Monsters in our Midst?
Examining the Construction of Sex Offenders in Canadian Policy and Media

by

Emily Louise Lila Taweel

Submitted in partial fulfilment of the requirements
for the degree of Master of Arts

at

Dalhousie University
Halifax, Nova Scotia
May 2021

Dedication

To Tom. This thesis is a testament to the incredible support you offer me.

Table of Contents

List of Tables

Abstract

In Canada, like elsewhere, surveillance tools have been increasingly used by the state to keep track of sex offenders. One such tool in Canada is the National Sex Offender Registry (NSOR). Understanding the complexity of the NSOR, as well as the basis upon which it was implemented, is critical to subject this legislation to greater scrutiny and to determine whether it is a justifiable and effective response to sexual violence in Canada. Yet, there are no studies that explore Canada's NSOR, its history and its implications, in detail. Using a critical discourse analysis and a "what's [sic] the problem represented to be?" approach, this thesis explores what key events and arguments led to the registry's implementation in Canada. Data consists of House of Commons parliamentary debates that occurred leading up to the registry's implementation and media articles from *The Globe and Mail.* Findings suggest that the debate process was perfunctory and that sex offenders were constructed in various ways in order to justify harsh punitive sanctions against them. Taken together, the findings illustrate that the NSOR is premised on fundamental misunderstandings of sexual violence in Canada, and therefore may not be considered a justifiable response to such crimes.

List of Abbreviations Used

CCJA	Canadian Criminal Justice Association
CDA	Critical Discourse Analysis
CPIC	Canadian Police Information Centre
NDP	New Democratic Party
NGO	Non-Governmental Organizations
NSOR	National Sex Offender Registry
OPP	Ontario Provincial Police
RCMP	Royal Canadian Mounted Police
SOIRA	*Sex Offender Information Registration Act*
U.K.	United Kingdom
U.S.	United States
WPR	What's the problem represented to be?

Acknowledgements

I would first like to thank my incredible partner Tom for your unwavering support throughout this journey. Listening to someone talk about sex offenders for two years straight can be exhausting, but I can't thank you enough for your encouragement while doing this research and for being a soundboard for all of my thinking. I would not have gotten through this degree without you by my side. I would also like to thank my parents for always supporting my ideas and journeys no matter where they take me, and for always encouraging me to push myself further. You both continue to inspire me every day. And thank you to my grandmothers; you never let a phone call end without asking "are you done school yet?" … I can finally say, "yes, I am done."

I would also like to thank my supervisor Dr. Fiona Martin and committee members Dr. Timothy Bryan and Dr. Alexa Dodge for believing in this project and helping me bring it to light. I want to especially thank Dr. Martin for her willingness to challenge my thinking and her support and encouragement throughout the writing process. Thank you to Dr. Timothy Bryan for your insight on this project and for offering feedback on my work, and to Dr. Alexa Dodge for your generosity in taking time to review and comment on this thesis.

I have so many incredible friends in my life, and I thank all of you for your support and encouragement. A special thank you to a few of you: To Briana, I am so fortunate to have met a friend for life in this program, and I am grateful for our "study" dates and all of the laughter. To Ash, your kindness, friendship, and laughter mean the world to me. I am incredibly lucky to have you in my life. Here's to many more laughs and memories.

Chapter 1: Introduction

In June 1988, Joseph Fredericks abducted 11-year-old Christopher Stephenson at knifepoint from a Brampton, Ontario shopping mall (Fennel, 1993). Fredericks confined Christopher overnight and subjected him to severe sexual violence before stabbing him to death and leaving his body in the nearby woods (Fennel, 1993). Fredericks was a convicted sex offender who had previously served prison time for committing similar sexually violent attacks against eight other young children (Friscolanti, 2008). Horrifying details about this and other cases of child abduction and murder were widely shared in the mainstream media starting in the late 1980s.[1] These cases sparked widespread fear and public demand for better police and state protection against sex offenders, including harsher punishments. They also marked the beginning of a period of significant change in the Canadian judicial system and its response to sexual violence broadly, and sex offenders specifically. One such change in Canada was the establishment of the National Sex Offender Registry (NSOR) in 2004.

In 2003, Canada enacted the *Sex Offender Information Registration Act* (SOIRA) which extended the power and capacity of the state to monitor convicted sex offenders over the long-term. The passing of SOIRA was accompanied by the creation of a national database, or registry— the NSOR— to be managed and maintained by the Royal Canadian Mounted Police (RCMP). The Act requires convicted sex offenders to register on the NSOR as part of their sentencing. Registration, in turn, involves providing the police with extensive and up-to-date personal information, including:

[1] A non-exhaustive list of high-profile child sexual abuse cases: Adam Walsh (1981), Jacob Wetterling (1989), Polly Klaas (1993), Megan Kanka (1994), Sarah Payne (2000), Holly Jones (2003), Jessica Lunsford (2005)

> [L]egal name and any alias, gender, date of birth and physical description, address of main and secondary residences, telephone numbers, address of educational institution, name and address of volunteer organizations, offence information, current photograph, identifying marks (e.g., tattoos, scars), vehicle information (owned and used regularly), type of employment and address, provincial driver's licence, passport information. (Sex offender management, 2020)

Such information is stored on the NSOR, which continues to be maintained by the RCMP, and can be accessed by RCMP officers in the provincial National Sex Offender Registry Units. Municipal and provincial police services can submit requests for information if the information is considered pertinent for their investigations.

The main rationale for the NSOR is to help prevent future sex crimes from occurring. According to the RCMP, the database's purpose is to "help police services prevent and investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders" (SOIRA*,* 2004, para. 2). It also provides police with "rapid access to current and vital information on convicted sex offenders" (NSOR, 2017, para. 7). According to police services, both are "in the interest of protecting society" (SOIRA*,* 2004, para. 2). In other words, insofar as the NSOR gives the police access to information that might facilitate the investigation and conviction of potential sex offences, it is said to help prevent future sex crimes from occurring, which serves the greater good.

However, critics point out that both SOIRA and the NSOR are problematic for several reasons. First, the legislation assumes that sex offenders are likely to reoffend but, at the same time, the legislation does nothing to support the potential for sex offenders' to be rehabilitated. (Levenson & D'Amora, 2007). Others suggest that the collection and storage of such information infringe on sex offenders' rights insofar as it is a post-

carceral measure that permits the collection of extensive information. (Lacombe, 2007; Levenson & D'Amora, 2007; Humphrey & Gibbs Van Brunschot, 2015).

More importantly, it remains unclear if the registry does, in fact, help to prevent sex crimes; this is especially true in light of the fact that the prevalence of sex crimes has not significantly decreased since the establishment of the NSOR. As will be discussed in this thesis, some of the key claims and ideas that seemed to contribute to the establishment of the NSOR are that sex offenders are likely to reoffend, that they are usually unknown to their victims, and that they target children. These are not supported by existing evidence. Existing academic literature suggests, in fact, that sex offenders have some of the lowest rates of recidivism compared to other types of offenders (Hanson, Harris, Letourneau, Helmus, & Thornton, 2018) and that sex crimes are also rarely committed by strangers (Quinn, Forsyth, & Mullen-Quinn, 2004; also see Finkelhor, 1994; Vogeltanz et al., 1999; Tewksbury, 2002; Ullman, 2007; Zgoba, Levenson, & McKee, 2009). According to Statistics Canada (2017), 87% of victims know their offender (acquaintance, family member, or intimate partner). As well, a small number of sex offenders' victims are children, with only 26% aged 13 or younger (Statistics Canada, 2017). Sex offenders are almost always young men (Levenson, Grady, & Liebowitz, 2016) with an average age of 33 (Statistics Canada, 2017), and the vast majority of victims are women.

That sex offenders are less likely than other convicted criminals to reoffend, and that most offenders are known to their victims, raises important questions about the purpose of the NSOR. If the registry is based on a faulty understanding of sex offending and sexual violence, is it an ineffective response? And can its implementation and use be

justified, especially given its potential to infringe upon sex offenders' human rights? While some studies have asked about the implications of sex offender laws in Canada (Petrunik, 2003; Levenson & D'Amora, 2007; Murphy, Federoff, & Martineau, 2009; Murphy & Federoff, 2013), none have examined how the NSOR came about. Yet, the origins of the NSOR arguably affected its design, and thus its effectiveness as a response to sexual violence. It is also important to explore what else— other sociocultural and political factors— might have influenced the registry's implementation.

