

Banishment of Sexual Offenders: Socio-Spatial Control in the National Capital of Canada

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Abstract/Abstrait

There has been an upward trend of advocacy for harsher restrictions akin the United States for individuals who have sexually offended when they are released in the community after incarceration in Canada. While the consequences of these restrictions have been vastly documented in an American context, the “cautious” approach taken by Canada has not provided many answers about the socio-spatial exclusion of individuals convicted of sexual offences. While banishment has rarely been used by the Canadian jurisprudence, this research attempts to uncover how banishment is covered under restrictive mechanisms of control for sexual offenders in the community. Based on previous research findings, the concept of space and carceral expansion is at the basis of this framework to study banishment. These concepts build onto one another to create a foundation of banishment that encompasses both social and spatial processes. Using a mixed qualitative methodology involving the analysis of ATIP documents, cartography, and semi-structured interviews, the findings and analytical observations dismiss the previous claim of Canada’s relatively less punitive approach to sexual offender management in the community. Rather, the thesis concludes that the socio-spatial restrictions imposed on individuals who have committed sexual offences do lead to banishment, which has considerable implications for the re-entry of these individuals into the community.

On observe une tendance croissante à plaider en faveur de restrictions plus sévères qui s'apparentent à celles appliquées aux États-Unis, pour les personnes ayant commis des infractions à caractère sexuel lorsqu'elles sont libérées dans la communauté au Canada. Bien que les conséquences de ces restrictions aient été largement documentées dans le contexte américain, l'approche « prudente » adoptée par le Canada n'a pas fourni beaucoup de réponses quant à l'exclusion socio-spatiale des personnes reconnues coupables d'infractions à caractère sexuel. Tandis que le bannissement a été utilisé rarement par la jurisprudence canadienne, cette recherche tente de souligner comment le bannissement est couvert par des mécanismes restrictifs de contrôle pour les délinquants sexuels dans la communauté. Basé sur des recherches antérieures, le concept d'espace et d'expansion carcérale est à la base de ce cadre d'étude du bannissement. Chacun de ces concepts permet de créer un cadre de bannissement qui englobe les processus sociaux et spatiaux. Utilisant une méthodologie qualitative mixte comprenant l'analyse de documents de l'AIPRP, une cartographie et des entretiens, les résultats et les observations analytiques réfutent les affirmations antérieures selon lesquelles le Canada adopterait une approche relativement moins punitive par rapport à la gestion des délinquants sexuels dans la communauté.

Keywords: Sexual Offenders, Banishment, Spatial Governance, Spatial Identity, Risk, Punishment

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Introduction Chapter

In 2023, the conservative party of Canada proposed Bill C-336, also known as Noah's Law, to "increase monitoring of registered sexual offenders and shorten the time period during which they have to report a change of address" (Zimonjic, June 6th, 2023). This came after the gruesome murder of a toddler named Noah McConnell and his mother, Mchale Busch, by a convicted sexual offender who had been their neighbour (Zimonjic, June 6th, 2023). These sorts of headlines do create a sense of frustration with the inability to prevent sexual crimes, and pessimism about the possible reintegration of sexual offenders within our communities (Mustaine, 2014). Because of the heinous nature of sexual crimes, policies have been adapted to address the worries of the communities (Zgoba, 2011). Historically, women and children have been considerably at risk of sexual harm, and initiatives have now started to securitize spaces in which they may be subject to these violations (Agan, 2011). While the United States has taken a different approach to address these concerns, there has been a gradual expansion of the criminal justice system into the confines of the communities to control and manage sexual offenders in Canada as well. Indeed, there has been a growing campaign towards adopting American-style laws to manage sexual offenders in the community after various publicized cases of sexual abuse (Lussier & Mathesius, 2019; Petrunik, 2003). Society operates on common-sense logic, and the belief that the harshness of the sanction serves to curb the crime rate is faulty (Budd & Mancini, 2017). Since the introduction of the Sexual Offender Information Registration Act (SOIRA) in 2004, several amendments have been made to tighten the restrictions or make them more comprehensive of various sexual behaviours (Benedet, 2012; Humphrey & Van Brunschot, 2015). These amendments have not been without consequences, as multiple challenges have been identified by literature concerning the reintegration of sexual offenders in our communities (i.e. Hannem & Petrunik, 2007; Lussier, Dahabieh, Deslauriers-Varin & Thomson, 2010; Lussier & Frechette, 2022). The literature has been mitigated on how to navigate the conflict between proper community reintegration and community safety (Mustaine, 2014). However, few research studies have analyzed the implications of spatial restrictions as they relate to these challenges in the Canadian context. The city of Ottawa appears appealing to study these restrictions as it is the National Capital, and it is a meaningful space in the socio-political sense. Since Soja (2010) explained that social phenomena cannot be analyzed without analyzing the spaces onto which

these phenomena occur, the research must incorporate spatial elements. Therefore, I hypothesize that the socio-spatial restrictions lead to banishment in a Canadian context.

This research attempts to study banishment because of socio-spatial restrictions imposed on sexual offenders in Canada. This research interest stems from insights from Beckett & Herbert (2010ab) and Story (2019), who have demonstrated that urban design and policies are actively trying to displace individuals who are deemed “undesirable”. I borrow from Beckett & Herbert (2010a)’s analysis of desirability in public spaces. I hypothesize that banishment results from the accumulation of the negative consequences of these restrictions that regulate all aspects of the lives of sexual offenders. In fact, it is believed these social restrictions have spatial aspects that can considerably shift the ways that cities are now being experienced by individuals identified as sexual offenders.

In the literature review (Chapter I), I argue that there is a gap between what the restrictions are meant to do and the practical implications of these restrictions. I outline legislation from the United States and Canada to provide a basis against the adoption of American-style laws regarding the management of sexual offenders. I present the dominant model of management that exists within a crime control context. The critiques of these managerial approaches are discussed. Furthermore, I review the literature on the banishment of other “undesirable” groups, and I identify the gap for the population of interest in this study.

In the conceptual framework chapter (Chapter II), I conceptualize space and carceral expansion. I justify my choice of these two concepts by arguing that both social and spatial processes must be analyzed to answer the research question. While the status of sexual offenders explains their rejection from society, the conceptualization of space will serve as a tool to analyze the practical spatial implications of those restrictions. This conceptualization borrows from the writings of Cohen (1979) and Soja (2010), which detail the social elements of spatial exclusion. The conceptualization of carceral expansion serves as a tool to analyze the carceral apparatus in the communities through the management of sexual offenders. It is also inspired by Cohen (1979), who wrote on the spatial boundaries between the prison and the city.

In the methodology chapter (Chapter III), I discuss my methodological approach to studying the research question as well as the various (reflexivity, ontological, epistemological, and ethical) considerations that may impact my research findings. In that chapter, I discuss my

choice of method and justify it using the literature. I employed a mixed method approach that consisted of an analysis of Access to Information and Privacy (ATIP) files concerning the restrictions imposed on sexual offenders, a cartography mapping these restrictions, and semi-structured interviews with frontline workers who are heavily involved in the reintegration of sexual offenders. I also discuss the challenges I have encountered during my research process.

In the cartography chapter (Chapter IV), I highlight my research findings using cartography. I provide images of the city of Ottawa with restricted zones based on the information collected through the ATIP requests and the interviews. I present the various spatial consequences of the restrictions and discuss their overall impact on access in the city. I conclude the chapter by discussing the ambiguity of the law and its creation of “grey spaces” in the city of Ottawa.

In the discussion (Chapter V), I discuss the issue of banishment using the concepts framed earlier. Mixing insights from ATIP documents, cartography, and interviews, I review the process. First, I discuss the method of identifying the “undesirable group”. Secondly, I discuss the implications of imposing social restrictions on space. This same section also highlights the hurdles of spatial reintegration. Thirdly, I discuss the reproduction of social barriers in space. Finally, I discuss spaces of representation and their effects on the banishment of sexual offenders. In the concluding part of this section, I discuss the expansion of penal logic into the community.

In the final chapter (Chapter VI), I discuss the contributions of my research to the literature as well as the practical implications of the reintegration of sexual offenders in a Canadian context. I also highlight the limitations of my research and areas that were not discussed but are deemed important. I end with concluding remarks on the study and propose directions for future research.

Chapter 1: Literature Review

Introduction

While there might be some insights from American literature on the socio-spatial restrictions impacting the lives of sexual offenders in the community, banishment, as a social phenomenon, has not been extensively studied in a Canadian context for the sexual offender population. With recent mediatized cases of sexual abuse, there have been demands for more restrictive measures to control sexual offenders in the community (Lussier & Mathesius, 2019; Petrunik, 2003). However, given the limited literature on the socio-spatial restrictions in a Canadian context, this literature review will explore the different approaches to sexual offender management to sexual approaches in the United States and in Canada. It will pay particular attention to the containment/community management model and discuss the consequences of such restrictions on the reintegration of sexual offenders. It will demonstrate the culture of control in the community management model that perpetuates the experiences of punishment for individuals who have been convicted of sexual offences, which will be evident in the discussion of the effects of these restrictions. Through this, the review aims to showcase that banishment has been a direct consequence of sex offender management that has taken many covert forms to exclude sexual offenders.

The first section (Section I) of this literature review will focus on the dominant model of sexual offender management by highlighting the different approaches of the United States and Canada. This section will also discuss the myths regarding sexual abuse in the communities and their links to the current managerial model. The second section (Section II) discusses the focus on risk present in the legislation that will be discussed in Section II. It will demonstrate that crime control stems from ideas embedded in neoliberalism, which, in turn, affects the approach taken to manage sexual offenders in the community. This section is meant to introduce theoretical concepts to the management of sexual offenders and their links to banishment. The third section (Section III) will focus on the impacts of sexual offender restrictions. This section will also address the criticisms of the sexual offender restrictions. Finally, the fourth section (Section IV) will focus on the various manifestations of banishment as a punishment and a tool of social control for criminalized individuals (i.e. sex workers and the homeless population).

1.1. Overview of the Community Management Model

Story (2019: 140) defines community as “both an ideological strategy of legitimation and geographic site for action”. The “communities” are where carceral initiatives operate to “exercise, reproduce, and transform carceral power” (Story, 2019: 140). These new elements of crime prevention and carceral regulation have also given rise to the “residential defence” paradigm, which entails surveillance strategies to constrain criminal behaviours in social spaces (Hughes, 1998). An emphasis on crime prevention characterizes this method of management through incapacitation mechanisms aimed at regulating sexual offenders who are released in the community (English, Heil & Veerder, 2016). The shift towards community management came about after various instances of publicized child sexual abuse by already convicted perpetrators (Petrunik, 2003). The population in the United States and Canada felt as though the criminal justice system did not adequately manage sexual offenders in the community once released (English et al., 2016). Thus, various legislations have emerged following these cases, as the need for safety became increasingly important to communities. The sex offender restrictions have been described as community justice initiatives meant to “empower” community members to be able to protect themselves against sexual offenders that are released in the community (Presser & Gunnisen, 1999).

1.1.1. United States

In the United States, there has been an upward trend in the use of more invasive and restrictive monitoring techniques for sexual offenders. After the abduction and disappearance of Jacob Wetterling in the late 1980s, the sex offender registry was introduced under the *Jacob Wetterling Crimes Against Children and Sexually Offender Register Act*. After the murder of Megan Kanka in New Jersey, community notifications (i.e. *Megan’s Law*) were introduced to alert the community when a sexual offender establishes residence nearby (Levenson & D’Amora, 2007). The *Adam Walsh Act*¹ (AWA), also known as the Adam Walsh Child Protection and Safety Act, signed in 2006, replaced the old obligations under the Jacob Wetterling Act by reclassifying sexual offenders according to the offence they have committed, the type of victim, as well as standardizing the requirements for a public sexual offender registry (Harris & Lurigio, 2010;

¹ Named after six-year-old Adam Walsh who was lured and abducted by multiple perpetrators in a shopping mall in Florida (Salari, 2024). This event also triggered the establishment the National Center for Missing and Exploited Children (NCMEC) lobbied by Adam’s father, John Walsh (Salari, 2024).

Sellers & Fraysier, 2018; Zgoba et al., 2016ab). Finally, after another case of sexual abuse, the Florida legislature has made it compulsory for individuals who have offended against children to be subject to Lifetime Electronic Monitoring/ GPS monitoring under *Jessica's Law* (Nellis, 2012; Payne & DeMichele, 2011). Despite the perceived benefits of these amendments, many flaws and controversies have been brought up by the literature (Dulisse & Travers, 2018; Tewksbury & Lees, 2006). Levenson and Cotter (2005a) have reported that parts of the information available on public registries are incorrect, which undermines the ability of the registry to be an effective crime prevention tool. The dissemination of information on the registry has led to various legal challenges, stating breaches of privacy as well as the stigmatization of the individuals appearing on those registries (Dulisse & Travers, 2018: 548). Similarly, Dulisse & Travers (2018) state that the overarching reach of these acts and amendments may ostracize individuals who have been deemed that they are not to be threats to the public. Finally, Mann et al. (2021) proposed that these risk management practices are only encouraging compliance in the short term and that desistance is impacted in the long term. That is because, according to Mann et al. (2021), these social control practices impact the rehabilitative prospects of individuals by controlling virtually all aspects of their social lives. In other words, the registry becomes a punishment covered under the public safety blanket, which demonstrates a disconnect between what it is supposed to do and what it is doing.

1.1.2. Canada

Contrary to the United States, Canada has taken a milder approach to sex offenders to risk management. However, Dahabieh (2008), Petrunik (2002, 2003), Lussier and Mathesius (2019) and Hennen and Petrunik (2007) have stated that special protective community initiatives have been proposed for High-Risk Sexual Offenders in Canada. Canada has two sexual offender registries: Provincial Sex Offender Registries (for Ontario, British Columbia, Saskatchewan, and Alberta) and the National Sex Offender Registry (John Howard Society of Alberta, 2001a; Murphy, Fedoroff & Martineau, 2009). Like the United States and the Jacob Wetterling case, the first Canadian sexual offender registry was established in 2004 after the abduction and murder of Christopher Stephenson by a parolee who had already been convicted of other sexual crimes (Murphy et al., 2009). The second registry was also introduced in 2004 after the federal government had reviewed the best practices for a national sex offender registry (Murphy et al.,

2009). Additionally, Canada has developed the “Dangerous Offender²” (DO) and “Long-Term Offender³” (LTO) designations, which are improved methods of managing and regulating sexual offenders in the community (Criminal Code, 1985; Dahabieh, 2008; Knack, Blais & Fedoroff, 2021). With judicial discretion, judges can give these designations to individuals upon conviction (Dahabieh, 2008). These designations have been described as “preventative” rather than “punitive” by the Federal government (Parole Board of Canada, 2020). In the case of sexual offenders, the LTO designation is reserved for those who have a high risk of recidivism and whose warrant expiry date is coming to term (Dahabieh, 2008). While the DO designation is the one that entails the most restrictions, oftentimes, the LTO designation is given to individuals who have not received the DO designation (Dahabieh, 2008). That is because these individuals have not been assessed to be as much of a risk that would compel a DO designation (Cook, Dvorakova, Storey, Guy, & Bailey, 2020). Finally, while Canada demonstrates what some would qualify as “restraint”, scholars have argued that there is a culture of protectionism that stems from the moral panic arising from mediatized sexual crimes (Doob & Webster, 2006; Lussier & Mathesius, 2019; Petrunik, 2003).

Contrary to the United States, Canada has “controlled disclosure,” which means that the criminal justice agencies oversee the disclosure of relevant information to the public (Thompson & Thomas, 2017). Some Canadian provinces (i.e. Alberta, Saskatchewan, Manitoba and British Columbia) have already started to release personal information by notifying the public when offenders with a high risk of recidivism (oftentimes Dangerous Offenders) are released in the community following American-style disclosure procedures (Dahabieh, 2008; Lussier &

² In Canada, the designation of Dangerous Offender (DO) is referred to as “a mechanism that allows dangerous convicted offenders to be removed from society for an indeterminate period” (Harris, 2001). This designation is based on the high risk of “future offending” (Blais & Bonta, 2015). These designations are predominantly given to violent sexual offenders. For one to be designated as a DO, a judge must ascertain that the individual will not successfully be managed in the community or that their likelihood of committing an offence has been determined to be too high (Blais & Bonta, 2015). While given at conviction, offenders with a DO status are not granted parole (must complete sentence to WED) before 7 years and must be monitored for life (Corabian et al., 2024). While the rates of violent crime have been decreasing in the last few decades, the amount of individual who have been designated as a “dangerous offender” has been increasing from 2015 to 2020 (Parole Board of Canada, 2020). More offenders are now purging more indeterminate sentences because of the DO designation. Some are accrediting the declining crime rates to the practice of monitoring high-risk offenders in the community.

³ Long term supervision orders (LTSO) are given to offenders who had been convicted of an offence punishable by minimum two year and pose “substantial risk” of reoffending (Parole Board of Canada, 2019). These orders are meant to control and alleviate the risk of recidivism in the community (Parole Board of Canada, 2019) and it has been said to improve community supervision (Corabian et al., 2024).

Mathesius, 2019; Petrunik, 2003). After Sarah Dawn Kelly had been murdered by Robert Bliss Arthurson in Manitoba, demands for more “greater accountability” from the criminal justice system, notifying the public when Dangerous Offenders are released in the community, were increasing (Cooper & Lewis, 1997). To respond to the demands of the community, many actors of the criminal justice system composed the *Community Notification Advisory Committee*, making decisions on whether to notify the public when dangerous sexual offenders are released in the community (Cooper & Lewis, 1997; Dahabieh, 2008). For example, in Nova Scotia, Halifax Regional Police released a statement to the community when high-risk sexual offender Gerald Edmund Pike had to be released near the end of his sentence (Rhodes, 2024). Cooper and Lewis (1997) explain that new legislation, at the provincial and federal levels, has been developed for disclosure and notification protocols. For example, the province of Ontario has the *Community Safety and Policing Act* (CSPA, 2019), for which disclosure is used to “keep the public informed of the law enforcement, judicial or correctional processes respecting any individual”. Despite the approach taken by Canadian authorities, many have advocated for total transparency from the criminal justice system (Lussier & Mathesius, 2019). With this, many do not make the distinction between offenders and their levels of risk. For offenders who represent a high risk of reoffending and are coming to their warrant expiry date (WED), there is also a committee in British Columbia (*High Risk Recognizance Advisory Committee* or HRRAC) deciding on whether the offender should be under a section 810 order for further supervision after release (Dahabieh, 2008; Government of British Columbia, 2021). This committee is led by British Columbia Corrections with members of Correctional Services Canada, the RCMP, the Vancouver Police Department, the Victim Safety Unit and more (Government of British Columbia, 2021). Despite demonstrating restraint, some parts of Canada are trending towards more restrictive measures for individuals who have committed crimes of a sexual nature (Lussier & Mathesius, 2019), which is contrary to the past skepticism about employing these methods (Petrunik, 2003). While there is no disclosure enterprise by the federal government, there are organizations (i.e. Local police services) that have attempted to imitate the public registries of the United States by publishing personal information on convicted offenders on their website (Lussier & Mathesius, 2017), and there is also the role of media in publicizing the names of perpetrators during criminal proceedings. However, the literature argues that the publicization of the sexual offender registry, in Canada, would not yield the desired effect (i.e. reducing re-

offending) as demonstrated by the research done in the United States (Levenson & D’Amora, 2007; Lussier & Mathesius, 2019; Hanson et al., 2018; Zgoba et al., 2018). Rather, the John Howard Society of Alberta (2001) proposes that it would rather provide community members with a false sense of security over the presence of sexual offenders in the community, which could be detrimental to their reintegration.

In addition to these orders, courts may decide to give a recognizance order, under section 810 of the Criminal Code, to “manage persons of concern who have committed sexual offences upon completion of their sentence” (Corabian et al., 2024; Luissier et al., 2014). While section 810.2 focuses specifically on sexual offences against persons of less than 14 years of age, section 810.1 orders generally apply to individuals who pose a risk of harm (i.e. serious personal injury offence⁴) to any other persons (Luissier et al., 2014). Most of the offenders who have been given a section 810 order are repeat offenders who have sexually abused children (Dahabieh, 2008). Like the DO and LTO designations, a breach of conditions imposed by a section 810 recognizance order is considered a criminal offence under section 811 of the Criminal Code and is subject to punishment (Criminal Code, 1986; Luissier et al., 2014). These orders are also extended to legally innocent persons who have not committed any offences but are deemed at “high risk” to do so (Humphrey & Van Brunschot, 2015). Under a section 810 order, individuals are usually subject to conditions such as bans or prohibitions related to their risk (Humphrey & Van Brunschot, 2015). In some cases, electronic monitoring using GPS technology has been used to control these individuals in the community (Humphrey & Van Brunschot, 2015). While the literature on GPS tracking for individuals under a peace bond has not been exhaustive in Canada, the insights from Payne & DeMichele (2011) highlight the gradual expansion of the criminal justice system into the confines of everyday life. This is a mechanism that allows the criminal justice system to restrict the agency of someone they deem to be a risk if it benefits public safety.

⁴ Under the Criminal Code (1985), a serious personal injury offence is “an indictable offence, other than high treason, treason, first degree murder or second-degree murder, involving (i) the use or attempted use of violence against another person, or (ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person”. A serious personal injury offence is an offence “for which the offender may be sentenced to imprisonment for ten years or more, or (b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault). (*sérvices graves à la personne*)” (S.752 of the Criminal Code).

1.1.3. Rape Myths in Risk Management

To conclude, these risk management methods exacerbate some myths concerning sexual offences. For example, the public registry does not challenge the fact that sexual victimization is most likely perpetrated by someone known to the victim, nor does it challenge the rape myths (Agan, 2011; Craun & Theriot, 2009). The primary assumption made with this legislation is that sexual assault is often perpetrated by a stranger, which appears to be a common misconception (Mogavero & Kennedy, 2017). This assumption is refuted by Duwe et al. (2008)'s study, demonstrating that most of the sample of sexual offenders recruited for the study had committed sexual offences against individuals with whom they were acquainted or related to. Zgoba et al. (2009)'s study yields similar results, showing that 76% of a sample of 211 sex offenders were acquaintances of the victim. Therefore, this assumption tends to disregard that most sexual violations are perpetrated by someone known to the victim, especially family members in the case of child sexual abuse (Mogavero & Kennedy, 2017). To that end, Duwe et al. (2008) concluded that the real risk is social proximity (i.e. family ties) and not residential proximity. Furthermore, McAlinden (2006b) argues that these misconceptions about child sexual abuse might lead to more harm because they ignore various realities about sexual abuse in the communities, which seems to emphasize "stranger danger". While the literature demonstrates that stranger sexual assault is not the norm, the legislations are based on that assumption. According to crime control rhetoric, by creating a distance between offenders and their preferred victims, victimization can be controlled (Levenson & Vicencio, 2016: 57). This is especially concerning with the second initiative presented by the criminal justice system, which is community notifications under Megan's Law. An amendment was made to the *Jacob Wetterling Act* after Megan Kanka was raped and killed by a sexual offender who had been convicted for other crimes of a sexual nature and was living in proximity unbeknownst to the Kankas (Levenson & Cotter, 2005a). This amendment has received support for communities as it was proposed that sexual offenders would be deterred from engaging in sexual offences as there would be increased awareness of their presence in the community (Levenson & Cotter, 2005a; Levenson & Vicencio, 2016: 52). While some offenders have mentioned the positive consequences of such initiatives (i.e. being aware of own risk and triggers) (Mann et al., 2021), what has been said about community notification is that it may inflate the actual (if any) danger of the presence of registered sexual offenders in the community (Hanson et al., 2018; Zgoba et

al., 2018). Community notification has been said to increase the fears of victimization in community members (Beck & Travis, 2004).

The main drawback of the community management model is that it is situational crime prevention, and it is not concerned with all the structural factors that may have an impact on sexual crimes in the community (Hughes, 1998). The pessimism of sex offender rehabilitation is omnipresent in most of the restrictions that have been discussed thus far. These restrictions support the idea that sex offenders are not redeemable, and thus, subject them to invasive monitoring and control by the government (Simon, 1998).

1.2. Risk Society & Securitization

1.2.1. Risk Society

The common thread among the legislations presented earlier is that mitigating risk is the primary concern of sexual offender management. However, we begin to be critical of how the fears and concerns are addressed by the legislation. As the literature has demonstrated, there has been a culture of risk aversion rooted in punitiveness provoked by a skepticism of rehabilitating individuals who have committed sexual offences into law-abiding citizens (Laws, 2016). The imposition of these restrictions may be understood to categorize individuals as those who require additional monitoring from the state because of their status as “sexual offenders”.

Risk as an Identity

In the broader criminological lens, risk can refer to the uncertainty or likelihood of possible harms (O'Malley, 2006). Risk, now, becomes the main determinant by which society organizes itself, as proposed by Beck (1992). In other words, the “risky” labels are attributed to certain individuals, and they promote a social order wherein the “risky” individuals are to be monitored and controlled by the state (O'Malley, 2006). In line with Ulrich Beck's (1992) *Risk Society: Towards a New Modernity*, the hegemony of the risk discourse is simply a symptom of a shift towards the newest form of modernity, which emphasizes the need for social control as presented by the legislation on sexual offender management. The common interest of crime control and “risk” is that deviance must be managed to maintain an appropriate level of social cohesion. This assumes that deviance can be controlled by policies (Hughes, 1998: 19). However, it entails that risk dichotomizes individuals as those in need of protection and those who need to be protected from. That gives rise to a process of identification that is particularly

relevant when discussing a social identity within the social order. In this present case, sexual offenders are deemed to be a clear departure from the rest of society based on the offences they have committed (Simon, 1998). The creation of the “other” creates our identity (Jenkins, 2014). For example, the law-abiding citizen is not law-abiding if the criminal is not properly defined. A creation of an “us” requires the creation of a “them” (Jenkins, 2014). Public condemnation of sexual offences could be understood as the result of the “collective” agreement embedded in “collective” identity (or the “us”). Risk is identified through the perceived dangerousness of the individual. Therefore, the label of “sex offenders” allows for the classification of individuals based on their levels of risk. This legitimizes the building block of a collective identity that condemns harmful sexual behaviours and organizes society according to that stratification.

The process by which one is identified and categorized is based on the common characteristics of that membership (Jenkins 2014). In the case of sexual offenders, they are placed in the same category by virtue of being viewed as a homogenous group and, thus, their risks are believed to be the same (Burchfield & Mingus, 2008; Dahabieh, 2008; Leon & Kilmer, 2023). Jenkins (2014) refers to that phenomenon as the “collective identification”. By identifying the sex offender as the objectification of risk, the objective becomes about the ability to predict their behaviour because they are considered a threat to the collective identity (Jenkins, 2014). Nonetheless, the processes of identification and categorization are mechanisms of control of the modern state to mitigate the risk (Jenkins, 2014). It is also a process to reinforce the collective norm as well as delineate the parameters of what is acceptable with membership in the “collective” identity. These “other” identities are made of what is real (i.e. sexual offending) and what is perceived to be real (i.e. stereotypes on sexual offending) (Werth, 2023). Specifically, the literature highlighted that there is more risk associated with the things that we do not know compared to the things that we do know (Werth, 2023). Since risk is based on the likelihood and not necessarily certainty, the pessimistic approach may be justified to manage sexual offenders in the community. However, this approach also makes the sexual offences the individual’s sole identifier as a result.

For sexual offenders, they cannot be perceived outside of the perceived risk that they pose to others. For Simon (1998: 456), targeting these risks through the restrictions, “represents a shift toward the new penology combined with a strong appeal to populist punitiveness”. The

status that sexual offenders hold within society enforces their dehumanization and rejection from society. The “sexual offender” and their “risk” are perceived to be a deviation from the norm and principles of morality (Simon, 1998). As such, their humanhood is disregarded as it is no longer their determinant within society. Simon (1998) states that these visceral reactions to sexual offences encourage the subhuman treatment of sexual offenders. It is even justified because of the offence that has led them to be identified as sexual offenders (Schopp, 2003). The management of risk, in relation to sexual offenders, has taken the approach of exclusion based on that perceived risk. It engages in a metaphor that pathologizes sexual offenders as “diseases” to the rest of society. To eliminate the “disease”, it needs to remain away from the healthy tissues. Sexual offenders are perceived in the same way as they are perceived as being inherently different from the rest of society (Simon, 1998). Per their difference, cohabitating with the rest of society is perceived as dysfunctional and less encouraged (Zgoba, 2011). For other scholars, the emphasis on punishing sexual offenders is linked to penal populism. It serves to identify the social phenomena which will be targeted by political figures. Since the 1980s, sexual violence has increasingly become a concern which has been manipulated to fit certain political agendas (O’Malley, 2006).

One limitation of Beck’s theory is that it assumes that risk is objective, while it could be argued that risk is politically and culturally delineated (Cooper, 2008; Elliott, 2002). In other words, as a condition of contemporary society (Lupton, 2006: 12), risk society fails to consider its subjective and cultural elements, which are critical in the construction of risk. It is especially relevant if a distinction is to be drawn between the United States and Canada, which have both had drastically different ways to respond to risk regarding sexual offenders. It has been highlighted by the literature that Canada has taken a less Draconian approach compared to the United States (Lussier & Mathesius, 2019; Meyer & O’Malley, 2005; Petrunik, 2003; Pratt, 2006). To be precise, a potential risk in Canada differs from a potential risk in the United States. Nonetheless, the choice to discuss the American influence is based on the push towards more punitive measures in Canada, akin to those in the United States (Petrunik, 2003).

1.2.2. Securitization

Floyd (2019: 207) states that “securitization is understood [...] as a special form of politics, one whereby issues gain top priority and are addressed using exceptional measures”.

Regarding the socio-spatial restrictions imposed on sexual offenders, securitization highlights how processes of monitoring are justified to promote social order. Through studying the rationales for these restrictions, Public Safety Canada (2021) often cites safety concerns within the communities. Securitization refers to the process of identifying a threat and mitigating the consequences of that threat (Nauman, 2021). An object is securitized when it is no longer vulnerable to the threat or is not impacted by its consequences if the threat is to occur (Nauman, 2021). In relation to sexual offenders, it refers to all the techniques employed by the criminal justice system to ensure that they do not pose a threat to the community. As reviewed earlier, these securitization techniques take various forms. For example, residency restrictions are conceptualized as a method of spatial securitization meant to create distance between offenders and potential victims (i.e. Walker et al., 2001). In this sense, securitization enunciates what the threat is (recidivism), who is threatened (the “us” or society) and who is the threat (the “them” or sexual offenders) (Nauman, 2021). Sexual offenders, according to the rationales, represent an undesirable category of offenders, and society needs to be protected from them (Petrunik, 2003). The concerns with the process of securitization are to identify the risks that could threaten social order by exercising coercive control over those who pose a substantial risk (Schuilenburg, 2015). Therefore, the use of registries and community notifications for sexual offenders may be seen as securitization techniques rooted in risk since they represent methods of management. The emergence of new punitive measures is a by-product of the neoliberal shift that has accounted for the expansion of carceral power in the public sphere (O’Malley, 2006). Sex offenders are particularly impacted by the neoliberal shift since they represent a class of offenders whose moral panics have given rise to laws such as *Megan’s Law* (Hughes, 1998; O’Malley, 2006). The demonization of sex offenders has legitimized the use of increased (invasive) surveillance of communities (Budd & Mancini, 2017; Laws, 2016).

The new methods of management grounded in social control are the product of the neoliberal shift from the welfare state that expands penal power beyond its boundaries (Gonzalez-Sanchez, 2024). Instead, a focus on individualization took precedence and explains the wave of concerns about the freedom of sexual offenders. On this, Nackerud (2020) asserts that neoliberalist thinking has woven itself into the core of systems that were previously aimed to serve the common interest. Therefore, in terms of security, which was perceived as a common responsibility, it has become an individualized and privatized practice. As neoliberalism is

anchored in capitalism, the growing industry behind punishment has become the element of critique for the mass incarceration problem in the United States (Alexander, 2020; Story, 2019). More recently, this is a concern about the other (in)formal ways that punishment is imposed on individuals who are released into the communities (Nackerud, 2020). Neoliberalism's focus on individualization rather than the collective good informs the "security practices" revolving around the reintegration of sexual offenders in the community. While Canada is distinctive from the United States in terms of punitiveness (Lussier & Mathesius, 2019; Meyer & O'Malley, 2005), the argument remains that there are plenty of informal and formal social control mechanisms that affect the lives of individuals who have been convicted of sexual offences. While neoliberalism is deemed to be the protector of capitalist thinking, sexual offenders represent a class of offenders most disfranchised and alienated by the lack of social justice principles that may serve as remedies to realities faced by sexual offenders (Laws, 2016). Previous authors have highlighted that the approach taken to regulate sexual offenders in the community stems from the fact that collective well-being is no longer a goal sought by the state and all aspects of social life are regulated by a profit-making ideology (Caplan & Ricciardelli, 2016).

1.3. Effects of Socio-Spatial Restrictions

The literature has noted that formerly incarcerated/convicted individual has a plethora of challenges upon release (Dubois & Ouellet, 2020). This is true in both the American and Canadian contexts. In the American context, Alexander (2020) explains that persons acquire a "second-class citizenship" when one is labelled a "felon", a "convict" or any other term referring to a stay in the penitentiary. According to Alexander (2020) and Brown (2004), there is a process of legitimate (or legal) discrimination in which individuals are barred from applying to the public housing domain, governmental aid such as Food Stamps or welfare, or applying for certain employment opportunities that require a clean criminal record. Although Alexander (2020) speaks more generally of individuals convicted of various offences, a link can be drawn back to the ways that opportunities of individuals convicted of sexual offences are limited because of the restrictions and conditions imposed on them upon release. For example, in Canada, an Order of Prohibition (under s. 161 of the Criminal Code) can be given to individuals who have committed sexual offences. Subsection B of Section 161 of the Criminal Code states that the Order prohibits the person from "seeking, obtaining, or continuing any employment, whether or not the

employment is remunerated or becoming or being a volunteer in a capacity that involves being in a position of trust or authority towards persons under the age of 16 years” (Criminal Code, 1985). In addition to these, some individuals can receive further restrictions if it is deemed necessary. If part of the offence had components that pose a risk for rehabilitation, these prohibitions are meant to control them. These prohibitions further incapacitate individuals from getting employment from an already saturated labour market. That leads further into housing instability, followed by other social impacts that may taint one’s re-entry into the community. This section of the literature review examines the various impacts of sex offender restrictions identified by the American literature, which could highlight understudied consequences of the socio-spatial restrictions in a Canadian context.

