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Vagaries, Anxieties and the Imagined Paedophile: A Victorian Case Study on Mandatory Sex Offender Registration for Young Adult Registrants Convicted after Non-Consensually Distributing Intimate Images

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Abstract

This article focuses on interviews with two Australian young adults (and their parents) who were placed on Victoria's Sex Offender Register after being convicted of child pornography offences for non-consensually distributing intimate images. It examines Victoria's modality of automatic registration—which simultaneously constitutes registrants as paedophilic and responsabilised subjects—and the extent to which this modality was negotiated by both young men. This article also explores the collateral socio-political consequences of registration on career opportunities, mental health and family relationships, and details how these impacts are modulated by young adulthood.

Keywords

Sex offender register; sexting; collateral consequences; risk management; youth sex offenders.

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Introduction

In 2011, it emerged that young adults (aged 18 or 19 years) in the Australian state of Victoria were being charged with the production, possession and distribution of child pornography¹ after receiving or distributing images of similarly aged naked minors via their mobile phones (also referred to as sexting) (Brady 2011). Such cases raised concerns that young adults who produced and shared images of themselves and similarly aged minors could potentially be prosecuted for child pornography offences and, if convicted, included on Victoria's Sex Offender Register (hereafter, the Register). The legislative dynamics which shape the inclusion of young adults to Australian registers for sexting are well documented (Crofts and Lee 2013; Victorian Parliamentary Law Reform Committee 2013), but limited Australian research has explored the implications of registration for this cohort. As such, this case study draws from in-depth interviews with two young adult Victorian registrants (and their parents) who were convicted of child pornography offences after non-consensually distributing intimate images² of similarly aged peers.

The focus of this case study is two-fold. It examines how Victoria's modality of registration—largely mandatory, standardised, absent community notification, and designed for adult paedophilic perpetrators—was negotiated by these two young men who had not committed offences envisaged by the apparatus, yet were still subjected to conditions treating them as such. In pursuing this line of questioning, this article examines how instruments of penal surveillance and control—imbued with competing and frenetic discourses—are enacted on the bodies and minds of their subjects and 'deal with' those subjects on certain terms (Foucault 1980). Therefore, the analysis begins by exploring participants' experiences of adhering to and negotiating the administrative vagaries and nuances of registration conditions underpinned by an imagined paedophilic registrant. Dually, this piece continues the ongoing criminological project of examining the collateral consequences of registration (Levenson and Tewksbury 2009; Tewksbury and Lees 2007; Tewksbury and Zgoba 2010) which 'permeate ... relationships, experiences, and interactions in all aspects of [registrants'] lives' (Tewksbury and Lees 2006: 331). Surveys and interviews have consistently highlighted that registration restricts job opportunities and housing options, and produces strained relationships, social isolation, psychological stress, and social exclusion (Evans and Cubellis 2014; Robbers 2009; Tewksbury and Lees 2007), particularly in jurisdictions with community notification (Levenson 2011; Levenson et al. 2007; Mustaine and Tewksbury 2011; Tewksbury and Lees 2007). This case study extends this project by examining how these consequences are shaped by young adulthood and further transferred to family members. It also questions whether community notification is the vital condition modulating or exacerbating collateral consequences. This analysis reflects on the 'everyday' impacts of registration which may appear 'trivial' yet reveal the depth and complexity of participant experiences (Halsey and Harris 2011) and offer theoretical insight into the form and function of contemporary penal technologies.

The research

These Victorian interviews were one component of a comparative research project on the role of child pornography law and sexting reforms in prosecuting and regulating youth sexting in the United States (Florida, Texas, and Connecticut) and Australia (Victoria). It involved speaking to both legal practitioners (defence counsel, prosecutors and judges)³ with experience of youth sexting cases and registrants prosecuted under child pornography laws for non-consensually distributing intimate images, to develop insights into youth sexting and the criminal law.

The two Victorian registrants interviewed for this article (Frank and Allan⁴) were recruited via Victorian defence lawyers already participating in the project. These lawyers indicated that Frank and Allan (both clients) were interested in participating in the research to 'tell their story' and, with their permission, the lawyers provided their contact details. Both had been included on the Register for non-consensually disseminating intimate images. Allan non-consensually

disseminated screen-captured images from a sex tape he consensually created with his girlfriend (when they were both underage) to mutual friends when he was 18. He was charged with inviting a minor under the age of 18 years to be concerned in the making of child pornography (*Crimes Act 1958* (Vic) s.68), knowingly using an online information service to transmit objectionable material depicting a minor in an indecent sexual manner or context (*Classification Enforcement Act 1995* (Vic) s.57A), and knowingly using an online information service to publish objectionable material depicting a minor in an indecent sexual manner or context (*Classification Enforcement Act 1995* (Vic) s.57A). He received a no recorded conviction and a fine of \$2000, and was placed on the Register for 15 years. Frank (19), the second registrant, recorded images of a 15-year-old acquaintance performing fellatio on a friend; these images were then disseminated around her school. As a result, Frank was convicted of the production and distribution of child pornography (*Crimes Act 1958* (Vic) s.68) and knowingly using an online information service to transmit objectionable material depicting a person who is a minor under the age of 18 years in an indecent sexual manner or context (*Classification Enforcement Act 1995* (Vic) s.57A). He received a no recorded conviction and a good behaviour bond, and was automatically registered for eight years.

