

**A Qualitative Analysis of Criminal Justice Professionals' Perceptions of Police Use of  
Community Notifications and Re-entry of High-risk People Post-incarceration**

by

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## **Abstract**

This thesis explores the perceptions of criminal justice professionals on police use of public disclosures for people re-entering the community post-incarceration. To better understand the practice of public disclosures, this thesis includes a qualitative thematic analysis of in-depth semi-structured interviews with police detectives and front-line workers in non-profit, social service organizations in two cities in Alberta. I find that police and front-line workers perceive both positive and negative consequences regarding the use of public disclosures for people re-entering the community post-incarceration. Both perceive that despite some of the concerns about negative consequences and effectiveness of the practice, there are some appropriate times to issue public disclosures, when the risk posed by the individual is great enough that the safety of the community outweighs their individual needs. Also, both perceive that the public disclosures fulfill a service or obligation from the police towards the community. This thesis summarizes police and front-line workers' suggestions for improving the practice and contributes to research on community notifications in the Canadian context. The findings of this thesis, drawing upon the perspectives of those with relevant knowledge and experience, may be useful to policymakers and those who work with people re-entering the community post-incarceration. This can be valuable in developing effective policies and practices regarding re-entry and community safety.

## **Preface**

This thesis is an original work by Delphine Brown. The research project, of which this thesis is a part of, received research ethics approval from the University of Alberta Research Ethics Board, “In Whose Best Interest? A Qualitative Analysis of Criminal Justice Professionals’ Perceptions of Community Notification and Reintegration of People Post-Incarceration”, No. Pro00111070, July 28, 2021.

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## **Chapter 1: Introduction**

In September 2021, a tragic incident occurred in Alberta. A mother, Mchale, and her son, Noah were found dead. Robert Keith Major was originally charged with second-degree murder until charges were upgraded to first-degree murder, and Major was also charged with two counts of interfering with human remains. In May 2022, Major pleaded guilty to the murder charges (Gibson, 2022). After this tragedy and significant loss, the father, Cody McConnell began to advocate to change laws, and have these changes in his son's name. This call for change included the creation of a website for Noah's law that states that "in Canada, we have laws that protect registered sex offenders. They are not required to disclose themselves to our community members," "they do not deserve privacy," and "they do not deserve protection" (Noah'sLaw, 2022). The website has a section for donations and shares the funds will be used for "supporting victims and families of such crimes," "awareness campaign for changing sentencing for repeat high-risk sex offenders as well as a data base that the community can access for the protection of all. Our goal is to empower the public to be proactive rather than reactive," and for "administrative costs for website and back office management" (Noah'sLaw, 2022).

The petition for change, Noah's Law, on (change.org, 2022) calls for Prime Minister Justin Trudeau and the Attorney General of Canada to address the following: One, requiring mandatory minimum sentencing in some cases; Two, that the general public must be made aware via local police that a registered sex offender is living in their community; Three, it is unacceptable that the offender's potential rehabilitation and reintegration into the community is given a higher priority than the lives of future innocent victims; Four, All registered owners of congregate living facilities have access to peace officers who can search the database for potential tenants; Five, registered offenders should have to update their personal information

with failure to do resulting in mandatory jail time of at least one year; Six, public safety must be given preference over potential rehabilitation of convicted sex offenders.

Following this tragedy, member of parliament Gerald Soroka vowed to design legislation to protect Canadians from sex offenders and stated he believes in tougher laws and more public disclosure (Cummings, 2021). There is also public support for changes, demonstrated by signatures on the petition (Cummings, 2021).

As a student conducting research on community notifications for high-risk people, I felt it was pertinent to contribute to the narrative weighing in on the merit of the proposed law. It would be hypocritical to cite literature critiquing politicians' sway to the public will to keep constituents happy without consulting empirical evidence, while simultaneously remaining silent to avoid the potential conflict and backlash that can emerge when speaking against the public grain. I felt it was important to participate in discussions in the community at the present time, rather than writing in a strictly academic sense. As such, I wrote an opinion editorial article that was published in the Edmonton Journal in January 2022. The purpose was to suggest slowing down and developing empirically based policies and practices rather than policy emerging from moral panic. Some commenters discussed the need for a cautious response, but as expected, there were many critical responses that discussed the need for more punitive measures. These responses often drew upon mythic narratives about people who offend sexually. Public debate is important to the healthy functioning of a democratic society, but it is important to note that different forums attract specific types of commentaries.

Others in Alberta have also adopted critical stances towards the proposed legislative changes, including lawyer Will van Engen. As per Will van Engen (Botto's Law Group, n.d.), mandatory minimum sentences can be appealing in response to tragedy, but such measures tend

to be a ones-size-fits-all approach to a complex problem, and for certain offenders, can be unjust and unfair. The emphasis on punishment over rehabilitation can cause further offending.

Furthermore, making the sex offender registry public can contribute to the risk that sex offenders will be unable to find housing or employment, and this will further marginalize them, increasing their likelihood to re-offend.

In addition, an executive director of a social service agency that works with people involved with the justice system, states that it is important when discussing broad laws to understand the potentially widespread impact, as sometimes broad laws catch everyone, and the consequences of those laws can cause more harm than good (Black, 2021). An employee of a community safety program that supports people who offended sexually who have been released from prison and are at high-risk to re-offend states that those who are high-risk to reoffend tend to be under some form of supervision, and ongoing supervision can occur through social supports in the community, rather than through the legal system (Black, 2021). These individuals are part of the few who openly offer a critical perspective on the proposed law.

While discussions about registries and community notifications for people who offended sexually often occurs in the U.S. context, the calls for action via the proposed Noah's Law demonstrate the interest in having similar practices in Canada. Thus, this thesis project contributes to the critical need to take stock of current practices in Canada where little research has been conducted. This introductory chapter will briefly introduce community notification as a risk management strategy, outline the Canadian criminal justice system (CJS) as it relates to this topic, and discuss the release of people into the community. It will also describe the objectives of this study and outline the structure of the thesis and its chapters.

Community notifications, or the practice of issuing public disclosures about the presence of certain individuals in the community who present a risk of harm to the community, can be understood as a risk management strategy within the Canadian CJS. The public disclosures issued by city police often contain the name of the person, a photo, a physical description, the city they will be residing in, and a list of their conditions. In Alberta, these releases can be found on the Government of Alberta's high-risk offender webpage which provides links to the media releases, and they can often be found on the city police's website and social media accounts. The government webpage (Government of Alberta, 2022) states that "only designated high-risk offenders who present a significant safety risk to the public are included on [the] list; not all dangerous or serious offenders are included," and by providing this information, individuals should be encouraged to take suitable precautionary measures to keep themselves safe (para. 5). Often those listed are serving time for a federal sentence, which are two years plus a day, and often people listed on these disclosures have committed a sexual offence and are men.

In Canada, most people serving federal sentences serve the first part in an institution and the last part in the community, which helps them adjust to life outside the institution (Correctional Service Canada, 2018). The safest correctional strategy requires a gradual and structured, supervised release that is fully supported by the community via collateral support and community resources (Government of Canada, 2015). In Canada, people can be released in differing ways. Conditional release, or parole, means the person released is supervised in the community by a parole officer, often with conditions such as residing in a halfway house (Comack, Fabre, & Burgher, 2015). If not released on parole, all incarcerated people, not including those serving a life or indeterminate sentence, will be released and serve the last third of their sentence in the community, known as statutory release (Comack et al., 2015).

In some exceptional circumstances, those deemed to pose a threat of serious harm and violence may be held in custody until their sentence ends. At this warrant expiry date (WED), they are no longer under the supervision of Correctional Service of Canada (CSC) or the Parole Board (Office of the Auditor General of Canada, 2015). Those held until WED and released without parole are more likely to reoffend<sup>1</sup> in comparison to those who received full parole (Government of Canada, 2021) and to those released under community supervision (Serin, Lowenkamp, & Lloyd, 2020).

Overall, the transition back to the community is challenging. Post-incarceration interviews indicate that men found life after prison overwhelming and contemplated going back to prison to alleviate the pressure (Munn, 2011). Those whose transition is made public via public disclosure can face additional challenges, but despite posing a potential challenge to re-entry, the public disclosure practice continues.

Prior research has examined community notifications in the areas of reoffending and adoption of preventative measures, and often this research does not lend support to the practice. These studies discuss the impact of the practice on reoffending (see Tewksbury, Jennings, & Zgoba, 2012a; Levenson, 2018; Lussier, Dahabieh, Deslauriers-Varin, & Thomson, 2010a; Lussier & Mathesius, 2019b) and whether or not community members feel safer or adopt preventative measures (see Anderson & Sample, 2008; Beck, Clingermayer, Ramsey, & Travis, 2004; Bandy, 2011). Other research has examined the perspectives of criminal justice professionals on the impacts of the practice on the people listed, on the community, and the

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<sup>1</sup> The Parole Board Canada (2021) states that for sentences completed between 1998/99 and 2002/03, those released at WED were over four times more likely to be readmitted on a new federal sentence than those who completed their sentences on full parole. In addition, when considering the readmission rate for a violent offence, those released at WED were ten times more likely to return to a federal institution due to a new violent offence than those who completed their sentences on full parole.

impact on their workload (Levenson, 2018; Whitting, Day & Powell, 2016; Zevitz & Farkas, 2000), or question why some professionals will support the practice even when confronted with evidence that it does not reduce sexual abuse (Levenson, 2010).

The present study will further investigate how criminal justice professionals perceive public disclosures by exploring their perceptions of potential benefits and consequences. Criminal justice professionals in this study comprise front-line workers who currently work or have prior work experience in non-profit organizations that assist in reintegrating people post-incarceration, and city police detectives. The study addresses the following research questions: *How do criminal justice professionals perceive the potential impacts of public disclosures on the community, and on those listed on the disclosure? Given the lack of clarity about the impacts of public disclosures, what factors contribute to the continued practice of issuing public disclosures?* The goal of the study is to draw upon the insights of thirteen front-line workers, an understudied sample in this area, and six police detectives.

Drawing upon Levenson and D'Amora (2007), the purpose of this research is not to elicit sympathy for people who offended. Nor is it to question the intentions of policy makers and criminal justice professionals to create safer communities, nor is it to devalue the suffering of victims and their families. Knowing that sexual crimes are egregious and traumatizing, and are crimes that should not go unpunished, Levenson & D'Amora (2007) suggest that policies should be designed to prevent violence and such policies will be most effective when they are informed by scientific data. As researchers should discuss benefits, null findings, and collateral consequences (Zgoba & Mitchell, 2021), this thesis aims to discover perceptions of the value of the practice, contributing to a research gap in the Canadian context.

This first chapter introduced the present study through a discussion of recent calls for legislative change, different types of releases in the CJS, and introduced the research questions. Chapter two begins with a description of the context in which community notification arises in terms of risk management and neoliberalism. This context is necessary to understand the complexity of community notification's place within the Canadian CJS as a tension of balancing the individual needs and rights of people listed, with the safety and rights of the community. Following this discussion, literature on labelling theory, moral panics, factors related to support for policy, expressive functions of criminal justice practices, and inertia of policing practices will provide the conceptual framework for the study. Chapter three will then discuss the CJS and describe the history of registries and community notifications in Canada, followed by a more specific description of the Alberta context. The next area of research includes empirical research on community notification, its relationship with recidivism, counter-intuitive notions, community safety, and prior research on criminal justice professionals' perceptions of notification practices. Chapter four discusses the study's qualitative methodology. Chapter five describes the disclosure practice and provides a description of the study's sample. Chapter six addresses the first research question by discussing the impacts of disclosures. Chapter seven addresses the second research question and includes two key themes. Chapter eight outlines the criminal justice professionals' suggestions to improve the practice. Chapter nine includes the conclusion, limitations and future research directions, and the implications of the research.

## **Chapter 2: Conceptual Framework**

The conceptual framework for this thesis consists of a combination of literature on risk management and neoliberalism, labelling theory, moral panics, factors related to support for policy, expressive functions of criminal justice practices, and inertia of policing practices. This chapter will define each individual theory and then describe how they will be used together. These theories are useful to make sense of the use of community notifications and their popularity and endurance, despite a lack of clear empirical evidence to support their use.

### *Risk Management and Neoliberalism*

Crime control involves both punishment and predicting crime to avoid it. Contemporary practices in the CJS are largely concerned with predicting risk posed by certain populations, such as people who offended sexually, but the risk prediction aspect was not always so prominent. Understandings of people who commit crimes and how to manage them shifted during the transition from the welfare state to neoliberal times.

From the end of the 18<sup>th</sup> century, Anglo-American criminal laws tended to focus on the individual, either as a responsible agent engaging in an act, or a delinquent individual (Simon, 1998). However, Rose (1999) drawing upon Deleuze, summarizes that by the close of the 20<sup>th</sup> century, disciplinary societies that target the individual to transform them through discipline are left behind, and societies of control emerge. This involved a different relationship of individuals to the state, and different understandings of crime that will be further outlined in this section.

A key feature of the welfare state described by Rose and Miller (1992) is a relationship between political rationalities and networks of government. This involves the state taking responsibility and addressing concerns such as disease and idleness through systems such as health services, and social insurance systems. In return, citizens respect their obligations to be

socially responsible. Here, the government is responsible as individuals have security against loss. Essentially, the welfare state is a time when the state provided for the individual.

O'Malley (1996) argues that crime, in Keynesian welfarism was understood through social and psychological causes, and risk is regarded as a problem or a product of pathology. There is an understanding that most risks can be neutralized via government strategies. For instance, unemployment and poverty are understood as the failure of market capitalism, and crime as the product of personal pathologies or the failure of social resources. Thus, the welfare state was concerned with correctional and therapeutic programs to address such concerns.

However, welfarism came to be critiqued for one, its dependency on bureaucracy as it is subject to constant pressure from bureaucrats to expand and fuel what is considered an expensive, inefficient extension of the government (Rose & Miller, 1992) and two, for producing a culture of dependency, whereby there is an expectation for the government to do what in reality only individuals can do (O'Malley, 1996; Rose & Miller, 1992). In this context of scepticism of the ability of authorities to govern everything for the best, neoliberalism arises and the aspects of government that the welfare state construed as political responsibilities instead become regulated according to market principles (Rose & Miller, 1992).

Philanthropy is then enhanced and displaced by truths emerging from the positive sciences, including economics, statistics, sociology, and psychology, and the notion of risk management emerges (Rose, 1996). "Risk" is a broad concept that can be challenging to define. Ericson and Haggerty (1997) define risk as an invention premised on imagined fears and imagined technologies to respond to them. Risk is concerned with the future and bringing "imagined futures to the present" and it involves standards guided by science and law that can indicate danger (Ericson & Haggerty, 1997, p. 87). Using standards guided by science echoes the

concept of biopower. Briefly, biopower involves a set of processes such as the ratio of births to deaths, and reproduction fertility. These processes, along with a series of related economic and political problems become biopolitics' objects of knowledge to control (Foucault, 1992).

Essentially, biopower involves the calculated management of life.

During neoliberalism, computers interpret data to identify risk levels and risk groups (Feeley & Simon, 1992; Rose, 1999) and interventions are “pre-emptive and probabilistic” (Rose, 1999, p. 235). Such knowledge defines acceptable levels of risk and determines who might be excluded in society (Ericson & Haggerty, 1997; Simon, 1988). Those excluded and deemed unmanageable are often the “repeat offender” or “pedophile” (Rose, 1999, p. 270).

In relation to subjectivities, these actuarial practices do not produce individual or collective identities like punishment does in producing prisoner subjectivities, the new techniques target people as aggregates and do not aim to rehabilitate. Instead, they seek to manage risks of certain groups (Feeley & Simon, 1992). Risk based, or actuarial techniques became dominant as they are more efficient in terms of regulating populations. Unlike discipline, these techniques manipulate the environment rather than individuals (Simon, 1988).

During this time, the community becomes responsible for managing risk (O'Malley, 1996, p. 190). Here, individuals must take it upon themselves as “partners,” and take responsibility for working towards solutions (Anderson & Sample, 2008; Garland, 1996; O'Malley, 1996; Tabachnick & McCartan, 2017; Rose, 1999, p. 174), and adopting “prudential behaviours” (Campeau & Levi, 2019, p. 340). New language arises regarding “partnerships with police,” (O'Malley, 1996, p. 201), and “active citizens”, (Garland, 1996, p. 452), signaling a change of relations between police and the public (Ericson & Haggerty, 1997) and involving the

creation of “competent communities” (O’Malley, 1996, p. 370). Community is now more than an area for crime control, it is a means of government (Rose, 1999).

The responsibility for crime prevention is now devolved towards those outside of the state (Garland, 1996). Essentially, individuals are made to realize that they have a responsibility to change their own behaviours to reduce opportunities for crime, and police may emphasize that it is in fact the responsibility of victims to protect themselves, and to avoid dangerous situations (Garland, 1996). The appeal of this shift is based on desires of personal freedom, so individuals are motivated to take up responsibility to actualize their desires (Pyysiäinen, Halpin, & Guilfoyle, 2017; Rose, 1996).

While this shift of responsibility is broad in nature, the neoliberal era elicited a series of more specific criminal justice reforms. Community notification is a reform that emerged during this time (Campeau & Levi, 2019). Generally, community notification and other measures such as civil commitment, sex offender registration, and residence restrictions emerge as strategies to manage the risk of people who offended sexually (Lussier et al., 2010a). Such measures align with new penology ideology in that their intention is not punishment or rehabilitation, but increasing public safety via assisting the criminal justice system in managing risk (Simon, 1988). Developments such as Megan’s Law<sup>2</sup> indicate the regime of individual responsibility in relation to risk-based and punitive interventions are not slowing down (O’Malley, 2009). The recurring message of approaches such as Megan’s Law is the notion that the state alone cannot effectively be responsible for crime control and prevention as citizens must also acknowledge their own

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<sup>2</sup> Megan’s Law, implemented in 1996, increased public access to information about registered sex offenders as it required states to establish a notification system that enables citizens to receive information about registered sex offenders. These notifications can occur through state or local public registry websites, newspapers, pamphlets, or e mail. Office of the Inspector General (2008).

responsibility to change their behaviours to reduce opportunities to be victimized, and to increase informal control (Garland, 1996, p. 453). Community notifications require actions, or individual responsibility from citizens, and this is unique in comparison to other laws that emerge in response to panics (Anderson & Sample, 2008).

A final noteworthy aspect of risk management is prevalence of uncertainty and fear. While risks might be calculated through science, risk exists in a social context. As described by Ericson and Haggerty (1997), the social rationalities of risk do not determine when it is reasonable or acceptable to be afraid. In relation to violent and sexual offences, although the statistical likelihood of being victimized by a stranger might be low, this does not suggest a lack of fear of strangers should be adopted. Also, it is not likely that knowing the statistical likelihood of being victimized would reduce an individual's fear, as fear is not necessarily rational. In sum, public disclosure, as risk management, exists in this space of uncertainty and fear. The following section of the conceptual framework explores a concept related to fear and uncertainty via labels often applied to people who offend.

### *Labelling Theory*

Labelling theory is often applied to the study of those who offended as labels such as “sex offender” or “violent offender” are frequently used. Labelling theory maintains that the dominant group applies labels to those outside the mainstream who then are forced to live within those labels and ultimately internalize the label, affecting their behaviour. This can contribute to deviance when they act according to the label (Becker, 1963; Bratina, 2013; Willis, 2018). The sex offender label contributes to stigma that threatens successful reintegration and reduction of reoffending (Tewksbury & Levenson, 2007; Walker, 2007). The label “sexual predator” is also

dehumanizing as it diminishes the potential for change, and increases social ostracism which can further entrench people into crime (Winick, 1998). However, some studies discuss resistance to the label. For instance, drawing upon interviews with men who offended sexually, a study of labels such as “evil,” indicates some men believed the public saw them as inherently evil, while they saw themselves as salvageable (Waldram, 2009). Labelling theory focuses on the internalization of the label and subsequent offending, but other outcomes related to labels can also be explored. For instance, the negative connotations that are attached to labels can elicit stigma for the labelled individual, and a sense of panic among the public.

Stigma, a term that originated from the Greeks, refers to bodily signs that expose bad aspects regarding the morality of the individual (Goffman, 1974). In *Stigma: Notes on the Management of Spoiled Identity*, originally published in 1963, Goffman argues at that time, stigma came to be understood as disgrace itself, rather than evidence of disgrace via the body. Goffman (1974) argues that when individuals have undesirable aspects that differentiate them from others, they can be understood as “tainted” (p. 10). While Goffman (1974) describes three types of stigmas, individual character blemishes are the most relevant. Goffman provides the example of a record of incarceration as such a blemish. Physical deformities, and tribal stigmas comprise the remaining two types of stigmas.

For the person who is stigmatized, the awareness of their inferiority contributes to their insecurity and anxiety due to the fear that others can disrespect them, and the sources of such insecurity are not unknown, instead, they arise from something the individual knows they cannot fix (Goffman, 1974). In this way, they cannot help but to also perceive themselves as inferior. The moral career described by Goffman (1974) resembles the mechanisms of labelling theory and involve two phases of socialization. First, the person who is stigmatized incorporates

society's views and has a general sense of what implications certain stigmas might have. Second, the individual learns they have that certain stigma and understands the consequences of having it. It is often believed those possessing the stigma are not entirely human (Goffman, 1974).

Waldram (2009) notes that people who offend sexually experience the stigma that Goffman likely had in mind when stating that people with stigma are seen as not quite human. As they are not seen as human, they are discriminated against, and their life chances are reduced (Goffman, 1974). Here, a stigma-theory can be constructed whereby their inferiority is explained in some way, and their potential for danger is considered (Goffman, 1974). In terms of transformation, Goffman (1974) suggests people who are stigmatized might be transformed from someone with a blemish into someone known to have a blemish corrected, rather than adopting a "fully normal status" (p. 16). In other words, those who are stigmatized are not understood as normal, despite efforts to change, or to be corrected.

Following Goffman, it is plausible that stigmatized individuals will continue to be understood as tainted and dangerous even after attempts for correction, thus their presence can elicit moral panic. When it comes to people who offend sexually, and against children in particular, the media and the public tend to portray and understand this population by drawing upon stereotypical depictions. The narrative of the dangerous predator lurking and preying upon children and other unsuspecting, vulnerable populations undoubtedly can give rise to panic.

### *Moral Panics*

The concept of moral panics, described in detail by Cohen (2011) in *Folk Devils and Moral Panics*, is informed by labelling theory, along with cultural politics and critical sociology. Moral panics are conceptualized by Cohen (2011) as conditions, episodes, or persons who come

to be defined as a threat to societal values and interests. Moral panics influence how people think about crime and politics and occur when horrifying events incite public emotion, producing concern and overreaction (Tonry, 2004). The nature of these conditions, episodes, or persons is presented in a stereotypical way by the media (Cohen, 2011). In cases of moral outrage, people who feel threatened seek to avoid people and situations they find undesirable (Schur, 1980). This process can depersonalize the offending individual, and they are treated as an example of a category, rather than a human. This imposes a personal stigma and provides the basis for their discrimination (Schur, 1980).

Articles covering such instances often construct the person who offended as a compulsive recidivist who is a danger to society, despite efforts to rehabilitate them (Sample & Bray, 2006). For the public, these people are evil and barely human, and rehabilitation is not perceived as possible (Waldram, 2009). There is often a “panicky sense of vulnerability” as this narrative becomes frequent, and those who offended are understood through labels such as “monster” (Cohen, 2011, p. xviii). These panics rarely grapple with real problems as they target “folk devils” (Weeks, 1981, p. 20), meaning they are aimed at a symbolic construction of a problem.

Understanding the person who offended as a dangerous predator, or as an outsider from the community, allows for distance from the reality of the situation. Drawing upon Ruggiero (2021), distance can erase moral imagination and increase depersonalization (Ruggiero, 2021). When people consider sexual violence as an event perpetrated by dangerous strangers against unsuspecting victims, they are likely fearful, and calls for tough responses may follow. Here, the public calls for responses that fit their perceptions of justice and may perceive those who might be affected by such potentially tough responses as distant, and not within their social circles. Therefore, tough responses are not considered to affect their individual lives, and this may

contribute to the perception of harsh punishments as acceptable. While public outcry is understandable, it should not drive legislation. Yet, the law, arguably driven by the public in these cases, can be ferocious in maintaining the boundary between childhood innocence and adult sexuality (Rubin, 2012), often the nature of incidents covered in the media.

