

Caught in the spider's web:
Supervision and control of individuals
released after serving a federal sentence for
sexual offences

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Abstract

Ex-prisoners who are attempting to (re)integrate into the community after serving a federal sentence for a sexual offence face numerous challenges, including discrimination, stigma and social exclusion. They are the ‘monsters’ and ‘evil-doers’ that society fears; their place within our communities is contested as they are perceived as irredeemable and untreatable. Often, they have lost the support of family and friends, their place of employment and their social status. Once they are released, the identity markers they were previously able to draw on become unavailable and they have to find new roles for themselves.

Drawing on fifteen interviews with male ex-prisoners convicted of sexual offences, and eleven interviews with professionals who work with them, this research project seeks to understand how the released sex offender is constructed in correctional discourse and how this construction may impact his identity possibilities. Focusing on those individuals who are subjected to release conditions (such as the long-term supervision order) this research maps out the governance terrain that released sex offenders inhabit, as well as the strategies used by professionals in their work with service recipients. Finally, this project ponders the role of truth and confession in the management of released sex offenders.

I argue that individuals released into the community after serving a prison sentence for sexual offences are subjected to intense control and surveillance strategies that concretely and severely restrict their ability to form new relationships and inhabit new roles not predicated on their master status as sex offenders. They are essentially stuck in the role of sex offender even as they are encouraged to desist from offending and to find a place for themselves in the community.

Acknowledgments

This research project would not have been possible without the seventeen men who decided that in spite of the stigma, they would talk to me about their challenges and successes, their past, present and hopes for the future. My sincere gratitude to Barry, Cal, Dan, Gus, Hank, Ian, Lenny, Levy, Matt, Perry, Ray, Rex, Rhys, Ross, Scott, Stuart, and Tom for being part of this project.

I am grateful as well to the professionals who talked with me about their work, as well as the organizations that facilitated my access to the field. Thank you!

My gratitude to my supervisors, Dr. Jennifer Kilty and Dr. Véronique Strimelle, for their guidance and support, not to mention their patience, over the many years it took to complete this project. You guided me, motivated me and challenged me and I would not be where I am today had it not been for you. I feel so grateful to have had you as my supervisors. Thank you!

Many thanks to Dr. Bastien Quirion for his role as my committee member. Your feedback was always thoughtful and challenged me to see things in different ways. Thank you as well to Dr. Rose Ricciardelli, Dr. Justin Piché and Dr. David Joubert for your thoughtful comments and suggestions on my dissertation.

To Dr. Alexis Shotwell, your workshop on “strategies for suffering-free academic writing” changed my relationship with writing and had a profound impact on my ability to not only write but to actually enjoy it! Thank you so much!

Thank you also to France Dompierre, Carmella Gehrels and Stéphanie Tavares for your administrative support over the years and answering all my incessant questions and concerns.

To my friends and colleagues, Anita Grace, Samantha McAleese, Furqan Aasif, Erin Dej, Susan Love, and Claire Delisle, thank you! I went through many challenges over the years and your support has been invaluable. Samantha and Furqan, our weekly writing group in the last few months was just what I needed to keep isolation at bay and be a productive writer!

To my sister, Dr. Ramona Ilea, thank you for paving the way and making me believe that I can do this. Your perseverance and dedication have always awed me and you have been a wonderful role model. To my parents, Viorica Bade and Nicolae Ilea, thank you for not only understanding this lifestyle I chose, but also supporting me unquestionably.

Last but not least, to my son Nicholas. Becoming your mother made me a more efficient writer and provided me the motivation to keep going and finish this project. Thank you for being my sunshine.

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Chapter 1- Introduction: The control and supervision of released sex offenders

Sadly there are truly evil people out there. The fact is we don't understand them and we don't particularly care to. We understand only that they must be dealt with (Stephen Harper August 2013)¹.

This quote by Canada's then-Prime Minister Stephen Harper exemplifies the popular conception about those who commit sexual offences. They are evil, their motives unknown and unknowable. Indeed, in the Western world, sexual offenders are among the most reviled of all criminals (Hacking 1991; Lynch 2002; Petrunik 2003; Spencer 2009). This is in part due to the nature of their offences, but it is also because the victims of these crimes are usually children and women, populations generally perceived to be vulnerable (Petrunik 2002). By stating that not only do we lack an understanding of why individuals commit sexual offences but that we also do not care to acquire such knowledge, Mr. Harper negates the fact that sexual offending has long been the subject of socio-historical research, legal debates, policy-making, and public interest. For example, in the English-speaking West, sexual offending against children became an issue of interest in the 1930s, while sexual crimes against women came to the forefront in the 1970s (Hacking 1991; Pfohl 1977; Pratt 2000; Smart 1989). The 1990s saw an intensification of correctional interventions, treatments and control strategies focused on reducing recidivism aimed at sex offenders (Lynch 2002).

Contrary to Mr. Harper's assertion, I claim that Canadians do care to know more about this social problem. I do not believe that anyone would dispute the fact that sexual

¹ For more details on Mr. Harper's speech see: <http://o.canada.com/news/national/prime-minister-stephen->

victimization is a problem in our society. The effects of sexual victimization can be dire and long lasting for those who experience it and for the family in which the abuse occurred. As with any social problem, however, there are divergent points of view, various ways of approaching it and diverse end-goals. Knowledge on the subject, however, or the will to learn about it, is not lacking, despite what Mr. Harper touted during his political speech. For better or worse, the ‘sex offender’ is the subject of intense media focus, public attention, political manipulation, as well as psychological, sociological and correctional interest. He² is categorized and classified by the psy-disciplines and through diverse correctional practices and is vilified by the public and the media. As I will show throughout this project, there is a wealth of knowledge on the subject; we understand why and how people sexually offend. What is less understood is how people who have sexually offended manage their public identity as sex offenders and the factors that can help them transcend their ‘master status’ as sex offenders; less known is also how we, as a society, and as professionals working in various social service agencies, can facilitate this process of transcendence.

While Canadian policies regarding sexual offenders have progressed much more cautiously than American ones (Petrunik 2003) recent legislation has increased mandatory minimum sentences for sexual crimes and now definitively excludes those with a sexual offence conviction from applying for a pardon. Considering that sex offenders comprise 14% of the total federal prison population (Lacombe 2013), which, as of 2015-2016 was 14, 742 (Reitano 2017), this means that annually, thousands of individuals and their families are

² I use the masculine pronoun throughout this project for two reasons. First, most individuals identified as sex offenders are male. Second, my research examines men only.

affected by the new legislation. Receiving a pardon can increase one's chances of securing a job and thus facilitating re-entry in the community. Interestingly, more than a decade before individuals with sex offence convictions became ineligible for a pardon, the then-Solicitor General of Canada stated that based on the extremely low recidivism rate of pardoned sex offenders, "...automatic denial of pardons to sex offenders would unnecessarily curtail the liberties of the many ex-offenders who remain crime-free" (Wallace-Capretta 2000: 2). It can thus be argued that these punitive control changes reflect a political strategy to win votes from an uninformed public as they appear tough on crime and yet are likely to result in the opposite of their stated outcome; instead of increasing public safety, these measures are likely to decrease it (Bonta 2002).

In the correctional setting the sex offender is constructed quite differently than in public and political discourse. Canadian correctional practices espouse the dual goals of public safety and the social reintegration of offenders. For example, a report for Public Safety Canada states that sex offender treatment can be effective and that "...most sexual offenders do not re-offend over time" (Harris and Hanson 2004). These statements reflect the broader Canadian rehabilitative approach to corrections, which presupposes that with the help of different forms of intervention individuals can transform their lives to become law-abiding citizens. The reality of incarceration for those convicted of sexual offences does not reflect this optimism in the power of change, however. Rather, incarcerated sex offenders find themselves in a hostile environment in which they are constantly on guard to protect their physical safety (Ricciardelli 2014; Ricciardelli & Moir 2013; Ricciardelli & Spencer 2014; Schwaebe 2005). The prison environment is inherently characterized by mistrust, suspicion and violence (Ricciardelli 2014, 2015). It is, however, even worse for those who are

incarcerated for sexual offences. The imprisoned sex offender has to hide, manage, negotiate and be aware of the sexually deviant aspect of his identity and personhood at all times and with all people – be they other prisoners, guards, or treatment staff. He lives in a state of secrecy, hiding his convictions out of fear for his physical wellbeing (Ricciardelli & Moir 2013; Ricciardelli & Spencer 2014). During sex offender treatment, he is never allowed to forget that he is a ‘sex offender’ – irrespective of his other roles as father, husband, or friend – and he is expected to be constantly cognizant of his triggers and the high-risk situations that might catalyze his crime cycle (Lacombe 2008; Waldram 2007, 2009). He is asked to disclose extremely personal and potentially stigmatizing information while participating in group treatment with the hope that such information does not make it back to the general population (Waldram 2007). Ricciardelli (2014) found that incarcerated sex offenders are not only excluded from inmate committees and other social groups but they are also under constant threat of being physically hurt. Sex offenders attempt to either pass as non-sex offenders (Ricciardelli 2014; Ricciardelli & Spencer 2014; Schwaebe 2005) or keep their distance from other prisoners and correctional staff for fear of being ‘found out’ (Ricciardelli 2014). It is from this hostile environment that the individual incarcerated for sexual offences is released back into our communities and is expected to successfully (re)integrate in order to lead a crime-free life. My research is concerned specifically with this stage in the life of the publicly identified sex offender.

Research Questions

When I began this dissertation, I was particularly interested in analyzing the impact of being labelled a sex offender on one’s identity, especially when the individual experienced

sexual abuse in childhood or adolescence. I sought to uncover how these men understand, embrace, resist, reject, challenge, and ultimately engage with victim/perpetrator and risk discourses purported by the media, social workers, ‘psy’ experts, and other professionals. This interest stemmed from the two years I worked as a research assistant for a project for Phase II of the Cornwall Public Inquiry, titled *The need for treatment and support services in Eastern Ontario for males who have been sexually abused as children or youth and have offended sexually as adults* (Petrunik, Ilea & Love 2008). Our team sought to assess the existence of institutional and community-based treatment programs for what we termed “victim/perpetrators”: males who were sexually victimized during childhood or adolescence and who later sexually offended; we also sought to assess the feasibility of such a treatment program. We found that there is a dearth of programs for sex offenders to deal specifically with their own sexual victimization. We identified one institutional and one community treatment program, the former of which is no longer in operation.

Our research also revealed that most professionals who work with either victims or perpetrators of sexual abuse view men who hold the dual status of sexual abuse victim and offender as offenders only (Petrunik et al. 2008). In other words, the perpetrator identity supersedes the victim identity and offenders who bring up their own past sexual victimization experiences are perceived as making excuses or attempting to mitigate their responsibility for the crimes they committed (Petrunik et al. 2008). I found this aspect of our research intriguing and wished to explore it further. While male victims of sexual abuse represent a population that is generally ignored in research, an even more ‘invisible’ population comprises those male victims who later sexually offend (the victim/perpetrators). The dual identity of victim and offender challenges the prevailing dichotomous identities of victim and offender.

As I progressed in this research and became more involved in the field through front-line work as a part-time staff member and circle volunteer with Circles of Support and Accountability (CoSA), I realized that the dichotomy of victim/offender was inadequate in understanding the complexity of the lives of those individuals who are identified as sex offenders. The denial by state control agencies of these individuals' past trauma, including childhood sexual victimization, was only one of the forces that influence identity construction for individuals that are classified as sex offenders. During my involvement with CoSA, I saw time and again how state control agents such as parole officers or halfway house employees' conceptualizations of the 'sex offender' negatively impacted the men so labelled. For example, a parole officer supervising a number of CoSA's core members deemed an outing to the public library as 'unsafe' – even if the core member was accompanied by one of his volunteers – because the volunteer would not be able to supervise the core member while he used the restroom; the implication was that core members could sexually abuse a child in the washroom of the library as the volunteer waited outside. This suggests that individuals who are convicted of sexual offences are perceived as perpetually at risk of re-offending, irrespective of their particular situation (Lacombe 2008, 2013). It also suggests a narrow view of risk-reduction; the benefits that a public library, as a place that one can visit without purchasing anything and which offers educational and entertainment opportunities through the ability to borrow books and movies, is ignored. One of the most common challenges faced by core members, especially the ones who are on disability benefits, is how to fill their time in a safe and productive way and public libraries seem like a positive place to do so. To presume that CoSA core members are a threat in that space ignores the fact that they voluntarily join CoSA, which demonstrates a willingness to change, and that they also tend to be older, have a

variety of health-related issues, and, perhaps most significantly, are often on sex-drive reducing medication.

I was struck by how these men who had sexually offended but who seemed to want to move past their criminal histories were constantly treated as *sex offenders*. Their choices, even the most miniscule or mundane ones, were always judged through the lens of their offences. Parole officers routinely attempted to demand that they smoke less, eat better, exercise more, spend their meagre discretionary funds on ‘better’ things, and be more productive with their time. Although I have yet to find a research study that links the abovementioned intervention targets to sexual offending, parole officers nonetheless presented these as legitimate areas of intervention and somehow linked them to the risk of re-offending sexually. While these types of intervention targets may be perceived as encouraging offenders to lead a ‘good life’ (Ward & Maruna 2007), the invasive and coercive nature of some of these intervention strategies and discourses made me question the efficacy of such an approach.

Borrowing Ian Hacking’s (2006) idea of ‘making up’ people, I consider how we ‘make up’ the sex offender. I am interested in how we constitute the person who sexually offends as a ‘sex offender’, the moral connotations of this label, and the ways in which this label restricts other possible identity narratives. We produce knowledge about people through classifications, categorizations, organizational tools and theories of causality (Hacking 1991). In turn, those we classify may be constrained by the categories used to describe them and the causes that are attributed to their behaviours (Hacking 1991). What definitions, explanations and identities are available to the individual that is simultaneously a sex abuse victim and a sexual offender? What kind of future identities or social roles can he envision for himself? Can he see himself in the role of a father, employee or member of a specific community, or

does his classification as a sex offender nullify the possibility of successfully embodying these identities? What roles do expert definitions, theories of sex offending causation, and risk classifications play in how these individuals construct their identities? In what way do they adhere to, or challenge, the popular and/or professional construction of the sex offender? Do they present themselves as victims, offenders, a combination of the two, or something else? How do they make sense of or challenge medical, psychological and correctional definitions of their identities? The answers to these questions challenge and contradict popular conceptions of what it means to be a victim, an offender, or both.

The goal of my research is to de-individualize sex offending and place it in the broader socio-cultural and political context. I aim to show how the sex offender is constructed as a distinct and particular type of person, significantly different from other individuals and other offenders. I contend, however, that people who have sexually offended are part of us, not apart from us. My research aims to fill a current gap in the literature on sex offending. As Ricciardelli (2014) states, “most prior research in Canada has largely ignored the perspective of the actual prisoner” (12). Research which includes the perspectives of individuals who have been incarcerated for sex offences is even more lacking. As Digard (2014) points out, sex offender research has predominantly taken a public safety approach, focusing on the prediction of risk and the development of treatment. In the 1990s, Canadian researchers such as William Marshall, Don Andrews and James Bonta were the vanguards of the sex offence research field. However, they focused mainly on the aetiology of sexual offences, actuarial risk assessment tools and treatment programs. More recent Canadian research has included the perspectives of sex offenders, focusing on their experiences of incarceration as a stigmatized sub-group of offender (Ricciardelli 2014; Ricciardelli & Moir 2013; Ricciardelli

& Spencer 2014, 2107) and as participants in institutional sex offender treatment programs (Lacombe 2008, 2013; Waldram 2007, 2008, 2009) or in psychiatric settings (Holmes 2002, 2005). In a posthumously published book, Kevin Bonnycastle's (2012) research with convicted rapists provides a rendering of her participants' life stories through an analysis of gender and power. In the United Kingdom, Hudson (2005) and Mercer (2014) look specifically at the identity construction of sex offenders but focus exclusively on incarcerated sex offenders. While these studies offer a fascinating glimpse into the world of the convicted sex offender, it is outside of their purview to delve into the lives of released sex offenders as they re-enter society. Consequently, while these studies are useful, they do not contribute to our knowledge of the challenges faced by sex offenders as they re-enter the community, especially when they are subject to correctional control practices. The few research studies in this area are quite recent, signalling that there is a shift in focus from understanding the sex offender as prisoner to the sex offender as a citizen living among us. Digard's 2014 study based on British probationers' experiences aims to fill this gap, while the burgeoning area of research on desistance can offer some very useful knowledge on identity construction and a counter-narrative to the way the sex offender has been 'made up' in correctional, psy and media discourses (see Farmer, Beech & Ward 2011; Gobbles, Willis & Ward 2014; Harris 2014; Maruna 2001; Willis, Levenson & Ward 2010). My research aims to contribute to the available knowledge on identity and sex offending, by including the perspectives of individuals who have served prison time for sexual offences as they re-enter society and of the professionals they interact with (parole officers, reintegration workers and mental health workers).

Dissertation organization

In chapter two, I review the relevant literature on sexual offending. I focus on the socio-historical construction of the sex offender in Western society, particularly as it has evolved from the penal welfare era to the neo-liberal context. I draw on Canadian sources – where possible – since American and Canadian general trends regarding this matter vastly differ (see Petrunik 2003 for a discussion on these differences). Critical research on the challenges faced by individuals convicted of sexual offences once they are released into the community is sparse. I attempt to fill this gap by analyzing the lived reality of these individuals' post-incarceration lives.

In chapter three, I describe the theoretical framework I use to analyze my research findings. I draw on symbolic interactionist and postmodern theories on identity development and management in order to illuminate how individuals publicly labelled sex offenders are able to construct their identities considering the structural forces and power dynamics that they find themselves in once released. Specifically, Goffman's (1963) research on stigma and Foucault's (1990) theorizations on power are useful in understanding how personal day-to-day interactions and institutional forces impact on the identity possibilities of marginalized individuals (Hacking 2004; Hannem 2012).

In chapter four I outline the methodology used in this research project. I describe in detail the research process, the interviews I conducted and the process of data analysis. I outline the ethical considerations and situate myself as the researcher. I spend considerable time on my positionality as the researcher and engage in a reflexive exercise of my research journey.

In chapter five, I describe the governance terrain that individuals convicted of sexual offences inhabit when they are released into the community after a period of incarceration. I examine the interrelated web of actors that enact both panoptic and synoptic surveillance strategies upon released individuals and consider the challenges that the latter face in their reintegration journeys.

In chapter six, I describe the strategies that web actors employ in their interactions with their clients. I focus on the ways that these actors tether support and control and the challenges associated with this dual approach. I draw on Moore's (2011) concept of therapeutic surveillance to illuminate the specific Canadian approach, which can be described as a combination of surveillance and rehabilitation strategies.

In chapter seven, I explore how released individuals engage with truth discourses during their reintegration journeys. I also explore the expectations of web actors regarding how their clients engage with the 'truth' and how they assess whether their clients are being 'truthful' or not.

In the final chapter, I synthesize my findings, outlining the theoretical and practical contributions that this research provides. I also include some final thoughts on the difficulty of conceptualizing the issues outlined in this research project.

Chapter 2 – Literature Review: Situating released sex offenders in the community

Introduction

In this chapter, I provide a review of the relevant literature on sexual offending, focusing on the evolution of the construction of the sex offender in contemporary Western society from the penal welfare era to the current neo-liberal context. While making reference to Western conceptualizations of the sex offender I also outline the approaches to sex offending in the Canadian context. American and Canadian research on sex offending demonstrates that the two countries differ in their correctional, legal, and psy-medical approaches to crime and specifically to sex offending (see Petrunik 2003). I begin the chapter by describing the terminology used throughout the project. I then provide definitions and statistics of sexual offending and victimization and its prevalence in Canadian society. The next two sections describe the effects of sexual victimization and the contested relationship between experiencing childhood sexual victimization and offending sexually in adulthood, as well as the two predominant conceptualizations of sex offending (i.e. as learned behaviour or as a sexual orientation that cannot be changed). I then describe the various control measures (e.g. dangerous offender designation, long-term offender designation, peace bonds, community notification and sex offender registries) that are currently employed to manage sex offenders. I then take a historical approach to explain the construction of the sex offender, from the penal welfare to the current neo-liberal socio-political rationality. I describe the differences in the control measures implemented against sex offending and the treatment proposed to deal with this type of offending across these two eras. The next section of the chapter examines the proliferation of cognitive-behavioural therapeutic approaches to

explaining and treating sex offenders, focusing on the main components of such treatment (i.e. the crime cycle, the relapse prevention plan and the autobiography). I also present critiques to the current way cognitive distortions – the targets of contemporary sex offender treatment – are conceptualized and its application to individuals identified as sex offenders. These critiques draw on psychological theories from fields outside of criminology. The chapter concludes with an overview of post-incarceration treatment and control strategies for sex offenders and reviews the desistance literature.

Terminology, definitions and statistics

Terminology

In this research project, I use the shorter and more popular term ‘sex offender’ when referring to a person who has been identified by social control agents as having committed a sexual offence against a child or an adult and I use the longer term – ‘individual convicted of a sexual offence’ – when I question or critique this label. I do not use terms such as pedophile or child molester, both of which are used in the literature on sex offending, because pedophile does not necessarily mean that one has sexually offended, but is rather a clinical diagnosis of a pathological sexual interest in children that does not necessarily pertain to an individual’s overt behaviour, and child molester only refers to individuals with child victims thus excluding those with adult victims (American Psychiatric Association 2013). ‘Sex offender’ is the label that is given by the state (i.e. the police, courts and correctional systems), the public, and the media to denote the person as having engaged in unlawful sexual behaviour. It is the label that sticks with the person on their journey through the criminal justice system and often long after they are no longer under its purview.

Definitions

Sexual offences can refer to a plethora of acts such as exhibitionism, frotteurism, voyeurism, child molestation, and sexual assault (Marshall & Serran 2000). The term sexual abuse is commonly used to refer to behaviours that involve a child victim, while sexual assault is used to refer to acts where the victim was an adult. Currently, the age of consent in Canada is 16, having been raised from 14 in 2008 by the *Tackling Violent Crime Act* (Department of Justice 2017). However, there are various provisions to the age of consent, depending on the ages of those involved and their social positions. For example, the age of consent is raised to 18 when the perpetrator is in a position of authority, such as a teacher, or the sexual activity involves exploitation, such as prostitution. There are also exceptions to the age of consent, such as when the two persons involved are close in age or are from the same peer group (Department of Justice 2017). For example, a 12 year old is deemed capable of consenting to sex with another 12 year old. The age of consent law, however, obscures the fact that sexual activity is a deeply personal matter and feeling victimized (or not) is not necessarily related to whether a law was broken. For example, a 12 year old who has sex with another 12 year old may feel taken advantage of, even if physical force was not used, while a 15 year old who has sexual relations with a 22 year old could view the experience as positive and not identify as a victim at the time or in the future. While the former does not contravene the consent law, the latter does and would be considered sexual assault.

In 1983, the crimes of rape and indecent assault were replaced in the *Criminal Code of Canada* by three new sexual assault offences. This change allowed for the focus to be "...on the violent rather than the sexual nature of the offence" (Brennan & Taylor-Butts 2008: 7) and

is aligned with the feminist argument that sexual offences are about exerting power and violence over the victim rather than satisfying a sexual need (Smart 1989).

The *Criminal Code of Canada* defines a sexual offence as:

A violent offence classified into one of three levels according to the seriousness of the incident: level 1, the category of least physical injury to the victim; level 2, sexual assault with a weapon, threats to use a weapon, or causing bodily harm; and level 3, sexual assault that wounds, maims, disfigures or endangers the life of the victim.

There are five criminal code violations under the term sexual assault: sexual assault (S. 271); sexual assault with a weapon (S. 272); aggravated sexual assault (S. 273); voyeurism (S. 162); and obscenity (S. 163). Child specific offences in the *Criminal Code* include: sexual interference (S. 151); invitation to sexual touching (S. 152); sexual exploitation (S. 153); incest (S. 155); child pornography (S. 163.1); luring a child (S. 172.1); exposure (Subsection 173(2)); procuring [S. 170, 171, 212(2), 212(2.1), 212(4)]; bestiality (S. 160); child sex tourism [S.7 (4.1) – 7(4.3)].

In 2012, under the *Safe Streets and Communities Act* (Bill C-10), the federal government introduced mandatory minimum imprisonment sentences for sexual offences against a child. In 2015, the *Tougher Penalties for Child Predators Act* (Bill C-26) increased mandatory minimum sentences even further. The following child sexual offences have mandatory minimum sentences of 90 days, one year or five years on indictment, with varying maximum prison sentences of between 5 and 14 years: sexual interference, invitation to sexual touching, sexual exploitation, child pornography and procuring (Government of Canada 2017). While the previous conservative government's tough on crime agenda proposed that increased sentences effectively deal with the problem of sexual offending,

research suggests otherwise. Mandatory minimum sentences have been found to be fiscally irresponsible, do not reduce crime or make societies safer, and disproportionately impact marginalized individuals (Barbaree, Cook, Douglas, Ellerby, Olver, Seto and Wormith 2012; Mangat 2014).

Statistics

Crime statistics are collected by Statistics Canada using the *General Social Survey* (GSS) and the *Uniform Crime Reporting Survey* (UCR). The GSS polls a supposedly representative number of Canadians over the age of 15, every five years. For the 2014 report, 33,000 Canadians were surveyed. The UCR tracks yearly police-reported crime statistics. The number of crimes provided by the GSS is higher than the UCR because the former accesses both reported and unreported experiences. The 2014 GSS found that 69% of violent forms of victimization (sexual and physical assaults and robbery) were not reported to the police (Perreault 2015). For sexual offences, this number is even higher, with 95% of sexual offences going unreported (Conroy & Cotter 2017; Perreault 2015). As such, providing accurate statistics on sexual assaults "...continues to be a challenge" (Brennan & Taylor-Butts 2008: 8).

According to the 2016 UCR, there were 21,000 police-reported sexual assaults of which, 6,917 were sexual violations against children (Keighley 2017). This number excludes 6,245 cases of possession, distribution and accessing child pornography (Keighley 2017). These figures translate to 19 for every 100,000 children and youth in Canada. Survey trends over the last decade indicate that despite representing only 20% of the Canadian population, those under 18 account for more than half of police-reported sexual offences. Of these children and youth, the majority are girls, who account for four out of five victims. The

accused, on the other hand, are, almost exclusively males (97%) of whom 30% are between the ages of 12 and 17, and in most cases, someone the victim had previously interacted with: 44% are acquaintances, 38% are family members, 6% are intimate partners and 12% are strangers (Cotter & Beaupré 2014). For children between the ages of 0 and 3, a family member is the offending person in 66% of cases (Cotter & Beaupré 2014). As I discuss below, the current legislation and control mechanisms for sexual offenders fails to recognize that sexual offences happen most often between family members or people who know each other.

While violent crime rates have decreased over the last ten years, results from the 2014 GSS shows that 2.2 million Canadians over the age of 15 experienced violent victimization in the previous year. The GSS defines a violent crime as sexual assault, robbery and physical assault (Perreault 2015). Despite the overall decrease, sexual assault rates have remained stable. The GSS defines sexual assault as: “forced sexual activity, an attempt at forced sexual activity, or unwanted sexual touching, grabbing, kissing, or fondling” (Perreault 2015: 4). Similar to the police-reported statistics on sexual offences against minors mentioned above, 90% of the perpetrators of these crimes were male and 26% were between the ages of 18 and 24. However, youth between these ages comprise only 10% of the Canadian population. The rates for sexual offences have remained steady since the 1999 and 2004 GSS, accounting for 8% of the criminal incidents reported by survey participants.

Of the people who reported sexual assaults to the GSS, 70% were females. Males on the other hand experienced more physical assaults, accounting for 62% of all physical assault cases. Half (51%) of the sexual assault victims stated that the perpetrator was a friend, acquaintance or neighbour. Surprisingly, the GSS does not state the percentage of perpetrators

who were family members. Therefore, it is impossible to know the percentage of perpetrators that were not previously known by their victims.

Compared to other violent crimes, sexual offences "...are less likely to be cleared by the police" (Brennan & Taylor-Butts 2008: 10). As well, if they reach the court, they are less likely than other violent crimes to result in a conviction. If there is a conviction, however, a custodial sentence is more likely to be imposed (Brennan & Taylor-Butts, 2008). Half of all sexual offence convictions in 2007 resulted in a custodial sentence compared to only one third of other violent crime convictions (Brennan & Taylor-Butts 2008).

While it may seem that sexual victimization is predominately something that affects girls and women, the sexual victimization of boys and men is not uncommon. Research has estimated the prevalence of sexual abuse among male children and youth to be between 2.5% and 33% (Mendel 1995). This wide-ranging estimate reflects how different definitions of abuse elicit various statistical results in crime rate calculations. According to the National Crime Victimization Survey (NCVS) in the United States, 9% of adult victims of rape are male (Weiss, 2010). Male sexual victimization often goes unrecognized and unreported because it is not always perceived as abuse by the victims or by the professionals that are in a position to recognize, report and aid the victim (Briggs 1995; Denov 2004; Finkelhor 1979; Mendel 1995;). For example, a sexual encounter between a teenage boy below the age of consent and an adult woman is more likely to be viewed as a sexual conquest on the part of the boy than an abusive relationship; however, if the genders were reversed, an adult male and a 14 year old girl engaging in a sexual relationship would most likely be labelled abusive. Regarding adult male victims of sexual assault, Weiss (2010) theorizes that their reluctance to report rapes by women are due, in part, to conceptions of masculinity that construct "...men

as sexual initiators and women as gatekeepers responsible for restraint” (287). Men’s experiences – which Weiss (2010) found were similar to women’s accounts of date or partner rape – were less likely to be perceived as ‘real crimes’ by others or by the men themselves. The general consensus is that one in six males are subject to an unwanted sexual experience before the age of 18 (Lin6, 2017). An American non-profit organization named *Lin6* has now partnered with Men & Healing, the leading organization in Canada offering services for men who have experienced sexual victimization in their lifetime, to generate Canada’s first knowledge centre on male sexual trauma and recovery (Lin6, 2017)

Weiss’ (2010) research identifies an important factor that is typically overlooked in crime statistics. Even victimization surveys that measure unwanted sexual experiences – not just those that were reported to the police – overlook this important aspect of sexual victimization; in some cases, sexual experiences that are not necessarily seen as abusive or unwanted at the time, can have negative effects on a person. In a culture where the masculine trope of the ‘sex-crazed’ man persists, how likely is it, for example, that a male adolescent will recognize that what he experienced was unwanted or abusive? As I describe later in the chapter, perceiving the abuse as ‘normal’ is not uncommon among child abuse victims (Briggs & Hawkins 1996).

Effects of sexual victimization

Sexual victimization can have serious and long-lasting effects, including but not limited to: depression, anxiety, sleep difficulties, social withdrawal, post-traumatic stress symptoms, hostility, substance abuse, self-harming or suicide attempts, compulsive sexual behaviour and sexual offending (Brown & Finkelhor 1986; Conroy & Cotter 2017; Herman

1997; Sneddon 2003). Herman (1997) goes so far as to argue that "...repeated trauma in childhood forms and deforms the personality" (96). She explains how abused children attempt to make sense of what they are experiencing by developing psychosocial defence mechanisms. These can include denying, minimizing or rationalizing the abuse; it can also include believing that they brought on the abuse (Herman 1997: 102-103). The latter mechanism, while seemingly counter-productive, is actually an attempt by the child to hold on to a semblance of power over his or her life. Herman (1997) explains, "If, somehow, she has brought this fate upon herself, then somehow she has the power to change it" (103). Compared to accepting the helplessness and randomness of abuse, it is easier for the child to believe that he or she caused it and can therefore 'un-cause' it. The victimized child may also employ these mechanisms as a means of maintaining a positive view of the abuser, who may have played a significant role in his or her life up until the abuse commenced.

Victims of sexual abuse may also experience a loss of trust in others, such as in family members or teachers who fail to notice the abuse, and in society in general (Briggs & Hawkins 1996; Ward & Moreton 2008). As a result, they may feel that they are solely responsible for their safety and "...effectively disengage from the world to protect themselves from further harm" (Ward & Moreton 2008: 320). Aside from being disruptive to one's life, such coping mechanisms are particularly worrisome as they seem to increase a victim's chances of offending sexually in adulthood (Ward & Moreton 2008). A possible explanation for this is that losing trust in others can "...adversely effect the development of conscience so that victims can abuse the next generation with few qualms" (Briggs & Hawkins 1996: 232).

In a comparison study between sex offenders who indicated they experienced child sexual abuse and sex offenders who state that they were not abused, Craissati, McClurg and

Browne (2002) found that the former group "...reported a significantly greater range of problems...had greater levels of self-harm and contact with mental health services as adults... [and were] more likely to experience enduring psychological problems associated with disturbed emotional development" (235). Furthermore, the sexually abused sex offenders were more likely to experience sexual identity confusion, "...higher levels of sexual preoccupation, dysfunction, and distorted offence attitudes, with associated difficulties with hostility and general empathy" (Craissati et al. 2002). Bagley, Wood and Young (1994) found that one-third of the young men they interviewed who had experienced long-term abuse "...had made a suicidal gesture or attempt during their lifetime" (694). Interestingly, Bagley et al. (1994) propose that their research supports previous findings such as those of Kempe and Kempe (1984), who found that male children who experience sexual abuse have "...poorer psychological outcomes than female victims" (694). The researchers state that compared to female victims of child sexual abuse, "...male victims of long-term or multiple events of sexual abuse in childhood were particularly likely to manifest psychological problems, especially those taking the form of internalizing disorders, manifested as depression and suicidal behaviour" (Bagley et al. 1994: 694).

Briggs and Hawkins (1996) found that most of the childhood sexual abuse victims in their study reported that they "accepted the abuse as 'normal', 'enjoyable' or 'inconsequential' (226). They found that they experienced the abuse as negative only once "...the acts became violent, when the boys felt trapped and when, in adolescence, they became aware of homophobia" (Briggs & Hawkins 1996). Briggs and Hawkins' (1996) findings are significant for two reasons. First, they speak to the issue of grooming, in which the perpetrator uses non-sexual affection, attention, and gifts to secure a relationship with the

child, and then proceeds to introduce sexual acts. Briggs and Hawkins (1996) found that grooming and the resultant emotional bond between the adult and the child created confusion for the child once the abuse became physically painful such as with the introduction of anal sex. However, despite the "...excruciating pain, physical injury, and confusion...[none] of the victim[s] reported it and none sought medical help for injuries" (227). Second, Briggs and Hawkins' (1996) research highlights that children do not always experience sexual abuse as negative or harmful. This is a controversial assertion, which has been met with both support and resistance from academics, researchers and victims alike. In her book *The Trauma Myth*, Susan Clancy (2009) argues that sexually abused children, especially young ones, rarely experience the abuse itself – while it is happening – as scary, hurtful or traumatic; it is only once they are older and they realize the social norms that were broken by the abuse, that they experience trauma. Clancy's book received an enormous amount of criticism; however, she argues that acknowledging that sexual abuse may not be experienced as abusive by the child may actually facilitate a more effective approach to helping victims. Victims of sexual abuse can feel guilt and shame for not actively protesting the abusive behaviours. For example, a boy who continues to visit the neighbour who abuses him can feel that he was somehow complicit in his victimization; yet, at the time, the neighbour's quiet house and the undivided attention he offered may have been a welcome respite from the boy's chaotic and physically abusive home environment.

Relationship between victimization and offending

The relationship between childhood sexual abuse and subsequent sexual offending is a contentious one. While some researchers have questioned or challenged the link between the

two (see Andrews & Bonta 2003; Fedoroff & Pinkus 1996), others have argued that men who experienced childhood sexual abuse are more likely to sexually offend in adulthood, especially when other factors, such as emotional abuse and/or neglect, are present (Dutton & Hart 1992; Lalumière, Seto and Jespersen 2007). There are some indicators that male children who experience multiple abuse episodes for a longer duration and in combination with emotional abuse are more likely to experience depression and anxiety as adults and to have a sexual interest in children (Bagley et al. 1994: 690). In a comparison study of male sex offenders who were abused as children and men who experienced childhood sexual abuse but did not offend in adulthood, Briggs and Hawkins (1996) found that those who went on to offend sexually in adulthood were more likely to normalize the abuse, identify less negative experiences with the abuse, and were abused by “a significantly larger number of people” (230). Interestingly, they were also more likely to have been sexually abused by a woman.

It is imperative to point out, however, that most men who experience childhood sexual abuse do not offend sexually in adulthood (Herman 1997; Lew 2004). The debate on whether childhood or adolescent sexual victimization increases the probability that the victimized individual will offend sexually is not the focus of my study. It is sufficed to note that some men who experience childhood sexual abuse also sexually offend in adulthood and their offending behaviour does not erase the negative effects of childhood sexual abuse outlined above. For the victimized offender, the effects of the sexual abuse coupled with the guilt, shame, stigma, social isolation and legal repercussions of being identified as a sex offender can be extremely difficult psychologically. For men who hold this dual status, their needs as victims are often obscured by their new status of sex offender. Sex offender treatment typically denies offenders the space to discuss past victimization (Adams 2003; Petrunik et al.

2008). In their research on victim services for individuals convicted of sexual offences in Ontario, Canada, Petrunik et al. (2008) found that sex offender treatment practitioners cited a variety of reasons why they did not address past sexual victimization in their programs. These ranged from the simple reason that sexual victimization was not part of the treatment program's mandate to facilitators' reluctance to "open up a can of worms" (Petrunik et al. 2008). These are valid points. If addressing past sexual victimization is not part of the program's mandate, how much time and space can a practitioner allow to address this issue? Some practitioners suggested that bringing up past sexual abuse may be detrimental to a person's wellbeing in that it can re-traumatize the individual (Petrunik et al. 2008). An institutional treatment provider's reluctance to deal with such a serious issue can be understandable in this regard. This official negation of incarcerated sex offenders' victimization needs is especially problematic considering that the rate of childhood sexual abuse among those convicted of sexual offences is between 30% and 80% (Crasissati et al. 2002; Graham 1996; Lisak, Hopper & Song 1996; Simons, Wurtele & Heil 2002), which is considerably higher than the rate of childhood sexual abuse among non-incarcerated men. Contrary to the idea that sex offenders might use past sexual victimization to excuse their offending, Adams (2003) states that in her clinical experience she has found the opposite; that is, individuals are more likely to deny the abuse altogether or minimize the impact on their lives. However, her clients cited the benefits of dealing with past sexual victimization and "...seeing the connection with their offenses" (Adams 2003: 85). One of the positive effects was a reduction in "...the compulsivity of their deviant fantasies" (Adams 2003: 85). Since sex offender treatment is predicated on the assumption that deviant sexual fantasies are

precursors to offending (Lacombe 2008), such positive outcomes of addressing offenders' childhood sexual victimization are aligned with the current correctional goal of risk-reduction.

A common component of sex offender treatment aims to create or increase offenders' empathy towards their victim(s). Again, the offender's own victim status does not factor in such treatment programs. They are supposed to show empathy towards their victims, but there is no empathy awarded to their own victim status (Adams 2003). The low rates of reporting abuse in the general population hold true for sex offenders. Most abused sex offenders never tell anyone about the abuse they experienced and those that do are generally not believed (Bagley et al. 1994; Craissati et al. 2008). Victims of crime need validation and "...affirmation of their entitlement to repair" (Walker 2006: 19). Not receiving recognition of one's victim status, which happens when treatment facilitators ignore offenders' personal abuse histories, can cause additional harm (Craissati et al. 2008) or a 'second wound' that can exacerbate the original harm (Walker 2006: 20). Ward and Moreton (2008) argue that communities, corrections, and therapists owe victimized sex offenders the same validation and treatment to deal with their victimization as they would any victim of sexual crimes. Doing so can be effective in helping offenders to not re-offend as it allows for "...the vindication of offenders' own abuse concerns and the validation of the norms that were violated in their abuse [but also] help[s] to attune them to the universality of such norms, and therefore, to the legitimate claims of their own victims" (Ward & Moreton 2008: 320). Validating offenders' abuse histories can thus facilitate the development of victim empathy (Craissati et al. 2008), which may decrease their risk of re-offence (Ward & Moreton 2008), both of which are stated goals of sex offender treatment.

Soothill (2010) argues that since the 1970s, psychologists and psychiatrists have taken over the issue of explaining and treating sexual offending. Since psy professionals individualize social problems, they tend to ignore the broader social context that gives rise to the offending behaviour (Soothill 2010). Soothill's (2010) argument can be used as a springboard to conceptualize sex offending as more than just an individual problem. Too often, literature on sexual victimization presents a dichotomy between victims and offenders where victims are seen as women or children (and never adult men) and offenders are men (Petrunik et al. 2008). Such preconceptions of who may be constituted as a victim and as a perpetrator of sexual abuse can silence certain groups of victims such as male children or adults, which runs the risk of rendering their victimization invisible. The absence of discussion of past sexual victimization in correctional discourse and even in more innovative approaches like the *GoodLives Model* (GLM) (Ward & Maruna 2007) illustrates how individuals who have experienced sexual victimization in childhood or adolescence and then sexually offend as adults are conceptualized and treated solely as offenders.

Current sex offender control strategies

The intervention and control mechanisms used to deal with those individuals publicly accused and/or convicted of committing sexual offences contribute to a particular construction of the subjectivity and identity of the 'sex offender'. These measures, ranging from control to therapeutic, have undergone significant changes over time. In the following sections, I explore the trajectory of sex offender interventions so that we can begin to form a picture of the way the sex offender character has been constructed in the Canadian context. While the low recidivism rate of sex offenders – especially once they are identified and treated – is

documented to be lower than it is for other types of offenders (Harris, Helmus & Thornton 2014; Lussier, Deslauriers-Varin & Ratel 2010), the federal and provincial governments have introduced numerous measures to deal with convicted sex offenders. These include the following provisions, which were established or amended in the 1990s at the height of the community protection approach (Petrunik 2002) and aim to facilitate the state's control over those who are categorized as high-risk to offend sexually: dangerous offender designation; long-term offender designation; 810 recognizance orders (also known as peace bonds); the national sex offender registry (NSOR); the provincial sex offender registries; and community notification. An overview of these control measures is important because they represent some of the structural forces that influence the ability of individuals with sex offence convictions to construct non-offending identities. They also represent how the sex offender has been constructed as a specific type of offender. It is important to note that while some of these control strategies – such as the dangerous offender designation or the long-term offender designation – are supposed to be applied to all types of offenders, in practice, these are predominately applied to individuals with sex offence convictions. Additionally, implementing a registry for convicted of sex offenders but not for violent offenders, domestic abusers, drunk drivers or white-collar criminals, cements the notion that sex offences are the crimes that represent the biggest threat to our safety.

Dangerous offender designation

Established in 1977, the dangerous offender designation came in the wake of criticism of the 1947 habitual offender laws and the 1948 dangerous sexual offender designation, outlined in the 1969 Canadian Committee of Corrections (Public Safety Canada 2015a). The dangerous offender designation may be applied to an individual who has been convicted a

third time for a serious offence (Public Safety Canada 2015a). Until 2008 when the *Tackling Violent Crime Act* (TVCA) came into effect, the onus of proving that an individual was a dangerous offender rested with the Crown Attorney. With the establishment of the TVCA, the onus now falls on the accused, who, upon a third conviction for a serious offence, would have to prove that he was *not* a dangerous offender (Valiquet 2008).

A dangerous offender designation can result in an indeterminate sentence with the chance for parole after seven years, a determinate sentence plus a long-term supervision order of up to ten years, or a determinate sentence (Public Safety Canada 2015a). As of April 2016, there were 681 active Dangerous Offender designations, with 631 of these being incarcerated. Of these, 79% had a sexual offence conviction (Public Safety Canada 2017). The most recent publically available demographics on the race and gender of individuals designated dangerous offenders are from 2008, when 24% were Aboriginal and all were male³ (Public Safety Canada 2009). During the first nine years an average of eight people per year were designated dangerous offenders, however, between 2002 and 2007, 21 persons received the designation annually (Public Safety Canada 2009). This signals that the government is increasingly relying on punitive and incapacitative measures to deal with sexual crimes.

Long-term offender designation and supervision orders

The long-term offender (LTO) designation was introduced in 1997 and may be applied to individuals serving a prison sentence of at least two years who are deemed to be high-risk to re-offend but whose risk is seen as eventually manageable in the community (Valiquet

³ Four women have been designated dangerous offenders in Canada.

2008). Often, the LTO label is applied in cases where a dangerous offender designation was unsuccessful; in some cases, it has also been applied to dangerous offenders who served a determinate sentence as a way of ensuring that they will remain under CSC supervision once released from prison. In 2016 there were 394 individuals who were supervised in the community while serving their LTO (Public Safety Canada 2017). Almost 80% of individuals serving an LTO have at least one sexual offence conviction in their criminal history. Similar to the DO designation, LTOs have increased annually and are mostly applied to men (Valiquet 2008).

The long-term supervision order (LTSO) allows Correctional Service Canada to supervise an individual in the community after he has served a prison sentence. Individuals on an LTSO have to abide by standard parole conditions and also by special conditions, which are written by the CSC and submitted for approval to the National Parole Board (Public Safety Canada 2009). Standard parole conditions include, but are not limited to: restrictions on movement (such as the obligation to remain in Canada or whatever boundary the parole officer has imposed), prohibition to possess weapons, and the obligation to inform one's parole officer of any changes to either one's address or any other pertinent information. In addition, one has to 'obey the law and keep the peace' (Public Safety Canada 2009). Special conditions, those written by the supervising parole officer specifically for the offender, are supposed to be directly linked to the offender's criminal history and risk factors, such as prohibitions on the consumption of alcohol and drugs, non-association with particular individuals including any known convicted criminals and the victim or the victim's family, and adherence to any therapeutic interventions recommended by the treatment team (Public Safety Canada 2009). These are just some of the special conditions officially listed by Public

Safety Canada; however, through my field work I have seen other conditions imposed such as: prohibition of the use of computers, Internet services or any device that has Internet capabilities; requirement to disclose the intent to form any relationships, be they platonic or romantic, and not being in an establishment whose primary function is the sale of alcohol, to name a few. These conditions, as I discuss later in my findings, may seem benign at first glance, but can cause numerous (re)integration challenges.

A breach of a LTSO can result in the offender being suspended for up to 90 days, time which the offender spends in the local detention centre. During the 90-day period, the parole office decides whether to release the offender back to the community – albeit most often with stricter conditions – or to proceed with a breach charge. A breach of an LTSO is considered a new offence under the *Criminal Code* even if the behaviour is not a criminal code offence, such as drinking alcohol while of age, and is punishable with an incarceration period of up to 10 years. During this time, the LTSO is suspended, but is resumed once the individual is released back into the community (Public Safety Canada 2009). An offender does not actually have to breach a condition to be suspended for the 90-day period. As Valiquet (2008) explains, “As a preventive measure, the NPB may even, in order to prevent a potential violation of the LTSO or to protect society, order the offender’s imprisonment for a maximum period of 90 days” (7).

810 recognizance order or peace bonds

Peace bonds, in effect in Canada since 1892, allow an individual who fears for their safety to apply for a restraining order against another person. In 1995, with the introduction of Bill C-42, amendments to section 810 of the *Criminal Code of Canada* made it easier to obtain a peace bond (Lussier et al. 2010), and allowed the police to apply to the courts to

impose a peace bond on an individual who had served a prison sentence and would be released into the community without supervision (Public Safety Canada 2009). The changes introduced in the 1990s gave the courts the power to impose conditions if there were grounds to believe that a person would commit an act of terrorism (S. 810.01), a sexual offence against a person under age 16 (S. 810.1) or a “serious personal injury offence” (S. 810.2) (Public Safety Canada 2009). If successful, a peace bond requires the individual to abide by certain conditions similar to the standard parole conditions outlined above. However, there are some differences: the police, rather than the parole officer, are in charge of supervising the individual; the order is imposed for a two-year period⁴; a breach of an 810 can result in a maximum incarceration period of two years (increased from six months by Bill C-42) (Lussier et al. 2010).

Lussier et al. (2010) argue that inherent in the s. 810 order are the assumptions that state control agents are capable of identifying which offenders are high-risk to re-offend, that their “risk can be efficiently managed in the community” and that such measures are capable of preventing future sexual offences (74). Belief in the predictive powers of the state and the emphasis on the management of risk are quite evident in this piece of legislation.

Sex Offender Registries

Other provisions that are touted as public safety mechanisms or provisions in dealing with sex offenders in Canada include the national and provincial sex offender registries. The National Sex Offender Registry (NSOR), administered by the Royal Canadian Mounted

⁴ In 2008, the *Tackling Violent Crime Act* increased the duration of peace bonds from one to two years for those individuals who were considered high risk to commit sexual or violent offences and who had been convicted of such offences in the past (Public Safety 2009).

Police, was founded in 2004 and includes information on individuals who have been convicted of a sexual offence. The Sex Offender Information Registration Act (SOIRA) is implemented and managed separately by each province. In Ontario, the Ontario Provincial Police (OPP) is in charge of managing the Ontario registry (Ontario Ministry of Community Safety and Correctional Services 2017).

In Ontario, individuals convicted of a sexual offence for which the maximum sentence is less than ten years will be required to register for ten years, while those who were convicted of an offence that can garner a maximum sentence of more than ten years and those convicted of more than one sexual offence are registered for life (Ontario Ministry of Community Safety and Correctional Services 2017). Currently, neither the NSOR nor the SOIRA are accessible to the public. The RCMP and provincial police forces use the registries as crime solving tools. When a sexual crime takes place, police use the registry to assess whether any registered sex offenders residing in the area fit the description of the offender (if one is available) or the modus operandi of the crime (Ontario Ministry of Community Safety and Correctional Services 2017). However, as the 2007 Auditor General Annual Report states, there is “surprisingly little evidence that demonstrates [the]...effectiveness [of sex offender registries] in actually reducing sexual crimes or helping investigators solve them” (272). Among the many issues listed in the report is that the registry is not easily searchable since there is “no method of quickly searching the data on the basis of the sex and age of an offender’s victim, the relationship (if any) between the victim and the offender, or the location of the crime” (259). It can be argued, then, that combing through the registry is time-consuming and takes up valuable time that could be used in other ways to facilitate the apprehension of the suspect. Furthermore, as it was reported in a 2009 Maclean’s magazine article, not a single case has

been solved with the use of the National Sex Offender Registry and only one case has been solved using the Ontario Sex Offender Registry (Friscolanti 2009).

Individuals on the provincial sex offender registry have to report to the police station once a year and every time they move to a new address. The police then follow up with a visit to their place of residence to confirm that the person is indeed residing at that location. While this condition may also seem innocuous, having police officers, even in plain-clothes, show up to one's residence can be psychologically taxing and can have negative integration effects. For example, if the individual lives with housemates or a romantic partner, a yearly visit from the police to check their residency will not go unnoticed. Therefore, the individual either has to tell his living companions why the police are there or he can lie and provide some other explanation. In either case, the yearly police presence – sometimes years after the crime was committed – can hinder the person's attempts to construct an identity outside that of a sex offender.

Community Notification

Another tool used by the state to protect the public from high-risk sex offenders is community notification. While it is widely used in the United States, where it is also known as Meghan's law, community notification is used less often in Canada (Petrunik 2003). Five provinces (i.e. British Columbia, Alberta, Saskatchewan, Manitoba and Ontario) use the public notification of soon to be released sex offenders deemed high-risk to re-offend (John Howard Society 1997). In Ontario, municipal police departments are in charge of gathering information about a particular offender and deciding whether to inform the community of his upcoming release (John Howard Society 1997). The John Howard Society of Alberta (1997) states that "this lack of uniformity [can be] discriminatory in that some jurisdictions are more

punitive than others” (5). Since beginning this research, I have not encountered a community notification in the city I conducted my studies and have come to understand that the decision to subject someone to a community notification is not taken lightly.

While I presented these legal control mechanisms individually, an identified sex offender can be subject to multiple legal sanctions. These legal provisions essentialize the sex offender identity as they differentiate him from other types of offenders and entrench the idea that sex offenders are a particular type of person – one who possesses certain intrinsic character flaws that may be difficult, if not impossible to transcend and who require specific interventions. These state control mechanisms support the rhetoric that sex offenders can only be managed and not rehabilitated. Each of these legal conditions incrementally cements the person’s identity and master status as a sex offender. In her research on re-entry challenges Harris (2014) found that individuals released after serving sentences for sexual offences were severely impacted by current control measures, particularly in regards to employment, housing and relationships.

Sex offender treatment & intervention practices

In the following section, I focus on the trajectory of therapeutic intervention practices in the field of sex offending. Understanding the control measures against sex offenders is necessary but not sufficient in comprehending how the sex offender is constructed in contemporary Canadian society. Therapeutic practices are important as they influence not only how professionals ‘make up’ the sex offender but also how he comes to see himself in relation to his identity as a publicly identified sex offender.

In her research on men convicted of rape, Bonnycastle (2012) describes how the category of the sex offender came into being in the early 1920s:

According to Benjamin Karpman's survey (1954) on sexual offenders from 1912-1951, the sex offender – as a kind of person or master identity – did not exist prior to 1921. The literature does refer to sexual offending and cases of rape, but not to sex offenders or rapists...Neither [the sex offender or rapist] had been constructed as proper objects of scientific study or categories of persons that could be identified, classified, and distinguished from non-sex offender or non-rapists (14).

What Bonnycastle (2012) describes stands in stark contrast with contemporary practices which have not only constructed the category of 'offender' or 'criminal' to denote someone significantly different from the rest of the population, but have constructed the sex offender as inherently different from other offenders, effectively creating a typology of the sex offender. The creation of the sex offender registry (but not registries for other types of offenders), the development of institutional and community treatment programmes that are either exclusively for sex offenders or that exclude those that have committed sexual offences, are but two examples of how the sex offender is constructed as a unique type of person that requires special intervention practices distinct from those aimed at other types of offenders. However, while the sex offender can be considered "a modern creation" we lack an awareness of his social construction (Bonnycastle 2012: 15). Bonnycastle (2012) argues that "[s]ixty years after Karpman's survey, the sex offender is a taken-for-granted designation of being a person" (15). Perhaps this is due to the nature of sexual offences, for how do we begin to comprehend that sexual victimization is socially constructed? As Hacking (1991) shows in his seminal article titled *The making and molding of child abuse*, definitions and meanings, even

regarding such a taken-for-granted topic as child abuse, have not only changed over time but were constructed based on the discursive socio-political trajectories of the era.

Current debate on the origins of sex offending

While there are other etiological explanations for sexual offending – such as psychoanalytic or feminist – in this section, I focus on two particular explanations for sexual offending: the ‘biological model and the ‘learned behaviour’ model. I chose to discuss these models because they are most likely to reflect the views that the participants in this research hold about the causes of sexual offending.

Proponents of the ‘biological’ model argue that pedophilia is like a sexual orientation that is hard-wired and unchangeable. This research claims that there are numerous common biological characteristics among pedophiles – such as shorter height, left-handedness and brain differences – which are used to suggest that pedophilia has biological rather than sociological origins (see Dyshniku, Murray, Fazio, Lykins and Cantor 2015; Fazio, Dyshniku, Lykins & Cantor 2017; Fazio, Lykins & Cantor 2014). Conversely, proponents of the ‘learned behaviour’ model refer to pedophilia as a sexual interest, not an orientation, and claim that treatment can actually change people’s sexual preference for children (see Fedoroff, Curry, Muller, Ranger, Briken & Bradford 2015). For example, researchers at the Sexual Behaviours Clinic in Ottawa, Canada, claim that a combination of anti-androgen (sex drive reducing) medication and therapy can lead to permanent changes in sexual preference (see Psychiatric Services 2015 for a description of the clinic). Interestingly, both approaches claim to give hope to those who have non-normative illegal sexual interests and have profound implications for identity construction. Under the first model, identity is static but may absolve the individual of responsibility for the origin of his desires, which in turn could help reduce the

stigma of pedophilia. At the same time, individuals who sexually offended against children in the past and who claim to have changed and do not have the urge anymore might be disbelieved. Under the latter model, however, the individual can fully transcend the sex offender identity. The promise of a cure implies that the person does not need to perceive himself as a sex offender, always at risk of slipping and recidivating; rather, he can work to transcend those desires in order to identify as a law-abiding citizen.

Historical overview of sex offender treatment practices

According to Garland (2001) the seventy years since WWII can be divided into two eras: penal welfarism, which lasted until the 1970s; and neo-liberalism, which emerged during the mid-1970s and continues today. Garland (2001) argues that while there is overlap between penal welfarism and neo-liberalism, the two eras have distinct features and different ways of dealing with crime and offenders. While I use these governance frameworks to contextualize how the sex offender has been ‘made up’ (Hacking 2006) or constructed over the last seven decades, it is important to note that changes or shifts do not fall neatly within these time frames. The gradual shift from a welfare state to a neo-liberal society resulted in changes to how offenders are juridically dealt with. The shift from welfarism to a neo-liberal state is characterized by a shift in the way that the individual is responsabilized (O’Malley 2009). The changing conceptualization of citizens from state-dependent welfare subjects to autonomous, rational decision makers (Rose 1996), has, in turn, influenced how offenders are perceived in terms of blameworthiness and rehabilitative potential. Another way to conceptualize the various eras is to consider whose “...values, interests [and] beliefs” are prioritized in each era (Petrunik 2002: 485).

Penal welfarism (1940s to 1970s)

The penal welfare period, beginning in the mid 1940s and lasting until the 1970s, was characterized by the belief in the power of rehabilitation (Garland 2001; Rose 1996). While not all penal policies or practices reflected this mandate, Garland (2001) argues that the idea that offenders could be rehabilitated was pervasive. During this era in both Canada and the United States the sex offender was largely pathologized (Canada Working Group 1990; Petrunik 2002; Wood, Grossman & Fichtner 2000). Determinate prison sentences for sex offenders were seen as ineffective because these offenders were perceived not only as ‘sick’ but also as dangerous and in need of prolonged treatment (Wood et al. 2000). This discourse led to the establishment of sexual psychopath laws in 1948, which allowed for the indeterminate civil commitment of people who were deemed to be at risk of re-offending sexually and thus as posing a danger to society (Brown 2005; Petrunik 2002; Wood et al. 2000). Subsequently, convicted sexual offenders were incapacitated indefinitely until it could be determined that they were ‘cured’ or no longer posed a threat to society (Brown 2005). Petrunik (2002) argues that the primary voices that were heard during the early penal welfare era were those of “...mental health experts and the legislators and officials who rel[ie]d on their expertise and advice” (486). The voices of victims, other members of the public, and advocates for the rights of offenders were of secondary importance if they were considered at all (Petrunik 2002).

During the penal welfare era, a clinical approach was used in the treatment of sex offenders (Petrunik 2002) and offender assessments were based on the clinical judgments of ‘psy professionals’ (Garland 2001) who used unstructured interviews and offenders’ official case files as their data (Bonta 1996). Treatment consisted of different insight-oriented

approaches, although details on the therapeutic approach used during this time are sparse (Brown 2005; Wood et al. 2000). Throughout the treatment process, professionals exercised discretionary power and it was generally assumed that their views on what was normal and acceptable reflected empirical research findings and were not based on moral judgements (Garland 2001). However, their diagnoses were later criticized for their lack of predictive ability (Bonta 1996; Andrews & Bonta 1998; Ward & Maruna 2007) and their potential for discrimination (Cohen 1985).

Criticism of penal-welfarism, from both inside and outside the system emerged in the 1970s and gave way for neo-liberal modes of assessment and governance to flourish in corrections (Cohen 1985; Garland 2001). In sex offender treatment, a new approach based on targeting specific observable behaviours emerged. Since the behavioural approach in sex offender treatment took place during the gradual shift from one era to the next, it does not fit neatly into either framework. Drawing on early behaviourists' work, such as that by Ivan Pavlov, John Watson, and B.F. Skinner, and their focus on observable behaviours rather than inner thoughts or feelings, behavioural treatment approaches were based on the construction of the individual who sexually offends as possessing a deviant sexual preference (Brown 2005; Laws & Marshall 2003; Moster, Wnuk and Jeglic 2008). Therefore, treatment focused on modifying offenders' sexual preferences through reconditioning techniques such as, "pairing electric shock...or sharp, unpleasant odor[s]...with deviant sexual thoughts, fantasies, urges, images, or responses" (Wood et al. 2000: 32). Other procedures involved delivering "random electric shocks...whenever penile responses to deviant stimuli exceeded preset levels" (Wood et al. 2000: 32) or 'masturbatory satiation' which involved child sex offenders masturbating to non-deviant fantasies involving adult women or men, depending on

the gender of the child victim, and then continuing to masturbate after orgasm to their deviant fantasy (Marshall & Barbaree 1988; Moster et al. 2008). These humiliating and punitive treatments were meant to help the offender relate the sexually deviant fantasy with, “minimal arousal and perhaps with sexual boredom and a mildly aversive state” (Marshall & Barbaree 1988: 505).

During this time, the sex offender was constructed as malleable in the sense that proponents of behavioural approaches believed that his deviant sexual preferences could be changed into appropriate ones (Becker & Murphy 1998). However, it was not clear whether these techniques, irrespective of their effectiveness in changing deviant sexual arousal, actually changed behaviours (Brown 2005: 22). These early conceptualizations of the sex offender provide an historical context for current intervention practices. While the crude behaviourist interventions mentioned above are no longer used to treat sex offenders, anti-androgen medications (otherwise known as chemical castration) are widely used in the management of sex offenders. A 2006 decision by the Canadian Federal Court of Appeal declared that the National Parole Board can “...require that recidivist sex offenders, if found to be long-term offenders, be chemically castrated under their conditions of release” (Kutchner 2010: 193). These medications have a myriad of serious side effects, such as osteoporosis, depression, weight gain, impaired glucose tolerance and stroke (Giltay & Gooren 2009), which can negatively impact a newly released offender’s attempts to create a new identity.