With only two registrants (and two parents), the external validity of this case study is limited; however, this piece aims to be an ‘in-depth inquiry’ (Crouch and McKenzie 2006: 483) into atypical cases (Mabry 2008: 217): that is, ones which are not representative of the broader community of Victorian registrants but of a specific subsection. Therefore, we conceive of these participants as ‘cases’ possessing characteristics embedded within a particular social setting (Crouch and McKenzie 2006: 493). Specifically, they are young adult registrants (and their parents), registered for non-consensually distributing intimate images prior to the 2017 reforms (explored below). This approach has been undertaken in previous research that has borne valuable insights into registration impacts for young adults and their families with similar numbers of participants (Comartin, Kernsmith and Miles 2010). Moreover, the level of detail borne from small case studies focused on lived experiences (Stake 2009) aligns with the aims of this piece, which draw upon Garland’s (1997: 204) argument that an ‘effective history of the present must go beyond the reconstruction of abstracted rationalities and enquire about the ways in which the rationalities and technologies of government are instantiated in the actual practices and discourses that make up a field’. In line with this argument, this case study explores how the Victorian Register—as a specific modality of penal governance—is shaped by discourses of the predatory paedophile and, in turn, how the Register shaped Allan’s and Frank’s embodied experiences during registration, both as individuals managing the conditions of registration and as young adults.

In service of these aims, semi-structured in-depth interviews were conducted as these provide an opportunity to gather detailed information on individual experiences of registration, its collateral consequences and its functionality on a ‘practical administrative level’ (Powell et al. 2014: 121). The interview schedule canvassed personal experiences of registration and perspectives on the Register and their offences. To protect participants’ anonymity, pseudonyms have been assigned and any identifying information has been removed. These are important voices to include as there are limited in-depth qualitative studies with registered sex offenders (RSOs) (cf. Evans and Cubellis 2014; Robbers 2009; Tewksbury and Lees 2007). Moreover, qualitative research on collateral consequences has predominantly focused on American adult RSOs or American juvenile RSOs under the age of 18 (cf. Harris et al. 2015; Tewksbury and Zgoba 2010; Zimring 2004). Therefore, this article addresses these gaps particularly within the Australian context. Despite the value in exploring these experiences, it is important to make a critical point regarding these data. The public discourses surrounding youth sexting and the criminal law have focused on the registration of young perpetrators often to the exclusion of discussions about impacts on victims. This article has no wish to continue this obfuscation. Image-based sexual abuses like the non-consensual distribution of intimate images are intensely harmful and these accounts are not intended to downplay the seriousness

of such offences. Rather, I seek to examine the implications of registration on these two individuals whose behaviours, while egregious, conflict with the socio-political archetype informing this apparatus and its purpose. Before turning to Frank's and Allan's accounts, this article begins by detailing the aims and key components of the Register and locating it among the international constellation of sex offender risk technologies.

The Victorian Sex Offender Register

The Register was implemented in 2004 and, like most Australian states,⁵ it follows the United Kingdom model, which does not require law enforcement to notify the wider community of a registrant's whereabouts (community notification). Victorian adults convicted of sexual offences *against children* including rape, incest, sexual assault or possession of child pornography are automatically placed on the Register. For child pornography offences, adult registration spans a minimum of eight years and a maximum of life⁶ (*Crimes Act 1914; Crimes Act 1958* (Vic); *Sex Offenders Registration Act 2004* (Vic)). The Register was proposed as a tool which could: help police obtain intelligence on child sex offenders; investigate and prosecute child sex offences; monitor offenders in the community; deter recidivism; and provide victims and families with a sense of security (Parliament of Victoria 2004: 46-54). The proliferation of this approach to sex offender management has occurred within a kaleidoscope of cultural, historical, political and penological 'turns' in late modern Western societies which have transformed the rationalities and technologies of crime control (Hinds and Daly 2000; Mythen 2014). Registers typify the re-shaping of criminal justice orthodoxies from welfarist strategies aimed at rehabilitation through individualised, transformative and therapeutic treatment, towards new penological strategies aimed at management through surveillance, classification and incapacitation according to dangerousness and risk (Feeley and Simon 1992; Simon 2000; Simon and Leon 2006; Zedner 2006). Yet, as Sparks (2001: 169) argues in his critique of the new penology, risk management approaches are not purely calculative but also underpinned by morality and emotion. This observation rings true for international sex offender policies which are imbued with discourses of pollution and disgust (Lynch 2002: 532) embodied by the imagined paedophilic registrant.