This study will engage with these questions by looking closely at the registry's implementation in Canada, asking what key processes, claims and ideas brought the NSOR into being in the mid-2000s. Using a combination of critical discourse analysis (Wodak & Meyer, 2011) and the "what's [sic] the problem represented to be?" (WPR) approach to policy analysis (Bacchi, 2016), the study analyzes relevant Canadian parliamentary debates about the NSOR, and media representations of these debates and sexual offending more generally, during a period of time leading up to the registry's establishment. I ask: on what basis was the National Sex Offender Registry established in Canada? What key events, arguments, and people were considered at the time the National Sex Offender Registry was established? And how were sex offenders discursively constructed in these deliberations?

As will be discussed in the following chapter, the literature suggests that legislative reforms like the NSOR came about as a result of three broad developments: moral panic about child sexual abuse, sexual assault legislative reform, and a change in the ethos of the criminal justice system. The literature points to different and conflicting interpretations of what led to increasing criminal sanctions against sex offences, which

begs the question of what the main influences were in Canada? Were there other circumstances that may not have been accounted for? I hope that my study will answer these questions, filling a gap in the literature.

The third chapter of this thesis outlines the main methods used in this study to examine parliamentary debates and media articles leading up to the establishment of the sex offender registry in Canada. Examining these documents was necessary to determine what key arguments led to the implementation of the NSOR, as well as what assumptions underlie these arguments. Together, the documents examined offer insight into the social and political climate at the time of the registry's implementation.

In chapters four and five, I detail my findings with subsequent discussion and analysis. Chapter four focuses on the debates, including who was involved and what key topics were raised in discussions about the registry's implementation. This chapter argues that cursory attention was given to the establishment of the registry and what such legislation would entail. Chapter five focuses on the discursive construction of sex offenders, examining key binaries created in the documents, arguing that various constructions of sex offenders made it possible to justify harsh punitive sanctions and penalties. There is some overlap in the material analyzed between these two chapters, but chapter four focuses on who was involved in the parliamentary debates, and what key arguments were made or not made. On the other hand, chapter five focuses on describing how language was used to construct sex offenders as a particular population and sex offending as a particular kind of problem. Chapter six concludes the thesis and makes key claims about the true impetus for the establishment of the NSOR in Canada.

The study's findings demonstrate that the parliamentary debate leading up to the establishment of the NSOR was relatively perfunctory, and that a powerful discursive construction of sex offenders as a specific, problem population requiring state intervention also took shape at this time. In other words, I argue that the NSOR was established on questionable grounds. This thesis ultimately calls into question the understanding of sex offending and sexual violence that the NSOR is based on and, thus, questions its efficacy as a response and solution to sexual violence.

Chapter 2:

Changing Responses to Sexual Violence: The influence of Moral Panic, Feminist Advocacy, and the New Penology

Legal responses to sex offenders have, within the last 30 years, shifted to allow for more surveillance and monitoring, namely through sex offender registries (Jones & Newburn, 2013; Laws, 2016). Legal responses were originally focused on prevention efforts up until they began to shift towards the monitoring and tracking of populations. The literature suggests that this shift and corresponding sex offender registries came about as a result of three broad developments: moral panic about child sexual abuse, sexual assault legislative reform, and a change in the ethos of the criminal justice system. The following chapter explores each of these developments, and the literature that addresses them, in turn. I first will provide more detail about the National Sex Offender Registry (NSOR) and the events leading up to its implementation, comparing to similar registries implemented in other countries. I follow that with a discussion about moral panic about child abuse and pedophiles. I go on to explore the emergence of victim-centered responses to sexual violence and changes to the ethos of the criminal justice system, with a specific focus on scholarly insights about Canadian sexual assault law reformation during the 1980s and new modes of policing. These are the key bodies of literature informing this research project and I conclude with a discussion about the questions that they raise for my research into the establishment of the NSOR in Canada.

Historical responses to sex offenders

A group of legal scholars suggest sex offender registries have been introduced and implemented primarily as a result of high-profile child sexual abuse cases (Laws, 2016). Several laws that permitted even stricter criminal justice responses to sex offenders

passed in the United States (U.S.) during the 1990s and 2000s; for example, at least one of these— the 2006 *Adam Walsh Child Protection and Safety Act*— was a direct response to a particular case of child sexual abuse and murder (Laws, 2016). It was this law that made information stored on sex offender registries publicly accessible across the country— a distinguishing and particularly problematic feature of sex offender registries in the U.S. (Laws, 2016). Laws like the *Adam Walsh Child Protection and Safety Act* passed despite the fact that serious doubts had emerged about the effectiveness of sex offender registries in the U.S. by the late 1980s (Laws, 2016).

Although U.S. responses to sex offenders are considered far more punitive than other countries, because the information is available to the public (Laws, 2016), comparable legal changes occurred for similar reasons in other English-speaking countries— including the United Kingdom (U.K.), Northern Ireland, Australia, and New Zealand. In the U.K., sex offender registration— with no public access to the information— was first introduced in 1997 following widespread media coverage of child sexual abuse cases (Jones & Newburn, 2013). Shortly after, the U.K. government allowed limited public access to the sex offender registry in response to a similar case, responding to criticism that the public did not have enough information on sex offenders (Jones & Newburn, 2013).

In Canada, prior to the early 2000s sex offending existed in the *Canadian Criminal Code* and sex offenders were subjected to specific and relatively harsh criminal sanctions in efforts to prevent and protect against sex crimes. For example, dangerous offender legislation enacted in 1977 permitted indeterminate sentences for sex offenders, meaning that they could be held in custody as long as Correctional Services Canada

deemed necessary. The 1977 legislation also permitted long-term supervision orders, allowing sex offenders to be under community supervision for up to 10 years. Additionally, under the *Corrections and Conditional Release Act* implemented in 1992, for example, sex offenders could be given restricted parole conditions (including restricted early parole eligibility). These measures— longer prison terms and permitting ongoing monitoring— suggest that sex offenders have historically been considered likely to reoffend and poor candidates for rehabilitation (Petrunik, 2002).

There is some evidence that the Canadian NSOR was also an attempt to appease public calls for action in response to high-profile child deaths. First, a number of high-profile child sexual abuse cases occurred in Canada, like elsewhere, between the 1980s and early 2000s, leading up to the passing of the *Sex Offender Information Registration Act* (SOIRA) in 2003. This includes Christopher Stephenson's death in 1988, as detailed in the previous chapter. In fact, Stephenson's death triggered a public inquiry, which concluded in 1993 with a recommendation that the federal government implement a national sex offender registry to prevent similar crimes (Friscolanti, 2008).

Interestingly, the federal government initially refused to create a national registry, arguing that it was neither a necessary nor an effective deterrent for sexual offending. They argued that the existing Canadian Police Information Centre (CPIC) was a valuable and sufficient tool on its own (Friscolanti, 2008). CPIC is a Royal Canadian Mounted Police (RCMP) database containing information on all previously convicted individuals, as well as individuals currently going through court processes (Pardons Canada, n.d.). Despite the ongoing use of CPIC, all provinces continued to express desire for a

nationwide sex offender registry and strong criticism from the public remained about the fact that a national registry had not yet been implemented (Friscolanti, 2008).

The federal government changed its stance on a national registry in response to a couple of key developments. The first were subsequent, high-profile cases of child sexual abuse and death, like that of 10-year-old Holly Jones in 2003 who was kidnapped, sexually abused, and murdered in Ontario (Lunman, 2003). In addition, the provincial government of Ontario introduced their own province-wide sex offender registry in 2001— the first of its kind in Canada. They claimed that they were doing so because of the absence of a federal registry, and other provinces expressed interest in following suit shortly thereafter (Friscolanti, 2008). In response to this growing public and political pressure, in 2002 the federal government retracted their initial decision and announced that they would create a national sex offender registry (Friscolanti, 2008). This resulted in the Liberal government tabling Bill C-23— an act respecting the registration of information relating to sex offenders (House of Commons, 2003) the same year. Bill C-23 was debated and ultimately passed in 2003 with an overwhelming majority (186-55) (Bill C-23 Information, 2003) and Canada's NSOR was implemented in 2004.

