2021

Legislative Factors That Influence the Creation of Sex Offender Laws in Pennsylvania

Julie E. Wagner
Walden University

Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Julie Wagner

has been found to be complete and satisfactory in all respects,
and that any and all revisions required by
the review committee have been made.

Review Committee
Dr. Hilda Shepeard, Committee Chairperson,
Criminal Justice Faculty

Dr. Carolyn Dennis, Committee Member,
Criminal Justice Faculty

Dr. Joseph Pascarella, University Reviewer,
Criminal Justice Faculty

Chief Academic Officer and Provost
Sue Subocz, Ph.D.

Walden University
2021

Abstract

Legislative Factors That Influence the Creation of Sex Offender Laws in Pennsylvania

by

Julie Wagner

MS, Capella University, 2012

BA, University of Pittsburgh, 1986

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

May 2021

Abstract

Nonviolent sexual offenders are known to have lesser risk of reoffense than their violent sexual offender counterparts; however, both categories of sexual offenders are contained within the same registry in Pennsylvania, without indication of the differences in the nature of their crimes. It was not known why Pennsylvania's laws require all sex offenders to be listed in one homogenous group. The purpose of this qualitative case study was to identify the factors legislators use to determine how a sex offense crime is categorized in legislative decisions in Pennsylvania. Social construction theory served as the theoretical foundation for the study. Data were collected from semistructured interviews with eight Pennsylvania legislators who sponsored or cosponsored sex-offense classification and penalty laws. Data were coded using a six-step thematic process to categorize input for thematic analysis and constant comparison. Results indicated legislators primarily considered sex offense victims' accounts and media attention to sex offenses when creating laws. Lack of delineation of violent and nonviolent sex offenders was predicated on legislators' beliefs that constituents would oppose delineation, but legislators acknowledged that a homogenized registry negatively impacts nonviolent sex offenders' lives. Findings may inform more appropriately targeted legislation and rigorous evaluation of outcomes to promote community safety and prevent sex offenses. Positive social change implications may include an increase in social equity particularly for some nonviolent offenders who are unfairly penalized for life. This would be a step forward to promote positive social change to an otherwise marginalized population.

Legislative Factors That Influence the Creation of Sex Offender Laws in Pennsylvania

by

Julie Wagner

MS, Capella University, 2012

BA, University of Pittsburgh, 1986

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

May 2021

Table of Contents

List of Tables

Chapter 1: Introduction to the Study

Over the last 3 decades, the U.S. public has come to perceive all sex offenses and all sex offenders as one homogenous group (Harris et al., 2014; King & Roberts, 2017; Socia & Harris, 2016). The public also identifies the issue as widespread and assumes these acts to be committed primarily by strangers (Socia & Harris, 2016). Reinforcing those perceptions are the actions of federal and state legislators, as evidenced by the passage of numerous sex offender laws and the implementation of sex offender registries.

Initially, sex offender registries were reserved for the worst of the worst sex offenders. Sex offender registries have evolved, however, particularly in the Commonwealth of Pennsylvania, to include those convicted of lesser offenses for behaviors such as public urination and offenses without a sexual component (Lytle, 2015). Examples of the new sex offender registry laws include Unlawful Restraint and False Imprisonment (PA Consolidated Statutes, 2020). The crimes of a nonviolent sex offender are harmful physically and mentally; however, the empirical basis for the inclusion within the sex offender registry without delineation of the nature (e.g., violent or nonviolent) of the crime is not clear in academic research.

In Pennsylvania, the sex offender registry is a homogenized group without delineation of the nature of the crime. The creation and continued evolution of the Pennsylvanian sex offender registry is based on federal and state laws. For example, precedent for Megan's Law resides in the federal law that requires each state to develop a registry for sex offenders and other crimes against children. Resultantly, the Jacob Wetterling Act of 1994 led to the creation of sex offender registries in each state (Lytle,

2015). The state of Pennsylvania has reformed sex offender legislation multiple times, with the most recent reform serving as the sixth variation of its original legislation (Lytle, 2015). As a historically conservative state, Pennsylvania recently implemented a landmark ruling that all individuals who committed sex offenses prior to the 2012 passing of the *Commonwealth v. Muniz* decision were responsible for current penalization standards (Bowen et al., 2016). This reform was intended to correct what was determined to be previously unconstitutional legislation regarding sex offender rights and provide mediation between federally mandated and state drafted laws (Bowen et al., 2016). Under the new law, a constituent can petition to end registry, commonly referred to as relief from registry, after a period of 25 years (Bowen et al., 2016; Harris et al., 2020).

Within the Pennsylvanian sex offender registry, one cannot discern the violent from the nonviolent offenders because there is a lack of delineation between the nature of the crimes committed. This is an exclusive form of sex offender registry, as other states with sex offender registries customarily provide explanations of the elements of the sex offense (Bowen et al., 2016). The unique geo-cultural history of Pennsylvania provides for likely worthwhile discourse on sex offender policy, laws, and perceptions of legislators. The expanded sex offender registry laws of PA and their comprehensive sex offender registry are unique compared to other states in the country, which have not undergone significant alteration in the past 10 years (Bowen et al., 2016). The geographical location of Pennsylvania is an ideal focus due to the updated laws and increased academic research regarding sex offender regulations within the state.

I sought to enhance knowledge regarding the inclusion of nonviolent (i.e., no involvement of sexual behavior or contact) perpetrators on the sex offender registry. Due to the uniform structure of the Pennsylvania sex offender registry, it is challenging for the average citizen to differentiate between registrants who have been convicted of offenses with violent or predatory attributes and those who committed offenses without a physical sexual component. It is also difficult to differentiate between those who are at a high risk of recidivism and those who may be at a decreased risk of recidivism.

Common misunderstandings, stereotypes, and other falsehoods that encompass the sexual offender population require lucidity in combination with applicable penal measures. Adversity is a common result of those misunderstandings and stereotypes, leading to lack of employment opportunity and housing for those living in the community with the stigma associated with the sex offender label (Evans & Cubellis, 2015). The ramifications of punitive actions are amplified beyond the boundaries of the legal arena and impact the capability of the offender to progress with ordinary life functions (e.g., obtaining employment). For nonviolent offenders included in a single registry, it is problematic for employers and other individuals to evaluate their status as a sex offender and draw accurate conclusions (Evans & Cubellis, 2015). The stereotypes and panic-oriented ideations rooted in public perceptions and anchored to the power of elected officials can promulgate a dominate shared reality incompatible with both facts and the perceptions of individuals within the same environment. Findings from the current study may be used to enhance future legislative considerations regarding the creation of sex offender laws and revise those currently in effect.

Chapter 1 includes an overview of this issue and its historical context, as well as a description of the problem, purpose of the study, and the research question. I then discuss the theoretical framework supporting the study, followed by the nature of the study, definitions, assumptions, scope and delimitations, and limitations. The chapter ends with a summary and transition to Chapter 2.

Background

Consistent early research has indicated that nonviolent sex offenders are at low risk of recidivism and are significantly less likely than violent sex offenders to reoffend. Previous research has also shown that in recent years, the rates of sex crimes and recidivism have declined for nonviolent sex offenders (Bowen et al., 2016). Nonetheless, lawmakers have accelerated the creation and implementation of draconian and inflexible sex offender statutes that include nonviolent sex offenses (Kernsmith et al., 2016; King & Roberts, 2017; Mancini & Mears, 2016; Przybylski, 2015; Terry, 2015). For example, Przybylski (2015) established that the primary difference between nonviolent sex offenders and violent offenders was significantly lower rates of reoffense. Similarly, Kernsmith et al. (2016) noted a 40% decline in child sexual abuse cases between 1992 and 2000, with a further 32% decrease in rates of sexual assault and rape between 2001 and 2010. Despite the research evidence, legislators at federal and state levels have forged ahead with statutory sanctions against sexual offenders. Because legislative actions do not appear to be aligned with existing evidence, legislative motivation is unclear. The factors that influence lawmakers to promote the creation and

implementation of increased penalties against the nonviolent sex offender population are not known.

Numerous influences were considered to determine which and to what extent they may encroach upon legislative policymaking decisions for the population of nonviolent sex offenders. In an examination of media framing, Connor and Tewksbury (2017) explained that the intentionally inaccurate language used by the news anchors and editors establishes the tone and sets the agenda for the public. Personal opinions combined with media framing can influence decision making regarding the intent and goals behind the creation of many laws, according to Mancini and Mears (2016) who surmised that many legislative actions occur at a rapid pace because lawmakers have become disciplined to mold their responses to the atmosphere created and driven by the media. The general public welcomes the flow of information from the media and accepts it as factual despite the subjective framing of the issues; further, the public anticipates a response from legislators in the form of solutions to public problems and governance based on media accounts (Mancini & Mears, 2016).

Stupple (2014) defined moral panic as an irrational and constructed danger-bearing fear that results from a reaction to a person, group, or event, and extends beyond all proportions related to the reality of the threat associated with the person, group, or event. Levenson (2016) determined that when a social problem is legitimized by the media, public attitudes become shaped by the distorted view. Legislators and policymakers respond with the creation of laws and other crime control policies that have little to do with safety needs (Levenson, 2016).

Evans and Cubellis (2014) conducted a study of how registered sex offenders managed their public identities. The researchers explored how registered sex offenders are publicly defined and feared, based on the sex offender label, despite the nature of the crime or offense. Lawmakers believe they are meeting the needs of public safety and offender treatment through current laws (Meloy et al., 2013). Collateral consequences are not direct sanctions but include any additional hardship endured by an individual as a result of a criminal conviction (Evans & Cubellis, 2015). Although legislators are aware of such consequences, legislation that triggers these hardships remains acceptable for their perceived deterrent effect on crime and for serving the purpose for which it was intended (Meloy et al., 2013).

The literature on sex offenders and related topics is substantial, as is the identified gap indicating the need for further study. Researchers have pointed to the lack of clarity and knowledge regarding the perceptions, processes, and factors experienced by lawmakers that influenced their contributions to sex offender laws and policies rooted in considerations other than statistical and empirical data (Easterly, 2015; Harris & Socia, 2016; Harris et al., 2018; Kemshall, 2017; Lytle, 2015; Mancini & Mears, 2016). For example, Kemshall (2017) noted the need for more robust evidence to determine effective strategies with the needs of the public and the offenders in focus after examining global sanctions and legislative perceptions related to sex offender policies. In a study of law enforcement personnel, Harris et al. (2018) recognized that the lack of knowledge regarding how the Sexual Offender Registration and Notification Act (SORNA) was perceived in this population underscored the need for legislators to focus

on the applications of the sanctions rather than public information goals and move toward

a research-grounded approach to sex offender legislation, noting that neither sex crime

statistics nor media attention fully explained the legislative activity surrounding SORNA

laws beginning in the 1990s. Easterly (2015) identified the need to employ research

methods as the tool to explore political dimensions and influences that result in enacted

crime policy. In a study of labels and terminologies assigned to persons convicted of sex

crimes, Harris and Socia (2016) identified the need for further study regarding variables

that influence the perceptions of legislators who create the laws. Further, the few

available accounts of the legislative decision-making process in the research literature

were recognized by Lytle (2015) as the catalyst for additional study on the influences that

impact the processes of criminal justice policy. In a similar analysis, Mancini and Mears

(2016) argued that there is a need for investigation into the recent creation of sex offender

legislation by suggesting a corresponding argument, whereby legislative actions and

subsequent reactions are considered through the lens of a witch hunt.

The current study was necessary based on this demonstrated interest in research-

based solutions. Current public policies and legislation do not seem to be empirically

based (Connor & Tewksbury, 2017). Rather, they appear to be founded on popular

opinion, media-driven stereotypes, and individual perceptions of sex offenders (Connor

& Tewksbury, 2017). These policies and practices were relevant to this study because

nonviolent offenders, who are less likely to recidivate, are not delineated among violent

sex offenders within Pennsylvania sex offender registries. As a result, potential

employers, housing groups, and individuals are unable to make determinations regarding

the sex offender and their ability to reenter society (Evans & Cubellis, 2014). These collateral consequences are the social ramifications related to sex offender registration compliance and exemplify the continued effects after prescribed legal punishments are officially served. It was necessary to examine how these laws are created and their impact on nonviolent sex offenders attempting to reenter society.

Problem Statement

Researchers have indicated that nonviolent sexual offenders are known to have a lesser risk of reoffense than their violent sex offender counterparts; however, both categories of sex offenders are included in the same registry without separation that would indicate the differences in the nature of their crimes. It is not known why Pennsylvania's sex offender laws require all sex offenses to be listed as one homogenous group. In this current format, it is not possible for the public to easily discern whether a sex offender was violent. Because the outcomes of previous studies have shown that nonviolent sex offenders are less likely to reoffend (King & Roberts, 2017; Mancini & Mears, 2016; Przybylski, 2015; Terry, 2015), it was imperative to investigate the ramifications of a single sex offender registry on the nonviolent sex offender population. Classification as a sex offender for a nonviolent sex offense (e.g., public indecency, exposure) and inclusion with felony violent sex offenses can decrease nonviolent offenders' likelihood of obtaining employment and housing and increase their likelihood of social stigmatization (Evans & Cubellis, 2014). An equitable sex offender registry would categorically separate the nonviolent and violent offenders for the ease of

transition of nonviolent offenders into the community and for the increased education of the public to make informed decisions regarding offenders.

Pennsylvania's current sex offender registry provides information regarding the residence, employment, and school, if currently enrolled, of any individual convicted of a wide range of offenses (e.g., rape, sexual assault, unlawful restraint to interference with the custody of children; Pennsylvania Consolidated Statutes, 2020). Within this sex offender registry, the name of the offender is listed without indication of whether the crime was violent or nonviolent. There are many possible factors contributing to this problem, among which are laws that regulate the sex offender registry created in the aftermath of a horrific event, as a response to a crime against a child that has caused outrage and moral panic (Connor & Tewksbury, 2017; Levenson, 2016), and developed without regard to empirical evidence (Meloy et al., 2013). Previous literature focused on understanding the origins of sex offending, sex offender treatment, and what happens to offenders once they return to the community (Evans & Cubellis, 2014). None of the researchers whose literature was reviewed addressed the Pennsylvania legislative criteria for determining how sex offenses are categorized. The current study contributed data to the literature for policymakers to consider in understanding the emotional impact being labeled as a sex offender for a nonviolent sex offense has on the individual and their family members and may assist in developing better criteria for classifications.

The gap in the research literature was addressed by examining how sex offender lawmaking impacts nonviolent sex offenders placed in a homogenized sex offender registry. This topic required research-based answers because current laws and legislative

policies do not seem to contain empirical reasoning or knowledge as a foundation
(Wagner, 2020). Rather, they appear to be founded on popular opinion, media-driven
stereotypes, and individual perceptions (Connor & Tewksbury, 2017).

Purpose of the Study

The purpose of this qualitative case study, using a social constructionist lens, was
to identify the factors that legislators use to determine how a sex crime is categorized in
legislative decisions in Pennsylvania to better understand how this classification process
disproportionally affects nonviolent sex offenders.

Research Questions

The following research questions (RQs) were used to guide the study:

RQ1: What are the main factors legislators consider when sponsoring and
developing the categories for a nonviolent versus violent crime that is included in sex
offender legislation?

RQ2: What is the described reasoning for lack of delineation of nonviolent and
violent sex offenders within the Pennsylvania sex offender registry?

RQ3: How do legislators believe the homogenized nature of the Pennsylvania sex
offender registry impacts nonviolent sex offenders?

Theoretical Framework

The theoretical framework guiding this qualitative study was the social
constructionist framework. Shared assumptions are formed to maintain values and beliefs
of the group; therefore, legislators jointly construct their understanding of what being a
sex offender means (Ingram et al., 2007). Legislators have constructed a single definition

of sex offender and have decided what protections society needs from all assigned to that category. Legislators have also justified that all sex offenses belong together under one legislatively constructed document. This social construct is the legislation provided to the public. The social constructionist framework was intended to understand why legislation sometimes fails to meet its intended purposes of controlling or solving public problems (Pierce et al., 2014). The social constructionist framework demonstrates whether legislators have acted on views that have been constructed or views and ideas based on research and facts in the formulation of laws and public policy.

The literature reviewed for this study identified media framing (Connor & Tewksbury, 2017) and moral panic (Levenson, 2016) as themes that contribute to the stigmatization and obstacles that nonviolent and violent sex offenders face when reentering society. Because legislator constituents and packaging of information by the media, produce two persuasive arguments to lawmakers, it was critical to ascertain the source of the participants' information. Data were obtained from semistructured interviews to answer the research questions. Additionally, previous researchers have indicated that nonviolent sex offenders are less likely to recidivate (Mancini & Mears, 2016; Przybylski, 2015; Terry, 2015). Understanding a respondents' personal definition of a sex offender, as well as what the respondent believes causes sex offending, served as a foundation for additional questions regarding whether they believe laws are effective, whether treatment for offenders is effective, and whether offenders will recidivate. This provided the foundation for understanding the individual social construction process that I used to identify themes to answer the first research question. Lastly, to answer the third

research question, I questioned the legislators regarding their perceptions of how the lack

of delineation in terms of the nature of offense could disproportionately impact

nonviolent sex offenders. This was needed to understand the legislators' social

understanding of nonviolent and violent sex crimes.

Nature of the Study

I employed a qualitative approach to discover how a system functions, or to

discover intimate knowledge and clarity from a very specific group of individuals. The

case study design for this research included identifying a group of Pennsylvania

legislators to study their reasoning related to influential factors such as media, constituent

input, and personal opinion for creating, introducing, and passing sex offender

legislation. This study met the criteria of a collective case study because the process

experienced by more than one legislator was examined to gain a rich understanding of

sex offender legislation.

Public records regarding involvement of each legislator in crafting sex offender

legislation was reviewed to determine eligibility for participation. At the time of the

study, there were 253 legislators serving the Commonwealth of Pennsylvania; only those

with involvement in drafting or voting on sex offender legislation were invited to

participate in this study. By focusing on the characteristics of this particular subgroup, I

created a purposeful sample of participants. Interviews were intended to be conducted

with at least 10 legislators, but the number of interviews would have increased if

surprising or provocative information was discovered or until saturation was reached. A

researcher-developed interview guide was used to collect data on the perceptions,

experiences, and influences on the decisions made based on the categories of the offenses. Data were coded using NVivo for organization and thematic analysis.

Definitions

The following section provides definitions for terms used frequently throughout this study.

False imprisonment: A misdemeanor of the second degree in which an individual knowingly restrains another unlawfully to interfere substantially with their liberty. Variations include false imprisonment of a minor where the offender is not the victim's parent; if the victim is a person under 18 years of age, a person who is not the victim's parent commits a felony of the second degree if they knowingly restrain another unlawfully to interfere substantially with their liberty. In cases of imprisonment of a minor where the offender is the victim's parent, if the victim is a person under 18 years of age, a parent of the victim commits a felony of the second degree if they knowingly restrain another unlawfully to interfere substantially with their liberty (Pennsylvania Consolidated Statutes, 2020).

Interference with the custody of children: An offense in which the individual knowingly or recklessly takes or entices any child under the age of 18 years from the custody of their parent, guardian, or another lawful custodian when the individual has no privilege to do so (Pennsylvania Consolidated Statutes, 2020).

Nonviolent sex offender: An individual who has committed a nonviolent sex crime, which includes indecent exposure, public urination, owning child pornography, indecent public touching, and rude behavior without physical contact toward the victim

(Sample & Bray, 2006). The definitions for a nonviolent sex offender differ according to the laws within each state (Kahn et al., 2017). Generally, the term refers to an individual with a sex crime conviction who is assessed to be low risk to recidivate once released into society (Sample & Bray, 2006).

Rape: A felony of the first degree when the person engages in sexual intercourse with a complainant (a) by forcible compulsion; (b) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (c) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (d) where the person has substantially impaired the complainant's power to appraise or control their conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means to prevent resistance; or (e) who suffers from a mental disability that renders the complainant incapable of consent (Pennsylvania Consolidated Statutes, 2020).

Registered sex offender: An individual who has been convicted in Pennsylvania of certain sexual offenses and is required to register with the state under SORNA. Offenders convicted in other jurisdictions are subject to a period of registration equal to that of their jurisdiction of origin, but in no case will the registration period be less than 10 years (Pennsylvania Consolidated Statutes, 2020).

Sexual assault: Except as provided in Section 3121 (relating to rape) or Section 3123 (relating to involuntary deviate sexual intercourse), a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a

complainant without the complainant's consent (Pennsylvania Consolidated Statutes, 2020).

Sexually violent predator: A sex offender convicted of a sexually violent offense in Pennsylvania who has "a mental abnormality or personality disorder the makes the person likely to engage in predatory sexually violent offenses" (Pennsylvania Consolidated Statutes, 2020, p. 2050).

Unlawful restraint: Except as provided under the following subsections, a misdemeanor of the first degree if the individual knowingly (a) restrains another individual unlawfully in circumstances that result in the risk of serious bodily injury or (b) holds another in a condition of involuntary servitude. The first subsection is unlawful restraint of a minor where the offender is not the victim's parent; if the victim is a person under 18 years of age, a person who is not the victim's parent commits a felony of the second degree if the individual knowingly (a) restrains another unlawfully in circumstances that result in the risk of serious bodily injury or (b) holds another in a condition of involuntary servitude. The second subsection is unlawful restraint of minor where the offender is the victim's parent; in this instance, if the victim is a person under 18 years of age, a parent of the victim commits a felony of the second degree if the individual knowingly (a) restrains another unlawfully in circumstances that result in the risk of serious bodily injury or (b) holds another in a condition of involuntary servitude (Pennsylvania Consolidated Statutes, 2020).

Violent sex offender: An individual who previously committed a sex crime. This includes rape, child molestation, child sexual assault, marital rape, molestation,

abduction, and sexual assault. The definitions for a violent sex offender, however, differ according to the laws within each state (Quinsey et al., 2006). Violent sex offenders are considered individuals with a high risk of reoffense should they return to the community and society (Quinsey et al., 2006).

Assumptions

The first assumption was that all interviewees would answer candidly. Ideally, the responses from the individuals were truthful; however, it is not possible to mitigate this assumption. I conducted the interviews in confidential spaces to ensure that participants felt capable of providing honest and candid answers. The second assumption was the data were sufficient to answer the research questions. To attempt to mitigate this, purposeful sampling was used to obtain information from participants who could contribute data related to the research questions. It was also possible that the individuals would not be able to answer interview questions due to their limited knowledge concerning the topic.

Further, I assumed that insights and knowledge developed through this study pertaining to the factors and influences that impact legislative decisions when creating and enacting criminal laws regarding sex offenses would be specific to the Pennsylvania legislature. Lastly, I assumed that individuals would be willing to participate in this study and not feel hesitant due to the political nature of the topic of sex offender registries. These assumptions were necessary for the purpose of this study to proceed. The assumptions of participant honesty, knowledge level, and ability to provide relevant information were mitigated using purposeful sampling of individuals who had information relevant to the purpose of this study.

Scope and Delimitations

This study had several delimitations. First, the findings solely reflect the factors that influence legislative decisions when creating and establishing criminal laws regarding sex offenses in Pennsylvania. Although similar laws and processes may be enacted in other states, generalizability was limited to factors that influence legislative decisions in Pennsylvania. Further, participants were limited to legislators who made legislative decisions affecting those accused or convicted of sex offenses; however, it is likely that some of the factors that influence legislative decisions on sex offenses affect other forms of legislation. The study population was limited to legislators of the Commonwealth of Pennsylvania who had created, proposed, or participated in the passage of sex offender legislation. The relatively small sample size, although desirable in qualitative studies, limited the generalizability of the findings in relation to the factors that influence other Pennsylvania legislators' legislative processes pertaining to sex offenses.

Limitations

The qualitative design made the data subjective and not generalizable beyond those who participated in the study. Purposive sampling compromises the ability to apply findings of a study to other populations (Ravitch & Carl, 2016). Further, because job duties and experience were required for participation, the equal representation of gender, race, and ethnicity in the participant sample was not ensured. In addition, though every effort was made to minimize researcher bias, such an influence may have been derived from my former occupation in law enforcement and professional dealings with sex

offenders. The nature of this study, however, suggested that a reverse bias could have existed. Because qualitative research is dependent on the researcher, it is imperative for researchers to evaluate positionality and subjectivities to control or eliminate bias (Ravitch & Carl, 2016). I used self-reflection of biases, personal experiences, and beliefs to mitigate researcher bias.

Significance

The study findings may provide an improved understanding of nonviolent sex offenders' placement in a homogenized registry without delineation of the nature of their crimes (see King & Roberts, 2017; Mancini & Mears, 2016; Przybylski, 2015; Terry, 2015). Researchers had not conducted studies of a single state or body of legislators. Through interviews with Pennsylvania legislators, I gained insight concerning their perceptions of recidivism, collateral consequences, constituent demand, sex offender stereotypes, media influence, knowledge of current empirical evidence, and personal opinions (see Doyle, 2018; Klein, 2016; Socia & Harris, 2016; Stupple, 2014).

The findings of this study may be used to understand differences in Pennsylvania sex offender registry in relationship to other sex offender registration. Obtaining this information from legislators may offer a deeper understanding of the factors that influence decisions affecting the sex offender community. Further, the findings may provide a more balanced perspective that may contribute to the revisions of existing state and federal sex offender management strategies. Findings may also contribute to understanding how nonviolent sex offenders are disproportionately impacted by the current Pennsylvania sex offender registry system.

Summary

The Pennsylvania sex offender registry has evolved from its original form to include crimes that are termed *hands-off offenses*, or offenses in which no sexual contact occurs. This expansion is significant because Pennsylvania employs a combined registry in which nonviolent and violent sex offenders are listed together without segregation relating to the nature of the crime. Despite evidence that nonviolent sex offenders are at low risk of reoffense, they are subjected to equal punitive social consequences as violent sex offenders within the homogenized Pennsylvanian system. For this reason, there was a need to ascertain legislators' perspectives of sex offenses and sex offenders to explore the lack of delineations within the sex offender registry (see Kernsmith et al., 2016; King & Roberts, 2017; Mancini & Mears, 2016; Terry, 2015). Chapter 2 provides a comprehensive review of the current literature and an overview of topics pertinent to the problem, purpose, and theoretical framework of the study.

Chapter 2: Literature Review

The problem was that the current sex offender registry makes it difficult for private citizens to tell the difference between the violent sexual offenders and the nonviolent offenders because all who are labeled as sex offenders are listed as one homogenous group (Pennsylvania Consolidated Statutes, 2020). The purpose of this qualitative case study was to identify the factors legislators use to determine how a sex offense is categorized in legislative decisions in Pennsylvania to better understand how this classification process disproportionally affects nonviolent sex offenders. The literature review includes relevant research and articles that contributed to the purpose and goals of the current study. The study was significant in advancing the literature regarding the perspectives of legislators who determine legal sanctions for individuals convicted of sex crimes. Applications of the sanctions are described in the review, along with other influences that include state-to-state variations and reasons for such in SORNA requirements, media framing, moral panic, and the impact on the sex offenders. The chapter also includes the literature search strategy, theoretical foundation, and review of key concepts related to the problem. The chapter ends with a summary and transition to Chapter 3.

