two, three times. I mean, they didn't have me on their radar. I had one visit from a cop and he had that orange door tag. And I looked at him, I said, "I don't want that damn thing. I don't want to be freaking out my neighbors with that crap. I don't want that on my door." He goes, "You got to have it on your door and you got to leave it there." And I just, I said put it up.

Although the visits were only supposed to be compliance checks, the mere presence of police at one's residence, or the visible notices they put up (like orange stickers), could alert neighbors of a registrant's status, potentially altering their lives once again.

### **Dual Roles**

One of the reasons that the stigma of being on a public registry is so pervasive is because of the dual-role relationships it creates. The concept of dual-role relationships stems from traditional role theory where "roles are viewed as the behavioral expectations that are associated with, and emerge from, identifiable positions in social structure" (Callero, 1994). This theory is often criticized because it tends to portray a role as static and ignores the concept of individual agency. Sociologists have expanded the idea that people simply inhabit roles (role-playing) to the notion that people play an active part in creating the roles they inhabit (role-making) (Stryker &

Statham, 1985; Turner & Rose, 1962). Callero (1994) goes further to argue that roles only become real within specific social contexts, countering the notion that individuals only inhabit social roles that already exist. Common across any theory of social roles is the idea that some social roles will conflict with others, and the people sometimes inhabit multiple social roles simultaneously, thus creating the potential for role conflict that can result from an incongruity between the expectations of one role versus that of another (Kahn, Wolfe, Quinn, Snoek, & Rosenthal, 1964). Researchers have revisited the concept of social roles in an effort to move past the idea that roles are static positions into which individuals move in and out of, and have instead turned their attention to notions of identities and social positions (Biddle, 2013). In this section, I will continue to use the term role to define a social position inhabited or claimed by an individual within any given social or temporal context.

Like many who experience a hidden stigma, those on the registry must constantly interact with others in varying, and sometimes conflicting, social roles. In addition, individuals involved in social or familial interactions with someone on the registry often find themselves dealing with similar conflicting roles. These dual roles extend the stigmatizing effects of being on the registry far beyond that of other types of stigma.

Sociologists have long recognized the existence of multiple roles, whereby individuals occupy varying roles depending on the social context in which they find themselves (see Burke & Stets, 2009; W. J. Goode, 1960; Marks & MacDermid, 1996). An individual may find him or herself at any given moment in the role of mother, brother, friend, student, citizen, consumer, neighbor, police officer, or any of an innumerable roles defined by cultural, social, or legal norms. Ordinarily, people glide in and out of various roles, or perhaps master the synthesis of occupying multiple roles simultaneously, with little thought or consequence (W. J. Goode,

1960). Parsons (1951) argues that individuals *want* to fulfil the obligations of any given role because in doing so, they insure the survival of society.

Sometimes, however, the roles that an individual is expected to fill result in conflicting responsibilities. For example, teachers who have young children of their own may experience conflicts as they navigate between their role as both parent and teacher (Claesson & Brice, 1989). While Goode (1960) saw role conflict as normal, others argue that dealing with conflicting roles causes stress and a decrease in overall wellness (Marks & MacDermid, 1996). In counseling, this role conflict is defined as a dual-relationship whereby a client and a therapist interact in a social context outside of counseling and which may cause a conflict between their outside role and their role as counselor. This type of relationship is generally discouraged or even prohibited by their governing organizations such as the American Psychological Association or the National Association of Social Workers (see Bond, 2004; Gabriel, 2005; Syme, 2003).

The primary, or master, status of an individual on the registry, at least from a legal perspective, is that of a registered sex offender. Such a status belies an underlying homogenizing belief that the individual is likely to commit another sexual crime and, as a result, the actions of the registrant are always viewed through a lens already colored by this belief. This myopic master-status lens often fails to consider other statuses, or roles, held by those on the registry. While a person may be a “registered sex offender,” they may also be a father, a husband, a caregiver, a student, a worker, and a citizen. Individuals are always the amalgamation of any number of social roles. And yet, a master status as stigmatizing as “sex offender” often subsumes these other roles, hiding them from view to all but those who are directly involved. To the individual on the registry, these dual roles are immediate and apparent, causing consternation as he or she navigates the obligations and responsibilities of each role.

The dual-role relationship most often discussed during my interviews was the conflicting roles of “registered sex offender” and parent. About half of the individuals I interviewed are parents. Several of them who are not yet parents expressed concern about what would happen if they did decide to have children in the future, intimating concerns about dual roles without actually using those words. Being a parent and also being on the registry creates awkward situations. Robbie, a 48-year-old, heterosexual, married, white man, describes a conversation he had to have with his son:

So, like he has a girlfriend who's just turning 16. But she's only, what, a grade behind him in school? But, he's serious about her so we've had to talk to him a little bit about the law. You can't let this relationship get out of control. And, do her folks know? And so my wife has spent time talking to her mother. They love him. They, they invited us into their house. One day, we were just dropping her off after some, I guess it was our family reunion—my son had picked her up and we were dropping her off—and they invited us into the house, and they're very, you know, they already knew at that point. Very welcoming. So, I think just because we're so, we're just keeping everything right at the, you know, we're just keeping everything open, let's just keep everything open.

As a father, Robbie felt the responsibility of warning his son about the potential consequences of unbridled passion, since sexual relations between an 18 year old and a 16 year old, consensual or not, would be considered a crime in Illinois. At the same time, he needed to protect himself from social scorn, or even legal consequences, by making sure that the family of his son's girlfriend knew about his status as a registered sex offender.

There are many dual-role relationships that Robbie has to deal with. He is on the registry today because he created an untenable dual-role relationship as father and perpetrator to his daughter. Once discovered, he then became both defendant and father, where he said he finally did the right thing, telling the judge, “I'm going to plead guilty, because I did it, and my daughter, my family deserved that.” After much counseling, the family reconciled and at the time of our interview, Robbie lived at home with his wife and teenaged son. His offense, and

subsequent placement on the sex offender registry, created a complex web of dual-relationships within and among his family. His wife is now a mother *and* wife of a registrant. His daughter, though she no longer lived at home with Robbie, was now both victim *and* daughter. Robbie's oldest son had children of his own, so the son now found himself in the position of being both a father *and* the son of someone on the registry.

Robbie described how his wife had to navigate between being a good wife *and* being a good mother. Though he said it didn't seem to bother his wife much, it was clear that she was often put in situations where she had to act as protector of both her children *and* her husband:

Yeah, there, really, um, that issue has never been a problem for her. I've never, if it is, it's hidden from me, because she doesn't react to it, she doesn't seem triggered by it, she just, it's not an issue for her. Other than just making sure, again, I mean, I think she forgets about it more than I do, I mean, the idea that, ok [my son] just made some new friends and he's inviting them over, you know, just like in passing through the day, let's stop and get something before they go from here to there, you know? And it's like, if I'm the only one here, there shouldn't be other kids in the house. Because by law, that means I'm like solely responsible for them, and that can't happen. So, you know, we have to constantly remind him, which then, you know that kind of triggers some anger in him. He gets so tired, and he just wants it to be over.

Here he suggests that his wife takes some responsibility for monitoring their son's actions in order to insure that Robbie is not inadvertently left alone with any minors. He also demonstrates the dual-role his son must deal with, that of a typical teenager *and* the son of a man who is on the registry.

Robbie also has to deal with being both someone on the registry *and* a grandfather, but even more so, a perpetrator *and* a grandfather. His struggle with this is clearly reflected in this somewhat contradictory statement:

But in just relationships with other people, you know, because I understand how I function, the level at which I take a relationship, I mean, I wouldn't babysit, I wouldn't babysit their kids, you know? I'm at the age of 48, I'd just ...tell them I'm not interested. You know? I love you, I just don't do that. I don't babysit kids. You know? [laughs] So. But, yeah, I wouldn't wanna have somebody else's kids in my



home. Now, my grandkids are different. Again, they're family, and that does bring something different.

What he doesn't state directly here is how his son now must deal with being both a father, protecting his own children, *and* the son who loves his father, a man on the registry. Robbie explains that being alone with his grandchildren could actually put his son in legal jeopardy. When asked if he does babysit his grandchildren, he said:

Only with my wife. 'Cause I think that by law, that's not, that wouldn't even be legal. Because they're not my kids, [the children's parents] could not legally leave them with me. I would be comfortable with it, especially since they're boys, I mean, I don't, that's never been an issue for me, so, I mean, I would be ok with it, but, they [the children's parents] would be guilty of a misdemeanor. I would be guilty of allowing that to happen, so, no, I wouldn't—you know, my wife and I babysit, yeah.

Robbie clearly struggles with reconciling his role as grandfather with his role as perpetrator. Although he believes that he is no danger to his grandchildren, he is fully cognizant of the way he would be perceived by others, and of the legal consequences he could face, if he were to allow himself to be alone with his own grandchildren.

Mack's situation was a little different. At 29, he had sole custody of several of his children. Being the primary caregiver for his children exacerbated the dual-role conflicts he experienced. He had to make special arrangements with the school just to be allowed to drop off or pick up his own children from school. This required pre-emptive self-disclosure. One of his greatest challenges, though, was his inability to take his children to recreational areas, such as parks, playgrounds, or public pools. As a parent, he felt that his children were too young to understand the concept of a sex offender registry, and yet he had to try to explain to them why he couldn't take them to places that other fathers took their children:

Because the only place I'm still allowed to have them around other kids is at the mall, in that little play area. I mean, it's not a park, it's in a public place, and until I'm told otherwise, I'm gonna take 'em there. And that's the hardest thing, it's like, I wanna go to a park, I wanna go...today they keep looking at the park pool, or

across the street, we can't go. I mean, I have to come up with some excuse of why we can't go. 'Cause I don't want them knowing until they're old enough, but hopefully by the time they're old enough, something has changed to where, hey we're going to the park.

He went on to describe how having children can sometimes mitigate the master status of being on the registry, softening people's response to finding out about his status. He admits, though, that it doesn't always work:

A lot of them around here I've been pretty upfront, especially if they have kids, and I'd have to say about 90% of the time I'm met with, "It was HOW long ago?" 12 years, and it's like, you have your kids, that's all we need to know about your character. There's only been a couple that, oh, they just saw my face on there, and all I get is, "just stay away from this area when we're around."

In fact, the dual-role between Mack as a father and Mack as an individual on the registry was a significant part of his court battle to gain custody of his children. In response to my question, "How were you able to get custody of your kids?" he explains:

Impress the hell out of the judge. It all, the first, we had a judge to start out with, and I had to deal with him back when I first gotten out. I mean I have an almost 15-year-old as well out there, but I got a nice little letter going, hey, your ex's husband is wanting to adopt. I actually fought, didn't have a lawyer, this judge basically told me every, they tried to bring it up in the court, about how I was on the list, and that I was this horrible person, and the judge basically looked everyone in the eye and said, "The man they described in this courtroom, I don't see him. I see a young man that made a terrible mistake, is working on building his life together, I see a changed man in my courtroom." But, I still lost because of the time apart. He ended up actually being the same judge for this family case, and so he had already known all about it, and the foster care place tried to bring up my conviction several times to where, the point he just basically, "I'm sick to death of hearing it, this is not him, move on." They made me go through another assessment, after they were taken, and I still came up as the low-risk, no way would I do it to a child, type of assessment results. So the court, they can try to bring it up all they want, the judge is just going to throw it out, 'cause they're tired of hearing it. I mean, I've gone 12 years with only traffic tickets, so, if that doesn't say anything about my character, I don't know what will.