In corrections, the shift from penal welfarism to neo-liberalism was bolstered by Martinson’s (1974) article in which he argued that the effectiveness of correctional treatment and rehabilitative interventions was inconclusive. His argument was problematically spun into

‘nothing works’ rhetoric, a phrase that was quickly accepted as indicative of the failure and even inability of corrections to be capable of preventing recidivism (Garland 2001: 58). More research on the failure of corrections followed, and the belief in the power of institutions to positively impact offenders in a progressive way began to erode (Garland 2001).

Neo-liberal Penalty (1980s-present)

Criticism of the penal welfare model continued into the 1980s (Garland 2001; Petrunik 2002). During this time, a new mode of political, economic and social governance emerged. The main features of neo-liberalism are the individual responsibility, the reduction in state-based carceral and community supports, programs and rehabilitation efforts, and a newfound interest in the concept of risk (O’Malley 2009; Rose 1996). As I argue later, for the individual identified by social control agents as a sex offender, the state’s preoccupation with risk and responsabilization have profound and long-lasting effects on his ability to mediate or transcend the sex offender identity.

Responsibilization

Compared to the welfare state, which critics argue intervened in people’s lives too much (Cohen 1985), the neo-liberal state seeks to govern at a distance by governing through the individual’s freedom to choose their own life course (Rose 1996). For the state to be able to govern at a distance, however, the individual must be constructed as autonomous and rational (Rose 1996). Compared to the dependent welfare subject, the neo-liberal individual is conceptualized as being able to exercise more control over his or her destiny and success (Rose 1996). Life is re-conceptualized as a project involving constant and sustained risk calculation and requires that the individual engage in reflexive self-examination in order to

attain self-improvement and fulfillment (Hunt 2003; Rose 1996). As Hacking (2004) points out, however, this is not a completely new concept:

The idea that you make who you are, and are responsible for who you are, is as deep a tradition in Western philosophy as could be... The highest aspirations take responsibility not only for what you do but also for what you make of yourself, how you make yourself (283).

Changes in how individual identity is conceptualized have influenced crime control and the way offenders are perceived. During the welfare era, social factors and individual pathology such as inequality, discrimination or mental illness were considered significant factors affecting an offender's criminal behaviour (Rose 1996). However, in neo-liberal societies offenders are re-conceptualized as rational decision makers who choose to offend and who are in turn responsible for both their recovery and their risk management (O'Malley 2009; Rose 1996). Although neo-liberal ideas are reflected in the policies and politics of North American governments since the 1980s, some authors caution against assuming that all the policies of the penal welfare era have "...been swept away by neo-liberal risk" (O'Malley 2009: 12). These authors warn against the danger of assuming that the policies or ideas popular during penal welfarism are dramatically different from current ones (Moore 2007; O'Malley 2009). Because criticism of penal welfarism came from both inside and outside the system (Cohen 1985) and from both the political left and right, current policies and politics, "...have often taken on a 'volatile and contradictory' character that are hard to reconcile with a narrow vision of neo-liberals as free market individuals" (O'Malley 2009: 13). It may be more realistic to talk about a continuum in terms of the operating approach to socio-political governance instead of a rupture between historic penal welfare practices and current neo-liberal ones. This literature is significant because it allows us to make sense of certain

practices in Canadian corrections that seem to be based on the rehabilitative ideals of the penal welfare era. As discussed in detail later in the chapter, current correctional approaches to sex offender treatment and management cannot be categorized as indicative of a purely neo-liberal approach.

However, some distinct changes between the two eras are evident. For example, whereas during penal welfarism the responsibility for offenders' rehabilitation was shared between practitioners, institutions and the individual himself, in neo-liberalism the responsibility has shifted from these multiple sites to the offender himself. Neo-liberal interventions are characterized as professionals offering assistance, support, and the necessary tools to offenders who are then responsible for becoming better citizens (O'Malley, 2009; Rose 1996). For example, institutional cognitive-behavioural treatment programs include various exercises that are meant to allow prisoners to reflect and change their cognitive patterns (Fox 1999; Lacombe 2008). In an institutional program for violent offenders, participants' homework assignments include identifying "...their 'patterns' from a list called the 'Thinking Errors Characteristic of the Criminal'" (Fox 1999: 92). The task of identifying these patterns and correcting them does not lie with the facilitators but rather with the participants themselves; it is up to the individual to use the tools provided by the program facilitators. Not only does the above-mentioned program exemplify the distinction that is made between 'normal' people and the 'criminal', it shows how offenders are responsibilized for their own rehabilitation. If they fail, they are to blame for making poor choices.

Those individuals that are marginalized due to financial hardships, lack of education or a criminal record are no longer seen as suffering passively from a variety of social factors, but rather as people who were somehow damaged by the "dependency culture" of the welfare

era (Rose 1996: 59). At the same time, the failure to be rehabilitated does not fall on the expert but on the offender for his choice not to internalize the rhetoric of the therapy he received or to use the tools that were provided to him. Such conceptualizations of the offender are evident in CSC's discourse. For example, one of CSC's core values is to "recognize that the offender has the potential to live as a law-abiding citizen" (Correctional Service Canada 2013). This implies that the offender is not doomed by personal pathology to a life of crime and that the solution does not lie in his indefinite incapacitation. It suggests a faith in the power of intervention. The ramifications of such changes are significant. This narrative constructing the offender as solely responsible for his plight negates the impact of social and structural factors upon one's conduct. This can also mean that the management of future ills, such as sickness or lack of employment, is no longer the state's responsibility but is rather that of the individual alone (Rose 1996). Obscured from this conceptualization of choice is the fact that "[p]risoners are not...by their very definition, free subjects" (Moore & Hannah-Moffat 2005: 86). Placing the responsibility for 'changing' solely on offenders can have negative consequences for their identity. For example, ex-prisoners who are attempting to (re)integrate into the community while under strict release conditions can perceive their failings as an indication of intrinsic character flaws that prevent them from applying what they learned in treatment, instead of as the result of structural obstacles over which they have limited control.

Risk

Along with embracing the concept of responsabilization, neo-liberalism is also characterized by an intense and pervasive focus on risk (Rose 1996). This preoccupation transcends the field of crime control; indeed, risk discourse has come to dominate discussions on issues as varied as health, diet and finances. However, life in late modernity is not more

dangerous than in pre-modern times. The difference in these societies, argues social theorist Anthony Giddens (1991: 116), lies not in the actuality of the dangers themselves, but in the ways calculations of risk have become embedded in daily life. Since I seek to explain how the concept of risk is used to ‘make up’ people convicted of sexual offences, I focus on the rhetoric of risk more than the actual risks or dangers posed by sex offenders (Douglas 1994). Predictions of the risk of re-offence are assessed using actuarial measures and are then used to inform decisions related to an offender’s sentencing, incarceration and release (Andrews & Bonta 2003; Castel 1991). This is achieved with the input of psy professionals and correctional personnel, who assess the risks that offenders pose and decide how these individuals should manage or control their behaviours in order to decrease their chances of sexually re-offending. For example, judges use actuarial risk assessments in conjunction with clinical opinion when they are tasked with deciding whether to designate someone a dangerous offender. The Crown brings forth an application for dangerous offender status based on the number and types of convictions documented in the person’s record. Incarcerated offenders are subject to a number of risk assessments, which are used to identify the interventions they will be required to participate in and to assess their likelihood of successful release.

The word ‘danger’, referring to an accident, or a random happening (Ewald 1991), was replaced by the resoundingly more scientific connotation of ‘risk’ (Castel 1991; Douglas 1994). Since something is a risk if its probability can be calculated (Ewald 1991), this shift implies that the probability of individuals’ criminal behaviours cannot only be predicted, but also influenced. While the discourse on ‘danger’ invokes the notion of something that is out of our control, ‘risk’ suggests that the phenomenon in question is being addressed, managed

and controlled in an indisputable, scientific way (Douglas 1994). In the field of crime control, some argue that there is no reason to dispute the idea that science allows us to predict future behaviour (Andrews & Bonta 1998). Others, such as Hannah-Moffat (1999) challenge these claims, arguing instead that actuarial technologies, on which risk predictions are based, are not objective but rather fluid and subjective measures similar to clinical assessments.

Assessment and treatment of the sex offender in the neo-liberal era

Current Canadian sex offender assessment and treatment can be described as a convergence of neo-liberal and penal welfare rehabilitative ideals. The turn towards warehousing criminals taken by the United States in the 1980s is well documented (see Feeley & Simon 1992; Simon 2007). On the other hand, while Canada took a more cautious approach to incarceration (Petrunik 2003), practices that could be described as warehousing prisoners have been documented in Canadian institutions as well, especially at the provincial level (Demers 2014).

The Canadian approach can best be described as incorporating the neo-liberal fixation with risk and the prediction of behaviour but without the American goal of incapacitation; rather, the goal of Canadian corrections is presented under the benevolent rhetoric of rehabilitation and reintegration (Moore & Hannah-Moffat 2005; Moore 2011). Moore and Hannah-Moffat (2005) argue that while the goal of Canadian correctional practices still fits the penal welfare ideals of rehabilitation, the means by which this is to be achieved has changed quite drastically. For example, while CSC offers federal offenders rehabilitative programming, prisoners are subject to risk assessments that dictate not only the intensity of the intervention they will receive but also what personal characteristics are to be targeted in treatment. The holistic approach towards the “betterment of the individual” (Moore &

Hannah-Moffat 2005: 86) has been replaced by treatment that targets only criminogenic factors, those personal characteristics thought to be tied to one's risk of future re-offence. These can include factors such as anti-social attitudes, beliefs and values, anti-social or pro-criminal supports or peers, personality and psychological factors associated with criminality such as poor impulse control, and substance abuse, (Andrews and Bonta, 1998; Moore & Hannah-Moffat 2005). Moore and Hannah-Moffat (2005) refer to the current state of Canadian practices as 'the liberal veil' and argue that programming is understood to be non-punitive despite the fact that "[t]herapeutic discourses and practices are also punitive" (86).

In the early nineties, psychologists Don Andrews and James Bonta developed the Risk, Needs, Responsivity (RNR) model of offender assessment and treatment, which they argue should guide both the assessment and the treatment of offenders. Andrews and Bonta were part of the group of mainly Canadian researchers who challenged Martinson's 'nothing works' thesis and sought to develop evidence-based treatment practices (Moore 2007). The RNR model was adopted by CSC and continues to be used in offender assessment and classification. A meta-analysis conducted by Public Safety Canada on the effectiveness of the RNR model with sex offenders showed that programs adhering to RNR principles were effective in reducing recidivism rates in sex offending (Hanson, Bourgon, Helmus & Hodgson 2009). However, other researchers question the claimed objectivity of the RNR model and its focus on criminogenic risk factors to the exclusion of other factors (see Hannah-Moffat 2005).

The RNR model posits that risk is individual and internal rather than systemic or subject to external influences, and that treatment can be effective if it focuses on offenders' criminogenic risk factors (Andrews & Bonta 1998). Treatment then, targets the individual's behaviours, thoughts, and beliefs (Brown 2005). In correctional sex offender programs, the

individual convicted of a sexual offence is constructed as a rational person who chooses to engage in behaviours that are not necessarily illegal but that eventually lead to or ‘trigger’ his offending behaviour.

The RNR model relies on third-generation risk assessment tools and supports the assertion that treatment should target specific aspects of the offender that are empirically linked to criminal behaviour (Andrews & Bonta 1998). Third-generation risk assessment tools use actuarial tests but consider dynamic or changeable offender characteristics, such as employment, education, attitudes and values, substance use, and various skills such as problem-solving, along with static or unchangeable factors that were used in the second-generation assessments⁵ (Bonta 1996). The RNR model is based on the assumption that an offender’s future behaviours can and should be predicted (Andrews & Bonta 1998). This focus on predicting future criminal behaviour echoes Feeley and Simon’s (1992) new penology thesis. Feeley and Simon (1992) described the changes that took place in American corrections during the 1980s as a preoccupation with identifying, classifying and managing offenders by using recent technological and statistical advancements. Instead of aiming to rehabilitate or even punish offenders, correctional practices were now focused on warehousing offenders, classifying them based on actuarial risk assessments, which were meant to facilitate their management. However, Andrews and Bonta state that their goal in

⁵ Second-generation risk assessment tools measured static, or historic offender factors, such as offence history, assuming that an offender’s needs are not linked to his or her criminal behaviours (Bonta 1996).

developing the RNR model was to change the criminogenic factors that contribute to offending, rather than merely devise ways of incapacitating offenders⁶.

The ‘change’ is said to come from the incorporation of offenders’ criminogenic needs in the assessment and treatment of offenders⁷. Andrews and Bonta (1998) coined this term to denote dynamic or changeable offender characteristics, which reflect the offender’s ability to evolve and change. Examples of criminogenic needs, what Andrews and Bonta (1998, p. 357) term “promising targets for change” are features such as pro-criminal attitudes and antisocial associations. Non-criminogenic needs, or “less promising targets” are factors that Andrews and Bonta argue should not be the focus of intervention since they will not produce actual decreases in recidivism. These factors are things such as self-esteem, improving social conditions in certain neighbourhoods or attempting to change offenders into ‘better people’ (Andrews & Bonta 1998: 357).

Reducing an offender’s criminogenic needs is said to reduce his chances of future re-offence (Bonta 1996), therefore, criminogenic needs, unlike the needs assessed by second-generation risk assessments, are dynamic and amenable to intervention. It is this factor that Andrews and Bonta (1998) argue is the cornerstone of third-generation risk assessments. While second-generation assessments attempted to classify risk level and assess risk of re-

⁶ The employment of risk assessment at the beginning of an individual’s sentence rather than at release is indicative of this approach. The *risk principle* involves matching the prisoner’s risk of re-offending to the appropriate treatment type and intensity. The higher the risk, the more intense and extensive the treatment and mismatching offender risk and intervention levels, especially for low risk offenders, is thought to lead to minimal success or even negative effects (Andrews & Bonta 1998).

⁷ The *needs principle* assesses the offender’s needs in order to inform which factors treatment should focus on. This principle targets the offender’s dynamic criminogenic needs to the exclusion of other dynamic or static needs that are allegedly not linked to offending behaviours (Andrews & Bonta 1998); this practice reconstructs needs as risk factors (Kilty 2006; Hannah-Moffat 2005).

offence upon release, Andrews and Bonta (1998) argue that this does not meet the full mandate of the criminal justice system. They point out that CSC's mandate is to reduce the risk posed by the offender to the community, to help offenders reintegrate into the community after release, but also to help "heal...the lives of those touched by crime" (Andrews & Bonta 1998: 225). CSC's adoption of the RNR model led to risk assessment being used at the beginning of an individual's sentence in order to inform correctional security classification level and treatment plan determination (Andrews & Bonta 1998). Prisoners' risk levels are assessed at the beginning of their sentence using actuarial tests such as the STATIC-99 or STABLE-2000, which provide a risk score that is then compared to the aggregated recidivism rate of prisoners who possess similar characteristics. Based on the aggregate score the individual is said to have a certain chance of re-offence. The rhetoric of rehabilitation is evident here and differs from a more concentrated focus on incapacitation.

The difference between second and third generation risk assessments lies not only in the tools they use but also in their purpose. While second-generation tools were used to calculate the probability of criminal behaviour, they did not provide any information about the kind of treatment an offender should receive. Third-generation assessments, on the other hand, are used precisely for that reason (Bonta & Andrews 2007). Their purpose is not only to measure the probability of re-offending but also to inform clinicians of the kind of treatment an offender should receive (Bonta & Andrews 2007). Third-generation risk assessments aim to change offenders through specific, targeted interventions, usually based on cognitive-behavioural and relapse prevention principles (Bonta 1996). In these interventions, actuarial methods are used to determine which programmes the offender will participate in (Moore & Hannah-Moffat 2005: 93). Because economic efficiency dictates that not all offenders can

receive treatment, new ways of determining who will be responsive to a specific treatment were developed (Bonta 1996; Moore & Hannah-Moffat 2005). Therefore, the aim is to match the offender's treatment to his needs (Bonta 1996).

The differences between second and third generation risk assessments also extend to the ways in which they conceptualize offenders. As Hannah-Moffat (2005) argues, “second-generation risk tools produced a *fixed risk subject* who was designated to a particular risk category (high, medium, or low) based on accumulated historical factors that, for the most part, could not be changed [emphasis in original]” (32). Because the offender was viewed as unchangeable, intervention strategies were limited to incapacitation as they assumed that ‘nothing works’ in offender treatment (Hannah-Moffat 2005). On the other hand, third-generation risk assessments conceptualize the offender as a “transformative risk subject” (Hannah-Moffat 2005: 34). Such a conceptualization reflects the correctional commitment to ‘do something’ about reintegrating offenders after imprisonment instead of merely incapacitating them (Hannah-Moffat 2005: 34)⁸.

While the main focus of corrections is on managing the offender's risk, the ultimate goal is for the offender to manage his or her own risk of re-offence by applying the intervention strategies he or she learned during treatment. Following the lead of current psychological constructions of people in conflict with the law, correctional discourses

⁸ The *responsivity principle* is considered when devising *how* treatment should be offered. The assumption here is that treatment should be delivered in a way that reflects the offender's characteristics, such as age, gender, learning style, cultural background, interpersonal sensitivity or anxiety, and verbal and cognitive capabilities (Andrews & Bonta 1998). Responsivity also refers to the offender's motivation to engage in treatment. This aspect of the responsivity principle is widely critiqued by proponents of the GLM (see Ward & Maruna 2007; Wilson & Yates 2009).

construct offenders as rational decision makers who choose to engage in sexual wrongdoings or who are unable to manage certain negative emotions that trigger their engagement in problematic behaviours; with the right interventions, these individuals are believed to be able to learn how to refrain from engaging in sexually deviant behaviours. The language that permeates correctional sex offender treatment focuses on responsibility, accountability, personal choice, and risk management (Fox 1999; Lacombe 2008, 2013; Waldram 2007, 2008). Since this project aims to analyze the nuances and complexities of identity construction among released sex offenders, it is imperative to understand the explanatory and rehabilitative discourses to which they were subject while incarcerated. The language used in the correctional context, and specifically in sex offender treatment programs, can illuminate how these individuals attempt to construct their identity in the wake of their crimes.

Institutional sex offender programming

In the 1980s, sex offender treatment programs based on behavioural approaches began incorporating more and more cognitive components such as “social skills training and sex education...assertiveness, sexual dysfunction and gender role behaviour...[and] empathy enhancement” (Brown 2005: 23). Eventually, these treatment programs focused more on offenders’ thinking patterns than on their sexual preferences per se (Brown 2005; Laws & Marshall 2003). Currently, most North American correctional and community sex offender treatment programs use a cognitive-behavioural therapy (CBT) and relapse prevention (RP) approach (Moster et al. 2008). Ideally, cognitive behavioural therapy with offenders focuses on addressing the participants’ “...self referent ‘inner speech’, elicit ‘thinking reports’ and challenge offender attributions” (Maruna & Copes 2004: 22). There is an attempt to understand what goals the person was attempting to achieve when they offended, as well as

their views on the world, including their self-image and how they relate to others. In practice, some research has found that facilitators running cognitive based group therapies with incarcerated sex offenders tend to focus primarily on ensuring the participants take full responsibility for their past behaviours (Fox 1999; Lacombe 2008; Maruna & Copes 2004). This involves telling their ‘story’ without using linguistic techniques that suggest that they are attempting to deny involvement in their crimes, minimize the harm they are accused of causing or otherwise justifying their past actions (Lacombe 2008; Waldram 2007). For example, an offender’s explanation that he was drunk when he committed a sexual assault against a woman who had previously flirted with him would be challenged and he would be encouraged to take responsibility for his actions and not blame alcohol or the woman’s previous comportment.

Denial, minimizations and justifications are considered by some program facilitators as indicative of a participant’s cognitive distortions, which are presumed to allow offenders to rationalize their offending behaviours, thus facilitating the continued engagement in criminal enterprises (Fox 1999; Lacombe 2008; Waldram 2007). In order to change offenders’ behaviour, programming focuses on changing these problematic thought processes. The assumption is that with the right intervention, their sexually deviant thoughts can be modified or at least managed (Wood et al. 2000). For example, Correctional Services describes the high intensity national sex offender program delivered in Canadian correctional facilities as helping offenders “...understand their thinking related to sexual violence. They learn how to manage their harmful behaviour, their emotions and their risk factors” (Correctional Services Canada 2014). Through specific treatment programs such as anger

management or social skills training, treatment is purported to provide offenders with the necessary tools to replace inappropriate thought patterns with appropriate ones (Moore 2007).

Drawing on disciplines other than administrative criminal justice, such as narrative studies or social psychology, can provide a different understanding of so-called cognitive distortions. For example, personality theorists argue that excuses and justifications can be considered ‘remedial tactics’ that people use in their interactions with others, when faced with difficult, stigmatizing or otherwise negative situations (Schlenker 1980). Prison life can be dangerous for sex offenders and attempting to hide their sexual offences and pass as non-sex offenders can be considered impression management techniques in the construction of a social identity (Goffman 1963). Far from being ‘abnormalities’ that necessitate intervention, minimizations, denial, and excuses can indicate that the individual has internalized society’s norms about what is considered appropriate and inappropriate behaviour and aims to present a socially acceptable public identity. Therefore, the behaviours categorized as cognitive distortions in the psy-disciplines and correctional field could be considered to be adaptive mechanisms by which a person makes sense of their chaotic life in order to create a new, non-offending identity.

In her critical analysis of cognitive behavioural therapy with incarcerated sex offenders, Friestad (2012) uses attributional and narrative perspectives to show how targeting so-called cognitive distortions can be problematic for assessing offender progress. According to the attributional perspective, all people exhibit a “self-serving bias, which is the general tendency to ascribe personal success to internal, dispositional factors (intelligence, personality, talent, etc.) and personal failures to external, situational factors (I was in the wrong place at the wrong time)” (Friestad 2012: 471). The explanations that we give for our

behaviours “are in fact distorted causal explanations of our own behaviour” (Friestad 2012: 471). However, such apparently normal behaviours are pathologized in institutional treatment. For example, Lacombe (2008) found that therapists running a sex offender institutional treatment program consider participants who ascribe their offences to outside sources, such as being intoxicated, as problematic and indicative of cognitive distortions. They insisted that offenders must have planned their offences, which they believed stemmed from their sexual deviancy. Compared to the correctional explanation that cognitive distortions are examples of inappropriate thinking in need of correcting, the attributional perspective sees these as protective measures that people use to present themselves in a good light and protect their self-image (Friestad 2012). In the above example, assigning some of the blame to alcohol or drug consumption can absolve the person of fault and thus feelings of guilt. Friestad (2012) points out that this is a “common aspect of human cognition, not a symptom of deviancy or a ‘criminal mind’” (471).

At the same time that a person tends to attribute their negative behaviours to outside forces, observers of such behaviours tend to “overestimate the extent to which the behaviour is due to internal, dispositional/stable characteristics of the actor and underestimate the situational/external aspects potentially influencing the behaviour” (Friestad 2012: 471). This has been termed the “fundamental attribution error” (Friestad 2012: 471). Contrary to current correctional practices that view indications of cognitive distortions as targets of intervention, Friestad (2012) considers that not exhibiting cognitive distortions could actually be problematic and should be seen as a sign that the offender is either unconcerned with how he presents himself because he has an inflated sense of self, or he has no self-esteem whatsoever, so he has nothing to protect (Friestad 2012).

From a narrative perspective, the story we tell about our lives is not merely indicative of what has actually transpired over the years; rather “narratives, irrespective of whether they are ‘true’ or not, carry the potential of influencing future action, and therefore deserve attention, both theoretically and clinically” (Friestad 2012: 473). In the correctional approach, cognitive distortions indicate internal character flaws; however, drawing on the discursive psychology of Auburn and Lea (2003), Friestad argues that cognitive distortions can be considered something that the person *does* to protect identity. In the context of sex offender treatment programming, a participant who shifts blame from himself to outside factors should not be seen as having deficits in thinking; rather, he should be seen as an individual aware enough of societal norms to know that his actions are wrong and that he needs to provide a plausible explanation for them (Friestad 2012). Other research with incarcerated sex offenders supports the assertion that denial, minimizations and justifications allow individuals convicted of sex offences to retain their sense of self-worth in the unsympathetic prison environment (Hudson 2005; Waldram 2009).

The specifics of treatment: the offence cycle, the relapse prevention plan, and the autobiography

Sex offender treatment programs in federal institutions operate in a group format, similar to a school with homework assignments (Lacombe 2008), and include three specific components: *the offence cycle*, *the autobiography* and *the relapse prevention plan* (Waldram 2007, 2009).⁹ The components of sex offender treatment supposedly allow the rational person

⁹ Not all people incarcerated for sex offences receive treatment. Therefore, the following discussion applies only to those prisoners who participate in sex offender treatment while incarcerated.

to direct his future and thus avoid criminal behaviours by managing his understanding, construction and presentation of self through institutional discourses on sexual offending. Briefly, the offence cycle narrates the sequence of events that took place in the enactment of the criminal behaviour. The relapse prevention plan provides cognitive-behavioural examples of how to avoid these dangerous sequences of events and emotions in future. Finally, the autobiography narrates the meanings attributed to the crime sequences and the prevention plan, as long as these meanings fit the goals of cognitive-behavioural therapy and follow the state's version of events as documented in the offender's risk profile and case file.

The offence cycle

The offence cycle refers to the thoughts and actions that offenders are said to engage in before committing their crime and which are integral to their criminal behaviours (Marshall, Marshall, Serran & Fernandez 2006). The assumption is that criminal behaviour does not just happen. Rather, a series of thoughts and actions take place that enable the individual to commit the crime. In correctional treatment discourse, a typical offence cycle for an individual who engages in sexual offences might be that he has negative thoughts about women, watches pornography, has deviant sexual fantasies, goes to a bar to find a victim, gets drunk and attacks a woman. This linear and simplistic version of offending, which neglects any recognition of situational, emotional and structural barriers and facilitators of behaviour, suggests that sexual offending is premeditated even if the offender is not aware of and thus does not recognize this premeditation. This chain of events also problematically links pornography to violence and suggests that all men are rational and all behaviours are the direct result of choice making.

The relapse prevention plan

After offenders identify the negative attributes that triggered their illegal behaviours they are taught how to avoid and/or manage these triggers by developing a relapse prevention plan (RPP) (Becker & Murphy 1998; Laws 1999; Ward & Stewart 2003). The RPP contains detailed, step-by-step strategies that the prisoner develops in conjunction with a correctional caseworker to identify high-risk triggers and ways to avoid them. In the above example, the trigger is watching pornography, which in turn fuels deviant sexual fantasies. To avoid such fantasies, the individual has to cease watching pornography. It is evident that the RPP is meant to assist the ideal rational subject to outline the steps necessary to manage his behaviours, not necessarily to deal with the underlying reasons for engaging in behaviours such as watching pornography. In correctional treatment discourses, emotions such as anger or sadness can be considered ‘high-risk’, meaning their presence can increase an individual’s likelihood of offending. Treatment discourses dictate that these emotions can be dangerous and need to be controlled, or in correctional speak, managed. The idea that emotions and the assumptions about them are “...products of a certain culture at a certain point in its history” is ignored (Gergen 1991: 13). Therefore, ‘risk’ is seen not as an intrinsic and objective individual characteristic but as a historical and cultural marker of contemporary treatment discourse.

Embracing the biological view that sexually deviant desires are hard wired, correctional treatment staff often emphasize that sexual offenders will *always* have inappropriate sexual urges and desires for which there is no cure, but that they can learn to manage these symptoms by carefully monitoring their feelings and emotions and most importantly, by restricting their interactions and movements (Lacombe 2008; Marshall et al.

2006; Waldram 2009). In her ethnographic research of a sex offender group program, Lacombe (2008) found that the treatment facilitators demonstrated a preoccupation with prisoners' sexual fantasies that fostered an identity 'consumed by sex' that worked to silence other aspects of their identity. The adage 'always a sex offender' permeates group treatment program narratives and contributes to the interpretation of identity as a static entity instead of a fluid, changeable one (Lacombe 2008).

The autobiography

Some treatment programs also ask that participants write and present their life story to the group (Lacombe 2008; Marshall et al. 2006; Waldram 2007). Waldram (2007) describes one treatment program he observed in which participants were asked to answer fifty-six questions covering their childhood to adulthood, the majority of which pertained to their crimes. After writing the initial draft prisoners received feedback from treatment staff and then re-wrote their autobiography to incorporate the facilitator's suggestions, after which, they once again shared it with the group. This process was repeated as many times as it took in order for the autobiographies to be accepted as factually accurate according to their police record and correctional history. Participants were expected to agree with the story told about them by others (i.e. police, victims, courts, correctional officers, psychologists, social workers, etc.) and that was officially documented in their correctional file. Waldram (2007) suggests that what happens in sex offender institutional programming can be described as a collision of truths between the meanings an offender assigns to his life story and those that treatment facilitators expect. He describes this process as involving disemplotment and reemplotment. Disemplotment refers to the way the offender's story is reduced to its "bare skeleton of dates and factual events" (Waldram 2007: 147). Reemplotment refers to the

process by which the bare facts are given new meanings, which fit with the treatment discourse and happens by “formal, iterative, and dictatorial instruction, badgering, and open challenge” (Waldram 2007: 147).

The stories are further constructed to incorporate feedback from both the group facilitator and the other participants in the treatment program (Waldram 2007). Drawing on previous and/or private knowledge of the narrator and attempting to make a good impression on the group facilitators, prisoners are expected to question and challenge each other’s autobiographies, which means that they actively participate in co-constructing one another’s narratives. Prisoner-participant input along with facilitator feedback thus influences the way a prisoner tells and recalls his story (Waldram 2007). In effect, the autobiography is not an independent creation as the prefix ‘auto’ suggests. Gergen (1991) proposes that the term ‘sociobiography’ more accurately reflects the co-construction of ‘truth’ in therapy. For convicted sex offenders, the construction is not so much collaboration, as it is a process of succumbing to correctional discourse that privileges one version of the truth. As Waldram (2007a) found, “success in treatment is predicated in part on [the offenders] realizing and accepting the existence of this correctional ‘truth,’ and acting accordingly” (146).

Although all three components of correctional sex offender treatment – *the crime cycle*, *the relapse prevention plan* and *the autobiography* – encourage and indeed necessitate a particular sex offender identity, this is especially evident in the autobiography component of treatment. Asking prisoners to write their autobiography might suggest that correctional treatment staff believe that prisoners can apply meaning to their experiences; however, the institutional preoccupation with the ‘Truth’ in the construction of the autobiography reflects a positivist approach to storytelling. In writing their autobiography, participants are strongly

encouraged not to deviate from the information found in their official files, even if they disagree with something; furthermore, the questions provided to help prisoners in the writing process predominately centre on their ‘sexual development’ and ‘criminal patterns’, which, according to Waldram (2007), “...suggests that this is to be no ordinary autobiography, in which the narrator exhibits considerable agency and control to present his life as he sees fit; rather, this is a directed story that is to be told” (150). To deviate from the official ‘Truth’ by denying some of the ‘facts’ in the file or downplaying some of its content may be perceived as being uncooperative in treatment and as trying to absolve oneself of responsibility for past actions (Lacombe 2008; Waldram 2007). For example, an incarcerated sex offender interviewed by Waldram (2007) stated that he knew that treatment staff had access to his official file and that it “would certainly work against [him]” to try to deny or minimize anything from his past (157). The prisoner’s success is predicated on showing that he accepts the official state version of events (Lacombe 2008; Waldram 2007). Since the official story centres on the details of the sexual crimes in order to create both the crime cycle and relapse prevention plan, the autobiography is expected to have the same focus. The individual is not free to construct a new identity or even to adopt various roles or selves in interacting with others such as staff or fellow prisoners. The constraints imposed by institutional discourse on the ‘stable’ criminogenic personality of sex offenders in effect limits the ways that the prisoner can interact with others.

Waldram (2007) found that sex offender treatment staff insisted that participants ‘tell the truth’ and that only by telling the truth can they be helped. This assertion assumes not only that there is but one truth, but that correctional staff members are able to discern what that truth is and when participants are being truthful or not. Waldram’s (2007) findings beg the

questions: What truth? Whose truth? Ultimately, this suggests that there is a right and wrong way to tell a story or to construct one's autobiography. The 'wrong' way to tell one's story involves challenging, contradicting, or minimizing the accuracy or completeness of institutional knowledge, and not ascribing to the idea of the rational offender whose crimes involve planning more than chance or opportunity. The right way to narrate one's autobiography in the prison context involves presenting one's story in a way that reflects a very particular identity: that of the rational individual who can now show a kind of reflexivity by attributing meanings to the sequence of behaviours he supposedly chose to engage in prior to his criminal acts. While he may have previously perceived those behaviours as mundane or insignificant, correctional treatment encourages him to think of them as precursors to his sexual offending.

Emphasis in the autobiography production process is not on the way events took place or the 'real' feelings, emotions, and intentions that the individual had at the time of his crimes. Rather, it is on the meanings he publicly assigns to these criteria in the therapeutic setting that determine the trajectory of his treatment experiences (Fox 1999; Waldram 2007, 2009). The expert opinions of psychologists and other treatment staff are significant because they can influence parole release decisions and the types of legal conditions that will be included in his long-term supervision order (Lacombe 2013). For example, having successfully participated in sex offender treatment shows that the prisoner is willing to work on his problem behaviours and the parole board is more likely to grant parole (Lacombe 2013). Therefore, the way a prisoner constructs his autobiography and thus the identity he constructs as a 'truthful' offender, has far-reaching implications. This logic is problematic given that social control agents seem to perceive the autobiography as 'truth' and may not be aware of the myriad of

factors that shape its construction. The goal of treatment is thus to construct an identity as a rational decision-maker; an identity that the individual must internalize in order to prevent recidivism.

Wallis (1995) summarizes the goals of correctional treatment:

The task of rehabilitation is really a task of reconstruction. The offenders reflect on their past experiences and consider how these might have influenced their daily lives. The offender's past attitudes and relationships are analyzed and challenged, and the offender is encouraged to salvage his life through developing new and healthier attitudes and non-abusive coping strategies (16).

Although treatment aims to change prisoners, prisoners themselves are not allowed to claim to have changed or be a different person from the one they were when they committed their crimes. Waldram's (2007) research shows that success in treatment can be seen when "the inmate accepts the official truth, participates in the rewriting of his story, and communicates a cognitive shift in its meaning" (147). Treatment facilitators determine success in treatment by assessing "the extent, and sincerity, of an inmate's engagement with the program and observable changes in thought patterns and behavio[u]rs" (Waldram 2007: 148).

The fact that prisoners are expected to talk about triggers, high-risk situations and crime details in a seemingly universal way shows little recognition of the dynamic nature of both offending and identity negotiation. For example, childhood victimization, although recognized by some men who have sexually offended and by some experts as a contributing factor to offending behaviours, is not discussed in treatment; on the contrary, the subject is purposefully avoided as it is thought to deflect individual responsibility (Petrunik et al. 2008). The goal of sex offender treatment, then, is to create a state accepted narrative about one's

past, present and future. It is during treatment that the offender can prove that he has undergone a transformation in terms of how he thinks about his crimes and future risk potential. As I will show in the following section, the emphasis placed on ‘Truth’ and on a particular way of interpreting the past and the future that fits with cognitive-behavioural principles does not cease once the prisoner leaves the treatment group or even once he leaves prison. I argue that institutional treatment inculcates in him the way that he is supposed to think and talk about his past and his future once he is released back into the community.

Post-incarceration treatment and control of the sex offender

Most incarcerated individuals are released back into the community (Correctional Service Canada 2015). This research investigates this phase in the publicly identified sex offender’s life. I am interested in how the sex offender is ‘made up’ (Hacking 1996; 2006) precisely because I want to explore the world of the released sex offender. How does he interact with his environment – the classifications and categorizations, restrictions and conditions that he is subject to – once he re-enters the community after a period of incarceration? Which fields of possibility are open to him and which ones are closed? My concern here is with individuals who do not want to reoffend. I am interested in what Maruna (2001) calls the desisting offender (compared to the persister – the one that keeps offending)¹⁰.

¹⁰ It is also a useful concept for my research, since I interviewed individuals who claimed, or at least did not contradict, the assumption that they were desisting from sexually offending. None of the participants indicated that they were actively offending or thinking of offending.

The end of incarceration signals the point at which the individual can embark on the desistance process. Maruna (2001) refers to the process of desistance as ‘making good’, meaning that individuals attempt to create new lives and new identities for themselves over time. The released individual’s re-entry into the community does not denote the end of his involvement with the criminal justice system, however. If he served a federal sentence and was designated a long-term offender, his long-term supervision order will commence once he is released, or, if he was released at his statutory release date (at two thirds of his sentence) the LTSO will commence once the parole period is over. An offender detained until his warrant expiry will most likely be placed on s.810 Order for the duration of two years. In each case, the federally released individual is still considered an offender and not yet a free citizen.

As aforementioned, a community supervised sex offender may have to abide a legal condition that requires adhering to the advice of a treatment team, which often includes a psychologist and a psychiatrist. As such, he may be required to attend group therapy and/or individual therapy sessions with a counsellor or psychologist and to take anti-androgen medications. The released individual may also choose to participate in voluntary programs such as *Circles of Support and Accountability* (CoSA), which provides him with between three and five community volunteers to act as a personal support network. However, as the name implies, these volunteers, and other CoSA staff members who have contact with the individual, are tasked with holding him accountable for his behaviours. A released individual may also partake in a volunteer program offered by the parole office that pairs him with two volunteers who meet jointly with him weekly. An offender on a LTSO will most likely have a residency condition that obligates him to reside in a halfway house, where he will be subject to the house rules and regulations in addition to those on his supervision order. Evidently, the

sex offender's process of re-entry is heavily constrained and restricted. Some have argued that sex offenders' "experiences of release and re-entry tend to be monitored considerably more closely" than non-sex offenders (Harris 2014: 170). These restrictive mechanisms are not always negative. For example, while residing in a halfway house can be quite restrictive, the alternatives – a homeless shelter or the street – are possibly less conducive to successful re-entry. In my work with CoSA, I saw individuals released at warrant expiry who had to sleep at the local shelter for lack of housing; I saw others who managed to work full-time while residing in the halfway house be able to save money, which facilitated their success once their residency restriction was lifted and enabled them to begin to live independently.

The interventions that a released sex offender is subject to are based on the idea that the individual must change, a premise that is not up for debate; 'changing' or 'correcting' individuals is an intrinsic part of corrections. This, however, is quite different than a change in identity, which the desistance literature shows is possible. Similar to the correctional-approved transformation that is expected and encouraged during institutional sex offender treatment (Lacombe 2008, 2013; Waldram 2007, 2009), the change expected of the released sex offender has to fit the parameters of the CSC mandate. Change is constructed as necessary on two fronts: personal and environmental. Personal change is understood to be the individual's responsibility; with the assistance of state control agencies, treatment professionals and volunteers the individual must learn to control his inner emotional states, which may trigger a relapse into his offence cycle. Environmental change involves elements of situational crime prevention, which constructs triggers as lying outside of the person's immediate control. Subsequently, released sex offenders have their movements, their time, and their associations restricted, monitored and controlled via parole, the long-term

supervision order or a peace bond. For example, a newly released sex offender with a long-term supervision order and a residency condition will have to live in an approved halfway house where he will have his movements monitored by the halfway house staff. He will also have to inform staff, in writing, of his intended whereabouts. Should he decide, while en route to his destination that he would like to deviate from his agreed upon plan in order to stop and purchase a cup of coffee, he has to call the staff and inform them of such a change. The long-term offender has to be granted permission by his parole officer to attend certain locales, such as movie theatres or even hospitals if he wants to visit a relative or friend. The expression I repeatedly heard from both long-term offenders and their parole officers was that “when in doubt, ask” and “you can never ask too much”. Long-term offenders have to ask detailed questions about whether they are allowed to visit certain establishments or walk in certain areas of the city due in part to the ambiguous wording of LTSO conditions. For example, a common condition is ‘not to be anywhere where children under the age of 16 are expected to be present.’ Is the downtown public library a place where children are likely to be found congregating? Can an offender on supervision use the library if he does not linger or if he stays away from the children’s area? Another condition states that offenders are not allowed in parks. While this may seem clear-cut, what exactly is considered a park? Is it any green area or is it specifically an area that houses a children’s play structure? Again, is taking a shortcut through an area designated as a park considered ‘being in a park’? Tellingly, while I worked for CoSA-Ottawa, officers from the Ottawa police high-risk offender unit, which is in charge of supervising offenders on s.810 orders, discussed such concerns with CoSA core members, volunteers and staff at a group meeting and there were divergent opinions about what constitutes a park and ‘being in a park.’

In addition to movement restrictions, long-term offenders are constrained by the time limitations placed by the halfway house rules. Most if not all LTOs are placed on house arrest when they first arrive at the halfway house, which can last from a few days to several weeks. After this point, most are allowed to venture out alone but have to adhere to a four-hour reporting schedule. This means that they have to return to the house and sign in – even if they plan on going right back out again – every four hours. This can pose severe restrictions on their movements and potential employment schedules and can easily cause them to be in violation of the house rules. Being even a few minutes late can lead to them being ‘written up’ with an institutional infraction by the halfway house staff.

Long-term offenders are also under restrictions regarding the people they are allowed to associate with. One of the special conditions often included in a LTSO is that the offender is not allowed to have contact with the victim or the victim’s family. While at first glance this may seem to make sense, it negates the fact that many sexual offences happen between family members (McAlinden 2007). Therefore, the victim’s family may also be the offender’s family. While he had no such restrictions during his incarceration and may have had written, oral or in person family contact during that period, familial support is abruptly interrupted when the long-term supervision order begins.

In these ways, the constrained environment that a released sex offender finds himself in can be experienced as more restrictive than the institutional one he just left. While in prison he may have been able to hide his status as a sex offender (Ricciardelli 2014), once he is released, most of his interactions will be predicated on his status *as* a sex offender. I argue that this can have profound implications for identity construction. The released sex offender will constantly have to deal with his identity as a stigmatized individual (Goffman 1963). If

he wants to desist from offending, he will most likely attempt to actively construct a non-offending identity. While he had to deal with the public perception of sex offenders during his arrest, trial and incarceration, I argue that once he is released and attempts to re-enter society, he will have to contend with the public image of who he is believed or perceived to be. The public construction of the sex offender paints him as a monster whose behaviours are incomprehensible and nonsensical; to do such things, he must be crazy, evil, or non-human, and therefore, beyond redemption (Simon 1998; Waldram 2009). In a 2005 report, Canadian criminologist Julian Roberts unearthed an unsurprising finding; while Canadians are generally in favour of rehabilitative ideals, with 2 out of 3 (66%) supporting statements such as “Most offenders can be rehabilitated”, this number is dramatically reduced when those same respondents are asked about the rehabilitation potential of offenders who have committed violent or sexual crimes. In this instance, 3 out of 4 (75%) respondents supported the view that such individuals “cannot be rehabilitated” (Roberts 2005: 5).

Contrary to public opinion, recidivism studies show that sex offenders have one of the lowest re-offence rates, particularly when they are identified and treated (Public Safety 2015c). This fact offers hope that those branded with the stigmatizing label of sex offender can cease their involvement in crime. Lack of re-offending does not, however, tell us much about identity change. One can identify as a sex offender – believing that he will never shed the label – and still never re-offend. An exciting area of research that addresses both the subject of ceasing involvement in sexual crimes and identity change is the field of desistance. Popularized by Maruna (2001) in his seminal study of how ex-offenders ‘make good’ and construct new identities as non-offending individuals, the desistance research has recently been applied to individuals re-entering society after serving time for sex offences (Farmer et

al. 2011; Gobbles et al. 2014; Harris 2014; Willis et al. 2010). Compared to the vast literature on sex offending more broadly, we have very limited knowledge about desistance as it applies to sex offenders (Harris 2014) and how the process of re-entry can facilitate or hinder the desistance process (Gobbles et al. 2014). Until very recently, sex offender research has mainly focused on criminogenic factors that increase risk of re-offence, relapse prevention strategies and recidivism studies (Farmer et al. 2011) and sex offenders were actually excluded from desistance studies (Harris 2014). Harris (2014) proposes that this may be due to “the enduring but largely inaccurate assumption that sex offenders rarely, if ever, desist” (172). Willis et al. (2010) argue that the desistance research can “enhance current efforts to reduce sex offender recidivism rates, thereby improving community safety” (545), however, I am interested in desistance literature for another reason. While increasing community safety by decreasing sexual victimization is a worthy goal, my interest in desistance research stems from what the field can tell us about identity. I strategically borrow from the desistance literature in order to inform my findings as they relate to the reintegration challenges of released sex offenders.

An important factor in the process of desistance – and the one that is of most interest for this study – is the creation of a non-offending identity. Maruna (2001) found that some degree of re-interpreting or distorting the past can be adaptive in constructing a non-offending identity. Maruna (2001) argues that in order for people to successfully desist from crime they need to adopt a new identity or to re-work their narrative to account for their crimes and subsequent desistance. This assertion reflects one of the most interesting and criminologically relevant findings of Maruna’s study: that desisters’ reconceptualizations of past behaviours can be perceived as distortions in thinking. Recall that in offender treatment discourse, cognitive distortions are seen as contributing factors to offending behaviours and are

specifically targeted for change (Brown 2005; Moster et al. 2008; Ward 2000). A prisoner who does not take full responsibility for his crimes and instead uses minimizations, denial or excuse making, is constructed as having cognitive distortions that require specific interventions, mostly in the form of cognitive-behavioural therapy. While Maruna's (2001) research was on non-sexual offenders, the recent desistance research on sex offenders has supported Maruna's findings (Farmer et al. 2011; Willis et al. 2010).

In a recent study looking at desistance of child molesters, Farmer et al. (2011) found that desistance was related to three concepts: redemption, communion, and agency. The concept of redemption supports Maruna's (2001) finding that successful desisters engaged in a "rewriting [of their] shameful past in a necessary prelude to a potentially worthy productive life" (Farmer et al. 2011: 13). Communion refers to "a sense of unity or togetherness with others..." (Farmer et al. 2011: 13) while agency refers to being "able to have a sense of control [and...] command over what happened in their life..." (Farmer et al. 2011: 13). Desistance studies are significant because they highlight the importance of the released sex offender's involvement in social life and the community's acceptance of his presence. A sense of belonging – which will only be facilitated by the person's inclusion in a social network – can help him avoid re-offending. It is easy to see that a welcoming community, opportunities for adequate housing and employment, along with available leisure activities can contribute to the three factors of desistance. Indeed, as Willis et al. (2010) argue, "[a]t the heart of desistance theories and research is an ethical assumption that offenders are people like us and deserve the opportunity to live normal lives once they have been punished" (546).

The experiences of released sex offenders, however, show a different reality. Attitudes towards released sex offenders and the control measures currently in place contribute to

contemporary fears about the sex offender's increased risk for offending: alienation, pessimism and resignation (Farmer et al. 2011). Therefore, the measures that are supposed to protect our communities may in fact have the opposite effect and actually increase sex offenders' risk of sexually offending (Willis et al. 2010). Indeed, Farmer et al. (2011) point out that "[m]ost of the decisive rehabilitation work is done outside the therapy room, in the community with the assistance of friends, community agencies and educational personnel" (13). The tools that individuals learn and the insight they are supposed to gain in therapy may be necessary, but they are definitely not sufficient in facilitating successful reintegration. If there are limited opportunities to use those tools, they are essentially useless. Farmer et al. (2011) conclude that the "importance of community acceptance of offenders' rights to re-enter society once they have been punished and undergone rehabilitation programs" is of the utmost importance in the desistance process (15).

Based on her review of desistance literature, Weaver (2014) argues that "fostering different kinds of connections between people has emerged as central to practices oriented to supporting lasting changes, not least because relationships of different forms are often the vehicle through which newly forming identities (such as worker, partner, parent) are realized, solidified and sustained" (11). This means that the released sex offender has to be able to have relationships other than those that are predicated on his role as a sex offender and ex-prisoner and that draw on other aspects of his character. Disclosure conditions, imposed by parole officers supervising long-term offenders, can hinder this process. In most cases, long-term offenders have to disclose their past to any new acquaintance with whom they want to develop a relationship, be it platonic or romantic. It is not uncommon, then, for offenders serving an LTSO to be weary of forming relationships and to instead rely on their closed

circle of professionals and volunteers for their relationship needs. However, this does not facilitate the construction of a non-offending identity as these relationships are predicated on the individual's status as a sex offender. These professional or volunteer relationships have implications for identity construction. This will be more thoroughly explored in the next chapter.

Conclusion

The search for the most effective ways to prevent, treat, punish and deter sexual offences remains a central concern for correctional practitioners (Becker & Murphy 1998). By conceptualizing the locus of offending not in individual pathology (which may require medical intervention) nor in sexual preference (which may be unchangeable), but within the choices that offenders make, the responsibility for desistance from re-offending is placed squarely on the shoulders of the individual while absolving the state. This logic also supports the erroneous idea that leading a crime-free life is plausible and within reach if the individual uses the information and tools they are provided during their treatment. The idea that the offender *chooses* to engage in criminal behaviour, regardless of *why* he chooses such actions, reduces offending behaviour to 'right' and 'wrong' choices and supports the prevailing argument that sexual offending is the result of individual character flaws. This signals a new way of talking about individual pathology by constructing problematic behaviours as choices rather than the result of social barriers, sexual preference or past sexual victimization. Current control measures focusing on the prediction of offending behaviours and the supposed risk posed by certain individuals suggest that state control agents are able to assist in the (re)integration journeys of individuals formally identified as sex offenders. The ramifications

of current intervention practices on the identity construction process of publicly labelled sex offenders are explored further in the next chapter.

Chapter 3 - Theoretical framework: The identity construction of the released sex offender

Introduction

In this chapter, I propose a theoretical framework through which to analyze the research findings. I unpack the concepts of agency and structure to analyze the ways in which the sex offender is constructed in correctional discourses. I will be using symbolic interactionist and postmodern theories on identity development and management; using both theories adds depth to understanding how individuals identified as sex offenders construct their identities because they aid in juxtaposing the influence of institutional forces with the active responses of agentic individuals. An analysis of the identity construction of this population requires an understanding of how individuals interact with the structural forces, power dynamics and expert opinions in correctional institutions in order to negotiate, reject and/or accept their classifications and categorizations.

This chapter is divided into three parts. In part one, I review philosopher and social constructionist's Ian Hacking's (1991, 2002, 2004) theory of how people are 'made up', that is how categories of people come into being. I provide an example of how sex offenders are 'made up' in the media and argue that in the absence of personal knowledge, we form our opinions and beliefs about sex offenders on misinformation gleaned from these media representations. In part two, I provide an overview of the relevant literature on identity, drawing on symbolic interactionism and postmodernism to theorize the complexities inherent in the identity construction of individuals publicly identified as sex offenders. Symbolic interactionism is best suited to conceptualize the micro-level interactions through which individuals construct their identities, while postmodern theorizing emphasizes how structural

forces can influence, often negatively, the ability to transcend a master status as a sex offender. In part three, I describe the governance terrain that sex offenders find themselves in once they are criminalized. Drawing on the Foucauldian inspired literature that examines panoptic and synoptic models of surveillance and control, I describe the techniques of surveillance that sex offenders are subject to and explore the obstacles – both exclusionary and inclusionary – faced by released sex offenders as they attempt to navigate a society that for them has been structured as a panoptic cage. I draw on the concept of therapeutic surveillance (Moore 2011) to explore the specific Canadian approach, which combines surveillance practices with ones steeped in the rehabilitation ethos of the welfare era. This allows us to better understand the nuances of contemporary sex offender interventions in the Canadian context. Finally, I explore how state control agents attempt to assess whether their interventions are effective by employing verbal communication practices, which strongly encourage released sex offenders to engage in continual confessional practices.

Part I: 'Making up people': The making of the sex offender

What does it mean to be a sex offender in the second decade of the 21st century, in Canada? How do correctional discourse, the psy professions, the media and the public constitute individuals who sexually offend? Borrowing Ian Hacking's (1991, 2002, 2006) idea of 'making up' people, I consider how we 'make up' or constitute the sex offender. I take a constructionist view and echo Hacking's (2002) assertion that types of people do not exist in and of themselves, waiting to be discovered and studied. Rather, they are created within their local context. Therefore, to be publicly identified as a sex offender in Canada in the 2000s implies certain connotations that are geographically and temporally distinct. What we consider to be a type of person – such as the sex offender – is not a definite category, static

and unchanged throughout history (Hacking 1995). As explained in the previous chapter, sex offender treatment, legislation and public sentiment has changed throughout the decades since the ‘sex offender’ became a ‘type of person’ (Bonnycastle 2012). However, these approaches – be they therapeutic or control focused – have not merely changed how sex offenders are dealt with; they have impacted how people categorized as sex offenders are professionally constituted as well as how they constitute themselves. Hacking (1995) calls this the ‘looping effect’ as it works on categorizations of people, which act as ‘moving targets’. Rather than static entities, categorized and classified individuals interact with the definitions and characteristics of their assigned group; they interact with these classifications and change because of them, which in turn, have a modifying effect on the classifications themselves (Hacking 1995). For example, a disease model of sex offending proposes that those who sexually offend are born with a disease that is incurable; vigilant self-management is thus the only way to refrain from offending.

Conversely, proposing that sex offending is a learned behaviour suggests that the person does not possess an intrinsic flaw but rather, has had experiences that led him to learn improper ways of interacting with others. These two propositions suggest different possibilities for the future of those identified as sex offenders. This is especially significant for those being released from prison as they attempt to re-enter the community with a pronounced stigma. Whether one is categorized as suffering from a disease or as having made bad choices leads to very different identity possibilities. The former suggests that the individual will always be a sex offender, albeit one that may learn to manage his impulses, while the latter suggests that he is not different from the non-offending population and can learn proper, legal ways of meeting his needs and interacting with others. In the first, the sex

offender identity ‘sticks’ so to say, while in the latter, the sex offender identity is merely temporary and can be transcended. The sex offender in contemporary Canadian society does not fit neatly within either the disease or the choice model. As Kilty (2011) found in her research on female ex-prisoners with a history of substance abuse, the choice and disease models are both prevalent in correctional and community discourses, leading individuals subjected to them to draw on both of these conceptualizations depending on their predicament.

Using Hacking’s (2004) argument that typologies do not reflect already existing categories of people or phenomena waiting to be uncovered, we can explore how the sex offender came into being as a category and how that categorization shifts, moves, expands and ultimately affects those so classified. Hacking’s theory is significant because “[n]aming has real effects on people, and changes in people have real effects on subsequent classifications” (Hacking 2004). At the same time, these categories change as a result of the people who are included in their definition. As certain acts are newly appointed the designation of sexual offence, the category itself expands. For example, in 1983, ‘wife rape’ became a criminal offence, instantly categorizing men who have sex with their wives without their consent as rapists. Describing his foray into the study of child abuse in the mid-1980s, Hacking (2004) argues that new classifications are important areas of study “precisely because attitudes to child abuse, definitions of it, laws about it, practices of child abuse and practices intended to curb it were evolving before our very eyes” (280). One can say the same about the category of sex offender. While the term ‘sex offender’ has been used for almost a century (Bonnycastle 2012), the sex offender became the focus of political, correctional, academic and popular (media) discourses in the mid-1980s, which peaked in the 1990s. Since

then, we have seen the changing nature of how the sex offender is constituted “evolving before our very eyes”. New legislation in both Canada and the United States (e.g. sex offender registries, community notification, dangerous offender designation) reified the sex offender category and cemented the sex offender as a type of person. However, his classification has not remained static since first coming into being. In her analysis of prisoners’ official files, Bonnycastle (2012) charts the changing language associated with sex offences and the ascribed motives for their crimes. She shows how the motives attributed by professionals, such as judges and clinicians, to sex offenders’ crimes changed according to the discourse prevalent at the time. Bonnycastle (2012) describes one sex offender’s institutional file as follows: “In 1980, his motive to rape stems from violence and misogyny. Ten years later, it stems from an emotional personality disorder...By the late 1990s, causal statements have vanished from the diagnosis and are replaced by individualized high-risk factors that need to be managed” (15).

Why is it important to study how the sex offender is constituted over time? According to Hacking’s (2002) theoretical discussion of ‘people making’, the changing nature of a category such as the sex offender has the effect of “opening up and closing down fields of human possibility” (280). What then, are the possibilities afforded to those who are officially labelled sex offenders? Which possibilities or identities are allowed, encouraged and rewarded in the various discourses and which are discouraged, silenced or punished? How do institutional forces influence these possibilities and how do those impacted by them engage, resist and/or reject these classifications? Hacking (2004) asks pertinent questions: “Does one feel different, has one a different experience of oneself, if one is led to see oneself as a certain type of person? Does the availability of the classification, a label, a word or phrase, open

certain possibilities, or perhaps close off others?” (285). He contends that “a new way of describing people does not only create new ways to be, but also new ways to choose...new ways to choose who one is” (Hacking 2004: 285). This way of conceptualizing the self – as the result of *choices* – is particularly significant for this research because of the ways in which the concept of choice now permeates correctional treatment and management discourses (Hannah-Moffat 2005; Moore 2007).

Hacking (2004) takes a constructionist approach by employing what he calls two vectors: “One is the vector of labeling from above, from the community of experts who create a ‘reality’ that some people make their own” (168). The second vector is of “the autonomous behaviour of the person so labeled, which presses from below, creating a reality every expert must face” (168). Another way to phrase this is to think about it as using a micro and macro approach to understanding a certain phenomenon. In a paper almost two decades later, Hacking (2004) expands on this framework by arguing for the utility of using both Foucault’s archaeology and Goffman’s interpersonal sociology to explicate the ‘making up’ of people. While these two authors seem contradictory – with Foucault focusing on macro-level systems of power, and Goffman’s micro-level personal interactions “they are complementary. One needs to stand between the two men in order to take advantage of both” (Hacking 2004: 277). The former is needed because “classifications that stick exist only within practices and institutions” (Hacking 2004: 285). Drawing on the work of authors such as Michel Foucault and Nikolas Rose, Callero (2003) argues that new scholarship “has connected the study of the self to the historical deployment of power. It has demonstrated that the self is constituted within relations of control and is deeply embedded within systems of knowledge and discourse” (118).

As Hacking (2004) observes, “[f]ew criminals know the elaborate theories and structures of criminological classification. There are no direct looping effects. But there are indirect effects related to the interaction with institutions, and the roles that are created in prisons or transmitted by former convicts” (297). As described in the previous chapter, discourses on the motivations of sex offenders and the ‘solutions’ to their offending is not merely the purview of abstract theories or academic pursuits; rather, these theories are an integral part of institutional sex offender treatment and community supervision approaches. Therefore, individuals designated as sex offenders interact, on a daily basis, with these classifications, categorizations and theories about who they are purported to be, as types of people. Their sense of self, then, is deeply impacted by the discourses pervading their immediate physical and interactional contexts. The publicly identified sex offender becomes part of an institutional practice that in most cases follows him his whole life. He is classified, categorized and subjected to life-long monitoring.

Goffman (1963) is widely used in identity research. His seminal work on the ways that people present themselves in everyday situations and how they cope with stigmatizing characteristics can be extremely useful for the study of identity in any context, particularly with individuals who are marginalized and/or criminalized. Goffman’s theory of the ways in which individuals construct their identities in micro-level interactions has been applied specifically to sex offenders in the correctional setting (Ricciardelli 2014). Ricciardelli (2014) uses Goffman’s terms of *virtual* versus *actual* social identity to describe the co-construction of identity of incarcerated sex offenders. Ricciardelli (2014) found that prisoners convicted of sexual offences are in a precarious position and must constantly guard the identity that is imputed to them. Others, be they fellow prisoners or guards, impose on them an identity that

is based on stereotypes and presuppositions about their character (virtual identity), which takes precedence over their actual social identity, based on those characteristics they actually possess. Stereotypes of sex offenders, fuelled by misinformation often from skewed media and political representations, contribute to a prison environment that is hostile at best and even life threatening. However, even in such an environment, convicted sex offenders are able to exercise agency. Goffman's (1963) concept of 'passing' as a non-stigmatized individual can be seen as an agentic process by which the individual attempts to influence how he is perceived. Goffman (1963) states that passing has many rewards such as being accepted by a social group that would otherwise deny membership. Passing as a non-offending individual may be more about avoiding hardships and exercising agency than about the rewards gained. Being identified as a sex offender can have numerous negative implications, such as social exclusion, loss of employment, physical danger and incarceration. Research on sex offenders in prison shows that imprisoned sex offenders actively reject the label in an attempt to avoid physical violence and to secure their survival while incarcerated (Ricciardelli & Spencer 2014; Schwaebe 2005). They may attempt to pass as non-sex offenders either by making up stories about their past or by projecting an image that is in contrast to the common stereotype of what a sex offender looks like (Ricciardelli 2014; Schwaebe 2005).

While Goffman's (1964) symbolic interactionist theory allows us to conceptualize the ways that individuals construct their identities at the micro-level of human interaction, as a theoretical approach it is not as helpful in exploring how broader structural forces shape identity. Conversely, postmodern theorizing conceptualizes the individual as a product of broader, cultural and institutional forces. To analyze how individuals publicly identified as sex offenders construct and experience identity, both perspectives are necessary. I argue that

because the sex offender belongs to a stigmatized and marginalized group, his identity construction is more vulnerable to the prevailing discourses than are the identity constructions of individuals who are part of mainstream groups.

