

“Secondary registrants”: A new conceptualization of the spread of community control

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Abstract

U.S. policies influence worldwide responses to sexual offending and community control. Individuals in the U.S. convicted of sex offenses experience surveillance and control beyond their sentences, including public registries and residency restrictions. While the targets are the convicted individuals, many registrants have romantic partners, children, and other family members also navigating these restrictions. Findings from a qualitative study using written and interview responses from a hard-to-reach group—family members of registrants ($n = 58$)—reveal legal and extra-legal surveillance and control beyond the intended target. We argue that family members are “secondary registrants” enduring both the reach of sex offense policies into their personal lives and targeted harms because of their relationship with a convicted individual, including vigilantism and a “sex offender surcharge.” Family members engage in advocacy work to ameliorate sex offense restrictions to counteract their own stigmatization and social exclusion. Conceptually, secondary registration captures the unique and expansive reach of policy, state surveillance, and coercion on registrant family members and raises new concerns about spillover harm. Secondary registration demonstrates an understudied example of the neoliberal penal practice of de-centering the state but with the addition of deep stigmatization and the spread of sovereign and vigilante violence onto families.

Keywords

sex offender registry, Megan’s law, penal control, family impact, qualitative

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Introduction

There is above all one form of punishment where this passionate character is more apparent than anywhere else: it is shame that doubles most punishments, and that increases with them. They are so much the result of instinctive, irresistible feelings that they often spread to innocent objects. Thus, the scene of the crime, the tools used in it, the relatives of the guilty person – all sometimes share the opprobrium. (Durkheim, 1984: 47)

Rather than punishing children for the “sins of the fathers,” in the contemporary U.S. we prefer to see ourselves as more restrained and rational, reserving punishment for the individual and sparing the family. While the motives and effects of the Enlightenment have been effectively critiqued (Foucault, 1995) and contemporary scholars point out the pitfalls inherent in the tendency to describe pendular swings from one totalizing approach to another (Goodman, Page and Phelps, 2017), Americans still tend to understand our criminal law as having evolved into a rational system that isolates punishment for the immediate offender and does not visit retribution upon families by association (Posner, 1980). But even Durkheim, who viewed Western punishment overall as more advanced and less intensive, noted that when shame is involved, it is “spread to innocent objects” (Durkheim, 1984: 47).

Criminal status encroaches both symbolically and practically onto families. Empirical research documents the consequences for children of having incarcerated parents (Phillips and Gates, 2011; Turney and Goodsell, 2018; Luther, 2016; Saunders, 2018). Partners and children may lose income or other resources and support. Shame tied to offending or to receiving state support carries over onto family members (see Gustafson 2013: 115). Yet research on court decision-making and on re-entry shows that being “familied” shapes likelihood of re-offending and other measures of success post-conviction (Andrews and Bonta, 1995; Shanahan and Agudelo, 2012; Brunton-Smith and McCarthy, 2017).

An emerging body of literature focuses on the subgroup of people convicted of sex offenses¹ and their families (Levenson and Tewksbury, 2009; Kilmer and Leon, 2017). Those convicted of sex offenses are subjected to social restrictions, surveillance, and public display of their offense history that can be lifelong. Such comprehensive social control and exclusion is not typically experienced by those convicted of other types of crime. This literature documents the impact of sex offender registration on families as “unintended” or “collateral consequences.” For example, Levenson and Tewksbury (2009) find that family members of registrants experience disruptions in housing, financial strain, harassment, and vigilantism. However, the impact of sex offense-related punishments on families is underexamined as a case that can contribute to theorizing the carceral state beyond prison walls.

We situate our empirical research on the effects of sex offense policies in conversation with Comfort’s groundbreaking work on the “secondary prisonization” of women in relationships with incarcerated people (2003, 2008). Comfort reveals the control exerted by correctional institutions on the romantic partners of incarcerated individuals, including constraints on daily schedules, clothing choices, communication with their loved ones,

and finances. Although these women have not been convicted of any crimes nor sentenced to any punishment, they experience similar restrictions (Comfort, 2003, 2008).

Using survey ($n = 58$) and follow-up interview data ($n = 19$) from a snowball sample of family members affiliated with a national organization working on sex offense policy issues, we argue that the families of people convicted of sex offenses should be recognized as “secondary registrants.” Despite having served their sentences, individuals convicted of sex offenses endure years of additional state surveillance, control, and social exclusion that impinge on the lives of their family members, leading to hardships in employment, finances, housing disruptions, family strain, and stigmatization. While Comfort and other scholars have conceptualized the overreach of the penal institution onto family members, we find that family members of people convicted of sex offenses experience “secondary registration,” characterized by the state’s indirect regulation of their day-to-day lives and the “tightness” (Crewe 2011: 522) of penal power that extends into community surveillance and control. Furthermore, the stigmatization and resulting social exclusion that accompanies a sex offense conviction not only spills over onto family members but is specifically intended for them. Family members are not just subjected to the collateral consequences of their loved one’s stigmatization but are distinctly targeted.

Sex offense policy, collateral consequences, and stigma

Lemert’s classic work on deviance (1951) explains that individuals labeled as deviant shape their own identities and capacities in response (LeBel, 2012). The stigma resulting from a deviant label derives from interactions with other members of society (Goffman, 1963). The stigma associated with the “offender” label interferes with the individual’s access to employment, housing, and government benefits and support programs (Raphael, 2011; Pager, 2003; LeBel, 2012). This labeling leads to disconnection or isolation (Kilmer, 2016; Shdaimah and Leon, 2016) and may increase the likelihood of engaging in future criminal behavior (Lemert, 1951; Chiricos, Barrick, Bales and Bontrager, 2007; Taxman and Piquero, 1998; Fagan, Kupchik and Liberman, 2004). Even when no legal restrictions are in place, informal restrictions include rejection by employers and landlords who use criminal history as a screening tool, exclusion from participation in community groups and events (Logan, 2013), and strained social support networks (Denny, Tewksbury and Jones, 2014; Rose and Clear, 2003). Additionally, many face structural discrimination through “institutional practices that work to the disadvantage of stigmatized groups and that allow extensive disparities in outcomes even when direct person-to-person enactment of discrimination is absent” (Link et al., 2004: 530).