Literature Search Strategy

I obtained the literature reviewed in this chapter through online databases and search engines including Google Scholar, DeepDyve, ProQuest, Research Gate, Science Direct, Google Books, Google, government supported databases such as PubMed, Centers for Disease Control and Prevention, U.S. Bureau of Justice, the World Health

Organization, the United Nations, and established foundations and organizations that

provide information and support for victims and offenders. Search limitations included

available options per search site such as peer-reviewed journals, dates of publications

focusing on works published since 2015, author name searches when needed, access to

related and previously cited articles, and the use of full-text or pdf availability for

published documents. Search terms included the following as single terms or in Boolean

searches: *sex offense, offender, victim, Adam Walsh, Adam Walsh Act, Megan Kanka,*

Megan's Law, Pam Lychner, Pam Lychner Act, Jacob Wetterling, Jacob Wetterling Act,

social construction, constructionism, constructionist, social construction of reality, social

construction of target populations, social construction of policy design, Peter Berger,

Thomas Luckmann, policy design, target populations, sex offender sanctions, sex offender

laws, sex crime, sex crime offender, sex crime laws, sexual psychopath laws, European

sex laws, sex offender registration and notification, legislator, legislation, global,

international, media framing, moral panic, SORN, and *SORNA.* Much of the literature in

this review (84 of the 102 articles [82.4%]) was published in 2015 or later.

Theoretical Foundation

The theoretical framework that I chose to support the current study was the social

construction of reality theory introduced in 1966 by Berger and Luckmann (Berger &

Luckmann, 2011). The theory of social construction incorporates knowledge and reality

as the two primary elements furthering the concept that shared knowledge through

societal communication forms the basis for determining the view of reality in that society,

setting, or environment (Burr, 2006). According to Berger and Luckmann (2011), reality

is determined by the collective perspectives of phenomena within an environment that are recognized as established, cannot be easily dismissed or ignored, and are accompanied by knowledge that the phenomena possess specific traits or characteristics. This realization grounds the concept of reality as constructed through social awareness and shared knowledge relative to the understanding of what is defined by the collective society as a known reality (Berger & Luckmann, 2011). The theory views society as a product created by humans, thereby drawing attention to the interests and contributions of humans within that society to determine normal from abnormal, normality from deviancy, and reality from fiction.

The founded knowledge within a society encompasses the empirical variety of what is known or real but also considers that processes of society can result in socially established reality based on other processes within the society (Berger & Luckmann, 2011). A society can drive the meaning of a reality based on the shared knowledge of that society, which may differ from the same shared knowledge in a different setting that results in a different determination of reality (Berger & Luckmann, 2011). According to Pascal (2016), "there are truths on this side of the Pyrenees that are falsehoods on the other" (p. 58). Simply put, one person's reality is another person's illusion, or one person's truth is another person's lie (Pascal, 2016).

The theory of social construction of reality has been applied to many avenues of study and revised to improve the understanding of research outcomes in further support of the field of sociology. Burr (2006) described the theory as in a state of flux, recognizing that a snapshot of social constructionism in one environment may appear

differently in an alternate area of focus. The current study was rooted in the social constructionist theory, although I found elements of support in the evolution of this theory. Ingram et al. (2007) encompassed the theory of target populations and furthered the theory of social construction and policy design developed by Schneider and Ingram (1993).

Social construction includes the assignment of values to people, objects, and events (Ingram et al., 2007). Ingram et al. (2007) posited that realities recognized by social construction theory are intertwined with the operationalized elements of legislative policy that impact politically identified target populations with some considered as chosen to receive the benefits of policy decisions while others assigned the burden of those policies. Furthering the theory of target populations aligned with social constructionism, the public is represented as positioned to accept socially constructed realities as natural conditions overlooking the possible parallel constructions that exist based on different belief systems or experiences that may include the population targeted to receive the more negative outcomes of policy decisions (Ingram et al., 2007; Wagner & Morris, 2018). Politicians are compelled to generate policies that are favorable to some groups while delivering punitive, punishment-driven actions for other groups (Schneider & Ingram, 1993; Wagner & Morris, 2018). This concept was visible in the current study as legislators sought to provide clarity for the political responses to influences other than empirical and research-based evidence in policy decisions specific to sex offender legislation.

According to the social construction theory of reality, beliefs and knowledge are shared to arrive at a constructed view of reality that encompasses the ideas and concepts grounded in the conjoined determinations of reality for a given society's setting or environment (Berger & Luckmann, 2011; Ingram et al., 2007). Ingram et al. (2007) focused on the foundation of the theory by identifying the recognition of target populations extrapolated from the original theory yet applied in a systematic manner assigned to political power. With further consideration to the foundation for Schneider and Ingram's (1993) views of social construction applicable to policy design, the current study was guided by the convergence of the theories in considering legislative policies and sanctions that perpetuate social problems framed as realities yet are based on something other than empirical knowledge in providing a societal landscape that supports the distribution of injustices through established legislative policies aimed at the target population of sex offenders.

Gavin (2005) examined the social construction theory through narrative analysis specific to child sex offenders by employing a process of dominant and alternate theories. The dominant theory was defined as the view of offenders as untreatable, irredeemable, inherently evil, unknown to the victim, and consisting of males from lower class environments. Recognizing that the theory of social construction of reality can operate on multiple views concomitantly and on the same target population within the focus of that view, Gavin found support for the dominant theory in the public's perception even with research and empirical data providing evidence inconsistent with that point of view. Gavin concluded with recommendations for future research to address misperceptions

that persist in both the public views and those of individuals charged with legislative decisions.

Similarly, Adoni and Mane (1984) examined the application of the social construction of reality to an integrated research view of the media. Reviewing sociological, historical, and current perspectives from the United States and Europe regarding the intersection of theory with methods of mass communication, Adoni and Mane applied the implications of Berger and Luckmann's theory placing mass media in a supportive position to bolster social constructionism in both the acquisition and application of knowledge and the societal foundation of communication toward a basis of shared reality. Adoni and Mane emphasized symbolic and subjective presentations of reality at the hands of mass media in support of the interconnected nature of the capacities of mass media and the foundational aspects of the theory. The perceptions of the public regarding social reality and potential influences on political policy were identified as concerns noting the variable impact of media's representation of reality (Adoni & Mane, 1984). Recent research conclusions and legal arguments considered the role of mass media and media framing as contributory to the discourse of sex offender policies.

In an event history analysis specific to sex offender legislation, Easterly (2015) applied the punctuated equilibrium and diffusion of innovation theories to provide a supportive framework for viewing the extent of the influence of public opinion on legislative responsiveness specific to SORN policies. Punctuated equilibrium theory considers the change of political opinion based on attending to societal challenges,

sometimes referred to as social shocks, and considers how such events alter the perceptions and subsequent approaches to policy by legislative actors (Easterly, 2015). Within the same context, diffusion of innovation theory contributes support for the momentum of an idea or policy as it is diffused across a population or system. Both frameworks were applicable to the current study when considering the public's persuasive hold over legislators and the lack of clarity regarding the diffusion of SORN laws throughout the United States (see Easterly, 2015). However, considering the differences in state-enacted SORN policies and the possibility of other influences on legislators in the decision-making processes for sex offender sanctions and policies, the social construction of reality theory—integrated with elements of target populations and policy design aspects—was more appropriate to guide the current study.

Literature Review

Crimes of a sexual nature and the sanctions enacted through legislation to contain the offenders of those crimes are evidenced in the U.S. literature dating back at least as far as the 1930s, as legislators established strategies to manage sexual psychopaths through incarceration and often civil commitment following their release (Call & Gordon, 2016). Sex crimes are not an American tradition, nor can they be framed by geography or time (Call & Gordon, 2016). For example, early laws in Europe included the Criminal Law Amendment Act passed in 1885, which addressed sex crimes of the era including legal action that advanced the age of female consent from 13 to 16 years and provided sanctions against sex trade (Kemshall, 2017). Hundreds of years of published literature, rooted in the realities of cultures both across the globe and close to home, provide

evidence of extensive and substantial scholarship on sexual assault, sex crimes, sex offenders, and sex offender legislation (Easterly, 2015). That evidence extends beyond the focus and purpose of the current research indicating the targeted versus exhaustive nature of this review.

In keeping with the goals of the current study, this review was concentrated on literature specific to the impact and perceptions surrounding sex offender legislation over the past few decades relevant to the actors, populations, and variables that influenced, or were influenced by, the recent and current sanctions within the boundaries of the United States. Global perspectives inform the currently evolving international decisions largely supported by the efforts of the United Nations and cooperating countries (UNODC, 2014) in providing tools that monitor offenders across national borders and are relevant to framing the extent and depth of U.S.-based sanctions. The primary sections of the review include subsections when relevant to support foundational knowledge with attention to the interconnected and overlapping nature of this emotionally laden subject. The substantial amount of published literature on aspects of sex offenders in the United States and internationally provided a wealth of information to consider for inclusion in this review. The literature selected were tied to the goals of the current study and—noting the considerable scholarship included—informed clarity in the broader section topics, while supporting the narrowed discussions to underscore the purpose of the current research.

I first provided an explanation of empirical data, as many subsequent sections make reference to myths and confounding information that evidence the absence of empirical data in perceptions and influences across the described topics and populations.

The impact of legislative actions on, and perceptions of, the public sector are discussed and includes a description of memorial laws enacted, public perceptions and perpetuated myths, the influence of media framing and the role of the media in moral panics. An offender-centric section follows, including recidivism and treatment literature, leading to a discussion on the challenges faced by law enforcement personnel. A section on sex offender legislation and the lawmakers follows and includes global literature for comparative review, federal oversight legislation, state-based differences in the enacted SORNA applications, with narrowing to Pennsylvania-specific literature as available. The overarching research question for the current study explored factors that influence legislators, specific to the target study sample of Pennsylvania-based elected officials, and the topic of sex offenders and sex offender laws. The widespread application of knowledge that was gained regarding the identification of influences legislators respond to in debating and enacting sex offender sanctions extended beyond the Pennsylvania state line and thereby supported the broader scholarship discussed in this review.

Sex Offender Legislation and Empirical Evidence

The Centers for Disease Control and Prevention (CDC) reported sexual violence in the United States to be a significant societal public health concern (CDC, 2014). Sexual violence was described as impacting both genders, encompassing all ages, was broadly defined as the commission of sexual acts without the victim's consent including instances when the victim was not able to consent (CDC, 2014; UNODC, 2014), and was furthered by U.S. federal legislation defining sexual assault as a crime consisting of any element of sexual contact with another person (Vandiver et al., 2017). In contrast to the

increased sanctions and attention to sex offender legislation beginning in the 1990s

(Easterly, 2015; King & Roberts, 2017; Mancini & Mears, 2016), sexual assaults

including arrests significantly decreased during the same years (Easterly, 2015; King &

Roberts, 2017; Snyder, 2012; Vandiver et al., 2017). For example, over 46,000 arrests for

sex crimes occurred in 2005 as compared to approximately 29,000 in 2014, resulting in a

35% drop (Vandiver et al., 2017), victim-reported sexual assaults dropped from 56% in

2003 to 35% in 2010 (Vandiver et al., 2017) and the number of rape arrests as reported

by the U.S. Department of Justice consistently dropped over the 20-year period from

1990 to 2010, resulting in a 59% decrease (Snyder, 2012). Even so, sex offender

sanctions and attention to sexual offenses increased during the same time frame (Easterly,

2015; Kernsmith et al., 2016; Terry, 2015; Zatkin, Stiney & Kauffman, 2021).

Misinformation about sex offenders continues to pervade public fear as

emotionally charged perceptions override empirical data contributing to public beliefs in

unfounded beliefs (Kernsmith et al., 2016; Socia & Harris, 2016; Stupple, 2014; Sacks,

Ackerman& Shlosberg, 2018). Misperceptions such as those based on "stranger danger"

concepts, homogeneous offender populations or a one-size-fits-all belief in offender

characteristics, the irredeemable and untreatable capacities of offenders, and anticipated

high rates of recidivism, are widely held beliefs that lack supportive evidence yet

maintain strong grasps on public points of view thereby influencing legislative decisions

(Doyle, 2018; Gavin, 2005; Kernsmith et al., 2016; Terry, 2015, Roselli & Jeglic, 2017).

Research and empirical data, however, have informed the factual underpinnings of the

misperceptions. Evidence provides statistical support indicating that most sexual assaults

are committed by someone familiar (Doyle, 2018; Klein, 2016; Socia & Harris, 2016; Stupple, 2014; Sacks et al., Serisier, 2017), registration sanctions create a homogenous offender group yet substantial differences exist within subsets of offenders (Gavin, 2005; Kernsmith et al., 2016), treatment methods are effective in many circumstances (Kernsmith et al., 2016; Mancini & Budd, 2016), and convicted offenders are among the lowest group to recidivate (Harris & Socia, 2016; Kernsmith et al., 2016; Terry, 2015).

Vandiver et al. (2017) provided empirical evidence revealing that 78% of rape arrests between 2005 and 2010 were committed by family, friends, or someone known to the victim. Consistent with the findings of Vandiver et al. (2017), Klein (2016) indicated that most sexual assault victims were known by the offender in some capacity; this was reinforced by Sacks et al. (2018) who indicated that the media reinforced rape myths, including stranger danger and Serisier (2017) described media distortion as being linked to the continuation of widespread misunderstandings. Klein (2016) further described the homogenous nature of registration requirements in some states contributing to misinformation available to the public sector by failing to differentiate between someone convicted of urinating in a public place as compared to an offender with a violent history. Doyle (2018) furthered the discussion on homogeneity by describing media terms applied to sex offenders as predators, monsters, and child molesters. Mancini and Budd (2016) studied predictors of treatment response revealing significant impacts on recidivism, and Kernsmith et al. (2016) described recidivism rates in the sex offender population of approximately 13.4% versus reoffending rates for nonsexual crimes of 36.3%.

With a focus on attending to empirical data, Mancini and Mears (2016) presented a comparative analysis exploring correlations of political and societal actions and attitudes during the 1990s with those of a witch hunt. The researchers described the 1990s environment and the significant and consistent decline in sex crime rates that occurred during that time. Mancini and Mears (2016) further argued that the heightened legislative attention to enacting punitive sex crime laws be considered the equivalent of a witch hunt, with sex offenders assigned the role of the new witches. The researchers posited that explanations for the proliferation of the laws, notably more stringent than those imposed on violent crimes including murder, during a time of declining sex crime rates have yet to be provided. Applying research and theoretical bases of witch hunt literature, a literal witch hunt definition was put forth as the targeting of individuals accused of participating in morally proscribed events further drawing analogies to the well-known literature regarding witches sought in the area of Salem, Massachusetts during volatile years of American history. More specifically, the broad definition included intense politically based actions designed to seek out those determined as a threat to the moral fabric of society with those dangerous individuals viewed as deviants, framed as a group described as the monstrous others, thought to be evil, inherently immoral, and distinct from other groups of offenders and crimes. The authors concluded that public fear and moral panic related to disproportionate acts of political power yet identified the need to move forward and restore balance through enacted policy. Public misperceptions and myths surrounding the population of individuals convicted of committing a sex crime call for clarity in tandem with appropriate punitive measures.

Such punitive strategies were described as most effective when aligned with accurate, empirical evidence and designed to incorporate management strategies that introduce both treatment options and attention to the constitutional rights of those convicted of such crimes (Mancini & Mears, 2016). Myths and fear-based public perceptions tethered to the power of elected officials can establish a powerful shared reality inconsistent with both empirical evidence and the points of view of others within the same environment. Fueled by questionable degrees of emotionally driven actions without regard to the available empirical data, the overlapping public perceptions can exert an element of influence on elected officials in a manner consistent with the policy-related observations, as Mancini and Mears (2016) argued.

Establishing a basis of knowledge regarding the depth of available empirical evidence, evidence that contradicts and questions perpetuated public myths about sex offenders serves a foundational purpose. The interconnected content found in the research literature and discussed in this review contributes to identifying influences that effectively persuade legislative action as presented in the goals of the current study. Moreover, the knowledge gained from the empirical data contributes to insight into the realities at play across multiple points of view in the complexities involved with the public, the lawmakers, and the offenders. Such insight aided in informing the goals of the current study within the sections and subsections that follow.

Sex Offender Legislation and Public Perceptions

Sex offender sanctions and management policies were designed to provide the public with protections from sexual harm with those goals applied though management

strategies that monitor the lives of offenders (Kernsmith et al., 2016; Rose, 2017).

Monitoring of individuals convicted of crimes of a sexual nature includes measures such

as tracking their residence, place of employment, restrictions on where they can live and

work, GPS tracking, lifetime community supervision, confinement away from society,

prohibiting or limiting Internet use, possible civil commitment, and implementing steps

that reduce sex drive (Kernsmith et al., 2016; Terry, 2015). Many restrictive sanctions

applied to sex offenders are the result of petitions based on heinous crime events that

served as catalysts for legislative action (Calleja, 2016). Notably, the numerous acts

passed by legislators in less than 2 decades included uncommon bipartisan agreements

inspired by crime events, yet often resulted in memorial laws that veered from the

circumstances of the named event (Calleja, 2016; Terry, 2015). Sparing the full details of

such events, a brief description of key emotionally charged instances tied to legal

restrictions for sex offenders is provided here as foundational knowledge to inform the

basis of arguments prompted by the public sector.

The 1989 abduction of 11-year-old Jacob Wetterling in Minnesota led to the first

legislative act relevant to this topic (Calleja, 2016; Terry, 2015). While riding bikes with

his brother and friends, the group was stopped by a man with a gun wearing a ski mask.

The man told the others to run, then abducted Jacob. Jacob's abduction resulted in the

1994 Jacob Wetterling Act, a law that created a national registry for those convicted of

committing sexual or violent crimes against children. At the time, it was unclear whether

sexual assault was involved; still, the resulting legal actions established registry

requirements for sex offenders including guidelines intended for tracking offenders

further mandating ongoing monitoring of their residence for 10 years following release and quarterly for life for many convicted offenders (Calleja, 2016; Terry, 2015). Nearly 30 years later, the perpetrator confessed, confirming that sexual assault was involved (Rose, 2017). In 1997, the Jacob Wetterling Improvements Act amended the original format, which significantly changed decisions of the court as the amended act provided for opinions of law enforcement and victim's rights advocates to be considered in the court's decisions (Calleja, 2016; Terry, 2015).

Megan Kanka, age seven, was raped and murdered by a neighbor with two previous convictions of sexual assault (Calleja, 2016; Terry, 2015). As a result of the horrific event, Megan's Law was enacted at the federal level by legislators in 1996. The enactment of Megan's Law established the requirement for notification to communities and the public disclosure of the content within federal and state sex offender registries as steps intended to protect the public (Calleja, 2016). The Pam Lychner Sexual Offender Tracking and Identification Act was also passed in 1996 and established a national database designed to involve the FBI in the monitoring and tracking of sex offenders (Calleja, 2016; Terry, 2015). Pam Lychner was assaulted by a workman in her home while her husband was in the house. Her husband was able to restrain the man while police were contacted; however, the couple later discovered the attacker had been previously convicted of sexual assault. The Pam Lychner Act served to bolster the registration requirements, addressed the need for overlap through FBI tracking and monitoring of certain sex offenders, increased tracking for offenders when residing in

states with lower restrictions, and provided monitoring of the movement of offenders

across state lines (Calleja, 2016; Terry, 2015).

While additional laws and acts were passed over time, including campus-centric

crime prevention acts and others, an additional key legislative decision resulted from the

1981 abduction of 6-year-old Adam Walsh (Calleja, 2016). Adam and his mother were

shopping in a retail store when the mother realized Adam had disappeared. His body was

never retrieved, so no evidence of sexual assault could be determined; 2 weeks after his

abduction, his head was found in a location more than 100 miles away. The Adam Walsh

Child Protection and Safety Act, also known as SORNA, was passed in 2006. The act

expanded jurisdiction to territories and tribal areas and broadened the sex offense

convictions that required registration. SORNA mandated that more information be

provided per offender and increased the frequency of updates to the information.

Moreover, to address disparities in state registration policies, SORNA established a tier

classification system to aid in identifying the aspects of the offender's conviction, aligned

with risk assessment information, such as repeat offense or felony convictions (Calleja,

2016; Bouffard & Askew, 2017). While the memorial laws served to recognize the tragic

events and established a legal basis for sanctions intended to protect the public from

sexual victimization, research indicated a lack of knowledge in the public sector

regarding empirical data as studies showed persistent public beliefs in myths regarding

sex offenders (Socia & Harris, 2016; King, 2016).

Two common myths regarding sex offenders, perpetuated in various ways,

include the perception that sex offenders are a homogenous population as they are viewed

as being all alike and that sex offenders as a group are at a high risk of recidivism (Socia & Harris, 2016). In a nationally representative study of 1,000 U.S. adults, Socia and Harris (2016) examined the persistence of the mythic beliefs through survey analysis among the adult U.S. population. The researchers examined the public perceptions of the two myths using dependent and independent variables with survey questions specific to public opinions and perceptions based on registered sex offenders. The dependent variables were determined by posing nine questions asking the participants to estimate proportions of registered sex offenders that met the criteria asked. Three questions involved the perceptions of danger and six question estimated the number at risk of future sex crimes. Answer options were provided in five ranges according to percentages, and included less than 10%, 25%, 50%, 75%, or more than 90%. The results indicated that more than 50% of respondents perceived that offenders were strangers to the victims, carried a high risk of reoffending, and a high risk of committing a crime other than of a sexual nature. The researchers concluded that a large portion of the public maintained perceptions that are not reflected in the empirical data. A minority portion of the respondents did, however, seem to recognize that sex offenders were not dangerous or at high risk of reoffending. The conclusions suggested that the continued prominence of the myths as evidenced by the study data are perpetuated through the media and further persuade legislative policy decisions. The contributions of enacted legislation specific to the memorial laws were recognized as possessing symbolic value only while falling short of the intended goals of preventing sexual harm and protecting children (Socia & Harris, 2016).

King (2016) conducted an online and mail survey of Pennsylvania residents to explore public perception and opinions of sex crimes and punishment for such crimes. It was found that respondents overwhelmingly believed that education regarding stranger danger was imperative to reducing the incidence of sex crimes against children. The results also indicated strong popular beliefs that recidivism of sex offenders was very high, and that long term incarceration served as the most appropriate punishment for sex offenders. King (2016) recommended education and awareness efforts to reduce these potentially harmful and misinformed beliefs.

In a study based on degrees of knowledge, Berger (2017) reviewed the perceptions of a professional population of 103 social workers based in California regarding sex offenders with a stated hypothesis that higher levels of knowledge on the legal and social aspects of the population of sex offenders would contribute to improved capacity to work with an offender. Foundational research for the study revealed that the public's perceptions were more negative toward individuals registered as sex offenders versus those convicted of any other crime, the public viewed sex offenders as more likely to reoffend than those convicted of other crimes, law enforcement personnel viewed sex offenders more harshly than others, and one legislator was identified as blaming movies about domestic violence for the sexual behavior of offenders. Study findings supported the hypothesis noting that greater education of study participants reduced their belief in the myths related to the sex offender population (Berger, 2017).

The perpetuated myths were further determined to be propagated by simply the terminology used to describe the population of individuals that commit crimes of a sexual

nature (Harris & Socia, 2016). The myth of homogeneity specific to sex offenders has

pervaded the perceptions of the public through the use of the labels in multiple avenues,

including the domains of the media. Using an experimental study design, study

participants ranked their level of agreement with a series of statements. The active sample

consisted of 498 participants with 502 individuals enrolled in the control group.

Employing research strategies that evaluated cognitive dynamics and perceptions invoked

by the use of the label of *sex offender* and *juvenile sex offender,* the researchers

hypothesized that the use of the labels alone facilitated intuition-oriented judgments.

Using a web-based survey tool, participants ranked their level of agreement with

statements divided into three segments including support for management policies, the

possibility of rehabilitation, and the risk for recidivism. The randomly selected

experimental group evaluated terminology of *sex offender* versus *juvenile sex offender*,

and the control group was presented with neutral terms of *people that have committed

crimes of a sexual nature*, and *minor youth who have committed crimes of a sexual

nature*. Measures included a 5-point Likert scale ranging from *strongly agree* to *strongly

disagree*. Study findings supported the hypothesis noting that the sex offender label was

more strongly aligned with support for punitive policy and opinions toward the risk of

reoffending. The juvenile sex offender label resulted in significantly powerful impacts,

noting public support for policy and a strong belief that juvenile sex offenders were likely

to recidivate as adults. The researchers concluded with admitting the ease and succinct

use of the familiar terminology of sex offender and juvenile sex offender included in

legislative and political communications, media reporting, and in discussions of research

data, while noting the cumbersome nature of the alternative descriptors used in the study. The researchers cautioned those that intend to accurately discuss the populations to carefully consider how the terminology presented as the labels alone negatively impact the perceptions of the public (Harris & Socia, 2016).

King and Roberts (2017) observed that public perceptions of sex offenders evoked fear and disdain at levels higher than any other criminal offense accompanied by punitive attitudes held by the public toward the sex offender population. Researchers have shown that media sensationalism contributed to myths that all sex offenders are predatory, more likely to recidivate, and sex offenses are at epidemic proportions in the United States. Moreover, the research by King and Roberts (2017) suggested that heightened media attention to sex crimes intensified public persuasiveness of elected officials thereby contributing to the laws enacted during the 1990s. According to these researchers, the persistent reactions of the public led to the casting of a wider net thereby creating an all-inclusive, or homogenous, group of sex offenders contributing to challenges in identifying high-risk offenders within the homogeneity. The researchers surveyed 174 Pennsylvania residents to determine public opinion regarding perceptions on punishment and required registration with consideration to factors involving the type of sex offense, factors regarding the victim, sex, age, and previous relationship status. Comparative analysis to previous and similar studies indicated a depth of responses that suggested complexities not detected in prior studies. Participants were presented with a series of five vignettes that included variant degrees of sex offenses, followed by questions regarding the opinion of the participants regarding punitive measures for the

offenses described. The results were consistent with prior research and included stronger

punitive attitudes when serious offenses were involved, the offenders were older males,

and the victims were younger in age. Situations that involved a prior relationship between

the offender and victim however, resulted in less severe punitive measures. The sex of the

victim showed no significant difference in any analysis method applied and the annual

income or direct and indirect victimization experiences of the respondents resulted in no

differences. The researchers concluded that policy decision makers have created

legislation that varies from the complexities of public opinion, has fueled public fear and

perpetuation of myths involving offenders, and created a false sense of protection and

safety in the established policies. The authors further suggested that legislators attend to

the complexities of their constituents, rather than considering public opinion to be

homogenous among the voters (King & Roberts, 2017).

Several studies discussed here contained the common and influential thread

connected to the role of the media. Even as crime rates involving sex offenses decreased

over time, public fear and punitive opinions grew with the misperceptions stimulated by

media representation of sexually oriented and often violent crimes (Kernsmith et al.,

2016; King & Roberts, 2017). Media sensationalism of crime events was associated with

public perception and opinion, perpetuated myths about sex offenders, and thereby

influenced decisions by legislators to react accordingly to fear-based public perceptions

versus empirical data. By advancing legislation specific to sex offenses described as

casting a larger net, the actions of lawmakers contributed further to the homogeneity of

the sex offender population (Harper & Hogue, 2016; King & Roberts, 2017).