Similarly, the staff at the school his children attend had to deal with Mack's dual role as parent and as someone on the registry. Although it doesn't work for everyone, the administration at his children's school were impressed with his candidness and made allowances for him, especially

since he was the primary caregiver for the children. He described the school administration's reaction like this:

I tell the school, I um, when I registered those two, they were returned in August of last year, and when I was registering them, I told them right off the bat, that yes, I'm on this list. And the principal pulled me in, and it's like, she was like, I have major respect for you being up front. A lot of people try to hide it, and I'm like, well that's just gonna get me into more and more trouble, and they're right back out of the door, and I don't want that. So basically what happens is when it's, basically just participating in the parent/teacher conferences, and that, I just get a letter that I have to fill out, send back, it's always approved. The principal just, as long as I was upfront with them, I can go to their parent teacher conferences. They won't say anything around anybody, they'll keep it hush hush, except to like administration. Those are the only people that know. If there's a parent walking through the hallways, they're not going to know.

Mack spoke constantly about the desire to leave Illinois as soon as he could afford to, hoping to find another state where the restrictions would not prevent him from fulfilling his role as a parent and caregiver to his children.

Filling multiple social roles is not unique to individuals with a concealable stigma, nor is having to deal with dual-role relationships. However, these dual-role relationships have the impact of extending the reach of stigma far beyond the scope of just the stigmatized individual. The very nature of a dual-role relationship suggests a responsibility to someone outside of the original dual-role dyad, thus creating the potential for cascading dual-role relationships stretching out like a picture within a picture within a picture.

### **Discussion and Summary**

No doubt the burden of carrying a hidden stigma weighs heavy on any individual who bears it. But stigmas are not all created equally, as the personal, social, and legal consequences associated with a stigma vary across contextual and temporal spaces. In this chapter, I have argued that for those who bear the stigma of being on a sex offender registry, the consequences of that stigma encroach on nearly every aspect of an individual's life.

First, I examined the way in which stigmatized individuals on the registry perceive the way others view them. Drawing on the concepts of reflected appraisals, and the concept of the “generalized other,” I found that those on the registry have a difficult time absorbing the near-constant barrage of negative messages coming from politicians and the media, and how this can inhibit efforts to participate in healthy social activities that would otherwise promote successful reintegration into their communities.

Next, I considered the ways in which the public registry codifies the category known as “sex offender” in such a way as to extend not only the legal consequences, but also the personal and social consequences of being on the registry into areas of an individual’s life that are rarely considered by lawmakers when passing restrictive and punitive legislation. The public attention brought to the registry has the effect of perpetuating and periodically reigniting the flames of passion in society, which then casts a continual spotlight on the activities and behaviors of those who are listed on the registry.

In addition to the codification of stigma created by the registry, the inconsistent and capricious manner in which the laws are enforced also have the effect of expanding the reach of the stigma. Drawing on the concept of a modified labeling theory, I note that the ambiguity in how laws are enforced, coupled with the powerful and negative consequences that result from violating those laws, even unintentionally, result in individuals refraining from otherwise healthy activities that could foster better integration into communities.

Finally, I considered the dual-role relationships that are created because of registration and registration laws, and how these dual-role relationships extend the impact of stigma far beyond the original dyad in which the individual on the registry is a part. Dual-role relationships often result in role conflict, leaving those involved in the conflicting relationships unsure of how

to handle the opposing responsibilities. This often leads to individuals avoiding situations that are likely to result in role-conflict, thereby extending the consequences of the stigma of being on the registry.

Taken together, all of this creates an existence that is filled with constant stress, worry, and uncertainty which can lead to social isolation and ostracization, the very core issues that often contributed to the original offending behavior. In this way, the collateral consequences of laws designed to protect society can, in fact, lead to the polar opposite.

### **Why It's Important**

It is easy to dismiss the impact of the stigma of being on the sex offender registry as just an unavoidable collateral consequence for those guilty of violating the sexual norms of society. However, the ostensible purpose of registries, and the rules and restrictions that accompany them, is the protection of society against future offenses. Decades of criminal justice research finds that adequate housing, meaningful employment, and healthy social interaction with local communities is positively correlated with preventing recidivism (Makarios, Steiner, & Travis III, 2010; Petersilia, 2003). Understanding the ways in which the current climate of stigmatizing attitudes and legislation against those on the registry thwart reintegrative efforts is crucial if the ultimate goal is, in fact, the protection of society.

Additionally, whether people like it or not, a fundamental constitutional principle of the criminal justice system in the United States is that once a person pays his or her debt to society, they should be free, in fact encouraged, to rejoin that society as a productive citizen. This chapter illustrates how stigmatizing those on the registry prevents this from happening in a successful and meaningful way. Tocqueville recognized this fundamental contradiction between the philosophy of the American criminal justice system and its execution, stating:

You are free to think differently from me and to retain your life, your property, and all that you possess; but you are henceforth a stranger among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow citizens if you solicit their votes; and they will affect to scorn you if you ask for their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow creatures will shun you like an impure being; and even those who believe in your innocence will abandon you, lest they should be shunned in their turn. Go in peace! I have given you your life, but it is an existence worse than death. (Tocqueville, 1956, p. 7)

For some of those with a lifetime sentence of being on the sex offender registry, it may well be an existence worse than death.

**Table 4: Summary of participants cited in Chapter 6**

<b>Pseudonym</b>	<b>Age</b>	<b>Sex</b>	<b>RaceEthno</b>	<b>Orientation</b>	<b>Marital Status</b>
Barry	38	Male	White	Heterosexual	Married
Christian	50	Male	White	Heterosexual	Married
Darren	53	Male	White	Heterosexual	Married
Jeremy	24	Male	White	Heterosexual	Married
Jerrold	40	Male	White	Heterosexual	Married
Mack	29	Male	White	Heterosexual	Divorced
Malory	32	Female	White	Heterosexual	Divorced
Mario	46	Male	Hispanic	Heterosexual	Never married
Mark	29	Male	White	Heterosexual	Never married
Nick	59	Male	White	Heterosexual	Never married
Pete	63	Male	White	Heterosexual	Divorced
Reed	24	Male	White	Heterosexual	Never married
Robbie	49	Male	White	Heterosexual	Married
Rodney	32	Male	White	Heterosexual	Never married
Stan	51	Male	White	Heterosexual	Divorced
Tony	45	Male	Hispanic	Homosexual	Never married

## CHAPTER 7: CONCLUSION

The mistake would be in thinking that this dissertation is only about “sex offenders.” Because it is not. It’s an easy mistake to make, since each substantive chapter involves hearing from people who are listed on a sex offender registry. Although those on the registry constitute a quintessential example of a concealable stigma, the purpose of this dissertation is to explore the ways in which a person with a concealable stigma, or what Goffman (1986[1963]) calls a discreditable stigma, navigates his or her daily existence among people who may or may not be aware of that stigma. In doing so, I have laid out the process by which a stigma is socially constructed, examined the current state of the modern-day stigma surrounding people on sex offender registries, and then focused on specific examples of how people on these registries deal with their stigma on a daily basis. In this chapter, I will review each of these concepts, explore potential alternatives, and then discuss the limitations and future possibilities for this research.

### **Summary**

#### ***The Social Construction of a Stigma***

I begin in chapter 2 by outlining the process by which a modern-day pariah is socially constructed. While carefully avoiding any suggestion of a comparison between sexually offending and slavery, I draw on the idea promulgated by Barbara Fields (1990) that sociologists and historians have misunderstood the causal relationship between race and slavery. She argues that the concept of race, as we know it today, was socially constructed as a way to justify slavery during the early history of our nation. She argued that the institution of slavery was so antithetical to the basic tenants espoused as a nascent country that the idea of race was constructed as a way to quell the dissonance. I argue that the same error is made in considering the relationship between sexually-based offenses and “sex offenders.” Specifically, I suggest that

the modern day “sex offender” is a socially constructed category created to justify harsh and unconstitutional laws that were passed in knee-jerk reaction to high-profile cases of sexual assault. Just like constructed notions of inferiority were then applied to anyone who was successfully labeled as “black,” the equally socially constructed stereotypes of perversion and dangerousness have been applied to anyone who is successfully labeled as “sex offender” by virtue of inclusion on a public registry.

Having shown how the category of “sex offender” has been socially constructed, I then explore how the negative stereotypes applied to that category are created, exacerbated, and reified. The cyclical pattern begins with legislative responses to high-profile, yet rare, cases of egregious sexual assault, usually against a child. The emotional and political rhetoric used to justify the harsh legislative response riles up a leery and susceptible public, and this in turn catches the eye of the media who profits from playing to public fears. The media further sensationalizes the issue, which leads back to a political response, starting the cycle over again. In each iteration, the problem is portrayed as getting worse, the stereotypes become more harsh, and the individual convicted of a sexually-based offense is reduced to a dangerous, subhuman individual deserving of a demotion in his or her standing in society. Something that he or she *did* becomes something he or she *is*.

After setting the stage by describing the social upheaval of the late twentieth century, including women’s and children’s rights, as well as a shift in criminal justice policies away from offender rehabilitation to a more focused concern for victims’ rights, I explore how current laws related to sexually-based offending began. Using verbiage from actual floor debates in the Illinois Senate and House of Representatives from 1986 through 1996, I illustrate how politicians in Illinois initially passed legislation requiring certain individuals convicted of multiple sexually-



based offenses to register with local police on an annual basis. This was done in response to high profile cases such as the assault and murder of Jacob Wetterling in 1994. Although there was strong, impassioned rhetoric employed to support the nascent registration law, lawmakers were clearly focused on solving a specific problem, namely the incidents of repeat offending. Politicians were emboldened by the lack of opposition to registration laws, and subsequent years brought about additional sanctions, restrictions, and requirements aimed squarely at individuals who were already convicted of an offense and who had, by and large, already completed their court-ordered sentence. As the laws became more punitive, the use of rhetoric became harsher, turning the conversation away from the problem of sexual offending and to the problem of the “sex offender.” In this conversation, the “sex offender” image was one of a recalcitrant deviant unable to control his or her sexual desires, and was thus too dangerous to exist in mainstream society without being monitored by law enforcement. These characteristics were then applied to anyone listed on the registry, thereby reversing the logic from *one is on the registry because he or she is dangerous* to *one is dangerous because he or she is on the registry*. This socially constructed notion of the dangerous “sex offender” was thus codified through an official registry, legitimized by public statements from politicians and media outlets, and promulgated by official notifications such as the one that warned the public to “check the registry” before allowing children out to trick-or-treat on Halloween (“Madigan: Check sex offender registry before trick-or-treating,” 2016).

Understanding the social construction of the modern notion of “sex offender” sets the stage for understanding the lived experiences of those listed on the registry. Not only does it directly impact the way people on the registry are treated by their community, it also impacts the way those on the registry interpret their own existence, since everyone I spoke with was keenly

aware of the way they were portrayed by public officials and in the mainstream media. It is through this lens that the interviews with individuals on the registry should be viewed.