People convicted of sex offenses are often subjected to an even more extensive set of legal and extra-legal restrictions borne out of the intense stigmatization of the sex offense label. The U.S. public, often fueled by sensational media coverage, believes that people convicted of sex offenses are an untreatable, dangerous group (Levenson, Brannon, Fortney and Baker, 2007; Cucolo and Perlin, 2013). Emotionally charged narratives of risk manifest as laws intended to “protect children” from predatory monsters lurking in

the community and through retributive sex offender regimes that exhibit neoliberal approaches (Lynch 2002; McAlinden 2014). In the U.S., laws such as the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994*, *Megan's Law*, *Adam Walsh Child Protection and Safety Act*, and the *Pam Lyncher Sexual Offender Tracking and Identification Act* have created federal and state sex offender registries to document and monitor people convicted of sex offenses (Leon, 2011a).² Unsurprisingly, such policies are very popular and have led to the formation of community notification and third-party watch-group sites founded on misperceptions about people convicted of sex offenses as a homogeneous, high-recidivating group (Leon, 2011a). These acts of public "othering" build upon this stigma to frame the additional surveillance and control as necessary to prevent future victimizations (Kernsmith, Craun and Foster, 2009; Proctor, Badzinski and Johnson, 2002). As a result of existing within this extensive web of policies and restrictions intended to deny most forms of social participation, individuals convicted of sex offenses may lose their sense of citizenship entirely, left to navigate society as the barest, most minimal human or "*homo sacer*" (Agamben 1995 quoted in Spencer, 2009: 224). Despite their international expansion and spread, the scholarly consensus is that registration and residency laws show no reduction in sexual offending (Leon, 2011b), while emerging research shows implications for registrants' families, particularly their partners and children.

The stigma associated with a criminal conviction and incarceration often spreads to family members (Goffman, 1963) and existing research has documented the impacts of this "courtesy stigma" (p.30) on romantic partners (Braman, 2004; DeShay et al., 2021), siblings, (Tadros, Fye and Ray, 2020), and children (Saunders, 2018). Family members encounter strained and severed relationships within their existing social networks (Braman, 2004), bullying and harassment (Saunders, 2018), and social exclusion. Furthermore, this spillover stigma can result in a lack of sympathy for family members enduring hardships resulting from familial incarceration, as well as blame by those who view such burdens as a legitimate consequence for maintaining a relationship with their imprisoned loved one (Hannem, 2019).

As a result, some family members may choose to withhold information from their social networks about their loved one's conviction or imprisonment (DeShay et al., 2021; Saunders, 2018). The ability to conceal a loved one's criminal legal system involvement is far more difficult when a family member has a sex offense conviction. While other offender groups may be able to hide their label from the public, thus reducing their experiences of stigma, people convicted of sex offenses have little choice but to publicly display their past deviance to all. Consequently, this also means that family members of people convicted of sex offenses cannot shield themselves from the spillover stigma resulting from their loved one's conviction (Evans, Trahan and Laird, 2021). Beyond the numerous laws and restrictions aimed at registrants that affect the housing and financial support of families (Rapp, 2012; Levenson, 2008; Levenson and Tewksbury 2009; Leon 2011b), family members of registrants are often confronted with stigmatization that they cannot avoid. Family members have reported surveillance and judgment from community members, co-workers, and relatives and may resent their registrant loved one for bringing shame on the family (Farkas and Miller, 2007). Evans, Trahan, and

Laird (2021) discuss how family members of those convicted of sex offenses are subjected to a dual stigmatization due to their loved one's initial incarceration followed by the public status on the sex offense registry following release (p.10). Attempts to manage stigma, whether through social withdrawal (Farkas and Miller, 2007), rationalization techniques (Rapp, 2012), or internalization of shame, can negatively impact self-identity and mental health (Duncan et al., 2020).

Secondary prisonization

Comfort's ethnographic research on women in relationships with men incarcerated in San Quentin examines the way women participate in the prisonization of their partners and experience "secondary prisonization." Comfort describes a "compelling version of the elaborate regulations, concentrated surveillance, and corporeal confinement governing the lives of ensnared felons" (2003: 101). Women visitors are subjected to the strict rules of the correctional institution, experience separation and loss from their partner, and become dependent on the structure the institution places on their lives and relationships. Comfort demonstrates that while the criminal justice system targets the individuals who are convicted of crimes, punishment spills over to those closest to them.

Secondary prisonization can be viewed as a dynamic, interactive process between the individual and the institution rather than an outcome of contact with the system (Comfort, 2019). In a recent reflection on her concept, Comfort discussed research by Tewksbury and DeMichele (2005) that examined how individuals navigate penal institution changes over time as loved ones become desensitized to the prison environment and regulatory mechanisms. Despite new applications, use of Comfort's concept has been limited to examination of relationships as shaped by correctional facilities. However, correctional reach extends beyond the prison walls, necessitating consideration in relation to community-based systems of surveillance and control.

