

University of Montana

ScholarWorks at University of Montana

Graduate Student Theses, Dissertations, &
Professional Papers

Graduate School

2013

Surviving Probation: The Challenges Sexual Offenders are Faced with in Mainstream Society

Krystal Stevenson

The University of Montana

Follow this and additional works at: <https://scholarworks.umt.edu/etd>

Let us know how access to this document benefits you.

Recommended Citation

Stevenson, Krystal, "Surviving Probation: The Challenges Sexual Offenders are Faced with in Mainstream Society" (2013). *Graduate Student Theses, Dissertations, & Professional Papers*. 937.
<https://scholarworks.umt.edu/etd/937>

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

SURVIVING PROBATION: THE CHALLENGES SEXUAL OFFENDERS ARE
FACED WITH IN MAINSTREAM SOCIETY

By

KRYSTAL LYNN STEVENSON

B.A., The University of Montana, Missoula, MT, 2010

Thesis
submitted in partial fulfillment of the requirements
for the degree of

Master of Arts
in Sociology, Criminology

The University of Montana
Missoula, MT

May 2013

Approved by:

Sandy Ross, Dean of The Graduate School
Graduate School

Dr. Dusten Hollist, Chair
Sociology

Dr. James Burfeind
Sociology

Dr. Christine Fiore
Psychology

Surviving Probation: The Challenges Sexual Offenders are Faced with in Mainstream Society

Chairperson: Dusten Hollist, Ph.D.

"Society sees us [sexual offenders] as terrible people. Either lock us up or kill us. They don't want us in their community." Sexual offenders are seen as some of the most repulsive criminals through society's eyes. The term "sexual offender" encompasses many different types of people with regards to their crime, but society sees all sexual offenders as child molesters. This causes an over-whelming problem for sexual offenders, specifically in terms of housing, since there are many restrictions on where they can live. Legislation is implementing housing restrictions to prevent these criminals from re-offending, but in some cases, it can lead to increased recidivism rates. Montana has placed their own restrictions on where sex offenders are able to reside, but they lack research on the impact it has on these offenders. Sexual offenders are a vulnerable population and society needs to realize that by excluding them, especially in terms of housing, it may cause more problems for the community's overall safety.

The purpose of this study is to fully understand the restrictions placed on male sexual offenders in terms of housing and the problems that can arise in the offender's life, especially in terms of success on probation due to these restrictions. This study will further the research that has already been conducted on the effect of housing restrictions placed on sexual offenders. The hypothesis for this study is the lack of housing will negatively impact the success on probation for the offender. Previous research has focused on the personal effect of these housing restrictions, yet there is very little research on the probation/parole success rate of sexual offenders faced with housing restrictions. Using qualitative techniques, this study will attempt to understand the impact of housing limitations on male sexual offenders in Missoula, Montana. As of 1989, judges have been able to impose restrictions on sex offender housing, yet no legislative statute has been passed on where the offenders are unable to reside. This study can help policy makers understand the effect of housing restrictions placed on offenders and help provide a better idea for safely housing sexual offenders within our society.

The findings of this study suggest housing options are a problem for sexual offenders in Missoula, Montana, yet they do not affect the offender's success on probation. The findings also suggest communities such as Missoula need to offer more employment opportunities and housing options for sexual offenders.

ACKNOWLEDGEMENTS

I would like to thank Dusten Hollist, Jim Burfeind, and Christine Fiore for agreeing to be a part of my committee and for helping me along the way to obtaining my Master's degree. I would especially like to thank Dusten Hollist for the ongoing support and for being available anytime I needed help with this process. Dusten, I am very thankful you agreed to be the chair of my committee and I appreciate everything you have done to help me complete my thesis.

In addition, I would like to thank all of the participants in my study. Without all of you, this would not have been possible. I know it was not easy talking to me about the difficulties you face in Missoula, but I am truly hoping this research will make a small impact in how you are treated within the community, especially in terms of housing, employment, and society's reactions. All of you have defied the stereotype of sexual offender that I had and I hope none of you give up on following your dreams because of how you are treated by some people.

I would also like to thank Katie Burton for her time and agreeing to sit with me during all the interviews. Katie, you have been amazingly helpful and have gone out of your way to make sure I had all of the current information regarding sexual offenders within the Missoula community. Without your help and support, I do not think this thesis would have been possible. I would also like to thank Chris Quigley for allowing me to post flyers in his office to obtain my participants. Chris, I appreciate everything you have done for me during this process and I will forever be grateful.

Last, but definitely not least, I would like to thank my parents. You have supported me through my entire college career and have always told me I could accomplish anything I set my mind to. I understand my college career was not inexpensive, but I am thankful to have such loving parents who will always keep footing the bill! I love you both and thank you for everything.

TABLE OF CONTENTS

Literature Review.....	1
Sociological Impact of Residence Restrictions.....	9
Crime, Shame and Reintegration.....	10
Montana Law/Definitions Regarding Sexual Offenders.....	13
Population of Sexual Offenders in Missoula, Montana.....	15
Rules and Restrictions Placed on Sexual Offenders in Missoula, Montana.....	16
Data and Methods.....	17
Participant’s Crime and Sentencing.....	20
Findings.....	22
Life before Conviction.....	22
Life after Conviction.....	25
Probation/Parole Violations.....	36
Participant’s Perceptions of Missoula.....	37
Discussion: Stigmatizing Shaming in Missoula.....	39
Reintegrative Shaming in Missoula.....	43
Limitations, Implications and Future Research.....	46
References.....	49
Appendix A.....	51
Appendix B.....	52
Appendix C.....	55

LITERATURE REVIEW

Until the mid-1990s, the United States did not have registration requirements for sexual offenders. The government quickly realized laws needed to be formed in order to understand the whereabouts of sex offenders. One of the first laws implemented was the Jacob Wetterling Act in 1994. A man, thought to be a sexual offender, abducted eleven-year-old Jacob Wetterling in 1989. To this day, Jacob and his abductor have never been found. Jacob's family decided to help fund a foundation that increased education on abduction and prevention of sexual exploitation by adults. They also wanted to change legislation that was related to sex offenders. From the family's persistent actions, a federal law was implemented to mandate that each state form its own offender registry. Upon conviction and release from prison, each sexual offender has to register with the state in which they plan to reside. This registration informs the police through a database who has been convicted of a sexual offense (FindLaw 2011). This was legislature's first step in informing some members of society about sex offender's whereabouts.

Two years after the Wetterling Act was implemented, in 1996, Megan's Law was added to the act to make sure the public was aware of sexual offenders that were being released back in to the community. Megan Kanka, seven years old, was abducted and murdered by a convicted sexual offender who lived a few houses down from her. There was a quick reaction by the legislation to make the database of convicted sexual offenders available to the public. Two years after the law was implemented in New Jersey, it was enforced at a federal level. Since it was signed as a federal change, it made the database of local sex offenders available to the state in which they resided (FindLaw 2011). After this terrible crime, legislation realized there was a need to inform the public of convicted sex offenders living in their area.

During the same year as the implementation of Megan's Law (1996), the Pam Lychner Act also amended the Wetterling Act. This act took Megan's Law one-step further in 1996. Instead of having the database at a state level, it was now meant to be at a national level. The Federal Bureau of Investigation was involved to help make the national sexual offender database available to anyone in any state. This made it easier for law enforcement to track sexual offenders as they move from state to state. The Lychner Act also made certain sexual offenders register for life, whereas others could be removed from the database after a certain amount of time (Young 2008:462). By following these laws, the sexual offender will be known at a national level, which may be helpful information for the public, but can be difficult for the offender.

In 1981, a young boy named Adam Walsh was abducted from a local store in Florida and murdered. A man named Ottis Toole confessed to the murders, but later recanted his confession. Evidence had been lost in the case and in 2008 police finally closed the case because no new evidence was brought forth (Phillips 2008). Two years prior to closing the case, President Bush signed a federal Act organizing all sex offenders into three different tier designations depending on their risk to reoffend and required the offenders to update their whereabouts every three, six, or twelve months. This act was named the Adam Walsh Child Protection and Safety Act and was implemented in 2006 (Mercado, Alvarez, and Levenson 2008, 189). By designating sexual offenders in terms of risk to reoffend and updating the registry more often, legislatures believed it would help inform society on the offenders that would have a higher chance of reoffending and hopefully keep the community safe.

Registration laws alone have caused many obstacles for sex offenders once they are released after conviction. Tewksbury (2005) researched the impact of registration laws for sex offenders with child victims and non-child victims in Kentucky. Offenders with child victims

reported only 39.2% of people in their lives knew about their crime whereas 90% or more of offenders with adult victims knew about their crime. Since offenders with child victims were less likely to report their offense to others, the registration laws may have had less of an effect on them because unless people in their lives looked at the public registry, they may never know. The most common problem reported by offenders with child victims who told people in their lives about their crime, was the loss of a friend due to the offender having to register. A high percentage of offenders with child victims also reported being harassed in person once people found out they were a sex offender. Loss of employment, loss of a place to live and being treated with disrespect were also common problems resulting from the mandatory registration laws. Although these problems were common among offenders with child victims, offenders with adult victims reported the problems more often.

Tewksbury (2005) found sex offenders with adult victims to have different difficulties associated with registration laws than those with child victims. The most common problem reported was the loss or denial of a place to live. When more people in the offender's lives are aware of their crime, it may be more difficult for them to find or keep a place to live. Being harassed in person, losing a friend, and losing a job were highly reported as problems, just as with offenders with child victims. The one difference is the offenders with adult victims received more harassing or threatening phone calls than those with child victims. This could be due to the fact that more people are aware of the offender's crime when the victim is an adult. Offenders with child victims tend to be more secretive which could be why the number of offenders receiving harassing phone calls is much less. These registration laws are meant to help keep the public informed of a sex offender's whereabouts, but many of the respondents in this study believed the public used the registry as a way to harass them.

Understanding laws behind the registration requirements for sex offenders is crucial when attempting to study the problems sex offenders face. Laws have been implemented before any research has been conducted to see how these laws can negatively affect the offender. The problem of housing for sexual offenders is starting to come to the forefront of recent research since researchers are realizing, in some cases, the residence restriction laws are causing more harm for the community. Legislature is passing numerous laws about where sexual offenders can reside once they are released back in to the community. Levenson and Cotter (2005) researched the housing restrictions on sexual offenders and its relation to recidivism rates. Every state has its own restrictions on how close sexual offenders can live to schools, parks, day cares, or school bus stops. As of 2005, fourteen states have enacted these restrictions. Sexual offenders are not allowed to live within 500 feet from a school and in some states, this number increases to 2,000 feet. Although these restrictions may seem like proper precautions to take to prevent recidivism of sexual offenders, they can actually decrease the number of housing options available to this population. More day cares, parks, and schools are being built due to the overall increase in population which makes it almost impossible for an offender to find a place to live. Offenders tend to move to rural areas once they realize they cannot live within the city, which increases the amount of isolation and can decrease options for their mandatory treatment.