One area of difference between symbolic interactionism and postmodernism lies in their conception of agency. Foucault's (1977) argument that it is social forces and not innate characteristics that bring the self into existence reflects this disagreement: is the individual an agentic being or is he a product of institutional and structural forces? (Coté 2006: 13). Symbolic interactionists posit that individuals have agency throughout their diverse interactions with others; because each interaction is different, individuals are capable of influencing their present and future (Mead 1934). We do not passively accept external identity classifications or labels but rather question, negotiate and/or reject these categorizations (Jenkins 1996). Both types of analysis – from the top and from the bottom – are necessary; neither is sufficient on its own to explain how people are constituted and the effect this has on the classification systems to which they are subject. A Foucauldian analysis lacks “an understanding of how the forms of discourse become part of the lives of ordinary people, or even how they become institutionalized and made part of the structure of institutions at work” (Hacking 2004: 278). Using such an analysis could present people as merely “subjects of discourse” and not agentic people capable of “emancipation through organized resistance and political intervention” (Callero 2003: 118). Conversely, an analysis drawing only on Goffman misses “an understanding of how the institutions he described came into being, what their formative structures are” (Hacking 2004: 278). Both Foucault and Goffman “address[] questions of how some of a person's possibilities grow into their very being, while others are excluded” (Hacking 2004: 288).

While Hacking (2004) argues that despite the fact that “many of our choices are responses to what is imposed on us...we...have ‘infinite possibilities of choice’” (286), I contend that for the publicly identified sex offender, the available choices are severely restricted due to his life-long subjection to institutional practices that heavily impose ‘ways of being.’ Hacking (2004) provides an important distinction about choice making that can help us conceptualize how one chooses ‘who one is’. While some choices are the result of “big decisions” that shape who we are, most are the result of “little choices [we make] day after day” (287). Although we may have choices, as Hacking (2004) argues, “at any place and time only some possibilities...make sense” (287). Therefore, he asks a useful question, which can be applied to the restricted environment of the publicly identified sex offender, be it in prison or in the community post-incarceration: “*How is the space of possible and actual action determined not just by physical and social barriers and opportunities, but also by the ways in which we conceptualize and realize who we are and what we may be, in this here and now?*” (Hacking 2004: 287, emphasis in the original). In other words, what are the stories told about who sex offenders are, what they can be (and implicitly what are they excluded from being), within the various spaces they find themselves? How is the sex offender constructed in the correctional, psychological and popular media discourse of contemporary Canadian culture?

When we lack personal knowledge about a particular subject matter we rely on cultural tropes or archetypes that we encounter in the media, be they news stories, television or movies, to help us make sense of things. The image of the sex offender as a predatory stranger who lurks in the dark waiting for an unsuspecting child or young woman dominates popular media constructions of sexual offending (Quinn, Forsyth & Mullen-Quinn 2004). Using these stories as a primary source of information about sexual offending (Wilson &

Prescott 2014), it is unsurprising that the public is often in favour of more punitive sanctions, such as indeterminate sentences (Simon 1998; Waldram 2009), and lacks confidence in the effectiveness of sex offender treatment, instead believing that sex offenders have a very high risk of recidivism (Levenson, Brannon, Fortney & Baker 2007). It is also of note that news stories on sexual crimes receive much media attention and elicit an abundance of viewer commentaries. Everyone, it seems, feels the pain of the child harmed and has an opinion on what to do with ‘those people’ who offend. The following is an example of an on-line comment for a news article describing the vigilante actions of a woman towards a suspected child sex offender.

I think child molesters get off too easy. Child molesters are the only criminals that cannot be rehabilitated. By their own admission, they can never stop doing that to kids. Bank robbers can change, drug dealers can change, gang bangers can change but a child molester can never change. So why keep them around to suck up taxpayers money. Why do the criminals who rob, steal and burglarize get 15-50 years and child molesters get 5 at the most? (Crimefeed, November 12 2014).

This commentator’s opinion reflects the majority of the comments on this particular article and is in line with public opinion research (Roberts 2005).

Media images of the sex offender do not only impinge on how the public perceives ‘those people’, they also influence how we think about ourselves and the identity possibilities we see as available to us. Over the last few decades there has been increasing awareness and discussion about how the media represent certain groups, such as women or visible minorities. For example, during the recent revelations about CBC host Jian Ghomeshi’s alleged sexual assaults, a number of news and blog writers urged the public to be careful about how they talk about sexual assault victims. They suggested that since so many women experience sexual

abuse at some point in their lives, as we talk about this subject we are bound to be in the presence of someone who has been victimized or who will be victimized in the future. When we question the veracity of alleged victims' stories and their actions or inactions, we send a message to other victims that society will not believe them and will question their experiences and character. The same can be said about people who sexually offend. How we talk about sex offenders impacts the way that they see themselves, the identity possibilities they envision for themselves. Media stories that portray individuals who sexually offend as sick, evil, monstrous and remorseless beings with no chance of redemption are thus harmful to the process of creating a pro-social identity.

Part II: Making sense of who we are: theorizing identity

A popular but fragmented subject

Questions about who one is or how a certain category of people is constructed are essentially questions about identity. I draw on the identity literature to make sense of how the sex offender is constructed in contemporary Canadian culture. As Vignoles, Schwartz and Luyckx (2011) state, "...fundamentally...identity involves people's explicit or implicit responses to the question 'Who are you? This may sound fairly simple, but in fact it masks a considerable amount of complexity'" (2). Therefore, we have to consider not only how individuals claim to make sense of who they are at the micro-level of interpersonal interactions but also how social discourses and structural forces impinge and ever so subtly influence how we are able to construct 'who we are'. While symbolic interactionism is more helpful in theorizing the former, postmodern considerations are more useful in exploring the latter.

Towards a definition of identity

Debates on whether identity is ‘this’ or ‘that’ are less interesting and informative than exploring – to use Kilty’s (2011) terminology – the *tensions* inherent in identity construction. For example, instead of debating whether identity is fluid or fixed, we can learn more by exploring how individuals navigate between fixed and fluid constructions of identity. In their definition of identity, Vignoles et al. (2011) attempt to encompass the multifaceted aspects of the construct, which admittedly can lead to confusion. Their definition, however, points to the abovementioned assertion regarding the value of investigating how people navigate the minefield of identity rather than attempting to arrive at a concrete definition.

Identity is simultaneously a personal, relational, and collective phenomenon; it is stable in some ways and fluid in others; and identity is formed and revised throughout the lifespans of individuals and the histories of social groups and categories, through an interplay of processes of self-discovery, personal construction, and social construction, some of which is relatively deliberate and explicit, whereas others are more automatic and implicit (Vignoles et al. 2011: 8).

Most contemporary identity theories, such as interpretive symbolic interactionism (Goffman 1963), structural symbolic interactionism (Burke & Stets 2009; Stryker 1983), and personal narrative theory (McAdams 2006) have their roots in studies of the ‘self’ that began in the late 1800s and continued until the early 1900s (Burke & Stets 2009; Scheibe 1999). Authors such as William James (1890), James Baldwin (1897), Charles Horton Cooley (1902) and George Herbert Mead (1934) theorized the nature of the ‘self’ and set the groundwork for contemporary identity theories. According to Hacking (2004), Mead “was totally opposed to a static picture in which a subject passively receives or absorbs social norms... [but rather] the essence of a man or a woman is constituted by their roles, the ways in which they interact and

even their spoken accents and their gestures, their ‘body language’” (290). While I do not incorporate these micro-movements in my analysis, the concepts proposed by symbolic interactionists are important in conceptualizing how people construct their identities.

Postmodern theories of identity have different roots, originating from art, philosophy, cultural studies, feminism, literature studies and queer theory and are not associated—aside from superficial similarities—with symbolic interactionism (Callero 2003). Callero (2003) argues that the postmodern interest in ‘selfhood’ is a result of non-academic influences, such as how globalization and capitalism contribute to the “...destabilization of traditional practices and cultural assumptions” which leads to a more ‘vulnerable’ self (115). For example, there is a sense that life is more individualized and people are more likely to occupy a variety of incongruent social roles (Callero 2003).

I have already described the dissonance between different constructions of the sex offender. While sensational constructions of the sex offender paint him as a monster incapable of change, the language of choice and change permeates correctional discourse.

Contemporary correctional practices seem to embrace a modernist approach that situates the self as a knowable and manipulable entity (Gergen 2009; Giddens 1991). The idea of radical personal transformation is rife in western societies and the discourse of change is not limited to correctional practices. McAdams (2006) claims that stories of redemption are the cornerstone of contemporary culture; the proliferation of the self-help industry is a clear indication that late modernity is characterized by the endless pursuit of our ‘best’ selves in a neo-liberal context (Rimke 2000). Indeed, there is a whole genre of inspirational books and movies based on the real-life events of people whom despite great odds become ‘something’. Malcolm X’s journey from criminal to revolutionary is perhaps one of the best-known

examples of such a transformation; his life story embodies the possibility of transformation and social mobility inherent in the American dream. The sex offender, however, is not afforded this chance. Indeed, a sex offender's story of redemption may sound like an oxymoron. In the words of one of my former professors, "Is there such a thing as an ex-sex offender?"

Self and Identity

'Self' and 'identity' are similar but different concepts yet are often misunderstood as one and the same (Weigert & Gecas 2005: 163). The differences between them, however, are less important than their similarities. Essentially, both 'self' and 'identity' are social concepts that do not operate in a vacuum; rather they are constructed reflexively through interactions with others (Baldwin 1897; Giddens 1991; Mead 1934). An individual holds a number of different identities, for example as a son, brother, uncle, father, and friend, which when taken together constitute the self. According to symbolic interactionism, the 'self' is reflexive; an individual can see himself as an object and can thus act on the self (Mead 1934). The 'self' is "...each individual's sense of his or her own particular identity, constituted *vis à vis* others in terms of similarity and difference, without which we would not know who we are and hence we would not be able to act" (Jenkins 1996: 29-30, emphasis in original). The social and interactional aspect of the self is evident in this definition. Without knowing and interacting with others, we would not have a sense of who we are. This process begins in infancy and continues throughout the life course (Giddens 1991). Early theorizations on the 'self' posited that although individuals play various social roles, a unified, core essence permeates contexts and interactions (James 1890). A more accommodating conceptualization, proposed by Baldwin (1897) states that an individual has a 'habitual self'—a permanent essence—and an

‘accommodating self’— a transformative, ever evolving and reflexive entity (Scheibe 1999: 34). In his book *The Self*, Scheibe (1999) tells the story of a woman who took on a new identity after the activist protests she was involved in resulted in a person’s death. Although others believed her new identity—accompanied by a new name, a fictionalized background, and new profession—she still felt fraudulent. This story exemplifies the idea that there is an inner self that exists independent of others’ perceptions of us.

Postmodern theories of identity question the ontological existence of the self and the assumption posited by symbolic interactionists that there is an individual ‘essence’ (Gergen 1991; Rattansi & Phoenix 2005). While both interactionists and post-modernists assume that identities are the product of relationships, postmodernists reject the premise of the ‘stable psychological base’ or a ‘core self’ and argue instead that identities are ‘decentred’ and ‘de-essentialized’ (Rattansi & Phoenix 2005). Instead of reflections of a ‘true’ self, identities are created within relationships, which, due to an increasingly unstable world, are themselves unstable (Coté 2006). Social theorist Anthony Giddens (1991) argues that traditional markers of identity, like the family, are increasingly becoming destabilized, signalling a shift in the norms and traditions that guide behaviours. In late modern societies, individuals are less constrained in their choice of actions than in pre-modern ones (Coté 2006). The idea of a ‘core’ self is thus questioned by postmodernists who propose that structural and institutional forces impinge on our freedom and therefore our identity (Coté 2006). Postmodern theorists question the idea of the “...core, rational, unitary self... [and argue that it] is simply a political artefact of the European Enlightenment” (Callero 2003: 117).

Goffman’s (1963) conceptualization of stigma can help make sense of the personal and social aspects of identity. An individual who sexually offends but is not known by others

to do so (except for his victims) does not have the public identity of a sex offender. Such an individual may not be easily distinguishable from the rest of the population; others may perceive him as a 'good person' who gets along well with children (Wallis 1995: 1). Goffman (1963) uses the term *discreditable* to refer to a person who possesses a stigma that is not visible; such an individual's social interactions focus on managing information about his sexually abusive behaviours (Goffman 1963). For example, he may hide his offences by intimidating his victims into silence or may 'groom' child victims by first befriending them with gifts and giving them non-sexual affection (Briggs 1995). By denying or minimizing his crimes, the sexually abusive individual manages information that, if made public, would ruin his public identity as a law-abiding citizen. Without the public attribution of the 'sex offender' status, he can 'pass' as a law-abiding citizen (Goffman 1963). When others, typically state social control agents such as the police or courts, identify him as a sex offender he becomes a *discredited* individual who has to manage the tension created by his offending behaviours (Goffman 1963).

Being accused of perpetrating a sex crime can turn a person's life upside down because it is an event that in a very public way challenges and damages the person's social identity (Schlenker 1980). Wallis (1995) states that to be identified as a sex offender can be considered "...a form of social suicide because, after disclosure, the offender's life is permanently changed" (16). According to symbolic interactionists, the change would primarily focus on the way others perceive the individual in question and how they interact with him. Once his identity as a sex offender is publicly known, the techniques he once used to manage his identity are unlikely to be useful. He now has to manage the stigma that the public identification has conferred upon him (Goffman 1963). The individual may attempt to

explain why he engaged in such behaviours by attributing his crimes to his troubled childhood or current stresses (Briggs 1993); he may withdraw from interactions with others (Goffman 1963); or he may attempt to show that he is still a good person by drawing attention to aspects of his personality or skills that he possesses that could override the sex offender role.

It does not necessarily take state identification of deviance, however, to impinge on the person's private identity. Sexual offenders are typically well aware that others would view their sexual behaviours as indicative of a deviant or abnormal identity (Jenkins 1996). Wallis (1995) postulates that many individuals who sexually offend know that their behaviours go against societal moral values but due to an overwhelming sense of shame lack the "...courage to break out of the offending cycle" (16) and may actually be relieved when they are caught. While some individuals who sexually offend may believe that society's definitions of sexual abuse are erroneous, it is likely that most are aware of the prevailing societal norms against such behaviours. Two concepts that embody symbolic interactionism – the looking-glass self (Cooley 1902) and generalized other (Mead 1934) – capture the reflexive aspect of self and identity formation. We have the ability to imagine relationships and interactions with others in specific contexts; in attempting to understand who we are and who we could be, we take into consideration how others react to us. Postmodern thought does not directly contribute to the vocabulary of knowing the self; rather, it provides different interpretations of relationships, interactions, identities, and what can and cannot be 'known' about these identities. Postmodernists reject the idea of objectivity; therefore, they also question themselves. This is quite a different interpretation of 'reflexivity' from that posited by symbolic interactionists. While reflexivity in symbolic interactionism refers to individuals incorporating how others see them into their sense of self, to postmodernists reflexivity means being aware of the

multiple voices and ‘truths’ that vie for legitimacy (Gergen 1991). The voices of individuals convicted of sexual offences are largely absent from discussions of sexual offending, a gap this research project aims to help fill.

Symbolic interactionism presumes that an individual can ‘get to know’ the self. For example, although we may play various roles in our daily interactions we have a ‘core’ self that transcends context, suggesting that there is an essence to our being that we can accumulate knowledge about (James 1890; Mead 1934). Compared to the modernist assumption that the ‘self’ can be corrected through specific interventions, the absence of an essential ‘self’ in postmodern theorizing means that there is nothing, in essence, to correct. The postmodern view of identity as “...continuously emergent, re-formed, and redirected as one moves through the sea of ever-changing relationships” (Gergen 1991: 4) offers a different way of constructing individuals who behaved in ways not socially sanctioned and who are looking to develop new identities as non-offending individuals. According to symbolic interactionists identities can transform to a certain extent but a ‘core self’ ultimately persists (Levine 2005). For postmodernists, the self is constructed *in* and as a result of our relationships, therefore new identities are always permitted.

Multiple roles, multiple selves: The multifaceted individual

The idea that individuals play multiple roles in their daily lives is not a controversial assertion; indeed, people can describe themselves in a variety of ways (Vignoles et al. 2011). In regards to identity theory, I concur with Vignoles et al. (2011) who point out that “...whether these things are described as separate identities or as components of a single identity is simply a question of terminology – a definitional question rather than a real substantive problem” (6).

Symbolic interactionist and postmodern theories about identity provide different but complementary views on the diverse roles that an individual can play. While the former focuses on the integration of these roles within one identity, the latter allows for multiple identities. William James (1890) pioneered the concept of ‘multiple selves’ when he argued that individuals do not have one self but various selves as exemplified by their diverse social positions within society. Each role has its own “...meanings and expectations” and the individual internalizes these into his or her personal identity (Burke & Stets 2009: 24).

Particularly important to understanding the impact of being charged with a sexual crime on identity management is the degree to which others perceive the individual as responsible for, and thus guilty of, an event (Schlenker 1980). These implications tend to be more negative when the event contradicts the role that the person played until that point; if the event is severe enough, it can taint the person’s identity permanently – a long-term stain that is difficult to remove (Schlenker 1980). Compared to other negative events such as causing a car accident or a physical fight with another adult, the sexual assault of another person is a severe event that is perceived as the sole responsibility of the perpetrator and which may contradict the social identity he had claimed until the event.

Goffman (1963) posits that a person’s public image is “...constituted from a small selection of facts which may be true... [but which] are inflated into a dramatic and newsworthy appearance, and then used [to present and construct] a full picture of him” (71). In the case of an accusation of sexual offending, the crime becomes the factor around which the newly identified sex offender’s public identity is constructed by actors in the criminal justice system (police, courts, corrections, and psy-experts); this process renders all other behaviours, roles or identities irrelevant in the social perception and make-up of the

individual's identity. The role of father is seen as incompatible with the role of sexual abuser, even if the man in question did not abuse his own children. Similarly, a priest accused of molesting choirboys will no longer be perceived as a good priest – who is expected to remain chaste as part of his work and religious and moral beliefs. In a recent Maclean's magazine article on female teachers accused of sexually offending against their students, Robert Shoop, a professor of education law, is quoted as saying: "You hear these women described as 'excellent teachers'. But if you molest students, you can't be an excellent teacher" (Kingston 2014). This comment exemplifies how the imputed sex offender identity negates other roles or identities that a person may have. The individual's roles and thus identities as a father, son, husband, businessman, coach, friend, or involved community member are silenced as the 'sex offender' identity takes precedence and becomes his master status (Becker 1967). Oftentimes, an accusation (without a conviction) of sexual offence is enough to taint the person's reputation permanently (Schwaebe 2005).

A person who sexually offends can see himself as a 'normal' person in spite of his behaviours (Goffman 1963). This may be because he is able to consider the various other roles he performs that confer him status or a sense of pride, such as being a father or a hard-working employee. Once his sexual crimes become public, however, the freedom he experienced by participating in various roles can be abruptly challenged. Since identity does not emerge independently of its context or interactions, others can reject, question or validate the identity that we present or claim (Jenkins 1996; Schlenker 1980). A validated identity is more likely to 'stick' (Goffman 1963; Jenkins 1996). Conversely, a questioned or rejected identity is less likely to be considered viable or 'real' by others. Even the process of rejecting others' definitions or assumptions about us, necessitates consideration of and interaction with

those constructions (Jenkins 1996: 27). Therefore, we are more likely to be able to enact an identity that others validate. The publicly accused sex offender can claim that he is still a good father and a valuable employee, but others are likely to reject these identities in favour of the seemingly more salient sex offender identity. The sexual offence can be symbolically thought of as a scarlet letter (Petrunik 2003), which obfuscates the other roles that the person may have played until that point in time.

Public identification does not occur without consequence to the person's embodied life. For example, individuals convicted of sex offences are increasingly monitored and their movements and interactions constrained. Legal conditions such as the long-term supervision order or the peace bond constrain their whereabouts and the people they can associate with to such an extent that the individual's social and physical environment is predicated on his status as a sex offender. All other opportunities in which he may enact the other roles he possessed before are minimized as his environment is saturated by interactions with professionals who see him *because* he is a sex offender. At the same time, interactions with 'regular' others are minimized or completely annihilated. For example, a sex offender's legal conditions prohibiting his interaction with the victim's family – when that family is his family – and with anyone with a criminal record, may essentially reduce his interactions to only those he sees professionally.

Postmodern theorizing proposes a different way of conceptualizing the various roles we play. Gergen argues that “society comes to tolerate, if not anticipate, breaches in moral careers. No single act of deviance is ‘telling’ of one's identity, because there is no personality to be told about” (1991: 185). This means that one sexual offence would not lead to the label of ‘sex offender’ becoming one's master status. The individual accused or even convicted of a

sexual offence would still be able to play other roles and could still hold on to relationships untainted by his sexual abuses; however, we know that this is not the case. For many people, one deviant act taints their identity precisely because sex offending is constructed as an inner trait that is impossible to cure or completely remove (Laws & Ward 2011). For postmodernists, the various roles people play can have two outcomes: relationships can feel fragmented or the person may play seemingly incongruent roles but may not feel that this is problematic (Gergen 1991). An example of the latter may be found in the case of a student who finances her schooling by engaging in sex work. While she may know that society would most likely view the roles of student and sex worker as incongruent she may not feel that this taints her identity. She may still believe that she can be a responsible student, a good daughter and a supportive friend. In other words, the absence of belief in a 'core self' can be liberating as we have the freedom to experience various relationships and interactions without the necessity of 'making sense' of how they relate to each other or to some inner essence. At the same time, we may be overwhelmed by the availability of roles we may play and become anxious about what these mean or how they make sense in relation to the ones we have already adopted. If we are capable of playing such diverse roles with various people, who are we? Are we just fragments? Or is this a more sophisticated way of making sense of what often seem incompatible roles to others, but may seem quite natural to the person playing these various parts? Such a conceptualization means that an individual accused or even convicted of a sexual offence can maintain the role of father, husband, brother, professional man, and sexual abuser without others seeing him as somehow 'inauthentic' (Gergen 1991). This perspective suggests that the role of sexual abuser is but one amongst a constellation of various identities that the individual may hold.

The postmodern conceptualization of identity roles has implications for the treatment and management of sex offenders. If there is no ‘core self’ and if sexually abusive behaviours are a product of relationships, does this mean that risk is external, rather than internal to the individual? Should the focus of intervention and treatment then be on the relationships and interactions the individual has or is likely to have? This proposed solution would obviously be more difficult to achieve than targeting individual triggers. How can treatment providers intervene upon the interactions and relationships the individual will have in the future with some unknowable other? Of course, this may seem no less preposterous than treatment providers attempting to control and manage what an individual will do or how he will think when he is released from prison.

Part III: The web of correctors: The surveillance and correction of the released sex offender

I use the term *web of correctors* to refer to the network of social control agencies and agents that are tasked with supervising the released sex offender in various capacities. Compared to the American focus on warehousing criminals (see Feeley & Simon 1992), the Canadian focus is characterized by a combination of risk management and rehabilitative strategies (Moore 2011). However, rather than a rehabilitation approach that facilitates identity transformation, I argue that the current strategy encourages the released sex offender to *maintain* his identity as a sex offender. He is encouraged to develop an identity as an eternal sex offender who is hyper-vigilant in his self-government, truthful with those in charge of his supervision and reintegration, and who does not forget that he will always represent a risk to others.

Despite the Canadian correctional discourse claiming that offenders can change (Correctional Services Canada 2013), practices predicated on a risk management approach are prominent in contemporary sex offender interventions. As I showed in chapter two, the sex offender is differentiated from other citizens and from other offenders. He is excluded from society in certain distinct ways – through incarceration and especially the dangerous offender designation, which can lead to his indeterminate incapacitation – but he is not banished in the strict sense of the word. Historically, banishment was used until the 19th century as a form of punishment against those who transgressed certain community rules and involved the person’s “civil death” (Spencer 2009: 224; Russell 1992). Banishment was a purely punitive measure, for it “did not seek to discipline and normalize the offender” (Spencer 2009: 224). Banishment did not involve surveillance, because the person was removed from society and was therefore out of view. As such, banishment contradicted the welfare model, which sought to intervene and correct problematic individuals (Garland 2001 in Spencer 2009). According to Spencer (2009), while banishment fell out of use during the welfare period, “in the contemporary post-welfare period there has been the emergence of a paradoxical form of outlawry” (224).

This can be seen in the proliferation of incapacitation measures based on risk classifications that essentially categorize the sex offender as beyond redemption. The dangerous offender designation is perhaps the most obvious example in the Canadian context. This legislation deems that some people represent such a high risk to public safety that they should be separated from the rest of us indefinitely, effectively creating a population of individuals that are banished forever. Spencer (2009) uses Giorgio Agamben’s (1998) concept of *homo sacer*, or bare life, to explain how the sex offender is at once excluded from society

“but also included by virtue of his relationship to the sovereign” (228). Spencer (2009) argues that through various legal mechanisms such as community notification, sex offender registries and civil commitment laws – the latter of which is commonly used in the United States – the sex offender is relegated to a *lawless space* or a *camp*, within which the sex offender is subjected to various forms of “sovereign violence” such as electronic monitoring, surgical and chemical castration and vigilante violence (221). *Lawless space* refers to the fact that the sex offender does not have the same legal means by which to contest his subjugation. For example, he cannot legally oppose a community notification (Spencer 2009). Even in cases where the sex offender apparently has the legal liberty to contest certain measures imposed on him, this rarely happens.

For example, during CoSA volunteer training, the police officer in charge of the Ottawa High Risk Offender Unit explained that a soon-to-be released sex offender has to consent to an s.810 order. My immediate thought was why would anyone consent to this? However, as he continued to explain I understood that what he was referring to was a form of coerced consent, although he did not see it that way, even after some heated debate. As the police officer explained, when he first informs the prisoner that he will apply an s. 810 order against him, he lets him know that while he has the right to withhold consent, doing so will be detrimental for his relationship with the officer. The police officer then proceeds to ‘negotiate’ some of the conditions on the order, as a sign of his willingness to ‘work with the offender’. This example illustrates Spencer’s (2009) assertion that the sex offender is excluded from the law at the same time that he is captured by it. This is quite different from the original use of banishing problematic individuals. Spencer (2009) proposes that through his exclusion from law, the sex offender is relegated to Agamben’s notion of the camp. The

camp does not represent a concrete physical space but rather it “is displaced onto the whole social body” (Spencer 2009: 230). In this non-defined space, the sex offender is subjected to violence by both the state and the public who may engage in vigilante action with few, if any, repercussions. Spencer (2009) gives the example of GPS electronic monitoring, which creates zones where the sex offender is either allowed or excluded. As he explains:

The circumscribing of the inclusionary and exclusionary space of sex offenders vis-a-vis GPS electronic monitoring is an example of the displacing of the camp onto society. GPS electronic monitoring places the sex offender under surveillance and pro-actively prevents sex offenders from entering exclusionary zones. The tracking of the spatial location of sex offenders in real time is a way for the operation of the parole officers to maintain the spatial fixity of sex offenders. This creation of a camp through GPS electronic monitoring allows for continual capture of the bare life of the sex offender so that sovereign violence can be acted upon his body (Spencer 2009: 231).

The same can be said for legal conditions – such as those imposed in an LTSO or a s. 810 – which prohibit sex offenders from certain areas such as parks, community centres or establishments that serve alcohol. By virtue of these conditions the sex offender is relegated to certain spaces and excluded from others. In these exclusionary and inclusionary zones the released sex offender is subject to different surveillance practices. However, I argue that the web that is spun around the released sex offender is not just one of surveillance or discipline, but an attempt to correct his fundamental flaws, be they lack of social/life skills, cognitive distortions and other flaws in thinking, and social networks. Similar to institutional sex offender treatment, the object of the intervention is not merely to watch over him with the nihilistic idea that he cannot change; rather, the agents of change that are part of the web attempt to correct both the behaviours and the thoughts of the sex offender under their care. Despite this purported belief in the possibility of change, the released sex offender is still

under strict surveillance. However, compared to omnipresent, invisible technocratic surveillance envisioned in traditional surveillance theories, newer surveillance practices are quite different.

Jeremy Bentham's late 18th century model of the ideal prison, the panopticon, is useful for making analytic sense of the management and control of individuals identified as sex offenders. Foucault's theorization of Bentham's prison has spurred an entire field of cross-disciplinary surveillance research. As David Lyon (2006) states, "[t]he panopticon refuses to go away... [as it] has caught the imagination of many researchers, for better or worse" (3-4). Bentham envisioned a prison where a single guard stationed in a control tower would be able to watch every cell, while the guard's central control tower would be located in the middle of the prison obscured from the view of the prisoners. This was achieved by the "...architectural arrangement of light which *suggests* panoptic surveillance to the prisoners" (Elmer 2003: 232-233, emphasis in the original). The genius of Bentham's model was that prisoners could not tell whether or not they were being watched. The consequence of such uncertain surveillance was to encourage prisoners to behave at all times as if they were being watched. Foucault (1977) used Bentham's model to explain the shift from a society where punishment involved the spectacle of public hangings and torture to a surveillance society. Behind prison walls corporal punishment was replaced by the control of the soul (Foucault 1977). Since then, the panopticon has become the symbol of a surveillance society in which subjects regulate their behaviour even in the absence of a watchful eye. It has also come to symbolize the "...sense of helplessness individuals often feel in the face of the overwhelming force of institutions...to determine their life within their confines...the sense that there is nowhere to run and nowhere to hide" (Simon 2005: 3).

While some have argued that the concept of the panopticon does not apply to contemporary society, especially when it is literally interpreted (Elmer 2003; Lianos 2003), others argue that it has been grossly overused (Haggerty 2006; Moore 2011). Haggerty (2006) for example, argues that the panoptic model does not adequately explain contemporary society in which people embody the dual role of watcher and watched; we willingly expose ourselves through webcams, reality television and social media sites such as Facebook. While the panopticon envisioned a one-directional model of surveillance, contemporary “...surveillance can be experienced from both sides of the lens as fun or liberating and does not fit neatly within the preoccupations of the panoptic model” (Haggerty 2006: 28). The proliferation of surveillance and its infiltration into many aspects of our lives “...undermin[es] the neat distinction between watchers and watched...” (Haggerty 2006: 29).

Haggerty (2006) further critiques the view of surveillance as one sided by pointing out that while those we subject to surveillance were previously thought to be the poor and marginalized – such as prisoners or factory workers – the powerful are also now being watched (Haggerty 2006). This can be seen in the proliferation of cell phones, which have allowed everyday citizens to document instances of police brutality, for example. Similarly, Thomas Mathiesen (1997) questions the usefulness of using the panoptic model in contemporary society. Mathiesen argues that contemporary society is infiltrated by and infused with mass-mediated images and is thus better characterized as a ‘viewer society’ in which the masses (regular people) watch the few (the celebrities and other ‘important’ people). Mathiesen (1997) terms this ‘synopticism’ and argues that we may be characterized as employing both panoptic and synoptic mechanisms.

Mathiesen's (1997) theorization on the mass media is useful for understanding the role of media in identity construction. While Mathiesen's contention that watching celebrities may be better suited for an analysis of 'reality TV' culture, his assertion that it is "the total Gestalt produced by television" that is more important rather than individual programming (228) resonates with the notion of identity transcendence. As previously mentioned, the totality of the stories told in the media create a certain narrative by excluding other narratives and thus impact what identities the person designated a sex offender can envision for himself and what we can envision for him. It is therefore unsurprising that his claims of 'change' are often met with resistance. Mathiesen (1997) argues that media personalities have power and are not merely ornamental; they "actively shape and filter information" "...they place topics on the agenda and avoid placing topics on the agenda..." (226). This means that the way the media report on issues related to sexual offending and victimization has the power to shape sex offenders' interactions with others, which in turn helps to form their identities. Mathiesen's (1997) argument that both panoptic and synoptic social control measures are part of contemporary society allows us to more deeply understand the ways that individuals identified as sex offenders are controlled and managed from the moment of their state-sanctioned identification (Petrunik 2002).

For example, Petrunik (2002) analyses the actuarial, risk-based sex offender interventions that proliferated during the late 1980s and early 1990s through the lens of the panopticon; at the same time, he argues that community groups such as CoSA, which involve a group of approximately four people watching one released sex offender could be better understood as a synoptic control mechanism. Despite these objections to the panoptic model, it is still useful for this research as it provides a necessary, although insufficient way to

theorize not only the technologies of surveillance identified sex offenders are subject to but also the mechanisms through which they are encouraged to self-govern. I contend that the legal conditions placed upon released sex offenders' time, movement in space, and associations are so grand that the city becomes a panoptic cage. Their movements are restricted to areas where they are under the watchful eye of various social control agents. It can be argued that citizens outside of total institutions are free to come and go, so the panoptic model is not applicable (Simon 2005). But sex offenders on supervision are not citizens with the same rights and mobility as regular citizens. Even in comparison to other offenders under community supervision, sex offenders are more intensely supervised and monitored (Harris 2014; Spencer 2009).

Foucault (1977) did not limit the panopticon to understanding the prison environment; rather, he proposed that the panopticon can be applied to any institution – schools or factories, for example – that requires its subjects to be disciplined and which aims to conserve its resources by limiting the number of watchers or supervisors (Foucault 1977). There are many contemporary examples of panoptic surveillance in practice outside of the prison environment. For example, this chapter was partially written in a chain coffee shop that has very few customers on the weekend. The lack of customers, however, does not mean that the two young staff members can relax and do as they please; in fact, I overheard them saying that they have to keep busy in case they are being watched. The proliferation of closed circuit security cameras and the evolution of their usage from catching a potential robber to watching the actions of employees has become an unquestioned facet of contemporary society. As Simon (2005) points out, Foucault theorized that the panopticon is "...mobile, able to produce the effects of enclosure wherever people might be found... Once enclosed not just by a wall,

but also by the cultural perception of limits, isolation and differentiation are possible” (Simon 2005: 9-10). The sex offender is categorized and differentiated, not just from other human beings, but also from other offenders as well. The cultural archetype essentially cages the sex offender in a restricted world where he is isolated even as he is expected to integrate into the community.

There are various limitations to both the panoptic model and Spencer’s interpretation of the sex offender as homo sacer. Spencer (2009) makes reference to various interventions, control measures and legal practices in the United States, the United Kingdom and Canada and paints a coercive, punitive picture of the state of sex offender interventions. Spencer’s (2009) theorizations on the violence imposed by the state on the sex offender – through chemical castration, community notification, public sex offender registries and the allowance of vigilante actions – provide a compelling picture of the ways that sex offenders are excluded in Western societies. For example, chemical castration, which decreases sex drive and testosterone production, excludes those subjected to this practice from the human rights of sexual pleasure and reproduction. Publicly identifying a person as a sex offender excludes them from numerous activities and endangers their physical and psychological wellbeing. While Spencer’s (2009) rendition may provide an accurate picture of the general approach to sex offenders in Western societies, because he conflates the abovementioned three countries, his analysis overlooks the specific Canadian approach, which includes risk-management components alongside rehabilitation ideals. The Canadian approach is quite different from that of the United States or the United Kingdom. For example, Canada does not have a public sex offender registry and community notification is rarely used, at least in Ontario. Therefore, due to the public’s lack of access to information on the whereabouts of released sex offenders,

vigilante actions are less likely to occur. Additionally, sex-drive reducing medication is used with older individuals and can be tapered off, which allows for the restoration of one's sex drive once the individual is in a relationship and wishes to have sexual relations. What we see now in the Canadian context is the inclusion of the sex offender in order for the state to correct his thoughts and behaviours; it is an inclusion that keeps him under the watchful eye of state control agencies and volunteer agencies (such as CoSA) so that his behaviours can be – if not corrected – at least monitored. It is an inclusion however, that cements his exclusion from regular society by cementing his identity as a sex offender.

A major critique of the panopticon is that it cannot differentiate between those subjects who have internalized the rules of the institution they are in, and those who are merely going through the motions (Simon 2005; Vaz & Bruno 2003). If we think of the released sex offender's world as a panoptic cage and a variant of a total institution, we can apply Goffman's argument that subjects in total institutions learn how to *appear* to be following the rules. As Hacking (2004) explains, Goffman's asylum "patients evolve[d] a way of appearing to their ward nurses as if they were doing what they were supposed to be doing" (294). In such a totalizing context, "there is a constant gap between what one is doing, and what one is feeling or thinking" (Hacking 2004: 294). To act like 'docile bodies' does not inherently mean that one has internalized the values of the institution (Vaz & Bruno 2003). While this critique may seem disparate from the one mentioned above regarding Spencer's (2009) research, the two are connected. First, the emphasis on rehabilitation or the rhetoric of care, as Moore (2011) named it, and which is overlooked by Spencer (2009), is closely tied to the ways that state control agents attempt to assess whether released sex offenders have internalized correctional discourse. The guiding premise that people can change positions social control

agents as engaging in practices that are for the good of the offender as well as for public safety. They are not merely monitoring the offender, waiting for him to make a mistake so that they can re-incarcerate him. Their work is premised on the rehabilitative assumption that the individual can safely (re)integrate into the community. In Canada, we do not want people to just follow the rules; we want them to internalize the rules and in the process, correct themselves. This fits with the rehabilitative ideals remaining from the welfare period.

In order for panoptic surveillance to be effective in eliciting behavioural change, first subjects must "...understand the rules of the prison..." (Simon 2005: 7). The panopticon assumes "...rational actors who share a homogeneous base of knowledge" (Simon 2005: 7). Therefore, sex offenders that are subject to the panoptic gaze could *pretend* to conform once they understand what is expected of them, meaning their behaviour will appear no different than that of those who are genuinely internalizing the rules (Simon 2005). For example, Lacombe (2008) found that some prisoners participating in sex offender treatment invented deviant sexual fantasies to fit what they perceived treatment facilitators expected of them. Therefore, social control agents have to assess whether their work is effective, and they attempt to do this by engaging in intentional conversations with the sex offenders under their supervision about their thoughts, feelings and behaviours.

In order to better understand the duality of this approach, I draw on Dawn Moore's (2011) concept of therapeutic surveillance. I find this concept helpful in understanding what is missing from these abovementioned theorizations as they apply to the state of sex offender interventions in the contemporary Canadian context. Moore (2011) argues that "the panopticon metaphor has been bled dry" and we need new concepts that challenge the construction of surveillance as it has been theorized in the panopticon-inspired literature

(267). Moore (2011) uses fieldwork in Drug Treatment Courts (DTC) to challenge the notion that control and care are dichotomous concepts. Rather, she argues that these are “two sides of the same coin” (Moore 2011: 267) and an analysis of their interaction and co-existence can inform us on the state of current surveillance practices in criminal justice proceedings.

Moore (2011) describes four characteristics of therapeutic surveillance, which can be usefully applied to intervention practices with released sex offenders. First, compared to the disembodied, technologically reliant surveillance practices that are prominent in the surveillance literature, therapeutic surveillance is more personal (Moore 2011). In this form of surveillance, people watch people. Released sex offenders are under the surveillance of social control agents such as halfway house caseworkers and other staff, parole officers (if on an LTSO) or police officers (if on an s.810 order), CoSA or parole office volunteers, and a CSC-contracted psychologist or maintenance program counsellor among others. While technology-facilitated surveillance such as the Sex Offender Registry is employed, even it relies on human interaction. The sex offender has to report to the police station where he interacts with a police officer who questions him regarding any changes in his status since his last visit. Two police officers are then deployed to the individual’s residence to check the veracity of his statements. Another characteristic of therapeutic surveillance, which stands in stark contrast with the panoptic-style surveillance is that it “is built on relationships and intimate knowledge of those being watched” (Moore 2011: 259). Drawing on Foucault’s concept of pastoral care, Moore (2011) argues that this means that it is not the cold, impersonal surveillance of the ‘tower’ but rather that of the ‘shepherd’ whose duty is to “know each individual to direct each one appropriately to her own individual salvation” (258). The surveillance of released sex offenders is not predicated on merely watching over them. Rather, the parole officer,

caseworker, CoSA volunteer and other social control agents, are keen on developing personal, meaningful relationships through which they become intimately knowledgeable of the sex offender, with the intended effect of changing or rehabilitating him. Of course, this is a unilateral relationship, since social control agents do not share personal information with their charges. Even CoSA volunteers, who are encouraged to share at least some personal information in order to build rapport with their core member, are instructed to refrain from disclosing certain matters such as their use of substances and recreational activities that involve ‘partying’ or children.

The third characteristic of therapeutic surveillance is that “many watch the one” (Moore 2011: 259). Compared to the panopticon where one can watch many, Moore (2011) conceptualizes therapeutic surveillance as one where various state control agents watch one individual. This is reminiscent of Mathiesen’s (1998) concept of the synopticon. Although when compared to the impersonal mechanism involving the media that Mathiesen describes, Moore (2011) articulates a form of surveillance that is much more intimate. It is not the ambiguous, secretive watching facilitated by the panopticon or the synopticon. Because therapeutic surveillance involves bodies, the individual in question knows who is watching him and when he is being watched. Petrunik’s (2002: 506) description of CoSA perfectly exemplifies this approach:

Rather than being driven from neighbourhood to neighbourhood like some tormented Frankenstein and perhaps reoffending in despair that he can ever be any different, the sex offender is given a chance to redeem himself under the *caring* but ever so *watchful eye* of a *concerned community* (added emphasis).

Compared to the punitive and control oriented surveillance of the panopticon, therapeutic surveillance is “presented as benevolent” (Moore 2011: 259). It is constructed as a

practice that is for the offender's own good. For the released sex offender, those individuals involved in his case all adhere to the rhetoric of an ethic of care in their dealings with him. Even parole officers, who work under the auspices of CSC – whose mandate is public safety – still maintain that their interventions, surveillance and monitoring are for the person's own good, for his rehabilitation and so that he can be a productive member of society. Although some of the actions taken by parole officers contradict those that are known to be conducive to a person's rehabilitation, during my fieldwork and interviews I observed that parole officers do couch their actions in an "ethic of care" (Moore 2011: 256) and rehabilitation.

Additionally, Moore (2011) states that drug court "participants are encouraged to recognize everyone involved in DTC as support workers in their recovery" (259). I similarly observed this in my work with CoSA and in the interviews. There were cases where a core member was unable to differentiate between halfway house employees, whose job is to report any infraction, and CoSA volunteers, whose role is to assist the core member in a more personal way. Because state control agents couch their interactions with sex offenders under this rhetoric of care, these offenders – especially those with limited cognitive abilities – are unable to differentiate between those whose duties involve public safety and those who are more concerned with the offender's wellbeing. This often led core members to be extremely honest with state control agents, something that I perceived as unnecessary and potentially risky. Because the main concern of these agents is risk-management, an admission of depression and anxiety, for example, can be interpreted as an indication of increased risk. As a result, the offender is monitored more closely – while not necessarily being provided with ways to effectively deal with the depression and anxiety – which can exacerbate his stress levels and lead to acting out or withdrawing. Considering that 'increased risk' can be used as

a reason to suspend a long-term supervision order, confiding in a state-control agent about one's psychological challenges, is, in my opinion, a risky and unnecessary action when the person has other individuals he can confide and receive help from, such as his CoSA volunteers.

Another reason that the concept of therapeutic surveillance is useful lies in the fact that it elucidates the point that “care does not come without coercion” (Moore 2011: 256). Moore (2011) argues that there is a tendency to view benevolent acts as free from coercion, yet surveillance employed seemingly for the benefit of the person can result in punitive outcomes. For example, DTC participants, by virtue of being watched by various state control agents, have an increased risk of being found to engage in actions that are deemed problematic (such as using drugs). As Moore (2011) explains, “the more contact, the more surveillance, the more chances [the person] will be observed making mistakes and thus the more opportunities for punishment as part of his treatment” (264). This is similar to a released sex offender's interactions with those agencies that are there to support him or to ease his integration in the community. CoSA involvement can be a tremendous help in terms of emotional support and support in finding employment, securing identification and other necessities. However, his participation also means that more people are watching him. CoSA policy states that a breach of his conditions, no matter how small, will be reported to his parole or police officer in charge of his supervision. Therefore, while he is receiving much needed assistance, his chances of being caught doing something that he is not supposed to be doing also increase. Additionally, while having a residency condition imposed as part of a long-term supervision order may ease a released sex offender's transition back into the community by providing free housing, residing in a halfway house increases his chances of

being caught making mistakes. Just like those whose participation in DTC could get them in “more trouble than they might find if they simply served a prison sentence for their convictions” (Moore 2011: 265), offenders serving an LTSO or who are otherwise released on parole may have lengthier criminal justice involvement than if they had served their full sentence in an institution. Additionally, a breach of an LTSO can delay the completion of the order by many months or even years since the order is suspended while the person is investigated and, if convicted, serves an additional prison sentence. In this context, the person can be caught in the web of the system for many more years than if he simply served his full prison sentence and was released without community supervision. Moore (2011) warns that a critique of care or control “does not indicate support for the other” (267). Indeed, it is not a matter of which is more efficient or whether we should focus on one and not the other. Moore’s (2011) concept of therapeutic surveillance allows us to make sense of and challenge unquestioned assumptions about rehabilitative strategies and their perceived lack of punitive measures.

I now turn to exploring how state control agents attempt to ensure that those they are supervising have internalized correctional discourse. The state measures each offender’s acceptance of and adherence to the official state version of the ‘truth’ as an indication of the degree to which the individual has learned how to view their past, present and future, within the neo-liberal discourse of choice and rational decision making. Supervision alone does not allow state control agents to assess whether the person has changed in ways that adhere to correctional and societal values; therefore, they rely on verbal communication to assess the degree to which the offender has changed and whether they need to increase their intervention practices or modify their approach.

The ‘confessional offender’: Constructing the ‘truthful’ identity

Foucault (1990) argues against the popular hypothesis that since the 17th century sexuality has been repressed in Western culture. He argues that rather than being silenced and censored, sexuality has been extensively studied, classified and categorized and constituted in a particular way. Beginning in the 18th century, the population “as an object of analysis and as a target of intervention” emerged and sex became the focus of scientific inquiry, which conferred a new range of experts and expert discourses (Foucault 1990: 26).

The scientism of sex contributed to “sex [being]...constituted as a problem of truth... [as we fail] to tell the truth of sex” (Foucault 1990: 56-57). Foucault (1990) argues that the focus on truth is specific to North American and European societies, as Eastern societies “...endowed themselves with an *ars erotica*... [in which] truth is drawn from pleasure itself, understood as a practice and accumulated as experience” (Foucault 1990: 57). In the Western context, the scientism of sexuality has resulted in an approach to telling the truth of sex quite opposite of the *ars erotica*: the confession – in both the public and private realm – became the predominant tool for “producing truth... [in a variety of fields as far reaching as] justice, medicine, education, family relationships and love relations...” (Foucault 1990: 59).

Confession however, is not the object in and of itself. The goal, rather, was to transform subjectivity *through* confession. The confessional has become the practice through which our thoughts, feelings, emotions and behaviours regarding sex are analyzed. Confessing can be spontaneous, self-motivated, or elicited by force, leading Foucault (1990) to argue that “...Western man has become a confessing animal” (59).

In terms of the convicted and supervised sex offender, the confession has become so entrenched in his management and governance that it goes unquestioned (Lacombe 2008;

Waldram 2007). The idea that the ‘truth shall set you free’ has translated into the idea that only the ‘truth shall transform or salvage you.’ I will show how the ideas of truth and confession are embedded in the treatment and supervision of the sex offender from incarceration to community supervision. The confession is the practice by which truth is assessed and validated by those in positions of power. As Foucault (1990) argued, the confession is a

...ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile...a ritual [which]...exonerates, redeems, and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation (61-62).

The truth of sex, however, was “...no longer a question simply of saying what was done – the sexual act – and how it was done; but of reconstructing, in and around the act, the thought that recapitulated it, the obsessions that accompanied it, the images, desires, modulations, and quality of the pleasure that animated it” (Foucault 1990: 63). As I discussed in chapter two, cognitive behavioural therapy – the therapeutic approach which dominates sex offender treatment – is predicated not merely on eliciting the ‘facts’ of the offending behaviour but on reconstituting the thought patterns, the emotional makeup and the internal machinations of the offender in order to correct these and replace them with pro-social, appropriate ones. This process involves the interplay not only between the offender and the treatment staff, but also between treatment participants, as they are encouraged to challenge each other in the group therapy sessions. Furthermore, the confessional practice continues when the offender is released and is attempting to (re)integrate in the community. State control agents such as parole and police officers, halfway house staff and CoSA volunteers

rely on the confession as a practice by which ‘truth’ is produced and by which the offender can transform into a law-abiding individual.

As Foucault (1990) argued, and demonstrating the connection to Goffman’s examination of the constitutive power of interpersonal relationships, the truth is not produced individually by the person in question; it is an interactional process by which the listener of the confession “...who assimilate[s] and record[s] it...” is also tasked with verifying its veracity; in other words, the “...one who listened was...the master of truth” (Foucault 1990: 66-67). Truth, then is not constituted as a personal truth; rather, it is a truth that only becomes such, once it is verified and validated – and in the process reconstituted by experts or authoritative figures. The subject’s ‘truth’ is only allowed to become ‘the truth’ if it fits with the expert’s ‘truth’.

Correctional practices are predicated on assessing the truth of the sex offender’s crimes, the thought patterns that preceded them, and his current feelings and sexual fantasies (Lacombe 2008; Waldram 2007, 2009). This preoccupation reflects a positivist approach in which the truth is indicative of real events that are thought to have only one possible meaning (Waldram 2007). In contrast to postmodernist thought, which acknowledges the existence of multiple voices and realities (Callero 2003; Rattansi & Phoenix 2005), positivist thought presumes that a ‘Truth’ can be sought and ascertained by experts (Taylor, Walton & Young 1973). I draw on the literature on narrative analysis to question the positivist assumption that there is an objective ‘Truth’ that people can use to construct their life stories. Although there are diverse views among narrative researchers, according to Spector-Mersel (2011) there are two premises about which consensus has been reached. First, that a “mutual relationship exists between life and narrative... narrative imitates life and life imitates narrative” (Spector-

Mersel 2011: 173). Second, that "...*selection* is the main process through which lives are molded into stories" (Spector-Mersel 2011: 173). Narrative analysis acknowledges that people's lived experience affects the interpretation and reconstruction of past events and present circumstances. Narratives have a shaping quality, not just a telling quality. They not only tell us something about the person's past, they also help to shape the person's identity and future. The narrative approach is based on the assumption that people understand and shape reality by the stories they tell. It is through narratives that "we gain a sense of continuity and identity...connect with others...learn our culture...and adjust our behavio[ur]s" (Spector-Mersel 2010: 211). This supports the symbolic interactionist proposition that identities are created depending on the meanings individuals attribute to various interpersonal interactions. Writing one's autobiography and telling one's life story involves reflexively making sense of and reflecting back on our experiences; this process may allow us to understand more deeply our past behaviour and can be considered beneficial to identity construction (Atkinson 1998). This is not merely about including others' perceptions of us into our conception of who we are. It is about rejecting the idea that there is one way of perceiving the past or that there is a 'Truth' about our past that has to be objectively assessed. The idea of multiple 'truths' and 'voices' demanding validation – as described by postmodernists – means that the past is fluid and is open to interpretation. The process of making sense of one's past, present and future can be conceptualized as 'identity work'. Researchers who rely on life stories to understand how people make sense of their experiences emphasize the agentic nature of the narrator's construction of his or her life story (Atkinson 1998; Riessman 1993).

The individual identified as a sex offender who has to navigate the criminal justice system with that label is constrained in the way he may narrate his story. From the moment of identification, his story has to centre on his sexual crimes and the precursive events and emotions to his offending. These precursors are thought to demonstrate the choices he made to facilitate his offending behaviour. The question of ‘truth’ for the identified sex offender is personal, fluid, and nuanced and it may collide with the official or institutional version of the truth – which is static, concrete and considered to be in the domain of expert opinion. The official truth culminates in the offender’s digital file, beginning with its formation at the moment that he is publicly identified as a sex offender, usually upon his arrest. From this time forward, “the question of ‘the truth’ dominates an offender’s life” (Waldram 2007: 146-147). The official truth is constructed over time and based on the supposed facts about his criminal acts which are derived from “police reports, court documents, penitentiary placement assessments, security rating assessments, psychological and psychiatric evaluations, and criminal records” (Waldram 2007: 155). This ‘official life story’ is constructed by the state as the ‘truth’ against which anything he says in the future will be measured (Waldram 2007).

The offender’s digital profile does not only follow him while he is incarcerated; rather, it precedes his arrival at the prison and follows him when he is released to community supervision (Kilty & DeVellis 2010; Waldram 2007). Institutional staff has information or the ‘Truth’ about who an individual offender is, before he arrives in prison and before he joins the sex offender program because his file is sent ahead of his physical body (Kilty & DeVellis 2010; Waldram 2007). This suggests that one’s criminal identity is constructed before the person arrives at the institution for assessment, evaluation and treatment, meaning that the individual does not have to be physically present for his identity to be narrated by others. In

this context, support for the symbolic interactionist proposition that identity is formed through personal interactions is weakened, as the individual is not personally involved in the truth building process and is not afforded the opportunity to present himself anew. Rather, the idea that there is a ‘core self’ that can be constructed based on the ‘truthful’ renderings of risk classifications, expert opinions and judicial decisions, is given prevalence. The assumption that there is one ‘Truth’ that can be ascertained by correctional treatment experts, is incompatible with the postmodern assumption of ‘multiple voices’ with ‘multiple truths’ (Gergen 1991; Rattansi & Phoenix 2005). These issues are ignored in the construction of the prisoner’s life-story. This is not the reflexivity proposed by postmodernism—the self-awareness that allows us to “be aware that each truth about ourselves is a construction of the moment, true only for a given time and within certain relationships” (Gergen 1991)—but a reflexive awareness of expert discourses.

The concept of ‘truth’ goes beyond something that is measured by facts; it speaks to one’s character. Within correctional discourse, sex offenders are repeatedly told that *they* must be truthful. Their reintegration and their salvation are predicated on not just *telling* the truth, but *embodying* a truthful identity. Even volunteer-based organizations such as CoSA rely on the official version of the ‘Truth’ about the core members they work with. For example, in order to be accepted in the program, CoSA staff “require[s] full access to the core member’s clinical and criminal justice files” (Hannem & Petrunik 2004: 101). Additionally, core members are instructed that they must commit to ‘open’ and ‘honest’ communication with their volunteers and other professionals such as their therapists and parole officers (cosa-ottawa.ca/core-member). During the first few circle meetings, core members are told that they will have to disclose and explain how they ended up in their current predicament. The reliance

on the production of truth through confession as a way to help an individual convicted of sexual offences is evident here.

The way that the sex offender constructs his life-story can be seen as a test to assess whether, and to what degree, the prisoner internalizes correctional discourses (Foucault 1977). Additionally, I argue that during institutional sex offender treatment, the autobiographical component instructs the prisoner on what state control agents expect from him in the future. It inculcates the offender to expect to be probed and challenged, his 'take' on things to be questioned and rejected. The autobiography, then, is just one in a long line of practices used by state control agents in the production of 'Truth.' It sets the tone for how the person is to talk and think about himself in the future. Once the sex offender is released from prison, he will continually be asked to provide his story. Like in institutional sex offender treatment, the story that is sought from him centres on his criminal activity. By this point, the released sex offender is well acquainted with what his story must contain in order to be deemed suitable by the social control agents requesting it. Intervening in the person's process of narrative storytelling is not benign. For example, Digard (2014) shows how British probation officers do not just listen to the probationers' stories about their crime; rather, they "encourage[] them to reconsider their actions" (432). Digard (2014) concludes that "the act of confession within a power structure may itself be transformative; tacit or explicit demands made by the audience shape the confession and, ultimately, the confessor's self-knowledge" (433).

This does not mean that individuals identified as sex offenders do not resist these instillations of 'Truth' into their life stories. Resistance, however, when one's lived reality is constrained by state control agents is difficult and often punished. Not being truthful, or challenging the official truth "while one's legal right, calls up the forensic treatment

triumvirate of minimization, justification and denial... [and can be used as]... evidence of one's deviance. Hence, challenging official truths constitutes acts of resistance which are rarely rewarded" (Waldram 2007: 156). If one challenges or resists the official story or does not adequately allow for the cognitive shift that is necessitated by the treatment staff, one can be removed from the treatment program, which can negatively affect parole decisions. During my fieldwork, I observed that inquiring about release conditions was often seen as evidence of deviance, a problematic personality and as an indication of increased risk potential.

Conclusion

In this chapter, I draw on the theoretical concepts of 'making up' people, identity construction and the surveillance/care dichotomy to analyze the contemporary Canadian approach to sex offender treatment and management. I show that in correctional discourse, the individual who sexually offends is constructed as having a deviant 'core self' that permeates all contexts and relationships and that is incapable of deep, long-lasting change or transformation. Correctional sex offender discourse does not incorporate the postmodern ideals of multiplicity of voices, reflexivity and social construction (Hacking 2004); rather, it is stuck in a quest for the 'truth' where expert voices dominate. Correctional treatment reflects the modernist assumption that the individual has a 'core self' that can be assessed and thus known by experts who in turn can help the individual manage (not cure or permanently change) himself. An approach to therapy that does not solely focus on the individual's psyche or on managing his behaviour seems unimaginable. The construction of the sex offender as intrinsically 'risky' and as a different type of person from non-offenders and from others in conflict with the law impedes us from seeing alternatives that do not focus solely on the

individual. To suggest alternative interpretations of sex offending is politicized as irresponsible or as excusing sexually abusive behaviour.

While the Western world may be ready to accept postmodern ideals that allow individuals to claim a right to speak and be heard, to play fragmentary roles, and to engage in fractional relationships (Gergen 1991), I argue that those accused or convicted of a sexual crime are not afforded the same opportunities. Offending sexually is perceived as such an intrinsic part of a person that to argue otherwise may be seen as tantamount to condoning it. The modernist conception of identity as ‘totalizing’ does not allow for “alternative accounts of reality” (Gergen 1991: 245). Such views limit the ways that we see individuals and in turn place restrictions on how individuals can see themselves. For stigmatized populations like sex offenders, these limits are even more significant as they must contend with the stigma attributed to them due to their actions and the social and legal conditions applied to them by social control agents. However, while the released sex offender may experience a sense of exclusion from certain realms of public life, it is an exclusion that is couched within an inclusionary rhetoric of care. His surveillance is constructed as benevolent and to the uncritical eye he may seem to have an extensive team of people who support his reintegration. However, it is precisely this kind of therapeutic surveillance that entrenches him in a system that encourages him to construct his identity as a perpetually at-risk individual who must be hyper-vigilant in his self-government. In other words, the *care* and *help* he receives solidifies his place as an outsider who can never truly integrate and put his past behind him. The past is forever present in his identity as a sex offender.

Chapter 4 – Methodology: Engaging with the subject and accessing the field

Introduction

I begin this chapter by outlining the methodological approach taken for this research, including epistemological and ontological considerations. I then position myself as the researcher and engage in a reflexive analysis of the process through which I conducted this research. The chapter continues with a discussion of ethical considerations and then a description of the research methods used, including the operationalization of key terms, sampling and recruitment methods, and semi-structured interviewing. I then provide a description of the analytical process, covering transcription, the coding strategy, and thematic content analysis. I then discuss the criteria by which the rigour of qualitative research should be evaluated and judged in light of its fundamental difference from quantitative research and consider the limitations of this research and the contributions it makes to the field.

Epistemological engagement

This project engages with epistemological questions concerning what it means to be publicly identified as a sex offender in the current Canadian context. Sex offenders are both visible and invisible in contemporary society. As a group, they are highly visible; they are the ‘monsters’ and the ‘evil’ people that we are supposed to fear the most. Yet, they are simultaneously invisible *beyond* their status as sex offenders, which obscures other aspects of their identity. While criminalized individuals contend with the stigma associated with their status as current or former prisoners, individuals categorized as sex offenders are even more stigmatized and marginalized. They are generally perceived as the ‘lowest of the low’ – even amongst other offenders – and as people who by virtue of their offences have forfeited some,

if not all, of their rights, including the right to be heard or tell their story. Political campaigns often use the public's fear of sex offences to garner support for various legislations and to promote their political campaigns. For example, in 2012, the federal Conservative government attempted to pass Bill C-30, titled "Protecting Children from Internet Predators" which would have increased police powers to obtain information, including the IP addresses of Canadians, without a warrant. When a Liberal MP criticized the bill for its invasive nature, then Public Safety Minister Vic Toews counteracted with the now "infamous" line: "He can either stand with us or with the child pornographers" (Ibbitson 2012). Sex offenders are constructed as the ultimate scapegoats for societal ills and anyone who seemingly opposes the expansion of state powers to citizens' lives, risks being accused of 'siding with the sex offenders' or not caring about the well-being of children.