Symbiotic harms

More recently, Condry and Minson (2020) conceptualized the impacts of incarceration on family members, including those encountered after release, as "symbiotic harms", emphasizing that the negative consequences of family incarceration result from fluid and interdependent factors and interactions between the convicted, the family member, and the State (p.9). The authors assert that this conceptualization improves upon "collateral consequences" and Comfort's secondary punishment by expanding to include impacts experienced both during and following incarceration and emphasizing that harms incurred by family members are not always the result of formal "punishment" or legal sanctions. Furthermore, framing these as "symbiotic" acknowledges that harms experienced by family members are encountered through their relationships with their incarcerated loved one.

These symbiotic harms vary in how they are experienced through family relationships and interactions with systems of punishment. For example, the authors discuss how the negative consequences of incarceration may take on different degrees of severity or

saliency during incarceration. While the period of incarceration may produce more “pains” for the incarcerated individual (Sykes, 1958), the period following release may produce more salient harms for the non-convicted family members as they provide economic, social, and emotional support. The authors also critique existing studies that describe the experiences of family members collectively, arguing that there are factors that can mediate and moderate the impact of symbiotic harms, producing distinctly individual experiences (Condry and Minson, 2020: 12).

Current study

The current study brings the unique experiences of family members of people convicted of sex offenses into conversation with extant theorizing on the reach of penal regimes. We examine how family members’ lives are affected by sex offense policies and extra-legal restrictions, their experiences of stigmatization, and areas which provide support. While there is an established body of literature on the impact of a family member’s incarceration, less is known about the family impact of legal and extra-legal sanctions that occur outside of carceral spaces, specifically those related to sex offenses. Our analysis shows that the collateral consequence, secondary prisonization, and symbiotic harm conceptualizations provide a valuable set of lenses to examine the negative impacts of formal and informal punitive responses on family members, but are insufficient.

Methods

Recruitment and data collection

Adult family members of registrants were recruited through snowball sampling initiated at a national sex offense policy advocacy conference and by recruiting from online support groups for people convicted of sex offenses and their families. Respondents completed an online survey ($n = 58$) with open-ended questions about their experiences with sex offense policies regarding employment, housing, social support, emotional well-being, community involvement, and any other areas on which they chose to comment. We invited respondents who provided contact information to participate in a follow-up interview ($n = 19$), conducted primarily by phone. The findings presented in this paper are taken from both the open-ended survey responses and the interviews (see Kilmer and Leon, 2017 for findings from the survey alone, focused on children). Table 1 describes the makeup of respondents who provided demographic information when completing the online survey, including self-reported race, age, family status, and relationship to the registrant.³

Most respondents were white (90%) women (75%) who were married (65%) at the time data was collected. This is likely a product of recruiting respondents through advocacy groups including one aimed specifically at mobilizing women—we discuss the implications of this in the discussion. Approximately 42% of survey respondents indicated they were a romantic partner of a registrant, while about a third identified as “other,” typically indicating platonic friendship, and 22% identified as a parent. Only one adult child

Table 1. Demographic characteristics of sample.

Demographic variable	n	%
Gender (n = 53)		
Women	40	75
Men	12	23
Other	1	2
Race (n = 53)		
White	48	90
Black	2	4
Asian	1	2
Native American	2	4
Age (n = 55)		
18-25	1	2
26-34	10	18
35-54	27	49
55-64	13	24
65 or over	4	7
Marital Status (n = 54)		
Married	35	65
Separated or Divorced	10	19
Other	9	16
Relationship to registrant (n = 55)		
Romantic partner	23	42
Other	17	31
Parent	12	22
Sibling	2	3
Child	1	2

Note: While total sample size is 58, not all respondents provided demographic information.

of a registrant and two siblings participated in the study, another artifact of our snowball sample. While snowball sampling is not representative, it is appropriate for a hard-to-reach group which is characterized by wariness and other obstacles to building rapport (Baboolal, 2020).

Analysis

Data was analyzed using both deductive and inductive coding processes. The authors coded the survey responses and transcribed interviews through a loose coding frame based on our survey and interview questions, such as “impact on employment” or “impact on family.” We followed with an inductive coding process: each author reviewed the interview transcripts and survey responses line-by-line and coded for concepts, ideas, or phrases to find emerging patterns and themes in the data (Charmaz, 2006). This process follows the qualitative research tradition of holding theory “loosely” to allow themes and

codes to emerge inductively (Glaser and Strauss, 2009; Shdaimah, 2011). We analyzed data as it was collected and revised and expanded the coding framework as new areas of impact and patterns of experience emerged.⁴ The surveys and interviews that were coded earlier in this process were then reviewed and coded once again, applying the expanded coding frame (Berg, 2007; Charmaz, 2006; Corbin and Strauss, 1990).

Results

Analysis of our survey and interview responses indicates that family members of registrants do experience substantial repercussions from the policies applied to their registrant loved ones as well as their own direct stigmatization and social exclusion. These impacts fall into three categories: 1) practical impacts, 2) family dynamics and relationships, and 3) the cumulative effect of policy spillover and surveillance. We discuss each of these in detail below using representative quotes from our respondents, followed by the sources of support identified by respondents.