Reversing a federal government decision is not typical but does happen on occasion and given this unusually quick turnaround and process, it appears that the federal government was acting quickly, in part, in response to child deaths. Up until they reversed their decision in 2003, the Canadian government argued, drawing on the U.S. example, that sex offender registries were unsuccessful in deterring sex offenders (Petrunik, Murphy, & Federoff, 2008). At the same time, some argue that the flaws in the U.S. system resulted from the fact that each state has its own registry and operates

differently, making it easier for sex offenders to 'fall through the cracks' (MacKay, 2004). When Ontario implemented a provincial registry and others expressed interest in following suit, it is possible that the federal government feared sex offender registries would be inconsistent across the country, rendering them ineffective. It may be possible that the federal government did not want to be held responsible for failing to implement a registry before another high-profile child abuse or murder case occurred. This fact, coupled with mounting political and public pressure, could explain why the federal government decided to implement a national registry.

Childhood under threat: Moral panic and sex offenders

Petrunik (2003) suggests that Canada began implementing community protection measures from sex offenders prior to the high-profile case of Christopher Stephenson, but his case became a "focal point" (p. 51) for an intensive lobbying effort to strengthen sex offender legislation. As he argues, "there is no victim more sacred than a child victim and no offender more profane than one who spoils the innocence of children" (Petrunik, 2003, p. 2); thus, no one "is more feared than the predatory pedophile or rapist" (Petrunik, 2002, p. 485). Because children are regarded as the most vulnerable and innocent victims requiring protection from sex offenders, criminal justice responses to those who offend against children are seen as justifiable (regardless of their intrusiveness) because of the nature of the offence. Moreover, sex offenders are regarded as uniquely dangerous compared to everyone else, effectively separating them from the general public.

The examples above suggest that in other parts of the English-speaking world, changes to the laws surrounding sex offenders were introduced in response to high-

profile cases of child sexual abuse and murder. No research has asked whether this was also the case in Canada. Canada's approach to governing sex offenders is said to be less stringent than other countries' (Laws, 2016), but few studies have actually examined its NSOR, the history of the NSOR or its implications, in detail. Instead, research in Canada has focused broadly on sex offender laws without attention given to specific legislation (Petrunik, 2003; Levenson & D'Amora, 2007; Murphy, Federoff, & Martineau, 2009; Murphy & Federoff, 2013). Why the federal government reversed its decision and chose to implement a registry in Canada, in the face of evidence that registries in other countries were proving to be ineffective, remains unanswered. Could the deaths of children like Stephenson and Jones have been enough? Studies suggest that in fact, no, other sociocultural and political factors might have also been a cause.

Sociological and critical criminological scholars suggest that high-profile cases of child abuse and death occurred in a context of widespread public preoccupation with sex offenders and concern, or panic, about pedophiles and threats to children's safety/ innocence (Palermo & Farkas, 2001; Zgoba, 2008). The more recent moral panic about child abuse resurfaced in the 1980s and 1990s because of widespread media attention to high-profile child sexual abuse cases. According to Cohen (1972), moral panics occur when a condition or group of persons get defined as a threat to social order and that fluctuates based on increased attention to an issue. Moral panic about child abuse and pedophiles has led to general fear about threats to childhood and children's innocence (Zgoba, 2008). A moral panic threatens existing social control measures, suggesting that the problem (in this case, sex offenders) is out of control and existing measures are not enough to mitigate and contain the problem (Garland, 2008). According to the literature,

framing a problem as uncontrollable reflects a "narrative of concern" (Garland, 2008, p. 13) which helps serve as motivation for the implementation and ongoing use of contemporary modes of policing (Palermo & Farkas, 2001; Garland, 2008; Zgoba, 2008). Garland (2008) suggests that one way of explaining these motivations is due to feelings of "unconscious guilt about parenting" (p. 15) whereby sex offenders become a repository for fears about threats to children's safety. Talking about sex crimes using such alarmist language has resulted in the assumption that future sex crimes can be prevented through contemporary modes of policing— such as surveillance— rather than efforts to reform sex offenders.

This literature raises questions about whether the establishment of the NSOR was influenced by a desire for children's immediate safety, regardless of the cost to sex offenders and their rights. This study will grapple with some of these questions and consider if deliberations about implementing a sex offender registry in Canada gave due consideration to victims other than children, or if the registry was implemented primarily to protect children.

Broad developments in the Canadian criminal justice system

The National Sex Offender Registry (NSOR) came about in the context of other significant changes to Canada's *Criminal Code,* made between the 1980s and early 2000s. Some of these changes represented (what was often referred to at the time as) a more victim-centred response to sexual violence (Randall, 2010). For example, the *Canadian Criminal Code* amended Bill C-127 to redefine rape and indecent assault into a three-tiered structure of sexual assault depending on the level of violence experienced; as a result, the definition of sexual assault expanded beyond rape or forced vaginal

penetration (Randall, 2010). In 1992, following these legislative changes, the "belief in consent" (p. 402)— or the accused's claim that they believed consent was given— was no longer a practicable defense, and therefore it became required that "reasonable steps" (p. 402) be taken to ensure consent is freely given (Randall, 2010).

Several of these legislative changes resulted from feminist lobbying and advocacy. As a result, many of these legal reforms were made to specifically address crimes experienced by women, their judicial process, and how they were punished. For example, the elimination of spousal immunity within sexual assault, which was overturned in 1983 (Randall, 2010, p. 401). Additionally, improper use of a victim's sexual history, most commonly known as rape shield provisions, became inadmissible in court (Randall, 2010). It remains unclear whether the NSOR was supported by these feminist groups or not. The literature also raises the question of whether these legal-based reforms effectively address sexual violence by responding to both the needs of victims and offenders (Hall, 2004).

Legal and feminist scholars have argued, however, that these legislative changes are not a panacea to sexual violence and therefore do not go far enough to protect victims. A key problem, some argue, is the way the *Canadian Criminal Code* ranks the severity of sexual violence in tiers, which supposedly reflect the level of violence experienced in the assault. Critics argue that these tiers fail to take individual experiences of sexual assault into account. They also reaffirm pre-existing expectations about how victims should respond to different levels of violence; the greater the degree of victimization, the greater the expectation that victims exhibit a significant outward traumatic response, as well as immediately report to police (Hall, 2004; Randall, 2010).

According to critics, such beliefs are long-standing, but changes to the *Canadian Criminal Code* in the late 20th century served to reaffirm them (Hall, 2004). Hall (2004) and Randall (2010) suggest that classifying sexual assault in tiers oversimplifies victimhood and creates a dichotomy whereby "good" victims are deserving of criminal justice intervention and protection, and "bad" victims are seen as not deserving or worthy of the same treatment. Classifying sexual assault based on legally defined severity also puts the burden on victims to behave in certain ways, to be considered a "real" victim. "Good" and "real" victims are understood as those that have intense outward emotional responses to trauma and who have reported the assault to the police; on the other hand, "bad" victims are those that do not immediately report to police, do not respond in an outwardly emotional manner, or those from a marginalized group (Hall, 2004; Randall, 2010). Such notions are said to be held and reinforced by various criminal justice actors and are based on rape myths (Hall, 2004).

Consequently, problems with Canadian sexual assault law continue to persist by way of the fact that legal definitions of rape force the law to decide what constitutes a "real" sexual assault and thus creates "ideal" or "real" vs. inauthentic or unworthy victims (Randall, 2010, p. 404). Christie (1986) states that ideal victims "must be strong enough to be listened to or dare to talk. […] but must at the very same time be weak enough not to become a threat to other important interests" (p. 21). According to Ricciardelli, Spencer, and Dodge (2021), adult women are often denied victim status and, instead, child victims are regarded as "true or ideal victims" (p. 222) because their experience is regarded as legitimate. These facts suggest that the reformation of Canadian sexual assault policy has limits in its capacity to offer victims feelings of "justice," and as

such, should be subject to greater scrutiny and critical evaluation. This literature raises questions about how sexual violence has been conceptualized during the NSOR debate process and how the nature of sex crimes was discussed (for example, what kinds of acts were considered sex crimes? Who were the victims and offenders primarily considered to be?).

New penology

Another broad shift that was reflected in the establishment of the sex offender registry was a change in the ethos of the criminal justice system. These broader shifts include moves toward new modes of policing; particularly the increased use of surveillance as a policing tool, which Haggerty (2012) contends began in the 1980s. Surveillance techniques provide police with the opportunity to better trace populations, collect knowledge and information, and identify criminals (Haggerty, 2012). This means that police can gather information from certain populations in order to link them to future crimes committed. The literature suggests that the use of surveillance tools, like sex offender registries, is based on the premise that future risk can be managed through knowledge of individuals' past behaviour (Ashenden, 2002).