In terms of who perpetrates sexual offences, Canadian victimization data finds that least often were offenders a stranger, instead they were most often a friend, acquaintance, or neighbour (Conroy & Cotter, 2017). Of police-reported sexual assaults in Canada between 2009 and 2014 where a charge was laid by police, the large majority, 87% of victims knew their assailant, and 13% of sexual assaults were perpetrated by a stranger (Rotenberg, 2017). Relative to adults, children are at small risk of being sexually assaulted by a stranger (Rotenberg, 2017). The #MeToo movement also sheds light on some unreported crimes committed by known individuals. This is not to say that victimization does not occur by strangers, but rather, to focus on the notion of a sexual offender as someone who is a stranger misses the large figure of victimization by known individuals. However, the focus on stereotypical depictions of strangers perpetrating violence can elicit fear and calls for social change.

Social change does not occur simply through new conceptualizations, rather, social change can emerge via mobilization of segments of society (Ruggiero, 2021). An example of social change is calls for changing or developing legislation, and an example that demonstrates the mechanism whereby moral panics influence legislation is Emily Murphy's writings in *The Black Candle* regarding drug use. Solomon and Green (1988) state that in the 1850's, Chinese immigrants began arriving in British Columbia to build the railroads and there was a tolerant attitude towards them and their opium smoking up until the 1880s. At this time, employment opportunities began to dwindle, and Caucasian workers could not compete with the Chinese

workers as the unmarried Chinese employees were able to accept lower wages. Thus, the Chinese immigrants became an economic threat. The wave of anti-Asiatic sentiment contributed to the British Columbia Legislature enacting measures to end Chinese immigration, such as denial of voting rights.

Solomon and Green (1988) state that in 1920, *Maclean's Magazine* initiated a series of articles for the purpose of eliciting public demand for strict drug legislation. *The Black Candle*, by Edmonton Juvenile Court Magistrate Emily Murphy warned drug use across Canada was on the rise and it produced moral degeneration and crime. Murphy provided two drug user identities, the victims were white and young, whereas villains were “Chinese and black pushers” (Solomon & Green, 1988, p. 96). Solomon and Green (1988) state that Murphy maintained that addicts under the influence were manic and capable of murder, and she called for punitive responses including mandatory minimum sentences and deportation, and most of her recommendations were adopted into law. There are parallels between the processes surrounding early drug legislation in Canada and the creation of policies regarding community notifications.

The public's understandings of crime, offenders, and offending often influences the creation of policy (Tabachnick & McCartan, 2017). Unlike most criminal laws whereby an increasing crime rate may lead to increases in penalties or police spending, many U.S. state laws around sexual offending were passed quickly in response to well-publicized, gruesome incidents (Humphrey & Gibbs Van Brunschot, 2015; Prescott & Rockoff, 2011). All the major national U.S. policies regarding people who offended sexually can be linked to public reactions to individual cases (Tabachnick & McCartan, 2017), and many enactments are named after the victim who sparked the legislative effort (Humphrey & Bunschot, 2015; Prescott & Rockoff, 2011).

Although uncomfortable, some argue the truth needs to be addressed in that those who perpetrate sexual offenses are not usually strangers, so a database and notification system alerting the public of stranger identification and whereabouts is fundamentally flawed, and it should not be surprising that such policies have null effects (Zgoba & Mitchell, 2021). The general public however tends to maintain beliefs that do not reflect empirical research findings, and this can influence the type of policies that emerge when the public makes calls for change.

There is often a gap in public policy between evidence-based knowledge and politicians who represent the electorate (Zinger, 2016). Even well-intentioned social policies that pass in response to perceived threats can have unanticipated negative effects that may outweigh their benefits (Merton, 1936). Moral panics that allege a high rate of sexual reoffending contribute to policy developments regarding registries, community notifications, and residency restrictions (Levenson & Cotter, 2005; Levenson & D'Amora, 2007; Mustaine et al., 2006; Proctor, Badzinski, & Johnson, 2002; Walker, 2007). Such policies tend to focus on strangers, and the idea that people can be protected by being notified about someone's release, although most people are victimized by someone already known to them.

Another noteworthy aspect of moral panics is that those making calls for change do not necessarily reflect the opinions of the general public. Rather, they reflect those willing to speak about controversial issues, or those able to navigate social media platforms and political systems to have their voices heard. This can be problematic when policymakers' interpretations of the vocal population can contribute to harsher policies that create barriers in terms of reintegration and rehabilitation (Gideon & Loveland, 2010). Similarly, Jung, Meredith, Toop, and Martin (2020) argue a problem with the influence of partisanship and public opinions is that the

emphasis shifts away from scientific knowledge towards emotional reactance to media coverage of sexual crimes.

Tonry (2004) argues that people who might have dissenting views may be reluctant to speak out due to fear of being seen as deviant. Therefore, more people come to promote harsh policies while few are prepared to oppose them. In comparison to the gun control movement that opposes the National Rifle Association, there is no “pro-criminal” sentiment to counteract the “tough on crime” sentiment, and this is a problem when it comes to mitigating moral panic. Those who do take stances against this vocal population are often met with hostility.

For example, in response to the opinion editorial that I wrote, supporters of Noah’s Law took to Facebook comments<sup>3</sup> to respond with tough on crime sentiments. Comments include: “We need to change the law. This infuriates me. Where is Dexter when you need him,” “in the states you can see a the registered sex offenders within your area... we need this,” “liberals are all pedophiles its that simple even are pm he's the biggest of them all and that's a fact,” and “I know I'll get alot of flack from this comment but all sex offenders should be shot!”

While perhaps inspired by a desire to support victims and promote safer communities, such comments and calls for change arguably come from a place of outrage and disgust of the offence committed. Those who question these calls for change are often inaccurately understood within a binary in the justice system whereby supporting people who offended also means no regard for the people victimized. This binary is salient in the case of those who research minor attracted people, as they can be accused of being against saving children.

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<sup>3</sup> These comments were taken from the public Facebook page: <https://www.facebook.com/Justiceformchaleandnoah/> As this information is publicly available, consent was not necessary to obtain. However, user’s names are not reported to protect their identity.

The case of Allyn Walker, an assistant professor of Sociology, exemplifies the risk taken when sharing research that goes against the grain. As per their ResearchGate profile, Walker's research "examines resilience, as it relates to offending and wellbeing, among minor-attracted individuals" (MAPs) (ResearchGate, 2022). This research was met with an outcry from students and others online, who claimed that language such as MAPs destigmatizes sex offenders (Asbury, 2021). There was a petition for Walker's removal from the University, stating their views were unacceptable and they should be removed from staff (Change.Org, 2021). After being placed on administrative leave, Walker resigned, but was later hired in May 2022 at Johns Hopkins University (Hammer, 2022).

Various professors in related fields stated the public backlash reflected a misunderstanding of Walker's research, and to create a world without child sexual abuse it is essential to share research findings that might contradict popular assumptions (Asbury, 2021). Given such consequences, it follows that people are cautious about how they respond to violence and public calls for change. As few are willing to take on the risk associated with dissenting from what appears to be the majority, policy makers may only hear the calls for tougher legislation.

When it comes to crime control policy, elected officials are often responsible for responding to public outcry and demands for tough on crime policies that are perceived to better protect the community. Simon (1998) argues that politicians, often encouraged by what is considered almost universal public support, compete to propose severe responses to criminal behaviour. Noted by Cullen, Clark, and Wozniak (1985), these officials face the dilemma of simply serving the public's will or being moral entrepreneurs who influence society. While there is a recognized danger in succumbing to all public desires, there is also danger in being a moralist who strays too far from the public's will. A middle ground can exist however, where

officials can educate the public, and be educated by the public. This is likely the best strategy in developing legislation that protects and satisfies the public.

The social construction of people who offended sexually, and the practices relating to crime and punishment are also influenced by government policy, with specific agendas (Tabachnick & McCartan, 2017). For instance, in the UK, different governments have held different attitudes, resulting in different periods of crime policy. Previously was the “nothing works” narrative, promoted by Conservative/Republican/right-leaning governments in the 1980s and early 1990s; next was liberalism and “something works,” promoted by Labour/Democratic/left-leaning governments in the late 1990s and 2000s; and currently, there is increased community partnership and privatisation (Tabachnick & McCartan, 2017). Hence, the emergence of notification policies.

Tonry (2004) argues that policies emerging from moral panic, such as Megan’s Law might be viewed as desirable or undesirable, depending upon the values and ideologies held. For some, including liberals, Megan’s Laws might be the “undesirable fruits of a moral panic,” whereas proponents might see it as focusing attention on more effective protection of children (Tonry, 2004, p. 93). Furthermore, Bierie, (2016) notes a discrepancy in that academic researchers might be concerned about whether laws work most of the time, while others might be satisfied with laws working only some of the time. Hence, the beliefs and attitudes held are important when considering how people consider such laws and policies.

#### *Factors Related to Support for Policy*

Many factors may be insightful in describing why people support certain policies, such as their beliefs and attitudes, and their emotions. Perception is often understood as “how we see things,” like a set of lenses through which reality is observed (Given, 2008, p. 2). These lenses

differ and emerge from various factors in relation to the individual, including their “location,” “subjectivity,” and “teachings they have received” (Given, 2008, p. 2). Narratives, behaviours, and reactions can be studied to discover individuals’ perceptions. These perceptions are the way people interpret the world and are “their truth” (Given, 2008, p. 2).

The concept of “attitudes” is widely used in social science research, yet often ill-defined. Attitude can be defined as the “psychological tendency expressed by evaluating a particular entity with some degree of favour or disfavour (Eagly & Chaiken, 1993, p. 1). Similarly, Forgas, Cooper, & Crano (2010) describe an attitude as an association in memory between an attitude object and an evaluation of it. Essentially, an attitude is how much we like or dislike something (Eagly & Chaiken, 1993; Forgas et al., 2010), and attitudes are expressed in cognitive, affective, or behavioural responses (Eagly & Chaiken, 1993, p. 155).

Beliefs can be understood as misconceptions, opinions, or convictions and they can be held without supporting evidence (Shaw & Woodworth, 2013). Tough-on-crime beliefs that maintain harsh sentences are the most appropriate responses fall into this belief framework (Gideon & Loveland, 2011; Shaw & Woodworth, 2013). Eagly and Chaiken (1993) maintain attitudes tend to be consistent with beliefs, and when there is an inconsistency between an attitude and associated beliefs, individuals are often motivated to reduce the inconsistency either by changing their attitude, or their belief, or both.

Emotions are also an important component when considering how people might respond to public disclosures and violent offending. Violent crimes can elicit moral outrage and panic, and adding to this complexity, emotions can at times be inconsistent with beliefs and can threaten an individual’s self-concept (Eagly & Chaiken, 1993). As such, various favourable and

unfavourable beliefs can be held simultaneously and potentially influence how people respond when discussing topics in relation to their beliefs.

This study follows Given's (2008) definition of perception as "how we see things," and defines attitudes as favourable or unfavourable evaluations (Eagly & Chaiken, 1993; Forgas et al., 2010), and infers attitudes via verbal behavioural responses. Following Shaw and Woodworth (2013), beliefs will be understood as opinions that are not necessarily emerging from evidence, and given the sensitive nature of the topic, emotions may also be important. This thesis does not intend to predict responses via factors such as certain attitudes, as is commonly the goal of research within the field of psychology. Through a sociological approach, the law and the justice system can be seen as vehicles whereby the public can demonstrate acceptable behaviour, communal beliefs, and values. As such, the law and the justice system are often reflective or expressive of the shared values of society.

### *Expressive Functions of the Criminal Justice System*

Durkheim maintains that punishment is a moral process that serves to preserve shared values (Garland, 1991). In a 2010 translation of *Sociology and Philosophy*, Durkheim argues that society is a mass of associated individuals and the system they form when uniting (Durkheim, 2010). For Durkheim, society is a moral power that surpasses us physically, materially, and morally, and civilization can be understood as the result of the co-operation of people. Durkheim terms "collective conscious" as the totality of beliefs and sentiments common to average citizens of the same society (Durkheim, 1933, p. 79).

Durkheim (2010) argues that morality appears as "rules of conduct" and there are sanctions attached to violations of such rules (p. 42). Sanctions are the consequence of an act that

do not result from the act itself, but from the violation of the act, based on a pre-established rule. An example of a pre-established rule is criminal law, which following Durkheim, is the embodiment of the moral values of society. Therefore, crimes that violate the conscience collective<sup>4</sup>, elicit collective moral outrage and a need for vengeance (Garland, 1991), and these violations produce a punitive reaction (Marsh, Cochrane, & Melville, 2004). In other words, punishment is the realization of the moral values comprising the collective conscience.

Some argue that rather than a service to protect the community, policies such as registration and notification are punishment (Dixon, 1997; Humphrey & Brunschot, 2015) and notably, U.S. courts have varied on their decisions whether registration and community notifications serve a punitive or regulative purpose (Redlich, 2001). Redlich (2001) suggests Megan's Law does have retributive and vengeful purposes rather than a purely preventive one. Therefore, public disclosures can be explored as expressing sentiment and regulating behaviour.

Some argue that public shaming and humiliation that were once considered demeaning are now valued by political proponents (Garland, 2001), and the expression of public anger becomes a theme of legislation (Bandy, 2011; Garland, 2001). This means that even if research determines there are no benefits, notifications may still be used as they serve an "expressive purpose" (Bandy, 2011, p. 257). Community notifications are perceived by some as the government's symbolic response to community concerns, rather than to evidence (Lussier, Deslauriers-Varin, & Ratel, 2010b; Petrunik, 2003; Walker, 2007). As noted by Armstrong, Miller, and Griffin (2015), although laws that can be understood as crime control theatre laws are

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<sup>4</sup> Durkheim has been critiqued for assuming that a collective conscience exists (Garland, 1990). For instance, there is less agreement that criminal offences such as tax evasion elicit the same general moral repugnance as more serious crimes, such as child murder (Marsh et al., 2004). However, violent crimes, and especially sexual violence against children often does not elicit counterclaims about its existence, nor any moral disagreement (Cohen, 2011), thus Durkheim's conceptions of collective conscious and punishment are relevant.

often not supported by empirical research, they can be considered beneficial due to their symbolic nature (See Budd & Mancini, 2016; DeVault, Miller, & Griffin, 2016; Hammond, Miller, & Griffin, 2010 for a review of crime control theatre). It is problematic when such responses that display public sentiments become a purpose of the justice system, as they can take priority over experts' judgement (Garland, 2001). Here, policies of crime control and punishment can become metaphors for political strength (Garland, 1991).

In Canada, an example of expressive justice approaches is Stephen Harper's "tough on crime" approach. Harper was Canada's 22nd prime minister, governing between February 2006 and November 2015. Essentially, Harper argued that sentences were too lenient, and that the rights of accused and convicted people were coming at the expense of victims and law-abiding citizens (Zinger, 2016). However, others have been critical of Harper's tough on crime approach as harsher, longer, and more restrictive prison conditions are not conducive to rehabilitation, nor overall public safety (Zinger, 2016). Furthermore, prior research suggests that tough on crime policies are resource intensive (Cullen, Jonson, & Nagin, 2011). Research on lengthier sentences suggests they may increase crime (Smith, Goggin, & Gendreau, 2002), but repealing support of tough laws requires political courage (Tonry, 2004). Policymakers are likely not interested in challenging existing policy as they do not want to present as "soft," and if they wish to maintain their constituents' support, they are not likely to initiate such changes (Manchak & Fisher, 2019, p. 927).

Relatedly, interviews with police officers responsible for administering Australia's notification scheme reveal a widely held view that the government develops notification policy to garner public support (Whitting et al., 2016). Furthermore, legislators admit media and constituents' views are most important in developing sex offender policies (Lin, 2000), while

evidence appears to have little influence on legislation associated with responding to sex offending (Humphrey & Bunschot, 2015). Prior research on U.S. and Canadian politicians reveals that most participants did not believe that registries helped to prevent sexual or non-sexual offences from being committed, begging the question of why politicians and other criminal justice professionals seem to support registries (Jung et al., 2020). Jung et al. (2020) propose that these reasons could include punitive reasons, or perhaps could be related to listening to public concerns and supporting public views that registries should be made public. In short, some argue responses to sexual offences are based on myths like stranger danger, emotions rather than facts, and are designed to shame offenders (Tewksbury, 2005), thus fulfilling expressive notions. Perhaps registries express some communal sentiment about intolerance of certain crimes, although they are not necessarily effective. Notifications could also fulfill expressive functions, but there be may other factors such as inertia that contribute to the maintenance of the practice.

### *Inertia*

Cultural inertia can be understood as the “[reluctance] to adopt a different culture in response to a change in the environment” (Carrillo & Gromb, 2006, p. 743). This concept is relevant in exploring why organizations do not adapt to changing environments, and why some form of inertia continues (Carrillo & Gromb, 2006). This concept has been applied to Canadian policing. Campeau (2019) argues that like other public-sector organizations, police are subject to pressures to change, yet are often resistant.

Although the culture of the Canadian CJS can be described as rehabilitative, the practice of public disclosure that arguably poses barriers to re-entry is maintained. While community

notifications might be part of a risk management strategy, the concerns raised with this practice including cruel and unusual punishment, and potentially further exacerbating conditions related to reoffending, appear in conflict with rehabilitation. Those working within the justice system may be hesitant to reevaluate practices that might contrast with the public's views, and therefore perceive the status quo to be less risky. However, inertia can result in wasteful public spending and be harmful to those who offended, their families, and the community at large (Tonry, 2004).

While the concepts of risk and neoliberalism, labelling theory, moral panics, factors related to perceptions of policy, expressive functions of criminal justice practices, and inertia of policing practices all address different aspects of notification practices, they can be woven together. On an individual and community level, people seek to protect themselves and those they care about. Violation of morals through violent and sexual victimization can elicit fear and outrage. Such outrage can give rise to calls upon the government for better protection from the threat of violence posed by those labelled as “monsters.” How people perceive those involved with the justice system, their attitudes, and their beliefs are all important factors that influence their perception of how the justice system does and should respond.

In responding to violent acts, the justice system aims to satisfy the community's demands and respond in a way that aims to rehabilitate people and protect the public. Furthermore, in a neoliberal context whereby responsibility is downloaded onto individuals, the public may demand more information and protection from agencies. Criminal justice professionals may also support notifications due to inertia of the practice as a “better” strategy has yet to emerge. The need for multiple theories reflects the complexity of community notifications, and the uncertain space they occupy in the justice system regarding individual re-entry and community safety. This thesis provides insight into how detectives and front-line workers grapple with these tensions.

### **Chapter 3: Research Background and Literature Review**

There is a lack of Canadian empirical research regarding risk and uncertainty in crime control. Community notifications are important to study as they are emerging as a primary strategy to manage the risk posed by certain people, often people who offended sexually, and appear incongruent with the general rehabilitative notions of the Canadian criminal justice system (CJS). This chapter provide an overview and explanation of notifications in Canada, and empirical research on notifications. Both provide important context for this study.

#### *Defining Registries and Community Notifications*

While registries and notifications for people who offended sexually are two separate constructs, they often operate in tandem as one law (Zgoba & Mitchell, 2021). Some argue that registration and notification systems are often conflated, especially since the emergence of publicly available online registries (Harris, Levenson, Lobanov-Rostovsky, & Walfield, 2018). However, Harris et al. (2018) maintain that the processes of registration with law enforcement and notification to the general public are distinct mechanisms for improving public safety. Registration refers to the registering of personal information with law enforcement, while notification refers to the process of notifying the public of their personal information (Prescott & Rockoff, 2011; Whitting et al., 2014; Zgoba & Mitchell, 2021). There are two commonly cited objectives behind sex offender registration and notification policies. These are providing law enforcement with a list of registrants for investigation, and to make the public aware of a registrant's location (Biere, 2016; Leveson & D'Amora, 2007; Zgoba & Mitchell, 2021).

### *The Canadian Context*

While Canada does have a national sex offender registry that police services use, Canada's registry differs from the U.S. registry as it is not publicly accessible, nor are notifications generated through it (Jung, Allison, & Martin, 2018). The United States Department of Justice (2020) sex offender registry provides information about convicted sex offenders not only to authorities, but also to the public. This includes their name, a current location, and past offences. The means of public notification include sex offender websites in all states, the District of Columbia, and some territories. Some states also involve other forms of notice.

In Canada, a purpose of the *Sex Offender Information Registration Act* is to assist police in preventing and investigating crimes of a sexual nature (Jung et al., 2018; MacKay, 2004; Sex Offender Information Registration Act, S.C. 2004, c. 10). Although it is not publicly accessible, this does not mean there has not been public concern about high-risk people. Like the U.S., Canada's community protection legislation dates back the 1980s (Petrunik, 2003).

While the transition from the welfare state to the neoliberal state concerned with predicting risk and downloading responsibility onto individuals is likely a vital component contributing to maintenance of notification policies, public calls for change have likely also contributed. The early 1990's were a time of increasing public concern about high-risk offenders and the risks they posed for Canadians (Solicitor General Canada, 2001). In 1984, a female halfway-house employee was sexually assaulted by someone on day parole (Petrunik, 2003). This incident led to the federal government passing legislation allowing for the National Parole Board to detain individuals at risk of perpetrating a serious harm until their warrant expiry (Marshall & Barrett, 1990). Then in 1992, following a public inquiry over the 1987 death of a young woman by a person who offended sexually and was on a temporary absence leave, the

federal government enacted the *Corrections and Conditional Release Act* (Petrunik, 2002).

Under the *Corrections and Conditional Release Act*, where the CSC has reasonable grounds to believe someone about to be released poses a threat to any person, the CSC is required to take reasonable steps to give the police all relevant information prior to their release (*Corrections and Conditional Release Act*, S.C., 1992, c. 20, s. 25).

In 1993, the Federal/Provincial/Territorial Deputy Ministers responsible for Justice established a task force on high-risk violent offenders to study the option of establishing a registry of convicted sex offenders (MacKay, 2004). The task force concluded a separate registry would duplicate information already available to police via the Canadian Police Information Centre (CPIC), and that a national pedophile or sex offender registry would not significantly improve the protection of vulnerable groups (MacKay, 2004).

The following year in 1994, a national screening system was established as part of CPIC. This system allows agencies that deal with children to request a background check on anyone intending to be involved with that agency (MacKay, 2004). Then, in 2000, an amendment to the *Criminal Records Act* allowed for the criminal records of pardoned people who offended sexually who apply for positions of trust with children to be revealed to agencies (MacKay, 2004). These developments demonstrate interest in having information about certain people.

Previous calls for legislative changes also occurred after the death of Christopher Stephenson. Stephenson, an 11-year-old boy was murdered in 1988 by a convicted person with pedophilia on federal statutory release. In response, Christopher's parents advocated for victims and for "better legislation to protect children" (Taylor, 2018, para. 7). This tragic case incited public outrage, and the jury's primary recommendation was for a law that would allow society to lock up "sexual predators" indefinitely (Wente, 2004, para. 8). Police, psychiatrists, editorial

writers, and the public were all in agreement, and Ottawa vowed immediate action (Wente, 2004), eventually leading to the creation of Christopher's Law<sup>5</sup> (Taylor, 2018).

Another tragic case involving a child is that of Jessica Koopmans. In 2001, an Alberta judge, Martin, convicted a man of kidnapping, sexually assaulting, and killing five-year-old Jessica Koopmans (Walton, 2002). Martin is quoted as saying the man had “admitted to being locked in a losing struggle to control his urges of pedophilia” (Walton, 2002, para. 20). Due to this tragedy, there were calls to establish a national pedophile registry. However, Canada's justice minister stated this was not necessary given CPIC gives police access to relevant information (CBC News, 2001). This tragedy was highlighted by the media and the public to justify the need for a publicly accessible registry of high-risk offenders (Dixon, 2001).

Then in May 2002, in response to the death of Jessica Koopmans (Dixon, 2001), the Alberta Solicitor General made information about high-risk offenders virtually accessible to provide the public information so they can take precautionary measures (MacKay, 2004). This webpage lists those deemed high-risk in Alberta and often includes people who offended sexually. The webpage provides links to the public disclosures that police services issue.

