

Technical Report: The Effects of Living on the Registry – Experiences of Registrants and Family Members

Jennifer L. Klein, Ph.D. and Danielle J.S. Bailey, Ph.D.¹

Department of Social Sciences
University of Texas at Tyler
3900 University Boulevard
Tyler, TX 75799

October 1, 2016

Abstract

This technical report was created for the *Texas Voices* Advocacy Group, which works toward reforming sex offender legislation at the state and federal level. This report highlights findings from a quantitative survey administered in-person at the annual *Texas Voices* conference, held in April 2016 in Dallas, Texas. The survey was also administered online to those members who were not able to attend the conference in person. Survey participants included both registrants and the family members of registrants, and asked both groups about their experiences with life on the registry. Results include statistical comparisons of both groups.

1. Introduction

Sex offender registries were established in order to supervise those convicted of a sexual offense, and for law enforcement to maintain a roster of individuals living in communities. While not originally meant to provide this information to the general public, these registries provided a law enforcement function despite being civil in nature. Later, the registries expanded and provided for community notification in an effort to keep community members informed about those registrants living near them. Like all legislative efforts, state and federal legislation surrounding the establishment and expansion of the sex offender registries have come with a variety of unintended consequences. The history of this legislation and the modern applications of it will be discussed in this report.

2. Background Literature

Since the late 1980s and early 1990s, the amount of legislation surrounding the criminalization and supervision of sex offenders has increased significantly. These legislative advancements regarding the establishment of the modern day registry and the supervision of those registered, does not match up with the research suggesting that the crime rate has been consistently decreasing in the last decades. Nevertheless, legislators continue to pass additional laws that limit the mobility and reentry efforts of those convicted of sexual offenses. Academic researchers have shown no effect of these laws, and instead suggest that sex offender registry

¹ Email addresses: jenniferklein@uttyler.edu and dbailey@uttyler.edu. This work was supported by the University of Texas at Tyler by IRB #SP2016-86.

laws are at times counterproductive (Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007).

One of the biggest hurdles to effective sex offender registry legislation is the diversity in the way these laws are established. Federal law can be counterintuitive to state law. Within the same state, local ordinances can clash with state ordinances. Without consistent legality, registrants are left trying to comply with complicated laws that are different at various jurisdictional levels. This technical report will examine the experiences of registrants and their family members to see exactly how the sex offender registry has impacted their lives either directly or vicariously.

2.1 Texas and Federal Sex Offender Legislation

The State of Texas, like all other states and U.S. territories, has an independently supervised, state-level sex offender registry, which requires those convicted of a sex crime to register with the state and be supervised post-conviction. According to the Texas Code of Criminal Procedures (Chapter 62, “Sex Offender Registration Program”), the Texas Sex Offender Registry was “designed to protect the public from sex offenders,” and it “requires adult and juvenile sex offenders to register with the local law enforcement authority of the city [or county] they reside in” (Texas Department of Public Safety, 2016). The self-proclaimed goals of the Texas Sex Offender Registry System align with the federal goals established in the Jacob Wetterling Act (1994), Megan’s Law (1996), and the Adam Walsh Act (2006).

The Adam Walsh Act is the most recent piece of net-widening legislation passed at the federal level, which requires states to expand the reach of their sex offender registries. In addition, the federal legislation required that registrants provide additional information to law enforcement, including “social security number, employer and school information, fingerprints, physical description, photograph, and a DNA sample” (Mancini, 2013, p. 155). The Adam Walsh Act also provided an amendment for The Sex Offender Registration and Notification Act (SORNA), which set up a Tier System for Registration ranging from Tier 1 through Tier 3².

Not all states are in compliance with the Adam Walsh Act and the subsequent SORNA legislation. As of 2014, only 17 states and select territories are in compliance with SORNA regulations (SMART, 2015). Although the non-compliant states face a decrease in federal funding, the financial penalty is actually more cost-effective than actually implementing the legislation (Freeman & Sandler, 2010).

Texas is not in full compliance with the implementation of the Adam Walsh Act or with the amended SORNA legislation. Instead, the Texas Sex Offender Registry is modeled after this legislation, including the use of lifetime registration requirements, but continues to use risk level structure (Low, Moderate, and High). Texas also allows for intra-state variation in registration through the enforcement of local ordinances regarding items such as residency restrictions and

² Tier 1 offenders are the lowest risk group of offenders and are required to register for 15 years. Tier 2 offenders are considered to be medium risk offenders, and are required to register for 25 years. Tier 3 offenders are considered the highest risk group of offenders, and are required to register for life. These tier classifications were developed based on risk assessment, prior record of the offender, and severity of the offense(s) committed (Adam Walsh Act, 2006).

the specific information collected for registration and notification purposes. Regardless of whether the legislation is local or state ordinance, registrants must be in compliance with the sex offender registry requirements or face additional criminal action that can result in a misdemeanor or felony charge depending on whether or not the state is in compliance with the Adam Walsh Act.

2.2 Registry Compliance

Dependent on the offense conviction, registrants are required to remain compliant with the state's registry laws for the duration of their registration period. The State of Texas uses the risk level system previously described, although nearly all registrants are required to register for life. Only specific offenses are eligible for a ten-year registration period, such as those individuals who have been convicted of offenses that fall within the realm of prohibited sexual conduct, indecent exposure, online solicitation of a minor, and any attempt, solicitation, or conspiracy to commit a sexual offense. Furthermore, registrants must abide by any imposed residency restrictions that are required by the state.