### ***The way it is today***

In chapter 3, I looked at the way social panics surrounding sexually-based offenses have cycled, peaking and waning, since the beginning of the twentieth century. Several researchers have noted this cycle of moral panics, but I draw primarily on the work of historian Philip Jenkins (1998) who outlined four major sex panic cycles that occurred in the twentieth century but prior to the current era of panic. He argued that each panic followed a predictable pattern that generally starts with a sensationalized media account of one or more particularly heinous crime. The public is outraged by these reports, fueling further media attention, which is then picked up by politicians as a rallying cry. In response, lawmakers pass restrictive and punitive legislation, which is reported by the media, thus starting the cycle over again. The panics begin to wane as these overly-punitive laws are challenged in court and academic research begins to question the efficacy and constitutionality of the laws. Court challenges are often brought about by advocacy organizations, and these groups also try to influence public opinion. The panics are followed by a lull before another sensationalized offense reignites the flames of anger once more.

Jenkins (1998) argues that the current era of sex panic started in the 1990s, fueled by high-profile cases such as the abduction and murder of Jacob Wetterling in 1989; the kidnapping, sexual assault and murder of Polly Klaas in 1993; and the sexual assault and murder of Megan Kanka in 1994. The legislative response was swift and led to the creation of the sex offender registry and community notification.

I outline the three main ways that sex panics have been historically quelled: legislative and court responses, academic research, and activist organizations. In particular, I consider how

Illinois lawmakers responded to the issue of sexual abuse and the eventual legal challenges brought both in Illinois and nation-wide. I also looked at the academic response, which initially focused on the constitutionality of the laws but then began to look closely at the collateral consequences of registration and notification laws. Finally, I discuss some of the various advocacy and support organizations that have been, and continue to be, influential in pushing back against the increasingly harsh and punitive legislation that continues to be passed in Illinois and other states.

Another purpose of this chapter is to provide an overview of where we are today as a nation with regard to laws and social attitudes toward the sex offender registry and those who are listed on it. This is an important frame to establish in order to more fully understand the two chapters which focus specifically on the lived experiences of those who are listed on the registry in Illinois. The issues they describe, and their methods for dealing with those issues, can only be understood through the lens of the current state of affairs described in this chapter.

### ***The Current Study***

Using data from 30 face-to-face, semi-structured interviews with individuals listed on the Illinois Sex Offender Registry, I examine the way respondents navigate a daily existence interacting with others who may or may not know about their status as being on the registry. Participants were recruited primarily through an organization that advocates for the legal rights of individuals on the registry. In chapter 4, I detail the methods used for recruiting and interviewing participants. I also discuss my own struggles with self-disclosure, and reveal my potential biases as an “outsider within” (Collins, 1986): an outsider by virtue of being an academic in a doctoral program at a level-one research university, and an insider due to

circumstance that are very similar to those I interviewed. I conclude by discussing the strengths and limitations of both my methods and my own personal biases.

### ***The Issue of Disclosure***

For anyone with a discreditable, or concealable, stigma, the paramount issue becomes one of information control (Goffman, 1986[1963]). Controlling who knows, who finds out, how they find out, and just how much information is released consumes enormous physical and emotional resources for the person who is stigmatized (Oswald, 2007). All of the individuals who participated in this study expressed constant worry about the issue of disclosure primarily focused on who to tell, and when to tell them. I identified six reasons why a person would choose to disclose their status as being on the registry, and one over-arching explanation why they often chose not to disclose. I found that these disclosure strategies mapped closely to studies of other stigmatized groups, including those with invisible chronic conditions (Charmaz, 1991; Joachim & Acorn, 2000), members of the LGBTQ community (P. Corrigan & Matthews, 2003), and unemployed professionals (Letkemann, 2002). The strategies I identified in the current study were 1) necessity; 2) relationship status; 3) “know me first”; 4) preemptive; 5) gauging reaction; and 5) honesty. The over-arching explanation for why they would choose *not* to disclose was the fear of consequences.

Understanding why a stigmatized individual would choose to disclose, or not to disclose, is more than just an academic question for those on the registry. The ostensible purpose of a public registry is to keep communities informed about those who live in those communities. When the shame and stigma of being on the registry becomes so great that the individuals listed go to great length to conceal that status, then the purpose of the registry begins to work against itself. The emotional toil of controlling information related to the stigma of being on the registry

can exacerbate the very issues that led to offending in the first place. Thus the registry, created to make communities safer can actually do the opposite.

### ***The Extensive Reach of Concealable Stigmas***

Stigmas can be seen as impacting along three dimensions: internal, social, and legal (P. W. Corrigan & Watson, 2002; Tewksbury, 2005). The level of impact to each of these dimensions vary, and not all effect an individual's day to day life in the same way. Some stigmas, however, are so powerful that they encroach on nearly every aspect of a person's life. In Chapter 6, I discuss four specific ways that the stigma of being on the sex offender registry permeates the existence of those on the registry. The first is the way in which being on the registry impacts the way individuals view themselves. Informed by Cooley's (1983[1902]) concept of the looking-glass self, also known as reflected appraisals (Felson, 1985), I draw from my interviews with individuals on the registry to show how the negative messages coming from politicians, the media, and what Mead (1934) calls the "generalized other," strongly impact the self-image of those to whom the messages reference. Those on the registry often struggle to reconcile what they perceive to be their "real" selves with what they perceive to be the impressions of others in the community. The result is often an internalization of these negative messages, whereby *what they did* to land on the registry morphs into an internally accepted *who I am*.

Next, I look at the way that the codification of the stigma of being on the registry causes that stigma to creep into many aspects of an individual's life. Unlike other stigmas, the public registry broadcasts information to anyone with internet access and a desire to find that information, such that the problem of information management is complicated for those listed on the registry. Laws that impose strict requirements and restrictions also make it difficult for those

on the registry to conceal their status as on a person on the registry, often in unanticipated ways. Park restrictions may trigger disclosure when a person has to explain why they cannot attend a relative's wedding because it is being held in a park. Rules prohibiting a parent from attending their child's school without permission force disclosure to principals or superintendents. Because legal consequences get attached to the stigma, it becomes very difficult for the individual on the registry to navigate their daily existence undetected.

In addition to the codification of the stigma through the registry, law enforcement officials often enforce the rules and restrictions inconsistently, and often capriciously, making it difficult for those on the registry to adhere to them. The rules and restrictions themselves are constantly changing through legislative efforts aimed at those on the registry. Those I spoke with expressed constant worry about what laws would be passed next and how those laws could potentially turn their world upside down.

Finally, I discuss the concept of dual-role relationships that are created by the registry and its accompanying restrictions. These relationships impact not just those listed on the registry, but they spider out to impact a host of individuals directly or indirectly associated with someone on the registry. Many participants found themselves in the dual-role of both offender and parent. Wives of some of the participants struggled to reconcile the role of loving wife with that of protective mother. Even police officers have to deal with the dual-role of protecting the public from those on the registry while at the same time protecting those on the registry who are also citizens in the community. These dual-role relationships have the effect of extending the reach of the stigma of being on the registry.

There can be little doubt that the impact of being listed on the sex offender registry impacts a person's life in nearly everything they do. And because most people who are put on the

registry in Illinois will be there for their entire life, the registry casts a shadow that makes being on the registry almost unbearable for many of those with whom I spoke. In a nation where the criminal legal system is founded on the principle that a person serves his or her time and then is returned as a full member of the community, the shadow of the registry is problematic.

### **Discussion**

With any stigma comes some level of shame on the part of the stigmatized (Goffman, 1986[1963]). Sometimes, this shame serves a useful purpose. Braithwaite (1999a) argues that shaming, when applied judiciously, can facilitate the reintegration of those who have violated social or legal norms. He defines this as “reintegrative shaming” but argues that it only works when “shaming is conceived as a tool to allure and inveigle the citizen to attend to the moral claims of the criminal law, to coax and caress, to reason and remonstrate with him over the harmfulness of his conduct” (Braithwaite, 1999a, p. 9). When mixed with restorative justice efforts, shaming is a powerful tool for helping former offenders rejoin their community.

When stigma becomes disintegrative, however, we are left with at least one major consequence. We do a huge disservice to those upon whom we heap the negative shaming because disintegrative shaming works counter to the stated goals of reducing recidivism and protecting society. Using the issue of modern-day sex offender registries as a quintessential example, this dissertation has crafted a narrative related to public shaming and ostracization of a particular group of individuals.

The category of “sex offender” as it is defined today is a socially constructed concept created by politicians to justify legislation that unfairly and unconstitutionally punishes those assigned to the category long after they have paid their debt to society. As I show in chapter 2, politicians seize on the issue of sexually-based offending as a way to rile a fearful public, which

then allows the politician a platform by which they can claim to address the issue through restrictive and punitive laws and registries. Through the use of emotionally-charged rhetoric, politicians have been successful at creating hysteria and fear regarding the demonized “sex offender.” This results in a predictable cycle of moral panic, as I laid out in chapter 3. This cycle has been quite evident, occurring every 30 years or so since the early 1900s. Unlike previous moral panics, however, the current era, which began in the late 1980s, shows little sign of dissipating. This is likely due to the exponential increase in the use of technology such as the internet and cell phones, coupled with an increase in “political correctness” which makes disparaging any particular group socially unacceptable, except for those who are deemed to be deserving of such wrath. The continued political attack on those convicted of sexually-based offenses, along with the social acceptance of prejudice against those categorized as “sex offenders,” has created an environment in which anyone on the registry must deal with a concealable stigma that is highly shaming and that has very real emotional and physical consequences.

In order to have any sort of understanding of what those in the public sex offender registry must deal with on a day to day basis, it is critical that their experiences be viewed through the lens of the social construction narrative I laid out in chapters 2 and 3. Without the benefit of the social construction lens, it would be simple to dismiss the trials and tribulations of those listed on the registry as consequences of their own doing, punishment for unspeakable crimes against innocent women and children. Too often discussions about the collateral consequences of public registries are dismissed with a shrug and a firm, “Who cares?” This pervasive apathy towards the serious issue of public registries stems from obdurate ignorance of the socially constructed nature of the issue.



Thus it is through this lens, this narrative of the social construction, that I present my findings from 30 face-to-face interviews with individuals who are listed on the public sex offender registry in Illinois. Our conversations during these interviews mainly focused on how participants navigate a daily existence interacting with individuals that fall within three broad categories: those who definitely know that the participant is listed on the registry; those who definitely do not know that the participant is on a registry; and those who the participant does not know whether or not they know that the participant is on the registry. Those that fell into the latter two categories presented the greatest challenges to the participants I interviewed. Foremost in our conversations was the dilemma each of them faced in deciding whether or not to disclose, when to disclose, to whom they should disclose, and how they should disclose their stigmatized status as being listed on the registry. And while each of the participants described the stress surrounding questions of disclosure, it was clear that none of them had any definitive answers to if, when, to whom, and how they should disclose their status. There seemed to be a nebulous, mostly undefinable line which, once crossed, triggered an internal belief that it was necessary to disclose. Generally speaking, this line involved a subjective decision that the risks of *not* disclosing outweighed the risks of disclosing. And since the consequences of disclosing were often severe, potentially impacting housing, employment, and longtime friendships, the ultimate decision to reveal their status did not come easy.

The issue of disclosure is more than academic. Keeping a huge part of one's life a secret, coupled with the persistent task of information management, results in significant psychological, emotional, physical, and social burdens for those on the registry (Herek, 1996; Oswald, 2007; Pachankis, 2007; L. Smart & Wegner, 2000). The tragedy of this is apparent when juxtaposed to the socially constructed nature of the modern day "sex offender." That is to say, while these

burdens are ostensibly the consequence of a person's offending behavior, it becomes clear that they are really the result of the creation of a mythical category defined as "sex offender" which has become reified to a leery public by shrewd politicians and a sales-oriented media. Thus the discussion of disclosure is important precisely because the consequences come from what is being *done to* those on the registry as opposed to what was *done by* those on the registry.