The imagined paedophile plays a large role in the disgust shaping the Register, evident during state parliamentary debates where Ken Smith, the Liberal Member for the electorate of Bass, argued:

These people are predators; they are the scum of the earth. We should be in a position where we make sure that we put them out of commission ... These people are predators who want to satisfy their sexual desires with children. They do not care about rules and regulations. (Smith 2004: 140-141)

Smith's words illustrate both the discursive construction of registrants as long-term sub-human threats and the discursive conflation of contact offenders and registrants. Such discourses reflect a 'prototypical sex offender' (Lynch 2002: 558), a monstrous other (Lacombe 2008: 55) and *homo sacer* both enslaved by biological impulses (Spencer 2009: 219) and beyond biology (Wacquant 2009: 216). Embedded within the discursive justification for registration is the assumption that the imagined paedophilic registrant is highly recidivistic (McDonald 2012; Petrunik, Murphy and Fedoroff 2008; Tewksbury 2012; Thomas 2011), thereby mobilising the 'singular sex offender fallacy' that all registrants are equally dangerous, and the 'continuum fallacy' that all sex crimes occur on a continuum of violence ending in contact offending (Leon 2011: 23-24).

This presumption of the imagined paedophile and these adjoining fallacies was the subject of critique in the Victorian Law Reform Commission's (VLRC) 2012 review of the Register which recommended abolishing automatic registration as all registrable offences do not share

'aetiology, risk of recurrence [or] consequences ...' (Vess et al. 2011: 417). It has also been undermined by a lack of empirical evidence demonstrating preventive impact (Vess et al. 2011). Despite these recommendations in 2012, it was not until 2017 that Victoria amended the conditions of automatic registration. As of May 2017, registrants convicted of child pornography offences (in both state and federal jurisdictions) when they were 18 or 19 (like Allan and Frank) can apply for exemption from the Register if they prove to the court's satisfaction that they do not pose a risk to the individual victim or the community (*Sex Offenders Registration Amendment (Miscellaneous) Act 2017* (Vic)). As a result, the Register has become more flexible; however, what remains undisturbed by these recent amendments is the institutionalisation of automatic registration and standardised requirements which shape the registration experience.

Conditions of registration in Victoria

The twentieth and early twenty-first centuries have produced a varied tapestry of risk management approaches to child sexual offences, each demonstrating different conceptualisations of sex offenders (Kemshall and Wood 2007) and deploying hybrid welfare, risk averse and exclusionary strategies. They include: community protection models, which combine surveillance, monitoring and treatment; public health models that aim to identify sexually deviant behaviour in children, prevent recidivism in first time offenders, and conduct intensive work with recidivistic serious sex offenders (Hanvey, Philpot and Wilson 2011; Kemshall and Wood 2007: 211); and preventive detention, which uses civil commitments to incarcerate 'dangerous' offenders after the completion of their sentence (Hebenton and Seddon 2009). Such strategies illustrate that 'risk knowledges are fluid and flexible and capable of supporting a range of culturally contingent penal strategies' (Hannah-Moffat 2005: 30) and that technologies of risk are only ever one among a field of modalities (Ewald 1991).

Within this tapestry, Victoria's primary approach to registration has a unique place in the Australian context. As a post-sentencing scheme, inclusion is not predicated on a custodial sentence (unlike in South Australia or Queensland) or a risk assessment (unlike in Tasmania). Moreover, the registrant is not required to complete a therapeutic program. It imposes blanket prohibitions and functions as a generalised surveillance mechanism comprising: an initial reporting meeting; annual reporting obligations; and the prohibition of child related employment. Within seven days of conviction, registrants must meet with police and register; further, they must disclose personal details, Internet usage, travel plans and contact with children (specifically, regular contact with children; the names and ages of children who reside in the home; and those children with whom the 'at home' children are in contact) (*Sex Offenders Registration Act 2004* (Vic) s.14). Any subsequent changes to disclosed information must be reported immediately. Compliance is governed through serious sanctions, as failing to comply without a 'reasonable excuse' is either a level 6 or 7 imprisonment offence (maximum five and two years, respectively) (*Sex Offender Registration Act 2004* (Vic) s.46(1A-1B)). Apart from the 2017 amendments, the legislative trends surrounding the Register have focused on intensifying reporting obligations. Since 2014, the amount of information to be reported increased, the time for reporting changes in personal details decreased, and reporting obligations around travel intensified (*Sex Offenders Registration Amendment Act 2014* (Vic) ss.14e, 14[2a], 17[1], 17[1b], 18[1a]). Additionally, contact with a child was redefined for clarity and police powers for obtaining physical samples from registrants without applying for a warrant expanded (*Sex Offenders Registration Amendment (Miscellaneous) Act 2017* (Vic) s.4A). This approach, therefore, aligns with the calculative and detached aspects of new penological strategies aimed at cost-effectively managing faulty behaviours through surveillance and warehousing information (Feeley and Simon 1992). Yet, this approach dovetails with a resurgence of emotions in the law and the support for affective punishment (Pratt 2000) by enshrining the populist image of the imagined paedophile within registration conditions. Thus, the facade of 'technical "neutrality"' in risk monitoring is revealed (O'Malley 2004: 147). In the following