In theory, notifications serve to warn the public about potential threats, and thus community members can take measures to protect themselves. These practices can arise as a reaction to the horrific circumstances of violent and sexual crimes. Such crimes can be influential in the creation or maintenance of criminal justice policies, especially when incidences are picked up by the media. The impetus for these types of legislation is often community

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<sup>5</sup> Christopher's Law. (Sex Offender Registry), 2000, S.O. 2000, c. 1. The ministry shall establish and maintain a registry containing the names, dates of birth, and addresses of offenders, the sex offences for which, on or after the day section 3 comes into force, they are serving or have served a sentence or of which they have been convicted or found not criminally responsible on account of mental disorder and such additional information as may be prescribed.

outrage over sexual assault and murder of children by a “sexual predator,” and justice officials’ and politicians’ desire to mitigate public outrage and fear (Sparks & Wormith, 2021, p. 494).

There continues to be some interest in public registries in Canada. A recent survey in Western Canada finds that 55.5% endorsed a public registration requirement in response to adults adjudicated for sexual crimes, and 41.5% endorsed a non-public registry (Sparks & Wormith, 2021). The cases of Christopher Stephenson, Jessica Koopmans and potentially Noah Mchale, reveal how legislative responses can emerge from the will of politicians to respond to public calls for action after tragic incidents.

Unlike the U.S., Canada appears to have remained resistant to a public registry and notifications that emerge from it. The Canadian registry has been successfully challenged, based on the Canadian Charter of Rights and Freedoms that limits the creation of a publicly available registry (Lussier & Mathesius, 2019a). In Canada, a person’s criminal history is considered personal information under privacy laws. Only in limited circumstances can it be disseminated (Privacy Act, R.S.C., 1985, c. P-21, s. 8). The way in which Canada treats individuals’ criminal history as private information differs from the U.S. (Coflin, 1997). Canada is arguably more cautious and more sensitive to the limits posed by the Canadian Charter of Rights and Freedoms (Petrunik, 2003). However, that does not mean that a public registry and notification scheme that emerges from it will never be a possibility in the future. The increasing use of strategies that mimic U.S. policies by providing information to the public about those who sexually offended demonstrates demands for harsher responses (Lussier & Mathesius, 2019a). This background has described Canada’s registry and notification systems and the following section will describe the Canadian CJS responses more broadly.

*The Tension of Notifications in Canada*

In terms of justice system responses, Canada is generally described as the “tortoise,” due to its slower, cautious methods (Petrunik, 2003, p. 44) or “treatment approach” (Bratina, 2013, p. 204) in contrast to the U.S., which due to its swift, aggressive methods is described as “the hare” (Petrunik, 2003, p. 44). Here is where the tension of notification exists -- as a risk management strategy, within a system with a mission to rehabilitate. The CJS is concerned with rehabilitation, as evidenced by their mission statement which is:

Assisting the rehabilitation of offenders and their reintegration into the community as law abiding citizens through the provision of programs in penitentiaries and in the community (Corrections and Conditional Release Act, S.C. 1992, c. 20).

Despite the assertion that management strategies for people who offended sexually are not intended to be punitive, some argue the practices to control and monitor these people does result in further punishment (Humphrey & Brunshot, 2015). For instance, non-profit organizations dedicated to crime prevention note problems related to notification such as cruel and unusual punishment, and vigilante justice run contrary to the principles of rehabilitation and successful reintegration (Dixon, 1997). Drawing upon media reports, it seems every jurisdiction that issues notifications experiences harassment, threats, and assaults from the community towards those listed on notifications (Coflin, 1997).

However, the practice might fit within Canada’s “community-protection” model (Petrunik, 2003). The fundamental predicament is the balance of the public’s right to be informed with the need for the successful community reintegration of people who offended (Levenson & Cotter, 2005; Zevitz & Farkas, 2000; Zevitz, 2004). Under the community-protection model, Lussier and Mathesius, (2019b) argue the risk posed by the person who

offended is emphasized over all other criminal justice objectives, including rehabilitation. This description presented the context of the use of notifications in the Canadian CJS. The following section will now explain the connections between federal, provincial, and municipal aspects of the use of notifications.

### *Federal, Provincial, and Municipal Components*

To improve public safety in Canada, the Government of Canada developed certain initiatives and put together a document titled *High-Risk Offenders: A Handbook for Criminal Justice Professionals* (Solicitor General Canada, 2001) This document covers four basic areas including extension of section 810 peace bonds, changes to dangerous offender legislation, the development of long-term supervision orders for people who offended sexually, and information systems for public safety. These initiatives are noted to control the criminal behaviour of high-risk people (Lussier et al., 2010a). This is relevant in the current study as notifications are used for high-risk people. However, being deemed as high-risk does not necessitate that a notification will be issued. The relationships between the federal *Criminal Code*, provincial Acts, and police discretion will be further described in this chapter.

Section 810<sup>6</sup> of the *Criminal Code* outlines peace bonds, described as a unique Canadian approach (Petrunik, 2002; Lussier et al., 2010a). Section 810 peace bonds, or recognizance orders respond to concerns raised by a small, persistent group of people (Lussier et al., 2010b). These are a protection order made by a court, and they are “used where an individual (the

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<sup>6</sup> **Section 810 Peace bond: If injury or damage feared 810 (1)** An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person (a) will cause personal injury to them or to their intimate partner or child or will damage their property; or (b) will commit an offence under section 162.1. Criminal Code (R.S.C., 1985, c. C-46)

defendant) appears likely to commit a criminal offence, but there are no reasonable grounds to believe that an offence has actually been committed” (Government of Canada, 2015). This section enables a judge to hold a hearing after a complaint by anyone who fears, on reasonable grounds, that a person will commit a specified offence (Petrunik, 2002; Lussier et al., 2010b). In 1995, the federal government introduced Bill C-42<sup>7</sup>. This included amendments to make 810 orders easier to obtain and increased the maximum penalty for a breach from 6 months to 2 years (Lussier et al., 2010b). Specific conditions can be imposed by the court designed to prevent the defendant from harming a person, their spouse or common-law partner, their child, or from committing property damage (Government of Canada, 2015). Peace bonds are unique as they respond to a gap between an individual’s freedom not to be penalized for an offence they have not committed, and, on the other hand, the interests of security and the regulation of uncertainty (Ballucci & Lecoq, 2021).

Traditionally, peace bonds governed the relationship between people in a private dispute, however, in neoliberal times, new peace bond laws emerged to apply between individuals and the community (Doerksen, 2019). More specifically, section 810.1 focuses on people at risk of committing a sex crime against someone 14 years old or younger, while section 810.2 deals with people at risk of committing a serious personal injury offence. The section 810 order is based upon three assumptions: One, the justice system can accurately identify high-risk sex offenders; Two, the risk posed can be managed in the community; Three, the conditions of the order and supervision can prevent future sex crimes (Lussier et al., 2010b).

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<sup>7</sup> Peace bonds first appeared in the Canadian Criminal Code in 1892, and Sections 810.1 and 810.2 were introduced in the 1990s (Lussier et al., 2010b).

In short, 810 orders can impose a series of conditions on people who are at risk of reoffending and who would otherwise not be supervised. Most reviewed cases involve a federally sentenced adult and an individual incarcerated in a CSC penitentiary (Lussier et al., 2014), but some may never have been convicted of an offence (Doerksen, 2019; Petrunik, 2002). These individuals bound by peace bonds are typically subject to both community notification and intensive supervision for the duration of the order (Lussier et al., 2010a). Peace bonds arguably are a risk management strategy that pre-emptively control a population of people that are predicted to pose a risk of harm.

A study by Ballucci & Lecoq (2021) examines the decision-making process used to pursue a section 810 peace bond in Canada. For those incarcerated for long periods of time and waiting release, CSC prepares a package containing information such as offence history, program performance reports, past parole decisions, risk assessments, psychological and psychiatric reports (Doerksen, 2019; Solicitor General Canada, 2001). This package is given to the city police. At this point, the policing agency determines whether it will apply for a peace bond (Solicitor General Canada, 2001) and police must justify why certain people might pose a reasonable risk of harm (Ballucci & Lecoq, 2021). However, peace bonds are not the only mechanism to manage the risk of certain populations.

People deemed highly dangerous can also be managed through dangerous offender legislation (Petrunik, 2002). Dangerous offender legislation<sup>8</sup> can involve serious personal injury, and the person who offended “constitutes a threat to the life, safety or physical or mental well-

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<sup>8</sup> **Sentence for dangerous offender (4)** If the court finds an offender to be a dangerous offender, it shall (a) impose a sentence of detention in a penitentiary for an indeterminate period; (b) impose a sentence for the offence for which the offender has been convicted — which must be a minimum punishment of imprisonment for a term of two years — and order that the offender be subject to long-term supervision for a period that does not exceed 10 years; or (c) impose a sentence for the offence for which the offender has been convicted. Criminal Code (R.S.C., 1985, c. C-46)

being of other persons on the basis of evidence establishing,” “a pattern of repetitive behaviour by the offender,” “a pattern of persistent aggressive behaviour by the offender,” “any behaviour...associated with the offence for which [they have] been convicted, that is of such a brutal nature as to compel the conclusion that the offender’s behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint,” or “the offence for which the offender has been convicted is a serious personal injury offence...and the offender, by [their] conduct in any sexual matter including that involved in the commission of the offence for which [they have] been convicted, has shown a failure to control [their] sexual impulses and a likelihood of causing injury, pain or other evil to other persons through failure in the future to control [their] sexual impulses” (*Criminal Code*, R.S.C., 1985, c. C-46).

If the court does not find an individual to be a dangerous offender, the court may treat the application as an application to find the individual a long-term offender, and section 753.1 of the *Criminal Code* applies. The court may either find that the individual is a long-term offender or hold another hearing for that purpose; or impose a sentence for the offence for which they have been convicted (*Criminal Code*, R.S.C., 1985, c. C-46). Long-term offender legislation<sup>9</sup> maintains this application is appropriate when it is satisfied that “it would be appropriate to impose a sentence of imprisonment of two years or more for the offence for which the offender has been convicted,” “there is a substantial risk that the offender will reoffend,” and “there is a reasonable possibility of eventual control of the risk in the community” (*Criminal Code*, R.S.C., 1985, c. C-46).

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<sup>9</sup> **Sentence for long-term offender (3):** If the court finds an offender to be a long-term offender, it shall (a) impose a sentence for the offence for which the offender has been convicted, which must be a minimum punishment of imprisonment for a term of two years; and (b) order that the offender be subject to long-term supervision for a period that does not exceed 10 years. *Criminal Code* (R.S.C., 1985, c. C-46)

Long-term supervision legislation maintains that those “subject to long-term supervision shall be supervised in the community in accordance with the *Corrections and Conditional Release Act* once they have finished serving the sentence they have been convicted and all other sentences for which they are convicted” (*Criminal Code*, R.S.C., 1985, c. C-46). Long-term supervision orders, up to 10 years (Petrunik, 2002), require similar criteria as dangerous offender legislation, but are less restrictive on the assumption that risk is more manageable through treatment and community supervision (Solicitor General Canada, 2001).

Along with the legislative measures to manage risk, given the rehabilitative mission, the CJS also involves support to facilitate reintegration to reduce the risk of reoffending (Humphrey & Brunschot, 2015; Lussier et al., 2010a). This support involves programs available through CSC and the community. CSC emphasizes social reintegration, which involves supporting people re-entering the community post-incarceration (Griffiths, Dandurand, & Murdoch, 2007). This includes programs that assist people to lead law-abiding lives and provide support beyond incarceration until successful reintegration is achieved (Griffiths et al., 2007). CSC offers extensive programs to people who offended sexually (Petrunik, 2003), and these programs<sup>10</sup> aim to address risk factors linked to sexual offending and general crime (Correctional Service Canada, 2019).

Outside of the institution, there are also programs to assist with community re-entry. (Public Safety Canada, 2021) describes the section 810 Offender Management Program that

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<sup>10</sup> In terms of institutional programs, the Correctional Service of Canada (CSC) (2014) offers the High Intensity National Sex Offender Program for men assessed as having a high-risk of reoffending sexually; this program helps them understand the impact of sexual violence on victims and their thought processes related to sexual violence. The Moderate Intensity National Sex Offender Program is available for those deemed as having a moderate-risk, and the National Sex Offender Maintenance Program is available for men who have completed one of the other national Sex Offender Programs. The Tupiq Program is also available for Inuit men assessed as having a moderate or high-risk of reoffending.

provides violent and/or sexual offenders who have served their full statutory sentences a safe residential transition. The program addresses the criminogenic factors that place people at risk for reoffending and addresses barriers that may hold them back from successful reintegration. For example, the core components of the section 810 Offender Management Program include a specialized police unit and an accountability program<sup>11</sup>. The police unit is crucial in terms of initial and ongoing support, housing, and treatment/wrap-around services (Public Safety Canada, 2021). Police detectives work to address criminogenic factors and barriers that may prevent successful reintegration, and they have a duty to locate and monitor their clientele daily (Public Safety Canada, 2021). Thus, while peace bonds involve intense supervision and often involves being the subject of a public disclosure, the section 810 program also offers support.

Another example is the Criminal Organization and High-Risk Offender Unit (COHROU). Weinrath, Doerksen, and Watts (2015) state that the COHROU monitors people deemed high-risk and it includes probation officer supervision, intensive programming, and utilizes a police liaison mechanism that assists in monitoring and providing quick responses to condition violations. The COHROU also supervises people on conditional sentences and section 810 peace bonds, and aims to contribute to public safety by managing people through control, and supervision and support, to assist with addressing the concerns that bring people into conflict with the law. The combination of the legislation and programming indicates Canada's cautious response involving risk management, intensive supervision, and support.

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<sup>11</sup> The Circles of Support and Accountability programs also assists high-risk sex offenders in multiple areas including housing, employment, and moral support (Griffiths et al., 2007; Public Safety Canada, 2021).

*Research on Section 810 Peace Bonds and Related Supervision Programs*

Being subject to section 810, dangerous offender or long-term offender legislation, or long-term supervision orders does not necessitate that a notification will be issued upon release into the community. Section 810 peace bonds are especially relevant in the current study as many of those listed on public disclosures are supervised under a section 810 peace bond. While the use of section 810 peace bonds and related programs seem to be prominent components regarding the supervision of high-risk people, there is very little Canadian research regarding intensive supervision of high-risk people (Weinrath et al., 2015).

Through interviews with police officers across Canada, Ballucci and Lecoq (2021) explore the decision to pursue an 810. A key indicator is situations where the potential victim is a child, when conditions might assist with re-integration, and when the individual has reached their WED. Ballucci and Lecoq (2021) describe two scenarios, a slam-dunk, and a sit down. A slam dunk case is built upon risk indicators, a high-risk of criminality, and low uncertainty. In comparison, sit-down cases are lacking in identified risk and involve some uncertainty. In these cases, police draw upon extra-legal factors such as what police know about the person and their inclinations. Speculation is used to justify placing conditions on these individuals. Considering that fear is a necessary legal component for a judge to grant the 810, the unknown is enough to ascertain risk. Ballucci & Lecoq (2021) also identify other factors, such as the success of the application being granted, and resources, considering the supervision is labour intensive.

The population subject to these peace bonds has not received much research attention. A study by Lussier, Deslauriers, and Ratel (2010b) aimed to address this research gap through an exploratory study of these individuals in B.C. Notably, Lussier et al. (2010b) found when using two risk assessments, the Static-99 and the Stable, about 50% of their sample was considered no

more than medium risk, including about 12% who were considered to be no more than a low risk. They propose this warrants investigation into who might be identified for an 810 order, as intensive supervision might be imposed upon people who do not require it (Lussier et al., 2010b). Given that fear and uncertainty contribute to application of the order and likely, the accompanying notification, the net of such criteria might also capture people who are not high-risk, as determined by the cited risk assessments. This can be a concern, considering the risk-needs-responsivity literature. The principles of risk-needs-responsivity (RNR) indicate that high treatment dosages are most effectively applied to higher-risk people, while intense treatment for those who do not require it can raise the likelihood of reoffending (Andrews & Bonta, 2010). However, this may not be a concern for all intensive supervision programs considering Weinrath et al. (2015) who also studied risk level did not find many low-risk offenders placed in their program. This context demonstrates that peace bonds and accompanying disclosures could potentially be applied too broadly, and this can be troubling in relation to RNR, and as practitioners note challenges that can emerge for individuals subject to the disclosure.

Lussier et al. (2010a) examined challenges criminal justice practitioners face in terms of supervision of those under an 810 order. This includes inadequate housing, freedom restrictions of the person subject to the order, inadequate treatment program support, socioeconomic circumstances, the presence of substance abuse and health problems, the notion that those subject to the order lack motivation, and that they experience a lack of adequate social support (Lussier et al., 2010a). Community notification was raised as a specific concern impeding community reintegration as it led to discrimination when setting up community services as people were often denied services (Lussier et al., 2010a), and it was reported to be “counterproductive to the community reintegration process” (Lussier et al., 2010a, p. 232).

Lussier, Deslauriers-Varin and Amirault (2014) note some services were not accessible to those subject to the order due to security reasons or services having female staff, along with the concerns about proximity between the treatment facility and a school or a park, which may be against the conditions of the order (Lussier et al., 2014). This is important as while notifications are intended to be issued for individuals who present the greatest risk, those working with the population may still be concerned about the impact of the practice in terms of community re-entry.

The cited *Criminal Code* sections, and the related correctional and community programs outlined in this section demonstrate that although Canada has a rehabilitative CJS, there are still concerns about particular people. Although individuals listed on notifications may have the opportunity to participate in programming that could assist them to lead a pro-social lifestyle, Canada's CJS remains cautious about their risk of harm. As such, following a community-protection model, Canada can make use of extensive supervision and practices such as community notifications. The following section will describe in more detail how Canadian provinces use community notifications.

#### *Provincial Community Notification Practices*

In Canada, notifications are often associated with the release of high-risk offenders from institutions, and are decided by law enforcement (Murphy, Fedoroff, & Martineau, 2009). The community notification practices across provinces can vary. In the *Sex Offender Registration and Community, Notification Legislation, Policy and Procedures* document, Coflin (1997) provides an overview of Provincial notification practices. British Columbia and Alberta use an agency-based model that builds upon their privacy legislations, placing an onus on governmental

agencies to disclose information that may affect public health and safety. Individual agencies such as local police exercise the discretion assigned to them under privacy legislation. This does not mean that police do not consult with others, only that they are not required to do so. They determine case by case whether a notification is warranted (Coflin, 1997).

British Columbia first introduced its notification policy in 1994 and issued a second edition in 1995. B.C.'s policy regarding adults conforms to the province's *Freedom of Information and Protection of Privacy Act*, and when regarding juveniles, the *Young Offenders Act* governs the practice. B.C. focuses on those who sexually or physically abused children. As previously indicated, Alberta focuses on any person who presents a "risk of significant harm" (*Privacy Act*, R.S.C., 1985, c. P-21, s. 31).

Manitoba, Newfoundland, and Saskatchewan use a structured risk assessment model that allows criminal justice system actors and others to contribute to the decision-making process, while the police agency makes the final decision about the notification (Coflin, 1997). Manitoba implemented the Release of *High-Risk Sexual Offender Information* protocol in 1995 with the objective of enhancing public protection through the release of information to the whole community, or to more specific community groups. Manitoba focuses on sexual offenders and their protocol is used for sexual offenders about to be released from prison, under community supervision, and others who are assessed as posing an ongoing threat (Coflin, 1997).

In Saskatchewan in 1996, the *Public Disclosure Act* was passed. This legislation describes the conditions whereby information about an adult who has been convicted of an offence listed in the Act's regulations and who the police believe poses a significant risk of serious harm may be disclosed to the public. Saskatchewan focuses on sexual offenders, those convicted of serious personal injury, and drug traffickers (Coflin, 1997).

Newfoundland implemented the *Release of High-Risk Offender Information Protocol* in 1996, modeled after Manitoba's program. This protocol is used for those who have at least one conviction for a serious offence and are determined to pose a reasonable danger to the community at the end of their sentence. The protocol establishes a community notification advisory committee that makes recommendations to police regarding making information public, and like other jurisdictions, the police agency makes the final decision (Coflin, 1997).

In Ontario, the *Police Services Act* (R.S.O. 1990, c. P.15) empowers local police chiefs and the Commissioner of the Ontario Provincial Police to publicly disclose information about offenders considered to be a significant risk to the community. In March 2019, the *Community Safety and Policing Act* was passed as part of the Comprehensive Ontario Police Services Act, replacing the current Police Services Act (Government of Ontario, 2021). Although the *Police Services Act* and its regulations allow the Chief of Police to notify the public when they feel there is a risk, this does not mean all cities do so. For instance, the Halton Regional Police Service, their Chief of Police, and the High-Risk Offender Management Unit do not have active community notifications (Halton Regional police, n.d.). Halton Regional Police Service notes that special provisions in the *Criminal Code* allow the unit to monitor these individuals to reduce the safety risk to the community, and Halton Regional Police Service suggests the Canadian Centre for Child Protection – Safety Strategies for Parents and Communities brochure can be consulted for more information (Halton Regional police, n.d.). In short, each province varies in their approach community notification practices. For the purposes of current study, the following section will describe Alberta's protocol in more detail.

*Community Notifications in Alberta*

Alberta's protocol regarding *the Release of Information in Respect of Individuals Who are Believed to Present a Risk of Significant Harm to the Health or Safety of any Person, Group of Persons or the General Public* is based on section 31 of the *Freedom of Information and Protection of Privacy Act*<sup>12</sup> (FOIP). The notification protocol based on this Act maintains that police should release information only when it is necessary to protect against potential threats to the public. Also, the individual's privacy rights and concerns about public safety regarding risks associated with public alarm should be considered (Coflin, 1997). To determine whether an individual appears to present a risk of significant harm, assessments are based on criteria<sup>13</sup> which include but are not limited to the age and health of the person, the circumstances of the offence, and their criminal history and patterns (Clark, 1998; Coflin, 1997).

When it is determined someone poses a significant risk of harm, police in the area where the person will reside are notified. The police then review the case and complete their own risk assessment. If they determine a notification is warranted, they give notice of the planned

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<sup>12</sup> **Division 4: Public Health and Safety.** Information must be disclosed if in the public interest 32(1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people, to any person or to an applicant (a) information about a risk of significant harm to the environment or to the health or safety of the public, of the affected group of people, of the person or of the applicant, or (b) information the disclosure of which is, for any other reason, clearly in the public interest. (2) Subsection (1) applies despite any other provision of this Act. (3) Before disclosing information under subsection (1), the head of a public body must, where practicable, (a) notify any third party to whom the information relates, (b) give the third party an opportunity to make representations relating to the disclosure, and (c) notify the Commissioner. (4) If it is not practicable to comply with subsection (3), the head of the public body must give written notice of the disclosure (a) to the third party, and (b) to the Commissioner. RSA 2000 cF-25 s32;2003 c21 s8

<sup>13</sup> The full criteria includes but is not limited to: (1) the age and health of the individual; (2) circumstances surrounding the offence(s) which resulted in the individual being placed under Correction Services Division jurisdiction; (3) offence history and patterns; (4) the degree of violence involved in the commission of offences; (5) premeditation or planning involved in the commission of offences; (6) the number of offence victims; (7) the impact of most recent and past offences on victims; (8) access to potential victims; (9) prior responses to community supervision; (10) participation and response to current or past treatment programs; (11) psychiatric, psychological or social assessments; (12) employment history and prospects; (13) interpersonal relationships and community support systems; (14) Serious Habitual Offender Comprehensive Action Program history; (15) any extenuating, mitigating and aggravating circumstances.

disclosure to the province's Information and Privacy Commissioner, and the subject of the disclosure (Clark, 1998; Coflin, 1997).

As per the Information and Privacy Commissioner Investigation Report 98-IR-011, the protocol delegates "the authority of the Minister of Justice and Attorney General of Alberta under section 31 of the *FOIP Act* to the Commanding Officer of RCMP "K" Division (Alberta), and Chiefs of Police for Municipal and First Nations Police Services in Alberta" (Clark, 1998, p. 5). As such, the Chief of Police can disclose information when in the public's interest.

There are circumstances that can activate the protocol and the need to determine whether a disclosure is necessary. The Solicitor General Canada (2001) states that CSC will recommend those held until WED to the high-risk unit of the city police where the person intends to reside. A disclosure does not occur automatically for those held until WED, rather, it can activate the protocol. Those held until WED, often those who offended sexually or violently and did not participate in rehabilitation, treatment, or programming are often peace bond candidates (MacAuley, 2001).