These surveillance techniques, and the rationales supporting them, are the product of what scholars coin the contemporary "risk society." Scholars suggest that in the late 1990s, there was a shift from managing "dangerousness" to managing "risk" (Harrison, 2011). The risk society is broadly understood as one that came about due to the desire to establish control over uncertainty (Ericson & Haggerty, 1997; McSherry, 2014). McSherry (2014) asserts that the risk society has affected criminal justice responses to offenders through a shift from deterrence-based approaches to a focus on "risk,

surveillance, and security" (p. 18). Within the risk society, the criminal justice system has identified new objectives which permit the surveillance of particular groups who are identified as risky; such practices receive widespread acceptance regardless of their intrusiveness (Gibbs Van Brunschot, 2015). Johnston (1997) supposes that the orientation to risk leads to the preoccupation with the collection of knowledge and information— through modes of surveillance— to supposedly better manage risks in the future. While these risk management techniques are framed by the criminal justice system as a way to protect the public by reducing recidivism, they are tantamount to continued punitive control (Humphrey & Gibbs van Brunschot, 2015).

The literature correspondingly suggests that increasing desire for surveillance can also be explained by the pathologization (or medicalization) of sex offenders and offending (De Block & Adriaens, 2013). Pathologization or medicalization "consists of defining a problem in medical terms, using medical language to describe a problem, adopting a medical framework to understand a problem, or using a medical intervention to "treat" it" (Conrad, 1992, p. 211). Likewise, sex offending is considered a criminal act whose cause is considered a specific pathology or sickness. Sex offending is not the only type of crime that is criminalized and pathologized at the same time. For example, crime committed by women is pathologized and is assumed to be the result of some sort of personal deficiency (Maidment, 2007) and youth violence is also medicalized (Béhague, 2009). Ricciardelli and Spencer (2018) suggest that when sex offenders and offending is pathologized, it looks different. Sex offenders "take on a chimeric character" (p. 3) and are seen as mythical creatures beyond rehabilitation (Ricciardelli & Spencer, 2018) which

legitimizes the identification of sex offenders as a "problematic" population. In other words, sex offenders are considered sick, but also untreatable.

This scholarship suggests that sex crimes are considered, by nature, inherently different than other types of crimes— in how they are regarded by the public, policy responses to sex offenders, and the way that sex crimes are talked about (Petrunik, 2002; see also Petrnuik, 2003; Spencer, 2009; Porter, Newman, Tansey, & Quayle, 2015). According to Ricciardelli and Spencer (2018), sex crimes are regarded as inherently different because sex offenders evoke specific emotional responses (such as disdain and disgust) due to the nature of the offence. Moreover, sex crimes are considered so heinous that experiencing such victimization is considered to be the worst possible thing that can happen to someone, aside from death (Hall, 2004; Pickett, Mancini, & Mears, 2013). Petrunik (2002) argues that sexual violence is considered such a violation that it damages victims to the "very core" (p. 2); no other type or experience of victimization is talked about in these ways.

This literature raises questions about whether an increasing desire for surveillance and the ability to track sex offenders was the leading cause for Canada's implementation of the sex offender registry. It also raises questions about how sex offenders were talked about (i.e., were they considered "sick"?) in the documents analyzed, and whether they were constructed as particularly problematic individuals requiring governance.

Conclusion and summary

This study will draw on the above insights to explore the basis upon which the National Sex Offender Registry was established in Canada and what key events, arguments, and people were considered at the time the registry was established. These

insights will also help inform how sex offenders were discursively constructed as a unique and specific population in the deliberations. However, the literature leaves questions unanswered. A lot of research on the implementation of sex offender registries is from elsewhere (specifically the U.S. and U.K.). Were there different circumstances that occurred in Canada which led to the implementation of its registry that the literature has not accounted for? What was the main influence in Canada that led to the establishment of the registry? This thesis hopes to grapple with these questions.

Chapter 3:

Analyzing Parliamentary Debates and Media Documents

This study analyzed Canadian policy and media documents leading up to the implementation of the sex offender registry in Canada, aiming to shed light on whether the registry can be justified as a solution to sexual violence in Canada, as well as to illuminate the impact of the registry on both victims and perpetrators of sex offences in the country. I conducted a qualitative, inductive analysis and used two methodological approaches to conduct this research: a critical discourse analysis and a "what's [sic] the problem represented to be?" to explore the key events and arguments that led to the sex offender registry's implementation and how sex offenders were discursively constructed in these discussions. The documents analyzed for this study included the House of Commons Hansard debates that led to the implementation of the National Sex Offender Registry, and newspaper articles from *The Globe and Mail* published leading up to its establishment. In the following chapter I detail the data used in this study, and then go on to discuss how the data was collected and analyzed.

Methodological approach

My study explored two main research questions: what were the key events leading up to the establishment of the National Sex Offender Registry (NSOR) in Canada? And how were sex offenders discursively constructed in the debates and media documents analyzed? My analysis took place at two levels; I first wanted to get a basic sense of the process that led to the establishment of the sex offender registry. But I also engaged in a more critical analysis of the documents to explore the arguments and language used to justify the registry's establishment.

My methodological approach used a combination of "what's [sic] the problem represented to be?" (WPR) approach and critical discourse analysis (CDA). Bacchi (2016) states that the WPR approach helps critically scrutinize how 'problems' *become* problematized through governmental policy and practices. Bacchi (2016) calls attention to this by highlighting the idea that problems do not necessarily exist outside of policy, but the language used in these processes does discursive work to create problems. This approach challenges the assumption that policies address problems (or react to problems) and instead purports that underlying every policy is an assumption about a problem that needs to be solved, fixed, or dealt with— that is, "problems exist separate from the policy process and need only to be named" (p. 3). WPR therefore offers researchers the ability to critically reflect on the substantive content of policy processes (Bacchi, 2016).

CDA was also used to inform my critical investigation of how issues of social inequality are legitimized through discourse (language) (Wodak & Meyer, 2001). As such, CDA relies on information such as history, power, and ideology in order to examine how discourse and discursive practices can create, reinforce, or reproduce social inequalities between groups (Wodak & Meyer, 2001). Such an approach is important because it reveals structural relationships that exist, and are manifested and reflected in language (Wodak, 2012). Examining ideology uncovers unequal power relationships maintained through the use of language since language has the capacity to maintain existing inequalities when those in power use it (Wodak, 2012). Exploring historical information highlights relationships and structures of power to draw attention to ongoing power imbalances (Wodak, 2012). Moreover, CDA allows researchers to examine broad societal assumptions (i.e., sex offenders are terrible) often disguised through the use of

metaphors and other discursive practices (i.e., sex offenders are predatory animals) (Wodak & Meyer, 2001). In other words, CDA calls attention to how language is often used to convey a particular message in order to reinforce widespread claims about individuals and reinforce power imbalances and structural inequalities.

Study data: Parliamentary debates and media articles

It was important to use both parliamentary debate records and media documents to consider how sex offenders were discursively constructed at the time of the registry's establishment because the process and language used likely had lasting implications for how sex offending and offenders are considered a particular population and problem. The House of Commons debates helped to contextualize the manner in which the problem of sex offending was understood in this political setting, offering insight into how Canadian policy problematized sex offenders and offending at the time. The parliamentary debates were also sites at which policy aims to frame solutions to sexual violence. I used Bacchi's (2016) "what's [sic] the problem represented to be?" (WPR) methodology to guide the analysis of these policy documents. I also chose to explore *The Globe and Mail* media documents, published between 1988 and 2005, because these documents reached a wide audience, and as such, had the capacity to influence public perceptions of sex offenders and state responses to sexual violence. Additionally, the moral panic surrounding sex offenders was largely born out of widespread media attention dedicated to high-profile child sexual abuse cases internationally, and also in Canada; understanding how the media talked about sex offenders provides an opportunity to examine the broader social discourse surrounding sex offenders. While the media documents proved not to be a rich source of additional data, when examined together, the debates and media documents

offer insight into how the sex offender registry came into being; they reveal the key events and arguments that took place leading up to the registry's implementation. An analysis of these debates and documents also offers insight into the discursive construction of sex offenders taking place in Canada in the early 2000s.

The House of Commons parliamentary debates that were analyzed occurred in 2003 and led to the implementation of the National Sex Offender Registry (NSOR). These debates were carried out by the Standing Committee on Justice and Human Rights and allowed me the opportunity to understand and analyze the discussions that occurred surrounding the tool's implementation. The debates analyzed contained a verbatim account of what debate participants said throughout the process (Canadian Parliamentary Debates (Hansard), 2014) which allowed me to explore who was present and what key arguments were made that led to the registry's implementation. A Hansard reporter is present during debates and transcribes the information for permanent records, as well as make the transcript electronically available to the public (Canadian Parliamentary Debates (Hansard), 2014). These pieces of text helped to contextualize the manner in which the problem of sex offending was understood in this particular political setting.