section, I explore how these 'terms' set for Victorian RSOs were negotiated by participants before moving onto the collateral consequences and how they are altered by young adulthood.

Negotiating terms

Vagaries

As evidenced above, registration requirements are comprehensive and a key finding of this case study was that both participants faced challenges understanding, adhering to, and interpreting requirements accurately because of their sheer number and ambiguity. As Allan noted: 'It's very messy the rules they've allocated. This is the most frustrating bit for me because I try to abide by everything I'm told'. The Victorian model is shaped around the idea that a standardised registrant constitutes a threat to children; thus, the model contains prohibitions on child contact and child-related employment. Yet, understanding the rules around child contact was identified as a key issue for interviewees. For example, Allan is self-employed in a position where contact with children is a regular but not central part of his work and, although the Register restricts this contact, limits were difficult to comprehend:

[The police] say you can't have electronic contact with a minor. And I said ok but I get business phone calls ... I don't know their age when they call me, do I hang up the moment I think they're a child? And they said no ... that shouldn't be a problem. (Allan)

They're [so] vague, they [the police] don't even know. (Allan's father, Rolf)

These vagaries and nuances of acceptable conduct were also evident in further discussions with police:

They said you can't be alone with a minor and I said by that logic I could still [meet with kids at work] if there are parents watching ... and they said no ... (Allan)

Allan's comments provide a clear illustration of the 'vagaries of bureaucratic processes' which offenders are subject to during community monitoring (Halsey 2006: 161) and bring to the fore well-documented problems RSOs face including unclear conditions (Comartin, Kernsmith and Miles 2010), and an inability to fully comprehend the extensive range (Halsey 2010; Halsey, Armstrong and Wright 2016) and minutiae of administrative requirements (Robbers 2009). It also captures concerns raised in the VLRC's review of the Register, which identified unclear definitions of child contact as barriers for RSOs to 'understand the precise content of their reporting obligations and for police to know whether they are receiving complete and accurate reports' (VLRC 2012: 98). However, these comments contextualise this misunderstanding, highlighting that child contact requirements are not solely problematic because of vague statutory definitions but also because RSOs are beholden to both the Register and individual police officers' interpretation of appropriate conduct, evidenced in Allan's negotiation over contact limits above.

Taking responsibility and initiative

Requirement confusion results in the 'vicissitudes' of community governance being 'negotiated' as opposed to completed (Halsey 2006: 151) and, for RSOs, negotiation is necessitated by confusing conditions and unreliable advice from law enforcement (Comartin, Kernsmith and Miles 2010). As evidenced above, bureaucratic vagaries required registrants to take the initiative in querying and clarifying conditions with police. The vagaries also created the impetus for Allan and Frank to over-report information in case they were incorrectly interpreting or forgetting requirements. For example, although not required, Allan invited police to visit his workplace to ensure its appropriateness:

I'm not sure a policeman has come to check on me at [work] ... [I] invite them all the time so they know it is a big open space, I don't get alone time with a kid ... there are always hundreds of adults around. I've always encouraged them to come; I don't know if they have.

Similarly, Frank noted:

... like a few things I ring, because I'm not sure if you should be telling them but you just ring because you'd rather be safe than sorry. A couple of times I've rang them and tell them pointless things that I don't need to tell them.

Seeking clarification and over-reporting exemplify the necessary role of responsibility in maintaining community conditions (Halsey 2010: 549) and illustrate how this modality of registration aligns with neoliberal styles of crime control by constituting RSOs as active and empowered in managing their progress. Yet, as evidenced in the prohibition conditions, reporting remains rooted in the presumption of the predatory registrant acting beyond rational judgement. These comments also illustrate a process of 'risk subjectification' whereby risky subjects are required to 'demonstrat[e] safeness' (Mythen and Walklate 2012: 391). In these cases, over-reporting was created by an absence of surety but informed by a paedophilic subjectivity both participants vehemently denounced yet drew upon to shape the information provided. This was particularly evident in Allan's comments, which focused on ensuring police understood he was never alone or in enclosed spaces with children, redolent of Lacombe's (2008) research which showed that mandatory programs coerce RSOs to internalise the paedophilic subjectivity and then govern themselves apropos this inculcated identity.