Information about someone presenting a risk of significant harm may come from referrals including but not limited to the Correctional Services Division of Alberta Justice, the Correctional Service of Canada, a member of the public, an agency or organization (Clark, 1998, p. 9). For each case, the Chief of Police has criteria<sup>14</sup> to consider, but the protocol does not indicate which issues must be present when deciding to issue a notification, so ultimately, it is up the discretion of the Chief of Police (Clark, 1998, p. 9).

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<sup>14</sup> These criteria are as follows: (1) the extent to which any federal or provincial legislation or publication ban is germane to the potential release of information; (2) the risk of prejudice to a fair trial in relation to any outstanding charges; (3), the recommendations made in referrals received from the Correctional Services Division of Alberta Justice or the Correctional Service of Canada; (4) the need to balance the individual privacy interests with public safety concerns, keeping in mind the risks associated with public alarm.

Of note, the portfolio officer of the Information and Privacy Commissioner Investigation Report 98-IR-011, states it is their opinion that “reducing the risk to the community is the preferable to public disclosure and should be considered by police wherever possible” as disclosures can impede the ability of the police to monitor the activities of a person who may present the risk, and also places the individual in the position where they have no choice but to leave a community (Clark, 1998, p. 24). This may remove them from their support systems and be a barrier to attending school or continuing employment (Clark, 1998).

In sum, this section addressed Canada’s CJS, use of risk management strategies, and explored how Alberta responds to high-risk people. There is little research on community notifications for “high-risk” people, as most notification schemes are concerned with people who offended sexually more broadly. Thus, the following section addresses sexual offending, and community notification schemes that are generally outside of the Canadian context. However, given that most high-risk people in Alberta committed sexual offences, and there are continuous calls in Canada to make the registry of people who offended sexually publicly accessible, the following studies on registries and notification are relevant and important to consider.

### **Community Notification Research**

Lussier and Mathesius (2019b) argue the lack of empirical support for the assumptions guiding broader policies regarding people who offended sexually, and the implementation issues and their unexpected costs indicates that these policies should not be adopted in Canada.

Scholars critique that such policies are often reactionary and do not emerge from empirical analysis (see Jung et al., 2020; Lussier and Mathesius, 2019b; Sparks & Wormith, 2021). This section will elaborate on the empirical research for these wider practices that are often called for

in Canada. This is useful to suggest the possible concerns that could arise if Canada adopts similar policies, and provides a comparison to Canada's approach. Broader policies capturing people who offended sexually as though they occupy the same level of risk can be problematic as people who offend are not a homogenous group.

### *Homogeneity and Sexual Offending*

When considering people who perpetrated serious offences, people who commit sexual offences are often perceived as the least likely to change (Hanson, Harris, Helmus, & Thornton, 2014). The emergence of sex offender registry and notification laws reveal perceptions of this group of people as homogenous, compulsive, and bound to reoffend (Leon, 2011; Tewksbury & Levenson, 2007; Walker, 2007) despite empirical evidence indicating otherwise (Hanson & Bussière, 1998; Leon, 2011; Sample & Bray, 2006). The broad use of long-term social controls that apply to people who offend sexually such as lifetime community supervision and registration indicates that the general public along with policy makers assume an indefinite level of risk (Hanson et al., 2014).

Results from an analysis of a survey of U.S. adults by Socia & Harris (2016) suggest that most community members expect that most registrants present a high-risk of reoffending for a variety of crimes. The majority assume half or more registrants were pedophiles, sexual predators, victimized strangers, or were at a high-risk of perpetrating different crimes in the future. In short, people subject to registration are often understood as a one-size-fits-all category containing individuals universally high-risk and unamenable to treatment (Mesler, Anderson, & Calkins, 2016; Socia & Harris, 2016). However, this one-size-fits-all understanding is not reflected in research findings. People who offend sexually vary in their risk for sexual recidivism

(Hanson et al., 2014; Lussier et al., 2010a), and the assumptions that people who perpetrated violent and sexual offences are specialized in their offending, at risk for a long period of time, and needing specific interventions to control their behaviour also contrasts with empirical findings (Lussier et al., 2010a).

A Canadian study of recidivism rates of federally sentenced people indicates higher rates of reoffending for those sentenced for robbery or property offences than for those sentenced for sexual offences (Stewart, Wilton, Baglole, & Miller, 2019, p. 22). Although different from recidivism that measures reoffending, reconviction rates that measure conviction for another offence also tend to be lower for sexual offences (Hanson & Bussiere, 1998; Vess & Skelton, 2010). Thus, the assumption that people who perpetrate sexual offences are the highest risk of reoffending is inaccurate.

Furthermore, recidivism can change over time and vary depending on the deemed level of risk posed. Even when certain groups of people who offend sexually are identified as higher risk, they may not be high-risk forever (Hanson et al., 2014). Fortunate life circumstances, life choices, aging, or deliberate interventions, such as attending treatment can change risk-relevant propensities (Hanson et al., 2014). A study by Harris and Hanson (2004) compares the recidivism rates of a sample of people who offended sexually from the U.S., U.K., and Canada at four different times: time of release, and after 5, 10, and 15 years offence-free<sup>15</sup> in the community. Harris and Hanson (2004) report that the 5-year recidivism rates were 14% from time of release, 7% after 5 years, 5.4% after 10 years, and 3.7% after 15 years offence-free

Another study examines the extent to which people deemed as a high-risk sexual offender remain high-risk over time. Like other general and violent offenders, the risk of sexual

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<sup>15</sup> In this study, offence-free was defined as no new sexual or violent offenses.

recidivism was highest in the first few years after release, and decreases the longer they remain offence-free<sup>16</sup> in the community (Hanson et al., 2014). A notable finding is that the decline in hazard rates<sup>17</sup> was greatest for those who had been identified as high-risk at time of release. Their findings indicate that if people deemed high-risk do not reoffend when given the opportunity to do so, they are not as high-risk as initially perceived (Hanson et al., 2014). While moral consequences of offending sexually are persistent, those who remain offence-free might cross a threshold in terms of recidivism risk, and thus their risk for reoffending might be indistinguishable from non-sexual offenders (Hanson et al., 2014).

These studies indicate that people who offend sexually, compared to all types of offences, are not necessarily the highest risk to reoffend, as commonly assumed. Also, people who offend sexually are not universally high-risk, and levels of risk can change over time, hence the title of Hanson et al.'s (2014) article, "high-risk sex offenders may not be high-risk forever." This section addressed common assumptions about people who offend sexually in terms of reoffending, and the following section will address research on the efficacy of community notification as a strategy to reduce victimization and offending.

### *Community Notification and Recidivism Studies*

Sex offender registration and notification laws aim to promote awareness so that communities can protect themselves from victimization (Walker, 2007). Policies that aim to reduce offending assume revealing the identity and location of those who offended will result in

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<sup>16</sup> In this study, offence-free means no new sexual offenses were detected during the time period. Recidivism rates were estimated by dividing time into 12 month intervals and the proportion reoffending in each time interval is calculated. This quantity is referred to as a hazard rate and indicates the probability of reoffending in a specific time interval given that the individual has not reoffended up to that time.

<sup>17</sup> Hazard rates are the probability of reoffending in a specific time interval given that the individual has not reoffended up to that time.

informal monitoring by the community, therefore reducing victimization (Mustaine et al., 2006; Mustaine, Tewksbury, Connor, & Payne, 2015). In other words, these practices are premised on the belief that publicly accessible information about those who offended sexually, and their locations can equip the public to avoid situations that provide opportunities for offending (Coflin, 1997; Harris & Cudmore, 2018; Tewksbury et al., 2012a).

Determining whether these goals are achieved is a complicated research endeavour. The effects of registry and notification laws are complex. As such, it is challenging to conclude in straightforward statements whether they are helpful or harmful. For instance, Lussier and Mathesius (2019b) note that a reduced rate of arrests for sex crimes can mean such policies are effective in crime prevention, perpetrators are more careful and avoid detection, or perhaps the perceived severity of the costs influences criminal justice professionals to seek alternatives to the justice system. Meanwhile, an increased rate of arrests for sex crimes can mean the laws are not effective, or that they are effective because they contribute to the detection and apprehension of someone who may have continued to perpetrate additional sex crimes.

A similar concern is noted with section 810 peace bonds and imposed conditions. Whether or not someone breaches, the peace bond appears to have achieved its purpose as when breached, the suspicion of risk is justified, and if they do not breach, it appears the supervision reduced their risk (Doerksen, 2019). While findings and their meanings may not be straight forward, there is a broad scope of literature exploring the effectiveness of registration and notification laws in different areas. Despite having good intentions to enhance public safety, studies generally conclude such laws are ineffective (Armstrong et al., 2015).

Studies often find low sexual reoffending and find general reoffending to be largely unaffected (Tewksbury et al., 2012a), or find null effects on recidivism (Jung et al., 2018;

Levenson, 2018; Lussier et al., 2010; Lussier & Mathesius, 2019b; Manchak & Fisher, 2019; Whitting et al., 2016; Zgoba & Mitchell, 2021). For instance, a study on 23 findings from peer reviewed publications reports 16 of the 23 studies found Megan's Law did not have a significant impact on sex offending (Call et al., 2018). Other studies find a lack of clarity regarding whether they reduce criminal behaviour or advance other goals such as increasing the probability of an arrest (Prescott & Rockoff, 2011), that they do not fulfill their objectives (Lussier & Mathesius, 2019b), or are simply inconclusive (Craun et al., 2011; Cubellis, Walfield, & Harris, 2018). Some argue that the fiscal and social costs of such laws exceed their value (Hanson, 2018; Levenson, 2018).

On the other hand, Prescott and Rockoff (2011) find some benefits for registration in that actual registration of people released after serving time for a sexual offence is associated with decreases in crime. They maintain this result is consistent with a simple model of criminal behaviour whereby providing information to local authorities increases monitoring and therefore increases the likelihood of punishment for recidivism. Moreover, they report the decrease in the overall frequency of reported sex offences associated with registration is primarily due to reductions in attacks against local victims known to an offender, while the frequency of offences perpetrated by strangers appears to be unaffected by registration. They approximate that when the size of the registry is small, notification laws reduce the number of sex offences. However, they find these benefits dissolve as more people are subject to notification requirements, and this indicates a reconsideration of notification laws is warranted. These evaluative studies should be interpreted cautiously as many factors can influence the meaning of results. Recidivism and offending are often important factors in research of notifications, but these are not the only considerations. The community's feeling of safety is another area that will be addressed next.

### *Community Notification and Community Safety*

Community members often feel threatened by the thought of potentially dangerous people being released into their community without their knowledge (Anderson, 2020), and experience helplessness and an increasing lack of control over their community (Zevitz, 2004). Thus, they seek information regarding who is being released to protect themselves (Anderson, 2020). Community notification laws are based upon the idea that by providing citizens information, citizens can take preventative actions (Anderson & Sample, 2008; Levenson & Cotter, 2005). However, the degree to which notifications promote community safety is unclear (Anderson & Sample, 2008).

Zevitz (2006) argues that community notification as it currently stands “cannot be said to be living up to its premise of ensuring greater community protection” (p. 206). Furthermore, community notifications may provide the community a false sense of security (Leon, 2011; Levenson & D’Amora, 2007; Malesky & Keim, 2001; Meloy, Curtis, & Boatwright, 2013). More specifically, community members do not usually change their behaviours due to the information provided (Anderson & Sample, 2008).

Some research has not found a statistically significant relationship between receiving a notification about a high-risk sex offender and adoption of self-protective behaviours. Generally, few people adopt protective actions on the basis of public registry information (see Anderson & Sample, 2008; Harris & Cudmore, 2016; Sample, Evans, & Anderson, 2011). Essentially, community members are not motivated by notification to change their personal safety habits (Bandy, 2011). Thus, some conclude notification laws arguably do not serve their intended purpose, are an inert tool for crime prevention (Bandy, 2011), and fall short in having actual effects on actual public safety (Anderson & Sample, 2008).

However, when it comes to protecting children, some research finds a relationship between receiving notifications about a high-risk sex offender and adopting behaviours to protect children. Bandy (2011) finds that notified parents adopt more behaviours to protect their children than non-notified parents. However, Bandy (2011) questions the quality and relevance of this increased protection considering two factors. First, most victims already know their perpetrator, and second, most perpetrators are not subjected to notification laws. Following these findings, it appears researchers are critical of the capacity of notifications to enhance safety.

While theoretically, notifications provide warnings so citizens can take suitable precautionary measures, rather than vigilante action, citizens do not necessarily respond in ways intended by police. For instance, the community can respond via vigilante responses (see (Henderson, 2020; Huncar, 2020). These types of vigilante responses are noted as a logical outcome of informing people that “an evil menace lurks next door” (Prentky, 1996, p. 296).

Prior research also examines feelings of safety. For instance, Anderson and Sample (2008) found that when the public accesses information about people who offended sexually, it does appear to make people feel safer for themselves and for their families, although most do not take any preventative measures. Other research suggests people may not feel safer when receiving such information. Zevitz (2004) reports that social integration within the placement neighborhood for a person who offended sexually declines in relation to the enhanced fear that is generated by the community notification. Harris and Cudmore (2018) found among registry users, only 10.3% indicated that sex offender registry information made them feel “much safer” (p. 261). Those with the highest levels of using the registry were over three times more likely to report feeling less safe because of accessing registry information in comparison to those with lowest usage (p. 273). In sum, Anderson and Sample (2008) argue that providing information

may help people feel safer, but likely falls short in having actual effects on public safety, and the findings of Zevitz (2004) and Harris and Cudmore (2018) suggest notifications may not even make people feel safer. Along with a concern about the lack of adoption of preventative measures and safety, another concern is the perceived counter-productive nature of notifications.

### *Counter-productive Nature*

Accompanying studies concerned with offending and community safety, there is a scope of literature on unintended consequences of registry and notification policies. There are well-documented negative effects on those listed on notifications when reintegrating into the community (Jung et al., 2018; Tewksbury, 2005; Tewksbury & Lees, 2006). Community notifications provide barriers to reintegration which are correlated with reoffending (Hanson & Harris, 2004; Lasher & McGrath, 2012; Mustaine et al., 2015; Whitting et al., 2016).

More specifically, Lasher and McGrath's (2012) meta-analytic review of studies examining victimization and the potential negative psychosocial impact of sex offender registration and notification policies on adults registered as sex offenders finds the following: 44% were threatened by a neighbour, 20% were harassed by someone other than a neighbour, 30% lost their job, 20% were forced to leave their residence, 14% had their property damaged, and 8% were physically assaulted. Regarding psychosocial impact they find: 60% felt sex offender registry and notification interfered with their recovery because of increased stress, 57% felt the stigma associated with sex offender registry and notification laws prevented them from engaging in activities, 52% had less hope for the future, 51% lost friends, 49% felt isolated, and 40% feared for their safety.

Some scholars, such as Bierie (2016) note the literature on collateral harms such as difficulty making friends, or securing employment or housing is compelling, however, they critique that such harms are similar to harms for all people re-entering the community post-incarceration. Furthermore, Craun and Bierie (2014) note that several survey instruments often prime participants to report problems and fail to isolate the specific effects of registration.

However, even if the harms are similar to those for general re-entry, it is likely the case that making the process public serves to exacerbate these conditions. Negative consequences can also extend outwards to families whereby partners and children of those registered also experience stress, isolation, shame, intimidation, fear, and stigma (Lasher & McGrath, 2012; Lussier & Mathesuis, 2019b). Lussier and Mathesis (2019b) recognize that such studies do not necessary suggest that such policies caused these issues, but they are indicative of the issues and challenges for successful re-entry.

This section has outlined some research on outcomes of registry and community notification practices. The following section will now address how those who work within the justice field perceive such practices. This is useful in providing context for how criminal justice professionals in the current study might perceive notifications.

#### *Prior Research on Criminal Justice Professionals*

Given the empirical research indicates concerns with the use of notifications, researchers have also examined the perceptions of those working within the justice system regarding such practices. Prior research on the perceptions of criminal justice professionals towards sex offender policies finds mixed support (see Levenson et al., 2010; Malesky & Keim, 2001; Meloy et al., 2013; Tewksbury & Mustaine, 2012; 2013). Previous literature suggests the greater contact one

has with those who offended sexually, the more open-minded their perspectives are (Mustaine et al., 2015). Professionals who work with those who offended have opportunities to see their strengths and thus be more optimistic (Levenson et al., 2010).

Prior research reveals the perspectives of prison wardens, parole board members, and community corrections professionals are noticeably different from law enforcement officers and prosecutors regarding attitudes and beliefs about those who offended sexually, and related policies (Mustaine et al., 2015). Mustaine et al. define law enforcement officers as “officials from the police” (2015, p. 69), and note that these officers have some of the least intense and direct contact with those who offend sexually, in comparison to the other professionals. Considering that law enforcement officers and prosecutors work with those who offended sexually within the context of their criminal actions, whereas prison wardens, parole board members, and community corrections professionals work with them within the context of treatment and rehabilitation, this may explain the latter’s optimism (Mustaine et al., 2015).

Findings from a survey administered to parole board members demonstrates they are not strong supporters of registry and notification practices, rather, they demonstrate a belief in rehabilitation (Tewksbury & Mustaine, 2012). In addition, findings from a survey of parole and probation officers reveal they perceive notification practices increase the monitoring capabilities of supervision programs, but at the cost of an increased workload (Zevitz & Farkas, 2000).

Schaefer and Williams (2018) find the attitudes of probation and parole staff towards their clients has broad implications on their role orientation, supervision strategies, and their own compliance with completing assessments. Their survey of probation and parole staff indicate the attitudes held by staff were significantly associated with their own practices of compliance with their case management tools. That is, more pessimistic attitudes were associated with greater

compliance, and more optimistic attitudes were associated with noncompliance. This is important as these tools guide decisions about clients and are thus crucial to their outcomes.

Another study on law enforcement officers found most do not believe being listed on a publicly available registry is an effective deterrent, nor do such laws reduce sex offences, yet most still maintain those who offended sexually should be subject to notification (Tewksbury & Mustaine, 2013). Furthermore, survey data comparing probation officers, law enforcement officers, attorneys, and polygraph examiners found these professionals were significantly more likely than other professionals, such as mental health providers, to support notification and to believe all who offend sexually should be subject to notification (Levenson et al., 2010). In addition, most would support sex offender policies, even without evidence showing they reduce child sexual abuse (Levenson et al., 2010). These findings warrant further investigation into what contributes to support of the practice.

Another study examining law enforcement officers' concerns regarding collateral impacts suggests their concern is limited, and that those who are most engaged in duties related to registry and notification are significantly more likely to be concerned, and are more likely to believe registry and notification are effective public safety tools (Cubellis et al., 2018). More specifically, the interview data indicates that respondents believe registry and notification laws are effective, and the themes around the collateral impacts of such laws suggest that in general, they are similar to the public in that they did not express a great level of concern for the possible collateral impacts. Of note, there was a small proportion of law enforcement personnel who demonstrated concern for the collateral impacts, thus Cubellis et al. (2018) suggest that law enforcement officers who work with registry and notification laws are aware of such issues.

In sum, these studies indicate mixed support for the use of registries and notifications across those working within the justice system. Furthermore, those who might support such policies may do so despite evidence suggesting they often do not fulfill certain objectives, like reducing abuse. Yet, little theorizing has occurred to discover why this might be, a concern noted by other scholars (see Jung et al. 2020), hence the importance of the current study. This chapter has provided literature on community notifications, and perceptions of the practice. With this review complete, the current study can explore how criminal justice professionals perceive the practice and grapple with tensions of the Canadian CJS in its balance of individual needs and community safety. The next chapter will describe the qualitative methodology of this study.

## **Chapter 4: Research Methodology and Sample**

### *Author Positionality*

Researchers' position can influence the lens adopted throughout the research process. Although researchers attempt to control the environment and potential biases, individual experiences always influence research (Holmes, 2020; Scharp & Thomas, 2019). As per Savin-Baden & Major (2013), positionality emerges from personal stance and there are three important factors including the researcher's location in regard to the subject, their participants, and the research context and process.

Regarding the subject, my undergraduate degree in criminology, prior work experience in rehabilitative settings, and personal characteristics as a female, young adult without children influence my approach to this topic and the research questions. In relation to my participants, as I utilized personal connections and snowball sampling, I expect participants constructed my identity as a researcher who maintains people have the capacity for change. This construction could contribute to social desirability bias. In terms of the research context and process, I contributed to the construction of meaning throughout the project as I made decisions about the research questions and methodology, and interpreted the data myself. The research itself also shaped my approach as I had to navigate barriers in recruitment, and I used a reflexive approach in terms of updating my interview guide as per participants' areas of interest. Overall, the findings I offer are one of the possible interpretations of the topic and of participants' discussions, developed from my personal stance and positionality.

### *Research Gap*

Law enforcement, probation, and parole officers are a crucial component of the social control of people who offended sexually (Cubellis et al., 2018) and thus research tends to focus

on these groups. For instance, prior research on the management of people who offended sexually tends to draw upon the perspectives of police (see Hoggett, McCartan, & O'Sullivan, 2020; Tewksbury & Mustaine, 2013; Whitting et al., 2016). To contribute to this literature in the Canadian context, police detectives are included in the current study. The current study also provides another perspective as front-line workers in social service agencies have been overlooked, despite their proximity in working with high-risk people. Previous scholars indicate the need for research examining workers at half-way houses or supervised residential facilities in the community, and how these staff manage people who offended sexually, and their feelings about the risk their residents pose (McGuickin & Brown, 2001).

While other studies have documented the concerns of criminal justice professionals, this is often summarized as support, or lack of support of the practice. This study further extends such findings by critically examining the complexities of using notifications, from the perspectives of people directly involved in using them, and in supervising high-risk populations, and provides insight into how participants perceive and weigh the probability of benefits and harms when issuing public disclosures. Through a critical examination of the use of public disclosures, this study explores the Canadian “community-protection” model which grapples with balancing the interests of community safety and individual re-entry.

Overall, there is a lack of research about how those working in the justice system implement and enforce practices, and their perceptions of practices (Mustaine et al., 2015). By giving a voice to those in the field, a critical understanding of the strengths and weaknesses of policies and practices designed to manage people can be developed (Hogget et al., 2020). Perspectives of criminal justice professionals about laws should be valuable to policymakers and the public, due to their direct experience (Mustaine et al., 2015) and because high-quality

messages about laws related to sexual violence based on research of experts can be influential (Budd & Mancini, 2018).

### *Methodology*

This study uses the qualitative methodology of in-depth semi-structured interviews. Qualitative methods are better situated to grapple with the beliefs and meanings participants hold (Maxwell, 2013) and in-depth interviews seek understandings beyond common-sense explanations (Johnson, 2001). As such, this methodology is an excellent fit to develop nuanced understandings of perceptions of public disclosures.

For sensitive research, social desirability bias can be a concern. Social desirability bias is the tendency to respond in socially acceptable ways and can occur when responding to personally or socially sensitive content (Lavrakas, 2008; Lewis-Beck, Bryman, & Liao, 2004). To address this, participants were informed about the sensitive nature of the interview ahead of time, and were given the opportunity to skip over questions or withdraw from the interview at any time. This strategy was used to provide an open environment for participants to share their perceptions without judgment. Of note, none of the participants refused or skipped questions.

Participants were given the choice of interviews in person when possible, or interviews via zoom, a video communication service. All interviews were audio recorded, and interviews conducted on zoom were also video recorded. Participants were recruited using a combination of formal research agreement procedures that resulted in lists of potential participants from gatekeepers in organizations, and also from emails to non-profit organizations' program management asking them to distribute recruitment emails to employees. Recruitment also occurred through personal connections in the non-profit sector, and snowball sampling.

Interviews lasted between 35 – 75 minutes, with most interviews lasting approximately 50 minutes. Interviews were conducted in two waves. The first wave occurred between September 2021 and November 2021 and included thirteen front-line workers and one police detective. The second wave occurred between March 2022 and April 2022 with five police detectives. This second police department requested a shorter, revised interview guide which I provided. These detectives also requested and received the interview guide prior to interviews.

