

Violent Offender Focus Group

Oct. 30, 2019

Participant Characteristics:

- Participants ranged from 38 to 65 years in age
- All are working and have housing in some form
- Incarceration length: 3 to 12 years
- Years in Community after release: 2 to 16 years
- All are still on the registry

Themes from the VO Focus Group Comments

- It's a life sentence of shame
- Housing: Everywhere is "No, No, No, No"
- Employment: "All they have to do is plug in my name"
- Registration is a family punishment
- Hopelessness and Depression
- "I didn't understand what the violent offender thing was"
- Value to Law Enforcement
- Confusion with Sex Offenders
- Petition for Removal: Why bother?

Focus Group Rationale and Methodology

On May 12, Jana Staton and Hannah Fields will present the Committee with the results of the two SVOR focus groups conducted in the fall of 2019. This brief paper outlines the rationale and methodology for the two presentations. We conducted these studies as independent researchers, drawing on our background in organizational assessment and counseling (Staton), and sociology and qualitative research (Fields).

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 surveys.

Violent Offender Recruitment

Residents of Missoula who were on the Violent Offender registry were invited to participate in the Violent Offender focus group, through personal connections to the facilitator, Dr. Staton, and by invitation from local Probation and Parole officers. Of the six identified and invited, only 2 came to the evening session on October 30, 2019. A third participant was unable to attend but was available for an interview a week later, and his comments were added to the session transcript. Fortunately, the 3 participants represented a range of ages, years incarcerated, and years released to the community, and their comments appear broadly representative of the experiences of other violent offender registrants.

Protocol: The facilitator, Dr. Jana Staton, developed the focus group questions from research on impact of the Sex Offender Registry (Levinson *et al**) and personal experience working with returning citizens on the SVOR registry over the past 6 years. The focus group questions were open-ended to promote discussion, with follow-up prompts and probes for more in-depth discussion.

*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>

Data Collection: To ensure comfort for the participants and secure their consent, the sessions were 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 interviews with the remaining participants were tape recorded with their permission and transcribed by the interviewer.

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 registry.

“It’s a Life Sentence”

Participants experience the public registry as daily “resentencing” and humiliation over which they have no control.

Law & Justice PPT Presentation

“It’s a life sentence, because you do your time, you do probation and parole, and it’s never over.”

“Regardless of the changes you make, you’re labelled. You’re handicapped. There’s nothing you can do about it.”

“I feel like there is always that brick wall that I can’t get past.”

“It’s exactly like having a tattoo, a chip in your arm. When is it going to end?”

Additional Focus Group Comments

“I don’t see how that helps people. I don’t see how that rehabilitates....The main point for me is the social persecution -- the weight you live under from society. You serve a life sentence. “

“[It] puts you in a hole. You’re lesser. You’re worse.”

“I don’t see how that helps people. I don’t see how that rehabilitates.”

‘It affects my life in a constant way. It’s a daily reminder of feeling like I’m going to be arrested at any moment. Seriously, that bad. Every little thing you do ... being pulled over for a traffic violation,.... stopped by a policeman for any reason, you’re constantly under the fear that: “Is this going to affect my VO registration, send me to jail for this?”

“I don’t see how it helps people. I don’t see how it rehabilitates. The main point for me is the social persecution. The weight from society you live under. You serve a life sentence.

“There are people who hear a name or they see someone they know, they go on Conweb, find out about me, and bring it up, hold it up to me. They antagonize me, demote me, because they can.

Housing: Everywhere is “No, No, No, No”

As with sexual offenders, housing is the biggest challenge, even when participants are working, not on parole, not violating any terms of probation.

Law & Justice PPT Presentation

“When I first got out of prison, I searched and searched. The only one that actually considered me, as soon as I mentioned it [the registry], it was an immediate “No.” It took me months. Everywhere was No, No, No, No. “

“I got turned down from some really nice apartments in my price range. As soon as they found out, they said to my face “The reason we’re not renting to you is because you’re a violent offender.” Like I’m going to go around hitting people.”

“With a violent offense, it’s just NO’s everywhere. I was devastated. Everything I was doing in jail --going to programs, trying to rehabilitate myself, was for my son, to be something for him that my dad couldn’t be for me.”

Additional Focus Group Comments

“I tried to get into a KOA this year because my mom is going to give me a trailer. I called them up and the manager was like, “NO.” And I said, really? And she said, “Nope.” I tried to get into another trailer park and they said, “It’s case by case.” I said what if I have to register as a VO?. They said “You can fill out an application” but I already knew they wouldn’t take me.”

“I’m lucky to have this space, but last year the pipes broke—I had to fix them. It’s not a great space; It’s not a space that I would like to have [my son] in. If I could find another spot, I would have to pay a ton of money, and it would completely financially drain me.”

I was in Butte Pre-release, and I was going to lose my son if I didn’t get back to Missoula. I could have partial custody with housing. But every single place in Missoula said no, immediately. “

“I got turned down from some really nice apartments that were in my price range. As soon as they found out violent offender, they said to my face “The reason we’re not renting to you is because you’re a violent offender.” Like I’m going to go around hitting people.”