Using surveys, Levenson and Cotter (2005) set out to determine the impact of sexual offender registration laws and how these laws are affecting the offenders, especially in terms of their choice to reoffend. This study took place in two outpatient sex offender treatment programs in Florida. A majority of the participants in this study were convicted of sex crimes against children. The most common impact of the registration rules is that sexual offenders found it difficult to afford housing outside of the restriction zone. The offenders found it difficult to stay

financially and emotionally stable. Most respondents to the survey believed these restrictions should be determined on a case-by-case basis rather than being implemented with every sexual offender. Most respondents stated the rule "would have no effect on their risk of reoffense" (Levenson and Cotter 2005: 174). Respondents also said "they have always been careful not to reoffend in close proximity to their homes, so geographical restrictions provided little deterrence" (Levenson and Cotter 2005: 174). Although the researchers realized their limitations to include self-reported data and the data is limited to urban areas in Florida, these findings provide a good basis for further research on the impact of housing restrictions.

Unlike most people, sexual offenders are not protected under the Federal Fair Housing Act which makes it easier for landlords and real estate developers to deny housing to them (Wagner 2011: 268). In some states, developers have been marketing new subdivisions with the promise that no sexual offenders will be able to live there. Once this happens, surrounding subdivisions will make the same promise to ensure they do not lose homeowners in their area. Sexual offenders are then pushed in to low-income housing or even homelessness because these areas will not offer housing to them. Low-income housing neighborhoods are usually characterized by disorder, lack of pro-social relationships, and lack of stability which can lead to more problems for sexual offenders (Wagner 2011: 269). Denying housing to sexual offenders can cause more problems for society, yet it does not seem like society sees the long-term effects it could have on certain neighborhoods.

Real estate developers are denying sexual offenders from living in their subdivisions and if a surrounding subdivision does not make the same promise, it can lead to more problems for other developers. Barnes, Dukes, Tewksbury, and De Troye (2009) have researched the possible impact of these restrictions on the housing market if they were to be adopted in South Carolina.

When a surrounding subdivision does not deny housing to sexual offenders, it can lead to decreasing values of homes in those areas that do deny housing to sexual offenders. The value of some homes has also been found to decrease if there were clusters of sexual offenders living in that subdivision. The researchers have also looked at the effect these restrictions can have on juvenile sexual offenders as they usually do not have the financial means to find a place of their own which could uproot their family and force them to find another place to live. According to Barnes et al. (2009), residence restrictions on sexual offenders "appears to be unsound" yet they believe these restrictions will soon be universally accepted (Barnes et al. 2009: 39). Further research needs to be conducted to see the actual effects of the residence restrictions placed on sexual offenders.

Zgoba, Levenson, and McKee (2009) researched the impact of residence restrictions on housing options for sexual offenders in Camden, New Jersey. Residence restrictions were not implemented at the point of this study in Camden, which may make it easier to see the potential effect of these restrictions. Over 88% of sexual offenders in Camden lived within 2500 feet of a school, day care, church, or park. 58% of sexual offenders lived within 1000 feet of these same areas. The authors concluded that very few housing options would be suitable for sexual offenders if the residence restrictions were implemented. Most housing options that would be available to sexual offenders would be outside the city where there is a much lower population density and larger properties. These areas have been deemed unaffordable by the authors for most sexual offenders since sexual offenders have a hard time getting jobs and maintaining employment. Although there is sufficient evidence to support the consequences of residence restrictions for sexual offenders in other areas, this study can only speculate since these restrictions have not been implemented in their county.

Housing restrictions placed on sexual offenders in Camden County would pose a threat to community safety among other problems (Zgoba et al. 2009: 108). These restrictions can cause issues with reentry of sexual offenders into the community since they will be faced with very few housing options which can lead to homelessness. These restrictions can also lead to a higher risk for persistent criminal behavior (Zgoba et al. 2009: 108). The authors recommend loitering laws for sexual offenders rather than residence restrictions. This will make it easier to manage the daily routine of sexual offenders, especially those that have offended against children (Zgoba et al. 2009: 108). This study is one of the few that has offered an alternative to housing restrictions on sexual offenders that may also make it easier to follow their daily activities.

Not only have the registration laws for sexual offenders had a negative impact on their lives, the residency restrictions have the same effect. Mercado, Alvarez, and Levenson (2008) surveyed registered sexual offenders designated either a Tier II or Tier III in Camden, New Jersey. About 22% of the offenders surveyed said they were unable to return to their home upon release due to the residency restrictions. 54% stated it was difficult to find housing outside of these restriction zones. Mercado et al. (2008) also found Tier II sexual offenders had similar resident restrictions placed upon them as Tier III, even though Tier III offenders have a higher risk to reoffend. The researchers have found similar results to the studies on registration impacts which have also determined that these laws will have very little impact on an offender's recidivism rate.

One of the only reports that have actually looked at the effects of housing restrictions placed on sexual offenders in terms of recidivism took place in Iowa. Blood, Watson, and Stageberg (2008) in participation with the Iowa Department of Human Rights Division of Criminal and Juvenile Justice Planning, investigated recidivism rates among sexual offenders

with minor victims when the 2000-foot resident restriction was implemented. Before the restrictions were implemented in August 2005, Iowa State recorded the number of convictions of offenders with child victims, which was 433. The year the restrictions were put into effect, the number of convictions increased to 445. The year following, the numbers again increased to 490. The authors concluded, "The law does not seem to have led to fewer charges or convictions, indicating that there probably have not been fewer child victims" (Blood et al. 2008: 10). Even though this study has only been conducted in one state, it leaves opportunities for researchers to study the impact of restrictions on recidivism rates in other states.

Public perceptions on laws surrounding sexual offenders shed a little light as to why many sexual offenders are having problems reentering the community after conviction. Schiavone and Jeglic (2009) researched perceptions of the community in regards to laws that pertain to sexual offenders. Of the 115 people surveyed, about 79% believed it was acceptable to not let sexual offenders move back to their place of residence after conviction especially if they lived near a park or school. 66% of participants believed it was okay to prevent sexual offenders from living with supportive family members if it fell within the residency restriction law. Another 69% believed it was acceptable for a landlord to refuse to rent to sexual offenders. The researchers concluded, "It may also be that the majority of community members are highly influenced by the media's portrayal of sex offenders as a homogenous group of child molesters, and that research suggesting the contrary will be of little impact on their perceptions" (Schiavone and Jeglic 2009: 691). Although this study had a small sample size, it seems to accurately reflect the opinion of many people in society.

Previous research has been conducted on sexual offender recidivism rates based on the housing restrictions placed upon them, but very few researchers have interviewed offenders

about their perceptions of these restrictions. Legislature has implemented new laws to keep sexual offenders from committing new offenses, but these laws have ended up causing more problems for sexual offenders according to recent research. More research needs to be conducted to fully understand the consequences some of these laws have on sexual offenders. Protecting society is why these restriction laws have been implemented on sexual offenders, but the repercussions may end up doing more harm than good for society as a whole.

SOCIOLOGICAL IMPACT OF RESIDENCE RESTRICTIONS

Over the past decade, sociological research on sexual offenders has become more prominent in the topics surrounding residence restrictions placed upon the offenders. Researchers have begun to realize the residence restriction laws have had a negative impact on sexual offenders especially in terms of lack of employment opportunities, lack of housing options, and persistent criminal behavior (Zgoba, Levenson, and McKee 2009; Levenson and Cotter 2005; Wagner 2011). These laws can make it difficult for sexual offenders to reenter the community which can make it difficult to successfully complete probation or parole.

Society's reactions to sexual offenders can ultimately determine how well the offender will do once they are released back in to the community. Reentry programs are becoming more prominent within The Department of Corrections, yet society may have a larger impact on the success rate of the reentry process for sexual offenders in to the community than the department realizes. Sociological theories such as restorative justice, suggest society should condemn the criminal act, not the criminal (Cullen and Jonson 2012:127). Advocates of this approach believe seeking retribution for a criminal act will not bring justice to the offender or victim rather restoration will bring justice. Restorative justice does not take place before the sanctioning

process, but once the offender has shown accountability for their actions, restoration can begin. One theorist, John Braithwaite, has been a major influence on the advances of restorative justice especially in terms of the shaming that occurs after accountability has been claimed. John Braithwaite's theory of "Crime, Shame, and Reintegration" compares two shaming techniques, reintegrative and stigmatizing, which can determine the amount of crime in certain areas and which offenders may be predisposed to higher crime rates. Although Braithwaite's theory is not focused on sexual offenders, the type of reintegration can affect the success rate on probation or parole for sexual offenders, especially if it stigmatizing.

Crime, Shame, and Reintegration

John Braithwaite's theory states shaming needs to occur to prevent further criminal behavior, but the type of shaming used has a direct effect on the criminal's future actions. Shaming is a process by which expressing disapproval is supposed to invoke remorse in the person who has committed a wrongful act (Braithwaite 1989:100). Shaming is used by "external referents" such as parents or neighbors of the person that committed an offense that was seen as wrong (Braithwaite 1989:57). Different actions can be used to shame a person such as snide comments to the offender, a frown, confrontation, and even gossiping behind the offender's back. This is used to produce a feeling of guilt in the offender to make sure they understand their actions are not appropriate. Shaming will lack integrity unless it can be separated from punishment. Punishment used to be a public display such as chain gangs or public floggings. It was determined this brought shame to the offender, but this shame continued throughout the offender's life which prevented them from returning back to the community. This public display did not deter crime as once thought which lead to punishment being done behind closed doors.

Braithwaite focuses on shaming in Japan to show how reintegrative shaming is useful in deterring crime. Japan's society westernized at an extremely fast rate which should have increased the amount of crime, but this did not happen. Japan's criminal justice system is efficient and fewer than 2% of people convicted of a crime will serve prison sentences (Braithwaite 1989:62). Interdependency and communitarianism are highly supported in Japan's society which is why crime rates stay low. Interdependency is "the extent to which individuals participate in networks wherein they are dependent on others to achieve valued ends and others are dependent on them (Braithwaite 1989:98-100). Communitarianism is individuals who are involved in interdependencies of mutual help and trust (Braithwaite 1989:100). Once a person commits a crime, they will no longer be trusted in their network. This can cause the person to be excluded by their family because of the shame they have brought upon them. Fear of this exclusion is what makes policing in Japan effective. The family plays a key role in reintegrating the offender and if the family excludes them, they will not be reintegrated back into the community properly.