If the registrant does not abide by the registry conditions or does not routinely re-register with the state, then that individual would be in criminal violation of the registration policies. Under the Adam Walsh Act of 2006, any registrant who fails to register with the state would face a felony offense for doing so. The increased penalties associated with failure to register under this act can result in a 1 to 10 year prison sentence for those not in compliance. In Texas, lifetime registrants who fail to register face a possible 2 to 10 year prison sentence for a felony offense.

2.3 Unintended Consequences of the Registry

Sex offender legislation was created with the intent that it would help supervise and maintain information about those convicted of sexual offenses. However, like most crime control legislation the laws surrounding the sex offender registry are not without their unintended consequences. Researchers suggest that reentering sex offenders often struggle with employment stability, housing issues, harassment, and stigma related to their status as registrants.

Employment

Like other offenders attempting to reenter society after a criminal sanction, convicted sex offenders face barriers to employment. Registrants often lose out on jobs to those who do not have criminal records and have reported histories of chronic unemployment as a result (Jenkins, 2004; Klein, Tolson, & Collins, 2014a, 2014b; Tewksbury, 2004, 2005; Tolson & Klein, 2015). Sex offenders are also excluded from specific career avenues that require the offender to work with children, such as medical care and child care. This forces registrants to become self-employed or to work in alternative work industries.

Housing

One of the biggest hurdles that registrants must face toward successful reintegration is securing permanent housing that is not in violation of residency restrictions. Not all registrants must

abide by residency restrictions, but for those who do it is often difficult to find a rental property or to purchase a home that is not in an exclusionary zone. Texas law states that residency restrictions exist at the state level for larger cities, but smaller municipalities have the ability to create their own restrictions. Under Texas law, cities with populations more than 5,000 residents are considered “general law” cities and can independently regulate where sex offenders live. These restrictions are set up in an effort to reduce the sex offender’s access to children by limiting the sex offender’s physical proximity to areas where children frequently congregate. However, research suggests that residency restrictions are not effective and instead cause more harm to the reentry efforts of returning sex offenders (Chajewski & Mercado, 2008; Levenson & D’Amora, 2007; Levenson et al., 2007; Mustaine, 2014; Petersilia, 2003).

Stress, Shame, and Stigma

In addition to the specific issues that exist with employment and housing, one of the biggest issues that registrants must cope with is the stigma that is associated with being labeled a “registered sex offender.” Prior literature has focused on this issue and has examined the effects of the registry in relation to both male and female registrants. Researchers suggest that the state has created an exclusionary atmosphere that alienates registrants based on their given label. In turn, registrants often feel as though there is no way out of the physical and social isolation that results from this exclusion (Tewksbury & Connor, 2012; Tewksbury & Lees, 2007). Furthermore, registrants report feeling high levels of stress and shame resulting from their public identification as a “registered sex offender” (Klein et al., 2014a, 2014b; Levenson et al., 2007; Tewksbury, 2004, 2005).

Family Relationships

Traditionally, research has focused on the experiences of those who are registered rather than those who are registered by proxy; family members of registrants. Family members often provide a source of support for those who are registered, but may experience the residual effects of being connected to a registrant. Prior research suggests that the stigma associated with registration can impact family members and can harm the reentry efforts of the registrant (Bailey, 2015; Tewksbury & Levenson, 2009). Spouses often stay with their registrant family member post-conviction, but this choice can create a stressful family dynamic once the registrant returns home. Depending on the offense, the registrant may not be able to live with his/her family members due to residency restrictions. If the offense was against a child, the registrant may not be allowed to have unsupervised contact with his/her child(ren), attend school functions, or carpool their child(ren) to and from school. Researchers also suggest that the children of registrants have experienced bullying from other children once they learn about their parent’s registrant status (Levenson & Tewksbury, 2009).

It has also been suggested that family members of registrants experience social isolation as a result of choosing to stay in contact with their registrant family member. Additionally, these family members have reported feelings of depression, stress, frustration, and anger in having to live with a family member on the registry (Farkas & Miller, 2007). This project was intended to further the research surrounding the experiences of family members related to registrants. This study proposes a comparison of both groups in terms of their direct and indirect registry

experiences, stress, strain, and stigma associated with the registrant status, and their attitudes toward registry reform.

3. Methodology

The current study set out to examine the experiences of two groups affiliated with the Texas Sex Offender Registry; Registrants and the Family Members of Registrants. This approach was selected for two reasons. First, although the family members of registrants do not have to register with the state, they are often vicariously impacted through the experiences of their registrant family member. Second, very limited research has focused on the experiences of the family members. Instead, researchers have chosen to focus more on those actually registered since the sex offender registry has a direct impact on those individuals.

Two surveys were developed for distribution. One was oriented towards sex offender family member respondents, and the other towards registered sex offender respondents. Survey questions were directed towards capturing experiences with and attitudes towards sex offender policies, including registration, deregistration, residency restrictions. A majority of the survey questions were close or identical copies, which allowed comparisons of experiences and attitudes between family members and registrants themselves.