Understanding the issues surrounding disclosure for those on the registry is also important because of the stated purpose of having a registry in the first place. Politicians justify the erosion of civil rights for those forced to be publicly identified on registries by arguing it is in the public's interest to know who has committed a registerable crime and where they live. The theory is that by penetrating the shroud of secrecy, community members are able to clearly identify a perceived risk and thus take necessary precautionary measures in order to protect themselves and their families from danger. The paradox comes when the stigma of being on the registry becomes so great, and the consequences of disclosure so dire, that those on the registry are forced to battle the ostensible purpose of the registry, which is to make the individual on the registry more visible to the public eye, in order to protect themselves and their own families. In other words, the registry is designed to make people more visible, but those on the registry actively work to become less visible in order to avoid the negative consequences of being recognized.

The tenants of restorative justice as outlined by Braitwaite (1999a) resolve the issue of disclosure through a mutual process of support and accountability. Using this approach to the social reintegration of those who have violated social laws and norms, offenders are encouraged to self-disclose in order to facilitate the support they receive from their community in finding housing, employment, and social acceptance. The shame of their offense is used as a tool to help

them understand the consequences of their behavior instead of something that isolates them from their own social community. By being open and honest about their past transgressions, offenders are freed from the burden of secrecy, thus paving the road to a healthier lifestyle that fosters a commitment to not repeating their offense. The logic of the restorative justice approach becomes clearer when viewed alongside the many negative problems of disclosure created by public registries.

Another unfortunate consequence of public registries relates to the expansion of the stigma into nearly every facet of an individual's life. Unlike other stigmas, the vast majority of which are not displayed on a public registry, the codification of the status of "sex offender" via public registries greatly enhances the challenges faced by those who are labeled as such. The process of information management becomes a navigational landmine with dire emotional, physical, and social consequences. Attempts to avoid these consequences through a reticence to disclose leads to secondary character attacks whereby one is accused of being deceitful, dishonest, and secretive (Letkemann, 2002).

Public registries have the effect of creating a master status of "sex offender" which then becomes a controlling image (Collins, 1999) through which anyone listed on the registry is viewed. Forgotten in this are the many other social roles occupied by individuals on the registry—roles such as parent, caregiver, student, friend, and lover. Because of the codification of the "sex offender" label, the stigmatizing effects often spill into these other roles, negatively impacting not just the person on the registry but many others as well.

It is important to understand the far-reaching impact of being on a public registry because it frames many of the battles that opponents of the registry are fighting both in the public arena and in the courts. Although two key Supreme Court cases from 2003 are cited as evidence that

registries are constitutional (C. L. Scott & Gerbasi, 2003), often overlooked is the caveat that they were held constitutional precisely because of the limited impact they had to those required to register. Courts are beginning to reconsider the expanded consequences of being listed on public registries and, in some cases, they are concluding that registration laws have changed significantly enough since 2003 that today they can, and should, be considered punishment (see ACLU, 2012). This is a critical distinction since once laws are recognized as punitive, as opposed to merely administrative, they trigger basic constitutional protections such as *ex post facto* and due process, the two main arguments that were rejected by the Supreme Court in 2003 (C. L. Scott & Gerbasi, 2003; "Smith V Doe," 2003).

Beyond the legal ramifications, understanding the impact of being on a registry is necessary because of the counterintuitive effects it has on basic perspectives of crime and deviance. Sociologists offer many explanations for why societies function the way they do, and why we have those who deviate from social norms. One of the earliest sociologists, Emile Durkheim, believed societies are held together by a collective conscious, a set of shared beliefs and moral attitudes that transcend the individual beliefs or attitudes of any single individual (Durkheim, 1933). Deviance from social norms causes the collective conscious to be offended, or damaged, and society responds by trying to repair the damage and bring the collective consciousness back into harmony. Durkheim (1933) thus argues that punishment serves the purpose of demonstrating to the perpetrator the error of his or her ways, and bringing them back into the fold of the collective conscious.

Similarly, both social control theory and rational choice theory are predicated on the idea that adherence to social norms results from an evaluation of the negative consequences of violating those norms (Liska & Messner, 1999). When deciding whether to commit an act that

may lead to short-term pleasure, an individual has to weigh that action against the potential long-term displeasurable consequences. As it relates to public registries, when restrictions and social stigma become so onerous that displeasurable consequences are unavoidable, then decisions about compliance to social norms become more complicated.

This is very consistent with another concept known as labeling theory (Becker, 1963; E. Goode, 1975; Liska & Messner, 1999). This theory argues that when a person is labeled as a deviant, and that deviancy becomes a master status, everything a person says or does is evaluated through that master status lens, leaving the person no option for redemption. Labeling theory suggests that when this happens, the labeled individual will adopt the deviant label themselves, resulting in a “self-fulfilling prophecy” whereby the labeled individual resigns him or herself to deviancy.

Link and colleagues (1989) proposed a modified labeling theory that suggests that even lacking tangible consequences of being labeled a deviant, an individual who perceives the possibility of experiencing negative consequences may avoid healthy social activities that would otherwise facilitate successful reintegration. Applying this theory to those on the sex offender registry in Illinois, Mingus and Burchfield (2012) did, in fact, find that the more an individual believes he or she will be devalued and/or discriminated against, the more he or she will avoid activities or opportunities that would facilitate reentry into society.

Taken together, these theories of crime and deviance suggest that a stigma that reaches negatively into so many aspects of a person’s life is likely to create an environment that is antithetical to the stated goals of punishment, keeping those stigmatized individuals so far removed from normal social interactions that successful reintegration becomes nearly impossible. This in turn removes the social incentives to refrain from offending behavior, thus

countermanding the ostensible motivation for creating a public registry in the first place. While there are many more theories on crime and deviance (see Liska & Messner, 1999), no credible theory argues that total banishment (aside from perpetual incarceration) is an effective tool in reducing recidivism.

This dissertation has taken us on a journey that begins with the social construction of a category collectively known as “sex offender.” The journey continues through an explanation of how we got to where we are today with contemporary sex offender laws and registries, along with their accompanying rules and restrictions. We end with a look into the real-life experiences of those who are burdened by the weight of being listed on a publicly shaming registry. The overarching theme is that the modern day “sex offender” and its codified registry are socially constructed, unfair, burdensome, unconstitutional, and ineffective. It is clear that we, as a society, need to find a better way to deal with the social problem of sexually-based offending.

### **Alternatives**

Throughout this paper, I have highlighted the problems associated with creating a stigmatized population in the name of public safety. The codification of a stigma through legislation and public registries paradoxically countermands the ostensible purpose of those very laws and registries by creating an environment so toxic that it thwarts nearly every possibility of successful reintegration into local communities. That the category of “sex offender” was socially constructed to justify the punitive level to which the laws were enacted adds a sense of morality to the otherwise legal conundrum. In short, the manner in which the U.S. handles the problem of sexually-based offending simply is not working.

Politicians are loath to back down on laws that have already been passed that are perceived to be addressing the problem. Afraid of being labeled “soft on crime,” candidates and

incumbents often steer clear of controversial subjects altogether, or they stoke the flames of panic in order to appease and attract would-be voters. Because of this, thoughtful discourse on alternative solutions rarely occur within the legislative milieu. And when they do, such as within the current task force in Illinois set up to address these issues, potential solutions are often tempered by political realities such that recommendations lean toward minimal change.

There are, however, viable alternatives to “name and shame” solutions like public registries. One that is often touted by advocacy organizations is a law enforcement only, or LEO, registry. The modern sex offender registry came about largely as a result of the abduction and murder of Jacob Wetterling in 1989. Jacob’s mother, Patty Wetterling, believed that the police may have been aided in their efforts at finding her son if there was a registry of those previously convicted of sexually-based offenses at their disposal. Today, she is dismayed at how far registration laws have gone and believes that making them public is not necessarily the best route. In a 2013 news article, Wetterling is quoted saying, “We can't just keep locking them up, putting satellite monitoring on them, registering them for life. That doesn't change the problem” (Bleyer, 2013). Like others who believe public registries have gone too far toward public shaming, Wetterling advocates for law enforcement only registries that would aid in solving ongoing investigations. Even critics of public registries in general argue that LEO registries would be preferable to internet-based public registries.

While LEO registries would reduce the public shame associated with being listed on the registry, it does not address the myriad requirements and restrictions that are often associated with registries. In fact, in Illinois, most of the restrictions faced by those convicted of sexually-based offenses are tied to the conviction itself, not to the registration term. Individuals who are only required to register for a period of 10-years following their conviction (or release from

prison) must still adhere to a number of restrictions, including a ban on being at schools, parks, daycares, and other places children congregate, and not living within 500 feet of a school or daycare, for their entire life. These restrictions apply to anyone ever convicted of a sexually-based offense against a person under the age of 18 at the time of the offense. In addition, LEO registries still codify a category of “sex offender” and ties a host of characteristics to those individuals required to register.

A better alternative to public registries or LEO registries might be found in Braithwaite’s (1999a, 1999b) notion of restorative justice. Braithwaite (1999b) argues that the concept of restorative justice “has been the dominant model of criminal justice throughout most of human history for all the world’s peoples” (p. 2). Restorative justice is an alternative that seeks to mend the damage done by the offender, heal the wounds inflicted on the victim, and bring both back into the harmony of what Durkheim (1933) calls the “collective conscience.” It is about “healing rather than hurting, moral learning, community participation and community caring, respectful dialogue, forgiveness, responsibility, apology, and making amends” (Braithwaite, 1999b, p. 6). Restorative justice, then, brings all the stakeholders to the table in order to address the needs of everyone involved, including both the victim and the perpetrator.

The notion of restorative justice formed the basis of a practical application to those being released from prison after having served time for a sexually-based offense (Wilson, McWhinnie, & Wilson, 2008). In 1994, a man named Charlie was set to be released from an Ontario, Canada prison. He was deemed by his own therapist a high-risk for reoffending. The criminal justice system had run out of options and his release from prison was eminent. Rather than excommunicate him from his home community, the pastor and congregation from the local Mennonite church devised a plan to help Charlie return to the community while at the same time



promoting the safety of community members. They established what is now known as Circles of Support and Accountability, or COSA. As the name implies, there are two components to COSAs: the first is support, whereby the community works together to assist the offender in finding work, securing a place to live, and engaging in healthy social interactions. The second component, which is essential in garnering support from community residents, is accountability. This involves a signed contract detailing the rules and regulations that the offender agrees to abide by, and a commitment to monitoring the activities of the offender during the COSA process. The message of COSA is essentially, “We know what you did, and we’re watching you. As long as you follow the rules, we’ll bring you back into the fold of the community.” It is a quintessential example of Durkheim’s notion of repairing the collective conscience.

A 2009 study of COSAs in Canada revealed that participation in a COSA can reduce the risk of recidivism by up to 70% as compared to control groups and actuarial norms (Wilson, Cortoni, & McWhinnie, 2009). They found that “with its focus on support, COSA provides positive social influences, concrete help with cognitive and other problem solving, and helps counteract the social isolation and feelings of loneliness and rejection associated with sexual reoffending” (Wilson et al., 2009, p. 426). As compared to the many regulations and restrictions typically applied to those with a sexually-based offense, “the COSA model provides clear evidence that sexual offenders, particularly high-risk sexual offenders, need not be destined to fail over and over again” (Wilson et al., 2009, p. 426). In short, they concluded that the COSA model works.

