

Voices of Returning Citizens on the Sexual Offender Registry

Law and Justice Interim Committee

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Missoula Sexual Offender Focus Group, November 14th, 2019

- Participant Characteristics
 - 13 participants
 - 11 men on registry; 2 female romantic partners
 - Age range: 28-68 years old
 - All participants employed and housed
 - Incarceration length:
 - 37 years combined; 3 years average
 - All 11 men are currently on the S.O. registry as a Tier 1 or Tier 2 offender



Focus Group Rationale and Methodology

The goal of conducting a focus group of SVOR registrants was to provide the Law & Justice Interim Committee with verbatim testimony from individuals on the registry about their efforts to reintegrate into the community and succeed in leading productive lives. We hope this data will serve as useful information to aid the Committee in discerning whether or not changes in the Sexual and Violent Offender Registry should be made. The focus group and survey were conducted months before the bill drafts now before the Committee. The questions and discussion did not reference or ask participants about any particular actions or legislative changes.

The rationale for providing information to the committee through focus group is an acknowledgement of the stigma of being on the SVOR. Few if any of the participants are likely to give up a day's wages and risk appearing for a public, recorded legislative hearing, in order to provide the Committee with a glimpse of their lived experience. A focus group promotes interaction among participants and encourages deeper explorations of issues and concepts and often more diverse opinions than individual interviews or survey questions.

Focus Group

Recruitment: The participants were recruited through an MSOTA member, who issued an open invitation to her current and former clients to participate in a discussion, facilitated by an independent leader, not part of MSOTA. The invitation was extended to family members as well. To accommodate employment, the focus group was scheduled for a 90-minute evening session on November 14, 2019.

Participants: There were 12 participants in the evening session, 10 men on the registry, and two intimate partners who could speak personally to the impact on family life. An additional participant who was unable to be present was interviewed two weeks later, using the same protocol and his comments were added to the data.

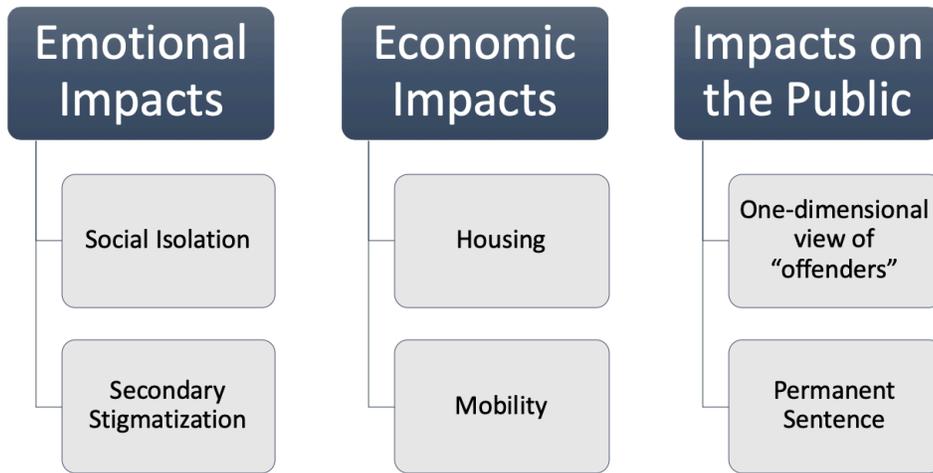
Protocol: The facilitator, Dr. Jana Staton, developed the focus group questions from research on impact of the Sex Offender Registry (Levinson *et al**), her personal experience working with returning citizens on the SVOR registry over the past 6 years, and suggestions from MSOTA leader Brenda Erdelyi. The focus group questions were open-ended to promote discussion, with follow-up prompts and probes for more in-depth discussion. [The original Facilitator questions are included at the end of the report.]

Data Collection: To ensure comfort for the participants and secure their consent, the session was not tape recorded. Two University of Montana colleagues brought laptops and took verbatim notes as the discussion flowed. The two transcripts were combined with notes from the facilitator to provide a reasonably accurate transcript in the participants' own words. The additional interview with the 13th participant was tape recorded with his permission and transcribed by the interviewer.