Limited support

Despite extensive requirements, both participants reported that they negotiated the terms of registration with limited support and information from police, courts or counsel. Frank misunderstood that he had to report to police within seven days of conviction and Allan did not realise that he was on the Register after receiving a no recorded conviction. This lack of support from police also continued throughout reporting obligations:

... I even asked [the police] one time and they thought I was being cheeky and I said is there someone I can call ... I said this so sincerely ... is there someone I can call to get advice on things ... like if I am about to do something that I'm not sure is right can I call someone ... and they said you just contact here and I said I'm asking you now and you're trying to say you've got to go to lunch. (Allan)

Lack of communication from law enforcement as to the full extent of their obligations is a common challenge for RSOs already facing complex obligations which they themselves do not understand (Comartin, Kernsmith and Miles 2010). This is exacerbated in a mandatory standardised model, as Australian research indicates that police deploy two approaches of registration management: the 'compliance-only' model (Powell et al. 2014: 123) which allows RSOs to voluntarily comply with conditions; and the 'proactive model' which engages RSOs and other professionals to develop a tailored case management plan (Powell et al. 2014). Limited police resources and increasing RSO numbers (VLRC 2012) (itself a product of automatic registration) promote the implementation of a compliance-only model (Powell et al. 2014), thereby placing pressure and greater responsibility on low-risk registrants to comply with vague obligations (Powell et al. 2014) without responsive support mechanisms.

Breach

One of the outcomes of intense obligations, lack of clarity and lack of support is unintentional breach. Frank breached for failing to report to police the day after his conviction and Allan

breached after buying his girlfriend a motorbike registered in his name. Believing it was a gift, he did not disclose it until his annual reporting meeting. As registrants are required to report changes to personal details (including ownership of vehicles) within 14 days, he was subsequently charged with a breach and received a \$400 fine. This is consistent with Victoria Police's registration offences report which recorded 4,892 breach offences for failure to comply compared to 163 offences for furnishing false information during 2011-2014 (Victoria Police 2015). It is also consistent with Western Australian research which showed that breaching for failure to promptly report was a common issue (Day et al. 2014). Unintentional breach because of onerous conditions has been routinely acknowledged with respect to registration parole and conditional release (Comartin, Kernsmith and Miles 2010; Halsey 2010; Hannah-Moffat 2009). These conditions often 'undermi[ne] the basic rituals of sociality common to everyday life' (Halsey 2010: 549) and constitute registrants and parolees alike as dangerous yet docile and asocial bodies. This is also situated in a broader context where community orders have focused on detecting and responding to failures as opposed to supporting complex transitions (Halsey 2006).

Therefore, registration utilises repressive power through intensive surveillance and socio-spatial prohibition under threat of serious sanction, yet interviews illustrate that being registered is a confused process conditional on registrants' 'internal locus of control' (Halsey 2010: 549) and their willingness to take responsibility for keeping in contact, interpreting requirements and seeking clarification. While responsabilisation strategies have been extensively observed in the context of neoliberal criminal justice (Garland 2001; Rose 2000), late modern sex offender policies are presumed to essentialise registrants as predators 'permanently beyond the limits of civility and its demands on subjectivity' (Rose 2000: 334). This is exemplified in early state parliamentary debates on the Register where the ability for registrants to provide accurate and honest information without rigorous oversight was subject to intense critique (Parliament of Victoria 2004: 46). As such, while sex offender risk management technologies have been described as enactments of sovereign power (Spencer 2009), these lived experiences suggest that the RSO is simultaneously constituted as a self-governing penal subject and an un-mitigatable threat. This illustrates that correctional strategies enact productive power through technologies of the self while exercising repressive power through surveillance and control (Hörnqvist 2010). These experiences, therefore, reflect broader trends in late modern penal policy: fluid and hybrid risk approaches underpinned by dynamic and sometimes confused penal and populist rationalities (Hannah-Moffat 2005; O'Malley 2004). Such formulations produced precarious conditions for these participants by increasing the possibility of error and sanction. The following section explores the socio-political and emotional collateral consequences of the Victorian modality.

Collateral consequences

Anxiety

The psychological strains of registration are extensive (Levenson et al. 2007; Zevitz and Farkas 2000), manifesting in 'feelings of hopelessness, worthlessness, depression and anger' (Ackerman, Sacks and Osier 2013: 37), and clinical practitioners have reported accentuated negative outcomes for young registrants including intensified shame, loneliness and safety fears when exposed to public notification (Harris et al. 2015). The psychological impacts of coming to terms with registration status were similarly intense in these cases. Recalling a conversation they had together, Diane (Frank's Mother) stated that Frank said: 'boys would commit suicide over this'. She noted further: 'So now there is a concern for my son's life over this. That's how huge this is'.