The newspaper documents analyzed were those published in *The Globe and Mail* between 1988 and 2005. I chose *The Globe and Mail* because it is national and left-leaning newspaper. Given that social control policies which govern sex offenders reflect conservative tough on crime ideologies (Pickett, Mancini, & Mears, 2013), examining left-leaning media articles offered a chance to explore a discursive account of the circumstances in question. I wanted to see how a left-leaning newspaper talked about the registry in terms of its necessity, efficacy, and if and how the media presented the registry

as a solution to sexual violence. The 1988-2005 timeframe was chosen because it encompassed articles that were published after the death of Christopher Stephenson (in 1988), which triggered various calls to action to appropriately punish and manage sex offenders (Petrunik, 2003). The timeframe also included 2004 and 2005, as 2004 was the year in which the NSOR was implemented, with the registry's operation beginning in 2005. This timeframe afforded me the opportunity to examine broader conceptions and discussions that surrounded sex offenders and sex offending at a critical time in Canada's sexual assault policy reformation.

Data collection

The parliamentary debates analyzed for this study are publicly available and were gathered from the House of Commons online resource which publishes transcripts from all House of Commons debates. The debates that were analyzed were from the 37th Parliament, 2nd session and were numbers 050, 051, 052, 053, 060, 061, and 076. The debates were uploaded to NVivo Qualitative Data Software for analysis.

The newspaper articles analyzed were gathered from the NexisUNI database—a database accessible to Dalhousie University students which provides access to newspaper articles from a wide range of sources. The search for articles was purposefully contained in that I used various search filters to narrow results to newspaper articles that would thoughtfully inform my research questions. Articles which mentioned the key words "sex offend", "sex offender", "sex offence", or "sex offending" at least five times, that were written between 1988 and 2005, were selected for analysis. Requiring that these terms be mentioned at least five times meant that I selected only longer articles for analysis, rather than articles that serve as public service announcements (like sex offender community

release notifications). NexisUNI has features which allow for search results to be filtered beyond Boolean operators, years, and newspaper source. As a result, I was able to filter my results by geography (Canada), subject (Crime, Law, & Corrections), and sub-subject (Sex Offenses). This search returned 187 results.

Once the list of 187 articles was generated (List A), the articles were briefly and generally vetted for suitability based on their length, overall discussion, and mention of the keywords. Exclusion criteria included: articles about a specific case of sex offending, including those based on an expert interviewed about a specific sex offender; articles that included discussions of criminal justice system pitfalls in relation to specific sexual abuse cases (for example, articles about sexual abuse in specific religions); articles consisting of a community notification (published to warn the public of a sex offender moving into a specific area); and articles that simply summarized government criminal justice programs. These articles were excluded on the basis that they would not benefit or advance the inquiry into how the media constructed sex offenders as a particular population because they only contained very specific information about individual cases or sexual abuse within institutions, which did not offer insight into broader discursive constructions of sex offenders. The search, using the detailed inclusion and exclusion criteria to determine suitability for the study, resulted in 49 articles. These articles were uploaded to NVivo Qualitative Data Software for an in-depth analysis of their content.

This search yielded a good number of results for analysis, but I wanted to ensure that other articles were not missed. As a result, I then searched for articles that specifically mentioned “sex offend”, “sex offender”, “sex offence”, or “sex offending”, in the title of the article (List B). Again, I filtered my results by geography (Canada), subject

(Crime, Law, & Corrections), and sub-subject (Sex Offenses). This resulted in 247 articles; however, some were duplicates from List A. I narrowed down List B using the same inclusion and exclusion criteria that I used for List A. Because this search returned articles with keywords in the title, most articles that were generated included a community notification of a sex offenders release (which fits the exclusion criteria). As a result, and since many were duplicates from List A, only one article was selected from this search for analysis. This article was also uploaded to NVivo Qualitative Data Software for an in-depth analysis of the content. Combining the two searches resulted in 50 articles.

Data analysis and coding strategies

The literature review and methodological approaches guided my analysis questions. Bacchi (2016) provides six analytical questions that she states should guide policy analysis in order to understand how a particular problem is being constructed:

> What is the problem represented to be (constituted to be) in a specific policy or policies? What presuppositions—necessary meanings antecedent to an argument—and assumptions (ontological, epistemological) underlie this representation of the "problem" (problem representation)? How has this representation of the "problem" come about? What is left unproblematic in this problem representation? Where are the silences? What effects (discursive, subjectification, and lived) are produced by this representation of the "problem"? How and where has this representation of the "problem" been produced, disseminated, and defended? How has it been and/or can it be questioned, disrupted, and replaced? (p. 9)

I modified Bacchi's analytical questions to undertake my study. I asked questions like: how is the problem of sex offending constructed in the documents being analyzed? What kind of problem is sex offending said to be? What assumptions underlie this problem construction?

I also used CDA to guide my empirical analysis of the documents, and to detail the emergence of the legal and policy structure around the National Sex Offender Registry (NSOR), I considered the following questions: who were the key stakeholders involved in the establishment of the NSOR? What were some of the key arguments made in favour of establishing the NSOR? Were there any counterarguments made and what were they?

Coding strategies

Once the data was collected and the media articles were narrowed down, I completed a first read through of each debate and media article. Following that, I created a coding guide to use while completing my analysis. This guide included codes that were first identified in the literature (for example, looking for references to, or mentions of, surveillance) that I wanted to pay particular attention to; other codes were developed based on information considered necessary to answer the questions I asked of the pieces of data (for example, 'public protection' as an argument for or against the establishment of the National Sex Offender Registry) (SAGE Publications, 2019). A simplified coding table is included in Appendix 1.

After the data was analyzed and coded, I identified broad overarching themes: who are sex offenders and what type of people are they? Who are their victims? How can sex offending be explained? How can sex offending be responded to? A thematic analysis permitted the identification, analysis, reporting, and interpretation of themes or patterns that arose in the various legislative and media texts analyzed (Clarke & Braun, 2016). Thematic analysis was used because of the flexibility it permits (Clarke & Braun, 2016)

to explore the dominant approach(es) used in legislation and media that governs sex crimes broadly and governs sex offenders more specifically.

Summary

I undertook a critical discourse analysis and a "what's [sic] the problem represented to be?" approach to analyze the House of Commons debates that led to the implementation of the sex offender registry and newspaper articles published in *The Globe and Mail* at the time. I had to analyze the sites at which policy is created in order to answer my research question and understand how Canadian policies and media discursively construct sex offenders— including the language and arguments used that led to the establishment of the registry. Additionally, it was necessary to analyze published media articles which discuss and widely disseminate information as it fostered an understanding of how the media discursively constructed sex offenders in particular ways. The themes that emerged from the analysis highlight widespread beliefs about sex offenders and sex offending more broadly; importantly, though, the themes also highlight which populations Canadians consider vulnerable and valuable and which they consider deserving of protection or punishment. These constructions often result in negative, perhaps unintended, consequences.

Chapter 4:

Passing *SOIRA:* The People and Arguments that made it Possible

This chapter draws on the House of Commons parliamentary debates on the sex offender registry, and *The Globe and Mail* media documents published leading up to its establishment, to ask how the Canadian sex offender registry was introduced, who was involved in debates about the establishment of the registry, what arguments these parties made in favour of or against the implementation of the registry, and ultimately, why the registry was implemented. I outline each of these before going on to examine the specific language and rhetorical strategies used in the debates. The chapter demonstrates that there was some debate about the implementation of the sex offender registry, but its extent was surprisingly limited given the registry's potential consequences and implications. Rather, the emphasis was largely on the need to protect children and this overshadowed other important questions, like sex offenders' rights. I argue that together, the way in which the debate process was structured, who was invited to participate, and the language and rhetorical strategies used, ensured that the legislation would pass, and the registry would be implemented. The chapter concludes with a brief discussion about the implications of the registry and the perfunctory debate process.

Participants and arguments that led to the establishment of the NSOR

The House of Commons debates about the implementation of the sex offender registry featured witnesses and speakers from governmental and non-governmental organizations (NGOs), stakeholders, and individuals. For simplicity, I have divided these groups into three categories: governmental departments/political party representatives, NGOs, and individuals. A detailed list of participants is provided in Table 1.