The COSA model was implemented in the United States by the Minnesota Department of Corrections in 2008. Based on the Canada model, the Minnesota Circles of Support and Accountability (MnCOSA) was established partially in response to a study of the impact of

community notification and recidivism rates (Duwe, 2013). Their study concluded that while community notification can decrease recidivism risks, primarily by lifting the veil of secrecy that typically surrounds sexually-based offenses, it also creates collateral consequences that make it difficult for offenders to reintegrate into their communities (Duwe & Donnay, 2008). The COSA model purports to address both issues—it assures that communities are aware of the presence of the offending individual, thus lifting the veil of secrecy, while at the same time facilitating social reintegration. A 2012 study of the effectiveness of the MnCOSA model found that it significantly reduced the risk of recidivism while at the same time reducing the post-incarceration costs to the state (Duwe, 2013).

I believe that the COSA model could be successfully implemented in Illinois, though there would be some significant challenges. Parole restrictions in Illinois for those coming out of prison with a sexually-based offense on their record make reintegration even more difficult than for others being released from prison. Parolees who were convicted of a sex offense are forbidden to have internet access of any type, are placed on strict house arrest with little or no “free” movement time and are strictly limited in where they can go and what they can do. This is important because in order for the COSA model to work, parole officers must buy in to the process and agree to participate, while at the same time allowing the offender the freedom to adhere to conditions of his or her covenant, which often includes getting a job and participating in healthy social activities. Nonetheless, I believe these obstacles could be overcome and that, once implemented, results of the COSA model in Illinois would be similar to that of Canada and Minnesota.

It is worth noting that not everyone believes the COSA model is effective or appropriate for those convicted of sexually-based offenses. For example, Michael Dolce, an attorney who is

on the board of the Florida Council Against Sexual Violence, makes an impassioned argument that restorative justice will not work for “sex offenders” (Dolce, 2017). He suggests that most convicted “sex offenders” are incapable of feeling remorse or empathy, a prerequisite for restorative justice. He also employs the emotion appeal to “think of the victims” and the impact the sexually-based offense had on them. Dolce, however, is not a researcher and he bases his argument on emotional rhetoric and anecdotal evidence. He also seems to miss the healing power that restorative justice can have on victims. In short, his passionate argument against using restorative justice for “sex offenders” is misguided and unconvincing.

Having a viable solution to a problem is not a necessity for criticizing a flawed system. It may well be that there is a small subset of individuals who commit sexually-based offense for whom containment is the only solution. What to do with truly dangerous members of society is the same concern raised by critics of prison abolitionists. Angela Davis (2003) recognized that “this is the puzzling question that often interrupts further consideration of the prospects for abolition” (p. 105). While I don’t have any perfect solution to this problem, I do note that the COSA model described earlier in this chapter was created specifically in response to the release of an individual who was deemed at extremely high-risk to reoffend—one who might be considered “truly dangerous”—and that this individual never reoffended. Thus I do believe I have successfully argued that the current manner in which the problem of sexually-based offending is addressed through punitive legislation and stigmatizing registrations is fundamentally flawed, while at the same time I have provided an empirically validated, more effective, and more humane alternative through a discussion of the implementation of the COSA model.

## **Limitations**

Studying any stigmatized population is going to present challenges, as those impacted by the stigma tend to avoid calling attention to their status, even for the sake of research (Penrod, Preston, Cain, & Starks, 2003; Platzer & James, 1997; Renzetti & Lee, 1993). When stigmas also include tangible social and legal consequences, garnering cooperation can be even more difficult. Thus this study is limited both in the number of individuals who responded to my request for participation and the level to which they were willing to discuss the details of their situation. The sample for this study was not selected at random, but was rather culled from an existing database of individuals who had signed up for a mailing list through an active support organization. Because of this, the results are not necessarily generalizable beyond the scope of those who participated in the study.

There are over 700,000 individuals on sex offender registries in the United States, and they come from every state. All of the participants for this study were drawn from individuals on the registry only in Illinois. It is possible that individuals from other states, where rules, requirements, and restrictions may vary considerably, might have a very different experience than those in Illinois. However, since this study was not specifically about rules and restrictions, but rather the experiences of living a daily existence while having a concealable stigma, I believe responses would have been similar no matter where respondents live within the United States.

Because of the relatively small sample of respondents (n=30), the subpopulations within the sample were extremely small. For example, there was only one individual who identified as female, three individuals who identified as gay, and five who identified as something other than white. Individuals in each of these demographic subcategories may have different experiences than those in the majority categories, but with such a small number of each of the subcategories,

any differences would have to be considered idiosyncratic. Future studies would benefit from including a larger number of individuals from varying demographic categories.

Early on in my project, I made the decision not to ask respondents about the specifics of their offense. My logic, quiet reasonable at the time, was that I did not want to suggest a judgement based on some artificial hierarchy. In retrospect, however, I now believe that the way in which individuals experience being on a public registry may, in fact, be aggravated or mitigated by their own perception of the seriousness of their offense. In terms of reflected appraisals, how one believes he or she will be perceived by others who learn not just that they are on a registry, but the actual details of the offense, will quite likely influence who they tell, how they tell others, what they tell others, and how they react when they find out that that others have learned the details. In a more tangible way, how an individual on the registry perceives the seriousness of his or her own offense can impact a wide range of decisions, such whether or not to get intimately involved with someone, whether or not to get involved in social activities, and whether or not to be open and honest with people they meet. In short, the experiences I write about in this paper would certainly have benefitted from understanding how the respondent feels about his or her own offense.

Finally, a limitation with any study of stigmatized individuals is in mitigating the effects of social desirability responses (Renzetti & Lee, 1993). Being a member of a stigmatized group can be shameful and embarrassing, and respondents are likely to reframe their responses in order to present themselves, and their situations, in a more positive, less stigmatizing way. Even though I disclosed my own stigmatized status prior to beginning the interview, and even though this may have given respondents more confidence that they would not be judged by me, they were nonetheless aware that my interviews would result in a dissertation that would be read by

others, and this may well have prompted them to present themselves a certain way. Future studies would benefit from a more ethnographic approach that would allow researchers to interact with participants in a variety of situations that could potentially mitigate responses unduly influenced by social desirability.

### **Future Studies**

A number of potential themes identified throughout this study could be seized on by researchers as a basis for future studies. One is the notion of “real me” versus “perceived me” intimated by a number of respondents. Many of the respondents made reference to having people get to know the “real me” before they would disclose their status. This suggests a disconnect between what respondents saw as their “real self” and how they perceive they were seen by others. This, in and of itself, would be a fascinating social-psychological study.

Although this study drew on theories of reflected appraisals, or “the looking-glass self,” I believe a true psychological study using experimental methods would illuminate the direct effect that reflected appraisals would have on individuals with a concealable stigma. Done in a controlled, humane, and safe environment, a social-psychological experiment of this nature could offer interesting insight as to how different categories of individuals would influence a participant’s self-image. For example, the way feedback is differentially interpreted when it comes from those who know versus those who don’t know; individuals who are part of the stigmatized group versus “normals”; and relative strangers versus those who are closer to the participants.

As suggested previously, an ethnographic study of those on the registry might render deeper insight into the way this particularly stigmatized identity impacts individual’s daily lives. Such a study would likely include a much smaller sample, but involve a more longitudinal

process including attending social events with participants, going with them to register with local authorities, and participating in advocacy organization events. Some of this was planned in the original proposal for this study, but the logistics proved extremely difficult with a sample of this size.

### **Conclusion**

The conclusion of this dissertation can be summed up succinctly. The modern-day “sex offender” is a socially constructed notion created and reified in order to justify harsh and punitive measures designed to appease a leery public. The results are a patch-work of registries, laws, restrictions, and social stigmas that work counter to their stated purpose, thereby creating little or no benefit to society while at the same time wreaking havoc on the lives of over 700,000 individuals in the United States who are forced to endure the burden of this stigma. There are, in fact, better, empirically validated methods of dealing with those who commit sexually-based offenses, as described through research on restorative justice, which would address both the social stigma and the issues of public safety. Although these solutions may be difficult to execute in today’s harsh political climate, doing so would benefit everyone involved, from the victim, to the perpetrator, to local communities, and to our society as a whole.

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## APPENDICES

## APPENDIX A - PARTICIPANT SUMMARY

This appendix includes a summary of the 30 participants who were interviewed for this study. The summaries are based on my impressions taken from the interviews as well as field notes that were recorded immediately after each interview.

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### **Aaron**

Hispanic male, age 28, homosexual, single  
Unemployed  
Convicted in 2003  
College degree

Aaron was a young, shy, Hispanic gay man. He lives with a roommate. He tends to stay in or do quiet activities, saying that since his conviction, he doesn't really like crowds. He was unemployed, laid off due to the economy. He states the employers never knew. He worries about people finding out. He talked a lot about difficulties finding employment when you are on the registry. Does not tell a lot of people about it.

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### **Alec**

White male, age 44, heterosexual, married  
Unemployed  
Convicted in 2004  
Some college

Alec lives with his wife, and at the time, their grandchildren (because of chicken pox, the pregnant mother couldn't be around the kids at the time of the interview.) He used to be a paramedic, but was laid off the day before. He is interviewing for different jobs, but finds his background to be an issue. He is well known in the community from having been on the fire department, and this causes some problems, but he hopes may also open up doors. Used to be a high school teacher.

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### **Barry**

White male, age 38, heterosexual, married  
Student  
Convicted in 2003  
Some college

Barry lives in a nice apartment with his wife, who also participated in the interview. His wife and he tend to see the problems of being on the registry differently. She does not think it is that big of a deal, while he does. He is quite fearful of people finding out, and because of that, he does not get involved with activities that could potentially "out" him. Even success could bring attention to him, so he avoids things even if he is good at them. His wife does not see this as her stigma, but admits that they both have to deal with the restrictions and such.

## APPENDIX A - PARTICIPANT SUMMARY (continued)

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### **Bart**

White male, age 32, heterosexual, married  
Employed  
Convicted in 2005  
College degree

Bart is a Soft-spoken individual with a degree engineering. He is currently working in that field. He lives in a nice home with his fiancé (that he refers to as his wife.) He told me he does not like to think about being on the registry, and does not talk about it at all with his wife (though she obviously knows). He does not tell people if he can help it. His wife even made up a name for him to tell her family as she does not want them to know. Worries about people finding out, but also tells potential employers and landlords up front so as not to risk problems later if they find out.

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### **Brendon**

White male, age 52, homosexual, partnered  
Unemployed  
Convicted in 2004  
College degree

Brendon lives in a nice townhouse with his partner. His partner is a principal of a school, as was Brendon before his conviction. He does not need to work because his partner earns enough money; however, he did try to get both a real estate license and a cosmetology license, both of which were denied or revoked because of his status. He was more comfortable in his counseling group talking about being on the registry than about being gay. He equated coming out as someone on the sex offender registry to coming out as being gay. He does not do much socially, except with his partner and his partner's group of friends. Brendon tends to ignore rules, preferring to remain "ignorant" of the rules rather than try to keep them all straight. He admitted to picking up his niece at school, and also to going out of state without notifying anyone.