Another key aspect to reintegrative shaming in Japan is the use of apologies. An apology is used to bring restoration between the conflicting parties. This is seen as a way to dissociate the person from their criminal act. The Japanese believe those who commit criminal acts have a "worm or bug" in their body which causes them to commit these acts. By apologizing, the person can get rid of this "bug" and return to society without a feeling of guilt for their wrongdoing (Braithwaite 1989:64). There is an overwhelming duty to the community in Japan which is why an apology is effective. This will allow the person back in to the community rather than excluding them for their wrongdoing.

The type of shaming used has a direct effect on a person's future actions. Stigmatizing shaming, according to Braithwaite, is "shaming in which no effort is made to reconcile the offender with the community" (Braithwaite 1989:101). This will lead to the person being an outcast and can lead to more criminal actions by the individual. If stigmatizing shaming is used, the individual may start to feel isolated from the community and will look for other individuals who have been perceived as outcasts as well which will make them feel accepted. This type of shaming can attract individuals to criminal subcultures (Braithwaite 1989:67). Once they band together, it will be a continuous downward spiral as there is little to no positive social supports in the individual's life. Other criminals will be negative social supports for the individual and may increase the likelihood for the individual's persistent offending. Some individuals that have been labeled as outcasts may not be accepted into a criminal subculture, but may still commit crime. Those that commit crime individually will be less likely to become persistent offenders than those that have been accepted into a subculture.

Stigmatizing shaming that is used by family or other social supports can increase the attraction of subcultures, but in some cases, it will not lead to the individual committing crime. Individuals may get tired of being the outcast and decide to prove themselves as a worthy individual that should be reintegrated back into the community (Braithwaite 1989: 68). The individual may also not be faced with opportunities within their society that lead to criminal behavior. This can lead to the individual still being isolated, but can increase the chances of them being reintegrated back in to the community. This shows that stigmatizing shaming can have the same effect as reintegrative shaming, but it depends largely on the society surrounding the individual.

In some cases, stigmatizing shaming can have the same effect as reintegrative shaming, but reintegrative shaming works better at reintegrating an individual back into the community once shaming has taken place. Braithwaite (1989) determined there are many reasons reintegrative shaming works better than stigmatizing shaming at deterring crime. One reason is taken from the literature on deterrence theory stating the fear of shaming rather than the fear of punishment can deter individuals from becoming persistent offenders. If a person is strongly attached to relationships of interdependence, they will be less likely to take part in future criminal behavior because they are dependent on others to reach valued ends. If a person lacks strong interdependencies, they lack attachment to those people who can effectively deter them from criminal behavior through shaming. Stigmatizing shaming can also break ties with social supports that could otherwise deter the individual from future criminal behavior. Shaming needs to happen once a crime has been committed, but forgiveness after the shaming can build more commitment to the law by increasing the individual's conscience awareness that can make crime an unthinkable action. Although these are only a few of the reasons stigmatizing shaming deters criminal behavior, they play a key role in how an individual is reintegrated back into the community.

MONTANA LAW/DEFINITIONS REGARDING SEXUAL OFFENDERS

Although most people believe all sexual offenders are child molesters, there are other criminal actions that lead to a person being convicted of a sexual crime and being labeled a sexual offender. Under the Montana Code Annotated, the following crimes can lead to an offender being convicted of a sexual offense: sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, and sexual abuse against children. Sexual

assault is defined as "a person who knowingly subjects another person to any sexual contact without consent" (MCA 2011: 45-5-502). A sexual assault conviction is also if the person attempts to commit the crime without following through. Sexual intercourse without consent is defined as "a person who knowingly has sexual intercourse without consent with another person" (MCA 2011: 45-5-503). This conviction is also if the person attempts to commit the crime.

Indecent exposure is defined as,

A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to: (a) abuse, humiliate, harass, or degrade another; or (b) arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person (MCA 2011: 45-5-504).

Deviate sexual conduct is defined as "a person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations" (MCA 2011:45-5-505). A deviate sexual relation in this instance is defined as "sexual contact or sexual intercourse between two persons of the same sex or any form of sexual intercourse with an animal" (MCA 2011: 45-2-101). Incest is defined as,

A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact... with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter (MCA 2011:45-5-507).

A person commits the offense of sexual abuse of children if they,

(a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated; (b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated; (c) knowingly, by any means of communication, including electronic communication, persuades, entices, counsels, or procures a child under 16 years of age or a person the offender believes to be a child under 16 years of age to engage in sexual conduct, actual or simulated; (d) knowingly processes, develops, prints, publishes, transports, distributes, sells, exhibits, or advertises

any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated; (e) knowingly possesses any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated; (f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that the activity is of the nature described in those subsections; (g) possesses with intent to sell any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated; (h) knowingly travels within, from, or to this state with the intention of meeting a child under 16 years of age or a person the offender believes to be a child under 16 years of age in order to engage in sexual conduct, actual or simulated; or (i) knowingly coerces, entices, persuades, arranges for, or facilitates a child under 16 years of age or a person the offender believes to be a child under 16 years of age to travel within, from, or to this state with the intention of engaging in sexual conduct, actual or simulated (MCA 2011: 45-5-625).

Each state has its own name and definition of what constitutes the above offenses, but no matter the name or definition, they will still be considered sexual offenses.

When convicted of a sexual offense, offenders are designated as a Tier I, II, or III offender. A Tier I offender is defined as someone who has a low risk to repeat the offense. A Tier II is someone who has a moderate risk to repeat the offense. A Tier III is someone who has a high risk to repeat the offense and is considered a "sexually violent predator." The Tier III offenders are usually over the age of eighteen and have committed an offense against a victim who is less than twelve years old. If a sexual offender is designated a Tier I offender, they are required to update their address once every year through the Sexual or Violent Registry (SVOR). A Tier II is required to update their address every six months and a Tier III offender is required to update their address every three months (Montana Department of Justice 2013). If a sexual offender fails to update their SVOR at the required times, it could result in a Failure to Register offense which would be another felony.

Population of Sexual Offenders in Missoula, Montana

Even though most sexual offenders have been convicted of different sexual crimes, they are still under the blanket term sexual offender. In Missoula as of February 28, 2013, there were

154 registered sexual offenders that are currently on probation or parole. The number of sexual offenders in Missoula is larger than 154, but those offenders have discharged their sentences and are out in the community without supervision. Sexual offenders within Missoula have crimes ranging from indecent exposure to incest. The following data were compiled by Mark Johnson, Bureau Chief of the Statistics & Data Quality Bureau within the Montana Department of Corrections (2013):

Table 1	
Sex Offenders in Missoula	
Deviate Sexual Conduct	2
Incest	18
Indecent Exposure	2
Sexual Abuse of Children	4
Sexual Assault	76
Sexual Intercourse Without Consent	48
Sexual Offense Other State	4
Total Sex Offenders	154
2/28/2013	

According to these data, most sexual offenders residing in Missoula have been convicted of Sexual Assault and Sexual Intercourse without consent. Sexual Abuse of Children constitutes a small number of the sexual offenders residing in Missoula, yet most people believe all sexual offenders as child molesters.

Rules and Restrictions Placed on Sexual Offenders in Missoula, Montana

Although the details of each sexual offense is different, most sexual offenders in Missoula are required to follow the same set of rules and restrictions as all other sexual

offenders. Tier I, II, and III offenders are required to follow rules such as no pornography, no contact with minors, avoid places where children congregate such as parks, playgrounds, or malls, no contact with victims, no internet, and no cell phones with cameras, just to name a few. Tier III offenders are always required to follow a few more rules than Tier I and II offenders. Tier III offenders are not allowed to live within 1500 feet of a school, park, daycare, or playground per Montana Code 46-18-255(2). These offenders are also required to be under continuous satellite monitoring for the entire time they are on probation or parole if sexual offense occurred after July 1, 2005 (MCA 46-23-1010). If the offense happened prior to July 1, 2005, the judge had authority to order continuous satellite monitoring for a certain amount of time on any offender, not just Tier III sexual offenders. Once sexual offenders are no longer on probation or parole, these rules do not apply to them. They are still required to register, but they are not under any kind of community supervision.

DATA AND METHODS

In order to answer the research questions, qualitative research measures were used, specifically in-depth interviews. Institutional Review Board (IRB) approval through the University of Montana was required before any research could be conducted. The purpose of the IRB is to make sure research is conducted ethically and the participants are protected from harm. The population interviewed consisted of registered sexual offenders within the community, which is considered a "vulnerable" population. The initial proposal and all amendments were approved by the IRB before any interviews were conducted.

Participants

The sample was drawn from 45 sexual offenders currently receiving treatment from a Montana Sexual Offender Treatment Association-certified provider between the months of February 2013 to May 2013. A flyer was posted in the treatment provider's office for two months asking sexual offenders if they wanted to voice their stories and opinions on problems they and other sexual offenders face in Missoula, Montana (see APPENDIX A). Eight offenders volunteered to take part in this study. All eight participants are males ranging from twenty-five to fifty-four years old and they are all required to register as a sexual offender in Missoula County, Montana. Every participant is currently on probation or parole at the Adult State Probation and Parole Office in Missoula, Montana. Seven of the participants are on one caseload that consists of only sexual offenders ranging from Tier I to Tier III designation. The other participant is on a caseload that consists of offenders placed on Intensive Supervision Program to include both sexual offenders and traditional offenders.

Information regarding the participant's descriptive statistics was found on the Montana Sexual or Violent Offender Registry (Montana Department of Justice 2013). The following table illustrates descriptive and frequency statistics for the participants:

Table 2				
Gender	Frequency	Percent	Valid Percent	Cumulative Percent
Male	8	100.0	100.0	100.0
Race				
Caucasian	8	100.0	100.0	100.0
Age				
16-25	1	12.5	12.5	12.5
26-35	1	12.5	12.5	12.5
36-45	2	25.0	25.0	25.0
46-55	4	50.0	50.0	100.0
Total	8	100.0	100.0	
Tier				
I	2	25.0	25.0	25.0
II	5	62.5	62.5	87.5
III	1	12.5	12.5	100.0
Total	8	100.0	100.0	
Conviction Age				
16-25	3	37.5	37.5	37.5
26-35	1	12.5	12.5	50.0
36-45	3	37.0	37.5	87.5
46-55	1	12.5	12.5	100.0
Total	8	100.0	100.0	

All participants that took part in this study were male and Caucasian. Four of the participants were between the ages of 46 and 55. Two participants were between the ages of 36 and 45, one participant was between the ages of 26 and 35, and one participant was between the ages of 16 and 25. The youngest age of conviction was between the ages of 16 and 25 with three participants having conviction dates in this age range. One participant was convicted when he was between the ages of 26 and 35. Three participants were convicted between the ages of 36 and 45. One participant was convicted when he was between the ages of 46 and 55. Two participants are designated a Tier I offender meaning they have the lowest risk to reoffend. Five participants are designated a Tier II offender meaning they have a moderate risk to reoffend. One participant is designated a Tier III offender meaning they have a high risk to reoffend and are labeled a sexually violent predator.