Governmental Departments/Political Party Representatives	NGO Representatives	Individuals
Solicitor General Wayne Easter	John Howard Society of Canada (offender rights group)	Jim and Anna Stephenson (Christopher Stephenson's parents)
Canadian Alliance (party representatives from multiple jurisdictions)	Canadian Resource Centre for Victims of Crime	
Bloc Québécois (party representatives from multiple jurisdictions)	Canadian Bar Association Legislation and Law Reform	
New Democratic Party (party representatives from multiple jurisdictions)	Canadian Bar Association Committee on Imprisonment and Release	
RCMP Assistant Commissioner	Canadian Criminal Justice Association	
Ontario Provincial Police Chief and Officers	Quebec Association of Social Rehabilitation Agencies	
Federal Government – Dept. of the Solicitor General	Canadian Police Association	
Liberal (party representatives from multiple jurisdictions)	Canadian Association of Chiefs of Police	
Federal Department of Justice	Beyond Borders (children's rights group)	
Solicitor General Dept – Government of Alberta	Project Guardian and Mad Mothers Against Pedophilia (children's rights group)	
Department of Justice – Government of Alberta		
Department of Justice – Government of Manitoba		
Research and Legislation Service – Barreau du Quebec		

Table 2 Bill C-23 Debate Participants

The right-leaning political party representatives— the Canadian Alliance— and the centre-left political party representatives— Bloc Québécois— ultimately argued in favour of the registry, but also expressed some misgivings. The Bloc Québécois, for

example, raised specific questions about the effectiveness of the registry as proposed (House of Commons, 2003). These parties also criticized the federal government for not implementing a registry sooner, accusing them of being reactive. As Canadian Alliance MP Randy White, the party's critic of the Solicitor-General's department argued: "I think they're responding to the horrific crime in Toronto" (Lunman, 2003). The Canadian Alliance party went on to question the timing of the registry's announcement (House of Commons, 2003). It was evident again in the following example:

> Holly Jones [a ten-year-old murdered in Toronto, Ontario] was a baby when that recommendation [coroners' inquiry into Christopher Stephenson's death recommending a national registry be implemented] was made. Toronto Police now searching for the killer who dismembered the 10-year-old are asking why a national sex-offender registry has yet to grow out of its infancy. Opposition MPs are asking the same question. "This government has failed to address a very crucial issue," Canadian Alliance justice critic Vic Toews said yesterday. (Freeze, 2003)

Thus, both the Canadian Alliance and Bloc Québécois representatives argued that the registry's implementation was long overdue (House of Commons, 2003). In fact, they vilified the federal government for not implementing the registry sooner. Interestingly, one representative from the Canadian Alliance had previously unsuccessfully attempted to table a motion to establish a national registry (House of Commons, 2003).

The New Democratic Party (NDP) committee members appeared to only half-heartedly support the registry's implementation. Their arguments were not clearly in favour of or against; rather, they appeared to both support and question the implementation of a registry. The NDP questioned the need for a sex offender registry on the basis that a similar tool already existed (the Canadian Police Information Centre (CPIC)), yet they did not raise any significant objections to the legislation. They instead drew attention to the fact that the federal government previously dismissed a sex offender

registry on the basis that CPIC was a sufficient method of gathering and storing information about convicted sex offenders. The NDP representatives questioned why the federal government once argued that CPIC was sufficient, but now endorsed the implementation of an additional police tool to be used in combination with CPIC (House of Commons, 2003). While these objections could be said to constitute opposition to the Bill, it is not clear whether this was the case, or whether the NDP in fact supported the Bill, albeit half-heartedly.

Of the political parties represented in the debates, the Liberal party was the most vocal in their support for the registry. This was not surprising given that when the federal government proposed the registry's implementation, the Liberal party was in power, and the party's Solicitor General, Wayne Easter, was the Minister responsible for implementing the registry and tabling the Bill. Their arguments in favour of the registry were mostly that it would help protect children from sex offenders. For example, the Solicitor General argued that a sex offender registry is a necessary tool for police to use in sex crimes investigations because children can be better protected from sex offenders if police have more knowledge about sex offenders and their whereabouts:

> This system will be quicker and more effective if the investigation officer can search a specific sex offender database for the most recent addresses of sex offenders living in the area of the crime. (House of Commons, 2003)

In addition to the political party representatives present, other government bodies were present in the debates (as detailed in Table 1). These included the Alberta and Manitoba Departments of Justice, Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP). Both the Alberta and Manitoba Departments of

Justice offered their support for the registry and felt that it would be an important investigative tool for the police:

> The Alberta government believes that the national sex offender registry is a valuable tool for police investigating sex crimes. […] We think this is the key to closing those gaps that serious sex offenders can use to their advantage. (House of Commons, 2003)

> It is Manitoba's view that such a registry will be an important investigative tool for police services, providing them with instant access to current information about individuals who may be of interest to them in the urgent investigation of sex offences. (House of Commons, 2003)

Both departments therefore, positioned the sex offender registry as a necessary (and the only acceptable) tool to thoroughly investigate sex crimes; they did so by suggesting that sex offenders are dangerous and need to be tracked. However, it was unclear why only two provincial Departments of Justice participated in the debates. This may have been due to their legal expertise, or it might have been because these provinces had previously indicated their support for a national registry— a point that I will return to later.

The OPP Chief, OPP officers, and the RCMP Assistant Commissioner were also invited to the debates, presumably because they would be most likely to use it. Not surprisingly, all of those individuals present argued that such a tool is necessary for police investigations. They argued that a registry would increase the speed and effectiveness of investigations and that this was important especially in cases of child sexual abuse. The RCMP also argued that the surveillance entailed by the registry is warranted as a means to protect victims.

> Of course, as the minister says, it will have much more information with regard to the location, and it will allow us, as an investigating agency, to hone in on sex offenders in the geographic area where an offence has occurred that you are investigating. (House of Commons, 2003)

The OPP agreed, stating:

> We [OPP] remain consistent in our belief that a national sex offender registry strategy should […] provide police with a modern electronic database with extensive mapping, photographic, and search capabilities. Interactive technology could quickly and proactively assist police in identifying or eliminating potential suspects in the investigative process. (House of Commons, 2003)

The OPP were particularly vocal in their support, which was likely inevitable since the province of Ontario had previously lobbied the federal government for a national registry. In short, policing representatives expressed absolutely no opposition to the registry.

In addition to the political parties and government bodies present during the debates, a number of representatives from NGOs offered testimonies either for or against the implementation of the registry. NGOs who participated represented an overwhelming number of victim and children's rights groups. As such, there was a serious underrepresentation of individuals who would advocate for offenders. Victims' rights groups, and particularly children's rights groups, were some of the most vocal participants in the debates and all were in favour of the registry. Their arguments were that something had to be done to protect future victims and children from sexual violence and a sex offender registry was the right tool for this job (House of Commons, 2003). They also suggested that a sex offender registry was the only possible way to handle sexual violence. These groups (Project Guardian and Beyond Borders, respectively) frequently referred to children's vulnerability and also the state's responsibility to protect them, as illustrated below:

> You need to give good, law-abiding Canadian citizens the tools needed in order to protect their most vulnerable, their children. (House of Commons, 2003)

> Children are by nature loving, trustworthy, and fun loving. Young children very much want to please and impress adults. In a perfect world, no one

> would choose to take advantage of those qualities. Kids would play freely in the parks, walk safely to school, and enjoy that very special period of childhood innocence they're entitled to enjoy. (House of Commons, 2003)

Victims' rights groups also often described children's safety and sex offenders' rights as mutually exclusive; they did so to counter any possible opposition to the registry. Beyond Borders, for example, argued:

> Allowing a convicted abuser to re-enter society with no possibility of anyone finding out his history is, frankly, just leaving an offender with too much power to again wreak havoc on children and their parents' lives. (House of Commons, 2003)

> Those who are convicted of violating the most vulnerable in society should have no expectation that the state will not drastically curtail their rights. (House of Commons, 2003)

And Project Guardian stated:

> We need to ask ourselves here in Canada, what weight does the right of a pedophile have against the right of a victim or a potential victim? (House of Commons, 2003)

In other words, victim and children's rights groups implied that if the state did not implement a registry it would be choosing to protect undeserving and dangerous sex offenders instead of innocent and vulnerable children.