*Levenson, Jill S.; Grady, Melissa; and Leibowitz, George (2016) "Grand Challenges: Social Justice and the Need for Evidence-Based Sex Offender Registry Reform," *The Journal of Sociology & Social Welfare: Vol. 43: 2*, Article 2. Available at: <https://scholarworks.wmich.edu/jssw/vol43/iss2/2>

Analysis: The transcript was systematically analyzed using qualitative coding methods to identify and organize the themes reflecting common, reoccurring experiences provided by multiple participants. Initially, both the Facilitator, Dr. Jana Staton, and Research Associate, Hannah Fields, independently analyzed the transcript for themes. After the initial analyzation, the Researchers met to review the themes independently identified. Based on researcher consensus, some themes were deleted due to a lack of prevalence and consistency. Prominent themes were then reorganized, and clearly defined. After the analyzation process was complete, there were six distinct themes regarding the participants' experiences of reintegration and being on the sexual offender's registry. The six themes are shown on the next page.

Sexual Offender Focus Group: Findings



Social Isolation

The participants spoke directly to the damage public notification causes them in their efforts to build healthy social networks of support in the community, to meet their basic needs – grocery shopping, going out with friends or co-workers -- and to maintain mental health. It was striking that there were few comments or complaints about registering with local law enforcement in itself.

Law & Justice PPT Presentation

“Since I got my current job, of course, I told my employers right away...I haven’t told any of my coworkers, and I think it’s dawned on me that I haven’t done anything with them outside of work. It’s because I’m scared...I am so nervous about them finding out. Coworkers talk about looking up people on the registry...”

“I have a friend who lives in a small town, who talks (to me) about suicide. There’s nowhere he can to that he doesn’t run into somebody he knows. Sometimes he just wants to die. When he’s having those thoughts, just thoughts, he feels he can’t share his fears with a counselor or PO, afraid he will be turned in. So he just cancelled his last meeting. I try to talk with him, [help him].”

“When you get out, you just stay in the house. You get off of work and you go home; [friends] wonder why you don’t come out, and it’s because you don’t want to.”

“Every time you move, they register your name and everything goes in the paper ... even just getting rid of that [would help].”

Additional Focus Group Comments

“Our school district sent out a list of who all the sex offenders were in the neighborhood to all parents. So everybody going by that house is thinking you’ve got a creeper there, two blocks from the school.”

“Every day you run into it [public notification]. You see someone with kids, and you think, well, I am not going to go in there because you don’t know what they know, and you don’t want them to find out and create issues for your job or business. Like, sometimes, I’d like to go to a movie and I think, I can’t because there will be kids there. You always have to have in the back of your mind, who is around you and running into people from the past who are kind of holding judgement from you.

“You want to duck and run, but you have to keep going. It’s as if they expect you to stop living after your offense.

“As an offender, you have been through treatment -- I will still follow the rules, like if there is a group of kids, I am not going to go [there].

“I get left out of so many things. Going out, going to friend’s house; a lot of friends have kids and I can’t go there.

“Every time you move, they register your name and everything goes in the paper ... even just getting rid of that [would help].

“I have a friend in Ravalli County, he’s older, wants to move to Missoula for health care. The main reason he hasn’t done that is because he doesn’t want his name in the paper.

“I didn’t even know that was a thing until we decided to move, but then they put it in the paper. They don’t put it in the paper when a known thief moves in next to you. (An intimate partner).

Secondary Stigma & Family

Participants spoke eloquently about how their family members, including young children including young children, are stigmatized publicly. Intimate relationship partners are also publicly advertised as 'associates' of a sex offender, and normal parenting activities are restricted by community notification. MORE HERE?

Law & Justice PPT Presentation

“I did a background check on him before we started dating. Not only his offense, but where it happened, when it happened. It showed his family members. And I did another check a couple months ago and now I am on there. It’s like, “associates”. It becomes your offense too.”

“My children are in middle school and they’re in sports, but I don’t go watch their games. I could, legally, I could. But one of the parents looked me up, and I don’t think it would be the best thing for my kids... I don’t know what a dad should do in this situation.”

“The kids don’t know [about my past] yet because they’re 5 and 4 right now... But [other] parents are not wanting them to come over to their house.”

“I’ve seen other people’s stuff, even family members [on the Internet]. There’s information that shouldn’t be out there [because of public notification].”

Additional Focus Group Comments

“It becomes your offense too. It’s not my offense. Anything that affects him, affects me. We work together, so it impacts us there. It’s the social part; even when they don’t know what he did. They think he is a bad person.

“My wife divorced me about 6 months into my sentencing; then I met ____ and we have been married for about a year. I was so worried because by association I can damage her reputation. She is a business owner, and it could impact her business. And one of her daughters has decided to end her relationship with her [mom] because of my crime.”