Media Framing

Media representations of violent and sexual crimes were determined to significantly shape public attitude and perceptions in two related studies, with the aim of examining the role of media framing regarding criminals, sex crimes, and sex offenders (Doyle, 2018). According to Doyle, previous researchers had established that the public's overall perception of sex offenders, persuaded by the media through sensationalized representation of sex crimes and references of sex offenders as predators, was hostile, negative, and filled with disdain and disgust. In a mixed methods study combining both qualitative and quantitative methods, Doyle (2018) reviewed both print media and video news formats to determine the impact of media presentations of sex offenders on public opinion regarding increased punitive measures as a solution. The researcher reviewed 33 articles published in 2006 on sex offenders and sex crime policy taken from a popular California news source. Consistent with the study hypothesis, the research sample contained significant emphasis describing sex offenders as predators noting 128 uses of the word *predator* within the study sample of 33 articles, resulting in 3.9 use per article. Additional and consistent printed language implied a homogenous view of sex offenders as child molesters, further emphasizing that the environment is not safe as sex crimes are primarily committed by individuals that are strangers to the victim (Doyle, 2018). The video analysis study sample included 183 participants that watched video clips on sex offenses taken from actual television use from the same Ohio region and one clip with content unrelated to crime or sex offenders. The results of this study showed a heightened endorsement of the predator perspective related to viewing of the emotionally charged

and sensationalized video clip and a lower yet significant degree of predator heuristic apparent in viewing a video clip discussion about sex offender policy. The researcher concluded that both forms of media presentations significantly influenced public perceptions of sex offenders in a negative manner (Doyle, 2018).

Weatherred (2015) systematically reviewed 16 studies published from 1996 to 2012 relevant to child sexual abuse literature and media involvement. Media-generated information was described as providing a format for public discussion and opinion and reported to have a profound impact on contributions toward public perceptions that resulted in influencing the opinions of political actors in enacting legislation (Weatherred, 2015). The concept of media framing was aligned with media-directed agendas as facets and features of events and issues are selected, promoted, and intertwined with other issues according to the media-generated interpretations, thereby providing suggestive reports of how the public should think and act. All studies reviewed included media focus and attention on blame and the individual offender with little emphasis on the issue as a societal concern. Overall, the media content in all studies determined that media focused on highlighting the most sensationalistic and gregarious events including reports of "stranger danger" stories, with a focus on media coverage of extreme cases and their offenders as such coverage resulted in the highest rankings for news stations. The review found few media reports based solely on discussions of social implications and public policy (Weatherred, 2015).

Sex offenders and the publics' perceptions regarding the population of sex offenders and punitive measures is not a situation unique to the United States. Harper and

Hogue (2016) presented a discussion on two studies that examined the role of the British press specific to sex crimes. One study examined the actions of the press specific to a single high-profile sex crime case in 1,014 published news articles. The findings showed a 295% increase in the number of sex crime reports put forth by the media and a 22:1 overrepresentation of the prevalence of sex crimes. The second study examined the perceptions and opinions of tabloid readers, finding an overall increase in negative attitudes towards sex offenders and the preference of readers for harsher punishments, also as a result of tabloid-media reporting of the same high-profile sex crime event in the UK (Harper & Hogue, 2016). The researchers concluded that high-profile sex crimes led to a profound impact on media reporting trends and that the emotional content used by the media influenced policy decisions regarding sex crime legislation (Harper & Hogue, 2016). Similarly, Terry (2015) provided evidence of the emotional public reaction and media involvement in the UK based on a tragic event resulting in requirements for community notification of sex offenders following the kidnapping, rape, and murder of 8-year-old Sarah Payne in 2000, resulting in Sarah's Law.

Consistent with the findings of Weatherred (2015), Shelby and Hatch (2014) examined the media representations of sex offenders and victims with a central focus on events that shaped the legislative debate regarding Megan's Law. The subjective aspects of sexual abuse events were emphasized underscoring that such an event happens to a person, in a personal context, and with devastating consequences. The role of the media in presenting sexual abuse or assault events to the public was described as reaching beyond telling the story or transmitting the message and often included translating and

transforming the content of the event resulting in claims-making and suggestive presentations (Shelby & Hatch, 2014). Such presentations perpetuate myths, feed public fear, and create misconceptions that often reflect on the victim, the offender, or both. Media coverage was described as framing and translating content of key events in ways that influenced the public's understanding of a societal issue, thereby influencing public opinion which informed public policy (Shelby & Hatch, 2014).

Similarly, DiBennardo (2018) examined the media representation of sexual predators. After content analysis of media coverage, it was found that the coverage of violent crimes focused heavily on murder and kidnapping, along with sexual assault in the context of stranger offenders as predators. DiBennardo (2018) found a conflation of violence committed by repeat offenders, feeding public fear. Conclusions suggested the media would better serve the public by limiting focus on perpetrators, thereby empowering victims (DiBennardo, 2018).

Kernsmith et al. (2016) investigated the public's view of strategies to manage sex offenders as they correlated with misinformation provided through media reporting. The study sample included 703 adults living in Michigan, which the researchers randomly selected to participate in telephone interviews. Data collected was analyzed to determine correlations of the level of fear associated with misinformation, the predictive impact of sex offender registration policies, and the severity of sanctions such as life in prison and chemical castration. Study results revealed that acceptance of misinformation provided through the media as factual contributed to greater fear of sex offenders and was

predictive of public opinion for punitive and risk management policy and strategies applicable to the sex offender population (Kernsmith et al., 2016).

In a related context, Weatherred (2017) performed a content analysis of child sexual abuse media reporting from eight national news corporations in the United States from 2002 to 2012. Weatherred reviewed 503 publications that included events surrounding the Catholic Church and the sexual abuse scandals involving Pennsylvania State University. Recognizing previous research findings that media reporting consistently targeted horrific and shocking cases with a focus on the perpetrator resulting in public perceptions of individual versus societal blame, the two key events were institutionally based versus an individual perpetrator, creating a shift in the media representation of sexual abuse in reporting of these events (Weatherred, 2017). The study findings supported evidence of the shift in media reporting indicating the introduction of responsibility for sexual abuse to be a societal—and, in some cases, institutionally based—concern. The researcher concluded that the potential education of journalists on societal responsibilities and solutions may carry over to influence leaders and lawmakers (Weatherred, 2017).

Somewhat in contrast, Easterly (2015) conducted an event history analysis to examine the responsiveness of legislators to public opinion regarding sanctions specific to sex offender risk management steps. Recognizing the sensationalism and emotionally-charged media representations of high-profile events, the study included other variables that may have influenced legislation during the 1990s. Variables in the analysis included district or state factors such as the rate of sex offender arrests, extent of religious-based

populations within a given district, decisions on sanctions during an election year, electoral competition, and salience determined by the number of media articles within a specific time frame. Easterly (2015) conceded the contribution of the media yet concluded that other factors, including the dominance of conservative population at the state levels, district- and state-level electoral competition, and innovative measures introduced were significant contributory factors to the determined and enacted sanctions.

Popular media outlets are not unique to framing data related to the sex offender population. Sawyer (2019) found that the Bureau of Justice Statistics has also reinforced harmful misconceptions regarding sex offenders. Despite official statistics indicating a low recidivism rate for sex offenders, reports released by the government agency continue hide positive news within extraneous information, reinforcing inaccurate and harmful information framing sex offenders as uniquely dangerous career criminals.

Media framing is a persuasive stimulus in digesting a news event that often leads to moral considerations intertwined in the description of the event as that moral perception, opinion, or point of view held in the public's eye often rises to a level that influences legislative decisions (Beddoe & Cree, 2017; Klein, 2016). Moreover, politicians and lawmakers as individuals are susceptible to the influences of the media, as is the public sector (Klein, 2016). Knowledge and perception often driven by media presentations impact individuals, including elected persons, and society to create a shared view of reality, as supported by the chosen theoretical framework for the current study, that may differ from the reality of the available empirical evidence. Further considerations that may be promoted by media misinformation and influence included the

creation of public alarm, fear, and panic resulting from media representation of a morally based issue, consistent with the complex matters involved with sex offenders and sex offender legislation.

Moral Panic

The media and media framing are central to the concept of moral panic (Beddoe & Cree, 2017). The basic premise of a moral panic was introduced in the 1970s based on the observation that society attends to some issues in an overly attentive manner (i.e., blowing things out of proportion), while other concerns are not treated in the same manner. This type of condition was labeled as a moral panic and generally described as a situation, condition, group, or groups that became recognized by society as a threat. A moral panic was routinely framed by mass media in an alarmist and disconcerting manner with the situation typically resolved in a short time frame, unlike the moral panic of sex offenders, noting that other threats and moral panics soon drew societal attention and shifted to focus to another moral panic (Beddoe & Cree, 2017; Weatherred, 2015). The media presentation leading to a moral panic promoted recognition and subsequent panic in the public sector requiring evaluation and consideration by morally-just people such as politicians, editors, religious figures, and other persons that were deemed as right-thinking individuals and experts, thereby leading to a solution that then dissipated the circumstance that created the initial societal response of panic (Beddoe & Cree, 2017). Weatherred (2015) identified that moral panic involved the perception of a threat that is not established by factual bases yet was strongly put forth in the media as a dangerous threat to the moral fabric of society. In a systematic literature review, Weatherred (2015)

found that 90 to 99% of parents participating in prevention education events regarding child sexual assaults cited media sources as the primary means of their information and concern. The matter of protecting children from sexual harm however, created a moral panic that failed to dissipate, even over decades, and continues to fuel alarm and panic in the views and perceptions of the public. Beddoe and Cree (2017) emphasized the social constructionist approach to a moral panic; as the media transmit their news reports on any given issue, individuals within the public serve as receivers of the transmitted information. Then, the receivers apply their own filters to determine the basis of reality through the shared knowledge. Moral panics elicit strong moral judgments. Society views child abuse as highly emotional with the underpinning of morality easily influenced by the media use of terms such as *predator, monster, beast*, and others that set the tone of the event, thereby creating a powerful presentation that may be difficult for the public reader to dissuade (Beddoe & Cree, 2017).

Calleja (2016) reviewed the concept of moral panic in the literature and the correlation with the crimes that resulted in specific sex offender legislation. The author noted the lack of direct correlation in some instances yet the establishment of legislation and risk management policies regardless of the empirical evidence. Describing a moral panic as a threat that disrupted the moral order yet was usually quickly resolved, the lengthy and sustained moral panic related to crimes of a sexual nature and those that commit such crimes, the progressively punitive legislation over the past decades was reviewed and concluded to be consistent with the basis of moral panic thereby supporting

the ongoing use of the term regarding sex offenses and sex offender sanctions (Calleja, 2016).

Kernsmith et al. (2016) defined a moral panic as an emotional and intense reaction by a defined population to an issue or event that was deemed as violating the social order. A moral panic was further characterized as contributing to reactive legislation through campaigns by moral entrepreneurs that may consist of the media, educational efforts, families, victim advocacy groups, and other groups that are invested in the crime event with the common goal of restoring morality and social order (Kernsmith et al., 2016). Similarly, Mancini and Mears (2016) characterized moral panics as focused on a target behavior with the label appropriate to lesser extreme cases involved with witch hunts yet observed to have a specific purpose based on emotional reactions to perceived circumstances. Finally, Klein & Cooper (2019) found a perpetual moral panic exists with an increasing demand for punitive change to sex offender registries.

Lytle (2016) explored variations at the state level in both the content and time of implementation of SORNA requirements and reform across the United States, with a focus on nationwide moral panic and its noted position as the primary cause for the reactionary legislation. State-level implementation varied from federal recommendations suggesting explanations other than moral panic as causative for SORNA reform at the state levels (Lytle, 2016). Lytle described much of the sex offender legislation as knee-jerk reactions intended to provide the public with a demonstration of political awareness of public fears and a willingness to respond accordingly. The legislation enacted

however, was demonstrated throughout the research literature as symbolic in nature and lacking in instrumental value. The findings indicated significant variations across states in the response to SORNA reform suggestive of factors that may influence lawmakers other than responding to the established primary cause of nationwide moral panic (Lytle, 2016).

Gavin (2005) applied the social construction of reality theory to a narrative-based qualitative study with a sample of 20 individuals to examine the socially constructed view of child sexual assault. Specific to media influence through perception studies, research results indicated that a significant majority of participants claimed that their basis of knowledge regarding child sexual assault included newspaper and TV media reports. This author found that participants associated strangers as the offenders, 50% viewed offenders as innately evil, 75% indicated offenders were untreatable, and 100% of participants responded with the opinion that offenders should not be permitted to enter or live within the community environment with that perception aligned with a sense of panic and fear of offender intrusion and sexual assault (Gavin, 2005).

From a legal review perspective, Stupple (2014) questioned the high degree of societal moral panic reaction to the relatively small threat of sexual assault. The author described the fact that children are statistically more likely to be struck by lightning than be a victim of sexual assault by a stranger (Stupple, 2014). According to this author, the human brain contains the capacity for advanced rational thinking and decision-making, yet also contains an automatic override capacity described as common sense. The automatic or common-sense part of the brain reacts more strongly to fear-induced yet

improbable risks versus risks that are more likely to occur that are less scary risks or violations. A moral panic was defined by Stupple (2014) as an irrational and constructed danger-bearing fear that resulted from a reaction to a person, group, or event, and extended beyond all proportions related to the reality of the actual threat associated with the person, group, or event. Moreover, a crime or event related to the moral panic exceeded reasonable consideration and was transformed through media representations into a threat of risk to society of dreadful proportions. The public proceeded to demonize the culprit or offender as possessing a morally flawed character with goals of preying on available victims. Media representations of fear-based events amplified the saliency of improbable risks of sexual assault by saturating public information thereby contributing to a moral panic regarding sex offenders. The author concluded that the underpinning of the moral panic led to higher degrees of disdain and disgust directed toward sexual offenders with the current trend in policies consistent with the public and legislative reaction to this moral panic (Stupple, 2014).

According to Socia and Harris (2016), researchers have established that the public places their trust in the enacted policies believing that they are effective and contribute to community safety although those beliefs are founded in perpetuated myths and unfounded in empirical data. Further research established the media influences on the public through media framing that perpetuated myths of sex offenders, fueled the lingering moral panic regarding sexual assault, and promoted perceptions regarding the false sense of safety through risk management strategies targeting the population labeled as sex offenders (Beddoe & Cree, 2017; Calleja, 2016; Doyle, 2018; Kernsmith et al.,

2016; Stupple, 2014; Weatherred, 2015, 2017). Modern day mass media has expanded to the use of Internet-based news reporting and interconnected reports using social media applications that expanded the public audience for media representations of select events (Mancini & Mears, 2016; Socia & Harris, 2016). Public perceptions, reactionary legislation to public fear, moral framing of events, the lingering moral panic regarding sex offenders, and the perpetuated myths about sex offenders overlap with multiple areas presented in this review. Supported by the social construction theory as realities are created based on shared—yet, in this case, unfounded—information evidenced by the research literature, the overlap is consistent with the goals of the current study in identifying the specific influences that legislators framed as reality in their decision-making processes regarding policy on sex offenders. Adding to the foundational knowledge interconnected to the perceptions and reactions of the public, consideration of offender-centric perceptions was necessary to further the basis of knowledge in providing clarity to the purpose of the current study.

Sex Offender Legislation and Offenders

According to Rose (2017), published statistical data indicate that more than 800,000 individuals are registered as sex offenders across the country. These individuals experience the constraints of freedom associated with their conviction and sex offender label in the community furthered by limited constitutional rights through the over-inclusive registration requirements. This number is significantly greater that the 277,000 reported in 1998; specifically, there was a 174% increase from 1998 to 2013 in the number of individuals required to register. These statistics are correlated with no increase

in sex crimes, with actual decreased rates of some sex crimes found in the reported number of sex offenses during the same time frame (King & Roberts, 2017; Mancini & Mears, 2016). The U.S. Department of Justice framed sex offender registration policies as a functional method for tracking and monitoring sex offenders following served time and their subsequent release into the community (Rose, 2017). Global perspectives on sex offenders indicated that the U.S. is one of only seven countries with registration requirements for sex offenders with just one other country, South Korea, having implemented community notification sanctions.

Within the boundaries of the United States, federal oversight provided the minimum standards required for state compliance, but the specifics of registration and notification requirements were determined at the state level (Rose, 2017). Sex offender risk management policies were established to provide public protection from sexual harm through the use of tracking and monitoring of offenders (Kernsmith et al., 2016). Strategies used included controlling their residence, place of employment, tactics implemented that confine the offender away from society, and the looming possibility of civil commitment or steps that decrease sex drive as well as other possible measures determined at the state level (Kernsmith et al., 2016).

In a review of scholarship on current punitive policies for sex offenders, Chaudhuri (2017) discussed perspectives of punishment specific to Megan's Law and an established viewpoint of punishment known as Durkheim's perspective. Durkheim's perspective presented the evolution of punitive measures that benefited society and involved retribution measures leading to steps of rehabilitation (Chaudhuri, 2017).

Chaudhuri described social perceptions and the logic of punishment by considering five basic areas that included deterrence, incapacitation, retribution, restitution, and rehabilitation. The researcher concluded that the U.S. legislative approach to punishment of sex offenders followed a repressive and retributive pattern that included divesting the individual of their honor, liberties, life goals, money, and other things of value to the individual rather than establishing a system based on rehabilitation and reentry into the community (Chaudhuri, 2017).

In a study that explored strategies employed by sex offenders to handle the stigma of their label and manage personal identity, Evans and Cubellis (2014) conducted in-depth interviews with 20 registered offenders. The participants revealed strategies used to cope with the stigma that included honest interactions, concealment, isolating their lives from others, seeking out others with similar stigmatization for social support, and denial which involved individuals that were stigmatized rejecting the societal label and reforming their identities as separate from the label assigned. The coping strategies discussed were considered to be consistent with those presented in previous research literature. The study participants described circumstances of stigmatization that occurred during interactions with family, friends, probation and parole officers, with specific experiences including humiliation, being talked down to, and shunned, resulting in negatively impacting the lives of the sex offenders and their families. The researchers concluded that stigmatization of the sex offender population contributed to negative effects on coping methods and opportunities for social participation. The researchers further recommended that registration and community supervision be changed in ways

that would promote the public health of the community and provide fair balance for the sex offenders within that community (Evans & Cubellis, 2014).

Consistent with the findings of Evans and Cubellis (2014), Call & Gordon (2016) explored the literature regarding the attitudes of sex offenders regarding sex offender management policies. This researcher's results showed that the scholarship on the attitudes of sex offenders is limited however, the available research reported the majority of sex offenders perceived the policies to be unfair and ineffective of protecting the public from sexual harm. Examples found in the research literature included a study of 40 offenders that expressed opinions of unfairness involving the release of their home telephone number by 83% of those interviewed, 73% felt the release of their home address was unfair, the work address release was viewed as unfair by 70%, the photograph was considered unfair by 50%, and the release of license plate and vehicle description was considered unfair by 65 and 60%, respectively. Interestingly, some offenders reported positive aspects of the registration policies that included motivation to refrain from recidivism and to seek appropriate avenues of treatment (Call & Gordon, 2016).

The evidence presented by Call & Gordon (2016) and Evans and Cubellis (2014) is consistent with the findings of Harris and Socia (2016) in their research specific to labels and the impact of the sex offender terminology in producing feelings of anger, disgust, and fear within various public sectors. DeLuca et al. (2018) further reviewed the impact of labels and associated stigmatization of sex offenders from a political preference perspective. Recent research was reported to indicate that conservative political stances,

interpersonal communication, and the type of sex offense were the greatest predictors of public stigma noting that certain public sectors were more likely to develop negative perceptions, such as students and community residents (DeLuca et al., 2018). The study population consisted of 518 U.S. residents that participated in an online survey. The results revealed that the strongest predictor of stigmatization was found in the subset of study participants that held right-wing authoritarian political views (DeLuca et al., 2018).

In a study of 112 registered sex offenders, ten Bensel and Sample (2016) explored the use of social media, describing the sex offender population as likely the most marginalized group in the social environments and communities within the United States. The study participants were no longer under law enforcement supervision and self-reported no instances of reoffending. The offenders considered social media as a means to create social networks and reduce feelings of loneliness. The social medial access provided a sense of empowerment for offenders and family members, with the researchers noting the value in these factors as resulting in the promotion of public safety and continued motivation toward the reduction of recidivism (ten Bensel & Sample, 2016).

Sex Offenders and Recidivism

The U.S. Department of Justice discussed the difficulty in determining actual and accurate rates of recidivism (Alper & Durose, 2019). Research data were described as somewhat limited, largely based on the recognized underreporting of sex crimes due to the lack of victim willingness to contact law enforcement or other authorities to report incidents of sexual assaults (Alper & Durose, 2019). The data collected and outcomes

reported from study to study may reflect inconsistencies in the measurement instruments employed, data collection processes used, and variations in study data parameters, populations, and time frames. One study, considered reliable, was cited by Przybylski (2015) in a government-sponsored report on recidivism. The study revealed a recidivism rate of 5.3% in a study population of over 9000 male offenders across 15 states and measured over 3 years. Offenders with violent traits recidivated at a higher rate of 17.1% with total reoffense rates that included nonsexual crimes to have occurred in 43% of the population studied (Przybylski, 2015). Similarly, Kernsmith et al. (2016) reviewed the rates of sexual reoffending and described past research indicating an overall rate of sex crime recidivism of 13.4% reported in one meta-analysis study that spanned 4 to 5 years. Comparatively, the same study revealed recidivism of 36.3% in nonsex related offenders.

Eher et al. (2016) studied recidivism in offenders with a sadist diagnosis or history of violent sex crimes. In a meta-analysis review of seven studies across four countries, the researchers applied relative risk (RR) ratios to establish the risk of reoffending when sadistic behavior or clinical diagnosis of sadism was present. Sexual reoffense rates were determined to be slightly higher than in nonsadistic sex offenders at a RR of 1.8, noting that the total effect size failed to meet statistical significance. The risk of sadist sex offenders recidivating in a violent manner resulted in a RR of 1.5, also as compared to nonsadistic sex offenders (Eher et al., 2016). The same researchers followed 768 male sex offenders with a clinical diagnosis of sexual sadism for 2 years following their release from a prison environment in Austria. Of the study population, 45.2% were initially convicted for rape, 50.7% were convicted for sexual assault on a child, and 4.2%

were classified as mixed assaults. Upon their release, sexual recidivism occurred in 10.4% of the total population in the 2-year follow-up period, with a 23.8% incidence of committing a new, nonsexual, violent crime (Eher et al., 2016).

In a Florida-based study, Levenson and Zgoba (2016) investigated sex offender policies and their impact on repeat arrest rates. Data was provided by the state's law enforcement data bases. Results showed an average annual sex crime repeat offense rate of 6.5% determined to be significantly lower than rates for other crimes with applied longitudinal study data establishing that rates significantly decreased over time. Initial data correlated with the 6.5% rate, nonsex assault repeat events were reported at 8.3%, robbery events at 15.1%, drug offenses at 29.8% and DUI crimes were repeated at a rate of 11.6%. Florida risk management policies were reported by the researchers to have advanced over the years beginning in 1997 resulting in a public registry accessible on the Internet, mandatory duration for minimum sentencing, established parameters for sex offenders on probation, civil commitment procedures, residence restrictions that prohibited offenders from living near places were children play and congregate, and monitoring through electronic measures. The researchers described the complexities involved with measuring recidivism rates across the country including differences in state enacted policies, differences in the basis of those policies as a few are founded in empirical data while many are not, and the difficulty in comparing trends from state-to-state based on the identified differences in policies. For example, studies from two states, Minnesota and Washington, revealed decreased recidivism rates credited to SORNA policies further noting that both states based the registration policies on empirically

derived risk procedures providing clarity in management strategies specific to the highest risk offenders versus the homogeneity seen in many states. Other state-based research typically revealed no impact of SORNA registration policies on sex offender reoffending, with evidence suggesting that Florida laws have not accomplished their designed goals of reducing recidivism (Levenson & Zgoba, 2016).

Levenson (2018) conducted a study on Florida-based sex offender registration, finding that zoning laws were enacted that imposed strict limitations placed on the places sex offenders were permitted to reside. The laws that prohibited offender residences to be close in proximity to schools and places where children congregate proliferated during the 10 years prior to 2018 resulting in few housing options for sex offenders, resulting in a higher number of offenders becoming homeless (Levenson, 2018). The researcher revealed that as many as 140 offenders that owned homes of their own, had family willing to provide a place to live, or had jobs that would have allowed rent payments, were instead living beneath the John Tuttle Causeway Bridge due to the limitations placed on sex offender residence restrictions. Zoning laws prevented living within 2,500 feet of a school, daycare, playground, park, or school bus stop, which resulted in few available dwellings that met the criteria. Comparably, national data indicated that two to three percent of sex offenders were homeless or transient, noting that higher numbers occur in places with more stringent limitations and geographically highly populated areas that leave few residences in compliance with the restrictions. Conclusions included evidence that residential restrictions fail and there is no empirical evidence that such limitations prevent recidivism or protect children. Levenson (2018) stated that empirical

research evidence provided support for community integration that included meaningful employment, the support of friends and family, and stable housing circumstances. Government-supported data indicated that federal registration and sex offender sanctions do not require the use of zoning and residence restrictions (Lobanov-Rostovsky, 2015). Advancing research and empirical evidence suggested that residence restrictions created complications for offenders, families, and law enforcement personnel charged with monitoring and tracking offenders. Such restrictions were determined to have no impact on reoffending and forced many offenders into homelessness or a transient status (Harris et al., 2018; Levenson, 2018; Levenson, 2016; Lobanov-Rostovsky, 2015; Evans, Blount-Hill & Cubellis, 2019).

Jennings et al. (2015) reviewed data collected from two birth cohort studies to measure the recidivism rates of juvenile sex offenders within the populations studied. The first study populations consisted of three birth groups from the years 1942, 1949, and 1955 and included approximately 6,000 study participants determined through a review of arrest data from a small town in Wisconsin. The second study included a 1958 birth cohort with a population of about 27,000 juveniles with data reviewed from the big city influence of Philadelphia, Pennsylvania. Study outcomes revealed low general crime offending rates in the Wisconsin study population with higher general offending rates documented in the Pennsylvania cohort. The results from both study groups indicated that the most significant predictor of sex crime reoffending as an adult was the number of total offenses as a juvenile with consideration of sex and nonsex offenses. Juvenile sex offenders as a group had a low rate of reoffending with many showing zero sex offenses

as adults. The researchers concluded that community notification and registration requirements overly penalized juvenile sex offenders and provided misinformation regarding reoffending risks to the public domain, overall doing more harm than good (Jennings et al., 2015).

Consistent with the challenges in determining clear rates of recidivism as suggested by a U.S. Department of Defense publication on recidivism of sex offenders (Przybylski, 2015), the studies discussed here provided evidence of low rates of reoffending and included an array of sample populations and study goals. Overall, the author of this report indicated a low rate of sex offender recidivism regarding other sex crimes yet higher rates of committing new crimes of a nonsexual nature. Recidivism of sex offenders involved with sex crimes included rates of 5.3% supported by the U.S. Department of Defense, to 6.5% reported in a Florida rearrest study (Levenson & Zgoba, 2016) to 13.4% described by Kernsmith et al. (2016). In tandem with the Florida study, Levenson (2018) reviewed the outcomes of registration requirements in Florida and the mandated zoning restrictions that resulted in homeless and transient status for many offenders in Florida. Juvenile sex offenders were shown to be unlikely to recidivate as adult sex offenders even though public perceptions suggested a high likelihood of reoffending (Harris & Socia, 2016; Jennings et al., 2015). Worthy of mention is the higher rates of new nonsex crimes committed by sex offenders occurring at rates as high as 43% reported in one study (Przybylski, 2015), and further noting that nonsex offenders committed sexual assault crimes six times more often than the recidivism rates of sex offenders (Rose, 2017). Studies specific to treatment interventions in the sex offender

population report efficacy in reducing rates of recidivism (Harris & Socia, 2016; Jennings et al., 2015; Przybylski, 2015).