“It’s brutal out there”: Practical impacts on housing, employment, and finances

Almost every respondent shared that their registrant family member or loved one had encountered barriers to employment and housing. These collateral consequences of a sex offense conviction are well documented (Tewksbury, 2005; Levenson, 2008; Levenson, University and Hern, 2007; Frenzel et al., 2014) and were therefore not surprising. However, family members also reported that their relationship to someone on the sex offense registry harmed them directly, including lost employment and housing. As Laura shared,

His mother is a schoolteacher. She’s had difficulty obtaining employment since he was convicted, as his sex offender profile and court case information are publicly available on the Internet. (Laura)

Mothers in the US are widely subjected to judgment for their parenting or other choices, but Laura reported that the actions of an adult child directly impeded his mother’s livelihood. Similarly, judgement abounds for women who stand by their men (or who do not) (Rapp, 2012), but for women in romantic relationships with men convicted of sex offenses, the consequences extend beyond community censure. For example, Jules, at the time we spoke still employed, feared that someone would find out that her fiancé is on the registry,

I’ve got pictures of my fiancé, you know, in my Facebook. Granted, my stuff is on private, you know, but if they ever put it together, I don’t want to lose my job, or my daughters to lose opportunities because of that. (Jules)

Even prior to registrant status, the accusation of a sex offense can affect family employment: Virginia lost her job as manager of a housing complex following the arrest of her son.

Family members also commonly reported housing insecurity. Either because of sex offense residency restrictions and supervision requirements or of financial circumstances (often linked to the employment barriers encountered by their registrant loved one), housing was especially difficult to procure,

In order for us to get our current apartment, we had to apply to 30 + places, and the one we finally got was the only one that didn't ask for a background check. It's brutal out there. We're still afraid of what happens if the landlords or other tenants find out. We don't ask for any repairs, we don't make any noise, we pay the rent 15 days in advance. It's a defensive tactic - we avoid doing anything that might inconvenience someone else, because we never want the landlords to find an excuse to evict us. (Jessa)

Jessa reveals the vulnerability created by housing precarity: she endures inadequate housing conditions and lives in fear of "inconveniencing" anyone who might complain and initiate their eviction. Similarly, Sue recounted exploitation by their landlord,

Hubby found an apartment in a not-so-nice place after trying many places that let him know they didn't rent [to an] RSO. The apartment charged him \$100 more a month due to his being on the registry. We didn't know they was charging us more 'till I started to talk to the other tenants. (Sue)

Like Sue, Tanya (quoted below) also reported a "sex offender surcharge" added to rental fees. Other respondents shared how limited finances made it difficult to secure a housing situation that satisfied residency requirements,

I cannot afford a place on my own. Without his income I will not be able to rent a different apartment. I was also told by the housing authority that there is no way he would ever be able to live with me if I was to receive any housing help through them.

Laura, Jules and Virginia are among the 37% of respondents who completed the survey who reported direct effects on their own employment. These examples demonstrate that family members' own employment is at risk due to their association with someone on the registry. This finding is of particular importance because it demonstrates that family members are not only experiencing hardship as a result of their loved one's loss of employment (i.e. spillover impact), but are encountering stigmatization that is specifically directed towards them.

Even if we qualified in every other way, only sex offenders are not allowed to receive HUD assistance. (WaitingforD)

This further impacts people affiliated with registrants who are already living in precarity, forcing them to depend on their family networks,

I'm staying with my in-laws now. There is no way I can find a place to live ...I'm pretty poor, I work at a minimum wage job, there's no way that I can even qualify for section 8 housing because my fiancé can't live with us and I'm not going to live anywhere without him.
(Tanya)

Being in a relationship with a registrant puts Tanya outside the rental market and the state's social safety net, intensifying her insecurity and dependence. Some families paid for two separate lodgings because of residency restrictions, producing significant financial strain. Crystal shared that,

The harsh interpretation of my husband's release conditions is our biggest problem. My husband has to rent a house or apartment. We have to pay for two households. We are fortunate because our friend lets us rent at a discount, but it is a huge burden.

Family members made difficult decisions about whether to relocate or live apart from their loved ones. Those who chose to maintain separate households discussed how the financial impact of that decision resulted in the need to eliminate other expenses including attending college or frequent visits. These ongoing employment and housing challenges have financial and emotional costs.

"It strained our relationship to the breaking point": Family dynamics

The practical challenges of a family member on the registry undermined relationships. For Babs, it removed a source of support and left her functioning as a single parent,

You know, and with my boyfriend being on the registry he doesn't feel that he can be in my home helping me with raising my children, even though he can be. That's what happens with 25 years on the registry, he has ingrained in his brain that he cannot be around my children, which is wrong, you know cuz he needs support, my children need a father figure, he's a perfect match... but you know, he won't come over here because he is fearful that the neighbors are going to call and that they are going to take my children away from me.

Even though no formal rules applied, Babs' boyfriend demonstrated a heightened fear of neighborhood surveillance and state interference that kept her family alienated. Babs described a totalizing experience, "I can't get away from it, because I don't have any relief." Her boyfriend's experience of the "tightness" of the registry interacts with Babs' parenting in a way that highlights the relational and symbiotic qualities Condry and Minson (2020) describe, as well as Crewe's depiction of penal power (2011: 522). Like Babs, other respondents discussed childcare challenges resulting from their partner's conviction that prohibited picking up or dropping off children from daycare or school and the use of babysitters in their home. In addition, respondents shared the difficulty of

avoiding child-centered activities such as school sports, Halloween trick-or-treating, vacations, and parties (Kilmer and Leon, 2017).

Several respondents emphasized the emotional consequences of navigating the legal and social obstacles alongside or on behalf of their loved one. This left less time and emotional energy for other family relationships or activities. A respondent who asked to be referred to as “RW’s Mom” shared how the emotional labor expended to help her convicted son has resulted in neglect of her other child, concluding “I have become bitter, cynical, afraid, depressed and heartless...I have become the person I never thought I would.” Similarly, Karen explains the cumulative effect of her brother’s sex offense conviction:

It strained our relationship to the breaking point. The constant fear of cops caused by them threatening him over and over in my presence because he dared to stand up for what few rights he has [...], fear caused by them taking down my license plate number which puts me in danger of a cop-stop in my car even alone, fear of them searching and trashing my RV even though I had nothing illegal, fear of others around us seeing cops at my RV and finding out then shunning me, the financial cost to support another person who could not find a job, etc. (Karen)

Karen’s fear was not only for her brother and the stigma and harassment that he experiences, but also fear for herself; and ultimately led her to end their contact. As with the direct, negative impacts to employment we document, respondents are also the intended targets of stigmatization and harassment, not simply collateral damage.