Participant's Crime and Sentencing

All participants were convicted of a sexual offense in Montana. Some participants were sentenced to time in prison while others were sentenced to the Department of Corrections. Department of Corrections sentences can mean the offender spends time at a pre-release center or comes straight to probation to serve out their time. If the sentence is deferred, it means the offense will be dropped from the offender's record as long as there are no new offenses committed during the sentence. If the sentence is suspended, it means the offender must serve a certain amount of time in either prison or the Department of Corrections. If the offender has any violations or commits another offense, their suspended time can be revoked and they will start their sentence over. Since the details of each sexual offense are different, the individual and their actions determine the sentence.

One participant was charged with Sexual Assault and was sentenced to twenty years in Montana State Prison with ten years suspended. He reported he spent nine years in prison. One participant was charged with two counts of Incest and was sentenced to twenty years on each count in the Department of Corrections to run consecutively. One participant was charged with two counts of Sexual Assault and sentenced to five years in the Department of Corrections. Two years later, he was also charged with Sexual Intercourse without Consent and sentenced to forty-five years at Montana State Prison with five years suspended. He spent twenty-one years in prison for his second charge. One participant was charged with Sexual Abuse of a Child and was sentenced to forty years in the Department of Corrections with thirty-five years suspended. One participant was charged with Sexual Assault and sentenced to twenty years in the Department of Corrections with fifteen years suspended. One participant was charged with Sexual Intercourse without Consent and sentenced to three years in the Department of Corrections. His sentence is

deferred meaning it will be dropped from his record as long as he does not commit any other offenses during his time on probation. One participant was charged with two counts of Sexual Intercourse without Consent and was sentenced to ten years with five suspended on each count at Montana State Prison to run concurrently. He reported he spent five years in prison. One participant was charged with Sexual Abuse of Children and sentenced to ten years with eight years suspended in the Department of Corrections.

Measures

The data in the analysis were gathered using in-depth interviews. Before the interview could take place, informed consent by the participants was required to record the interviews (see APPENDIX B). All interviews were then transcribed verbatim. A probation officer was present during the interviews for my safety and the safety of the participants. If the participant provided any identifying information during the interview, it was removed from the transcriptions. All participants signed an informed consent form stating confidentiality would be kept throughout this entire research project (see APPENDIX B). Participants were asked a series of semi-structured, in-depth questions regarding their crime, conviction date, sentence, tier designation, life before conviction, experiences residing in Missoula, Montana as a registered offender, any violations on probation or parole and their personal opinion on the biggest problems sexual offenders face within the community (see APPENDIX C). Most questions were open-ended allowing the participants to talk about what they wanted within the confines of the research topic. Participants were given the option to abstain from answering any questions that made them feel uncomfortable. All informed consent forms were kept separate from the recorded interviews to make sure confidentiality was kept throughout the entire process. All participants were given a pseudo name to keep their identity confidential.

Analysis was going to be conducted using NVivo, but it was later decided to code the interviews by hand. The amount of time it would take to enter all the data and label the nodes within NVivo was greater than it would have taken to analyze the data by hand. There were only eight interviews totaling fifty-four pages of transcriptions. Interview transcriptions were color coded by themes and were then broken down in to sub themes. These themes were chosen using Braithwaite's theory of "Crime, Shame and Reintegration" and the idea of stigmatizing shaming.

Success on probation was determined by the number of violations each participant had while on probation up to the point of the interview. If the participants did not have any violations at the time of the interview, their probation period thus far was considered successful. If the participants had one or more violations at the time of the interview, their time on probation was considered unsuccessful.

FINDINGS

Throughout the interviews, it became apparent the participants were faced with a lack of housing options, but there were many other problems they faced in Missoula as well. Employment, social supports, and other general problems came to the forefront as difficulties the participants encountered once released from confinement.

What was Life like before Conviction?

All participants were asked to talk a little bit about their lives before they were convicted of a sexual offense. Many of the participants talked about housing, employment, social support, and problems that played in a role in their crime. Although many of the participants did not go into great detail about their lives, the data shows how conviction of a sexual offense can significantly change a person's life.

Housing

Although housing in Montana is not always easy to find, not having a criminal record will help increase the number of housing options. Alex and Byron were in the process of buying their own homes. Alex was looking for houses in Anaconda and Byron was looking just outside of Missoula. Evan reported he had been renting a house for quite some time before he was able to save up enough money to buy his own place in Helena. He said this was the "home of our dreams and still is." Some participants were not at a place in their lives to be able to afford their own home therefore they chose to rent their residence. Dane reported he was living in an apartment in Lolo, which he said was fairly easy to find. Felix reported he has always been lucky to find a place to rent. None of the participants explained how easy or difficult it was to obtain housing, but it is clear that very few problems were faced when trying to find a place to reside.

Employment

Employment availability over the past ten years has been declining, yet every single participant was working before their conviction. Alex was working three jobs at one point to make ends meet. He was working jobs such as mechanical, ranch work, construction, and security for different employers around town. Byron was working at a local business here in Missoula for seven years prior to his conviction. He said "they treated me real good...they gave me help to pay for bills and gave my wife four weeks' vacation pay while I was in there [jail]." He also said, "I loved it there, but I messed it up." Colby and Evan were both working part-time in restaurants to help make ends meet. Neither of these participants described these jobs as difficult to obtain. Dane was working in the education field before his conviction stating, "I had a very secure job and good income." Only one participant, Grant, was not working before his conviction, but this was largely due to the fact he was sixteen at the time of his conviction.

Almost every participant had steady employment before their conviction, not realizing how much they would lose once they were convicted.

Social support

Many of the participants were married, in relationships, or had close friends before they were convicted of a sexual offense. Alex, Byron, Colby, and Evan were married at the time of their conviction. Alex was married for twenty years before his conviction, while Evan and Colby were married for about five years before they were convicted. Dane had many friends, including a few close friends, before his conviction. He had several fellow coworkers write letters on his behalf to the judge before sentencing. He said he "was pleasantly surprised by the reactions of some [fellow coworkers]" once his crime was made public before he was convicted. Some of the participants had very little social supports before they were convicted of a sexual offense. Felix said he "never really had any" social supports as he was "out at the bars all the time" and did not have family or any close friends for support. Grant stated he "had run away from home and was kinda living on friend's couches" before his conviction. He reported he had friends during this time, but his family had kind of abandoned him because he was a "troublemaker." Hank had just moved to Montana and was living with his mother a few months before his conviction. Since he was new to Missoula, Hank did not have any friends here before he was charged with a sexual offense. Almost all participants had support systems in place before their conviction, but very few realized how strong these supports really were until after their conviction.

Other problems

Very few participants talked about problems before conviction, yet these problems played a crucial role in the participants' choice to commit a sexual offense. Byron reported drinking "a thirty pack of beer on the weekend and a fifth of tequila" which "was a good factor in [his]

decision to commit [his] crime." He reported being very unhappy at the time of his crime due in large part to the drinking. Alex reported having financial problems before his conviction. He reported "filing bankruptcy...about sixteen years in to [his] marriage." Evan also had financial problems prior to his conviction. He reported having to "scrape and scramble and do whatever to get by." Evan's wife was rarely working which he said contributed to the stress. He admitted the "financial stress issues...made a lot of contribution" to him committing a sexual offense. Colby reported feeling lonely before his first conviction of a sexual offense. He wanted someone who would love him and he could be intimate with which lead him to try and fill that void in his life. He also reported stress with his spouse before his second conviction of a sexual offense. He said they used to talk about everything, but his wife started talking to her family instead of him which "added on top to anger or hatred issues" he already had with her. These participants admitted the stressors in their lives contributing to their crimes even though the decision to commit the offense was their own.

What was Life like after Conviction?

None of the participants could foresee how much their lives would change once they were convicted of a sexual offense. Some participants lost their home, others lost their place of employment, and others were outcast once their crime became public knowledge.

Housing

Once the participants were convicted of a sexual offense, their housing options diminished. Most of the participant's offenses happened in other cities across Montana, but they chose to move to Missoula to get a new start. They did not realize how difficult finding housing would be. Alex came straight from Montana State Prison to Missoula thinking it would be better than returning to his hometown. He ran in to a lot of problems with housing stating:

Finding housing was even harder because as soon as the people find out you're sex offender, they don't want to rent to you, then the places that I could go, probation won't let me go because of different reasons...then going out looking on my own, trying to find a place for one without a job, I couldn't afford it. For two, being a sex offender most of them wouldn't, wouldn't even talk to me. Soon as they find out you're a sex offender, they would say 'no can't rent to you'...The public, I checked into the public through different resources like the homeless shelter and all that. If you're a, a lot of them, if you're a even a felon, they won't rent to you.

He ended up staying in a local homeless shelter called the Poverello Center, for about five months following his release from prison because he could not find housing. Alex described the homeless shelter experience as,

It's not a good situation over there. The places is dirty, sleeping arrangements are okay, but it's, they deal with a lot of mentally disturbed people, a lot of alcoholics, druggies, that kind of stuff. It was just a bad situation for me because I didn't want to be in that situation. I don't want to be around all that stuff. I wasn't around it before and to get dropped into it...wasn't a good situation.

Similarly, Grant, who moved from Billings to Missoula said,

In Billings, within the first two weeks I had a job and a place to stay. Here it took months. Nobody wanted to house a sex offender. It was months before found a place and when I found one, it was with a friends and it was just kind of a temporary situation because I couldn't stay at the Pov anymore. Um, and they housed me for about three months until I finally had a place I could move into.

Grant also stayed at the Poverello Center while waiting to get his own place. He described it as,

Crap. It's a dorm full of guys. I mean it. Aside from being able to walk outside and not have fences, it was scarcely similar to prison. You had a chow hall, you had a dorm for everybody to sleep in, everything was dirty, gross, people were rude and disrespectful and you had to avoid fights so you don't go back to prison.

After three months of staying at the Poverello Center, he was able to find a place on his own.