### *Sample*

The original research design intended to include a sample of front-line workers, detectives, and staff such as parole officers from the Correctional Service of Canada (CSC) from one city. However, the research application to CSC was not granted, and an eight-month delay in the application process for a city police service changed the research direction, requiring expansion to an additional city in Alberta. An application to interview police detectives was submitted in a second city. This application was approved, however, only one detective agreed to participate. As such, only one detective was successfully recruited. Front-line workers were also recruited from this second city. After delay, the initial application process for detectives in the first city was approved and five detectives were successfully recruited. Some non-profit organizations had internal research application processes, and these were adhered to. For instance, some organizations required approval from executive directors prior to distributing invitation emails to participants and requested the organization to be unidentifiable.

In total, six police detectives participated in interviews from the two city police services. Five came from one city, and one came from the second. This sample consisted of senior detectives and detectives with approximately one year of experience. As I only received approval

in the final months for data collection, and the other city had only one detective agree to participate, the sample of police participants is smaller than the non-profit sample. High-risk units also have less staff than non-profit organizations, so the pool to recruit from is smaller.<sup>18</sup>

Front-line workers were considered for participation if they had prior work experience or were currently working in a non-profit organization that served people previously incarcerated and re-entering the community. These programs included halfway house programs, transitional housing programs, and social programs that assist with community re-entry. Non-profit organizations were excluded if they served only women, or if they did not serve high-risk populations as disclosures are most often for high-risk men. The sample consists of thirteen front-line workers across six non-profit programs in two cities in Alberta with mixed work experiences including managers, full time workers, part time workers, and some new to the field with six months experience at the time. Eight are from one city, and five are from the other.

The perspectives of participants reflect their own opinions, beliefs, attitudes, or perceptions, rather than the view of any organization they were previously or currently employed at. Therefore, the data contained in this thesis should not be considered a reflection of the views of any organizations.

### *Illustrative Examples*

From an epistemological framework, narratives can be explored to grapple with the purpose<sup>19</sup> that stories serve and as such, they are not concerned with the “truth” of stories.

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<sup>18</sup> Due to the small sample sizes, and the specialization of police units, I speak vaguely about the cities and police services to protect anonymity.

<sup>19</sup> See for instance Ewick, P., & Silbey, S. S. (1995). Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative. *Law & Society Review*, 29(2), 197–226; Presser, L. (2016). Criminology and the narrative turn. *Crime, Media, Culture*, 12(2), 137–151; Sandberg, S., & Ugelvik, T. (2016). The past, present, and future of narrative criminology: A review and an invitation. *Crime, Media, Culture*, 12(2), 129–136, for a narrative approach that examines the purpose of story telling

Although participants told narratives and stories about the people they worked with, these narratives were not explored through a narrative methodology. In short, in this thesis, narratives were a resource for participants to support their discussions about public disclosures.

### *Data Analysis*

The interviews were transcribed verbatim into a Microsoft word document. Data analysis followed Braun and Clarke's (2006) thematic analysis guide. Thematic analysis provides a flexible research tool which can yield a rich account of data. More specifically, this thesis uses reflexive thematic analysis, rather other approaches such as coding reliability or codebook approaches (Braun & Clarke, 2019, 2021). Of note, chapters six and eight of this thesis include topics related to the research question but did not include themes as per Braun and Clarke's definitions. To clarify, themes are patterns of shared meaning, while topics are often participants' summarized responses without a shared meaning (Braun & Clarke, 2021). I note this distinction as Braun and Clarke (2021) offer their reflexive analysis as a starting point and invite researchers to adapt it and explain why deviations were adopted as there are limitations to any approach. As such, in chapter six and eight I elaborate on these deviations.

I specify the approach is reflexive as Braun and Clarke (2019, 2021) are critical of homogenous assumptions of thematic analysis. Briefly, they maintain coding reliability approaches begin with theme development, and pre-determined codebooks that then include material relevant to each theme. This approach often requires multiple coders for judgement consistency. Similarly, the codebook approach also uses a structured codebook and similar methods of coding reliability, but this approach can be embedded within more qualitative philosophies. This means the approach can grapple with qualitative values, such as values about

the role of researcher in research and what counts as meaningful knowledge, in comparison to approaches that are mainly concerned with adhering to scientific values.

For Braun and Clarke (2019), reflexive approaches are distinct in generating understandings of the world that are shaped by the researcher and their tools, and these understandings are situated in particular contexts. In sum, this approach does not rely on consensus between coders, rather it is about the researcher's thoughtful engagement with their data and the analytic process. Although I did utilize a codebook, it was developed during the coding process as I read transcripts and reflected on them through research memos. This thesis was guided by research questions, and the chapters are structured to address the research questions. However, the discussions that occurred during interviews were open-ended, and I reflected upon how participants made sense of the world they described.

Referring to Braun and Clarke's (2006) guide, following step one, "familiarizing yourself with your data," (p. 87) after transcription, interviews were coded using the Nvivo software program (version 12). Interviews were transcribed and read over at least twice to ensure accuracy. Research memos were written within the week the interview was conducted to ensure consistent reflexivity. Following step two, "generating initial codes" (p. 87), the first round of coding involved an open-coded approach where chunks of the transcriptions were coded for their general meaning. Codes were thought of as the entities that capture an observation, and display one facet (Braun & Clarke, 2021). Due to the literature review, data related to a theory was coded as such. For instance, discussions about labels were coded as labelling theory. However, the analysis was inductive, meaning the codebook was generated during the analysis, rather than analyzing the data with a set of codes related to prior research. Upon coding of the final interview, the interviews were coded a second time to ensure all newer codes were included in

the initial interviews. In addition, properties of each code were defined. This was useful in determining that codes captured certain observations, and that the same facet was not repeated in another code. Perhaps a deviation from Braun and Clarke's technique, I also utilized coding techniques in a second round of coding, such as the flip-flop technique where opposite cases were considered. This technique was a tool used to help reflect upon the data and the meanings participants held, rather than a strategy to find material relevant to themes, as per a codebook approach. During this process some codes were combined, and some were removed if there were repetitions of another code, or if there was not enough data to support them.

Following step three, "searching for themes," (Braun & Clarke, 2006, p. 87), later relabelled "generating initial themes" (Braun & Clarke, 2021, p. 331), codes were grouped together and organized into themes. In contrast to codes, themes capture multiple observations or facets, and are patterns of shared meaning, or "stories we tell about our data" (Braun & Clarke, 2021, p. 341). Using Nvivo software, a framework matrix was constructed to visualize how the codes could develop into themes. This was used as a tool to reflect upon the data and the story. Following step four, "reviewing themes," (Braun & Clarke, 2006, p. 87) each theme was reviewed in relation to the codes and quotes contained, and how each theme worked together to represent the story developing from the analysis.

Following step five, "defining and naming themes," (Braun & Clarke, 2006, p. 87) groups of codes were reorganized, and themes were slightly changed in developing the best way to share and refine the analysis. This process also involved conversations with my research supervisor to discuss developing themes and how these themes relate to the conceptual framework and prior research findings. In the end, two key themes were developed in chapter seven. These themes did not simply emerge from the data. Instead, they were the product of the

coding and analytical work that took place in the Nvivo codebook, written research memos, and critical discussions. To elaborate, although these themes are related to the wording of the research questions, they did not pre-exist, meaning they were not searched for or “lurking about in the dataset” to be discovered (Braun & Clarke, 2021, p. 342). For instance, when developing the first theme, I reflected upon the space participants’ hold where the disclosure practice could be perceived as useful, and what this space looks like for them, and how this could contribute to their understanding of the endurance of the practice. Similarly, when developing the second theme, I reflected upon how participants understand the practice on a conceptual level and again, what that means for their understanding of the practice’s endurance, and what the practice means for them in the context they operate within. This meant engaging with their description of their roles and the values they hold.

Following step six, “producing the report,” (Braun & Clarke, 2006, p. 87) research memos were written throughout the analytic process in relation to prior research findings and the thesis research questions and were utilized in writing the findings chapters of this thesis. Additional literature reviews were conducted to situate the study’s findings within prior research.

### *Ensuring Rigour*

In qualitative methodologies, saturation, the criterion for judging when to stop sampling, depends upon on a combination of empirical limits of data, integration, density of theory, and the analyst’s theoretical sensitivity, and is often determined to be achieved when no new themes emerge from the data (Glaser & Strauss, 1999). However, in a reflexive analysis, quality comes from engagement and interpretation of the data (Braun & Clarke, 2021b). Braun and Clarke (2021b) argue that attempts to predict when data saturation is achieved cannot be tied to the

number of interviews where the theme is present, instead the meaning of themes comes from the dataset and the interpretative process. In this context, saturation is a judgement related to the goals of the analysis. In this study, the goal was to grapple with the research questions. As research memos and themes were continually being developed, responses to the questions were developed, achieving the goals and the concept of saturation.

Qualitative research has been critiqued as lacking the rigorous standards of quantitative research. However, issues such as representative population sampling and statistical analyses are not applicable criteria to judge qualitative research (Glaser & Strauss, 1999; Maher, Hadfield, Hutchings, & de Eyto, 2018). Borrowing from a grounded approach, I report direct quotes to facilitate comprehension of the data (Glaser & Strauss, 1999). The NVivo word search function was also used to search for instances of codes to ensure examples were not missed. This can add validity by ensuring that all instances of a code are discovered (Welsh, 2002). For instance, when additional codes were added, keywords were searched to ensure instances of the code had not been missed during earlier coding. This helped with ensuring topics were discovered. I also used Braun and Clarke's (2006) checklist for good thematic analysis to ensure a thoughtful analysis.

### *Ethical Considerations*

Discussions about offending can elicit strong feelings and participants can be uncomfortable during interviews. To mitigate this concern, participants were provided with a letter outlining the description and purpose of the study, their right to refuse to answer questions, and the right to withdraw at any time prior to or during their participation. This process ensured informed consent. To ensure confidentiality and privacy, all participant records are anonymous (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council, 2018). Interview data is stored on

a password protected laptop hard drive and backed up on my University of Alberta google drive account. Any physical copies of the data are stored and will be kept in a locked filing cabinet in my home office. This study received approval from the University of Alberta's Research Ethics Board (Pro# 00111070).

## **Chapter 5: The Practice of Disclosures and the Roles of Participants**

### *The Context of Public Disclosures in Alberta*

To provide the context to understand the findings in this thesis, I briefly outline the public disclosure practice that occurs in Alberta. The prior literature outlining disclosure practices is dated and as such, it is important to include a more recent account to ensure the relevance of the prior literature in the context of Alberta. City police personnel were interviewed in two cities, and their notification practices were comparable. Of note, this thesis focuses on public disclosures for high-risk people re-entering the community post-incarceration. However, city police can also issue other types of media releases, such as seeking information from the public about incidents, or reporting about charges pressed on individuals.

Aligning with the literature review (see Clark, 1998; Coflin, 1997; Solicitor General Canada, 2001), city police in units that work with people who are deemed high-risk receive referrals from CSC or other agencies, or internal police units, often regarding people who are reaching their WED and are going to be released. The WED packages that police receive can include extensive reports and years of documents. These units review these documents that often include a history of offences, risk assessments, and various documents from the period of incarceration. The group of detectives consider whether the individual should be considered for a peace bond, and for a media release. A risk assessment is also conducted as part of the application for the peace bond. One city reports their staff are trained in assessment and conduct assessments internally, while the other city reports they contract assessments out to forensic psychologists to avoid any perceived biases by conducting an internal assessment.

If the individual is a candidate for a peace bond, and a candidate for a media release, the police staff will compile evidence to justify this determination. One city reports the chief of police must approve the decision for the peace bond application and media disclosure. The other

city reports that they consult with their legal and communications department and previously the chief of police had to approve the decision, but they are shifting towards having the group of police members along with the legal and communications department approve the decision. Detectives in this city stress the importance of their legal and communications department in checking if they have a legal obligation to warn the public.

Both police departments report that when an individual is being considered for a peace bond and a media disclosure, the police will meet with the individual for an interview, and to notify them of their consideration and the information that a public disclosure would include. The interview with the individual allows the police an opportunity to hear about and assist with the individual's release into the community. In both cities, the individual is also given a period of time to appeal the decision to apply for the peace bond and media disclosure, and the chief of police will consider the appeal if made.

If the police proceed with the peace bond, the application is addressed by the court. The police take the individual to court and the crown argues for the peace bond, and the individual has a defence attorney. The judge determines whether the peace bond is successful or not. If the peace bond is successful, conditions are set to assist with supervising the individual in the community. In the scenario that a judge does not approve the peace bond, detectives can shift from a supervision approach to a monitoring approach as they maintain the belief that the individual poses a risk to the community.

Detectives in both cities report that those subject to the media disclosures have often perpetrated violent offences and have extensive criminal histories. These violent offences can include homicide, or can be sexual in nature, or involve extreme intimate partner violence or children. Police media communications departments will release the public disclosures and they

can be viewed on their webpage, social media accounts, and often news outlets. Now, with an understanding of the practice this thesis focuses on, I will describe the roles of the participants.

### *The Roles of Front-line Workers and Detectives*

Both front-line workers (FLW) and detectives discuss support and supervision. The nature of their roles provides context for their perceptions of public disclosure. The following quotes demonstrate the nature of these relationships: “We develop very professional supportive relationships. And, we are aware, in terms of every detail of their offence. We’re also aware of every detail of their trauma, so we always have to keep the balance. We have to be supportive, but we have to supervise” (FLW). The front-line workers perceive themselves as offering a supportive role, but they are also mindful of ensuring release conditions are followed. This aligns with prior research involving those who work with people who offended sexually. The more contact workers have, the more open-minded they tend to be (Levenson et al., 2010; Mustaine et al., 2015), and support workers typically view their role as working alongside people to assist them in managing their risk (Day, Newton, Hobbs, & Carson, 2014).

Police detectives similarly describe their role in support and supervision. For instance, they share they are the “quarter-back,” and “life coach,” for people reintegrating into the community: “It’s very personal work, because we see these guys, I have contact with them either everyday, every second day, for a 2 to 3 year period. So, I’m available 24/7 to them, they call me on a weekend at 2 in the morning, I answer my phone...So you can imagine how they come to trust us and rely upon us” (detective).

Furthermore, participants tend to believe in the ability of the people they work with to make positive changes in their lives. This is evident in the way ten front-line workers and two

detectives more specifically discuss change and providing chances. For instance, one shares: “I do believe that everyone like has the chance of rehabilitation, and to be successfully reintegrated into the community” (FLW). A detective shares: “If a person has someone else in their life that is there as their anchor, and is there to help them, and that stable force...they can then change” (detective). These participants are employed in supportive roles, and these findings indicate they may hold favourable attitudes towards community support models and maintain beliefs about rehabilitation. These quotes are useful in contextualizing the “lens” from which participants might view public disclosures.

## Chapter 6: The Impact of Public Disclosures

This chapter addresses the first research question: *How do criminal justice professionals perceive the potential impacts of public disclosures on the community, and on those listed on the disclosure?* The chapter focuses on participants' perceptions of notifications, in terms of positive and negative consequences for the subject of the notification and the community. This chapter developed from a series of codes that reflect the subheadings and can be understood as topics in this chapter. For instance, the subheading negative outcomes included codes such as "housing barrier," "employment," and "psychological consequence." Research on registry and notification schemes often focuses on negative consequences. Given the tailored approach in Alberta, the current study also widens the scope of discussion regarding consequences to understand perceived value of the practice. Although perhaps a deviation from reflexive thematic analysis, this chapter is crucial to better understand the subsequent theme developments in chapter seven.

### *Preventative Outcomes*

As for the purpose of disclosures, the Government of Alberta's (2022) webpage states that public disclosures are issued to encourage people to take suitable precautionary measures to ensure safety. All thirteen front-line workers discuss some preventative actions including avoiding certain locations, locking doors, sharing information with others, calling in tips when observing suspicious behaviours, and one front-line worker suggests public disclosures might encourage families to create safety plans, depending on what safety might mean to them.

For instance, they share: "I think the objective of putting out that sort of information is to let community members know to be more hypervigilant about who's around them, or what kind of situations they're putting themselves in" (FLW). Overall, they perceive these actions can occur when people learn about high-risk people re-entering the community.

In addition, five detectives discuss similar preventative actions and these included not inviting people into homes if they are known to be a probable risk to children, not providing people with alcohol if they are known to be violent when intoxicated, securing homes with alarm systems, educating and conversing with children about sexualized behaviour and what to look out for, being extra vigilant and locking doors and windows, paying attention to property, and also calling in tips when observing concerning behaviours. For instance, they share: “I think part of the concept is to notify...and give that knowledge because knowledge is power and people can make safer choices” (detective).

In relation to the broader literature on precautionary or preventative actions, few people adopt protective actions based on public registry information (see Anderson & Sample, 2008; Harris & Cudmore, 2016; Sample et al., 2011). This calls into question the likelihood of public disclosures contributing to people adopting such actions. Overall, the ideal outcome is that people are more vigilant to protect themselves and their family when they learn about high-risk people in the community. This was not the only possible outcome; participants shared their perceptions about other outcomes.

### *Positive Outcomes*

In total, three front-line workers and one detective suggested positive associations related to accountability. One front-line worker shares a story about the subject of a public disclosure claiming that the disclosure forced them to take accountability. The other two similarly propose that perhaps when individuals know that they are being supervised, or that the community might know who they are, this might cause them to be more compliant with their release conditions and

better monitor their behaviour. Similarly, one detective shares individuals “might feel that they need to be on their best behaviour because they feel that everyone is watching them” (detective).

This finding aligns with presumptions that laws such as registration can possibly create a greater sense of accountability and awareness of monitoring, increase appreciation of harm caused (Logan, 2003), and motivate those subjected to such laws to prevent reoffending, and increase their honesty with their friends and family (Levenson & Cotter, 2005). On the other hand, other research suggests it is also possible that notification laws make returning to criminal behaviour more attractive to those subject to them, due to public ridicule and social isolation (Prescott & Rockoff, 2011). Research drawing upon people who offended sexually indicates most do not believe notification has a deterrent effect (Zevitz & Farkas, 2000c). Following these latter findings, it follows that the larger proportion of the sample did not discuss accountability.

Another outcome described by participants is that public disclosures can notify historical and undisclosed victims, and generally those who would not otherwise know, but might have an interest in knowing. For instance, one front-line worker explains that public disclosures can warn victims who might not have made police reports. Thus, public disclosures are perceived as “a good tool to mitigate that gap in service,” (FLW) for those who would not be directly notified.

In addition, four front-line workers discuss public disclosure as providing useful information for community agencies, two of which more specifically describe how this can contribute to safety in the workplace. For instance, for those working in low barrier housing programs, disclosures are helpful for their staff to be more knowledgeable about the clientele that might access their program.

Similarly, three detectives share that public disclosures can be valuable in reaching a broader audience of people who might be interested in knowing, or that people who were

victimized by a stranger might then recognize the identity of the perpetrator after seeing their image. Detectives discuss how the public nature of the disclosure allows for all people to become aware. Reaching a broader scope of people can be useful to identify people who have been harmed, and police can then connect them with supports to mitigate harm and heal.

### *Negative Outcomes*

Participants provide an extensive list of negative outcomes associated with public disclosures including psychological consequences, more tangible consequences, vigilante responses, and generally negative community reactions. These outcomes are largely consistent with prior research on criminal justice professionals' perceptions of sex offender registries and notification laws, and with research on the experiences of those subject to notifications. Well documented concerns include, but are not limited to, housing (Cubellis et al. 2018; Lasher & McGrath, 2012; La Fond, 2005; Mesler, 2016; Mustaine et al. 2015; Whitting et al., 2014; Whitting et al., 2016), employment (Cubellis et al. 2018; Tewksbury & Zgoba, 2010; Whitting et al., 2014), psychological consequences such as isolation (Cubellis et al. 2018; Edwards & Hensley, 2001; Tewksbury & Lee, 2006), and vigilantism (Lasher & McGrath, 2012; Levenson & Cotter, 2005; Zevitz & Farkas, 2000). Therefore, the finding that participants in the current study also report negative consequences aligns with prior research.

The majority, eleven front-line workers, discuss psychological consequences such as experiences of stigma, shame, isolation, ostracization, feeling like an "other," guilt, embarrassment, and fear of going out in public due to fear of being recognized. For instance, one shares: "I'm working with guys who I'd like to see them have the best possible chance to achieve the future they want...notification diminishes that, because what it does is isolates them from

their community, places obviously stigma, makes them feel a depth of shame that often, um, psychologically makes them a lower functioning member of society” (FLW).

Similarly, a prevalent concern for three detectives is that their clients feel like everyone knows who they are. Even if this is not the case, detectives share that their clients’ perception is their reality, and thus can influence their behaviour. For instance:

If I had a media release done on me, I would think...every person is watching me, like that’s the feeling I would get, I’m on a bus, even if a person just looks at me, I would think they’re looking at me because of the media release. So absolutely, is there an effect on the offender? Absolutely there is, there’s no denying it, for the vast majority they feel that way (detective).

Another shares: “Its that, self-esteem...when you’re coming out of jail you feel people are already looking at you a lot, and then if there’s a media release, that can really be magnified in terms of feeling” (detective). These responses demonstrate the participants’ perceptions that public disclosures can contribute to their clients’ feelings of being watched, and this can be a negative experience.

Furthermore, four front-line workers raise concerns about barriers to finding housing, and twelve front-line workers are concerned about difficulties finding and maintaining employment. Similarly, three detectives also share concerns about housing and three share concerns about employment. For example:

I remember when they did a huge thing in the [newspaper], and they were talking about sex offenders. They had a whole article, and they had nine pictures of sex offenders, and all but one lost their job...the one that didn’t lose his job, the actual employers asked the other employees if they’re okay with that person continuing to be employed there. Um

and they were, so that was a good thing in a sense right, but everybody else um, lost their jobs, um, some lost their housing, um which, that's not what you want to happen (FLW). Also, a detective shares "we are going to increase the risk posed, likely because of the stress, the pressures, in some cases, lack of housing, that type of thing" (detective). Overall, these participants share that employment and housing are concerns.

Another noted consequence is on support networks. In relation to social control theory, support networks can be considered important as the onset of criminality was discovered by Hirschi (1969) to be linked to the weakening of ties that bind people to society. As such, people are controlled due to fear that illegal behaviour will damage their relationships. Also, there are considerable challenges in terms of reintegration even for those who are well intentioned, if they are released into a community without a support system (Pretnky, 1996). Therefore, support networks are crucial for reintegration and may provide an insulating factor in terms of crime control, and these networks are discussed by seven front-line workers. This includes discussions about the importance of having a support network to successfully rejoin the community, and concerns about a loss of support as friends and family may no longer want to be associated with their clients. For example: "You know family members, friends, people, you could lose touch, a lot of your contacts could be gone, that support network too, maybe you know, once it goes public, they're not willing to be associated with you anymore, um, so you can lose a lot of your support network" (FLW).

Of note, one front-line worker who discussed support networks also shares a work experience about men losing their job after an article about their release was published, but they explain that the men did not resort to reoffending due to supports. They report: "I told you about the nine men right, eight of them lost their jobs. I mean they didn't reoffend because they had a

lot of supports around them but, I can see that being potential” (FLW). In short, they share concerns about the negative effects public disclosures can have on support networks, and these are perceived as an important component of a successful re-entry into the community.

While detectives also discuss the importance of support networks, they focus on professional types of support, such as the support they provide. Essentially, support networks are perceived as crucial for re-entry into the community.

Although these criminal justice professionals work closely with individuals re-entering the community, they are also concerned with how the community itself can experience the practice of disclosures. When discussing consequences on the community, perceptions of public fear and anger were salient. Eight front-line workers discussed anger, for instance, the community becomes “riled up,” and disclosures contribute to “uproar and dishevel” and all thirteen front-line workers share that community members may become fearful. They explain community members likely experience fear and anxiety leaving the house as they may fear victimization, feel scared and on edge, fear people who offended in general and fear their release into the community, and public disclosure may generally contribute to the community feeling unsafe. For example: “I think, mostly, the way um, community notification is right now is, is making the community fearful and afraid” (FLW) and “it’s just raw fear on part of the average community member that would make them want to know that, or make them feel they need to know that. And I think, the practice, just stokes that fear” (FLW). Fear is generally viewed as problematic, although three front-line workers suggest some beneficial fear may cause community members to take more preventative actions.