1.3.1. Dissemination of Information

This dissemination of information leads to a culture of community control. Alexander (2020) posits that the label creates an exclusionary effect and promotes shame within the population of individuals who have been deemed “felons,” which could lead to a form of social banishment. Burchfield and Mingus (2008) propose that this community control incapacitates sexual offenders from gaining social capital, which, in turn, can create isolation in the communities. In communities where there is rich social capital, the community bonds are tighter, which might lead to the ostracization of sexual offenders (Burchfield & Mingus, 2008). Comparatively, in communities where social capital is lower, sexual offenders might experience less social exclusion. What is proposed is that the culture of “shaming” sexual offenders by means of public sex offender registries and community notifications has led communities to banish sex offenders both socially and spatially. Community members might be prompted to prepare flyers highlighting the presence of sex offenders in the community, which promotes ostracism and isolation (Burchfield & Mingus, 2008). Residents are now the ones engaging in surveillance, replacing the traditional guards of the penitentiary in the community (Burchfield & Mingus, 2008; Story, 2019). This has also led to the community control of the families of registered sexual offenders by way of association (Leon & Kilmer, 2023). The policies about sex offender management have been said to create unintended consequences for family members; however, Leon and Kilmer (2023) argue that those policies and legislations are targeted and doing exactly what they were meant to do. Relative to the effects of incarceration, it is argued

that surveillance and penal control are extended to them because of having a loved one incarcerated (Silverstein, 2001).

This dissemination of information can lead to vigilantism. Cubellis et al. (2019:225) define vigilantes as “private citizens who act outside of the law to target a group or specific individual for the purpose of causing harm”. Cases of citizen vigilantism have been reported in both the United States and Canada (John Howard Society of Alberta, 2001). As a rationale, it is proposed that these reactions are simple reactions to misinformation and fear from community members (John Howard Society of Alberta, 2001). It becomes problematic because this sort of vigilantism does not target only convicted offenders; it extends to persons suspected, connected, or related to deviant sexual behaviour (Cubellis et al., 2019; John Howard Society of Alberta, 2001). In fact, Levenson and Cotter (2005a), Mercado et al. (2008) and Cubellis et al. (2019) have highlighted that the families of registered sexual offenders have been threatened and harassed because of notification laws. As a result, many individuals convicted of sexual offences experience high levels of anxiety upon return into the community, not only for themselves but for their loved ones as well (Mann et al., 2021). In fact, many participants have disclosed that they cut ties with their loved ones to avoid being burdens to them (Mann et al., 2021). Similarly, the John Howard Society of Alberta (2001) stated that many sexual offenders may isolate themselves to avoid the negative effects that come with a public registry. The main effect that is recurring across the American literature is the experience of individuals on the sex offender registry with harassment, verbal, and physical abuse, alongside sentiments of being unsafe in the community (Levenson et al., 2007; Tewksbury, 2005; Zgoba et al, 2018). Levenson and Cotter (2005a: 61) highlight that a “considerable proportion” of sexual offenders have experienced harassment and threats from certain community members. Similarly, Mercado et al. (2008) reported that 48% of their sample had been physically threatened and harassed. Furthermore, the participants in Mercado et al. (2008) report having their property damaged because of being on the registry. The results from Levenson and Cotter (2005a) and Mercado et al. (2008) suggest that it is a recurrent experience by sexual offenders and their loved ones to be targeted by vigilante groups. Often regarded as a response to the presence of sexual offences in the community, vigilantism represents a threat to the reintegration of sexual offenders in the community (John Howard Society of Alberta, 2001). In fact, Canada observes a growing uprising of vigilante groups such as “Creep Catchers” or “Pedo Busters” that publicizes the names, addresses and more of people

who have attempted to contact underaged girls, which is, arguably, a less regulated method of public notification (Lussier & Mathesius, 2019; Pringle, 2023). If the registry is meant to help law enforcement agencies, then there is no need for it to be public, especially when some individuals allow themselves to take justice into their own hands (Day, Carson, Boni & Hobbs, 2014; Lussier & Mathesius, 2019; CBC News, March 30th, 2023).

1.3.2. Employment

Many have conditions to respect when released from custody. For example, they must have retained employment or have a steady source of income (Dubois & Ouellet, 2020). Securing employment is a challenge experienced by most who are released from custody (Alexander, 2020; Dum, 2016). Despite the availability of employment, many prospective employers refuse to hire “ex-convicts” based on the risk they pose to the business and their customers. Many studies have demonstrated that the label of sexual offender tends to be damaging to those associated with it (Dum, 2016). Most employers conduct background checks and disqualify individuals who happen to have a criminal record (Dum, 2016). In one article by Tovey, Winder, & Blagden (2023), most participants expressed that disclosing the “sex offender” status impacted their job prospects, thus restricting their ability to fend for themselves and those dependent on them (Levenson & D’Amora, 2007). This issue is particularly important for individuals who have committed sexual offences because employment represents a steady source of income, which has been found to considerably reduce recidivism and promote pro-social behaviours (Holloway & Wiener, 2020). Nonetheless, many struggle with finding employment because they also must comply with other restrictions that could impact their options for employment. When they can obtain employment, many sexual offenders recount not being able to get promotions or having to work in precarious conditions (Mercado et al., 2008). On the other hand, Laws (2016) contends that many ex-offenders are unskilled or under-skilled, and the reality of incarceration does not allow for vocational training in prison. Others have been involved in criminal activity for a long period of time and have found it hard to return to the “legal economy” (Alexander, 2020; Dum, 2016). The reality of it is that many ex-offenders belong in marginalized communities and face many obstacles getting appropriate employment (Alexander, 2020; Laws, 2016). As strains to get a steady income increase, challenges to reintegration expand as well (Dum, 2016). Similarly, the strain associated with economic struggles also contributes to the process of exclusion, according to Millar (2007). Although

economic struggles contribute to exclusion, Hale & Fitzgerald (2007) state that exclusion is a constant process that cannot be fixed solely by economic means. It is argued that the system makes it virtually impossible for ex-offenders to fully reintegrate into society when society creates these barriers to limit their agency under the umbrella of public safety (Alexander, 2020). On both issues, it is believed that it is a symptom of a society that tends to reject the sexual offender identity. Consequently, elements of a prosocial life are continually being constrained by risk-averse practices.

1.3.3. Housing Instability

Among the conditions that registered sexual offenders must abide by are the restrictions based on space, which come with an inscription to the registry (Zgoba, 2011). To be precise, registered sexual offenders are not to live within a certain distance from where children are expected to “congregate,” such as parks, kindergartens, schools, and such (Duwe et al., 2008; Mustaine, 2014; Tewksbury & Mustaine, 2006; Zgoba, 2011). In the United States, these restriction zones range from 1000 feet (Leipnik, Ye, Serna, Strong, Wilkins & Wu, 2016) to 2500 feet (Story, 2019). Although the unavailability of housing is a function of sex offender restrictions, the sole fact of having a criminal record or history may incapacitate individuals from securing proper housing (Alexander, 2020) or having access to government-funded housing (Grossi, 2017). Whether it is finding adequate housing or affording adequate housing, it remains that sexual offenders are at a disadvantage. For example, the use of restriction zones can harm the efforts of sexual offenders to find appropriate housing (Levenson, 2008). That means that entire neighbourhoods are now inaccessible to sexual offenders due their restrictions prohibiting their presence near venues where children are expected to congregate. In one study by Berenson and Appelbaum (2011), it was found that 90% of the urban centers in two New York Counties were unavailable to inhabitants for registered sexual offenders as a condition of the restrictions imposed on them.

Despite the highlighted challenges, Grubestic et al (2007) and Walker et al (2007) have both studied restriction zones (in the United States) and have highlighted contradictory findings. Grubestic et al (2007) have studied restriction zones in densely populated areas in the state of Florida and found that an overwhelming number of sexual offenders live in these restriction zones. There are two possible reasons for that. Grubestic et al. (2007) first proposed that sexual

offenders want access to potential victims, which is also an explanation proposed by the study by Walker et al. (2001). In fact, Walker et al (2001) propose that sexual offenders purposely choose residence locations in which victims (specifically children) are easily accessible. What the Walker article fails to consider is how city design and sexual offender legislation make it hard for registered offenders to establish residence outside restriction zones (Grubestic et al., 2007; Tewksbury & Mustaine, 2006). To continue, the second reason proposed by Grubestic et al. (2007) is that registered sexual offenders live in these restriction zones because of a lack of housing outside these zones, which seems to be more in line with reality. What Walker and colleagues (2001) also fail to consider is that these zones are the most accessible in terms of health care, job opportunities, and even family members, according to Grubestic et al. (2007) and Tewksbury & Mustaine (2006). Similarly, Levenson & Vicencio (2016) report that, in Orlando, most of the available dwellings are within the child restriction zones (2500 feet), thus making them unavailable to registered sexual offenders. In fact, due to the limited housing options, it is argued that registered sexual offenders might have to violate the conditions of their parole to be near life opportunities (i.e. jobs, health care, and more) (Grubestic et al., 2007). In addition, the restriction zones may be where they can find affordable housing since there have been documented challenges with securing adequate income (Dum, 2016).

While Grubestic et al (2007) and Walker et al. (2001) have found that some sexual offenders do live in restriction zones, if able to find housing outside the restriction zones, landlords may refuse potential tenants on the basis that they have a criminal record (Grossi, 2017), which leaves many individuals without suitable housing options. Levenson (2008) found that a grand majority of registered sexual offenders in one county in Florida were living in a situation of transience and homelessness due to the unavailability of housing (Levenson, 2018; Suiter & Andersen, 2022). Many were not able to return home or rent because of their sex offender status (Levenson, 2008, 2018) or were unable to secure housing because of financial strains (Levenson & Vicencio, 2016: 55). Accounting for the lack of housing, Levenson (2018) claims that the sexual offenders are legislated into homelessness despite owning homes of their own. This is justified because their homes tend to be in residential areas where families with young children are also established (Levenson, 2018). With these restrictions concerned with where children congregate, sexual offenders with children are often obligated to forfeit their homes to respect the conditions of their release (Levenson, 2018; Mercado et al., 2008).

Consequently, homelessness becomes a source of concern when restrictions are becoming stricter and more inclusive of various offences (Cann & Isom Scott, 2020; Levenson & Cotter, 2005a). As proposed by Levenson (2018), a relation exists between the status of sexual offenders and homelessness. For example, a relation between the implementation of the registry and the rates of sexual offenders reported as homeless was found by Cann and Isom Scott (2020). Similarly, in South Carolina, the rates of homelessness in the sex offender population considerably increased after the implementation of the registry (Cann & Ison Scott, 2020). Like Levenson (2008, 2018) stipulated, sexual offenders are forced out of housing to comply with conditions of their freedom. In the instance that they become homeless, some states have rendered homeless shelters inaccessible due to their proximity to schools or state policies limiting their access to shelters (Rolfe, Tewksbury & Schroeder, 2017).

As observed, socio-spatial regulations of sexual offenders have attempted to geographically displace them outside of urban zones, and various rationales have been provided. According to the distance decay theory, by increasing the distance between the offender's home and the site of victimization, the chances of criminal behaviour are considerably reduced (Rengert, Piquero & Jones, 1999). However, Duwe et al (2008) did a geographic analysis of recidivism and found that few offenders in their sample established contact with their victim, but none established contact within a restricted zone. This method of spatial control does not eliminate the problem of sexual recidivism, but rather displaces it to less regulated areas (Agan, 2011; Lussier & Mathesius, 2017). More recently, the literature argues these restrictions only impact where registered sexual offenders can establish residence (Colombino et al., 2011; Duwe et al., 2008). The literature has found that when people do recidivate, they do so in areas far from the location of their residence to avoid detection (Duwe et al., 2008). Therefore, there are serious concerns about these restrictions being about public safety when there are entire areas not being covered by these restrictions. Despite the literature demonstrating otherwise, the popular belief is that proximity leads to recidivism. As argued, these restrictions might have been said to be about the safety of the community, while it is solely about controlling and securitizing public spaces (Story, 2019). More critically, Story (2019) has discussed the use of "pocket parks"⁵ to push individuals out of neighbourhoods. In this example, they argue that policies are shaped into

⁵ A miniature park that is not intended so much for enjoyment as it is a "technical strategy to displace" sex offenders out of neighborhoods (Story, 2019: 148).

environmental designs to exclude individuals from certain spaces in the name of crime prevention (Hughes, 1998; Story, 2019). What this entails is a new legitimate form of spatial segregation which actively prevents sexual offenders from establishing housing in a specific location (Hughes, 1998; Story, 2019). These methods of crime prevention “may accelerate wider trends of community segregation, attacks on civil liberties, and social exclusion and further privatize previously public environment, encouraging a fortress mentality” (Hughes, 1998: 69). These “unintended” consequences do, in return, question the true efficacy of these restrictions at reintegrating individuals in the community (Cann & Isom Scott, 2020; Dubois & Ouellet, 2020; Schuilenburg, 2007). The consensus among the literature is that marginal attention has been paid to the collateral consequences, such as housing instability, when enacting these laws (Clark & Duwe, 2017; Levenson, 2018; Levenson & Cotter, 2005; Suiter & Andersen, 2022).

1.3.4. Criticism of Sex Offender Restrictions in a Canadian Context

In the Canadian context, various researchers have criticized community-based risk management of sexual offenders under an Order of Prohibition (i.e Knack, Blais, & Fedoroff, 2021; Lussier & Mathesius, 2019). The extent to which the community-based risk management methods operate is comparable in the United States, but the literature has identified flaws. To start, there are some restrictions outlined in section 161 of the Criminal Code for individuals who have committed designated sexual offences (Criminal Code, 1985). Similar to the United States, individuals who committed selected sexual offences are prohibited from attending places where children are expected to be, such as parks, swimming pools and community centres under an order of prohibition (Criminal Code, 1985). For example, section 161 subsection a.1 prohibits “being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order” (Criminal Code, 1985). In addition, they are prohibited from attending places where persons under the age of fourteen are reasonably expected to be (Criminal Code, 1985). These orders of prohibition may go on for life or shorter if deemed appropriate by the court (Criminal Code, 1985). In addressing the section 161 orders of the Criminal Code, the literature argues that its interpretation is vague, and the language is not accessible (Knack et al., 2021). In fact, due to its unclear nature, section 161 orders might be violated due to a misunderstanding of the legal conditions (Handlarski, 2021; Knack et al., 2021). For example, the definition of “park” has been argued to be too broad, hence rendering a range of spaces not necessarily solely associated with

children's location inaccessible because of these orders (Handlarski, 2021). In both *R. v Perron* and *R. v. Lachapelle*, the definition of park beyond its traditional sense of leisure space dedicated to recreational use was questioned, which led to two different outcomes (Handlarski, 2021; Hutchinson, 2010; R. v. Lachapelle, 2008; R.v. Perron,2009). This question has yet to be addressed by parliament, which creates a strain on the criminal justice system to enforce these orders in a seemingly arbitrary manner (Handlasrki, 2021), as well as incapacitating previous offenders from accessing spaces that are covered under an Order of Prohibition. Again, the extent to which these orders are used by the criminal justice system is unknown, simply because it is not publicly available information. While these orders are not restriction zones in their traditional sense, they have incapacitated individuals who were convicted of sexual offences from establishing residence, finding appropriate work, or even volunteering in certain areas targeted by the Order of Prohibition (Knack et al., 2021). Similarly, with a recognizance order under section 810 of the Criminal Code, various restrictions are imposed on sexual offenders, specifically for those who have offended against children. The section 810 recognizance order conditions may include substance use treatment adherence, electronic monitoring, Internet prohibition, stay away from where children are expected to congregate and more (Criminal Code, 1985; Dahabieh, 2008). Like the United States, a violation of these restrictions is punishable by an imprisonment term (Criminal Code, 1985) or stricter restrictions (Leipnik et al., 2016; Story, 2019; Zgoba, 2011). The rationale of these measures might have been public safety, but they have been argued to be aimed at social control (Story, 2019). This highlights how these restrictions might have no effect and might be overly punitive. Such laws have negative implications for the reintegration of individuals who have committed sexual crimes (Dahabieh, 2008; Levenson et al., 2007).

1.4. Banishment

1.4.1.Historical Background on Banishment

Sheng (2022:286) defines banishment as “the exclusion by a state of a citizen from all of its territory”. Historically, banishment has been used to effectively punish offenders by removing them from a specific geographical area (Saxer, 2008). In the Catholic faith, banishment was meant “to ensure the protection of the Catholic faithful” (Wickersham, 2012: 121). This use of banishment traces all the way back to the Code of Hammurabi, developed in Babylon (Lindgren, 1996). Under the Code, exile was justified for fathers who engaged in incestuous relationships

with their daughters (Lindgren, 1996; Snider, 1996). Similarly, under the Laws of Manu in India, rapists were subjected to exile if convicted for their crimes (Drapkin, 1989). For centuries to come, various codes of laws legitimized banishments and exile as forms of punishment for specific crimes. While banishment has been extensively used as a response to crimes, it has also been used as a political tool to silence dissent (Snider, 1996; Wood & Waite, 1949). In Ancient Greece, community members (i.e. the Assembly) would vote to exile an individual if said individual posed a threat to the “Athenian Political System” (Wood & Waite, 1949). In other instances, in the United Kingdom, groups were mass-exiled if they opposed the government in power or if they posed a threat to the stability of the State (Snider, 1996). These rationales behind the use of banishment were justified to maintain societal and political stability in earlier civilizations.

Furthermore, Zgoba (2011) argued that sexual offenders were exiled and banished as both a punishment for the offender and a remedy for the communities. In fact, Zgoba (2011) and Saxer (2008) propose that the forced removal of an offender from a community meant removing the harm perpetrated by the offender from the conscience of the community. In Indigenous tradition, banishment is used when band members exhibit violent behaviours, although not all First Nations agree on the efficacy of banishment as a rehabilitative tool (Schulze, 2022). In one case involving a sexual assault, after conferring with a sentencing circle, the defendant was sentenced to banishment to a “wilderness location”, banned from any contact with family and loved ones (R. v Taylor, 1998; Western Reports, 1995:2 as cited in Schulze, 2022). Moreover, it served as a motivating factor for others not to engage in the same sorts of crime for fear of facing the consequences. As reviewed by Snider (1996:456), “banishing a person from a political or societal subgroup effectuates a type of punishment that arguably deters crime and protects society”. The dual purpose of banishment as both a punishment and a deterrent often excludes its role as a method of social control and conformity (Beckett & Hebert, 2010b). Despite removal from the community, the banished status has led the banished individuals to experience stigma and scrutiny from other community members upon return (Zgoba, 2011).

In Canadian history, banishment has been mostly studied in the context of social justice. The literature has focused on the mass displacement of Indigenous people from their lands to reserves (Morel de la Durantaye, 1886), gentrification pushing individuals of a certain socio-

economic status from their neighbourhoods (Baeten, Listerborn, Persdotter, & Pull, 2020), and banishment as a counterterrorist tactic (Pillai & Williams, 2017). The common thread among these authors is how banishment results from carefully crafted restrictions that incapacitate one's presence in a specific area. Whether it be with the "Europeans only" areas (Morel de la Durantaye, 1886) or with the urban renewal through discriminatory practices (Baeten et al., 2020), banishment is observed to be the result of multiple decisions grounded in maintaining the status quo. For Pillai & William (2017), this process is inherently linked to the stripping of citizenship and the legitimized power of nations such as Canada to expel individuals who have been suspected /convicted of terrorist offences. Like Morel de la Durantaye (1886), Pillai & William (2017) demonstrate the coercive power of the state to move individuals beyond the parameters of the territory. This demonstrates that banishment can be covert (Baeten et al., 2020) or overt (Model de la Durantaye, 1886) depending on the perceived legitimacy of the person being banished.

Not much research has been done in relation to sexual offender banishment in Canada, although it is vast in the United States. However, banishment orders have been used by Canadian courts, albeit rarely (Hutchinson, 2017). In spectacular cases, banishment orders can be given as parole or bail conditions under s. 732.1 (3) of the Canadian criminal code (Schulze, 2022). When given, these orders prescribe that an offender stay away from a geographical area for a period determined by the court (Hutchinson, 2017). Aligned with the sentencing principles of the Criminal Code, the removal of an individual from an area allows the offender to rehabilitate away from the "triggers" that may be present in the community (Hutchinson, 2017). Saxer (2008:1407) stated that the rehabilitative elements of banishment coincide with the coercive methods of incapacitating the individual from further engaging in criminal activities. Although banishment orders are mostly brought up by defence teams as an alternative punishment, Canadian jurisprudence has been hesitant to use such measures as punishment (Schulze, 2022). It has been argued, by the literature, that these banishment orders violate some rights (i.e. Mobility Rights, Protection against cruel and unusual punishment, the right to liberty) protected by the *Canadian Charter of Rights and Freedoms* (Schulze, 2022). Rather, Yung (2007) proposes that the various laws restricting sexual offenders may inevitably lead to banishment regardless.

1.4.2. Banishment of Sex Work and Homelessness in Canada

Despite the hesitance by Canadian courts to use banishment orders (Schulze, 2022), there are varying applications of banishment-like tactics for “undesirable” individuals. While there is a lack of literature on the banishment of sexual offenders in the Canadian context, the literature on the banishment of sex workers and the homeless population can provide insights into how banishment may also be a phenomenon attributable to sexual offenders.

In research based in Montreal, it has been shown that urban planning and local legislations have been utilized to push “undesirable” individuals out of the downtown core of the city (Fiolka, Marshall & Kramer, 2022). What was once known as the “Red Light District” became Le Quartier Des Spectacles, which affords more attention to social cohesion and security through practices of revitalization (Fiolka et al., 2022). Fiolka and colleagues (2022) proposed that the revitalization of Montreal’s downtown core has led to a confinement of sex workers away from the coveted area and criminalized their activity in public spaces. Fiolka et al. (2022) state that “at the municipal level, bylaws surrounding sex work are a marker of how a city defines the limits of acceptable sexuality through symbolic ordering of space” (4). Similarly, Hubbard et al. (2013) argue that there is a moralistic approach to controlling sex work in public because of the negative connotations associated with it. The assumptions are that the commercial spaces in which sex work takes place promote disorder (Fiolka et al., 2022). The consequences of such organizing are that “commercial sex businesses are often pushed down the land-use hierarchy into less ‘desirable’ areas, either by banning sex work and sex work adjacent businesses such as massage parlors or strip clubs outright or by mandating separation distances between them to limit clustering” (Fiolka et al., 20022: 4). The negative assumptions are promulgated by urban planning policies that promote “legitimate” land use for accepted commercial activities (Hubbard et al., 2013). Therefore, sex work/sex-oriented activities are prohibited from operating “near ‘sensitive’ land uses such as schools, religious establishments, or areas of ‘family’ dwelling” (Hubbard et al., 2009; Lyons et al., 1999 as cited in Hubbard et al., 2013: 127). A hierarchization of sexual behaviour was, then, developed to dichotomize “normal” behaviour from deviant sexualized behaviours in public spaces (Fiolka et al., 2022). Although sex work was never illegal in Canada, its commercialization was made illegal with Bill C-49 (Criminal Code, 1985; Fiolka et al., 2022:3). Although amended in 2014 with the Bedford decision, Fiolka et al. (2022:3) stated that “this shifted the criminalization of sex work, without

achieving decriminalization”. In fact, the commercialization of sex work, the venues associated with sex work and the clients were all criminalized with the introduction of Bill C-36. This targeting of sex work and sex workers often stems from the inability to separate sex work from human trafficking (Hubbard et al., 2013). Failing to recognize the distinctions, it offers less protection to sex workers and problematizes their visibility in public. Here, there is a convergence of space and policies guiding the agency of individuals involved in sex work to be in a specific space (Shaver, 1994), which considerably impacts their overall safety (Fiolka et al., 2022). These tactics guided by ideals of morality and virtue led to the exclusion of sex workers from the downtown core (Mortimer, 2009). The new image promoted by the revitalization of Le Quartier des Spectacles panders to the middle/upper class and perpetuates the devaluation of sex workers as ‘legitimate’ individuals (Fiolka et al., 2022).

The designation of a population as being “visibly disordered” has often been used to justify the removal of “undesirable” populations from public spaces. The revitalization of the downtown core of Montreal has also contributed to the containment of the population experiencing homelessness out of coveted areas (Brais & Lanியonu, 2025). Like the displacement of sex workers, the displacement of people experiencing homelessness stems from middle/upper-class concerns. In fact, Brais & Lanியonu (2025: 613) observe that police interventions with the homeless population in Montreal consider “key features of the neighbourhood”. These features can include the “proximity to the downtown core, presence of homeless-serving organizations, the socio-economic status of housed residents in the area, the number of homeless individuals who occupy the neighbourhood, and the presence of other resources” (Brais & Lanியonu, 2025:613). However, the features of interest for these interventions remain the space that persons experiencing homelessness occupy and the commercial value of that space. Law enforcements are now entrusted with the ability to regulate who can occupy the public space. Brais & Lanியonu (2025) problematized the discretionary powers of law enforcement to remove individuals from space by highlighting the treatment of persons who had committed offences but were criminalized. Similarly, Beckett & Hebert (2010a: 23) stated “the police possessed ample power to monitor vice-prone areas and sweep them of undesirables when either officers or their political superiors deemed it necessary”. Both Beckett & Hebert (2010a) and Brais & Lanியonu (2025) acknowledge the role of law enforcement while also pointing to bylaws that have legitimized the expulsion of persons experiencing

homelessness. Like Fiolka et al. (2022) stated, the spatial elements of banishment are inherently linked to the commercial value of the space occupied, and its regulation is meant to protect private interests that have invested in that space (Brais & Laniyonu, 2025). While Beckett & Hebert (2010a) have grounded their research in an American context, their insights have been deemed relevant in a Canadian context. In fact, the anti-loitering laws/policies have made their way into major cities in Canada. These bylaws/policies target specific behaviours (i.e. peeing in public) associated with a specific group (i.e. the homeless population) (Beckett & Hebert, 2010a).

Although there may not be many sources available for the banishment of sexual offenders in the Canadian context, many other sources that have discussed, among other things, the community management model for sexual offenders offer insight into the subtle ways banishment has been covered under the guise of protection. While Sheng (2023) speaks of banishment as a literal punishment, Beckett & Hebert (2010a) and Fiolka et al. (2022) speak of the covert/overt efforts to displace “undesirable” groups away from public space through ordinances or no-go zones. They highlight groups that have been criminalized for their presence in public. These regulations target specific behaviours associated with these groups to displace (Beckett & Hebert, 2010a). For example, the criminalization of peeing in public in Montreal. While these rules apply to “everyone”, there is a specific population for whom peeing in public may be necessary. For Beckett & Hebert (2010a), targeting these behaviours for displacement does not address the root cause of the issue itself. Although the overt expression of banishment presented by Yung (2007) is not present in modern legal discourse, the underlined assumption is that it manifests itself through the mechanism of exclusion influenced by faulty policies aimed at social control (Beckett & Hebert, 2010a; Yung, 2007). For sexual offenders, the social phenomena resulting in banishment may be studied similarly.

1.4.3. Banishment via Offender Exclusion

Several studies have investigated the accessibility of space for justice-afflicted individuals in the United States. While accessibility may have different meanings for different researchers, it all traces back to exclusion. In a study investigating public space access, it was found that many women with criminal records fail to access public restrooms, which is a symptom of a lack of access to social services (Smoyer, Pittman & Borzillo, 2023). On the other

hand, Brooker, Syson-Nibbs, Barrett and Fox (2009) found that accessing the services (particularly mental health services) was not necessarily the challenge. In fact, they reported that the services were not tailored to the needs of the offenders (Brooker et al., 2009). In other words, they were limited. The findings demonstrate that although the services were accessible, their levels of efficacy were considerably lower than those of non-justice-involved persons (Brooker et al., 2009). That can be attributed to the fact that justice-afflicted individuals have considerably different needs than non-justice-afflicted individuals. While both studies (Brooker et al., 2009 & Smoyer et al., 2023) have different conclusions on the access to services for offenders, both seem to agree on the various challenges and inequalities that prevent offenders from receiving appropriate support. This lack of appropriate support has been noted as an element of risk for recidivism, which impacts the chances of successful reintegration. For Grossi (2017), “community-based programs” may indeed help individuals who have offended reintegrate into the community as law-abiding citizens. However, these programs have long excluded sexual offenders (Grossi, 2017). This reality is relevant in a Canadian context as well. In one Canadian study, Lussier et al. (2014) found that substance use treatment programs were not accessible to those with sexual offence convictions because of their status and conditions (i.e. recognizance order under section 810 of the Criminal Code) are limiting their presence around places children are expected to congregate. That is most problematic because many of the substance use programs that are available are community centres (Lussier et al., 2014). This confirms that access to such a program is limited and constrained, like Brooker et al (2009)’s conclusions.

Brooker et al. (2009), Grossi (2017), and Lussier et al.(2010b) simultaneously highlight the exclusion of sexual offenders from therapeutic intervention. For formerly federally incarcerated individuals, access to these services and programs is primordial as part of their parole as well as their rehabilitation (Brown, 2004; Grossi, 2017). On that, Hale and Fitzgerald (2007) theorized societal systems as being the cause of social exclusion. Namely, they make a point of saying how the criminal justice system has contributed to social exclusion through the lack of proper rehabilitation programs after incarceration (Hale & Fitzgerald, 2007; Viki et al., 2012) and social stigma associated with deviance (Alexander, 2020). Although the authors appear to have contradictory claims, they all demonstrate the limits and restraints associated with being identified as an “offender”. In many cases, released individuals have conditions that require them to undergo treatment programs with therapists, psychiatrists, or else (Ilea, 2018b).

While the challenges have been noted, Brown (2004) states that many fail to respect the conditions of their parole, for which Alexander (2020) blames the carceral apparatus that traps individuals in a cycle of incarceration. Based on the experiences of formerly incarcerated individuals, many fall back into deviant habits, which could be explained by the lack of (or limited) access to services (Brooker et al., 2009). Despite the rich literature on the barriers of reintegration for offenders, these socio-spatial barriers have not been exhaustively studied for sexual offenders in the Canadian context. Although the scope of the present research focuses on the banishment of sexual offenders, it can be argued that the lack or dismissal of social programs for sexual offenders is a form of exclusion leading to banishment.

Conclusion

While the literature on sexual offender restrictions is richer in the United States, there have been some insightful contributions from Canadian research, although there are still gaps to be filled. The community management model is the dominant form of sex offender management as identified by the literature. It is characterized by a reactive approach that leads to attempts to reduce the risks of reoffending (Zgoba, 2011). This highlighted that the approach taken to address the management of sexual offenders is grounded in the thought that sexual offenders do not exist outside of the risk they pose to others, which affects the way that the criminal justice system chooses to manage them (Jenkins, 2014; Simon, 1998). These approaches have been described as detrimental to the reintegration of sexual offenders. For instance, the dissemination of information has led to a culture of villainization and vigilantism that impacts the offenders and their families (Cubelis et al., 2019). Furthermore, housing instability has also been identified as a factor of banishment by Levenson (2008, 2018). While there are no immediate references to banishment in Canadian literature regarding sexual offenders, the experience of banishment is argued to have been reproduced through much more complex processes of control that ultimately lead to the same outcome for other groups identified as “undesirable” (Yung, 2007). The literature on the banishment of sex workers and the homeless population demonstrates the enterprise to use the criminal justice system to displace “undesirable” individuals from public spaces. The scarcity of research on the socio-spatial regulation of sexual offenders in Canada represents an area that needs further inquiry. The Canadian literature mostly speaks of the theoretical consequences of the sex offender restrictions, with no attention to the practical spatial consequences of these restrictions. Therefore, there is room to study the phenomenon of

banishment in relation to sexual offenders in a Canadian context. Upon reviewing the literature, the current project hypothesizes that the current socio-spatial restriction for these individuals leads to banishment in Canada.

Chapter II: Conceptual Framework

Introduction

As presented in the previous chapter, there is a clear difference in approaches taken by the United States compared to Canada regarding the management of sexual offenders in the community. Studying a social practice (i.e. managing sexual offenders in the community) needs to consider, amongst other things, the cultural, political, and geographical components of the issue. For this conceptual framework, I will center it around the concept of space and carceral expansion. First, I justify my use of space by borrowing from Soja (2010), who stated that space is where social relations occur. As highlighted in the previous chapter, risk control/risk aversion is a fundamental element in the management of sexual offenders. The conceptualization of space will serve as a tool to analyze how these practices of risk control are also grounded in space. It will allow me to confirm if the restrictions do lead to banishment as hypothesized. Secondly, I justify my use of carceral expansion based on the consequences of these restrictions highlighted by the literature. I borrow from Alexander (2020), who stated that carceral control in the communities has become the main vehicle by which punishment is dispensed. While there are no specific mentions of sexual offenders in Alexander's (2020) writing, I believe that their conceptualization may serve to highlight how punishment is entrenched in these practices of regulation for sexual offenders. Like the conceptualization of space, it will serve to highlight how carceral expansion may not be disinterested in social control, which, in turn, influences how banishment is being experienced. By the end of this chapter, these conceptual tools will detail how the identification, monitoring and regulation of sexual offenders in space serve to understand banishment as a social phenomenon impacting sexual offenders.