“Who is it helping? Who is it keeping safe? ... It hurts my kids, it hurts my girlfriend... (People don’t want to hang out with them)

“~~My dad,~~ After three months I wanted my dad to meet him and he said, if you think I am going to meet your pedophile boyfriend, you’re wrong.

“A large amount of sex offenses are in the family, so it doesn’t make sense to make information public. Making info public mostly just produces stigma, harms people close to the offender. “It affects the kids.”

Housing

Registry listing ensures poor housing quality and rights. Participants agreed that the registry's widespread publication online, and in newspapers in some cities, ensures that they will continue to struggle for safe, affordable housing for themselves and their families.

Law & Justice PPT Presentation

“You are stuck living in a less-than desirable place. I live in a trailer -- I paid \$360 for power. And that was just January. I have a water heater that's falling through the floor. I shouldn't have to [put up with] these things, but for fear of being evicted, what are you going to do?”

A wife: “I looked for a place for us; I called every [property management] on the list and they said absolutely not. They said we are not accepting people on the sexual offender registry. It took us eight months to get a place. Our sink in our apartment didn't work, for about the first month of living there.”

“I went to see other places, I talked to people about my past. I just asked them “Will you give me a place?” The lady said “No. But if I had not asked, they were ready to let me do the application, and take my money, and then say “Thank you, No.”

“We were just trying to find some place to live, and I finally found a private renter. It is incredibly difficult to find a place.”

“Housing was impossible... My experience was different with the property management folks, they took my application, [and] my nonrefundable deposit knowing they would not rent to me, which is almost criminal.”

“Getting a house is the hardest problem I've ever had.”

Additional Focus Group Comments

[Even] If you're trying to move into a trailer court, the neighbor next to you might bitch.

I was personally worried when I got out of pre-release whether I would be able to go back to my house, because basically I have a street, a football field and then the school.

And for insurance. I asked her, what's that, and she said you are more likely to be vandalized. People will take it out on your house.

Restricted Livelihood & Economic Mobility

Participants described how the registry, especially public notification, directly affects opportunities for employment, further training and education, even affordable insurance, limiting their ability to reintegrate. Participants in the group were all employed.

Law & Justice PPT Presentation

“Trying to get a job in a small town is tough with that [registry]. ...It’s tough because if I put my company name on that registration and people [are] looking or clicking [for me] they see the company. My boss said he saw the company name.”

“College! Big time! The college is able to deny you based [on it]. Like, “We don’t want you on campus.” Just having to go there, getting your stuff ready, is already a lot, and then you say, “Hey, I’m also on the registry.”

“Several years ago, I applied to Missoula College ... And my intention was to get my general education credits there, and then continue my education online. I applied and their paperwork said it was a 98 percent acceptance rate, and I was the 2 percent [denied].”

When I was first released, I went to Biolife, and I tried to donate. The very last question on the 100-question test was, “Have you ever been convicted of a sexual offense?” You can’t even donate plasma! I went through all of that, I was pretty pissed.

“Immediately after I got out, my homeowner’s insurance just started jumping. Ultimately, I changed companies; after I changed, that [new] company said, “I’m sorry, we can’t insure you.”

“Same with car insurance. Some companies won’t touch you. When they see your record they say, “These rates are for normal people, these rates aren’t for you.”

Additional Focus Group Comments

With the registry, you [have to] put down where you work.

You can’t even see a committee (UM College).b Because I tried, and they just flat out rejected me. I didn’t meet with anyone, I just got a letter that said “Sorry.”

I tried starting a business: I was denied a license “for the wellbeing of Missoula,”

I think it does limit your employment. Because even though an employer may be cool with you, They don’t want to deal with the public, the image.

Your co-workers know. I have to watch everything I say. If I wasn’t on the registry, they couldn’t use it against me, but because I am [they can].

The first job I got was when I was in prerelease. I had that job for seven years, because I was worried about looking for something else.

Assuming you got off of the notification and registry, it would free you up to do a lot of things... To go to college, to have a good job and make some money.

No Acknowledgement of Rehabilitation and Change

The registry generates a one-dimensional conception of “sexual offenders.” Participants pointed out that the registry has no acknowledgement of rehabilitation and change. Participants in the group were Tier 1 and Tier 2, low to moderate risk of reoffending, but find they are all judged by society as dangerous pedophiles.