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### **Byron**

White male, age 39, heterosexual, married  
Employed  
Convicted in 2002  
High School

Byron lives very far south in Illinois in a small, sort of run-down town. He lives with his wife, who was pregnant, and his daughter in a building owned by a family member. They work on the building and in exchange they pay no rent. He works across the state border, and he was convicted out of state. He admits to not doing much but stay home and go to work in order to minimize exposure. He spoke of a few incidents with people finding out, but not many. He talks



## APPENDIX A - PARTICIPANT SUMMARY (continued)

about wanting to be able to tell people the whole story before they find out on their own, feeling his story mitigates their reaction.

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### **Chase**

White male, age 45, heterosexual, single

Unemployed

Convicted in 2007

Unknown education

Chase admitted to mental issues unrelated to being on the registry. His responses were short and to the point, which made for a quick interview. He lives on disability, but works when he can to relieve the boredom. For him, disclosure often requires disclosure of both his status as someone on the registry and his mental illness status. Lives alone, but still very close (emotionally) with his mother.

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### **Christian**

White male, age 50, heterosexual, married

Employed

Convicted in 2006

College degree

Christian lives with his wife and her children. He talked quite a bit about some of the difficulties of this arrangement. At least one of his step-children (daughter) resents that her mother brought Christian into the family. Christian experienced violence at the hands of police during his ordeal. He was “outed” several times by competing newspapers. He has had some run-ins with law enforcement hassling him about his offense. He works several jobs to make ends meet. He is also an active musician, both playing instruments and singing in a cappella. He is a gregarious person and used to be an activist, but says he doesn’t anymore because of time constraints.

---

### **Darren**

White male, age 53, heterosexual, married

Employed

Convicted in 2002

Some college

Darren lives at home with his wife, who has a voice problem which made it difficult to make out what she was saying much of the time. She participated in almost the entire interview, almost as though she were guarding what he was saying. He talked for a very long time about his life history before I even had a chance to ask him any questions. He is an accomplished musician. He talks about how his wife monitors him, making sure he isn’t unsupervised on the internet, etc. He talked about mental health issues, and how he used to talk publicly about mental health. Talks about mastering everything he did to compensate for his insecurities. Talked in detail about his

## APPENDIX A - PARTICIPANT SUMMARY (continued)

offense, though I didn't ask. Darren has no contact with his own kids after some negative incidents involving his ex-wife. He used to be very active in church, but didn't attend church at the time of the interview.

---

### **Henry**

White male, age 32, heterosexual, married  
Employed  
Convicted in 2008  
High School

Henry lives in a house with his wife and his grandparents (who actually own the house, but plan to bequeath it to him.) He works delivering trucks (or something like that), and that takes him away from home quite a bit. He also plays softball when is able (as long as they don't play in public parks.) He worries about what being on the registry will mean to his kids (when/if he and his wife decide to have children) and this may impact his decision to have kids, though he says he wants to. Depends on his reputation to mitigate his offense as he lives in the same place he grew up. His wife joined us for the interview for a while, but then left and didn't return. Does not see himself as a typical "sex offender."

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### **Jacob**

White male, age 24, heterosexual, single  
Unemployed  
Convicted in 2010  
Some college

Jacob had been on MTV's True Life talking about his offense and life on the registry. Since he'd been interviewed about being on the sex offender registry, his situation was really quite well known. Still, he continues to talk about problems with anxiety from being on the registry. He found it very hard to pinpoint exactly why he was feeling so much anxiety about being on the registry, and there really was kind of an interesting juxtaposition of his openness to be on the MTV special, and yet his reluctance to tell people and his fear that people would find out. Even though he was not very open about telling people, he's one of these people who believes his offense would be understood by most people and wouldn't be such a big deal if people found out. Nonetheless, he continues to express concern that people will find out.

---

### **Jeremy**

White male, age 24, heterosexual, married  
Employed/Student  
Convicted in 2007  
Some college

Jeremy was a very opinionated person. Strongly believes his offense was not an offense because there was only about three and a half years in age difference between him and the girls he was

## APPENDIX A - PARTICIPANT SUMMARY (continued)

convicted of offending against. He is open to telling people about his offense, except for his school and his employer. He believes people will understand when he tells them what happened, but thinks it could negatively impact his schooling and education, so he doesn't tell them and worries a lot about them finding out. Despite being confident that people will understand, he describes several violent encounters with neighborhood people, including one where they surrounded him and had guns, and he claims the police did nothing to help. He is very intellectual in a defiant sort of way, believing that most people are just ignorant and that is why we have stupid laws like the one under which he was convicted.

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### **Jerrod**

White male, age 40, heterosexual, Married  
Unemployed  
Convicted in 2006  
Some college

Jerrod lives there with his ex-wife, with whom he's reconciling, and two of his three kids. The third child was actually in the hospital at the time of the interview for cutting herself. He says it was the result of her issues with him and his wife getting back together. He was very quiet. Seemed a little reserved at first, but eventually opened up and talked quite freely. He was quite open about his offense, although he was not one of the people that justified his offense. He did describe it as a consensual relationship even though it involved an under-aged person. But he showed real remorse for his offense, and talked about being a different person, telling me that he's not a monster. In his life, people don't know. Where he goes to school, where he works, the people don't know and he hopes they don't find out, although he couldn't really exactly say why, other than the fact that it's embarrassing and he just doesn't want people to know. He wasn't really afraid of losing his job or being kicked out of school. He just didn't want people to know. He keeps very much to himself. He doesn't participate a lot of activities.

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### **Jesse**

Native American male, age 25, heterosexual, single  
Employed/Student  
Convicted in 1999  
College degree

Jesse was very talkative and very open about his case. His case involved a 16 year old girl when he was 20. He's very dismissive of it. He continuously refers to that as not being like other cases, and says that once people know that about him, that they're very accepting and they don't really think anything of it. Like so many of the participants, he talks about his real fear of people judging him based on what they see online, or what he calls on paper, just because he's on a sex offender registry, without actually getting to know him first. He believes that when people get to know him that they will see him differently. He's very open and tells almost everybody, and a lot of people at the school know: security knows, the people for whom he works know, most of the people in his life know, and he doesn't really express a concern about people finding out. Though

## APPENDIX A - PARTICIPANT SUMMARY (continued)

he's not afraid that something might happen if people find out, he does admit that he can't wait to get off the registry, which was supposed to be in February the year following our interview.

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### **Mack**

White male, age 29, heterosexual, divorced

Self-employed

Convicted in 2000? (based on comments he made)

High School Diploma

Mack lives in an apartment with several of his kids, some permanently others part time. He mentioned many times that part of the mitigating factor in disclosing is that he was granted custody of his kids. People assume that if he has custody of his kids, he must not be too bad. He describes his offense as "thinking she was 18." He is self-employed, fixing computers from home. He worries about not being to do things with his kids (take them to parks, etc.). He repeats several times the story of how he "impressed the hell" out of the judge. Very upfront about his offense, opting to tell the mitigating factors.

---

### **Malory**

White female, age 32, heterosexual, divorced

Employed

Convicted in 2002

Unknown education

V: M, 15

Malory is the only female I interviewed. She was very open about her offense, which was against a 15 year old male, and she admits that if the roles were reversed (male with a 15 year old female) things would be a lot worse. She admits to using this to her advantage in mitigating her offense. She has three kids, two who live with her, and an autistic daughter who lives with her (Malory's) mother. The father of her children is still active in her life and actually helped her get custody of the kids. She believes that if she can tell her story, people will be understanding.

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### **Mario**

Hispanic male, age 46, heterosexual, single

Employed

Convicted in 2005

Some college

Mario lives in a house with his dad. He has one daughter, even though he's never been married. His daughter lives nearby. He talked a lot about his feelings of guilt and remorse, more so over the damage that he seemed to have done to his family and his reputation than the damage done to the victim. He acknowledges that it was wrong and he shouldn't have done it. He seems though, when he talks about remorse and guilt, it is more focus on what he's done to his family. Although his close friends know, he says he has very few close friends and most of them are

## APPENDIX A - PARTICIPANT SUMMARY (continued)

friends he's had for most of his life. He was very open, very candid, he seemed to be kind of relieved to talk about it, although he says he doesn't like to talk about it. He also says he needs to talk about it and that it was good that he was able to talk about it with me.

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### **Mark**

White male, age 29, heterosexual, engaged  
Employed  
Convicted in 2004  
Some college

Mark kept referring to his stigma as his “stigmata.” He was attending school at a state-run university, but dropped out for this business opportunity. He was managing a pet shop and living in the back of the shop. This was a business arrangement with another individual on the registry whom he had met while in prison. He very much limits his activities. The woman he is engaged to has kids, and this has presented problems for him. After our interview, he emailed me to say that DCFS was threatening to take away the women’s kids because of their relationship. I heard from him later than he moved out of state. He talked openly about his offense and how he was still fighting to have it overturned. His offense involved getting involved with someone he thought was older than she was.

---

### **Nick**

White male, age 36, heterosexual, single  
Unemployed  
Convicted in 2005  
Some college

Nick lives alone (with his cat) in a very small cottage near a trailer park. He gained (by his admission) 120 pounds since his conviction because he just stopped caring. He has a very dim view of his prospects. Has a month to month lease on his apartment. He was not working at the time of the interview, but works on computers to make some money. He admits to living off unemployment. He had some bad experiences with people who found out, and thus he tries not to let people know, especially employers.

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### **Paul**

White male, age 40, heterosexual, estranged  
Unemployed  
Convicted in 2001  
Some college

Paul is disabled, having had one leg amputated as the result of a car accident six years prior. He was living by himself, but that was a recent occurrence. He had been together with his wife, but they were recently separated (about a month prior). His victim was his first wife (not the current one). Has two kids with his current wife and two with his first wife. He takes kids to the park

## APPENDIX A - PARTICIPANT SUMMARY (continued)

even though he knows he's not supposed to. He told me that if the police want to arrest him, they can, but he's taking his kids to the park. Spent a lot of time justifying his offense, saying it was because of drugs and alcohol, but said he didn't deserve to be labeled a sex offender.

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### **Pete**

White male, age 63, heterosexual, estranged  
Unemployed  
Convicted in 2009  
Some college

Pete is an older man living by himself in a house he owns. He and his wife separated because she cheated on him, but they don't divorce for financial reasons (and to keep her on his insurance.) Paul was dating a woman at the time of the interview, and he did things with her family more so than with his own. Pete was very down on himself, describing himself as a pervert and a bad man. After his initial conviction, he was convicted of being in a park (he was with his girlfriend in his car.) He was labeled in TV reports and on signs as a sexual predator. He doesn't have internet, and does very little but stay home, watch TV and play video games. He and his girlfriend occasional go out. He is more or less retired, so not looking for work.

---

### **Phil**

White male, age 32, heterosexual, single  
Unemployed  
Convicted in 2005  
Some college

Phil was very open, although he did talk a lot about having a lot of trust issues. He was very open with me, but it's clear that he's very, very secretive about his offense. He doesn't want to tell people about it. He kind of talked about an interesting dichotomy of living as though he didn't have the offense, and so he just goes on in his life as though it didn't exist and he interacts with people as though he didn't have the offense, while at the same time worrying that people might find out. I got the impression that he keeps people at arm's length a little bit because if they do find, he's afraid they're going to turn their back on him or leave him. He lives in the townhouse with his mother. He quite paranoid, for example he didn't like to use his real name and included a disclaimer anytime he signed his name to anything.

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### **Reed**

White male, age 24, heterosexual, single  
Unemployed  
Convicted in 2005  
Some college

## APPENDIX A - PARTICIPANT SUMMARY (continued)

Reed is quite vocal about the fact that he believes he did not commit a crime because he and his girlfriend were so close in age. He uses this as a mitigating factor. He says he just needs 10 minutes to explain his situation and then people are pretty understanding. Still, just being on the registry causes him problems finding housing and employment. His mother was a strong activist for registry reform, and he said that she tends to take the lead on disclosure many times. He was living with a roommate in a less-than-desirable apartment, having been refused another place at the last minute due to his background.