Public rental agencies have made it almost impossible for a registered sex offender to find housing. Of the twelve property management companies in Missoula, not a single one will

rent to sexual offenders (DOC 2011). In the passage below, the researcher learned about Grant's interaction with a local property management agency. He applied at the agency multiple times and paid for every housing application that was submitted. He described this experience as,

The insult to any sex offender, which is any property management. They'll always tell ya 'oh yeah we accept applications go and put in your ten to twenty dollar application and we'll run it through our system to see if we can get ya moved in.' Thirty applications later and you're broke and still nothing.

This is an issue that affects not only those who are relocating to Missoula, but impacts residents who are renting from local property management agencies that have been required to register as a sexual offender due to a conviction or plea agreement as is discussed in the following passage:

Well, I had found out that as soon as I got on the registry, they were gonna evict me, so I just went ahead and moved out. And the only way I got my place I'm living with now, living at now, was the S.O. (sex offender) group. [A fellow sex offender] allowed me to move in with him 'cause he needed a roommate, plus the housing authority, they don't accept sex offenders.

Hank was fortunate in the sense that he was able to find another place to live immediately following his conviction. Many of the respondents reported negative impacts on their housing situation as a result of their names appearing on the sexual offender registry. The passage below is taken from the interview transcript of Byron who had to move out of his family's home as the result of his crime. Discussing the period of time following his conviction and his name appearing in the newspaper, he said,

Had to find another place to live which was at my dad's which lives in the (names park) trailer court. I was livin' there up until... I had to register immediately as a sex offender which hits the paper every Monday. New sex offender does and as soon as my name hit the paper, the (names park) instantly got a hold of my dad and said, 'he's gotta get moved out immediately.' So, my dad talked to them trying to give us a little bit of time, ya know, we can't find a place, like overnight. What I ended up having to do was having to stay in a motel, for I believe about a week.

It wasn't very long until we found a cabin that is a studio cabin, really run-down, but I was thankful that, this guy allowed me to live there. The cabin I stayed in was, you can call it, felony flats, so, ya know, if you, in fact the time I was living there, there was like six or seven other sex offenders living in that, in that area too.

This passage highlights a common occurrence among registered sex offenders. In many situations, sexual offenders will end up, due to the inability to secure alternative housing elsewhere, moving in to a living situation where there are many other registered sexual offenders. Byron too spoke about the problems he had when trying to secure housing through a local property management business. He stated,

Well, we'd ask the general, how much did they want, what do we have to pay to get in and all that and then we'd ask...well, most of the time my wife was calling and she said 'well, my husband's a sex offender, would you allow him to stay there?' and instantly, they'd say 'nope,' or they'd just hang up. They didn't even wanna deal with it.

Once his children turned eighteen years old or moved out, Byron would be allowed to move back home. He was able to move back home after ten years and still resides there with his wife.

"Felony Flats" as it has been referred to by some of the participants, is one of the only groups of homes that felons, especially sexual offenders, can live. Dane described the flats as,

I think it used to be sort of a little resort thing, like sixty years ago. It's a bunch of little log cabins, kind of by the north side of town, but as the town expanded out, and moved past it, it became very low-income kind of housing. And it's kind of known as, as one of the places where felons or sex offenders can go and get a place to live for maybe \$400 a month or something. Kind of reasonable.

These cabins are not well maintained, but the few participants who have lived there are thankful for the roof over their head. Dane described another sexual offender's experience once he was released from prison and proposed a way to prevent this from happening to other sexual offenders in the following passage:

He couldn't get a job and he couldn't find a place to live and I think that contributed to his relapse and now he's back in Deer Lodge. We're all supporting him again for the next five years because, in part at least because it was so hard for him, and like I said it's his own fault, but if things had been easier for him, if there was a job placement service or a temporary housing service or something, I think the chances [to be] able to succeed out here would have been much higher.

Some private landlords have made it just as difficult for sexual offenders to find housing as public rental agencies. Evan ran in to this problem after his conviction. He said, "one was worried about the fact that it was going to get in the paper, the newspaper, and otherwise he would have rented to me, but he said if, if this is gonna be in the paper that you're living here, I can't do it." Every Monday in Missoula, sexual offenders that have recently moved or are new to the community get their name and address printed in the newspaper. For private renters this becomes a problem. It seems as though they believe there is a stigma correlated with renting to sexual offenders, and in Missoula they are probably right.

A few of the participants were able to find housing following their conviction. Grant participant found housing immediately following his conviction in 2012. He was able to live with friends and still had housing at the time of the interview. Dane was also able to find housing following his conviction. He rented a place outside of Missoula until he could afford a house. He is one of the few participants that was able to purchase his own home, which prevented him from dealing with the lack of housing options in Missoula. It should be noted that housing issues emerged in the conversation about life after conviction with all eight participants. Each of whom, at the time of the interview, had secured a place to live. Many of the respondents had endured an uphill battle to find housing, and each reported that they were very happy to finally have a place to call home.

Employment

Housing was a problem for many of the participants, but finding a job seemed to outweigh the housing issue. Alex reported finding a job was the biggest problem he faced upon his release from prison. He said,

Finding a job was the biggest part of it. I've got over 600 applications floatin' around Missoula. No takers. I was a job service every day putting in applications after applications, resumes, online, going door to door and I was just having no luck whatsoever. I even had one [employer] lie to me. She goes, 'oh we can't hire felons.' She saw I was a felon when I walked in, but she didn't say she couldn't hire me until after I told her I was a sex offender. She says, 'well we can't hire felons.' I says, 'well I'm sorry I know you have several felons working here.' She goes, 'well I can't hire you anymore.' Most of them try to be nice, but you can see the change in them, nah, we don't want you here.

After several months, Alex was able to retain services from VocRehab, a local agency that helps people with disabilities find employment and housing. He talked about how this agency helped him find a job stating, "They were trying to help me and then they ran in to the same thing. The sex offender thing 'cause they would call their people, their contacts, 'well we got this Tier II sex offender' and most of them would say, 'well ya know, we can't do that.'" After five months, Alex was able to find a job and he is still currently employed there. Byron had a stable job before he was arrested, but because of how long he was incarcerated, he lost this job and hard to start from square one. He said,

No they [his previous employer] were real good with me. I mean 'cause I was there that long, being there seven years, I was the head night loader there and they treated me real good and they gave me to help pay for bills. They gave my wife four weeks' vacation pay that I had on top of that, but I was in there [jail] for five weeks and they couldn't hold on to my job any longer. It was just too long; they needed to get somebody else in there. If I could have been out end of the fourth week, I probably still would have had the job there, at least up until my conviction. The supervisor there said, 'well you can put your application back in and see if we got something for ya.' Later on I found out they said they won't hire felons. There's no way I could get my old job back. I loved it there, but I messed it up.

Following his release from incarceration, Byron described the employment search in the following excerpt from the interview transcription.

At that time, it took quite a while. There was actually a couple of jobs that they would have hired me except for my crime, especially being fresh. There's one [business], he definitely wanted to hire me, but he had to talk to the owners and see what they said. He talked to them and they said, 'nope, can't do it.' So I went through, (names business) where they find you work. I had to let them know of my crime and they didn't seem to have a problem with it. They were finding places for me to go to work. It was odd jobs like go clean a yard up, or go to a house and help pack things. Then I managed to get a job at (names business) and they actually hired me knowing my crime.

Colby reported his employment search as minimal compared to other sexual offenders he has seen trying to get jobs. He said,

In all actuality, it's been rather good. I definitely, definitely seen worse, I've seen some luckier. It didn't take me that long to get a job. It seemed like it, but I was able to get a job within a couple months, when I first got out [of prison]. Granted it was a place that hires a lot of offenders and it's actually, at the point, there's was quite a few, almost everyone that worked there was sex offenders.

Following Colby's first probation violation, employment searching was a little more difficult for him. He said,

When I got out of jail from the initial probation violation in 2011, I spent almost three months, three and a half months at that time trying to find work. I had a job, which I've done for a couple years and it happens only twice a year, like six weeks at a time. I was doing job searching at Job Service and Craigslist had an ad for housekeepers and cooks at a bar. I went out there, had the interview with the owner and the manager, told 'em about my crimes and they gave me the shot at being the housekeeper. I was driving on the way to my final court appearance for the violation and I got a phone call from the manager, they laid me off. Really, they said because they were slow on business which might been some of that, but I still think it had something to do with the one girl that worked there. I think she found out I was a sex offender, or found out about my crime and didn't like it. So I was without a job again for about fifteen, twenty days, and again, on Craigslist there was an application, or a job thing for a housekeeper at (names business).

He was hired for the housekeeper position and has been there for almost two years. When asked what the biggest problem is sexual offenders face in Missoula, Colby stated employment. He said,

There's not a lot of jobs and there's a lot of people lookin' for jobs. So unless you have really good qualifications, being a sex offender competing against other people who aren't sex offenders, I mean I understand, people are gonna hire the person that's not the risk. There are some very different employers around here that do take chances on sex offenders and it's very appreciated.

Grant only had to job search for a few months before he found employment. He said,

I pounded the pavement for days upon days just stopping at every place I could and the places that I couldn't put in a paper application, I wrote down their name, their website to be able to put in an online application and every three days I went to the library and put all the information into the applications on the computer. I literally had like a notepad opened up with all my information on there, so I just copied and pasted, copy and pasted. It was horrific.

Grant was able to find a stable job about three months after he moved to Missoula and he has been working there for almost two years. Evan had a secure job before his conviction, but he was not allowed to be in that type of work again. He described his experiences looking for a job in the following passage:

Not being able to find a job was a real tough issue because my mom was covering my expenses. Then nobody could ever have foreseen how long it took to try and find a good job. Some places just don't even want to, they see a felony conviction on the application and they'll ask what kind of conviction it was, and then the sexual offense is the worst from what I have experienced and what I've heard, just, it's just an automatic no for a lot of people. One interview went perfectly great at a supermarket, and then when it came to disclosing my offense, because it looked like I was gonna get the job then she said, 'well, there's a lot of women working here and I'm sorry,' but that offense disqualified me.

Evan was able to get a job a few months after his conviction at a local business and he is still currently employed there. Felix knew he was going to need to find a job following his conviction and he described the experience as,

That was one of the main things that was tough for me is that instead of being smart and finding a job and letting them see what kind of person I was before I got convicted, I kinda was depressed and all these things and waited, and then put out like thirty-five applications and didn't, I received one return phone call, I got the interview with them. I believe they heard my crime and never heard anything from them again. So, it's been tough. I really had a tough time finding a job and now that I'm under this stigma, it's so tough. It's tough to get a job. I applied at so many different places, and it's difficult. I mean it's frustrating and I know what type of worker I am and I feel like I don't get that chance when I don't get that interview or that, or at least that second interview or at least an opportunity to explain. I never even really got that, so that was definitely disappointing. That definitely puts a damper on ya. Makes ya feel like a failure, even though I know I'm a great worker. So I guess my last resort was going to workforce is the place that I went to and they kinda gave me odd jobs and they saw what kind of worker I was and to me, what they told me was, that wasn't my crime or anything, it was basically my work ethic, so they put me in a really good spot, I'm in a really great spot, especially being here in Missoula as far as job wise.