On the other hand, four detectives also discuss community fear, or that the community may be angry or not happy. For instance, a detective reports: “Harm can be done for the masses

as well... you can incite fear, you can then push people to vigilantism, you can push people towards disproportionate reactions so if you're going to inspire fear... these are some of the issues that we have to look at, and I think we have to weigh that" (detective).

These findings are also related to prior research concluding that community notification laws that inform the public about people who offended sexually can reinforce fear about sex crimes perpetrated by strangers (Lafond, 2005), increase fear of general victimization (Zevitz, 2004), contribute to people generally becoming fearful (Murphy et al., 2009; Tewksbury, 2005), or increase fear of people who offended sexually and strengthen support for policies that monitor and control the population (Manchak & Fisher, 2019). Even well-intentioned efforts to inform the public can risk disproportionately increasing fear (Southwick & Rubin, 2004).

The assumption of some front-line workers that fear might be beneficial is also supported by scholars who argue fear may not be damaging, rather, it may be a beneficial risk management strategy (Jackson & Gray, 2009). Therefore, Jackson and Gray (2009) argue it is important that those working within the criminal justice field, media, and social scientists do not consider all fear as a social problem. Similarly, in risk societies, fear mobilizes people to remain reflexive, meaning they are cautious of their actions as to not increase their risk of an undesirable outcome (Ericson & Haggerty, 1997). Thus, community fear appears problematic to some, but potentially beneficial to others. Fear and anger are linked to the conceptualization of the person being released as evidenced by the labels often applied to them, such as monster. The labels can be persistent and become the dominant identity of these individuals in the public's eye, and potentially, in the mind of the person subject to the label.

Participants' concerns about public disclosure align with what might be expected given the literature on labelling and stigma. About half, seven front-line workers raise concerns related

to labelling, and one detective specifically addresses this theory. Many participants opted for terms other than “offender” such as “former offender,” or “justice client.” However, the terms “offender,” and “sex offender” appeared frequently across interviews, and this is not surprising given they are the terms often used across CSC. Once deemed a violent, or a sexual offender, participants state the labels can act as a barrier to change. For instance: “If there’s tags like the community notification behind them...I think its going to traumatize them, it’s also going to make people think okay so why don’t I just do it again like who cares at this point” (FLW).

Relatedly, a detective states:

We don’t want to create a self-fulfilling prophecy that we put it out to the public, we label somebody in negative way, they then internalize that label, and then they choose to give up any hope of not being labelled and not being that type of individual that is viewed that way and they just succumb to it and say fine you want to see a monster, I’ll show you a monster (detective).

However, this detective elaborates that the people they work with have long histories of offending, stigmatization and marginalization that is compounded over the years. As such, they remain critical of the magnitude of the additional effect of a media release.

Overall, these concerns about labelling are consistent with prior research suggesting that community notification can contribute to those listed on notifications experiencing learned helplessness, and this can affect their motivation to change and their ability to be rehabilitated (Whitting et al., 2014). In sum, the sex offender label can be persistent (Humphrey & Brunschot, 2015), dehumanizing, and can increase social ostracism which can further entrench people into crime and deviancy (Winick, 1998) which contributes to stigma that threatens successful reintegration (Levenson, 2018; Tewksbury & Levenson, 2007; Walker, 2007).

Another prevalent concern for front-line workers and detectives is vigilante responses or harassment. Nine of the front-line workers and five of the detectives discuss such responses. For instance: “I’ve heard stories of, offenders coming home, well back to the house or whatever and saying I was outside walking from A to B, and these people were calling my name and swearing at me, and they were fearful for themselves” (FLW). Another shares:

There was a very visible local protestor...keeps his own record of the locations, names, faces, photos, tries to post them on a website. And feels as though he is doing a great service to the community by letting them know who’s living where...I see them putting into action their desire for improving the world, or doing good, but it again, is counter effective...it sort of puts them back in that place to see, or hear, or know...that kind of vigilantism in play in the community (FLW).

Similarly, a detective shares:

He was released to the neighbourhood...and immediately people knew where this guy lived, who he was, and then you had the police now, having to protect him, because yeah the protests...I think eventually after a week of it, he finally decided I’ll revoke my own bail and go back inside because it’s safer for me back inside right? And that’s where the [vigilante group] really got steam, because then everyone of our guys, I think one or two of our guys were released around that time, and a media release came out on them and that’s where [vigilante group] really caught, got steam ‘cause then well look they were successful in getting this guy removed, let’s hunt down this other guy (detective).

These criminal justice professionals observe some of the public’s negative responses in their work experience and in general through the media. These examples are concerning for participants as they work with individuals who can become the subject of vigilante responses.

These responses, along with the other negative consequences may also be counter-productive to the work front-line workers and detectives are trying to accomplish.

This counter-productive nature is a concern for participants, and they share that disclosures can contribute to crime cycles<sup>20</sup>. In total, eleven front-line workers and two detectives describe the negative consequences associated with disclosures as being counter-productive. For instance: “So they go from getting out to automatically being extremely stressed out...And that’s not good when a high-risk offender is extremely stressed out, because then they revert back to what they know, they revert back to substances, they revert back to drugs and alcohol which are one of the main factors that gets them into their crime cycle” (detective).

Similarly, front-line workers report: “It’s such a vicious cycle, because if we are working to try to rehabilitate somebody, that means most times, they need to find a job, they need housing, and if that’s a barrier now because of...what’s been put out in the media...what’s going to happen is homelessness, substance use, criminal activity” (FLW).

While these previous quotes capture most of the front-line workers’ perceptions, there are some other noteworthy points. One of the eleven front-line workers who acknowledges the possibility of the counter-productive aspect, also questions how often these consequences might actually result in reoffending. Similarly, another discusses how notifications may present barriers to re-entry, but that does not necessarily mean people will reoffend. Another shares that barriers to re-entry are “normal” post incarceration, so they appear less concerned about the consequences that can arise with disclosures, such as difficulties with employment. The notion that struggles in terms of re-entry are “normal,” have been raised by other scholars. For instance,

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<sup>20</sup> Crime Cycle: Repeated crime usually follows a defined pattern. There are attitudes and behaviors that the offender engages in prior to committing a criminal offence that signal a problem is pending. (Correctional Service Canada, 2007). Glossary. <https://www.csc-scc.gc.ca/002/008/002008-3021-eng.shtml>

Bierie (2016) critiques that the harms faced by people on the registry are similar to those for all people re-entering the community post-incarceration. In this way, some of these workers may acknowledge the challenges that can arise, but are not overly concerned.

Overall, the participants' discussions about counter-productive nature aligns with prior research. Researchers are concerned with the possibility that someone may reoffend due to the stress and pressure of a community that rejects and brands the person attempting to reintegrate as a pariah (Prentky, 1996). Furthermore, there are concerns about the consequences of notifications and their correlation with factors related to reoffending (Lasher & McGrath, 2012; Mustaine et al., 2015; Whitting et al., 2016).

While documented by other research, a brief area of concern in this sample is workload. For example, two front-line workers from half-way house programs are concerned with the safety of their clients. They explain that when the nature of a resident's offence becomes public, they are concerned that particular clients may become a target with other residents in the program. However, they share they have been able to manage these concerns by discarding of newspapers that discuss the disclosure, and carefully choosing roommates. They also share that their clients, often those who committed sexual crimes, are fearful in the half-way house programs as they wonder if other residents are aware of their crimes.

Aligning with Lussier et al. (2010a)'s findings, detectives also discuss that public disclosures can often make their work more challenging as their clients can be denied resources such as housing. There is also the concern of responding to vigilante responses. As such, detectives describe having to be creative and think outside the box to meet their clients' needs. These findings align with prior research that finds sex offender registry and community notification schemes are labour intensive (Zevitz & Farkas, 2000) and costly (Levenson, 2018).

The practice of public disclosures is complex given that even when there is awareness of negative consequences, some might still consider the practice effective. Although participants outline the value and discuss negative consequences, assumptions cannot be made regarding the extent to which their attitudes toward notifications are entirely favourable or unfavourable, or if they perceive the practice as effective. This topic will be discussed in the following section.

*Beyond Consequences: Discussing “Effectiveness” of Public Disclosures*

When discussing the perceived effectiveness of public disclosures, all but one, so twelve front-line workers indicate some lack of confidence in the practice’s ability to contribute to community safety, and detectives share mixed concerns about the effectiveness of notifications with only one more specifically discussing success. Front-line workers state: “I would say, for the most part it’s not effective...I think, there’s different ways that people could come up with that can help community safety rather than that” (FLW), and “I don't think people would really care to say the least. I think they would kind of turn a blind eye, and be like well I’m just gonna keep doing what I’m doing, there’s nothing I can do right” (FLW).

Front-line workers elaborate on why they might not consider the practice effective. These reasons include the belief that it will not prevent someone from reoffending, the public will forget about it or not recognize the person, the public will not care or take the time to read them, notifications create additional challenges or barriers to reintegration, risk of vigilante and negative public responses are harmful to the person listed, notifications do not do more than just provide information, the methods of dissemination may not target the people who would benefit most from the notification, and agencies can only do so much to encourage people taking precautionary actions as it is ultimately the individual’s choice to do so.

In comparison, one detective shares that disclosures do work to the extent their unit has received useful tips that can cause a breach charge, rather than a substantive charge. For this detective, this is described as success. Of note, this effectiveness was only described by one detective from one of the cities. The remaining discussion is from detectives in the other city. One detective states they do not think disclosures are that effective in terms of eliciting good information from citizens as people can be mistaken regarding the identity of people they are calling in tips about, and the detective is concerned about how the practice elicits emotional public responses. Detectives are not clear about the success of the practice of public disclosure, but four detectives discuss success regarding their supervision program overall. These findings reflect prior research indicating challenge in determining whether such practices are effective as in some cases it may be effective, and in some it may be ineffective (Whitting et al., 2014).

### *Discussion*

The findings of this chapter address the first research question in discovering criminal justice professionals' perceptions of the impacts of public disclosures. These findings align with the prior research which is included throughout this chapter and lists negative consequences associated with community notifications, and limited positive outcomes. For instance, prior research by Day et al. (2014), involving interviews with a sample who works with people who offended sexually in the community, including those in non-governmental agencies, found the community notification scheme was viewed less favourably as these practitioners perceive limited benefits. They struggle to understand how the scheme could benefit the community, it is described as detrimental in terms of rehabilitation, and often seen as unfair to those making efforts towards rehabilitation. Front-line workers' concerns regarding negative outcomes and effectiveness align with Day et al. (2014). In addition, Cubellis et al. (2018) report that among

law enforcement officers, even those who did express concern about collateral consequences still maintained that sex offender registration and notifications laws are effective. Overall, Cubellis et al. (2018) report that officers indicated minimal or no concern for the impact of such laws on the possible collateral consequences. In contrast, the detectives in this study are concerned about consequences related to public disclosures and share mixed perceptions about whether the practice is effective overall.

These finds are noteworthy as although the approach in Alberta might be more tailored to specific populations that present risk, the observed consequences seem comparable to those for other community notification policies. Furthermore, the findings suggest that most front-line workers and detectives do adopt a critical lens when discussing disclosures. In addition to providing insight into the Canadian context, this study indicates other outcomes that may not be considered in evaluative studies of notification practices, such as reaching undisclosed victims.

### *Conclusion*

In conclusion, this chapter described participants' perceptions of the impact of public disclosures on the person listed, and on the community. While participants discussed both positive and negative outcomes, these discussions do not lend themselves to a simple pros and cons list whereby participants can clearly take a side in a support or oppose binary. The findings of this chapter indicate that the use of public disclosures is a complex consideration for both front-line workers and detectives. When discussing this practice, these criminal justice professionals are considering the weight of these multiple topics and how to balance competing interests of community safety, and the individuals' rights and opportunities for successful re-entry in the community, the theme developed in the next chapter.

## **Chapter 7: Factors that Might Contribute to Endurance of the Practice**

This chapter addresses the second research question: *Given the lack of clarity about the impacts of public disclosures, what factors contribute to the continued practice of issuing public disclosures?* This chapter introduces the first theme, that was developed from a series of codes that described how participants grappled with the space they hold for public disclosures, where they might be useful, and this involved codes such as “risk balance,” “risk assessment,” and “uncertain.” These facets build towards the multi-faceted understanding of how participants understand the practice. Essentially, criminal justice professionals balance the tensions of the justice system in perceiving that there are cases or times when the risk posed by an individual is great enough that community safety outweighs the individual needs of the person listed on the disclosure. In other words, although they discuss their concerns about the practice, many still hold space for it, and this theme explores the context of that space. This chapter also introduces the second theme regarding the endurance of public disclosures in that they fulfil an obligation or service from police towards the community. This theme was developed from a series of codes such as “political,” “service,” and “police obligation.” These codes build towards the understanding of how participants make sense of the practice, given the concerns they discuss, and yields insights into participants’ expectations of police and of the community.

### *Balancing Tensions and Holding Space for Disclosures*

The criminal justice system is often described as a system involving tensions of competing interests. For instance, Garland (1991) proposes punishment is a two-pronged approach involving the expression of public sentiment and the regulation of deviant conduct. Another tension is proposed by Packer (1968), who explains “criminal law is caught between two fires,” punishing the morally derelict and preventing antisocial behaviour (p. 9). Haggerty

and Ericson (1997) discuss a tension in the justice system between crime control and due process. The current study also grapples with competing interests in the justice system. In this case, the focus is on balancing the needs of the community with the individual needs and rights of the population presenting the risk, a strain also noted by other scholars (see Levenson & Cotter, 2005; Zevitz & Farkas, 2000; Zevitz, 2004).

Pratt (2000) maintains that when it comes to people who offended sexually, society is more willing to disregard basic civil liberties because of the perceived risk to the community. Furthermore, because of society's general disgust towards people who offended sexually, few are willing to oppose trends disregarding these individuals' rights. For Pratt (2000) it is clear in community notification laws that basic individual rights to privacy are rejected to favour the broader communitarian rights of notification and publicity. Following this argument, the question for participants in this study is not whether there are negative consequences that are associated with the practice of issuing public disclosures; rather, the question is whether these consequences associated with individual rights and re-entry outweigh the potential contributions to community safety, or the community's right to know about those high-risk people re-entering the community, and what this space for disclosure looks like.

Beginning with front-line workers, overall, twelve of the thirteen hold space for disclosure and perceive there might be times when disclosures could be useful. However, these front-line workers varied in terms of what situations might warrant the use of public disclosure. For instance, two discuss their support of notification without a more detailed discussion of parameters of when they should be used, one does not like notifications but acknowledges there could be a time when they are useful, and only one of the thirteen does not support use of disclosures in any circumstance. This one front-line worker argues that the harms are too great to

justify the practice. These approaches highlight the complexity of perceptions of notifications beyond clear “support” or “oppose” frameworks. For example: “A public disclosure I think makes sense just because the reintegration and the support component is um overshadowed by the community needs or the supervision aspect...you’d have to be extremely high risk to make the damages of notification worth it” (FLW). Essentially, in specific high-risk cases, this front-line worker can understand a disclosure as justified.

In relation to the space for disclosures, front-line workers note a series of conditions or factors that should be met to justify issuing a notification. Four discuss using assessments to determine who should be subject to notification. They argue these determinations should be specific to the individual, rather than a common practice across a broad scope of people who have perpetrated certain crimes. These factors include the history of the person, such as the severity of the crime they committed and if they have previously reoffended, progress they have made such as attending programs or treatment, their level of risk determined via assessments, addictions and substance use, and also whether or not they will be supervised upon release. These factors are often considered by practitioners<sup>21</sup> as people with many risk factors are determined to have a higher probability of committing another offense (Hanson & Bussiere, 1998). Essentially, front-line workers note that public disclosures should not be the first option and should be seldom used, except for those exceptional cases where risk is high enough.

Some front-line workers also discussed certain crimes or situations where they think notification could be important. For instance, six front-line workers also discuss more specific

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<sup>21</sup> For example, Day et al. (2014, p. 177) list: personality factors, coping factors, relationship conflict, substance use issues, mental health issues, physical health issues, transient accommodation, intellectual disability, age at time of first offence, and type of victims. Hanson and Bussiere (1998) also developed an actuarial instrument and determined sexual recidivism was closely associated with the following factors: sexual deviancy, prior sexual offense, failure to complete treatment, antisocial personality, any prior offenses, young age, never married, any unrelated victims, and any male victim.

cases such as public disclosures for those deemed dangerous offenders, and for repeated sexual offences or robberies, sexual offences and especially those against women and children, murder, or dangerous people who will not be supervised and are deemed unmanageable in the community. For example, highlighting the complexity of this balance:

Sometimes...rehabilitation is not an option...you try so hard with certain people but there's no taking them away from their crime cycle type of thing... community is up here and the offender is like way at the bottom... I think successful reintegration would outweigh public safety... because often these people have nothing.

Again, depending on the crimes committed, attempted murder, serial rapist, I think a community notification should definitely go out for that. Continual sexual offences, robberies as well, committed multiple robberies, robberies can become super violent and very unnecessarily violent, I think that could be a community notification for businesses to be aware, or to up their security system, or kind of figure out to be more vigilant as well (FLW).

This quote exemplifies the tensions of the justice system and need for consideration of the circumstances. Although front-line workers may value successful reintegration, they also understand disclosures as justified in some high-risk cases. Of note, there is some overlap between discussing risk assessments and specific crimes, with two front-line workers discussing both as important. Essentially, in certain cases, the importance of community safety outweighs the harms that may arise regarding the individual's successful re-entry. Or in other words, these participants hold space for the use of public disclosures for those individuals that present a great enough risk, as determined by some method of careful consideration.

Furthermore, all police detectives also grappled with the tensions of the justice system, but ultimately held space for the use of public disclosures. For these detectives, the decision to issue a public disclosure is largely centred around whether it is in the community's best interest to know. Like front-line workers, detectives also discuss important factors to consider, such as how a disclosure could impact employment, and whether the individual is predatory, or made progress in treatment. As previously described, these detectives maintain the population who could be subject to this practice often have long histories of offending and the crimes they have committed are egregious. The consideration of risk factors aligns with the expectations of front-line workers in terms of what the space of disclosures should look like.

Although police detectives are aware of and discuss the consequences and potential barriers to re-entry posed by the disclosure, overall, when considering the balance of competing interests, all of the police detectives maintain community safety is paramount: "I always air on the side of the rights of society, we have to protect the public" (detective), and "I form the belief that if you choose to break the rules continuously, that people who are following the rules, and are putting in the effort probably should get precedence over those who are not following the rules by choice" (detective). These quotes demonstrate detectives' interest in community safety.

For these detectives, the person subject to the disclosure has been identified as someone who could present a risk of harm to the community to the extent that police feel they need to be monitored or supervised in the community, and often this is confirmed by the granted peace bonds. Again, for detectives this is not a clear-cut process whereby certain crimes or certain individuals will automatically become a candidate for a peace bond or a public disclosure. Instead, through a discussion of probable benefits and harm, detectives and police personnel discuss the use of public disclosure for certain individuals. Although detectives are critical of

disclosures, and some do question the effectiveness, they too hold space the practice.

Considering that disclosures in this context are largely related to section 810 peace bonds, it follows that the fear and uncertainty surrounding the release of certain individuals and the police's belief that they need supervision might contribute in some cases to the police's belief in the importance of also notifying the community.

Although criminal justice professionals critique the practice, they may still understand the practice as having a place in the justice system. Both detectives and front-line workers note that the practice should occur in very serious situations where community safety is determined to be at a risk great enough to outweigh the probable harm to the individual. Although front-line workers and detectives also observe some consequences, they do still perceive that there are times when community safety does outweigh those individual needs. The approach that front-line workers and detectives discuss regarding levels of risk and matching responses relates to the risk-needs-responsivity<sup>22</sup> literature. Detectives appear to have clearer positions when discussing community safety outweighing individual needs, perhaps as they are more closely linked to the practice, whereas front-line workers can observe the outcomes, but do not issue disclosures.

Although criminal justice professionals critique disclosures, their discussions also indicate uncertainty in the notion of not having any public disclosures, hence the space they hold for disclosures when certain criteria are met. In this space, it can perhaps be viewed objectively that the probable benefit to the community when notified outweighs the probable harm, following a community-protection model. Criminal justice professionals understand the space for

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<sup>22</sup> The risk-needs-responsivity model (Andrews & Bonta, 2007) outlines three principles. The risk principle maintains that the level of service needs to match the risk to reoffend. The needs principle assesses criminogenic needs that should be addressed in treatment. The responsivity principle maintains the importance of maximizing the ability to learn from a rehabilitative intervention via cognitive behavioural treatment and tailoring interventions to the learning style, motivation, abilities, and strengths of the person receiving the intervention (p. 1). Inappropriate matching of treatment intensity can lead to wasted resources and in some cases can make matters worse.

this practice as an area to grapple with a certain population that is determined by some measures to present a risk of harm. For these professionals, the risk of harm in such cases essentially justifies the need to hold space for the practice and place community interests over individual interests.

In relation to prior literature, Ballucci & Lecoq (2021) maintain that fear is a necessary legal component for an 810 order to be granted, so, the unknown is enough to ascertain the risk to grant the order. This unknown nature may also extend outwards in the sense that the unknown of what could happen if the community is unaware of an individual re-entering the community may be enough to determine that the public disclosure is also necessary in some cases. This sense of justification is related Humphrey and Brunschot's (2015) argument that those labeled as sex offenders are deemed as the most dangerous, so it follows that they appear to deserve the greatest condemnation, and thus exceptionally punitive approaches can be applied. Put simply, the category of being a violent or sexual offender allows for an understanding of those labelled as requiring certain responses. Although Humphrey and Brunschot (2015) focus on punitive responses, the same logic may be relevant as some individuals reaching WED will be determined to be high-risk, and as such, certain responses can be justified via "objectively" determined risk classification (p. 396).

In terms of the larger research question regarding factors that might contribute to the practice of notification, participants perceive that certain populations can be classified as posing a great threat to the community, and for this population, there can be value in notifying the community of their presence, although this could come at the detriment of the person listed on the disclosure. Following Eagly and Chaiken (1993) who maintain that favourable and unfavourable beliefs can be held simultaneously, these professionals may maintain beliefs about

potential for change and rehabilitation while holding beliefs about the importance of community safety. The findings of this chapter reflect the community-protection model whereby the risk posed by the person who offended is emphasized over all other criminal justice objectives, including rehabilitation. This chapter developed the first theme in outlining a reason why public disclosures might be issued – because there are certain populations who present a great enough risk to the public that outweigh individual rights or rehabilitative needs, as such participants understand there is a place for public disclosures in responding to these individuals. The following section introduces the second theme indicating another reason for issuing public disclosures – to fulfill services and obligations towards the community.

#### *The Endurance of Disclosure as Fulfilling Obligations*

There are various approaches to engaging with the endurance of public disclosures, and this subheading grapples with understanding the use of public disclosures on a conceptual level, suggesting that public disclosures are issued as fulfillment of an obligation or service. Other approaches include the argument that notifications are an extension of punishment or enact vengeance on a population, suggesting a framework of retribution or expressive functions with political undertones. Some scholars argue that the punitive aspects in legislation regarding people who offended sexually in both Canada and the U.S. is not transparent (Humphrey & Brunshot, 2015). Instead, it is “cloaked in the language of public safety, risk management, and reintegration” (Humphrey & Brunshot, 2015, p. 392). Drawing upon Christie’s (1981) notion of the hidden curriculum of the justice system, this language conceals the true nature of punishment that occurs for people who offended sexually. For instance, Redlich (2001) concludes that Megan’s Law serves retributive and vengeful purposes rather than a purely preventive one.

Furthermore, as outlined in the literature on moral panics, politicians tasked with responding to public calls may sway to the public's desire to enact harsher penalties without a thorough examination of the utility of such policies.

Scholars who research community notifications often focus on rates of offending and recidivism (see Armstrong et al., 2015; Cubellis et al., 2018; Craun et al., 2011; Prescott & Rockoff; 2011; Manchak & Fisher, 2019; Zgoba & Mitchell, 2021; Zevitz, 2006). Alternatively, community notifications can be viewed as providing necessary information for individuals to protect themselves, and it is not intended to be a punitive practice, but a regulatory law that allows individuals to protect themselves (Campeau & Levi, 2019). Related to that, scholars also study whether community members feel safer (see Anderson & Sample, 2008), or whether they adopt preventative actions (see Anderson & Sample, 2008; Bandy, 2011; Harris & Cudmore, 2016; Sample et al., 2011). In short, there are various ways to approach community notifications in terms of its purpose and outcomes.