Law & Justice PPT Presentation

“It’s almost like having a stamp on your forehead or a scarlet letter, so to speak. “

“They just rubber stamp everything. You committed this offense, and it’s just a blanket [rule] for everyone, which is one of the reason people think everyone on the registry are pedophiles.”

“I think the biggest misconception of the whole registry is that the guy on the registry is the guy in the bush waiting for someone, [when] usually [the victim’s] a family or a close friend.”

“People actually believe that I’m dangerous in a stadium surrounded by other parents, watching my kids play basketball ... I think the problem is maybe education. The public doesn’t understand who is actually going to commit a sexual offense. Is it the guy who’s been to prison, been through treatment?”

“I think one of the biggest problems with this is that everyone uses the registry for the people they [think] they need to watch out for. They want a target, they want a scapegoat. But people need to watch out for their family, friends, their cousins. So, in a way we are society’s scapegoat. We are the worst.”

Additional Focus Group Comments

When I originally got charged, I thought the same thing that everyone else thinks -- that everyone who is on is a terrible person. Before I was even on the registry, I stayed indoors because everyone knew me. The thought of talking about it was terrible.

I’m a practicing Buddhist -- can only go to adult Buddhist center. That’s been my own personal issue with the registry.

“My victim was an adult ...and it was 17 years ago. The stipulation is that anyone on the registry can’t be around kids. Department of Corrections doesn’t really individualize much; my crime had nothing to do with kids.”

Before my sentencing I brought this up with my public defender, and he flat out told me that it’s across the board, they don’t make it a personal, it doesn’t matter what you did, deal with it. It’s not a personal charge, you fall under this, so you have done all of this. You get punished for things that are not in your crime, basically.

Permanent Sentence – What Removal?

Participants were unclear about how to petition for removal, and expressed hopelessness about escaping the “lifetime sentence” of being on the registry.

Law & Justice PPT Presentation

“I was younger so the judge gave me a 30-year sentence. Because I was younger, I was considered a big high risk.”

“I was 14 at time of crime; I’m 30 now, still on registry -- 25 years.”

I think the fact that we have to be accountable helps us to move on and better ourselves. But the public registry is a life sentence.

“We’re not like drug addicts; they relapse because they don’t think what they’re doing is wrong. We know what we did was wrong. All of this in this room know we hurt someone, and we don’t want to be that person. We know we have hurt others, and we hold ourselves accountable. It’s the reason sex offender treatment works and drug treatment doesn’t work.”

“The treatment ... is huge, major. I can look at myself then and now.”

“Over time, it’s a label of shame, that shame follows you. Every time I have to register, it brings up everything again, and it’s like you can’t move forward from that.”

“Once you’re on the registration, you’re pretty much on it for the rest of your life, even if you did get off, the internet is so awesome these days, that your name is always out there.”

Additional Focus Group Comments

“Even if you’re a tier one, I personally haven’t met anyone who’s gotten off of it.”

“After 10 years of success you petition for the courts to be removed, but it’s not always granted.”

“All you are told is that you can petition. There are no ground rules on what you have to do to get off. The judge just decides.”

“Do you have to appear before the court?”

“So more of a case-by-case registration would be a lot more beneficial....It’s almost impossible to get off the registry once you’re on it.”

“Having it so public, I mean, having it out there. I mean you guys are trying to get your life on track, but you have this following you. They don’t even give you a chance. I look at a person for who they are today. What you have done before doesn’t bother me. Because if you have gone through a therapy process, you have changed. But when you have this registry, people judge what is attached to you.”

Focus Group Questions for SO and VO Sessions

What's your experience like of being on the Registry?

When did you first hear of the registry?

Who told you?

Was it explained?

What did you understand?

Plea Agreement - What decision/choice were you given?

Did the label fit you at that time?

How have you changed? Does it fit you now?

Reentry Experience, Consequences

(Probe for difference between public notification, and registering with DOC?)

How does the public notification affect your life now?

Housing, renting an apartment, buying?

Work?

What's the financial cost to you of registration? Of public notification?

How do you see yourself because of it?

Effect on staying clean, sober, free? Relapse stories?

What's the effect of public notification on your family?

– children, partners, siblings, parents?

What haven't you been able to do, to try, because of being on the registry itself?

What haven't you been able to do because of public notification?

What do you understand about the removal process?

Who should be on lifetime registration?

Who should be on public notification? For how long?

What's the purpose of the registry? What are its goals

How long is it useful?