Sex Offenders and Treatment

Kim et al. (2016) reviewed the literature with the goal of augmenting the current meta-analytic information on the effectiveness of sex offender treatment opportunities. According to these researchers, myths held as truth in the public sector encompassed the views of offenders as untreatable associated with the lack of support for treatment efficacy. For example, a common stance taken by prosecutors of juvenile sex offenders indicated that prosecutors stated that the juvenile offenders were more likely to reoffend, too dangerous to consider releasing, and were generally the worst of the worst. The messages sent by prosecutors included the demonization of juvenile offenders, their unlikely positive response to treatment, the high risk of reoffending, and the persistent threat to public safety this population represented (Kim et al., 2016). The researchers reviewed studies included in past meta-analyses on treatment efficacy and sought recent research to consider in broadening the base for the review. Study data revealed the use of cognitive behavioral therapy (CBT) and relapse prevention programs as treatment preferences with other methods also recognized and included in their analysis. Their results showed that every study included in their review demonstrated significant efficacy in some manner of study data and resulted in a mean effect size indicating a combined benefit of 10% reduction in rates of reoffending. Significant contributions to treatment efficacy were demonstrated through more robust impacts on reducing recidivism found in recent versus older approaches to treatment in this population, efforts that tailored

treatment to the individual versus a one-size-fits-all approach, and an awareness of community versus institutional treatment programs that may support policy change (Kim et al., 2016).

Similarly, Schmucker and Lösel (2017) updated meta-analytical data on the impact of treatment on reoffending rates at an international level. These scholars identified 29 additional studies and applied the random effects model to integrate the data into existing meta-analysis research. The impact of the additional data revealed treatment programs to contribute to a relative reduction in rates of reoffending, at 10.1% in the treated population versus recidivism of 13.7% in the untreated population, with an overall relative reduction of 26.3%. Initiatives that used individualized and cognitive behavioral treatment methods resulted in greater efficacy results although the researchers concluded the need for more research to establish the role of treatment in this population (Schmucker & Lösel, 2017).

Mancini and Budd (2016) explored a gap in the literature specific to individuals described as unsure about sex offender treatment. The study used national poll data to explore the persistent myths of sex offenders including strangers, high rates of recidivism, advancing degrees of offenses and the likelihood of continued offending. Using the data collected, the researchers applied perceptions of myths to determine the public's attitude on offender treatment and subsequent rehabilitation. Using regression models to evaluate the data, their findings indicated that as much as 75% of the public supported sex offender treatment efforts. The researchers determined that 25% of the public did not support treatment with 8% of that group opposing treatment regardless of

empirical data that demonstrated effectiveness. Almost 18% of the public did not believe

the research data that suggested efficacy of treatment for sex offenders, leaving

approximately 2% of the public as unsure about the effectiveness of treatment. Using

pattern and multivariate analysis to explore the uncertain group, the researchers

associated endorsement of myths to extend to the lack of support for treatment. The

overall results indicating that three of four U.S. citizens endorsed treatment for offenders

which was significantly higher than other studies. The unique nature of the study design

in operationalizing aspects of public perceptions contributed to the supposition of

research evidence regarding treatment efficacy. The conclusions indicated the prevailing

belief in the perpetuated myths yet provided evidence of a segment of the public that

supported effective treatment for sex offenders (Mancini & Budd, 2016).

Recognizing the need put forth by other researchers to expand the research on

treatment efficacy, Day et al. (2017) explored professional perspectives on the timing and

intensity of treatment in a sex offender population through a review of published research

data. The researchers sought to establish best practice recommendations specific to the

two factors associated with treatment through the review. Examining the opinions of

professionals in this review resulted in limited capacity to establish firm conclusions

based on the need for further study data to contribute to foundational knowledge

regarding treatment efficacy. Still, available evidence has suggested that treatment

intensity of 100 contact hours of the offender engaged in treatment contributed to reduced

rates of recidivism for those at moderate risk with 200 hours or more suggested for

offenders of high risk or those with multiple needs. Timing of treatment was determined

to be inconclusive as evidence of effectiveness did not clearly differentiate between the onset of treatment interventions. The researchers concluded that further research was warranted noting the unlikely capacity within given jurisdictions for extended controlled trials to determine evidenced-based results. The findings of this study contributed to the literature by highlighting the challenges faced by policy makers and courts in their decisions regarding sex offender treatment programs and called for further research in this area (Day et al., 2017).

Consistent with the reports of Kim et al. (2016), Kemshall (2017) reviewed study data that included consistent although sometimes moderate efficacy resulting from CBT applied in international settings. Treatment programs have advanced since the early 2000s to incorporate CBT interventions with risk-needs-responsivity (RNR) methods, the good-lives-model (GLM), desistance therapies, and other established methods in defining best practice strategies in treating the sex offender population. Kemshall described the need for advancing research to develop greater knowledge specific to approaches to treatment and the need to individualize treatment in many cases based on the severity of crimes and the needs of the individual offender (Kemshall, 2017). Smallbone and McKillop (2015) indicated that empirically based programs determined to contribute to the prevention of both child and adult sexual assault events are lacking. These authors argued that comprehensive strategies that target prevention across a wide array of both offense types and geographical areas is needed and warrants the attention of research at the global level (Smallbone & McKillop, 2015).

Treatment interventions are further complicated by individual characteristics including intellectual and developmental disabilities of the offenders. In a systematic literature review, Marotta (2017) evaluated studies from four countries—the United States, UK, Australia, and New Zealand—to determine effective treatment measures employed in the population of offenders diagnosed with intellectual and developmental disabilities. Consistent with other research findings, CBT was the most common treatment method employed with other strategies reviewed that included dialectical behavioral therapy, relapse prevention, approaches to mindfulness and problem-solving methods. Inconsistencies in treatment length, sample population sizes, the lack of control groups, and other study design concerns resulted in the identified need for further research as no conclusive data regarding treatment efficacy in this population was available (Marotta, 2017). Similarly, t'Hart-Kerkhoffs et al. (2015) studied 106 juvenile sex offenders in a Dutch-based treatment facility to establish correlations with mental health disorders and reoffending, discovering that 75% of the study population met criteria for at least one mental health diagnosis with comorbid illness found in more than 50%. The researchers concluded that all juvenile sex offenders receive assessment and subsequent treatment if warranted for mental health disorders as a tool to prevent reoffending (t'Hart-Kerkhoffs et al., 2015).

Spoo et al. (2018) examined victim and public perceptions regarding sex offenders and treatment methods. The study sample included 129 victim of sexual assault and 841 nonvictim participants resulting in a total population of 1,173 individuals. Data was collected through a series of online-accessible instruments including an established

sex offender knowledge assessment, the CATSO, the ATTSO, both recognized as an established survey instruments, history of sexual abuse questions and a survey based on a previously used research questionnaire on Megan's law. Study results of significance included that more positive attitudes toward offenders were expressed by victims of sexual assault versus nonvictims, SORNA requirements were supported less by victims than nonvictims, and no differences were found between groups regarding support for offender treatment or support for residence restriction. The victim group perceived sex offenders as less dangerous and perceived the actual crimes as less severe than individuals in the nonvictim group. The researchers concluded that knowledge about offenders predicted positive attitudes towards sex offenders (Spoo et al., 2018).

The population of registered sex offenders in the United States exceeds 800,000 individuals that continue to face the consequences of the crimes they committed (Alper & Durose, 2019). No doubt, such assaults warrant fair punishment as does any crime with appropriate measures assigned that embrace public safety. Even so, the complexities within federal and state layers of variables that introduce measures of control for offenders through registration, monitoring, and tracking require the attention of those charged with maintaining that control. In the next section, the researcher examines the challenges and perspectives of law enforcement personnel regarding sex offender legislation.

Sex Offender Legislation and Law Enforcement

The initial design of registration-based laws and community notification sanctions were separate and without functional or intentional overlap (Levenson, 2016). Sex

offender registration requirements were originally intended as tools to be used by law enforcement in solving sexual assault crimes and tracking violent offenders at high risk of reoffending. Notification laws were later established to increase public awareness and serve as a means to prevent victimization through information that might aid in avoiding contact with sex offenders. The evolution of policy and the introduction of Internet-based resources resulted in challenges versus tools for law enforcement in many cases due to the intertwined nature and interchangeable terms associated with registration and notification requirements (Levenson, 2016).

Harris et al. (2018) examined the perspectives of law enforcement through in-depth interviews and national survey data on the purpose and function of SORNA requirements, efficacy of the laws, and barriers faced. Study participants represented more than 24 jurisdictions across five states, with the first phase of study data collected through in-depth interviews of 105 law enforcement personnel. A discussion of previous research included a 2013 study by the Government Accounting Office that recognized the opinions of stakeholders within the criminal justice system. The government study identified concerns such as the inconsistency between states making sharing information between law enforcement departments difficult, the tenuous nature of the tier system, and increased workload for law enforcement personnel. Harris et al. (2018) found similar results in a two-phased study that examined the perceptions of law enforcement across the United States.

The first phase of the study of Harris et al. (2018) consisted of semistructured and in-depth interviews with law enforcement personnel; in the second phase, the researchers

collected data using a national survey administered to police and sheriff departments

across the country. The study results were categorized into four themes that encompassed

law enforcement perspectives on SORN as a tool for public use, as a tool for law

enforcement use, issues of offender supervision and enforcement, and challenges faced

by law enforcement related to sex offenders categorized as homeless or transient. Primary

concerns were identified in each domain with the theme specific to public use of registry

data resulting in concerns regarding the inappropriate use of access to registration

information resulting in misunderstandings and misperceptions by the public. Study

participants supported the use of registry data for law enforcement use yet noted the lack

of information available specific to offenses. This lack of data contributed to challenges

accompanied by issues with the utility of registration across state lines. Survey and

interview data reflected concerns about monitoring, supervision, and enforcement of

compliance with SORN laws as both study groups indicated the need for actors beyond

law enforcement personnel to aid in efficacy in these areas. Related concerns to the third

theme encompassed three high-ranking concerns that included (a) recommendations of

advancing penalties for offenders that do not comply with registration requirements, (b)

providing methods available to law enforcement that aid in prosecuting offenders for

noncompliance, and (c) increasing the number of offenders assigned to formal

community-based supervision. The final theme indicated significant challenges and

concern by study participants as they recognized residential instability as contributing to

challenges for both sex offenders and law enforcement personnel noting that the

residential requirements imposed on offenders contributed to homelessness in many

cases. A greater number of participants correlated residential instability of offenders with difficulties in accomplishing their responsibilities. The researchers concluded with cautioning lawmakers into considering revisions to SORN laws with attention to the challenges faced by law enforcement personnel in operationalizing SORN sanctions and with attention to the unintended impact of the laws on offenders and their families (Harris et al., 2018).

Similarly, a study done in the UK regarding viewing of indecent images and the responsibility of law enforcement to detect and assess such behaviors, led to recognizing further challenges faced by law enforcement in monitoring sex offenders (Kloess et al., 2017). Five experienced law enforcement and research individuals coded thousands of images to determine the degree of indecency as they related to arrest and conviction procedures of individuals in possession of the materials. These researchers identified further challenges of law enforcement as images required categorization into degrees of exposure, age ranges of individuals in the images, images of violence and severity of violence, the display of sadistic acts, and more. The researchers concluded with recognizing the complexities involved with indecent images of children found in the possession of offenders and the complicated role law enforcement officers play in contributing to validity for the criminal justice systems when such images are involved (Kloess et al., 2017).

Consistent with the study by Harris et al. (2018), Rose (2017) discussed the challenges faced by law enforcement associated with tracking the more dangerous offenders. Establishing a perspective in support of the intent of SORNA and the

subsequent registration requirements, the author put forth the opinion that the registration laws do not perform in the manner intended. Law enforcement personnel were discussed in scenarios of tracking violent offenders often in the aftermath of a violent sexual crime yet faced difficulties in navigating the registration system in narrowing the homogenous population to identify individuals potentially responsible (Rose, 2017).

Call & Gordon (2016) studied the perceptions of professionals that work with sex offenders and sex offender management policies that included members recruited from two professional organizations within the field of criminal justice; the American Probation and Parole Association (APPA) with membership generally consisting of law enforcement personnel and the Association for the Treatment of Sexual Abusers (ATSA) consisting of a clinically based professional group. Four key factors were determined as significant in the results of this study. The first result showed that clinically based professionals were less likely to support sex offender registration and management policies than those in law enforcement. Secondly, clinical specialists were more likely than nonclinical specialists to recognize the collateral consequences experience by offenders through the current sanctions. The third variable revealed that clinical professionals were less likely to consider such collateral consequences as acceptable, and lastly, professional orientation was not the only variable contributing to the attitudes and opinions of study participants toward sex offender management policies. Additional variables included personal attitudes of respondents toward punishment and the beliefs of respondents rooted in causation of offending. In other words, professionals from both groups that endorsed the opinion that offenders choose to offend versus belief in the

presence of predisposed traits contributed to greater support for policy sanctions and a more negative view for concern of collateral consequences. Call & Gordon (2016) indicated that the perceptions of professionals including law enforcement personnel involved with sex offender management are not immune to considering personal opinion, attitudes, and punitive beliefs as they interact with the population of sex offenders.

Connor and Tewksbury (2017) examined the perceptions of a wide range of groups, including law enforcement, specific to their views about SORN laws. While some police officers generally expressed opinions that supported the laws suggesting some benefit, the majority of law enforcement personnel viewed SORN sanctions as ineffective. Most officers indicated the laws to be not useful in contributing to public safety, not effective as deterrents to new offenders from committing sex crimes, and not effective as prevention for future sex crimes by those registered as sex offenders. Still, the majority of law enforcement personnel indicated that all offenders should be required to register for the purpose of advancing public notification to prevent victimization. Interestingly, the researchers observed that law enforcement personnel were four percent less likely to recognize benefit in preventing victimization through public awareness and notification for every year of service as an officer (Connor & Tewksbury, 2017).

The same researchers established that only 19% of professionals that serve as community corrections officers opined that registry data deterred registrants from committing future sex crimes (Connor & Tewksbury, 2017). Similarly, only 24% viewed the threat of registry inclusion as a deterrent to new offenders. Parole board members with children were more likely to support the effectiveness of SORN sanctions.

Consistent with previous findings, law enforcement and community officers had the strongest positive responses to support for the prevention of victimization through community notification. The researchers concluded these differences to be the result of the knowledge of such professionals in their understanding of the lack of effectiveness of SORN requirements yet described their capacity to maintain some belief in the criminal justice system considering the registry data as useful in preventing victimization (Connor & Tewksbury, 2017).

The unfounded flurry of sex offender legislation occurred in an era that including media-generated emotional content leading to distorted public perceptions of sex offenders and resulting in strong public fear and perceptions that influenced policy. Public perceptions—past and present—differ from those of other stakeholders including individuals responsible for enforcing sex offender legislation (Call & Gordon, 2016; Connor & Tewksbury, 2017). While studies of law enforcement personnel displayed mixed opinions regarding the role of SORN in advancing community awareness (Connor & Tewksbury, 2017), the majority of law enforcement personnel viewed SORN sanctions as ineffective in accomplishing their intended goal of serving as a deterrent for reoffending and preventing new sex crimes by unregistered individuals. Moreover, law enforcement personnel questioned the efficacy of public access to registry data in accomplishing the goals of protection and prevention from sexual assault. The realities of populations that intersect with the societal and political reality of sex offenders and sex offender laws maintain perceptions, attitudes, and beliefs that differ from those that formed the basis of sex offender policy. The shared knowledge of stakeholder

populations, such as law enforcement, clinicians that provide treatment, and professionals of the criminal justice system, was strengthened by the application of the social construction theory of reality with considerations to both target populations and policy design to address the current study goals.

Sex Offender Legislation and Legislators

The primary factors that U.S. legislators consider when developing sex offender legislation remain unclear. The significance of the current study addressed this opacity and advanced the literature specific to identifying such factors and understanding their role in the enacted legislation. Moreover, the study findings may serve to provide a balanced perspective that can contribute to the revisions of existing state and federal strategies, with a possible contribution to global considerations of introducing registration and monitoring sanctions. Consistent with much of the U.S. based research, the U.S. sanctions have been described in published literature from other countries as unfounded and ineffective as governments across the world face the realities of their cultures in establishing laws specific to crimes of a sexual nature.

Global Perspectives

Sex crimes in other countries promote sex offender laws including registration requirements, sex offender sanctions, and emotionally based memorial legislation although to a lesser degree than the U.S. memorial laws. Canada and Australia have laws similar to those of the United States, as they both require registration and established laws specific to high-risk and violent sexual predators. While the laws are similar as registration is required, the public does not have access to the registry data. A publication

of the Australian government reviewed research specific to political perceptions of U.S. sanctions indicating that public access to registry data has not been shown to protect the public or reduce public fear, yet registries limited to law enforcement access only showed evidence of reducing recidivism (Napier et al., 2018). While other countries have implemented sex offender registration requirements, including the UK, Ireland, France, Japan, and South Korea, many countries do not maintain government sponsored and mandated registries (Terry, 2015; Benson & Saguy, 2016). South Korea is the only country other than the United States to use a public notification system and public access to registry information (Terry, 2015; Vandiver et al., 2017).

Harper and Hogue (2016) described the details of a sex scandal that received substantial media attention by British press agencies in their discussion regarding the influence of media representations on public perceptions and the ultimate impact of highly visible crimes on political perspectives. Similarly, a recent highly visible case in Xishui county of the Guizhou province in China promoted changing laws in that country to provide greater control over minors introduced to sex offending crimes. A shocking case that contributed to legislation involved a female that organized a prostitution ring of elementary and middle school students, with a 15-year-old female soliciting clients (Hu et al., 2017). The case resulted in media attention and motivated further research. One study reported a range of surprising demographic data from information collected based on 440 cases of sexual assault in China. For example, the researchers revealed that 75% of child molesters were teachers, with 100% of offenders charged with engaging in prostitution with a minor (EPWM) worked for the government. Their conclusions

suggested consideration of reactionary recommendations for law-based changes that would upgrade offenses of EPWM to the level of rape incidents. The researchers advised caution in reactive legislation versus consideration to moral and ethical aspects of such sanctions (Hu et al., 2017).

The laws within the United States differ from those in other countries by the degree, nature, and scope of sanctions that restrict individual liberties and the depth of information made available to the public about an individual convicted of a sexual crime (Terry, 2015). Terry examined U.S. sex offender laws with consideration to comparable laws in other countries and discussed international interests in establishing systems to prevent reoffending by offenders that travel outside of their home country. The New Jersey U.S. Representative, Chris Smith, introduced a bill to enact a global Megan's Law in 2009, which was passed but later faded and lost support. Members of the European Parliament (MEP) supported such international legislation largely based on an emotional event involving a 4-year-old girl that disappeared in Portugal and some human rights organizations and society-based groups also supported moving forward with such a law; however, arguments against international legislation were introduced on moral and procedural grounds (Terry, 2015).

Concerns raised included the position of the American Civil Liberties Union introducing rights-based arguments stating that restrictions would unjustly apply to individuals that had fulfilled the terms of their sentencing (Terry, 2015). Others argued that the proposed legislation would fail because it was based on the flawed U.S. system, the sanctions would invade the rights of privacy of individuals as personal information

would be accessible at an international level, international contribution would be questionable as many countries apply different laws and different degrees of registration, vigilant acts against offenders may be increased, and inevitably, unintended errors, misinformation, and outdated information would be represented on an international list resulting in individual and family harm. While implementation of international laws regarding the travel of offenders is under consideration, the U.S. laws were not recommended as a template or premise for use in developing global sanctions (Terry, 2015). Still, U.S.-based laws were created that influence international travel by sex offenders including associated requirements that the destination country be notified of offender travel (International Megan's Law, 2016).

Federal Perspectives

Put simply, the underlying reasons for sex offender legislation were to promote community safety accomplished by increasing the visibility and accountability of offenders, provide a means of deterrence to reoffending, and discourage new sex crimes by potential offenders (Call & Gordon, 2016; Calleja, 2016). A puzzling relationship exists between the intended purpose of the laws, the actions of the legislators that established the laws in the absence of empirical data, and the evolution of both (Stupple, 2014). Data collected from legislators involved in passing sex offender sanctions years later following the enactment of many laws was collected using qualitative interview methods. The legislators described concerns about the efficacy of the sanctions yet a lack of belief, or an unwillingness to discuss indicators, pertaining to negative consequences

experienced by offenders and their families as a result of the mandated sanctions, registration requirements, and restrictions (Connor & Tewksbury, 2017).

Connor and Tewksbury (2017) revealed lawmakers to be generally less confident than the public in the effectiveness of SORN laws decades after the passing of sex offender sanctions. In a discussion of previous research, the researchers reviewed qualitative interviews conducted with 25 elected officials at the federal level, resulting in a majority of legislators indicating perceptions and beliefs that SORN laws were effective in reducing or preventing sexual assaults. In an additional study that included 61 legislators directly involved with SORN legislation, about 25% of the study population indicated the laws were ineffective with another 20% expressing uncertainty in the efficacy of the enacted laws. Moreover, while 90% offered criticisms specific to the overinclusive nature of the requirements, costs involved with carrying out the laws, and lack of therapeutic benefit, the vast majority of legislators did not acknowledge any negative impacts of the sanctions on offenders (Connor & Tewksbury, 2017).

In a legal review and argument regarding sex offenders and the laws created that contain offenders, Stupple (2014) described a series of emotions and categorizations consistent with human nature that underscored the responsibilities assigned to those given the power to create law. Stupple (2014) discussed a series of concepts directly related to lawmakers and their responsibilities to society, including explaining and connecting the terms and concepts aligned with disgust and dehumanization and the use of those terms in the context of the criminal justice system, constitutional rights, and society. For example, within the boundaries of the criminal justice system, specific terminology may or may not

be permitted within a court setting noting the difference between applying morally and

emotionally based terms to an event versus an individual. The dehumanizing term

'disgust' was discussed as it is often applied to crimes of a sexual nature and carried over

in use to those that committed such crimes. Disgust was further described as operating as

within a dichotomy with that dichotomy broken down to the simple terms of disgust and

purity, with the contrast resulting in a socially perceived accepted or in-group versus an

out-group. The feelings and descriptions of disgust used to characterize the out-group

then feed the natural tendency to dehumanize the individual, not just the act. Stupple

(2014) acknowledged that the criminal justice system owns the responsibility to protect

the rights of everyone, including the most despised groups, or the out-groups,

communicating that allowing the government to trample upon the rights of one group

weakens the rights of everyone. While dehumanizing terms are used in the media,

research, articles, and public references toward sex offenders, not just the sex crime, such

language and implications are not acceptable in a courtroom as dehumanizing an

individual creates the circumstances that deem a trial to be unfair. By dehumanizing a

person or group of persons, nonhuman descriptions evolve. Such descriptions include the

terms *predator, monster, innately evil, beast*, and so on. The power of dehumanization

creates a perception of less than human and introduces a sense of permission to use

emotional and moral reactions in language and actions that can extend to the public, the

courts, and those with the power to make laws (Stupple, 2014).

　　　　According to Stupple (2014), the government is responsible for creating laws that

support the Constitution. This outcome is accomplished by demanding that legislators

produce research evidence and empirical data in support of proposed laws. Attention to common sense was described as Stupple as permissible in considerations of legal matters yet requires constraint in normative versus factual decisions. For example, it is common sense that children be protected from sexual harm, yet the manner to do so is best served by empirical data. The opinion of a district court judge in Iowa provided an example as residency requirements against sex offenders was determined to be inappropriate due to the absence of empirical evidence that showed any impact of such restrictions on sex offender recidivism. The decision was later overturned stating that the state legislature could make judgments regarding ways to protect their public. A similar decision occurred in a California court specific to additional registration of Internet identifiers with the judge finding that the government did not provide any evidence to suggest that public safety was enhanced by the additional registration requirements. Other state courts have followed in declaring residence restrictions as unconstitutional including at least Massachusetts, New York (Levenson, 2018). Stupple (2014) concluded that the presence of emotions, feelings, or personal opinions are not justifiable factors when making legislative decisions that involve the constitutional rights of all groups and individuals being considered (Stupple, 2014).

Consistent with the argument by Stupple (2014), Levenson (2018) described previous research that included interviews with legislators in defining the factors that influenced sex offender legislation. The legislators repeatedly described sex offenders as perverted, sick, habitual, uncontrollable, described as 'those people,' considered as likely to reoffend, not able to be treated, and unlikely to benefit from rehabilitation efforts. One

state prosecutor interviewed stated that common sense was the basis of the laws and

restrictions as the sanctions were considered an obvious solution (Levenson, 2018).

Within the transcripts of the congressional hearings from 1996 regarding the enactment

of Megan's Law, offenders are referenced as *toxic, prowling, perverse, animalistic,*

having antisocial characteristics, flawed, and representing an *unspeakable danger*

(Shelby & Hatch, 2014). Representatives repeatedly stated that offenders have a high

likelihood of reoffending and will resume their hunt for innocent victims as soon as

possible (Shelby & Hatch, 2014).

According to Rose (2017), the predominant influence regarding the decisions by

legislators on sex offender laws included public perceptions driven by fear resulting in

enacted legislation that grouped offenders away from society at the expense of

constitutional concerns and without regard to available empirical data. Consistent with

Rose (2017), Socia and Harris (2016) indicated that misperceptions and fear in the public

sector were directly related to the design and enactment of sex offender policies. Rose

(2017) expanded on the statements by the judge, who suggested that the laws were

designed and enacted based on a single offender type with that type being strangers that

prey on children, a concept proven as inaccurate and not applicable to the sex offender

population. The stranger-based type as the single image of an offender that contributed to

legislation was confirmed by Shelby and Hatch (2014) using discourse analysis in the

statements made by elected officials at the federal level during Congressional debates

over the enactment of Megan's Law. Summary data of the Congressional findings

published in 1996 included dehumanizing and 'less-than' terminology, accompanied by a

reference to a tattoo or public mark, meaning the aspect of community notification within the enacted legislation with repeated, inaccurate, and unfounded statements made by the elected officials and found throughout the transcripts of those congressional hearing (Shelby & Hatch, 2014). Only one representative spoke out regarding concerns of constitutionality, citing two points: the first central to the presumption of innocence, noting that an individual is convicted seemingly in advance of recidivism should that occur, and secondly regarding the federal oversight, taking an issue that belongs at the state level through what was called "Big Brother Government" (Shelby & Hatch, 2014). The researchers concluded with the observation that the range and age of victims and offenders was never discussed through the congressional discourse. The matter was tied to the single image of a stranger violently committing a crime against a child (Shelby & Hatch, 2014).

