

Employment and The Sex Offense Registry Public Notification Stigmatization Discrimination

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Policy makers and those who enforce the registry may hold the view that the registry is not intended as punishment by stigmatization, but no one can honestly deny that the SOR has the effect of stigmatizing those who are on it and it cannot be denied that stigma has the effect of inviting social condemnation, exclusion, suspicion, and sometimes harassment from the community. That stigma, once figuring commonly in punishment sentencing has been discouraged and abandoned and even banned in European and American jurisprudence since the early 19th century, testifies that it is unnecessarily cruel as it marks a person beyond any hope of redemption or relief from public approbation.

An official stigmatizing of a person as the registry does, signals to the community that this person is deserving of suspicion, cautionary exclusion, and the kind of supplementary vigilante stigmatization which is so common in private websites which advertise often via mass emailing to community members that a predator is living among them. Official stigmatization has the effect of encouraging stigmatization by members of the community at large, including civic group, churches, and of course employers.

In a hiring culture which is largely done on line, a registrant has no opportunity to meet with an employer to explain the circumstances of his/her registry status, offense, and to advocate for themselves. Applications by those on the registry are rejected by human resources personnel whose sole job is to screen away such applicants or worse, the screening is automated. If a registrant omits information about his/her registry status and is hired, he will in time be found out and generally will be fired regardless of the time he may have worked for the company or the quality of his work.

Sometimes during an interview when an employer indicates that they would consider you an asset to their company and the interviews seem positive even after candidly sharing status of being the registry, the application is likely to be rejected when it goes to human resources or the interviewer may email you that they are not hiring at this time, only to find out that they are hiring, and are often desperate for workers.

Registrants sometimes find that even after being hired and establishing a good work record that they will be fired if a change in human resources management decides not to maintain staff who are on the registry or their policies change. It is partly for this reason that registrants are often diligent employees thinking they will be less expendable. Promotion is unlikely.

I note the insistence among those who administer and enforce the registry that anyone who really wants to work can find a job and that registrants who have problems finding a job aren't trying hard enough, or in a word, lazy. There is in this view the usual self-serving subtext that laziness is a criminogenic character of persons on the registry and their difficulties finding work are a reflection of their character deficits not the registry. The other subtext is that registrants deserve all this aggravation and have it coming to them. This is another way of saying that the registry is meant to be a punishment and that stigmatization, an abandoned relic of medieval barbarity is suitable for sex offenders.

Eventually one will get hired, probably a minimum wage job with less than full time hours and no benefits and just enough wages to cancel your eligibility for state benefits of any kind.

Registrants with masters degrees are typically working jobs which require a GED.

The larger point is that the registry whether intended or not is a vehicle for stigmatization. Stigmatization is widely viewed as egregious but when it has official sanction it has the effect of encouraging stigmatization by the citizenry and civic institutions and of course employers. In the end public notification becomes stigmatization which when widely practiced becomes indistinguishable from discrimination. Any public safety law designed to protect the public should be reevaluated when the law produces a concatenation of adverse consequences which leads to an erosion of community values by encouraging discrimination, degradation rather than restoration of people atoning for past offenses, fostering a vigilante industry of shaming, all while producing negligible returns on increased public safety and reduction in sex offender recidivism.

There should be an injunction against continued public notification for most or all offenders with those currently on the registry being relegated to a private police registry until certain possible irregularities in the SORs conception and implementation which appear to conflict with the legitimacy of its status as a public safety measure, the integrity and fitness of its design as a public safety law, and the effectiveness of the law with respect to stated purpose and measurable outcomes, and the cost benefit of the measure with regard to what appear to be increased social hazard against doubtful benefit.

I support Bill No. 6219 as long as it does not discriminate against any class of offender reentering society (including offenders of sexual offenses).