Data collection for this project occurred from mid-April to the end of May, 2016. The researchers collected data from registrants and family members of registrants who were affiliated with Texas Voices, a volunteer advocacy organization driven to “raise awareness about the ineffectiveness of the public sex offender registry and the impact it has had on community safety.” Working with approval from the Texas Voices, the researchers attended the annual conference in Dallas, Texas in order to collect paper surveys from participants. Twenty-nine paper-copy surveys were collected from registrants, and 23 paper-copies were collected from family members of registrants. After the conference, an online version of the survey was distributed via the Qualtrics Software Suite and was emailed to all members of the Texas Voices organization who were enrolled in the organization’s listserv. From that solicitation, an additional 80 registrant and 93 family member surveys were collected. The sample then rose to 109 registrants and 116 family members for a total of 233 survey participants.

4. Results

For this study, the researchers examined the experiences of registrants and their family members in connection to the sex offender registry. This report details the findings relating to residency restrictions and feelings about the sex offender registry.

Demographics

To begin, we broke down the demographics of the participants in this study. In looking at all participants, most commonly individuals identified as white (88.8%) and non-Hispanic (91.4%). There was nearly an even split in terms of gender with 44.4% of participants identifying as female and 55.6% identifying as male. Regarding household income, 42.3% of all participants

identified their income to be between \$0 and \$50,000. In terms of employment, 61.7% of all participants reported working full time.

In Table 1, we have provided specific information for both registrant and family member participants for demographic features. The combined information for all participants can be found in the third column of the table.

Table 1. Demographic Features of Registrants and Family Member Participants.

Demographic Feature		Total Participants (n = 233)	Family Members (n = 116)	Registrants (n = 109)
Race	White	n = 198 (88.8%)	n = 104 (90.4%)	n = 94 (87.0%)
	Black	n = 8 (3.6%)	n = 4 (3.5%)	n = 4 (3.7%)
	Indian/Alaskan	n = 8 (3.6%)	n = 4 (3.5%)	n = 4 (3.7%)
	Asian	n = 2 (0.9%)	n = 0 (0%)	n = 2 (1.9%)
	Other	n = 7 (3.0%)	n = 3 (2.6%)	n = 4 (3.7%)
Ethnicity	Not Hispanic	n = 203 (91.4%)	n = 107 (92.2%)	n = 96 (90.6%)
	Hispanic	n = 19 (8.6%)	n = 9 (7.8%)	n = 10 (9.4%)
Gender*	Female	n = 99 (44.4%)	n = 99 (86.1%)	n = 0 (0%)
	Male	n = 124 (55.6%)	n = 16 (13.9%)	n = 99 (100%)
Household Income*	\$0-\$50k	n = 94 (42.3%)	n = 32 (27.8%)	n = 62 (57.9%)
	\$50k-100k	n = 81 (36.5%)	n = 56 (48.7%)	n = 25 (23.4%)
	\$100k-\$150k	n = 22 (9.9%)	n = 12 (10.4%)	n = 10 (9.3%)
	\$150k-\$200k	n = 8 (3.6%)	n = 4 (3.5%)	n = 4 (3.7%)
	\$200k and up	n = 1 (7.7%)	n = 11 (9.6%)	n = 6 (5.6%)
Employment Status*	Unemployed but looking	n = 14 (6.3%)	n = 3 (2.6%)	n = 11 (10.3%)
	Unemployed by not looking	n = 7 (3.0%)	n = 3 (2.6%)	n = 4 (3.7%)
	Unable to work	n = 8 (3.6%)	n = 5 (4.3%)	n = 3 (2.8%)
	Retired	n = 38 (17.1%)	n = 31 (27.0%)	n = 7 (6.5%)
	Employed part time	n = 18 (8.1%)	n = 8 (7.0%)	n = 10 (9.3%)
	Employed full time	n = 137 (61.7%)	n = 65 (56.5%)	n = 72 (67.3%)

Any missing data can be attributed to a failure to respond. Additionally, any missing data in the family member of registrant categories can be attributed to the other participant group.

*Indicates $p \leq .05$

There was a significant difference between gender, household income and employment history. First, in terms of gender there is a significant difference between the genders of the registrant and family member subsamples; $X^2(1, N = 223) = 167.2, p = .000$. No female registrants participated in the survey and only minimal male family members participated. This was an anticipated outcome as research suggests that more men are on the registry than women (Ackerman, Harris, Levenson, & Zgoba, 2011). There is also a significant difference between registrants and family members in terms of employment status $X^2(1, N = 223) = 20.7, p = .001$. In looking at the specific differences, registrants have higher rates of unemployment whereas family members have higher rates of retirement. However, both groups report high levels of full time employment. This suggests that when looking at those individuals who do not work, the difference lies in the reasons why they are not actively working. Finally, the last significant difference between the two groups lies in the reported household incomes of the two groups $X^2(1, N = 223) = 22.8, p = .000$. Registrants reported lower household income levels than family members did – this is most likely due to the employment restrictions and difficulties offenders face in finding and maintaining work.