Huffman (2016) presented an argument from a judiciary perspective indicated the problematic nature of the current registration system. The legal arguments contained the recommendation that sex offender management be controlled by judicial involvement giving the courts the discretion to determine sentencing that included registration parameters. By so doing, the judge determined the individualized approach would therefore improve the capacity to track and monitor high-risk offenders with lesser, but appropriate, restrictions placed on low to moderate-risk offenders. Expansion of memorial laws and related sanctions was considered by Huffman (2016) to cast a wider net that created an even larger and homogenous group of offenders, further suggesting that personal opinion was influential within the enacted legislation disregarding

constitutional responsibilities of all U.S. citizens that may include the rights of offenders (Huffman, 2016; Rose, 2017). Personal opinion was carried over to the criminal justice system, as Lennon (2015) showed that nearly 75% of judges believed that sex offenders had the same or higher recidivism rates as those of other criminals, with over 90% expressing belief in community notification as an effective method of recidivism deterrence (Lennon, 2015). Similarly, members of the U.S. Supreme Court have made statements unfounded in empirical data, such as indicating that sex offenders are responsible for unusually high recidivism rates (Klein, 2016). In a survey of 42 judges, 85% held beliefs that sex offender registration with law enforcement be mandated and 70% believed that prisons, hospitals, and institutional care settings should notify communities upon the release of a sex offender. Another study showed that 50% of judges running for judgeship positions felt that requirement to register be applied to all sex offenders, with nearly 76% viewing SORN laws as fair (Connor & Tewksbury, 2017). Lennon (2015) also revealed that the study of perceptions of judges regarding sex offender registration revealed that 94% of judges stated support for SORN policies indicating they believed the sanctions to be effective in preventing sex crimes with more that 50% viewed community notification contributed to deterrence of both recidivism in offenders and in preventing potential offenders from offending. Nearly 100% of judges viewed SORN laws as somewhat fair, with 60% viewing SORN requirements as mostly fair and 10% viewing the laws as somewhat unfair (Lennon, 2015).

According to Patashnik and Peck (2017), federally elected lawmakers are compelled to respond to the opinions, perceptions, and resulting pressure of their

constituents. Congressional representatives and senators attend to the desires of special interest groups that support their elections and bend to the pressures of public and private organizations that provide campaign support with decisions considered to be unfounded in efficacy and empirical data and may reflect the fears and emotions of the public. As indicated by Easterly (2015), the enactment of SORNA at the federal level provided a degree of big brother oversight yet state politics led sex offender policy to a point of further discernment with many states opting to significantly delay accepting the guidance of the federal mandates. The rate of policy acceptance at the state level was determined by factors such as the conservative populations within state boundaries, the electoral competition within the state, and the proclivity of any given state to accept and act on federal direction. Political dimensions at the state level set the pace per state for moving forward with SORN requirements (Easterly, 2015).

State-to-State Perspectives

The first comprehensive legislation, the Community Protection Act (CPA), was passed in 1990 at the state level in Washington State and included regulations on the behaviors of sex offenders (Terry, 2015). This law was passed in response to repeat offenses by two offenders upon their release from prison. Information surrounding the events included concerns raised by correctional officers regarding the likelihood of recidivism, yet no legal grounds were in place at the time to further extend sentencing. The authorities cited no legal avenues in place at the time to notify the communities of the risk of repeat offenses. The two cases were described as heinous acts involving sexual assault against young male victims. While the CPA is state-sponsored legislation, federal

legislation followed and included the memorial laws known as the Jacob Wetterling Act requiring offenders to inform law enforcement of their locations and Megan's Law which provided for community notification regarding offenders (Terry, 2015).

The memorial laws attributed to Megan Kanka and Adam Walsh - the terms of SORN, SORNA, and the tier system linked to the memorial laws - are often used interchangeably. The tier system was created to aid in risk management strategies by defining the severity of the crime by the assigned tier, with the higher tier level representing the greater the severity of offense. The lowest level, Tier 1, encompasses misdemeanor offenses, possession of pornography, and other minor offenses. Tier 2 consists of felony abuse crimes, sexual exploitation crimes, including minors as victims, and the production and distribution of child pornographic materials. The highest level, Tier 3, includes convictions of forced sexual assault, contact offenses involving children aged 12 years or younger, and nonparental kidnapping of a minor. Assignment into tiers is done at the time of conviction at the state level using an established risk assessment instrument (Shelby & Hatch, 2014).

Zgoba et al. (2016) compared the classification tiers with risk assessment tools and state classification methods to determine the usefulness in identifying offenders at risk of recidivism. These researchers reviewed data from four states that included 1,789 offenders to establish risks specific to recidivism and to apply the data to evaluate the reliability of risk assessment tools to promote the evidence-based research related to sex offender policy. The researchers examined the three methods of determining risk that included the federally mandated tier system, an existing system used across four states,

and a third actuarial risk assessment method known as the Static-99R. The findings

showed that the existing state system showed consistent trends in the expected direction

with data from the Static-99R system found to place most offenders in the moderate to

low risk range. The federally mandated system was determined to be of poor quality in

identifying offenders at risk of reoffending. Particularly noted was the poor capacity of

the tool to identify high-risk offenders, emphasizing a critical aspect of the population

and importance of accuracy in determining such risks in federally mandated program

with a primary target of public safety (Zgoba et al., 2016). Consistent with the findings of

Zgoba et al. (2016), Monahan (2017) argued for a morally based risk assessment system

and put forth recommendations accordingly. Such recommendations indicated that judges

be required to make a recorded statement when risk assessment tools were not used to

declaring a low sentence when determined by the assessment, that judges should avoid

using risk assessment tools as a means to extend sentencing requirements, and the need

for states to conduct empirical assessments of all tools used to determine their validity

(Monahan, 2017).

Federal oversight encouraged consistency in determining the degree of offender

risk, therefore the tier level determination, yet variances in state interpretations and

implementation of the laws persisted (Terry, 2015). The design of a national registry

system was determined at the federal level yet relied on state compliance for accuracy

and overall success (Rose, 2017). The Adam Walsh Act established national standards for

registration with states expected to comply by 2009; however, no states were in

compliance by the set deadline, and many states are still not yet in compliance, with only

17 states reporting compliance as of 2014 (Rose, 2017; Terry, 2015). Some arguments against compliance included a lack of resources while others suggest philosophical arguments as the requirements were expanded to include other offenses and younger-aged offenders (Terry, 2015). Still other arguments were based on specifics such as change in the risk assessment tool from offender-based assessment to one considered offense based, increased supervision, increased time of supervision, and more stringent sanctions for failure to register (Terry, 2015). According to data presented in 2013, all state registry pages shared much of the same basic demographic data on offenders with significant variance in other variables such as the description of the offense, a description of victim type, a map that identified residential location, license plate number, and employer information (Call, 2015).

Love (2015) provided data specific to the duration of laws across the 50 states a summary of the data within the charts. Lifetime or indefinite registration is required by 18 states for all levels of offenses; however, some states provide for offenders of lower severity offenses to seek removal of the offense by the court. Nineteen states and the District of Columbia have lifetime registration requirements for the two higher tiers yet automatically removes less serious offenses after 10 years or another specified period. Thirteen states use the three-tiered system, with Level 3 requiring lifetime registration and the lower levels for other specified time frames such as 15 years for Tier 1 offenses and 25 years for Tier 2 offenses. Most states require lifetime registration for offenders that recidivate (Love, 2015).

Custer (2017) examined state-level systems specific to offenders pursuing higher education and those working in institutions of higher learning. The research resulted in ten operational guidelines across 20 states applicable to sex offenders that pursued higher education degrees. Significant findings included the requirements to register with both campus police and local law enforcement with consideration for both students and employees of higher education. Definitions varied from school to school and across states. Public registry data were found to encompass a section for school address that included fields of entry for both students and faculty, depending on the school and the state requirements. Recognizing that some rules are cumbersome and redundant, offenders are best served by attending to details put forth by both their state and school. For example, many universities will not permit offenders to live on campus or in school sponsored housing, and many schools require duplicate information made available through the school website, campus police data, and state registration data. The researcher concluded by noting limited available literature regarding higher education and encouraged encouraging further research into this area (Custer, 2017).

Purtle et al. (2016) studied the use of evidenced-based research by state legislators in making decisions about policy. Using telephone-based survey methods, 862 state legislators were contacted, with a response rate of 46%. A standardized survey tool was used to establish priorities in decision-making and identify associated predictive factors in research preferences. The results revealed that legislators with a priority focus on behavioral health and mental health issues were more likely to rely on research evidence as a factor to determine policy. Of the 125 legislators identified as prioritizing behavioral

health issues, the majority also relied attributed greater value to 10 of 12 identified features of research, with significance noted in recognizing the value of unbiased information, data presented in a concise manner, data delivered by someone known or respected, and information presented in a manner that told a story. Legislators aligned with behavioral health policy were recognized as more influenced by research findings and more interested in advancing empirical and evidence-based policies (Purtle et al., 2016).

Meloy (2015) explored the gender of legislative actors involved with sex offender legislation to explore the differences in the political actions of male versus female politicians from both sides of the aisle. Using a qualitative approach, the researcher employed semi-structured telephone interviews in a sample population of 40 male legislators and 21 female legislators actively involved with sex offender legislation at the state level. The results indicated that 70% of male and 57% of female respondents indicated high-profile sex crimes that victimized children were the motivation for their participation in bill sponsorship. While both genders were influenced by the violence against children, female legislators were more broadly moved by violence specific to women or abuse within families (Meloy, 2015).

In a study to determine the variation in sex offender policies across states over time and the frequency of revision across states, Lytle (2015) examined the policies in place across the 50 states and the variations that may exist including the frequency of state policy revisions. The researcher used a mixed-methods design to collect data from a predefined group of five states and determined themes across states. Data were further

quantified to determine significant different as to the timing of revisions. Notably, each state reviewed included terminology and definitions for both sex offender and sexual predator terminology with the predator definitions consistently assigned to more severe and higher-risk crimes. Variations across states included differences in age descriptions for offender registration requirements and in offenses that required registration. Revision timing did not reveal significant data noting that some revisions were made to operational and procedural aspects, while others were either clerical or based on clarity of wording (Lytle, 2015). Similarly, Lytle (2016) conducted a follow-up on the initial study and noted two additional types of revisions handled at the state levels. One type was considered as housekeeping measures and the other defined as net-narrowing revisions. Net-narrowing revisions encompassed changes that removed descriptions or low-level crimes from a state's list of offenses and refining the description of a given offense. Timing of variation in revision content was examined further using a national dataset that supported the initial study data suggesting state-specific variables are considered in policy revisions. The researcher concluded that significance in the net-narrowing measures may contribute to policy content and interpretation off efficacy of sanctions established over time (Lytle, 2016).

Bouffard and Askew (2017) examined SORN policies at the state level in a metropolitan Texas area from 1977 to 2012 in order to establish the impact of sex offender registration on the rates of sex crimes. The researchers conducted the study based on four hypotheses that involved the number of offenses recorded specific to major policy changes that occurred in 1991, 1997, and 2005. The researchers reviewed data on

more than 69,000 sexual assault cases during the specified time frame. The study findings revealed no evidence that the SORN laws impacted the number of sexual assaults in any of the 3 target years. In other words, the study data contributed to the empirical data that fail to show any relationship between sex crime rates and the effectiveness of sex offender legislation (Bouffard & Askew, 2017).

A Pennsylvania-based study examined aspects of SORNA requirements including the number of juvenile sex offenders impacted by the legislation, perceptions and opinions of practitioners that work with juvenile offenders, the anticipated workload of agencies related to the management of offenders and the potential costs of implementing the federal SORNA requirements (Henderson, 2015). The researcher used a mixed-methods design to examine the impact specific to juvenile offenders. Quantitative aspects of the study were collected through the review and analysis of juvenile court records with the qualitative aspects employed by using interviews conducted with treating practitioners to gain insight into the anticipated changes to the system and impact on juvenile offenders. Consideration to similar matters in past state-based legislation in Pennsylvania was described as influential in limiting registration requirements for juvenile offenders. Study results showed that the amount of time needed per case increased due to added workload created by the SORN requirements, with cost estimates also predicted to generally increase. The impact on juvenile sex offenders also remains unclear as court appeals up to and including the Supreme Court level are under consideration that may render SORNA unconstitutional as it applies to juvenile sex offenders in Pennsylvania. Should SORNA remain intact, the juvenile sex offenders are

expected to comply which raised concern among the population of professionals that routinely work with juvenile offenders specific to longer term outcomes measures including recidivism rates as they might negatively be impacted by SORNA registration requirements (Henderson, 2015).

Consistent with the research by Henderson (2015), Spraitz et al. (2015) examined the perceptions of offenders regarding the impact of Pennsylvania SORNA laws using mailed surveys. These researchers obtained survey responses from 83 offenders indicating a response rate of about 9%. Comparative surveys to provide validity for the study data were collected through a population of offenders in Wisconsin. Results specific to Pennsylvania offenders revealed that 75% were not aware of the upcoming changes to the registration system, and one-third indicated the changes would cause the public to treat the offenders and their families more harshly. Comparatively, 13% of offenders residing in Wisconsin perceived that changes would make things worse. In searching further to understand the increased fear and concern expressed by Pennsylvania offenders, the researchers examined media information just prior to the time of the survey mailings. Both rounds of survey mailings were preceded by news stories within the state about court consideration of residential restrictions and second media story describing the plans for one county to implement GPS tracking systems. The researchers concluded by expressing the aim of the study finding a lack of effectiveness of SORN policy in sex offender populations in Pennsylvania (Spraitz et al., 2015).

The legislative perspectives discussed included the broad global view of sex offenders and consideration to sex offender international laws, narrowed to literature

reflective of federal and state level discussions. Legislators own the responsibility to provide fair balance in the decisions that result in laws that change lives. Levenson (2018) provided evidence that legislators acknowledged one source that influenced their perceptions about sex offenders as they debated legislation. The source identified was not founded in expert opinion or empirical evidence but was instead rooted in the emotionally charged representations provided by the media. The decisions by lawmakers at both federal and state levels are interconnected with the growing literature that describes evidence-based data specific to the lack of benefit in any measured manner for the enacted legislation.

Summary

The sex offender population and the U.S. public are in need of attention to naming of the unnamed influences and interjecting empirical evidence to establish balance in policy resolutions in an informed manner. The role of legislators in establishing any law is evident, yet the role and identity of influences on which legislators responded with punitive and unfounded sex offender legislation is opaque. The purpose of this qualitative study was to determine what factors and influences impact legislative decisions when creating and establishing criminal laws regarding sex offenses and sex offenders. This review has provided literature consistent with the goals of the current research and supported by the chosen theoretical framework. Literature included in the review described the availability of empirical evidence associated with sex offenders and sex offender legislation and further established that legislators acknowledged their disinterest in the empirical data relying, at least partly, on media representations of singular events

accompanied by reactions to an emotional and fear-filled public. Knowledge founded in empirical data has not found its way into societal realities; instead, myths perpetuated by the media through tactics such as media framing and moral panics continue to pervade public perceptions.

Throughout the review, the included authors and researchers often called call for more research and resolutions aligned with the goals of the current study and intended to provide revisions that contribute to balance within the boundaries of the United States. The called-for revisions would attend to the need for balance by revisiting the foundational knowledge needed to create a shared reality that encompasses concerns for all stakeholders and based on the growing body of empirical data that reflects, at the very least, what does not work. Such balance was described by authors and researchers as encompassing fair sanctions and considerations for outcomes measures for all stakeholders such as the public sector, lawmakers, law enforcement, treating professionals, members that serve in the criminal justice system, victims and their families, and offenders and their families. The actions and reactions of society and political actors in advancing punitive measures within a landscape of declining crime events underscores the need for research that addresses the identified gap in the current study. In a situation of realities seemingly founded in fear and fiction, an examination of the influences encountered by legislators that led to actions and reactions ostensibly based on emotions versus empirical data is paramount in establishing balance to the over-swing of the political pendulum regarding sex offender sanctions.

The information discussed in the literature reviews further informs Chapter 3, which includes a description of study methodology and design. The contributions of the current research to advancing the literature were significant and potentially far-reaching as the influences of legislators were examined and the study findings were put forth to aid future considerations of similar laws and revisions. Moreover, as international sanctions are debated, the results of the current study may serve to inform decisions at the global level.

Chapter 3: Research Method

The purpose of this chapter is to introduce the research methodology that guided this qualitative case study. Current legislative policy in Pennsylvania requires that the sex offender registry list all offenders together as one homogenous group, making it difficult to distinguish the violent from the nonviolent and the predatory from the nonpredatory (Pennsylvania Consolidated Statutes, 2019). The purpose of this qualitative case study was to identify the factors that legislators use to determine how a sex crime is categorized in legislative decisions in Pennsylvania to better understand how this classification process disproportionally affects nonviolent sex offenders. This problem requires research-based solutions because current sex offender policy and legislation do not seem to be empirically based; rather, they appear to be founded on popular opinion, media-driven stereotypes, and individual perceptions.

Research Design and Rationale

Through this qualitative case study, I sought to answer the following RQs:

RQ1: What are the main factors legislators consider when sponsoring and developing the categories for a nonviolent versus violent crime that is included in sex offender legislation?

RQ2: What is the described reasoning for lack of delineation of nonviolent and violent sex offenders within the Pennsylvania sex offender registry?

RQ3: How do legislators believe the homogenized nature of the Pennsylvania sex offender registry impacts nonviolent sex offenders?

A case study research design guided this study. Case study research designs involve the exploration of a program, event, activity, process, or one or more individuals in great depth (Ravitch & Carl, 2016). For this study, the phenomenon under investigation was the factors under consideration when establishing the content of sex offender legislation. The case for the current study was Pennsylvania legislators of both the state House of Representatives and the state Senate. I selected a case study instead of other qualitative designs (e.g., phenomenology and ethnography) because the aim of this study was not to describe a novel phenomenon or the lived experiences of a group of participants with exposure to that phenomenon. Instead, my intention was to identify the factors that influence legislative decisions within a specific context and setting, without the need to extend or generalize these findings to settings outside of the context of this case.

Qualitative methodology was appropriate because the goal of the research was to seek answers to questions from the lens of the participant, relying on the experience, meaning, and perspective of the participants—in this case, Pennsylvania legislators. The collection and triangulation of data from interviews, archival records, and legislative documents helped me to determine whether participants' legislative decisions and actions were based on views that had been constructed or views derived from empirical research and facts. Qualitative research contains the epistemological and ontological assumption that reality exists through the lens of human perception (Ravitch & Carl, 2016). In the current study, understanding human perceptual experiences was critical to gain insight into this research problem. Qualitative research differs from quantitative research, which

draws on a positivist epistemological and ontological position and assumes that reality exists independent of human experience. Due to the need to capture the perceptions and experiences of state legislators, a qualitative design was considered appropriate.

I incorporated the social construction of reality theory as the framework for the study. This theory incorporates knowledge and reality as the two primary elements enjoined to purport that shared knowledge through societal communication forms the basis for determining the view of reality in that society (Burr, 2006). Berger and Luckmann (2011) explained that the social construction of reality theory views society as a product created by humans, including good, bad, or indifferent contributions, which differentiates normal from abnormal and reality from fiction. Social construction includes the assignment of values to people, objects, and events (Ingram et al., 2007). The results of the current study culminated in the discovery of how the Pennsylvania legislative system functions based on my interpretation of the data.

Role of the Researcher

In the current study, my role as the researcher was to uncover the factors considered by legislators in the creation of sex offender legislation. To accomplish this task, I assumed an etic posture by observing from the outside. I conducted interviews and utilized document analysis, which included legislative activity posted online for the public to view.

I had no personal relationships with any of the participants. As a former law enforcement officer, I was assigned the duties of monitoring sex offender registration compliance in my jurisdiction, as well as conducting investigations of sex crimes against

children; therefore, there was a reasonable concern for bias, which refers to any influence or action that distorts the findings in the study. Contrary to my former professional responsibilities, I took the position that the sex offender registries are not used as originally intended, which was as an informative public resource, not a punitive one, and should return to the former construction and implementation policies and procedure. This debut of reverse bias provided for a more open-minded approach and increased objectivity; therefore, I had no ethical issues or conflicts of interest related to this study.

Methodology

Participant Selection Logic

The participant population consisted of Pennsylvania legislators from the Pennsylvania House of Representatives and the Pennsylvania Senate. The criteria by which participant selection was based were that participants were required to have been a current member of the Pennsylvania legislature, preferably one who had participated in the creation, introduction, or sponsorship of sex offender legislation. The legislation of primary interest was the most recent passing of legislation that expanded the list of sex offenses that require sex offender registration, specifically Pennsylvania House Bill No. 1183. This bill became effective in Pennsylvania on December 20, 2012 (Pennsylvania General Assembly, 2011). The bill expanded the sex offender registry to include those convicted of unlawful restraint, false imprisonment, interference with the custody of children, corruption of minors, invasion of privacy, statutory sexual assault, and obscene and other sexual materials and performances (Pennsylvania General Assembly, 2011). At a minimum, the participants should have been present during a legislative session and

voted on sex offender legislation. This ensured that the participants would be information-rich sources. Participants were shown to meet the selection criteria through examination of records of relevant legislative actions, which were readily available to the public.

I planned to recruit at least 10 participants, or as many as needed until saturation was reached. This number reflected an appropriate amount of variation expected to be represented in the legislative population and should have promoted saturation as well as identification of consistent patterns. Jette et al. (2003) implied that purported expertise and experience in a chosen topic may reduce the number of participants required in a study. I employed a purposive sampling strategy to identify the participants that could contribute useful knowledge toward the purpose of this study. I reviewed the Pennsylvania General Assembly website and identified the participants who were appropriate for this study based on the inclusion and exclusion criteria.

Once identified, the participants were contacted through email to invite their participation (see Appendix A) and to inform them of the purpose of the study and the assurance of confidentiality. In the narrow realm of sex offender legislation, the goal was to search for enough information to provide a reliable description of the issue being examined. This was accomplished through understanding the experiences and opinions of the participants interviewed. The final sample size (eight) was smaller than anticipated, but I achieved saturation quicker due to the narrow scope of the study. There was a limited number of lawmakers who had created, proposed, or introduced sex offender legislation in Pennsylvania.

Instrumentation

Both primary and secondary data were used to conduct this study. Primary data were gathered using face-to-face semistructured interviews using a researcher-developed instrument (see Appendix B). The semistructured interview was best suited for this study so I could maintain a narrow focus on the subjects that were most relevant to the research question (see McGrath et al., 2019). This type of interview also allowed the respondents to answer in great detail. These data reflected the context in which sex offender legislation is introduced and the thought processes of the individual legislators. As the primary means of data collection, the interviews uncovered the main factors legislators consider when sponsoring and developing sex offender legislation.

Topical, semistructured interviews with a uniform set of open-ended questions unveil specific facts, descriptions of events, and examples that best answer the research question (Castillo-Montoya, 2016). The interview data were collected from a select group of Pennsylvania legislators. As the research instrument, I also took an active role in recruiting participants who would be most knowledgeable of the subject matter (see Castillo-Montoya, 2016).

After the participants were identified via the Pennsylvania General Assembly website, they were contacted using a predeveloped invitation for participation (see Appendix A). The invitation also included an informed consent form, which consisted of a confidentiality statement, a review of the purpose of the study, and my contact information. The invitation was sent via email. An issue of consideration while developing the data collection instrument, specifically the interview protocol, was

timeliness. It was necessary to accommodate the busy schedules of the participating legislators, so questions were limited to those that were essential and would elicit the most pertinent information. I worded the questions to gain information that would answer the research questions.

Secondary data consisted of legislative documents and archival records produced through legislative sessions, all of which were public record. These data sources provided information and insights regarding legislative discussions, the process of creating sex offender legislation, and confirmed legislative voting and remarks. These data sources provided additional depth to understanding the points of view and actions of the participants. Sex offender registration information from official government sex offender databases provided a source of reference and chronological information regarding the historical progression of sex offender legislation.

The interview questions were patterned after those used by Meloy et al. (2013) who conducted a study that included state-level lawmakers and criminal justice practitioners from across the United States to determine why policymakers perceived the need for sex offender policies in their state and how their attitudes influenced legislative decision making. Meloy et al. also sought to understand how criminal justice professionals in the field enforced the sex offender laws in their respective states. The interview protocol was appropriate and relevant to the current study, which focused on sex offender legislation in Pennsylvania. The aim of the study was similar in context, and I attempted to further reduce the gap between feel-good policies and do-good policies, as Meloy et al. suggested.

I pretested the interview protocol because it was researcher-developed and had not been previously used or tested. I promoted content validity by conducting pretest interviews with individuals with a working knowledge of sex offender legislation and the sex offender registry in Pennsylvania. This process ensured that the interview questions would be effective for the purpose of interviewing the legislators. The pretest also furthered validity by ensuring that a knowledgeable group had assessed the clarity of the interview questions. Additionally, content validity was ensured by taking care to reflect legislators' perspectives regarding sex offender legislation. Content validation provided evidence that the overall measurement approach and outcome were consistent with the perspectives, experiences, and words of the participating legislators. Table 1 illustrates the alignment between the interview questions and research questions.

Table 1

Research Questions and Corresponding Interview Questions

Research question	Interview questions
RQ1: What are the main factors legislators consider when sponsoring and developing the categories for a nonviolent vs violent crime that is included in sex offender legislation?	1,2,3,8
RQ2: What is the described reasoning for lack of delineation of nonviolent and violent sex offenders within the Pennsylvania sex offender registry?	4,5,6,8
RQ3: How does the homogenized nature of the Pennsylvania sex offender impact nonviolent sex offenders?	5,7,8

Procedures for Recruitment, Participation, and Data Collection

During each legislative session in both the Pennsylvania House of Representatives and the Pennsylvania Senate, the names of lawmakers who introduce pieces of legislation are documented in the public records of official proceedings. Further, a roll call of legislators is taken during the voting procedure, which provides a record of all lawmakers that were present to vote on sex offender legislation, as well as how each voted. Official records also indicated whether legislative initiatives passed or failed. After the appropriate legislators were identified, each was contacted via electronic mail (Appendix A).

The potential participants were provided with a detailed explanation of the purpose and scope of the study, as well as my contact information, and were asked about their willingness and availability to participate. I used snowball sampling using the identified lawmakers to identify additional lawmakers that were eligible to participate because the primary purposeful strategy did not elicit at least 10 participants.

One interview was conducted with each participant, with each lasting 30 to 60 minutes in duration. The interview guide, which I constructed, was used during this process. Interviews were recorded, with the participants' consent, on a digital recorder. Secondary data, which consisted of published legislative records, were also collected from official government sources. These data were not only used as supplemental information, but also as a cross-reference. I contacted those who agreed to participate to set up an interview date and time. The location and manner of the interview was the participants choice because face-to-face interviews were not possible. This was due to restrictions related to the COVID-19 pandemic, which was occurring at the time of this study. All interviews were conducted via telephone.

Prior to data collection, all participants were provided with and asked to sign an informed consent agreement. Interviews were kept to 30 to 60 minutes in length. Audio recordings were used during the interview process as permitted, acknowledging that Pennsylvania was a strict two-party consent state; therefore, individuals were required to provide their consent for audio recording and may have withdrawn consent at any time (PA Consolidated Statutes, 2020). Recordings were transcribed into Word documents, and the transcript data were coded for emergent themes. I used a fieldwork journal to

record the interview experience and reflect on the research process. Upon completion of interviews, participants had the opportunity to ask questions as well as add any other information and insights that they perceived as important.