Furthermore, personal characteristics can influence approaches to the practice. Bierie (2016) maintains that policy makers, in comparison to researchers, are often interested in whether registries work on average, and also if they work occasionally or ever. This is important as policy makers, law enforcement professionals, and the public likely perceive registries beneficial even if they are only helpful sometimes (Bierie, 2016). However, Bierie (2016) also notes that anecdotal evidence does not equate with rigorous statistical analyses of policy impact.

This chapter describes how participants understand the use of public disclosures as fulfilling an obligation to the community, and as a service that provides knowledge that can be used to encourage actions that contribute to community safety. In this way, public disclosures can simultaneously be critiqued for not meeting certain standards outlined in empirical research,

such as a propensity on offending, but can also be viewed favourably, as a service or mechanism that alerts the community about potential risk, and informs the community that police are aware of these individuals. As community safety is fundamental to this theme, the following discussion will outline how community safety can be defined.

### *Definitions of Community Safety*

The language used on public disclosures is largely centered around community or public safety. However, these terms can be ambiguous. To elaborate, “safety” is a term used in daily language and may vary depending on the context that it is used. The concept of “security” is comparable in its definitional challenges. Noted by Doerksen (2013), security is a difficult concept since by its nature, it is defined by what does not happen. In a similar manner, people may have various definitions, and conceptualize community safety in varying degrees of specificity. Following the logic of Doerksen (2013), safety may also be understood by what does not happen, such as victimization. Given this ambiguity, it is crucial to explore participants’ meaning of this term. Some provided more specific definitions, for example: “Community safety means no increase in victims. Whether it’s a direct victim or an indirect victim” (FLW) and “it’s crime prevention, and no new index<sup>23</sup> offences” (detective).

These definitions echo sentiments of what does not happen, an increase in victims, or another offence. However, there were other conceptualizations of community safety:

“Community safety is pretty much watching out for each other, keeping the kids safe as well” (FLW). Some definitions focused on providing knowledge, for instance: “With somebody who

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<sup>23</sup> The seven classes of offenses include: willful homicide, forcible rape, robbery, burglary, aggravated assault, larceny over a specified amount, and motor vehicle theft. (Government of Canada, 2022) Termium Plus. <https://www.btb.termiumplus.gc.ca/tpv2alpha/alpha-eng.html?lang=eng&i=1&index=alt&srchtxt=index%20offences>

could be high risk to reoffend um, community safety would be letting them know this individual is in the area” (FLW). Similarly, a detective shares that community safety involves “the community being empowered with knowledge, and encouraged to collaborate with each other and with service providers to build safe and healthy environments, so that people can live and work, and play in relative safety” (detective).

Overall, these quotes indicate a varying nature of how community safety is defined. This means that the factors that would satisfy community safety may also vary, and this relates to Bierie’s (2016) point that standards can vary across people, such as policymakers and practitioners, begging the question of what framework the criminal justice professionals in this thesis might adopt in their understandings of the practice.

#### *Perceptions of Notifications as a Service and Obligation*

Front-line workers and detectives understand the practice as potentially contributing to community safety and providing a service to the community by informing the community about potential threats posed by high-risk people. All six detectives also discuss the practice as demonstrating their obligation towards the community, and four front-line workers specifically describe the practice as fulfilling a “service,” “obligation,” or “responsibility” towards the community. The other nine front-line workers do not specifically use those terms, but they emphasize protecting the public: “It is for safety of the public” (FLW) and “let’s just warn the public so we can keep ourselves safe” (FLW). These front-line workers perceive public disclosures as part of the police’s service to the community. The intent behind the public disclosure is perceived as keeping people informed, rather than being part of a rehabilitative or punitive strategy. This framework is clear in the following statements: “I think there’s studies to

say that programming does [reduce offending], so what is um a community notification doing for an offender, to help the offender? Nothing, it is to protect the community, or that is the intent” (FLW), and “they are not a tool used to support an individual in their community release, it is only for the victims and the community for safety planning...I don’t think um, those disclosures enhance in any way the strengths of such an offender in the community” (FLW).

In short, rather than viewing public disclosures as a strategy to reduce offending, front-line workers tend to perceive public disclosures as a service towards the community based on the notion that providing information in some cases is in the public’s interest. This aligns with the language associated with release of public disclosures explaining that releasing such information is in the community’s best interest, and with the Solicitor General Canada’s (2001, p. 112) assertion that peace bonds are designed to be protective rather than punitive.

Similarly, police detectives maintain that the public disclosure is not designed to have a positive effect on the individual listed. One detective elaborates that they are aware of the potential for raising the risk of the individual listed on the disclosure as they may struggle with re-entering the community. Overall, public disclosures are understood as fulfilling an obligation to the community and meeting the expectation that community members have of the police to be aware of and monitor high-risk people in the community. For instance, detectives share: “I feel like there’s a responsibility in a sense for the police...I feel like that’s where the community would expect, is that the police do know, and are involved with the people that are committing, or have committed in the past those sorts of offences” (detective). Also:

When the [city] police service believes that an individual is a predator and by that predator, I mean a hunter...then we should at least notify individuals that he is living in that area...I don’t think we um do it in a punitive way, I really do think we have a very

good process and a really good program where we are basing it on the behaviours, and not on someone being bad... these people pose a risk to a select, large group in the community, and as such, we need to make them aware that he has returned to the community (detective).

The finding that these types of strategies are not perceived to have a direct effect on the individual listed on the disclosure in terms of rehabilitation or punishment relates to prior research. McCartan et al. (2018) similarly report regarding a child sexual offender disclosure scheme, that one of their interviewed police participants states the scheme “is not a tool for managing sex offenders, it is a tool whereby the appropriate members of the public, parents, guardians and what have you, can get limited enough information to safeguard their children and mitigate, and minimize the risk to those children” (p. 44).

The service orientation framework observed in this thesis underlies how front-line workers and detectives grapple with the probable associated outcomes and might explain why some understand the use of the practice, while being aware of negative consequences. By conceptualizing the practice as a service or obligation, these professionals communicate their understanding of the role of police services in contributing to their varying conceptualizations of community safety. This orientation can maintain the practice of public disclosure even if reintegration challenges can raise risk, and if the effect on the community is unknown. As the service and obligation to inform and supervise is fulfilled, it is then up to community members to adapt their behaviours, if needed. While this chapter is centred around the perception of public disclosures as a service or obligation, there are also other factors noted by participants that might have a role in maintenance of the practice, such as political factors. These factors also shape how participants make sense of the endurance of disclosures.

### *Political Factors*

Generally, when it comes to crime policy, there is a dilemma of whether elected officials should serve the public's will or be moral entrepreneurs (Cullen et al., 1985). Moral entrepreneurs force their own morals onto others, but this can also be for humanitarian reasons, such as reforms that are believed to improve the lives of others (Becker, 1963). Cullen et al. (1985) reference Pontius Pilate and suggest there is danger in both succumbing to desires of the mob as this forsakes larger responsibility, and there is also danger in advancing their own interests entirely. While often discussed in scholarly research (see Garland, 1991; Jung et al., 2018; 2020; Lin, 2000; Lussier & Mathesius, 2019b; Petrunik, 2003; Walker, 2007; Whitting et al., 2016), in this thesis, only two front-line workers discussed politically oriented aspects of the practice. Although, it was a focus for three police detectives. One front-line worker shares they perceive public disclosures as: "Politically motivated," and "when a constituency is already afraid... fear motivates people at the ballot box. If they think a politician is sort of keeping them safe from their fears, then these politicians can score some votes and momentum" (FLW). Similarly, another shares: Police likely "have a set of standards that they have to operate by," and "as an agency they would take on the responsibility to protect the public, and [public disclosure] would fall under that... so in my opinion, I just look at it from liability in that perspective" (FLW).

In reference to the front-line workers that discuss political motivation, these front-line workers are aware of this dilemma faced by politicians and agencies, and maintain these groups may face external pressures to act on what is believed to serve the public's interest. As outlined in the literature review, Canada has been resistant to adopting more public registries and

notification systems like the U.S.. Given that notification schemes such as Megan's Law are not prevalent in the Canadian context, this might explain why these front-line workers for the most part do not discuss political factors.

On the other hand, given that police agencies are tasked with issuing the public disclosures, they are perhaps more attuned to political and legal factors that might influence the practice. For instance: "A general media release is a way for [city police] to protect its liability, to say we warned the public" (detective), and another shares: "There's always do we have a legal obligation to let the general public know, so sometimes...like child sex offences...there's a legal obligation for the general public to be aware" (detective). This also relates to the service orientation, and community's expectations that the police inform and supervise these individuals.

Another detective shares an account of an incident in another city where someone was victimized and subsequently launched a lawsuit as police were aware of the individual re-entering the community, but the police did not warn the community. When prompted if providing information is important for avoiding such situations, the detective elaborated that they proceed forward with only a select few of the referrals they receive, and the motivating factors for proceeding with these cases is centred around the risk to the community. The litigious component is not a motivating factor, otherwise the detective explains they would "warn everyone about everyone" (detective).

Furthermore, two of the detectives discussing political components discuss their perception of a current emphasis on individual rights in Canada. For instance:

My perception is that the protection of individual rights is very strong right now in this country. Our highest levels of government champion individual rights and that may come at the expense of the community safety... By protecting an individual to such a high

level, that may be asking the community to shoulder the burden of risk, rather than infringing on an individual's rights, and opening that individual to the potential for marginalization, and potential for discrimination, and potential for stigma and retaliation, you're asking the community to shoulder the burden of the risk then (detective).

This quote indicates the perception of some detectives is that the current political climate leans towards individual rights, and this can present a concern for community safety. While the police might fulfill their obligation to the community by providing information and considering these political components, there are also expectations about how the community can manage risk, given the service of provided information.

#### *Community Policing and Responsibility*

Public disclosures provide information that theoretically contributes to community members' ability to avoid victimization. This involves an obligation from police services to provide the necessary information, but there is also an expectation that community members will use this information to manage risk. Understanding the use of disclosures as an effort between police and the community again reflects participants' understanding of the role of police services. Community policing is a trend in the risk society whereby shared risk becomes more important than preventing risk, eliminating risk, and punishing the morally culpable (Ericson & Haggerty, 1997). A dominant topic of neoliberal policing strategies is a shift in responsibility for risk management, from agencies onto citizens. In the case of public disclosure, the community is asked to participate in policing and becoming vigilant to protect themselves, but the disclosure practice is often for a population that is also being supervised or monitored by police services. Here, responsibility is not completely offloaded as detectives occupy supportive roles, and the

decision to issue a public disclosure does not mean that police will no longer be involved in supporting the individual's re-entry into the community.

In general police are expected to respond to crime in communities, but during neoliberalism, there has been a shift from the expectation of police to entirely manage crime, towards individuals also taking up responsibility. This shift is reflected in the discussions of detectives and front-line workers. Many detectives describe an evolution of the changing structures of their departments, along with external pressures regarding defunding police services while the public maintains the same service expectations. Two detectives more specifically discuss their expectations regarding community members, for instance:

If you look at the spirit behind media releases, part of that was to empower the community, make them aware of what is expected of these offenders and these conditions and...empower them to be able to notify us when that's not being adhered to so we can all collaborate together...but, that's not the reality... instead they just watch from afar and complain about these specialized members of the community that have been empowered to deal with that extreme component...they put everything on us (detective).

These quotes demonstrate that the detectives have expectations of the community members, as per a neoliberal community policing model. Although the community is asked to become involved in managing risk in some capacity such as taking precautionary measures and providing the police relevant information to help enforce conditions, the police and non-profit agencies remain involved in supervision, and overall support with re-entry. All the detectives discuss partnerships between police and non-profit agencies, for example: "We utilize social service agencies, in an effort with police to monitor, manage, or enforce high harm individuals" (detective), and "we would partner with a lot of social agencies" and "there's some fantastic

agencies within our city that are willing to work with individuals that are willing to put in the effort” (detective). In this way, detectives rely upon other agencies to assist with supporting people in the community, indicating some sharing of responsibility. Of note, the front-line workers in the sample did not specifically discuss these types of partnerships.<sup>24</sup>

In short, police are expected to provide the necessary information for citizens to be aware of risks in the community. By issuing disclosures entailing information regarding the individual and their supervision, police can fulfill this expectation. The political factors may contribute to the service orientation in that they have an obligation to inform the public in some cases, and the shared responsibility indicates that police are involved, but they also involve other agencies, and expect the community to also respond to the practice by adopting behaviours to minimize risk.

### *Discussion*

Overall, even though these participants can be critical of disclosures, as outlined in chapter six, participants can understand the endurance of the practice. This endurance centers under a broader umbrella of community safety, with two themes. First, they understand the use of disclosures for certain people who by some measure, present a great enough risk to the community. In other words, although participants might be critical of the practice, they often understand its place. For participants, public disclosures exist in tension between individuals and the community, and this means that sometimes individual rights or needs are overshadowed because of the risk. In short, they make sense of the use of the practice by considering the notion that it can be valuable when reserved for certain cases, rather than a broad scope of people.

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<sup>24</sup> It should be noted that questions related to police involvement were not included in the interview guide with non-profit agencies as this relationship was discovered in the data in the second wave of data collection with police.

The second theme was concerned with the police role and their service or obligation towards the community and its safety. Public disclosure can be understood as a service or obligation that can contribute to various understandings of community safety. Again, by making sense of the practice in this way, participants can understand the endurance of it, in comparison to other frameworks. For front-line workers and police, public disclosures inform the public about individuals the police believe present a risk of harm, and often inform the public about the police's involvement. Public disclosures also represent opportunities for the community to become involved in risk management. However, the extent to which this occurs is difficult to know, as alluded to in the prior discussions regarding measuring effectiveness.

In addition, although participants discussed notions of community fear and anger, they did not portray an understanding of notification practices as a response that demonstrates public intolerance of the practice. Concerns around community notifications serving punitive or expressive functions may be less prominent in the current Canadian system as police and social services continue to work towards supporting a successful community re-entry. In short, the perspectives of criminal justice professionals do not indicate an understanding of public disclosures as functioning as a punishment, or a strategy towards rehabilitation.

### *Conclusion*

This chapter covered two key themes related to the second research question, elaborating on how participants understand the endurance of disclosures. Essentially, criminal justice professionals' responses indicate that there is a place for public disclosures in the tension between individual and community interests, when the risk is great enough. This can be a tool to fulfill an obligation to provide community members with knowledge that can be used to prevent victimization. These findings have implications in studies of community notifications. As the body of research

regarding notifications expands in the Canadian context, it is important to take note of the framework utilized. U.S. notification policies are often broader in scope, and empirical research often emphasizes rates of offending as a measure of policy success or failure. However, this framework and conceptualization of how success is measured may not map well onto the Canadian more cautious approach and community-protection model. The Canadian program of public disclosure is closely tied to a high-risk population and involves support from police and community agencies, and this could be unique in comparison to other notification schemes. Also, these themes suggest research should center around questions related to community safety.

Lastly, the model of public disclosures and related supervision components align with what might be expected from a neoliberal, community policing model. Police partner with non-profit agencies in the management of high-risk people, and community members are essentially also asked to be vigilante and participate in protecting themselves. Despite these partnerships and efforts towards community safety and meeting needs for successful re-entry, detectives and front-line workers have concerns about the practice. As such, these professionals provide suggestions as to what might improve the practice, and these will be explored in the following chapter.

## **Chapter 8: Suggestions for the Future**

This chapter covers the topic of suggestions, and while perhaps a deviation from typical thematic developments in reflexive thematic analysis, this chapter is an effort to give back to the community that contributed their time to participate in research. These suggestions could provide insights for those interested in how criminal justice professionals perceive the practice could be improved, which could be useful in future policy development. This chapter developed from codes such as “missing piece,” “ignorance,” and “inertia.” This chapter will outline suggestions, beginning with suggestions common across both front-line workers and detectives, then suggestions specific to these groups, and concludes with an overall discussion. Two broader topics are developed, including the perception that the public is ignorant of the justice system, and that agencies can do more to contribute to community safety.

In this thesis, ignorance can be understood as “the absence of empirically valid knowledge” (Roberts, 2015, p. 102). While ignorance is often associated with rudeness or stupidity (Roberts, 2015), the use of “ignorant” here refers to lacking knowledge, without a moral connotation. Gideon and Loveland (2010) maintain few people know current criminal justice policies or know the difficulties people face upon their release. Given that the public may have inaccurate beliefs about the justice system, their attitudes towards public disclosures may

draw upon emotions and other factors.<sup>25</sup> In some cases, this can mean support for punitive policies, and this can be problematic as such policies are not necessarily more effective.<sup>26</sup>

### *Ignorance of the Justice System*

Beginning with the front-line workers, a total of ten discuss areas where the public is perceived to lack knowledge. This includes a lack of understanding regarding why people might be released from institutions, resources that might be in place to support or supervise people, the type of support people need from the community to successfully reintegrate, the trauma people involved with the justice system might have faced, the notion of the overlap between a person who offended and a person who was victimized, the harm associated with public disclosures both on an individual level for the person on the notification and their support network, on the community at large. The following quote demonstrates front-line workers' perceptions of the public's ignorance: "I think there's definitely a lack of knowledge. I think people generally do not understand like why certain sentences are given, like the length of sentences, or the reasoning behind them, or what happens after. I think, a lot of people just think you're free and you get to just walk around and act as if nothing had happened before" (FLW), and "people don't actually

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<sup>25</sup> For instance, in an analysis of public opinion data, Budd and Mancini (2018) find when regarding sexual violence, the myth of stranger danger drives perceptions of the effectiveness of residency restrictions. Overall, support for policies such as community notifications have been found to depend upon the extent that people maintain stereotypical beliefs about people who offended sexually (Harper & Bartels, 2017; Sparks, 2021). Also, beliefs about risk of recidivism, belief in the stranger danger myth, and belief in treatment being ineffective can contribute to support of registration and residency restriction policies (see Sparks, 2021; Budd & Mancini, 2018; Manchak & Fisher, 2019). Beliefs about rehabilitation can influence support for shorter sentence lengths (Sparks, 2021) while misconceptions about the criminal justice system predict support for more punitive policies (Shaw & Woodworth, 2013).

<sup>26</sup> A meta-analysis of studies investigating sentence severity and recidivism does not favour a punishment hypothesis, which would indicate an inverse relationship between severity and recidivism (Gendreau, Goggin, Cullen, & Andrews, 2001). The results instead indicate more punishment is associated with slight increases, or no effect on recidivism (Smith, Goggin, & Gendreau, 2002). Manchak and Fisher (2019) also note that there is strong public support for policies that address people who offended sexually, despite research demonstrating the ineffectiveness of some policies.

understand the steps that the criminal justice system is taking to protect them” (FLW). Another shares:

I can understand why...a person would want to know if a violent, or if a sexual offender is going to be living in their neighbourhood. But, I don't think that kind of person understands fully the other types of supervision and risk mitigation things that are in place for managing that former offender. [Public disclosure] stokes just the general ignorance around the reintegration and correctional services programs that are already in place for these kinds of offenders (FLW).

Similarly, four of the detectives explain the work they do is largely unknown to the general public, the policing service in general, or other government bodies: “We've done a very poor job of showcasing or educating other agencies or the public on the work that's actually being done behind the scenes, so the forward-facing image of the police service is very shallow and superficial compared to the actual work that's being done” (detective)

Aligning with the prior research regarding people unaware of justice system responses (see Gideon & Loveland, 2010), both front-line workers and detectives in the sample maintain the public is unaware of the mechanisms in place to supervise people in the community. This ignorance can become problematic when combined with fear, as it can contribute to faulty decision making (Prentky, 1996).

#### *Public Education: Addressing the Deficits of Notifications*

As the public is perceived to be unaware of the operation of the CJS, nine of the front-line workers, and one detective maintain that public disclosures could contain more information. Front-line workers suggest public disclosures could include information such as people's periods

of progress, stabilization or attendance in programming, education about the justice system and people involved with it, and specific actions outlining how to be safe. The following quotes demonstrate perceptions of the deficits of disclosures: “I’ve had interactions with people who have had community notification, and the thing that isn’t released is um periods of stabilization, or programming, or stuff they have done to help themselves live as a law-abiding citizen” (FLW). Others share: “[The public] can’t make an educated response because they don’t have all the information. Other than watch out for this person” (FLW), and “the media also never really represents things you know fairly sometimes. So they might be seeing an article on the news and not getting all the facts, they’re just kind of making assumptions based on what they see in this news article” (FLW). These quotes demonstrate front-line workers’ perception that without providing such important context, the public might not be able to make informed choices.

One detective also states that at the time the public disclosure is issued, police only know the individual through documents. They do not yet know the individual on a more personal level until they begin to work with them, but providing more context about what supervision entails and how detectives are invested in reintegration may reassure the public that police are involved in supervision. There were also other common suggestions, discussed below.

### *Narrowing the Scope*

A concern for both front-line workers and detectives is the challenges that can arise due to the broad dissemination of public disclosures. For instance, employers or landlords can google a name, and due to the public nature of disclosures, information regarding the person listed and their offence is widely available. Also, since the disclosure is broad rather than targeted, it might not get to more specific populations who could be at risk. Some participants suggest it could be

more beneficial to target specific individuals and communities that may be at risk. However, this becomes complicated when a valuable aspect of public disclosures is that it can reach other people that police services cannot directly warn. For instance:

In some sci-fi universe, you can imagine people getting notifications on their phone directly, like these are the risks...of your immediate concern...[this] would be the best way to do it, but unfortunately it's not there, so the only option remaining, or the cheapest financially is to do broad disclosure in hopes of a catch all (FLW).

Where I wish that we had a little bit more flexibility would be not so much the public media releases, but the individual duty to warn... And I don't think that that necessarily ruins someone's entire life, or um, if you get involved with someone and that person, you have children, and that person was a high-risk child sex offender, I feel like you should be able to warn those people that are individuals, as opposed to the big public ones. I think that in terms of what would be more effective... if our main purpose is to stop any further victimization, and any further harm, I think that...we probably have a better chance with those ones...that's just my own personal opinion (detective).

However, related to inertia, detectives note concerns with a narrow scope. For instance, to directly warn individuals, the detective would need direct information that the particular individual is: "Targeting that particular suite at that moment," otherwise "[they] can't go and tell people that" (detective). Relatedly, one detective questions whether it would be efficient to have investigators seek out particular individuals to make direct notifications, and another detective shares that "there's nothing else that the police have to notify the public about a dangerous offender [other] than a media release" (detective). These challenges suggest some inertia. A

better way has yet to emerge, so police continue with the practices they have. However, this does not mean police are incapable of change as shifting political context and funding can contribute to change.

### *Changing Police Structure*

While detectives discussed suggestions for improvement, they also discussed some of the broader context of policing in Canada. This is important to understand the changes that have taken place, and potential barriers to changing policies and practices. For instance, police services in Canada can face criticism for inappropriate responses and these cases are often picked up in the media. When it comes to issues like excessive force, there is often widespread public outrage and calls for better police accountability and training (Campeau, 2019). Cities across Alberta often face budget cuts, and policing is an area that is targeted. Arguments are often made that police funds should be relocated to other social services addressing issues such as affordable housing. These cuts are often covered in the media,<sup>27</sup> and this is relevant as police services can simultaneously receive criticism for absorbing funds, while also being critiqued for not adequately managing high-risk people in the community, an endeavour that undoubtedly requires resources. One detective specifically addresses budget cuts: “[Police are] expected to prevent everything when that’s not probable...we’re still in a defunding... but, the expectations on us don’t go away in terms of what this industry is supposed to do” (detective).

Police services have had to adapt to defunding while still attempting to meet expectations of citizens. A changing police structure is reflected in the discussions of all five detectives from

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<sup>27</sup> See (Vogt, 2020) for a description of budget cuts to Lethbridge Police Service, and (Keller, 2020) for budget cuts to Edmonton and Calgary Police Service.

one city, but it is not mentioned by the one detective from the other city. Given that one city police unit is under evolution, detectives reflect upon what could improve the practice.