2.1. Space

An important element present in the legislation presented previously is that space (in abstract ways) needed to be securitized to ensure public safety. Spaces were now identified as zones where risk could be important and, thus, regulated as a result. To study banishment as a social phenomenon impacting the lives of sexual offenders, the conceptualization of space must move from its abstract construction and consider how social dynamics are involved in the making of space. The conceptualization of space is necessary to analyze the practical implications of having these restrictions in the city of Ottawa. It would serve to analyze physical spaces beyond their abstract characteristics to analyze the consequences of the socio-spatial

restrictions. Central to the conceptualization of space is that it departs from the notion that space is an objective container (Mitchell, 2003). In this conceptualization, space is produced through practices delineated from social life (Soja, 2010). Using Soja (2010), the study of space requires the consideration of social processes and dynamics. For this conceptualization, societal organization is considered to be consequential in the access to space. Beckett & Herbert (2010a) examined how space was used through targeting specific practices (i.e. loitering) in public space to displace “undesirable” individuals to whom these practices were linked. That same approach could be used in relation to sexual offenders. In other words, the status attributed to sexual offenders, based on their perceived risk, will be the basis of the analysis of the consequences of sexual offender restrictions.

For scholars such as Cohen (1979) and Soja (2010), space is representative of the state of society. In other words, social life was replicated in space. Like Beckett & Herbert (2010)’s analysis of the impacts of social barriers on access to public spaces, Cohen (1979) and Soja (2010) have highlighted the reproduction of social boundaries into spatial boundaries as well. Wherein people experience inequalities, those inequalities will be present in space as well (Soja, 2010). For this research, that approach would consider the status of sexual offenders in relation to the rest of society. Cohen (1979: 344) stated, “In today’s world of community corrections, these boundaries are no longer as clear. There is, we are told, a ‘correctional continuum’ or a ‘correctional’ spectrum: criminal and delinquents might be found anywhere in these spaces”. This uncertain spatial boundary, analyzed by Cohen (1979), is conceptualized as a factor leading to the banishment of sexual offenders in the current research. It will be useful in analyzing how spaces not explicitly targeted by the restrictions may be impacted due to the social boundaries.

2.1.1. The Creation of Space and Identities

Sibley (1995) has proposed that social spaces are shaped by social identities. In this sense, space and identity intersect to create a space identity. The practices of that space are stipulated by the identity governing that space. Therefore, based on that space identity, the space can either be inclusive or exclusive based on the characteristics of the individual encountering that space. For sexual offenders, their risk is consequently linked to how they are identified (Simon, 1998). Sibley’s (1995) theorizing will serve to provide a framework for how the socio-spatial restrictions contribute to the exclusion of sexual offenders from certain spaces. Sibley’s

(1995) focus on the notion of “difference” informs the treatment of exclusion from certain geographies. It is relevant in the study of sexual offenders’ restrictions as their “risk” can be considered the main indicator of their difference from the rest of society. Sibley (1995:4) states, “who is felt to belong and not to belong contributes in an important way to the shaping of social space. It is often the case that this kind of hostility to others is articulated as a concern about property values, but certain kinds of difference, as they are culturally constructed, trigger anxieties and a wish on the part of those who feel threatened to form others”. Sibley (1995) briefly brings up the concept of belonging as a facet of space identity. This is important, especially when studying the exclusion through ideas of not belonging in certain spaces. This strengthens my use of Cohen (1979)’s writings on socio-spatial boundaries, and it reinforces the exclusion/inclusion of specific groups of people. The perceived “dangerousness” of sexual offenders will be used to analyze the socio-spatial restrictions and their consequences, leading to banishment.

What defines public space will also define its practice. For example, sex work might be criticized if occurring in a geography in which sex work is not associated. For example, rare are the instances that sex work might occur in a schoolyard. That is because a distinction within that space has already been made (Cohen, 1979). It might be relevant in studying the banishment of sexual offenders because it encompasses both the social and spatial nature of exclusion. In other words, it asserts that one cannot exist without the other. To further this point, Cohen (1979) used space as an indicator of human population. To be precise, specific spaces are controlled to welcome specific individuals. Blinding both Sibley (1995) and Cohen (1979) would create the idea of a spatial imagination that reinforces dominant structures. The spatial imagination exists to perpetuate ideals about social life (Cohen, 1979; Garland, 1998; Sibley, 1995). This conceptualization is dependent on the characterization of the individuals (i.e. risk) and the spaces investigated (i.e. public spaces, the city) in the creation of society. To sum up, the control of space stems from who is imagined and desired to be in the space. This is relevant to the question of sexual offenders because their characterization in society can situate them in space as well. An important element that will be further developed in the next section is the use of space in perpetuating punishment away from traditionally identified carceral spaces. The conceptualization of carceral expansion adds elements of control linked to punishment, which may be relevant in studying banishment as a social phenomenon.

2.2. Carceral Expansion

The cost of incarceration represents a source of spending that could be transformed into rather modern methods of regulation aimed at public safety. Sex registries and restriction zones are these “low-cost alternatives” to the conventional workings of a prison (Story, 2019: 139). These methods reproduce the aims of a conventional prison by ostracizing, isolating, and regulating individuals for incapacitation (Story, 2019). The practical consequences of these restrictions must be analyzed through a punishment lens like Beckett & Hebert (2010a). Therefore, when it is said that individuals are to be released in the community, it is solely for the purpose of continuing the regulation and surveillance (Story, 2019). The community, in its abstract shape, is weaponized in the form of carceral expansion, and community members are becoming the guards who watch over the few. Story (2019) allows for the analysis of how urban design inflicts further punishment on individuals convicted of sexual offences.

Despite being solely focused on space, carceral expansion provides an understanding of status-making in contemporary society. By being stratified, the methods of control will differ based on the status of populations deemed “undesirable”. The concept of carceral expansion is used to analyze the implications of the carceral apparatus on everyday access to public spaces. This conceptualization contends that the expansion of the carceral state is the result of the increased emphasis on risk aversion and focus and social control. The concept of carceral expansion would serve as a tool to analyze how public spaces become unavailable to those identified as sexual offenders and how those spaces are also representative of the exclusion of sexual offenders. Carceral expansion, as a concept, allows us to better understand the various mechanisms to restrict freedom and agency that are not situated in traditionally identified carceral spaces. Furthering the discussion on space, carceral logics do recreate social relations as well (Cohen, 1979). These social relations would differ because they are concerned with the social relations of the criminalized. Beckett & Hebert (2010a) have theorized that this carceral expansion is a direct line of criminalizing and expelling undesirable individuals from common spaces. These places have special bylaws regulating the behaviour of the “undesirable” by way of state-sanctioned coercion. This concept serves as a tool to analyze the removal of sexual offenders through the imposition of restrictions on sexual offenders. However, with Cohen (1979), this expands the state’s reach in the private lives of individuals, which seems relevant to

the current population being studied. This would allow us to analyze the consequences of the restrictions and situate them socially and spatially.

While most of this conceptualization focuses on the expansion of the carceral apparatus in everyday life, it also conceptualizes carceral expansion as the extension of carceral punishment as well (Cohen, 1979; Garland, 2002; Story, 2019). Using the city to study the question of banishment would allow for the discovery of techniques of carceral control that are embedded in everyday life. This approach will further what has already been said about the intersection of social and spatial exclusion to create banishment. In the broad sense, carceral expansion can be understood as the extended methods of surveillance and regulation that pierced through prison walls (Cohen, 1979: 343). This research will borrow from Alexander (2020), who has noted that most individuals under carceral management are not housed in prison but are living in communities with severe restrictions. Alexander (2020) argued that these restrictions are an expansion of carceral logics aimed at socially controlling individuals who have been convicted of various offences. The logic reduces recently released individuals to “third-class citizens,” reinforcing the marginalized status of sexual offenders in society (Alexander, 2020; Story, 2019). This status informs the sort of privileges (relative to their status as sexual offenders) they will be awarded in general society. It is hypothesized that sexual offenders are rather void of those privileges and must negotiate between the various restrictions imposed on them to survive within society. Therefore, the use of Alexander (2020) provides a clearer image of what Cohen (1979) described as the punitive city for individuals who have been criminalized. The conceptualization of carceral expansion will serve as a tool to examine how the restrictions may serve to identify, monitor and control sexual offenders in the communities.

While Alexander (2020) is speaking of offenders, without specific references to sexual offenders, their insights are valuable to the theorizing of carceral expansion. Canada has noted a relatively stable imprisonment rate for several decades, which has led to scholars arguing that Canada may be less punitive than relevant comparators such as the United States and England (Meyer & O'Malley, 2005). However, if punitiveness is solely measured by imprisonment rates, it ignores other methods of carceral management that may be equally as punitive. This cites the importance of conceptualizing carceral expansion when it comes to analyzing the restrictions.

Conclusion

To discuss public spaces, I conceptualized space as a body influenced, among other things, by sociocultural and political dynamics. The conceptualization moves from space being neutral to space being made of social practices embedded in social life (Soja, 2010). Studying the spaces of restrictions would require analyzing how those spaces have been construed as spaces that exclude sexual offenders. These elements are integral to understanding banishment as a phenomenon stemming from the socio-spatial restrictions. Secondly, I conceptualized carceral expansion as the expansion of punishment in the communities. Both the concept of “third-class citizens” and the “punitive city” allow us to understand the varying degrees to which one will experience the city as a “free citizen”. Inspired by Alexander (2020), carceral expansion relates to the carceral apparatus that has made its way to communities. It will serve as a tool to analyze the restrictions that reproduce carceral dynamics in the community. To conclude, both concepts work together to analyze how the socio-spatial restrictions may lead to banishment. Both concepts are deemed relevant in studying banishment as a social phenomenon stemming from the socio-spatial restrictions.

Chapter III: Methodology

Introduction

Before discussing the research design, it is important for me, as a researcher, to position myself regarding the current qualitative research. I offer a reflexive account of why this topic became an interest for my research and how that may impact my interpretation of the data. In qualitative research, reflexivity is a key component for trustworthiness (Dodgson, 2019) and quality control (Berger, 2013). Three reflexivity positions have been proposed by Berger (2013). The one that applies to this case is “reflexivity in studying the unfamiliar”⁶. It relates to the researcher’s own unfamiliarity with what is being studied and the implications of that unfamiliarity in data analysis (Berger, 2013). Following my reflexive account, I will provide my epistemological and ontological considerations, which will provide a justification of the methods employed to answer the research question. Finally, I discuss the possible ethical concerns related to my research. I hypothesize that the banishment of sexual offenders results from their socio-spatial restrictions.

This research has three main objectives to answer the research question:

RO1: Map the sex offender socio-spatial restrictions using the city of Ottawa.

RO2: Identify the spaces that are targeted by the restrictions.

RO3: Discuss the impacts of the restrictions in a Canadian context.

I have identified these goals as objectives for various reasons. First, it will guide the analysis of these restrictions based on the data that would have been made available to me. Secondly, it will highlight that not all sexual offenders may be imposed the same restrictions. In other words, different offences may lead to different restrictions impacting different spaces. Finally, the analysis stemming from the cartography may contribute to the slim literature on the socio-spatial restrictions of sexual offenders in a Canadian context.

⁶ The other two, proposed by Berger (2013) are “reflexivity when studying the familiar” and “reflexivity in studying while becoming”.

I employed a mixed methodology, grounded in qualitative research, to answer the research question. To reiterate, this research questions how the sexual offender's socio-spatial restrictions lead to banishment in a Canadian context. Inspired by American literature, this research follows a methodology that aligns with the Canadian context. In the first instance, Canada does not publicize the names of the individuals who appear on the sex offender registries (Petrunik, 2002). Therefore, to investigate the restrictions imposed on individuals convicted of sexual offences, an access to information request was filed and sent to the Parole Board of Canada. Secondly, inspired by Berenson and Appelbaum (2011), a cartography was completed to study how one navigates the city of Ottawa with the imposed restrictions. Finally, interviews were conducted with frontline professionals who are involved with individuals who are subject to these restrictions.

3.1. Reflexivity, Epistemological & Ontological Considerations, and Ethical Considerations.

3.1.1. Reflexivity

While discussing reflexivity, Dodgson (2019:221) explains that “transparency is again a key component” in research. While conducting this research, I must remain aware of my unconscious biases towards individuals who have committed sexual offences. From a young age, I have watched television shows such as *Law & Order: SVU* and read news articles that have painted “sexual offenders” in a rather negative light. These depictions of “sexual offenders” encouraged a punitive mindset grounded in exclusion and harsh penalties for individuals who commit sexual offences. These sentiments stuck with me throughout my undergraduate studies until I took a class called *Space, Security and Punishment*. In that class, we read a book called *Prison Land* by Brett Story and one chapter particularly impacted my perception of individuals who have been convicted of sexual offences. I thought about my own positionality and how I have experienced exclusion from several spaces as a woman of colour. Although I have privileges as an educated woman in North America, I have also been subject to negative situations because of my status as a “racialized person”. Some spaces (abstract and lived) are not designed to be inclusive of people with different backgrounds. I have attended various spaces in which I did not feel as though “I belonged” because they were not spaces “for me”. While there was no indication that I did not belong, there were different social forces indicating that I did not belong. While I have not been criminalized myself, this interest peaked when I read about the use

of “pocket parks⁷” to push out released individuals who had been convicted of sexual offences (who were otherwise law-abiding) out of a neighbourhood in California (Park, 2019). It aligned with the issue of gentrification in different boroughs of New York City, which had pushed black residents from neighbourhoods that they had been living in for generations. That demonstrated to me the interwoven nature of politics, criminal justice, and space in relation to individuals convicted of sexual offences. I became interested in the ways that space was regulated and organized to keep certain individuals excluded. This led me to consider the homeless population. While Beckett & Hebert (2010a) have discussed the banishment of the homeless population from public space, Story (2019) pushed me to question how restrictions imposed on sexual offenders may lead to banishment as well. While I take a critical approach to studying the consequences of these restrictions, there is still a natural reaction (i.e. anger) to the publicization of cases involving sexual harm that may taint the extent of my analysis. Some realities about living with restrictions may remain undiscussed because of my perception of sexual violence in the communities. Therefore, what is discussed in this research is not exhaustive of the realities of individuals who have been convicted of sexual crimes.

I must acknowledge the privileges of researching a topic that has seemingly been untouched for various reasons. I am not without biases. First, I am a woman. While there are men who are victims/survivors of sexual offences, women are disproportionately subjected to sexual violations. This research did create a moral conflict, as the aim of this research is to analyze how the restrictions may lead to banishment. I remain aware of how this research could be used and how survivors of sexual harm may interpret the analysis of this research. Second, while subjecting myself to critically analyzing these restrictions, I was willing to accept that part of me does not have all the answers as “an outsider” (Berger, 2013). I am not and have not been labelled as a “sexual offender” and have no experience with the implications of being labelled as a “sexual offender”. Therefore, reflecting on my status as an “outsider”, I could not speak of the experiences of others (Alcoff, 2009). By doing so, the validity of the claims I make can be questioned as being unauthentic. However, I vowed to remain critical as per my chosen paradigm for my analysis and always question my understanding of the data presented before me. I vowed

⁷ A miniature park that is not intended so much for enjoyment as it is a “technical strategy to displace” sex offenders out of neighborhoods (Story, 2019: 148).

to remain aware of the ways that my unconscious biases may impact my interpretation of the data.

3.1.2. Epistemological & Ontological Considerations

Since my research interests were grounded in highlighting inequalities and strains that have been rendered legitimate through processes of exclusion (Soja, 2010), I applied a critical analytical framework. In the critical paradigm, the researcher must ask themselves what reality is and how we determine what is real or not. To do so, the researcher must question their own subjectivity to uncover how the concept of reality is shaped by a dominant power structure. With the critical paradigm, I acknowledge how my subjectivity as a researcher and a person may play into perpetuating unequal power dynamics. In this research, banishment is viewed critically as being the result of socio-spatial restrictions. It stemmed from the vast literature citing the damages of such restriction on the reintegration and rehabilitation of individuals convicted of sexual offences. This research uses concepts such as space and carceral expansion to highlight how the legitimization of these restrictions stems from discourses of “difference”. The critical paradigm allows me, as a researcher, to question what “normality” is when discussing the status of sexual offenders in society. Since power imbalances are recurrent in the production of knowledge, the socio-cultural political structures cannot be detached from research.

In the critical paradigm, the “truth” is relative to one’s lived experiences. Their own positionality within the social world could provide insights into what the “truth” is (Toole, 2019). That is an assumption of the epistemological approach that their realities make for parts of the “truth” (Alasuutari, 1995). Therefore, knowledge production should not only be afforded to those who are considered epistemic agents. The standpoint epistemologies allow the researcher to evaluate and understand the consequences of the “truth” on the lived experiences of those whose knowledge is not taken into consideration. While standpoint epistemologies⁸ would be most

⁸ Standpoint epistemologies consider various structures that could influence the production of knowledge (Toole, 2022). Toole (2019: 598) explains that “standpoint epistemology is committed to a cluster of views that pays special attention to the role of social identity in knowledge acquisition”. In other words, this epistemological approach does not only allow us to hear the voices of the voiceless, but also permits for the critical analysis of the dominant forms of knowledge promulgated by those in power. It makes the researcher analyze what is “real” or not through uncovering structures that have impacted our perception of the “truth”. Epistemic concerns arise as the “truth” is contested with the use of nonepistemic features (Toole, 2019). Relying solely on traditional epistemologies would silence/exclude fewer dominant agents of knowledge production because the assessment of these forms of knowledge are grounded in power.

appropriate given my paradigm, the recruitment of individuals who are under these restrictions represents a methodological challenge. For example, many individuals do not want to be identified as “sexual offenders” as there is stigma associated with this label. I, as a researcher, understood that asking participants to disclose their status as “sexual offenders” may be causing harm. Therefore, taking influence on the standpoint epistemologies, an account from those who have a specific understanding of the issue being researched is necessary. Hence, this justifies my use of interviews with professionals who are frontline workers for the management of individuals convicted of sexual offences in the current research. They are involved in mitigating the challenges that come with the “sexual offender” status. Therefore, their insights were deemed relevant to me.

The critical paradigm’s ontological positioning rejects the notion of objectivity as it is believed that it is a biased ideal. It is argued that objectivity occupies the role of reproducing relationships of power that are already existing in the social world (Hesse-Biber, 2017). Historical realism ontology refers to the ways that various structures have shaped the perception of the social world (Glesne, 2010) and are now being questioned as their legitimacies are grounded in ideologies that further the unequal distribution of power. Like the epistemological positioning, the concerns arise surrounding the validity of the claims being presented. However, disregarding the epistemic standards, this ontological position assumes that the reality exists, but it is not incorporating those whose reality is different. To avoid colonial praxis, the research does not seek to uncover or discover. It seeks to render the invisible visible by way of letting subjectivity make its way into the qualitative inquiry. It disregards positivistic notions of objectivity and acknowledges the role of bias in our understanding of “reality”. By critically questioning the element of “truth” in “reality”, it allows the researcher to hear the voices of those who have been excluded by mainstream criminology. As previously stated, this will be executed by recruiting participants who know the realities of living with these socio-spatial restrictions. This approach does limit the extent of my analysis, as those whose reality pertains to this research are not the ones speaking. This ontological approach would force the researcher to question their biases that have impacted their understanding of a phenomenon.

3.1.3. Ethical Considerations

Part of my epistemological reflection stated the ethical consideration in not identifying individuals who have sexually offended. Therefore, as part of my research uses publicly available records (i.e. community notifications on the Ottawa Police Service website) and in which individuals' information may be disclosed, I chose to not name these individuals in my research. Instead, I name them "Person XYZ". Based on my own personal discussions with people involved in the management of persons who have sexually offended, I aim for this research not to be used in a manner that may further ostracize individuals who are working to re-enter society.

Since part of the research method included participant testimonies, my research had to be reviewed by the University of Ottawa Research Ethics Boards (REB). The first version of the ethics request was created on April 25th, 2024. The final amended request was approved on July 30th, 2024.

No conflict of interest has been identified while conducting this research.

3.2. Access to Information, Cartography & Interviews

At the beginning stage of the research process, my data collection method only involved ATIP requests which would then, be supported by the testimonies of participants involved in the management of sexual offenders in the community. My methodological approach has changed throughout the research as I encountered hurdles securing relevant data for my analysis. The cartography was added at a later stage of the process to support the analysis of the ATIP documents I had received from the Parole Board of Canada, and the lack of participants' interviews I was allowed to use in this research. This section describes my methodical approach as well as my rationale to use these techniques for my data collection.

3.2.1 Access to Information

The main objective of this research was to establish how the sexual offender's socio-spatial restrictions lead to banishment in a Canadian context. To fulfil the objectives I have set out, I have established that I needed to investigate the restrictions themselves, map them, and acquire professional knowledge about the management of sexual offenders in the community. Therefore, the methods of this research can be broken down into three parts. While sexual offender information is available publicly online in the United States, Canada has not publicized

its registry, which means that I had to make an access to information request to get information about the sex offender restrictions. In the first instance, I submitted an Access to Information request under the Access to Information Act, which “provides a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public [...]” (Access to Information Act, 2024). Access to Information about government practices is a relevant tool in getting insight into the practices of the state as well as its decision-making. It has also been an invaluable tool for critical social science, especially critical criminology (Walby & Larsen, 2012). Access to Information and Privacy (ATIP) requests provide qualitative and quantitative data about governmental activities, which is relevant if the research question concerns itself with the governance of sexual offenders (Mario & Kilty, 2024; Walby & Larsen, 2012). Despite being a widely recognized tool for critical research, the burden lies in what the government decides to make available to the public. It is a rather unstable method of data collection, as there are many factors that are beyond the control of the researcher. In fact, one of the drawbacks of using ATIP requests as a data collection tool is the “gatekeeping” of information and the protection of bureaucratic practices, as Mario and Kilty (2024) posit, from the public. In fact, there are no guarantees that the information sought would be released if it is subject to legal exemption, redaction clauses or if the record simply “does not exist” (Walby & Larsen, 2012). It is particularly so with information pertaining to the criminal justice system (Wayne, 2019). Various documents containing the information sought contain highly sensitive private information, which raises concerns (Wayne, 2019). Regardless of the nondisclosure of governmental documents, scholars have found ways to analyze these non-answers. In critical studies, this denial of information is viewed as a practice of silencing dissent or criticism on governmental institutions (Mario & Kilty, 2024). However, in a study concerned with carceral expansion, the practices of the government, no matter how publicly limited they may appear, are paramount to the research inquiry.

I sent in a request on May 15th, 2024, to the Parole Board of Canada requesting “[...] parole conditions imposed on individuals who have committed sexual offences released between 2018 and 2023. The sort of records desired would be all documents indicating the conditions that the released individual has to abide to respect the conditions of their released. More specifically, I am looking at all the socio-spatial restrictions (i.e. Order of Prohibition). We are looking at

individuals released from Collins Bay and Donnacona federal prisons [...]”. The Parole Board of Canada provided the requested information for the fiscal years of 2018-19 and 2019-20 pointing that system changes in fiscal year 2020-21 lead to the Parole Board of Canada not being able to report on sexual offending past 2020-21 fiscal year. The document included various restrictions given to individuals who had granted different sorts of release, and it was used to justify the choices made during the cartography. On that release form, the PBC stated the various conditions and the type of release given to the individuals in question. Given the limited information provided by the PBC, I began inquiring about the specificities of what has been sent to me. Despite efforts and recalls, I did not receive any other specifications about the request from the ATIP analyst.

Next, I sent a request to the Department of Justice Canada on June 4th, 2024, requesting similar data as the request sent to the Parole Board of Canada. In the request, I inquired about “All the details on Order of Prohibitions given for sexual offences under s.161 from 2018 to 2023. More specifically, all the notes of social and spatial prohibitions for sexual offenders”. I received an email from an ATIP coordinator requesting that I tweak my request so that the information requested be easier to locate. Following this, I received an email from the same ATIP coordinator stating those records would most likely be dealt by Statistics Canada. On June 18th, 2024, a Statistics Canada ATIP analyst asked that the clock be rewinded to day 1 given the size of the request. 15 business days had already gone by without the requested information. I agreed to rewinding the clock hoping that it would get me the information that I needed for this research. Lastly, I receive an email from the analyst stating that Statistics Canada does not have the records I had been seeking. I sent a third ATIP request to the Parole Board of Canada on September 12th, 2024. In my request, I stated “I am requesting all briefs, meeting minutes, policy drafts from the Parole Board of Canada regarding release conditions pertaining to the Sexual Offender Information Registration Act, dated from 2018-2022”. After 11 days, the Parole Board of Canada claimed that there was no existing record for what I had been inquiring about. After several follow-up emails, for which I have yet to receive an answer, I decided to stop seeking information using ATIP as I had already spent six months seeking the information.

While many (i.e Mario & Kilty, 2024; Schmidt, 2024; Walby & Larsen, 2014) mentioned having waited months and years for a response from the Government of Canada, I decided to

stop seeking these records and simply analyze the implications of my not having the records that I was asking for. However, on April 10th, 2025, I received a redacted 16-page document that I had requested more than 8 months prior. In the correspondence with the ATIP coordinator, it was explained to me that some excerpts of the records had to be redacted due to confidentiality. When asked about the delay regarding the release of these documents, the coordinator explained to me that they were not at liberty to say what had caused the delayed disclosure of these documents. Although I had now received the documents from Public Safety Canada, the information disclosed in those documents was not relevant to what had been asked in the original ATIP request to the Department of Justice. On these challenges, I viewed them as more organizational issues rather than concealing information that should be made available to the public. For instance, it was my understanding that the government would want to be transparent about the measures taken to protect communities from sexual offenders. However, my limited time and resources made me realize that ATIP requests may not be the most appropriate avenue to get data for my studies, as there was a considerable delay in releasing disclosure packages. As for what I had received from the Department of Justice, these records were not used as part of this research, as I had already changed my methodological approach to focus on the cartography and the interviews. To do so, I decided to complement the information provided to me by the PBC by using information available on community notifications on the Ottawa Police Service website. The cartography was, now, the main vehicle through which I conducted my analysis. Nonetheless, the records have the potential to be used in future research. To summarize, a total of three different ATIP requests have been sent to various government agencies (Parole Board of Canada, Statistics Can & Department of Justice). Only records from the Parole Board of Canada were used in this research.

3.2.2. Cartography

Secondly, as part of my methodology, I performed a cartography to map the restrictions to analyze how an individual convicted of sexual offences with restrictions can navigate the city as a method to answer the question of banishment. Part of the methodology must require spatial insights, and cartography represents an underused tool for qualitative data. Cartographies have been used to map crimes in specific geographies and have been used by critical geographers as “a vehicle for social and political intervention” (Kindynis, 2014). However, using maps requires critical insight because certain mapping perspectives are dominant and marginalize vulnerable

populations (Kindynis, 2014). That is why the “counter-mapping” is utilized to challenge dominant structures present in conventional maps. Horning, Jordeno, Motiwala & Poirier (2024) state that countermapping “can show how cities are surveilled, used to control inhabitants or help communities reclaim territory, often giving voice to marginalized communities” (114). Therefore, performing cartography would draw a picture of the physical hardship of navigating the city. In so doing, maps will be drawn from firsthand encounters with the environment in question. I chose to input the data into Google Earth as it is a software that is accessible to inexperienced researchers. However, there are limitations to using this software. Among other things, it relies on the accuracy of the map itself. After the preliminary research, I found that Google Earth had been updated for the last time in 2022. Therefore, the validity of my findings is reliant on the assumption that the identified locations are still present. It does not account for new locations that might have been opened after 2022.

For the first step of this cartography, I needed to identify the places in which children are expected to congregate, as the literature has stated that there are restrictions for sexual offenders around those spaces. To justify this choice, I also used some of the conditions provided by the Parole Board of Canada in their package release. Although the wording of these conditions was vague and unclear, I adopted a common-sensical approach to identify the spaces of restrictions. For example, one of the release conditions was “Avoid Children”. Based on that condition, spaces where children are expected to congregate were now categorized as restricted. Other restrictions that were mapped were also taken from the Ottawa Police Service website, where community notifications are also available for “high-risk” offenders. The restrictions on the OPS website are detailed and specify what are the conditions of release of the individual. In the analysis, I have used two community notifications from two different individuals. One has been charged with offences against children, whereas the other was charged with offences against women. In mapping the restrictions linked to children, those spaces were easily identifiable compared to other spaces where women, for example, could be victimized. The schools identified were limited to those where children under the age of 16 are likely to attend. Higher education institutions were not included in the cartography. The University of Ottawa was the only higher education institution located in the chosen perimeter. The choice not to include the University of Ottawa in the restricted zones was motivated by efforts of several departments across the University to be more inclusive of individuals with experiences of incarceration or

experiences with the criminal justice system. Therefore, I did not appear as though restricting the University of Ottawa as a space was relevant. Secondly, I needed to identify all the parks because they are considered venues where children are expected to congregate for leisure. From the city of Ottawa website, I was able to compute all the parks scattered around the city. For this project, parks were limited to those specifically meant for the leisure of children. Therefore, parks with paths or trails were not included in the cartography. This aligns with Knack et al's (2021) contention that the language surrounding what is considered park is vague and has yet to be addressed by the higher courts. Therefore, I chose the parks based on the characteristics that would reasonably appear to be a place where children are expected to congregate. As it was seen in *R. v Perron* and *R. v Lachapelle*, the interpretation of a "park" differed. If I give the example of a makeshift attraction park in the middle of a parking lot or the Gatineau Park, both are parks in essence; however, an argument could be made that they differ tremendously. Therefore, the parks were chosen specifically on their appeal to children and their families. Thirdly, I needed to identify all kindergartens and daycares. They were limited to those listed on Google. Furthermore, all community centers, rehabilitation centers or any other institution of the sort were identified using the Google search bar. Then, they were identified on the map using a red arrow.

As a preliminary observation, one part of the East downtown side of the city of Ottawa was canvassed to identify the various locations which could be subject to restrictions. The two locations were pinpointed for preliminary data collection. The first location was Viscount Alexander Public School, situated on Avenue Mann in Lowertown. From that location, we have measured 250 meters perimeter around the school to create a restriction zone based on the information provided by the Parole Board of Canada. We followed with a park nearby and repeated the same steps as the first location. Once the measurements were done, we imputed the data on Google Earth. For the remainder of the locations, each restriction zones were drawn using the Google Earth measuring feature. Around each identified location, a perimeter of 250 meters was drawn. Then, the shape was colored in red to identify it as a restricted zone. Other spaces in which children were reasonably expected to be present were colored in orange. These spaces ranged from malls to museums. The treatment centers were also identified and pinpointed as part of the cartography because those were spaces that individuals convicted of sexual offences were expected to attend per the restrictions specified by the Parole Board of Canada.

Finally, based on the restrictions provided by the Parole Board of Canada, the spaces subject to restrictions (i.e. Bars, sex-oriented businesses) were also highlighted in orange based on the spaces that are not explicitly targeted by the restrictions, but may be restricted nonetheless due to having elements of prohibition.

3.2.3. Interviews

Semi-structured interviews with professionals in the field of sex offender management have been conducted. Using semi-structured interviews allows for the collection of qualitative data to answer the research question. To be precise, using a semi-structured model permits the primary researcher to have some structure while retaining some agency to investigate furthermore some of the participants' answers, which would produce a broader understanding of the scope of the answers (Adeoye-Olatunde & Olenik, 2021). Therefore, the research used a five-phase form to build semi-structured interview questions as proposed by Kallio et al. (2016). The first stage required satisfying the criteria for using a semi-structured model of interview (Kallio et al., 2016). The second stage required a review of the literature on the topic (Kallio et al., 2016). The third stage required preparing a preliminary set of questions based on interest and literature (Kallio et al., 2016). The fourth stage required testing and modifying the interview questions. Finally, the last stage required completing the interview questions (Kallio et al., 2016). Based on this, an interview guide was used to retain the structured aspect of the interview while leaving room for the participants to share ideas.

My recruitment method is snowball sampling. The participants got the word of mouth concerning my research and contacted me if they were interested in participating in my research. For the testimonies, I chose to select participants from CoSA-Ottawa because of their role in providing social support to high-risk sexual offenders and House of Hope because it is a halfway house concerned with fostering relationships with the community. I wrote emails to both these organizations' administration staff explaining that I was looking for participants for my research. In the email, I provided a poster outlining the goals of my research as well as a recruitment poster (Appendix C). After two weeks, on September 25th, 2024, I was contacted by the first participant explaining that they were interested in meeting to discuss my research. After a confirmation, consent forms were sent out to the participant for them to sign ahead of their interview. The consent form (Appendix B) outlined the study's method of data safekeeping and

the ways that participant integrity will be upheld throughout the study and beyond. Other participants reached out to me and explained their interest in participating in the study, but rescinded their consent after the interviews were completed. Many explained that they feared that their anonymity would be compromised despite guarantees that actions were being taken to preserve anonymity. Before each interview, participants were gifted with a \$15 gift card from the coffee shop of their choice. For virtual interviews, gift cards were sent electronically using the participant's email address. The participants were to keep the gift card regardless of whether they had completed the interview or not. The participants were to keep the gift card regardless of whether they rescinded their consent.

I interviewed a total of 6 people. Each of the interviews lasted between 60 to 80 minutes and was either in person or by Zoom. However, two of them have maintained their consent for the use of their testimonies in this research. A common explanation for the participant who have rescinded their consent was rooted in the fear of being identified, given the polarizing nature of the topic being discussed. The participants presented an awareness of the undesirability of the reintegration of sexual offenders, common among community members. This was a semi-acknowledgment that sexual offenders do represent a class of offenders for which there cannot be any redemption. By rescinding consent, I understood that as a mean for the participants to protect themselves against the possible ramifications of their association with sexual offenders, despite them being fundamental to their reintegration. One important lesson given by my methodological challenges is that a critical approach regarding all aspects of sexual offenders will be met with resistance from participants. Specifically, regarding the topic of sexual offenders, nuances are often perceived as apologizing for what individuals have done to be designated as sexual offenders, whereas they might have just needed to identify an area of critique.