Other family members experienced rejection because they maintained a relationship with someone convicted of a sex offense,

My family disowned me when they discovered why my fiancé had been arrested. I was told it would be better for me to abort our baby and cut off all ties from my fiancé than go through life being associated with him. (June)

Although June’s family’s response was the most brutal recounted in our sample, many family members were threatened or berated, and most people in our sample experienced family alienation. As Lori explains,

I have lost a great deal by being with and trying to help a sex offender survive. I ended up losing contact with 3 of 4 of my children and their children (my grandchildren). One of my kids has made it his mission in life to “stalk” and harass my friend—to make my friend’s life as miserable as he possibly can. The hatred from this son is so downright venomous that I fear one day that I will be mourning the death of one and visiting the other in prison. I have found it extremely difficult to hang in there to continue helping someone who does not deserve all this drama. (Lori)

While family relationships often require negotiating acrimonious disagreements and balancing competing interests, both June and Lori’s experience typified what many shared

with us in terms of their visceral quality and high stakes. A relationship with a registrant or advocacy work on registrants' behalf caused condemnation. Jean tearfully summed up the stigmatization she experiences because of her relationship, "We all carry the same shame." There are numerous other examples: Jacob stated that his relationships with family had become "distanced" and "superficial" and that the "registry is a kind of social death for the registrant as well as family members." Others were so fearful of potential fallout that they chose to withdraw from contact as a preventative measure. Sue explained that fear dominates social interactions, "I am so fearful of telling those that I have just met for fear of their reactions." Most family members shared stories of shunning or banishment, echoing Spencer's (2009) account of the extreme reach of sex offender exclusion.

"Death threats on my door": The cumulative effect of policy spillover, isolation and surveillance

They affect where we can go, what we can do, and even where we can live. They affect my husband's chance at employment as well. They affect our chances at friendships and at neighbors accepting us. Sex offender policies affect our lives daily. (Wren)

Like Wren, respondents frequently lamented the intrusiveness of surveillance and control practices. In fact, every respondent shared the reverberations of sex offense policies on their daily lives, explaining that "in most cases [registrant families] must live under the same rules that apply to the registrant" (Maggie). In this section, we provide just a fraction of the litany of examples that together demonstrate the totalizing and direct impact of sex offender policies on family members.

Laura detailed the intersecting challenges of housing, finances, and sex offense policy,

We have not gotten married or been able to live together, due to the probation stipulations he received (I have a child from a previous relationship). He does not want me to be mandated to attend counseling or be subjected to questioning by others, as I am a very private person, just so that we can be in an "official" relationship or get married. My significant other cannot visit my home because it is a public housing facility and within 500 feet of a playground and preschool...As he lives 350 miles away, I can only visit for a few days at a time every few months due to having a child of my own. Living together isn't an option because my daughter would not even be allowed to visit. I cannot afford to move into a place of my own in or near that city and the commute costs me \$200-\$400 each time. (Laura)

Like others with partners under correctional control, Laura has been prevented from marrying (Corneal, 2002: 470). But standing out among overlapping challenges, some of which are more broadly experienced, is a condition of probation that may be unique to sexual offending: partners of registrants on probation, like Laura, may be coerced into participating in therapy under threat of their loved ones' revocation (Leon, 2011a).

Specific laws like residency restrictions exacerbate the efforts some families must take to avoid additional forms of penal oversight or calling attention to themselves (like Jessa and Sue quoted earlier), to reduce the chance that landlords or others will exploit the vulnerabilities created by sex offender laws. Altogether, this obstructs their ability to fully participate in the community,

It becomes more difficult to assimilate into the community; social isolation is not helpful and public (lifetime) condemnation is damaging for the family as well as the person on the registry. More and more community laws are passed re: housing, access to public areas, etc. (Sally)

Compounding legal restrictions on housing or social participation, stigma attached to a sex offense conviction often extends to those who have relationships or connections to convicted individuals. Friends may sever ties with the loved ones of registrants and therefore reduce opportunities for social engagement and support. In addition, stigma coupled with publicly accessible information about registrants and their family members can result in threats and acts of harassment and violence. One interview was conducted in the home of a registrant with his wife and adult daughter (Dolly and Job) as they packed up and prepared to move their home of several decades, not because their residency fell within an exclusion zone, but because they could no longer tolerate the fear and interference in their daily lives since the community labeled their home as the “home of a registrant.” Many of our respondents described similar “spillover” effects of their loved one’s registrant status.

As other scholars have documented (Cubellis, Evans and Fera, 2019), families of registrants are vulnerable to harassment and vigilante justice. For example:

While my fiancé was in jail, someone (I’m assuming they were neighbors in my apartment community) would leave death threats on my door while I was at work. I also lost regular customers at work when they found out that my fiancé was a sex offender. (June)

Belle, Tanya, and three others in our sample also received death threats at their home, and several respondents including Dolly and Job described the terror of having people drive slowly and repeatedly past their house after finding their address on the registry, demonstrating the direct intimidation loved ones experience along with the registrant who is the ostensible target. Other respondents chose to limit involvement in their own community out of fear of harassment, including violence. When asked about engagement with her community, Jean stated she had a persistent “fear of vigilantism, bullying, and vandalism.” Dino told us that his fear of harassment has made him a “recluse.” Sue used the language of “voicelessness,” something we heard frequently, “My voice has seemed unheard, which is leading me to despair and deepening depression.”