#### *Suggestions from Detectives*

From one city, three detectives emphasize continuing to have team-based discussions that focus on balancing probable harm and probable good, and sober second thought involving legal advisors, or approval up the management chain. For example: “It’s been a very positive change, as far as from 5 years ago, even 3 years ago” (detective), “there’s always changes... when we know better, we do better... We need to constantly be revising... We need to keep doing better, and we should always be changing to do better” (detective). Meanwhile, the detective in the other city indicates that they believe the disclosure practice is used appropriately and they would not make any changes to it. Although there can be inertia and barriers in enacting change in practices, the changes in the policing structure indicate the possibility for considering the suggestions put forth.

#### *Suggestions from Front-Line Workers*

Front-line workers may be at more liberty to make suggestions as they are not tasked with issuing the disclosures and are not primarily responsible for the monitoring or supervision of those listed, and often do not have to respond to the public’s concerns in the same way police are expected to. New ideas often require creative or outside of the box thinking, and Roberts (2015) argues that being ignorant of the box can facilitate creativity. In this way, front-line workers’ suggestions could be valuable as detectives could be contained within the box of their experiential knowledge and inertia of practices.

Most front-line workers, eleven, do provide some suggestions for improvement and some of these have been described at the beginning of this chapter. Although, one front-line worker suggests keeping supervision in place, but they suggest completely removing public disclosure. One does not elaborate on improving the practice as in general, they just do not like it. Overall, the suggestions include strategies such as providing more information, providing more support, and changing how information is released.

More specifically, providing information includes more public education about offending and the justice system, and providing specific instructions regarding how to keep safe. More support includes having more resources for people both inside and outside of the correctional institution, more support from the government in providing resources such as setting up employment and housing rather than expecting citizens to provide opportunities for the population deemed high-risk, and if police are concerned about someone's release they should monitor them better and they should be staffed to the necessary capacity to do so. For instance, there should be a specific position such as a community liaison officer who speaks to both the individual listed, and the community. Also, there should be individualized programs for people monitored under peace bonds, rather than placement in halfway house programs.

Changing the way information is issued includes providing directories or a method similar to a crime map available for community members to see if they have high-risk people in the neighbourhood, and creating criteria for how long online content is available for, and a mechanism for taking content down after certain periods of time.

Other suggestions included generally exploring other ways to achieve community safety, more punitive sanctions such as never releasing certain people or excluding them from communities, and one front-line worker suggests that other legislation such as long-term

offender or dangerous offender legislation could be utilized instead for extensive supervision. Relatedly, one detective shares an observation that public disclosures are used less frequently due to people “falling into the long-term offender status...so [they are] not getting as many referrals” (detective).

Some of these suggestions indicate the notion that the government and police can do more to contribute to community safety. This suggests a shift of more responsibility back onto the police and government, rather than having responsibility downloaded onto citizens to protect themselves given the information provided to them. As noted by Simon (1998) it is remarkable that practices such as notification can be seen as something created on behalf of the citizens.

### *Discussion*

In *Meditationes sacra* (Bacon, 1597), Sir Francis Bacon states knowledge itself is power. Front-line workers and detectives in the study perceive the public is generally ignorant of the justice system, and public disclosures provide limited information. However, having a more informed public could be beneficial as the public could draw upon more empirical knowledge and may also consider the existing mechanisms in place to supervise people in the community.

The notion of providing more information is supported by prior research that suggests the messages and strategies around preventing sexual harm must be linked to simple behavioural changes including what to look out for, how to talk about sexual harm, and how to intervene (Tabachnick & McCartan, 2017). Scholars note a need for educational initiatives concerning treatment efficacy and recidivism rates (Sparks, 2021), specific, accurate information regarding the likelihood and characteristics of sex offenses (Gaines, 2006; Gideon & Loveland, 2010), more information about child sexual abuse (Gallagher, 2009), and accurate information regarding correctional practices and education about rehabilitation and reintegration barriers

people face, and how such impediments may cause more harm to public safety than good (Gideon & Loveland, 2010). Gaines (2006) argues knowledge should be provided for the public, rather than vague information that leads to panic, fear, and anger. While there have been some efforts to educate the public, it is noted to be fragmented and sporadic, and there is an urgent need for ongoing public education (Gallagher, 2009; Sparks, 2021). Sparks (2021) argues that without educational initiatives, the public is likely to draw upon sensational media depictions when considering management policies for people who offended sexually. Overall, if the public is better informed, and if politicians are less concerned about opinion polls, public confidence in justice may improve, along with more rational sentences (Roberts & Hough, 2002).

The notion of more support from police and government suggests more responsibility on their part, rather than more responsibility upon community members or social services. However, better supervision and programs requires resources and overall funding, a contentious issue for police services as the public is often critical of the amount of funding police receive.

### *Conclusion*

This chapter outlined the suggestions of both front-line workers and detectives. In sum, providing the public with more information is one area of possible improvement so that the public can make more informed decisions, however there are also improvements that could be made on the governmental and policing side in terms of support. These suggestions contribute to an understanding of how these professionals perceive the practice as lacking in some way. Because of the direct work experience participants have with the population listed on disclosures, their perspectives can provide valuable insights for consideration in future policy development.

## **Chapter 9: Conclusion**

This thesis project explored the public disclosure practice in Alberta, and the perceptions of criminal justice professionals on the practice. The research questions that guided this project are: *How do criminal justice professionals perceive the potential impacts of public disclosures on the community, and on those listed on the disclosure? Given the lack of clarity about the impacts of public disclosures, what factors contribute to the continued practice of issuing public disclosures?* Chapters one to three introduced the thesis and outlined the prior research as it relates to this topic. Chapter four provided the qualitative methodology, and chapter five described the disclosure practice and provided a description of the research sample. Chapter six addressed the first research question and focused on the impacts of disclosures through a series of topics. Chapter seven addressed the second research question and elaborated on the development of the first theme, suggesting disclosures are issued because certain individuals are believed to present a great enough risk to the community that can override concerns about challenges to re-entry, and the second theme, suggesting that disclosures fulfill a service or obligation from the police to the community. Chapter eight outlined the topic of criminal justice professionals' suggestions to improve the practice. The current chapter includes the limitations of the study and future research directions and concludes with the research implications.

### *Limitations and Future Research*

The qualitative methodology of this thesis allowed for a more detailed understanding of the complexities of perceptions of public disclosures, but this study is not without limitations. The reflexive approach allowed for a nuanced understanding of how participants make sense of the endurance of the practice, given the noted challenges. During the research process, participants were curious about the findings of the research in relation to their practice. As such,

this thesis includes deviations from the reflexive thematic approach to include summaries of particular areas of interest. In short, the thematic approach was crucial to develop themes and understanding meaning-making on broader levels, but other approaches were also necessary to neatly summarize insights. This deviation from thematic analysis could be viewed as a limitation, although effort was taken to clearly indicate and justify these deviations.

The sample only includes the perspectives of front-line workers and detectives. While the close nature of their relationships to their clients provides unique insights, it might be viewed as a limitation by some as it would have also been valuable to include legal advisors and media communications, and CSC staff. However, they chose not to participate. Furthermore, the perspectives of the public and those listed on the disclosure are also not included due to limited resources, timeline restrictions, and the COVID-19 pandemic. Although caution was taken to provide an open interview environment, social desirability bias may have influenced participants' responses, given the sensitive topic.

In the future, it would be beneficial to understand the perspective of the person listed on the disclosure in terms of the impact of that practice on the person, and their perspective on the support received, or barriers to support. For instance, future research could address: *How does being the subject of a public disclosure impact re-entry? What support do people need, and what support did they receive?* The perspectives of parole board members, parole officers, and probation officers would be valuable in the Canadian context. Perspectives of community members would also be valuable in terms of studying what community members do in response. For instance: *Do people in Alberta adopt preventative actions when notified? Do they feel safer? Are they aware of mechanisms in place to supervise individuals and support re-entry?* Furthermore, it would be important to understand how some police services can determine not to

issue public disclosures, especially given that participants in Alberta discuss potential liability concerns. For instance: *How do other police services address the release and re-entry of high-risk people? How might their practices differ so that they do not have to warn the public?* As research on community notifications is not common in the Canadian context, there are many important avenues of research to explore, especially given the continuous calls for more public registry and disclosure practices.

### *Implications*

In terms of developing best practices, it is important to draw upon the perspectives of those working within the system and carrying out the practices outlined in policy. This thesis project did not aim to evaluate the effectiveness of the public disclosure practice, rather, it explored the perspectives of criminal justice professionals who work with people re-entering the community. The overall inclination of the participants is that there can be benefits to providing information to the community about high-risk people re-entering the community. However, this should be interpreted cautiously as the findings indicate that participants do not operate within a “support” or “oppose” binary. The findings of this thesis indicate that issuing public disclosures in Alberta is a complex and cautious consideration.

The people that police warn the community about are often supervised or monitored in some way, and it could be useful for the public to better understand what this supervision entails. While the community might assume people are released from institutions scot-free, this is often not the case when the police believe the individual poses a risk. There are mechanisms in place to maintain community safety. Specifically, section 810 peace bonds allow for supervision of individuals being released from institutions. Detectives that supervise the high-risk populations

in partnership with the non-profit organizations are important components of the Canadian CJS. The findings of this thesis indicate that these professionals are crucial in supporting the re-entry of people who offended, and this is to the benefit of all in the community.

However, this work can often go unnoticed by the community. Likely due to the heavy workload, limited resources, and perhaps privacy concerns, police and non-profits often do not have the capacity to frequently share the success of the work that they do, although, this could be beneficial for improved community education and understanding. The strategy of how messages are communicated is a crucial consideration to have the best chance at addressing the public's concerns about safety and maintaining effective practices. Source expertise has been identified as an important factor in changing public attitudes. Messages delivered by experts, those seen as credible and trustworthy sources, are more persuasive and more likely to lead to attitude change than messages delivered by unspecified or unknown sources (Eagly & Chaiken, 1993). High-quality messages about laws that are based on research should be useful in shaping public and policymaker opinions (Budd & Mancini, 2018).

However, it is also important to consider the context in which such messages occur. In this case, this means considering the emotional context and moral panics that can arise in response to cases of violence. Communicating messages that challenge myths about offending, or more generally, messages that are against the status quo, may not influence public opinion as intended. Polletta (2006) maintains that when the status quo is challenged via stories, those telling the stories may be vulnerable to skepticism regarding the authority, generalizability, or authenticity of the content. Sharing information about rehabilitative programs and successful re-entry of high-risk people may conflict with the status quo which can in turn, elicit emotional responses and calls for more punitive responses.

Furthermore, in North American culture, there is a strong vein of skepticism toward professional expertise (Polletta, 2006). Some public responses to the COVID-19 pandemic, including arguments about “doing your own research,” and discussions of not trusting advice put forth by health officials exemplify such skepticism. Polletta (2006) argues that against skepticism, the authenticity of more personal storytelling may aid in making content more trustworthy over facts and figures provided by experts. Following this logic, messages with statistical information such as rates of successful rehabilitation solely from source experts may not be sufficient or influential.

More specifically, Armstrong et al. (2015) argues that utilizing strong messages from credible experts might aid in attitude change in the rational thinking systems, but not in the experiential thinking systems. Providing empirical data and statistics does not necessarily alleviate fear for most people, as fear is often irrational. As experiential system is emotive, an emotive approach can be useful (Armstrong et al., 2015). Therefore, messages should incorporate both rational messages, and messages that appeal to emotions. The notion that emotional aspects are important to include has been raised by other scholars in the field of responding to sexual violence. For instance, Jill Levenson at the National Association for Rational Sex Offense Laws Conference (2021) argued that stories of collateral harms may be more useful in changing attitudes. Other emotive messages could include stories of people who successfully reintegrated into the community. Sparks (2021) suggests the need for people who offended to be humanized, as there is a relationship between beliefs and the odds of supporting different practices related to offending.

Similarly, Tabachnick and McCartan (2017) advocate that a necessary shift needs to occur from the traditional perception of people who offended sexually as monster, towards the

notion that “this could be my son” (p. 80). Although this is a difficult position to adopt, Tabachnick and McCartan (2017) argue that when that shift occurs, and along with it, a discussion of the diversity and complexity of sexual harm, the public will ask for alternative solutions. This shift would lessen the “distance” from the event, described by Ruggiero (2021), in this case, the offending or criminal event. In short, a combination of messages for both the rational and experiential systems might aid in attitude change (Armstrong et al., 2015). Ideally, messages could reassure the public of the mechanisms to maintain community safety.

Education and effective messages are often considered an important component of change. However, another approach is to address the levels of trust in communities and faith in justice systems. For instance, it could be beneficial to also explore Nordic countries’ approaches to justice, given their context of economic security and higher levels of social and institutional trust, along with lower levels of fear and punitiveness (Lappi-seppälä, 2019).

Another implication of this research concerns the scope of the practice. It is important to maintain responses that match the level of risk. As such, the limited scope of the public disclosures, and the overall shift from issuing public disclosures for almost all people reaching WED, to a more limited scope appears to be a positive change, as described by the detectives working with those subject to disclosures. This is important to be mindful of when laws and practices regarding high-risk people are being developed or revised. The findings of the study suggest that the scope and public nature of public disclosures should remain narrow. Furthermore, it is critical to be mindful of the resources available to police and non-profit agencies. More disclosures likely necessitate more supervision. Such interventions can be problematic if it does not match the level of risk, or if it takes time and resources that could be better used elsewhere, with those presenting higher risk.

The notion that public disclosures could inform historical and undisclosed victims is important. Given that sexual offences are vastly underreported, this could be a crucial source of information for people victimized. However, this does not mean that the scope of public disclosures should revert to all people reaching WED or all people that have perpetrated a violent or sexual offence, considering RNR principles and limited resources. Furthermore, it would be difficult to empirically assess the success of informing these undisclosed parties, given the difficulties measuring the reach of public disclosures.

To conclude, like Lussier et al. (2010a), the findings indicate that public disclosures can pose challenges to re-entry. Peace bonds are invasive and impose conditions on people who are deemed to present a risk of harm, although they have not yet behaved in a manner warranting arrest or reconviction. As such, and as argued by participants, these orders and public disclosures should be used sparingly. Importantly, when these practices are utilized, it appears important that it be with agency support. It is not likely to be of use to anyone to issue a public disclosure, and release an individual with a long history of incarceration, and likely stigmatization and marginalization into a situation with no support, despite what might have been a horrendous crime that led to their involvement in the CJS. In Alberta, the current practice often includes support for individuals, and working in creative ways to achieve a successful re-entry. This means that a public disclosure does not have to be a defeat and an ultimate barrier to re-entry. The findings of this thesis suggest that when there is support via police and social agencies, successful re-entry can be achieved despite the challenges associated with public disclosure. To issue a public disclosure without support could be detrimental for the community and for the individual. Although a challenging endeavour, more research on the ability of public disclosure

to achieve goals outlined by police services in Alberta is important in providing an empirical basis for the maintenance of the practice.

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## Appendix

A1: Op-Ed published in Edmonton Journal on January 4, 2022

Opinion: Quick-fix laws following horrific crimes are seldom effective

[On September 17<sup>th</sup>, 2021](#), Mchale Busch, 24, and her son, Noah were tragically confirmed dead. [The accused](#), Robert Keith Major, 53, is facing two charges of first-degree murder and one count of indignity to human remains. In response, Cody McConnell, Busch's partner and Noah's father, and his family are calling for changes to Alberta's Personal Information Protection Act to allow a landlord the ability to ask for consent to collect personal information. This would allow tenants to know if there is a registered sex offender in their building. McConnell is advocating for the database to be publicly accessible and wants these changes in his son's name, thus "Noah's Law." This tragedy begs the question of what can be done so that as stated by [McConnell](#), "no one else [has] to experience the trauma and the violence that we now have to live with forever."

[Alberta MP](#) of Yellowhead, Gerald Soroka has been contacted by his constituents asking how he will respond. He is calling for changes to sex-offender laws, and plans to introduce a private member's bill to protect Canadians from convicted sex offenders.

The pattern of policy emerging from panic is not uncommon, but it is often ineffective. These tragic, rare cases incite fear and anger, and people mobilize to enact change. Prior [research](#) suggests media coverage of cases involving strangers killing children can contribute to the perception that all people who offended are bound to reoffend and are a danger to society, despite efforts to rehabilitate them. [Scholars](#) note once legislators become aware of the public's

outrage, they often adopt “knee-jerk” legislative responses to appear as though they are “[doing something.](#)”

However, policy makers should be cautious to avoid repeating past mistakes of adopting ineffective legislation. Laws that emerge from moral panics are an example of crime control theatre law. Prior to serious consideration, Noah’s Law should be examined to ensure it is not another example of crime control theatre.

There are four important aspects of [crime control theatre laws](#). The laws are developed amid moral panic, offer simplistic solutions that are unquestionably accepted, draw upon myths, and continue despite empirical evidence suggesting ineffectiveness. In relation to Noah’s Law, it emerged in response to moral panic, simplistic solutions have been offered such as the creation of a publicly accessible registry, and myths common to people who offended sexually seem to be prevalent, such as the myth that strangers are often perpetrators of violence. Related empirical research about rates of reoffending, and who perpetrates violence suggest Noah’s Law, as it currently has been proposed, could be yet another ineffective response.

[Research](#) on sex offender registration and community notifications concludes such policies have little, or no impact on tendency to reoffend. [A study](#) on registries and community notification, and reoffending among those who offended sexually found extremely low sexual reoffending, and general reoffending was largely unaffected. [Canadian victimization data](#) found that in cases involving sexual assault, most often, offenders were a friend, acquaintance or neighbour, and least often were a stranger. [Reports](#) of police-reported sexual assaults in Canada, between 2009

and 2014 found of sexual assaults where a charge was laid by police, 87% of victims knew their assailant, and 13% of sexual assaults were perpetrated by a stranger. [Relative to adults](#), children are at little risk of being sexually assaulted by a stranger, as they are most often perpetrated by a family member, or someone known to the child. Thus, [scholars](#) note that practices alerting the public of strangers' identification are flawed, and the findings that sex offender registration and notification policies have null effects should not be surprising.

Following [Soroka](#), to ensure that "we're doing everything we possibly can to make sure it never happens again," legislators should not opt for quick fixes to appear as though they are doing something. [Scholars](#) suggest policies should be designed to prevent violence, and will be most effective when informed by research regarding "patterns, recidivism, risk assessment, therapeutic interventions, and community management strategies." Therefore, caution should be taken when considering the current suggestions put forth in Noah's law, as to avoid the mistake of adopting an ineffective crime control theatre law as a quick fix.

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## A2: Information Letter and Consent Form

**Study Title:** In Whose Best Interest? A Qualitative Analysis of Criminal Justice Professionals' Perceptions of Community Notification and Reintegration of People Post-Incarceration

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Background

I invite you to participate in my research study. The findings of this research will be used in support of my Master's thesis. I would like to understand what criminal justice professionals think about community notifications. Your participation will help me understand how criminal justice professionals think community notification impacts the people who are listed on them, and how they impact the community. The risks to you are minimal, but the topics of sexual offences and community safety might be sensitive for you.

Before you make a decision about your participation, I will go over this form with you. I encourage you to ask questions if you feel anything needs to be made clearer. You will be given a copy of this form for your records.

Purpose

The purpose of this study is to develop an in-depth understanding of criminal justice professionals' perceptions of community notifications, and to discover factors that contribute to the continuation of the practice.

Study Procedures

This study will be a semi-structured interview that will be approximately 45 minutes to one hour. After the initial interview, you may be contacted for a follow-up interview lasting 45 minutes to one hour in duration. This interview is optional. The purpose of this follow-up interview is to clarify previous responses provided in the initial interview in order to develop a more in-depth understanding of those responses. Interviews can take place in person at a time and location that is convenient for you, or over zoom, a video communication service, at a time that is convenient for you. In person interviews will be audio recorded via a Sony ICDPX370 IC Voice Recorder. Interviews over zoom will be video and audio recorded on zoom. I will use a pre-written interview guide and may ask additional questions. The interview recordings will be uploaded and stored on my personal password protected laptop hard drive and backed up on my Canadian University of Alberta password protected student google drive account.

Benefits

There will not likely be any personal benefit from your participation in this study. I hope that the information I get from doing this study will help people who work within the criminal justice field better understand how people perceive community notifications.

Risk

There may be risks to participating in this study due to the sensitive nature of the topic. Risks include emotional reactions to the topic and interview questions. If the interview questions make you feel uncomfortable, you can refuse to answer a question but still complete the interview, or you may withdraw from the study entirely. You will also be provided with contact information for mental health support. There may be risks to being in this study that are not known. If I learn anything during the research that may affect your willingness to continue being in the study, I will tell you immediately.

Voluntary Participation

You are under no obligation to participate in this study. You are not obliged to answer any specific questions even if you are participating in the study. You may opt out of the study without penalty and can ask to have any collected data withdrawn from the data base and not included in the study, up to two weeks after the interview. Even if you agree to be in the study, you may change your mind at any time and may withdraw at any time. If you withdraw, I will not use the data I have collected.

Confidentiality & Anonymity

I intended to publish the findings in a scholarly journal and present the findings to interested Police Services, and at various conferences. You will not be personally identified in the project as I will use pseudonyms. Data will be kept confidential, and stored on my personal, password protected laptop's hard drive and backed up on my University of Alberta google drive account. I, the primary researcher, and my supervisor, Dr. Jana Grekul will be the only people with access to the data.

Contact Information

If you have any further questions regarding this study, please do not hesitate to contact Delphine Brown via email at [delphin1@ualberta.ca](mailto:delphin1@ualberta.ca). You may also contact Dr. Jana Grekul via email at [jgrekul@ualberta.ca](mailto:jgrekul@ualberta.ca)

The plan for this study has been reviewed by a Research Ethics Board at the University of Alberta (Pro00111070). If you have questions about your rights or how research should be conducted, you can call (780) 492-2615. This office is independent of the researchers.

Consent Statement

I have read this form and the research study has been explained to me. I have been given the opportunity to ask questions and my questions have been answered. If I have additional questions, I have been told whom to contact. I agree to participate in the research study described above and will receive a copy of this consent form. For interviews over zoom, verbal consent will be obtained at the beginning of the interview in lieu of a signed consent form.

\_\_\_\_\_  
Participant's Name (printed) and Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (printed) and Signature of Person Obtaining Consent

\_\_\_\_\_  
Date

### A3: Interview Guide

#### *Practical*

- 1) What do you think the goals or objectives of community notifications are? (goals are often reduced reoffending, enhanced community safety – protective measures, and assisting law enforcement in investigations)
  - a. Do you think the goals or objectives of community notifications are being met?
- 2) Outside of the goals/objectives of CN, are there any aspects of it you find value in?
- 3) Are there certain circumstances when you think a CN is warranted? What are they? Why these people/offences?
- 4) How do you think CN should be disseminated?

#### *Impacts*

- 5) How do you think community notification impacts the people listed on them?
  - a. Have you worked with someone who was subject to a notification? What was that like for them? For you?
  - b. Are you concerned about the possible collateral impacts of CN?
- 6) How do you think community notifications impact the community?
- 7) What does “community safety” mean to you?
  - a. Do you think the practice of community notification impacts community safety?
- 8) Sometimes the public protests when these notifications are released. What do you think about these responses?
  - a. Do you think these responses impact the person listed on the notification?
  - b. Do you think these responses impact the community?

#### *Theoretical*

- 9) Some empirical evidence suggests CN does not reduce sexual offending. Does that influence what you think about CN? How so? Why or why not?
- 10) Some empirical evidence suggests the consequences associated with CN (like job loss, loss of housing, vigilante justice, harassment etc..) are associated with reoffending. Does that influence what you think about CN? Do you support use of CN? How so? Why or why not?
- 11) Some scholars make the argument that CN are important as they make people safer, even if they don't actually reduce recidivism or enhance community safety. Do you think CN are still valuable if they make people feel safer, but do not actually enhance safety?
- 12) If empirical research suggests CN does not have an impact on reoffending most of the time, but there are a few examples where registries and community notifications have been useful in reducing crimes or assisting in law enforcement investigations, does that influence what you think about registries/CN?
- 13) Does the potential for public safety created by knowing about someone's release into the community outweigh the potential for any collateral harm that CN may encourage?

#### *Personal/Organization Stance*

- 14) What do you personally think about issuing community notifications?
- 15) Does (non-profit organization you work for) have a stance towards issuing community notifications? What is it?
- 16) Do these practices do more harm than good?

*Future*

- 17) Do you foresee any changes to CN practices in the future?
- 18) If you were given the opportunity to change anything about CN what would it be?