Employment: All they have to do is plug in my name

*Public notification affects all aspects of getting a job,
work situations, co-worker relations*

Law & Justice PPT Presentation

“I feel horrible, every time I apply for a job, because the minute I give them my full name, all they have to do is plug that in. It’s horrible. It’s humiliating.”

“Even if I work as hard as I can, [to] my boss I’m still that substandard employee that he can throw rocks at. It’s easy for him to say, “We’re done!” He can dismiss me anytime without any just cause for dismissal.”

“It affects my job search. Most places have an immediate NO policy for anyone on the Violent Offender registry. You can fly through the interview -- I was hired at several places, and the last thing I mentioned was the registry, and they were like “Oh, sorry. We have a policy.....”

“Once you’re labeled a violent offender, and somebody hears about it, they think you’ve actually hurt someone. People at my work knew I’d been to prison, but as soon as they found out I was on it [the registry], they thought I was dangerous, had assaulted someone, and that was horrible.”

Additional Focus Group Comments

“It keeps you from promotions at work, it’s going to isolate you and keep you from fitting into normal society.”

“When I got out, I worked at ____ and there were times it got so bad, I had to go and bang my head against the wall. If something happened in the shop, people would throw my name at it because of my public history.”

“When I filled out my first application, I thought “They’re going to see VO”, look me up, and dump me.”

“There’s also the job aspects. I wanted to work in the Security industry as far as computer technology, and [the VO Registry] would keep me from doing that. I wouldn’t pass the background checks, and so that limited me.”

“Because it’s so public, I can’t do anything. If I take a complaint to Job Service (hahaha), I can’t! They will just think I am a violent offender, they will think that I am a piece of junk, and it puts a weight on you. You feel less than human. You don’t have rights.”

“You’re not allowed to get pissed off because you’re a violent offender!”

Registration is a family punishment

Family members are also publicly identified and stigmatized. Participants spoke of struggling to protect their children from stigma and public shame.

Law & Justice PPT Presentation

“My sister works for a federal judge. We love each other...but we do not have any association. She cannot mention my name anywhere--she can't, and she won't. And I agree.” [still on registry 16 years after release from incarceration].

“So, my son knows [about my incarceration]. He's seven, a strong, beautiful minded kid. Now he is going to learn about it [the registry]. His friends can look me up ...the second they have any ammunition, they can use it against him.

“This violent offender label impacts our family. My brother just moved to a small town, and his friends all know it already. We have the same last *name*, and *all they have to do is type in his name and mine comes up.*”

Additional Focus Group Comment

“You wouldn't believe the impact it [violent offender label] had on my family. My parents looked at me differently. My brother says I'm a 'feral animal' now, who only knows a flight or fight response. My sister says pretty much the same thing; she's been helpful, she wants to help me, just out of love, but she still considers me a violent, dangerous person.”

Hopelessness and Depression

*The hard work of reforming and rehabilitating your life
doesn't count if you're on the registry.*

Law & Justice PPT Presentation

“If you are serving time, it takes work. It takes work not to get in fights, not to get into trouble. Then you get out and you work to be a normal citizen, work to get a good job, and you're under a microscope. I've worked to get a good job, be a good citizen and it doesn't matter. It is punishment.”

“The stigma and the label that they put on you causes depression and self-worthlessness: 'I don't belong in society.' If there's no hope, what's the use of trying? I see that it can lead to re-offenses, drug use, depression.”

Additional Focus Group Comments

“When I filled out my first application after I got out, I was drenched in shame. I had to keep giving it to God, give it to God. Because when they see my name, when they look me up [they know].”

“It's the daily reminder, constantly. Every single day I wake up and in my mind, it's like 'I'm a violent offender.' I suffer from manic depression anyway, and to throw this on top— it causes great depression.”

“I didn’t understand what the Violent Offender thing was”

Participants uniformly said they did not understand what the VO registry was, or that they were agreeing to it, as part of their plea.

Law & Justice PPT Presentation

“I knew I was agreeing to a charge, and then they said “Violent offender, blah blah blah.” I wasn’t told what it was or anything. Then after I was sentenced, signed the plea agreement, I got a letter, and I was like “Holy Cow—what did I **do**?” My probation officer had to look up to find out why I was even on the VO registry, because it was such a bizarre thing. They really stretched to put me on that list.

“When I went into the courtroom I was off my meds, and out of my mind, and the judge asked me, “Do you understand what you’re being sentenced to?” I didn’t understand anything. I felt like I did do something, I was there, but it didn’t warrant that [VO charge.] My public defender was no help – he just kept nudging me, “Agree, Agree.” If I would have known, I never would have taken that plea.

“Well, when I entered my plea agreement, they let me know about it. But I thought it was over after my sentence. I didn’t realize I would have to wait another ten years.