Altogether, actual or anticipated condemnation and rejection by the community results in familial experiences of social distancing, withdrawal, and isolation. This finding is consistent with other research findings about both those convicted of sex offenses and family members. Convicted individuals have described their decisions to engage in

preventative isolation as a strategy to minimize the risk of negative encounters with the public and avoid anticipated stigmatizing experiences (Kilmer, 2016). A recent study by Evans, Trahan, and Laird (2021) found that family members of people convicted of sex offenses would also engage in similar strategies to avoid stigmatizing social interactions, including changing their daily routines or minimizing contact with extended family. Unfortunately, this in turn limits sources of support to help cope with the emotional burden and economic hardships. The social rejection and isolation (experienced or anticipated) affected respondents' mental health and well-being. Almost all the family members disclosed harms to emotional and mental health that they attributed to their loved ones' registrant status, from chronic stress to a chain of events in Tanya's case from registry-related housing insecurity leading to pre-eclampsia and preterm labor. Many also reported depression, fear, anger, and anxiety. As Jody aptly stated, sex offense policies and the stigma attached to the offender label "destroys the person and also the family trying to help."

"I'm fighting for these people": Advocacy as empowerment and support

When asked about advocacy work, most indicated that they found their involvement in online and in-person advocacy groups empowering and supportive, although for some this outspokenness exacerbated other family members' disapproval. For many, reform organizations focused on changing sex offense policies at the state and national level provided connection. Jessa described an advocacy group meeting she attended as very emotional where "people were so upset about not having support in their lives that we could hardly talk about the policy." Groups centered around advocacy work filled the void created by social rejection. One respondent, "M," stated that "the only place I find support is from other people who have been through the same thing." Babs declared, "we are the lepers of society, don't you know, we are not allowed to have supports!" Experiencing profound alienation, they were grateful to have found their "voice" in advocacy,

I'm hoping to make a difference. I want the attention of DAs, judges, the CPS and people that are caught in the 'witch hunt' on sex offenders, to realize not only is the accused scolded for life, but so are the spouse, children, family & friends of the accused too...I'm fighting for these people. I'm fighting for my husband. (Victoria)

Jean shared that when she brought her daughter to a national meeting, her daughter "felt she actually had a voice and just being able to share that power gave her a renewed sense of confidence." (For more on amplifying the voices of secondary registrants, see <https://i-poemproject.wixsite.com/udel>) A few respondents stated that they gained a sense of pride or satisfaction when they were successful in changing policy within their state. Others described feeling more empowered because of access to informational resources about current legislative action, changes to sex offense policies or requirements within the state, and findings from credible research studies on sex offending behavior and sex offense policy.

In our peer debriefing we noted that the survey responses and interviews were filled with overwhelming negativity, but the tenor shifted towards hopefulness when we asked about advocacy. Despite positive experiences with advocacy work, this was not a universally held sentiment. Several respondents voiced frustration and hopelessness about how difficult and slow it was to produce meaningful reform or to gain public support. As Hannah stated, “It is excruciatingly painful to reform laws relating to sexual offenses, as very few want to get involved until it directly impacts them.”

Participation in advocacy provided several different benefits for family members of registrants: a community of others encountering the same restrictions and stigmatization, a source of support, and community and empowerment through information and action. It is important to recognize that respondents also found involvement in advocacy challenging and emotionally taxing work, however, most reported it was worthwhile overall.

Discussion

“Secondary registrants:” Expanding comfort’s concept

People “hate” you just as much as they hate the sex offender—you end up being their collateral damage. (Lori)

Respondents’ experiences revealed the “collateral damage” or spillover of sex offense policies. It is clear from their stories that although only those convicted of a sex offense are formally placed on the registry and subjected to the laws and policies associated with having a sex offense conviction, the reach of this system of legal and extra-legal surveillance and control extends beyond the targeted individual. In addition, family members were not only managing the stigmatization and resulting negative consequences of their loved one’s conviction, but encountered discrimination and harassment directed at them specifically.

While Condry and Minson (2020) argue that the language of “symbiotic harm” provides a more precise framework for examining the ways family members experience negative consequences of incarceration, our data show that this conceptualization is insufficient for capturing the additional, unique encounters of stigmatization and punitive actions specifically directed at the family members of registrants. Symbiotic harms center around how family members experience, process, and respond to the punitive actions inflicted upon their incarcerated loved one. However, family members of registrants are subjected to harms that go beyond the challenges of navigating sex offense restrictions and policy, or the related stigma. These family members themselves report losses of employment and housing, damaged relationships, and harassment.

Therefore, we argue that family members are “secondary registrants”—frequently encountering the same restrictions on their lives and experiencing the same “spread to innocent objects” of stigma that Durkheim describes in the opening quote. “Secondary registration” is a new concept that draws attention to a thus far unrecognized reach of the state: the direct consequences of sex offense policy and the extra-legal experiences

of stigmatization and social exclusion encountered by family members of individuals convicted of sex offenses. The web of formal and informal sanctions, surveillance, and stigmatization entangle secondary registrants in a social environment that is confining and nearly impenetrable. As we discuss below, the combined spillover and direct encounters of stigmatization and surveillance impact registrant family members in ways that are distinct from other system-involved individuals and their families.