Echoing Bruckert's (2014) assertion that, as social scientists we do research to "shed light, to render the invisible visible [and in some cases...] to influence policy and for social change" (312), I situate my research within an activist framework that aims to listen to the voices of individuals who have been marginalized and silenced in contemporary discourse, with the hope of influencing public policy. This project is not merely a theoretical exercise. Rather, I consider the concept of praxis – "working to enact social change regarding the politicized social, economic, scientific, and legal issues" (Kilty 2014: 127) – around criminalization and punishment as integral to my future work. Lincoln (2002) argues that a quality criterion of qualitative research needs to focus on the extent to which "...research takes place in, and is addressed to, a community...[and] it serve[s] the purpose of the community in which it was carried out, rather than simply serving the community of knowledge producers and policymakers" (334). While I chose to focus this research project

on those individuals who are criminalized for sexual offences, I situate my research and practice within the prisoner rights activism movement. I wish to subvert the distinction between ‘regular’ prisoners and those convicted of sexual offences – a distinction that is made by the correctional system and even by prisoners themselves, but which can be arbitrary. For example, those convicted of sexual offences may also have caused other types of harm and those convicted of ‘regular’ crimes may have caused harm of a sexual nature, but may have evaded detection or conviction. It is true that those labelled sex offenders contend with special issues that ‘regular’ prisoners do not, but to situate myself outside prisoner rights activism is to support an artificial distinction that only isolates and silences rather than includes and empowers.

From 2012 to 2015, I was an active member of a research and activism group called the Criminalization and Punishment Education Project (CPEP), which is comprised of students, professors, community members and those with lived experience of the criminal justice system. We organized protests, public forums, art and music events, and produced research on various issues on criminalization and punishment, including a public forum on the funding crisis that Circles of Support and Accountability (CoSA) was experiencing at the time (in 2015). In the future, I hope to provide research-based information to the public and policymakers to influence policies on criminalization, especially those pertaining to sexual offences. For example, while seemingly effective, policies that focus on publicly identifying those who have sexually offended – such as making the sex offender registry public – or on lengthening prison sentences for sexual offences through measures such as mandatory minimum sentences, are not only ineffective but can actually cause more harm to both perpetrators and victims. Making the sex offender registry public can lead to increased

vigilantism and can inadvertently identify victims who are related to their perpetrators (Levenson & Cotter 2005; Tewksbury 2005). Furthermore, being publicly identified can lead to ‘going underground’ and not accessing treatment or being around those who can offer social support, both of which are protective factors in reintegration (Petrunik 2003). From my experience, in some cases the public and the media can be responsive to well sourced, well-argued information that may actually counteract their preconceived ideas about ‘what works’ with sex offenders. For example, an open letter I collaborated on while working for Circles of Support and Accountability (CoSA) that argued against the conservative government’s proposal of a public sex offender registry got picked up by the media and Sun News – a right-wing paper – published a piece outlining the drawbacks of a public sex offender registry.

Although there is extensive research *on* sex offenders, it is usually research using a positivist approach that aims to predict, control and assess their risk of re-offence (Andrews & Bonta 2003; Bonta 1996; Ford & Linney 1995; Hanson, Babchishin, Helmus & Thornton 2012; Hanson et al. 2014; Lussier 2005; Lussier, Leclerc, Cale & Proulx 2007; Lussier & Davies 2011). Proponents of this approach contend that it is a neutral, unbiased, and scientific approach, which fails to consider the subjective nature of all research (Andrews & Bonta 2003). Research offering a critical understanding of how the category of sex offender is constructed or how the individual who is publicly identified as a sex offender constitutes himself and how he contends with popular, medical, psychological and correctional discourses on sex offending/ers is rare (see Bonnycastle 2012; Lacombe 2008, 2013; Waldram 2007, 2009). Taking a critical and constructivist epistemological approach in this research does not automatically obligate me to take an activist/advocate stance. However, I choose to identify myself as an advocate, activist and facilitator of hearing multiple voices.

Epistemological Framework

My research focuses on ‘identity work’: the process of making sense of one’s past, present and future in a way that contributes to one’s social and personal identity. We engage in identity construction every day, in the ways that we think about and make sense of our past, in our interactions with others, in the ways we conceptualize our present, and through the future possibilities we see for ourselves. We are agents in these constructions, but our choices are not free from constraint. In the process of constructing our identities, we engage, negotiate and reject the limitations imposed on us by a variety of social and institutional structures and discourses. Being publicly identified as a sex offender means re-working your identity to take on that new status. This can involve reassessing the ways that others perceive your identity, reflecting on the identity roles you embodied and or performed in the past, (re)negotiating the roles you perform in the present, and (re)considering future identity possibilities. Correctional discourses, including treatment and supervision – although not explicitly about ‘identity work’ – attempt to instil a very particular identity within individuals convicted of sexual offences: the rational offender who in the past chose to engage in illegal sexual activities and who, with the help of social control agents, can manage his ‘triggers’ and therefore avoid re-offending. I take a constructivist and critical epistemological approach in order to critique this discourse and to better understand how both micro level interpersonal interactions and macro level structural and institutional arrangements come to shape how individuals construct and perform their identities.

Critical and constructivist epistemologies challenge positivism and post-positivism, which dominate contemporary criminology (Grbich 2013). The goal of constructivist researchers is to unpack labels such as ‘sex offender’ and to promote more complex and

nanced understandings of human behaviour and identity (Guba & Lincoln 2004). Compared to positivism, which assumes a concrete reality that the researcher can investigate and discover, constructionism assumes “that there is no objective knowledge independent of thinking. Reality is viewed as socially and societally embedded and existing within the mind [and...] knowledge is constructed jointly in interaction by the researcher and the researched through consensus” (Grbich 2013: 7). As Guba and Lincoln (1994) ascertain, a constructivist epistemology assumes that “[t]he investigator and the object of investigation are...to be interactively linked so that the ‘findings’ are *literally created* as the investigation proceeds” (111). Following van den Hoonaard’s (2014) assertion that as qualitative researchers we should position ourselves not as ‘investigators’ but as ‘learners’, I contend that the process of conducting this research will *create*, rather than *uncover* knowledge. Grbich (2013) further explains constructionism:

Knowledge is subjective, constructed based on the shared signs and symbols that are recognized by members of culture. Multiple realities are presumed, with different people experiencing these differently. The research focus is on exploration of the way people interpret and make sense of their experiences in the worlds in which they live and how the contexts of events and situations and the placement of these within wider social environments have impacted on constructed understandings (7).

A critical epistemological framework is useful for studying how historical, social, political, and cultural influences shape the ways in which sexual offending is understood and its possible impact on the identity options of individuals so labelled (Guba & Lincoln 2004). Grbich (2013) explains: “Postmodernism views the world as complex and chaotic and reality as multiply constructed and transitional – unable to be explained solely by grand or meta

narratives” (8). Postmodernism fits with social constructionism since it is based on the assumption that,

[t]he search for reality ‘out there’ is qualified by the understanding that society, laws, policies, language, discipline borders, data collection and interpretation are culturally and socially constructed. In recognition of this socially constructed world, disruption, challenge and a multiplicity of forms are essential in order to pull these constructions apart and to expose them for what they are (Grbich 2013: 8).

These conceptualizations are significant because I aim to analyze how the sex offender is ‘made up’ (Hacking 2006) in the contemporary Canadian context and how individuals who have been so labelled see themselves. These constructions are the intersectional product of the discourses on sex offenders that are presented in the media, by the courts, and in correctional and community treatment practices and are filtered through the person’s own interpretation, as he makes sense of his predicament. Additionally, his interpretation is then filtered through my own, as I create written knowledge based on my understanding and analysis of the interviews I conducted. Having ascertained the process by which I believe identity is constructed, in the next section I discuss the ontological position of this research.

Ontology

The question of ontology in research has to do with what the researcher considers knowable. What are her assumptions about what kinds of knowledge her research can produce? This is an important question because the researcher’s assumptions about the world influence the theories and methods she uses, which in turn influence what she perceives as possibly knowable. Those who believe that there is a ‘Truth’ out there to be discovered in the ‘Real’ world generally use positivist theories and methods. Fabian (2014) describes the

preoccupation with the “Truth” in social sciences as “Eurocentric notions of evidence and truth” that are concerned with ‘facts’ to the exclusion of “grander narratives and the broader context” (248). Speaking in the context of her role as a government employee working on the Residential School issue, Fabian (2014) argues that qualitative approaches that consider those “grander narratives” and “broader contexts” have gradually lost their standing as they have been replaced by an exclusionary focus on ‘the facts’ which often obscures meanings, humanity, and the sheer complexity of issues that have to do with history, memory, and emotions (248). In accord with social constructionist, postmodern and critical approaches, I contend that there is no ‘Real’ world out there for my research to uncover. Rather, there are multiple ‘truths’ that can be illuminated through research and knowledge creation.

My aim is to better understand how people make sense of their experiences; to glean their understanding and perceptions of themselves and others; and to hear and centre the voices of those who are generally excluded from participating in public discourses on criminalization. Research that seeks to understand the meanings that individuals assign to their lives offers space to generate a counter-narrative to mainstream discourses about sex offending. It is my intention to use these counter-narratives to inform public discourse on this topic through various means, such as engaging with the media, writing pieces meant for both academic and broader public audiences, and to highlight issues regarding those criminalized for sexual offences within larger prisoner rights work¹¹.

¹¹ For example, in my work with The Criminalization and Punishment Education Project (CPEP) – a research and activism group comprised of academics and those with lived experience – I helped organize a public forum on the government funding cuts to Circles of Support and Accountability (CoSA). We included the stories – in their own words – of those who had benefited from CoSA’s services and received some media attention.

Their story, my story: Problematizing the concept of ‘giving voice’

With this research, I attempt a similar goal: to bridge the personal with the social and the political. Current correctional discourses individualize offending, conceptually cutting it off from social structures, interpersonal dynamics and systemic inequalities. I aim to challenge this trend by offering a more complex understanding of how individuals construct their identities in their situated social and political contexts. Identities are not constructed in a vacuum; therefore, an analysis of identity construction and presentation of self cannot be attempted without stepping outside of the framework that individualizes behaviour, responsibility, and identity. While my research aims to challenge this premise by using life story interviews, I do not claim, like some qualitative researchers, to ‘give voice’ to the research participants (see Josselson 2007 for discussion). Giving voice to marginalized groups has been problematized by researchers (see Bruckert 2014) for a variety of reasons, including that we, as academics, benefit from our participants’ life stories.

As Bruckert (2014) points out, marginalized groups “have seen their words and their experiences transformed into data, appropriated, and used to advance the careers of academics” (311). This was something that I struggled with throughout this research. Knowing that individuals convicted of sexual offences have to become ‘open books’ in the sense that they are actively encouraged and/or coerced to tell their life story during treatment (Bonnycastle 2012; Lacombe 2008; Waldram 2007) and once they are released (Digard 2014), I was reticent to further exploit them for my own gain. While I asked about their *whole* life during the interviews – the most salient criteria for inclusion in my research was that a participant had to have been convicted of a sexual offence. It is therefore not unreasonable to believe that participants may have assumed that I was interested in their *crime story*, not their

life story. While I did not ask explicit questions about their sexual offending – rather, I asked about how they ended up in conflict with the law – I recognize that I was interviewing them *because* they had sexually offended. Bruckert (2014) states that given this relationship between interviewers and interviewees, it is no “wonder members of marginalized communities feel used” (Bruckert 2014: 311). My cautious approach to interviewing was somewhat ameliorated by the fact that participants told me that they were happy to participate in any type of research. Perhaps this speaks to the fact that compared to other marginalized groups such as the homeless or sex workers, sex offenders are not over-researched. Participants cited two reasons for their willingness to partake in this research: first, they wanted to help me figure out how to solve ‘this problem’ (sex offending); second, they wished to give back to the community and the treatment facilities that had helped them.

However, the participants’ willingness to share their stories did not completely alleviate my anxiety about the possibility of exploitation. From the beginning of my fieldwork with CoSA, I was uncomfortable with how much was being asked of the core members to disclose, not only about their past, including their crimes, but also about their current state of mind, including their emotions, feelings and thoughts. It was as if, due to their offences, they had somehow implicitly given up the right to privacy. At the time, I did not realize the degree to which this approach to supporting sex offenders reflected correctional treatment approaches that demand that sex offenders be completely open in order to have any chance of being ‘helped’ (Lacombe 2008; Waldram 2007). I often thought about how, as citizens, we are not required to confess our sins to such a public extent. As academic researchers, we rely on others to share their lives with us, and we expect them to do so readily. We follow the ethics protocol of informed consent, right to withdraw from the study, and other such measures to

avoid causing harm. However, as I began writing, a question kept nagging at me: How comfortable am I to disclose my life, including those events that might be relevant to how my positionality shaped this research? Academics enjoy a certain status privilege. However, even within this seemingly safe bubble, there are ranks of safety. As Bruckert (2014) admits, she disclosed her past involvement as a sex worker in stages with full disclosure only occurring after she received tenure. In terms of levels of stigmatization, anything I could possibly share about my life pales in comparison to what my participants shared. And yet, I am reluctant – even from the privileged position I hold as a white academic – to share certain aspects of my life, thoughts and feelings here.

I am further troubled by the concept of positioning research as ‘giving voice’ to marginalized people because this project is ultimately the result of a myriad of choices *I* made. In conducting interviews, transcribing and analyzing them, researchers make decisions about what is important and what is insignificant; therefore, ‘representational decisions’ are an integral part of research that we cannot ignore (Riessman 1993). Furthermore, we do not present the voices of our participants unfiltered; rather, we ‘butcher’ the text, presenting quotes oftentimes in isolation of the context they were provided in. How then, can we claim to represent the voices of those we interviewed? Rather than claim ‘to give voice’ I contend that my research will “...record and interpret” my participants’ voices (Riessman 1993: 8).

In abiding by the assumption that knowledge is constructed, it is important to be aware that we are not only telling the story of our participants but constructing our own story as well (Stalker 2009). This ‘story’ includes our “...theoretical positions and empirical conclusions developed at a particular time and place... [and is more] like an...academic biographical narrative[.]” that is as much about us as it is about the participant (Stalker 2009: 225). At the

same time, we are not able to fully represent our research participants since they themselves did not fully know what the study they were participating in would eventually entail or become. As Bruckert (2014) argues: “Duplicity is built into the research process. There are always some areas of the research agenda that are not fully revealed. At the very least, the extent of analysis and abstraction is unlikely to be showed at the onset of the data collection” (314). I would argue that this is not the result of some scheme to avoid being fully honest with research participants. Rather, it is difficult to know where qualitative research will take us and how the parameters of the study will change over time (van den Hoonard 2014). While we may initially present our research within a structured framework that may seem concrete and unmovable – especially at the beginning stages when we apply for ethics approval – qualitative research, by its very nature cannot and should not be confined to such strict limits (van den Hoonard 2014). This highlights the complexity of concepts such as consent and voice. As Bruckert (2014) argues: “Perhaps the term *consent* itself is misleading, suggesting that informants are acquiescing to a process when in fact they cannot, our best efforts notwithstanding, be fully aware of its implications” (314).

I want to make clear though, that I do privilege my participants’ voices and the knowledge they shared. However, I am also acutely aware of the possibility that they may have internalized the correctional discourses to which they were subject while incarcerated and under community supervision. Speaking to her experience as a researcher and activist for sex workers, Bruckert (2014) asks:

Who is *the* expert? Certainly marginalized people are the experts of their own lives; however, are they the only experts? Are they the experts of others’ lives? Is a sex worker necessarily the expert of the industry? Is there a hierarchy of experiential expertise, and if so

what is it based on?... [A]n *authentic* voice is not a *representative* voice (312).

From a constructivist perspective, the researcher's "...voice is that of the "passionate participant" (Lincoln 1991) actively engaged in facilitating the 'multivoice' reconstruction of his or her own construction as well as those of all other participants. Change facilitated as reconstructions are formed and individuals are stimulated to act on them" (Lincoln & Guba, 1994, 115). While I place the men's knowledge at the forefront of this research – acknowledging that they possess knowledge that has generally been ignored or silenced in criminological research, I must also consider how dominant discourses on crime, corrections, and specifically sexual offending may have shaped these men's lived experiences and narratives.

Reflexivity & Positionality

Positionality is an inherently qualitative criterion that largely goes unaddressed in positivist and post-positivist research. In this section, I position myself as the researcher, by describing my background, assumptions, and stance related to the topic of this project. By doing so, I hope to allow the reader—as much as possible—to understand my intentions, biases, and aspirations for this research once it is complete. Positionality also refers to embracing the notion that as researchers we have an impact on the texts that we produce. I take the postmodern approach that "...any text is always partial and incomplete; socially, culturally, historically, racially, and sexually located; and can therefore, never represent any truth except those truths that exhibit the same characteristics" (Lincoln 2002: 333). Compared to a positivist researcher, who "is seen as occupying a pseudo-objective distant role where their influence in the construction of reality is seen as minimal" (Grbich 2013: 6) I take

Lincoln's (2002) position that claiming to be objective does not ensure the quality of the research; rather, it hinders it. As such, I do not posit to maintain a neutral stance towards my research; on the contrary, I hope that my findings will problematize the current construction of the sex offender, which silences an already marginalized population. Constructivists posit that alternative and multiple knowledges can become accepted when "...different constructions are brought into juxtaposition in a dialectical context" (Guba & Lincoln 2004: 31). Individual micro-level stories and experiences can help to create these alternative knowledges (Guba & Lincoln 2004). I hope that this research will contribute to different ways of knowing and conceptualizing what it means to be criminalized, and more specifically, what it means to be publicly identified as a sex offender.

Researchers are people too, and if we assume that those participating in our study are influenced by their life experiences, it would be naïve to assume that we are immune to similar influences (Fontana & Frey 2008). It is important, then, that I situate myself by outlining my history, my personal and professional 'baggage' (Grbich 2004). However, as per symbolic interactionism and narrative studies, the story we tell about ourselves can take on various forms. If I were asked about myself in the context of doing graduate work, I would tell a different story than if I were asked about myself in the context of my immigration experiences, for example. Just like the interview participants choose to tell a particular story during an interview (Munn 2014), I choose how to present myself and whatever description I provide here is inevitably incomplete. However, I try to provide details that I consider to be pertinent to the research.

I could restrict this 'disclosure' to the facts about myself, such as by providing details about my age, gender, cultural heritage, and personal and academic history. However, as I

explain later in the chapter, I do not believe this is enough. I am female, recently turned forty, of Eastern European origin. In 1986 my mother and I (aged nine) left Romania (and my father and older sister) and sought political asylum in Greece, where we lived for almost two years while we waited for approval to immigrate to Canada. During this time, we lived as political asylum seekers and my mother, an architect by training, was only able to work low-paying jobs such as house cleaning, child-care and fruit picking, to which I usually accompanied her. I did not attend formal schooling during this time, but was lucky to receive some math and English lessons from another Romanian woman in a similar situation. In 1990, after four years of minimal contact through letters and phone calls, my father and sister were finally able to join us in Canada. My sister and I lived with our mother for the remainder of our adolescence and we were a low-income earning family living in social assistance housing. These hardships and others – such as being the victim of criminal harassment (my mother and I were stalked by a man for a number of years) – have surely impacted my life. However, unlike most of my participants, I did not experience sexual or physical abuse during my childhood. I have never been in conflict with the law and although issues pertaining to incarceration have touched my family, it was not something that consciously affected my life. While not all of my interview participants experienced hardships such as poverty, neglect, or physical, mental or sexual abuse, twelve of them did (N = 15). Overall, my background and current position in life are fundamentally different from theirs. I do not believe, however, that these differences hindered the interview process or my analysis of the findings. As Comack (2008) states:

...the differences between [herself and the male prisoners she interviewed...] may have served as an advantage in the interview process. While the men had to work harder in their effort to make

[her] understand what was being said, this effort may actually have produced a fuller understanding of their standpoint than would otherwise be the case (155).

I cannot claim, however, that my positionality, including my gender, did not have an impact on the interview process, since that is inevitable. I can never fully ascertain how participants were influenced by my gender, age, accent, face, body, demeanour, status as a PhD student in criminology, CoSA affiliation, assumptions, biases, wishes, and goals, or any of the other myriad of personal and contextual characteristics. The most I can do is to be aware of these, engage reflexively and be honest about my assumptions and the impact I may have had on the research process and findings. I also have to be cognizant that I will never know my participants' 'real' behaviours, thoughts, feelings, emotions, wishes or identity. I can only know what they present to me, which I then filter and interpret.

Compared to the static background characteristics and factors I mentioned above, which can only tell the reader so much, I believe a more useful way to position myself and to be reflexive of my positionality is to delve into what has been identified as emotional labour (Hochschild 2003). Drawing on Hannem's (2014) reflections on the emotionality of researching issues related to sexual offending, I provide a detailed account of my experience during the research process. Therefore, I dedicate considerable space to my reflections on the research process, the ways that it affected me, and the ways that I dealt with these effects. When I began this project, I never anticipated – and indeed never read about – the emotional aspect of doing research. I thought I would be nervous about conducting interviews, but that was the extent of it. As I previously mentioned, I do not have first-hand experience with childhood sexual victimization – and while I have since found out that this was something that took place in my extended family – I did not anticipate an emotional reaction to the

interviews. Hannem (2014) argues that emotion work in the context of academic research is an overlooked subject. It is not that I failed to anticipate the emotional toll this research would take on me, it is that I never thought about the emotional toll at all and therefore did not create a self-care plan, which may have been useful (Hannem 2014; Hudson 2005).

Writing about her own experience interviewing individuals convicted of sexual offences and prisoners' families, Hannem (2014) states: "The process of listening to and analyzing stories of trauma, victimization, and victimizing others draws an emotional response from the listener – even if the listener is a social researcher, trained in research methods and critical analysis" (pp. 267-268). She argues that we have to "accept that we cannot stop ourselves from *feeling* in the research moment" (Hannem 2014: 268, emphasis in the original). Hannem's emotional insight allowed me to make sense of my own reactions to the interviews. As Hannem (2014) states, "the use of emotion is generally not considered a valid approach for scientific analysis" (279). Indeed, I do not recall the subject of emotionality being discussed in graduate level course work. As Hannem (2014) argues, "[i]n the fields of criminology and sociology of deviance, the emotional response evoked by stories of perpetration and victimization are noticeably absent from analysis, and young researchers are seldom armed with techniques of self care; nor are they prepared for their own emotional response to such sensitive topics" (278), which often leads to the absence of emotion work in final written products.

Indeed, it would have been easier to ignore this aspect of the research process. It could have been my 'secret', fodder for a few heartfelt discussions with a close friend perhaps. But, as Hannem (2014) argues: "It is counterproductive to perpetuate the false dichotomy between emotion work and reason in the area of methodology and researchers must be willing to admit

that we are emotional creatures and not objective instruments of data collection and analysis” (281). While I have witnessed a male colleague be lauded for his emotionality when presenting his subjective experience of fieldwork, female researchers may be more reticent to show how their emotions were evoked and shaped in and through the research, let alone tear up during a conference presentation as the aforementioned colleague did. We live in a society that still equates men with reason and women with emotionality. As women, we are generally told that we are too soft and caring, or that our emotions and/or hormones are ‘acting up’. We may then have a tendency to deny or ignore talking about this aspect of our research for fear of being taken less seriously.

Additionally, as graduate students, we are ‘social scientists-in-the-making’ and if we admit to emotional upheaval we may be dismissed as inadequately prepared for the rigours of academia. Silence is not the absence of an opinion, however; rather, the absence of discussions on emotion work in research in graduate level courses suggests that these feelings are personal, individual, and have to do with our unique failings at being ‘good’ researchers. However, as Hannem (2014) argues, these feelings are completely understandable.

Despite her privileged positioning and understanding of the broader sociocultural context of criminality and victimization, the sociologist or criminologist who studies crime is not immune to the moral judgement and condemnation that society places on violent acts of victimization and sexual offending (269).

Hannem (2014) juxtaposes the emotions one may feel during a research interview with the dispassionate, neutral emotionality that the academy instils in us. Even in the absence of direct instruction to be unemotional during interviews, I inherently thought that that was the proper way to behave.

Researchers who interview sex offenders have talked about the difficulty of hearing about their participants' crimes (Bonnycastle 2012; Hannem 2014; Hudson 2005). For me, the effects of listening to these stories were long lasting, and were compounded by the fact that during my fieldwork with CoSA I read the official CSC files of over thirty core members, which contained detailed accounts of their numerous sexual offences. Additionally, some participants recounted their own childhood sexual abuse or assaults they experienced in prison. I found these stories difficult to hear and I was unsure how to react to them during the interview. At the time, I thought that I was coping well with the stories I was accumulating through my immersion in the fieldwork, but this was not the case (to be discussed more fully later in the chapter).

The transcription process was equally troubling, as I had stronger emotional reactions while I transcribed the interviews than during the interviews themselves, something I had not anticipated and was unprepared for. I chose to transcribe all of the interviews myself for two reasons: first, I wanted to respect the participants' confidentiality and anonymity to the fullest extent possible; second, transcription can be considered a first step in the analysis process (Lapadat 2000) and I did not want to skip this important stage. In the quiet space of my office I was for the first time really listening to *what* the men were saying and *how* they were saying it. Instead of ignoring my feelings, which I did to a certain extent during the interviews for fear of appearing unprofessional, I was now able to pay close attention to my emotions.

Hudson (2005) states that female social scientists researching sex offenders are often asked two questions: what motivated you to research such a topic and what the experience of speaking with sex offenders was like for a female researcher. Hudson (2005) contends that, "as researchers we are similarly affected by moral panics. Thus, the main motivation for

conducting [her] research was to determine how best to deal with sexual offenders in order to prevent future victimization” (7). However, despite this seemingly benevolent motivation, she states that she was not “immune[] from the intensely emotional issues that arise from research of this kind” (Hudson 2005: 7). She states that she felt a “need to justify repeatedly the reasons for undertaking this research...[a] feeling [that] was accentuated by the fact that [she] came to like some of the men who participated in the research” (Hudson 2005: 7). While she could take comfort in the fact that “these men had multiple identities, and hence it was possible to like them while simultaneously maintaining a strong repulsion for what they had done in the past...it was hard to hold on to this balance when the popular view is to reject everything about them” (Hudson 2005: 7). Indeed, I often wondered what I was doing putting so much energy and resources into *this* topic, with *these* people. I often wished that I had chosen an easier topic for my research, perhaps with a ‘worthier’ group, such as those who had experienced victimization but had not offended. These feelings are not benign. As Hannem (2014) argues, the researcher “may begin to question her competency as a researcher or her social and political beliefs” (271). Whenever I experienced aversive feelings towards my participants, I felt extremely guilty and disappointed in myself. I was aware that I was seeing their attempts to justify their actions and to maintain a positive self-image through the very lens that I critique in chapter one: namely, the cognitive-behavioural assumption that minimizing one’s crimes is somehow indicative of deviance rather than a normative coping mechanism that we all use when faced with situations that threaten our identity.

A positive outcome of these negative feelings, however, was that I was more understanding of individuals who hold extremely negative views of sex offenders. If I, despite my knowledge of the research, and my frontline experience with effective interventions such

as CoSA, could have such negative feelings, then how could I not understand those who have extremely negative reactions to sex offenders? How can I demand that they listen to the research when this issue elicits such a visceral reaction in most, if not all, of us? I took comfort in the writings of researchers such as Hannem (2014) and Hudson (2005) who admit to the emotional work of conducting research with individuals convicted of sexual offences. However, as they both point out, dealing productively with these emotions is imperative. Hudson's (2005) lack of properly coping with the ramifications of her research serves as a caution that I wish I had heeded earlier. She states: "I felt that the best way to manage the emotional burden of their stories was to block it out when not engaged in this research. However, by not sharing how I felt about these accounts with others, my own thoughts and feelings were allowed to mount" (Hudson 2005: 7). She describes how she often had emotional outbursts, which were precipitated by various triggers, such as being in a shopping centre and seeing children the same ages as the victims of one of her interview participants (7-8). Seemingly benign interactions between adults and children and even between herself and her father were now clouded by feelings of extreme discomfort, and finding herself in situations that were similar to the crimes described by her participants' – such as being the lone passenger on a city bus – caused her extreme anxiety.

I too, experienced this. I was unable to be around children without thinking about the prevalence of child sexual abuse and the fact that in an auditorium full of children – such as when I attended my niece's dance recital – there were inevitably a number of children who were experiencing sexual victimization, and more than likely, a number of family members who were perpetrating it. Interactions between adult males and children also took on a whole new meaning and I was unable to discern whether I was picking up on something (such as an

inappropriate relationship) or whether my ‘instinct’ had become untrustworthy as a result of my research and I was seeing potential abuse indicators in innocent and normal interactions.

Just as I began interviewing participants I also experienced the dissolution of a sixteen-year long relationship. I found myself living in a new area of the city, living by myself for the first time in my life, and feeling extremely vulnerable. My interview participants’ and core members’ crimes – especially those involving stranger offences against adult women – had a particular impact on me. I started paying closer attention to stories in the media about sexual offending which contributed to my heightened awareness of the precariousness of women’s safety. We are told – in critical criminology circles – that stranger danger is sensationalized and that stranger assaults are more likely to be reported than those by known assailants, which can lead us to believe that they are more common than they are. Yet, I had read the files and interviewed individuals who recounted targeting and perpetrating sexual offences against strangers because the opportunity was there. So, while I knew academically that my chances of being victimized by a stranger in my home or while walking after dark – which during the winter means after 5PM – were small, they nonetheless stayed with me. I found myself changing my behaviours to protect myself against potential attacks. Doors and windows stayed locked and I was even fearful of leaving an open window unattended while I was in another room. Walking home from the bus in the winter months, I would take off my gloves so that I could try to get DNA under my fingernails in case I was attacked. For the first time, I began to program a password in my cell phone so that any would-be perpetrators could not claim to be me and send texts or emails from my phone. I walked the long way home, despite the cold weather, in order to avoid passing through an isolated plaza after dark.

Eventually I stopped taking this last precaution but was fully aware of my surroundings and was ‘on high alert’ for the short duration of the walk across the square. I realized that my decade and a half relationship had protected me from the stresses of dealing with strangers masquerading as friendly faces, namely men interested in pursuing a romantic relationship. I found myself questioning whether I could really trust someone, especially to start a family, when I heard stories during my interviews from men who claimed to sexually offend for the first time in their forties, against their children. These men stated that a string of stresses – such as losing their job and their spouse (either due to divorce or death) – contributed to their offending. I wondered, is it really possible for a man to sexually abuse his own child due to a few, admittedly serious, hardships? Or was this just the story that they were telling me? If it was possible, then how could I possibly take that risk? Ultimately, it was within the dating context that I experienced a traumatizing event, which, aside from making interviewing and transcribing more difficult, allowed me to better understand the complexity of sexual victimization and offending. I was able to draw strength from my knowledge of restorative justice principles that highlight victims’ need not for vengeance but for answers (Zehr 2014) and I was able to, slowly and insularly, move forward with my research.

In the midst of data collection, transcription and analysis, my coping mechanisms were similar to Hudson’s (2005) tendency to ignore and bury those uncomfortable feelings. I was extremely reticent to tell anyone what I was going through. I did not want to discuss this with my academic colleagues for fear of being seen as irrational or ‘not up to the job’; after all, I’m supposed to be critical of the moral panic; I’m supposed to know that my chances of being sexually victimized outside of my home are very low. On the other hand, I did not want to discuss this with those who were not in academia because I did not want to contribute to

the fear of sex offenders and the moral panic about them. Was I not working to dispel the myth that we should all be afraid of sex offenders? Wasn't this work supposed to contribute to the de-stigmatization of this particular group? Not surprisingly, I rarely discussed the emotion work that I was engaging in, something that Hannem (2014) states is quite common: "Far few researchers are comfortable enough to admit to such an unscientific process at work in their research" (272). As Hannem (2014) admits: "In my own research with men who have offended sexually, I have encountered numerous stories and situations that I found personally abhorrent" (272). Rather than being horrified by these feelings, they are a reminder that we are "human, and [we] have deep feelings of pain and sympathy for victims" (Hannem 2014: 277).

For me, these experiences solidified the idea that we need to bring the emotional work of social science research to the forefront of our interpretive endeavours (Hannem 2014); this is indeed, my motivation for including this narrative in the final written product. I think there is immense value in describing these types of feelings. Not only does admitting to these feelings humanize the researcher, but it also dispels the myth of the objective research process. We are borne of this society, and we have emotional aspects that we have to contend with, despite or in spite of our intellectual and academic knowledge.

Methods of Data Collection: Ethical issues, Operationalization and Semi-Structured Interviewing

In this section, I outline the research methodology. I begin with a discussion of ethical issues, and then move on to operationalize the terms used. I then describe the methods of data collection: sampling and recruitment styles, and semi-structured interviews with individuals convicted of sexual offences and those who work with them in a professional capacity.

Ethical Reflections

As per requirements of the University of Ottawa Research Ethics Board and broader western research standards, I provided my participants with a consent form that detailed the purpose of the study, the interviewee's role, the time commitment required, and issues of privacy, confidentiality, and anonymity. Ex-prisoner participants received financial compensation (\$20)¹² and their consent form included a statement on the possible benefits of talking about one's life with an empathic listener (Atkinson 1998; Josselson 2007). I also provided a list of resources in case the participant experienced distress as a result of the interview. I informed all participants that no one other than my supervisors and I would have access to the interview data and that I would transcribe the interviews myself. I also let them know that while I would anonymize all identifying information, I may not be able to disguise their identity should someone that knows them know they participated in the study (Josselson 2007).

Before commencing each interview, I verbally reviewed the consent form and outlined the limits to confidentiality. For the ex-prisoner participants, this included the stipulation that if participants indicated that they wanted to hurt themselves or someone else I would have to report them to the police. However, this limit to confidentiality did not include non-criminal breaches to their legal conditions, such as consuming alcoholic beverages, possessing electronics such as cell phones with camera capabilities or watching adult pornography. Most

¹² Although providing one's life story cannot be compensated financially, the \$20 was be a token of appreciation to express to the interviewee that I valued his time. Some interviewees may invariably participate for the money and they may provide minimal information. This was a risk that I was willing take since I my personal ethics prohibit me from withholding payment for participants' time.

of the men I interviewed were subject to a string of legal conditions as part of their release in the community, the most common of which was the Long-Term Supervision Order (LTSO). An individual on a LTSO has on average twelve different conditions he must abide by, such as not using alcohol and refraining from being in a place where the primary purpose is to serve alcohol; not associating with certain people; and not possessing a cellular phone with a camera or Internet capabilities. While these behaviours are not illegal per se, breaching an LTSO condition is considered a criminal offence and carries a penalty of up to five years in prison. Given the severity of punishment for a breach of an LTSO, it is unsurprising that out of seventeen participants, none disclosed such information. After I conducted 12 of the 17 interviews, I realized my oversight and I remedied the situation by telling them, when we went over the confidentiality portion of the consent form, that I would not report breaches that involved non-criminal activities.

Operationalization of Key Terms Used

Individual who has been convicted of a sexual offence

I generally use the term ‘individual who has sexually offended’ rather than ‘sex offender’ because it emphasizes the behaviour rather than the person. I use the term ‘sex offender’, however, when making reference to social constructions of such individuals. In these instances, using the longer term obscures the fact that these individuals are indeed constructed as sex offenders and that this identity is their master status (Becker 1967). I define ‘an individual who has been convicted of a sexual offence’ as a person who has been convicted of at least one sex offence. While I also would have liked to interview people who committed but have not been identified by the criminal justice system as having offended sexually, recruiting such participants would have been difficult if not impossible to achieve.

Individual who has experienced sexual abuse and/or assault

Discussions about personal victimhood arose organically throughout the interviews. Some participants identified themselves as victims of sexual abuse; others told me about experiences that would legally be considered sexually abusive, but they did not identify them as such; while still others chose not to talk about sexual experiences of any kind or to give minimal explanation to the question: “Tell me about your early sexual experiences”. It was difficult to categorize interview participants as victims or non-victims. The realities of victimhood are complicated and it is precisely these ‘messy actualities’ that this research seeks to illuminate. Definitions of sexual abuse – such as: interactions between a child and an adult in which the adult may use manipulation, coercion, threats, or “...physical force to involve the child in sexual activity” (Wallis 1993: 1) – do not clearly lay out what these activities may be. Some men may not see their sexual experiences with adults as abusive if the adult did not use physical force, for example; others may only realize at a later time that the activities they engaged in as a child with an adult constitute sexual abuse (Clancy 2009), while still others may realize that their childhood experiences legally fit the criteria of sexual abuse but may claim that these experiences did not harm them and therefore they may reject being identified as a victim (Mendel 1995). Others may privately see themselves as victims but may be weary to publicly claim that identity for fear of being accused of minimizing or justifying their crimes. Recognizing oneself as a victim is likely confounded by correctional sex offender treatment that denies the victimization experiences of sex offenders and which may have influenced some men’s reluctance to self-identify as a victim. I identify and explore the complexities of assigning victim status to others, and the personal, nuanced, transient and flexible nature of such identity-claims.

An interesting dilemma arose out of my decision not to pre-screen potential participants regarding their experiences of victimization; six of the fifteen participants did not relay any experiences of sexual victimization. At first, because I aimed to explore the dual identity status of victim and offender amongst men who have been convicted of sexual offences, this would have posed a problem. However, as the study evolved to examine how the sex offender is discursively constructed that dual identity status became less important to the goals of the project.

Data collection: Semi-structured interviews

This research uses information derived from semi-structured interviews with individuals who have sexually offended and professionals who work with them. According to Fontana and Frey (1994) "...interviewing is one of the most common and most powerful ways we use to try to understand our fellow human beings" (361). I chose interviews with these two populations because I was interested in designing a complex study that incorporates the voices of those with lived experience but also aims to understand how structural forces may influence their lives. From a symbolic interactionist perspective, individuals construct their identity by way of their interaction with others. From a postmodern perspective, institutional forces can shape the identity possibilities available to individuals. Understanding the discourse around released sex offenders is paramount to understanding the structural forces that may impinge on their identity possibilities. I needed to understand how various social control agents – parole, reintegration workers, psychologists, among others – construct the sex offender. Relying on interviews with those with lived experience would not have afforded me this knowledge. On the other hand, only relying on the input of state control agents would not provide me with the perspectives of how these structural forces impact, are

made sense of, and are challenged by sexual offenders. Both are necessary for understanding the complexity of the issue.

Sampling and Recruitment

Individuals who have sexually offended

I conducted semi-structured life history interviews with seventeen individuals¹³ who have been convicted of a sexual offence (I describe the interview process with professionals below). I used purposive sampling, which is useful for “...select[ing] members of a difficult-to-reach, specialized population” (Neuman 2006: 222). Purposive sampling allows the researcher to use locations and social groups to identify potential research participants (Neuman 2006). Although I also attempted to use the snowballing technique, it proved ineffective. I asked research participants to pass along my contact information (in the form of a mini-poster) to others who may be willing to be interviewed. I received one phone call from an ex-prisoner who had been referred by another participant – they resided in the same halfway house – but the interview never took place. The individual did not have a cell phone for me to call him back with an interview date and location and he did not contact me again after our initial conversation. The lack of referrals among the ex-prisoners convicted of sexual offences is understandable given their predicament. First, suggesting to someone else that they participate in this research would ‘out’ them both as sex offenders. Second, associating with other ex-prisoners, even those residing in the same halfway house, is not allowed under

¹³ As described later in the chapter, although I conducted seventeen interviews with ex-prisoners, I only used fifteen of the interviews for my analysis.

the conditions of the long-term supervision order and a strict parole officer could potentially cite even this minimal interaction as an infraction.

I attempted to recruit individuals who have been convicted of a sexual offence from a number of different sites: Circles of Support and Accountability (in two different cities), the Ontario John Howard Society (JHS) main office, three halfway houses (in one city), and a treatment centre (in one city). I did not attempt to access men residing in correctional institutions since evidence suggests that this would have been difficult to achieve (Kilty 2014). I received permission to recruit interview participants from gatekeepers in the first two locations but I was denied access to the treatment centre because employees conduct in-house research on treatment participants. I chose these sites because they were the most likely to allow me access to individuals who have been convicted of sexual offences and who were living in the community. In addition, all three sites were likely to provide a safe space for the interviews¹⁴.

CoSA – city one

Before explaining my recruitment strategy, I will outline my involvement with Circles of Support and Accountability (CoSA) in *city one*. CoSA is a volunteer-based organization that provides support to released individuals who have served prison sentences for sexual

¹⁴ While I would have been able to reserve a classroom at the University of Ottawa (which I did for one interview), I knew from my involvement with other groups such as CPEP and ICOPA that the university can be seen as intimidating, hard to navigate and not welcoming for those who are not in academia. Given the sensitive nature of the interviews, I believed that a familiar location would facilitate the recruitment process. I did not consider public spaces such as coffee shops as adequate places to conduct interviews because they threatened privacy. In addition, while public parks may have provided some privacy as in distance from others, my interviews took place in the fall and winter months, so that was not a viable place and some participants had geographic restrictions and were not permitted in parks because of the risk of children being in their proximity.

offences. From 2009 to 2014, I was employed part-time¹⁵ with this particular CoSA site, as part of a program evaluation project that CoSA sites across Canada were participating in. Although my official job title was Data Coordinator, I did much more than that during those five years. A more accurate description of my job would be assistant to the Program Coordinator, as I helped her with a variety of tasks, including, but not limited to revising the training materials, delivering training, interviewing potential volunteers, meeting with potential core members, both in the community and in institutional settings. I attended the circle meetings of over fifteen core members, interacted with core members at various social events such as the annual holiday dinners, outings, discussion evenings, as well as numerous impromptu meetings such as when core members visited the CoSA office. As part of my involvement with CoSA, I read the institutional files of at least thirty core members. The evaluation project involved annual five-day gatherings of CoSA program coordinators and select staff; I attended four of these meetings (2010, 2011, 2012, 2013) where I had an opportunity to learn about the issues faced by other CoSA sites, their staff members and core members.¹⁶ From 2010 to 2013, I also served as a circle volunteer with one core member. This involved weekly group meetings where we discussed the challenges he faced in his reintegration process and individual meetings (between me and the core member), which focused on providing emotional support and positive socializing.

Since the CoSA site in *city one* does not have a physical space per se (the office is used by staff and most but not all circle meetings take place at a downtown church), I asked

¹⁵ From 2009-2011 I worked 20 hours a week, and 15 hours weekly for the remainder three years.

¹⁶ Core member issues, when discussed, were non-identifying and general.

the program coordinator to take my poster to circle meetings to ask if I would be permitted to take up the first five minutes of their next circle meeting to tell them about my research. I wanted to speak to the core members about my research because I wanted them to understand the distinction between my research and my CoSA involvement and I believed this would be best achieved by having an in-person conversation.

My first interview was in the fall of 2012, three years after the beginning of my involvement with CoSA in this city. By this point, I knew the core members – some of whom had been with CoSA since I started – quite well. In a way, I felt that I owed them a personal explanation so that they did not feel used and to ensure that they did not misunderstand that I would be using what I learned from our interactions in my research. When I attended these meetings, I brought a poster, the information sheet and the consent form and told them to contact me at a later date if, after thinking about it, they wished to participate. I made it clear that my research was not related to CoSA and that I would not use any identifying information I have gleaned from my involvement in CoSA in my research. I also made sure to tell them that I would not inform their volunteers or any staff member about their participation or refusal to participate in my research. In order to increase my recruitment pool, the CoSA coordinator also forwarded an email message about my research to past core members who had email access. The message contained the information and consent forms as well as my contact information. They were asked to contact me directly if they had questions or wanted to participate in the research.

CoSA – city two

A year after I conducted my first interview, I had only recruited twelve individuals with histories of sexual offences. I decided to reach out to another CoSA site to recruit core

members. Similar to my recruitment strategy in *city one*, I asked the CoSA Coordinator to take my flyer to circle meetings and/or to email my message to potential participants. While I asked that interested core members contact me directly, this did not happen. Instead, interested participants informed the CoSA staff member that they wanted to participate and he scheduled the interviews. He then informed me when the interviews were taking place (with plenty of notice so that I could make travel arrangements). Six interviews were initially scheduled at this location; however, one cancelled so I conducted five interviews at this location. The interviews took place in a private office at the CoSA site.

John Howard Society

I first sought permission from the executive director of the John Howard Society to contact halfway house directors and a staff person at the main John Howard office. Once I received the ED's permission I sent email messages to the abovementioned individuals. In the e-mail I included a description of my research, asking for permission to post the recruitment poster in their facilities and/or for them to post them or to forward my email message to those potential participants who had access to the Internet.

The staff member at the John Howard Society main office posted the recruitment poster in two locations: in the reception area and on the bulletin board of the common room where clients use the computers. While these posters were readily visible to the men who frequent the location, I only received two phone calls from interested participants and I only interviewed one of them. The second caller did not have a cell phone where I could reach him with an interview date and time. The arrangement I made with my contact at the JHS was that they would provide me with a private office to conduct the interviews; however, I would have to ask the interview participant when he was available, then request office space from the JHS

staff member and then confirm with the participant. This required a second telephone conversation with the participants; either they had to phone me back or I had to be able to reach them. The first participant had a cell phone so it was fairly easy to arrange a date and time for the interview. The second potential participant did not have a phone where I could reach him and he did not contact me again after our initial conversation. This man phoned me at 2PM and seemed quite eager to conduct the interview that day. He was disappointed when I told him this was not possible and that he would have to phone me later that day to see when I could secure the space. My impression was that he needed the \$20 interview compensation that day. He was very agitated and pushy over the phone, which made me uncomfortable and I was somewhat relieved that he did not contact me again.

Of the three halfway houses I contacted, only one proved effective in recruiting. The contact person of *halfway house three* did not respond to my email requests and I only interviewed one resident from *halfway house two*. When I contacted the director of that halfway house and asked that he put up my poster, he informed me that there were only two men who fit my research criteria (past sexual offence conviction). He told me that he verbally informed them about my research and one man told him I had already interviewed him, as he had previously been involved with CoSA and learned about my research through that channel. The other man said that he was not interested. At *halfway house one*, the director offered to put up a poster in the lobby but also in the mailboxes of residents who had sexual offences in their case files. Considering the stigmatizing nature of having a sexual offence conviction, I believed this measure – a poster in their personal mailboxes – would ensure that they did not ‘out’ themselves when attempting to read the poster or jot down my phone number in the

main lobby. Some of the CoSA core members resided at this location so they received both the poster in their mailbox and the information from the CoSA program coordinator.

Interview Sample

In total, I conducted seventeen interviews with ex-prisoners who had at least one sexual offence conviction. Of those, I used fifteen interviews for my analysis. One participant had a severe speech impediment, which made it extremely difficult for me to understand what he was saying. I had no prior familiarity with this man and thus was not used to his speech patterns. Another participant had a mild speech impediment but the interview took place while construction was being done outside making transcription difficult.

Location of interviews

In order to facilitate rapport and to allow the participants to have a say in the research process, I asked their preference for the interview location, given the available locations: the executive director's office in their halfway house residence, the CoSA office, or a classroom at the university. Four participants opted for the halfway house office; two participants who resided at the halfway house office opted for the CoSA office; four participants who did not reside at the halfway house office (one of whom resided at *halfway house two*) opted for the CoSA office as well; only one participant asked to meet at the University. For that interview, I booked a small room that is somewhat private (i.e. does not have a glass wall). The remaining five interviews took place in a private office on the premises of CoSA in *city two*.

Interview process

At the beginning of the interviews I introduced myself and shook hands with the participant. Then I initiated a brief informal chat to facilitate rapport and ease into the

interview. After a few minutes, I went over the consent form. I chose to verbally go over it so that they would not have to tell me if they had trouble reading. However, if they asked to read it, I allowed them to take their time. I informed them that they were free to not answer any questions, to stop the interview at any time and to take a break for any reason, including going outside to smoke. After that, I asked if it was alright if I turned on the digital recorder and start the interview. The interviews lasted between 60 and 100 minutes.

In order to elicit information about such a sensitive topic, I chose to ask questions pertaining to their whole lives, not just their lives as individuals who had sexually offended. I started the interview by asking broad, open-ended questions regarding their current day-to-day life, their challenges and successes in the community since being released from an institution. I then asked questions about their childhood, adolescence and adulthood; what their home life was like and how they fared at school. Usually the interviews naturally went in the direction of talking about first jobs and sometimes first interaction with law enforcement. If this did not happen, I specifically asked when and how their first ‘trouble with the law’ happened. At some point, before moving back to asking questions about their lives while incarcerated, I asked whether they were comfortable talking about their first or early sexual experiences. I always prefaced this question by reminding them that they had the right to refuse to answer any questions during the interview. I chose to ask about ‘early sexual experiences’ instead of whether they had been abused sexually because, according to research, some men do not see their early sexual experiences – which legally would be defined as sexual abuse – as abusive (Briggs 1995; Denov 2004; Finkelhor 1979; Mendel 1995; Weiss 2010). In instances where a participant told me of an experience that could be

considered abusive, but did not himself indicate that he thought of it as such, I asked if the way he thought about the experience had changed over time.

I then moved on to talk about their lives while incarcerated, any treatment that they received during incarceration and after. If they indicated that they had experienced childhood sexual abuse – and defined it as such – I asked if they ever received any counselling or treatment for that. I then moved the interview to the present, to discuss how they felt about where they were in their lives currently, and what they hoped for the future. I wanted to end the interview on a hopeful note and felt that talking about the future – which, from a postmodern perspective is open and boundless – would achieve that. Although interview questions aimed to cover the participants' whole lives, it does not mean that they talked about every aspect of their lives; indeed, this would be quite difficult if not impossible in one interview.

At the end of the interview, after I turned off the digital recorder, I continued to chat informally with the participants and to indicate that I was not rushed in any way. I asked them how they felt about what we talked about and offered them a paper with the contact information for a mental health line and the compensation of \$20. I also asked if they had someone to talk to in case they felt distressed. Most of the participants indicated that they were happy to have participated and did not need to talk with anyone about the process.

Interviews with the professionals

I conducted eleven interviews with professionals who worked with individuals convicted of sexual offences either in an institution or in the community. The interviews with the professionals allowed me to understand the governance structures and the power dynamics at play that influence the identity possibilities for these men, how they see themselves and

how others interact with them. From my involvement with CoSA I saw that most core members' daily interactions were limited to those with whom they engaged in a professional capacity. Few of them had friends or family members in their lives.

Recruitment

I contacted professionals through email, in which I included a brief description of my research and the details of the interview process. I also included the consent form and my contact information. I recruited community reintegration workers through a halfway house and two community reintegration organizations. I sent an email to the director of the halfway house and asked that he forward my message to reintegration workers and case managers. I also sent email messages to individuals working in community reintegration whom I knew personally. I contacted a senior supervisor at the parole office in *city one* to request that they forward my message to parole officers who supervise released sex offenders. I was told I had to gain permission from the CSC official in charge of research requests. I emailed the person in question a description of my research, including the ethics approval, and after a brief phone conversation about my research, I received her permission to email the supervisor again to ask that my message be forwarded to CSC employees who worked with sex offenders. Two individuals responded from this source and both interviews took place. The third parole officer I interviewed was recruited through a casual acquaintance who knew of my research and referred this individual. I contacted three psychologists/psychiatrists who worked with both incarcerated and released sex offenders. Each of them agreed to be interviewed. Attempts to recruit from two other halfway houses, a community treatment centre, and the police high-risk offender unit, proved futile.

Interview process

I used open-ended questions in a semi-structured interview format, which allowed me to direct the interview without restricting the interviewee to yes or no answers (van den Hoonaard, 2012). I started the interviews by asking participants to describe their job, including their day-to-day responsibilities. I then asked them specific questions about their work, such as how they encouraged individuals who have been convicted of sexual offences to construct their past behaviours and their future possibilities. I also asked them whether they asked their clients about whether they experienced childhood sexual victimization and what they did in cases of such disclosure. The interviews with the professionals were slightly more structured than the ones I conducted with the ex-prisoners; however, while I had specific questions I asked all of the professionals, the interview flowed depending on their answers to the questions and I did not stick to a pre-determined script.

Interview location

While I offered professionals the choice of where to hold the interviews – their work or a room at the university – all of them chose their place of work. All of these interviews took place in the participant's private office.

Analytic Strategies

In this section, I outline my analytical strategy, including transcription, thematic content analysis and coding, the limitations of the study and its contributions.

Transcription

I transcribed the interviews into Word format. I consider transcription not as the simple transfer of audio onto paper, but as an interpretive tool through which I began to

ascribe meaning to participant narratives (Lapadat 2000; Riessman 1993). Through the process of careful verbatim transcription, I began to note the most prevalent themes or trends in the data. I did not wait until after I finished conducting all of the interviews to begin transcription, which also allowed me to identify problems with the interview guide, such as particular questions that were proving difficult to elicit responses, and to make changes accordingly (Rubin & Rubin 1995).

Thematic Content Analysis

I used thematic content analysis to analyze the interviews (Grbich 2013; Mostyn 1985; Neuman 2006;). Content analysis in qualitative studies allows the "...richness, complexity, and gestalt of the material..." to emerge (Mostyn 1985: 121). Analysis of the interviews with professionals was simpler; but for the interviews with ex-prisoners, I incorporated some features of narrative analysis (Spector-Mersel 2010). I did this because narrative analysis is useful in conceptualizing the ways that the ex-prisoner interview participants might construct their identities during the interview process. Echoing my use of a constructivist epistemological perspective, narrative researchers argue, that "...we understand ourselves and our world by way of interpretative processes that are subjective and culturally rooted" (Spector-Mersel 2010: 212). Indeed, "[p]ostmodernism favours descriptive and individually interpreted mini-narratives, which provide explanations for small-scale situations located within particular contexts where no pretensions of abstract theory, universality, or generalizability are involved" (Grbich 2013: 8).

There are three circumstances that influence how stories are constructed. First, narratives are told from the perspective of the narrator in the present; therefore, it is the narrator's current situation and interpretation that influences how the story is constructed.

Second, narratives do not represent everything in a person's life but rather involve a selection from among the person's lived experiences. During interviews, participants choose what to share with us and we cannot assume that their story is 'the story of their lives' (Munn 2014). Third, narratives are influenced by three contexts: the immediate context within which they are produced, such as the interview and the relationship between the interviewer and the narrator; second, the society in which the person lives; and third, the "...cultural meta-narratives that give meaning to any particular story", such as the meta-narrative on what it means to be a 'man' or a 'victim' or a 'sex offender' in western cultures (Spector-Mersel 2010: 212). While seemingly personal, narratives are influenced by so many factors that it is more accurate to think of them as co-constructions (Spector-Mersel 2010: 212).

The co-construction of narratives during the interview process is similar to constructivist claims that identities are constructed in the relational context of human interactions (Goffman 1963). By focusing on how the interview is a relational enterprise, narrative researchers point out that narratives are constantly in the process of becoming – including during the interview process – and should not be taken as a 'true' reflection of the individual but as one narrative that the individual constructs. What an individual shares during an interview is dependent on a variety of factors, such as the rapport created between the narrator and the researcher and the narrator's purpose in telling his story (Riessman 1993).

In order to make sense of the data, I employed a rigorous coding strategy, which involved reading each interview numerous times. Coding, according to van den Hoonaard (2012) "simply means finding terms or phrases to categorize chunks of data so that we can work with them" (119). I began with open coding, which "involves labelling the themes that you find in your transcripts..." (van den Hoonaard 2012: 119). Themes can come from various

sources: the literature review, research questions, and from the interviews themselves (Rubin & Rubin 1995). Figures of speech, metaphors, slogans or symbols may also suggest various themes (Rubin & Rubin 1995). For example, interview participants used words or phrases that are commonly used in correctional sex offender treatment. As van den Hoonard (2012) recommends, at this point in the coding process, one simply looks for the themes that the data presents without constricting the codes based on the original research question.

While my initial plan was to use a computer assisted coding program such as *NVivo* or *Atlas*, due to personal circumstances¹⁷ I chose to code by hand. During open coding, I read each transcript and noted the themes that were discussed. I did not limit my coding to only what was relevant given my research questions, but let the themes emerge out of the data and out of my knowledge of the relevant literature. The next stage of coding involved focused coding, for which I re-read the transcripts but “...focus[ed] on a select number of more productive codes” (van den Hoonard 2012: 121). I identified three major themes that I would use to craft my substantive analysis chapters: first, the spatial and emotional geography of the interview participants’ lives; second, their relationships with service providers and the ways that these individuals constructed their clients; third, the role of a truthful identity and the reliance on the confession to elicit and promote this identity.

¹⁷ At the point that I began coding the data, I had an infant and found that coding by hand was easier than using a desktop computer. According to van den Hoonard (2012) coding by hand is preferable, especially if one is a ‘novice researcher’. Using a computer program one may “...cut off options too early in the process and lose some of the flexibility that is the strength of qualitative research” (115).

Evaluative Criteria

The ways to evaluate the rigour of qualitative research are distinct from how to evaluate that of quantitative studies (Lincoln 2002; Lincoln & Guba 1985; Steinke 2004; van den Hoonard 2014). Because the two types of research have fundamentally different premises, the dominant positivist approach to evaluating rigour through criteria such as reliability, validity, generalizability and objectivity do not easily apply to qualitative studies (Lincoln & Guba 1985; Steinke 2002; van den Hoonard 2014). For example, researchers can only claim to achieve internal validity – accurately measuring reality – and external validity – generalizing the findings beyond the specific research – if they believe in “naïve realism and linear causality” (Lincoln & Guba 1985: 293). Constructivist researchers cannot make such claims and it is important not to fall prey to positivist conceptions of the “quality” of the research. Rather, qualitative evaluative criteria should focus on establishing trustworthiness, which can be achieved by considering the credibility, dependability, transferability and confirmability of the research study (Lincoln & Guba 1985). The assumption of a truth that is uncovered by the researcher is “replaced by the assumption of multiple constructed realities...” and the researcher is tasked with proving that the ways she arrived at her conclusions are credible (Lincoln & Guba 1985: 295). Dependability and credibility are related, for there can be “...no credibility without dependability...a demonstration of the former is sufficient to establish the latter” (Lincoln & Guba 1985: 316). The researcher can achieve credibility by various means.

First, she can have a ‘prolonged engagement’ with the population or setting that is to be studied so that she may learn the culture, “test [...] for misinformation introduced by distortions either by the self or of the respondents” and build trust (301). I did this by being

involved with CoSA for three years prior to my first interview. Additionally, before my beginnings with CoSA, I was a research assistant on a project funded by the Cornwall Public Inquiry, which sought to assess the availability – or lack thereof – of victimization services for men who had sexually offended in adulthood but who had a history of child sexual victimization. As part of that project we interviewed professionals who work with men who are victims and/or perpetrators of sexual offences and also sought the personal stories of such individuals. By the time I began my research, I had been in the field for five years, learning about the lived realities of these men or as Lincoln and Guba (1985) word it, “soaking in the culture through [my...] pores” (302).

This prior engagement with the population I was conducting my research with was advantageous for a variety of reasons. It provided me with firsthand knowledge of these men’s lives that I would not have been able to access via published materials about prisoners or sex offenders. I was able to see the struggles ex-prisoners with sexual offence convictions face in their lived realities. These range from challenges to reintegration post-incarceration, while in some cases dealing with the effects of institutionalization, to specific challenges of being criminalized for sexual offences, such as being rejected by friends and family. CoSA core members also face challenges due to the legal conditions to which they are subject, such as LTSO or s. 810 orders, the former of which often includes a residency condition in a halfway house that has its own rules and regulations. Finally, while CoSA itself is a form of support, some core members experienced difficulties regarding the group dynamics of their circle of volunteers.

I was thus able to ask questions that were pertinent to the men’s lived realities, which helped me to create a strong rapport with participants during the interviews. I was more at

ease in their presence than I would have been if I had never knowingly met someone who had sexually offended. For example, at the halfway house where I conducted some of the interviews, I was supposed to wear a panic button. However, on occasions that the staff member on duty forgot to hand me the button, I did not say anything. I did this not out of embarrassment or fear of appearing unsure of my safety; I genuinely believed that I was safe and realized that these men were not a danger to me – especially in this environment. Additionally, during all of the interviews, regardless of the location in which they took place, I did not place myself between the participant and the door as I was instructed to do. Rather, I allowed the participant to choose his chair first, making sure that he was comfortable with where he sat. If he did happen to sit between the door and I, I did not feel uneasy or in danger.

Prolonged engagement is also useful for “...deal[ing] with personal distortions” (302), which considering I had never knowingly met a ‘sex offender’, was beneficial. For example, while I was working for CoSA, I read the institutional file of a potential core member in preparation for our meeting with him. It was only when I met him that I realized I had built an image in my head in response to the repeat, and in some cases, violent nature of his offences – that was based on common stereotypes about sex offenders. I imagined him as physically big and scary-looking (whatever that may be). Instead, when he opened the door I saw a man that was shorter than me, who did not present as ‘scary’ or ‘threatening’, and it was in that moment that I realized I was not immune to the effects of stereotypes about sex offenders.

My previous involvement in the field proved useful during the interviews with the professionals as well. I was able to ask questions that reflected the lived realities of individuals identified as sex offenders; this was especially relevant during interviews that touched on the topic of their parole supervision, as there is a dearth of literature on the impact

of the LTSO on sex offenders' lives. For example, I was able to ask parole officers about the discretion they use while supervising offenders and enforcing conditions, something that I was knowledgeable about due to my involvement with CoSA. My fieldwork experience also allowed me to make sense of the professionals' responses. For example, when I asked what each parole officer would do if one of their parolees disclosed a history of childhood sexual abuse for which they wanted counselling, I was told that they would refer them to The Men's Project, an organization that at the time offered counselling and support to male victims of sexual abuse and assault. Not being familiar with the field, I would have taken that answer at face value. However, I was aware that The Men's Project did not, at that time, accept men who had sexually offended over the age of eighteen, which meant that while they may have referred them to TMP, the referral would not secure counselling.