The John Howard Society (JHS) and the Canadian Criminal Justice Association (CCJA) were the only two groups who raised serious objections about the registry. Neither organization was in favour and representatives were among the few participants who expressed any reservations. JHS and CCJA argued that the sex offender registry is not a necessary tool and could possibly infringe on sex offenders' human rights (House of Commons, 2003). The JHS expressed other concerns as well. For example:

> [W]e have the following concerns about Bill C-23: there's virtually no evidence of effectiveness of similar registries in other jurisdictions; other measures exist that make the registry redundant and therefore wasteful;

> there are likely to be unintended negative consequences; it will be applied too broadly and for excessively long periods of time; it sets very punitive and arbitrary extrajudicial sanctions; and it will be very costly and therefore take resources from areas that do have evidence of effectiveness. (House of Commons, 2003)

The CCJA focused their critique on the fact that the registry would offer the police nothing more than an opportunity to effectively subject sex offenders to harsh post-carceral sanctions:

> It appears to us that this legislation is a very severe example of double mandatory sentencing, in which the judge only considers the application once, sentence is pronounced, and then [the offender] receives an application to extend police surveillance for either 10, 20, or even a lifetime period. (House of Commons, 2003)

> Bill C-23 further criminalizes offenders by requiring updated information about their residence; place of employment; and even their telephone, pager, and cell phone numbers. (House of Commons, 2003)

> What it does is create a "suspect list", so that whenever a major crime is committed near their place of employment or home, they can be rounded up for interrogation purposes or because they are considered to be a suspect. (House of Commons, 2003)

Both groups were the only ones in the debates to suggest investing in treatment programmes instead of the registry (House of Commons, 2003). For example, JHS argued that requiring sex offenders to register could hinder their prospects of rehabilitation (House of Commons, 2003). They also emphasized that the cost of the registry would divert funds away from sex offender treatment programmes, which were already severely underfunded (House of Commons, 2003). The JHS and CCJA also provided research evidence that sex offender treatment and rehabilitation is critical for public protection.

Some debaters took seriously the opposition expressed by the JHS and the CCJA, particularly the idea that treatment would be preferable to increased surveillance, but this

was not a significant topic of discussion. Moreover, a persuasive counter-objection to the JHS and the CCJA' arguments was that surveillance is justifiable because of the urgency of the situation and on the basis that the registry could prevent future sex offences. The Canadian Police Association argued, for example:

> We're asking them to simply register their whereabouts with the police, notify the police of a change of address, and provide sufficient information to allow for them to be properly identified in the event that there is a crime in the neighbouring jurisdiction. (House of Commons, 2003)

Such arguments ultimately seemed to overshadow those of the JHS and the CCJA and most debate participants were ultimately in favour of both the registry (over treatment) and increased surveillance.

Jim and Anna Stephenson were also present and appeared as individuals (i.e., they were not affiliated with any government or non-governmental organizations). However, despite their appearance as 'individuals' separate from any entity, their inclusion is still notable because of their particular investment in the issue. Their son, Christopher Stephenson, was kidnapped and murdered by a convicted pedophile and the inquiry into his death called for the implementation of a national sex offender registry. Jim and Anna Stephenson had previously lobbied the federal government to implement a national sex offender registry in Canada, and were public about this, explaining that their motive was to prevent other children from experiencing sexual abuse (Fennell, 1993; Foss, 2001). They offered a particularly unique personal account given the nature of their experience with the justice system and their son's murder.

> Jim Stephenson, Christopher's father, made similar arguments for any limitation the registry might impose on convicted sex offenders. "I believe in the larger picture, the safety of children, the safety of women, the safety of our communities is a much larger issue that has to take priority over that concern." (Mackie, 1999)

Their arguments reinforced a dualism that took shape in the debates, between sex offenders and everyone else (specifically women and children), whereby the needs of women, children and "the community" were framed as irreconcilable with the rights of sex offenders and that protecting the former would be impossible without revoking the latter.

In summary, no political party raised any major objections in regard to the registry's implementation. Some, like the Liberal party representatives for example, were obviously more in favour, but any objections other parties made were ultimately overshadowed by arguments made in favour of the registry. In addition, almost all government and NGO participants argued in favour of the registry, and also that its implementation was urgently needed to respond to sexual violence in general and child sexual abuse in particular. Aside from the JHS, no NGO representatives proposed other options to the registry, like increasing funding for sex offender treatment. Instead, almost all agreed that keeping track of sex offenders would effectively prevent future sex crimes and protect potential victims, framing the registry as necessary.

Complex issues

It is clear that the majority of those who made a presentation to the committee thought that a sex offender registry was necessary. Each group used different arguments to express their support for the registry, but the vast majority agreed that it needed to be implemented quickly and that it would protect victims (primarily children) from sex offenders. In the process, debate participants only paid superficial attention to some important matters, namely the infringement of sex offender rights, and ignored others, like how the sex offender registry would actually work in practice.

Infringement on Sex Offender's Rights

Throughout the debates, participants considered sex offenders' rights and the value of their rights. When the topic of sex offenders' rights came up, most argued that their infringement could be justified because of the type of people they are or because of the nature of the crime they committed. Others dismissed the idea that the registry infringed on sex offenders' rights. For example, the Canadian Alliance were in full support of the registry, regardless of its potential infringement on sex offenders' rights (House of Commons, 2003). The party argued that the registry was not further or additional punishment, nor a deprivation of an offender's liberties, on the basis that the registry would not be publicly available (protecting offenders from vigilante justice) (House of Commons, 2003). In only one instance did a political party representative— a member from the Bloc Québécois— take up the idea that that the registry might violate the rights of sex offenders (House of Commons, 2003). However, the representative did not push this objection, and this seemed to be a response to a specific argument made by the Canadian Alliance.

Both the John Howard Society (JHS) and the Canadian Criminal Justice Association (CCJA) challenged dominant arguments and argued that the sex offender registry would seriously infringe on sex offenders' rights (House of Commons, 2003). These groups presented other options that would not infringe on rights (like treatment) that are effective in reducing rates of victimization by substantially reducing rates of recidivism by 50% (House of Commons, 2003), but their arguments were dismissed. Both groups called attention to the fact that sex offenders— those impacted by this tool—

were not consulted to determine their needs. They also argued that it was clear no one had considered sex offenders' livelihoods:

> Indeed, what is unique about this legislation is that the offenders you are addressing have not been asked what they need to succeed in the community. They're not even part of the equation in this particular document, because the operating assumption is that they are all potentially dangerous. What is unique about that operating assumption is that empirically it is invalid. The research indicates that sex offenders have lower reprocessing rates than other convicts generally. (House of Commons, 2003)

The preceding sections illustrated the fact that, although there was a reasonable number of debate participants involved, almost all were in favour of the registry. The fact that only two organizations that discussed offenders' rights were present suggests that the debates were not organized to generate a nuanced and thorough discussion of the legislation. In other words, the serious underrepresentation of offender rights groups had implications for the depth and breadth of the debates. Indeed, any objections raised by the JHS and CCJA—in support of treatment as an alternative, for example— were ultimately overshadowed by arguments made in favour of the registry. These arguments were primarily that registration increased the chances of preventing victimization *because of its ability to capture all offenders,* and that surveillance is a justifiable measure. In effect, those arguing in favour of the registry argued that registration practices would deter all offenders, whereas treatment would only benefit a select few. The above represents an overview of the debate contents; the following section focuses on the strategies used by debate participants as a means to construct persuasive arguments.

Rhetorical strategies used during the debates

This section focuses on the substantial and major components of the debates that I suggest contributed to the implementation of the sex offender registry: the use of

particular rhetorical strategies and persuasive language that relied on the use of emotional language, made comparisons between sex offenders rights and children's rights, ultimately minimized sex offenders' rights, and where debaters adopted a parental role. While the examples provided above have already illustrated this to some extent, the way language was used, and the way arguments were framed in the debates was so striking that it seemed worthy of focused attention in this chapter.