Participants received a follow-up email consisting of a transcript of their respective interview responses to review and ensure their accuracy. Further, I conducted a pretest of the interview questions to determine the feasibility of the larger study; the pretest consisted of a smaller version with fewer participants, who provided feedback regarding the clarity of the questions (Bryman, 2016). Such a step is common in larger cohort studies and interventions (Bryman, 2016).

After collecting primary data from participants, I conducted a search of Pennsylvania public records to obtain legislative documents and archival records for analysis. In order to limit the scope of analysis, I ensured that the collected documents and records were directly relevant to the legislation and/or legislative processes described by participants. Accuracy was ensured by obtaining official documents and records from the government of the Commonwealth of Pennsylvania, which included legislative records and sex offender registration data. It was also used to clarify or substantiate statements made by participants.

Data Analysis Plan

The three previous known studies seeking to uncover attitudes of lawmakers regarding sex offender laws all suggest more research is needed to ensure that policy makers become best informed. The research presented by Sample and Kadleck (2008) consisted of 25 interviews of legislators in Illinois, and a study conducted by Meloy et al.

(2013) included interviews with 61 legislators in multiple states. Each used thematic coding to develop the answers to the questions they sought to answer. The current study, which was similar in context, was also best suited for thematic coding.

Coding summarizes or condenses the data while enabling one to show the richness, complexities, and contradictions contained within the information (Saldaña, 2016). Thematic coding was used for this study, aligned with the 6 analysis design stages of Braun and Clarke (2013). This was the chosen data analysis plan because the steps were easy to follow but rigorous enough to generate meaningful findings from the data. This coding method was best suited to generate the types of answers sought based upon the forms of questions posed in this qualitative case study (Braun & Clarke, 2013). Further, this type of coding method has allowed me to keep the data analysis focused on the experience of participants in a structured and organized manner. The six steps of thematic data analysis according to Braun and Clarke (2013) are:

1. Familiarization: This is the process of becoming familiar with the data through reading and rereading interview transcripts. The purpose of this step was to become actively engaged with the data and begin thinking about prevalent topics discussed by participants.

2. Generating the initial codes: After becoming familiar with the data, I coded the data. A computer-assisted qualitative data analysis software (CAQDAS) helped manage the data analysis.

3. Create the initial themes: After the transcripts were coded, I took the list of codes and began to cluster codes together that had similar meanings or had a

relationship to one another. After the codes had been clustered together, labels were created for the clusters based on the meaning or relationships shared among the codes. The labels formed the themes. This process continued until there were no further assembling, reassembling, or clustering possible.

4. Review the initial themes: I reviewed the themes against the data. This process ensured the themes captured the meaningful aspects of the data without missing any important details.

5. Name and define the themes: This step involved utilizing the labels created for the theme and providing a comprehensive name that described the relationship or meaning conveyed in the theme. After this was completed, I further defined the theme according to the content and meaning of the codes.

6. Write the final report: After the themes were defined and named, I wrote up the final report, and presented the findings and interpretation of the data.

The software used for analysis was NVivo12. NVivo is well suited for qualitative analysis involving large or small amounts of data, as well as audio, video, interviews, and journals (Saldana, 2016). Each interview was transcribed and then I coded each interview. NVivo was used to isolate phrases, sentences, and paragraphs that talk about a meaningful topic. These isolated phrases, sentences, and paragraphs were also be labeled by the meaningful topic. The process of coding was continued for every transcript until each interview transcript had been coded. The end product was a list of generated codes. The software was also used for storing data after it is sorted.

Discrepant information that emerged, was further investigated by asking participants to provide additional information. Such information served to revise, broaden, or further confirm the emerging patterns from data analysis (Saldana, 2016). Coding was used to assist in understanding the participants thought processes and perspectives and in analyzing their collective experiences (Saldana, 2016).

Issues of Trustworthiness

This section includes a discussion of how data trustworthiness was established. Trustworthiness contains four key components, including credibility, transferability, dependability, and confirmability (Ravitch & Carl, 2016). Each of these components are discussed below.

Credibility

The credibility of research describes how effectively the results of a study reflect the reality of a given research phenomenon or case (Anney, 2014). An appropriate strategy for this study to ensure credibility was data triangulation. Utilizing the different sources of information, such as interviews and legislative session transcripts was intended to reduce bias and ensure the integrity of participant responses (Anney, 2014). Further, data triangulation helped to ensure a comprehensive understanding of the central research phenomenon, including the research context (Yin, 2017). In the current study, triangulation was achieved by comparing findings from the semi-structured interviews with legislative documents and archival records.

Member checks were also essential and were intended to eliminate researcher bias by cross-checking the interpreted data (Anney, 2014). This was accomplished by sending

the analyzed data back to the participants to suggest changes if errors were perceived. Doing so was intended to help to ensure that the data was interpreted effectively in relation to the central research question, and that participants' experiences and perspectives were accurately reflected (Anney, 2014). In the current study, member checks consisted of reading responses to participants and allowing them to verify that the responses had been recorded accurately. The participants had the opportunity to expand on any items as necessary.

Transferability

Transferability refers to the generalizability of research results within other research settings or contexts (Anney, 2014). Rich description of the research context and setting has enhanced the transferability of the findings. It is important to note, however, that the findings are primarily intended to reflect the factors which influence legislative decisions and laws regarding sex offenses and offenders in Pennsylvania; legislators in other states may be affected by different factors. Similarly, different processes may be followed in other states to develop and enact sex offender legislation.

Transferability was also supported by purposeful sampling. Because this type of sampling is used to select participants with specific knowledge of the topic of discovery, it was intended to provide the most in-depth findings and descriptive data (Ravitch & Carl, 2016). Readers may find parallels between the results of this study and similar research concerning the factors which affect the process of developing legislation which addresses sex offenses. In the current study, transferability was achieved by thoroughly describing the context of the research and the assumptions central to the study's aims. I

anticipate that the ability to transfer this study's findings to other contexts and settings will be limited.

Dependability

Dependability refers to the stability of the research process over time (Anney, 2014). A code agreement, otherwise known as a code-recode strategy was employed in this study to promote dependability (Anney, 2014). I coded the data and then recoded the data a few weeks later. The codes from each session were compared to determine whether similar results occurred. The results were congruent; therefore, dependability was increased. Developing an audit trail, also described in the proceeding section, also helped to ensure that my methods and procedures were dependable.

A dependability audit was also conducted by an independent researcher to ensure this facet of transferability. During a dependability audit, an independent researcher reviews a research audit trail to ensure it reflects that procedures related to credibility, transferability, and confirmability were followed (Anney, 2014). Doing so helped to ensure that the audit trail is easy to comprehend and follow.

Confirmability

Confirmability refers to how easily other researchers could corroborate, or confirm, the findings by replicating the study (Anney, 2014). An audit trail not only accounts for all the research decisions, but also serves to establish confirmability (Anney, 2014). According to Anney (2014), the ability to show how data were collected, recorded, and analyzed demonstrated the objectivity of the researcher's process; further,

the interview transcripts and recordings, along with related documents and records, may be cross-checked by future researchers to validate the data.

Member checking has also contributed to the confirmability of the findings; member checking can help to ensure that the findings are more closely based on perceptions and experiences directly relayed by participants than the researcher's own interpretations (Anney, 2014). The audit trail and member checking procedures were intended to help to ensure that the results of the study could be easily confirmed by researchers in the future if replicating this research, or conducting a similar study, was determined to be beneficial.

Ethical Procedures

Multiple steps were taken to safeguard the ethical use of human subjects and to obtain Institutional Review Board (IRB) approval. All participation in the study was strictly voluntary. There was no compensation offered or provided to any study participants, nor did I employ any coercion to gain participation. All contact with potential study participants was strictly professional, with either party having nothing to lose or gain through study participation. All participants were assured from the onset of the study that they had the ability to withdraw their participation at any time. Each participant was requested to provide written consent through a disclosure form that included a description of the study, explanation of criteria for participation, the purpose of the study, description of the interview protocols, reinforcement of the voluntary nature of the study, description about confidentiality and a detailed description of my purpose, including contact information. All participant information remains confidential, and

participants were not identified in any manner in this study. In addition, each interviewee was assigned a code and only the code will be associated with the responses. The name and assigned code were stored separately, ensuring 100% anonymity. Electronic files were stored on a password-protected device. All written or other physical data were stored in a locked container to which only the researcher had access. All collected data will be destroyed 5 years after the conclusion of the research.

Summary

This chapter contained a detailed explanation of the research design, rationale, and methodology of the current study. The chapter also included details about exploring the research question and theoretical framework through in-depth interviews with Pennsylvania legislators responsible for creating, proposing, and introducing sexual offender legislation. Information regarding participation criteria and selection were outlined throughout this chapter, as was the data analysis plan. Finally, I provided detailed information relative to issues of trustworthiness and ethical considerations provided in this section. In Chapter 4, I have presented the results of the research study, including a description of the study sample and the emergent themes.

Chapter 4: Results

The purpose of this qualitative case study was to identify the factors that legislators use to determine how a sex offense is categorized in legislative decisions in Pennsylvania, to better understand how this classification process disproportionally affects nonviolent sex offenders. Three RQs were used to guide this study:

RQ1: What are the main factors legislators consider when sponsoring and developing the categories for a nonviolent versus violent crime that is included in sex offender legislation?

RQ2: What is the described reasoning for lack of delineation of nonviolent and violent sex offenders within the Pennsylvania sex offender registry?

RQ3: How do legislators believe the homogenized nature of the Pennsylvania sex offender registry impacts nonviolent sex offenders?

Chapter 4 includes a description of the research setting, study sample, data collection, and data analysis procedures. This chapter also includes a discussion of the evidence of the trustworthiness of the results, followed by a presentation of the results, which are organized by research question. This chapter concludes with a summary.

Pretest

I utilized pretesting by simulating the formal data collection process on a smaller scale to establish what works, to remove confusion, and to enhance effectiveness of data collection. Pretesting allowed me to make revisions of study materials and data collection procedures. Pretesting was necessary to ensure interview questions were valid and reliable, that the questions were articulated clearly, and that responses were relevant (see

Hurst et al., 2015). Two pretest interviews were conducted with local legislators who were known to me and were ineligible to participate in the study. The pretest interviews included presentation of the informed consent and the full interview protocol. Transcription of the interviews was also conducted in the pretest. The results of the pretest were that the questions were clear and relevant; no alterations were suggested. Researchers who disregard pretesting run the risk of collecting invalid or incomplete data (Hurst et al., 2015).

Setting

I collected primary data through telephone interviews, which were conducted at a time of the participant's choice. Telephone interviews were conducted instead of in-person interviews to ensure participants' safety by complying with social-distancing guidelines associated with COVID-19 mitigation. Participants were invited to give their responses to the interview questions from a quiet place in which privacy was available. No unanticipated organizational or other conditions arose during data collection that might have influenced the findings.

Demographics

The purposeful sample included eight participants. All participants were current members of the Pennsylvania legislature who participated in the creation, introduction, or sponsorship of sex offender legislation. The legislation of primary interest was the most recent passing of legislation that expanded the list of sex offenses that require sex offender registration, specifically Pennsylvania House Bill No. 1183. This bill became effective in Pennsylvania on December 20, 2012 (Pennsylvania General Assembly,

2011). Through this legislation, state lawmakers expanded the sex offender registry to include offenders convicted of unlawful restraint, false imprisonment, interference with the custody of children, corruption of minors, invasion of privacy, statutory sexual assault, and obscene and other sexual materials and performances (Pennsylvania General Assembly, 2011). At a minimum, each participant was present during a legislative session and voted on sex offender legislation. These inclusion criteria were used to ensure that the participants were information rich. I ensured that the participants met all inclusion criteria through examination of public records of relevant state legislative actions. The gender breakdown for participants was six men (75%) and two women (25%). Other information related to the participants is confidential.

Data Collection

Data were collected through semistructured one-to-one interviews with each of the eight participants, for a total of eight interviews. The average duration of the interviews was 30 minutes. Interviews were conducted by telephone and audio recorded with the participants' permission using a digital recording device. Unusual circumstances encountered during data collection were issues presented by the participants. Two participants chose to be interviewed while in a moving vehicle, as evidenced by noises associated with travel in a car. I perceived that in these instances, the individuals were passengers rather than vehicle operators. One participant appeared to have an aide in the room during the interview, whom he asked to obtain documents during the interview. These circumstances were not within my control and may have affected participants' responses.

Data Analysis

The audio-recorded interviews were transcribed verbatim and uploaded into

NVivo 12 computer-assisted qualitative data analysis software for inductive, thematic

analysis using Braun and Clarke's (2013) six-step procedure. In the first step, the data

were read and reread to gain familiarity with them. The second step involved generating

initial codes by assigning to NVivo nodes to all excerpts from the transcripts that

indicated meanings potentially addressing a research question. When two or more

transcript excerpts expressed the same or similar meaning, they were placed in the same

node. Each node represented a code, and each was labeled with a descriptive phrase.

During this step, 92 relevant transcript excerpts were assigned to 14 codes. Table 2

indicates the codes and the number of times they were identified in the data.

Table 2

Initial Codes

Alphabetical code list	*n* of participants referencing (*N*=8)	*n* of data excerpts included
Considering victim stories	6 (75%)	9
Constituents do not understand tier system	6 (75%)	7
Consultation with district attorneys	2 (25%)	2
Erring on the side of safety	5 (63%)	6
Factors in favor of delineation	7 (88%)	17
Goal of prevention	4 (50%)	6
Impact on offender is debated	4 (50%)	4
Lack of delineation is convenient	4 (50%)	4
Media coverage	5 (63%)	5
No consideration of impact on offender	4 (50%)	5
No data on effects of legislation	6 (75%)	8
Nonsexual offenses added to registry when they are integral to sex offense	5 (64%)	5
Pressure from constituents	7 (88%)	11
Upholding victim rights	3 (38%)	3

The third step of the analysis involved grouping the codes into themes. I grouped codes when they converged as different components of an overarching pattern of meaning that was relevant to answering a research question. The themes were reviewed and verified in the fourth step of the analysis by comparing them to original data to ensure they accurately represented patterns of meaning in participants' responses. In the fifth step, the themes were named and defined to clarify their significance in relation to

the research questions. The themes were named with short, propositional phrases that answered a research question. In the sixth step of the analysis, the presentation in the Results section of this chapter was created.

Themes 1 and 2 address RQ1. Theme 1 indicated that sex offense victim accounts and media attention to sex offenses were the main factors legislators considered when reactively sponsoring and developing the categories for a nonviolent versus a violent crime. Theme 2 indicated that crime prevention and upholding victims' rights were the main factors legislators considered when proactively sponsoring and developing the categories for a nonviolent versus a violent crime.

Theme 3 answered RQ2. The participants indicated that legislators' reasoning for the lack of delineation of nonviolent and violent sex offenders within the sex offender registry was their belief that constituents would strongly oppose such a delineation.

Theme 4 addressed RQ3. This theme indicated that most participants perceived the homogenized nature of the sex offender registry as potentially penalizing some nonviolent offenders excessively. Table 3 indicates the four finalized themes into which the 14 codes were grouped, and the number of data excerpts included in them.

Table 3

Emergent Themes as Groupings of Related Initial Codes

Emergent theme Code grouped to form theme	*n* of participants referencing (*N*=8)	*n* of data excerpts included
Theme 1: Reactive considerations include victim accounts and media attention	8	18
Considering victim stories		
Consultation with district attorneys		
Media coverage		
Nonsexual offenses added to registry when they are integral to sex offense		
Theme 2: Proactive considerations include crime prevention and victim rights	8	15
Goal of prevention		
No data on effects of legislation		
Upholding victim rights		
Theme 3: Legislators believe constituents would strongly disfavor delineation	8	31
Constituents do not understand tier system		
Erring on the side of safety		
Impact on offender is debated		
Lack of delineation is convenient		
No consideration of impact on offender		
Pressure from constituents		
Theme 4: The homogenized nature of the sex offender registry may excessively penalize some nonviolent offenders	7	17
Factors in favor of delineation		

Evidence of Trustworthiness

Credibility

Qualitative findings are credible when they accurately describe the reality they are intended to describe (Anney, 2014). Potential threats to credibility included inaccuracies in participants' interview responses. To minimize this threat, participants were given the assurance of confidentiality so they would feel as comfortable as possible answering the questions candidly. The thematic analysis procedure employed in this study further strengthened credibility by facilitating the identification of themes that incorporated the experiences of all or most participants, thereby limiting the potential for inaccuracies in individual participants' responses to influence the overall findings. A further threat to credibility was the potential for my interpretations to inaccurately represent the meanings participants intended to express. To mitigate this threat, a member-checking procedure was used. A summary of the codes and themes identified in each transcript was emailed to the participant with a request that they review it and either verify its accuracy or recommend modifications. All eight participants declined the invitation to review the findings and accepted my interpretations of their responses.

Transferability

Qualitative findings are transferable when they hold true in other research settings or contexts (Anney, 2014). To aid readers in assessing the transferability of the findings in this study to specific contexts, thick descriptions of the data are provided to indicate the context of the findings. The thick descriptions include the presentation of direct quotes from the interview data as evidence for all findings and the detailed descriptions

of the legislative context of the findings in this study in Chapter 1 and 2. Readers'

assessments of transferability have also been supported through the presentation of the

inclusion criteria applied in recruiting the sample (Anney, k2014).

Dependability

Qualitative findings are dependable to the extent that they can be reproduced in

the same research context using the same procedures at a different time (Anney, 2014).

Dependability was strengthened in this study through the detailed descriptions of the

methodology and design in Chapter 3. The descriptions of the execution of the planned

study procedures in the present chapter have also been provided to enhance

dependability. A researcher-developed interview protocol was also utilized to ensure that

the interviewing procedure would be replicable. Member-checking was intended to

enhance dependability by giving participants the opportunity to review the researcher's

interpretations of their responses and identify any unstable meanings they may have

conveyed by recommending modifications.

Confirmability

Qualitative findings are confirmable to the extent that they represent participants'

perceptions and opinions rather than the researcher's bias (Anney, 2014). The detailed

description of the data analysis procedure in this chapter, and the presentation of direct

quotes from the data as evidence for the findings, will enable readers to assess

confirmability independently. To minimize the potential influence of researcher biases on

the findings, I engaged in a continual process of self-reflection, supported by reflective

notetaking, during data collection, analysis, and reporting to become aware of and work to mindfully suspend potential biases, as Ravitch and Carl (2016) recommended.

Results

This presentation of the study results is organized by research question. In the discussion addressing each research question, the findings are organized by theme. Direct quotes from participants (P) are included as evidence for the findings.

Research Question 1

The first research question asked: What are the main factors legislators consider when sponsoring and developing the categories for a nonviolent versus violent crime that is included in sex offender legislation? I identified two of the themes that emerged during data analysis as addressing this research question. Theme 1 was: reactive considerations include victim accounts and media attention. Theme 2 was: proactive considerations include crime prevention and victims' rights.

Theme 1: Reactive Considerations Include Victim Accounts and Media Attention

All eight participants contributed to this theme. The participants indicated that sex offense victim accounts and media attention to sex offenses were the main factors legislators considered when reactively sponsoring and developing the categories for a nonviolent versus a violent crime. Victim accounts were taken into consideration when individual victims or victims' advocacy groups approached individual legislators to tell their stories and request legislative action. Victim accounts included descriptions of crimes, which influenced decisions about which nonsexual and nonviolent offenses should be included in sex offender legislation. Legislator consultations with district

attorneys also influenced categorization. Media coverage of sex offenses also prompted sponsorship and development of legislation. P3 attributed the overall tendency for sex offender legislation to be reactive rather than proactive to a lack of sustained legislative focus on the issue: "There is usually a triggering event that leads to changes in the laws regarding sex offenses and sex offenders simply because sex crimes and child abuse are not a focus at all."

Six out of eight participants described sex offense victim accounts as important considerations in legislators' reactive sponsorship and development of sex offender legislation. P1 stated that when legislation was developed and introduced, "There has been an event brought to the attention of a legislator by a constituent that influences change or more commonly a new law." P5 described victim accounts as an important and appropriate consideration for legislators, stating, "Stories are important to legislators. We want to see and hear from people. Everyone has a story. We listen and act on the view of the victim/survivor/thriver." P6 described victims as approaching legislators in groups: "Victim advocacy groups used to hold rallies before COVID, on the steps to the Capitol, for awareness. Members of advocacy groups contact lawmakers." P7 described victim accounts as a strong impetus for legislative action: "The catalyst for me is the constituent. I am big on domestic violence and sexual assault. I hear from constituents and I act upon it."

Five out of eight participants described media coverage of sex offenses as an important consideration in legislators' reactive sponsorship and development of sex offender legislation. P2 described reactive legislative action as driven primarily by media

coverage of sex offenses: "It's unfortunate that we are reactive. It's the pressure of what's in the news, the media, absolutely. We react to events rather than simply X, Y, Z [abstract definition of a] crime. Events drive policy." Like P3, P6 spoke of legislative action as typically reactive and prompted by a triggering event, particularly when the event was a focus of media attention: "There is usually an event, a report of a horrific act that brings new bills to the (house) floor. It may be brought to our attention through the media." P8 expressed a perception similar to P6's, stating, "A terrible story can cause legislative change, something in the media."

Five out of eight participants indicated that the circumstances of specific crimes were an important consideration in legislators' reactive sponsorship and development of sex offender legislation. P4 described the relationship or potential relationship between a nonsexual offense and a sex offense as a consideration: "We have to consider whether nonsex crimes form a significant basis for a sex crime, separate the sex crime from the nonsex crime. If it forms an integral part of the act, then it should be a sex crime." P8 provided an example of what P4 described as a nonsexual offense forming an integral part of a sex offense in the following example of considerations behind legislation to add luring to the sex offense registry:

> Four girls, young girls, elementary aged, were walking home from the school bus stop. A vehicle pulled up to them and began to follow them. There were two men in the vehicle. The vehicle stopped and they told the girls to get in. [The girls] just ran away. One of the girls was chased, but eventually [the offenders] gave up. It was reported to the police. The officer said that as the law was written at the time,

it would have been a misdemeanor if the guys were caught. That's nothing, given

what they did, the fear in those little girls…I wanted this to become a felony

crime as well as placement on the sex offender registry. This was huge. The

background is huge. It could have been a totally different outcome for those girls.

Thus, P8 reasoned that the offenders' attempt to lure and later coerce the minors

into a motor vehicle was integral to any sex offense that might have been perpetrated if

the minors had complied. P5 said of consideration in determining whether a nonsexual

offense should be included in the sex offender registry, "It's the severity of the

circumstances that guides me." P3 stated that the current criteria for a nonsexual offense

to be added to the sex offender registry were, "If the victim was a minor and a victim of

unlawful restraint or false imprisonment."

Two out of eight participants described advice from district attorneys as an

important consideration in legislators' reactive sponsorship and development of sex

offender legislation. P4 stated that an important consideration was "the input of

stakeholders," including those from the "District Attorney's Association, PCAR

(Pennsylvania Coalition Against Rape), and PA Bar Association." P8 said, "We often

have the DA's association offer guidance. They weigh in with some direction for us."

Three participants provided data that was partially discrepant from Theme 1, in

addition to the data they provided that supported Theme 1. Two of these participants

indicated that personal experiences were important considerations in their sponsorship

and development of the relevant legislation. P4 had previously worked as a prosecuting

attorney and had experience prosecuting sex crimes. P4 stated that their experiences as a

prosecutor influenced their decision-making with respect to sex offender legislation, in addition to the consultation with district attorneys noted previously. P6 provided data that was only partly discrepant from Theme 1, stating that having a significant number of survivors of sexual abuse by clergy in their constituency, as well as having one such survivor as a personal acquaintance, influenced their decision-making. These data were considered partly discrepant from data provided by other participants about being influenced by victims' stories because it indicated that sex offenses had a greater-than-average urgency and salience in P6's district, and because of P6's personal acquaintanceship with a victim outside of their capacity as a legislator. P5, the third participant who provided partly discrepant data, indicated that in addition to victims' stories, they perceived the support and development of legislation as being divinely ordained, stating, "Gods' will guides legislative change." P5 did not specify whether the intended meaning of this response was that faith-based considerations were incorporated into their decision-making as an additional factor, or only that the will of a higher power influenced the factors previously referenced under Theme 1.

Theme 2: Proactive Considerations Include Crime Prevention and Victims' Rights

All eight participants contributed to this theme. The participants indicated that crime prevention and upholding victims' rights were the main factors legislators considered when proactively sponsoring and developing the categories for a nonviolent versus a violent crime. Crime prevention was supported through deterrence and denial of opportunities for sex offenses. Victims' rights were supported by ensuring that victims had outlets and were not classified as criminals, as in cases of sex trafficking victims.

Participants stated, however, that they did not have access to data indicating whether legislation was achieving the intended goals.

Four out of eight participants described the goal of sex offense prevention as an important consideration in legislators' reactive sponsorship and development of sex offender legislation. P3 said of the addition of the nonsexual crimes of false imprisonment and unlawful restraint to the sex offense registry, "This is a preventive measure intended to further protect children." P8 stated, "The goal of sex offender laws is deterrence." P6 described denial of opportunities for sex offenses against minors as a goal: "Controlling access to vulnerable populations is a problem, even for those on the registry. The registry should give information to the public to protect children and vulnerable adults."

Three out of eight participants described the goal of upholding victims' rights as an important consideration in legislators' reactive sponsorship and development of sex offender legislation. P2 stated that the goal of upholding victims' rights was met in part through legislation that prevented their classification as criminals: "Currently, human trafficking is at the forefront. Recently, we have passed legislation recognizing them as victims, not criminals. Generally, we've done a good job." P5 referred to preventing the prosecution of human-trafficking victims as giving victims an outlet for having recourse to the law: "We are getting people to recognize that victims are real. It's better for victims. We're giving them outlets. The knee-jerk reactions that led to other legislation are being corrected. Opportunities are opening for victims."

Six out of eight participants stated that they did not have easy access to data that would enable them to assess the success of legislation in meeting its goals. P2 described evaluations of legislative impact as available for some issues, but not for sex offenses: "There are thinktanks that send reports about issues in general, but not specifically about sex offenses." Similar to P2, P6 suggested that the scarcity of data on the impact of sex offender legislation was an anomaly: "There is a deluge of data from groups, constituents, other legislators—tons of information on all issues—but not very much on sex offenses." P4 stated, "We have limited access to reports and research." P5 stated that the dearth of research and reporting on the impact of sex offender legislation caused anecdotal evidence to be considered instead of systemically collected data: "I don't receive reports regarding research. Some agencies will send information regarding the trends they are seeing within the county. Mostly, I talk to people who have experienced abuse." P7 described research on legislation impact as potentially useful, purporting, "It would be an advantage to see how effective laws have been. This participant added, "We don't get reports on the effects."

Research Question 2

The second research question asked: What is the described reasoning for lack of delineation of nonviolent and violent sex offenders within the Pennsylvania sex offender registry? One theme that emerged during data analysis was relevant to addressing RQ2. Theme 3 was: legislators believe constituents would strongly disfavor delineation. The following subsection includes a discussion of this theme.