Prolonged engagement with the population that one is seeking to conduct research about may also allow the researcher to foster trust between her and the participants (Lincoln & Guba 1985). Without my involvement in CoSA, it may have been extremely difficult to access participants. Contacting an unknown researcher to 'out' oneself as a sex offender is a difficult endeavour – as evidenced by the lack of unknown participants in my study. I built trust by attending all CoSA special events, such as the annual Thanksgiving and Christmas dinners, summer BBQ, walk in Gatineau Park, the monthly discussion series, birthday dinners and 'graduation' celebrations. When I attended these events, I usually showed up early and stayed late, to allow time to socialize informally. I also prioritized talking with the core members over other volunteers or staff. I made the 'rounds' so to speak, to ensure that I said hello and inquired about their well-being with each and every core member.

Credibility can also be achieved by employing the technique of triangulation.

Triangulation can include using a variety of data sources, methods, investigators and theories (Janesick 2000; Lincoln & Guba 1985). While the first two ways are doable, according to Lincoln and Guba (1985), the last two – multiple investigators and theories – are difficult to achieve in qualitative research. Therefore, I draw on Richardson's (1995) and Janesick's (2000) discussion of crystallization rather than triangulation. Crystallization is better suited for research that draws on postmodern thought (Richardson, 1994). According to Janesick (2000), who was originally a proponent of triangulation, Richardson's (1994) "idea of crystallization [is] a better lens through which to view qualitative research and their components" (392). Richardson (1994) situates crystallization as a postmodern methodological development:

Crystallization, without losing structure, deconstructs the traditional idea of 'validity' (we feel how there is no single truth, we see how texts validate themselves); and crystallization provides us with a deepened, complex, thoroughly partial understanding of the topic. Paradoxically, we know more and doubt what we know (522).

As Janesick (2000) points out, "[w]hat we see when we view a crystal, for example, depends on how we view it, how we hold it up to the light or not" (392). My seven year involvement in CoSA and in the Cornwell Public Inquiry allowed me to conceptualize my research from a specific vantage point, one where I was privy to aspects of the core members' lives – their challenges and successes and was able to reflect on what it means to work with released individuals, as I was a staff member and volunteer with CoSA. This work involved repeatedly partaking in the volunteer training, discussing our work with CoSA staff members in various cities, and informal conversations with the professionals who work with released

sex offenders. I also read the core members' institutional files and was able to reflect on the institutional rhetoric that they are exposed to and that shapes their lives – both as incarcerated sex offenders and as newly released individuals. Although I did not formally use this information in my research, everything I learned throughout those seven years was not lost; rather, it informed my ability to reflect on the multiple sides of the “crystal”.

A method of ensuring crystallization involves reflective journaling (Janesick 2000; Richardson 1994). Journaling allows the researcher to reflect on the research process, to centre her role as researcher and to consider the decisions she made and any tribulations she encountered. Therefore, reflective journaling is also a modality of addressing the need for qualitative research to provide an ‘audit trail’ (Lincoln & Guba 1985). I kept a reflective journal regarding the project, the specific steps I took, and any problems, dilemmas or obstacles that I encountered, emotions that arose and changes that I made throughout the research process (Hannem 2014; Ortlipp 2008). A reflective journal is also useful in allowing the reader to better understand the complexity of the research process; as Ortlipp (2008) points out, using excerpts from one’s reflective journal in the final written project can counteract the prevailing notion that research is “...a neat and linear process” (704). Being reflexive “...forces us to come to terms not only with our choice of research problem and with those with whom we engage in the research process, but with ourselves and with the multiple identities that represent the fluid self in the research setting” (Guba & Lincoln 2005). Initially, my goal was to write a reflection after each interview. However, as can be the case when conducting qualitative research, reality does not always match our intentions and I was not able to write a journal entry after each interview. Rather, I wrote whenever I had to work through feelings, or when something struck me as of particular interest. I used journaling to

jot down my initial interpretive observations and to work through my feelings during the transcription process as well.

Transferability and confirmability are also useful criteria by which to judge qualitative research. In qualitative studies, *inter-subjective comprehensibility*, namely the clarity the researcher is able to provide about the process in which the study unfolded, is more important than *inter-subjective verifiability* – designing the study in such a way that it can be replicated, which is important in quantitative research (Steinke 2004). The former is attuned to the fact that qualitative research is influenced by many variables that are specific to the study, such as the object, situation and immediate context (Steinke 2004). According to Lincoln and Guba (1985) the qualitative researcher cannot be tasked with “provid[ing] an *index* of transferability; it is his or her responsibility to provide the *data base* that makes transferability judgements possible on the part of potential appliers” (316). Confirmability calls for the researcher to provide an audit trail. The researcher has to provide enough information, both in raw data – such as recordings, notes, themes and codes and reflexive journal entries, so that a picture of how decisions were made, the steps that were taken and the process employed are noted and relayed to the reader (Lincoln & Guba 1985). I aim to provide enough detail about my research methods and the field I entered so that readers can decide whether my findings are transferable to other contexts.

Limitations

This project is limited by certain criteria that I decided to use and others that are out of my control. While women also commit sexual offences (Denov 2004), I decided to limit my research to men. First, men commit more sexual offences and are therefore more likely to be

criminalized for these offences (Conroy & Cotter 2017). Second, I wanted to design a study that would be manageable in scope and limiting it to men would allow me to focus on certain issues that might be unrelated to a gendered analysis. Third, it would have been exceptionally difficult if not impossible to recruit women who sexually offended so the sample size would have been too small for an accurate comparison. I also decided to limit my research to individuals over the age of eighteen. My participants were all residents of Ontario so the sample may not be varied enough to make claims about generalizability, although this is not a pertinent concern for qualitative research (van den Hoonaard 2014).

The interview method is based on the assumption that participants can put into words their current and past feelings, thoughts, and beliefs and that they can articulate their world in a way that makes sense to the interviewer. As Comack (2008) found, an interview participant may find it difficult to "...express his feelings and talk about what he ha[s] been through in life" (152). One of the prisoners Comack (2008) interviewed stated: "There's so much I wanna say but I don't have the words to say it" (152). It is important, therefore, not to assume that the information provided in the interview is a faithfully accurate depiction of a person's past or present. The information gleaned represents incomplete truths, fractions of numerous life events – ranging from the banal to the traumatizing – marred by the passage of time and reconstructed in light of one's current condition. Additionally, the information relayed represents what one is willing or able to share with the interviewer; a participant may render shameful life events as irrelevant or not 'anyone's business' and may choose to focus on those events that present him in a more favourable light. I conceptualize the life story interview as an autobiography that the participant constructs based on my questions, in the context of his current life. Over time, in telling and re-telling the stories of major life events, such as how

we grew up, emigrated to a new country, or met our romantic partner certain events may become well-rehearsed narratives. These stories may be recounted almost automatically, while others, perhaps those that are evoked less often, may require on-the-spot reconstruction. Most likely, my interviews elicited both types of stories. I hope, through probing and follow-up questions, that I elicited the participants' reflection upon even their most well-rehearsed narratives.

Another possible limitation to this study results from my previous engagement with the interview participants. It is possible that interview participants who were also CoSA core members could have seen me as occupying a position of authority. I addressed this by informing them that my research was distinct and separate from my involvement in CoSA. I also refrained from mentioning anything that I knew about them from my involvement with CoSA during the interview. At the beginning of the interview I explained that some of the questions that I would ask may seem redundant since I already knew the information, but that I had to ask because I would only use what they disclosed during the interview for my dissertation. I wanted the data to reflect what they chose to share with me, as an interviewer, in that moment and not what I had gathered about them through our other interactions. While I do not use information gathered through my involvement in CoSA as data for this research, this knowledge remains in my memory and I cannot pretend that it did not inform the interview and analytic processes. For example, one interview participant told me the age of his victim and said she was two years older than what I had read in his file. In that moment, when he mentioned this inflated age, I had a choice to make, whether to question him or not. If I did so, I would be drawing on information that I had due to my involvement with CoSA; therefore, I chose not to ask him to clarify. I believe that questioning the veracity of what he

was telling me would have impacted the tone of the interview from one where I am interested in his story to one of checking the veracity of the specific details of his story.

In other cases, core members did not recount some of the more pertinent challenges they faced on account of the restrictions imposed by the LTSO and the discretion parole officers have in imposing and/or interpreting their meaning. For example, when I asked core members about the challenges they experienced since their release, some stated that they did not really have any difficulties and were doing very well. Since I knew of some of the challenges that they had faced, it was frustrating for me to pretend otherwise. However, I chose to refrain from explicitly asking about these difficulties since I wanted to make a clear demarcation between my CoSA staff role and my researcher role. While being an insider can have advantages, which I mentioned earlier, it can also have disadvantages. Perhaps a complete outsider would have garnered more information about certain aspects of these men's lives. For example, I was surprised by how little they told me about their involvement in CoSA. Perhaps they assumed that this was an aspect of their lives I was already familiar with so there was no need to discuss what they perceived to be redundant information.

Contributions

This project stems from an interest in the lives of men who have been marginalized and silenced in popular and correctional discourse. I do not claim to be objective in the positivist sense; rather, I aimed to construct a research project that 'makes sense' of participant stories and their identities. I situate this research in a 'community' with the hope that it will help that community (Lincoln 2002: 334). Although not a 'community' as might be envisaged by a physical space, or even an ethnic or gendered community, I use the term

community to refer to the population under investigation, those men that are marginalized in discussions of offending and victimhood whose lives I aim to help. I contend that as researchers with a certain amount of credibility, we are obliged to listen to the voices of those who may not have such credibility, energy, or access, and to ‘do something’ about what we hear. Otherwise, “[w]ho speaks for those who do not have access to the corridors of knowledge or the venues of the academic disciplines?” (Lincoln 2002: 336). The concept of voice goes beyond creating a venue for the concerns of the marginalized to be heard. Lincoln (2002) argues that “...voice not only becomes a characteristic of interpretive work, but the extent to which alternative voices are heard is a criterion by which we can judge the openness, engagement, and problematic nature of any text” (337). While I aim to provide an alternative discourse to the victim/offender binary, I should reemphasize the cautious approach I took with respect to the concept of ‘giving voice’ to marginalized populations (see Riessman 1993). However, I welcome the addition of ‘voice’ as an evaluative quality criterion, since it is people’s stories that I examined in this research. Ultimately, I hope that this research will have an impact on policies that purport to deal with sexual victimization and that claim to increase the safety of our vulnerable populations. As Bruckert (2014) argues: “the academy is the first point of contact for policymakers” (312). If we do not speak out to dispel myths and ideological presumptions, others will do so with potentially negative consequences.

Conclusion

Through this research, I aimed to understand how men who have been publicly identified as sex offenders are ‘made up’, how they construct their identities and how the identity of the sex offender is constructed in correctional, public, and treatment discourses. Using semi-structured interviews allowed me to examine how these men construct their

identities as well as to analyze the social, cultural, and political discourses that encourage certain identities while discouraging others. This research aims to contribute to broader discussions on identity formation and negotiation, as well as the more specific discussions about 'victim' and 'offender' identities. Although the research presented herein is my interpretation of their words – I hope that the participants see the value in the findings as I present them.

Chapter 5 – The web of correctors: Actors in the surveillance and control of released sex offenders.

Introduction

This research analyzes the lives of individuals who have served a period of incarceration for a sexual offence(s). These individuals have been publicly identified by social control agencies (i.e., the police, the courts, corrections, and parole etc.) as sex offenders; Goffman (1963) would refer to them as *discredited*, that is, their identity has been publicly compromised by their identification as belonging to a stigmatized group. Whereas before their identification by state control agencies they had to contend with knowing their behaviours transgressed societal norms, once they are publicly identified they have to manage the stigma associated with their ‘new’ status as a known sex offender.

As discussed in chapter two, this research uses a symbolic interactionist and postmodernist theoretical approach to analyze how men who have been publicly identified as sex offenders make sense of, negotiate, reject and/or accept the classifications and categorizations that have been applied to them. Not only are they a part of a stigmatized and marginalized group of people – ex-prisoners – they are subjugated to the lowest rung on the prisoner/ex-prisoner hierarchy. Individuals with sex offence histories, in prison and in the community, are often singularly viewed through the lens of their worst actions. Once they are released from prison, individuals bearing the “sex offender” label can feel like they do not belong to the community they are expected to become part of; many also experience apprehension that others will find out about their status as convicted sex offenders. Several participants attested to this sentiment:

I don’t feel equal to society, in a whole. I feel like, sort of an outcast, you know (Perry).

If you're a murderer and you get out after fifteen years, nobody cares sort of thing, it's not your identity, it's not stamped on your forehead. Sex offenders, we've got it forever. And the constant fear of somebody finding out (Gus).

I haven't bothered with potential partners. I see them all around but I kind of shy away from the opportunity because...what have I got to offer? You know? Just myself and my bad reputation (Rhys).

I guess [making friends] is difficult for me because I don't want them to find out about my charges, about my past or whatnot. Cause you never know...Now with the invention of Google and Internet and everything else, it's nothing for somebody to punch in your name and get whatever information they want on you (Dan).

Considering their outsider status, how are these men able to carve a place for themselves within their community? Further, how do institutional structures assist and/or impede their (re)integration? In this chapter I describe my participants' day-to-day life in order to get a sense of the challenges they encounter, the resistance strategies they employ and the successes – however limited – they enjoy. I use a symbolic interactionist theoretical lens to analyze, at the micro level, the relationships, activities, hopes and future aspirations of the participants as they navigate their new terrain. At the same time, I use a postmodern lens to illuminate how institutional forces influence the construction of their identity. Those who are on legal conditions such as the long-term supervision order (LTSO), s.161, and s.810, also have to contend with the legal restrictions on their movements and social interactions. As Hacking (2006) proposes, the ways that groups of people are classified and categorized impacts their identity possibilities.

Throughout the chapter, I draw on the desistance literature to make sense of my findings. In chapter one, I described the recent development in the desistance field where concepts such as Maruna's (2001) 'making good' are being applied to released sex offenders

(see Farmer, Beech & Ward 2011; Gobbles, Willis & Ward 2014; Harris, 2014; Willis, Levenson & Ward 2010). This body of research is useful for analyzing the findings of this project for two reasons. First, the desistance literature focuses on positive factors that can help individuals not only refrain from re-offending but also enact a new identity. Despite the fact that identified, incarcerated and treated sex offenders have one of the lowest recidivism rates out of any offender group, most research and socio-legal interventions are based on the premise that these individuals will eventually reoffend and do not "...accommodate, encourage or even acknowledge the possibility of desistance" (Harris 2014: 1556; Lussier, Harris & McAlinden 2016). According to Lussier et al. (2016) five years after release, 85-90% of individuals with sex offence histories have not reoffended, while at the twenty-year mark, no more than 35% have reoffended. To focus on risk prediction and management therefore seems somewhat counterintuitive; a more beneficial approach is to focus on how (and why) individuals who have sexually offended in the past manage to desist from sexually offending after they have been identified, incarcerated and released.

The second reason for drawing on this literature is based on its particular usefulness for understanding my participants. While I did not set out to categorize the individuals who participated in this research as desisters or persisters (Maruna 2001), I contend that they can indeed be considered desisters. Of course, this is not an exact science. As Maruna (2001) pointed out, only death can ascertain if one has managed to desist successfully. I would argue that not even death can tell us that, as the person may have offended unbeknownst to the authorities and his death would not necessarily instigate his victim(s) to report his offences. The characteristics that have been used to categorize individuals with sex offence histories as desisters – and which my participants show evidence of – are as follows: they attributed their

offending to situational factors instead of innate deviancy; they acknowledged the helpfulness of sex offender treatment and participated in as much programming as possible while they were incarcerated; they made ‘good’ out of ‘bad’ situations, for example, although they experienced violence in prison they also saw it as an opportunity to participate in treatment and learn coping strategies which they drew on upon release; and they have positive, optimistic plans for the future (Farmer et al. 2015). While not all participants provided evidence of all of these characteristics, overall, I contend that all the men who participated in this research were attempting to desist from sexual offending. The above characterizations may seem incongruent with what is generally known about how and why individuals desist from crime; this is not surprising, given that desistance from sexual offending does not follow the same trajectory as desistance from non-sexual offences. While the aging out or ‘natural desistance’ hypothesis has been found to be the most common factor in desisting from crime, it does not seem to apply as categorically to individuals with sexual offence histories (Harris 2014). ‘Natural desistance’ refers to a process by which individuals begin their crime journey early in their teens, and due to informal social controls, such as employment and marriage, and the natural effects of maturity, slowly age out of crime (Harris 2014; Lussier et al. 2016). This has not been found to fully account for desistance in sex offenders, especially those with multiple offences (Harris 2014). Rather, research has found that cognitive transformations are equally, if not more likely to account for desistance in sex offenders (Harris 2014). Cognitive transformations involve a process that allows the person to enact a new identity, instead of merely ‘becoming too old’ to participate in crime (Harris 2014). Lenny’s description of why he needs to change is indicative of the mix between cognitive transformations and maturing out of crime:

I didn't really have a stable state of mind at the time. But this time, it really woke me up. Maybe it's because I'm getting old, older, right? Or just, because I've learned a lot from the programs that I've been taking. You know, really opened up my eyes...and again, I'm...getting older. I don't need that stuff anymore. You know, I partied most of my life and the party's over. I have to be responsible now. I have to you know, change in a positive way, because if I don't, I can go back in. And if I go back in with a new sexual charge...then you know, I'm in for the rest of my life. I'll get DO-ed [dangerous offender designation] for sure.

This identity change begins while individuals participate in sex offender treatment, through which they develop an understanding of the harm they caused their victims (and others); it continues with the participants' need to understand why they sexually offended, and results in them seeing the possibility of an offence-free life, with a new identity that reflects some form of redemption. Significant in this stage is the individuals' perception of agency over their lives and the hope they have for their future. Finally, desisters show their need for generativity, or "the desire to help others" (Harris 2014: 1566). Again, participants showed evidence of these characteristics, strengthening my resolve that they were on the path of desistance.

Cognitive transformations like the ones described above are significant for desistance in that they help the individual see himself as inhabiting something other than the imputed sex offender role. These cognitive transformations do not happen in a vacuum. While treatment can facilitate this process, the construction of a new, desisting identity is most likely to take place while individuals are actively engaging with others in their community (Farmer et al. 2011). In a review of the desistance literature, Weaver (2014) found that the formation of new and diverse relationships allowed released sex offenders the opportunity to enact different roles other than that of parolee, patient or core member. Relationships do not act, in and of

themselves, as protective factors against reoffending, perhaps explaining why some desistance research on sex offenders does not support a direct link between informal social controls such as employment and relationships and desistance (see Harris 2014; Farmer, McAlinden & Maruna 2015)¹⁸. Rather, it is the *meaning* associated with the relationships¹⁹ that is of importance, and the opportunities these relationships provide individuals.

In this chapter, I use Farmer et al.'s (2011) concept of 'communion', which entails feeling like you belong to a community of people, to understand the complex role that relationships have in the lives of released sex offenders. The opposite of 'communion' is social isolation, which has been found to be indicative of persistent offending (Farmer et al. 2011). According to Weaver (2014) desistance is 'co-produced', that is, it is not an independent endeavour for which the released offender should be solely responsible. Rather, the community has a significant role to play in the desistance of released individuals. From this premise, this chapter will attempt to answer the questions: How do the participants fit into their community? What are the factors that contribute to their 'communion' with others and what are the obstacles that prohibit or inhibit their participation in social life?

Drawing from Agamben's work, Spencer (2009) argues that in contemporary society the sex offender is not banished; rather, he is relegated to a *camp*, a *lawless* space within which there are zones of inclusion and exclusion. I apply Spencer's (2009) concept of

¹⁸ Despite this, Harris (2014) and others (see Farmer et al. 2015) argue that relationships (and employment) are paramount in the desistance process. Other research has found support for relationships and work as important factors in allowing the person to imagine a 'new self' (see McAlinden, Farmer & Maruna 2016).

¹⁹ I use a broad definition of relationships to encompass both platonic interactions and romantic partnerships. Additionally, relationships can include those with co-workers and other acquaintances that may allow the individual the ability to enact a non-sex offender role; these casual relationships could, with time and ample opportunity for interaction, develop into more intimate friendships and romantic partnerships.

inclusionary exclusion to analyze the participants' restricted lives – both spatially and socially. For the released sex offender, his exclusion from certain areas – and here 'areas' refer to more than physical spaces – and inclusion in others, contribute to a life that is controlled, monitored and confined. As Spencer (2009) argues, the sex offender “is among the community, but not of the community” (226). The inclusionary/exclusionary zones come replete with state control agents who are charged with carefully watching and encouraging a certain type of vigilance and behaviour modification that constrains the released sex offender's identity possibilities. At the same time, the individual himself is an active agent in his own governance, having in some cases, internalized the correctional discourse on sex offenders. Evidently, there are instances of resistance, negotiation of rules and regulations, moments of stepping out of the prescribed or imputed rehabilitation/(re)integration trajectory. This chapter attempts to illuminate these moments, while at the same time, being attuned to the myriad of obstacles befallen the released sex offender.

The released sex offender's spatial and social environment can be understood as a hybrid panoptic/synoptic cage. Drawing on Foucault's (1977) concept of the panoptic, loosely defined as the few watching the many, and Mathiesen's (1997) concept of the synoptic, where the many watch the few, Petrunik (2002) argues that Canadian sex offender policies are best understood by a fusion of the two. In chapter two, I explained that within contemporary Canadian correctional practices – which officially espouse a rhetoric of change, the released sex offender is encouraged to change his thoughts and his behaviour, but to ultimately maintain his identity as a sex offender who will always be at risk of re-offending. Once he is released, he is most often monitored and controlled even as he is encouraged to integrate into the community. Due to the legal restrictions that he is placed under (such as the LTSO, s.161

and s.810), the stigma attached to having sexually offended, and perhaps also due to the nature of modern city life, the released sex offender's environment is constricted to such an extent that the relationships he is able to form are predicated on his status as a sex offender. The people in his life, such as mental health professionals, reintegration workers, parole and police officers, halfway house staff, and community volunteers interact with him *because* he is a sex offender. The city, although full of possibility and opportunity for some, is, for the released sex offender, akin to a synoptic/panoptic cage where his movements, thoughts, behaviours, actions, attitudes and speech are under constant surveillance by a group of state control agents and community volunteers, whom I refer to as the *web of correctors*.

I chose this designation to exemplify that these individuals are not only tasked with 'catching' the offender when he fails, but that their job also entails – even if not officially – an attempt at correcting the offender's thoughts so that he can be managed in the community; this aspect of the work performed by the *web of correctors* will be described in greater detail in the following chapter on therapeutic surveillance. For now, I describe who the players in the *web* are and how they function. I argue that being subjected to these surveillance mechanisms severely hinders the released sex offender's ability to form relationships outside of the *web*, and therefore, negatively impacts his desistance journey. Successful desistance is based on the individual's ability to enact a new identity, often formed within new relationships where the individual can play various (non-offender) roles. However, the released individual's inability to bypass the literal and metaphorical cage enacted by his legal conditions contributes to the permanence of his master status as a sex offender.

Legal conditions

As described in chapter one, individuals who are released from federal institutions are most often under restrictive legal conditions. Thirteen of the fifteen participants in this study were on some form of release conditions, with eight of them being on the long-term supervision order²⁰. As described in chapter one, the LTSO is applied to individuals serving a prison sentence of at least two years who are deemed to be high-risk to re-offend but whose risk is seen as manageable in the community (Valiquet 2008). Often, the long-term supervision order is applied when the Crown is unable to secure the dangerous offender designation. When an individual is released on an LTSO, he is under the jurisdiction of Correctional Services Canada and is assigned a supervising parole officer. The LTSO includes a number of standard and special conditions, which the parole officer is tasked with ensuring compliance. Standard parole conditions include restrictions on movement (such as remaining within a specific geographical boundary and prevention from entering spaces where children are likely to be – notably schools, malls, parks and playgrounds); prohibition on the possession of weapons, and the requirement to inform the parole officer of any pertinent changes. Special conditions are supposedly linked directly to the individual's case specifics and needs. For example, if the individual committed his crimes while intoxicated, he would be prohibited from using alcohol and/or drugs. It is not uncommon for an LTSO to include more than ten conditions. In the case of an offender who is released without supervision, which

²⁰ At the time of the study, eight participants were on the LTSO, two were on s.810, one was on s.161 and probation, one was on parole and one was on bail (having previously been on s.810). Four of the participants mentioned that they were on the Sex Offender Registry, although based on the severity of their crimes it might seem reasonable to assume that all of them were registered sex offenders. I did not however, ask them about their placement on the SOR and only asked them subsequent questions if they mentioned it.

typically occurs only when he was detained until warrant expiry, the police can apply to the courts for a peace bond (s.810 of the criminal code), the conditions of which are similar to the standard parole conditions described above. Two of the participants at the time of the interview were still on the s.810 order, and two others had completed their order.²¹

The type of supervision that the participants are subjected to directly influences their quality of life and identity possibilities. In order to illustrate this, I briefly describe six major differences between the LTSO and s.810. First, the peace bond is applied for up to two years while the LTSO can be applied for up to ten years; indeed, of the participants on the LTSO, all but one was on the order for the full ten years. This means that an individual on the LTSO is kept under the jurisdiction of state control agents for up to five times longer than someone on a s.810. Second, the LTSO includes regular meetings with the supervising parole officer, in some cases, several times a week, while s.810 cases are supervised by a police officer who conducts meetings on an as-needed basis. Third, s.810 contains standard conditions while the LTSO contains standard *and* special conditions, which makes abiding by them more difficult. Fourth, the LTSO often comes with a residency condition while s.810 does not. While this can be an advantage, in that the individual has a place to live after being released from the institution, compared to possibly ending up on the street or at a homeless shelter, transition houses have their own rules that the person must abide by while also being subjected to the surveillance and control conditions of the residence staff. Fifth, a breach of the LTSO is considered a new offence, which can garner up to a ten-year custodial sentence, while a

²¹ One participant was on s.161 while another was on bail conditions. Three participants were not on any conditions.

breach of an s.810 is not considered a new offence, and the maximum sentence is two years. Finally, an individual on the LTSO can be suspended – meaning he can be removed from the community – for up to 90 days even without a breach of conditions; alternately, there is no such equivalent for s.810. An individual would have to actually breach a condition for the police to intervene. These features of the legal conditions and their impact on the identity possibilities of the participants are discussed more thoroughly throughout the chapter.

First, I describe the spider’s web of correctors that is spun around the released sex offender. I detail the rules and regulations of his residency condition, describe the communication between the various actors in the web, and describe CoSA, a community initiative that can facilitate both the communion role and the surveillance practices released sex offenders are subjected to. Next, I describe the restrictions that released sex offenders experience, both spatially and socially: that is, they are relegated to certain spaces and excluded from others, and they are barred from associating with certain individuals – such as others with a criminal record – while also being barred from spending time with generalized others, such as those who have children, due to a condition that requires they disclose their status as a sex offender.

The spider’s web of correctors

Spencer (2009) states that modern-day sex offenders are not banished from society; rather they are allowed in the community but they are relegated to certain spaces and excluded

from others. The LTSO residency condition that stipulates that offenders²² are to reside in an approved correctional facility such as a halfway house exemplifies this. Additionally, most released sex offenders are subjected to a condition that they are not to be found in places that are frequented by minors; this can include parks and schools, but also malls, public libraries, and community centres, among others. The designation of ‘serving the rest of their sentence in the community’ may technically be true; they are indeed, physically in the community in the sense that they are not incarcerated. Yet, they are also excluded from the community by virtue of the legal conditions they are subjected to and other rules and regulations implicit in these conditions. For example, residing in a halfway house means abiding by the rules of the halfway house. These rules include house arrest for the first thirty days, incremental increases of free time, from two to four hour periods (or in rare cases, longer), a signing in/out protocol, and a curfew. Additionally, residents are not allowed to associate with each other or have visitors in their rooms²³.

The residency condition brings a host of other players into the *web of correctors*, namely, residential house staff and the personal caseworker. These individuals do not work in silos; rather, they are in close contact with parole officers for whom they essentially act as their eyes and ears. Charlie explains how the residency condition makes his job as a parole officer easier:

²² I use the term ‘offender’ when referring to the participants on the LTSO in order to highlight that according to CSC, they maintain that identity status even upon release.

²³ As previously mentioned, having a place to live when re-entering the community can be beneficial: halfway houses are staffed 24/7 with support workers, each individual receives a caseworker and they do not have to pay rent, while also receiving some financial help with groceries and/or meals.

If they're not back within that allotted time, then you learn pretty fast if something's amiss versus a guy you see once every two weeks and lives on his own and you know, it's not uncommon to only hear from them when you see them.

Another parole officer, Cameron, describes the relationship between the parole office and the halfway house as “invaluable”, adding: “...it's incredible, the relationship [the staff] have [with the offender] and the amount of information that personal support worker is able to give the parole officer, is incredible, so that's really good”.

Living in the halfway house provides more opportunities for the participants to ‘mess up’, often in minor ways, since they are so closely monitored. Hank, who was released four months prior to the interview, had a two-hour pass, four days a week. On the remaining three days of the week, he is allowed to leave the halfway house unaccompanied only if he has professional appointments to attend to. For other outings, such as going for a walk or shopping, he has to be accompanied by a staff member. Hank stated that while he's “okay” with the conditions, he wished that he “had more time to do things” as it was difficult to make plans knowing he had to be back in two hours. The other participants all had four-hour passes, seven days a week. Ian was the exception with ten-hour passes on weekends, which allowed him to go back to his apartment²⁴. None of the participants indicated that they knew what was required or under what circumstances their time would be increased or even if that was a possibility.

²⁴ Ian had his residency condition re-instated after a breach of his LTSO garnered him a custodial sentence. He somehow managed to keep his apartment, to which he hopes to return once the parole board lifts his residency condition again.

Additionally, the four-hour pass is not a time when one can just ‘disappear’ from the residence. Dan explained that not only does he have to say exactly where he will be going, but he had to ‘check-in’ while he’s away.

If I have multiple things in a day, when I leave the house, I go do the first thing. When I’m done the first thing, I call the house, I tell them I’m done there. I’m going to the next place and I do that sometimes three times a day, cause I’ve got three different appointments.

This information is used by the supervising parole officer as another surveillance tool.

Charlie (parole officer) explains:

We review their sign-outs and sort of make sure there’s no suspicious sign-outs on there. I mean, most guys aren’t gonna put somewhere suspicious on their sign-out log but I verify where they’re going and compare that to what they’re telling me they’re doing with their time.

The above statements illustrate how the various actors in the web of correctors communicate to crosscheck their surveillance information on the offenders on their caseload. I argue that by communicating with each other and garnering additional information about each of their clients, the actors making up the web of correctors are able to spin a metaphorical spider’s web around each offender, increasing their chances of ‘catching’ even the most minor infraction of the rules that the offenders are subjected to.

There are exceptions to the four-hour pass. Participants who are employed are allowed to be out of the house for the duration of their shift, including any direct travelling time. They are not allowed, however, to stop anywhere on their way to and from work. For Cal, whose work was about 45-60 minutes away from the halfway house, this meant that something as simple as going out for a cup of coffee with co-workers after work is prohibited. He would have to come back to the house, sign in, sign back out and make the trip downtown again.

Socializing with colleagues after work would have offered Cal the opportunity to develop more robust interactions with other community members that were *not* predicated on his status as a sex offender. He could then transcend his prescribed sex offender status by becoming part of a community of people who would know him based on his personality, his interests, his work ethic – all those things that make him who he is, beyond the sex offender label. While Cal says that he is not in a hurry to make friends at work, Rex perceives co-workers as imperative to his reintegration:

You get married, you find a place to live...make kids...and pay your bills. To me, that's society. And people accept that because that's what people do. So, you're part of society. I would just like to get back into that part of life, pretty much, you know?... [For] now I've got to know more people, you know, in the work world. I think that's where it's going to happen. In the work world, is where I'm gonna meet people and get back into society.

Similarly, Gus, who held a job for six years until he was fired due to his criminal record, explained the positive impact his job had on his identity and the devastating effect of being fired:

If you would've asked me a year ago, I was proud of where I was and what, with my job and everything. Right now, I'm disappointed and depressed, like very depressed because I can't find anything. I've got nothing to value myself with. Sounds weird, valuing yourself with a job, but, it's an accomplishment for me.

Gus also mentioned that a secondary benefit of being employed and living on his own was that he was able to finally make friends:

When I was at the halfway house, I didn't have any friends because I was too embarrassed to say, you know, you wanna come over for a coffee. Or can I come over? So, until I moved out, and got my job there was no friends, no nothing. I didn't try.

Being employed – and having the freedom to fully benefit from the advantages of employment, such as making friends and being able to afford a non-custodial living space – can play a significant role in the development of a non-offending identity. It can also allow individuals to feel like they are exercising agency over their lives and their interactions with others. Instead of being forced to either hide their living situation or tell the truth about their situation before they are ready, individuals who live on their own are able to disclose their past at their own pace.²⁵

The rules of the halfway house can also be prohibitive to the residents' ability to form intimate relationships. As Ian recounted:

I really can't go form a relationship, I can't go out at nighttime and go out to a bar or go out to a say, to a theatre or even to a movie. Most movies are two hours. You gotta get there, by bus or whatever, and you can't go anywhere afterwards for like a coffee because, you know, gotta go, you know? So yeah, it's restrictive.

Ian stated that when he complained to his previous parole officer about the four-hour pass and his ability to seek a romantic partner, she told him that she could extend his hours if he just told her in advance about the date. However, to Ian, that was not an acceptable proposition. He exclaimed: "I don't want you involved! I wanna be able to do that when I want to do it!" He concludes by saying that "conditions are certainly roadblocks" to having a social life. Correctional rhetoric focuses on the concepts of choice and responsibility in regards to an offender's crimes; paradoxically, the concept of agency – which is closely related to individual choice and responsibility – seems to be overlooked by state control

²⁵ This is only possible if they do not have a condition on reporting relationships, which will be discussed more fully later in the chapter.

agents, such as Ian's parole officer. Ian is a senior citizen; at this point in his life, having to inform someone in authority about his whereabouts and his personal life is the antithesis of exercising choice-making and taking responsibility for his life. Rather, this kind of insistence that an offender ask for permission infantilizes him and denigrates his ability to make proper decisions.

The LTSO participants can subvert the four-hour check in if people deemed 'safe' by the parole office accompany them on their outings. In Lenny's case, these safe individuals are his CoSA volunteers. He explains that as long as he is with a CoSA volunteer, he can be out of the house for an 'unlimited' number of hours. While this can appear to be a positive loophole to restrictive conditions, it could also de-incentivize certain men in terms of seeking friendships outside their CoSA circle. If CoSA volunteers get a free pass, so to speak, why would the participants bother attempting to form other friendships that would involve considerable scrutiny from the authorities? This exception, while seemingly allowing the men more freedom of movement also keeps them within the watchful eyes of the *web of correctors*, especially given that volunteers are told to report to the program co-ordinator any signs that the core member is at risk of breaching, re-offending or otherwise not doing well.

Further actors working in the *web of correctors* are mental health professionals. One of the special conditions of the LTSO stipulates that the individual has to follow the recommendations of his treatment professionals. As with the residency condition, there are advantages to being mandated to participate in treatment, including the fact that CSC is responsible for securing and paying for the individual's psychological help. Although Charlie (parole officer) stated that securing CSC-covered psychological help is not always easy to procure, all but one of the participants on the LTSO were attending treatment and had a

personal psychologist or counsellor at no personal cost. Comparatively, someone like Gus, who was not on any conditions but who would have liked to have a counsellor to help with his anxiety and depression, could not afford one.

Because these psychologists are contracted by Correctional Services Canada, they provide the parole office with regular reports on their cases. The reports can be advantageous for documenting the individual's progress in terms of his positive identity conception and development, and also for others, namely those in authority positions such as his caseworker and parole officer. Identity change happens in interactions with others and often requires external validation in order for it to be considered 'real' (Goffman 1963; Jenkins 1996). For example, when I asked Lenny about the successes he has had since being released, he cited the fact that his CSC-contracted psychologist had written two positive reports that identified him as low-risk to re-offend. Lenny explained that he was deemed high-risk to re-offend while he was incarcerated, so he considers this new classification "progress". While interactions in the community are indeed important in the process of identity change, because of the released sex offender's precarious social status, tangible outcomes of his treatment, such as written reports, can have an enormous impact not only on his self-conception but also on how he is perceived by others. The validation that authority figures such as a CSC-psychologist can have on facilitating a new identity is significant. These positive reports allowed Lenny to claim he was doing 'well' precisely because his psychologist supported that assertion. Alternately, Gus told me that a negative experience with the police officer in charge of the sex offender registry caused him to question his ability to desist from sex offending. This particular police officer was confrontational and gave him the impression that he thought

all released sex offenders would eventually re-offend. Gus explained the negative effect this had on him:

It hurts, because you're doing your damndest not to [re-offend]. You went to all the treatment inside. And, it's very stressful, because you start doubting yourself sometimes... That starts popping in your head. You know, it's like, maybe it's only a matter of time. And I don't need that crap. I need positive and just more, better outlook.

Lenny and Gus's divergent experiences with authority figures illustrate the point that actors in the web of correctors can both facilitate and hinder transcendence of the sex offender identity. Their power lies not only in how they perceive the offender, but also in how they communicate with others about the offender's 'progress'. As the professional interviewees attested, an authority figure like a caseworker or parole officer is more likely to believe a released sex offender's claim that he is doing 'well' or 'changing for the better' if another authority figure, such as a psychologist, supports that claim. In turn, the individual is either pushed closer to or farther from a new non-offending identity.

Knowing that their parole officer reads their psychological and caseworker reports and regularly communicates with psychologists, raises the question of how honest a person can be expected to be in these meetings. Sam (parole officer) explained that when checking with an offender's psychologist about his wellbeing, the psychologist might say something like: "You know, [the offender] is still upset about [the breakup]. I think you should talk to him about it". When I asked Sam if this is a way for the psychologist to indicate that the offender's risk is going up, she said: "Yeah, cause he's not coping with the break well. He's telling me he's coping with the break up well [but he's not]". While Sam states that feeling sad is an understandable response to relationship difficulties, she also acknowledges that offenders are

weary to disclose this to their parole officer because they think that admitting to experiencing negative emotional states (a need) will be interpreted as a risk. This is not an unreasonable belief, given that within CSC discourse and practice, needs are often conflated with risks (Hannah-Moffat 2005). Additionally, while Sam states that she wants her clients to do well, the fact that psychologists and parole officers discuss the discrepancy between what the individual is relaying to each, is indicative of the supposition that released offenders should be as open with their parole officer as they are with their psychologists, something that obfuscates the personal, confidential nature of counselling and the regulatory nature of parole supervision.

Conversely, there are treatment providers who are not contracted by CSC and who choose not to collaborate with parole officers. Cameron described the relationship between the parole office and these treatment providers: “There are some who basically don’t want to talk to us. Don’t feel that they get paid to talk to us. And so, that’s it. Which can make it very difficult”. These treatment providers will disclose whether the individual is attending treatment, but not what is discussed in treatment. The standards of professional ethics dictate that unless the client is at risk of harming themselves or others, a mental health professional is bound to maintain confidentiality. Mental health professionals, whose mandate is the wellbeing of their client, and parole officers, whose mandate is public safety, are likely to assess risk differently. However, Cameron states that there are exceptions to this: “...then there are some that are fantastic and as soon as you pick up the phone, they’re answering all your questions”. Cameron explains that parole officers subvert the confidentiality clause inherent in the doctor-patient relationship by asking the LTSO individual to sign a “consent to disclose” form, allowing the psychologist, psychiatrist or counsellor to discuss details of their

therapy. Therefore, if an individual wants his parole officer to have proof that he is doing well in therapy – aside from taking his word for it – he must consent to his therapist speaking to his parole officer, which also means that the individual is engaged in his own surveillance.

One might ask why an individual would consent to having his parole officer talk with his mental health professionals. There are two reasons for this. First, non-CSC mental health professionals are not willing to provide reports on their patients unless they receive a fee for service, something that the parole office is not willing to do because they are prohibitively costly²⁶. Second, an individual on the LTSO may be concerned with appearing cooperative or at the very least not appearing uncooperative. Refusing to sign the “consent to disclose” form may make him appear secretive and uncooperative. While this on its own may not cause problems with his parole officer, it may contribute to the image that the parole officer has of him. The most common statement I heard from the three parole officers interviewed for this research is that the way they supervise offenders is case-specific and a lot depends on how open, honest and cooperative the offender has been up to that point. For example, Sam explained that if an offender freely admits that he drank a beer the day before while on a ‘do not to consume alcohol’ condition, *and* the offender has been generally cooperative until that point, the parole officer would most likely not seek a suspension even though his charge technically breached one of his conditions. Conversely, an offender’s release can be suspended even if he has not actually breached a condition of his LTSO. From my work with

²⁶ Cameron (parole officer) stated that psychological reports cost CSC \$2000 a piece.

CoSA, I learned that individuals on the LTSO could be suspended for something called ‘deteriorating attitude’. When I asked Cameron if this was real or just folklore, she said:

...it’s an actual thing. I don’t know that I like the terminology ‘deteriorating attitude’ but you can say somebody’s risk has become unmanageable. It doesn’t necessarily need to be a breach. But somebody can be suspended...to prevent a breach, or for the protection of society...That means they can go back to provincial custody. CSC has thirty days to do a report and the [parole] board has 60 days to make a determination, which, they’re very limited in what they can do. But basically, without an actual breach of an actual condition, an LTSO can be removed from the community for up to 90 days.

Cameron explained that even if the person is released after the 90 days, his life may not be the same: “They might go back somewhere else [a different halfway house or even a different city] or we might get a program in place for them, or get an extra condition imposed that we find necessary...”. Additionally, the suspension literally means that the person’s LTSO is suspended, meaning that the LTSO is reinstated after the release, prolonging the order by 90 calendar days. Not only do individuals on the LTSO have to be careful about not breaching conditions, they also have to be careful not to be considered unmanageable. Considering the degree to which the different actors in the *web* communicate with each other, it appears that it is in the LTSO individuals’ interest to appear to be cooperative and honest with *all* of the various social control agents and community volunteers they interact with. This need to appear cooperative and manageable at all times also highlights why many individuals might agree to sign the aforementioned consent to disclose form. The ability of the parole office to effectively remove an individual from the community – without any tangible wrongdoing – can contribute to the precarious situation of released offenders. How can they be expected to invest into their community, when everything they built can be so easily

dismantled? While the parole board needs concrete evidence of wrongdoing to seek a charge, even a short suspension of the LTSO, and subsequent stint in the provincial jail can have negative repercussions. For example, Stuart states that he lost over \$500 of his disability cheque due to being detained for two weeks on a suspected breach of his LTSO; while the charges were eventually dropped, he found the two-week detainment demoralizing and financially costly. Evidently, a longer detainment can impact one's ability to pay their rent and/or maintain their employment, both of which, as discussed above, can facilitate a released sex offender's sense of place in the community.

Petrunik's (2002) application of the term 'synoptic' can be helpful in understanding the extent of the surveillance the LTSO individual is under. While the concept of the panoptic – where the few watch the many – can exemplify the state-sponsored surveillance of the sex offender while he is incarcerated and when he is released under the purview of the *web of correctors*, it negates the other more insidious actors who occupy the dual role of therapist or support person and surveillance agent in the field, such as halfway house staff, CoSA volunteers, and CSC-contracted psychologists. The concept of the synoptic – where the many watch the few captures the extent of the surveillance the released sex offender is subject to. Drawing on Mathiesen's (1997) work on the synoptic, Petrunik (2002) posits that current North American criminal justice approaches can be understood as a fusion of synoptic and panoptic controls. Significant in this model is the rise of populist movements, which are fuelled by sensationalist media representations of sex offenders. Thus, citizens "...not only [] demand panoptic control on the part of the state but also to take an active synoptic role in risk management through surveillance and collective expressions of disapproval" (Petrunik 2002: 502).

Petrunik challenges Mathiesen's negative rendition of the synoptic by referencing Circles of Support and Accountability (CoSA), a Canadian initiative that he contends exemplifies positive synopticism. Discussing CoSA is significant for this research, as all but two of the participants had, at some point, been affiliated with it. While each CoSA site operates independently, generally, a CoSA circle meets once a week and the core member can also meet with volunteers individually. There are also CoSA social activities where core members interact with staff and other volunteers. In some cases, a core member could have up to four or five CoSA meetings per week (Hannem & Petrunik 2007). Based on the frequency of interaction and CoSA guiding principles it is not unreasonable for participants to see their volunteers as friends²⁷. Indeed, for some participants, CoSA was their main social outlet. As Dan said: "Every week at least it gives me something, I get more social. Cause it's kind of hard to make friends. Kinda hard to get to know somebody enough". Having a social connection with others can make one feel like they belong to a community, and CoSA facilitates that. In contrast to Dan's statement, Perry, who is not in CoSA, describes the ways that he seeks to socialize despite the fact that he spends most of his time at home, watching television: "I try to get out as much as I can. Once in a while I go to AA meetings...and I also go to the coffee shop, so I'm getting to know all the employees by name." Inherent in Perry's quote is the fact that he is seeking human connections, something that is imperative for feeling like one belongs to a community. AA meetings provide him the opportunity to talk

²⁷ CoSA is based on the idea of creating "...quasi-familial or friendship networks for the ex-offender" (Hannem & Petrunik 2007: 160). While circle members address more serious issues, such as a core member's offence cycle and triggers, they also engage in friendly activities, such as celebrating birthdays, going for coffee and walks.

with others, while getting to know the coffee shop employees by name suggests that he is seeking a place to belong where he is not just another stranger.

CoSA can be considered a zone of inclusion, where the individual is welcomed and accepted. CoSA offers the participants a safe place where they can talk about the challenges they face as sex offenders, something that is missing for those who do not have a circle. They can interact with other people without fear of their status being found out or of being rejected for their past. For example, Gus, who is no longer in CoSA, told me that despite having friends he misses his CoSA volunteers because he could talk with them about problems specifically related to his status as a released sex offender: “I liked [CoSA] because it gave me somebody to talk to. Because right now, I’ve got nobody. Like when the police officers showed up last week I needed somebody to talk to and I had nobody”.²⁸ Many participants, like Gus, stated that disclosing their past to new friends would not be a viable option and that losing friendships after disclosure of one’s past is a very real possibility with potentially dire consequences. Hank stated that his ten-year crime free period came to an end when he disclosed his past sexual offences to a friend; that friend told others, and Hank fell into a depression that contributed to his future offences. Hank relied on his CoSA volunteers to fulfill his social needs; he conceptualized this circle as a safe space where the past is not able to haunt him.

²⁸ Gus is referring to an unpleasant encounter with the local police when two officers came to his apartment building to verify his residency as per the requirements of the sex offender registry. Police officers are supposed to dress in civilian clothing when doing these checks, in order to not ‘out’ the individual to his neighbours. However, these particular police officers, were wearing polo shirts with the city police logo on them, and had his file, with his picture, visible in their hands. They not only informed one of his neighbours that they were there looking for Gus, they were particularly confrontational and asked Gus a lot of questions, which heightened his anxiety.

Often, released sex offenders re-enter the community in worse conditions than before their incarceration. Their families and/or friends may have disowned them and they may have lost their job, and with these losses, their social status. In some cases, these individuals do not know anyone else in their new city except service providers. This can make them feel disconnected and can fuel their isolation. The CoSA circle can act like an anchor in the community they have entered, making them feel like they belong someplace:

I mean, I'm with people that actually are concerned and care about your [wellbeing], 'Where are you at, Rex'? You know, I gotta say, I enjoy it...If something ever did happen, and I found myself in a situation, these people would be worth their weight in gold to me (Rex).

CoSA is meant as a first step in the communion process; it is not meant to replace the individual's attempt to find his own place in the community. Rather, the volunteers and staff assist the core member in his attempts to find work, housing and hobbies, and help him navigate relationships so that he can become independent. Rex describes how he sees his participation in CoSA:

I'm in this little group, which to me, circles is a transition...you do it for a while, but then you gotta move on. And I hope that I can, five years from now, look back and go, hey, geez, that circle helped me out.

Similarly, it can be said that Matt is where Rex wishes to be in a few years. Matt describes that he values his friendships with his circle members but feels that he does not necessarily need their help anymore:

Right now, my most significant relationships is...CoSA, so my volunteers are significant relationships...It's an excellent support network, but it's a support network that I feel that I don't really need right now. But I've developed such good relationships with all of them, that I feel I can still contact them outside of the realm

of CoSA. So they've become friends as much as they have a support network.

Matt exemplifies the ideal way that a circle operates. The volunteers and staff offer support – both emotional and tangible – to the core member when he is first released, giving him hope that he can be accepted by others in the community, despite his past. They continue their support until a certain point when the person feels like he is ready to end the formal relationship with the circle and fully immerse himself in the outside community. Petrunik (2002) eloquently describes the benefits of participating in CoSA:

Rather than being driven from neighborhood to neighborhood like some tormented Frankenstein and perhaps re-offending in despair that he can ever be any different, the sex offender is given a chance to redeem himself under the caring but ever so watchful eyes of a concerned community (506).

Of special interest for this research is Petrunik's identification of the 'watchful eye' of CoSA volunteers and staff. While the significant role that CoSA can play in the communion goal is unquestionable, belonging to the CoSA community is not the same as belonging to the community at large. Therefore, being part of a circle cannot truly fulfill the communion goal in the process of desistance. The individual's involvement in CoSA is predicated on his status as a sex offender; indeed, a conviction for a sexual offence is the criteria for CoSA participation. Therefore, one cannot say that he is part of the community. Rather, he is part of *a* community – the CoSA community – that comes with its own rules and regulations regarding social interactions, such as prohibiting volunteers and core members from interacting on social media. Additionally, CoSA volunteers are told in training that they have to maintain confidentiality except if they suspect (or know) that the core member is breaching his conditions. In that case, they must report to a staff member who will inform the

authorities. This can have serious consequences for the core members. For example, Stuart describes how members of his CoSA circle reported him to the police for breaching the conditions of his release. Although he chose to continue in the circle, Stuart stated:

I'm just a bit more cautious [now], because I've had two breaches. The only two breaches I've had of the 810 were with this group. Had I been on my own, I'm sure I wouldn't have breached at all²⁹.

Stuart's situation exemplifies the fact that while some of the participants conceptualized their CoSA volunteers as 'friends', these relationships are very different from traditional friendships, where the individual would not necessarily be concerned with – much less report to the authorities – if their friend engaged in behaviours such as walking through a park, consuming alcohol, watching legal adult pornography or accessing the Internet, all of which are legal behaviours but prohibited by release conditions.³⁰ These conditions and their ramifications for the released sex offender's identity are discussed throughout the rest of this chapter.

²⁹ While it is difficult to predict whether Stuart would have breached or not had he not been in CoSA, one could assume that he would not have been reported to the police, because he would not have been as closely watched. This example does not negate the positive experiences that participants have with CoSA or the many benefits that arise from participation in a circle. Indeed, even these reported breaches could be conceived as positive depending on the perspective one takes. Perhaps Stuart was on a 'slippery slope' of engaging in certain behaviours that may have led him to reoffending and being reported by the circle members stopped that from happening. In that case, the reporting can be said to benefit society, potential victims, and himself.

³⁰ Initially, CoSA was created to work with individuals released at warrant expiry who had no community support and who were considered high risk to reoffend. With no release conditions CoSA volunteers had more discretion in how they approached a core member's engagement in unhealthy or problematic behaviours, such as drinking alcohol. In the last ten years, these types of cases have reduced in number, as release conditions such as LTSO, s.810 and s.161 are increasingly applied. This puts CoSA in a particularly precarious position where staff and volunteers have to navigate a relationship with the parole office while also supporting their core members.

Restrictions: More than just avoiding schools and kids

The types of conditions that the participants had to adhere to can be divided into two categories: spatial and social. Spatial restrictions include not being allowed in certain geographical areas, such as parks and school grounds; I have chosen to include the prohibition on accessing the Internet in this category. Since so much of our contemporary life takes place online without us having to leave our homes, the prohibition of Internet use is tantamount to being excluded from certain geographical spaces. Social restrictions include not being allowed to interact with certain people (typically anyone with a criminal record) and/or only being allowed to interact with a certain individual with the explicit permission of the supervising officer.

Spatial

Physical Geography

The LTSO, s.810 and s.161 can include conditions regarding the geographical areas that individuals are not allowed in, namely places where children congregate or *may* congregate. Obvious places are day-care centres and schools; however, some parole and police officers have interpreted this condition to extend far beyond educational institutions. Since the condition includes the phrase ‘places where children *may* congregate’, those places are left up to the interpretation of the supervising officer, which, as will be shown, has caused grave concern to some participants and can effectively bar them from engaging in social and leisure activities.

For those participants who are on a s.161 order, the situation is even more dire as it is a judicial order and the supervising police or parole officer has no discretion in its application. This order includes a concrete list of places that they are not allowed at, such as schools,

parks, and swimming pools. However, even when the wording is clear, the definition of the places is not. For example, what is considered a park? While most of us would agree that a green space with a children's play structure is indeed a park, there are numerous green areas that have 'park' in their name but are not intended for child's play. These green spaces, often found in the downtown core of cities, are not frequented by children and are rather used as shortcuts to get from point A to point B. When Cal sought permission from his parole officer to walk through a playground-less green space that has 'park' in its name in order to cut his trip home by a few minutes, he received an unequivocal "No way." However, a different parole officer may have given Cal a different answer.

Another example involves malls. While one parole officer may consider a mall a place where children may congregate and thus ban her cases from entering any shopping centres, another parole officer may not. For example, while Ian, Cal, Lenny and Ross all had child victims only Ian and Cal were banned from malls. Lenny had full access to the mall while Ross was only allowed to walk through to buy his bus pass.

Disagreement among professionals about the interpretation of the conditions is not uncommon. While I was working for CoSA, we organized a meeting with parole and police representatives specifically to receive clarification about this issue. There was disagreement among the professionals present about whether walking through a 'park' such as the one mentioned above can be considered a breach; some said that as long as the individual in question simply walks through and does not linger, they would not consider that a breach of conditions, while others were adamant that they should avoid any such areas. Similarly, Robin, (reintegration worker) recounts how he was met with resistance when he sought clarification regarding one of his client's conditions; the supervising officer said that

“conditions are conditions”. However, Robin recounted that upon being invited to a meeting to further discuss the topic, this officer and his partner proceeded to argue amongst themselves for over an hour about the interpretation of the condition.

Spencer (2009) contends that the sex offender is not only relegated to be an outsider in the community but he is also often excluded from his family. Not simply through estrangement, but by virtue of these exclusionary areas that reify the stereotype of the sex offender as a stranger, lurking in the shadows ready to abduct an unsuspecting child or assault a young woman walking home at night. As mentioned in chapter one, most sexual offences happen within families. Therefore, the restrictions on released sex offenders’ movements, while potentially appealing to public opinion regarding safety, do not have empirical support:

When you look at the nature of the offender, a lot of these guys were never a risk to offend in these places, right? You know, there’s a false assumption that the place of sexual offending is against a stranger in a public place, right? You know most of these guys are spending a considerable amount of time grooming their potential victims, right? So, it puts an unnecessary sense of risk in this stranger effect and I think that it minimizes as a direct result, the real risk that’s posed by people in closer situations (Robin, reintegration worker).

In addition to their criminal background, financial difficulties and in some cases, mental or cognitive disabilities, geographical restrictions further constrain the identity possibilities of already marginalized individuals. As Robin (reintegration worker) elaborates:

I think it’s impossible not to be in a place where children congregate from time to time. It’s really difficult for [those] who are on limited and fixed income, can’t get a job, can’t get a volunteer position, also can’t go anywhere that’s public where they may have access to resources.

Cameron (parole officer) echoes this concern.

Going to community centres and parks and stuff like that, that's a difficult one because if it's somebody who's really into wanting to sort of better themselves and get into fitness and go to a gym or something, or go to AA or NA that's held out of a community centre, it doesn't allow any leeway there. And that might not be our condition, that might be the section 161 of the code.

The idea that these individuals have to keep away from certain areas has permeated some of the participants' thought patterns where they have implemented avoidance techniques such as this one, described by Dan:

There is a school across from the John Howard Society, so when I go out for my smoke, I don't go in front of the building. I go in the back of the building. It's just one of my things that I put into place so I'm not in that type of situation.

It is unclear whether Dan does this so that he is not tempted by the children at the school or if he does this so that he does not appear to be in breach of his condition. Certainly, other participants indicated that they take precautions to ensure that they cannot be accused of being somewhere where they are not supposed to be. For example, Rex explains that he feels like he is always being monitored:

I just avoid schools just as good. Don't even walk by the freaking place. Because if the PO does see you, there's gonna be questions. 'Why were you [there]?' 'I was just out for a walk' 'Why did you pick this area?'

The Internet Ban

Whether or not their offences involved the use of the Internet, one of the standard conditions of the LTSO and s.161 order contains a prohibition on the Internet or possessing any device that has Internet capabilities. This includes laptops, tablets, and cell phones. It is increasingly difficult to find a cell phone without Internet capabilities and while at one point a cell phone may have been considered a luxury, it is increasingly a necessity. Public phones

have disappeared from cities and as mentioned earlier, halfway house rules about phoning to inform staff of your whereabouts can only be facilitated by the use of a cell phone. As Lenny points out, this condition is not on par with the technological customs of contemporary society: “They put one, you know, like it’s the 21st century, right? Technology everywhere, right? And I’m limited on my type of technology. I can’t, I can have a cell phone but I can’t have any access to the Internet.”

Parole officers like Charlie and Cameron posit that special conditions are tied to the particularities of the individual’s offences. However, for some participants, this was not the case. As Ian pointed out, his Internet restriction does not make sense, as the Internet did not even exist when he was offending in the 1970s and 1980s. Understanding why a certain condition is added to one’s LTSO is important. Ian stated that his psychologist did not agree with this particular condition and Terry, a mental health worker, echoed this sentiment:

Often the conditions don’t seem to make any sense to us or to the offenders, which I think is a problem, is that the reason for the conditions is not explained. So, if we put conditions on a person and don’t explain why they have them, it seems, it’s not always helpful.

Cameron (parole officer) recognized that the Internet condition can be detrimental to the participants’ reintegration. However, she rationalizes it by arguing that the individual can access the Internet under supervision. While this may sound possible in theory, in practice, having access to supervised Internet is not easily achieved. For example, since becoming employed full-time, Lenny is unable to have access to supervised Internet because the John Howard Society, which offers supervised Internet access, is only open during his working hours. Lenny told me that sometimes the halfway house staff let him “look for stuff” on their computer but this is an exception rather than the rule. He posited that one of the reasons he

may not be allowed on the Internet is so that he cannot access pornography, which, based on his past, could be a temptation. Despite this justification, Lenny concluded that this particular condition is a “challenge” for him, and out of all of his conditions, this is the one that bothered him the most. Lenny’s comment that the Internet ban does not fit with the technological advancements of the 21st century points to the repercussions that such a condition can have on released individuals. Much of our social life happens online. Friendships and romantic partnerships are often found and/or strengthened by interacting on-line in addition to in-person. Those without such a condition, like Ray, have been able to venture into the world of online dating and even find romantic partners. Additionally, the latest news, cultural events happening in the city and invitations to various social gatherings take place online. Even developing a hobby can be facilitated by having access to ‘how-to’ videos online, especially for those who are on a limited budget and cannot afford to buy specialty books and who are also barred from public libraries. While the Internet ban may seem benign or a mere inconvenience, I argue that it can actually impede the released individual’s reintegration by constricting his social and leisure activities.

Social interaction restrictions

The participants described having conditions that either outright bar them from associating with certain people, or that prohibit them from doing so less they have the approval of their supervising officer (either parole or police). Released offenders are not allowed to associate with anyone who has a criminal record, which could preclude them from communicating with existing friends and/or family members. Some individuals who are publicly identified as sex offenders lose the support of their families and friends. Their identity as brother, son, husband, friend, neighbour, is lost as they are suddenly unable to

enact these social roles. For example, when Gus was preparing to go to court, his mother told him: “If I were you, I’d take a shotgun, go out in the backyard and kill myself”. At the time of the interview, Gus had not seen or spoken to his family in over ten years and described his release from prison as such:

I have no family. So, when I came out, from my incarceration, I was alone. I had nobody. I didn’t have friends, I didn’t have, nothing actually. [It was] the scariest thing ever. Cause you don’t know how you’re going to do it.

Since Gus was detained until his warrant expiry and released with no conditions, he was, essentially, a clean slate, albeit one bearing a significant stigma and discredited identity. Gus had managed to make friends and had also enjoyed, temporarily, a new identity role as a ‘good employee’. Similarly, when Perry’s offence was discovered, his sister told him: “I wish I would’ve heard you murdered somebody over this [sexually abusing his child]”. She too, had ceased contact with him. Others, such as Ross, Cal, Rhys, and Hank, were supported by at least some members of their family and were able to maintain that part of their identity. However, family acceptance is nullified if one is not allowed to associate with them either because certain members have criminal records, or as discussed later, because they are considered family members of the victim as well. This means that for these men, their identity as friend, brother, son, husband, and their role in their community of friends and/or family can be disrupted by this particular condition. This condition also prevents them from interacting with the men with whom they reside in the halfway house, or who they meet through other ‘approved’ activities such as treatment groups or CoSA. For example, Stuart’s LTSO breach, mentioned earlier in the chapter, was for going to another core member’s home to borrow a gardening tool. The other core member’s criminal record prevented him from being an

approved ‘friend’ and therefore, Stuart was in breach of his conditions. Perhaps if he had first sought permission from his parole officer, he would have been allowed to socialize with this particular person. For example, Ross received approval from his parole officer to be friends with a man who had a criminal record. This man was known by the halfway house staff and went through an approval process with the parole office. The relationship was positive and valuable for Ross, as he felt that he could be himself with this man, since they both had a ‘past’. Research shows that associating with people who share a similar stigmatic attribute can have beneficial effects, especially when the stigma prohibits one from seeking out relationships (Evans & Cubellis 2015). In the absence of the ability to interact on a more profound level with members of the community who do not have a criminal record, associating with others with a similar background can serve the communion need and facilitate the desistance process. Additionally, the prohibition of even talking with other people who have criminal records can cause problems for released individuals. Stuart explains that his probation officer told him that if he was caught even talking with another parolee while waiting in the parole office for his appointment, he would be in breach of his conditions. Stuart explains the consequences of abiding by this condition:

I’m thinking, you still don’t get it. Because there could be somebody there that I just spent time with [while incarcerated] for two weeks and if I don’t acknowledge them or at least say ‘hi’, there’s the potential that if I do go back at some time and that guy is there, you can see how that can be a problem for me.