Each in-person interview was audio-recorded unless specified otherwise by the participant. For the in-person interviews for the participants who have rescinded their consent, all audio-recorded material was deleted as specified by the consent form. For virtual interviews, audio material was collected unless specified otherwise by the participant and kept on my personal computer in a locked folder. For the virtual interviews for the participants who have rescinded their consent, all audio-recorded material was deleted as specified by the consent form.

Following the interviews, I transcribed them into the word processing software. Ultimately, the content of the interviews was not used substantially in the analysis of the material for two reasons. First, I have noticed throughout some of the interviews that there was not much engagement with the restrictions, but more with the lack of resources available to sexual offenders. Therefore, only a portion of the interviews was used in this research. Secondly, most of the content of the analysis stemmed from the cartography. However, I did use some parts of the interviews to support some of the claims I make in the analysis. Although the interviews were not used in their entirety to discuss the findings of this research, I consider that they have fostered a greater understanding of the dynamics between theory and practice in sexual offender management.

To analyze the data from those interviews, a thematic analysis was conducted. To conduct the thematic analysis, I used the software NVIVO, which was useful in coding a large data set. A thematic analysis is a bottom-up approach to idea building. In other words, the analysis does not depend on already predisposed theories or ideas. It, rather, tends to get the ideas or theories from the data itself. It is a relevant method, in accordance with the third objective, to extract the recurring themes in the data set (Braun & Clarke, 2006:79). This is also referred to as an inductive thematic analysis or "data-driven" (Braun & Clarke, 2006: 83). Furthermore, I used a reflexive thematic analysis. That required me to be constantly reflecting on my own views and opinions to not let them impact my analysis. To continue, I used a latent approach to the thematic analysis. This meant that the analysis went beyond the words of the participant and went deeper into the structures that give meaning to the data (Braun & Clarke, 2006: 84). This analysis took into consideration the social context in which the data set existed. At first, I decided what constitutes a theme as specified by Braun & Clarke (2006:82). After that, a theme covered an important aspect of one or more objectives specified by the research. In this way, the research question and the objectives guided the analysis (Braun & Clarke, 82). The themes were not considered based on size, but rather on substance and density. To conclude, the analysis followed Braun & Clarke (2006)'s step-by-step guide to a thematic analysis. The first step required the researcher to familiarize themselves with the data (Braun & Clarke, 2006; 87). The second step required "generating initial codes" (Braun & Clarke, 2006; 88). The third step required "searching for themes" (Braun & Clarke, 2006; 89). The fourth step requires "reviewing themes" (Braun & Clarke, 2006; 89). The fifth step required "Defining and naming themes" (Braun &

Clarke, 2006; 92). The final step required producing the final report (Braun & Clarke, 2006, p. 93). With the content of the 2 remaining interviews, I have identified three themes which were reintegration, challenges, and balance.

Conclusion

The shift in my methodology was an adaptation to the challenges I faced with data collection. Although I had intended to rely mainly on the ATIP documents, I used the interviews, the cartography, as well as publicly available information on the Ottawa Police Service website to complement the gap in my data collection. I attributed my shift in my methodology not to my methodological approach but, rather, to the topic I chose to study. The critical approach used to study this topic may be the element, an important part of the analysis focuses on the cartography. The cartography uses the restrictions provided by the PBC and the Ottawa Police Service website for the mapping. Finally, the interviews were able to complement the observations I had made with the cartography.

Chapter IV: Cartography

Introduction

The Parole Board of Canada released the package detailing all the release conditions given to individuals incarcerated in the Donnacona and Collins Bay federal institutions from 2018 to 2020. The list of conditions goes as follows:

- Not to Consume Drugs
- Avoid Victims
- Report Relationship
- Respect a Curfew
- Avoid Certain Persons
- Avoid Drinking Establishments
- Not to Consume Alcohol
- Follow Psychological Counsel
- Follow Treatment Plan
- Reside at Specific Place
- Porn Restriction
- Other Special Conditions

This list is not exhaustive of all the release conditions that may be given by the Parole Board of Canada. In fact, there may be conditions related to “avoiding sex workers” or “avoiding gambling establishments” depending on the sort of offence initially committed. Although there are some references to space with the word “avoid”, none of the restrictions provided by the PBC make direct mention of restricted spaces for sexual offenders. However, these conditions are linked to the offence for which the individuals have been convicted, and individuals may likely abide by various of these release conditions at the same time. For non-respect of these release conditions, individuals may be charged with a new offence that may lead to incarceration (Criminal Code, 1985). To continue, for certain offenders who are deemed “high-risk”,

community notifications are also available on the Ottawa Police Service Website. These notifications highlight the various restrictions that the offender must respect to maintain their parole, as well as providing a picture of the individual. For the first set of restrictions, I am using the community notification of Person 1, who has been convicted of child sexual abuse crimes.

Person 1 must, among other things:

- Not [...] consume, purchase, or possess alcohol.
- Not to consume, purchase or possess drugs other than prescribed medication taken as prescribed and other over-the-counter drugs taken as recommended by the manufacturer.
- Not attend a school ground, public park, playground, daycare, community centre or public swimming pool where persons under 16 are present or could be reasonably expected to be.
- Immediately report all sexual and non-sexual relationships and friendships with females and any changes to the status of the relationship/friendship to your parole supervisor.
- Not seek or obtain employment (remunerated or not), not becoming or being a volunteer in a capacity that involves being in a position of trust or authority towards any person under the age of 16 years.

These conditions align with the release conditions provided by the Parole Board of Canada. For example, Person 1 has a s. 161 order, which broadens the scope of the restrictions. For the second set of restrictions, I am using the community notification of Person 2, who has been convicted of sexual offences against women. This person has been designated as a Dangerous Offender since 1996. Person 2 must, among other things:

- Not to consume, purchase or possess alcohol.
- Not [...] enter establishment where the primary source of income is derived from the sale or consumption of alcohol.
- Not to consume, purchase or possess drugs other than prescribed medication taken as prescribed and other over-the-counter drugs taken as recommended by the manufacturer.
- No direct or indirect contact with the victim and members of their family.

- Immediately report all sexual and non-sexual relationships and friendships with females and any changes to the status of the relationships/friendships to your parole supervisor.
- Remain within his temporary residence between the hours of 9 PM to 9 AM.

Both persons differ in their risk as they were convicted of different crimes. For Person 1, the restrictions attempt to manage the risks towards children, as they were initially convicted of child sexual offences. Whereas Person 2 does not have the same restrictions, as they were convicted of offences against adult women. While they may be considered both risks, they are risks to two different populations. Based on these two sets of restrictions, I observe how they affect life in the city of Ottawa, and how they may lead to banishment.

4.1. A Focus on Public Safety

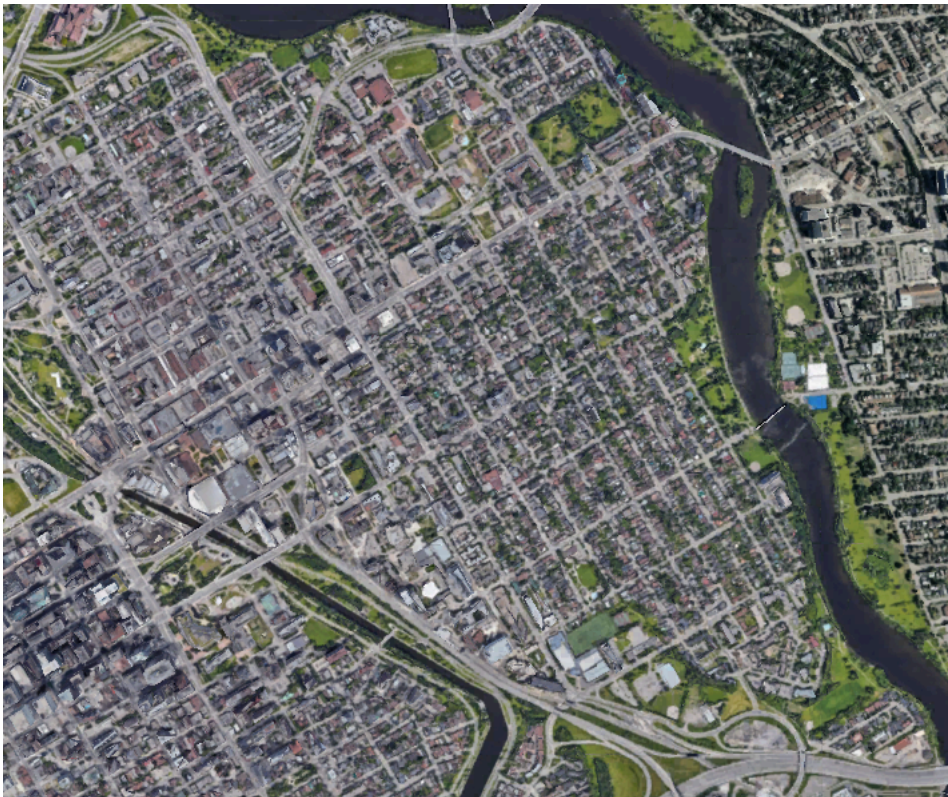


Figure 1: Aerial View of the City without Restrictions

The first figure is an aerial view of the Lowertown portion of the city of Ottawa. As the picture demonstrates, this is what the city looks like without mapping the restrictions. Therefore, anyone who has not been convicted of sexual offences has the agency to circulate through the city without any restraints imposed by the criminal justice system. In this view, dwellings, community centres and parks are available for anyone to access. In other words, this expresses one's agency to circulate in the space without risking being punished. Therefore, one's exclusion from this space, notwithstanding the sexual offender status, could range from economic to racial status, but it is not a symptom of previous convictions for sexual offences. One element of consideration for this view of the city would be the spatial privilege that may render the city arduous to navigate for individuals who have been identified as sexual offenders. Despite the city being "accessible" free of imposed restraints, the investments of some spaces may render some part of the city more regulated, thus more restricted for individuals (Fainstein, 2010), although the present picture does not consider those factors. In this view, all that is observed is an open space through which individuals are allowed to navigate. In fact, without the sex offender restrictions, I can only speak of "inaccessibility". One's interactions with this space may be negotiated by various factors, but the "inaccessible" space can become accessible if we change the characteristics of the space.

4.1.1. Alcohol/Drug Prohibitions

Persons 1 & 2 share an alcohol and drug prohibition. A common thread among the participants' testimonies is that the use of socio-spatial restrictions is meant to maintain public safety, as they are often linked to the offence. In a discourse of risk, the restrictions are meant to reduce the probability of future offences. While that may not be the intent, this approach ultimately views the rehabilitation of an individual convicted of sexual offences with pessimism. While there is a chance that the individual will not re-offend, the chances that they might represent a risk and the consequences are greater for the community and the offender. Those are the factors that the restrictions attempt to control. On this, one participant stated:

"It's like somebody who's an alcoholic going into a bar. 'Well, all my friends are meeting there.' Okay, but is that going to take you off track? Right, then you shouldn't go there."

The conditions of release provided by the Parole Board of Canada emphasize an approach of rehabilitation grounded in public safety. Many of the conditions, such as drug or

alcohol prohibitions, are indicative of the level to which drugs or alcohol might have contributed to the primary offence. With this statement, it is not about maintaining a social network, but it is about avoiding situations/factors that may contribute to offending. This means that drinking establishments or any other space associated with the consumption of drugs/alcohol are restricted areas for public safety. It is a method by which variables that are the riskiest are being controlled. In fact, a drug/alcohol prohibition is often accompanied by “Avoid drinking establishments,” as disclosed by the Parole Board of Canada. What the earlier statement by the participant provides is the idea that many venues associated with alcohol consumption are also spaces in which people maintain social relationships. The prohibition has a geography which affects all activities occurring in said geography. While that is not banishment per se, it denotes a certain exclusion that is warranted for individual who have committed sexual offences and for which substances played a role in their offence. Consequently, social interactions are regulated by way of managing risk, although the main objective might have been to regulate the consumption of alcohol in these spaces. Therefore, with specific conditions come an array of consequences that may contribute to the overall exclusion of sexual offenders.

What this means, spatially, is that these spaces in which alcohol/drugs are expected to be consumed are restricted. For the city of Ottawa, areas such as tourist areas (i.e. Byward Market) are also off limits due to the proximity of drinking establishments. The creation of restriction zones around those establishments insulates the persons who attend these venues and, ultimately, excludes individuals who have a prohibition on alcohol/drugs. While that may not be considered banishment because of the perceived necessity of these prohibitions for sexual offenders, they regulate other venues associated with leisure that may also sell alcohol. To be precise, these restrictions are not seldom nor abstract. They are consequential and extend beyond the variable that they are trying to target.

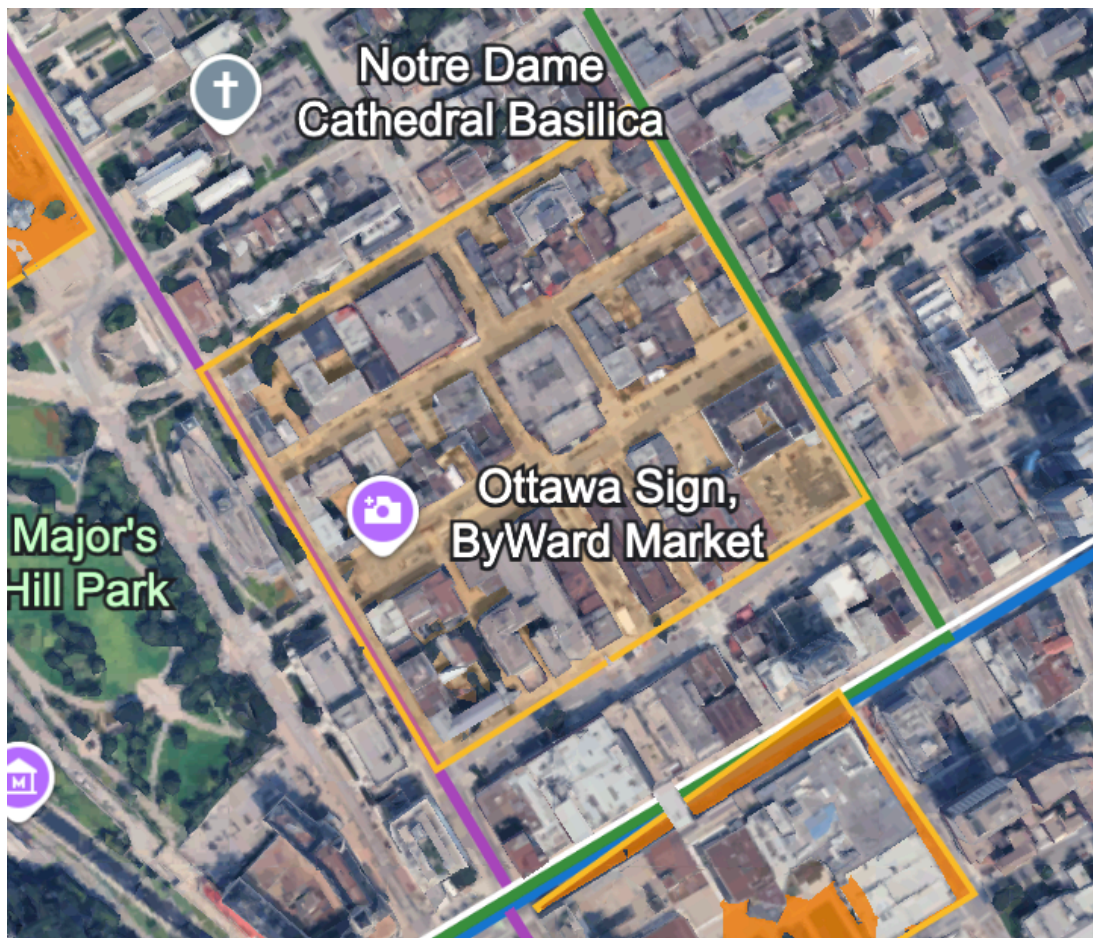


Figure 2: Aerial View of the Byward Market with Restrictions

This image highlights a yellow square, which represents the Byward Market. The Byward Market is known for its tourist and nightlife characteristics. In such cases, there are plenty of bars or restaurants where alcohol is expected to be consumed. For those with an alcohol prohibition, the Byward Market may represent a restricted zone. It may also affect how they can move throughout that space. This may be a space in which they can engage with others, but the prohibition affects the sort of interactions that they may have. As the participant stated earlier, if the bar is where your friends are meeting, then a prohibition on alcohol restricts one's social interaction in these places. With the importance put on public safety, this sort of prohibition problematizes the consumption of alcohol for certain individuals, while others can maintain prosocial bonds aided by the consumption of alcohol in these venues. This creates a dichotomy between individuals who can remain prosocial while consuming alcohol and individuals for whom the consumption of alcohol poses a risk. This restriction exposes a process of "difference" grounded in risk logics. As such, a prohibition on alcohol has both social and spatial elements. In

this example, the Byward Market was the most identifiable space in which alcohol is expected to be consumed. Therefore, individuals may be desensitized to attending these venues. However, this prohibition also targets spaces in which the consumption of alcohol can be expected. On this, a participant stated:

“And if somebody has a condition for, so if alcohol was used or drugs at the time of offending, it adds another layer because then you’re not even allowed at a pool hall. You’re not allowed anywhere that sells alcohol. So, then you can’t even play pool. You can’t go play darts. You can’t do anything that’s associated with alcohol being served.”

Spaces that are “traditionally” associated with alcohol consumption are being targeted, as alcohol can be consumed in these venues. Although the main characteristic of that space may not be the consumption of alcohol, the sole fact that alcohol is being served in those spaces excludes sexual offenders from attending these venues. Now, spaces of leisure are restricted if they have an element of prohibition. However, the statement by the participant highlights the importance of these venues for leisure and reintegrative purposes. It is not simply a space in which alcohol is being consumed; it is also a space in which individuals can have interactions with one another. The balance scale between reintegration and public safety prioritizes public safety. This limits the spaces where individuals convicted of sexual offences can access or attend for leisure purposes. While this remains about public safety, an establishment must only serve alcohol to be restricted for sexual offenders who have an alcohol prohibition. What may be trivial to those who do not have those restrictions is a challenge to those who must navigate life and the city with such restrictions. For example, some restaurants are not accessible because they sell alcohol. A simple task, such as finding a restaurant to dine in, may be daunting for individuals who must “avoid drinking establishments”. Such a prohibition now regulates who can be in these spaces. It arguably guarantees that individuals attending these venues are persons for whom alcohol is not a factor leading to possible harm. In other words, for these drinking establishments, the desired clientele is one for whom the consumption of alcohol is not problematized. Therefore, what is guaranteed with such prohibitions is that sexual offenders with an alcohol prohibition most likely will not be in that space. The rationale behind this is that it not only prevents potential offending but also protects individuals from potential victimization. Through regulating spaces of social interactions for public safety (i.e. pool halls), it remains that exclusion occurs, and it is seemingly

inevitable. By wanting to curb the probability of offending, the approach that is taken is incapacitation. However, that also restricts individuals from engaging in pro-social activities such as going to the pool hall. That is because the management of sexual offenders is a balancing act that will often prioritize public safety over reintegration. This is justified under the belief that the consequences of reoffending may appear much greater than the benefits of reintegration. As such, exclusion is apparently expected because it enforces public safety.

4.1.2. The Accessibility of Treatment Programs in Ottawa

For some of these alcohol/drug prohibitions, they are accompanied by a duty to attend substance use counselling services. While the PBC's release condition package does not explicitly state which services to attend, it is sensible to believe that the treatment programs must target the factors that led to offending. Reintegration is an important variable when discussing banishment. It has been established that sexual offenders are both socially and spatially excluded (Alexander, 2020; Hale & Fitzgerald, 2007; Soja, 2010). It has also been established that reintegration is not possible if sexual offenders are incapacitated from seeking treatment programs (Grossi, 2017). Reintegration also entails that the offender must undergo treatment programs, but that can be complicated if these programs (Substance use programs, counselling, or peer-support programs) are in restricted zones. This has been said to limit considerably the access and the entire reintegration (Grossi, 2017). In both Person 1 and 2's cases, both have restrictions on alcohol consumption/possession. However, the management of these risk factors must also be spatially considered, as treatment for these issues happens in specific places located around the city. In this case, there is only one identified community centre (See Figure 3) and one counselling rehab service (See Figure 4 on page).

to the many (if everyone can participate in these programs), but keep sexual offenders away because of spatial restrictions. It has been argued that the criminal justice system employs these tactics to keep offenders in a loop using the geographical configuration (Hale & Fitzgerald, 2007). However, in this case, neither the geography nor the space has been manipulated. In other words, the space did not go through a process of revitalization with the explicit hope of displacing sexual offenders. Rather, it is the “image” of the community center in that specific area that now restricts the individual’s access. Therefore, even if an offender might live at a relatively appropriate distance from a community centre, they may have to secure another location away from their residence to get the service that they need.

The exclusion of sexual offenders from treatment programs furthers the belief that their reintegration may not be desired nor facilitated. Some programs fulfill the public safety mission by providing individuals with tools to manage their risk in society. However, the inaccessibility of treatment programs also has criminal consequences, as individuals may be reincarcerated for non-compliance with release conditions. As a participant stated, many sexual offenders have the motivation to change and reintegrate into society as law-abiding citizens, but they face hurdles due to the lack of services meant to help them reintegrate. On this issue, one participant stated there is a lack of funding for Circle of Support and Accountability, although the benefits have been highlighted. In one discussion with a professional involved with the reintegration of individuals convicted of sexual offences, the participant disclosed:

Participant: So, there’s no funding and even volunteers. That’s kind of the scarcity of like volunteers and stuff like that.

Me: So, do you have any kind of opinion on that?

Participant: Well, yeah. I mean, there are, yeah. There are lots of, I mean. CoSA is not funded anymore. So that’s one of our big problems, right? We’re not federally funded anymore. So, we’re, you know, trying to keep our doors open in other ways.

This discussion highlights two issues vis-à-vis supporting sexual offender in their re-entry into society. First, accessibility is impacted by the lack of persons meant to run these programs, as observed by McCartan et al. (2022). In fact, one circle necessitates three to five volunteer members for one core member according to the literature on CoSA (Hannem &

Petrunik, 2007). What the lack of volunteer members entails is the inability of CoSA to offer circles to offenders who have been deemed “high-risk” because the demands exceed the capacity of service of CoSA. The exceeding demand for such services indicates the perceived benefits of the program as well as the scarcity of support that sexual offenders experience when released in the community. While there may be other programs that are as effective as CoSA, public safety cannot be promoted in the absence of personnel meant to work with individuals convicted of sexual offences, and that represents an obstacle to the reintegration of sexual offenders. This leads to the second issue highlighted by the conversation with the participant. At some point in time, CoSA was federally funded, and it is not anymore. That impacts the training of volunteers as well as the day-to-day operations that allow CoSA to keep its doors open for clients. In the absence of funding, the capacity of the service reduces. The pressure of CoSA to keep their doors open is accompanied by the fear of reoffending if clients do not get a circle.

“I mean, Toronto, Hamilton and... Toronto, Hamilton and Kitchener closed in June. CoSA, because the funding was pulled. So, Hamilton opened back up under St-Leonard’s. But the Toronto and the Kitchener sites are not. They did not open and will not open back up. I had lawyers calling me from Toronto asking if their clients relocated, I would give them a circle? Because they had a circle in Toronto, and they’re well aware that without CoSA, they will likely reoffend. The client is well aware of that.”

This statement goes back to the issue of the proximity of services meant to alleviate the risks of offending. In this case, individuals are willing to move cities to get support. Although there is a willingness and motivation to remain law-abiding, the limited support provided to these individuals impacts their reintegration. The inability to reintegrate society as a functional member is a symptom of exclusion and banishment. The lack of funding or, otherwise, lack of investment into the reintegration of individuals who have sexually offended is problematized. The lack of funding for these treatment programs not only affects the individual but also affects the possible victims. The public safety promise cannot be fulfilled if the aids that have been proven to be effective are disregarded. This encompasses a broader philosophy grounded in individualization rather than collective welfare. Individuals are held responsible for their actions without much support from the state. In other words, the government does not invest in programs that would not generate profits. The rupture of funding for CoSA is also indicative that it may not

be a priority for the government to support programs that will contribute to public safety. Consequently, the relocation of some individuals from Toronto, Kitchener or even Kingston to Ottawa is a condition of the lack of necessary services highlighted by Lussier et al. (2014,2016) in major Canadian cities. While I focus on Ottawa in the current study, the lack of social programs for sexual offenders in Toronto, Kitchener and Kingston would be a sort of socio-spatial exclusion according to Hale & Fitzgerald (2007). As there might not be enough support programs nearby, individuals may be forced to relocate away from the places in which they have established housing. The lack of service and support may have chased individuals convicted of sexual offences away from these cities. There is the imposition of these release conditions, but there is also the scarcity of support meant to respect these release conditions. The cartography and the interviews both highlight the spatial barriers to attending treatment programs and the punitive consequences associated with limited support in the communities. With the constant threat of punishment looming, banishment can be observed through the emphasis on public safety rather than reintegration.

In fact, the only counselling service available in the Lowertown part of Ottawa is located on St-Patrick Street. Therefore, if an individual cannot attend a community center, under s. 810 or s.161 order, this counselling service would be the only available to individuals who have a release condition stating that they must follow a treatment of some sort. This is assuming that they can get into the program in the first place. The implication of limited social programming for sexual offenders contributes to the belief that sexual offenders are experiencing banishment through the inability to gain support from the community. While the participants do not speak of alienation, they do acknowledge that it has considerable consequences for their reintegration. As such, there are fears about the outcome of limited services for sexual offenders. As observed with Toronto, Kitchener or Kingston, individuals must relocate to get support and services. The inability to find these services in their cities is a sign of banishment through restriction/conditions, but also through the cut in funding. While I do not believe that banishment is the desired outcome, the management of sexual offenders operates under a penal realm. Ultimately, this situation can be experienced as a punishment. The earlier statement by a participant about the likelihood of reoffending highlights the reality that some offenders are stuck in a cycle of offending and punishment. Treatment programs are meant to offer a stop to that cycle. The restrictions imposed by the Parole Board of Canada may exacerbate this cycle when

the same government is also withdrawing funding for these programs. Although the restrictions may not lead directly to banishment, they facilitate the experience of exclusion through a limited emphasis on reintegration.

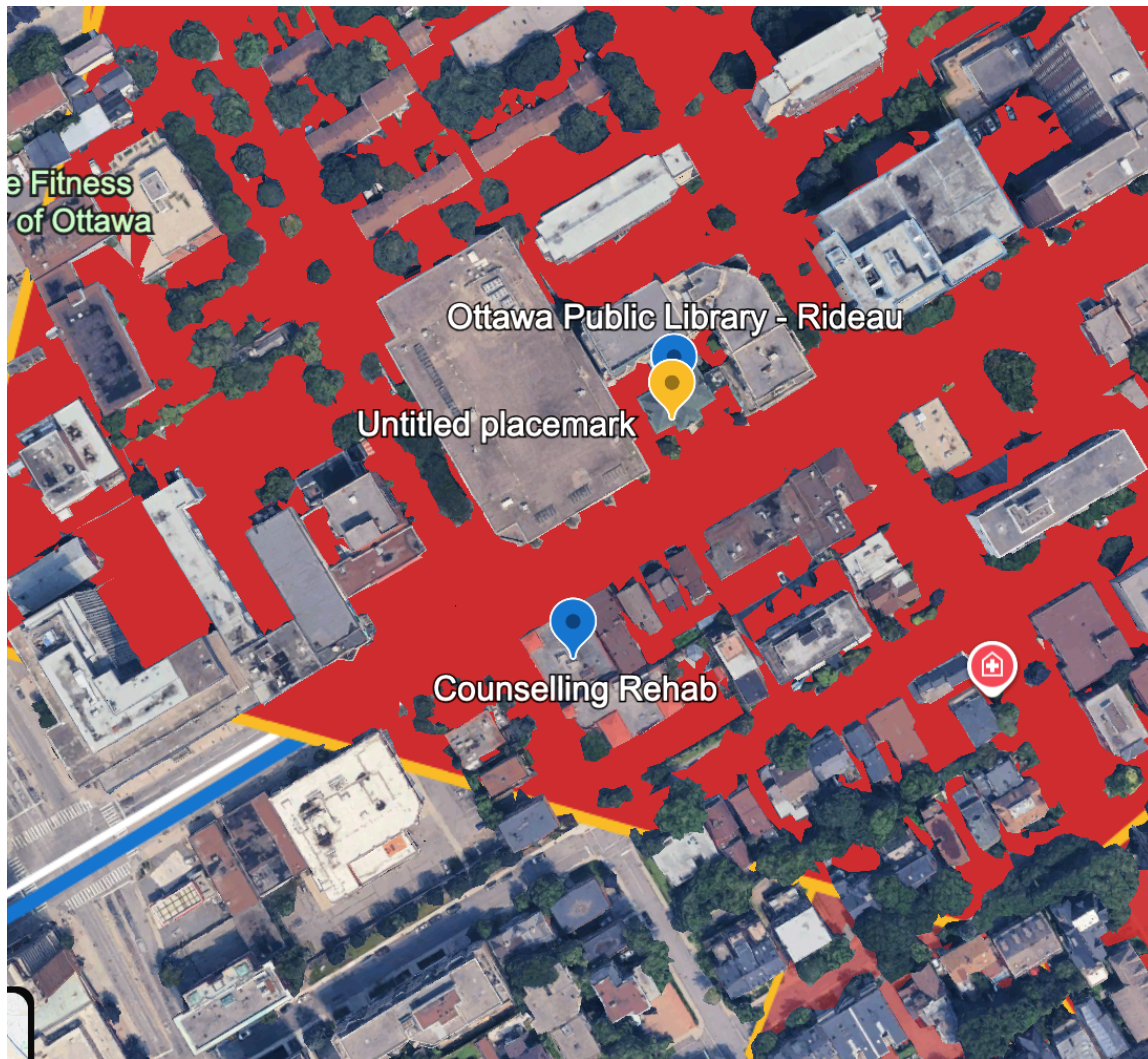


Figure 3: Counselling Service on St-Patrick St

This is particularly problematic for offenders who are under a section 810 order and have been characterized as “high risk” (Lussier et al., 2010b). Lussier et al. (2010b) and Lussier et al. (2014: 290) described individuals under a s.810 order as “[having a tendency] to have poor social support and inadequate coping skills to deal with community re-entry while being characterized by entrenched antisocial attitudes, poor self-regulation, and resistance to change.” These individuals have a particular set of needs that are both socially and spatially relevant to their reintegration. The literature highlights the importance of rehabilitation in reducing recidivism

(Levenson, 2008). However, elements of rehabilitation are grounded in community support. For persons 1 & 2 who have been “high-risk sexual offenders”, the lack of treatment programs increases the chances of re-offending. This questions how the management of sexual offenders in the community can promote safety in the community while limiting the support that they need in the community. It can be concluded that this barrier in getting appropriate support relates to an unwillingness to have sexual offenders reintegrate into their communities. As a result, the restrictions that are meant to control their risks are also the ones that may contribute to their banishment. The next section will explore social conditions/restrictions that also impact one’s access to space.

4.1.3. Regulating Social Networks in Space

For other conditions, however, they can mitigate the interpersonal relationships between individuals who have committed sexual offences and their social network. In instances where the individual must “avoid victims” or “avoid children”, it forces a social distance between the individual and potential victims. This social distance is also accompanied by a spatial distance. This sort of restriction attempts to minimize the proximity between offenders and their “preferred victims”. By default, these restrictions enforce a separation between individuals who have previously been victimized and individuals at risk of being victimized.

“So, a lot of clients have a condition that you’re not to associate with the victim or anybody that’s associated with the victim. So, if the victim is a family member, then you’re not allowed to associate with anybody in the family. So, you lose, I mean. Typically, nobody in the family wants to associate with you anyway. But even if they did, that option is taken from you.”

Such conditions remove a certain agency to associate with a social network that might be essential to their reintegration. For example, for individuals who have a duty to “Report Romantic Relationship”, this extends their surveillance to persons with whom they are romantically involved. This means protecting the partner and their entourage from the risk of sexual offending. The necessity of such restrictions results from the reality that sexual offending is often perpetrated by someone known to the victim (Agan, 2011). With this statement, the participant highlights the reality that this distance is not solely meant for risk management, but also to alleviate the strain that comes with being associated with an individual who has committed such an offence. When the participants stated “typically, nobody in the family wants

to associate with you anyway”, it highlights the overall disapproval of sexual offences and sexual offenders in the general population, but also the harm caused by sexual offences to entire social networks. However, the negative consequences associated with that have also led to harassment for the families of sexual offenders (Cubellis et al., 2019; Levenson & Cotter, 2005a; Mercado et al., 2008). An association between individuals entails shared characteristics and relates back to an adherence to these characteristics to remain within that group. With individuals who have committed sexual offences, the association is undesired as “sexual offenders” are identified by their “difference”. The nature of the offence has been rejected. Albeit grounded in risk management, it may strengthen the barrier towards social reintegration. In the same vein, the participant highlights that these sorts of restrictions come at the detriment of the individual to whom these restrictions are imposed. By stating “So, you lose”, there is an acknowledgement that the necessity of these restrictions may override their benefits. In other words, it may mitigate the risk, but it also weakens the individual’s social support outside of CoSA. As stated by the literature, individuals convicted of sexual offences have a particular set of needs when they are released (Lussier et al., 2014). They may experience isolation that may be caused by a condition stating to “avoid victims” and their family members, like Person 2.