These psychological impacts were not limited to confronting the social shame of registration status but also to the impact of maintaining self-surveillance. When the merits of the Register were being debated in state parliament, Rosy Buchanan, Member for the electorate of Hastings,

argued that: '[they] will be monitored in such a way that, while they will have some sense of liberty, they will never forget that they are being watched' (Buchanan 2004: 143). This statement, prophetically captures Frank's and Allan's articulation of how registration affected their lives:

It's always on m[y] mind. If you're with friends or with your girlfriend and doing something, you sort of forget about it. But every day I think about it ... Especially when you're sitting by yourself and you're just relaxing you can't sort of sit and relax because of it. (Frank)

Allan described the impact in similar terms: 'It never really leaves my mind, it's kind of debilitating'. Therefore, while Halsey (2006) argues that community conditions can be experienced as something 'out there' and abstract, registration is rather 'in here' and embodied through the intense responsibilities of internalised surveillance and social shame attached to registration status.

The inability to forget also extended to concerns about future sanctions. Allan felt that stringent requirements meant that further breaches were inevitable and would result in his eventual arrest:

... I'm going to stuff up in the next ten years. Ten years, how does anyone not stuff up? All it would take, me forgetting about it, flying overseas or even going interstate and I'm in big trouble. Buying like ... I nearly bought another car and I nearly forgot to tell them ... As time goes on you forget the little rules and nuances.

Frank shared similar concerns about the inevitability of error:

Sure, I'm only 19 I've got that many things going on in my life, to forget to tell them this or that. Everyone forgets things and makes mistakes. And obviously, I don't want to make a mistake ...

Research suggests that long-term reporting obligations are a source of social and emotional strain (Ackerman, Sacks and Osier 2013). However, these comments further highlight that cumulative anxieties manifest from a confluence of long-term reporting periods, vague obligations, lack of support and reliance on the registrant, who must intensely self-govern with the stamina to sustain that project over a minimum of eight years. The 'rules and nuance' mentioned above engender a sense of inevitable failure and show—as Halsey (2006) has noted—that community conditions often set their subjects up to fail.

Career

Due to criminal records checks and the prohibition of child related employment, one of the socio-political consequences RSOs face is employability: specifically, obtaining and maintaining employment (Comartin, Kernsmith and Miles 2010; Tewksbury and Lees 2006). Consistent with these findings, Allan and Frank discussed how restrictions foreclosed employment and educational opportunities and made employment precarious. For example, Frank had aspired to become a physical education teacher but registration curtailed this aspiration. He also revealed that career pathways were disrupted because the university courses he wanted to pursue involved fieldwork and required a Working with Children Check. This illustrates that, for young adults RSOs as compared with older adult RSOs, tertiary institutions—key sites on the career trajectory—are additional spaces where registration status can impede or foreclose career progress. Moreover, this admission highlights that, due to the increasing reliance of records checks to regulate workers in Australia (Naylor 2005), checks of registrants can arise at unexpected—and thus unanticipated—moments, further layering uncertainty into the

employment pursuits of young adult RSOs who do not pose the kind of risk envisaged by this surveillance regime.

Allan also had concerns about job opportunities. Although he was self-employed at the time of interview, he worried about seeking work in the future:

I'm lucky that I employ myself so I'm ok with that situation but good luck to me getting a job [elsewhere] if I needed to. Let's say my business failed and I needed another job; I would have to find a new field of work ... Anything with contact with children, I am very unlikely to get that job until I'm 35, so a long time to go.

This comment indicates that, even when there is career safety, it is transitory, its impermanence continuing through the registration term and beyond. Altered career trajectory and precarious career safety are not isolated experiences or, as Carlton and Segrave (2014: 278) note in their critique of fragmented conceptualisations of prison effects, 'discrete episodes'. Rather, this politico-economic excision occurred when both young men were establishing and sustaining careers, and when labour participation is at its highest (Australian Bureau of Statistics 2014). Therefore, career limits disrupt life progress (Carlton and Segrave 2014; Liebling and Maruna 2011), producing, at this crucial moment of young adulthood, long lasting detrimental effects. Moreover, as Harris et al. (2015: 16) notes, employment barriers for younger RSOs are further problematised because young adults 'have fewer resources and less agency over those resources'. For example, Frank indicated that he was able to pursue an alternative career ambition because an older mentor was aware of his status and was willing to support him. Therefore, young adults' limited experiences and social capital can further compound the limits on employment produced by registration due to the difficulties of transitioning between sectors without having to disclose status or operate without support from others within the workplace which can mitigate the impact of a disclosure, even if that place or space does not involve work with children.