Not surprisingly, the participants who had convictions for offences against children were also barred from associating with minors. This condition in itself should not be difficult to abide by; however, the way it is worded gives some cause for concern. Cal explained:

...one of my conditions is not to be in the presence of children, females under the age of 18. Now, what does that mean? What does “in the presence of” mean? If I’m on the bus, and she’s sitting beside me, am I in her presence? I have to take the bus. The whole condition is a gray area. And no one’s been able to give me a clear definition on it, so far.

While it may seem that Cal was being overly cautious, Ken (reintegration worker) told me, in regards to another individual who presented him with a similar situation, that the “perfect” response in such a case would be to get off the bus and wait for the next one. This particular condition and the reintegration worker’s suggestion that one simply should get off the bus, exemplifies the dynamic nature of the exclusionary zones and the differential ways that the various social control agents may interpret them. These zones are not static geographical areas that the released sex offender can easily avoid. By virtue of other people’s movements (in this case children or young adults) a safe zone (in this case, the bus) can instantly transform into an unsafe zone that one must extricate himself from, lest he may be seen as breaching his condition. The participants’ sense that while on conditions “somebody’s watching you, all the time” (Rex) is not unfounded. Indeed, Matt told me that when he was first released he noticed he was being followed by (unsuccessful) undercover police officers and Ken (reintegration worker) confirmed that some released sex offenders are indeed followed by authorities, especially in the first months after release. Therefore, being overly cautious or apprehensive about what conditions exactly mean so that one can avoid problem areas is certainly understandable.

Non-association with victim(s) and victim’s family

It is a standard condition of the LTSO, s.810 and s.161 orders that individuals do not have contact with their victim(s) and their victim(s)’ family. Often, when the victim is within

their family, this condition inevitably bars them from associating with their own family members, some of whom may be a great source of support.

I've gotten guys that come out with 'no contact with the victim or the victim's family'. The victim was his niece. His whole entire support network is his wife, his kids, his mom, but by virtue of that condition, he cannot talk to anybody. And now he's [in the city] with no family here, no friends, nothing here...and you know, they go from being in jail where they don't have that condition, they're talking to their [family] every day on the phone and then they come out and suddenly this condition is now there because they're on parole (Charlie, parole officer).

Charlie stated that while a parole officer can petition the parole board and ask for a condition to be modified, he or she has to make sure their request is substantiated:

...we need to be able to sell a good case to the parole board. And they are pretty strict I think right now. So, it's a tough sell, if we don't have a good case to bring to them. We can't just throw it at the wall and see if it will stick. Otherwise we're gonna come off looking like a fool.

As Sam (parole officer) points out, before petitioning the parole board, the parole officer has to do a family assessment and decide if the family is actually trustworthy. Sam described a case in which the offender wanted to visit his family, but Sam was weary to request family visits because the offender committed his offences while family was present. As a compromise, Sam asked the board to allow for daytime visits, with no overnights, and stipulated that children were not to be present. Even if the supervising parole officer is inclined to support revising the no contact condition, it takes time; Charlie (parole officer) pointed out that this can be "frustrating, because now this guy has to wait sometimes like two months before he can have contact with [his family]". Charlie suggested that these situations could be avoided if the parole officer that conducts the community strategy before the offender is released recognizes that the individual has family support and avoids

recommending blanket conditions like ‘no contact with victim’s family’. Instead he or she can recommend that the condition be worded in such a way that the offender can have contact with these people with the advanced approval of the supervising officer.

Non-association with new friends and romantic partners without prior approval from supervising officer

Both the LTSO and s.810 can include a condition to report relationships to the supervising officer. The condition can stipulate that individuals must report *all* relationships, just romantic relationships, or in some cases, just relationships with *women*, while in other cases it states that they must report *any attempt to initiate a relationship*. Charlie (parole officer) cited failure to disclose relationships as the most common breach of an LTSO.

In Cal’s case, his condition stipulated that he must report *attempts* to initiate relationships. Cal inquired about this condition with the parole officer who conducted his community strategy before he was released. The PO said, “I would expect you to tell her before you went out on a date”, which Cal said he “resents”.

It makes me angry. How are you supposed to ever go on a date with someone if that’s the first [thing] out of your mouth? Hey, do you want to go for coffee? By the way, I spent three and a half years in prison for sexual assault. So, I don’t [date].

This condition then, prevents Cal from engaging in relationships that might actually contribute to his desistance. Participants often talked about ‘being behind’ their peers and Cal was no exception. He stated that he did not possess “the ornaments of adulthood” that others his age had. One of these “ornaments” included a romantic partner. Feeling like one is a part of the community also means fitting in with one’s peers – in Cal’s case, his co-workers and/or other people his age; feeling like one is somehow lacking in the things that other community

members have may impede their ability to see themselves as part of that community and nurturing or fostering further ties with others.

While Charlie (parole officer) acknowledged that there are definitional problems with this condition, his solution lay in placing the onus of responsibility on the offenders: “What defines a relationship? Like when does it become a relationship? Or when does it have to be reported? So, I always tell them to err on the side of caution and you can’t over-report things to me.” Indeed, individuals on the LTSO are encouraged to report everything and anything to their parole officer, even if they are not actually related to any of their conditions. Ian described it like this: “Anything that I do that’s away from anything that I’ve been known to be doing, I always tell [my parole officer]”.

One of the reasons that the condition on reporting relationships causes so much distress is that it is unclear to the individuals who are subjected to it, what the procedure is once they report the relationship (or attempt to initiate the relationship) to their supervising officer. For example, Cal said:

I’m not sure how exactly the rules on that work. I know I have to report my relationship to my parole officer, but then what she would require from that point forward, I don’t know...I don’t think there is any hard and fast [rule]. It’s going to be up to the interpretation, the discretion of the PO. They can do what they want.

In this respect, Cal is right; as with the other conditions, the supervising officer has discretion. However, as the parole office representatives interviewed for this study pointed out, public safety is CSC’s top priority. Therefore, the safety of the potential partner or friend supersedes all other considerations. For example, while these professionals stated that the privacy of the offender is important and must be ensured, their description of what happens

once an offender reports a relationship shows that they have a loose definition of guarding privacy. Once an offender reports a new friendship or relationship, the parole officer encourages him to tell the woman (or man, as the case may be), about his past. The parole officer then contacts this person to inquire about how much they know about the offender's past offences. They ask as many questions as they need to in order to ascertain that the person knows 'enough' to make an informed decision about commencing a relationship with the individual.

...if we're not satisfied that she knows enough, it might be telling the offender you can't spend time with her until you tell her more. And then we would go back and verify that she knows more... And then there's certain situations, it gets touchy and it's very grey area, where we might be able to disclose to the woman directly information that she's not aware of, if it comes to a real protection and safety for her or her children (Cameron, parole officer).

Knowing 'enough' was described as:

If she says, 'Oh, I know he's offended against children in the past' or something like that. And that's all she seems to know, that would not be enough. We'd want to know that she knew, I mean, it doesn't have to be all the gory details for lack of a better term, but we'd wanna know that she knows who his victims were, what the offences were, whether or not he's taken responsibility (Cameron, parole officer).

The parole representatives were aware of the importance of relationships for integration in the community. Charlie (parole officer) says: "[Relationships are] good for people. I mean, people wanna be loved and people wanna know that people care about them and they've got people to talk to...". However, public safety, rather than the offender's future happiness or even his wellbeing is the main concern of the parole office. As Sam explained it:

As long as they don't offend on our watch, they're successful, according to CSC. If you get through your STAT release or parole,

whatever, without any breaches or re-offences, you are considered a success in our books. You've been successfully rehabilitated.

This does not mean that parole officers are impervious to the social and emotional needs of the offenders on their caseload and the difficulties that arise when trying to form regular relationships while they are on conditions:

...that's why we constantly [suggest] community resources like CoSA. Like if there's a guy that doesn't have support, like, you better get CoSA and you better get CSC volunteers, because you need people. Because, how do you befriend someone, while you're subject to these conditions and restrictions? It's nearly impossible. I mean, it's nearly impossible for the guy that isn't even a sex offender to even make age appropriate friends, like a guy in his twenties (Sam, parole officer).

Dan told me that his parole officer did not ask him to disclose his past to his co-workers, since he does not see them beyond working hours. Additionally, if he were to make a childless male friend he would not have to disclose, which creates strange limits for who he may attempt to form a potential relationship with: "I'm trying to make friends with people that don't have kids. Or don't want kids. That way I won't be anywhere near children and that way they won't have to be told about anything". When I asked about the people in his life, Dan did not mention any friends outside of his CoSA volunteers and halfway house staff. Attempting to make friends with childless adults is not necessarily an easy feat. At what point in the friendship is it acceptable to inquire about one's parental status, let alone if one *intends* to have children in the future? Indeed, such a line of questioning can be perceived as socially unacceptable or at the very least impolite. Given the released offenders' many other challenges, such as living in a halfway house, being in a financially precarious position, and suffering from other trauma and/or addiction issues, severely limiting the diversity of potential social interactions is not something that can easily be overcome.

There are no guarantees when it comes to what the parole officer will require regarding the reporting condition. In all likelihood, at the very least the parole officer will ask that the offender disclose that he was incarcerated and has certain conditions. Cameron (parole officer) stated that even for casual platonic relationships, a parole officer may ask that the new friend be informed of the offender's past.

Again, it would have to be case-by-case... if it was a very, very casual relationship where they're always gonna meet in public, the children are never gonna be around and the offender says, yeah, I was in prison and now I have this condition and the person has no real reason, or no knowledge of why, I mean, it's *possible* we might be okay with that. It would depend on the offender, you know, the degree of concern we have about them.

While the parole officer may not ask the offender to disclose what their offences were, they will require them to state what conditions they are under. Telling their new friend that they have a condition not to be around children is akin to telling them they sexually offended against children. The impact that this reporting condition and subsequent disclosure requirement have on the participants' lives is that they do not seek out relationships. Professionals in the field are aware of this:

Yeah, sometimes you'll hear them say well I'm not gonna get involved with anybody until I'm finished [the LTSO] (Cameron, parole officer).

A lot of guys, you know, with the 'report relationships' say, well fuck, I don't want to date because I don't want the person that I'm with to be on parole too. It's like, fair, because they kind of would be, because they would be getting questioned by POs, and you know, on occasion if police know you, you might get stopped more often, you know. You will be targeted, and if you don't want your partner to experience that, yeah, you probably shouldn't date. Sorry, that sucks (Sam, parole officer).

We don't even see it a lot, we don't see a lot of...clients be rejected, because, well, there's too much fear. They don't even try (Drew, reintegration worker).

Interestingly, both Cameron and Charlie (parole officers) said that in their experience, people are accepting of offenders after disclosure. Indeed, Lenny told me that he disclosed his past to two different women with whom he was in a relationship and that both accepted him, while Ray said that one woman accepted him while another rejected him after he revealed his past. While these stories may offer hope to some, for others the risk of rejection is too high. For example, Matt explained that telling his girlfriend of his past would risk not only his relationship, but also his group of friends.

You know...there's no easy way to tell somebody that you were in prison for [a] sexual offence...she's alluded to the fact that you know, if there's anything really serious in your history, I'm outta here...but you know, once you cross that line, and put that out there, then it's out there for everybody in your circle. Because everybody is connected, right?

In certain cases, participants state that they base their decision not to disclose on how their friends or significant other react to news stories about sex offenders.

On my Facebook, they'll post "Sex offenders should be shot" ... and they'll even talk about it sometimes, you know, if they see it on the news and I'm there for dinner, whatever. "Sex offenders should be killed" ... It makes my heart race and it makes you, it makes me feel sick [but] I just laugh with them. Or try to laugh with them or just ignore it ... Because if you ignore it and you don't acknowledge it, there's no conversation to be made (Gus).

Matt, who was on a s.810 order, also had a condition to report relationships, but this was a much simpler process than with the LTSO. All he had to do was provide the woman's name and address; his supervising police officer did not ask to speak to the woman nor did he ask Matt to disclose his past to her. Matt claimed that he was actually told by the police that

“it’s probably in my best interest *not* to disclose”. Six months into the relationship, Matt was grappling with whether or not it was the right time to tell his girlfriend of his past. Instead of being forced to disclose or lose the relationship, as he would have if he were on an LTSO, Matt took the advice of his mental health treatment provider:

One of the things that the doctor says there, you don’t want to disclose everything right away. One, because you may scare off the relationship. Two, at some point, you do have to, but you need to, you have to be careful because you still have to protect yourself, but it’s not fair to have her not know, but you have to find that point where before you take it to another level. We’re not there, we’re still just in, you know, trying to figure out what’s going on stage.

Matt’s dilemma was fuelled by his own moral reasoning as the decision of when to tell was a personal one, unencumbered by legal obligations. He said: “...it’s just like, you can’t be close to somebody and you know, have them not know or wonder”. Interestingly, Matt could be considered high risk or higher risk than the participants on the LTSO because he served nearly a twenty-year sentence and was incarcerated until his warrant expiry, meaning he was considered too high risk to be safely managed in the community on day parole. At the time of the interview, he lived on his own instead of at a halfway house and was therefore less supervised and did not have regular meetings with his supervising officer. In spite of these potential limitations, because Matt was not subject to the LTSO conditions but rather to the less intrusive s.810, he was able to more easily form a romantic partnership. His relationship with his girlfriend may not have survived a disclosure early into their relationship; additionally, Matt’s ability to be part of a social group based around a common interest was also facilitated by his ability to keep his past to himself. I contend that if he was required to disclose his past to the members of the social group he may have chosen to postpone all social

endeavours until his conditions were over. While Matt's success since his release was due to other factors such as his intelligence and lack of current substance abuse issues, I have no doubt that it was also facilitated by his ability to exercise agency over his life and not be encumbered by overly-restrictive release conditions.

Conclusion

This chapter described the spider's web of surveillance and control that is spun around individuals released after serving a sentence for sexual offences. Re-entering the community after being publicly identified and labelled a sex offender can be a traumatic, isolating and frightening time for these men. Additionally, the years they spent hiding their sex offender label while incarcerated and living in fear for their physical safety, can add another layer of apprehension about entering the community they were removed from. Despite these setbacks, the participants interviewed in this research indicated that they were attempting to desist from offending sexually. Significant in the desistance journey is the ability of individuals labelled sex offenders to have a sense of communion (to feel like they are part of a community of people) and to have a sense of agency (to feel like they are active actors in their lives). This chapter described how the conditions they have to abide by as part of their release severely impact both their ability to become part of a community of people – beyond that offered by state control agents – and their ability to exercise agency over their lives. The participants in this study described how they are under almost constant surveillance by a web of interrelated social control agents who monitor and control their movements and behaviours. The participants who were subjected to the long-term supervision order had conditions that restricted where they could live, which areas of the city they were allowed to enter and what types of people they were allowed to socialize with. Additionally, any new relationships had

to be reported to their supervising officer who in most cases, would ask that they disclose details of their past to their new friends and potential romantic partners.

Although the released sex offender is supposedly included in the community, he is excluded by virtue of his release conditions. His physical movements are tracked and monitored by the parole office and by the rules of the halfway house where he is mandated to reside. His social life is equally controlled, as he is not allowed to have contact with others with a criminal record (which can include his family) or family members of his victim(s), which often includes his family as well. When one's movements and whereabouts are tracked and restricted, it is difficult to have a sense of being in control of one's life. Most significantly, the individuals' ability to form new relationships – ones not predicated on their status of sex offender – was severely thwarted by the disclosure condition. Although these new friends may accept them despite their status as released sex offenders, this was not a risk many of the participants were willing to take. After all, if their families had disowned them, and their friends had rejected them, why would a stranger, or acquaintance now accept them?

Released sex offenders are encouraged to live law-abiding lives and to integrate into the community. At the same time, the city they reside in is divided up into zones of inclusion and exclusion – zones that are not necessarily physically demarcated. For example, the Internet ban exemplifies a zone of exclusion that impacts their ability to form new friendships – after all, most people are on Facebook or have an email address – and their ability to seek information, develop new hobbies, and keep in touch with family back home. Additionally, and perhaps even more significant, is that these restrictions impact their ability to transcend feeling 'different' than other people. While there are plenty of people who eschew social media, and even derive some sort of status from it, this is a privilege that released sex

offenders do not have. When one already feels stigmatized and excluded, barriers to social and romantic relationships can have more dire impacts.

Due to these extensive restrictions, the relationships that released individuals are able to forge are largely predicated on their status as sex offenders. Additionally, their fear of others finding out about their past – oftentimes based on their own negative experiences – contributes to their ‘choice’ to maintain relationships with those who already know of their status, such as community volunteers or halfway house employees. Although these relationships may seem genuine, they are based on ‘keeping an eye’ on the individual and can hinder the establishment of other types of relationships. Under these circumstances, transcending the sex offender label is difficult, if not impossible. At the same time, a new identity is created, one that involves a hyper-vigilance about one’s movements, behaviours and thoughts. These individuals are encouraged to think of themselves as perpetually ‘at-risk’, and not to be trusted in certain situations – such as being in particular geographical areas, around various types of people and engaging in certain activities. The identity that is created, then, is one quite different than before incarceration. Whereas before, the individual was still able to enact the identities of husband, brother, father, friend, employee, his identity as a released sex offender is reified as his environment is constructed and constricted based on this label. He is tasked with desisting from offending but also with never forgetting that he is a sex offender (and always will be).

Chapter 6 – Tethering control & support: the paradoxical nature of supervision strategies used with released sex offenders

Introduction

In chapter five, I described the surveillance mechanisms that individuals who have served prison time for sexual offences are subject to once they re-enter the community. I focused particularly on those individuals subject to the long-term supervision order and explained how various state control actors involved in their supervision wove a spider's web of surveillance around them in order to monitor their movements and behaviours. In this chapter, I showcase how the web of correctors' managerial strategies rely on both control and support principles. These strategies are fused in different ways and through different actors and contribute to a cross-linking system that keeps the surveillant eye on the "risky subject" that is embodied by the released sex offender, while at the same time, eliciting his cooperation in his own surveillance and control.

The chapter begins by briefly re-visiting the shift from penal welfare to neo-liberalism, described in chapter two, focusing on the impact this shift had on Canadian correctional strategies. Compared to the general trends seen in the United States, where those deemed dangerous are more likely to be warehoused than rehabilitated and reintegrated, the Canadian approach aims to prevent future re-offences by attempting to 'change' offenders into law-abiding citizens; it does this by drawing on evidence-based research on criminogenic factors and employing the Risk, Needs, Responsivity (RNR) model (Bonta et al. 2008; Bourgon et al. 2012). Understanding this approach to community-based supervision is important if you are working to analyze the ways that actors in the web of correctors intervene in their clients' lives, which is the focus of this chapter.

The chapter continues with a description of the main theme that emerged from this research project regarding how released sex offenders are supervised in the community, namely, the web of correctors' dual task of exercising control over their clients while at the same time supporting them in various ways. While I discuss control and support strategies separately – in order to adequately analyze the intricacies of each – in reality, these are not discrete tasks; rather, they are intimately linked and state control agents described how they perpetually oscillate between the two. The following passages from the interview with Charlie (parole officer) provides a representative picture of how state control agents tether control and support strategies in their work with released sex offenders:

So, day-to-day responsibilities are supervision of offenders...so meeting with them in the community, homework, school, you know, wherever I'm meeting them, halfway house, things like that, you know, verifying what they're doing, compliance with their conditions, speaking with what we call 'collateral contacts', so friends, family, supports, you know, employer, teacher, program people, things like that. So that's generally the day-to-day of the job.

In the above statement, Charlie used words such as 'supervision', 'verifying', 'compliance' and 'collaterals' to illustrate the control aspect of his work, which involves monitoring released individuals' behaviours and whereabouts, and ensuring that they abide by the conditions of their release. Unprompted, Charlie continued to describe his work like this:

And then, you know, addressing dynamic issues that come up throughout the course of supervision. You know, most of the day-to-day work is just helping them with overall reintegration, right? So, becoming a law-abiding citizen or reaching their goals in the community and staying in the community and not going back to jail.

Here, Charlie described the other side of his work, namely, to support the released individual's reintegration into the community. According to the participant, there are three seemingly interrelated parts to this support: first, to help the person become a law-abiding citizen; second, to help him reach his personal goals (typically in relation to participating in treatment, securing employment, and continuing his education); and third, to help him stay in the community and not return to jail. Charlie's next statement illustrates the back-and-forth that actors in the web of correctors engage in between supervision/control and supporting/caring for their clients:

There's a lot of different hats I guess in the job, right? There's social worker, sometimes there's children's aid worker, sometimes there's marriage counsellor, sometimes there's police officer...so it's a tough balance. I mean, I guess the way that I approach my job is, my goal in my job is to help them succeed in whatever their goals are and obviously, with their reintegration, right? But you know, there are times when you have to address risk issues, breaches, things like that. So that can involve coming up with alternatives with sending them back to jail. Or if we don't think the risk is assumable, then, you know, it could result in going back to jail.

Parole officers and reintegration workers described their jobs as involving 'police' type practices, including 'catching' people when they do something wrong, as well as 'social work' or 'counselling' practices that focus on helping their clients' pro-social personal development. Significantly, none of the actors in the web of correctors described their work as solely involving 'watching' over their clients, waiting for them to mess up so they could send them back to prison. Rather, they repeatedly emphasized the support aspect of their work. The incongruities and difficulties that arise due to these professionals' attempts to both monitor and support offenders in the community will be discussed throughout the chapter. I conclude

the chapter by arguing that despite the rhetoric of support, actors in the web of correctors lean towards control strategies that are punitive and repressive.

The neo-liberal approach to community supervision

In order to more fully understand the unique Canadian correctional approach, a brief summary of the shift from penal welfare to neo-liberalism, and the subsequent rejection of Martinson's 'nothing works' thesis is needed. Recall from chapter two that in the late 1980s and early 1990s, the criminal justice system in North America underwent a shift from the penal welfare approach that had been used since the 1950s to a neo-liberal approach that still predominates (Garland 2001; Rose 1996). This paradigm shift involved a move away from a collective (state) to an individual responsibility in regard to welfare. The neo-liberal offender is constructed as solely responsible for his behaviours; he made the choice to break the law and is responsible for deciding to live that way. However, in order to refrain from offending, he has to accept that he needs to learn certain skills and use specific tools that have been 'proven' to be causally linked to criminal behaviours (see Andrews & Bonta 2003).

The impact of the shift from penal welfare to neo-liberalism on community corrections can be seen in the changing nature of parole. Discretionary or earned parole – first implemented in the early 1900s – was used as a control mechanism by which prison officials could maintain order in their institutions and as a way of integrating the newly released individual into the community (Petersilia 2003). Whether parole as rehabilitation was actually successfully practiced is debatable; nonetheless, Petersilia (2003) argues that this rhetoric dominated the first half of the twentieth century. The transition in the early 1970s from penal welfare to neo-liberalism resulted in a change in the way parolees were dealt with in the community. Whereas parole was initially a means by which released individuals could be

assisted in their reintegration by being connected to community services, the new approach involved monitoring released individuals and ensuring that they comply with the conditions of their release (Petersilia 2003; Seiter 2002). This has been described as a shift from a social work to a surveillance/enforcer style of transcarceral penal governance (Seiter 2002; Taxman 2002). In the new approach, parole officers – who now have larger caseloads than ever before³¹ – are said to show less leniency and are more likely to send an individual back to prison for even the most minor infractions of their release conditions (such as drinking alcohol), in order to prevent more serious infractions from taking place at a later date (Seiter 2002). Seiter (2002) calls this a zero-risk approach to corrections and claims that it permeates American parole practices³².

The Canadian context: counsellors and watchers

While the shift from penal welfare to neo-liberalism also took place in the Canadian context, it was not as pronounced. Recall from chapter two that Canadian researchers and practitioners rejected the notion that warehousing prisoners was the only viable option to dealing with crime. The Risk, Needs, Responsivity (RNR) model – which was widely adopted by Correctional Services Canada – is based on the premise that direct, focused intervention can reduce crime (Andrews & Bonta 1998; 2003). This means that individuals who offend are

³¹ According to Petersilia (2003), in the 1970s in the United States, a typical caseload was 45 parolees. As of 2000, that number was as high as 70. In Canada, as of 1990, a parole officer supervised 25 parolees (Correctional Services Canada 2015b). Interestingly, more recent figures are not available, therefore, an increase in the Canadian context is possible. The most recent description on Correctional Services Canada's website states that parole officers "supervise and manage multiple offenders" (Correctional Services Canada 2013b).

³² For a full history of American parole practices, see Bottomley 1990; Rothman 1980; Simon 1993.

not condemned to a life of crime, but can, with the right supports – and the right attitude – leave their criminal life in the past.

Correctional Services Canada (CSC), the branch of Public Safety responsible for overseeing incarceration and release practices, states that its mission is to “...contribute to public safety by actively encouraging and assisting offenders to become law-abiding citizens and by exercising reasonable, safe, secure and humane control” (Correctional Services Canada 2012). The heading of one of its webpages boasts that they are “Changing Lives [*and*] Protecting Canadians”. This heading speaks volumes to the image that CSC wants to project about its approach. It is not relying on punitive practices in order to protect the public; rather, it protects the public by promoting behavioural changes in those individuals who harm society. In that sense, the word ‘corrections’ takes on a literal meaning³³. This approach extends to the role that community supervision officers are expected to fulfill. The work of parole officers, who are responsible for supervising individuals serving long-term supervision orders (LTSOs), is described by Correctional Services Canada as “...enforcing strict controls, in some cases, and acting as counselors in others, depending on the needs of each offender”. Bourgon, Gutierrez and Ashton (2012) argue that Canadian community supervision officers are increasingly being asked to “...play a more substantive and direct role in facilitating client change in...a ‘therapeutic manner’” (3). The researchers describe this as a shift from a ‘case management’ style to one where supervising officers are supposed to act as ‘agents of

³³ Of course, this is not the whole story and CSC relies on risk management – including punitive control measures – in addition to its seemingly benevolent approach to fostering offender change. This aspect will be more fully analyzed later in the chapter.

change'. The case management approach involved enforcing release conditions and meting out punishments for breaking conditions; the only support that parole officers were expected to provide was to connect supervisees to community resources and services that may help them in their reintegration (Bourgon et al. 2012; Taxman 2002). Taxman (2002) argues that a 'case management' approach is atheoretical – that is, it is a surveillance-based 'enforcer' strategy that lacks the community integration aspect because it is largely based on the premise that the contact between the parole officer and parolee itself will keep the individual from re-offending.

In the current Canadian context, supervision meetings are supposed to achieve much more than that; parole officers are expected to use these meetings as opportunities to encourage their clients to change in pro-social ways³⁴ (Bonta et al. 2008; Bourgon et al. 2012). Implicit in this approach is that community supervision relies on different actors participating in the supervision. It does not rely on technologically mediated strategies such as electronic monitoring but rather, on state control agents being in direct contact with their clients. Recall from chapter five that the actors who spin the spider's web around the released sex offender rely on personal interactions to supervise their clients. They also personally communicate with each other to increase the scope of their surveillance. For example, parole officers check with psychologists regarding whether their clients are attending treatment and receive first-hand information from halfway house staff on the daily whereabouts of their mutual clients. Moore (2011) argues that the reliance on personal relationships between

³⁴ Pro-social changes refer to decreasing criminogenic factors such as anti-social attitudes, associates and behaviours. Specific examples include making non-criminal friends; espousing an attitude that focuses on responsibility for one's past and future; and engaging in community treatment programs.

client/offender and professional is an essential feature of contemporary Canadian surveillance. The ‘new’ surveillance – which Moore (2011) has termed ‘therapeutic surveillance’ – involves the reconfiguration of control practices.

State control agents construct their interventions – no matter how intrusive or punitive – within a supportive and caring umbrella that is supposed to have the client’s wellbeing rather than the public’s protection as a guiding force (Moore 2011). Under this rhetoric, state control agents can be thought of as ‘agents of change’ (Bourgon et al. 2012) or as ‘agents of care’ (Holmes 2005). However, by virtue of their jobs, these professionals are also in charge of punishing undesirable behaviours, which confers them a considerable amount of power over their clients. In the research conducted by Moore (2011), judges in Drug Treatment Courts could kick a person out of the program and enforce jail time; similarly, Holmes (2005) found that psychiatric nurses, who are tasked with providing medical care to forensic patients, are also ‘peace officers’ in charge of applying disciplinary sanctions when they deem it necessary. This often involves nurses calling security guards to deal with a patient’s problematic behaviour but also includes repressive practices such as sequestering patients in their cells for refusing to clean their living quarters. Holmes (2005) argues that these dual duties – of both caring and punishing – are contradictory in that the two roles are incongruent. Moore (2011) on the other hand, defines the seemingly paradoxical nature of surveillance and support as “two sides of the same coin” (267) and argues that care and control are not dichotomous as traditionally conceptualized. The re-configuration of surveillance and control as caring/supportive practice is exemplified in the following statement by Lee (reintegration worker), who describes the reason that various actors in the web of correctors communicate with each other regarding a client’s progress:

[It] is always [done] with his best interest in mind. Which he doesn't always see at first. You know, nobody is trying to get him back to prison, nobody is trying to get them in a corner, 'Finally, we've got you, now you're going back'. You know, that's not the whole purpose behind this collaboration, whether it's direct or indirect, it's an effort to keep them out of prison. Obviously keep the community safe but help them move forward and help them achieve their goals, which is sometimes really hard.

Lee's use of the term 'obviously', to describe these actors' duty to public safety, signals where the incongruity between caring and controlling lies. While this will be more fully discussed later in the chapter, it is worth noting that an obligation to public safety rather than to the offender's reintegration is precisely why supposedly supporting a released offender while also monitoring him is problematic. This dual task is presented by CSC as part of its unique approach to protecting the public while reintegrating offenders into the community, but it overlooks the incongruence between the roles of helper/counsellor and enforcer of rules. Consideration of the power inherent in the right to monitor and punish and how that may impact both parole officers' ability to offer support and released individuals' ability to accept that support – is non-existent in CSC literature. The dual role of enforcer of rules and counsellor is not confined to parole officers. The reintegration workers interviewed for this research project also made reference to this aspect of their work. For example, Ken (reintegration worker) describes his work like this:

There's two primary functions [to my work] ...one...we have an interest in helping people...so I have a major interest in counselling...The other part of the job is one of supervision [...which] requires a lot of our time. It's very demanding, very, very detail oriented... I'm doing that police kind of job.

Despite having to engage in ‘counselling like’ activities, parole officers and reintegration workers were quick to point out that they were not counsellors, as they did not receive any specialized training to assist them in this specific aspect of their work. Some of them, like Sam and Charlie (parole officers) stated that they would welcome specialized training in dealing with populations such as sex offenders. The lack of training in counselling skills may be contributing to the difficulty that these professionals expressed in fulfilling their job tasks:

Just the whole idea of supervision and support at the same time, it’s [a] really difficult balance to maintain...it’s very, very tricky. You know, it’s kind of difficult. Some people say you can’t really do it well. But you know, we try our best (Drew, reintegration worker).

It’s difficult to manage both roles...on one hand, I can be consoling a guy and supporting a guy and literally, like doing all the things to make him feel better about life, and keep him hopeful and make sure, you know...he’s not going to fly off the deep end, but while I’m doing that, I’m thinking, okay, risk to public safety...don’t forget about your corrections cap...take that social work cap off (Sam, parole officer).

Research on the daily work duties of community support officers confirms these professionals’ assertions that balancing control and support strategies is difficult, if not impossible. For example, in a meta-analytic study, Bonta, Rugge, Scott, Bourgon and Yessine (2008) found that parole and probation officers focus too much on enforcing conditions of release and not enough on the ways that they can interact with clients in order to enact positive change and discourage pro-criminal behaviours. The researchers contend that for community supervision to be effective – and by effective they mean that parole officers are able to promote pro-social attitudes and behaviours in their clients – the responsivity principle of the RNR model needs to be more closely adhered to. The responsivity principle – how

services are delivered – relies on the ability of professionals to build rapport with their clients, which is important in the client’s receptiveness to the guidance provided by these professionals. Not surprisingly, some individuals do not trust those in authority. For example, Sam (parole officer) stated:

[Parolees don’t trust us] because they’re afraid. They don’t trust us. You know, if I say, listen, please be honest with me, I have a badge and I have the power to send you back to jail, please be honest with me...Experienced offenders who’ve been on parole before, or who listen to other offenders inside of prison, they don’t trust us. If they are going to be vulnerable, they’re afraid that we’re going to...be punitive in our responses. And sometimes that’s fair, and I get that. Other times it’s totally inaccurate because we want to be supportive and we want the guys to do well.

While Sam talks about how she wants her clients to do well, she’s aware that released individuals have valid reasons not to trust their supervising officers. Trust plays a large part in the personal relationship that is built between the actors in the web of correctors and their clients. In order for their interventions to be perceived as supportive, state control agents need to elicit the trust of their subjects. Trust also has the potential to increase compliance (Holmes 2005). Holmes’ (2005) psychiatric nurse participants stated that they devoted considerable energy to building rapport and trust with their patients in order to elicit their compliance and to ease the process of collecting clinical data on their clients’ mental health. However, the fact that state control agents have the power to punish has the potential to erode that trust or to stop it from forming in the first place. Holmes (2005) contends that based on research on total institutions by Goffman (1968) and Castel (1998), it is accurate to conclude that these types of professionals – who are tasked with both supporting and controlling their clients – “...find themselves in the paradoxical pitfall of caring while enforcing strict regulations that threaten this very caring process” (4). The intricacies inherent in the dual task of controlling and

supporting released sex offenders will be more closely analyzed in the following sections on control and support.

Control and support community supervision strategies

In this section I describe the control and support strategies that the actors in the web of correctors employ in their supervision of released sex offenders. I attempt to answer the questions: how do state control agents exercise control and how do they claim to support their clients? What are some of the overlooked aspects of this approach to supervision and reintegration?

Control

In this section I use Holmes' (2005) concepts of disciplinary, coercive and therapeutic power to analyze the types of power that web actors can exercise over their clients. While the released sex offenders in this research study are not in an institution per se (as Holmes' psychiatric patients were), I find these concepts useful; as I argued in the previous chapter, released sex offenders on community supervision find themselves in a metaphorical panoptic cage where they are almost continuously watched and monitored. Briefly, and building on Foucault's (1977) description of prison authorities, Holmes (2005) describes disciplinary power as the ability of psychiatric nurses to ensure that their patients conform to the norms of the institution that they reside in while coercive power refers to the ability to enact punishment should the patients disregard or disobey institutional rules and norms. Finally, therapeutic power refers to the way that psychiatric nurses encourage patients to become active actors in their treatment; the expectation is that patients are responsible for internalizing the therapeutic goals and strategies espoused by the correctional mandate (Holmes 2005). Ensuring the smooth running of an institution and the compliance of its inhabitants requires

disciplinary power. Holmes (2005) found that nurses monitor their patients' whereabouts, behaviours and compliance with treatment in an attempt to ensure that order is maintained and chaos averted. He contends that "[d]espite the importance of the nurse-patients relationship, the discipline imposed on prisoners relies on continuous surveillance in addition to possible sanctions, in order to increase its efficiency" (6). Coercive power is exercised by reporting and/or enforcing serious repercussions for violations of norms and expectations. For example, Holmes (2005) contends that "...nurses have the authority to enforce the prison order, but it is also their duty to report and punish reprehensible acts carried out by the inmates" (4). The actors in the web of correctors interviewed for this research stated that they had the power to either personally suspend a client and/or to report him to those with more authority so that they can exercise their power to charge and possibly re-imprison the offender. In the following sections, I describe how state control agents exercise disciplinary and coercive power over their clients³⁵.

Disciplinary power

The main objective of the actors in the web of correctors is to ensure their clients' compliance with their release conditions. Recall from the previous chapter that offenders released on a long-term supervision order have numerous conditions that they must abide by. They have to reside in a secure facility, such as a halfway house; they have to participate in treatment; they have to avoid certain geographical areas and certain types of people such as

³⁵ Therapeutic power will be described in the following section on supportive practices.

minors and those with criminal records. They also have to inform their supervising officer of any changes to their routine, any new people in their lives (and often require their approval in order to continue these relationships). It is important to note that while parole officers are officially responsible for ensuring compliance with release conditions, other actors in the web of correctors are also concerned with this task. For example, CoSA volunteers are told in training to keep an eye out for ‘red flags’ that their core member might be breaching their conditions and are provided the protocol by which to report such suspicions. Additionally, while halfway house employees are not responsible for ensuring compliance with LTSO conditions per se, they are responsible for enforcing compliance with the house rules, which can include a curfew and non-association with other residents, to name just a few.

Participants to this research identified three main strategies that actors in the web of correctors use to monitor their clients’ compliance with the rules and/or attempt to detect infractions of their release conditions: first, they check their whereabouts by verifying their sign-in/out logs at the halfway house, asking them to phone in to the house when they arrive and depart from various appointments, and checking with collateral contacts and/or other professionals that the person was where he was supposed to be; second, they visually inspect the released individual’s place of residence for clues as to whether or not he might be engaging in problematic, restricted or illegal activities; third, they talk with the individual himself, asking the ‘right’ questions in order to elicit useful information.

Verifying their whereabouts

One of the ways that state control agents exercise disciplinary power is by ensuring that their clients’ movements are tracked. This is not achieved by electronic monitoring or other technological strategies, but rather by ‘old-school’ methods such as a physical log-in

sheet located in the main office of the halfway house where residents must indicate where they are going and what route and/or stops they will make on their way there and back.

Caseworkers and parole officers regularly check this log book to see that the locations that the individual said he was going to go 'makes sense'. For example, if an offender indicated that he went to the mall at 8:00PM but the mall closed at 6:00PM on that given night, this would arouse the professional's suspicions and would require further inquiry. Caseworkers and parole officers also check with professionals to ensure that the person was where he said he would be; for example, they may check that indeed his weekly CoSA meeting takes place on a specific day and time and that he attended as scheduled. Charlie (parole officer) explains:

So, we review their sign-outs and sort of make sure there's no suspicious sign-outs on there. I mean, most guys aren't gonna put somewhere suspicious on their sign-out log but I verify where they're going and compare that to what they're telling me they're doing with their time.

In some cases, halfway house employees ask the individual to phone when he arrives at his appointment and when he is on his way home. This ensures that he is not unaccounted for even within those few hours that he is given 'free' time. The usefulness of this is questionable. After all, the staff are not likely to verify at that moment if the person attended the appointment like he said he would. The purpose of this may be more disciplinary than investigative. That is, an offender that has to check in with a state control agent a specific number of times per day will be under the impression that he is constantly monitored and tracked; as a result, he may be less likely to 'lose track of time' so to speak and forget about curfew or his designated allowance of time out of the residence.

Checking the offender's living space for 'signs' of breaching/ offending.

The second strategy mobilized by agents to ensure that the offender is not breaching his conditions or engaging in illegal activities, is by visually inspecting his place of residence and his electronics (such as computer, tablet or cell phone, if he is allowed these). Halfway house employees are allowed to search residents' rooms if they have suspicions of wrongdoing or if they are asked to do so by parole officers. While parole officers have to provide a valid reason for asking that a client's room be searched, the reason given does not have to be vetted by a judge, as it would be in procuring a search warrant for a private residence: "We might have more lenient powers of saying to the halfway house: "Can you go search this guy's room?" Whereas police would need a warrant" (Cameron, parole officer).

A less direct way of checking the offender's residence is by visually scanning the premises during supervision meetings. These meetings allow parole officers and/or reintegration workers an opportunity to casually inspect the space and the person's belongings to notice if there is anything amiss. Charlie (parole officer) states that by looking around a client's room at the halfway house he was able to ascertain that he had a child's object in plain view. After the offender denied that this was indeed a child's item, Charlie asked the halfway house staff to search his room and more children's items were found in the client's closet. It is important to note that these were not illegal materials. Nor did this person have a condition not to possess children's items. His explanation, when questioned was that he found these items and he planned to give them to his family. Charlie explains why this was a problem:

But you know, when it's hidden in his closet in a duffel bag, and his story was probably true, but transparency was lacking and cause for concern when you stumble upon that. [He couldn't get

breached] because he did not have a condition saying he couldn't have children's [items] but is it reasonable for him to have children's [items]? In that case, I didn't think so.

Charlie's explanation for why he found this problematic includes contradictory statements. He states that it was 'unreasonable' for the client to have children's items, but also says that the problem was that the client did not ask for permission to have these items. This suggests that it is not the possession of these items that is 'unreasonable' but the fact that the offender did something out of the ordinary – finding, picking up, and storing these items – without his parole officer's permission. The offender was not acting in a disciplined manner, submitting to the parole officer's power by seeking permission even for behaviours that do not contradict his release conditions.

Another way that state control agents exercise disciplinary power is by checking their clients' electronic devices. With the help of a computer technician, parole or police officers in charge of supervision orders are allowed to do a surprise search of clients' electronic devices. This search goes beyond checking browser history, which can be easily erased. Ian was breached after such an incident when it was found that he had viewed (legal) pornography on his computer. Although the content was not illegal, viewing any type of pornography was in conflict with his release conditions and he was subsequently breached; Ian spent a total of seven months in jail for this, three of which were in the provincial jail while awaiting trial.

Frequent verbal contact with the individual himself

The third strategy that actors in the web of correctors ensure that the offender is abiding by his release conditions is through frequent meetings during which they rely on verbal communication to elicit information from the offender. For example, parole officers can have up to four meetings a week when a person is first back in the community, and CoSA

volunteers usually meet with their core members twice a week (once for a circle meeting and once with each of the individual members). Reintegration workers, such as halfway house caseworkers and other staff members informally interact with the person on a regular basis and not just during proscribed meetings. For example, Ken (reintegration worker) describes how he interacts with his clients:

I say, "Hey, how's it going? Did you watch the game last night? Come up and play a game of scrabble, I'll go down and play a game of chess, you know, and continue to be available and in their face when they want to talk.

Similarly, Drew (reintegration workers) states that rather than doing a formal intake interview when a client first arrives at the halfway house, he prefers to observe him informally for a while. Drew claims that 'seeing' the person where he lives and interacting with him informally gives him a more accurate idea of the offender. Although these interactions may seem 'friendly' in that they are premised on informal activities such as playing a board game or talking about the weather, everything a released sex offender does and says is observed and noted. Actors in the web of correctors use these meetings to assess the person's state of mind, emotional stability and overall well-being. Parole officers in particular are tasked with continuously assessing their clients' risk levels. One way that state control agents can assess the person's wellbeing and/or indication of problems is by asking questions. Sam (parole officer) states: "[I'll] ask [them] questions where I already know the answers to. That's a technique we use all the time...like, there's an incident and you have all the facts...[but you] play dumb the whole time". Sam's statement shows that some degree of dishonesty and deception is employed by state control agents while they demand and expect complete honesty from their clients.

Of course, parole officers also directly ask their clients whether they are abiding by their conditions. Released sex offenders are expected to be able to recite by heart their conditions and also answer questions regarding whether they have engaged in any 'high risk' thoughts and/or behaviours. Sam (parole officer) told me that at the end of each meeting she reviews a client's conditions with him: "...at the end of all my interviews, [I] go over the conditions. Do you know what these conditions are? Did you breach any of them?" Sam explains that when one of her clients breached his conditions she was shocked because she had seen him earlier that day and had done the 'right thing' by asking him all the 'right' questions: "...I had asked him about movies, I had asked him about media, I asked him if he's lingering in sort of areas, how he's getting home from work, what route he's taking, any sort of high-risk thoughts?" Despite her client's breach, Sam argues that since she had asked the 'right' questions and was able to document the client's answers showing that he gave no indication of wrongdoing, she was absolved, to a certain degree, of any blame. She explained: "I had guys I'd catch them on breaches but they never once said yes, yes, 'Sam', I breached this condition. Or yes, 'Sam', I think I did. But they would breach. But then I would cover my butt, because I had asked these questions". With this statement Sam acknowledges that while asking questions may not elicit the 'truth' from her clients, doing so serves another function, namely, ensuring that her career is not compromised and that she will be judged as having done her due diligence with respect to inquiring into her clients' thoughts, behaviours and activities.

State control agents exercise disciplinary power in order to ensure that their clients do not breach their conditions and/or re-offend. They do so by verbally interrogating their clients and visually inspecting the physical spaces they inhabit. Disciplinary power is meant to be

non-punitive; that is, released offenders know that they are being watched and monitored and this form of power is meant to elicit the offender's compliance. Moore (2011) argues that contemporary surveillance and control strategies are constructed as benevolent; that is, they are presented by state control agents and interpreted by offenders as for their own well-being rather than for the benefit of the state. It appears however, that another goal of disciplinary power is to ensure that state control agents can meet the requirements of their job and be absolved of responsibility should the individual reoffend. In the context of neo-liberalism, the responsibility of state control actors does not extend to their clients' behaviours, as offenders are constructed as solely accountable for breaching their parole conditions and re-offending. Actors in the web of correctors are responsible for fulfilling the tasks associated with their job; if their clients 'choose' to engage in behaviours that contravene their conditions, it is perceived as beyond their culpability.

Coercive Power

When disciplinary measures are not effective and a released individual breaks a halfway house rule, breaches his LTSO conditions and/or re-offends, state control agents exercise coercive power. Coercive power refers to the exercise of punitive actions that impact the person's life in tangible ways. This research has found that released sex offenders are not afforded any leeway when they engage in behaviours that contravene the rules they are subjected to (either by their place of residence or by their released orders). Seemingly minor infractions can be followed by swift repercussions; and even in cases where charges are not laid, punitive consequences can follow. This section describes the repercussions that occur

when released sex offenders break the rules of residence and/or breach the conditions of their LTSO³⁶.

As previously described, halfway house residents have various conditions that they have to abide by, such as the sign-in/out procedure and meeting their curfew. Infractions of these rules tend not to be overlooked. For example, Lenny told me that he was placed on house arrest for the following ‘infraction’:

I went to the [mall]...I had to go there to pick up my bus pass...and after that, I did a little window shopping inside and then they closed at 9 o’clock and I still went around, did some more window shopping...just to kill time. Sometimes I just don’t like being at home, right? It was getting close to eleven [his curfew] so I had to hurry up and get out of there, right?...I started walking instead of waiting for the bus [and]... I was two minutes late. And they were wondering what I was doing between nine and eleven, right? Because the mall closes at nine. So, I told them what I did, you know, so they had to review that and talk to the [executive director of the halfway house] and they came back and said, “Everything’s cool, you know, but you’ll be on house arrest for the rest of the day”.

This quote shows that it is not just the actual infraction that has repercussions. It seems that being two minutes past curfew was not the only reason that Lenny was placed on house arrest. Rather, his reason for being late, that he was window shopping at the mall for almost two hours past the time the mall closed was not seen as a valid way to pass the time³⁷. Perhaps if he had been late coming home from work or a CoSA outing, he would have been granted

³⁶ The consequences of a re-offence are much more clear-cut than for a breach. Although a breach is considered a criminal offence, various state control agents have power over what types of repercussions the individual will experience. A new offence, on the other hand, will inevitably be brought to the attention of the police and the person will most likely be charged.

³⁷ This particular mall remains open past the time the stores close as people pass through its halls on their way to and from a major bus stop in the downtown core.

some leniency. Nevertheless, the punishment that Lenny received lets him know that even minor rule infractions will not go unnoticed. Interestingly, Lenny stated that he wasn't upset about being placed on house arrest as he understood that the staff was 'doing their job'. Additionally, he postulates that state control agents involved in his case were monitoring his reaction to the house arrest. He states: "They record everything. 'This guy was, you know, being non-compliant...he showed a deterioration of attitude". Indeed, an outburst or resistance to the punishment could be perceived as an escalation of risk or as an indicator that the offender may be unmanageable in the community. As explained in the previous chapter, an individual deemed unmanageable (or whose attitude is seen as "deteriorating") can be suspended and sent to provincial jail for up to ninety days without any charges being laid. Lenny's observation that it is unwise to react negatively to punishments shows that he is acutely aware of the extent of his surveillance and the ramifications of not acting the 'proper' way. In the case of offenders on release conditions, the 'proper' way of acting involves being compliant to the conditions of their release and in cases of infractions, accepting of the repercussions that inevitably follow.

Breaches of the LTSO

When actors in the web of correctors become aware that a released individual has breached one of their release conditions, they immediately notify others in the web. For example, CoSA volunteers are told in training that if they become aware of such information or even suspect that a core member has breached, they are required to tell the program coordinator. The program coordinator, in turn, will inform the core member's supervising officer. Stuart was suspended after he mentioned in a CoSA meeting that he went to another core member's house to borrow something. Since he had a condition that prevented him from

associating with individuals who had a criminal record, his CoSA circle reported this to his parole officer. Although some reintegration workers, like Robin, acknowledged the detrimental impact that some LTSO conditions can have on released individuals, they stated that they reported all breaches of release conditions to the proper authorities. Robin stated that his organization has a “zero tolerance” policy towards reporting the breaches of his clients to parole and/or police: “There’s no discretion. If it’s a breach, it has to be reported. I feel like accountability is broken if we don’t do that. Because then I place myself in a position that’s superior to the order that he’s serving”. It is not clear if Robin is talking about accountability to the criminal justice system or accountability to the client. What seems apparent however, is that although reintegration workers use their professional expertise and judgement to make other decisions regarding their clients, when it comes to breaches they defer to professionals who have more official control over their clients – notably, parole officers, police officers, and Crown prosecutors.

Once a breach is reported to the individual’s parole officer, there are three possible outcomes: suspension resulting in a charge, suspension resulting in no charge, or no suspension at all. Before describing each, it is important to note that parole officers do not make these decisions alone, but rather after case conferencing with their supervisor and other state control agents such as reintegration workers, police officers and at times the Crown prosecutor involved in the individual’s case:

[A breach] is a criminal offence by virtue that it’s a breach of their conditions. But you know, we don’t have to pursue criminal charges every time there’s a breach. We have that discretion and we work with the police and you know, I’ve seen guys breach and not get charged (Charlie, parole officer).

While Charlie states that a breach may not result in a charge, this is obviously not always the case. The fact that the final decision to charge a person is the purview of the police and Crown prosecutor increases the chances that a breach will result in a charge or some other punitive consequence. Research shows that the more distant professionals are from offenders – by virtue of their professional capacity and direct contact – the more punitive they tend to be; for example, Mustaine, Tewksbury, Connor and Payne (2015) found that police officers and Crown prosecutors were more likely to support punitive sex offender laws than those workers who have more direct contact with these individuals, such as community supervision professionals.

Aside from possible jail time, each of the three outcomes has further consequences. When parole is suspended, a charge is laid; if the individual is found guilty of a new offence, he can face a period of incarceration up to ten years (Public Safety Canada 2009). In such a case, the time it takes for him to complete his LTSO is also lengthened because his LTSO is suspended (put on hold) while he is incarcerated (Public Safety Canada 2009). Once he is released, he may return to his environment (same halfway house and same conditions), although some things are likely to change. He may get new conditions and the rules at the halfway house may be stricter than they were before his breach. Additionally, he may not be accepted back at the same residence if the director and staff deem him ‘unmanageable’ and rescind their support. If there is no other secure facility that will accept him, he may have to move to a different city and lose all the community supports he had prior to his re-incarceration. Cameron (parole officer) explained: “...they might go back somewhere else or we might get a program in place for them, or get an extra condition imposed that we find necessary or something like that”.

In the case of the second outcome, where the individual's parole is suspended (meaning he is sent to provincial jail for up to ninety days) but ultimately not charged with a new offence, the temporary jail sentence can have ramifications nonetheless. Being removed from the community, even for a short period of time, can lead to loss of employment and other forms of lost income. For example, while Stuart was not charged following his non-association breach, he lost his disability payments for the two weeks he spent in provincial jail. This can have dire circumstances for those who live on their own, since they may not be able to pay their rent or other bills.

The third outcome, where the individual is not suspended or charged, is the most interesting regarding coercive power. An individual who is not suspended, or who is suspended but ultimately not charged, does not necessarily escape punishment. Instead of being incarcerated, he might be subjected to stricter controls and possibly new conditions. Cameron (parole officer) explained:

Instead of maybe trying to pursue [a charge] and send the guy back to prison...it's like, okay, we're just going to get this added restriction on as well to get a little bit more of a, you know, get him a little bit more under control and manageable.

Examples of stricter controls include parole officers asking the halfway house to impose an earlier curfew or petitioning the parole board to add a condition stating that the person has to abide by the halfway house rules. We see here that these types of strategies could be considered coercive and disciplinary. Stricter controls such as the ones described above could be considered punishments but they are also strategies by which parolees are supposed to be encouraged to monitor their own behaviours and adhere to the rules of their place of residence. The ramifications of these stricter controls can be quite severe. For

example, if a person is late for curfew, instead of being placed on house arrest, as Lenny was, he is in violation of his LTSO conditions and can now face a new charge (or at the very least a suspension). Stricter controls can also involve increasing the individual's medication. For example, Sam (parole officer) described the control strategies that were put in place after one of her clients was caught with legal pornographic materials (violating his condition not to possess or use any pornography):

We tightened the restrictions a little bit, informed the parole board, the police knew, he got his room [at the halfway house] searched more often. And we recommended that his dosage of [sex-drive reducing medication]...be increased so that he had no sexual thoughts. Ever.

The above statement illustrates that while a released offender may avoid facing a new charge after a breach, he is not spared punishment, nor does his life return to 'normal' so to speak. Rather, he is placed under even stricter surveillance and control. In the example provided by Sam, the offender's ability to pursue (legal, age-appropriate) sexual relationships is severely curtailed following the dosage increase of his sex-drive reducing medication. While Sam stated that she questioned whether increasing his anti-androgen medication is an effective long-term solution, she ultimately decided that it was the best decision at the moment. This case will be further discussed in the section on support presented later in this chapter.

The abovementioned examples show that state control agents are able to exercise coercive power in ways that do not necessarily rely on the re-incarceration of the individual. While avoiding a subsequent prison sentence can be positive, it does not mean that the person avoids serious consequences that affect his life in tangible ways.

Support

The professionals interviewed for this research stated that they wanted their clients to succeed in reintegrating in the community. As Sam (parole officer) succinctly stated it: "...we want to be supportive and we want the guys to do well". In this section, the support that actors in the web of correctors claim to offer their clients will be described and analyzed. I will attempt to answer the following questions: What actions and behaviours do these professionals consider to be supportive of their clients' reintegration efforts? What are some of the overlooked issues inherent in offering support while also monitoring released individuals? This research revealed four general ways that professionals claim to support their clients: first, they make referrals to community services; second, they offer direct emotional support; third, they attempt to have conditions either relaxed or removed; and finally, they use their discretion when clients breach their conditions.

Brokering services

One of the ways that state control agents described supporting their clients was by referring them to various community services which could aid in their reintegration. Brokering services is a traditional aspect of supervision, which fits with the case management style popular in the United States and in previous decades in Canada (Bonta et al. 2002; Taxman 2008). This type of support involves professionals such as parole officers and reintegration workers making referrals and encouraging their clients to engage in community services. For example, Sam (parole officer) encourages her clients to join CoSA in order to meet their social needs. While the social support released individuals can receive from community-based programs such as CoSA can be valuable for their reintegration, their participation in such programs also expands the web of surveillance they are subjected to.

Thomas, Thompson and Karstedt (2014) found that criminal justice professionals encouraged their clients to participate in CoSA because they saw circle members as an “an extra set of eyes and ears” (161)³⁸. While the authors point out that this description of circle work has been challenged by CoSA leaders, it is not an unreasonable way to view this work. After all, CoSA volunteers interact with core members on a twice weekly basis and are bound to notice if something is not ‘right’; furthermore, they are trained to not overlook breaches of release conditions even when these do not constitute illegal behaviours. This means that if a core member discloses that he drank alcohol or if members of his circle were to detect alcohol on his breath, for example, the volunteers would inform the program coordinator who would encourage the core member to disclose this breach of conditions to his supervising officer. If the core member refuses, the program coordinator would report it herself³⁹. In Stuart’s case, mentioned earlier in the chapter, his breach would not have come to the attention of the police had he not been in a circle.

In addition to the expansion of the web of surveillance, a released individual’s willingness or unwillingness to access community services is not inconsequential. Lee (reintegration worker) stated:

[We] help them connect with other resources in the community and I think it’s really important, it’s essential. If they’re just like, “I’m going to do this on my own” it’s not going to work. So, they have to have the willingness to take a leap of faith, really, and quite often outside of their comfort zone, to access [various resources] to better their life.

³⁸ A CSC report on another community volunteer program – The Community Adult Mentoring & Support Program – stated that volunteers act as a “canary in a coal mine” sensing when an offender is about to do something wrong (Rankin 2013).

³⁹ This particular scenario is used in CoSA volunteer training.

This quote suggests that state control agents perceive the person's participation in community services as indicative that he is serious about his reintegration; conversely, his unwillingness to participate can be interpreted as an anti-social attitude and/or as a predictor of certain failure. Recall that the neo-liberal offender is both responsabilized for his criminal behaviours but also for his choice to not re-offend. This entails his willingness to learn new skills and coping mechanisms but also to accept professionals' opinions on what he needs to work on. In this sense, he is both responsabilized but also perceived as incompetent or unable to be trusted to walk the reintegration journey on his own.

Providing direct emotional/psychological support

The second way that actors in the web of correctors offer support is by being available to talk with their clients about various emotional and/or psychological issues. Drew (reintegration worker) stated that he wants his clients to know he is available to talk about any issues they may have: "I certainly try to project to them that I'm, you know, if they want to talk about anything, I'm open to [talking about] anything". Actors in the web of correctors also told me that they were willing to talk about specific issues that their clients had. For example, Charlie (parole officer) stated that if he was unable to find a counsellor for one of his clients who wanted to deal with his experiences of childhood sexual abuse, he would make himself available to offer that kind of support:

You know, just because we can't get a psychologist to see them, doesn't mean they're just gonna fester, right? ... It doesn't mean we're just going to say, 'Okay, suck it up, too bad'. If you've got no one to talk to, if it comes down to it, then, that's me that they can call and talk it over.

This kind of support is not discordant with official parole officer tasks. Recall that CSC describes parole officers' duties as involving 'acting like counsellors' as well as exercising control over the parolees they supervise. Reintegration workers were also apt to offer support with respect to specific psychological issues. For example, Ross told me that his halfway house caseworker was the first person he confided in about his childhood sexual abuse. Ross stated that they had a few 'sessions' where he opened up about the abuse he experienced, before his caseworker found a counsellor for him to see on a regular basis. Ross stated that his caseworker's involvement and willingness to talk with him was invaluable as it allowed him to open up about his past for the first time in his life.

Other reintegration workers described tackling specific challenges that their clients faced in their reintegration journey:

[I'm] helping guys move beyond that destructive shame, which causes them to seclude themselves. A sense of unworthiness that causes them to stay away from community because in doing so, they often end up in bad situations, habitually (Robin, reintegration worker).

If we want people not to be re-offending and not victimizing anybody further, then we want them to feel as good about themselves and about life and about how they fit into the community as possible (Mel, reintegration worker).

[We] help them to believe in themselves, and that gives them steam, the power to move forward independently (Lee, reintegration worker).

It is important to note that neither shame nor self-esteem are identified as criminogenic factors in the risk literature. Rather Andrews and Bonta (2003) caution against targeting self-esteem during intervention practices, as that could merely lead to "criminals with high self-esteem" instead of actually lowering the chance of re-offence. What the professionals above

describe is an approach that tackles some of the more personal aspects of their clients' lives and which they believe impact their ability to integrate into the community. In this sense, they are taking a 'positive approach' that draws on the Good Lives Model (GLM) rather than the RNR model⁴⁰. It is important to note, however, that focusing on an offender's self-esteem or other psychological and or emotional needs is not apolitical. Cruickshank (1999) argues that in the neo-liberal context, technologies of citizenship are simultaneously voluntary and coercive; that is, the at-risk individual is supposedly empowered, through various strategies, so that he or she will ultimately self-govern in ways that render him a good citizen.

Individuals convicted of sexual offences begin their 're-education' regarding their offences while participating in sex offender treatment during their incarceration and continue this education when they are in the community. The power to change lies within them, so they are told; this is not antithetical to the cultural messages they receive more generally. Rimke (2000) points out that the success of the self-help movement – movies, television shows and books – is predicated on the modern assumption that individuals are 'works in progress'. In regards to the professionals' tackling of these more personal issues, their approach speaks to the interactional nature of identity. That is, we need to engage in identity work in relation to others. Robin made reference to 'destructive shame', which can lead to isolation, while Mel stated that feelings of guilt can be detrimental to reintegration. Mel differentiated between guilt, which he argued keeps the focus on the self, and remorse, which focuses on the victim.