This not only impacts the social interactions between individuals, but also where they can live. This encompasses two elements that are essential to understanding banishment in the current research: the rejection of sexual offenders and their exclusion from specific places. If the individual has offended against a member of their family, the possibility of returning to the family home is nonexistent (Levenson, 2018). On the issue of housing, the participants have all highlighted the hurdles to securing housing in Ottawa.

“They end up in cockroach-infested places. That’s the bottom line. That’s exactly where they end up if they’re not on the registry, like the housing registry. So some of them have been lucky enough to get apartments through that [...] But if you don’t have the support of some of the community, then you’re on your own, and yeah, you’re not. Yeah. I mean, you can’t pass a criminal background check, right? Most of them can’t pass a credit check either. So yeah, there’s nowhere for them to live.”

This statement discusses two important issues. It discusses the issue of affordable housing and the state of housing if they can get it. To begin, individuals who have been

incarcerated already experience hardship when released in the community (Alexander, 2020). It is highlighted by the participant that community support can be integral to the reintegration of individuals who have just been released from incarceration. In the absence of family support, experiences of exclusion can be noted. For sexual offenders, there is an added layer which also regulates where they can establish housing for individuals like Person 1. In the case of Person 1, a s.161 order would restrict their ability to establish housing near spaces where children are expected to congregate. As Figure 4 demonstrates (see previously on page), the restriction zones around the parks, kindergartens, schools, and community centres cover a large area of the Lowertown area of Ottawa. As such, they are excluded from the area and pushed further away from the city's center. That can be considered a form of banishment. As the red zones appear, sexual offenders are pushed away to promote safety for those who reside in the red zones. However, in the off chance that they can get housing without violating the restrictions, it is now a question of affordability. The participant mentioned the housing registry as a means for some to secure housing. That is assuming that they can meet all the required criteria to apply for subsidized housing. Nonetheless, the participant stated that this happens if "they get lucky" and there are no guarantees of securing housing through the Housing Registry. Although the participant did not discuss the rise of homelessness in the sexual offender population like Levenson (2008, 2018), they did acknowledge that there is "nowhere for them to live". On one hand, that might be due to their undesirability in residential areas which appear to cater to families. The areas are characterized by the abundance of parks and day care near family homes. On the other hand, that might also be due to the expense of the housing market in Ottawa. That brings us to the second issue highlighted by the participant. Tenants can be subject to background checks, and whatever is found on those criminal records can be used to refuse housing to individuals convicted of sexual crimes. For landlords who may not require background checks, the quality of the housing may decrease as a result, explaining why some individuals end up living in "cockroach-infested places".

With the participant's testimony, I can draw a parallel between the status of persons who have committed sexual offences and the quality of the housing they get. It may be dependent on the sort of income they can get. Yet again, these variables are all mitigated by the "offending" status. For Person 1, a s.161 order may prohibit them from seeking employment in certain locations due to their proximity to schools, parks and/or community centres. This furthers the

analysis on restrictions being consequential and impacting other areas of life that were not originally targeted. Does this indicate banishment? All these restrictions and/or release conditions appear to be working simultaneously to further the exclusion of sexual offenders from these areas. Banishment, in this sense, is about displacing the “undesirable” away from the public purview using policies that target specific behaviours. For Fiolka et al. (2022), “these laws and policies often work subversively with land-use regulations to silently exclude certain groups of people from public spaces”. For sexual offenders, these “land-use regulations” are not the source of concern because urban planning tools are not being used to push individuals convicted of sexual offences out of public spaces. Rather, in the case of sexual offenders, their risks are being targeted and their risks are relative to the public spaces they encounter. In this sense, these public spaces are securitized to reduce the risk of offending through various managerial methods. This security comes from the management of sexual offenders through governance. The consequences for a breach of conditions may desensitize individuals from engaging in certain behaviours. For example, Person 1 poses a significant risk to children. Therefore, the restriction zones around spaces associated with children are justified under public safety. Nonetheless, it is not the restriction that ensures safety in these zones; it is the governance (through the threat of punishment) of sexual offenders in these zones. For Person 2, the zones of restriction are less clearly defined, as they have offended against women. However, the creation of a distance between offenders and their preferred “victims” contributes to a culture of exclusion. While banishment can be viewed as an experience most visible with the unhoused population, banishment can also be viewed as a punishment for sexual offenders, although it is often covered under the public safety cover. Punishment or the fear of punishment may be what dictates one’s adherence to the restrictions. This means that the restrictions are using the existing urban landscape to perpetuate the existing inequalities in life in the city.

4.1.4. Protecting Children with Securitizing Space

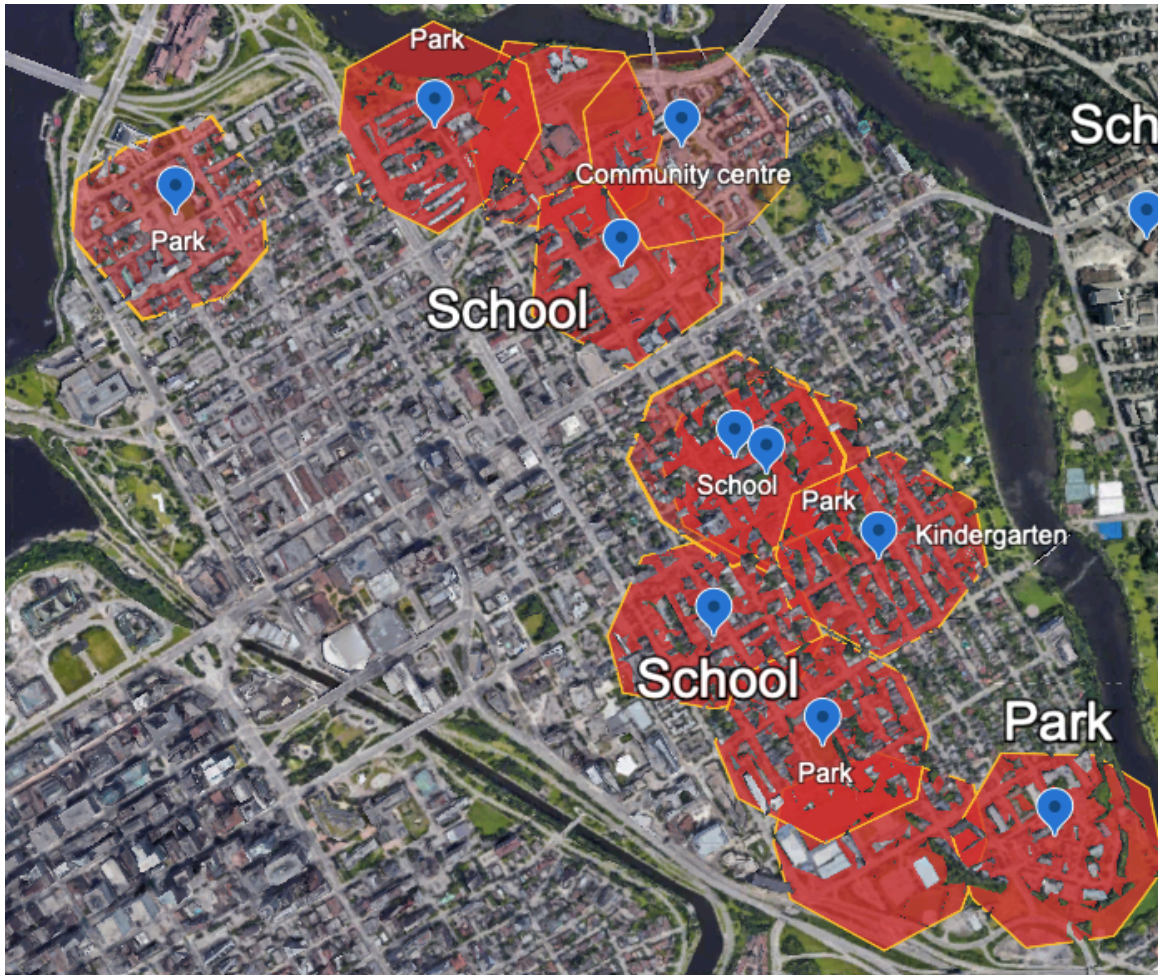


Figure 4: Restriction Zones for Space associated with Children.

In terms of space, conditions such as “avoid children”, the offence involved minors. Like the discussion on alcohol prohibition, the aim is to reduce the risk of offending by controlling the variables that have contributed to the offence. Therefore, to “avoid children”, spaces in which they are reasonably expected to be congregating are restricted. These would include parks, daycares, kindergartens, schools, and community centres. These red zones signify the spaces from which sexual offenders are excluded by way of public safety. Zgoba (2011) theorized that these restrictions serve the purpose of incapacitation for offenders whose preferred victims were children. The imposition of restrictions on spaces where children are expected to congregate strengthens the “stranger danger” myth about sexual offending because there is somewhat an expectation that sexual offenders will find their preferred victims and /or offend in these spaces.

However, the data previously collected by other studies demonstrates that “stranger” sexual assault is not the norm, particularly with children (Mogavero & Kennedy, 2017). For the restrictions imposed on Person 1, it assumes that the risk of recidivism is not controllable in these spaces, which explains the imposition of these restrictions in these spaces. However, these restrictions do not actively address acquaintance/ intrafamilial sexual violence, which was the prominent relationship between the victim and the offender in Duwe et al. (2008) and Zgoba et al. (2009). By imposing restrictions on these specific spaces, the aim may be to create distance between offenders and their preferred victims, but it ignores a different reality about sexual violence in the communities. It targets the overt (or seen) aspect of sexual violence in communities without necessarily acknowledging that sexual violence is often perpetrated by someone known to the victim. This introduces questions about the actual aim of these restrictions in reducing the risk of recidivism, when the reality (according to the data on sexual violence in the communities) is not merely addressed by these restrictions. It is important to note that instances of “stranger” victimization in exceptional cases, such as Christopher Stephenson, have happened. However, these instances remain outliers and not the norm. In this sense, treating an outlier like a norm furthers the ostracization of offenders in communities. Visibly, these myths, or more preferably, these overgeneralizations carry weight over their relevance in law-making. While public safety remains the mission, I question how the removal of sexual offenders through these restrictions actively addresses the sexual violence problem. It leads me to think that the removal of sexual offenders from these spaces is more aimed at limiting their re-entry into the community. The emphasis on the “stranger danger” perpetuates the identification of sexual offenders as possible risks to children in these spaces, regardless of whether that is the reality or not.

To continue, the spatial location of these venues is relevant to the neighbourhood in which they are situated. Their location appears to be determined by the housing around those venues. As the map demonstrates, these venues are in neighbourhoods where housing is also available. In this sense, the restriction may target venues where children congregate, but the spaces around them also become unavailable. What it also means is that we assign meaning to spaces and recognize the social apparatus from which space is developed. The schools and day cares are considered “vulnerable” zones because of the “vulnerable population” attending these spaces. Similarly, the main attribute of schools, kindergartens, and daycares is that they are in

residential areas. The protection of the space is inherently linked to the people who are likely to be in these spaces.

“It’s very hard to determine who is actually engaged in change and who’s trying to bullshit their way through change. So again, it comes back to risk management. This person can’t go to the library because that’s where they tried to lure children. So, he’s not allowed at the library. Well, he really wants to go to the library because he wants to read books, and he’s trying to stay busy. How do we weigh what’s better?”

As expressed by this statement, the management of sexual offenders is a constant calculation of the risk of victimization of individuals who attend these restricted spaces. While risk is not grounded in certainty, the perceived dangerousness of sexual offenders guides the decisions to exclude them from specific spaces. As it is linked to the offence, managing risks means limiting the opportunities to commit these offences again. However, as highlighted in the statement, leisure activities such as going to the library to read are difficult to manage based on the perceived risk of the individual towards other persons. This balancing approach evidently restricts one’s ability to return to a status where their perceived risk no longer justifies their restrictions. As highlighted, there is still this “expecting the worst” attitude concerning the return of sexual offenders in the community. As there is an acknowledgement that some may be motivated to “change”, there are some who are not. Per the pessimism of the rehabilitation of sexual offenders, these zones may represent areas for which individuals (specifically children) are deemed more vulnerable to sexual abuse, and these areas may necessitate higher levels of control to avoid recidivism (Colombino et al., 2011; Petrunik, 2003; Zgoba, 2011). This proactive approach of protection does contribute to a culture of exclusion of sexual offenders. The balance scale may always tip towards public safety.

Me: There’s this... still this pessimism, right? Kind of this...Kind of on your guard about

Participant: Of Course. These things...Because there’s always this notion of risk. And there should be, because a lot of the times, it is children. So I am 100% of being supportive of clients, but understand why we’re not always going all in with being supportive, right?

As highlighted by this statement, the pessimism is justified under the protection of children. While the consequences of these restrictions may lead to banishment, there is still a level of necessity attached to excluding sexual offenders. The cautious approach taken with managing sexual offenders allows for the management of those who are trying to “bullshit their way through change”. While that may impact the lives of those who are motivated to remain pro-social, the consequences are that the restrictions limit their agency to circulate in the city.

To conclude, these restrictions not only affect where individuals convicted of sexual offences can be. They affect where these individuals can establish housing. Therefore, by blocking entire blocks of available housing, there is a perceived assurance that the sexual offenders are not in proximity with their perceived preferred victims, which might motivate the need for these restrictions (Zgoba, 2011). From a critical standpoint, this method of regulation perpetuates the ostracization of sexual offenders and completely disregards the “community” aspects of rehabilitation. It may perpetuate discourses of “normality” through regulating “risk” in various spaces. In some ways, the “community” is now a terrain for exclusion as the community members are defined primarily by their law-abiding status. In other words, the community is a monolith that does not encompass a variety of experiences that are deemed “undesirable”. By associating this with space and access, the desirability of sexual offenders in public spaces is considerably reduced as the restrictions extend to a variety of spaces. Regardless, as red zones start to appear, housing and employment opportunities start to decrease, as their access to these specific spaces is now policed by their status as sexual offenders. This may lead to banishment.

4.1.5 Grey Areas in Ottawa

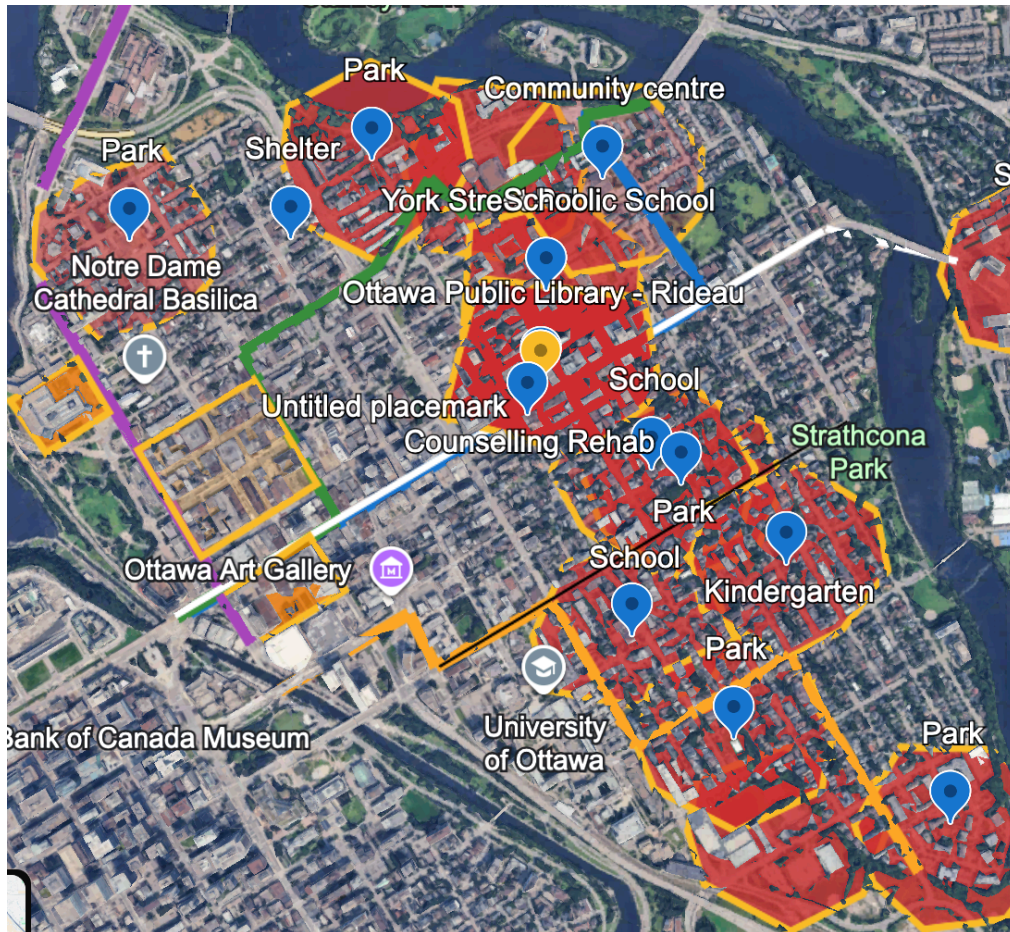


Figure 6: The City with all the Restrictions.

Finally, the completed cartography (See Figure 6) reveals the coverage of restricted areas over the chosen spaces. The final elements reveal the existence of “grey spaces,” also known as inaccessible spaces. The spaces are deemed “public” but may be subject to an increased level of control and regulation. For instance, spaces such as Rideau Center, the Ottawa Art Gallery and the National Gallery of Canada are spaces that can be considered “grey spaces”. While these venues are not associated with children, they can attend these spaces, and it is reason enough to have sexual offenders be excluded from that space. While still justified under the public safety premise, the regulation and control of sexual offenders in these spaces expose the shadow carceral state. On this, a participant stated:

“So they’re not allowed to be anywhere that children can congregate. So they’re not allowed to go there, but if they go there, they’re putting themselves... so with the 161, there’s lots

of gray areas. It's impossible to actually get an answer from the police officers...When you get arrested on a 161 breach, it's at the interpretation of the arresting officer at the time of arrest. So if the officer believes that you are skating there is a breach of your condition, that he can arrest you and you go to jail"

These “gray areas” in the law have tangible consequences on the geography. The gray area in the law transforms the space into gray areas as well. There is no clear formulation on which spaces are available or not. As presented in Figure 5, the grey zones (highlighted in Orange) become problematic when individuals must navigate the city. While the s. 161 orders stipulate that parks, community centers, and schools are prohibited zones; there is an added layer of control with other spaces that children may attend, which complicates navigating through the city further. I have discussed the “grey spaces” in which boundaries between “law-abiding” and “offending” identities conflict. With risk comes the concern that those identified as “offenders” are now in contact with “law-abiding” individuals. Therefore, when social distancing is not maintained, space may also be subjected to further conflict. The legitimization of sexual offenders in those spaces is questioned. The literature speaks of those convicted of sexual crimes as “risks,” which justifies the use of buffer zones. That goes beyond safeguarding children from sexual predators. It is about protecting entire social networks/communities from a real and perceived risk. It has been established that parks, kindergartens, and schools are restricted for individuals who have offended against children (Lussier et al., 2014; Petrunik, 2002, 2003). However, the enforcement of sexual offenders’ restrictions in these spaces is more complicated to examine, as there are a lot of interpretations of where children are expected to congregate. For the mall, on a Saturday, it may be crawling with children and, thus, become a restricted zone. However, it may not be a restricted zone on Tuesday morning during the school year when children are expected to be in school. That marks the perceived importance of having the restriction, but not evaluating the consequences of the restrictions. However, the vague language around these prohibitions may render some spaces inaccessible or may lead to someone breaching their release conditions. Uncontested spaces are now subject to regulation as sexual offender restrictions have an overarching reach. This ambiguity in the law may render more spaces inaccessible and, thus, lead to banishment.

4.2. Ambiguity of the Restrictions

As explained by the participant, the ambiguity of the language translates into confusion for individuals who are trying to abide by their release conditions. For those with high motivation to remain law-abiding, the safest route would perhaps be to avoid public spaces altogether. That is because the ambiguity of the restrictions may broaden their reach, as observed in *R. v Perron* and *R. v. Lachapelle*. As explained by the participant, the lack of clarity as to how these orders are enforced is limiting the agency of sexual offenders. For example, on the disclosure package provided by the Parole Board of Canada, the conditions often use the word “avoid”. The meaning of the word “avoid” is quite broad and does not necessarily indicate what is not allowed. One may argue that “avoid” means steering clear of children. However, that brings questions about the practicality of that condition on other aspects of the lives of sexual offenders. That may impact employment. Are children expected to attend that place of employment? That may impact circulation through the city. Is the city bus a place where children are expected to congregate? What if a bus stop is right in front of a park? The word “avoid” does not define properly what is being restricted and leaves great discretionary powers to those meant to enforce these restrictions.

As mentioned by the participant, the enforcement of these restrictions is at the “interpretation of the arresting officer”. A few issues arise from this approach. First, the interpretation of one police officer may differ from the interpretation of another police officer. Ultimately, due to a lack of uniformity and clarity it can lead to individuals putting themselves in situations that may be risky because of how unclear the language is. In fact, it seems to align with Handlasrki (2021)’s characterization of the enforcement of these orders as “arbitrary”. One may question what constitutes a park because parks can take many shapes. Does it have to cater specifically to children? According to the participant’s testimony, it is at the “interpretation of the arresting officer”. That limits considerably what can be done in the city if a park, for example, is not properly defined. As was the case with the mall, individuals must mitigate various conditions to attend public spaces when conditions are attempting to control risk factors. The ambiguity of the law and the restrictions may render multiple spaces unavailable. The range of interpretation left at the discretion of those who enforce these restrictions could disadvantage sexual offenders. For a breach, individuals return in a cycle of criminalization, although no crime of a sexual nature has been committed. This cycle of persecution may reinforce stereotypes as well as the

stigmatization of sexual offenders. Banishment is highlighted as a process led by criminal justice initiatives that contribute to their marginalization in society. This approach does not address the issue of sexual offending in society but addresses the “issue” of the presence of people who have sexually offended in the community. It appears that this ambiguity aids the continued criminalization of people who have sexually offended. This reality may overwhelm the individuals who work with people who have sexually offended daily. There is an acknowledgement that many will avoid public spaces altogether to avoid getting breached. However, that impacts rehabilitation and furthers their isolation from the rest of society. This links back to banishment as individuals are targeted based on their status. Like the discussion on the alcohol prohibition, a space may only need amenities catered to children to be now considered a restricted area. This complicates navigating through the city for individuals like Person 1 who have a s. 161 order. When do the restrictions stop being about public safety and start perpetuating experiences of exclusion? The testimonies by the participants highlight the strain associated with release conditions that are constricted and do not inherently facilitate the reintegration of sexual offenders. In fact, the consequences of these restrictions are also meant to maintain public safety. The uncertainty fueled by the restrictions may maintain the marginalization of individuals who have been convicted of sexual offences. Therefore, an emphasis on public safety could never fully promote reintegration. However, through the testimonies, it was reminded that the restrictions stemmed from an offence committed by the individual identified as a sexual offender.

Conclusion

Throughout the cartography, I have mostly mapped the restrictions as they relate to children’s safety, whereas spaces in which women can be victimized are less defined or recognized. They have clearly defined the spaces where children are most vulnerable to sexual abuse are the spaces where they experience leisure. However, the cartography reveals an imbalance in the approach taken to prevent women’s sexual victimization. It also perpetuates the belief that sexual abuse affects solely women and children. Although Agan (2011) theorized that those myths legitimize the use of those restrictions, they also obscure the experience of male victims and others as well. This imbalance is reflective of the various factors impacting one agency in the city. Rather, it demonstrates a protectionist approach mainly concerned with safeguarding space instead of individuals. Although in the final cartography, I have highlighted

the “inaccessible” space, it remains that women (and others) can be subject to victimization in all spaces. The conclusion from this observation is that the control of space in the interest of public safety is more complicated than creating a distance between offenders and preferred victims. What the cartography is demonstrating is the borders of security, leaving other spaces more vulnerable to victimization. Like Agan (2011), the increased interest in safeguarding that part of the city might drive sexual victimization in other parts of the city in which these restrictions would not hold much weight. A defining feature of the chosen space is that it is in the process of gentrification. Therefore, although the red shapes represent the restricted areas, the light orange shapes are now spaces which allow me to question the extent of these restrictions on space not previously considered as space “at risk”. What can be observed is that the density of the space being studied is an indicator of the restrictions and their relevance in this specific context.

Chapter V: Discussion

Introduction

This chapter will discuss some questions raised by the analysis of the cartography, as well as an examination of the implications of the restrictions, to address our hypothesis about banishment. Banishment is a socio-spatial process. The first step of that process requires identifying the problematic/undesired group. In this case, it would be the sexual offender because they are considered the worst type of offenders (Petrunik, 2003). Secondly, the imposition of social restrictions is the next step towards banishment, which would align with the securitization process. With this step, the identification of “sexual offenders” leads to regulations meant to alleviate the perceived risk of recidivism in the community. With these restrictions, it regulates, among other things, with whom sexual offenders can associate. Like Person 1, these conditions may require them to “avoid children” and “report any relationships with females”. Thirdly, the creation of these social barriers is reproduced in space (Beckett & Hebert, 2010a). Now, to “avoid children”, Person 1 will need to be kept at a distance from parks and other spaces associated with the presence of children. This spatial reality (i.e. exclusion) stems from a spatial imagination encouraging these distinctions in space (i.e. sexual offenders cannot be in spaces where their preferred victims can reasonably be expected to be). These barriers also have consequences on the overall reintegration in space of sexual offenders. In so, the space is not designated nor manipulated to push individuals out. It is used in abstract ways to distance offenders from potential victims. Furthermore, these spaces of representation (i.e. parks & public spaces where potential victims can be present) become consequential geographies perpetuating the exclusion of sexual offenders. In this phase, housing barriers are indicative of the experience of banishment, and they shape how they can exist (or cannot) in space. In this phase of the process of banishment, I question whether lived spaces can be accessible to persons who have sexually offended. Finally, banishment is understood as a punishment that is legitimized as protection. Traditional punishment, as we might understand it, is not necessarily imposed only by carceral actors, and the community members are now involved in furthering that punishment. To conclude, this protectionist approach depends on banishment to promote public safety.

5.1. Identification of Problematic Group

The first step in the process of banishment is to identify the “undesirable group” for which the presence in public space is problematized. For this research, sexual offenders are

problematized based on the offences that have led them to be designated as “sexual offenders”. This designation appears to be a defining factor in their access to space. Elements of banishment provided by Beckett & Hebert (2010a) are ones that highlight the social control initiatives that stem from identifying and displacing groups that have been deemed “undesirable”. Beckett & Hebert (2010a) speak of “visible disorder” as being the catalyst for the mass displacement of populations at-risk. However, I question what “disorder” is and who is deemed “disordered”. Beckett & Hebert (2010a) focused their analysis on the homeless population in Seattle, for whom “disorder” was linked to the aspect of living in the streets at the sight of everyone. However, in this case, one may ask how sexual offenders may be the embodiments of disorder as well? Like Fiolka et al (2022) explained regarding the banishment of sex workers from the downtown core of Montreal, there is accepted sexuality in public and municipal laws represent that level of acceptability. However, with sexual offenders, there is an added layer of concern with the “deviant” aspect of that sexuality. With this, it is inherently linked with harm. Their exclusion is, thus, justified under public safety.

What is identifiable with sexual offenders is their risk and their risk relative to specific spaces where their preferred victims may be present. Like the analysis on the banishment of the homeless population in Seattle, their identification stems from the “disordered” element of living in the streets at the sights of everyone (Beckett & Hebert, 2010a). While safety remains the guiding factor behind this exclusion, I wonder if there are layers of undesirability departing from ideas of “normality”. Beckett & Hebert (2010a)’s analysis on the banishment of homelessness highlights that banishment stems from the identification of undesirability (i.e. the perceived dangerousness of sexual offenders). The restrictions may lead to banishment by reinforcing the idea that persons who have sexually offended are inherently different from the rest of society based on their perceived dangerousness. This difference may justify the need for restrictions and lead to banishment. Contrary to an effort to displace a population to invisibilize them (i.e. sex workers), the public identification of sexual offenders is perceived to be in the interest of community welfare. Therefore, through identification (i.e. by way of public notifications), they are now exposed as a group in which no desirable attribute is given. This status allows for the maintenance of social barriers in the name of public safety. According to Beckett & Hebert (2010a), this is a defining factor of banishment. This “difference” created by the sexual offence is the risk that we are trying to control with the restrictions. This “difference” creates a

stratification and segregation of space. There are concerns about space access when those identities can co-exist and, thus, disrupt the discourse of “normality” in relation to the city. That is why their “offending” status will take precedence over their access to space. For Person 1, they cannot attend an establishment where alcohol may be served because alcohol may have contributed to the first offence. This incapacitation is meant to promote public safety, but leads to exclusion. That explains the role of space as being the basis of a common identity that also shapes individual identities. Through rationales of protectionism, we use risk (or the risky identities) as a basis for how the space is organized and regulated. Based on those identifications, social restrictions are now imposed to create a distinction between sexual offenders and the rest of the community. For sexual offenders, their offences become their main identifiers. Steps are being taken to manage the risk through spatially limiting what spaces they can attend. Therefore, like any neoliberal society, the focus of the criminal justice system is on social control to reduce the possible consequences of that dangerousness (Hughes, 1998; O’Malley, 2006). Henceforth, the socio-spatial restrictions aim to control these risks through regulating as many aspects of one’s life as possible. That can mean, for individuals like Person 2, to disclose any relationship with women to parole supervisors. Nonetheless, the imposition of such restrictions may contribute to the process of banishment. Contrary to claims that these measures are preventative in essence, this discourse marks the tangible consequences of segregation and exclusion that come with being identified as an “offender”. Whether the goal is to punish is not what matters; it is the consequences that cannot be differentiated from punishment (Humphrey & Van Brunschot, 2015). Who they “are” perceived to be cannot correspond in the community, thus they may be banished both socially and spatially.

5.2. Imposition of Social Restrictions

What is observed, in the current research, is that all aspects of social life are controlled by restrictions (i.e. report relationship). In the last chapter, I discussed a passage of an interview I conducted with a participant. In that interview, the participant stated, “nobody in the family wants to associate with you anyway” (Refer to p. 66 for the full quote). This brought questions for me as a researcher, on the ways that we associate with people that we are interacting with. The building of an association between two or more people also dictates what is not desired in that association. With society, there is a certain level of social adhesion needed to maintain social order. What this passage of the participant’s interview highlights is the weight that we attribute to

events that deviate from the norm and the ways that, as a society, we understand these events to be problematic. For sexual offenders, their statuses are inherently linked to the harm that they have caused. As a society, we may react negatively to that status, and we might engage in processes of exclusion to maybe protect ourselves. Furthermore, I wondered about the social restrictions and their relationship to banishment. Although the social restrictions are meant to regulate social relationships and risk (i.e. Report Relationship), these influence the process of banishment. In some instances, offenders may abide strictly by the conditions, but that approach has its flaws according to the participants' testimonies.

“Like a lot of clients won’t date when they’re on probation because they have that condition, and they refuse. And the problem with that is that means that when they’re done with parole, they are going to go date. And they’re not going to tell anybody because they haven’t had the practice of doing it. So they’re going to put themselves automatically in a higher situation that could potentially lead to a reoffense. Because they didn’t practice dating when they were on parole. So I really try to encourage clients because they shouldn’t be intimate with anybody who doesn’t know their sexual past. Their criminal part. And some clients agree with that, and some clients don’t.”

As one participant noted, many offenders will engage in behaviours to conceal who they are or will remain in a “bubble” to avoid publicizing themselves in the public arena through restrictions such as “Report Relationship”. Although meant for public safety, there is still this understanding of the “undesirable” nature associated with being labelled as a “sexual offender”. By internalizing the risk that they pose, some engage in self-exclusion to avoid social punishment (i.e. social exclusion). They may inflict on themselves these conditions to avoid overt punishment by the criminal justice system (i.e. condition breaches). However, such an approach also has considerable consequences. For example, for individuals who “didn’t practice dating when they were on parole”, the inability to navigate a romantic relationship could influence the chances of reoffending. That repeats a cycle of punishment that sexual offenders are vulnerable to. There is an element of safety linked to the disclosure of the sexual offender status to romantic partners. For example, the participant speaks of safety practices that protect both the romantic partner and the person under restrictions. However, this practice ultimately extends surveillance to the romantic partner as well. In this case, it could be argued that

banishment also affects the romantic partner. These restrictions lead to banishment by regulating all aspects of sexual offenders' social lives in the name of public safety.

As such, I use “risk” because the socio-political ideology (i.e. neoliberalism) suggests that risk needs to be controlled to preserve social order. With these formulations of “difference” and “risk”, it is a quasi-acknowledgement that “sexual offenders” and the rest of the law-abiding population cannot co-exist because of the “risk” that “sexual offenders” may pose to the “law-abiding” population. That is because “difference” is often confounded with “danger”. Once we acknowledge that our understanding of “danger” stems from the supposed gap between “us” and “them”, we can see that the “us” is construed from structures (made real through words and actions) that have told us to believe that the “us” is legitimate. By going through a process of hierarchization, individuals are identified by their actions and not necessarily their essence. What begins is the process of classification for which “risk” is the sole determinant of one’s social standing. Similarly, that has been used to justify spatial exclusion as well. For example, Beckett & Hebert (2010a:23) stated that “social divisions like these are universal, and they are frequently reinforced through spatial barriers”. To explain, although banishment is a spatial process, it is relevant to work through how society categorizes individuals and legitimizes the exclusion of some from coveted areas in the name of public safety. While banishment may be exacerbated by the socio-cultural-political organization of space, it remains that banishment is also self-inflicted by the sexual offenders themselves. An individual may decide to seclude themselves to avoid the negative perceptions/experiences associated with being a “sexual offender”. The next section discusses how these separations may be enforced through restrictions.