When Felix was asked what he thought the biggest problem was sexual offenders face in Missoula, he said,

Finding jobs. It's hard to find jobs here anyway, but having that stigma over top your head to me would be finding a job. Like I said for me, I've got lucky with as far as finding a place, but to me, it's finding a job and letting people know, 'hey I'm changing and I'm going through counseling,' but once they hear that you're a sexual offender, then it just kinda seems so many people are so judgmental.

Some participants have found it fairly easy to find employment in Missoula, but unless you know the right people, it can make employment searching a full time job on its own. The participants who had a hard time finding jobs talked about how it was due to their crime. They knew it was going to be difficult from the beginning, but there were people in Missoula gracious enough to give them a chance to work in their business. All participants brought up the problem of employment although a few of the participant's excerpts from the transcriptions were removed for confidentiality reasons. At the time of the interviews, only one participant, Hank, was unemployed by choice due to self-report of other financial assistance.

Social supports

Many of the participant's friends and family stuck by them after their conviction even though they did not think any of them would. Alex moved to Missoula to be close to his family.

He said,

My brother was coming here and the guy at the prison said, 'well since your brother's going to Missoula, I think we should put you there too' and it worked out because my brother's here, and I've got a niece and my nephews here. They were helping with everything. Now not so much, but I don't really need their help now.

Alex was divorced soon after his conviction, but his brother has stood by him through the entire process. Byron was very surprised by his wife and other family members standing by him following his conviction. He said,

I still can't believe my wife's with me, I've had one friend that stuck by my side. I've had another one that just recently stopped talking to me. My family; super supportive. I mean they back me 100%, like I said, my brother and sister-in-law; they put up land for my bond. Mom and dad, super supportive. It's been amazing and I hit such a low. I don't know if I didn't have that family support like I did, it'd be super tough for me. I don't know where I'd be at right now without it. I really don't.

The following passage describes Dane's experience with most of his friends sticking by his side following his arrest and conviction:

Several of them wrote letters for me, for the judge to be used in sentencing. I would say I was pleasantly surprised by the reactions of some and maybe one or two that I was, a couple that I was a little closer to, was a little negatively surprised by their reactions. One in particular was kind of my best friend...and she didn't really want anything to have to do with me or even talk to me on the phone or anything like that, but others that were just sort of colleagues, were very supportive, reached out to me.

Evan relied on a local church and his mother to help him get back on his feet following his release from incarceration. He stated,

Thank god for the church that I go to and the people I have and the mother I have. Without her help, I would have been in extreme, dire situation, but with her help,

I felt I still had a lot of trauma, but avoided being homeless, living out of a backpack under a bridge somewhere or something like that.

Evan's wife left him shortly after he was arrested, but with the help of his mother, he was able to get back on his feet after moving to Missoula. Grant talked about how some of his family has stood by him and how he is happy he does not still have the friends he had before his conviction. He stated,

My mom has been accepting and supportive. I don't talk with my father. My sisters seem to be more like denial. They don't bring it up, so we don't talk about it...I didn't have a lot of friends. I was really into to drugs and alcohol and being stupid, so anybody who would really consider a friend back then, isn't really a friend. So, I can't say I really lost any friends. There's people I fell apart with. I don't know if it's because of the offense or because I went to prison for seven years without ever seeing 'em.

Many of the participants did not disclose how their social supports changed following conviction, but it is clear for those who did talk about it how lucky they were to have such supportive friends and family to help them through a difficult time.

Other problems

Many of the participants dealt with emotional and interpersonal conflicts following their conviction. Evan said he dealt with a lot of interpersonal conflict after his release from confinement. He stated, "I was quite ashamed and went through a lot of ...shameful, guilty...self-demeaning thoughts and was in a pretty bad state of mind." He talked a lot about how these thoughts played a role in him not getting a job right away. Evan knew he did not look confident when talking to managers because he was ashamed of his crime and did not want them knowing right away. Dane talked about the financial stress after his conviction. He borrowed a lot of money from his parents and was living off his credit cards. He reported his legal bills were piling up and he accrued over \$60,000 in debt. Because of his conviction, he could no longer return to his previous job, which meant he needed to find another way to pay off his debt. He

reported "the fear of not being able to support myself" is one the biggest problems he faced following conviction. Alex, while living at the Poverello Center, was faced with other residents wanting to "start a fight" with him because he was a sexual offender. He said he did not know how the other residents found out as only the staff knew he was a sexual offender, but he thinks they found out because of the online registry of sexual and violent offenders. All the participants dealt with problems associated with being labeled as a sexual offender, but many of them talked about it when asked about Missoula's reaction to sexual offenders in general.

Probation/Parole Violations

Three participants had a probation violation at the time of the interviews. A short time after he was released from prison, Grant was arrested for a probation violation. One rule of probation is no one is allowed to stay in the offender's residence without prior permission from the probation officer. He was out in the community for 90 days before he let someone stay in his house and on a random home visit, he was found to be in violation and arrested. He was sent back to prison for two years. His reasoning for violating his conditions of probation was his "heart overrode his mind" and he "wouldn't let her stay on the streets." Felix admitted to drinking alcohol and smoking marijuana while on probation. He was not sent to prison, rather he was referred to treatment for his heavy drinking behavior. His reasoning behind the violation was "who are you guys [probation officers] to tell me to follow rules." Colby was caught with pornography he obtained from the Internet after his second conviction, which landed him one month in jail and additional restrictions to his probation conditions. He never gave a reason for this violation.

Only a few of the participants had a probation violation, but what is more interesting is why the other participants have not had any violations. Alex said, "Prison's a pretty bad

experience. I don't want to go back there." Dane said his reason for not violating his conditions of probation was "I have a track that I'm on, goals that I want to accomplish and getting derailed...by drinking...no even in the ballpark of being worth it." Evan said it was traumatizing enough spending one year in jail and he "can't even think of anything that even appears to be wrong in any way." Hank's reasons behind not violating his conditions were, "I don't want to go to prison. What I have heard, you get all kinds of problems once you're a cho-mo [child molester] in prison...beat up, raped, maybe even killed." He also said prison is very "unforgiving" with people who have crimes against children. The fear of prison seems to be the biggest deterrent for not following probation conditions for these participants.

Participant's Perceptions of Missoula

All participants were asked their opinion regarding the problems sexual offenders face residing in Missoula. Byron focused on the stigma that is placed on sexual offenders. He said,

Society wants to group all sex offenders in one as they're the worst thing on earth, when each case is individual of what they do. Whether they're gonna learn from their lesson...but ya gotta give 'em that opportunity to prove them self. I believe that's a big difference out there of whether somebody succeeds or not and society's gotta take each case individual and go from there. Can't just judge us all in one group. Say okay you're all animals or whatever you want to call us and take each person individually.

Evan reported the stigma of being a sexual offender in Missoula and how hard it is to deal with that label in the following passage:

The perception people have, I would like it to be, and I don't know how much it is actually the case, more based on the person rather than based on the offense, like if someone hears the word sexual assault, I mean that's like, whoa forget it. This label and the stigma that go with that label is quite, quite harsh...I mean what it looks like on paper, sexual assault, registered sex offender is pretty harsh. I guess not everybody sees it that way and can look at the person, but I ran in to a sizeable group of people and had a frustrating time, on more than a handful of occasions, not being able to get past that.

Felix talked about the label "sexual predator" and he believes everyone, including himself, in Missoula sees him as a predator. He said,

I was always one of them guys and without knowing their story of, oh this guy, he's bad and I had no clue what the story is, but the more that I talk to people and been in counseling, a lot of it's like me or it's guys being I guess guys, at the age of eighteen and sleeping with women like fifteen are underage girls, I find that a little bit more common as before to me, it was they're touchin' kids, they're doing all these weird, bad things to kids. That was my first thing... I can't stand them people, I don't want to be around those people, I don't want to associate and now here I am and it's just different to be on that other side of the shoe. To be judged and all these things when hey, I'm a good guy. Had a bad night like a lot of these other guys... It's just so judgmental and I was one of them guys and to be sitting here, it hurts me to know that I was so judgmental. It really does.

Grant talked about how politicians treat sexual offenders and how they use scare tactics to get themselves in to office. He said,

Every politician that tries to get put into office, they always bring something up about being against sex offenders. They want stronger laws against sex offenders. The blanket treatment against sex offenders regardless of what their crime is, whether they flashed somebody while they're takin' a piss on a corner or if they're a serial rapist, we all get the same blanket stipulations, and people start referring to any sex offender as a terrible one because of these blanket stipulations and the kind of blanket idea that those politicians put on it. We're people. We're brothers and sisters with families and husbands. We're not a number.

Hank talked about the criticism he faces in Missoula in the following excerpt from the interview transcriptions: "People look at you and say, 'oh he's a cho-mo [child molester]. I don't want him here.' Maybe there's a whole group of people out there that just want to ruin a sex offender's life especially if they're a cho-mo designation." Hank also recalled an experience he had with his roommate, who is also a registered sexual offender.

There was a guy that pulled up in a truck a couple days ago, I don't know how he knew, but (names his roommate) said he didn't know him, but the guy rolled down his window and said, 'hey cho-mo.' He's had three people in the last three months come up to him. This one guy had two kids with him at (a local business) and he put the cart between him (names his roommate) and his two kids, said 'get away from me you child molester.'

Sadly, Hank has endured these experiences on more than one occasion, but these were the only ones he described during the interview. Although a majority of the participants believe the label and stigma surrounding sexual offender is harsh in Missoula, there is one participant that believes Missoula is more accepting of sexual offenders than other places around Montana.

Colby stated,

They know they need a place to stay, so they will take that chance. I'm sure some of them have been burnt, but, I'm just appreciative of the opportunity as a whole, understanding, one of the things to keep us from reoffending is to give 'em a chance, try to give that support. So I think as a whole, this community does a very good job dealing with sex offenders.

The interviews focused extensively on the problems sexual offenders face in Missoula following conviction. Housing was not the only problem the participants faced, but without housing they will end up living on the streets. Without employment, the participants faced the chance of going back in front of the judge and possibly get sent back to prison because they were unable to follow their probation conditions and find employment. Some of the participants were able to find housing and employment once they came to probation, but others were faced with the grueling process of searching for employment and a place to live.