We assert that secondary registration crucially expands Comfort's work on secondary prisonization. Comfort's concept focuses on the reach of the penal institution into the lives of non-incarcerated romantic partners through their sustained contact with the correctional system. However, the reach of state systems of punishment and control already extend beyond carceral spaces through probation, parole, post-release supervision, and other forms of community corrections; as scholars like Crewe note, "community sanctions beyond the prison are becoming 'tighter'" (2011: 525). Furthermore, those convicted of sex offenses are often subjected to an expansive set of additional restrictions and monitoring, potentially for the duration of their lives. This results in a system of punishment and control that is a persistent and pervasive aspect of the lives of those convicted of sex offenses and the family members connected to them.

Our respondents' stories paralleled some of Comfort's examples of secondary prisonization. Comfort states in her 2019 essay on the adaptations since its introduction that "the concept is meant to theorize the changes that contact with the correctional system produces in people as they "acclimate to coercive and punitive environments, accommodate unnatural restrictions on their self-expression and relationships, and work to circumvent the totality of institutional control" (p.69). However, while Comfort cautioned against the extension of her concept to contexts "where family members do not come into contact with the penitentiary" (p.73), our data clearly demonstrate comparable experiences of those navigating coercive and punitive environments within the community because of sex offense policies. Respondents experienced strain to their finances and relationships as they acclimated. Respondents' daily behaviors, living situation, and social interactions were significantly altered to accommodate state-enacted monitoring and supervision requirements. Comfort (2008) describes how romantic partners of incarcerated men had to concede a certain level of their own autonomy and self-expression to remain in their relationship. Similarly, secondary registrants in our study had to accept threats of violence, unjust treatment by police, employers, and landlords as well as relocating or living apart from the registrant loved one and exclusion from family activities. Finally, many shared stories of challenging the laws through legal action and activism with the intention of reducing the totality of control these policies have on their lives and others. While we respect Comfort's determination that her concept remains grounded in penal institutions, our data demonstrate enveloping penal control in the community and its similar impact on family members.

In addition, the effects of punitive state policies and conviction-related stigmatization on "secondary registrants" may be more pervasive and chronic than those who experience "secondary prisonization." Comfort (2008) described ways in which the penal institution spilled over into the private lives of the women she studied through practices she referred to as "presence creation" (p.92–97). For example, women may eat the same meal at the

same time as their partner at the prison or choose to watch the same movie that is played on Friday night in the residential unit. However, these women could also choose to revert to their non-prisonized lives and make decisions outside of correctional control or oversight. Additionally, women in Comfort's study might hide or limit information about their relationship with an incarcerated partner from others, such as co-workers, friends, and family members. In contrast, the public registry makes it far more difficult to conceal this aspect of their private life and broadens the potential for surveillance and coercion: secondary registrants live within the punitive environment; it is not a location they visit, but instead a continuous system of control and surveillance that shrouds them wherever they go, blurring the boundaries between inside and outside. Finally, most incarcerated loved ones will be released, with post-release supervision for non-sex offenses often of a fixed duration. However, over thirty states have registration requirements and other restrictions that can be applied to people convicted of sex offenses for the remainder of their lives (Levine and Meiners, 2020: 11). Thus, to maintain a relationship with a loved one with a sex offense conviction, secondary registrants must consider the reality of a lifetime of punitive sanctions and stigmatization, demonstrating an extension of what Crewe calls the "insecurity of indeterminacy" experienced by prisoners (Crewe, 2011: 514).

The need for "secondary registrant" conceptualization

As a concept, "secondary registrants" provides a more comprehensive understanding of how sex offense policies, alone or in conjunction with stigmatizing experiences, impact the daily lives of family members, with implications for our understanding of the punitive state. The reach of these restrictions, punitive sanctions, and social exclusions goes beyond "collateral damage" or consequences. Family members of registrants personally experienced their own denial of opportunities, social alienation, and harassment. Like those experiencing secondary prisonization, secondary registrants had to make changes to their daily lives to navigate legal and extralegal systems of punishment and control. As Crewe explains the tightness of punishment, "power...does not so much weigh down on prisoners and suppress them as wrap them up, smother them and incite them to conduct themselves in particular ways... The term 'tightness' captures the feelings of tension and anxiety generated by uncertainty" (Crewe, 2011: 522). Secondary registrants also live within this tightness, leading to an extended state of anxiety as expressed by Jules and Jessa, to the ending of relationships as Karen and Lori described, or to the gaps in parenting and support that Babs bemoans.

Existing research illuminates the forms of practical and emotional support family members provide to those returning home following a period of incarceration (Harding, Morenoff and Wyse, 2019; Western, 2018; Naser and La Vigne, 2006). While more limited, studies show the burdens encountered by family members of individuals under community supervision, some of which relate to the ongoing support they provide (Phelps, 2020; Comfort, 2016). However, for most offense categories, these individuals, and therefore their family members, are not subjected to the extensive monitoring and social restrictions applied to those convicted of sex offenses. Additionally, while

registries exist for other offenses (Pishko, 2018) the sex offense registry is unique in its reach and ubiquity: this means that individuals not convicted of sex offenses and their families can maintain a degree of privacy about their personal lives and avoid some of the harassment and stigmatization encountered by registrants and secondary registrants. In contrast, the registry and its weaponization by third-part watchdog groups (Lageson, 2020) subjects the entire family to invasive monitoring of their household and the threat of potential vigilante justice. Therefore, the concept of secondary registrant more accurately captures the unique and expansive reach of policy, state surveillance, and stigma on the lives of registrant family members.

Strong family support consistently proves to be a primary indicator of long-term desistance from crime (Western, 2018; Visser and Travis, 2011). When family members not only provide practical and emotional support to their justice-impacted loved ones but are also subjected to family strain, harassment, and denials of opportunity, it can erode their capacity to provide support. Therefore, existing sex offense policies not only make it more difficult for registrants to remain offense-free (Kilmer and Leon, 2017), but surveillance and stigma also diminish the family member support available. The secondary registrant framework raises new concerns about the spillover harm produced, including how family members are subjected to their own targeted exclusion from society. Given these insights from secondary registrants, the sustainability and ethical justification of sex offense policies and extralegal social restrictions should be subjected to increased scrutiny.