Family impacts

One of the primary personal strains of registration is on family relationships, particularly family living arrangements, as restrictions on housing location, proximity to children and contact with children can compromise registrants' ability to reside with family members (Levenson and Cotter 2005; Levenson et al. 2007; Levenson and Tewksbury 2009: 56; Tewksbury and Lees 2007). This is an acute issue for younger RSOs. For example, Leon, Burton and Alvare (2011: 138) found that registered youths can no longer be placed in necessary foster care due to living restrictions which require them to live at a distance from schools. Beyond practicalities, registration affects the social dynamics of family relationships as registrants report being disowned, barred from family engagements, and blamed for generating family conflict (Robbers 2009). Consistent with these findings, interviews showed both practical and social impacts of registration on family life. Both young men were living in family homes at the time of interview and discussed how registration had either called into question living conditions with younger family members or affected their ability to have contact with younger family members. Frank disclosed to police that he lived with younger siblings and, as a result, the Department of Human Services (DHS)⁷ scheduled an inspection and, when asked why, Frank replied '... Like about my brother ... I think it's making sure he's safe'. This mandatory review illustrates, first, the 'black box[ing] of risk decisions' (Hannah-Moffat, Maurutto and Turnbull 2009: 401) informed by prevailing 'categories of suspicion' (Zedner 2006: 426-427) which constitute his brother as 'at risk', despite the nature of Frank's offence. Second, it illustrates that family homes with younger children become part of the 'regulated space', altering not only the life of the registrant but also that of cohabiting others.

Allan and his father also reported that his relationship with a younger family member was compromised and now managed apropos the terms of the Register:

At the time, his niece was 15. And she really greatly admires Allan. And she emails him or Facebooks him and he doesn't reply and she takes it very [personally].
(Rolf)

These experiences affirm arguments that registers deploying standardised requirements modelled on older contact offending adults are not calibrated to the circumstances of younger people (Comartin, Kernsmith and Miles 2010). As young adults are more likely to have close familial relationships with children, the impact of standardisation results in the sacrifice of important relationships not merely for the registrant but also for younger family members who may see their young adult relations as a source of support and guidance.

Impacts on family also resonated in discussions with Allan's and Frank's parents. Family members of offenders often bear the burdens of punishment when the offence is attached with social shame (Condry 2010) and research suggests that family members of RSOs also share in the stress, isolation and hopelessness borne from registration (Farkas and Miller 2007; Levenson and Tewksbury 2009: 57). For example, Diane articulated that registration impacted her family in similar terms: 'It is damaging to our whole family, emotionally ...'. In addition to these emotional impacts, research into the collateral consequences of registration for parents of young adult RSOs has found that parents undertake advocacy responsibilities on behalf of their children by campaigning against 'unfair' registration status (Comartin, Kernsmith and Miles 2010). Consistent with these findings, interviews revealed that both parents of respondents researched the Register, organised lawyers, supported their children at court and monitored registration legislation. Family members of offenders often 'pic[k] up the pieces' by managing support demands in accordance with (gendered) care expectations (Halsey and Deegan 2015: 146). Similarly, these auxiliary responsibilities undertaken by Rolf and Diane are age contextualised impacts of registration, as parents with young adult children maintain caring roles within the relationship consistent with the labours detailed above. These broader familial impacts illustrate that, for young adults, some of the collateral consequences of registration become collective rather than individual experiences, traversing relationships and space.

Concealment

A contiguous impact of the anxieties detailed above is concealment, as RSOs and their family conceal status from employers, friends and extended family (Evans and Cubellis 2014; Levenson and Tewkesbury 2009: 57). This was particularly evident in Frank's interview. Frank and Diane detailed the efforts they took to ensure that Frank's registration status was not communicated to other family members or intimate partners. Diane noted that, while she wanted to tell people in her family, she was unable to because she felt that registration status constituted sensitive information. Research into the impacts of registration on young adults illustrates that the potential for registration status to be used vindictively raises concerns about exposure (Comartin, Kernsmith and Miles 2010). Consistent with this finding, Diane noted that Frank concealed his registration status from his girlfriend as a pre-emptive and defensive measure because both were concerned that the young woman might share the information with her family if the relationship ended. The fear of 'outing' is, of course, intertwined with cultural attitudes towards sex offenders, as exposure can result in persecution and alienation (Whitting, Day and Powell 2014) producing a risky-at-risk paradox whereby risky subjects are vulnerable to their risk status (Mythen and Walklate 2012) and further isolated by it. However, this concern is pronounced for young adults who may conceal this information from friends for fear that they may lack the maturity to understand the impacts of further disclosure. One key implication of this paradox is the inherent sacrifice of social support. Exposure anxieties encourage concealment from family members and friends (Robbers 2009: 15) as a survival strategy, thus

transforming key sites of social support into potential threats. The concealment strategies evident in the interviews were not simply focused on concealing status but also on concealing evidence of adhering to the Register, exemplified by Allan who avoided speaking to his cousin without telling her why. This suggests that complying and concealing are dual and relational processes, thus highlighting the intensity of self-governance, strategising and social sacrifice invested in a 'successful' and 'compliant' registrant.