5.3. Reproduction of Social Barriers in Space

I argue that the spatial imagination and the spatial boundaries lead to a spatial practice leading to the banishment of sexual offenders. To be precise, the creation of the “normal” and “deviant” identities serves to maintain spatial boundaries according to the writings of Cohen (1979). Like the conditions imposed on Person 1, a condition to “avoid children” may reproduce social barriers in space. As the condition stipulates to “avoid children”, it means that several spaces are, now, restricted. This distance between offenders and potential victims is clearly exposed in space. If Soja (2010) argued that “space reproduces social life”, then we can see how

the city of Ottawa perpetuates ideals of “normality” through its configuration. In this “normality”, sexual offenders and the rest of the community may not exist in the same spaces as distance is created through the restrictions. Building on both concepts, the creation of social and spatial distinctions between individuals has appeared to lead to risk-adverse practices prioritizing the exclusion of sexual offenders over their reintegration.

“There’s no wiggle room there, no wiggle room. And they can sometimes get a membership at Good Life Fitness. But the onus is on them to leave if they show up and somebody looks like they are potentially under the age of 16 or 18, depending on the condition. So, the onus is on them to leave.”

In the example presented above, attending the gym requires consideration of the presence of persons under the age of 16 or 18. Again, this is broadening the scope of the restriction. An individual does not have to be under the age of 16 or 18; they only need to look under the age of 16 or 18 to render the space that they are in inaccessible. As stated above, the “onus is on them to leave”, but what happens if they do not leave and they get caught? They ultimately get punished as a condition of release has not been respected. Notwithstanding the intent of being near persons under the age of 16 or 18, the breach alone can send someone back into custody. This demonstrates the protectionist approach of sexual offender management, but also the punitive aspect of that management in preventing individuals from being near spaces of leisure, for one. Activities such as going to the library or going to the public pool become impossible as children may be expected in these spaces. These spaces contribute to a practice of exclusion covered under safety. In this sense, exclusion can be perceived as regulatory. Exclusion sets the boundaries of the “acceptable” and “unacceptable” within space. Spatial exclusion requires set social characteristics to regulate society, which, in turn, translate into space. The difference between the literature on banishment and the current study is that the environment has not been manipulated to reinforce the “social barriers” as stated by Beckett & Herbert (2010). As opposed to the revitalization of Montreal’s downtown core (Fiolka et al., 2022), the space has not been modified in an active effort to displace “undesirable” groups. Instead, the space is used in more abstract ways to displace individuals. The access to that space is manipulated through the people that it attracts. For example, a skate park and a national park (i.e. Gatineau Park) are different types of parks that may attract different populations. However, the language used in these

restrictions will not make that distinction. The criminal justice system engages in the punitive governance of the space to regulate where sexual offenders can be. In the statement presented above, the spaces that individuals want to attend need to consider factors linked to their conditions. Each space has its characteristics that are delineated by spatial boundaries. That is why children are not allowed in drinking establishments. That is because the socio-legal boundaries of that space do not allow for children to be consumers in that space, thus excluding them from that space. For Person 1, drinking establishments could have been accessible spaces, but their alcohol prohibition renders those spaces restricted, nonetheless. While there might be spaces where children are not allowed to be, there are more constraints on where sexual offenders can be due to the possibility of children being anywhere (and not only spaces where children are expected to be). What this demonstrates is that space is not abstract, and access is dependent on a variety of factors.

“They really have to be careful about what they’re doing. A lot of them are afraid, even if they’re not going to do something that could be seen as a breach or they’re not maliciously doing anything.”

In this case, banishment does not occur because there are “guards” around these spaces monitoring individuals who enter. It occurs through the threat of punishment. In the previous chapter, I discussed that some individuals have a high motivation to remain crime-free in the city. As they need to regulate their own movements in the city, they may avoid public spaces altogether. What the restrictions and legislation surrounding the management of sexual offenders have demonstrated is that there is punitiveness entrenched in all methods of regulation. The threat of punishment, in this sense, motivates respect for the release conditions. However, one may ask what are the rehabilitative benefits of this approach? The release conditions take an incapacitation approach to control the sexual offenders because there is a belief that they will reoffend in the absence of these restrictions. Specific parks, for example, are not targeted by the restrictions, but the “park” as an abstract space is targeted. This is governance through spatial imagination. Furthermore, it no longer concerns itself with moulding the rational individuals; it now targets one’s sense of belonging to that space. Consequently, it will influence one’s acceptance of the practices of that space. For example, it is expected for someone to consume alcohol in a bar. Hence why the bar is a restricted place for sexual offenders with an alcohol

prohibition because the consumption of alcohol would be expected. Our sense of belonging is moulded by our own experiences encountering that space. We evaluate our belonging in space through perceptions of legitimacy. We constantly ask ourselves if we should be “here”. The general response usually stems from others’ approval of our presence in a specific space. For sexual offenders who have warranted community notifications, it may be different. This reality is negotiated by the fact that there are real consequences when spatial boundaries are violated. For both Person 1 & Person 2, that comes through the disclosure of their name and picture, encouraging the public to contact the police if their release conditions are not respected. It is no longer a question of belonging because there is a clear indication, through the restrictions, that they do not belong in certain spaces because of the perceived risk that they represent to others. They do not belong in bars, pool halls, libraries, gyms, or public pools, to name a few, because the restrictions are attempting to control the risks by excluding them.

“Same with the mall. You’re allowed to go to the mall, but if you’re at the mall and you’re in Mark’s work warehouse and you’re purchasing some work boots and then you leave, well, you’re not in trouble. But if you’re at the mall and you’re sitting in front of the children’s place, then you’re in trouble.”

This is a reality for commercial spaces as well. The needs to buy clothes, food or otherwise are not invalidated by the status of persons who committed sexual offences. Tasks that could be perceived as mundane for everyday folks represent real challenges to those who must navigate life as such. According to this testimony, it is a constant negotiation of choices that could lead to negative results. One could suggest that they make online purchases to avoid putting themselves in complex situations, such as the one illustrated with the mall example previously. What happens if they have an Internet prohibition? How are they supposed to meet their basic needs if everything has an element of restriction attached to it? In the example presented above, although the mall is not restricted, it is complicated to navigate it in a way that can completely respect the conditions. For the mall, it is about avoiding certain stores targeted for children or avoiding the mall altogether when children are expected to be there. It is also about avoiding stores in the mall, such as “LCBO”, which sell liquor for those who have an alcohol prohibition. It is also about avoiding victims and their family members if they do live in the same city. Navigating all these conditions/restrictions at once could render entire cities

inaccessible. What is presented here is the inability to navigate spaces as a “regular” individual. That is an element of banishment presented by Beckett & Hebert (2010a); the inability to circulate through the city free of repercussions.

5.3.1. Spatial Reintegration with Social Restrictions

Reintegration is not only a social process, but also a spatial one. Consider re-entering a room after being gone for a certain amount of time. Upon return, you are told not to sit or interact with anyone in the room. The room is an exclusionary space. It is characterized by the inability to exist within that space because of factors (risks) associated with actions rather than individuals. It demonstrates that protecting the room is more important than allowing the individual to re-enter the room. With the current case, the concerns with risk are when children are expected in specific spaces that may be accessible to all, but are not by virtue of being controlled by private interest.

“There is a barrier, and it does create barriers. However, any of the conditions that they have are linked to their offences.”

Balancing a managerial approach that considers risk and rehabilitation/reintegration has been identified by the literature as a challenge (Lussier & Frechette, 2022). However, the barrier does not exist if the sexual offender does not exist. For there to be a barrier, there needs to be an offence (and offender) that leads to the barrier. The main identified challenge of reintegration is that it blurs the socio-spatial boundaries, which highlights the banishment of sexual offenders (Cohen, 1979). Reintegration would entail that one reacquires their “law-abiding” status. However, the “law-abiding” status is characterized by the absence of risk. However, risk is not grounded in certainty; it is grounded in probability. Therefore, initiatives (i.e. restrictions) are developed to limit the probability of an event unfolding. With all the restrictions stated above, it is about controlling the variables that have played a role in the primary offence. The issue with this approach is that it becomes constraining when the elements that may help to reduce that probability are spatially inaccessible. The resources to treat what has been identified as a risk (i.e. alcohol) are not available because of a prohibition grounded in space. The message that it is sending is that some individuals are redeemable, but sexual offenders represent a class of offenders that have been demonized. Despite the acknowledgements of this problem, it is deemed necessary for these barriers to exist, as it is a societal response to worries about sexual

offences. With these restrictions, it is not only a matter of public safety. It is about containment outside coveted spaces/public spaces/the city. To manage risks, it is not solely about securing a space in its abstract sense. It is now about restricting living and being in that space to limit the chances of reoffending. A park or a community center is no longer a meaningless space; they are living bodies in which important social connections are made. Where these restrictions become problematic is with the expansion of these lived spaces under control and, thus, inaccessible. As a participant has mentioned, “there is a barrier, and it does create barriers”. Although these restrictions are not characterized as being punitive, they are punitive in their consequences. The stricter these conditions become, the harder reintegration becomes as well. As such, the testimonies highlight that there is a limited reintegrative component to the management of sexual offenders. That is justified by the social disapproval of sexual offences and sexual offenders. We have established that these restrictions construe individuals who commit sexual offences as risks. However, the critique questions the abstract nature of these restrictions in treating space as objective. The interpretations that we have of spaces are often grounded in experience. Through interactions with that space, we understand the broader social contexts. A park has stopped being “simply a park” when it has been weaponized to incapacitate individuals from being near it (Story, 2019). In other words, restrictions are not free of the subjectivity of space. We start to consider what is around the “park” and who makes up the space around the “park”. We start to consider the consequences of banishment on the broader systems designed to control individuals navigating through space. Once we consider these socio-cultural factors, the restrictions transform entire cities into consequential geographies. Like Soja (2010:4) argued, I could concentrate my analysis on unravelling how these social processes influence space, but there is merit in evaluating how space may exacerbate the consequences of these social processes. Space continues to be an obstacle to the full reintegration of sexual offenders. What does the exclusion of sexual offenders from public spaces say about Canadian society? In agreement with Yung (2007), although banishment is not a common legal recourse in Canadian Law, it can be a consequence of the multiple processes of space control that have been scattered around the city by the legislature. That is, with securing parks by marking them as a restricted zone or giving an alcohol/drug prohibition, marking off many spaces meant for adult leisure as well. This is to demonstrate that the social restrictions have spatial implications and can considerably impact

how one circulates through the city without breaching the conditions of their release. In other words, prioritizing public safety over rehabilitation/reintegration can lead to banishment.

Finally, exclusion also incorporates the limited access to resources that could facilitate inclusion (Millar, 2007). This is particularly concerning given the positive results yielded by treatment programs such as CoSA (Duwe, 2018; Hannem, 2013). Contrary to the claims of Brooker et al. (2019), the cartography both demonstrates the inaccessibility of treatment programs and the lack of programs in the selected part of the city for this research. Lussier et al. (2014) argue that the inaccessibility may be the result of prohibition restricting their access to these spaces. This is the case for Person 1. Investment in these programs is simply decided based on the profitability of these programs in creating “normal” individuals. According to a participant, CoSA has an 88% success rate, and individuals have been able to remain crime-free in the community. Nonetheless, the 12% of failure may represent the fears of community members concerning recidivism. This aligns with Tsakloglou & Papadopoulos (2002), who have theorized that one’s perceived lack of prospects may dictate the levels to which they are included socially. The pessimism of rehabilitation enforced by these restrictions can be said to lead to banishment. If there is an assumption that sexual offenders are different by virtue of their risk, then that difference determines their access to the spaces in which they are believed to be the riskiest. To “secure” means to identify what the “object” needs to be secured from. With exclusion zones, the state can dictate who can be in certain spaces by enforcing prohibition orders (i.e. alcohol prohibition). It is a legalized and legitimized method to (involuntarily) further the ostracization of sexual offenders. With the increase in the securitization of public spaces, there is also an increase in spaces that are now inaccessible. As spaces are becoming more exclusive with the imposition of restrictions, there is an evolving spatial practice that prioritizes protection for individuals in the spaces targeted by the restrictions. Individuals who have committed sexual offences are perceived as different, and thus, spatial practice must consider how those factors influence their experience of space. The disclosure package by the PBC, the participants’ testimonies and the cartography highlighted that the restrictions are linked to the offence, and it may justify the practices of exclusion in question.

5.4. Spaces of Exclusion

To understand the focus on public safety, it is important to categorize individuals whom we deem that we need to protect (i.e. potential victims) and the individuals that we deem that we need to be protected from (i.e. sexual offenders). With the restrictions, it becomes clear that children's venues are targeted for protection, as these spaces may be where they are vulnerable to victimization. As observed with the restrictions of Person 1 along with the regulations of a s.161 order, the management of sexual offenders is more restrictive towards individuals who have offended against children. Whereas the restrictions meant to alleviate the harms against women are more of an interpersonal nature (i.e. report relationship) and less clearly in space. This makes me question the degree to which we react to sexual offences depending on who is being victimized. It also highlights how the victimization of children may trigger reactions rooted in the banishment of sexual offenders. The securitization of spaces where children are expected to congregate furthers the idea that individuals who commit these offences target children at random in these spaces. The common-sensical approach has been to distance them from these spaces. Nonetheless, this approach may render entire cities restricted, especially if there is a 2KM distance expected from these spaces specified by a s.161 order (See p.16). I observe how this reality could be a symptom of the importance of the family unit as the vehicle of prosocial and accepted goals (Garland, 1998: 180). That is to say that these restrictions may want to protect children against possible victimization, but they ultimately protect the children's entire social network as well. Space is modelled to facilitate the access of those who have been deemed legitimate in this space. Sexual offenders do not represent a population for which we have attributed any "desirable" qualities near these spaces because they may threaten the safety of others. If anything, sexual offenders may be perceived as emblematic of "disorder". An analysis of the community/city could reveal that life in the city is preordained by various mechanisms meant to preserve order, which would clash with the presence of sexual offenders in the city. In answering the "protection for who" prompt, I make mention that the deviant identity must be classified as "risky" or "dangerous". That leaves the other identity as the one in need of protection.

5.4.1. Housing to Reinforce Exclusion

With spatial imagination, we must understand the dynamics moulding our understanding of space and the meanings that we attribute to it. Space is designed to promote ideas about social

life. That is where I question the “family unit” being the element for which protection is desired. As the map demonstrated, these restriction zones are concentrated in areas where there are schools, kindergartens, and parks. However, these are also the spaces where housing is abundant. As observed in the previous chapter, these spaces where there is this abundance of housing are concentrated, and are also the communities from which sexual offenders are excluded. This reality allows me to question what it says about social duty and how children are part of that duty. With these spaces of representation, it showcases what the ideals of society are like, as Fiolka et al (2022) have said on “acceptable sexuality in public”. The standard of society is still grounded in heteronormativity. I question where sexual offenders may fall on the spectrum of “normal sexuality” in public and how that justifies their exclusion from space. The protection of children, as demonstrated by these restrictions, circles back to the protection of the investment put in specific areas. When I speak of investments, I am referring to the presence of parks, schools and community centres that may render the neighbourhood more livable. The cartography of the whole city of Ottawa would perhaps demonstrate that all neighbourhoods have varying levels of investment. Some are highly invested in (i.e. luxury complexes) and others are considered “dead spaces” (i.e. housing projects). The distinction between spaces is part of a continuum of accessibility for individuals with varying social standings. For sexual offenders, the existence of a criminal record alone is legitimate enough to refuse public housing or loans for housing. There is an added layer of complexity if the individual also has a s. 161 order that renders entire neighbourhoods unavailable. As stated by a participant, securing housing can be a challenge, and it is further complicated by the restrictions. Saxer (2009) argued that it was banishment through residential restrictions. In the current context, the approach taken by Canada is still grounded in public safety. Although the result of these restrictions may lead to exclusion, it would be premature to assume that there is an active enterprise to banish individuals who have sexually offended. By having entire neighbourhoods being unavailable to sexual offenders, what it does is that it displaces individuals to neighbourhoods in which all these restrictions may be respected. That leaves individuals to depart from a geographical area to enter another area where they might be able to establish housing. In this sense, it can be argued that banishment is enforced through residential restrictions, and it serves no rehabilitative purposes as stated by Saxer (2009). Contrarily, it displaces them from familiar to unfamiliar spaces, like the statements provided by the participant regarding relocating to another city for programming (see

p. 63 for context). Furthermore, with the question of investment comes the issue of affordability. Housing instability does not only refer to securing housing, but it can also refer to the quality of the housing as well as the location of said housing. “Roach-infested housing”, as explained by one of the participants, reflects the low investment put in certain neighbourhoods, which may house sexual offenders that have been released. To draw a parallel, the lower the investment in the community, the higher the affordability will be. Neighbourhoods with low investments will not have the amenities (such as parks, schools, or community centers) present in neighbourhoods with high investments. Following the pessimism expressed by most, will sexual offenders offend again in these neighbourhoods? The literature has already answered that the recidivism rate is not substantial enough to warrant the harshness of these restrictions (Zgoba et al., 2016), but that is not what I am evaluating. What I am observing is that this disparity in investment between housing located near amenities and “roach-infested housing” is also a symptom of who is in these spaces. The experience of banishment is not solely associated with those labelled as “sexual offenders”. Rather, I propose that banishment is the result of social structuring that long excludes individuals who do not fit a certain criterion. Individuals convicted of sexual offences experience an added layer of hardship because of their assigned status. The use of social restrictions to distance “sexual offenders” from their potential victims has spatial consequences as well.

As the map demonstrated in the previous chapter, spaces become increasingly more exclusive as restrictions accumulate. For individuals like Person 1, entire residential areas are now unavailable as a result of their restrictions. By using the space as a method of policing, banishment (or partial banishment) can be observed by way of housing instability for individuals who have committed sexual offences. The residential areas cater to a clientele that is not problematized in these spaces. As demonstrated in Figure 6 (see p.74), the red zones and the inaccessible spaces (highlighted in orange) cover an important part of the observed space. Many authors (i.e Levenson, 2008, 2018; Levenson & Cotter, 2005a; Levenson & Vicienco, 2016; Mercado et al., 2008; Mustaine, 2014) have argued that housing is the starting point of the rehabilitative process. That reiterates earlier claims about the emphasis on public safety in lieu of reintegration. As stated earlier, focusing on public safety may entail the exclusion of sexual offenders. Housing instability becomes an element of banishment as individuals are either forced to relocate or live in transience if they do not “get lucky” (Levenson, 2008). The red zones on

the cartography represent the areas in which the offender is prohibited from living. Therefore, if an individual cannot live in a certain area, then their presence in that area is supposed to be reduced to a minimum. However, if they find themselves in that area, they can be punished, as stated by the participant. It appears that sexual offenders may be disadvantaged by the restrictions because their reintegration is not necessarily encouraged or enforced. Like a park, housing units are not “objective” spaces. The house is representative of one’s “ownership” of that space and one’s ability to be in that space. Using housing as the sole variable of banishment is not enough; however, it demonstrates the use of policies to facilitate the displacement of undesirable behaviours outside coveted zones. Like the earlier use of banishment presented by Zgoba (2011), it voided the responsibility of community members to manage the problem and provided swift deterrence to community members as well.

To conclude, although there is a shift of responsibility from the state to the community, the model of management appears to have taken the approach of excluding folks from spaces relative to their levels of risk. The notion of “difference” triggers processes that are, then, exacerbated by the environment. Therefore, residency restrictions serve to further the banishment of sexual offenders from populated areas. They operate under a public safety logic, and it explains why it is difficult not to legitimize these restrictions (Budd & Mancini, 2017). That is justified, according to Saxer (2009), because “there is no agreement among experts as to whether there is an efficacious sex offender treatment model” (Janus, 2003, as cited in Saxer, 2009). Accompanied by the pessimism of rehabilitation, aggressive and targeted restrictions are deemed necessary for public safety.

5.4.2. Housing as a Restriction

Housing restrictions impact employment, health care and even social relationships. However, the consequences of these restrictions are not only practical. Some may experience emotional hardship or isolation (Levenson, 2008, 2018). These realities are representative of the experience of banishment. Relevant to life in the city, housing contributes to a sense of belonging, but also a sense of stability in a space subject to social changes. Housing becomes a home or a private space in the public realm. Homemaking represents the first step towards adaptation to a social environment, but also to the re-entry of individuals who have been convicted of sexual offences back into society (Levenson, 2018). It is about restricting the ability

of “homemaking” in the community because the sexual offences linger on the individuals that has committed them. Part of the process of “homemaking” is building connections within the community. For individuals who have sexually offended, there is a lack of social support and social acceptability for their presence in communities where children may be present. These connections that we make in the community are relevant to our adaptation and overall well-being. One of the realities expressed by the participant is one where individuals are left to be on their own without support. To continue, the process of homemaking involves fermenting a sense of belonging. Housing restrictions and the realities that come with these are not allowing belonging to happen.

The public spaces targeted by restrictions may be deemed important to one’s sense of belonging. The use of those restrictions clearly states that one does not belong because of the perceived risk they pose to individuals who attend these spaces. The imposition of these restrictions creates a separation between individuals that is most marked in space. Finally, “homemaking” is about living “authentically” in the community. However, the restrictions make a point of limiting the agency of sexual offenders for public safety through governance (i.e. housing restrictions). This allowed me to question where sexual offenders would be expected to exist if not in the community and what relationship they may have to banishment.

5.4.3. Existing in “Dead” Spaces

Here, I could argue that the removal of sexual offenders also removes them as spatial beings from the coveted space. Exclusion, then, becomes a means of rendering the sexual offender invisible in space. Being invisible, they are no longer socially alive as their presence has been rendered excluded. With the (in)ability to see sexual offenders in space, I have argued that it leads to banishment. The processes of power that govern everyday life are also the processes that determine who can live and who cannot (Foucault, n.d; Mbembe, 2019). Of those who can live, the social processes dictate how they can live (Mbembe, 2019). Of those who cannot live, the same processes dictate how they die (Mbembe, 2019). With sexual offenders, the lines are blurred between their existing and non-existent selves, as they do not exist outside their risk. Although they are alive, their bodily autonomy and agency are controlled by state-instituted policies geared towards “protection”. Just like Mbembe (2019) recognized, the power to spatially create a distinction between lived spaces and the “dead spaces” reveals the reality of social

segregation that results from unequal spatial distribution. While the cartography of the Lowertown part of the city of Ottawa does not reveal the existence of “dead spaces⁹”, one of the participants’ testimonies stating that “there’s nowhere for them to live” highlights that living spaces are not available to those identified as sexual offenders. In spaces where one’s presence is criminalized, the sexual offender could never regain legitimacy in that space because of the perceived danger they pose to individuals who attend those spaces.

Conclusion

In this chapter, I discussed the phenomenon of banishment, and I have broken it down into phases. A recurrent element of analysis throughout this research was the distinction made between sexual offenders and the rest of the community. What I have observed is that social restrictions are imposed to enforce the “distance” between sexual offenders and others. The most notable example was the one about an intimate relationship. These social barriers are also made clear in space, which exacerbates the experiences of exclusion by sexual offenders. The analysis of these social barriers demonstrates spatial realities that impact the reintegration of sexual offenders. Among the realities discussed, housing became a catalyst in observing the banishment of sexual offenders as part of a process meant to enforce public safety. Whether it be with the imposition of a curfew or an alcohol prohibition, the control of these factors is linked to carceral control. It weaves itself into the confines of everyday life to maintain public safety (Garland, 2002; Story, 2019) and reinforces the spatial boundaries that are less clear in the community (Cohen, 1979). The reinforcement of social and spatial distinctions (based on differences) between society and sexual offenders has appeared to lead to a fortress mentality in residential neighbourhoods (See Figure 5). Although the parks are targeted, the surroundings of those parks are also impacted. The restriction zones appear throughout Lowertown and expand with the accumulation of restrictions. This fortification contributes to the ex-post facto punishment of sexual offenders (Saxer, 2008). Despite the claims that measures are preventative in essence, this discourse marks the tangible consequences of exclusion that come with being identified as an “offender”.

Cohen (1979) justified this by highlighting that spatial boundaries are not clearly defined in the communities, explaining the need for extensive surveillance. Similarly, Garland

⁹ My use of “dead spaces” is to designate spaces where “undesirable” individuals are displaced to live.

(1998:188) stated that “central to this strategy is the attempt to ensure that all the agencies and individuals who are in a position to contribute to these crime-reducing ends come to see it as being in their interest to do so”. It becomes the community’s responsibility to be alert about the proximity of sexual offenders. This aligns with the increased awareness campaigns surrounding the presence of sexual offenders in the community that have been highlighted by the literature (Lussier & Mathesius, 2019). The implications of increased methods of surveillance result in further public exclusionary treatments and showcase the punishment of sexual offenders beyond the prison. This may be rooted, again, in the perceived danger that sexual offenders pose to other community members. What is observed is a shift from the welfare state, which ensures the protection of its citizens, to a neoliberal state, which now places that responsibility into the hands of individuals or community members. In other words, the community members now also replace the traditional guards of the prison by engaging in tactics of surveillance for the detection of sexual offenders, but must also engage in surveillance of others who have not elicited the need for surveillance.

In instances where there are community notifications (in Canada), that implies that the community member must now be aware of the risks and must take measures to protect themselves against “sexual predators”. Using Wacquant (2009) and the punitive panopticon, surveillance is operated to further the punishment of sexual offenders, regardless of whether that surveillance is warranted or not. Using Cohen (1979:343), these methods of community containment shift the burden from the state to the communities for the control of crime and deviance. The social disapproval of sexual offences and sexual offenders is seemingly a guiding force in the reactions of those convicted of sexual offences in the community. In other words, the communities are now responsible for further inflicting punishment onto sexual offenders when they re-enter by being the “eyes” of the State. The State, now, depends on community members to bear the responsibility to detect, monitor and disclose activities that are deemed “abnormal” (Foucault, 1995). For example, for Person 1, OPS actively encourages community members to be vigilant and disclose any suspicious activities to the Ottawa Police Service High-Risk Offender Management Unit (OPSHROM). The community members are now actively involved in the regulation of sexual offenders as the “eyes” represent the constant presence of the carceral state in the lives of “sexual offenders” (Foucault, 1995; Humphrey & Van Brunschot,

2015). The socio-spatial restrictions may serve to enforce and reproduce these spatial boundaries in the communities. This may lead to banishment.

With the cartography and the disclosure of documents by the PBC, I question whether the restrictions reproduce carceral dynamics. They control movement in a manner that is like the penitentiary. For example, to be a “prisoner” is characterized by the absence of freedom and being subject to control. Whether it be with the imposition of a curfew or an alcohol prohibition, the control of these factors is linked to carceral control. It weaves itself into the confines of everyday life to maintain public safety (Garland, 2002; Story, 2019) and reinforces the spatial boundaries that are less clear in the community (Cohen, 1979). What categorizes the penitentiary is the removal of individuals (both socially and spatially) from society to be punished away from the purview of others. Banishment distinguishes itself by not being necessarily a punishment but resembling one. By instituting public policies to govern where they are, you can control the traction over “desired spaces”. This is a process that is inherently violent, although not outwardly coercive (Atkinson & Millington, 2018). The reinforcement of social and spatial distinctions (based on differences) between society and sexual offenders has appeared to lead to a fortress mentality in residential neighbourhoods (See Figure 5). Although the parks are targeted, the surroundings of those parks are also impacted. The restriction zones appear throughout Lowertown and expand with the accumulation of restrictions. This fortification contributes to the ex-post facto punishment of sexual offenders (Saxer, 2008). Despite the claims that measures are preventative in essence, this discourse marks the tangible consequences of exclusion that come with being identified as an “offender”.

Chapter VI: Thesis Conclusion

Introduction

For this research, I wanted to confirm whether the socio-spatial restrictions imposed on sexual offenders do lead to banishment in a Canadian context. To justify this research, I identified a gap in the literature regarding the banishment of various “undesirable” groups, such as sex workers and the homeless population. Sexual offenders were not among the groups for whom there was literature about their banishment in Canadian society. To study this question, I used a mixed methodology involving the use of ATIP requests, cartography, and interviews. While I originally intended to use ATIP requests and interviews for my data collection, my shift in methodology was a response to barriers associated with the nature of the topic being researched. Among the findings of this study, observing banishment for sexual offenders appeared more complex, as it is often conflated with public safety. In contrast, the process of banishment for sex workers and the homeless population were made clear by the harmful designs of specific spaces. Throughout the analysis and the discussion, the conflict between public safety and reintegration became the catalyst for the banishment of sexual offenders. Although these restrictions are not explicitly meant to banish individuals who have sexually offended, their consequences have replicated experiences of exclusion and punishment. The apparent focus on public safety in the current managerial model has led to the process of identifying, monitoring, and controlling sexual offenders when they are released into the communities. Among the consequences identified in this research, housing appeared to be an important factor in the banishment of sexual offenders.

In this chapter, I discuss the contributions of my research, the limitations, and possible future directions for research.

6.1. Contributions of My Research

While there is research on banishment in Canada, it is a lesser-studied phenomenon. Inspired by the work of Beckett & Hebert (2010b) about the banishment of homelessness in Seattle and Fiolka et al. (2022)’s work on the banishment of sex work from Le Quartier des Spectacles in Montreal, I studied a population for whom banishment had not been extensively studied. This research allows us to understand banishment as a more complex phenomenon. Throughout the analysis, the main finding was the emphasis on public safety being the catalyst

for the banishment of sexual offenders. This represents a contribution because it adds to the literature on spatial regulation by unravelling a more hidden process for sexual offenders. For sexual offenders, it does not happen through the manipulation of space, but rather through spatial abstraction. This allows for the critical analysis of these restrictions and identifies banishment as a phenomenon impacting sexual offenders.

To continue, my research offers a methodological contribution to the critical study of sexual offender management in a Canadian context. My adaptation to the different barriers to collect tangible data and retaining participants for this research highlights the difficulty of critically analyzing a population that has been demonized and whose inclusion into society is not necessarily desired. By employing a mixed-methodology, I have been able to draw inferences in a Canadian context, albeit limited compared to the literature in the United States. This contribution offers the possibility for other studies to prepare for the difficulty of studying sexual offenders using a critical framework. Despite limitations in collecting my data, I was able to get insights about the banishment of sexual offenders using the city of Ottawa as a case study. Secondly, using a cartography of the city of Ottawa has helped highlight spatial realities from the literature in a Canadian context. The choice of using the city of Ottawa for this research stems from no known study has used cartography to spatially study these restrictions and comprehensively analyze the problems highlighted by the literature with a mixed-method approach. It has proven itself to be a useful approach to support my hypothesis, stating that the socio-spatial restrictions do lead to banishment. Therefore, this has led to the recognition that there are real practical consequences regarding the management of sexual offenders in the community when using these restrictions. This methodological approach supports Soja's (2010) theory that an analysis of social life requires an analysis of space as well. Therefore, contrary to the statements of Public Safety Canada (2017), risk control takes precedence over reintegration. By using cartography, I was able to spatially ground the theoretical criticisms identified by Petrunik (2002,2003) and Lussier & Mathesius (2019) concerning the over-punitiveness of these restrictions in a Canadian context.

To continue, this research also adds to the literature on the spatial regulation of sexual offenders. This represents a contribution to the practical consequences of social restrictions on access to space. It allowed me to shift from a public safety discourse to one that is grounded in

exclusion and punishment. This contribution was also highlighted by Berenson & Appelbaum (2011), who found that more than 90% of urban spaces in two New York counties were inaccessible to sexual offenders. In this research, the accessible spaces are deemed to be less clear due to the vague language surrounding the restrictions. Despite literature stating that Canada has been less punitive than the United States (i.e. Meyer & O'Malley, 2005; Pratt, 2006), the shift from traditional penitentiary punishment to strict community management challenges our understanding of punitiveness and questions Canada's "milder" approach to punishment (Meyer & O'Malley, 2005). This research questions and critiques that conception. Although these restrictions are not intended to be punishment, the consequences are akin to punishment. In fact, I made some arguments stating that the punishment of "sexual offenders" hides under a cover of protectionism that is not completely disinterested in control. Therefore, I make a careful consideration of pointing out the less punitive measures employed by Canada and remain critical of the ways that "informal" control is operated in our communities. The shift to community control is a phenomenon that, Alexander (2020) argues, hides under the carceral apparatus.

Finally, there is a conceptual contribution with the use of spatial reintegration in the discussion chapter, engaging with the concept of space. The use of space theories illustrated the role of the social world in shaping how we view space. Like the discussion on the practical consequences, I bring the idea that reintegration is not only a social process guided solely by society's acceptability of persons. I use the restrictions as well as the interviews to highlight that reintegration has spatial elements. Activities considered as "pro-social", such as going to a bar, are being governed by the imposition of restrictions. The inability to go to a specific space also limits the ability to interact with persons in that space. The expansion of "grey spaces" is visible if elements of prohibition are associated with any chosen space. The observed limit on spatial reintegration affects the social reintegration of individuals identified as sexual offenders. The introduction of spatial reintegration allowed me to identify the "grey zones" that cover parts of the city. It led me to question how social control has spatial elements, and it is exacerbated by the restrictions.

6.2. Limitations

I will highlight the limitations of my research and their overall impact on my research's findings.