Theme 3: Legislators Believe Constituents Would Strongly Disfavor Delineation

All eight participants contributed to this theme. The participants indicated that legislators' reasoning for the lack of delineation of nonviolent and violent sex offenders within the sex offense registry was their belief that constituents would strongly oppose such a delineation. Participants described constituents as likely to view any legislator's advocacy for such a delineation as a mitigation of penalties for sex offenses, and therefore as a soft stance toward a highly stigmatized and feared category of offense. As a result of this constituent pressure, participants indicated that a legislator who advocated for delineation would be highly unlikely to win reelection. Some participants indicated that impacts on offenders were debated in the State legislature, but they did not indicate that those impacts were a significant consideration in decision-making.

Seven out of eight participants specifically described pressure from constituents as a strong driver of the lack of delineation between nonviolent and violent sex offenses in the registry. P1 expressed the perception that constituents wanted legislators to take a strong stance against sex offenders: "Laws like these are unanimously voted upon because the public wants and demands them. The public wants action." P2 expressed the perception that constituents were strongly against any legislative action in favor of sex offenders' rights because, "More than murder, this stuff, sex offenses, is some of the more gruesome things we see in our society. People don't have forgiveness and patience for it." Accordingly, P2 indicated that legislators supported and perpetuated the lack of delineation as a harsher stance on sex offenses than delineation because, "It's hard to justify why you're voting in favor of supporting a sex offender, why you're giving them

rights, even if legitimate. Some legislators wouldn't survive that politically. That's just reality at the end of the day." P6 indicated that legislation to create a delineated registry was not politically feasible because, "There is no climate now to make attempts at change. The public in general wants more harsh punishments." P5 spoke in favor of a lack of definition between luring and violent sex offenses in the registry in describing the legislator's role as that of representing constituent interests: "Parents want luring a child into a motor vehicle to be on the [registry], and it's my job to speak for the constituents. We try to come up with a balance as legislators, but it's really what constituents want." P8 indicated that legislators who supported a delineated registry would be unlikely to win reelection because "It would be used against them during their campaign. It would be used against them to the extreme whether true or not."

Four out of eight participants perceived constituents as favoring a registry without delineation because it was simply and easy to reference. Five out of eight participants expressed the perception that constituents favored a registry without delineation as a means of erring on the side of community safety, rather than on the side of sex offenders. P3 cited both constituent convenience and community safety as reasons. In describing a registry without delineation as a convenience that contributed to community safety, P3 said, "The registry must be easy to access. It has to be cut and dry. People can see the offenses, and the benefit to the public far outweighs the individual issues [of offenders]." P3 also considered a registry without delineation as appropriate because records of less-severe offenses might reflect outcomes of plea bargains rather than the threat the perpetrator presented to the community: "Invasion of privacy should be listed with the

other crimes because you never know, it may have been pled down . . . again, the public

benefit outweighs the individual [offender]." Like P3, P4 expressed that constituent

convenience was an important consideration in maintaining a registry without

differentiation: "One-size-fits-all if the fastest and easiest way to get the product out to

the public and make it available to all." P8 agreed with P3 in describing community

safety as an overriding priority contributing to constituent support for a lack of

delineation in the registry, citing the potential for nonviolent convictions to reflect only

the crimes for which the perpetrator had been caught rather than the crimes the

perpetrator had committed or was capable of: "If someone views child pornography, the

experts say that downloaders have an average of three victims. They've just not been

caught. The chances are that those who committed lesser crimes have actually done much

worse."

Four out of eight participants indicated that impacts of the lack of delineation on

offenders were debated either on the House floor or in caucus, but these participants did

not indicate those discussions in any way influenced the reasoning for the lack of

delineation in the registry. P1 stated, "The rights of the perpetrator are heavily debated

and weighed. Some are big on those rights. Some of us are educated and experienced

with it." In elaborating on this response, however, P1 indicated that the individual rights

that were heavily weighed during decision-making were those of the falsely accused, not

of perpetrators: "There is an ingrained, cultural fear of being wrongfully accused." P6

stated of impacts on offenders, "These consequences are discussed broadly on the House

floor," but added that the focus of the discussion was the disproportionate impact of

penalties on specific populations, rather than on individuals: "Representatives from the larger cities will argue that penalties fall disproportionately upon the individuals that they represent." P7 described impacts on offenders as discussed in caucus during the drafting of legislation but as overridden by majority vote: "They are discussed in caucus. Attorneys will discuss the aspects of the law based on their experiences. But you have to remember, majority rules." Other participants reported that consideration of collateral consequences of legislation such as impacts on offenders did not influence decision-making. P4 indicated that impacts on offenders were not a sufficiently high priority to influence legislation: "Collateral consequences are not a big consideration. We can't think of every scenario." P5 also suggested that consideration of impacts on offenders was too peripheral to the purpose of the legislation to be addressed explicitly, saying, "We can only legislate so much." P1 indicated that omitting consideration of impacts on offenders was in response to public demand: "I did not consider collateral consequences. Usually, laws like these are unanimously voted upon because the public wants and demands them."

Research Question 3

The third research question asked: How do legislators believe the homogenized nature of the Pennsylvania sex offender registry impacts nonviolent sex offenders? One theme that emerged during data analysis was relevant to addressing this research question. Theme 4 was: the homogenized nature of the sex offender registry may excessively penalize some nonviolent offenders. In the following subsection, I have discussed this theme and the participant quotes that contributed to its development.

Theme 4: The Homogenized Nature of the Sex Offender Registry May Excessively

Penalize Some Nonviolent Offenders

Seven out of eight participants contributed to this theme. Seven out of eight

participants perceived the homogenized nature of the sex offender registry as excessively

penalizing some nonviolent offenders. Some participants specifically cited young adults

engaging in consensual sexual relations with statutory minors who were close to them in

age, and individuals convicted of indecent exposure in the absence of sexual intent (e.g.,

in cases of public urination), as potentially being excessively penalized by lifelong

registration on an undifferentiated list of sex offenders.

Seven out of eight participants indicated that the homogenized nature of the

registry was either undesirable or less than optimal because of its potential to impose

excessive penalties on some nonviolent offenders. P1 stated, "I don't know the reasoning

for the 'one size fits all' registration system in Pennsylvania. I think it should change

somewhat." P1 cited young offenders who engaged in consensual sexual activity with

minors who were only slighter younger than themselves as potentially deserving of a

more nuanced approach to registration: "We need a 'Romeo and Juliet' type law, or a

substantial change, so that young people who simply act without thinking, without bad

intent, are not listed and punished for life as predators." P3 expressed a perception similar

to P1's, stating, "One can be sympathetic toward a school-student situation with a senior

and a freshman or sophomore, but it's difficult. These laws should be relooked at; maybe

institute a school-age component." P2 said of the homogenized nature of the registry,

"I'm critical of this. People's lives shouldn't be ruined forever. For example, rape and

invasion of privacy should be separated or clearly [distinguished in the registry]. The difference between the two is vast." P2 cited as a case potentially meriting differentiation from violent sex offenses, "I'm aware of an individual who was charged with indecent exposure for peeing in public and is on the registry, on Megan's Law." P2 added of the disproportionality of lifelong registration in some cases, "It would be awful to have committed a crime in your 20s, have a good clean life since then, be in your 40s and not be able to attend your children's events. It is lifelong and really unbalanced." P6 also referenced indecent exposure in describing a delineated registry as potentially more appropriate: "Violence versus exposing oneself is a huge difference in severity…The more violent should be listed on the registry. Those who go to counseling, who fix their issues shouldn't necessarily have their lives ruined by registration." P8 described a delineated registry as potentially appropriate, admitting, "Maybe it's not appropriate that an SVP [sexually violent predator] register alongside a Peeping Tom-type offender on the registry together."

Summary

Three research questions were used to guide this study. RQ1 asked: What are the main factors legislators consider when sponsoring and developing the categories for a nonviolent versus violent crime that is included in sex offender legislation? Two of the themes that emerged during data analysis were identified as addressing this research question. The first theme under this research question indicated that reactive considerations include victim accounts and media attention. All eight participants contributed to this theme. The participants indicated that victim accounts and media

attention to sex offenses were the main factors legislators considered when reactively sponsoring and developing the categories for a nonviolent versus a violent crime. Victim accounts were taken into consideration when individual victims or victims' advocacy groups approached individual legislators to tell their stories and request legislative action. Victim accounts included descriptions of crimes, which influenced decisions about which nonsexual and nonviolent offenses should be included in sex offender legislation. Legislator consultations with district attorneys also influenced categorization. Media coverage of sex offenses also prompted sponsorship and development of legislation.

The second theme under RQ1 was that proactive considerations include crime prevention and victims' rights. All eight participants contributed to this theme. The participants indicated that crime prevention and upholding victims' rights were the main factors legislators considered when proactively sponsoring and developing the categories for a nonviolent versus a violent crime. Crime prevention was supported through deterrence and denial of opportunities for sex offenses. Victims' rights were supported by ensuring that victims had outlets and were not classified as criminals, as in cases of sex trafficking victims. Participants stated, however, that they did not have access to data indicating whether legislation was achieving the intended goals.

The second research question was: What is the described reasoning for lack of delineation of nonviolent and violent sex offenders within the Pennsylvania sex offender registry? The theme that addressed this question was that legislators believe constituents would strongly disfavor delineation. All eight participants contributed to this theme. The participants indicated that legislators' reasoning for the lack of delineation of nonviolent

and violent sex offenders within the sex offender registry was their belief that constituents would strongly oppose such a delineation. Participants described constituents as likely to view any legislators' advocacy for such a delineation as a mitigation of penalties for sex offenders, and therefore as a soft stance toward a highly stigmatized and feared category of offense. As a result of this constituent pressure, participants indicated that a legislator who advocated for delineation would be highly unlikely to win reelection. Some participants indicated that impacts on offenders were debated in the State legislature, but they did not indicate that those impacts were a significant consideration in decision-making.

The third research question was: How do legislators believe the homogenized nature of the Pennsylvania sex offender registry impacts nonviolent sex offenders? The theme that addressed this question indicated that the homogenized nature of the sex offender registry may excessively penalize some nonviolent offenders. Seven out of eight participants contributed to this theme. Seven out of eight participants perceived the homogenized nature of the sex offender registry as excessively penalizing some nonviolent offenders. Some participants specifically cited young adults engaging in consensual sexual relations with statutory minors who were close to them in age, as well as individuals convicted of indecent exposure in the absence of sexual intent (e.g., in cases of public urination), as potentially being excessively penalized by lifelong registration on an undifferentiated list of sex offenders. In Chapter 5, I have further discussed the findings, including an interpretation and comparison to previous findings, as well as implications for practice and recommendations for future research.

Chapter 5: Discussion, Conclusions, and Recommendations

In this study, I identified the factors legislators use to determine how a sex crime is categorized in legislative decisions in Pennsylvania with the aim of better understanding how this classification process may disproportionately affect nonviolent sex offenders. The research questions focused on the factors, reasoning, and circumstances that shape the development and implementation of sex offender laws in Pennsylvania, including sex offender registration requirements, in an effort to bridge the gap between research and practice. The foundation for this study was the social construction of reality theory. I created a semistructured interview protocol to use when interviewing members of the Pennsylvania General Assembly. The purposive sample included eight legislators who had been present during the legislative session and either crafted, introduced, or voted on sex offender legislation. Their responses indicated their perspectives on sex offender legislation, including the impetus for the creation of laws, the perceived need and benefit of the laws, and the perceived consequences of the laws. This chapter includes an interpretation of the findings presented in Chapter 4. The chapter also includes the limitations of the study, recommendations for future research, implications for positive social change, and a conclusion.

Interpretation of the Findings

The discussion in this section is organized by the findings as they related to each of the research questions. The findings are also interpreted within the context of the relevant literature. I compared and contrasted the current findings with those from prior

research and provide insight into increasing social equity in legislative decision making in regard to sex offender legislation.

Research Question 1

The primary finding of RQ1 was that media coverage of sex offenses influences related legislation. This was consistent with the literature. King and Roberts (2017) found that heightened media attention to sex offenses intensified public pressure on elected officials to expand the number of nonviolent crimes included in the sex offender registry. In Pennsylvania, as the participants in this study noted, media coverage of the sex offenses of Jerry Sandusky and the Catholic Church clergy stimulated the urgent public demand for legislation imposing more serious penalties for sex offenses, such as lengthening the statute of limitations and adding nonviolent offenses to the list of crimes triggering the sex offender registration requirement. Shelby and Hatch (2014) offered insight into why media coverage might be influential, arguing that the role of the media in presenting sexual abuse or assault events to the public was described as reaching beyond telling the story or transmitting the message and often included translating and transforming the content of the event resulting in claims-making and suggestive presentations. Harper and Hogue (2016) and Terry (2015) also found that media attention to sex offenses can dramatically influence legislation in the direction of harsher penalties for offenders.

A related finding of interest was that no participants reported that they had easy access to or referenced any systematically collected data in their decision making about sex offender legislation. Instead, participants reported that they relied primarily on

anecdotal accounts provided to them by survivors, who presented their stories for the purpose of influencing legislation. This finding is significant because researchers have consistently indicated that empirical data do not support common perceptions of sex offenders that influence public perceptions and legislative action related to sex offenses (Bowen et al., 2016; King & Roberts, 2017; Mancini & Mears, 2016). The empirical evidence has indicated that most sex offenses are committed by someone known to the victim rather than by a stranger (Doyle, 2018; Klein, 2016; Socia & Harris, 2016; Stupple, 2014), that sex offender registration contributes to an inaccurate public perception that sex offenders are a homogeneous class of persons who conform to highly negative stereotypes (Gavin, 2005; Kernsmith et al., 2016), that treatment is effective in preventing recidivism for many sex offenders (Kernsmith et al., 2016; Mancini & Budd, 2016), and that sex offenders are among the offender populations least likely to recidivate (Harris & Socia, 2016; Kernsmith et al., 2016; Terry, 2015). Current participants' candid reports that data of this kind were not readily available to them and that they were unaware of the empirical conclusions of scientific researchers regarding sex offenses and sex offenders were highly significant. Those reports indicated that legislators may be imposing increasing harsh penalties on nonviolent sex offenders without awareness of the evidence that such legislation does not accomplish stated goals such as crime prevention and effective investment in victims' rights.

Research Question 2

The finding that provided an answer to RQ2 was that public pressure is paramount to legislative decision making. Uncovered in this study was the persistent

belief that constituents would oppose a delineation of nonviolent and violent sex offenders within the sex offender registry. Participants indicated this belief was rampant throughout the legislative body. Further, participants described constituents as likely to view any legislators' advocacy for such a delineation as a mitigation of penalties for sex offenders, and therefore as a soft stance on a highly stigmatized and feared category of offense. This theme was consistent with the conclusions of Mancini and Mears (2016) and King and Roberts (2017) that public opinion exerts a strong influence on legislation.

The current participants offered a perspective inconsistent with Klein's (2016) by suggesting that an undifferentiated sex offender registry was more conducive to the public interest via factors such as convenience of access and simplicity of presentation than a more nuanced approach. Klein found that homogenized sex offender registries disseminated disinformation to the public and impeded the public's ability to make informed decisions regarding sex offenders. The inconsistency between Klein's finding and the perceptions of participants in the current study was further indicated by participants' admitted lack of awareness of the empirical evidence that an undifferentiated sex offender registry does not contribute to accomplishing goals such as deterrence and prevention. Almost all participants agreed with Schneider and Ingram (1993) and Wagner and Morris (2018) that politicians are pressured to create policy that benefits some groups (e.g., victims of sex offenses) at the cost of imposing potentially disproportionate penalties on other groups (e.g., nonviolent sex offenders).

Participants' descriptions of the overriding influence of public pressure on legislative decision making in relation to the lack of delineation between violent and

nonviolent sex offenders in the registry was particularly significant in light of findings in the literature indicating that public perceptions of sex offenders are highly inaccurate. Doyle (2018) and King and Roberts (2017) found that the public's overall perception of sex offenders—gleaned primarily from sensationalized media portrayals—is hostile and characterized by disdain and disgust. Gavin (2005) similarly described the prevailing public view of sex offenders as older, lower-class males who are untreatable, irredeemable, inherently evil, and unknown to the victims. These misconceptions persist despite increasing evidence to the contrary and continue to influence legislation, both via constituent pressure and legislators' sharing of constituents' misconceptions.

Research Question 3

The primary finding related to RQ3 was that participants acknowledged that registration of all sex offenders in one homogenized registry may be disproportional punishment to the specific offense committed. Several participants indicated that lifelong registration on a list of undifferentiated sex offenders might be a punishment disproportional to the offense in nonviolent crimes, such as public urination and consensual sex acts between very young adults and legal minors who are close to them in age (e.g., P3's example of a high school senior who was dating a high school sophomore).

A related finding was that constituents and legislators are not punishing whom they believe they are punishing, and they do not have ready access to or awareness of the empirical data that might correct their misconceptions. This lack of awareness was evidenced by the discovery that the constituent views that influence legislators to impose

penalties on nonviolent sex offenders are viewed by legislators as potentially excessive are largely inaccurate. Sex offenders are rarely strangers from a lower social class than their victims; participants in the current study expressed surprise on learning that 93% of sex offenders are known to their victims prior to the offense (see Bureau of Justice Statistics, 2017). Sex offenders are also not old men; the average age of convicted rapists is 31, and the average age of offenders who commit sex crimes against children aged 6 to 11 years is 14 years old (Rape, Abuse & Incest National Network [RAINN], 2021). The individuals who typically commit sex offenses against children are older minors living in the same household, such as older siblings, rather than the stereotypical dirty old man who is pervasive in public perception (RAINN, 2021). Current findings and those from prior studies converged on the suggestion that nonviolent sex offenders may be punished excessively through undifferentiated registration because public pressure and legislative action are being misdirected toward sex offender stereotypes, the real representatives of which constitute only a small fraction of actual sex offenders (Doyle, 2018; Klein, 2016; Socia & Harris, 2016; Stupple, 2014).

Limitations of the Study

This study involved limitations that should be taken into consideration in reviewing the findings. The study sample was limited to eight members of the Pennsylvania General Assembly who had created, introduced, or voted on sex offender legislation. These geographic and sampling delimitations likely limited the transferability of the findings to other settings and contexts (see Ravitch & Carl, 2016). As a result of demographic bias in the target population and the difficulty of recruiting an adequate

number of legislators to participate in this study, maximum variation sampling for characteristics such as gender and race was not feasible, a factor that also limited transferability. Additionally, qualitative methodology yields findings that are grounded in the perceptions and experiences of the participants and should not be characterized as objective or generalizable to a population (Ravitch & Carl, 2016). Rather than attempting to generalize the findings, transferability should be assessed through comparing the setting and context of this study to other settings and contexts on a case-by-case basis (Ravitch & Carl, 2016).

A limitation of the interviewing procedure was associated with the necessity of conducting the interviews by telephone associated with COVID-19 mitigation guidelines. This procedure excluded observation and documentation of potentially significant nonverbal cues during the interviews. Mitigation of the potential for researcher bias to influence the findings was also not optimal because all eight participants declined the invitation to participate in member checking. To minimize the potential influence of researcher biases, I engaged in a continual process of self-reflection supported by reflective notetaking during data collection, analysis, and reporting to become aware of and work to mindfully suspend potential biases.

Recommendations

This section offers several recommendations for practice and future research in this area. The recommendations for practice were formulated through the comparison of study findings to those from prior studies. The recommendations for future research emerged from the Interpretation and Limitations sections.

Recommendations for Practice

The first recommendation for practice is that legislators in the Commonwealth of Pennsylvania and potentially in other states with undifferentiated sex offender registries either be informed or inform themselves of the nature of sex offenders and the effects of sex offender legislation. The findings in this study indicated that participants' decision making was influenced by anecdotal accounts from victims, media coverage, and the goals of prevention (through deterrence and denial of opportunity) and promotion of victims' rights. Previous researchers, however, found that media coverage of sex offenses tends to be sensationalized (Bureau of Justice Statistics, 2017; RAINN, 2021), and that empirical findings are inconsistent with the public perceptions of sex offenders on which legislators are likely to act. I recommend that data be provided to legislators, which participants described as a standard initiative undertaken by individuals and groups with interests in other areas of legislation. Such data may be provided in the form of a synopsis of information from the literature and findings presented in this study, or synopses from organizations such as the Bureau of Justice Statistics that will have strong source credibility and a proportional influence on correcting misperceptions.

The second recommendation is that awareness-raising about the disadvantages of an undifferentiated sex offender registry is needed for constituents. Given the reluctance of state legislators to vote in favor of any measure that might appear to constituents as clemency toward sex offenders, funding and oversight for this awareness-raising may need to be included in a more general program of public education regarding sex offenses, including prevention, recognition of signs of abuse in vulnerable persons,

reporting, and the sentencing and rehabilitation of offenders. Department of Justice or state-sourced funding for a broadly focused educational program of this kind may benefit communities through awareness-raising about a number of important issues related to sex offenses, without the appearance of being dedicated primarily to advocacy for perpetrators' rights. A majority of the participants in this study indicated that they would be willing to consider a more nuanced approach to sex offender registration if intense public pressure did not make advocacy for change politically toxic to elected officials. Previous scholarly findings have indicated that the stereotypes on which public perceptions of sex offenders are based are highly inaccurate and sensationalized (Doyle, 2018; Gavin, 2005; King & Roberts, 2017). Public pressure on legislators to over-penalize nonviolent sex offenders is unlikely to lessen while such misconceptions persist. It is therefore recommended that accurate information about sex offenses and sex offenders be disseminated among the public to raise awareness and also to facilitate more appropriately targeted and therefore more effective community safety measures.

In addition to disseminating accurate information to legislators and the public about sex offenses and sex offenders, and the effects of legislation, efforts should be made to partially destigmatize some nonviolent sex offenders. The participants in this study indicated the categories of sex offender that they perceived as potentially meriting differentiation from violent sexual predators, including 'Romeo and Juliet'-type offenders (i.e., young adults who engage in consensual sex acts with a legal minor close to their own age), and indecent exposure without sexual intent (e.g., public urination). The public may respond more positively to efforts to partially destigmatize those offenses by

referring to them in specific terms rather than with the blanket categorization of sex offense, and this may allow for more open public discussion about collateral consequences of a homogenized sex offender registry. This recommendation is consistent with Socia and Harris's (2016) conclusion that the term 'sex offender' is so stigmatized that a nuanced discussion of persons so labeled is likely to be impossible.

Recommendations for Further Research

The participants in this study indicated that they perceived a causal relationship between public opinion and legislative decision making related to lack of delineation in the sex offender registry as so strong that it overrode any other factor that might otherwise be considered. This researcher recommends that future research be conducted to assess the nature of public perceptions of sex offenses and sex offenders in specific contexts, such as the Commonwealth of Pennsylvania, in order to identify ways in which a nuanced and open public discussion might be initiated. A quantitative approach involving the administration of a validated questionnaire instrument to a sufficiently large, random sample should be used to determine the terminology that would be most conducive to free-flowing public debate, as by ascertaining whether using a term such as 'Romeo and Juliet' offender or 'public urination offender' would enable the public to engage in a more vigorous, informed, and nuanced debate about registration requirements than references to much broader offense categories such as statutory rape, indecent exposure, and sex offenses. As Socia and Harris (2016) suggested, substituting more accurate terms for stigmatized offense categories might be necessary to humanize certain categories of sex offenders before meaningful public discussions will be feasible.

The researcher also recommends that the present study be replicated in other research contexts in order to assess transferability. The participants in the present study indicated that compliance with federal regulations was necessary in state legislation, so replicating this study with a sample of national legislators might yield valuable insights into the considerations that influence overarching federal requirements. Replication of this study in states with delineation between violent and nonviolent sex offenders in their registries might yield valuable insights into how the considerations of legislators in those states differ, potentially leading to the identification of specific influences that might need to be modified before open public discourse can occur in a state such as Pennsylvania.

Implications

The positive social change implications include an increase in social equity. Social equity has always been an important aspect of public policy and legislation, and social equity should not exclude the sex offender population. The findings indicate that social equity may be increased by implementing a delineated system to facilitate the reentry of nonviolent sex offenders into society, and to enable the public to make informed judgments based upon the severity of a nonviolent sex offender's crimes. This would be a step forward to promote positive social change to this otherwise marginalized population. At both the individual and family level, a delineated system may greatly reduce and possibly eliminate the current stigma associated with the sex offender registry. This may prove positive predominantly for nonviolent sex offenders as a delineated system would not only separate them from the most violent sex offenders, but

promote a logical response to their crimes, rather than an emotional response. The findings are also conducive to social change at the organizational level, specifically legislators. As laws are essentially codified social policies, it is imperative to recognize and correct the point of disconnect within the process. That point, as evidenced in this study, is the lack of empirical evidence in the form of scholarly research that is provided to legislators. Providing that evidence will allow those lawmakers to incorporate this knowledge into policy, after all, social policy and laws are about the safety and welfare of the people. The impact of the findings of this study also reaches society, whose attitudes are conveyed in public policy. These implications were detailed previously in the recommendations for practice.

Conclusion

The purpose of this qualitative case study was to identify the factors that legislators use to determine how a sex crime is categorized in legislative decisions in Pennsylvania, with the aim of better understanding how this classification process disproportionally affects nonviolent sex offenders. The findings from semistructured telephone interviews with a purposeful sample of eight Pennsylvania state legislators who influenced sex offender legislation resulted in four major themes. The themes that emerged as findings indicated: (a) sex offense victim accounts and media attention to sex offenses were the main factors legislators considered when reactively sponsoring and developing the categories for a nonviolent versus a violent crime; (b) crime prevention and upholding victims' rights were the main factors legislators considered when proactively sponsoring and developing the categories for a nonviolent versus a violent

crime; (c) legislators' reasoning for the lack of delineation of nonviolent and violent sex

offenders within the sex offender registry was their belief that constituents would

strongly oppose such a delineation; and (d) participants perceived the homogenized

nature of the sex offender registry as potentially penalizing some nonviolent offenders

excessively.

When the findings were contextualized within the previous literature, the most

significant result in this study appeared to be that participants perceive the main

consideration behind a nondelineated sex offender registry to be intense constituent

opposition to any measure that might appear as an attempt to mitigate the penalties for

any kind of sex offense. This finding was significant because previous scholars have

consistently indicated that public perceptions of sex offenders and of the conditions under

which sex offenses occur are drastically inaccurate. Thus, punitive legislation supported

and developed in response to public pressure rarely punishes the types of offenses or

offenders toward which it is implicitly targeted. All but one participant in this study

indicated at least some level of receptiveness to considering a delineated approach to sex

offender registration if public opinion would allow for a more nuanced discussion,

particularly in relation to 'Romeo and Juliet'-type offenders and persons who commit

indecent exposure without malicious intent, as possibly in instances of public urination. If

the public perceptions that generate public pressure against an open and informed public

debate about the appropriateness of a homogenized sex offender registry are mistaken,

then there is potential for the dissemination of accurate information to the public and to

legislators to destigmatize at least some categories of nonviolent sex offenders

sufficiently for the collateral consequences of excessively punitive registration requirements to influence legislation. The recommended awareness-raising may also facilitate more appropriately targeted legislation and rigorous evaluations of outcomes, which, in turn, may promote community safety and prevent sex offenses more effectively.