---

### **Robin**

Hispanic male, age 59, heterosexual, single  
Unemployed  
Convicted in 2005  
Some college

Robin was very talkative and had a tendency to stray off topic, so I kept bringing the conversation back on to topic. He would kind of go off on little tirades about certain things. Intelligent man, but difficult to follow. His way of speaking is a little stuttery which makes it kind of hard to follow. He talked about a lot of his social issues, his social shyness, and what he calls "social impotence." He admits to suffering from "social impotence" all of his life, and not just as a result of the registry, but he indicated that the registry does kind of make it worse because he's more afraid to go out and do things than he might otherwise do. Robin is very private and doesn't share much information about his status to many people. He only mentioned two women that he had told about it, and that's because he was either going to date or was dating them and felt it was necessary. He was not employed at the time of the interview.

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### **Robbie**

White male, age 48, heterosexual, married  
Employed  
Convicted in 2005  
Some college

Robbie is a very religious person, but also very honest about his offense, which was against his daughter. He lives with his wife and family, including his daughter. He is very open with his church, even testifying open about his situation. He takes responsibility for his offence, and evidence of counseling is obvious. He talked about not wanting to get too involved with advocacy organizations because he gets depressed reading about so much negative information. He is more concerned about his relationship with God. He is employed and does well at his job. He lives in a nice residential neighborhood and does worry about neighbors.

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### **Rodney**

White male, age 31, heterosexual, single  
Unemployed

## APPENDIX A - PARTICIPANT SUMMARY (continued)

Convicted in 2005  
Some college

Rodney lives in a small apartment. At least one other person lived there off and on. He said he suffers from bi-polar. Describes himself as a musician and talks about the jobs he's had for churches working with youth, even after disclosing his offense to the pastors. Rodney was a heavier gentleman with a bit of a stutter, who describes himself later in the interview as having been diagnosed with bi-polar, but also described himself as being very religious, something that happened to him about 3 years ago. He repeatedly said that if it weren't for his religious experiences, he would probably be dead, and that he probably would not have survived all of this without his faith. He talks about being open and honest, but then says he does not tell his landlords because he can't afford to lose his apartment.

---

### **Ronald**

White male, age 33, heterosexual, married  
Unemployed  
Convicted in 1999  
College degree

Ronald lives with his wife, and his wife has children that she cannot see because of her relationship with Ronald. Ronald was convicted of what he calls a "statutory offense" and in his mind, this clearly made his offense less serious than others. He was originally given probation, but violated his probation by leaving the state without permission. He is currently unemployed and taking some online classes off and on. He says he has to register even though the classes are only online. They live in a small, one-bedroom apartment in a run-down part of town. Ronald admits to not doing much because of his conviction. Claims to spend 6 ½ days per week inside the apartment. He also talks about knowingly violating rules, such as playing basketball in the park. They are on a month to month lease, since they believe the landlord will not sign them to a new lease because of Ronald's background.

---

### **Stan**

White male, age 51, heterosexual, divorced  
Unemployed  
Convicted in 2000  
HS  
V: F,12

Stan was unemployed and homeless at the time of the interview. He used to own his own construction business but it wasn't doing well, so he said he was living in his truck, though he admitted to sleeping on a friend's couches. He talked about being molested himself as a child. He talked about never being able to quite succeed in life no matter what he did (used the brass ring analogy and how he could never quite reach it.) Used to be a hockey coach, and still went to his son's hockey games, though some of the parents didn't like it. Active in Alcoholics Anonymous.



## APPENDIX A - PARTICIPANT SUMMARY (continued)

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### **Tony**

Hispanic male, age 45, homosexual, single  
Employed  
Convicted in 2010  
College degree (working on paralegal)

Tony talked opening about his attractions to post-pubescent teenage boys. While he admits his offense to others, he does not share information about his attractions to most others. He was working at a fast-food restaurant at the time of the interview, and talked about how he didn't like it, but it was all he could find. He wants to find something where he can use his skills and education. He was attending school to get a degree as a paralegal and hoped to get a job working for an attorney someday. He used to be a school teacher, but is unable to return to that career because of his offense. He still actively dates. Lives with two other roommates who know about his offense, but allow him to live there because they need the money. He describes his living situation as very poor (slums) but it is all he can find and afford. Talked about telling people about his offense as a sort of "second coming out" akin to coming out as a gay man.

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### **Walter**

White male, age 62, heterosexual, married  
Unemployed  
Convicted in 2006  
GED

Walter lives with his daughter and grandchild. His victim was a family member, and he and his wife were quick to point out that it was a false allegation. The ordeal has put tremendous strain on the family, and the wife's family is estranged from her. They dealt with threats of violence from family members, but responded with equal threats of violence. They are active in live-action role play activities involving the renaissance era. They do not seem to be too worried about people finding out, as they believe they are well settled in the community. They have a good rapport with local police. Still, they admit that the ambiguity of the street/house numbering system works to their advantage.

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## APPENDIX B – PARTICIPANT RECRUITMENT EMAIL/LETTER

Hello «FirstName»,

One of our supporters, Will, is working on a research project that many of you may be interested in. I have reviewed this project in great detail with Will and believe this may have a positive impact on our future goals – as well as help him accomplish his goals with his dissertation. Many of you may already know Will from previous emails and/or conversations. He has been a huge asset to Illinois Voices and I hope some of you will take the time to help him by participating in this project. Information on this project is outlined below and if you have any questions, concerns, etc., please contact him directly at the email address listed below.

---

Will Mingus, a researcher at the University of Illinois at Chicago, is looking for volunteers to participate in a research project that he is conducting as part of his doctoral dissertation. His research is focused on individuals who have a concealable stigma, which means some sort of stigma that they can hide in their everyday life. For this particular project, he is looking at individuals who have the stigma of being listed on the sex offender registry. In order to qualify for this study, you must:

1. Be a registered sex offender in the state of Illinois;
2. Live in the state of Illinois;
3. Be between the ages of 18 and 64;
4. NOT be currently on parole or probation;

The study will consist of a couple of questionnaires, several interviews, some observations, and a ride-along. If you're interested, he will send you more details about the study. While there is no monetary incentive for you to participate, it is an opportunity for you to share your story and help others understand what it's like to be a registered sex offender.

If you would like more information, please send Will an email directly at [wmingu2@uic.edu](mailto:wmingu2@uic.edu) or call him at 312-775-2130. Sending him an email or calling him does not commit you to participating. It is only so he can send you additional details.

Thanks for your time.

## APPENDIX C – INITIAL RESPONSE EMAIL/LETTER

Thank you for expressing interest in participating in my study of registered sex offenders. Here are the details of the study. If, after reading this, you are still interested in participating, please send me an email or call me and let me know and I'll give you directions on how to get started. First, though, please take some time to read these details so you can decide if you think this project is right for you.

### What is the purpose of this study?

The main goal of this study is to understand how people with a concealable stigma (which means a stigma that they can hide in their everyday life) deal with interacting with others who may or may not know about their stigma. Being listed on the sex offender registry is a concealable stigma because people cannot tell just by looking at you that you are on the registry. Because of this, you interact every day with people who may or may not know that you are on the registry. To make things even more complicated, you may not always know whether or not the people you meet know that you are on the registry. By talking to you about your experiences, I hope to understand a little better exactly what it is like being on the sex offender registry.

### How long will the study take, and how much time would it involve?

The study will take somewhere between 2 months and 1 year, depending on when you have to register next. The interviews themselves will take anywhere from 30 minutes to a couple of hours, depending on how much you want to say. Once we've done all the interviews and questionnaires, and once we've done the ride along, then your part will be done. Take a look at the individual requirements below and you'll get a better idea of how much time will be involved.

### What exactly will you ask me to do?

The study will involve a number of parts that you will be asked to participate in:

1. You will participate in an in-depth interview with me. We will do this in the privacy of your own home, or if you prefer, in a private room either at UIC or at some agreed upon location near you. This will involve what is called a semi-structured interview, which means I ask you some questions and then we discuss them. I will audio-record this interview so I can transcribe it later. The length of time for this interview depends on how much you want to say, and you may terminate the interview at any time.
2. With your permission, I will ride along with you (or drive you to/from) when you go in for your annual (or quarterly) registration. We will talk about your experience before and after you register. I will NOT go inside with you while you register. I will audio-record our conversations during the ride-along. While I think the ride-along will provide me with important insights, you may decline to participate in the ride-along and still participate in the rest of the study.
3. I will conduct one or two focused interviews with you regarding a recent experience you have had where you interacted with people who may or may not have known that you are a registered sex offender. The focused interview involves me guiding you to remember details about your experience, including your thoughts and feelings during the experience. I will audio-record the focused interview(s) so I can transcribe them later.

## APPENDIX C – INITIAL RESPONSE EMAIL/LETTER (continued)

4. I will provide you with a notebook that you can use to journal any important or significant events related to this study that may occur between our visits. Your name will not be anywhere on these notebooks, and will be identified only with your case number. These notebooks will become part of the data for this research project. While your entries in these notebooks will help me understand your situation better, you are always free to not write in them without affecting your participation in the rest of the study.
5. I will sit down with you for a final interview/debriefing. This information session will be to explain to you more about the study and to give you an opportunity to talk about your experience during the study. This interview will be audio-recorded so I can transcribe it later.
6. Finally, I will ask you to complete a demographic survey which will give me more information about you, such as your age, gender, sexual orientation, race, basic conviction information, education level, and employment status. This will be a paper survey that you will mail back to me after the final interview.

If I want to participate, what do I have to do to get started?

If you meet the qualifications, and you are willing to participate in the study, just send me an email or call me, and I'll contact you to arrange for the initial interview. My email is [wmingu2@uic.edu](mailto:wmingu2@uic.edu), and my phone number is 312-775-2130.

What if I agree to participate but change my mind later?

You can ALWAYS decide to stop participating at any time. While I'm hoping you'll find the study interesting and rewarding, if you decide it's not for you, just tell me you want to stop, and that will be that.

If this sounds like something you're interested and willing to participate in, please email me or call me so we can get started. Thanks for considering it!

Will Mingus  
Doctoral Candidate  
Department of Sociology  
University of Illinois at Chicago  
[wmingu2@uic.edu](mailto:wmingu2@uic.edu)  
(312) 775-2130

## APPENDIX D – PROJECT SCOPE CHANGE EMAIL/LETTER

First of all, I want to let you know how much I appreciate you taking part in my dissertation study. It was truly a pleasure to meet you and learn a little more about you. Your story will certainly enhance my dissertation.

Although my original intent was to conduct multiple interviews, I have decided to do only single interviews for this project. This decision is based largely on the fact that I was able to gather so much information during my initial interviews. The data you have provided me during our interview will allow me to write a rich and powerful dissertation. Again, I am extremely grateful for your participation.

Although I will not be doing second interviews, I would still like to do a limited number of “ride alongs” with individuals during the registration process. If you will be registering sometime between now and the end of May, and if you would be willing to let me ride along with you, please let me know and we will see if we can coordinate something. If not, that’s ok, too.

Within the next month or so, I will be sending out a demographic survey to you, along with a self-addressed, prepaid envelope. In addition to the completed survey, please send back the journal I provided you. Whether or not you wrote anything in the journal, I would appreciate it if you would return it in the pre-paid envelope.