6.2.1. Generalization of the study's findings

The cartography was not done on a city-wide scale, thus generating questions about the generalization of the observations made in this research. However, some of the observations about the city's access were supported by participants' testimonies. The participants highlighted that securing proper housing in the city was one of the barriers that many individuals convicted of sexual offences faced. Ultimately, this reveals that the inability to secure housing may not only be an issue of the sexual offender label but may be the result of a highly saturated affordable housing market. The degrees to which one experiences their restrictions may be impacted by that factor and limits considerably the applicability of my findings on the population of individuals identified as "sexual offenders". Therefore, it is important to recognize the subtleties of intersectional factors in the analysis of space access in the city. While the research focuses solely on "sexual offenders", that group is heterogeneous, and conclusions cannot be made for all of them in the same manner. Since the research does not focus on intersectional factors, the extent to which my findings can be generalized is limited, which might raise questions about the validity of my findings in the broader theoretical realm.

Furthermore, the parks chosen for this research were based on the appeal that they would have to children and their families. However, a recurring theme brought by the interviews as well as the cartography was that there is no clarity on what the park is, and there has been no official answer. Since one participant mentioned that these conditions are at the "interpretation of the arresting officer", there may be some discrepancy between the spaces I have identified as "park" and the enforcement of these orders by the arresting officer. Therefore, my interpretation of a park and the interpretation of a police officer may differ considerably, which could impact the cartography.

The section of the city that was chosen was in the downtown core of the city. While that is justified as being a space where services are available, it remains that the downtown core is characterized by its exclusivity. Therefore, the findings are dependent on that exclusivity to bring the argument of banishment. However, I justify my choice of location on the idea that cities are often defined by their densely populated urban areas, which often constitute the downtown core. I contend that an analysis of the city cannot forgo an analysis of the downtown core. While there

are limits to using that specific space, it is representative of the lived realities of exclusion, albeit to a far greater degree than other spaces.

6.2.1. Punitiveness according to American Standards

This research engages with American literature throughout the analysis. However, comparing two countries that have significantly different approaches to punitiveness will yield different results than comparing two countries that are similar in their approaches. With respect to the United States, Canada has noticeably been less punitive (Meyer & O'Malley, 2005). However, throughout my analysis, punitiveness was analyzed with respect to access and spatial agency. There might be some counterarguments stating that the restrictions are not necessarily punitive as claimed by Public Safety Canada (2017, refer to p.14 of the literature review). While I take a critical approach in this research, I also acknowledge the flaw of comparing Canada and the United States, as they have had two different approaches to managing sexual offenders in the community. It may create concerns regarding the validity of the claims I make regarding the punitiveness of the socio-spatial restrictions in Canada. Whether purposeful or not, the restrictions do contribute to the exclusion of sexual offenders and operate under a carceral logic. Therefore, to claim that those realities are entirely punitive is not appropriate, as there is a certain perceived necessity to these restrictions. It appears to be more nuanced, and the pessimism of sexual offender rehabilitation is informed by exceptional cases of sexual recidivism.

There is also a limitation with linking punitiveness with city life and access. As mentioned in the analysis, a range of individuals who have not been identified as sexual offenders also experience exclusion from urban spaces (and the city). This research has failed to consider the intersectional factor that would render some individuals more vulnerable to exclusion and banishment. The conclusion that sexual offenders experience an ex-post facto punishment obscures individuals who have similar experiences in the city without having been in contact with the criminal justice system. I have conceptualized punishment as a condition of contact with the criminal justice system and rejection of the “deviant” identities. Punishment, here, entails a certain pathological concern with individuals who encounter the criminal justice system. However, that has practical implications for individuals who have not been in contact with the criminal justice system. This research has not focused on the punitive consequences of being excluded without involvement with the criminal justice system.

6.3. Final Remarks & Future Directions

The process of banishment demonstrates that individuals are identified, and based on that identification, they are either included or excluded from specific spaces. Although there is a shift of responsibility from the state to the community, the model of management appears to have taken the approach of excluding folks from spaces relative to their levels of risk. The notion of “difference” triggers processes that are, then, exacerbated by the environment. Therefore, residency restrictions serve to further the banishment of sexual offenders from populated areas. They operate under a public safety logic, and it explains why it is difficult not to legitimize these restrictions (Budd & Mancini, 2017). That is justified, according to Saxer (2009), because “there is no agreement among experts as to whether there is an efficacious sex offender treatment model” (Janus, 2003, as cited in Saxer, 2009). Accompanied by the pessimism of rehabilitation, aggressive and targeted restrictions are deemed necessary for public safety.

As “risky” identities appear in these spaces, protective measures are taken to mediate the “risk”. Steps are being taken to manage the risk by spatially limiting what spaces they can attend. Therefore, like any neoliberal society, the focus of the criminal justice system is on social control to reduce the possible consequences of that dangerousness (Hughes, 1998; O’Malley, 2006). It is not grounded in certainty of offending but the likelihood of offending (i.e. risk). Henceforth, the socio-spatial restrictions aim to control these risks through regulating as many aspects of one’s life as possible. One example of that reality is housing, which has been highlighted as a constant barrier. The social elements of these restrictions also impact space access. For those who have a condition to “avoid children”, individuals may need to renounce the possibility of living in their family home if children are living there as well (Levenson, 2018). For those who have a condition to avoid victims and their family members, that also means avoiding places that they are likely to attend. Again, these social conditions have spatial repercussions. This is linked to a culture of exclusion based on ideas of “normality” in the communities. Through limiting these opportunities, the restrictions may also limit the extent of their reintegration. To summarize, the same factors leading to an association may also be indicators of a distinction between individuals. As the cartography has revealed, the targeting of parks, community centers or even schools also impacts the accessibility of nearby housing. This impacts more aspects of life that were originally targeted by the restrictions. The management of sexual offenders is primality with control, which has considerable consequences on the reintegration of sexual offenders. As I

dug deeper into the meaning of those spaces, I brought up the “family unit” onto which standards of society are built (Atkinson & Millington, 2018). It linked back to Fiolka & colleagues’ (2022) discussion on “normalized” sexuality in public that is still grounded in bias. These authors allowed me to question the construction of normality through the rejection of “disorder”. While legitimized under public safety, the banishment of sexual offenders occurs through the consequences of these socio-spatial restrictions.

While these restrictions were analyzed under a social control prerogative, many other areas of banishment could have been explored. For instance, inequality is the most visible in space. Space is the single greatest indicator of the level of investment and status (Richer, 2015). When Soja (2010) spoke of spatial (in)justice, he spoke of the unequal distribution of resources in various neighbourhoods in the city of Los Angeles. Tying this to the management of sexual offenders, analyzing the profit-market-driven ideology can highlight which neighbourhoods can generate the most revenue. With this being value-driven, the presence of sexual offenders nearby considerably reduces the value of the neighbourhood. To generate profit, the space must be attractive to the “consumers”. Where is the appeal of having sexual offenders roaming around? Gentrification, as presented earlier, is another method of space control that can be considered as a form of banishment. Once we understand that the revitalizing space is meant to satisfy a certain market, it becomes clear that “undesirable” and marginalized groups are not the ones who will benefit. Future research may consider the process of revitalization and gentrification to displace sexual offenders like such as research by Fiolka et al. (2022) and Story’s (2019). Furthermore, the previous chapter has highlighted the exclusion processes that render most of the city inaccessible. This leads us to question how the enjoyment of these rights happens in the absence of spaces onto which it is supposed to happen. Sexual offenders may have the rights, but it is the extent to which these rights are enjoyed that is cause for concern. There are now multiple factors that mitigate access to healthcare or education, for example. Future research may be interested in conceptualizing access as a “right” and how that “right” is enjoyed with these socio-spatial restrictions. Moreover, my conclusions are not generalized for Canada, although I believe that it is a recurring phenomenon in major Canadian cities. Future research may want to analyze the implications of these restrictions on city access with cities such as Montreal, Toronto, or Vancouver to demonstrate that there is an empirical reality with the exclusion of “undesirable” individuals. For these inquiries, it may also want to look at the decision-making of urban

designers and city planners. It might provide insights into whether these decisions to configure the city stem from individual decisions or are made within a context that is beyond their control. This stems from Fainstein (2010)'s belief that equity and accessibility of the city should be priorities for urban planners. While it was not part of the current research, I believe that these decisions impact the ways that we live in the city and result in the exclusion of "sexual offenders". Furthermore, future research might want to look at the abolition of the carceral apparatus in dealing with social harm (specifically as it relates to sexual harm). The abolitionist literature has not been able to provide a theoretical approach to the management of sexual offenders as opposed to any other group of offenders (Ilea, 2018a). This sort of research may be beneficial to the literature as well as having practical benefits for the management of "sexual offenders" in the community. Therefore, I leave with the question of whether to consider changing the social elements of space to promote change in individuals convicted of sexual offences to successfully reintegrate them.

References

- Access to Information Act, R.C.S., 1985, c. A-1.
- Adeoye-Olatunde, O.A. & Olenik, N.L. (2021). Research and Scholarly Methods: Semi Structured Interviews. *JAACP: Journal of the American College of Clinical Pharmacy*, 4(10), 1358-1367.
- Agan, A.Y. (2011). Sex Offender Registries: Fear Without Function? *The Journal of Law & Economics*, 54(1), 207-239.
- Alasuutari, P. (1995). Cultural Distinction. In *Researching Culture: Qualitative Method and Cultural Studies* (pp. 63-69). London: Sage Publications.
- Alcoff, L.M. (2009). The Problem of Speaking for Others. In A.Y. Jackson & L.A. Mazzei (Eds), *Voice in Qualitative Inquiry* (pp. 117-136). New York: Routledge.
- Alexander, M. (2020). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press: New York.
- Atkinson, R. & Millington, G. (2018). *Urban Criminology: The city, Disorder, Harm and Social Control*. London: Routledge.
- Attoh, K.A. (2011). What Kind of Right is the Right to the City? *Progress in Human Geography*, 35(5), 669-685.
- Baeten, G., Listerborn, C., Persdotter, M., & Pull, E (Eds). (2020). *Housing Displacement: Conceptual and Methodological Issues*. London: Routledge.
- Bates, A. & Wilson, C. (2012). Circles of Support and Accountability: Practice & Research. In J. Brayford, F. Cowe & J. Deering (Eds), *Sex Offenders: Punish, Help, Change or Control?: Theory, Policy and Practice Explored*.
- Beck, U. (1992). *Risk Society: Towards a New Modernity* (1st ed.). SAGE Publications.
- Beck, V.S. & Travis, L.F. (2004). Sex Offender Notification and Fear of Victimization. *Journal of Criminal Justice*, 32(5), 455-463.
- Beckett, K. & Hebert, S.K. (2010a). *Banished: The New Social Control in Urban America*. Oxford University Press.
- Beckett, K. & Hebert, S.K. (2010b). Penal Boundaries: Banishment and the Expansion of Punishment. *Law and Social Inquiry*, 35(1), 1-38.
- Beckett, K. & Murakawa, N. (2012). Mapping the Shadow Carceral State: Toward an Institutionally Capacious Approach to Punishment. *Theoretical Criminology*, 16(2), 221-244.
- Benedet, J. (2012). A Victim-Centred Evaluation of the Federal Sex Offender Registry. *Queen's Law Journal*, 37(2), 437-474.
- Berenson, J.A. & Appelbeaum, P.S. (2011). Geospatial Analysis of the Impact of Sex Offender Residency Restrictions in Two New York Counties. *Law & Human Behaviour*, 35(3), 235-246.

- Berger, R. (2013). Now I see it, Now I Don't: Researcher's Position and Reflexivity in Qualitative Research. *Qualitative Research*, 15(2), 219-234.
- Bonta, J., Zinger, I., Harris, A. & Carriere, D. (1998). The Dangerous Offender Provisions: Are They Targeting the Right Offenders? *Canadian Journal of Criminology*, 40(4), 377-400.
- Brais, H. & Lanijonu, A. (2025). Shelter in Place: Neighborhood Policing of Homelessness in Montreal, Canada. *Urban Geography*, 46(3), 612-631.
- Braun, V. & Clarke, V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3, 77-101.
- Brooker, C., Syson-Nibbs, L., Barrett, P. & Fox, C. (2009). Community Managed Offenders' Access to Healthcare Services: Report of a Pilot Study. *Probation Journal*, 56(1), 45-59.
- Brown, J.D. (2004). Challenges Facing Canadian Federal Offenders Newly Released to the Community. *Journal of Offender Rehabilitation*, 39(1), 19-35.
- Budd, K.M. & Mancini, C. (2017). Public perceptions of GPS Monitoring for Convicted Sex Offenders: Opinions on Effectiveness of Electronic Monitoring to Reduce Sexual Recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 61(12), 1335-1353.
- Burchfield, K.B. & Mingus, W. (2008). Not in My Neighborhood: Assessing Registered Sex Offender's Experiences with Local Social Capital and Social Control. *Criminal Justice and Behaviour*, 35(3), 356-374.
- CBC News. (March 30th, 2023). *Gatineau Police Arrest 6 Alleged Pedophile Hunters*. Retrieved from <https://www.cbc.ca/news/canada/ottawa/gatineau-police-pedophile-hunter-arrest-charge-1.6795985>
- Cann, D. & Isom Scott, D.A. (2020). Sex Offender Residence Restrictions and Homelessness: A Critical Look at South Carolina. *Criminal Justice Policy Review*, 31(8), 1119-1135.
- Caplan, M.A. & Ricciardelli, L. (2016). Institutionalizing Neoliberalism: 21st Century Capitalism, Market Sprawl, and Social Policy in the United States. *Poverty & Public Policy*, 8(1), 20-38.
- Centers for Disease Control and Prevention. (November 15th, 2024). *Program: Rape Prevention and Education Program*. Retrieved from <https://www.cdc.gov/sexual-violence/programs/index.html>
- Clark, V. & Duwe, G. (2017). What Predicts Where Sex Offender Can Live? An Examination of Census Tract Data in Minnesota. *Criminal Justice Policy Review*, 28(5), 488-510.
- Cohen, S. (1979). The Punitive City: Notes on the Dispersal of Social Control. *Contemporary Crises*, 3, 339-363.
- Coleman, J.S. (1988). Social Capital in the Creation of Human Capital. *American Journal of Sociology*, 94, 95-120.

- Colombino, N., Mercado, C.C., Levenson, J., & Jeglic, E. (2011). Preventing Sexual Violence: Can Examination of Offence Location Inform Sex Crime Policy? *International Journal of Law & Psychiatry*, 34(3), 160-167.
- Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1.
- Cook, A.N., Dvorakova, E., & Storey, J.E. (2020). Judicial Decisions Regarding Expert Evidence on Violence Risk Assessment. *Journal of Threat Assessment and Management*, 7(3-4), 214-229.
- Cooper, J.A. & Lewis, G. (1997). Community Notification of High-Risk Sex Offenders: The Manitoba Model. *University of New Brunswick Law Journal*, 46, 171-181.
- Cooper, M. (2008). The Inequality of Security: Winners and Losers in Risk Society. *Human Relations*, 61(9), 1229-1258.
- Corabian, G., Hogan, N.R. & Olver, M.E. (2024). Working Towards Desistance: Canadian Public Attitude and Policy Endorsement for the Treatment, Management, and Prevention of Sexual Offending. *Psychology, Public Policy, & Law*, 30(2), 179-196.
- Costigliacci, S.J. (2008). Protecting Our Children From Sex Offenders: Have We Gone Too Far? *Family Court Review*, 46(1), 180-197.
- Craun, S.W. & Theriot, M.T. (2009). Misperceptions of Sex Offender Perpetration: Considering the Impact of Sex Offender Registration. *Journal of Interpersonal Violence*, 24(12), 1931-1948.
- Criminal Code (R.S.C., 1985, c. C-46)
- Cubellis, M.A., Evans, D.N., & Fera, A.G. (2019). Sex Offender Stigma: An Exploration of Vigilantism Against Sex Offenders. *Deviant Behavior*, 40(2), 225-239.
- Dahabieh, M. (2008). *An Examination of the Risk Management of High-Risk Sex Offenders under a Section 810.1 or 810.2 Order in British Columbia, Canada*. [Master's Thesis, Simon Fraser University].
- Day, A., Carson, E., Boni, N. Hobbs, G. (2014a). The Management of Sex Offenders in the Community: From Policy to Practice. *Australian Journal of Social Issues*, 49(3), 249-264.
- Day, A., Carson, E., & Hobbs, G. (2014b). Professional Views on the Management of Sex Offenders: Identifying Unanticipated Consequences and Implications. *Journal of Offender Rehabilitation*, 53, 171-189.
- De Vries Robbe, M., Mann, R.E., Maruna, S., & Thornton, D. (2015). An Exploration of Protective Factors Supporting Desistance from Sexual Offending. *Sexual Abuse: A Journal of Research and Treatment*, 27(1), 16-33.
- Dembour, M.B. (2010). What Are Human Rights? Four Schools of Thought. *Human Rights Quarterly*, 22 (1), 1-20.
- Dodgson, J.E. (2019). Reflexivity in Qualitative Research. *Journal of Human Lactation*, 35(2), 220-222.

- Doob, A.N., & Webster, C.M. (2006). Countering Punitiveness: Understanding Stability in Canada's Imprisonment rate. *Law & Society Review*, 40, 325-368.
- Drapkin, I. (1989). *Crime and Punishment in the Ancient World*. Lexington Books.
- Dubois, M.E. & Ouellet, F. (2020). Les Défis de la Réinsertion Sociale: Regard Éclairé sur la Réalité Vécue Par la Clientèle en Maison de Transition. *Criminologie*, 52(3), 309-333.
- Dulisse, B., Travers, M., & Arrigo, B.A. (2018). Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. In *The SAGE Encyclopedia of Surveillance, Security, and Privacy* (Vol. 3, pp.547-548). SAGE Publications.
- Dum, C.P. (2016). *Exiled in America: Life on The Margins in a Residential Motel*. Columbia University Press.
- Duwe, G. (2018). Can Circles of Support and Accountability (CoSA) Significantly Reduce Sexual Recidivism? Results From a Randomized Controlled Trial in Minnesota? *Journal of Experimental Criminology*, 14(4), 463-484.
- Duwe, G., Donnay, W. & Tewksbury, R. (2008). Does Residential Proximity Matter? A Geographic Analysis of Sex Offense Recidivism. *Criminal Justice and Behavior*, 35(4), 484-504.
- Edwards, W., & Hensley, C. (2001). Contextualizing Sex Offender Management Legislation and Policy: Evaluating the Problem of Latent Consequences in Community Notification Laws. *International Journal of Offender Therapy and Comparative Criminology*, 45(1), 83-101.
- Elliott, A. (2002). Beck's Sociology of Risk: A Critical Assessment. *Sociology (Oxford)*, 36(2), 293-315.
- English, K., Heil, P. & Veeder, G. (2016). The Containment Approach: A Strategy for the Community Management of Sex Offenders. In A. Phenix & H.M. Hoberman (Eds), *Sexual Offending: Predisposing Antecedents, Assessment and Management*. Springer.
- Fabelo, T. (2000). "Technocorrections": The Promises, the Uncertain Threats. Research in Brief, *Sentencing & Corrections: Issues for the 21st Century*. Washington D.C.: United States Department, National Institute of Justice.
- Fainstein, S.S. (2010). *The Just City*. Cornell University Press.
- Fiolka, R., Marshall, Z. & Kramer, A. (2022). Banishment through Branding: From Montreal's Red-Light District to Quartier des Spectacles. *Social Sciences*, 11(9), 420-.
- Floyd, R. (2019). *The Morality of Security: A Theory of Just Securitization*. Cambridge University Press.
- Foucault, M. (1995). *Discipline and Punish: The Birth of the Prison* (2nd ed.) New York, NY: Vintage Press.
- Freeman, N. & Sandler, J.C. (2010). The Adam Walsh Act: A False Sense of Security or an Effective Public Policy Initiative? *Criminal Justice Policy Review*, 21(1), 31-49.

- Garland, D. (2002). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford University Press.
- Gilmore, R.W. (2007). *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. University of California Press.
- Glesne, C. (2010). Ways of Knowing. In *Becoming Qualitative Researchers: An Introduction* (4th ed.) (pp. 5-14). Toronto: Pearson.
- Gonzalez-Sanchez, I. (2024). *Neoliberalism and Punishment*. Routledge.
- Government of British Columbia (June 10th, 2021). High-Risk Recognizance Advisory Committee and BC Corrections. Government of British Columbia. Retrieved from <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections/reducing-reoffending/high-risk-recognizance-advisory-committee>
- Grossi, L.M. (2017). Sexual Offenders, Violent Offenders, and Community Reentry: Challenges and Treatment Considerations. *Aggression & Violent Behavior*, 34, 59-67.
- Grubestic, T.H., Mack, E., & Murray, A.T. (2007). Geographic Exclusion: Spatial Analysis for Evaluating the Implications of Megan's Law. *Social Science Computer Review*, 25(2), 143-162.
- Guba, E. G., & Lincoln, Y. S. (1994). Competing paradigms in qualitative research, In N.K. Denzin & Y. S. Lincoln (Eds), *Handbook of Qualitative Research* (pp. 105- 117). Thousand Oaks, CA: Sage.
- Guba, E.G., & Lincoln, Y.S. (2003). Competing Paradigms in Qualitative research. In S. Hesse Biber & P. Leavy (Eds), *Approaches to Qualitative Research: A Reader in Theory and Practice* (pp. 21-32). New York: Oxford University Press.
- Handlarski, R. (2021). Canada's Wonderland: Can a Convicted Sex Offender Subject to a Section 161(1) (A) Order Legally Enter An Amusement Park? *University of British Columbia Law Review*, 54(3), 629-691.
- Hale, C. & FitzGerald, M. (2007). Social Exclusion and Crime. In D. Abrams, J. Christian & D. Gordon (Eds), *Multi-disciplinary handbook of social exclusion research* (pp. 137-158). John Wiley & Sons. <https://doi.org/10.1002/9780470773178>
- Hannem, S. (2013). Experiences in Reconciling Risk Management and Restorative Justice: How Circles of Support and Accountability Work Restoratively in the Risk Society. *International Journal of Offender Therapy and Comparative Criminology*, 57(3), 269-288.
- Hannem, S. & Petrunik, M. (2007). Circles of Support and Accountability: A Community Justice Initiative for the Reintegration of High Risk Sex Offenders. *Contemporary Justice Review*, 10(2), 153-171.
- Hanson, R.K., Harris, A.J., Letourneau, E., Helmus, L.M. & Thornton, D. (2018). Reductions in Risk-Based on Time Offence-Free in the Community: Once a Sexual Offenders, Not Always a Sexual Offender. *Psychology, Public Policy, and Law*, 24(1), 48-63.

- Hanvey, S., Philpot, T. & Wilson, C. (2011). *A Community-Based Approach to the Reduction of Sexual Reoffending: Circles of Support and Accountability*. Jessica Kingsley Publishers.
- Harris, A. (2001). *High-Risk Offenders: A Handbook for Criminal Justice Professionals*. Ottawa: Public Safety Canada.
- Harris, A.J.R. & Hanson, R. K. (2004). *Sex Offender Recidivism: A Simple Question*. Ottawa: Public Safety and Emergency Preparedness Canada.
- Harris, A.J. & Lurigio, A.J. (2010). Introduction to Special Issue on Sex Offenses and Offenders: Toward Evidence-Based Public Policy Introduction. *Criminal Justice & Behaviour*, 37(5), 477-481.
- Harris, K. (2015, March 2). Sex Crime Prevention Program Cut by Ottawa: Government Evaluation of Circles of Support and Accountability found it Boosts Public Safety, Saves Money. CBC News. Retrieved from <https://www.cbc.ca/news/politics/sex-crime-prevention-program-cut-by-ottawa-1.2979196>
- Hesse-Biber, S.G. (2017). *The Practice of Qualitative Research* (3rd ed). SAGE Publications.
- Holloway, C.P. & Wiener, R.L. (2020). Criminal History, Sex, and Employment: Sex Differences in Ex-Offender Hiring Stigma. *Analyses of Social Issues and Public Policy*, 20(1), 211-229.
- Horning, A., Jordeno, S., Motiwala, P. & Poirier, M. (2024). A Visual Psychogeography Approach: Mapping Sex Market Facilitation in New York City. *Critical Criminology*, 32, 113-138.
- Hughes, G. (1998). *Understanding Crime Prevention: Social Control, Risk, and Late Modernity*. Open University Press
- Humphrey, T. & Van Brunschot, E.G. (2015). Postsentencing Supervision: Punishment and/or Protection? *International Criminal Justice Review*, 25(4), 379-401.
- Hutchinson, B. (2017). Someone Else's Problem. *Maclean's*, 130(8), 16.
- Ilea, A. (2018a). What About "the Sex Offenders"? Addressing Sexual Harm from an Abolitionist Perspective. *Critical Criminology*, 26, 357-372.
- Ilea, A. (2018b). *Caught in the Spider's Web: Supervision and Control of Individuals Released After Serving a Federal Sentence for Sexual Offences*. [Doctorate Dissertation, University of Ottawa].
- Janus, E.S (2016). Holding Our Sexual Violence Policy Accountable. In E.L Jeglic & C. Calkins (Eds), *Sexual Violence: Evidence Based Policy and Prevention*. Springer.
- Jenkins, R. (2014). *Social Identity* (4th ed.). Routledge.
- John Howard Society of Alberta., & Gibson Library Connections. (2001a). *Offender Registry*. John Howard Society of Alberta.
- John Howard Society of Alberta., & Gibson Library Connections. (2001b). *Sex Offender Treatment Programs*. John Howard Society of Alberta.

- Kallio, H., Pietila, A. M., Johnson, M. & Kangasniemi, M. (2016). Systematic Methodological Review: Developing a Framework for a Qualitative Semi-Structured Interview Guide. *Journal of Advanced Nursing*, 72(12), 2954-2965.
- Kemshall, H. & Wood, J. (2007). Beyond Public Protection: An Examination of Community Protection and Public Health Approaches to High-Risk Offenders. *Criminology & Criminal Justice*, 7(3), 203-222.
- Kindynis, T. (2014). Ripping up the Map: Criminology and Cartography Reconsidered. *British Journal of Criminology*, 54, 222-243.
- Kitson-Boyce, R. (2018). Do Circles of Support and Accountability Work? A Review of the Literature. In H. Elliott, K. Hocken, R. Lievesley, N. Blagden, B. Winder & P. Banyard (Eds), *Sexual Crime and Circles of Support and Accountability* (pp. 43-69). Springer.
- Knack, N., Blais, J. & Fedoroff, J.P. (2021), Exploring Inconsistencies in the Interpretation of Canada's Section 161 Order for Sexual Offending. *Canadian Journal of Criminology and Criminal Justice*, 63(1), 52-88.
- Laws, D.R. (2016). *Social Control of Sex Offenders: A Cultural History*. Palgrave Macmillan London.
- Lefebvre, H. (1996). The Right to the City. In *Writing on Cities* (pp. 147-159). Oxford: Blackwell. (Originally Published as *Le Droit à la Ville* in 1968).
- Leipnik, M., Ye, X., Elmes, G.A., Conley, J. & Roedl, G. (2014). State Registration of Sex Offenders: Public Notification, Web Mapping, and Spatial Issues. In G.A. Elmes, G. Roedl, & J. Conley (Eds), *Forensic GIS: The Role of Geospatial Technologies for Investigating Crime and Providing Evidence* (pp. 105-134). Springer.
- Leipnik, M., Ye, X., Serna, J., Strong, J., Wilkins, C. & Wu, L. (2016). Spatial Aspects of Restrictions on Registered Sex Offenders. *Geographical Review*, 106(2), 312-330.
- Leon, C.S. & Kilmer, A.R. (2023). "Secondary Registrants": A New Conceptualization of the Spread of Community Control. *Punishment & Society*, 25(3), 641-664.
- Mallicoat, S.L. & Gardiner, C.L. (2013). Controlling the Sexual Offender. In *Criminal Justice Policy* (pp. 145-158). Sage Publications.
- Levenson, J. (2008). Collateral Consequences of Sex Offender Residence Restrictions. *Criminal Justice Studies: Critical Journal of Crime, Law & Society*, 21(2)-153-166.
- Levenson, J. (2018). Hidden Challenges: Sex Offenders legislated Into Homelessness. *Journal of Social Work*, 18(3), 348-363.
- Levenson, J.S. & Cotter, L.P. (2005a). The Effect of Megan's Law on Sex Offender Reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.
- Levenson, J.S. & Cotter, L.P. (2005b). The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-178.

- Levenson, J.S. & D'Amora, D.A. (2007). Social Policies Designed to Prevent Sexual Violence: The Emperor's New Clothes. *Criminal Justice Policies Review*, 18(2), 168-199.
- Levenson, J.S., D'Amora, D.A., & Hern, A.L. (2007). Megan's Law and Its Impact on Community Re-Entry for Sex Offenders. *Behavioural Sciences & the Law*, 25, 587-602.
- Levenson, J.S. & Vicencio, C.P. (2016). Residence Restrictions. In E.L. Jeglic & C. Calkins (Eds), *Sexual Violence: Evidence Based Policy and Prevention* (pp. 51-65). Springer.
- Lindgren, J. (1996). Why the Ancients May Not Have Needed System of Criminal Law. *Boston University Law Review*, 76(1-2), 29-58.
- Lundberg, K., Popovski, H. & Young, A. (2024a). Justice in the Streets? Towards a Criminology of More-than-Spatial Justice. *Criminology & Criminal Justice*, 1-17.
- Lundberg, K., Popovski, H., & Young, A. (2024b). Spatial Governance of the Unhoused: On Social Death in the Contemporary City. *Social & Legal Studies*.
- Lussier, P., Dahabieh, M., Deslauriers-Varin, N. & Thomson, C. (2010a). Community Reintegration of Violent and Sexual Offenders: Issues and Challenges for Community Risk Management. In L. Gideon & H.E. Sung (Eds), *Rethinking Corrections: Rehabilitation, Reentry and Reintegration* (pp. 219-252). SAGE Publication.
- Lussier, P., Deslauriers-Varin, N., & Ratel, T. (2010b). A Descriptive Profile of High-Risk Sex Offenders Under Intensive Supervision in the Province of British Columbia, Canada. *International Journal of Offender Therapy and Comparative Criminology*, 54(1), 71-91.
- Lussier, P. & Frechette, J. (2022). Community Reentry and the Revolving Door Problem: Are Individuals Convicted of Sexual Offenses Adequately Prepared? *Journal of Criminal Justice*, 82, 1019-1045.
- Lussier, P., Gress, C., Deslauriers-Varin, N., & Amirault, J. (2014). Community Risk Management of High-Risk Sex Offenders in Canada: Findings from a Quasi Experimental Study. *Justice Quarterly*, 31(2), 287-314.
- Lussier, P. & Mathesius, J. (2017). *The Crime Prevention Impact of Publicly Available Sex Offender Registry*. Ottawa: Public Safety Canada.
- Lussier, P. & Mathesius, J. (2019). Not in My Backyard: Public Sex Offender Registries and Public Notification Laws. *Canadian Journal of Criminology and Criminal Justice*, 61(1), 105-117.
- Lussier, P. & McCuish, E., & Jeglic, E.L. (2023). Against All Odds: The Unexplained Sexual Recidivism Drop in the United States and Canada. *Crime & Justice*, 52, 000-000.
- Lupton, D. (2006). Sociology and Risk. In G. Mythen & S. Walklate (Eds), *Beyond the Risk Society* (pp. 11-25). Open University Press.
- Mancini, C. & Mears, D.P. (2013). U.S Supreme Court Decisions and Sex Offenders Legislation: Evidence of Evidence-Based Policy? *The Journal of Criminal Law & Criminology*, 103(4), 1115-1153.