References

Adoni, H., & Mane, S. (1984). Media and the social construction of reality: Toward an

  integration of theory and research. *Communication Research*, *11*(3), 323–340.

  https://doi.org/10.1177/009365084011003001

Anney, V. (2014). Ensuring the quality of findings of qualitative research: Looking at

  trustworthiness criteria. *Journal of Emerging Trends in Educational Research and*

  Policy Studies, *5*(2), 272–281.

Beddoe, L., & Cree, V. (2017). The risk paradigm and the media in child protection. In

  M. Connolly (Ed.), *Beyond the risk paradigm in child protection* (pp. 15–28).

  Palgrave Macmillan.

Berger, P. L., & Luckmann, T. (2011). *The social construction of reality: A treatise in the*

  sociology of knowledge. Open Road Media.

Berger, T. M. (2017). *Knowledge versus perception: Social workers' view of sex*

  offenders [Master's thesis]. Scholar Works (Number 574).

Bouffard, J. A., & Askew, L. N. (2017). Time-series analyses of the impact of sex

  offender registration and notification law implementation and subsequent

  modifications on rates of sexual offenses. *Crime & Delinquency*, *65*(11), 1483–

  1512, 1-30. https://doi.org/10.1177/0011128717722010

Bowen, K., Frenzel, E., & Spraitz, J. D. (2016). Sex offender registration and notification

  laws: Thoughts from registered sex offenders in three states. *Safer*

  Communities, *15*(2), 94–109. https://doi.org/10.1108/SC-12-2015-0040

Braun, V., & Clarke, V. (2013). *Successful qualitative research: A practical guide for*

beginners. SAGE.

Bryman, A. (2016). *Social research methods*. Oxford University Press.

Bureau of Justice Statistics. (2017). *Victims and offenders*.

https://www.bjs.gov/index.cfm?ty=tp&tid=94

Burr, V. (2006). *An introduction to social constructionism*. Routledge.

Call, C., & Gordon, J. (2016). Support for current sex offender management policies: A

national survey of the perceptions of professionals. *American Journal of Criminal*

Justice, *41*, 834-851. https://doi.org/10.1007/s12103-016-9337-7

Calleja, N. G. (2016). Deconstructing a puzzling relationship: Sex offender legislation,

the crimes that inspired it, and sustained moral panic. *Justice Policy Journal*,

13(1), 1–17. http://www.cjcj.org/uploads/cjcj

Castillo-Montoya, M. (2016). Preparing for interview research: The interview protocol

refinement framework. *Qualitative Report*, *21*(5), 811–831.

https://doi.org/10.46743/2160-3715/2016.2337

Centers for Disease Control and Prevention. (2014). *Sexual violence surveillance:*

Uniform definitions and recommended data elements, Version 2.0.

https://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitionsl-2009-

a.pdf

Chaudhuri, T. (2017). Megan's law and Durkheim's perspective of punishment:

Retribution, rehabilitation or both? *Journal of Arts & Humanities*, *6*(7), 62–73.

https://doi.org/10.18533/journal.v6i7.1235

Connor, D. P., & Tewksbury, R. (2017). Public and professional views of sex offender

registration and notification. *Criminology, Criminal Justice, Law & Society*, *18*(1), 1–27.

Custer, B. D. (2017). Variations in state sex offender statutes: Implications for U.S. higher education. *Criminal Justice Policy Review*, *30*(6), 906–924. https://doi.org/10.1177/0887403417722388

Davie, G. (1998). Luckmann, Thomas. In W. H. Swatos (Ed.), *Encyclopedia of religion and society, Hartford Institute for religion research, Hartford Seminary,* p. 299. AltaMira Press.

Day, A., Ross, S., Casey, S., Vess, J., Johns, D., & Hobbs, G. (2017). The intensity and timing of sex offender treatment. *Sexual Abuse*, *31*(4), 397–409. https://doi.org/10.1177/1079063217745069

DeBernardo, R. (2018). Ideal victims and monstrous offenders: How the news media represents sexual predators. *Socius*. https://doi.org/10.1177/2378023118802512

DeLuca, J. S., Vaccaro, J., Rudnik, A., Graham, N., Giannicchi, A., & Yanos, P. T. (2018). Sociodemographic predictors of sex offender stigma: How politics impact attitudes, social distance, and perceptions of sex offender recidivism. *International Journal of Offender Therapy and Comparative Criminology*, *62*(10), 2879–2896. https://doi.org/10.1177/0306624X17723639

Doyle, R. P. (2018). *The construction of the criminal "other": The effect of media-induced heuristics on attitudes toward sex crimes* [Unpublished doctoral dissertation]. UC Santa Cruz.

Easterly, B. (2015). Playing politics with sex offender laws: An event history analysis of

the initial community notification laws across American states. *Policy Studies Journal*, *43*(3), 355–378. https://doi.org/10.1111/psj.12084

Eher, R., Schilling, F., Hansmann, B., Pumberger, T., Nitschke, J., Habermeyer, E., & Mokros, A. (2016). Sadism and violent reoffending in sexual offenders. *Sexual Abuse: A Journal of Research and Treatment, 28*(1), 46-72. https://doi.org/10.1177/1079063214566715

Evans, D.N., Blount-Hill, K.L. & Cubellis, M.A. (2019). Examining housing discrimination across race, gender and felony history, *Housing Studies*, *34*(5), 761-778. DOI: 10.1080/02673037.2018.1478069

Evans, D. N., & Cubellis, M. A. (2014). Coping with stigma: How registered sex offenders manage their public identities. *American Journal of Criminal Justice, 40*(3), 593-619. https://doi.org/10.1007/s12103-014-9277-z

Gavin, H. (2005). The social construction of the child sex offender explored by narrative. *The Qualitative Report, 10*(3), 395-413. https://doi.org/10.46743/2160-3715/2005.1835

Harper, C. A., & Hogue, T. E. (2016). Press coverage as a heuristic guide for social decision-making about sexual offenders. *Psychology, Crime & Law, 23*(2), 118-134. https://doi.org/10.1080/1068316X.2016.1227816

Harris, A., Kras, K., Lobanov-Rostovsky, C. & Ann, Q. (2020). Information sharing and the role of sex offender registration and notification: Technical Report. Off ice of Justice Programs' National Criminal Justice Reference Service. https:www.ncjrs.gov/pdffiles1/nij/254680.pdf

Harris, A. J., Levenson, J. S., & Ackerman, A. R. (2014). Registered sex offenders in the United States: Behind the numbers. *Crime & Delinquency, 60*(1), 3-33. https://doi.org/10.1177/001128712443179

Harris, A. J., Levenson, J. S., Lobanov-Rostovsky, C., & Walfield, S. M. (2018). Law enforcement perspectives on sex offender registration and notification: Effectiveness, challenges, and policy priorities. *Criminal Justice Policy Review, 29*(4), 391-420. https://doi.org/10.1177/0887403416651671

Harris, A. J., & Socia, K. M. (2016). What's in a name? Evaluating the effects of the "sex offender" label on public opinions and beliefs. *Sexual Abuse: A Journal of Research and Treatment, 28*(7), 660-678. https://doi.org/10.1177/1079063214564391

Henderson, J. S. (2015). *Estimating the impacts of SORNA in Pennsylvania: The potential consequences of including juveniles* [Unpublished doctoral dissertation, Temple University].

Hu, M., Liang, B., & Huang, S. (2017). Sex offenses against minors in China: An empirical comparison. *International Journal of Offender Therapy and Comparative Criminology, 61*(10), 1099- 1124. https://doi.org/10.1177/0306624X15616220

Hurst, S., Arulogun, O. S., Owolabi, M. O., Akinyemi, R., Uvere, E., Warth, S., & Ovbiagele, B. (2015). Pretesting qualitative data collection procedures to facilitate methodological adherence and team building in Nigeria. *International Journal of Qualitative Methods,* 53–64. https://doi.org/10.1177/160940691501400106

Huffman, M. K. (2016). Moral panic and the politics of fear: The dubious logic

    underlying sex offender registration statutes and proposals for restoring measures

    of judicial discretion to sex offender management. *Virginia Journal of Criminal*

    Law, 4, 241.

    https://heinonline.org/HOL/LandingPage?handle=hein.journals/virjcr

Ingram, H., Schneider, A. L., & deLeon, P. (2007). Social construction and policy design.

    In P. A. Sabatier (Ed.), *Theories of the policy process* (pp. 93-128). Westview

    Press.

International Megan's Law. (2016). *Public Law* 114-119. Passed by 114th Congress.

    https://www.congress.gov/114/plaws/publ119/PLAW-114publ119.pdf

Jennings, W. G., Piquero, A. R., Zimring, F. E., & Reingle, J. M. (2015). Assessing the

    continuity of sex offending over the life course: Evidence from two large birth

    cohort studies. In A. Blokland & P. Lussier (Eds.), *Sex offenders: A criminal*

    career approach (pp. 129-142). John Wiley & Sons.

Jette, D. U., Grover, L., & Keck, C. P. (2003). A qualitative study of clinical decision

    making in recommending discharge placement from the acute care setting.

    Physical Therapy, 83(3), 224-36. https://doi.org/10.1093/ptj/83.3.224

Kahn, R. E., Ambroziak, G., Hanson, R. K., & Thornton, D. (2017). Release from the sex

    offender label. *Archives of Sexual Behavior, 46*(4), 861–864.

    https://doi.org/10.1007/s10508-017-0972-y

Kemshall, H. (2017). The historical evolution of sex offender risk management. In K.

    McCartan & H. Kemshall (Eds.), *Studies in risk, crime and society* (pp. 1-34).

Palgrave Macmillan.

Kernsmith, P., Comartin, E., & Kernsmith, R. (2016). Fear and misinformation as predictors of support for sex offender management policies. *Journal of Sociology & Social Welfare, 43*(2), 39-66. https://scholarworks.wmich.edu/jssw

Kim, B., Benekos, P. J., & Merlo, A. V. (2016). Sex offender recidivism revisited: Review of recent meta-analysis on the effects of sex offender treatment. *Trauma, Violence, & Abuse, 17*(1), 105-117. https://doi.org/10.1177/1524838014566719

King, L. (2016). Perceptions about sexual offenses: Misconceptions, punitiveness and public sentiment. Criminal Justice Policy Review. In press. DOI: 10.1177/0887403416660150

King, L. L., & Roberts, J. R. (2017). The complexity of public attitudes toward sex crimes. *Victims & Offenders, 12*(1), 71-89. https://doi.org/10.1080/15564886.2015.1005266

Klein, J. L. (2016). The media response to sex crimes. In Sanders, T. (Ed.), *The Oxford handbook on sex offences and sex offenders: Confronting and challenging the issues* (pp. 482-497). Oxford University Press.

Klein, J. L., & Cooper, D. T. (2019). Punitive Attitudes Toward Sex Offenders: Do Moral Panics Cause Community Members to Be More Punitive? *Criminal Justice Policy Review, 30*(6), 948–968. https://doi.org/10.1177/0887403418767251

Kloess, J. A., Woodhams, J., Whittle, H., Grant, T., & Hamilton-Giachritsis, C. E. (2017). The challenges of identifying and classifying child sexual abuse material. *Sexual Abuse, 31*(2), 173-96. https://doi.org/10.1177/1079063217724768

Lennon, L. N. (2015). *Judges' perceptions of sex offender registration, community notification, and residency restrictions* [Doctoral dissertation]. Criminology and Criminal Justice Commons (Accession 2149).

Levenson, J. S. (2016). Community control of sex offenders. In D. E. Laws & W. O'Donohue (Eds.), *Treatment of sex offenders: Strengths and weaknesses in assessment and intervention* (pp. 223-242). Springer.

Levenson, J. S. (2018). Hidden challenges: Sex offenders legislated into homelessness. *Journal of Social Work, 18*(3), 348-363. https://doi.org/10.1177/1468017316654811

Levenson, J. S., & Zgoba, K. M. (2016). Community protection policies and repeat sexual offenses in Florida. *International Journal of Offender Therapy and Comparative Criminology, 60*(10), 1140-1158. https://doi.org/10.1177/0306624X15573946

Lobanov-Rostovsky, C. (2015). Adult sex offender management (Research Brief). *U.S. Department of Justice Sex Offender Management Assessment and Planning Initiative.* from https://www.smart.gov/pdfs/AdultSexOffenderManagement.pdf

Love, M. (2015). 50-state survey of relief from sex offender registration. *Collateral Consequences Resource Center*. https://ccresourcecenter.org/2015/05/14/50-state-survey-of-relief-provisions-affecting-sex-offender-registration/

Lytle, R. (2015). Variation in criminal justice policy-making: An exploratory study using sex offender registration and community notification laws. *Criminal Justice Policy Review, 26*(3), 211-233. https://doi.org/10.1177/0887403413507274

Lytle, R. (2016). Beyond panic: Variation in the legislative activity for sex offender registration and notification laws across states over time. *Criminal Justice Policy Review, 30*(3), 451-76. https://doi.org/10.1177/0887403416678287

Mancini, C., & Budd, K. M. (2016). Is the public convinced that "nothing works"? Predictors of treatment support for sex offenders among Americans. *Crime & Delinquency, 62*(6), 777-799. https://doi.org/10.1177/0011128715597693

Mancini, C., & Mears, D. (2016). Sex offenders—America's new witches? A theoretical analysis of the emergence of sex crime laws. *Deviant Behavior, 37*(4), 419-438. https://doi.org/10.1080/01639625.2015.10600084

Marotta, P. L. (2017). A systematic review of behavioral health interventions for sex offenders with intellectual disabilities. *Sex Abuse, 29*(2), 148-185. https://doi.org/10.1177/1079063215569546

McGrath, C., Palmgren, P. J., & Liljedahl, M. (2019). Twelve tips for conducting qualitative research interviews. *Medical Teacher, 41*(9), 1002-06. https://doi.org/10.1080/0142159X.2018.1497149

Meloy, M. L. (2015). Do female legislators do it differently? Sex offender lawmaking at the state level. *Feminist Criminology, 10*(4), 303-325. https://doi.org/10.1177/1557085114552123

Meloy, M., Curtis, K., & Boatwright, J. (2013). Policy-makers' perceptions on their sex offender laws: The good, the bad, and the ugly. *Criminal Justice Statistics, 26*(3), 273-88. https://doi.org/10.1080/1478601X.2012.744307

Monahan, J. (2017). Risk assessment in sentencing. *Academy for Justice, a Report on*

Scholarship and Criminal Justice Reform, Virginia Public Law and Legal Theory Research Paper, 2017(44).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3024016

Napier, S., Dowling, C., Morgan, A., & Talbot, D. (2018). What impact do public sex offender registries have on community safety? *Trends & Issues in Crime and Criminal Justice; Australian Institute of Criminology, 550*, 1-20.

https://www.aic.gov.au/publications/tandi

Pascal, B. (2016). *Pensées.* University of Adelaide.

Patashnik, E. M., & Peck, J. (2017). Can Congress do policy analysis? The politics of problem solving on Capitol Hill. In L. S. Friedman (Ed.), *Governing in a polarized age: Electronics, parties, and political representation in America. In Does policy analysis matter? Exploring its effectiveness in theory and practice* (p. 85). University of California Press.

Pennsylvania Consolidated Statutes. (2020). *Title 18 – Crimes and offenses, Chapter 63 – Minors, Section 6312 – Sexual abuse of children.*

https://law.justia.com/codes/pennsylvania/2019/title-18/chapter-63/section-6312/

Pennsylvania General Assembly. (2011).

https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1183

Pierce, J. J., Siddiki, S., Jones, M. D., Schumacher, K., Pattison, A., & Peterson, H. (2014). Social construction and policy design: A review of past applications. *Policy Studies Journal, 42*(1), 1-29. https://doi.org/10.1111/psj.12040

Przybylski, R. (2015). Recidivism of adult sexual offenders: Sex offender management

assessment and planning initiative research brief. *U.S. Department of Justice*.

https://www.smart.gov/pdfs/RecidivismofAdultSexualOffenders.pdf

Purtle, J., Dodson, E. A., & Brownson, R. C. (2016). Uses of research evidence by state

legislators who prioritize behavioral health issues. *Psychiatric Services, 67*(12),

1355-1361. https://doi.org/10.1176/appi.ps.201500443

Quinsey, V. L., Harris, G. T., Rice, M. E., & Cormier, C. A. (2006). *The law and public

policy: Violent offenders: Appraising and managing risk* (2nd ed.). American

Psychological Association. https://doi.org/10.1037/11367-000

Rape, Abuse & Incest National Network. (2021). *Victims of sexual violence: Statistics.*

https://www.rainn.org/statistics/victims-sexual-violence

Ravitch, S. M., & Carl, N. C. M. (2016). *Qualitative research: Bridging the conceptual,

theoretical, and methodological.* SAGE.

Rose, J. P. (2017). Where sex offender registration laws miss the point: Why a return to

an individualized approach and a restoration of judicial discretion in sentencing

will better serve the governmental goals of registration and protect individual

liberties from unnecessary encroachments. *Mitchell Hamline Law Journal of

Public Policy and Practice, 38*, 1-38. https://open.mitchellhamline.edu/cgi

Rosselli, M. K. & Jeglic, E. L. (2017). Factors impacting upon attitudes toward sex

offenders: The role of conservatism and knowledge. *Psychiatry, Psychology and

Law, 24*(4), 496-515, DOI: 10.1080/13218719.2016.1254562

Sacks, M., Ackerman, A. R. & Shlosberg, A. (2018) Rape myths in the media: A content

analysis of local newspaper reporting in the United States, *Deviant Behavior, 39*(9), 1237-1246, DOI: 10.1080/01639625.2017.1410608

Saldaña, J. (2016). *The coding manual for qualitative research.* SAGE.

Sample, L. S., & Bray, T. M. (2006). Are sex offenders different? An examination of rearrest patterns. *Criminal Justice Policy Review, 17*(1), 83-102. https://doi.org/10.1177/0887403405282916

Sawyer, J. (2019). BJS fuels myth about sex offender recidivism, contradicting its' own new data. Briefing. Prisonpolicy.org

Schmucker, M., & Lösel, F. (2015). The effects of sexual offender treatment on recidivism: An international meta-analysis of sound quality evaluations. *Journal of Experimental Criminology, 11*(4), 597-630. https://doi.org/10.1007/s11292-015-9241-z

Schneider, A., & Ingram, H. (1993). Social construction of target populations: Implications for politics and policy. *American Political Science Review, 87*(2), 334-347. https://ojs.unbc.ca/index.php/design/article/viewFile/1484/1227

Serisier, T. (2017). Sex crimes and the media. *Oxford Research Encyclopedia of Criminology.* *https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-118*

Shelby, R. M., & Hatch, A. R. (2014). Obscuring sexual crime: Examining media representations of sexual violence in Megan's law. *Criminal Justice Studies, 27*(4), 402-418. https://doi.org/10.1080/1478601X.2014.928459

Smallbone, S., & McKillop, N. (2015). Evidence-informed approaches to preventing

    sexual violence and abuse. In P. D. Donnelly & C. L. Ward (Eds.), *Oxford*

    textbook of violence prevention: Epidemiology, evidence, and policy (pp. 177-

    183). Oxford University Press.

Snyder, H. N. (2012). U.S. Department of Justice arrests in the United States, 1990-2010.

    Office of Justice Programs, Bureau of Justice Statistics.

    https://www.bjs.gov/content/pub/pdf/aus9010.pdf

Socia, K. M., & Harris, A. J. (2016). Evaluating public perceptions of the risk presented

    by registered sex offenders: Evidence of crime control theater? *Psychology,*

    Public Policy, and Law, 22(4), 375-385. https://doi.org/10.1037/law0000081

Spoo, S., Kaylor, L. E., Schaaf, S., Rosselli, M., Laake, A., Johnson, C., & Jeglic, E. L.

    (2018). Victims' attitudes toward sex offenders and sex offender legislation.

    International Journal of Offender Therapy and Comparative Criminology, 62(11),

    3385-3407. https://doi.org/10.1177/0306624X17740537

Spraitz, J. D., Frenzel, E. D., Bowen, K. N., Bowers, J. H., & Phanneuf, S. (2015). Adam

    Walsh Act compliance in Pennsylvania: What does the future hold? A research

    notes. *Criminal Justice Policy Review, 26*(3), 252-261.

    https://doi.org/10.1177/0887403413511632

Stupple, A. (2014). Disgust, dehumanization, and the courts' response to sex offender

    legislation. *National Lawyers Guild Review, 71*(3), 130-148.

    https://www.nlg.org/nlg-review/wp-content/uploads/sites/2/2016/11/NLGRev-71-

    3-final.pdf

ten Bensel, T., & Sample, L. L. (2016). Social inclusion despite exclusionary sex offense laws: How registered citizens cope with loneliness. *Criminal Justice Policy Review, 30*(2), 274-92. https://doi.org/10.1177/0887403416675018

Terry, K. J. (2015). Sex offender laws in the United States: Smart policy or disproportionate sanctions? *International Journal of Comparative and Applied Criminal Justice, 39*(2), 113-127. https://doi.org/10.1080/01924036.2014.973048

t'Hart-Kerkhoffs, L. A., Boonmann, C., Dorreleijers, T. A. H., Jansen, L. M. C., van Wijk, A. P. H., & Vermeiren, R. R. J. M. (2015). Mental disorders and criminal re-referrals in juveniles who sexually offended. *Child Adolescent Psychiatry Mental Health, 9*(4), 1-7. https://doi.org/10.1186/s13034-015-0035-x

Todd, M. (2017). Sociologist of the spiritual: Peter Berger, 1929-2017. *Social Science Space, 7,* 1929. https://www.socialsciencespace.com

United Nations Office on Drugs and Crime. (2014). *Protecting the future: Improving the response to child sex offending in Southeast Asia.* http://www.unodc.org/documents/southeastasiaandpacific/download/2014.08.28.Protecting_the_Future-Responding_to_CSO.pdf

Vandiver, D., Braithwaite, J., & Stafford, M. (2017). *Sex crimes and sex offenders: Research and realities.* Routledge.

Wagner, T. P., & Morris, L. A. (2018). Improving comprehension of public policy design using social constructions of target populations theory. *Journal of Public Affairs Education, 24*(2), 195-215. https://doi.org/10.1080/15236803.2017.1429813

Weatherred, J. L. (2015). Child sexual abuse and the media: A literature review. *Journal*

of Child Sexual Abuse, 24(1), 16-34.

https://doi.org/10.1080/10538712.2015.976302

Weatherred, J. L. (2017). Framing child sexual abuse: A longitudinal content analysis of newspaper and television coverage, 2002-2012. *Journal of Child Sexual Abuse, 26*(1), 3-22. https://doi.org/10.1080/10538712.2016.1257528

Yin, R. K. (2017). *Case study research and applications: Design and methods* (6th ed.). SAGE.

Zatkin, J., Sitney, M., & Kaufman, K. (2021). The Relationship Between Policy, Media, and Perceptions of Sexual Offenders Between 2007 and 2017: A Review of the Literature. *Trauma, Violence, & Abuse*. https://doi.org/10.1177/1524838020985568

Zgoba, K. M., Miner, M., Levenson, J., Knight, R., Letourneau, E., & Thornton, D. (2016). The Adam Walsh Act: An examination of sex offender risk classification systems. *Sexual Abuse: A Journal of Research and Treatment, 28*(8), 722-740. https://doi.org/10.1177/1079063215569543

Appendix A: Invitation to Participate

Dear Invitee,

My name is Julie Wagner. I am a doctoral student at Walden University's Criminal Justice Program. I am kindly requesting your participation in a doctoral research study that I am conducting titled: Legislative Factors That Influence the Creation of Sex Offender Laws in Pennsylvania. The purpose of this study is to understand the factors and influences that impact legislative decisions when creating and establishing criminal laws regarding sex offenses and sex offenders.

The study involves participating in an interview with the researcher, which will take no more than 60 minutes. The interview will be face-to-face in your office, or via telephone, or other location of your choice; further, the participation of your aide, acting on your behalf, is also appropriate. You will also be asked to review the transcripts of your interview to ensure accuracy, which will take 15-30 minutes of your time.

Participation is completely voluntary, and you may withdraw from the study at any time. Reports resulting of this study will not provide the identities of individual participants. Details that might identify participants, such as participants district, also will not be shared.

If you would like to participate in the study, a Consent form is attached for you to read and sign. Upon return of the Consent, I will contact your office to set up a date and time for the interview.

Your participation in the research will be of great importance to a better understanding of the sex offense criminal legislative process that impacts the lives of many Pennsylvania residents. Thank you for your time and participation.

Sincerely,

Julie Wagner, M.S., DCFI
Doctoral Student
Walden University

Appendix B: Interview Guide

Thank you for participating in this interview. I am interested in learning the circumstances by which sex offender legislation is created and passed in the Commonwealth of Pennsylvania and the perceptions of legislators when considering such legislation. I appreciate you taking the time to talk with me.

During this interview, I want to focus on your experience with creating and passing sex offender legislation, so there are no right or wrong answers. This interview should take no more than one hour and I want to remind you that your participation in this study and interview is voluntary; you may opt out at any time for any reason. I want you to be assured that all information is confidential and that any information or quotes used from you as a result of this interview will be anonymized; no one will know who said them.

Finally, I want to ask you if I may record the audio of our interview. It will not be shared with anyone and will be destroyed after I transcribe the interview and you review the transcripts for accuracy. The purpose of the recording is so that I may focus on our conversation rather than notetaking. I may also contact you for clarification or follow-up. You may also have a copy of the study once it is approved. Before we begin, do you have any questions?

Interview Questions

1. What is the specific criteria for a nonsex crime to be considered as an offense for which one should register as a sex offender? For example, Unlawful

Restraint and False Imprisonment; how were they decided upon, most recently in December 2011?

2. Please explain the legislative process of how the most recent changes to the laws have come about? Probe: If not mentioned ask - was there a particular event or other catalyst of some sort? If so, what was it?

3. What are the goals and objectives of Pennsylvania's sex offender laws? Probe: What process is in place to determine if the law is accomplishing those goals? Probe: If goals are being met/not met – Are reports available to the public on those results?

4. There appears to be vast differences in the nature of the various crimes for which one must register as a sex offender, from Rape to Invasion of Privacy. What were the factors or criteria that lead to all offenses listed together on one registry?

5. Do you believe the current tier system is sufficient for the public to distinguish the violent from nonviolent offenders? Please explain.

6. What factors do you consider when determining the degree of commonality of criminality of among different behaviors when categorizing it as a sex offense? For example, is the behavior of an individual who commits the crime of Sexual Assault equivalent to that of an individual who commits the crime of Luring a Child into a Motor Vehicle, which has no sexual component?

7. What concerns were discussed regarding the pros and cons of establishing the revised law that combined nonviolent crimes like Invasion of Privacy with

Rape on the same public registry? Probe: Where there any specific collateral

consequences that could be experienced by a nonviolent offender due to being

listed on the sex offender registry, for example, prohibited participation in

their own children's school events? Probe: If collateral consequences were not

discussed, what would need to happen to get legislators to revisit these

unintended consequences?

Is there anything else you believe would be important to share about what factors

influence the development and support the latest revisions to Pennsylvania's sex offender

registration laws?

Thank you for taking part in this interview; your participation in this study is

greatly appreciated. In 2 weeks, I will be contacting you with the transcripts from todays'

interview for your review. If you have any questions, I can be reached at the email

address and phone number listed on the Consent form, which I have provided to you.