If you have any questions or concerns, please feel free to contact me at 312-775-2130 or via email at [wmingu2@uic.edu](mailto:wmingu2@uic.edu).

Thank you again for your time and assistance. Words can hardly express how much I appreciate your participation.

Sincerely,

Will Mingus

## APPENDIX E – DEMOGRAPHIC SURVEY (WITH COVER LETTER)

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William Mingus  
Department of Sociology  
University of Illinois at Chicago  
1007 W Harrison, MC 312  
Chicago, IL 60607  
(312) 775-2130

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Dear «First\_Name»,

Thank you so much for taking part in this study! I sincerely appreciate your time and candor during our interviews.

To help me fully understand your situation, I am asking you to complete and return the enclosed survey. Please don't put your name or any other identifying information on this survey. Your answers to this survey will be linked to you only through your confidential participant number, which is already on the survey. This survey should only take a few minutes to complete.

Please use the enclosed pre-addressed, postage paid envelope to return your survey. You can also put the journal I gave you in the envelope as well. Even if you didn't write anything in the journal, please return it anyway. The journal is only linked to you through your participant number as well.

Again, «First\_Name», I truly appreciate your help with this study. If you would be interested in seeing a copy of the final dissertation once I've completed it, please let me know. Keep in mind that it will probably take at least a year to transcribe all of the data and write the final manuscript.

I will you the best in your future endeavors. Take care.

Sincerely,

William Mingus, Doctoral Candidate  
University of Illinois at Chicago

## APPENDIX E – DEMOGRAPHIC SURVEY (WITH COVER LETTER) (continued)

Please complete the following survey. The purpose of this survey is to help me understand a little more about you and your situation. While I would appreciate it if you would answer every question, you are always free to skip any questions you are uncomfortable with. Thank you in advance for your help.

1. How many sex offense convictions have you had? \_\_\_\_\_
2. How many criminal convictions have you had (including both sex offenses and non-sex offenses)? \_\_\_\_\_
3. In what year were you convicted for this sex offense? \_\_\_\_\_
4. Did you serve time in prison for this conviction? (Circle one) Yes No
5. If you served prison time, how many years (for this offense)? \_\_\_\_\_
6. How old was the victim (in years)? \_\_\_\_\_
7. Was the victim male or female? (Circle one) Male Female
8. What was the official charge for this conviction (Example: Criminal Sexual Assault, Possession of pornography, etc) \_\_\_\_\_
9. How old are you right now (in years)? \_\_\_\_\_
10. Are you: (Circle one) Male Female Other, specify \_\_\_\_\_
11. Do you identify as: (Circle one)
  - Heterosexual (straight)
  - Homosexual (gay or lesbian)
  - Bisexual
  - Other, specify \_\_\_\_\_
- a. If not straight, are you “out”? (Circle one) Yes No Only to some people
- b. If not straight, were you “out” at the time of the offense?  
(Circle one) Yes No Only to some people
12. Do you consider yourself: (Circle one) White Black Hispanic Asian Other, specify \_\_\_\_\_
13. How much education have you had? (Circle one)
  - Less than high school
  - High school or GED
  - Some college
  - College degree
14. Are you current employed? (Circle one) Yes No
15. Prior to your sex offense conviction, were you employed? (Circle one) Yes No

Thank you for participating in the Concealable Stigmas Study!

With the completion of this survey, your participation in this study is now complete. Thank you again.

## APPENDIX F – INITIAL INTERVIEW SCHEDULE

Participant: \_\_\_\_\_

Registration Date: \_\_\_\_\_

Date: \_\_\_\_\_

Next Interview: \_\_\_\_\_

### Distorted Reflections Study Initial Interview Schedule

#### General Questions

1. Tell me about yourself.
2. How long have you been listed on the sex offender registry?
3. Tell me about your household? (prompt: who do you live with, how many people live here, etc)
4. What do the people who live in your household think about you being a registered sex offender?
5. What do they think about their address being on the registry?
6. Who do you go to for emotional support?
7. Are you working? What do you do? How did you find the job?
8. Have you experienced any problems because you're on the sex offender registry?
  - a. Finding/keeping a place to live
  - b. Finding/keeping a job
  - c. Getting into/maintaining intimate relationships
  - d. Family/family activities
9. Who knows that you are a registered sex offender?
10. How did they find out?
11. Who do you tell?
12. How do you tell them?
13. At what point do you think it's important to tell someone?
14. Is it important to you that some people not know or not find out?
15. How do you keep them from finding out?
16. How do you know whether someone knows or not?
17. Do you feel shame over your offense? How do you deal with that?
18. What social groups do you belong to?
  - a. How do you feel about those groups?
  - b. How effective are your social groups?
  - c. How worthwhile are those groups?
  - d. How do you think others (outside those groups) feel about those groups?
  - e. What does membership in those groups do for your own self-image?
19. Can you tell me something about what it was like for you growing up?
  - a. What kind of neighborhood did you live in?
  - b. What did your parents do?
  - c. What kind of school did you attend?
  - d. How did you do in school?



APPENDIX F – INITIAL INTERVIEW SCHEDULE (continued)

- e. What kind of religious experiences did you have?
- f. How were you disciplined?
- 20. What sorts of jobs have you had in your life?
- 21. How do you feel about yourself? Is it different now than before you were on the registry?
- 22. What kind of things do you do when you're not working?
  - a. Social activities?
  - b. Church activities?
  - c. Civic activities?
- 23. Tell me what you like about yourself.
- 24. Tell me what you don't like about yourself.
- 25. Tell me a little bit about how being a registered sex offender impacts your life.
- 26. How did you feel about this interview?

## VITA

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### William E. Mingus

#### University of Illinois at Chicago

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Chicago, IL 60607  
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wmingu2@uic.edu

<b>Education</b>	<b>University of Illinois at Chicago</b> PhD., Sociology	2018
	<b>Northern Illinois University</b> M.A., Sociology (Criminology emphasis)	2008
	<b>Southwest Missouri State University</b> B.A., Education	1986
	<b>Central Bible College</b> A.A., Bible	1982
<b>Dissertation</b>	<b>“A House of Cards: The impact of concealable stigmas on registered sex offenders”</b> Dr. Laurie Schaffner, Chair.	
<b>Master’s Thesis</b>	<b>“From Prison to Integration: Applying Modified Labeling Theory to Sex Offenders”</b> Dr. Keri Burchfield, Chair.	
<b>Research Interests</b>	Identity; Sexuality; Restorative Justice; Deviance; Social Construction; Symbolic Interactionism.	
<b>Publications</b>	Dr. Keri Burchfield & William Mingus (2014). Sex Offender Reintegration: Consequences of the Local Neighborhood Context. <i>American Journal of Criminal Justice</i> , 39, 109-124.	
	William Mingus & Dr. Keri Burchfield (2012). From Prison to Integration: Applying Modified Labeling Theory to Sex Offenders. <i>Criminal Justice Studies</i> , 25, 97-109.	
	William Mingus & Bradley Zopf (2010). White Means Never Having to Say You’re Sorry: The Racial Project in Explaining Mass Shootings. <i>Social Thought and Research</i> , 31, 57-78.	
	Dr. Keri Burchfield & William Mingus (2008). Not in my neighborhood: Assessing Registered Sex Offenders’ Experiences With Local Social Capital and Social Control. <i>Criminal Justice and Behavior</i> , 35, 356-374.	

Dr. Jim Thomas & William Mingus (2007). Sex Offender Registries. In G. Barak (Ed.), *Battleground: Criminal Justice* (Vol. 2, pp. 681-693). Westport, CT: Wesport.

**Awards &  
Honors**

**Outstanding Graduate Student, 2006-2007**

**Division of Research and Graduate Studies**

Awarded to one student in each department who has been designated by that department as distinguished in his/her area of research and scholarly activity

**Frances Rowe Katz Award, 2006 & 2008**

Outstanding Graduate Research in the Field of Sociology  
Northern Illinois University

**Departmental Writing Competition**

*First Place, Graduate Category, 2008*

"Paroled Sex Offenders and the Battle for Self-Identity"

*First Place, Graduate Category, 2007*

"Sex Offenders, Sentencing and Race: Toward explaining the overrepresentation of whites on sex offender registries"

*First Place, Graduate Category, 2006*

"The Music Man: On Salesmen and Politicians. Creating a populism of fear"

*Honorable Mention, Graduate Category, 2005*

"Discrimination Against Convicted Felons in the US: Myth or Reality?"

**Research  
Experience**

**Research Assistant, Northern Illinois University, 2006-2007**

*Research Topic:* Collateral consequences of sex offender registration

*Principal Investigator:* Keri Burchfield, Ph.D.

**Chicago Area Study, University of Illinois at Chicago, Spring 2009**

**Chicago Area Study, University of Illinois at Chicago, Spring 2010**

**Teaching  
Experience**

**Instructor, University of Illinois at Chicago**

Fall 2009

Social Problems

Spring 2010

Social Problems

Fall 2011

Social Problems

Spring 2012

Research Methods

Summer 2012

Gender and Society

Spring 2013

Introduction to Sociology  
Spring 2015  
Introduction to Sociology

**Teaching Assistant, University of Illinois at Chicago**  
Fall 2008

Gender and Society, Lorena Garcia, PhD  
Spring 2009  
Introduction to Sociological Theory, Paul-Brian McInerney, PhD  
Summer 2009  
Introduction to Statistics, Kiana Cox, MA  
Summer 2010  
Introduction to Sociology, Barbara Risan, PhD

**Academic  
Positions**

**Webmaster, 2013-2014**  
Sociology Department, UIC

**Planning Committee, 2012-2013**  
2013 Engendering Change Conference

**Faculty Search Committee, 2012**  
Department of Sociology, UIC

**REACH Representative, 2009-Current**  
IT Support  
Department of Sociology, UIC

**Webmaster, 2011-2012**  
Government Student Council, UIC

**Planning Committee, 2011-2012**  
2012 Chicago Ethnography Conference

**Graduate Assistant, 2010-2011**  
Council on Contemporary Families

**Colloquium Committee, 2008-2009**  
University of Illinois at Chicago

**Planning Committee, 2007-2008**  
2008 Chicago Ethnography Conference

**Treasurer, 2007-2008**  
American Correctional Association, NIU Student Chapter

**Graduate Student Representative, 2006-2007**  
Acting as a liaison between graduate students and faculty

**Internship**

**New Hope Community Service Center, 2006-2007**

Counseled ex-offenders, developed curriculum, prepared grant proposals, provided technology support, and help refine standard procedures.

**Presentations**

**Panel Presentation**

“They Walk Among Us: The Impact of Concealable Stigmas on Registered Sex Offenders”

Will Mingus, Presenter

Midwest Sociological Society, March 2013

Chicago, IL

**Panel Presentation**

“From Prison to Integration: Applying Modified Labeling Theory to Sex Offenders”

Will Mingus, Presenter

Society of the Study of Social Problems 59<sup>th</sup> Annual Meeting, August 2009

San Francisco, CA

**Panel Discussion:**

“Politics, Media, and the Shaping of Public Opinion”

Will Mingus, Panel Organizer & Moderator

American Correctional Association Conference, August 2007

Kansas City, KS

**Poster presentation:**

“The Music Man: On Salesman and Politicians.”

Second Place Award, Graduate Student Category

American Correctional Association Conference, August, 2006

Charlotte, NC