⁴⁰ The GLM postulates that individuals who sexually offend are attempting to meet their core human needs – such as the need for affection – but do so in inappropriate/illegal ways. Having their needs met in appropriate ways will decrease their chances of re-offending. For a full discussion of the GLM see: Ward & Gannon 2006; Ward & Maruna 2007; Wilson & Yates 2009.

Mel argued that feeling guilty can result in the person seeking out things that will alleviate negative feelings about the self; these could be problematic behaviours/activities that are used to cope but which can lead to re-offending⁴¹. Lee identified that having professionals and/or other community members believe that one can desist from offending can be a powerful motivator for the participants to believe in themselves. Lenny stated that his psychologist's positive reports meant that he was 'doing well'. Reflecting traditional self-help mantras, he told me that his caseworker urged him to start his day by looking in the mirror and repeating the mantra "I am worthy". While Lenny's optimism about his present situation and his future cannot be necessarily solely attributed to his positive interactions with the professionals in his life, he seemed to draw strength and confidence from these professionals' view of himself. Conversely, Gus recalled how a negative interaction with a police officer who seemed to think that individuals like Gus will inevitably re-offend led to the erosion of his self-esteem and to doubting his ability to desist from offending.

Relaxing and removing conditions

A third way that actors in the web of correctors stated that they supported their clients' reintegration was to advocate that some of their release conditions be relaxed or removed. Robin (reintegration worker) told me that he often asks his clients' supervising officers to amend certain conditions so that his clients would have more freedom of movement. For example, if a client was not allowed to enter a public library, he would ask the supervising

⁴¹ In criminal justice proceedings, however, guilt, shame and remorse are not differentiated; rather they are part of the same affect group of emotions. Furthermore, expressing these emotions is imperative for constructing oneself as accepting responsibility for one's past wrongdoings (see Kilty 2010; Martel 2010 and Weissman 2004, 2009 for a more thorough discussion on remorse).

officer to allow the client to go to the library accompanied by a trusted person, such as a community volunteer. While this can be seen as a positive step as it increases the person's leisure opportunities, it also keeps him dependent on others to be able to participate in community activities. To clarify, it is not a condition of release that these men are prohibited from going to a public library unaccompanied; rather, he is not allowed anywhere near where children are likely to congregate. Therefore, he may not be allowed to go to the library because his parole officer deems the library a place where children are likely to be present. Instead of allowing him to go alone, which would actually give him the freedom and independence that he lacks, he is only allowed to go with a 'trusted person' further entrenching his place in the web of correctors' technologies of surveillance and control.

The parole officers I interviewed claimed that they had, in certain cases, petitioned the parole board to remove a condition on a client's LTSO. As the examples below show, however, the removal of these conditions may have more to do with institutional mandates that may not impact the individual's life in a substantial way. Cameron (parole officer) had a difficult time providing me with examples of conditions that are relaxed and/or removed. After thinking it over for some time, she finally gave this example: "Somebody who has a condition for psychological counselling, who has sort of done it and gotten over anything that we feel that he's gonna gain from it, and he feels comfortable and stuff, we can recommend that condition be removed". A similar example was provided by Sam (parole officer), who recalled that the parole office once received instructions from Regional and National Headquarters that they had to review their cases and see where they could remove conditions:

They were noticing that sex offenders who had been in the community for more than two years still had the same conditions that they were released with. And they were basically being over-

conditioned; there was an overuse of conditions (Sam, parole officer).

Sam told me that she had a client who had a condition to participate in individual psychological counselling but who was only attending group treatment, technically breaching his LTSO conditions. Since there was no concern about his well-being or indication that he would benefit from one-on-one psychological help, Sam asked the parole board to remove the condition to seek individual counselling. It is apparent that asking for the removal of this condition was a low-risk move on Sam's part and a way to fulfill an ordinance from her superiors. One could also question whether the removal of this condition made a tangible impact on her client's life.

Another example that was frequently cited by parole officers as evidence that conditions may indeed become less strict over time is the residency condition. Unlike the previous example, this definitely impacts the person's life. Moving out on one's own means that an individual will be under less direct and constant surveillance. It also means that he will receive less support (compared to having 24/7 on-site staff) and he will have the added responsibility of paying rent. The professionals interviewed all stated that the residency condition is reviewed every six months. However, Charlie (parole officer) told me that in reality, it is rarely, if ever, lifted earlier than after a few years, as the person must prove that he is stable in the community. Removing the residency condition serves an organizational function as CSC has a limited number of spots in secure housing and space needs to be made available for new releasees. On the other hand, according to Cameron (parole officer), other conditions such as the prohibition of the consumption of alcohol or use of legal pornography,

which have no impact on the operational functioning of CSC, are usually applied for the duration of the supervision order:

[Conditions are] definitely assessed, all the time. So, for example, like the residency condition is the biggest one. So that is something we'd constantly, every six months we have to look at to see whether or not it's required still. The rest of them are usually put on until, so if a guy comes out with a ten-year LTSO and he gets a 'not to consume alcohol', that's imposed for the ten years.

Parole officers are not likely to attempt to petition the parole board to remove some of these conditions, even if they see them as ineffective or outright dangerous for their client's reintegration. For example, this is what Sam (parole officer) had to say regarding the pornography condition her client (mentioned earlier in the chapter) had to abide by:

I think it would be far better for this guy to have access to healthy sexuality...because this guy when his LTSO ends, he is not going to be getting the [anti-androgen medication] anymore, which costs, you know, \$1500 every three months. He's not going to be injected and he'll have no supervision. And [his psychologist] agreed.

However, when I asked Sam if in that case she advocated with the parole board that the 'no pornography' condition be removed, she answered: "No, that would be career suicide. That would be bad...It would basically be asking too much from the board". Similarly, Charlie (parole officer) stated that while he was willing to go before the parole board to ask that a condition be removed, he had to be careful when he did so: "We need to be able to sell a good case to the parole board...we can't just throw it at the wall and see if it will stick...otherwise we're gonna come off looking foolish". These statements show that not only are parole officers reticent to ask for conditions to be removed, doing so necessitates that they take initiative. Parole officers may not be willing to jeopardize their careers, as Sam noted above, by asking the parole board to review certain conditions. The removal of conditions –

other than those that fulfill institutional purposes – seems to be an uncommon occurrence.

During my time volunteering and working with CoSA, I do not recall any core members having conditions other than the residency one lifted (and even that usually happened at least two years or more after their release). This is supported by Cameron's (parole officer) assertion that while it's possible that conditions are relaxed and/or removed, that is usually not the case:

Most of the time it's probably the opposite, where they're getting a little bit more restrictive because most of the time if we're looking at the conditions it's because we're having issues with them... Somebody might come out with no problem with alcohol and then all of a sudden alcohol becomes an issue and then we have to go back and say, 'Now, can we put this on?'

It seems that the fear that the person subsequently reoffends after they ask the parole board for a condition to be removed and/or relaxed impacts the way they are perceived by their superiors vis-à-vis their ability to successfully do their work. When it comes to protecting their careers and the reputation of the organization, there is zero risks they are willing to take. Paradoxically, actors in the web of correctors provided numerous examples of how they advocated for their clients to avoid jail time once they breached their conditions. I describe this aspect of 'support' next.

Using discretion and seeking alternatives to sending client back to jail

The final way that parole officers and reintegration workers said that they supported their clients was to show leniency and to advocate that they be able to remain in the community after committing minor breaches of their release conditions. While reintegration workers do not have the power to make legal decisions regarding breaches, they can make recommendations to their client's parole officer about what kind of consequences they think

should be implemented. For example, Drew (reintegration worker) stated that he often advocates against parole suspension for breaches that are not related to criminal offences (e.g., drinking alcohol, possessing legal pornographic materials, leaving city limits without prior permission). It is important to note that reintegration workers stated that they show leniency regarding these matters by suggesting to parole or police officers that their clients should not be breached. They do not use their discretion to refrain from reporting infractions, no matter how small these may be. Even in cases like the one described below by Drew, where he did not believe that his client's risk was elevated, he would not refrain from reporting the infraction to the supervising officer.

Drew (reintegration worker) recalled that in the case of a client who was caught with legal pornographic materials (which was a breach of his release conditions), he presented it to the client's parole officer as "...poor problem solving rather than him breaking the rules". Drew based this on the fact that the client claimed that he was attempting to re-direct his sexual attraction from children to that of adults, and the fact that he had been doing 'well' up to that point. Drew saw jail time as both unnecessary and counterproductive to his client's progress and argued that his client would benefit more from continuing to work on his 'poor problem solving' with his treatment providers rather than spending more time in jail.

In a zero-risk approach, advocating on a clients' behalf seems counterproductive, as any opportunity to send the offender back to prison would be taken in order to ensure public safety. What are the reasons that professionals provided to justify their use of discretionary measures so that their clients could avoid jail time? The main reason proffered has to do with institutional mandates. In the Canadian approach to offender management, professionals work towards keeping their client in the community rather than finding reasons to send him back to

prison. Jail time is seen as counterproductive and potentially detrimental to the person's progress; however, this is not the case for all offenders. Discretion and alternatives to jail are only given to those that have been able to prove themselves 'worthy' of leniency. Sam's (parole officer) statement about advocating for a client who breached exemplifies the convergence of these two issues:

He'd been in the community for a while, and he'd been compliant with everything. And then this happened and it was sort of a one-off, and my argument was, we're not going to fix this by sending him back to [provincial jail] and him, you know, getting charged and going back to federal custody.

In this case, the offender was seen as having made substantial progress in his reintegration process and there was concern for his well-being and for the fact that a subsequent period of incarceration may be counterproductive to his long-term reintegration because it would pause his treatment and may result in the loss of employment and educational endeavours:

It's seen as a waste of money to send them back to [provincial jail], it's too expensive, it's not going to help. We have to look at [the] big picture, risk management and you know, overall rehabilitation, reintegration (Sam, parole officer).

It would have been a waste because he would have gotten away from his treatment team when this is when he needs them [most] (Drew, reintegration worker).

'Doing well' was one of the main reasons that Drew also gave for advocating for a client who was caught with pornographic materials, which raises concerns about the client's ability or willingness to comply with conditions, their cooperativeness with authority figures and their general positive attitude. In such cases, the professionals in his life are willing to

lean toward support rather than using risk-averse strategies. Charlie's (parole officer) description of his willingness to help a client speaks to this point:

I'm willing to go above and beyond whatever the regular duties are to help somebody that's willing to help themselves. But you know, if you see that they're not following the rules, or they're putting up roadblocks or being resistant to what you're trying to help them with, then I think that's when it shifts a little bit from a social worker side to risk management side, I guess. And you're more vigilant about that and you know, your interactions are a bit more weighted towards the risk management side because you're concerned I guess?

Permeating Charlie's description of the support he provides his clients is the simultaneous need to engage in risk management and the fact that the support that he – and other state control agents – can offer is predicated on the supposition that the person is 'worthy' of their support; that is, the person's risk has to be seen as manageable and he has to be perceived as cooperative and willing to 'work on himself'. When I asked Sam if she believes other parole officers hold the same opinion, she stated that not suspending for minor infractions if the person was assessed as compliant is unofficial policy:

It's sort of like an unspoken, written rule. But it's not even that, from a risk management perspective, a guy who goes to a BBQ and has a beer...*if he discloses that and is compliant with his treatment*, then that's a good thing. That's actually a plus. We don't really perceive that like a significant indication of risk.

Cameron (parole officer) echoed this sentiment. She explained that discretion is used in certain cases, based on the parole officer's judgement of the client's compliance with their conditions:

...it's very case-by-case basis. If you have someone who's been doing really, really well and you feel like you can work with them, then even if they're not the one that brings it to your attention, you might try to work with them. If you have somebody that you know, you've had concerns about from the beginning and they've sort of,

you've sort of seen that they've been trying to hide things all along, and then something comes to your attention and you know, then they're denying it, then that might be another situation.

The above statements allow us to understand that the use of discretion is not necessarily a supportive strategy. While it opting not to pursue charges can seem to invoke a caring image of the system, discretion is generally exercised if the offender has managed up to the point of his infraction to prove that he is compliant, honest, and genuinely trying to reintegrate in the community. Rather than seeing the use of discretion exclusively as a supportive strategy, it can also be mobilized as another way of exercising control over released individuals. Since a breach does not automatically lead to a criminal charge, the relationship that the person has been able to build with his reintegration workers and parole officer will inevitably influence the decision that these professionals will make regarding his future. The fact that these actors have the ability to directly shape the client's life – by way of recommendations and/or discretion – means that they have power over him and he has little space through which to resist conditions that are unnecessarily prohibitive. We can see how Charlie centers himself as a social control agent in the web of correctors. He can choose to be either more supportive or more controlling depending on the situation. He has the ability to influence the police and directly affect the outcome of a situation that will impact his client's life in significant ways. This disciplinary and coercive power demonstrates parole officers' sense of control over the lives of their parolees.

Despite the addition of caring/supportive elements in correctional work, control and public protection is the first priority for CSC and implicitly for reintegration and parole work. While no further explanation is provided of what “acting like a counsellor” means, CSC devotes ample space in its promotional material to the control aspect of its endeavours. This

involves the management of risk and employing risk prediction and control strategies.

According to the Correctional Services Canada website (2012b):

Risk management is the focus of work for the Correctional Service of Canada. The management of the offender's risk commences the day the offender receives a federal sentence and remains to the day the warrant expires. At the same time, other groups must be protected from any safety threats that offenders might pose. The key to achieving a balance is assessing and managing risk.

This passage stands in stark contrast to the CSC statement about 'changing people' I cited at the beginning of the chapter and suggests that while CSC may espouse the rhetoric of change, it is embedded in a discourse where risk is pervasive and must be continually assessed and contained. That released individuals pose a risk to the public is presented as inevitable, which intimates a sense that sexual offenders do not and cannot reform; however, instead of primarily relying on incapacitation and warehousing – as our American neighbours do – CSC attempts to contain the risk by way of both incarceration and a prohibitive transcarceral community management system. The focus on risk falls neatly within the neo-liberal approach to corrections, as a significant feature of this socio-political rationality is the increased focus on the control of the future by way of predicting risky behaviours or situations and devising ways of controlling or managing those risks (Douglas 1994; Doyle 2007; Giddens 1991; O'Malley 2009; Rose 1996). Since something can be a risk if its probability can be calculated (Ewald 1991), the shift from talking about offenders' 'dangerousness' – as was the case during the penal welfare period – to their perpetual 'risk management' implies that the probability of released individuals' criminal behaviours cannot only be predicted, but also influenced and/or changed. While the discourse on 'danger' invokes the notion that something is out of our control, 'risk' suggests that the phenomenon in question is being

addressed, managed and controlled in an indisputably scientific way (Castel 1991; Douglas 1994). This means that CSC – through its various control strategies and agents (such as halfway houses staff, community parole officers and volunteers) can efficiently manage offenders' risk in the community. Considering CSC supervises almost 8,000 individuals in the community yearly, this is an important assertion to make (Correctional Services Canada 2013). CSC needs to assure the public that they can effectively manage these individuals without compromising public safety. The conflict between control and support seems to be most pronounced in the work of parole officers because they have to do three things if there is any indication that their client may be struggling emotionally or psychologically: (1) support their client so as not to compromise rapport; (2) assess his risk by asking questions that may not be supportive but rather are for the purpose of risk assessment; (3) document their interactions, including the types of questions that they asked the client in order to avoid culpability should the client breach or re-offend; I contend that engaging in all of these actions in the span of a supervision meeting can be difficult if not impossible.

Conclusion

In this chapter I described how actors in the web of correctors tether control and supportive supervision strategies in their management of released sex offenders. In the Canadian context, community supervision officers – be they parole officers, reintegration officers or community volunteers – are tasked with promoting pro-social behaviours and encouraging change while at the same time being acutely aware of any signs that their clients may be slipping up so to speak and potentially breaching and/or re-offending. In such cases, these actors are expected to report and enforce swift repercussions; overlooking even the most minor infraction is not an option. While community supervision actors claimed that they

exercised discretion in terms of seeking alternatives to jail time for their clients, this did not translate into avoiding the application of repercussions for poor choices and risky behaviour; rather, they engaged alternative ways to increase the degree to which they monitor and control their clients without resorting to re-incarceration. Furthermore, for all the talk about avoiding jail time, from the stories provided by the three participants who breached their conditions during their LTSO, it seems that incarceration is used.

Similar to Stuart's case, Ross' LTSO was suspended after he contacted a person that he was prohibited from contacting. Ultimately, Ross was not charged but he did spend almost twenty days in provincial jail pending a decision by the authorities. A more egregious example is Ian's case, which was briefly mentioned earlier. After Ian's parole officer detected (legal) pornography on his computer, he was detained in the provincial jail for more than eighty days while awaiting trial. The fact that Ian, a senior citizen without a history of violent crimes, was detained pending trial seems exceptionally punitive. He was eventually found guilty and served another four-months in prison. Once released, Ian's residency condition – which was previously lifted and allowed him to live in his own apartment – was reinstated for a total of twelve months. While parole officers and reintegration workers claimed to advocate for their clients not be re-incarcerated, they also described how they only did so for clients that they deemed worthy of their support. Those are the clients who are compliant, docile and who are 'doing well'; their breaches are perceived as 'slip ups' or exercising 'poor judgment' rather than indicative of elevated risk and/or pro-criminal behaviours or attitudes. For example, Ian told me that he directly questioned his parole officer's interrogation of personal matters such as his sex life and masturbation activities. Ian also questioned the qualifications of two young treatment providers while he was incarcerated, suggesting that he does not shy

away from voicing his opinion. This kind of behaviour is generally viewed negatively by correctional authorities and although Ian seemed to get along well with others – telling me numerous stories of how he helped his fellow prisoners, the volunteer work he engages in and the good relationship he had with one of his prison counsellors – the fact that he is not afraid to question authority figures’ judgment regarding his case may have been a contributing factor in the decision to charge him for his breach.

Community supervision actors have the power to effectively uproot and destabilize a released individual’s life. This statement is not meant to absolve released offenders of responsibility regarding their actions; rather, it is meant to draw attention to the power dynamics that are inherent in these relationships. Furthermore, while the use of discretion was touted as a supportive strategy, deeper analysis suggests that the ability of web actors to use discretion actually reinforces the power dynamics between the two parties. When rules are not quite rules – but rather guidelines on the repercussions that state control actors can impose – the ability to project the image of the ‘good offender’ is paramount, and given the intensity of community surveillance technologies, it is all encompassing and exceptionally time-consuming. This aspect of the released individual’s reintegration journey – his ability to enact a ‘truthful’, ‘honest’ ‘trustworthy’ image to those who are in charge of his supervision – will be more thoroughly described in the following chapter.

Chapter 7 – Whole Truths & Partial Lies: Navigating ‘Truth’ in Interactions with Professionals and Community Members

Introduction

I described the web of surveillance and control that is spun around the released sex offender (chapter five) and analyzed the control and support strategies that actors in the web enlist to manage their clients (chapter six). In this chapter, I focus on the ways that released sex offenders engage with truth discourses in their attempts to reintegrate in the community. The ‘truth’, although a seemingly straightforward concept, is rather complex. Briefly, one can think about the truth as a discrete, fixed concept, or as a fluid, interpretive one, depending on the epistemological standpoint one adheres to (Brunner 2004; Callero 2003; Gergen 1991; Rattansi & Phoenix 2005; Waldram 2007). This chapter also analyzes the ‘confession’, which I argue is the predominant tool for assessing the extent to which individuals admit the ‘truth’ about themselves (however that may be constructed), and adhere to the official truth about their past. Throughout their journey in the criminal justice system, convicted sex offenders are required to continually confess their past actions and their inner states, namely their thoughts, emotions and feelings, to authority figures such as treatment providers, parole officers and reintegration workers. The confessional process begins during institutional sex offender treatment programs and continues upon release from prison in their interactions with community members and with professionals who make up the web of correctors.

I begin with a socio-historical analysis of the ‘birth’ of the sex offender. This analysis allows us to better understand how individuals convicted of sexual offences are constructed as particular *types* of persons, different from non-offenders and from other criminalized individuals. The discussion continues with a description of how ‘sex’, the predominant subject of the confession (Foucault 1990), is constructed as both indicative of one’s identity

and as particularly salient in sex offender treatment. In section two, I deconstruct the concept of ‘truth’, drawing on three paradigms: post-positivism, narrative theory, and postmodernism. The third section delves into the subject of the confession, drawing on Foucault’s (1990) theorizations on the subject and empirical research to showcase how web actors mobilize confessional practices in their approach to managing sex offenders. In section four, I focus on how truth and confession play out in the participants’ daily lives as they attempt to reintegrate in the community. The main findings centre on the fact that web actors encourage and/or support their clients to engage with partial truths in certain contexts, namely, in social encounters that do not include romantic entanglements, but categorically demand that their clients tell the ‘whole’ truth in interactions with professionals. The chapter ends with an analysis of the confession as a performative strategy for enacting a ‘truthful’ identity and delves into some of the complexities that this entails.

The birth of the ‘sex offender’ as a ‘different’ type of person

While sexual crimes are of interest in today’s society, it is more precisely the ‘sex offender’ that has captured the public imagination⁴². He is revolting and fascinating, (as evidenced by the sheer number of television shows, nightly news coverage and newspaper articles on sexual crimes)⁴³ pushed to the margins of society (both literally and

⁴² Kitzinger (1999) argues that “[c]hild sex abuse was ‘discovered’ by the modern media in the mid 1990s [leading to] a dramatic increase” in the coverage of issues related to the maltreatment of children. It was in the mid 1990s however, that the media became preoccupied with the ‘pedophile’ or sex offender as a threat to public safety. The mid-1990s, Kitzinger argues, saw intense debate among the public and picked up by the media, about the control and surveillance strategies released sex offenders were subjected to, and the role of the state to protect the public from them.

⁴³ The long-running television show *Law & Order: SVU*, which focuses on sexual crimes to the exclusion of other types of crimes is an apt example of this (Cuklanz & Moorti 2006). The fact that this franchise of the

metaphorically), but also embraced as a much-desired scapegoat for society's ills and fears. The 'sex offender' is not constructed merely as a person who caused harm to another person; rather, in contemporary society, he is constructed as a 'type of person', his sexual offences as indicative of a flawed character, innate dispositions and inherent risk that are difficult (if not impossible) to correct (Katz-Schiavone, Levenson & Ackerman 2008; Levenson, Brannon, Fortney & Baker 2007; Willis, Levenson & Ward 2010).

In his genealogy of the 'dangerous individual', Foucault (1978) states that around the nineteenth century there was a shift from a focus on crime to a focus on the individual who committed the offence. At the same time, the proliferation of psychiatry and psychology, especially Freud's psychoanalytic theory and practice, contributed to the scientism of sex and sexuality so that sex and its related behaviours could be investigated, measured, categorized, and classified (Bonnycastle 2012; Foucault 1990; Taylor 2017). The 'sex offender' as a type of person was born within this socio-historical milieu. Based on historical analysis, Bonnycastle (2012) contends that the 'sex offender' as a category came into being around the 1920s. Prior to this time, sexual offences were documented, but there were no references to 'sex offenders' or 'rapists' as "[n]either had been constructed as proper objects of scientific study or categories of persons that could be identified, classified, and distinguished from non sex-offenders or non-rapists" (Bonnycastle 2012: 14).

The construction of the sex offender can be exemplified in Foucault's (1990) rendition of the case of a man named Charles Jouy. In *History of Sexuality, Volume One: An*

original *Law & Order* show has been on air since 1999 is indicative of the 'fascination' and public 'appetite' for sexual offence stories.

Introduction, Foucault (1990) describes what happened to Jouy, a ‘simple-minded’ man, once he was accused of engaging in sexual acts with an eleven-year old girl. Historically, these types of acts were not uncommon, and perhaps if not socially acceptable at least socially tolerated. Taylor (2017) surmises that despite Foucault’s (1990) apparent minimization of the harm caused by Jouy to his young victim, his analysis of the juridico-medical reaction to Jouy’s ‘criminal’ acts is significant in understanding the ways that the meaning of sex had shifted from circumstantial and inconsequential to indicative of one’s character and identity. By today’s standards, Jouy would be understood as a pedophilic sex offender (Taylor 2017); at that time, however, no such labels existed. His behaviours, however, were not new to the nineteenth century – neither were other types of sexually aberrant behaviours such as necrophilia, sadism, or homosexuality (Foucault 1990; Taylor 2017). Rather, “...what was new to the nineteenth century was an interpretation of these acts as revelatory of identities” (Taylor 2017: 35).

Recall from chapter three that Foucault (1978) argued against the ‘repressive hypothesis’ about sex, namely, that while sex was branded a taboo subject in the Victorian era, the opposite can also be observed. Rather than a secretive endeavour that we are reluctant to discuss, sex was and continues to be everywhere and discussed *ad nauseam*. Thus, these acts were not ‘discovered’ during this historical time period, but rather, they were studied, classified, categorized, and, most importantly, medicalized so that the people who engaged in them were now understood to be a certain type of person. In pre-modern times, sexual acts were seen as temporal and context specific. For example, same-sex acts between men were perceived as specific to bachelorhood (Taylor 2017). One could engage in sexual activities with another person of the same sex without being ascribed the label of ‘homosexual’. Indeed,

the label did not exist (Foucault 1990; Taylor 2017), whereas today, the description of someone as ‘gay’ – as if that is all the information one may need to conjure an accurate image of that particular person – is not uncommon. In Jouy’s case, he was deemed inherently dangerous and subsequently institutionalized for the remainder of his life, repeatedly interrogated by doctors who were not particularly interested in his offences but rather in the type of person he was thought to be (Foucault 1990; Taylor 2017).

The embodiment of risk and the societal preoccupation with the criminal rather than, or perhaps more accurately, in addition to, the crime, is evident in the ways that individuals who sexually offend are presently treated, both juridically and socially in Western societies. Incarcerated sex offenders have their own sex-offender specific treatment programs. With the exception of programs for individuals convicted of family violence, no other type of offender has offence-specific treatment programs. In the community, treatment programs are either specifically set up for those with sex offence convictions or do not accept those with a sex offence history (Petrunik et al., 2008). Both Canada and the United States have sex offender specific registries while no registry exists for other types of offenders. Socially, no other “criminal” elicits the disgust, fear, and pure abjection that the sex offender does (Waldrum 2007; Spencer 2009; Spencer and Ricciardelli 2017).

The participants in this research were aware of the ‘dangerousness’ that they are assumed to embody and the specific type of stigma they bear as a result of the sex offender label. For example, Gus stated that, in his opinion, no other type of criminal is branded the way that a sex offender is: “...if you’re a murderer and you get out after, I don’t know, fifteen years or whatever...nobody cares kind of thing. It’s not your identity, it’s not stamped on your forehead. Sex offenders, we’ve got it forever”. Similarly, Perry stated: “Murderers

won't get the kind of beating that sex offenders do [in prison]. Like I said, I'm lucky, I was a big guy and nobody screwed with me but you know, I told you my friend got a beating just for hanging around with me". Regarding how he has felt since his release, Perry stated: "I don't feel equal to society, in a whole. I feel like, sort of an outcast, you know...I'm faking it, type thing, you know, I got a mask on". These statements exemplify the stigma that individuals publicly identified as sex offenders experience and the way that this stigma can affect their self-perception.

One of the consequences of the shift in focus from the crimes committed to the criminal himself was a pervasive preoccupation with the inner states or the emotional make up of the criminal, so to speak, which propelled him to commit his offences. An admission of guilt – perfectly sufficient in rendering a punishment up to that point – became insufficient.

As Foucault (1978) explains:

When a man comes before his judges with nothing but his crimes, when he has nothing else to say but 'this is what I have done,' when he has nothing to say for himself, when he does not do the tribunal the favo[u]r of *confiding* to them something like the *secret of his own being*, then the judicial machine ceases to function (18, emphasis added).

Another way to view the act of confiding the secret of oneself is to say that the individual accused or convicted of a crime must confess the 'truth' about oneself. For in confiding his secrets, he is admitting the truth about who he really is. For the system to function – that is for the system to identify, punish, and 'manage' a sex offender's case – he has to engage in two types of behaviours: first, he has to confess the 'truth' about his crimes; second, he has to self-analyze and communicate the results of this self-analysis to others so that they may get to know who he is and how he may behave in the future (Digard 2014;

Lacombe 2008, 2013; Waldram 2007, 2009; Ware & Mann 2012). While these two endeavours may appear simple, they are rather complex enterprises that necessitate a particular engagement with the truth. He has to accept the ‘official truth’ about his offences, re-consider the thoughts and feelings that led up to his offences and demonstrate a willingness to engage in a public self-reflection. These aspects of sex offender management will be explored later in the chapter.

The role of sexuality in treatment programs

For now, I want to discuss the central role that sex and sexuality play in the treatment and management of the modern-day sex offender (Lacombe 2008, 2013; Waldram 2007, 2008). Research on Canadian institutional sex offender treatment programs found that there is an intense preoccupation with the sexual aspect of participants’ lives (Lacombe 2008, 2013; Waldram 2007, 2008). Recall from chapter two that institutional sex offender treatment programs often include an autobiographical component, in which participants are asked to write their life story and read it out loud to the group. While they are not specifically asked to focus on their crimes, an omission of that part of their lives (or not providing enough detail about their sexual crimes) is not accepted by treatment staff. Waldram (2008) found that “[t]he treatment schema...demands that they disclose in minute detail the nature of their crimes. Indeed, the sexual offences are central to the autobiography, and much conflict ensues over how they are narrated” (430). Participants are not allowed to ‘gloss’ over their sexual offences and indeed, some of them assume that, since they are participating in sex offender treatment, this is precisely what is expected of them. For example, Rex describes this part of treatment like this:

It's kind of hard, [the treatment provider] told us as soon as we got into the program, 'By the end of the program, I want you to write an autobiography of your life [and]...it's gotta be ten pages'. I thought, where do I start? From five years old, or fifteen years old or, how much does she want to know? But I don't think she...wanted to know everything. It was, maybe things that might lead up to your crime or, I'm not sure just what the motive was.

In addition to the autobiographical component of sex offender treatment, participants are asked to share their thoughts, feelings, and the challenges they experience with the other group members and treatment staff. These discussions, Lacombe (2008) found, often focus on the sexual aspects of the participants' lives, especially their supposedly deviant sexual fantasies. These fantasies are then analyzed by the facilitator and group members who often deem them to be 'dangerous' or 'triggering', and suggest other more suitable (read, hetero-normative) fantasies⁴⁴ in their place. In the context of group treatment – which relies on cognitive behavioural therapy – deviant sexual fantasies are constructed as the precursors or the triggers to the participants' sexual offences. Lacombe (2008) states:

In keeping with the teachings of cognitive-behaviourism, therapists want offenders to present the details of their fantasies in a narrative that involves a relationship between thoughts, feelings and behaviours. Part of the process of narrativization involves teaching offenders to reflect on the mood, the situation and the thoughts that trigger a fantasy (67).

Lacombe (2008) concludes that the focus on sexual fantasies as the precursor to sexual offences obfuscates other parts of identity, essentially constructing the incarcerated sex

⁴⁴ Lacombe (2008) argues that therapists often encourage participants to create 'good fantasies' to replace the 'bad ones'. She states: "They are encouraged to set a 'mood' by 'imagining a candle light dinner', include 'intimacy' and 'foreplay' by describing different 'scents, smells and touches' and communicate to their partners clearly by 'expressing feelings'. 'Think romance, you guys!' informs a female therapist who under no circumstances will accept a one-night stand as an appropriate fantasy, as it shows total disrespect for the woman" (69-70).

offender as "...someone entirely consumed by sex" (72). Interestingly, Lacombe (2013) found that this preoccupation with incarcerated sex offenders' sexual fantasies is not limited to treatment programmes. During parole hearings, members of the parole board urged applicants to describe how they will manage their deviant sexual fantasies if they are released. Lacombe (2013) argues that applicants who professed a lack of deviant sexual fantasies could be perceived as hiding the truth, which could in turn impede their chances of being granted parole. Given the societal preoccupation with the subject of sex (Foucault 1990), and the perceived importance it plays in one's sexual identity, these findings should not be surprising. Nonetheless, it is significant to note, and telling of how sex offenders are constructed as embodying a specific type of risk that is tied to their sexuality (or imputed sexuality). For example, Ian, a senior citizen, relayed how his parole officer would often ask about his sexual habits:

So, she's always asked me, then she started asking me about my sexual behaviour. You know, was I masturbating. How often I was masturbating. And I thought that was quite intrusive. And I told her that I was speaking with [my psychiatrist], he was my therapist. So she got a little annoyed with me. Uh, 'Well, I have to get to know you.' I said, 'You don't need to know my sexual [side], you know'.

The above statement suggests that Ian's parole officer was equating 'getting to know him' with attempting to understand his sexual behaviours. Ian resists this demarcation and calls it his 'sexual side' suggesting that it is not encompassing of his character or identity, but rather one of many aspects of his identity. Reintegration worker Ken uses a similar style of questioning in his case work with his clients:

I'll ask them outright when I meet them, are you having any dreams, are you having any fantasies, are you, you know, tell me what's going on...I think that's something we do very well in

terms of being right there, being straightforward, being honest and being able to talk to about out in the open, you know. Are you thinking about little boys, are you masturbating thinking about little boys or what's going on?

Ken perceives his clients' sexual desires – irrespective of their behaviours – as holding the key to 'knowing' them. It is interesting to note that Ken does not provide a justification for why he asks these types of questions nor does he indicate any reticence in doing so. Rather, he presents this line of questioning as natural or 'normal'. The approach used by Ken as well as Ian's parole officer support Foucault's (1990) argument that sexuality and sexual desires are perceived as indicative of one's character. Getting to know one's sexual desires, Foucault argued, is seen as the portal to one's true self and the key to one's happiness (Taylor 2009). For the convicted sex offender, an understanding of his sexual desires is perceived as holding the key not to his happiness, but rather to his management. Sam (parole officer) explains that as a parole officer, she is not specifically told by her superiors to ask questions regarding a client's sexual desires. However, she believes asking these types of questions will allow her to fulfil the responsibilities of her job, which includes continually assessing her clients' risk levels:

...they don't tell you what you need to ask them, you just know that, uh, they'll, perhaps if something happened, your supervisor might say, you know, 'Has he been having high risk thoughts?' Well how am I supposed to know if he's having high-risk thoughts if I'm not asking him about 'Ooh, you notice any cute women on the bus lately? Or do you like anyone? Oh, if so, okay, cool, oh, you like that actress? Okay, do you get turned on...[a]re you getting the tingling feeling in your penis?' These are the types of questions you ask the guys. 'Okay, are you masturbating? Okay, are you getting full erections? Are you masturbating to completion? Okay. Good. What are you thinking about?'

Evident in Sam's statement is the fact that she defines normative sexual thoughts and behaviours – finding someone 'cute', experiencing a physiological response, and masturbating – as 'high-risk', essentially pathologizing the sexual components of the regular human experience. Pathologizing normative human behaviours when engaged in by individuals with a sex offence conviction is not limited to sexual acts and desires. Later in this chapter I describe how a significant component of cognitive behavioural therapy – namely, engaging in so-called cognitive distortions – similarly negates that normality of certain behaviours and thought patterns.

Before delving deeper into the ways that the 'truth' is constructed, perceived, and mobilized in the treatment and management of individuals publicly identified as sex offenders, I define and discuss the theoretical underpinnings of the concepts of 'truth' and 'confession' (the predominant tool used to assess the truth). These concepts emerged as recurring themes in this research project.

Truth, a contested concept

The quest for the 'truth' about the universe, nature, and the self has been a preoccupation of humankind since the Enlightenment period at the very least (Brunner 1986; Giddens 1991). Truth is a contested concept, however. The way one approaches truth claims and the ways that one seeks to arrive at the 'truth' depend on one's epistemological and/or philosophical convictions. In this section, I address three different epistemological approaches to the concept of truth: positivist, narrative, and post-modern. I chose these three because they can help illuminate the competing truth-claims at play in the management and control of sex offenders. Because this research project is about identity and the construction and presentation

of the self, I discuss positivist, narrative, and postmodern approaches to the truth in relation to the self and identity.

Recall from chapter two that cognitive-behavioural therapy (CBT), which guides most sex offender treatment programs, focuses on the connection between an offender's thoughts and actions in the commission of his crimes and his possible desistance. CBT is based on the premise that anti-social or problematic thought patterns are precursors to sexual crimes (Fox 1999; Waldram 2007). In correctional discourse, 'truth' (reflecting a positivist approach) is perceived as a discrete entity that can be identified, assessed, and measured by authority figures (Taylor, Walton & Young 1973; Waldram 2007). In this sense, one talks about 'Truth', the capitalization signaling that there is one truth that accurately describes an event, feeling, or behaviour (Martel 2010). Knowledge, or the 'truth' about these matters, it is argued, is imperative for assessing, understanding, and measuring the probability of certain problematic behaviours occurring in the future. For example, Andrews and Bonta (1992) proposed that a detailed survey of an offender's history can accurately measure the probability of future re-offence.

As described in chapter three, modernism positioned the 'self' as a knowable, moldable, and easily manipulated entity (Gergen 1991; Giddens 1991). One can get to know the 'truth' about a person since each person has a 'core self' that is stable and persistent. Although we may play various social roles in our daily interactions, the 'core self' remains constant and transcends context. Current correctional discourse reflects the ideals of positivism, namely the belief that it is possible to gain knowledge and find the 'truth' about individuals who have committed crimes. In this approach, the truth is two-fold: first, there is the truth about what precisely took place before, during, and after the individual committed

the offence; second, this ‘truth’ also includes the emotions, feelings, and thoughts the individual experienced prior to and during his criminal acts (Lacombe 2008, 2013; Waldram 2007; 2008).

While both narrative and postmodern understandings of truth and the self stand in contrast to positivist approaches, there are, however, some significant differences between the two. Narrative inquiry focuses on how narrators construct themselves in the stories they tell about their lives; additionally, the meanings narrators attribute to the events of their lives are also important (Brunner 2004). Compared to the positivist paradigm – which includes most psychological theories such as CBT – that do not consider the setting of the person’s life as significant (essentially disconnecting the person from his or her social milieu), the narrative paradigm⁴⁵ considers place to be of the utmost importance to a person’s life story as “...it shapes and constrains the stories that are told or, indeed, that could be told” (Brunner 2004: 703). Positioning oneself in a specific time and place and attributing some responsibility for the offence to that particular position is not only unacceptable in correctional discourse but can be perceived as denying or minimizing one’s offences (Waldram 2007). Researchers who use narrative to understand stories argue that “[p]lace is not simply a piece of geography....[but rather] an intricate construct, whose language dominates the thought of...narrators” (Brunner 2004: 703). Narrative researchers position the individual firmly in his

⁴⁵ Spector-Mersel (2010) advocates conceptualizing narrative as its own paradigm. To do so means to conceive of narrative as more than just a method or a phenomenon of study; rather, narrative represents a set of basic beliefs, a worldview that encompasses ontological, epistemological and methodological assumptions. This distinction is significant since the differences between paradigms such as positivism and narrative can be found not in the methods researchers use (one can quantify a life-story interview for example), but rather on the philosophical assumptions on which the researcher anchors his or her study (Spector-Mersel 2010: 209).

or her social setting and the person's personality, character, actions, and thoughts are partially explained or made sense of given this specific positionality.

While postmodern theorists also consider the context of individuals' socio-historical place within society as influential to the way that they can construct their life-story and their identity, they also consider the effects of power (Callero 2003; Coté 2006; Foucault 1977). Postmodernists tend to focus on questions such as: which 'voices' are more likely to be heard and/or validated within contemporary social arrangements? Which stories are being told, and why? And perhaps even more importantly, what do the ways that these stories are constructed tell us, not just in terms of the subject matter itself, but also in terms of the ways that we have come to think about the subject matter? As described earlier, Foucault's genealogy of sex is instructive not with respect to the intricacies of sexual acts, but rather, with how we have come to think about sex. The ways that web actors encourage and/or pressure the participants to construct their life stories (or the ways that they talk about their lives) is potentially more interesting than the content of their stories. Postmodernists consider 'truths' plural, acknowledging that there are multiple or competing 'truths' that are fluid and subject to interpretation and re-interpretation by various individuals whose perspectives are influenced by their histories, their biases, and their values (Callero 2003; Rattansi & Phoenix 2005). From this perspective, the 'truth' does not represent an actual event, behaviour, or feeling and therefore, the occurrence of future behaviours cannot be accurately predicted. In terms of constructing a life story, an individual could present multiple versions of his or her story (and implicitly of his or her identity), which could all be considered 'true' as there is no absolute historical, tangible truth to compare it to. As there is no 'core' self about which to talk, since the self is ephemeral, fluid, and open to reinterpretations and transformations (Gregen 1991),

it is problematic to attempt to predict future behaviours or to label someone as possessing intrinsic risk to harm others. Postmodern inquiry can topple the power dynamics inherent in the patient-client-offender – expert relationship by questioning the archaeological-type ‘digging’ into the human psyche that psy and correctional experts engage in, in their attempt to ascertain the ‘truth’ about a person or to uncover their ‘real’ self.

Understanding these three paradigms can help us make sense of the various ways that web actors and the participants engage with the truth. For example, during sex offender treatment programmes, a positivist approach to truth is evident as the confession is used as a tool for extracting a singular ‘truth’ that is supposedly fixed and easily accessed. Conversely, participants tend to construct their life stories or their historical ‘truth’ in ways that reflect narrative constructions of the truth; this however, is often contested and challenged by web actors who prescribe to a positivist notion of truth as linear and direct (Lacombe 2008; Waldram 2007). Finally, an analysis of the constitutive power of the confession, its ability to construct the ‘truth’ about sex offenders, benefits from a postmodern understanding of power dynamics where web actors are positioned as experts who have the ability to influence the ways that their clients reconfigure their past and their present, and consequently the identities that they are able to embody. Foucauldian-inspired research on the interactions between web actors (such as treatment providers, parole and probation officers) and clients has consistently found that web actors’ interventions have constitutive power in the lives and identities of their clients (Digard 2012; Fox 1999; Lacombe 2008, 2013). For example, Digard (2012) found that probation officers use cognitive-behavioural techniques during their supervision meetings, to encourage and/or pressure their clients to re-tell their life (read, crime) story in ways that fit with CBT principles of responsibility and choice making, which further

entrenches a 'sex offender' identity. Digard (2012) observed that probation officers did not understand the power they had over the narrative identities of their clients but rather saw their interactions as "...a guided process of discovery, educating the probationer as to their true nature" (441).

The confession and confessional practices

Confessional practices have a long history that has not only persisted, but has expanded in our contemporary society (Foucault 1990; Taylor 2009). Confessional practices play a central role in the treatment and management of individuals publicly identified as sex offenders. In this section, I provide a theoretical overview of the concept of confession and draw on critical empirical research to show how the confession is linked to another pervasive disciplinary tactic of sex offender treatment and management, namely, 'taking responsibility' for one's past offences.

Defining the confession

First, it is important to define what I refer to as a confession. While the word 'confession' might conjure images of the Catholic confession of one's sins to a priest, or the confession to a criminal act by an individual subjected to police interrogation, in this project I draw on Foucault's (1990) use of the term 'confession' to refer to a broader set of meanings. While the two examples above refer to the confession of 'sins' or 'wrongs' that one has engaged in, harms one has caused another person, and virtues that they did not uphold, Foucault (1990) argued that the confession has spread to such an extent in our society, that it encompasses other, more mundane areas:

[The confession] has spread its effects far and wide [in the West].
It plays a part in justice, medicine, education, family relationships,
and love relations, in the most ordinary affairs of everyday life,

and in the most solemn rites; one confesses one's crimes, one's sins, one's thoughts and desires, one's illnesses and troubles; one goes about telling, with the greatest precision, whatever is most difficult to tell... Western man has become a confessing animal (Foucault 1990: 59).

In the specific context of this research project, I use the word confession to refer to instances where participants talk about their past offences, their past and present feelings, emotions, motives, states of mind, sexual behaviours, and future aspirations with the intention of getting to know the truth about the self and allowing others to get to know this truth. Inherent in this definition is the fact that while the confession includes descriptions of tangible acts, it also focuses on the intangible, such as the individual's inner states, the machinations of the soul, the turbulences created by various conflicts within and outside of the self. Rather than the truth setting us free, however, confessing the 'truth' about ourselves can have the opposite effect (Foucault 1991; Taylor 2009). Taylor (2009) explains that:

What is clear for Foucault is that the confessional discourse which produces sexuality, including socially transgressive sexualities, is not given freely, whatever pleasure it brings, and the result of it is not liberation from repressive power but rather a submission to it and a fixation of identity and thus a loss of freedom... (79).

Previous research on sex offender treatment and management supports Foucault's claim that identity is cemented rather than liberated through the confession. Lacombe (2013) argues that the self-revelatory (confessional) strategies used during institutional sex offender treatment and parole hearings are couched within a risk management rhetoric that constructs individuals with a sex offence history as perpetually at risk of re-offence. Drawing on Hacking's (1991) theory of 'making-up' people, Lacombe (2013) argues that within these contexts incarcerated sex offenders are not allowed the possibility of enacting other, non-offending identities. Within the parameters of what is expected of a sex offender, the

characteristics imputed to this type of person entrenches not only his identity but makes it so other identities are placed outside of the realm of possibility. Additionally, various ‘normal’ discursive enterprises such as excuse-making, denial and minimization, sexual fantasies, and masturbation are constructed as further evidence of his deviant character and the need for continued, or in some cases, increased levels of surveillance and control.

We now live – even more so than during Foucault’s time – in a confessional and voyeuristic society (Mathiesen 1997; Petrunik 2002; Taylor 2009). Confessional practices – that is our own confessions and the consumption of others’ confessions – have been incorporated into our socio-cultural practices to such an extent that they have become normalized. It may now be even more difficult to question the use of confessional practices to further subjugate criminalized individuals to the state’s power, when we are urged, in all aspects of our lives, to be transparent and share our selves, our lives and our inner ‘demons’. That one will confess and that others will receive that confession has moved beyond the expected and into the realm of becoming a ‘fact of life’. Far from being the purview of priests or law enforcement officials to receive or pursue a confession, confessional practices and the expectation that one must confess have seeped into the social psyche to the point that we do not feel pressure from outside of ourselves to confess, but rather that pressure has become internalized:

The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, ‘demands’ only to surface; that if it fails to do so, this is because a constraint holds it in place, the violence of a power weighs it down, and it can finally be articulated only at the price of a liberation (Foucault 1990:60).

In the context of sex offender treatment and management, web actors mobilize confessional and truth-telling practices in their work with their clients, which, as I described in chapter six, is couched within a rhetoric of care. The new therapeutic surveillance, to use Moore's (2011) term, allows web actors to solicit their clients' confessions as part of their work; in turn, their clients may accept that they must unequivocally 'tell the truth' to be helped in their reintegration journey.

Taking responsibility and the confessional man

The confession is intimately tied with another concept that plays a significant role in the treatment and management of sex offenders, namely, 'taking responsibility' for one's past offences, something that the publicly identified sex offender is required to do throughout his journey in the criminal justice system. Based on an extensive review of the literature, Ware and Mann (2012) surmise that 'taking responsibility' is a significant feature in the treatment and management of individuals convicted of sexual offences. The responsabilized citizen is a stock feature of neo-liberal societies (Garland 2001; O'Malley 2009). In correctional discourse, offenders are constructed as responsible for their past, present and future. Their crimes are a result of choices they made and not incumbent on structural or institutional factors. In the context of those convicted of sexual offences, 'taking responsibility' includes a certain type of engagement with the truth and confessional practices. Ware and Mann (2012) define 'taking responsibility' as: "[g]iving a detailed and precise disclosure of the events involved in the sexual offence which avoids any external attribution of cause and which matches the official victim's account of the offence" (281). Evident in this definition is that the act of disclosing (confessing) the events of the sexual crime is a taken for granted endeavour. It is difficult to imagine how one might accept responsibility for one's actions

publicly without verbally acknowledging the precise events for which one is considered culpable. Ware and Mann's (2012) definition also draws our attention to the positivist notion that 'truth' is fixed – that is, that there is an official truth 'out there' which the offender has to acknowledge and accept. The public act of accepting the official truth about oneself is seen as a first step in taking responsibility. During institutional sex offender treatment, parole hearings, and once they are released, individuals publicly identified as sex offenders have to demonstrate to web actors that they accept the official 'story' about their offence; this means that they have to not only admit their guilt, but they have to make sure they are not perceived as denying any of the 'facts' in their official records, nor that they minimize the effect of their crimes on their victims (Lacombe 2008, 2013; Waldram 2007; Ware & Mann 2012). Additionally, any attempt to explain why they offended can be perceived as 'excuse-making' something that is considered the antithesis of 'taking responsibility' (Lacombe 2008, 2013; Ware & Mann 2012).

The official story (based on police files, victim statements, and prior correctional and psychological reports) comprised in the offender's CSC file is used as the comparison for the individual's own story (Lacombe 2008, 2013; Waldram 2007; Ware & Mann 2012). In correctional discourse, excuse-making is perceived as indicative of a criminally-oriented attitude and is often targeted by treatment professionals during treatment sessions (Lacombe 2008; Waldram 2007). Ware and Mann (2012) point out however that among the general non-criminalized population, denial, minimization, and excuse-making are common, widely used coping mechanisms. They are coping mechanisms that a person engages in post-hoc, that is, after the offence took place and are not precursors to the criminal event. Rather than being indicative of a personal character flaw, these may in fact be related to "...a particular context

or circumstance” (Ware & Mann 2012: 281). Research on the difference between desisters and persisters (see chapter two) shows that the desisters were more likely to attribute their offending to outside factors (such as being in with a ‘bad’ crowd or being addicted to drugs) while the persisters were more likely to believe that their offending was due to inherent factors (Maruna 2001). Considering these findings, one can suggest that so-called cognitive distortions are actually adaptive strategies. Attempting to make excuses can be seen as indicative of pro-social behaviour; the person is attempting to present a positive (or at least not negative) image of himself to others. For example, attempting to explain that all his offences took place when he was inebriated would be seen as deflecting responsibility and indicative of cognitive distortions (Ware & Mann 2012). However, it could be that the person knows what he did was wrong and is engaging in the practice of organizing his ‘presentation of self’ (Goffman 1959) in a more positive light. Within correctional discourse and CBT, there is no room for ‘circumstance’, however. Ware and Mann (2012) conclude that “[t]o require offenders to omit all mention of such external factors from their explanations of their offending is unreasonable and contradicts the rules applied to everyday human (non-criminal) behavior” (284).

The second step to taking responsibility for one’s actions involves engaging in self-reflective analysis of one’s thought patterns and reconfiguring the meaning of past events. Echoing Foucault’s (1978) observation that an admission of guilt is no longer considered sufficient, Ware and Mann (2012) found that a predominant number of sex offender treatment programs require their clients to engage in a continual self-reflective exercise to understand the emotions, feelings, and thoughts that preceded their criminal offences. Lacombe’s (2008) findings on the ways that incarcerated sex offenders have to publicly share and reflect upon

their sexual fantasies in the context of group treatment, is an example of this. Acts that are generally perceived as private (such as sexual fantasy and masturbation) are considered in the correctional rhetoric as imperative to understanding the ‘truth’ about the sex offender. Lacombe (2008) found that individuals who refused to participate in this kind of analysis, who denied having deviant fantasies or who downplayed their importance in gaining self-knowledge were met with disdain and suspicion by treatment staff and other participants. Research by Waldram (2007a) found that participants in sex offender treatment programs are asked to re-write their life story in a way that not only shows adherence to the official ‘Truth’, but also so that it demonstrates how the offender has undergone an attitudinal shift. Waldram (2007a) explains:

Ideally, the inmate’s interpretation of his life is ultimately rendered compatible with the interpretation already taken to be ‘true’ by correctional officials, a truth constructed from both specific biographical facts and broader treatment theory. The inmate is successful in this aspect of treatment in so far as he accepts the official truth, participates in the rewriting of his life story, and communicates a cognitive shift in its meaning (147).

Participants in sex offender treatment are encouraged and/or pressured to undergo a sort of metamorphosis where their life story is co-constructed with the help of the other participants and the treatment staff. Mercer (2014), who conducted research in forensic sex offender treatment programs, found that “...a changed attitude toward treatment was equated with changed personae” (259) while Lacombe (2008) found that a shift from deviant to ‘normal’ (read, hetero-normative) consensual sexual fantasies was considered a significant and tangible change in the person’s identity. Mercer (2014) concludes that in group treatment, “[s]uccess was measured in terms of the ability to articulate an offender identity and the ‘triggers’ to future risk” (260). His findings support Lacombe’s (2008) assertion that

incarcerated sex offenders are constructed as a species 'consumed by sex'. Mercer (2014), concludes that:

The functions of sex offender treatment programmes are discussed as a symbolic ritual in the process of gaining self-knowledge and presenting versions of the self through contrition and confession. Here, engagement is as much part of the disciplinary and institutional apparatus of detention as high-walls, barred windows, and locked doors, where treatment is a 'game' and adherence is the 'rule' (251).

We see then, that the confession incorporates more than just truth-telling practices. Rather, within the correctional milieu, the act of confessing refers to providing a detailed narrative of one's past actions that reinforces the 'Truth' contained in official files while at the same time demonstrating a cognitive and attitudinal shift towards the role of responsibility in those actions. Accepting the official truth – the version provided by police records, victim impact statements and psychological reports shows that the person is taking responsibility for his past. However, he must also demonstrate that he has undergone a type of transformation that reflects CBT principles, namely, that his 'problematic' thought patterns – those factors considered precursors to the sexual offending – have changed. However, this 'change' cannot be too extreme or categorical. Individuals who claim to have been 'cured' or who negate any negative or harmful thoughts towards others are considered manipulative, in denial, and/or resistant to treatment and can be classified as high-risk to re-offend, which can have a devastating impact on parole decision-making (Lacombe 2008, 2013; Waldram 2008).

Engaging with the 'Truth': Confessional practices during the reintegration journey

Confessional and truth-telling practices continue to play a significant role in the ways that released sex offenders engage with others in the community once they are released. The

emphasis placed on ‘taking responsibility’ for one’s past offences, including accepting the official version of the Truth and engaging in self-reflective analysis and monitoring of their feelings, thoughts, and behaviours continues, while another dimension is added to the mix: interactions with community members. When individuals re-enter the community after a period of incarceration, they may attempt to (re)build friendships, mend family relationships and find a place in the community, alongside securing basic needs, such as housing, employment, education, and accessing health services (e.g. substance abuse and sexual behaviour treatment programs). These endeavours obviously place them in contact with other people, both community members and professionals.

In terms of their encounters with community members – people they may meet at their place of employment, at their educational institution, or just during day-to-day outings such as taking the bus, sitting at a coffee shop, or going to grocery store – the ‘truth’ about their identity remains unknown. The released sex offender has a certain amount of agency in deciding how much or how little to tell about his past. In some cases, being on supervision erases this agency, as was discussed in chapter five regarding the pursuit of romantic relationships. If he wants to pursue a romantic relationship, the released sex offender on supervision is obligated to confess his past to the other person – a confession that is then verified by his parole officer – before the relationship can progress. However, in day-to-day interactions with other members of the community, released sex offenders may engage in partial truth-telling, confessing some things but not others depending on the specific context and people involved. This can decrease the stigma they face or at the very least not increase their stigma. Partial truth-telling in the community setting is in some cases not only approved by web actors, but is actively encouraged. The same cannot be said about their relationship

with web actors, who urge, pressure and demand that the offender ‘confess the truth’ about himself. The next two sections provide an analysis of these different engagements with the truth.

White lies and partial truths: Strategies for decreasing stigma in community reintegration

This research demonstrates that individuals released after serving prison time for having committed a sex offence engage in various strategies to decrease the chance of being stigmatized or ostracized by other community members, such as co-workers, housemates and friends. Participants stated that, in some cases, they decided not to tell others about their past or came up with a ‘cover story’ to explain specific details about their current situation (such as having to abide by release conditions, living in a halfway house, having a curfew, or not being allowed on the Internet). For example, Rex, who worked the night shift and was often offered a ride home by one of his co-workers had to create a cover story. Because Rex did not want to disclose that he lived in a halfway house, nor did he want to decline the offer for a ride or seem unfriendly, he would ask his co-worker to drop him off at the all-night supermarket that was located within walking distance to the halfway house, claiming he needed to get groceries.

Other adaptive strategies included omitting the truth about one’s sexual offence histories, instead admitting to a criminal past but one that made no reference to sexual offending. For example, when Perry’s landlady became suspicious of the fact that he did not use her computer (with Internet capabilities) after she offered it to him, Perry told her that he had been convicted of computer fraud and had a condition not to use the Internet. This was a partial truth, as Perry’s sex offence conviction resulted in a probation order prohibiting him from using the Internet. Dan similarly revealed a less stigmatizing identity without divulging

that he had been convicted of sexual offences; he told his employer and co-workers that he was a recovering addict. Dan's various legal conditions, which prohibited him from engaging in certain social activities with his co-workers, such as going for a beer after work, could be explained as his attempt to live a substance-free lifestyle. Additionally, he explained the gaps in his resume as the years he 'lost' due to his addiction. Since Dan had substance abuse issues in the past, this may be considered a partial truth.

Other participants also engaged in partial truth-telling. For example, Matt told his girlfriend that he had been to prison but did not specify for what offence. While she knew that he must have been convicted of a serious crime since he served an almost twenty-year sentence, she did not know, at the time of our interview, that he had been convicted of sexual offences. Gus, on the other hand, did not tell any of his friends about his past, including that he had been incarcerated. When he lost the job that he had held for several years because his employer found out about his past and fired him, he told his friends that he was accused of stealing. While having a criminal conviction or being accused of having engaged in illegal behaviour (such as stealing) can be stigmatizing, these types of offences are less stigmatizing than admitting to having sexually offended.

In other situations, participants were worried about generalized others finding out about them, namely, the fact that their name would come up on an Internet search. Dan's strategy to combat this was to not make any new friends, at least for the time being. He only socialized with family members and with web actors, such as his CoSA volunteers. Cal, on the other hand, took a more proactive approach and engaged in what he referred to as "flooding the Internet" with other, non-criminal information about himself, so that the newspaper articles about his arrest would be pushed down on Google search pages. Cal said

he learned this technique from a reintegration worker. In this sense, the digital identity that is 'out there' about released sex offenders can impede their relationships even before they start. For example, should a co-worker who is interested in pursuing a romantic relationship with Cal decide to Google his name before giving him any indication of their interest, upon finding the incriminating articles, they are unlikely to pursue a relationship. Of course, this is a low-risk example. Considering the stigma and repercussions faced by publicly identified sex offenders, such as housing and job loss, social isolation, and even physical violence (Levenson & Cotter 2005; Tewksbury 2005), it is unsurprising that participants would want to hide this aspect of their identity. While managing one's public identity can be difficult for all released prisoners, the stigma experienced by those ex-prisoners who have a sexual offence history is more pronounced (Craig 2005; Hogue 1993). So, while the issues mentioned above can be applied to non-sexual offenders, the ramifications, or the stakes of successfully managing one's public identity are higher for those with sexual offence histories.

Web actors interviewed for this research approved of their clients' partial truths or avoidance of truth in certain situations that are considered low-risk, such as not disclosing prior imprisonment on a job application that does not specifically ask for it, or not disclosing to acquaintances or people one interacts with informally. For example, Sam (parole officer) said that she tells clients to come up with a 'back story' to explain why they cannot drink alcohol during social outings:

...it's nearly impossible for the guy that isn't even a sex offender to even make age appropriate friends, like a guy in his twenties. Like what do they wanna do? They wanna go and have a beer and you can't have a beer. So, what do you say every time? You try to come up with strategies, like oh, tell them...you have an allergy or you're on medication... We tell them how to lie about these things because we want them to have age appropriate pro-social friends.

While Sam (parole officer) made reference to specific strategies that she encourages her clients to engage in, other professionals described how they attempt to counteract their clients' tendency to confess the truth about their situation, something some of the professionals claimed is emphasized during institutional treatment:

Some of my guys actually have that bad disease when they want to disclose to everybody. And we're trying to say: no, no, no, like this is, you're labelling yourself in this situation. Let's not do that, let's pull back.... You know, especially guys who are really paranoid about going back to jail, they never wanna be in the wrong spot at the wrong time, so they're disclosing to people who really shouldn't know, right? (Robin, reintegration worker).

I think [some clients] might be more inclined to have black and white thinking...they've been brainwashed by the institutions to tell the truth, especially to authority. So that's a challenge that [we face] to develop the nuances of living in society, like disclosing your past, but also disclosing personal information about yourself. We all have to do it from time to time, but we don't do it blurting it out. It's done gradually and obviously has to be done with more care when the information can turn people off or put people at risk (Lee, reintegration worker).

Most guys, a lot of guys coming out [of prison] have somehow been told that they must be completely open about all this stuff, which again makes no sense at all, right? I mean you have some sort of discretion, that's a sign of good mental health. You know, the rest of society doesn't go around saying "Hi, I'm John and I'm bipolar and you know, I have an alcohol problem". You know, what's the point of this, right? And why would you want to impede your acceptability into society, particularly for sex offenders? (Mel, reintegration worker).

The above statements show that some actors in the web of correctors acknowledge that the 'truth' is not something that should be unequivocally disclosed to everyone the individual sex offender comes into contact with; rather, there are gradations of disclosure, moments when it is socially acceptable to reveal personal information and moments where it can be perceived as a faux pas to share too much. Disclosing too early or too much in social

situations such as when making new friends or applying for a job can actually be detrimental to released individuals' successful reintegration.