Reported Criminal Behavior and Subsequent Criminal Sanctions

Next, we examined the circumstance surrounding the criminal behavior which preceded time on the registry. Table 2 shows the total responses from all participants (registrants and family members) regarding these issues. Most often, participants reported that the registrant in question had been convicted more than 10 years ago (57.3%) and received a prison sentence for that conviction (43.0%). Nearly all participants stated that the offense was a felony offense (98.1%), which requires lifetime registration on the sex offender registry (83.4%). Finally, even though it is an available resource in Texas, 72.0% of participants not tried to deregister from the sex offender registry.

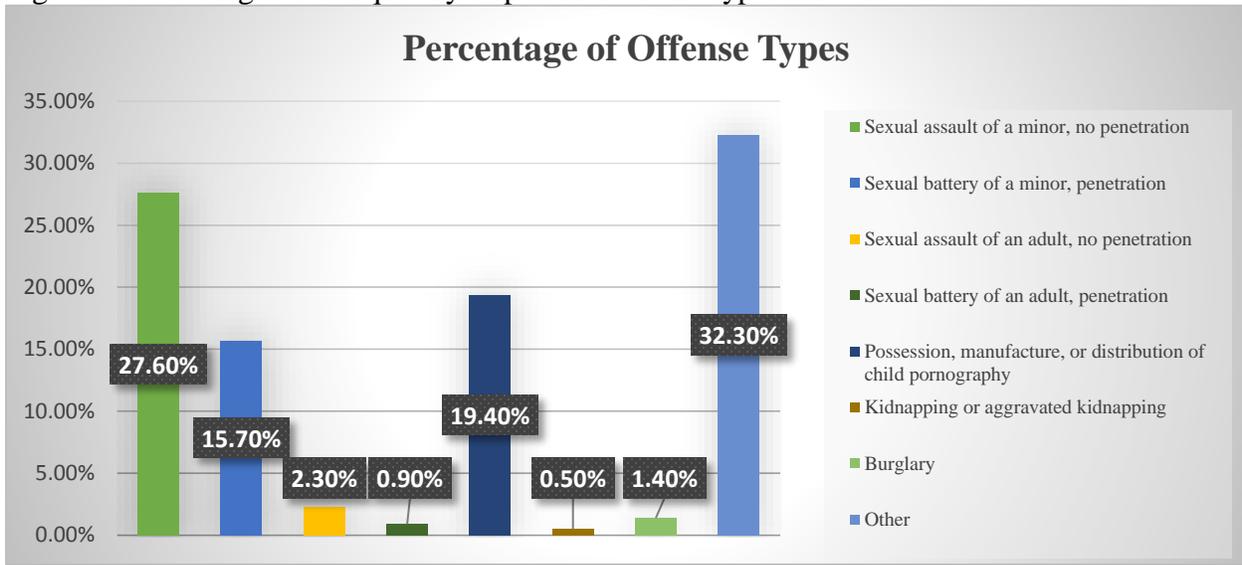
Table 2. Frequency Statistics for Variables Related to the Offense Committed

Offense Related Variable	Response Option	Frequency	Percentage
Years Since Conviction*	Less than one year	n = 3	1.4%
	2-3 years	n = 14	6.5%
	4-5 years	n = 27	12.4%
	6-7 years	n = 17	7.3%
	8-9 years	n = 32	13.4%
	10 or more years	n = 125	53.6%
Criminal Sanction Received	Probation	n = 77	34.8%
	Jail sentence	n = 2	0.9%
	Prison sentence	n = 95	43.0%
	Mixture of incarceration and probation	n = 47	21.3%
Conviction Type	Misdemeanor	n = 4	1.9%
	Felony	n = 210	98.1%
Registration Length*	10-15 years	n = 29	13.0%
	16-25 years	n = 2	0.9%
	Lifetime registration	n = 186	83.4%
	Other	n = 6	2.7%
Deregistration Attempts	No, have not tried to deregister	n = 157	72.0%
	Yes, tried but unsuccessful	n = 9	4.1%
	Yes, tried and was successful	n = 1	0.5%
	Not eligible to try and deregister ever	n = 28	12.8%
	Not eligible to try and deregister at this time	n = 19	8.7%
	Not sure if they tried (family member only)	n = 4	1.8%

*Indicates $p \leq .05$

In terms of offense, most individuals stated that the conviction was for sexual assault of a minor (27.6%) or for an “other” offense (32.3%). The “other” category provided for a write in response, but most participants did not choose to disclose what those offenses were. Figure 1 shows the breakdown of the specific offense types reported by all participants.

Figure 1. Percentages of Frequently Reported Offense Types.



In examining these different variables, there was a significant difference between the reported years since conviction for registrant and the family member subsamples $X^2(9, N = 223) = 22.5, p = .007$. This difference suggests that registrants are reporting more time elapsed since their convictions compared to the family members who are reporting about their registrant's conviction. This may be due to the family member's registrants still being incarcerated or under some sort of state supervision. There is also a difference in the reported registration requirement between the registrant and family member subgroups $X^2(3, N = 223) = 8.5, p = .037$. Registrants are more frequently reporting lifetime registration requirements whereas family members are reporting higher levels of 10-15 year registrations for their registrant family members. It is unknown whether this difference in typical registration lengths really exists in the population or is an outcome from misunderstanding or miscommunication. It is possible that non-registered family members believe the registration periods are shorter for their loved one than they really are.

