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Neighbors of registered sex offenders: A qualitative analysis of their lived experiences



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ABSTRACT

The purpose of this qualitative phenomenological study was to explore the lived experiences and perceptions of those individuals who live next to or in the same neighborhood (area) as a registered sex offender (RSO) in Arkansas. The themes were safety of children, personal knowledge about the offender and or offense, extra precautions, perceptions about the notification process, and effect on lifestyle. The 20 participants were accepting of the situation, but expressed concern and the need to function rationally and with caution, particularly in terms of children. Conclusions also included the need to assess risk levels in terms of recidivism, registration requirements, and RSO policy effectiveness and providing accurate offender information.

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1. Introduction

Public outcry and concern regarding sex related abuses and crimes appears to continue to grow. The cases of the past, such as those of Jacob Wetterling, Megan Kanka, and Adam Walsh (Stevens, 2012), perpetuated the formation of the Sex Offender Registry and stricter residential guidelines, which set a precedence with respect to how law enforcement and policy makers decide upon RSO policy. Therefore, given the attention these cases have fostered, the analysis of data garnered regarding the perspectives of the citizens who are living near RSOs continues to be viewed as relevant and timely. The reasoning for the focus on the citizenry is two-fold: prior research focused predominantly upon the RSO and or their family (Tewksbury, 2005, 2012; Tewksbury and Lees, 2007), omitting the experiences of society, and according to social constructivism theory, there is the need to focus on all who are affected by or experience the consequences of the actions of others as it is only by gaining knowledge of the perceptions of all involved can a clearer picture of reality be gained (Guzzini, 2000; Kim, 2001).

It has been estimated that sex offenders commit 300,000 rapes and confront over 3.7 million women yearly with unwanted sexual activity (Bonnar-Kidd, 2010) and 3.2% of U.S. youth experience child sexual abuse in any given year (Finkelhorn, 2009). In an effort to reduce assault occurrences, laws requiring some form of sex offender registration have been passed. In brief, there have been three prominent laws – The Jacob Wetterling Act of 1994, Megan's Law in 1996, and the Adam Walsh Child Protection and Safety Act of 2006. The original intent of the registry was to protect citizens by listing the registered sex offenders' (RSOs) names and addresses along with a photograph. However, the passing of these requirements has led to the assessing of recidivism rates and the debate of where sex offenders should live and why. While there are restrictions as to where a known RSO may live, the controversial debate as to the rights of the convict and the community remains.

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1.1. *Recidivism and rights controversy and debate*

The controversy regarding sex offender registration and community notification has primarily focused upon legislative issues with respect to constitutional rights – the rights of the citizenry to protect themselves as well as the children, and be safe, and the rights of the RSO in terms of his and or her basic freedoms and privacy (Anderson et al., 2015; Miller, 2010; Skelley, 2011). Sex offender management is a high profiled topic in public safety (Freeman-Longo, 2001). States endorsed sex offender community notification laws in an effort to protect communities from sexual predators, however, when these laws were enacted, there was limited research conducted to examine the impact of related laws on public awareness and safety. There have been studies conducted since SOR laws were enacted to see if recidivism rates had decreased, but the results have been mixed in that some researchers contend the enactment of the laws brought about a decrease in recidivism (released criminal returning to the commission of the same type of crime; Duwe and Donnay, 2008; Zgoba and Bachar, 2009), while others stated recidivism is not affected by SOR laws and or there was an increase (Letourneau et al., 2010; Tewksbury et al., 2012). In each of the studies, regardless of the findings, the recidivism rates were frequently based upon pre-SOR populations and post-SOR populations and did not always concern equal representation between the groups in terms of the level of the offenders. Overall, the rates of recidivism were noted to vary as Zgoba and Bachar (2009) found the rate pre and post SOR varied by approximately 4%, indicating a decrease, while Adkins et al. (2000), Tewksbury and Jennings (2010), and Letourneau et al. (2010) determined no significant differences. Nevertheless, in spite of the mixed results regarding recidivism, recommendations have been made for states to continue to employ more restrictive laws for serious sex offenders in order to ensure that people felt safe (Skelley, 2011). However, these recommendations have also been viewed as an effort to satisfy the opinions regarding the role of the political system in the debate of how sex offenders should be handled and where they should reside (Skelley, 2011). In fact, the state, county, and city officials have the authority to make determination as to residency restrictions with limited input from the citizenry, such as a public opinion poll (Anderson et al., 2015).

The concept of limiting the freedom of sexual offenders is viewed negatively by some as opponents state that it infringes upon their personal liberties, but also could threaten the liberty of the entire nation (La Fond, 2008). Nevertheless, 60% of Nebraska residents polled responded that the restriction of RSOs unable to live within 500 feet of a daycare or school was not distant enough (Anderson et al., 2015). However, the proponents of more freedom for sex offenders argue that if the criminal has served his or her time as required by law, then he or she should be set free (La Fond, 2008). Another option is the implementation of electronic monitoring and parole officer check-ins for the RSOs. However, the question remains as to how the neighbors of this type of offender are affected knowing there is a sexually violent predator with nothing more than a monitoring device and increased parole supervision living next door (Skelley, 2011).

However, of further concern is the issue that as a result of the debates centered predominantly upon released sex offenders' housing rights, research has only been conducted regarding recidivism from a statistical perspective. Community notification of the residence of a sex offender has been noted to not reduce sexual recidivism (Duwe and Donnay, 2010) and has been touted as being a “symbolic policy,” (Sample et al., 2011) rather than actually being effective. However, notification was found to deter first-time offenders from committing a sexual offense (Prescott and Rockoff, 2011). Further, the discrepancies in responses among researchers, police, political officials, and those who are forced to live among the sex offenders are varied, therefore the omission of the lived experiences of the citizens within a community where a RSO abides as well as the voice of the citizens deepens the debate rather than leading to a possible solution. This omission of the voice of the citizens in terms of focusing on the lived experience versus an opinion poll is in opposition to the constructs of social constructivism theory in that those experiencing the situation are best capable of providing insight and understanding, which means the citizens as well as the RSOs are the most capable of addressing this situation and possibly lending assistance in resolving this debate as to the effectiveness of the legislation. As has been acknowledged, citizens are believed to be negatively affected in terms of safety and housing value and their plight needs to be considered before deciding whether further restrictions should be applied to RSOs (Levenson and D'Amora, 2007). Politicians and justice departments need to consider the voice and experience of those having to deal with the collateral consequences (unintentional negative effects) of living next door or near a RSO (Bonnar-Kidd, 2010).

1.2. *Collateral consequences*

Collateral damage or collateral consequences not only affect the perpetrator, but also can be defined as the negative effects endured and sometimes suffered by those directly or not directly affected by the action or the actor, but by the results of that action (Tewksbury, 2005). The kidnapping and subsequent imprisonment and raping of Jaycee Dugard is an example of collateral damage in that while Jaycee was the individual physically and psychologically harmed, the two daughters fathered by her kidnapper as well as her family were affected collaterally in terms of it changing their lives. The phrase collateral damage or consequences has also been used in terms of those who suffer innocently as their child, brother, uncle, or anyone they know is harmed either by a sex offender himself or by someone committing a hate crime against a sex offender. However, the collateral damage can also be in the form of financial costs as there is a cost to the taxpayer to process these offenders and continue with this process after their release from jail, probation, or other programs. There is also political collateral damage as one party or representative takes one stance and the other another, and then there is the damage done to the victim and potentially those living next to or in the neighborhood of the sex offender (Tewksbury, 2005; Wagner, 2011).

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