

Labeling Sex Offenders in the United States in the 21st Century

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Absract

The purpose of this paper is to present the principles of the Labeling Theory and explore how these principles can be applied in the Criminal Law. More specifically, I will investigate and interpret the *Sex Offenders' Registration, Residence Restrictions and Notification Act* in the United States through the scope of the aforementioned theory. Furthermore, I will evaluate whether registration and notification policies for sex offenders are a form of 'second sentence', additional to incarceration or any other form of sentencing attributed to the perpetrator. The paper will be structured in three parts. Firstly, I will review the literature regarding Labelling theory followed by a brief summary of how the theory is used in sociology of deviance and criminological studies. Secondly, I will demonstrate the theory's application and consequences on the case of sex offenders. The third section will be a critical review of labelling in the Criminal Law. Finally, the concluding remarks will demonstrate my personal overview on the matter while referring to the relationship between Labeling and sex offenders' sentencing.

Application of the labelling theory can be easily acknowledged and identified in racial profiling, prejudiced and biased behavior of the public towards offenders or deviants. I find myself in agreement with those that believe that labeling affects perpetrators negatively and that SORNAs are indeed a form of a second sentence. Numerous studies, including the ones conducting by the Department of Justice, show that the majority of sex offenders rarely reoffend but are, however, stigmatized for the rest of their lives and suffer from unemployment, homelessness, loss of social and family support as well as harassment and even violence. The offender becomes the victim (Baron-Evans, 2008, pp. 357). Under SORNA a sex offender is a person found guilty of any type of sex offense that is widely defined. It includes a teenaged boy convicted of consensual sex with his girlfriend if she was younger than he was. This failure to distinguish the degrees of the offense, hidden under the umbrella of the sex offense, is the most important critique towards labeling in the criminal law. Lastly, I find of great importance that the principle of proportionality should not only be upheld during the criminal justice process but should be applied to the SORNAs as well with sex offenses being clearly distinguished.