The desistance literature points to the importance of being able to form a new, non-offending identity (Aresti, Eatough & Brooks-Gordon 2008; McAlinden, Farmer & Maruna 2016; Maruna 2001). This would be impossible if you disclosed your criminal past in all social interactions. For example, Tom told me that while he was searching for employment, he would voluntarily disclose to prospective employers that he was recently released from prison. When I asked him why he did that, he stated: “[I’m] just learning how to be honest. I’m trying to be more honest, [it’s] part of my healing”. Tom described the process of finding work as “slow” and stated that employers usually thanked him for coming, and said they would “hold onto his resume”. We see here that Tom equates confessing his past with being honest; additionally he positions honesty as an integral component in his healing and rehabilitation.

The act of talking about one's past, disclosing one's 'secrets' has been constructed as cathartic and therapeutic (Taylor 2009; Ware & Mann 2012). Taylor (2009) points out that the value of the 'talking cure', first presented by Freud in his theory of psychoanalysis but quickly refuted by Freud himself on the basis that talking extensively about our problems could make us get stuck in them, has nonetheless maintained to this day. Indeed the idea that talking about our problems is beneficial is ingrained in our societal fabric. The 'talking cure' by way of seeing a therapist or even confiding in a good friend is woven into the core of many Western societies. Tom's statement regarding his reasons for disclosing his past to prospective employers shows that he may have internalized this rhetoric, that telling others about our past is integral to our 'getting better'. It is not unreasonable to assume that Tom's

disclosure, while seemingly part of his own personal journey of healing, could potentially impede his ability to find work. One would hope that the professionals in his life advised him to withhold this information at least until it was asked of him; for example, Robin (reintegration worker) said that he advised his clients, thusly: “. . .if one of my guys is preparing for a job interview. . .as long as we. . .can ascertain that he’s not putting himself in a risky situation, [I tell them] no, don’t disclose if you’re not asked. . . Don’t increase stigma”. Indeed, other participants who did not disclose their past were gainfully employed⁴⁶.

In everyday life, individuals make split-second decisions numerous times a day about how and when to disclose the truth about different events, experiences, actions and feelings. We have agency and autonomy about how much to tell, and to whom. While these opportunities are afforded to released sex offenders in certain, typically banal, circumstances, their agency and autonomy is constrained within the correctional milieu and in their relationships with web actors; I explore this dynamic in the next section.

The whole truth and nothing but the truth: Categorical demands by web actors regarding confessional practices

The previous section described how released individuals are encouraged to show discretion regarding if, when, and how they confess their past to other members of the community. This, however, is not the whole story about the ways that released sex offenders are encouraged to engage in confessional practices. While professionals encouraged them to bend the truth in specific social interactions (such as with new employers, co-workers, and

⁴⁶ Matt, Cal and Dan were all employed in regular jobs, while Lenny and Rex had employers who knew of their past (their work being with employers who specifically hired ex-prisoners or who were in the community reintegration field).

even acquaintances) there were two specific circumstances in which web actors demanded that their clients confess their past sexual offences and their current status as a released sex offender unconditionally: namely, in their relationships with potential romantic partners, and in their interactions with web actors and other community-based resource personnel. The subject of disclosure to potential romantic partners was discussed in some detail in chapter five.

In this section, I focus on how released individuals are encouraged and even pressured into confessing their inner most thoughts, beliefs, behaviours, and future plans to the professionals they interact with on a daily basis. Exercising agency by choosing who they tell certain information to is not encouraged by professionals, as individuals are told that they must be ‘open books’ in all therapeutic and supervisory interactions in order to be successful in their desistance and reintegration journey. Ken (reintegration worker) contends that clients who choose not to talk about their past cannot be helped, stating: “...the ones that are really, really like rigid, you can’t do anything, when you can’t talk about [their offences], virtually, [you] can’t do much with them”. Other web actors espouse similar sentiments:

They need to access all the resources available, they need to be open and honest. I think when all those things are in place, change is definitely possible (Lee, reintegration worker).

How much he discloses, he shares with [us]... determines what kind of progress he’s going to make with [us], because [time] goes very quickly and if he’s withholding, keeping secrets, private stuff, especially if it’s going to be related at all to the crime cycle, he’s not going to make much progress...the no more secrets, the honesty, the openness, the level to which he does that...it’s all up to him. They come to know that, pretty soon, I think, some sooner than others [that] it really is to their benefit to be as open as possible (Lee, reintegration worker).

You make sure to let them know that, should they use something, or breach their conditions, that it will always work out in their favour if they immediately disclose. Especially if they're committed to staying sober and want the help. Some guys do [disclose] and those are the guys that get literally a dozen chances. They don't get sent back because it messes up the progress (Sam, parole officer).

Lee's use of words such as 'disclose', 'honesty', 'openness' and 'no secrets' indicate the premium placed on confessional truth-telling. Additionally, Sam's statement shows that confessing to one's mistakes does not necessarily lead to negative repercussions; rather, the offender is able to show that he is a 'good' parolee by engaging in confessional practices. Web actors described how the support they were willing to provide to their clients was predicated on how a particular client behaved. Individuals who were perceived by their parole officer, community volunteers, and reintegration workers as actively 'working on' changing themselves for the better were more likely to be supported by the professionals in their lives.

As Sam (parole officer) stated:

If an offender drinks or slips [up] or whatever, and then is honest, tells you right away, you respond completely differently. Completely, completely differently... So, if they're honest, the parole officer and the case management team, they're gonna go above and beyond to get them into treatment, to revisit program... to keep them in the community. If they're not honest, it's seen as a criminal-oriented attitude. And so, the consequences are higher.

Sam's statement shows that a released individual who is perceived as embodying complete honesty and truthfulness with web actors is more likely to be supported by those web actors than one who is perceived as being dishonest or secretive.

Interactions with web actors are predicated on confessional practices, which begin with the first meeting and continue throughout their relationship. Web actors already know of

their identity as released sex offenders, in some cases even before their initial meeting as their digital file often precedes their first face-to-face meeting with a professional (Kilty & DeVellis 2010; Waldram 2007). New parole officers, case workers, and treatment providers usually ask their clients to tell their story within the first few meetings. Some web actors do this because they realize that the ‘official story’ contained in the CSC file may be insufficient or may prejudice them towards their clients. The following statements exemplify this:

The CSC file is pretty uh, very, very robust, so you can get a lot of information from that. You don’t need the information from the guys but in terms of stuff like attitude where, you know, the dynamic stuff, you really need to get that from the guy himself (Drew, reintegration worker).

So, I’ll do the intake and during the intake I’ll ask you a pile of questions...Keep in mind I also have complete access to everything CSC has on their files...So I have a lot of information which I generally don’t use until after I spend a lot of time with them, so that I have, I’m giving myself a fair, uh, feel for them, not being totally, be prejudiced before we start (Ken, reintegration worker).

While Ken’s assertion that he purposely does not rely on the official file to form an idea of his clients sounds positive and is perhaps indicative of an awareness that ‘truth’ is fluid and interpretive rather than fixed, the line of questioning he engages in with his clients suggests otherwise. Ken states that he asks that his clients to recount, in detail, not only the events of their index offence but the feelings that accompanied these events:

... we’re gonna go through...the day of your offence. Like, tell me, like you got up at eight o’clock in the morning, what’d you do at 8:01, 8:25, how did you feel, all the way through the day. Because, I say, unless you can do that, you can’t fully know how to stop that.

Ken's statement signals a common approach to the management of released sex offenders. First, the use of 'disclosure' or 'confession' to elicit information about the offender, with the assumption that this information is imperative to the reintegration process. Second, Ken's line of questioning positions him as an expert who has a certain knowledge considered necessary to the desistance process. According to Foucault (1990), experts are seen as the only ones able to make sense of the information elicited through confessions. They are the keepers of the 'proper' way to interpret the confessional information and are the ones who are able to offer solutions. Web actors interviewed for this research generally presented themselves as possessing knowledge of what their clients 'needed' to do to desist and/or manage their risk of re-offence. Third, Ken's demand that new clients re-visit their index offence – which was often many years prior to their meeting – negates the frailty of memory recall. Not only are individuals tasked with recounting the seemingly factual events leading up to their offence, such as where they were, with whom, etc., but they also have to describe 'how they felt' prior to, and during the offence. This is problematic in the sense that these offences often took place many years prior to them being asked to recall them, offences that they engaged in while they may have been under the influence of alcohol and/or drugs (Waldram 2007). Research on institutional sex offender treatment found that perceived inconsistencies in offenders' disclosures can lead to conflicts with the treatment provider and/or peer participants (Lacombe 2008; Waldram 2007). Offenders were often challenged that their narratives did not 'make sense' or that something did not 'add up' in their rendition of their life story. In those cases, individuals often drew on cultural scripts and/or previous experience in the treatment group to state how they 'must have felt' instead of how they actually felt (Waldram 2007).

When newly released individuals join CoSA, they are required within the first few meetings to disclose to their volunteers – all strangers at this point – their life story and offences. Rex describes it like this:

I mean, the first few meetings [with the circle] were pretty much, they were just, I was introducing myself to let them know exactly what I did, why I did it, or through programs, why we think I did it, I guess, the theory behind it, and where I am now.

We see that Rex's disclosure incorporates two important aspects: first, 'exactly what he did', that is, the tangible acts he engaged in, and second, the reasons for his behaviours. Here, the motivations he ascribes to his crimes do not reflect his own thoughts but rather a co-constructed account (between himself and the treatment providers) to explain why he did what he did. This co-construction harkens back to the dynamic role of confessional practices, where one's disclosure is reconfigured to reflect treatment theory and practice (Waldram 2007).

When individuals are asked to construct their autobiography during institutional treatment, to disclose their criminal past to other group members or to community volunteers such as in a CoSA group, to 'go over' their index offence one more time once they are released, to recount what they felt, thought about and planned on the days leading up to their offence, they are being asked to tell a story. Telling a story means formulating a narrative. Narratives have certain characteristics that are ignored, downplayed, or outright rejected in correctional discourse. For example, participants told me that the 'truth' about the childhood sexual victimization they experienced was either ignored or downplayed by institutional treatment staff:

...they didn't have enough time to deal with all of my emotional and mental problems. I tried to get help for [my own sexual abuse history]. I thought it would be better to get help for that first and get it over with and then deal with my victims afterwards. But

there wasn't enough time to deal with both. So they told me I'd have to deal with that when I got out (Dan).

It was like, okay, whatever. You're here to deal with the offending, not being offended on. It's one of the bad parts of the treatment inside...you don't get treatment for what you've been through, you get treatment for what [you've done], and you need both (Gus).

Rather, one's life-story is used as a tool to elicit and unearth the 'truth' about the self, but it is a particular truth that fits with correctional discourse that is steeped in psychological models of offending, which negate socio-historical and institutional forces that shape and structure one's life. Family breakdown, poverty, physical injuries (especially head injuries), sexual victimization, social isolation and early drug and alcohol use were among the common experiences that permeated the participants' childhoods and adolescence. Correctional treatment and management efforts cannot solve these issues. Sam (parole officer) stated it aptly:

...vulnerability is required to make progress, but it is a system that doesn't really allow you or want you to be vulnerable or really dig that deep. Like they don't want us to go in there, because we can't fix that stuff. Like we cannot fix intergenerational sexual abuse. We can pay lip service in reports: 'Oh yes, residential school system, intergenerational sexual, physical, violence, blah, blah, blah', that's what we say. 'The offender has been impacted by the, you know, you know, sixties scoop in which his mother was blah, blah, blah.' That's it. There's no time to sit there and work with them.

I am in no way suggesting that reintegration workers, parole officers and community volunteers are not sympathetic to their clients' stories of abuse, or that they negate the impact that their upbringing had on them. Rather, they may acknowledge that their upbringing had an impact on their ability to make certain choices, but their acts are still constructed as choices

and they are still expected to take responsibility for their past offences. For example, Lee (reintegration worker) reinforces the emphasis placed on ‘taking responsibility’:

First of all, take responsibility for the action. Don't just say it happened. No, you made it happen. And regardless of the reason, whether it's because they were abused as a child or neglected or made fun of or bullied they still had that behaviour and harmed someone and often more than once.

The emphasis placed on truth-telling extends past the act of recounting their offence history and the thoughts and feelings associated with those behaviours. The participants in this research relayed stories of how they engaged in truth-telling with the professionals in their lives. For example, Lenny told me that after inadvertently running into various people from his past on the street (including some who were related to his victims), he would make sure to tell his caseworker about the encounters despite the fact that he did not have a condition to do so:

I didn't think of [the encounters] as a being a problem. But at the same [time], as soon as I got back [home] I reported it to my caseworker and stuff like that. Any person from my past, I do report. I mean it's not a condition that I have to do it, but of course, it's just plain and simple that I have to do that.

Lenny's assertion that it's "plain and simple" that he has to report these brief encounters when nothing else comes of them suggests that he does not question the confessional aspects of his relationships with correctional authority figures. Similarly, Perry told me that he was ready to put a deposit on renting a room in a house when the landlord informed him that one of his future housemates had a small child. Perry's legal conditions prohibited him from having unsupervised contact with a minor so he sought the advice of both the police and his parole officer about whether he should rent the room:

...just for safety sake, I called the police station and asked, you know, informed, and they didn't know what to tell me. They said, if you have any doubts or questions, maybe you shouldn't take it, so I just walked out. I ended up calling my parole officer...and he didn't know what to tell me. He said, the word of the law says "unsupervised" so you could have took it...but [do] you really want to put yourself in that situation?

Ian also made sure to ask for his parole officer's permission even for things that he knew would not contradict his release conditions. For example, when he found an adult-only gym that he wanted to frequent, he made sure to bring a brochure to his parole officer for approval. As Ian stated: "Anything that I do that's away from anything that I've been known to be doing, I always tell them". The participants' willingness to confess the daily goings-on of their lives, even when the events did not constitute breaches of their release conditions, suggest that they have internalized or at the very least accepted the idea that they have to be 'open books' in their relationships with authority figures. When I asked Rex if he found the geographical restrictions regarding where he can live problematic, he stated:

As far as my parole officer, her butt is on the line as long as I'm, like she told me, 'Rex, when you're out on warrant, you can pretty much live wherever you want, but of course, you just have to understand your own risk factors and what you can handle'. But, she says, 'Until then, you know, I have to know everything' and I understand that, that's the way it is.

Here the confessional extends past the specifics of the crime and the released individuals' 'risky' thoughts or behaviours. They are not allowed or encouraged to discern for themselves what needs to be confessed and what does not. The confessional engulfs them to the point that they are told to 'tell everything' or to 'tell anything that is out of the ordinary'. For example, Charlie (parole officer) tells his clients:

I always tell them to err on the side of caution and you can't over-report things to me. It's better to tell me about it and if it's a non-

issue then we'll consider it that. If it's something I need to know then it's good that you told me kind of thing.

While the above examples create a negative view of the confessional practices that released individuals are urged to engage in, we cannot discount that there are possible positive aspects of confessional practices. An analysis of why individuals may be compelled to confess has to account for the possibility that confessing one's truth can indeed be cathartic or therapeutic (Taylor 2009; Ware & Mann 2012) or can have a positive impact on their reintegration efforts. Being accepted by others – even after they find out about one's sex offence history – can contribute to a more fulfilling life. Ray, who also had a group of friends who knew of his past, stated that he was happy with his life and that “everybody was on his side”. Rex and Matt stated that having a group of people, namely, their CoSA volunteers, who knew ‘everything’ about their past was important to them. Matt, who was preparing to ‘graduate’ from CoSA when we conducted the interview, stated that he planned to keep in touch with his circle volunteers as they had become his friends; but unlike other friends he had made since his release, his CoSA friends knew the details of his history, something that was important to him. Rex describes his circle like this:

...they know what's happened, they know what I've done...so they know me inside out, pretty much, as far as my crime...And if I have any problems, they're gonna know right away and probably guarantee what the problem is, so yeah, it's a bonus for sure...You know, I'm not perfect [and].... if something ever did happen, and I found myself in a situation, these people would be worth their weight in gold to me.

Rex's statements suggest that having a group of people who one can be open with about one's past can serve a protective function and that he relies on his CoSA volunteers to help him identify if there are ‘problems’ and if ‘something were to happen’ to know how to

deal with the situation. While Rex does not directly reference re-offending or breaching, I believe this is what he was referring to. CoSA volunteers, as outsiders who possess insider knowledge of the individual, may be able to observe certain warning signs that their core member is not doing well. Additionally, certain challenges can arise in one's life that can benefit from having supportive people 'in the know'. For example, Gus told me that when he was fired from his job of six years after his employer somehow found out about his past, he could have used the support of friends who knew about his offence history. Gus experienced depression and anxiety and felt socially isolated as a result of this job loss and his inability to share his troubles with his friends (who knew nothing about his past criminal history, indeed that he even had a criminal record).

While I do not wish to discount the possible positive consequences of engaging in honesty by way of truthful confessions with web actors, the negative effects of confessional practices need to be acknowledged. The panoptic city (see chapter five) is only as effective as the surveillance strategies employed by the actors that make up the web of correctors. Confessional technologies supplement the watchful eye of the state by employing released individuals as agents in the management of their own 'cases'. By being encouraged to accept the confessional as a natural way of being in a relationship with web actors, another layer of surveillance and control is added to the panoptic city, namely, self-surveillance. Taylor (2009) states that the confessional subject internalizes the self-revelatory surveillance by others to look within himself and monitor his inner states and emotions:

...but now it is not the externally exhibited behaviours of prisoners which are monitored and self-monitored, but rather the internal life of the persons being watched, and who have thus learned to watch themselves, which needs to be verbalized aloud to another (Taylor 2009: 71).

Using Rousseau's Confessions as an example of the link between surveillance (by others) and self-surveillance, Taylor (2009) argues that the individual is propelled to confess the 'whole truth' in order to defend himself from any accusations by others:

Rousseau believes that by remaining silent on any topic he will make himself more 'vulnerable' to the other's accusations. Feeling himself to be ever-watched and judged, Rousseau...internalizes this surveillance and proposes through autobiography to provide a full record of his life. In so doing, he voluntarily provides his judges with the material he perceives them to be seeking, although [he] also recognizes that his self-exposure will furnish his judges with ample opportunity for human 'malice' (71).

Taylor's (2009) theorizations suggest that an individual may 'voluntarily' attempt to disclose everything about himself as a protective measure. Some participants in this research stated that they were open and honest during the autobiographical component of sex offender treatment, not because they were coerced or even pressured to, but because they wanted to. For example, Levi described his approach during sex offender programming: "I just told things honestly and openly and you know, I mean. There were some challenges and stuff, because it's hard to talk in front of a bunch of guys about you know, and that, but I did alright, I did good".

Confessional subjects may become hyper-vigilant not only of their behaviours but also of their thoughts, feelings and desires. They are encouraged to see these inner states not as fleeting, fluid and perhaps inconsequential but rather as units of analysis and markers of potential future danger if left unchecked. Research participants described how they monitor their own emotional states as part of their management strategies. For example, Ross

described the changes he made after spending three weeks in the local detention centre following a breach of his LTSO⁴⁷:

[When] I got out...I kind of opened up a lot more since then and talked a lot more about my history instead of being quiet about a lot of it. Now I talk about it, I do a daily log, to keep track of my feelings and how much stress is going in that, my scale and everything, it kind of monitors and makes sure I'm doing okay, that things aren't going off track.

Here, Ross explains that part of his new approach is not only to be more open by way of confessing his history and current feelings, but also to engage in a system of self-surveillance in which he monitors his feelings, emotions and stress level in order to 'stay on track'. Similarly, Rex talks about how he monitors his feelings and the situations he finds himself in by employing a strategy he learned during institutional sex offender programming, namely, assigning colours to situations:

One I use all the time, it's called, I call it the signal light: red, yellow, green. Red is bad, yellow is you wanna be careful, and green is good, of course...[If] the caution light comes on and you become aware of your situation and [you] avoid it. But if you get into a red zone, like I was to stop and start talking to the girls [I see on my walks], and you know, come to my place, that's a red zone. Can I go to your place or come to my place, then, [I would] definitely get in touch with somebody [from CoSA].

Self-surveillance is not without repercussions, however. While seemingly adhering to the correctional mandate to be honest about one's outward behaviours and inner states, 'telling all' and 'self-monitoring' one's inner emotional states can be problematic. Taylor (2009) states: "As in Foucault's model of the panopticon, the exposure of the self opens the

⁴⁷ Ross was not charged with breaching his LTSO conditions.

subject up to being policed, which in turn leads to paranoia and vigilant self-policing, and thus to ever greater exposure of the self and ever greater vulnerability to judgment and shame” (72). This degree of self-analysis, coupled with the released individuals’ lack of social interactions with others (described in chapter five as due to their legal conditions and self-imposed restrictions) places an unparalleled burden on unravelling the mysteries of the human soul. While Plato (38a) may have said that the ‘unexamined life is not worth living’, too much introspection could be equally burdensome.

Confession as performance

While it may seem that all released sex offenders must do is ‘tell the truth’ to web actors, this is not a straightforward demand. Sam’s (parole officer) description of a client who breached his LTSO conditions exemplifies this. Sam stated that this particular client was “one of the most forthcoming” clients she had on her caseload. She met with him frequently and was satisfied that she had asked the right questions during their last meeting before his breach was discovered. However, Sam was plagued by doubts about whether she had missed some sort of sign that he was breaching his release conditions. She concluded that perhaps this client “...was being too honest” in his responses. She elaborated:

You don’t trust the guys that don’t talk and you don’t trust the guys that talk too much. So, they need to learn how to say just enough so that we don’t, you know, question them and question ourselves (Sam, parole officer).

This particular story and Sam’s admission that there is such a thing as ‘being too honest’ suggests that confessional and truth-telling practices are performative acts. Research on institutional sex offender treatment found support for such complex engagement with

truth-telling. For example, Waldram (2007) found that treatment participants must walk a fine line between not disclosing enough and being too truthful:

...inmates must find the right kind of 'truth' and degree of truthfulness to deliver in the program. Both evasions and over-truthfulness brings harsh rebuke from staff and/or inmates. Only certain kinds of 'truth' and a certain degree of honesty are welcome, and their job...is to find the line, approach it as closely as possible, but not cross over (154-155).

Similarly, Lacombe (2008) states that the Director of the sex offender program she observed "...cautioned his team [about a particular participant]: 'The presentation is too good. He's too good. There is nothing about him that is wrong, but I feel strange about him. The hair on my body sticks up'"(66). Inherent in these findings is the idea that individuals who sexually offend are 'deviant' and/or manipulative. There must be something wrong with them, and if they are too cooperative they must be trying to manipulate their treatment providers.

Symbolic interactionism suggests that identity is performative, that is, we play various roles and present versions of ourselves in our interactions with others (Goffman 1963; Hacking 2004; Scheibe 1999). In their relationships with web actors, the ways that participants present themselves and the ways that they are perceived by web actors have significant ramifications for their lived realities. Fashioning one's identity to appear truthful was mentioned by other professionals interviewed for this research. Mel (reintegration worker) stated that released sex offenders have to "Not only...be virtuous, [they] have to appear virtuous". Leslie (mental health worker) explains this idea in greater detail:

The patients will say, yes, we don't like our [release] conditions but it keeps us from being in dangerous situations. And I don't mean dangerous as in, you know, they're going to be attacked. What I mean by dangerous is that they may be re-arrested because ... they may be perceived as doing something criminalistic ... And that's one of the things we espouse to. You want to look like

you're not offending. By not offending. And by doing non-offending type of behaviours ... Again, you don't want to be perceived or put yourself into a position where you can be vulnerable ... where people will think that you'll reoffend or make your PO nervous.

The quote suggests that released sex offenders have to navigate their relationships with web actors in such ways that they will be perceived as truthful. The confession is a performative act in the presentation of the self, where the performance may be more important or have more significant impact on their immediate life experiences than if they actually experienced personal change. For example, Lacombe's (2008) finding that some institutional sex offender treatment participants feigned deviant sexual fantasies so that they had something to disclose to the group is telling of this. Lacombe found that previous assertions that they did not have deviant fantasies were met with skepticism by treatment providers, who then branded these individuals as 'uncooperative'. In such situations, appearing truthful, even when that truth is actually fabricated, allowed the individual the opportunity to adhere to a predetermined cultural script of how a sex offender fantasizes and to show evidence of a cognitive shift in the way they approached their fantasies and sexual desires.

What are the ramifications of confessing our thoughts, feelings, and behaviours? Foucault (1990) argued that the act of confession affects and shapes the truth and thus transforms it. Therefore, the confession is not merely a passive tool used to extract an unchanging verifiable fact, but is rather a dynamic tool that produces the truth about *who* the confessant *is* as a person. The dynamic nature of the confession is due in part to its operation within power-relations. Confessional practices are engaged in and through a power dynamic where the confessant has less power than the listener. The latter – usually an authority figure such as a treatment provider, parole officer or case management officer – has the power to

validate or invalidate the contents of the confession, effectively constructing or reconstituting truth. This means that released individuals are unable to produce an unimpeded version of their own truth. Rather, through confessional practices – instances where they are encouraged and/or coerced to confess their past and present feelings, thoughts and behaviours to authority figures – their truth(s) is/are validated or questioned by those professionals who are, by virtue of their power over their charges, ‘masters of truth’ (Foucault 1990: 67).

In the case of released sex offenders, I have shown how the ‘masters of truth’ are a diverse group of web actors who have access to their digital files and who are in positions of authority in different capacities in their lives. The fact that released individuals are advised to both confess and conceal information about their lives points towards the complicated relationship that they have with the ‘truth’. Despite professionals’ acknowledgement that telling white lies and/or omitting certain parts of one’s life can be adaptive (for example, when applying for work) this kind of advice was restricted to their clients’ interactions with community members who were not considered vulnerable, namely, prospective employers, male friends or acquaintances; this advice was not extended to community members with whom their clients would potentially be romantically and physically intimate with, nor was it extended to their relationships with professionals. In this way, web actors utilize the confession, with its focus on complete openness and truthfulness, as the antidote needed to counteract released sex offenders’ ‘natural’ tendency toward secretiveness. For example, Ken (reintegration worker) described his clients as “tremendous manipulators” while Lee (reintegration worker) stated:

Sexual offending is clearly done in a culture of secrecy, that’s how it happens, that’s how it’s allowed to continue. So, they get used to, that’s *part of their makeup*, and also, they have to protect

themselves inside prison, so everything's held very close to their chest. So, they come out of prison that kind of mentality and we have to assure them that that is not how life works on the outside, especially [with us/our organization], it's all about sharing, opening up, and trusting, and working as a team. And clearly, we have to get rid of that culture of secrecy because that could just sort of lead to the crime cycle.

The construction of the secrecy/truthfulness dichotomy undermines the nuances that are involved in navigating truth in everyday life. Web actors who acknowledged that engaging with truth requires both concealment and disclosure rejected this notion in terms of their expectations regarding their own relationships with clients. The idea that one must engage in categorical truth production with web actors neglects the reality that these professionals have the power to send their clients back to prison and the individual's desire for some privacy in terms of their sexual life. It also negates their agency and autonomy in deciding who and what to disclose, something that is significant in the desistance journey. The desistance literature consistently points towards agency and autonomy as imperative in the construction of a new, non-offending identity (Farmer, Beech & Ward 2011).

We see then, that the confession is not a singular event where the individual admits guilt, but rather a continual process of disclosing what one has done but also who one is. The confession is also not a static event, but rather it has constitutive power, that is, it can produce as much as it can elicit. The truth about a person, who he is – as a sexual being, as an offender and parolee – is constructed within these dynamic power relationships. The confession then, is a product of power relations: the listener has more power than the confessor. Furthermore, the act of the confession not only reifies that power dynamic but produces new power imbalances. The 'truth' created out of the confession is not 'the Truth' of a particular situation but rather a constitutive truth – a co-produced truth that reflects the point of view of those in power.

Furthermore, the premium placed on the confession and truth discourse obfuscates structural forces that contribute to a culture that ignores, and simultaneously supports, the commission of sexual harms.

Conclusion

In this chapter, I analyzed the role of truth-telling and confessional practices in the lives of released sex offenders. Drawing on Foucault's (1990) theorizations on the role of the confession in contemporary society, I described how web actors mobilize confessional practices in the management of their clients, simultaneously supporting and even encouraging their clients to engage in partial truth-telling when interacting with certain community members while demanding complete honesty in their own interactions. Navigating this rough terrain – where truth-telling is not clear cut – necessitates that released individuals walk a fine line between concealment and disclosure in their social, correctional, and therapeutic interactions. While non-criminalized individuals also engage with partial lies and whole truths in their daily lives, the control and surveillance that released sex offenders are subjected to – and the loss of agency that accompanies such management strategies – places them in a particular position where their ability to engage in these practices not only has significant tangible consequences (for example, restricting their physical movements and social interactions) but also impacts their sense of self.

Chapter 8 – Concluding remarks

I began this research project with an interest in the dual identity of men who experienced childhood sexual victimization and who had later harmed others sexually. This interest stemmed from my involvement with a research project for the Cornwall Public Inquiry in which we sought to ascertain the availability of treatment services for men who held this dual status, specifically to deal with their status as victims of sexual abuse (see Petrunik et al., 2008). Our findings – that there was a dearth of victimization services for these men and that correctional treatment providers were unwilling or unable, due to mandate prerogatives, to deal with these issues, marked the beginning of my critical engagement with the ways that we, as a society, and more particularly, correctional services, treat individuals who have caused sexual harm. As I entered the field – namely, through my involvement as a volunteer and staff member of Circles of Support and Accountability (CoSA), I kept a critical eye on how these individuals were dealt with, treated, interacted with, and talked about. I became increasingly aware that despite professionals' and community volunteers' rhetoric that these individuals were not doomed to a life of crime, they nonetheless engaged with them strictly through the lens of their offences. I found that everyday, 'normal' behaviours, intentions, future plans and ways of talking and/or seeing the world were deemed 'problematic' and in need of intervention. For example, a newly released individual's desire to own a new and expensive pair of running shoes was perceived as necessitating a discussion on budgeting. Another example is the blanket release condition against possessing a cellular phone with capabilities or accessing the Internet unsupervised. To someone who feels like an outcast, who embodies the stigma associated with the sex offender label, these restrictions, such as an effective ban on the Internet, can exacerbate their feeling of being an outsider in

our society. Alternately, a new pair of shoes can make them feel like they ‘belong’ and that they can ‘pass’ as a ‘regular’ citizen.

Individuals publicly labelled as sex offenders experience significant stigma. During incarceration, prisoners who have been convicted of a sex offence are more likely than non-sex offenders to experience violence and isolation, as they are relegated to the bottom of the prisoner hierarchy. Once they are released, they are generally apprehensive about their return to the community that they are expected to join. They are scared that others will reject them once they find out about the harms they have caused. Participants talked about feeling like they were ‘outcasts’ or the ‘bearers of a dark secret or a stamp’. Even when they ‘passed’ (when their identity as sex offenders wasn’t known), they lived in fear that others could easily find out about their past. Additionally, they had to contend with the reality that they could not draw on the same identity markers as before their public identification as a sex offender. The loss of family, friends and their job, meant that their identities as father, husband, friend, employee were compromised. Their new roles – as a released sex offender, parolee, treatment client, CoSA core member – serve as daily reminders that they are indeed, different from the rest of ‘us’.

As I immersed myself in the field, I also began to pay closer attention to the lives of those released individuals who were under legal conditions, be it the s.810 order or the long-term supervision order (LTSO). I sought to understand the ramifications of these conditions, both in regard to community safety (preventing further offences), and to the reintegration journey of these individuals. According to Correctional Services Canada, release conditions are supposed to protect the community *and* assist offenders in their readjustment to the community. This dual goal – while well intentioned – can have unintended repercussions on

the individual's ability to reintegrate. For example, a residency condition provides the individual with a place to live once they are released, aiding in their readjustment to life on the outside; however, it also allows state control agents to increase their supervision capabilities, presumably in order to better ensure community safety.

During my involvement with CoSA I saw how difficult it was for men released at warrant expiry (and thus with no legal conditions) to secure housing. One of our core members ended up staying at a homeless shelter while another ended up residing in a string of rooming houses, neither environment being conducive to successful reintegration. Comparatively, halfway houses are drug and alcohol-free, offer 24/7 support staff, a personal case worker, a food bank and/or kitchen facilities. Some halfway houses even provide individual apartments. At the same time however, a residency condition increases the watchful eye of the state and the number of rules that the individual has to abide by. This means that there are more chances to 'mess up' and more chances for these infractions to be detected. Additionally, there are more professional and paraprofessional people that one has to deal with on a regular basis. One's 'attitude' is constantly under surveillance and despite state control agents' dislike for the term 'deteriorating attitude' (in favour of the term 'increased risk'), released individuals can have their long-term supervision order suspended (and be re-incarcerated) for not behaving in 'acceptable' (albeit legal) ways. These observations during my fieldwork influenced the trajectory of this research project. While I was still interested in the 'life stories' of individuals released after serving a sentence for sexual offences, I was becoming increasingly preoccupied with the ways that released 'sex offenders' were constructed by the various state control agents they were involved with and

the ways that these constructions impacted these individuals' ability to transcend their sex offender identity.

In this dissertation, I describe the lives of individuals who have been released into the community after serving a period of incarceration for a sexual offence(s). They bear the public identification (made by social control agencies such as the police, the courts, corrections, and parole) as sex offenders. They are the 'monsters' and 'evil-doers' that we see on the nightly news, their picture appearing on our social media feeds as a warning of dangerousness; they are the 'boogie man' that we warn our children about, the 'stranger' that is to be avoided. In reality, however, most children victims of sexual assault are abused by people they know: the uncle, neighbour, coach or pastor who is non-menacing, friendly, and is 'approved' by the parents as a 'good' person. Adults are more likely to be sexually abused by someone they know as well. And yet, the image or stereotype of stranger danger persists. Women are told to take certain precautions like not walking home alone at night, and parents are more concerned with who is on the Sex Offender Registry than the family member who is offering to put their child to sleep or to babysit for free. Another stereotype persists, namely, that individuals who sexually offend are psychologically sick, they cannot be treated and indeed that they do not want to be treated or that they do not want to change. Those who claim to have changed (i.e., to not have the urge to offend sexually) are met with scepticism. Correctional discourse – while officially espousing the offender's capacity for change (see CSC website) – constructs change in a particular way: that is, they encourage the offender to believe that he can indeed refrain from offending if he subjugates himself to certain governance technologies.

The participants interviewed for this research have harmed other people. I do not argue otherwise, nor do I discount the negative, life-long consequences of their actions on their victims. I do wish, however, to situate their past behaviours (the harms that they caused and the harms that they experienced), as well as their current life circumstances, within our communities. That is, I contend that they are part of our larger community, borne out of our community and thus we need to take responsibility collectively for our role (be it active or passive) in their harms. For example, our lack of awareness and discussion of male child sexual abuse, let alone the fact that there are almost no services for adult men who experienced sexual abuse, is a societal failure that we need to take responsibility for.

The purpose of this research project was to understand how men who bear the public label of sex offender are ‘made up’, that is, how they are constructed and the impact these constructions have on their ability to integrate into the community. More specifically, I focused on those individuals who were subjected to the long-term supervision order, as their reintegration journey was marred by numerous structural barriers, which were difficult, if not impossible to overcome. In devising this research project, I believed that speaking with both ex-prisoners and professionals was imperative to understanding the ways that these men experienced life after incarceration, but also the ways that correctional discourse influenced their experiences. Speaking with professionals allowed me to contextualize the knowledge that I gained by speaking with the men themselves and to better understand some of the reasons – at least those officially provided – that web actors engaged in certain practices. In order to analyze my findings, I used an analytical framework informed by postmodern and symbolic interactionist theories; combining the two allowed me to understand the personal interactions released individuals experience within a power dynamic that reduces and

diminishes their ability to exercise their agency and their individuality. More specifically, I sought to understand the lived realities of released sex offenders – the terrain they inhabit, the relationships they can form and the support and control strategies that web actors in their lives employ during their interactions.

In the first substantive chapter, I described the social and geographical terrain that individuals released into the community inhabit. I mapped out the participants' day-to-day lives in order to illuminate the challenges they face and the strategies they use to overcome these challenges. I focused on the relationships they were able to have and the ones that they were barred from forming. I drew on the desistance literature to highlight the importance of certain factors in the desistance process, and how these were severely lacking in released sex offenders' lives: namely, communion (feeling like one is a part of a community of people), and agency (feeling like one is an active actor in his/her life). The participants' ability to form communion and exercise agency was negatively impacted by their release conditions and the control mechanisms that web actors utilize in their surveillance efforts. Participants described restrictions on where they could live, which areas of the city they were not allowed to frequent and the types of people they were not allowed to socialize with. Their ability to form new romantic partnerships was thwarted by a system that required they disclose their past, in some cases even before the other person could truly get to know them.

Restrictions on movements and whereabouts, in addition to an inability to form new relationships not predicated on one's status as a sex offender can severely hinder one's ability to have a sense of agency and control over one's life. I described the city as a panoptic cage, where released individuals are constantly monitored and controlled by an interrelated web of state actors. Furthermore, the city is divided up into zones of exclusion and inclusion, which

limit these individuals' movements and social interactions. For example, the Internet ban can be thought of a zone of social exclusion. With so much of our social life playing out over social media, not having access to the Internet is an exclusionary practice that is punitive and isolating. Perhaps even more importantly, these seemingly minor exclusions – not being able to access the Internet, not being allowed in malls or community centres – contribute to the 'Otherness' of these already marginalized and stigmatized individuals.

The zones of exclusion that the released sex offender has to contend with make the zones of inclusion even more attractive. For example, not being able to form new relationships or hobbies due to temporal (curfew) and geographical (not being allowed in bars, community centres, malls, and parks) restrictions encouraged the participants to rely on the 'safe' spaces and people in their lives. Participants described how their CoSA volunteers were their main social outlet, how they spent time with the halfway house staff, watching movies in the main office or going for walks around their neighbourhood with them. These relationships, however friendly, are predicated on their status as sex offenders. Additionally, even CoSA volunteers for example, are tasked with 'keeping an eye' on their clients, and are mandated by the rules of the group to report any breaches and/or perceived 'problematic' behaviours. The identity that is created in this context is one of hyper-vigilance about every aspect of one's inner and outer life. One's thoughts, behaviours, movements and intentions are under review not just by web actors, but by the individual himself. He is encouraged to think of himself as perpetually 'at-risk', incapable of being left to his own devices, so to speak; he must rely on a close self-monitoring system of using a 'log' or various 'tools' like thinking of situations in terms of a stop lights (yellow, red, green); perpetual awareness of one's states of mind, emotions, feelings and perceived risk level is not only encouraged but

mandated by web actors. This type of hyper-vigilance is not presented as an option, but as the only way to manage one's risk level. Separated from his ability to enact other roles – such as father, husband, friend, employee – the released individual's status as a sex offender is reified in an environment that is constricted and constructed based on the worst thing he ever did. He is supposed to desist – that is, never harm another person again – yet his daily activities and the people who he interacts with are a daily reminder of those harms and the fact that he is a 'sex offender'.

In the second substantive chapter, I described the strategies web actors use in the management of their clients. These strategies can be characterized as supportive or controlling; while I discuss these in separate sections, in reality they are not discrete but rather are interrelated. I showed how some supervision strategies that are supposedly supportive, such as advocating that a client remain in the community after a breach, can increase the control and surveillance that the client experiences. Canadian corrections – and here I am including any state or community agent/agencies that are involved in a released individual's reintegration – are supposed to assist the individual in developing pro-social ways of being in the community. Ex-prisoners are not constructed as 'doomed to fail' but rather as transformative risk subjects (Hannah-Moffat 2005), capable of managing their risks with the right interventions and oversight. Web actors are supposed to be supportive of their clients' aspirations, sensitive to their needs but also remain vigilant of any potential signs that the person could be 'slipping' or engaging in high-risk thoughts and/or behaviours. Any indication that this may be the case requires certain consequences. These are not necessarily punitive in the traditional sense, meaning that jail time is not an inevitability; however, repercussions such as stricter curfew, increase in anti-androgen medication or the re-

instatement of a residency requirement are common consequences that are categorized as alternative ways of contributing to public safety without resorting to incarceration.

While released individuals have to take responsibility for their reintegration, we have to be aware that they inhabit relationships where the power differentials are quite stark. Everyone in the web of correctors – including parole officers, reintegration officers and community volunteers – have the power to severely impact their lives. They are privy to the clients' day-to-day lives, but are also trusted with intimate knowledge of their thoughts, feelings, and emotions. Moore's (2011) concept of therapeutic surveillance is especially useful for understanding that released individuals are encouraged to perceive everyone that is involved in their 'case' as doing so for their own benefit. The ability to critically assess whether they should or should not disclose certain personal information to web actors is severely thwarted by this construction of the 'therapeutic' in the realm of supervision and control.

In the third substantive chapter, I delve further into how released individuals are encouraged and/or pressured to engage with truth discourses while they attempt to integrate into the community. I show that the 'truth' can be mobilized in various ways depending on one's epistemological standpoint; that is, it can be thought of as a fixed concept or an interpretive one. The 'confession' plays a large role in the ways that released individuals are able to enact the 'truth'. Released individuals described navigating 'truth', disclosing and hiding their past and present circumstances from others. In some cases, they were allowed and even encouraged by web actors to never reveal their past (for example, in employment situations), while in others they were mandated to do so (for example, if they wanted to pursue a romantic relationship with someone). Additionally, released individuals are expected

to confess their thoughts and emotions, their intentions, future plans and even their sexual behaviours to the web actors they interact with. The fact that some of these web actors are not specifically trained to deal with certain matters (such as sexuality and/or sexual orientation issues) seems inconsequential, as they are required to continually and indiscriminately disclose everything in the private realm. Indeed, one could argue that there is nothing ‘private’ in the life of a released sex offender as he is constructed as in need of being hyper-vigilant about assessing and confessing his risks that necessitates constant confessional practices not expected of any other type of criminalized person.

This research project makes a concrete contribution to the limited knowledge available on the challenges faced by released sex offenders on supervision. As Lussier et al. (2016) have argued, the last thirty years of research on sex offending has seen an unparalleled focus on risk assessment and management, reflecting the “idea that individuals who have been convicted for a sexual offense are life course persistent sex offenders” (1713). However, research consensus pinpoints sexual re-offence rates at between 10-15% in a five-year follow-up and up to 35% in a twenty-year follow-up. That means that between 65-90% of sexual offenders do not re-offend in the two decades following identification (Lussier et al. 2016). Of course, one could argue that longer follow-ups would show higher re-offence rates, or that an absence of an arrest or conviction does not indicate a lack of engagement in sexual harm. Nonetheless, a large number of individuals who sexually offend eventually desist from offending, something that has been overlooked by the research on sexual harm.

This research project provides a nuanced and detailed picture of the terrain that released individuals inhabit once they are released into the community, the challenges they face and the resistance strategies they employ. More specifically, by using a theoretical

framework that draws on both symbolic interactionist and postmodernist theories, I draw attention to the ways that individual agency is subjugated by the power dynamics within the client-professional relationship and the impact this may have on the released individuals' identity possibilities. Both risk assessment and sex offender treatment presume that there is always a risk for re-offending, even if that risk is low or very low (Lussier et al. 2016). Identity change in that context, is not an actual possibility. Researchers have already identified that American socio-legal responses to released sex offenders, such as geographic restrictions, community notification, and a public sex offender registry, have been woefully inadequate in protecting the public and have instead exacerbated offenders' risk and precarity (see Harris 2014; Levenson and D'Amora 2007). Canadian responses to released sex offenders, such as the dangerous offender designation, the long-term supervision order, s.810, and non-public sex offender registries, have not been as critically investigated as those in the American context. Perhaps because the Canadian approach is always compared to the American one – and in comparison it is rather tempered – it obfuscates the fact that certain policies and approaches may not be without negative repercussions. This research project questions the role of control strategies used to monitor released sex offenders. I challenge the assumption that stricter controls – constricting the movements and the relationship possibilities of released sex offenders – are conducive to reintegration.

This research project contributes to the much neglected discussion on the ways that we as a community, can foster the (re)integration of individuals who have sexually harmed others. Regardless of our knee-jerk reaction to sexual offences, indefinite incarceration is not a viable possibility; we cannot disengage nor can we banish those who sexually harm others. I am not advocating disregarding allegations of abuse, nor am I advocating that individuals who

cause harm should not experience any repercussions for their actions. If the recent explosion of allegations against famous and powerful men in Hollywood has illuminated anything, is that the problem of sexual harassment, abuse and violence is destructively pervasive, its consequences long-lived for the victims and those around them. While my research does not engage with the crimes of the powerful – rather, I would argue that my participants are disproportionately marginalized in many ways (such as financially, intellectually, socially and physically) – we can clearly see that the ways that we have dealt with this issue socially, culturally and legally have not solved the problem. Yes, we are talking about sexual harm more than before. We have (fairly) recently identified that marital rape can happen, that consent cannot be implied but rather needs to be outright provided, that intoxicated individuals cannot consent to sexual acts and neither can children, regardless of their apparent ‘willingness’ to participate in sexual relations. And yet, these offences still happen.

Our response, as a society, is to ‘empower’ women with simplistic advice such as ‘don’t walk home alone’ or ‘don’t leave your drink unattended’. We still tell children not to talk to strangers and not to get into unknown cars. And then, once an offence happens, we are outraged that victims did not report sooner, or that the perpetrator is not charged due to lack of evidence. When there is a charge and a conviction, we are outraged yet again that the offender did not get a long enough prison sentence. I often have a difficult time with this outrage. We know that prison does not work; it does not rehabilitate nor does it right the wrongs done to the victim or to society. Yet, we need to send a message, as if deterrence has been proven to work. And then, when a sex offender is released from prison after serving his sentence, we fear for our safety and the safety of our children. What is the alternative then? Can we forgive and forget? Should we? What does the ‘offender’ have to do to convince us

that he is worthy of our acceptance? I turn these questions around and ask: What do we do, as a society, to signal that we are ready to accept, to forgive (but perhaps not forget), to allow for redemption and (re)integration? Do we signify in any way, that this is even a possibility, or rather, do we continually indicate, in subtle and not so subtle ways, that there is no redemption after such acts?

Gillan Findlay, the host of a CBC radio discussion on the recent explosion of sexual assault revelations against various powerful men, asked if there is a chance for redemption for these men. Patrick Legacé, columnist with *LaPresse*, answered her question by stating that perhaps one can redeem himself after saying something ‘lewed’ or being an ‘idiot’ but that there is no redemption after sexual assault. We are currently experiencing a seismic shift in our culture’s tolerance for sexual harassment and abuse. Women (and men) are speaking out against cat calling, workplace sexual advances and other egregious forms of abuses of power. I do not believe that the time has come yet, to talk about what happens after these men serve their prison sentence (or even if a prison sentence is appropriate or beneficial to righting the wrongs caused by their actions). When even penal abolitionists – who outright advocate for the abolition of the prison system – have not engaged with or addressed the issue of sexual offending (Carrier & Piché 2015; Ilea forthcoming), what can we expect of the public? I do not disparage ‘the public’ by posing this question. After all, ‘the public’ is made up of individuals who have experienced or know someone who has experienced sexual harm; the public is constituted of people who have internalized the fear (just like I have) that our lives can be dismantled in an instant by the threat of sexual victimization.

While admitting to a criminal (but not sexual offending) past can be stigmatizing, it does not necessarily speak to one’s current character. Western societies are replete with

redemption stories, which is a popular thematic in both movies and literature. The redeemed sex offender though, is an anomaly, a thing that does not exist in the public imagination. As I write this, I too have a difficult time conceptualizing it. I have to think of the examples – men I have known for years now – who do not show any indication of returning to their criminal past. Yet, I understand the reluctance to do away with any reticence or to wholeheartedly embrace someone who has sexually harmed others. This is not about second chances. The men I interviewed talked about a string of offences, second, third, fourth and fifth chances afforded. But what does it mean, what kind of second, third, fourth chance were they actually given? They were incarcerated, often offered no treatment programs, and released back to their lives, back to once again be subjected to their ‘demons’ (drug and alcohol misuse, child abuse trauma, poverty, familial problems). Is this what we refer to as giving someone another chance? Perhaps this research project raises more questions than it provides answers. The beginning of a new way of thinking begins with asking the right questions, or at the very least asking very different questions than we have asked to date.

I do not think the answer is to add more layers of control, surveillance and visibility. A public sex offender registry (like in the United States) does not increase public safety, despite political rhetoric. I am relieved that the sex offender registry is not public in Canada. During the many years it took to complete this project, I became a parent. I moved to a new, quiet, family-friendly neighbourhood. Would I have checked the registry if I could have? Curiosity would have probably gotten the best of me. While I reject a hyper-vigilant approach to parenting, I am also painfully aware that even a singular incident can have a life-long, negative impact. Despite my critical engagement in the field, I have not resolved my fear of the unthinkable happening. Rather, I have stretched the possibility of offenders from strangers

to familial others; the thought is never too far from my mind. At the same time, I hope that should someone close to me sexually harm another person, they will not be solely defined by that one act, banished from social engagement and doomed to a life as a 'sex offender'. I would of course, expect them to face certain consequences (although incarceration is not necessarily one of those). However, after taking responsibility and showing a resolve to not harm again, I would hope that they could still belong to a community and have the opportunity to play a positive role in the lives of others. Redemption, if we truly believe in it, should not be conditional; rather, the possibility of transcending one's 'sins' should be afforded to all.

As this project began to take shape, and especially now that it is in its final stages, I feared that it will be perceived as an apologist project; that I will be perceived as discounting the harms my participants caused; that I overlook the pervasive trauma and fear that certain people experience, every day. My hope is that this project will be seen for its positive intentions towards the goal of producing a safer and more nurturing society. It may be that I am approaching this topic from a different angle than those with an outright 'public safety' mandate. The latter may indeed be simpler; there are days when a non-critical, administrative way of approaching the harms caused by some members of our community towards others is deceptively appealing. There is a comforting simplicity to the 'tough on crime' agenda. It is much more difficult, theoretically, practically and personally, to contend that these issues are not black and white; rather they are the greyest of the grey, the murky sky on an overcast November day.

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Appendix A: Research and Ethics Board (REB) Approval Letter

File Number: 08-12-24

Date (mm/dd/yyyy): 08/29/2012



Université d'Ottawa **University of Ottawa**
Bureau d'éthique et d'intégrité de la recherche Office of Research Ethics and Integrity

Ethics Approval Notice Social Science and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

<u>First Name</u>	<u>Last Name</u>	<u>Affiliation</u>	<u>Role</u>
Jennifer M.	Kilty	Social Sciences / Criminology	Supervisor
Véronique	Strimelle	Social Sciences / Criminology	Co-Supervisor
Adina	Ilea	Social Sciences / Criminology	Student Researcher

File Number: 08-12-24

Type of Project: PhD Thesis

Title: Listening to their voices: Life stories of men released after serving a sentence for sexual offences

Approval Date (mm/dd/yyyy)	Expiry Date (mm/dd/yyyy)	Approval Type
08/29/2012	08/29/2012	Ia

(Ia: Approval, Ib: Approval for initial stage only)

Special Conditions / Comments:

N/A

1

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<http://www.recherche.uottawa.ca/deontologie/index.html>

Appendix B: Recruitment Poster

Would you like to participate in a research study?

I'm looking for:

- **Males**
- **Over age 18**
- **Fluent in English**
- **Previously convicted of sexual offence(s)**

You'll participate in an interview (1 – 1.5 hr)

You'll receive \$20 for your participation

If interested, please call Adina Ilea at: *****

or email: *****

**This research is part of Adina Ilea's doctoral research:
*Listening to their voices: Life stories of men released after
serving a sentence for sexual offences***

**Faculty of Social Sciences
University of Ottawa**

Consent Form: Former Offenders

Title of the study: Listening to their voices: Life stories of men released after serving a sentence for sexual offences

Researcher:

Adina Ilea, PhD Candidate
Department of Criminology
Faculty of Social Sciences
University of Ottawa
120 University Ave

Dissertation Supervisors:

Prof. Jennifer Kilty
Department of Criminology
Faculty of Social Sciences
120 University Ave.

Prof. Veronique Strimelle
Department of Criminology
Faculty of Social Sciences
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Invitation to Participate: I am invited to participate in the abovementioned research conducted by Adina Ilea, PhD Candidate, funded by Social Sciences and Humanities Research Council.

Purpose of the Study: This study seeks to understand how men who have been incarcerated for sexual offences talk about their lives – their childhood, teenage years and adult years, including their offending, institutional and/or community treatment they may have participated in, reintegration attempts, their own victimization (if applicable), how they view themselves in the present time and what kind of life they see themselves leading in the future. The study will also consist of interviews with professionals who work with victims and/or offenders of sexual abuse and will seek to get their views on issues related to sexual victimization and offending.

Participation: My participation will consist of a one-time, audio-recorded interview that will last approximately 1 to 2 hours. The interview will be scheduled at a time and location that is convenient for both the researcher and myself. I will be asked to answer a series of open-ended questions about my life, covering subjects such as: my childhood, adolescence, offences, own victimization (if any), imprisonment, treatment (if participated in any), and reintegration efforts. Upon request, I can review the transcript of my interview.

Risks: My participation in this study will entail that I volunteer personal information regarding my past experiences and current position in life, which may cause me emotional and psychological discomfort.

I have received assurance from the researcher that every effort will be made to minimize these risks. At the end of the interview I will have the opportunity to talk with the researcher – off the record – about any discomfort I may be experiencing. The researcher, Adina Ilea, will provide me with a list of resources that I may contact to deal with any emotional and psychological problems stemming from the interview.

Benefits: My participation in this study will allow me to tell my life story. My participation will contribute to the advancement of knowledge by providing a first-hand account. This will benefit researchers, treatment practitioners and other individuals working with those who have been in conflict with the law and/or who are victims of sexual abuse. A better understanding of how men who have been convicted of sexual offences perceive their past, present and future can benefit society by contributing to the current knowledge on issues of sexual offending and victimization.

Confidentiality and anonymity: 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 purposes of Adina Ilea's dissertation. However, if I tell Adina Ilea of any previously undisclosed crime against a child under the age of eighteen or if I indicate that I may harm myself or anyone else, Adina Ilea is under legal obligation to breach confidentiality.

My **anonymity** will be protected in the following manner. My real name will not be published; instead it will be replaced by a pseudonym (another name). My real identity will never be revealed. Identifying facts, such as my exact age, place of origin or details about my crimes will not be included in the study.

Conservation of data: The tape recordings of the interviews and the transcripts will be kept on a secure, password-protected laptop and the physical transcripts will be kept in a secure filing cabinet in

the home of Adina Ilea, to which only she will have access. A copy of the data will be kept by Adina Ilea's dissertation supervisor, Jennifer Kilty, on an USB key, in her office at University of Ottawa. A copy of the data will be conserved for ten years.

Compensation: For my participation I will be compensated \$20, provided at the beginning of the interview. If I choose to withdraw at any point during the interview I can keep the compensation.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. My participation or refusal to participate will be kept confidential and no one person will be informed of my participation status. If I choose to withdraw, all data gathered until the time of withdrawal will be securely deleted and/or destroyed.

Acceptance: I, _____ agree to participate in the above research study conducted by Adina Ilea, Department of Criminology, Faculty of Social Sciences, University of Ottawa, which research is under the supervision of professors Jennifer Kilty and Veronique Strimelle.

If I have any questions about the study, I may contact the researcher or her supervisors.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5, Tel.: (613) 562-5387 Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Researcher's signature:

Date:

Appendix C: Consent form – professionals

Consent Form: Professionals

Title of the study: Listening to their voices: Life stories of men released after serving a sentence for sexual offences

Researcher:

Adina Ilea, PhD Candidate
Department of Criminology
Faculty of Social Sciences
University of Ottawa
120 University Ave

Dissertation Supervisors:

Prof. Jennifer Kilty
Department of Criminology
Faculty of Social Sciences
120 University Ave.

Prof. Veronique Strimelle
Department of Criminology
Faculty of Social Sciences
120 University Ave.

Invitation to Participate: I am invited to participate in the abovementioned research conducted by Adina Ilea, PhD Candidate, funded by Social Sciences and Humanities Research Council.

Purpose of the Study: This study seeks to understand how men who have been incarcerated for sexual offences talk about their lives – their childhood, teenage years and adult years, including their offending, institutional and/or community treatment they may have participated in, reintegration attempts, their own victimization (if applicable), how they view themselves in the present time and what kind of life they see themselves leading in the future, and how these perceptions may be similar or different from correctional and/or community treatment practitioners' views of sexual offenders and victims of sexual abuse.

The study will also consist of interviews with professionals who work with victims and/or offenders of sexual abuse and will seek to get their views on issues related to sexual victimization and offending.

Participation: My participation will consist of a one-time, audio-recorded interview that will last approximately 1 to 1.5 hours. The interview will be scheduled at a time and location that is convenient for both researcher and myself. I will be asked to answer a series of open-ended questions about my work. Upon request, I can review the transcript of my interview.

Risks: There are no foreseeable risks involved in this study. My participation in this study will entail that I volunteer information about my work and issues pertaining to the population I work with.

Benefits: My participation in this study will allow me to talk about my work. My participation will contribute to the advancement of knowledge by providing the professional viewpoint on the treatment and/or legal context of those who have been convicted of sexual offences. This will benefit researchers, treatment practitioners and other individuals working with those who have been in conflict with the law and/or who are victims of sexual abuse.

Confidentiality and anonymity: I have received assurance from the researcher that the information I will share will remain confidential. I understand that the contents will be used only for the purposes of Adina Ilea's dissertation.

Regarding **anonymity**, a pseudonym will replace my name and my place of employment will be under a general category (i.e. institutional treatment provider; community treatment provider; halfway house employee, etc).

Conservation of data: The tape recordings of the interviews and the transcripts will be kept on a secure, password-protected laptop and the physical transcripts will be kept in a secure filing cabinet in the home of Adina Ilea, to which only she will have access. A copy of the data will be kept by Adina Ilea's dissertation supervisor, Jennifer Kilty, on a USB key, in her office at University of Ottawa. A copy of the data will be conserved for ten years.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. My participation or refusal to participate will be kept confidential and no one person will be informed of my participation status. If I choose to withdraw, all data gathered until the time of withdrawal will be securely deleted and/or destroyed.

Acceptance: I, _____ agree to participate in the above research study conducted by Adina Ilea, Department of Criminology, Faculty of Social Sciences, University of Ottawa, which research is under the supervision of professors Jennifer Kilty and Veronique Strimelle.

If I have any questions about the study, I may contact the researcher or her supervisors.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5, Tel.: (613) 562-5387, Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Researcher's signature:

Date:

Appendix D: Interview guide – ex-prisoners

1. Tell me about your life at the moment
 - a. What is your day-to-day life like?
 - b. Are you participating in any treatment at the moment? Probing questions to discuss the treatment.
 - c. How long has it been since you were last incarcerated?
2. Can you tell me a bit about your childhood?
 - a. What was your family like?
 - b. How would you describe your parents? Your relationship with them?
 - c. How was your school life?
 - d. What do you remember most about growing up?
 - e. What kind of struggles did you have growing up?
 - f. How do you think others (parents, school authorities, peers) saw you as a child?
3. Can you tell me about your teenage years?
 - a. What did you do for fun?
 - b. How was school for you at that time?
 - c. Did you have a job? How was that?
 - d. What kind of pressures did you feel as a teenage?
 - e. What was the most significant event in your teenage years?
 - f. What do you think others (parents, school authorities, peers) thought of you as a teenager?

4. Would you be able to tell me about your first sexual experience?
 - a. Do you remember how you felt/what you thought about it then?
 - b. Sometimes as the years go on, we change the way we think about past experiences. Has the way you think about this experience changed since then?
5. Can you tell me a bit about how you first got into trouble with the law?
6. Was that the first time you did something that could have gotten you in conflict with the law?
7. Can you tell me about your first incarceration experience?
8. Have you served other prison sentences since then?
 - a. Did you participate in any treatment when you were incarcerated?
 - b. What was the treatment?
 - c. What did the treatment focus on?
9. Tell me about your life since you were last released from prison.
 - a. What are some of the successes you have had since then?
 - b. What are some of the struggles you have had since release?
 - c. How do you think others see you now? What characteristics do you think best describe you? Are these different from how you think others perceive you?
 - d. Does this match up with how you see yourself?
10. What relationships in your life have been the most significant?
11. How do you feel about yourself at the age you are now?
12. What is your biggest worry now?
13. In what ways are you changing?
14. What do you see for yourself in the future? Next year? In five years?

Closing Questions:

1. Is there anything that we have left out of your life story?
2. Do you feel you have given me a fair picture of yourself?
3. What are your feelings about this interview and all that we have covered?

Appendix E: Interview guide – professionals

Questions:

1. Tell me about your job – what are your tasks and responsibilities?
2. Tell me about what kind of treatment you provide to sex offenders.
3. What kind of philosophy does the treatment ascribe to (i.e. cognitive behavioural therapy)?
4. How are offenders encouraged to think of their crimes within treatment?
5. Do you talk about the participants' past in treatment, or is the focus more on the present and/or future?
6. If the offender's past is addressed, what aspects of his past are focused on?
7. Are offenders' past victimization experiences addressed in treatment?
8. Can you tell me about that – do treatment providers bring it up? Do the offenders?
9. If past victimization is not part of the treatment, what happens if an offender brings up his past victimization? Is it addressed?
10. What do you think sex offenders' chances of reintegration are after they are released from prison?
11. Some people believe that sex offenders will always be sex offenders. What do you think about this?