Living Situations and Residency Restriction Experiences

Table 3. Frequency Statistics for Living Situations

Offense Related Variable	Response Option	Frequency	Percentage
Living Situation*	Living alone	n = 73	31.3%
	Living with at least one other family member	n = 160	68.7%
Geographical Region	Panhandle	n = 8	3.7%
	North Texas	n = 96	44.7%
	East Texas	n = 39	18.1%
	South Texas	n = 23	10.7%
	Central Texas	n = 44	20.5%
	West Texas	n = 5	2.3%
Neighbors Know about Status	No	n = 56	37.6%
	Yes	n = 93	62.4%
Moved Since Conviction	No	n = 86	42.2%
	Yes	n = 118	57.8%

Number of Times Moved*	One	n = 41	34.7%
	Two	n = 26	22.0%
	Three	n = 24	20.3%
	Four	n = 4	3.4%
	Five or more	n = 23	19.5%
Voluntarily Moved	No	n = 163	70.0%
	Yes	n = 70	30.0%
Effectuated by Residency Restrictions*	No	n = 86	40.4%
	Yes	n = 127	59.6%
Residency Restriction Distance	500 – 999 feet	n = 23	18.5%
	1,000 – 1,499 feet	n = 44	35.5%
	1,500 – 1,999 feet	n = 3	2.4%
	2,000 feet or more	n = 14	11.3%
	I am unsure of the required distance	n = 40	32.3%

*Indicates $p \leq .05$

In the examination of residency restrictions and where the participants were residing, we wanted to examine living situations to see exactly who would be effected by a recent move or the residency restrictions themselves. The results show that for all participants, 68.7% reported living with at least one other person whereas 31.3% reported living alone. Our results suggest that registrants are more likely to live alone while family members are more likely to live with at least one other person; $X^2(1, N = 223) = 22.4, p = .000$.

We also examined the geographical locations of the participants to see where they were living. The most common geographic location was North Texas (Dallas, Fort Worth, Abilene, etc.), with 44.7% of participants reporting living in that area. Due to the Dallas location of the TX Voices conference during which data solicitation occurred, these results are unsurprising. We also wanted to examine whether or not participants felt as though their neighbors knew about their personal status or their family member's status as a registered sex offender. Of those who responded, 62.4% of participants felt as though their neighbor's knew about the registrant's status as a sex offender. This variable did not vary significantly between registrants and family members.

We also asked participants about whether or not they have moved since the conviction occurred. These results show nearly an even split, with 42.2% of participants reporting not having moved and 57.8% of participants reported have moved since the conviction occurred. Testing to see if there were any significant differences between the two participant groups in terms of their movement, the results suggest that registrants are more likely to have moved since their conviction; $X^2(1, N = 223) = 5.5, p = .014$. When asked how many times they have moved since the sex offense conviction, participants most frequently reported having moved only one time (34.7%). In looking at the differences between groups in terms of the number of times that the individual has moved, the data suggests that sex offenders move more frequently than the family members of registrants $X^2(4, N = 223) = 13.2, p = .010$. This may be due to the residency restrictions that the registrants have to abide by. Since family members do not always live with their registrant family member, they are thus are not affected.

The majority of participants (70%) reported that they did not voluntarily move. Once again this may be due to residency restrictions, or it could be due to a landlord or a neighbor learning about the registrant's status and forcing them to move. There were no significant differences between

the two groups for this measure. We also asked participants if they or their registrant family member were required to abide by the residency restrictions. More than half of participants (59.6%) of participants reported that residency restrictions were a requirement for them or for their family member. There was a significant difference between groups in looking at this measure $X^2(1, N = 223) = 10.5, p = .001$, in which more family members state that their registrant family member is subject to restrictions compared to the actual registrant participants. This may be a misunderstanding in terms of the registry requirements, or an indication that more severe cases create more family involvement. Finally, we examined the distance that registrants must abide by in order to be compliant with residency restrictions. Most frequently, participants reported 1,000-1,499 feet (35.5%) or reported that they were not aware of the boundary restrictions (32.3%). It is concerning that 32.3% of individuals are unaware of their own required boundaries while trying to remain in compliance with the residency restrictions they are living under. There were no significant differences between participant groups for this measure.

Attitudes toward Residency Restrictions

Additionally, this project examined the participants' attitudes toward residency restrictions. We asked participants twelve questions regarding their feelings and experiences in regards to the residency restrictions – either as the individual directly affected (registrant) or affected by proxy (family member of registrant). All twelve items were measured using a 4-point Likert scale with response options ranging from Strongly Disagree (1) to Strongly Agree (4). Not all participants answered these questions – only those who were required to abide by residency restrictions were asked to answer. The mean results of those twelve questions are as follows:

Table 4. Registrant and Family Member Attitudes toward Residency Restrictions

Residency Restriction Measure	Family Members (total n = 116)		Registrants (total n = 109)	
	Mean	SD	Mean	SD
I am angry about the effect that residency restrictions have had on my life.*	3.66	.54	3.28	.70
I am angrier than my family members are about the effect that residency restrictions have on our lives.	2.78	.96	2.89	.89
I feel like I am being unfairly punished because I am subjected to residency restrictions.	3.57	.61	3.58	.61
I think that residency restrictions make my life more difficult.	3.66	.54	3.70	.46
If I move or change addresses, I would contact someone to update my address on the registry.	3.50	.71	3.68	.68
It is easy to identify what addresses I would not be allowed to live at due to residency restrictions.	1.87	.83	2.00	1.00
If I decide to move, I know where I can and can't live based on residency restriction requirements.	2.15	.90	2.22	.93
I have the ability to find out where I can and can't live based on residency restriction requirements.	2.34	.82	2.56	.86
I feel that the residency restrictions make it difficult to find housing because the exclusionary zones (areas around schools, playgrounds, etc.) are too wide.*	3.90	.29	3.76	.47
I feel that my relationships with others have suffered because I am not allowed to live in certain locations due to residency restriction requirements.	3.16	.89	3.14	.90

I feel that residency restrictions help protect children from serious offenders.*	1.15	.56	1.50	.88
I think residency restrictions are effective at stopping sex offenses in general.	1.09	.52	1.18	.56

*Shows significant chi-square relationships at the .05 level or higher.

**The language of these measures was altered dependent on the participant who took the survey.

In examining the differences between the two groups, only three attitude towards residency restriction variables showed a significant difference between family members and registrants. Beginning with the first variable of anger about the way the residency restrictions have effected their lives, registrants felt angrier than family members about this issue; $X^2(2, N = 83) = 3.95, p = .05$. Next, there was a significant difference between the two groups in how difficult they perceived finding suitable housing while remaining compliant with the exclusionary zones. Registrants perceived finding suitable housing to be more difficult than family member participants; $X^2(2, N = 83) = 11.860, p = .001$. Finally, there was a significant difference between the participant groups in terms of the perception that residency restrictions help protect children from serious offenders. Registrants disagree with that statement more than family member participants in thinking that residency restrictions do not protect children; $X^2(2, N = 83) = 11.398, p = .001$.

Attitudes toward the Sex Offender Registry

Finally, both participant groups were asked a series of questions regarding their attitudes toward the sex offender registry as a whole. This section included thirteen questions regarding participants' feelings and attitudes toward the sex offender registry as a whole – either through direct experiences (registrant) or through proxy experiences (family member of registrant). These thirteen items were measured using a 4-point Likert scale with response options ranging from Strongly Disagree (1) to Strongly Agree (4). The mean results of those thirteen questions are as follows:

Table 5. Registrant and Family Member Attitudes toward the Sex Offender Registry.

Residency Restriction Measure	Family Members (total n = 116)		Registrants (total n = 109)	
	Mean	SD	Mean	SD
I feel ashamed that I am on the registry.*	2.90	1.06	3.60	.67
I feel like I am being unfairly punished by being on the sex offender registry.	3.76	.61	3.75	.51
The registry has unfairly classified me as a sex offender.*	3.58	.72	3.14	.93
I think the sex offender registry makes my life more difficult.*	3.68	.54	3.80	.42
I think the sex offender registry makes my family members' lives more difficult.*	3.87	.43	3.64	.62
The registry should not be available to the public because it makes life difficult for registrants and their family members.*	3.83	.46	3.76	.53
I feel that since I have been listed on the sex offender registry, I have been excluded from my community.*	2.75	.89	3.40	.74
I feel that since I have been listed on the sex offender registry, my family members have been excluded from their community.	3.34	.80	3.04	.87

I feel that my close relationships (friendships, family ties) have suffered because I am listed on the sex offender registry.*	2.93	.99	3.38	.82
People do not treat me with respect once they find out that I am required to register as a sexual offender.*	2.73	.93	3.22	.78
I believe that most people in my community know that I am a registered sex offender.	2.41	.99	2.75	.88
I feel that the sex offender registry helps protect children from serious offenders.	1.24	.62	1.31	.74
I think that the sex offender registry is effective at stopping sex offenses in general.	1.12	.52	1.19	.61

*Shows significant chi-square relationships at the .05 level or higher.

**The language of these measures was altered dependent on the participant who took the survey.

In the last series of analyses, these measures were examined to see if there were any significant differences between the two participant groups in terms of their attitudes toward the sex offender as a whole. There were more significant variables for this set of items than for the residency restriction measures. Beginning with the measurement for shame, registrants reported being more ashamed of being on the registry, than family members reported being ashamed of their registrant family member; $X^2(3, N = 216) = 24.123, p = .000$. When asked about the whether the participant felt as though they (or their family member) was unfairly classified as a sex offender, family members felt stronger about this item than registrants and agreed about the unfair classification; $X^2(3, N = 216) = 24.413, p = .000$. The third measure showing significant differences between the two groups asks whether or not the sex offender registry has made the participant's life more difficult. Registrants agreed more with this statement than family members did; $X^2(3, N = 216) = 14.274, p = .000$. However, when asked about whether or not the sex offender registry made the participant's family members lives more difficult, the family member participants agreed more with this statement than the registrants themselves; $X^2(3, N = 216) = 32.169, p = .000$.