DISCUSSION: STIGMATIZING SHAMING IN MISSOULA

It was predicted that lack of housing options for sexual offenders in Missoula, Montana would negatively affect their success on probation or parole. Such factors did not have a direct, negative impact on the participants' success on probation. Personal choices rather than outside factors such as employment, housing, social supports and other problems determined the amount of success on probation or parole for the participants. Although there was mixed support for the

hypothesis, throughout the interviews, it became clear the participants were faced with more problems than just housing once they returned to the community after conviction.

What is more interesting is how Missoula uses stigmatizing shaming with sexual offenders, yet many people do not realize how these actions can affect the sexual offenders. Many of the participants voiced their opinions on how members of society treat them and how difficult it has been to get established in Missoula. What many people do not understand is almost every person convicted of a sexual offense will be released back in to the community at some point. Many members of society believe sexual offenders will be in prison forever, therefore they do not take the time to help make their reintegration in to society manageable.

Employment availability to sexual offenders is one way Missoula fails to reintegrate sexual offenders back in to the community which can be a factor in the participants' success on probation. Four of the participants, Colby, Felix, Dane, and Grant had secured employment within thirty days after their release from confinement. These participants did not have many complaints about lack of available jobs in Missoula, which may have had to do with how quickly they obtained their employment. Byron had secured employment within the first 90 days. This participant ran in to a few problems of employers not hiring him because he was convicted of a sexual offense. Two participants, Alex and Evan, were searching for secure employment for over 90 days. Both participants ran in to employers in almost every place they applied that would not hire them because of their crime. They both voiced their frustration on how judgmental the employers are around Missoula. Hank was able to get a job, but this job did not last longer than a couple of weeks. At the time of the interview, he still was not employed. Some participants were able to get employment quickly despite their offense, but those that did not were confronted with stigmatizing shaming that is being used by employers around Missoula. Coincidentally, three

of the four participants, Colby, Grant, and Felix had obtained employment shortly after release from confinement also had violations on probation. The two participants, Alex and Evan that were not able to obtain employment within the first 90 days have not had any violations on probation. The lack of violations for these participants affirms that problems getting established after conviction do not cause lower success on probation.

The participants talked a lot about their social supports after conviction and surprisingly, many of their relationships stayed strong after their release from confinement. Dane had many of his friends stick by his side after conviction. Most of them wrote letters on his behalf for the judge at sentencing. Byron was married before his conviction, and to his surprise, his wife stayed with him after his conviction. Three participants, Felix, Grant and Hank did not have any people in their lives before their conviction that they considered friends, therefore immediately following their conviction, they still did not have any one for support. Felix and Grant had violations during the time of the interview which could mean lack of social supports have an effect on their choice to violate their conditions of probation. Alex, Evan and Colby were married before their conviction, but were divorced soon after. Alex was married for twenty years, Colby was married for three years while the Evan was married for about six years. All of these men were punished for their crime and now they lost the most important people in their lives. Although a lack of social support can lead to violating conditions of probation, there is not necessarily a causal relationship between the two.

Only a few of the participants talked about other problems they were faced with after conviction. Two participants talked about the financial stress following their conviction. Evan's financial stress was due in large part to him not being able to find a job. He also felt ashamed because of his crime and because of his inability to find a job immediately following conviction,

which leads to increased financial stress. Dane had accrued a large amount of debt because of his legal bills. Both of these participants had a difficult time getting established in the community, but neither of them had violated their conditions of probation at the time of the interview. This shows that a personal choice of not wanting to violate conditions of probation can outweigh the stress of outside factors.

Even though there was mixed support for minimal housing options leading to less success on probation, the problem of housing is still a problem that many of the participants faced following conviction. Colby, Alex, and Grant were forced to live in a local homeless shelter following their release from incarceration. According to the participants, the living conditions were terrible, but they were happy to have a roof over their heads. Colby was soon asked to leave the homeless shelter because of his tier designation. Not only can sexual offenders not find housing, now the homeless shelter refuses to let some sexual offenders stay there. Tier III offenders are not allowed to stay there because they are considered "sexual predators" and the shelter needs to protect the other residents. This is another example of how Missoula uses stigmatizing shaming by not providing a place for Tier III sexual offenders to reside. Not only will these offenders have the stigma of being a sexual offender and being labeled a Tier III offender, now they have the stigma of being homeless placed on them. The tier designations themselves have placed a stigma on sexual offenders although the designations are supposed to be there for community safety rather than to punish the offenders. Two of these participants, Grant and Colby have had violations on probation, but they were long after leaving the homeless shelter and finding a place on their own. Again, these choices were personal and did not have anything to do with stressors of not finding housing.

Reintegrative Shaming in Missoula

Throughout the analysis of the transcriptions, it became apparent that stigmatizing shaming is commonly used with sexual offenders in Missoula, Montana. Although Braithwaite's theory "Crime, Shame and Reintegration" (1989) was meant as a macro level theory, it can be used at a micro level analysis. Braithwaite suggested why certain societies had higher crime rates than others, but this can also determine why certain people tend to continue to commit crime. The type of shaming used can determine the offender's future criminal behavior which can increase the amount of crime in certain societies. Breaking down Braithwaite's theory at the individual level can help societies understand why crime rates in their communities can increase.

Housing options for sexual offenders is one of the largest indicators of stigmatizing shaming. Many of the participants voiced their frustration with the lack of housing options for sexual offenders in Missoula. A few of them were forced to live in the local homeless shelter because rental agencies would not even consider them as renters in their properties. Two participants were forced to live in the local homeless shelter for about four months because they could not find housing anywhere else. Rental agencies follow the same ideas as real estate developers. If one agency refuses to rent to sexual offenders then they all refuse to make sure they always have tenants who want to move in (Wagner 2011: 268). There is not a single public rental agency in Missoula that will rent to sexual offenders which is an indicator that there is no effort by the community as a whole to reintegrate sexual offenders back in to the community (Braithwaite 1989:101). This can lead to sexual offenders feeling isolated and continue to decrease their chance of being reintegrated back in to the community. Not only are these participants stigmatized with the term sexual offender, they are faced with the problem of being homeless because public rental agencies refuse to rent to them.

Employment opportunities are another example of how Missoula uses stigmatizing shaming with sexual offenders. Missoula lacks decent employment opportunities for people with a felony on their record, let alone a sexual offense. Many of the participants spent months looking for a job and the only jobs they could find were in places that only hired felons. Many of them wanted the type of jobs they had before conviction, but those jobs were no longer options. One participant was a security guard prior to his conviction, but once he released from prison, security jobs were not allowed because society does not feel safe with a sexual offender protecting them. One participant taught martial arts before his conviction. Once he was released he knew he would not be able to return to this type of employment. One rule of probation is the offender is not allowed to work in any place where they could be in authority over a minor which is another reason this participant could not return to his choice of work and had to resort to other options. This was the same problem another participant faced. He was given the option of resigning from his place of employment, but it was apparent that he would never be able to work in that position again, especially in Montana. This forced him to find other options, but since he had a degree, he was able to become self-employed and not have to deal with being rejected by employers around Missoula. A few of the participants were lucky enough to find work in motels, even though this was not the job they wanted. Local motels are some of the only places that will hire sexual offenders, which gives the offender an opportunity to start being reintegrated back in to the community.

Many of the employers around town will not even look twice at hiring a sexual offender. One participant ran in to this problem for six months following his release from prison. He said many of the employers do not want him in their business because of his crime. He is not the only participant that has dealt with this problem. Many employers around Missoula, whether

they realize it or not, have used stigmatizing shaming with sexual offenders trying to find employment. By denying them the opportunity to work and become a part of the community again, there is a good chance the offender will go back in front of the sentencing judge and could possibly go back to prison. One rule of probation is the requirement of seeking and maintaining employment. After a certain amount of time, the Probation Officer has the ability to revoke the offender and send them back in front of the judge. If local businesses do not hire sexual offenders, the expectation of the offender finding a job becomes null. This type of shaming has made it difficult for sexual offenders in Missoula to be reintegrated back in to society.

Societal reactions are the biggest indicator of stigmatizing shaming used in Missoula. One participant believes society sees him as the worst person in the world and treats him as though he is. Two participants were faced with members of society ignoring them or yelling inappropriate terms at them because they have the label of sexual offender. One participant was faced with a guy who tried starting a fight with him because he was a sexual offender. Another participant talked quite a bit about politicians view on sexual offenders. He believed all sexual offenders are blanketed with the same stipulations regardless of their crime. Politicians are forced to lobby for stronger restrictions on sexual offenders because that is what society wants from them. Rather than lobbying for ways to reintegrate sexual offenders back in to the community, they lobby for ways to keep them in prison and out of the communities (Barnes et al. 2009: 22). These negative reactions have lead many of the participants to feel isolated from the rest of society. Sexual offenders that are not accepted by community members are then forced to socialize with other sexual offenders to help them feel more accepted. These are a just a few of the incidents where sexual offenders are negatively impacted by society which leads them to believe members of society do not welcome sexual offenders.

At the time of the interviews, all participants were employed and had a place to live. This suggests the participants were partially reintegrated into society. The partial reintegration could be due to the positive social support that most participants had from their friends and family or the determination of the participants to become productive members of society. The participants have been labeled as sexual offenders and have been given a tier designation, these two factors may prevent the participants from becoming fully reintegrated back into society. Even though society may not allow sexual offenders to be fully reintegrated into society, this has not stopped many of the participants from trying to become productive members of society.

Personal choices rather than lack of housing availability lead to violating conditions of probation. Other factors such as lack of employment, lack of social support, and other general problems may have led to the participant's choice to violate their conditions. Almost every participant believed Missoula, as a whole needs to provide more opportunities for sexual offenders to be reintegrated back in to the community. Housing and employment opportunities are among the top reasons the participants felt Missoula does not welcome sexual offenders in the community. Offering sexual offenders more opportunities to get established in the community will make them productive members of society and could prevent further criminal behavior.

LIMITATIONS, IMPLICATIONS AND FUTURE RESEARCH

The limitations in this study will provide future researchers with an opportunity to further the much-needed research on housing restrictions placed on sexual offenders. The first limitation is the small sample size. Sexual offenders are a vulnerable population and to conduct a study such as this one, it is important that the offenders volunteer to participate. Working with the

participants' probation and parole officer has helped these sexual offenders become comfortable enough to want to participate in this study. Because of the small sample size, the participants could have been self-selected. All participants had some trouble with reintegrating back in to society following conviction, but the research lacks the participants that did not have these troubles. Most of the participants have been in treatment for over six months which means they have been faced with most problems that sexual offenders deal with following conviction, but they also have been in the community long enough to become stable and realize the stressors they went through. This study was only conducted with sexual offenders in Missoula County. Sexual offenders in other locations may experience different problems as a sexual offender residing in the community. Another limitation in this study is the participants are all male. Males are not the only gender to participate in illegal sexual acts, yet they are the most studied.