Research investigating the adverse consequences of registration has focused on the stigmas of community notification, clearly highlighting that public exposure generates feelings of vulnerability (Tewksbury and Zgoba 2010). However, this research illustrates, concordant with other scholars (Harris et al. 2015), that the so called 'softer' option—registration without notification—engenders similar invisible punishments of lost opportunities, concealment, exposure anxiety and precarious life. These effects are sustained not by public exposure but by the cultural disgust for registrants and the political representation of the Register as a bulwark against predatory sex offenders. This highlights that the nexus between risk management and punishment (Humphrey and Gibbs Van Brunschot 2015) is obfuscated by the rhetoric of supervision, further evincing that punishment (formal or collateral) is often divorced from the offence and offender and is, instead, reflective of the penal subjectivity it aims to constitute (Halsey and Harris 2011: 85): in this case, the 'child sex offender'.

Conclusion

This article has investigated how penal technologies 'deal with' their subjects and on what terms. This case study highlighted that registration was a negotiated, intense and isolated process whose vicissitudes lay in confused administration, rigid conditions, and inflexible and unsupportive case management. Findings evince the fusion of mechanisms of surveillance and control with intense responsabilisation, which render registrants precariously managing onerous conditions shaped around an 'uncontrollable' paedophilic subjectivity yet replete with the pressures and expectations of a self-governing subject. In such a context, it is unsurprising that both participants were not hopeful about their ability to sustain without further penalty their registration to full term of the sentence. This adds texture to the academic discourse on risk technologies and sex offenders by further illustrating that risk cannot be the sole analytic for crime prevention programs (O'Malley 2002); rather, risk technologies are often hybridised (Kemshall and Woods 2009) with complex and sometimes contradicting rationalities.

Moreover, my findings confirm research which shows that concealment, cumulative anxiety and fear of exposure are common consequences of registration and illustrate that these strains are not exclusive to the (presumed) repressive modalities of community notification (Harris et al. 2015). This research also contributes to existing scholarship by highlighting that collateral consequences are modulated by the social condition of young adulthood, particularly career opportunities and relationships with young family members. Key impacts that should be further explored in criminological discourse are the extensive impacts on parents who share concealment responsibilities and undertake the emotional labour of supporting through registration requirements, and whose homes become part of the spaces regulated by registration conditions. These findings suggest that, for the young adult living in the family home, registration can be both an individualised and collective project.

The experiences of these families are not indicative of all parents and young adults across Victoria. These findings are modest yet analytically valid contributions to the critique of automatic registration and an exploration of the impacts of mandatory requirements on two young adults who, while registered for up to 15 years, do not reflect the ideal registrant mobilised through political discourse. The prosecution of non-consensual distribution of intimate images as child pornography has been instrumental in highlighting that all RSOs are not akin with the 'imagined paedophile' and, due to the 2017 amendments, Frank and Allan are

now part of the cohort of registrants who can apply for an exemption order. Therefore, this case study serves as an important example of the necessity for not merely exemption orders but also for case-by-case registration orders and for amendments to one-size-fits-all registration conditions, particularly conditions which reflect the potential registrant's offences, risk and age.

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- ¹ At the time of interview Victoria used the term child pornography, the current term is child abuse material.
 - ² Sexting is a broad term that has been used to refer to the production and distribution of intimate, nude or semi-nude images via the Internet or a communication device. The non-consensual distribution of intimate images refers to sharing such images via the Internet or a communication device without consent. I use the term sexting to refer to the wider phenomenon of producing and sharing images. The use of this term is not intended to conflate consensual image production and sharing with non-consensual image production and sharing.
 - ³ This research was approved by Monash University Human Research Ethics Committee (MUHREC) and funded through the Australian Postgraduate Award.
 - ⁴ Participants are de-identified
 - ⁵ While most Australian state registers are confidential, Western Australia has recently implemented community notification (*Community Protection (Offender Reporting) Act 2012* (WA)). Most Australian states follow the mandatory model for adult registrants. Apart from Victoria's recent exemption orders, Tasmania is the only jurisdiction which considers the offender's risk before applying the registration order (*Community Protection (Offender Reporting) Act 2005* (Tas) s.6).
 - ⁶ In all jurisdictions, child pornography offences are registrable offences; yet, in South Australia and Queensland, an offender is not automatically reportable if they were convicted of a single class 2 offence which did not result in a term of imprisonment or a supervised sentence (*Child Sex Offenders Registration Act 2006* (SA) s.6(3); *Child Protection (Offender Reporting) Act 2004* (Qld) s.5(b)).
 - ⁷ DHS investigates child abuse and homes where children are at risk, refers children and families to safety supports, and takes matters of child safety before the Children's Court.

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