When asked whether the participants felt as though the sex offender registry should not be made publically available because of the difficulties it creates in the lives of the registrants and their family members, the family member participants agreed more with this statement than the registrant participants; $X^2(3, N = 216) = 4.357, p = .038$. Next, participants were asked to agree or disagree with the statement stating that since the registrant has been listed on the registry, the participant has faced exclusion from their community. Registrants reported greater feelings of exclusion than the family members did for this measure; $X^2(3, N = 216) = 5.230, p = .023$. Participants were then asked whether they felt as though their close relationships have suffered because the registrant was listed on the sex offender registry. Once again, registrants agreed more with this statement than the family member participants; $X^2(3, N = 216) = 4.55, p = .034$. In the final significant measure, participants were asked whether or not the registrant is treated with respect once people find out that they are required to register as a sexual offender. Registrants reported not being treated with respect at higher levels than family members who perceived disrespect toward their registrant family member; $X^2(3, N = 216) = 4.572, p = .034$.

5. Conclusions and Discussions

Conclusion

On behalf of the *Texas Voices* advocacy group, this technical report was developed as a way to show the organization's leadership the real world experiences that their group members are experiencing from being associated with the Texas Sex Offender Registry. This research study was not intended to advocate for a particular position, but our findings indicate that both family members and registrants are deeply impacted from the current sex offender policies. We do recognize that the sex offender registry system is deeply flawed. Based on our research, we found that family members are experiencing collateral consequences associated with the registry, even though they are not the state's targeted population.

This technical report was created for the *Texas Voices* advocacy group as deliverable for their organization to use in their efforts to reform the state and federal registry systems. This preliminary analysis was conducted to explore the differences between registrant and family member participants. Overall, the results were not unexpected. There were significant differences between the two groups in terms of attitudes toward the registry and toward residency restrictions. Registrants reported more negative attitudes towards both forms of supervision, but that is to be expected since they are the ones who must live on and be compliant with the legalities surrounding the registry system.

This study was interesting in terms of those who participated. Through our data collection efforts, we were able to analyze the responses of 109 registrants and 116 family members. This near split allows us to conduct more advanced comparative analyses for future publications and limits bias by the near even group numbers. When looking at the demographic features of the registrant and family member participants, the data suggests that there is a very similar profile occurring. Registrants and family members link up on nearly everything except for gender, household income, and employment status; these were the three variables with significant differences between the two groups. All of the registrants were male, while the majority of the family members were female. Registrants tended to report lower levels of income and higher levels of unemployment than the family members. These results are likely a result of the sex offense conviction and the difficulties associated with obtaining and maintain steady employment with a criminal record.

The majority of participants reported that the registrant in question (this could be the family member or the actual participant) had been convicted more than 10 years ago, received a straight prison sentence or a split prison followed by a probation sentence. An overwhelming majority of registrants are required to register for life, but this result was expected given the nature of the Texas Sex Offender Registry legislation which most often requires either a 10-year or lifetime registration. There have been limited efforts to try and deregister from the sex offender registry even though only less than a quarter (21.5%) of participants reported that they or their registrant family member were ineligible to try and deregister. This indicates that the majority of individuals believe they are eligible for deregistration, but simply are not trying to deregister for unknown reasons. It may be that registrants do not understand the deregistration process or have concerns about the process itself.

In discussing residency restrictions, registrants were effected more so than the family members of registrants. This is primarily due to the fact that they are the only ones legally obligated to obey the restrictions. Family members were angrier than registrants about the effect of the

residency restrictions on their own lives, but registrants were more likely to agree that residency restrictions provide a protective purpose than family members were. Finally, there was a considerable amount of negativity reported in consideration of the attitudinal measures surrounding the registry as a whole. Registrants reported feeling ashamed, having a difficult life, feeling excluded from their communities, having close relationships suffer, and experiencing disrespect all as a result of being required to register as a sex offender with the state. Although these results were not unanticipated, they certainly show that the consequences of registry legislation are real and are all encompassing.

Recommendations for Policy Change

1. Employment assistance for registered sex offenders

This research supports this idea in that the majority of registrants did not report being employed, and reported significantly lower income levels compared to the non-registered group. The registrants' convictions leave them with a criminal conviction and mounting legal bills, and supervision costs. In addition, many individuals are required to pay child support as the result of a divorce or a separation caused by the conviction. Without steady employment, it is difficult for many of these registrants to be able to pay those fees. We suggest that reentering sex offenders be provided with employment assistance in the form of financial unemployment assistance and/or employment search assistance.

2. Stable housing and limited moving

This research suggests that many registrants were significantly more likely to move post-conviction and that the moves were not voluntary. This makes it difficult for them to begin rebuilding community ties, which has an effect on lowering recidivism. Prior research suggests that the reentry efforts of returning registrants are vital to making sure these individuals do not return to prison or violate the conditions of the probation sentences. The first months back in their home communities are the most important; if a reentering registrant can find employment and a stable residence, and begin rebuilding community ties, then the chances for recidivism are significantly decreased. However, when the reentry process is thwarted or if there is no support system for the returning registrant than it is more likely that they will either recidivate or commit a technical violation. We recommend helping registrants find housing by providing housing (including lifting the ban on government assistance), and removing or limiting residency restrictions to ensure that affordable housing is easy to obtain.