This research has shown a dire need for resources for sexual offenders that are being reintegrated back in to the community. Many of them are homeless once they come to Missoula. There is a local homeless shelter, but they will not allow Tier III offenders to stay there. There is a need for temporary housing, especially for sexual offenders, when they return back to the community. This will make the transition from prison easier and make them more productive members of society. Since most sexual offenders will return to the community following their sentence in prison, society needs to realize how important it is to be able to know where these offenders are living. If the offenders are homeless, there may not be as much supervision as if they have a home to live in.

This study has also shown a need for employment opportunities for offenders convicted of a sexual crime. By not providing sexual offenders with a place to work, they are unable to become productive members of society. Just as there is a need for temporary housing, there

should be transitional employment for offenders released from prison. Most offenders only have the jobs they did in prison on their resumes, which does not seem to make a difference to many employers. If sexual offenders were able to get experience outside of the prison, it will increase their chances of becoming productive members of society.

Laws and policies put into place by legislation also has a negative effect on sexual offenders. By restricting where they can live leaves more sexual offenders homeless. Very few employers will hire someone who is homeless and without a job, the offender is in violation of their probation rules. They will then be placed back in front of the judge and chances are, they will go back to prison. This increases the prison population and costs the taxpayers more every year. Overcrowding of prisons is a big problem and the number of inmates charged with a sexual offense is increasing because they are unable to survive in the community. By providing transitional housing and employment, the number of sexual offenders in prison will hopefully decrease, which means the number of sexual offenders becoming productive members of society will increase.

Future research should focus on female sexual offenders and what problems they face residing in the community as a sexual offender. There were very few female sexual offenders in Missoula and none of them were in the treatment group that was sampled. Future research should also go in to more detail about life before conviction for sexual offenders. Time constraints made it difficult to let the participants talk about the details of their life right before conviction.

References

- Barnes, J.C., Tony Dukes, Richard Tewksbury, and Timothy De Troye. 2009. "Analyzing the Impact of a Statewide Residence Restriction Law on South Carolina Sex Offenders." *Criminal Justice Policy Review* 20(1):21-43.
- Blood, Phyllis, Lanette Watson, and Paul Stageberg. 2008. "State Legislation Monitoring Report FY2007." *Criminal and Juvenile Justice Planning* 1-11.
- Braithwaite, John. 1989. *Crime, Shame and Reintegration*. Cambridge, United Kingdom: Cambridge University Press.
- Cullen, Francis T. and Cheryl L. Jonson. 2012. *Correctional Theory: Context and Consequences*. Los Angeles, CA: Sage Publications.
- Department of Corrections. 2011. "Reentry Resources in Region I." Retrieved May 14, 2013 (http://cor.mine.mt.gov/content/Reentry/Resource_Localities/MissoulaResources.pdf)
- FindLaw. 2011. "Registration Requirements: Impact of Jacob Wetterling." Retrieved December 1, 2011 (<http://criminal.findlaw.com/crimes/more-criminal-topics/sex-offenders/sex-offender-registration-requirements.html>).
- Johnson, Mark. 2013. "Sex Offenders in Missoula."
- Levenson, Jill S. and Leo P. Cotter. 2005. "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?" *International Journal of Offender Therapy and Comparative Criminology* 49(2):168-178.
- Mercado, Cynthia Calkins, Shea Alvarez, and Jill Levenson. 2008. "The Impact of Specialized Sex Offender Legislation on Community Reentry." *Sexual Abuse: A Journal of Research and Treatment* 20(2):188-205.
- Montana Code Annotated. 2011. 45-5-502.
- Montana Code Annotated. 2011. 45-5-503.
- Montana Code Annotated. 2011. 45-5-504.
- Montana Code Annotated. 2011. 45-5-505.
- Montana Code Annotated. 2011. 45-5-507.
- Montana Code Annotated. 2011. 45-5-625.
- Montana Code Annotated. 2011. 46-18-255(2).

Montana Code Annotated. 2011. 46-23-1010.

Montana Department of Justice. 2013. "Sexual or Violent Offender Registry." Retrieved April 11, 2013 (<http://svcalt.mt.gov/svor/registrationrequirements.asp>).

Phillips, Rich. 2008. "Police: Drifter Killed Adam Walsh in 1981." Retrieved April 13, 2013 (<http://www.cnn.com/2008/CRIME/12/16/walsh.case.closed/>).

Schiavone, Stacey Katz and Elizabeth L. Jeglic. 2009. "Public Perception of Sex Offender Social Policies and the Impact on Sex Offenders." *International Journal of Offender Therapy and Comparative Criminology* 53(6):679-695.

Tewksbury, Richard. 2005. "Collateral Consequences of Sex Offender Registration" *Journal of Contemporary Criminal Justice* 21(1):67-81.

Wagner, Catherine. 2011. "The Good Left Undone: How to Stop Sex Offender Laws From Causing Unnecessary Harm at the Expense of Effectiveness." *American Journal of Criminal Law* 38(2):263-288.

Young, Caitlin. 2008. "Children Sex Offenders: How the Adam Walsh Child Protection and Safety Act Hurts the Same Children it is Trying to Protect." *New England Journal on Criminal & Civil Confinement* 34(2):459-484.

Zgoba, Kristen M., Jill Levenson, and Tracy McKee. 2009. "Examining the Impact of Sex Offender Residence Restrictions on Housing Availability." *Criminal Justice Policy Review* 20(1):91-110.

APPENDIX A: FLYER RECRUITING PARTICIPANTS

Have you experienced problems living in Missoula because of your crime?

Have your story heard by participating in a Sociology research project.

What is the research about?

~The study aims to understand sex offender experiences within Missoula.

How much time will it take?

~There will be one interview session lasting approximately one hour.

What will I be asked to do?

~Answer questions that pertain to your crime, designation level, and experiences related to being a sex offender in Missoula. All information provided in the interviews will be kept confidential.

If you are interested or would like more information, please contact Krystal at the Adult Probation and Parole Office at 542-7131.

For general information about participant rights, contact The University of Montana Institutional Review Board at 406-243-6670.

APPENDIX B: INFORMED CONSENT FORM

SUBJECT INFORMATION AND INFORMED CONSENT

Study Title: Surviving Probation: How Lessening Housing Restrictions on Sex Offenders Can Lead to Increased Success on Probation.

Investigator(s):

Principal Investigator: Krystal Stevenson, Student, Department of Sociology, The University of Montana (406)542-7131
Faculty Supervisor: Dusten R. Hollist PhD (406)243-2843

Special Instructions:

This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

Purpose:

You are being asked to take part in a research project that is looking at the effects of housing restrictions placed on sex offenders and their success on probation based on these restrictions.

Procedures:

If you agree to take part in this research study, you will be asked to answer a series of questions regarding your criminal offense, tier designation, housing difficulties before and after conviction, if any, known violations while on probation/parole, if any, and your opinion on housing restrictions placed upon you or other sex offenders.

This study will take approximately one hour.

Risks/Discomforts:

Anticipated risks and discomforts associated with the discussion are minimal, however, you will be asked to answer questions that may be sensitive in nature that you may feel uncomfortable answering. To minimize this discomfort we ask you to only answer those questions you feel comfortable with. Your participation in this discussion is completely voluntary which is explained in more detail in the Voluntary Participation/Withdrawal subheading below.

Second, you may be concerned about the information you will provide and how it will be used and reported. All respondents who participate in the discussions will be anonymous in the reporting of information obtained from them. At no time will a person's name or identity be associated with the information that is obtained or the report that will be compiled.

Benefits:

Although you may not benefit personally from this study, your responses will help further the research on housing restrictions placed on sex offenders and how these restrictions

can affect the likelihood of success on probation or parole.

Confidentiality:

Your records will be kept confidential and will not be released without your consent except as required by law including any reported violations of your probation or parole. All data collected from you will be de-identified. No information that could identify you will be used in any reports or presentations. The audiotape will be stored in secure data storage within Social Science room 324 at The University of Montana. It will be transcribed without any information that could identify you. Once transcribed, the audiotape will be erased and/or destroyed. Your signed consent form will be stored in a locked file cabinet in the Department of Sociology at The University of Montana. Only the principal investigator and faculty supervisor will have access to these files. Your Probation and Parole Officer or treatment provider will be in the room during the interview. They understand the importance of letting you answer the questions and not interrupting the interview. They will also keep all responses confidential after the interview.

Compensation for Injury:

In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University of Montana or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Risk Manager or Office of Legal Counsel.

Voluntary Participation/Withdrawal:

Your decision to take part in this study is entirely voluntary. You may refuse to take part in or you may withdraw at any time for any reason without penalty or loss of benefits to which you are normally entitled. To ensure your voluntary participation we ask you only answer questions you feel comfortable with.

Questions:

During the discussion, please ask the researchers to clarify any information or questions that may be confusing or misleading. If you have questions about the research or how the information that you provide will be used, contact Krystal at (406)542-7131 or Dusten R. Hollist PhD at (406)243-2843. If you have any questions regarding your rights as a research subject, you may contact the Chair of the IRB through The University of Montana Research Office at (406)243-6670

Statement of Consent:

I have read the above description of this research study. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the research team. I voluntarily agree to take part in this study. I understand I will receive a copy of this consent form.

Printed (Typed) Name of Subject

Subject's Signature

Date

Statement of Consent to be Audio Recorded:

I consent to having my interview audio recorded. I further understand that if audio recordings are used for presentations of any kind, names and other identifying information will not be associated with them. I also understand that audio recordings will be destroyed following transcription, and that no identifying information will be included in the transcription.

Printed (Typed) Name of Subject

Subject's Signature

Date

APPENDIX C: PARTICIPANT INTERVIEW QUESTIONS

Questions for thesis interviews

1. Before your conviction, can you tell me a little bit about your life?
Example: employment, housing, social supports
2. What crime were you convicted of and when?
3. What was your sentence?
4. What is your tier designation?
5. Once you came to probation or parole, can you tell me about your experiences residing in Missoula as a registered sex offender?
Example: employment, housing, societal reactions

If you moved to Missoula after being placed on probation or parole, can you tell me why?
6. Have you had any violations since you started probation or parole?
If yes, can you tell me about the violation and the decisions you made leading up to the violation?
7. Is there anything else you would like to talk about regarding the above mentioned topics?