- Mann, N., Devendran, P.N., & Lundrigan, S. (2021). “You’re Never Really Free”: Understanding the Barriers to Desistance for Registered Sexual Offenders in the Community. *Criminology & Criminal Justice*, 21(2), 206-223.
- Mario, B. & Kilty, J. (2024). A Right to Know? Using Access to Information as method in Critical Criminological Research. *Qualitative Inquiry*.
- Mbembe, A., & Corcoran, S. (2019). *Necropolitics*. Duke University Press.
- McAlinden, A.M. (2006a). Managing Risk: From Regulation to the Reintegration of Sexual Offenders. *Criminology & Criminal Justice*, 6(2), 197-218.
- McAlinden, A.M. (2006b). “Setting’ Em Up”: Personal, Familial and Institutional Grooming in the Sexual Abuse of Children. *Social & Legal Studies*, 15(3), 339-362.
- McAlinden, A.M. (2010). Restorative Justice and The Reintegration of High-Risk Sex Offenders. In K. Harrison (Ed), *Managing High-Risk Sex Offenders in the Community: Risk Management, Treatment and Social Responsibility* (pp. 133-155). Routledge.
- McCartan, K. & Gotch, K. (2020). International Approaches to the Management of Perpetrators of Sexual Harm Policy: Preventative, Practical, or Political. In W.A. Logan, E.J. Letourneau, J. Proulx, F. Cortoni & L.A. Craig (Eds), *Community-Based Approaches to Sex Offender Management* (pp. 411-426). Wiley.
- McCartan, K., Hoing, M., Taylor, R. (2022). Expanding Interventions to Integrate Men Who Have Sexually Offended Back Into the Community: Circles of Support and Accountability in Europe. In K. Uziblo, W.J. Smid & K. McCartan (Eds), *Challenges in the Management of People Convicted of a Sexual Offence* (pp. 227-242). Springer.
- McMahon, S., Wood, L. & Cusano, J. (2019). Theories of Sexual Violence Prevention. In W.T. O’Donohue & P. A. Schewe (Eds), *Handbook of Sexual Assault and Sexual Assault Prevention*. Springer.
- Mercado, C.C., Alvarez, S., & Levenson, J. (2008). The Impact of Specialized Sex Offender Legislation on Community Re-entry. *Sexual Abuse: A Journal of Research and Treatment*, 20(2), 188-205.
- Meyer, J. & O’Malley, P. (2005). Missing the Punitive Turn? Canadian Criminal Justice, “Balance”, and Penal Modernism. In J. Pratt, D. Brown, M. Brown, S. Hallsworth & W. Morrison (Eds), *The New Punitiveness: Trends, Theories and Perspectives* (pp. 201-217). Willan Publishing.
- Millar, J. (2007). Social Exclusion and Social Policy Research: Defining Exclusion. In D. Abrams, J. Christian & D. Gordon (Eds), *Multi-disciplinary handbook of social exclusion research* (pp. 1-15). John Wiley & Sons. <https://doi.org/10.1002/9780470773178>
- Mitchell, D. (1996). Introduction: Public Space and the City. *Urban Geography*, 17(2), 127-131.
- Mitchell, D. (2003). *The Right to the City: Social Justice and the Fight for Public Space*. The Guildford Press

- Mogavero, M.C. & Kennedy, L.W. (2017). The Social and Geographic Patterns of Sexual Offending: Is Sex Offender Residence Restriction Legislation Practical? *Victims & Offenders*, 12(3), 401-433.
- Morel de la Durantaye, M. (1886). *Banishment and Removal of the Acadians*. S.N.
- Mortimer, S. (2009). *Shedding a Red Light on History*. The McGill Daily. Retrieved from https://www.mcgilldaily.com/2009/11/shedding_a_red_light_on_history/
- Moyn, S. (2018). Basic Needs & Human Rights. In *Not Enough: Human Rights in an Unequal World* (pp. 119-145). The Belknap Press of Harvard University Press.
- Murphy, L., Fedoroff, J.P. & Martineau, M. (2009). Canada's Sex Offender Registries: Background, Implementation, and Social Policy Considerations. *The Canadian Journal of Human Sexuality*, 18(1-2), 61-72.
- Mustaine, E. E. (2014). Sex Offender Residency Restrictions: Successful Integration or Exclusion. *Criminology and Public Policy*, 13(1), 169-178.
- Nackerud, L. (2020). Structuralism, Neoliberalism, and the U.S Criminal Justice System. In L.A. Ricciardelli (Ed), *Social Work, Criminal Justice, and the Death Penalty* (pp. 75-85). Oxford University Press.
- Nauman, S. (2021). Securitisation of Space and Time. *Journal of the British Academy*, 9(4), 13-31.
- Nellis, M. (2012). The GPS Satellite Tracking of Sex Offenders in the USA. In J. Brayford, F. Cowe, & J. Deering (Eds), *Sex Offenders: Punish, Help, Change or Control? Theory, Policy and Practice Explored* (pp. 246-263). Routledge.
- Nielsen, M. (September 7th, 2020). Sexual Offender Ordered to Halfway House. The Canadian Press. Retrieved from <https://login.proxy.bib.uottawa.ca/login?url=https://www.proquest.com/wire-feeds/sexual-offender-ordered-halfway-house/docview/2441118833/se-2>
- O'Malley, P. (2006). Criminology and Risk. In G. Mythen & S. Walklate (Eds), *Beyond the Risk Society* (pp. 43-60). Open University Press.
- Ottawa Police Service. (April 11th, 2024). High-Risk Sexual Offender now Living in Vanier, Police Warning to the Community. Retrieved from <https://www.ottawapolice.ca/en/news/high-risk-sexual-offender-now-living-in-vanier-police-warning-to-the-community.aspx>
- Parole Board of Canada. (2019). *Performance Monitoring Report: 2017-2018*. Author
- Parole Board of Canada. (2020). *Performance Monitoring Report: 2019-2020*. Author.
- Payne, B.K & DeMichele, M. (2011). Sex Offender Policies: Considering Unanticipated Consequences of GPS Sex Offender Monitoring. *Aggression and Violent Behaviour*, 16(3), 177-187.

- Petrunik, M. (2002). Managing Unacceptable Risk: Sex Offenders, Community Response, and Social Policy in the United States and Canada. *International Journal of Offender Therapy and Comparative Criminology*, 46(4), 483-511
- Petrunik, M. (2003). The Hare and The Tortoise: Dangerousness and Sex Offender Policy in the United States and Canada. *Canadian Journal of Criminology and Criminal Justice*, 45(1), 43-72.
- Petrunik, M., Ilea, A. & Love, S. (2008). *The Need for Treatment and Support Services for Males who have been Sexually Abused as Children and have Offended Sexually as Adults*. Report to the Cornwall, Ontario Public Inquiry, Phase 2: Reconciliation and Healing, online.
- Petrunik, M., Murphy, L., & Fedoroff, J.P. (2008). American and Canadian Approaches to Sex Offenders: A Study of the Politics of Dangerousness. *Federal Sentencing Reporter*, 21(2), 111-123.
- Pillai, S. & Williams, G. (2017). Twenty-First Century Banishment: Citizenship Stripping in Common Law Nations. *The International and Comparative Law Quarterly*, 66(3), 521-555.
- Pratt, J. (2006). *Penal Populism*. Taylor & Francis Group
- Presser, L. & Gunnison, E. (1999). Strange Bedfellows: Is Sex Offender Notification a Form of Community Justice. *Crime & Delinquency*, 45(3), 299-315.
- Public Safety Canada (2017). *2016 Corrections and Conditional Release Statistical Overview*. Government of Canada. Retrieved from <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2016/index-en.aspx>
- R. v. Lachapelle, 2009, BCCA 406
- R. v. Ndhlovu, 2022 SCC 38
- R. v. Perron, 2009 ONCA 498
- R. v. Taylor, 1998 SCKA 140
- Ramirez, J.A. (2014). Propriety of Internet Restrictions for Sex Offenders Convicted of Possession of Child Pornography: Should We Protect Their Virtual Liberty at the Expense of the Safety of our Children. *Ave Maria Law Review*, 12(1), 123-148.
- Rengert, G.F., Piquero, A.R., & Jones, P.R. (1999). Distance Decay Reexamined. *Criminology*, 32(2), 427-446.
- Rhodes, B. (December 6th, 2024). *Violent Sex Offender Reaches Statutory Release*. CBC News. Retrieved from <https://www.cbc.ca/lite/story/1.7403865>
- Richer, N. (2015). Toward a Social Topography: Status as a Spatial Practice. *Sociological Theory*, 33(4), 347-368.

- Rolfe, S.M., Tewskbury, R. & Schroeder, R.D. (2017). Homeless Shelters' Policies on Sex Offenders: Is This Another Collateral Consequence? *International Journal of Offender Therapy and Comparative Criminology*, 61(16), 1833-1849.
- Rosenberg, A., Keene, D.E., Schlesinger, P., Groves, A.K., & Blankenship, K.M. (2021). "I Don't Know What Home Feels Like Anymore": Residential Spaces and the Absence of ontological Security for People Returning from Incarceration. *Social Science & Medicine*, 272, 1-8.
- Rychlak, R.J. (1990-1991). Society's Moral Right to Punish: Further Exploration of the Denunciation Theory of Punishment. *Tulane Law Review*, 65(2), 299-228.
- Rydberg, J. (2018). Employment and Housing Challenges Experienced by Sex Offenders during Reentry on Parole. *Corrections: Policy, Practice & Research*, 3(1), 15-37.
- Salari, S. (2024). *Family Violence and Abuse: An Encyclopedia of Trends, Issues, and Solutions [2 Volumes]*. Bloomsbury Academic.
- Sanchez, L. E. (2004). The Global E-rotic Subject, the Ban, and the Prostitute-Free Zone: Sex Work and the Theory of Differential Exclusion. *Environment and Planning. D, Society & Space*, 22(6), 861-883.
- Sandler, J.C., Freeman, N.J. & Socia, K.M. (2008). "Does A Watched Pot Boil?" A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law. *Psychology, Public Policy and Law*, 14, 284-302.
- Saxer, S.R. (2008). Banishment of Sex Offenders: Liberty, Protectionism, Justice, and Alternatives. *Washington University Law Review*, 86, 1397-1453.
- Schmidt, J.J. (2024). Live Archives: Freedom of Information Requests as Political Methodology. *Canadian Geographies/Geographies Canadienne*, 1-10.
- Schopp, R.F. (2003). "Even a Dog...": Culpability, Condemnation & Respect for Persons. In B. J. Winick, & J. Q. La Fond (Eds.), *Protecting society from sexually dangerous offenders: Law, justice, and therapy*. (pp. 183-195).
- Schuilenburg, M. (2015). Behave or Be Banned? Banning Orders and Selective Exclusion from Public Space. *Crime, Law, and Social Change*, 64(4-5), 277-289.
- Schulze, D. (2022). Banishment in Aboriginal Law: Rules, Rights, Practice & Limitations. *University of New Brunswick Law Journal*, 73, 169-204.
- Seidler, K. (2010). Community Management of Sex Offenders: Stigma versus Support. *Sexual Abuse in Australia and New Zealand*, 2(2), 66-76.
- Sellers, B., Fraysier, E., & Arrigo, B.A. (2018). Adam Walsh Child Protection and Safety Act of 2006. In *the SAGE Encyclopedia of Surveillance, Security, and Privacy* (Vol.3, pp. 8-9). SAGE Publications.
- Sex Offenders Information Registration Act, S.C., 2004, c.10.

- Shaver, F.M. (1994). The Regulation of Prostitution: Avoiding the Morality Traps. *Canadian Journal of Law and Society*, 9(1), 123-145.
- Sheng, E.E. (2022). The Moral Permissibility of Banishment. *Law and Philosophy*, 42, 285-310.
- Sibley, D. (1995). *Geographies of Exclusion: Society and Difference in the West*. Taylor & Francis Group.
- Silverstein, M. (2001). The Ties that Bind: Family Surveillance of Canadian Parolees. *Sociological Quarterly*, 42(3), 395-420.
- Simon, J. (1998). Managing the Monstrous: Sex Offenders and the New Penology. *Psychology, Public Policy, and Law*, 4(1/2), 452-467.
- Simon, J. (2005). Reversal of Fortune: The Resurgence of Individual Risk Assessment in Criminal Justice. *Annual Review of Law and Social Science*, 1(1), 397-421.
- Smallbone, S., Marshall, W.L., & Wortley, R. (2008). Preventing Child Sexual Abuse: Evidence, Policy and Practice. Willan Publishing.
- Smoyer, A.B., Pittman, A. & Borzillo, P. (2023). Humans Peeing: Justice-Involved Women's Access to Toilets in Public Spaces. *PLoS ONE*, 18(3).
- Snider, W.G. (1998). Banishment: The History of its Use and Proposal for its Abolition Under the First Amendment. *New England Journal on Criminal and Civil Confinement*, 24(2), 455-510.
- Soja, E. W. (2010). *Seeking Spatial Justice*. University of Minnesota Press.
- Spada, A. (2016). Internet Sexual Offender Laws. In E.L Jeglic & C. Calkins (Eds), *Sexual Violence: Evidence Based Policy and Prevention* (pp. 81-93). Springer.
- Spalek, B. (2007). Social Identities in Late Modernity: Offender and Victim Identity Constructions. In *Communities, Identities, and Crime* (pp. 11-36). Bristol University Press.
- Story, B. (2019). *Prison Land: Mapping Carceral Power Across Neoliberal America*. University of Minnesota Press.
- Suiter, E. & Andersen, T.S. (2022). Residency Restrictions, Race, and Homelessness Among Registered Sex Offenders. *Criminal Justice Studies*, 35(2), 132-144.
- Terry, K.J. (2011). What is Smart Sex Offender Policy. *Criminology & Public Policy*, 10(2), 275-282.
- Tewksbury, R. (2005). Collateral Consequences of Sex Offender Registration. *Journal of Contemporary Criminal Justice*, 21(1), 67-81.
- Tewksbury, R. & Lees, M. (2006). Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences. *Sociological Spectrum*, 26(3), 309-334.
- Tewksbury, R. & Mustaine, E. E. (2006). Where to Find Sex Offenders: An Examination of Residential Locations and Neighborhood Conditions. *Criminal Justice Studies: Critical Journal of Crime, Law, and Society*, 19(1), 61-76.

- Tewksbury, R. & Zgoba, K. M. (2010). Perceptions and Coping with Punishment: How Registered Sex Offenders Respond to Stress, Internet Restrictions, and the Collateral Consequences of Registration. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 537-551.
- Thompson, D. & Thomas, T. (2017). *The Resettlement of Sex Offenders after Custody: Circles of Support and Accountability* (1st ed.). Routledge.
- Tolson, D. & Klein, J. (2015). Registration, Residency Restrictions, and Community Notification: A Social Capital Perspective on the Isolation of Registered Sex Offenders in Our Communities. *Journal of Human Behaviour in the Social Environment*, 3(1), 68-80.
- Toole, B. (2019). From Standpoint Epistemology to Epistemic Oppression. *Hypatia*, 34(4), 598-618.
- Toole, B. (2022). Demarginalizing Standpoint Epistemology. *Episteme*, 19(1), 47-65.
- Tovey, L., Winder, B. & Blagden, N. (2023). “It’s ok if You Were in for Robbery or Murder, but Sex Offending, that’s a no no”: A Qualitative Analysis of the Experiences of 12 Men with Sexual Convictions Seeking Employment. *Psychological, Crime & Law*, 29(6), 653-676.
- Tsakoglou, P. & Papadopoulos, F. (2002). Aggregate level and determining factors of social exclusion in twelve European countries. *Journal of European Social Policy*, 12(3), 211-226.
- Yung, C.R. (2007). Banishment by a Thousand Laws: Residency Restrictions on Sex Offenders. *Washington University Law Review*, 85(1), 101-160.
- Viki, G. (2012). The Role of Dehumanization in Attitudes Toward the Social Exclusion and Rehabilitation of Sex Offenders. *Journal of Applied Social Psychology*, 42(10), 2349-2367.
- Wacquant, L. (2009). *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Duke University Press.
- Walby, K. & Larsen, M. (2012). Access to Information and Freedom of Information Request: Neglected Means of Data Production in the Social Sciences. *Qualitative Inquiry*, 18(1), 31-42.
- Waldron, J. (1993). *Liberal Rights: Collected Papers*. Cambridge University Press.
- Walker, J. T., Golden, J. W., & VanHouten, A. C. (2001). The Geographic Link between Sex Offenders and Potential Victims: A Routine Activities Approach. *Justice Research and Policy*, 3(2), 15-33. <https://doi.org/10.3818/JRP.3.2.2001.15>
- Wayne, L. (2019). Policing Police Access to Criminal Justice Data. *Iowa Law Review*, 104(2), 619-677.
- Weinstein, N.D. & Klein, W.M. (1996). Unrealistic Optimism: Present and Future. *Journal of Social and Clinical Psychology*, 15(1), 1-8.

- Werth, R. (2023). More than Monsters: Penal Imaginaries and the Specter of the Dangerous Sex Offender. *Punishment & Society*, 25(4), 977-997.
- Whyte, S. (2019). *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso
- Wickersham, J.K. (2000). The Mercy of the Court. In *Rituals of Prosecution: The Roman Inquisition and the Prosecution of Philo-Protestants in Sixteenth Century Italy* (pp.121-154). University of Toronto Press.
- Wilson, R.J., Picheca, J.E., & Prinzo, M. (2005). *Circles of Support & Accountability: An Evaluation of the Pilot Project in South-Central Ontario (Research Report No. R-168)*. Ottawa, Canada: Correctional Service of Canada.
- Wilson, R.J., Cortoni, F., & McWhinnie, A.J. (2009). Circles of Support & Accountability: A Canadian National Replication of Outcome Findings. *Sexual Abuse: A Journal of Research & Treatment*, 21(4), 412-430.
- Wood, A.E. & Waite, J.B. (1941). *Crime & Its Treatment; Social and Legal Aspects of Criminology*. American Book.
- Wynton, J.S. (2011). Myspace, Yourspace, But Not Theirspace: The Constitutionality of Banning Sex Offenders from Social Networking Sites. *Duke Law Journal*, 60(8), 1859-1903.
- Zilney, L.A. (2020). *Impacts of Sex Crime Laws on the Female Partners of Convicted Offenders*. Routledge.
- Zimonjic, P. (June 6th, 2024). *Conservatives Introduce Legislation to Strengthen Monitoring of Registered Sex Offenders*. CBC News. Retrieved from <https://www.cbc.ca/news/politics/conservatives-national-sex-offender-registry-1.6867158>
- Zgoba, K.M. (2011). Residence Restriction Buffer Zones and the Banishment of Sex Offender: Have We Gone One Step Too Far. *Criminology and Public Policy*, 10(2), 391-400.
- Zgoba, K.M., Jennings, W. G., & Salerno, L.M. (2018). Megan's Law 20 Years Later: An Empirical Analysis and Policy Review. *Criminal Justice and Behaviour*, 45(7), 1028-1046.
- Zgoba, K.M., Levenson, J., & McKee, T. (2009). Examining the Impact of Sex Offender Residence Restrictions on Housing Availability. *Criminal Justice Policy Review*, 20(1), 91-111.
- Zgoba, K. M., Miner, M., Letourneau, E., Levenson, J., Knight, R., & Thornton, D. (2016a). A Multi-State Recidivism Study Using Static-99 and Static-2002 Risk Scores and Tier Guidelines From the Adam Walsh Act. *Sexual Abuse: A Journal of Research and Treatment*, 28, 722-740.
- Zgoba, K.M., Miner, M., Levenson, J., Knight, R., Letourneau, E., & Thornton, D. (2016b). The Adam Walsh Act: An Examination of Sex Offender Risk Classification Systems. *Sexual Abuse: A Journal of Research and Treatment*, 28(8), 722-740.

Appendix A: Thematic Analysis Coding Table

Themes	Participants testimonies	Observations from the testimonies
Reintegration Re-entry Rehabilitation	13:10:27: also if they have a 161 order. That will determine if it's A,B,C, or D, or L4. That will also determine how difficult it is for them to successfully reintegrate. 13:15:03: They really have to be careful about what they're doing. A Lot of them are afraid, even if they're not going to do something that could be seen as a breach or they not doing anything in a malest way. 13:16:17: But if you don't have the supports of some of the community then you're on your own and yeah you're not... Yeah I mean... you can't pass criminal background check, right? Most of them can't pass a credit check either. So yeah, there's nowhere for them to live. 13:17:24: There is a barrier, and it does create barriers. However, any of the conditions that they have are linked to their offenses. So if somebody is not allowed on the internet, that means that when they were offending, they were using the internet in an inappropriate way and their risk is not manageable if they have access to it.	• The stricter the conditions and more challenging would be the reintegration. • Housing represents an important aspect of reintegration. The scarcity of affordable housing in Ottawa which lead to housing insecurity similar to Levenson (2018). • Engagement with risk averse behaviours. Even with adherence with the conditions, there remains a supervised and controlled aspect to reintegration. • Limited Reintegration for sexual offenders as there is a societal disapproval of sexual offences and sexual offenders. • As the literature mentions, parole conditions/restrictions and specific orders (s. 161 order, LTSO, s.810 order) have various sanctions that are meant to incentivize released offenders once they

	However, if they don't have access to it, they also cannot successfully reintegrate. 13:20:04: You can work with your case management team and have some of those restrictions modified. So they probably wouldn't get rid of them. But they would modify them. So they might say no access to the internet, but then after six months of doing really well, they might say you're allowed to use the internet supervised. 13:40:47: Public notifications make it impossible to successfully reintegrate. I mean, the whole world knows your face, right?	are in the community (Simon, 1999).
Challenges	13:10:18: So the challenges, depending on the conditions of the client that's going to determine the challenges 13:11:35: There's no wiggle room there, zero wiggle room. 13:13:00: So with the 161 order, there's lots of gray areas. It's impossible to actually get an answer from police officers. 13:13:25: When you get arrested on a 161 breach, it's at the interpretation of the arresting officer at the time of arrest. So if the officer believes that you skating there is a breach of your condition that he can arrest you and you go to jail.	• The conditions are stringent and leave little-to-no room for individual to engage in the process of rehabilitation. • By wanting to curb the probability of something happening, the approach taken is incapacitation. However, that incapacitates individuals from engaging in pro-social activities. • These gray areas in the law makes also the space subject to gray areas. There are no clear formulation on

	13:15:51: They end up in cockroach infested places. That's the bottom line. That's exactly where they end up. 13:22:14: So I think it's 88% that's with CoSA. They're less likely to reoffend and again, it goes back to having the right supports. And the institution is not a happy place for a sex offender, especially if you are outed by somebody. 13:24:35: Because when you try to get a job, they're going to Google you. Googling is a thing that everybody does now. So it's hard to get a job. I mean, if you're Google-able, it's hard to do anything. 13:37:08: So there's no funding and even volunteers. That's kind of the scarcity of like volunteers and stuff like that.	which spaces are available or not. • Through these restrictions comes the limited agency to fully reintegrate without barriers. With the example of employment, many places (i.e. corporate companies) execute background checks on prospective applicants. Any criminal conviction is a legitimate reason to disqualify candidates for employment. • overall rejection of stigmatized labels in the community which guides one's decision to not disclose their status. In the same stroke, disclosing one's status limits social capital for outed sexual offenders. • Decaying housing could be interpreted as a symptom of the rejection of sexual offenders' identities in the community. Although Soja (2010) proposed that social life is reproduced in space, I would further the point that the space is meant to exacerbates the inequalities
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		experienced by their status as “sexual offenders” in the community.
Balance	13:10:47: So they’re not allowed to go to a gym. Because there could be somebody under the age of 16 there. 13:11:44: But the onus is on them if they show up and somebody looks like they’re potentially under the age of 16 or 18, depending on their condition. 13:14:40: Same with the mall. You’re allowed to go the ball but if you’re at the mall and you’re in Mark’s work warehouse and you’re purchasing some work boots ans then you leave, well, you’re not in trouble. But if you’re at the mall and you’re sitting in front of the children’s place then you’re in trouble. 13:17:54: But you’re managing risk at the same time. So it’s not like it’s not that they... it’s not that the system is creating barrier. It’s that the offenses themselves automatically give them barriers. 13:19:16: I try to remind them that the restrictions are linked to the offenses.	• Public safety remains the number one priority. • Responsabilization of the individual when released in the community. Renders the individual responsible for their own predicament while on release. • By internalizing the risk that they pose, some engage in self-exclusion to avoid punishment. They inflict further covert punishment to avoid overt punishment. • Relatively cautious approach to reintegration. • The legitimization of exclusion is expressed by a need to protect the community from sexual offenders. • On one hand, we must assure that the community is safe, but the offender cannot fully reintegrate due to the restrictions that

	13:21:00: So a lot of clients have a condition that you're not to associate with the victim or anybody that's associated with the victim. So if the victim is a family member then you're not allowed to associate with anybody in the family. So you lose I mean. Typically, nobody in the family wants to associate with you anyways. 13:26:30: It's very hard to determine who is actually in change and who's trying to bullshit they way through change. 13:32:00: And if somebody has a condition for, so if alcohol was used or drugs at the time of offending. It adds another layer because then you're not allowed at a pool hall. You're not allowed anywhere that sells alcohol. So then you can't even go play pool. You can't go play darts. You can't do anything that's associated with alcohol being served. 13:35:29: managing risk and keeping the public safe.	incapacitates the offender from being a functioning member of society. • Many social interactions are yielded over the internet, and it has become increasingly risky to efficiently manage what is going on the platforms. The prohibitions targeting these time specific risks create unique managerial methods that may impede one's rehabilitation prospects. • With the internet, the risk is intangible which makes it complicated to propose a way to regulate it in order to protect the community. In this day and age, the imposition of an internet prohibition becomes a punitive mechanism of control. • An internet prohibition is specific to the digital era as certain violations (i.e. Internet Luring or Revenge Porn) did not exist 40 years ago.
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Appendix B: Consent Form (English)



Consent Form

Title of the study: Banishment of Sexual Offenders

Melissa NDI (Principal Researcher)
University of Ottawa Department of Criminology, Faculty of Social Sciences
Email: [REDACTED]

Professor Sandra Lehalle (Supervisor)
University of Ottawa Department of Criminology, Faculty of Social Sciences
Email: [REDACTED]

I am invited to participate in the abovementioned research study conducted by Melissa NDI, a graduate student in the Department of Criminology at the University of Ottawa. The purpose of the study is to evaluate the effects of socio-spatial restrictions imposed on sexual offenders when they are released into the community.

Participation: My participation will consist of in-person or virtual interviews lasting between 60 and 80 minutes. During these interviews, I will be asked questions about the management of sexual offender in the community. The entire interview will be recorded unless I specify otherwise. If necessary, the entire interview will be transcribed.

☐ I am authorizing Melissa NDI, the principal researcher, to audio record my interview.

☐ I am authorizing Melissa NDI, the principal researcher, to transcribe the entire interview if necessary.

Benefits: My participation in this study will allow to gain insight from those in charge of managing sexual offenders and provide policy recommendations to better re-integrate sexual offenders in the society.

Confidentiality and Privacy I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for the purpose of this master's research and that my identity will be protected. I have received assurance from the researcher that no identifiable information about that I provide during the interview will be revealed. I understand that aliases will be used instead of referring to my given name to maintain confidentiality. I have received assurance from the researcher that the information that I provide will only be accessible to the researcher in question and her supervisor.

Conservation of Data: I have been assured that the data collected (including audio recordings & transcripts) will be kept in a secure manner in Melissa Ndi's password protected computer under a password protected file and password protected external hard drive. The external hard drive, the transcripts and the signed consent forms will be kept under key in a locked room at Melissa Ndi's residence. Following the completion of the research, all digital files will be transferred to the hard drive and the digital files will be completely deleted from Melissa Ndi's computer. The hard drives as well as the physical data (transcripts & signed consent forms) will be stored in Professor Sandra Lehalle's office on campus at the University of Ottawa for a period of ten years. Following those 10 years, the data will be destroyed. For the virtual interviews, the video features will be disabled in the platform since only audio-data is being collected for the research.

Compensation: I will receive a \$15 gift card for my participation at the beginning of the interview. I have been told that the gift card is mine to keep regardless I continue or withdraw my participation from the research. For the virtual interviews, those will be sent by email before the start of the interview.

Appendix B: Consent Form (French)



Formulaire de Consentement

Titre de l'étude: Bannissement des délinquants sexuels

Melissa NDI (Chercheuse Principale)
Université d'Ottawa - Département de Criminologie, Faculté des Sciences Sociales)
Courriel: [REDACTED]

Professeure Sandra Lehalle (Superviseure)
Université d'Ottawa - Département de Criminologie, Faculté des Sciences Sociales)
Courriel : [REDACTED]

Je suis invité à participer à la recherche susmentionnée menée par Melissa NDI, étudiante à la maîtrise inscrite au Département de criminologie de l'Université d'Ottawa. Le but de l'étude est d'évaluer les effets des restrictions socio-spatiales imposées aux délinquants sexuels lors de leur mise en liberté dans la communauté.

Participation: Ma participation consistera en des entretiens en personne ou virtuels d'une durée comprise entre 60 et 80 minutes. Lors de ces entretiens, on me posera des questions sur la gestion des délinquants sexuels dans la communauté. L'intégralité de l'entretien sera enregistrée, sauf à une indication contraire de ma part. Si nécessaire, l'intégralité de l'entretien sera retranscrite.

☐ J'autorise Melissa NDI, la chercheuse principale, à enregistrer mon entretien.

☐ J'autorise Melissa NDI, la chercheuse principale, à transcrire l'intégralité de l'entretien si nécessaire.

Avantages: Ma participation à cette étude permettra d'avoir des pensées des responsables de la gestion des délinquants sexuels et de fournir des recommandations politiques pour mieux réintégrer les délinquants sexuels dans la société.

Confidentialité: J'ai reçu la confirmation de la chercheuse principale que les informations que je partagerai resteront strictement confidentielles. Je comprends que le contenu sera utilisé uniquement aux fins de recherche de ce projet de maîtrise et que mon identité sera protégée. J'ai reçu la confirmation de la chercheuse principale qu'aucune information permettant de m'identifier ne sera révélée. Je comprends que des pseudonymes seront utilisés au lieu de faire référence à mon prénom pour préserver la confidentialité. J'ai reçu la confirmation de la chercheuse principale que les informations que je fournis ne seront accessibles qu'à la chercheuse en question et sa superviseure. Pour les entretiens virtuels, les fonctionnalités vidéo seront désactivées sur la plateforme puisque seules les données audio sont collectées pour la recherche.

Préservation des Données : J'ai été assuré que les données collectées (y compris les enregistrements audios et les transcriptions) seront conservées de manière sécurisée dans l'ordinateur de Melissa Ndi protégé par mot de passe sous un fichier protégé par mot de passe et un disque dur externe protégé par mot de passe. Le disque dur externe, les notes manuscrites et les formulaires de consentement signés seront conservés sous clé dans une pièce verrouillée dans la résidence de Melissa Ndi. Une fois la recherche terminée, tous les fichiers numériques seront transférés sur le disque dur et ceux-ci seront complètement supprimés de l'ordinateur de Melissa Ndi. Les disques durs ainsi que les données physiques (les notes manuscrites et formulaires de consentement signés) seront conservés dans le bureau de la professeure Sandra Lehalle sur le campus de l'Université d'Ottawa pour une période de dix ans. Passé ces 10 ans, les données seront détruites.

Compensation : Je recevrai une carte-cadeau de 15\$ pour ma participation au début de l'entrevue. On m'a expliqué que la carte-cadeau m'appartient, que je continue ou que je retire ma

Pièce 14002 / Room 14002
14^e étage / 14th floor
120, rue Université / University Pkwy.
Ottawa ON K1N 6N5

Appendix C: Recruitment Poster (English)

PARTICIPANTS NEEDED

Do you have experience in volunteering **at a community organisation, in Ottawa, who cater to individuals who have convicted of sexual crimes?**

If yes, you might be interested in participating in a study exploring the consequences of socio-spatial restrictions in Ottawa. Your insights are needed!

Participants will be asked questions about the management and impact sex offender restrictions. Participants will be welcomed to comment on the various challenges to reintegration that individuals who have incarcerated for sexual offences face in the community. This discussion will take the form of an interview and will **be conducted on voluntary basis. Interviews duration range from 60 to 80 minutes. The interviews are individual. The interviews might be remote or in-person depending on the participant's preference. Participants are free to withdraw at any time during the research.**

You will not be identified by name. You are free to request that the data provided be not included in the research and it will be destroyed upon request. To facilitate transcript, the interviews will be audio-recorded. You are free to request that the interview not be recorded.

To participate, you need to:

1. Be 18 years of age older.
2. Have current or past experience volunteering in community organization.
3. **Have been a volunteer/worker for at least 1 year.**

Those who decide to participate will be given at \$15 gift card for their contribution and time. This gift card will be given regardless of if the interview is completed or not.

8 participants are needed! It's first come, first serve.

If you are interested and want to participate, feel free to reach Melissa NDI, the primary researcher, at .

Appendix C: Recruitment Poster (French)

PARTICIPANTS NÉCESSAIRES

Avez-vous de l'expérience en matière de bénévolat dans un organisme communautaire, à Ottawa, qui s'occupe d'individus ayant commis des délits à caractère sexuel ?

Si oui, vous pourriez être intéressé à participer à une étude explorant les conséquences des restrictions socio-spatiales à Ottawa. Votre perspicacité est nécessaire !

Les participants se verront poser des questions sur la gestion et l'impact des restrictions sur les individus ayant commis des délits à caractère sexuel. Les participants seront invités à commenter sur les différents défis de réinsertion auxquels sont confrontés de ces individus dans la communauté. Cette discussion prendra la forme d'un entretien et se déroulera sur une base volontaire. La durée des entretiens varie de 60 à 80 minutes. Les entretiens sont individuels. Les entretiens peuvent être à distance (en ligne) ou en personne selon les préférences du participant. Les participants sont libres de se retirer du projet à tout moment pendant la recherche.

Vous ne serez pas identifié nommément. Vous êtes libre de demander que les données fournies ne soient pas incluses dans la recherche et elles seront détruites sur demande. Pour faciliter la transcription, les entretiens seront enregistrés par audio.

Vous êtes libre de demander que l'entretien ne soit pas enregistré.

Pour participer, vous devez :

1. Avoir 18 ans ou plus.
2. Avoir une expérience actuelle ou passée de bénévolat dans un organisme communautaire.
3. Être bénévole/travailleur depuis au moins 1 an.

Ceux qui décident de participer recevront une carte-cadeau de 15 \$ pour leur contribution et leur temps. Cette carte-cadeau sera remise indépendamment du fait que l'entretien soit terminé ou non.

Il faut 8 participants ! C'est premier arrivé, premier servi.

Si vous voulez participer, veuillez contacter la chercheuse principale Melissa NDI par courriel 

Appendix D: Ethics Certificate

30/07/2024

Université d'Ottawa

Bureau d'éthique et d'intégrité de la recherche

University of Ottawa

Office of Research Ethics and Integrity

CERTIFICAT D'APPROBATION ÉTHIQUE | CERTIFICATE OF ETHICS APPROVAL

Numéro du dossier / Ethics File Number

S-06-24-10369

Titre du projet / Project Title

Banishing the Undesirable: An
Evaluation of Sex Offenders'
Socio-Spatial Restrictions.

Type de projet / Project Type

Thèse de maîtrise / Master's
thesis

Statut du projet / Project Status

Approuvé / Approved

Date d'approbation (jj/mm/aaaa) / Approval Date (dd/mm/yyyy)

30/07/2024

Date d'expiration (jj/mm/aaaa) / Expiry Date (dd/mm/yyyy)

29/07/2025

Équipe de recherche / Research Team

**Chercheur /
Researcher**

Affiliation

Role

Melissa NDI

Département de criminologie / Department of
Criminology

Chercheur Principal / Principal
Investigator

Sandra LEHALLE

Département de criminologie / Department of
Criminology

Superviseur / Supervisor

Conditions spéciales ou commentaires / Special conditions or comments

550, rue Cumberland, pièce 154 550 Cumberland Street, Room 154
Ottawa (Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada

613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

Pour ma mamie, Renée Nichole Jalbert