3. Family members and emotional support for registrants

The majority of the family members in this study reported shame, and anger as a result of their loved one's sex offense conviction and subsequent registration restrictions. In addition, family member participants report feeling excluded from their communities, do not feel respected, and feel that residency restrictions and the registry make their lives more difficult. The family members have a significant role in the success or failure of the registrant's reentry efforts. Without a support system to back them, reentering individuals are more likely to fail and will not successfully reentry society. Based on prior research, it is a difficult decision to stay with and

support an individual convicted of a sexual offense and not many people make the decision to stay. We suggest that sex offender policies need to be revised to address the fact that non-targeted populations are being affected by the legislation. For example, if the sex offender registry were only available to law enforcement, then the majority of the stressors would probably disappear for both sex offenders and their family members. We also suggest that family members are provided support for their feelings and experiences.

6. Conflict of Interest and Funding Sources

The researchers declare that there is no conflict of interest in regards to the analysis of this data or in the production of this technical report. This study was approved by the Institutional Review Board at the University of Texas at Tyler, #SP2016-86, and does not conflict with any outside funding agency. All funds provided for this project were awarded by the University of Texas at Tyler, Department of Social Sciences.

7. References and Appendices

- Ackerman, A. R., Harris, A. J., Levenson, J., & Zgoba, K. M. (2011). Who are the people in your neighborhood? A descriptive analysis of individuals on public sex offender registries. *International Journal of Law and Psychiatry*, 34, 149-159.
- Adam Walsh Act of 2006, Public Law 109-248 (2006).
- Bailey, D. J. S. (2015). *Diffusion of shame experiences of sex offender family support networks*. (Ph.D.), University of Nebraska-Omaha,, Omaha, NE. Retrieved from <http://search.proquest.com/docview/1675047234> (3689016)
- Chajewski, M., & Mercado, C. C. (2008). An analysis of sex offender residency restrictions in Newark, New Jersey. *Sex Offender Law Report*, 9, 1-6.
- Farkas, M. A., & Miller, G. (2007). Reentry and reintegration: Challenges faced by the families of convicted sex offenders. *Federal Sentencing Reporter*, 20, 88-92.
- Freeman, N. J., & Sandler, J. (2010). The Adam Walsh Act: A false sense of security or an effective public policy initiative? *Criminal Justice Policy Review*, 21, 31-49.
- Jacob Wetterling Act of 1994, Pub. L. No. 103-322 (1994).
- Jenkins, P. P. (2004). *Moral Panic: Changing Concepts of the Child Molester in Modern America*: Yale University Press.
- Klein, J. L., Tolson, D., & Collins, C. (2014a). Expressing strain: A qualitative evaluation of the testimonies of female sex offenders. *Journal of Qualitative Criminal Justice and Criminology*, 2(1), 119-147.
- Klein, J. L., Tolson, D., & Collins, C. (2014b). Lamenting the list: A partial test of Sherman's definance theory as applied to female sex offenders. *Contemporary Justice Review: Issues in Criminal Social, and Restorative Justice*. doi:10.1080/10282580.2014.944798
- Levenson, J., & Cotter, L. P. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.
- Levenson, J., & D'Amora, D. A. (2007). Social policies designed to prevent sexual violence: The emperor's new clothes. *Criminal Justice Policy Review*, 18(2), 168-199.
- Levenson, J., D'Amora, D. A., & Hern, A. L. (2007). Megan's Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & The Law*, 25(4), 587-602. doi:10.1002/bsl.770
- Levenson, J., & Tewksbury, R. (2009). Collateral Damage: Family Members of Registered Sex Offenders. *American Journal of Criminal Justice*, 34(1-2), 54-68. doi:10.1007/s12103-008-9055-

- Mancini, C. (2013). *Sex Crime, Offenders & Society: A Critical Look at Sexual Offending and Policy*. Durham, North Carolina: Carolina Academic Press.
- Megan's Law of 1996, Public Law 104-145 (1996).
- Mustaine, E. E. (2014). Sex offender residency restrictions: Successful integration or exclusion? *Criminology & Public Policy*, 13(1), 169-177. doi:10.1111/1745-9133.12076
- Petersilia, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry*: Oxford University Press.
- SMART, O. o. S. O. S. M. A. R. a. T. (2015). Federal Sex Offender Legislation, Legislative History. Retrieved from <http://ojp.gov/smart/legislation.htm>
- Tewksbury, R. (2004). Experiences and attitudes of registered female sex offenders. *Federal Probation*, 68(3), 30-33.
- Tewksbury, R. (2005). Collateral consequences of sex offender registration. *Journal of Contemporary Criminology*, 21, 67-82.
- Tewksbury, R., & Connor, D. P. (2012). Incarcerated sex offenders' perceptions of family relationships: Previous experiences and future expectations. *Western Criminology Review*, 13(2), 25-35.
- Tewksbury, R., & Lees, M. B. (2007). Perceptions of Punishment: How Registered Sex Offenders View Registries. *Crime & Delinquency*, 53(3), 380-407. doi:10.1177/0011128706286915
- Tewksbury, R., & Levenson, J. (2009). Stress experiences of family members of registered sex offenders. *Behavioral Sciences & the Law*, 27(4), 611-626.
- Texas Department of Public Safety. (2016). Texas Public Sex Offender Registry. Retrieved from <https://records.txdps.state.tx.us/sexoffender/>
- Tolson, D., & Klein, J. L. (2015). Registration, residency restrictions, and community notification: A social capital perspective on the isolation of registered sex offenders in our communities. *Journal of Human Behavior in the Social Environment*, 25(2), 375-390.