Additional Focus Group Comments

“Yeah, when I had to sign my plea agreement, they tried to scare me. They said I was going to spend 60 years in prison. I had to agree to so many lies.

When I was first presented with the plea agreement, I didn’t understand what the violent offender thing was, how long it was going to be or anything like that. It just blindsided me. Before someone is sentenced to a violent offender registry, they should be told, taught exactly what they’re agreeing to.

Value to Law Enforcement

Participants recognized some need for the registry in the justice system, but not the public arena

Law & Justice PPT Presentation

"I can see the need for it in the justice system. I don't see any need for it in the social arena, because as far as violent offenders go, what's it going to change, what's it gonna do?"

"It should only be available to the criminal justice system. Police officers should know if they are going to a violent offender's house on a domestic abuse call.

"If you've proven that you are not violent in nature anymore. I don't think it should follow you for the rest of your life."

Additional Focus Group Comments

"I don't see how it helps in a public situation, other than ostracizing people."

"Let them have [the Registry] on a professional, private level. If someone is interested in knowing if a neighbor is dangerous, they should be able to call the police department, go to your police department and you can get whatever you want."

"I think that the violent offender registry has no public use. We still have to all work together. It hinders how we can change and grow as a community.

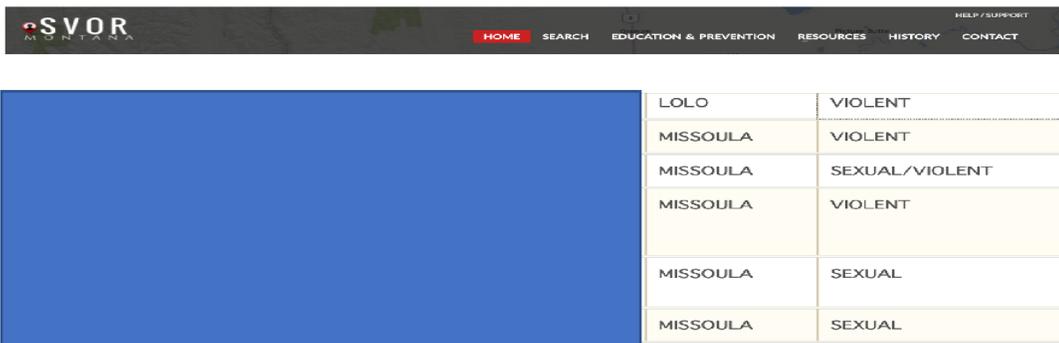
"We're trying to fit in and be productive citizens. For those people who aren't trying to be productive citizens, they will get attention all by themselves, they will wave a banner and let them (the cops) know. But for you and me - we don't need to be on a violent registry.

"This violent offender registry is not for the police departments, it's completely for Joe Blow or anyone who wants to get on there, everyone on the street that you meet and greet. It's exactly like having a tattoo on your arm? When is it going to end?"

Confusion with Sex Offenders

VO registrants describe being perceived as rapists or sexual predators

"I don't know if this would be good. but separate the sexual and violent offender registry, because when [a name] comes up, it's listed on [the same], sexual/violent offender registry. And it looks like we are extremely violent rapists."



The screenshot shows the SVOR MONTANA website interface. At the top is a dark navigation bar with the logo on the left and menu items: HOME, SEARCH, EDUCATION & PREVENTION, RESOURCES, HISTORY, and CONTACT. On the right of the bar is a 'HELP / SUPPORT' link. Below the navigation bar is a large blue rectangular area, likely a placeholder for a map or image. To the right of this area is a table with two columns: the first column lists locations and the second column lists offender types.

LOLO	VIOLENT
MISSOULA	VIOLENT
MISSOULA	SEXUAL/VIOLENT
MISSOULA	VIOLENT
MISSOULA	SEXUAL
MISSOULA	SEXUAL

Petition for Removal: Why Bother?

Removal seems out of reach, an unclear process to those on the registry, and may not be worth it, because the label is permanent.

Law & Justice PPT Presentation

“I didn’t even know that I could get off the registry. My parole officer never said beans about it when I got out [2003]. I found out ten years after parole that you could petition the court to be removed. And I thought, ‘Yeah right!’ So I’m still on it.”

“Who can afford [to petition]? Not many people have the skills -- You have to type it up and give it to the judge. Who can do Pro Se? You’ve got to hire an attorney. And what does an attorney cost? 100 dollars an hour?”

“The main point for me is the social persecution. You serve a life sentence. Even if you get off, you are going to have to move to a new city if you want to get a fresh start, because people know about your past.”

Additional Focus Group Comments

“I didn’t even know what it was. I knew there was a window, but I remember reading it and thinking ‘Phew, it’s past.’ I didn’t know about it until after the 10 years.

“I understood why [the VO registry] was there while I was on parole. But see, I don’t think it should go past 10 years. It should not be under society’s control, but under professional control.”

“[The way it works] it’s not for the police departments, it’s completely for Joe Blow or anyone who wants to get on there, everyone on the street that you meet and greet.”