Future research: Secondary registrants and advocacy

The tightness resulting from secondary registration shapes family members' relationship to the state, and at times puts them outside its protection, as with those excluded from housing assistance or priced out due to the addition of a "sex offender surcharge" (which should be the focus of future study). An important limitation of our study is the overwhelmingly white, female sample we recruited. The indignation felt by people who had previously been protected from the arbitrary intrusion of the state into their lives was apparent in many of our interviews. Secondary registration and its associated stigma thus removed some of the privilege enjoyed by many of our respondents prior to their loved ones' conviction and may be why they turned to advocacy to repair their tainted identity and retake control in the face of state intrusion. Future research should examine how social location and other experiences impact how secondary registrants view their own rights. Future research must involve more racially, ethnically, and socio-economically diverse samples to determine how relative privilege relates to secondary registration and the role (or absence) of advocacy as a response.

Conclusion: "I wish I could get paid for what I do"

Secondary registration emphasizes the role of families within the current neoliberal punishment regime. Sex offender governance has been acknowledged as a cooperative effort across professional boundaries (Leon, 2011a: 107–115) but scholarship has not yet

recognized family members as targets of such governance. At the individual and local level, manipulation of family members and the social control they provide may be intentional to improve outcomes (as in the case of partners mandated into confessional therapy by probation officers). These policies stigmatize, harm, and socially isolate family members, while at the same time outsource the work of the state onto secondary registrants to accomplish social reintegration. Condry and Minson (2020), building on Bülow (2014), suggest that the state's accounting for its "residual obligations to families of prisoners could include financial help, assistance in housing, support in education, better provision for prison visits, family therapy to assist with re-integration on release, or any other measures which would reduce the harmful impact of imprisonment on the family" (p.13–14); Babs noted this labor repeatedly in her interview, declaring, "I wish I could get paid for what I do." But we believe it is naive to assume that identifying secondary registration and its harms will lead to better support for family members, since scholars and policymakers have long known that families provide crucial social control for returning offenders, yet this has not been accompanied by resources dedicated to support them in the U.S. (our colleagues' optimism may derive from their European context). Thus, the practical possibilities of secondary registration as a concept are less likely than the benefits of attending to this example of the expanded reach of the neoliberal state into family life. This concept sharpens our focus onto the types of stigma and direct harms experienced by secondary registrants beyond our existing understanding of the spillover effects of punishment onto the financial and social well-being of families—the unique harms they experience warrant both practical and theoretical attention.

Beyond the expansion of penal control, what symbolic work does secondary registration accomplish? Spencer argues that people convicted of sex offenses are treated as the ultimate other, left to reside on the margins of society in a figurative "camp" that "allows for continual capture of the bare life of the sex offender so that sovereign violence can be acted upon his body" (2009: 231). Writing about another stigmatized group, Gustafson declares,

It is also high time to acknowledge that those practices, even if not openly or consciously motivated by the desire to degrade, are nurtured by desires to express disgust toward those considered inferior "Others" and are widely consumed and enjoyed as spectacles of degradation (Gustafson, 2013: 354).

Thus, secondary registration may function as a degradation ceremony that serves our Durkheimian desire to demonstrate our values. Gustafson believes making the public aware of the degradation of poor Black women through the examples she details will make it harder for us to participate collectively in punishment spectacles. The same may be true for secondary registrants, especially if they are cast as "vulnerable," following Fineman's suggested reframing (2010). Nonetheless, secondary registration demonstrates an understudied example of the neoliberal penal practice of de-centering the state (Simon, 2007) but with the addition of deep stigmatization and the spread of sovereign and vigilante violence onto families.

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Notes

1. We intentionally avoid the term “sex offender” due to its heterogeneity and stigmatization. The use of person-centered language, while more cumbersome, helps to humanize individuals and families impacted by criminal justice policies and practices. Therefore we use “person convicted of sex offense,” “registrant,” and “sex offense policies.”
2. Most US state registries require 10–15 years, and some require lifetime registration. Registries often require information including demographic characteristics, conviction, home address, work address, vehicle information, email and social media/chat usernames, and name of school. In addition, state and local jurisdictions typically impose additional restrictions on residential, recreational, and employment choices for people on the registry. Communities have enacted local ordinances that prohibit offenders from near schools, parks, daycare centers, bus stops, or other locations where children gather (often 1000 feet but ranging from 500 to 2500 feet). If the coverage of local ordinances is particularly dense, registrants may not be able to live in certain towns at all because they would always be within 1000 feet of a prohibited area.
3. All research was approved by the University of Delaware Institutional Review Board, and steps were taken to protect the confidentiality of participants, including the use of pseudonyms. We invited participants to suggest their own pseudonyms. While we would have liked to honor the requests of a few respondents who wanted to use their own legal names as a way of resisting stigma, the IRB (paternalistically) believed this exposed them to possible harms they should not be allowed to risk.
4. We acknowledge that we each came to this project shaped by prior research and direct contact with people who have sexually offended, and as such took steps to minimize bias. Specifically, we recognized our tendency to seek data that condemns contemporary policies and to interpret data with an eye towards negative findings. We addressed possible confirmation bias by crafting open-ended questions, deliberately probing for positive information (eg, “where did you find support?” “what keeps you going?”) and by peer debriefing. We also generally kept strength-based approaches in mind (Comfort, 2008; Shdaimah and Leon, 2016).

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