One of the most striking rhetorical strategies identified was the use of emotional and alarmist language. For example, sex offenders were often referred to as predators and stalkers. The significance of this will be discussed in the following chapter. Their crimes were also described using evocative terms:

> "Once you *rape somebody's child*, you have voluntarily given up your right to privacy," Ms. Cunningham [Tri-City Child Care Guide editor] said. (Cernitig, 1995) [emphasis added]

Another rhetorical strategy was used to pit children's rights against sex offenders' rights whereby children were seen as being deserving of rights because of their innocence. Advocates argued that no rights should be granted to sex offenders over children's rights, and children should be able to live their childhood freely. For example, Project Guardian argued:

> We seem to be more concerned with the rights of the pedophile. As a result, we have incarcerated the wrong sector of society. We in effect imprison children in their own homes. (House of Commons, 2003)

> [A]s we design more efficient and lightweight leashes for our toddlers to wear in the shopping malls while we take them shopping, the sexual predators, who have created this silent epidemic, walk free and in total anonymity. I have to ask you, where is the justice? (House of Commons, 2003)

Beyond Borders also stated:

> It isn't about punishing them again. It's just simply putting a child's rights to protection above the person's right to anonymity, because they are part of a club, a group of people, who should not have that tool. (House of Commons, 2003)

The juxtaposition of children and sex offenders dichotomized them— or more specifically, a dichotomy was created between children's rights and sex offender's rights; one media article agreed that the former could only be protected by revoking the latter:

> We have nothing against the rights of everyone to fair trial and fair treatment . . .but if it comes to a choice of who should enjoy the freedom of the streets, it should not be the perpetrator, it should be the innocent. (Fine, 1993)

Likewise, another rhetorical strategy observed in the debates was the minimization of sex offenders' rights so that they appeared less important to protect, allowing the state to gather extensive information on sex offenders and effectively track their movements. For example, a representative from the Government of Manitoba stated:

> [T]his registry is not about risk and it's not about recidivism. It's about providing useful information to police. So I don't see risk as being relevant at all, quite honestly. (House of Commons, 2003)

> What we're talking about is *simply knowing the whereabouts of people who have committed crimes of a sexual nature.* (House of Commons, 2003) [emphasis added]

They also stated that registration would not be cumbersome for offenders because it "obliges you to do nothing more than apprise the police of your whereabouts" (House of Commons, No. 060, 2003, p. 15).

Another striking rhetorical strategy observed, that was unexpected, was that individuals participating in the debates adopted a pseudo parental role, meaning they spoke about themselves as having a parent-like relationship to potential child victims of sex offenders. This was most common among victim and children's rights advocates,

who not only spoke of themselves as the parents of vulnerable children but appealed to others in the debates to see themselves in this way. For example, Beyond Borders argued:

> Looking at the balance of privacy risk to that individual and the risk to children, what does this committee, *as people who are raising children and grandchildren*, feel about the type of information they should have about who's living next to them? (House of Commons, 2003) [emphasis added]

Arguments like this were especially persuasive because they appealed to emotion, like fear and guilt. For example, Project Guardian petitioned the committee with the following:

> *My perspective here is as a mother*, as a child advocate, and as an activist. […] I became active in speaking about this epidemic after *our baby, our two-year-old infant, was targeted* by a three-time convicted pedophile who was actually released back into the public[.] […] We no longer allow children to walk two blocks to their friend's house, let alone three doors down. […] *As a mother whose baby was targeted* by a three-time convicted pedophile, I can tell you that you need to take the anonymity out of this crime. You need to give good, law-abiding Canadian citizens the tools needed in order to protect their most vulnerable, their children. This minor discomfort [of registering as a sex offender] experienced by a predator will never compare to the torture of a child being sexually abused. (House of Commons, 2003) [emphasis added]

Debate participants also often referred to themselves or the state as metaphorical parents of the nation's children. In other words, several arguments in favour of the registry appealed to participants' sense of responsibility to protect the nation's children *as they would their own*.

These examples emphasize the various rhetorical strategies used in the debates, such as the use of emotional and alarmist language, the fact that children's rights were juxtaposed with sex offenders' rights whereby the latter was minimized and regarded as less important, and participant identification as protectors of the nation's children. These strategies helped to bring the registry into being because they conveyed that such a tool

was necessary; as a result, any infringement of a sex offenders' rights becomes justifiable on the basis that child protection is more important than those rights.

Summary

The Bill was passed with an overwhelming majority of parliamentarians in favour: 186-55. This chapter has illustrated why this was the case, as it explored the debates that occurred leading up to the implementation of the sex offender registry; this included an exploration of who was involved, the key arguments they made, and how they made them. It is clear that there was some reasonable debate made about the registry, and although some participants made objections to the registry, these positions were ultimately overshadowed by those arguing in favour of the registry's implementation. And despite an overwhelming majority in favour of the Bill, media coverage reflected the idea that its passing was not a clear and resounding success. I argue that this was the result of who participated in the debates, making it so that there was not an extensive discussion about the consequences and implications the legislation may have on sex offenders. The depth and breadth of the arguments was therefore hindered. The debate participants relied on emotional and alarmist language to stress that the registry was necessary and needed urgently, and that was favoured over arguments rooted in logic. Additionally, the rhetorical strategy's used did particular work by dichotomizing sex offenders' rights and children's rights, and these strategies point to something particular about the way that sex offenders and sexual violence was talked about at the time. However, it also sheds light on the fact that the dichotomy made it possible for punitive legislation to be passed.

All of these factors combined suggest that the debates were perfunctory and carried out to fulfill a democratic obligation rather than to thoroughly and systematically discuss whether a sex offender registry would be an effective solution to sexual violence. These facts highlight that the sex offender registry was implemented and seen as a 'catch-all' solution for sexual violence. It also suggests that the registry was in fact a *fait accompli*— that is, there was never any question about whether it should be implemented. Indeed, many seemingly critical considerations— including the causes of sexual offending, its most common victims, the circumstances in which sex crimes are most likely to be committed, and whether or how a registry might effectively address sexual violence— were never deeply discussed or debated. Instead, the process reinforced many problematic assumptions about sex offenders and sexual violence, which served to justify the infringement of sex offender rights.

Chapter 5:

Creating a Problem: Discursive Constructions of Sex Offenders and Sex Offending

This chapter explores how the House of Commons parliamentary debates on the sex offender registry and *The Globe and Mail* media documents published leading up to its establishment discursively constructed sex offenders as a unique and specific population. I found that the documents constructed sex offenders in a number of interconnected ways, but namely as dangerous predators and pathological. The documents also constructed sex offenders in contrast to children; that is, they appeared particularly animalistic, dangerous, and sick compared to vulnerable and innocent children. The chapter then discusses how the debates and media documents described possible solutions to sex offending. I illustrate how they constructed sex offenders not only as a population that poses significant risk to the public, but as a population undeserving of basic human rights and that requires a particular kind of state intervention. This chapter ultimately argues that the documents created binaries— monstrous sex offender/ innocent child victim, and us (those that want to protect children)/ them (those that want to harm children)— which helped to make harsh penalties and state surveillance appear necessary. The chapter concludes with a brief discussion of the implications of this binary and corresponding support for harsh and invasive state intervention, for both sex offenders and the general public.

Sex offenders and their victims: Dominant constructions

The debates and media documents used specific and striking terminology to describe sex offenders. Sometimes sex offenders were referred to as monsters, but more often as animals— specifically as *predatory* animals, with their victims often also

referred to as ‘prey’ (House of Commons, 2003). For example, one media article referenced the Alberta Solicitor General who argued that the State should consider posting sex offenders’ photos and criminal histories to the public because they are predatorial (McInnes, 2995; Walton, 2002). When describing an Ontario government initiative (implemented after a teacher was convicted of sexual offences), another media article described sex offenders as predatorial, suggesting that they actively search for prey:

> The Ontario government plans to spend several million dollars to install a high-tech security system in hundreds of elementary schools to prevent sexual *predators* from walking in off the street. Whether or not this is an overreaction, it reflects the community's concern that school be a safe place for their children. That is a high priority for communities nationwide. (Thomas, 2004) [emphasis added]

Implying that sex offenders are predators constantly ‘on the hunt’ for children, their prey, effectively de-humanized them— the implications of which I will return to later. Referring to sex offenders as animals also implied that they were untamed and driven by instincts, suggesting that the potential for danger is ever-present (Freeze, 2003).

The debates and media documents also pathologized sex offenders as “sick”— that is as a medically and psychologically unique population. They referred to sex offenders as psychologically disturbed, driven by “impulses.” In one media article a particular offender was described, in the words of a judge, as having “psychological problems” and “uncontrollable sexual impulses” (Armstrong, 1999). At other times, the term “chronic” was used to describe sex offending as a medical and psychological condition (Appleby, 1992). These discussions underscored sex offenders’ unpredictability and their inability to control their behaviour.

Other biological and clinical language was used to describe sex offending, namely as an "epidemic." While some noted that this language could misrepresent the scale of the problem (Valpy, 1993), the term "epidemic" appeared frequently in the documents and was often used to emphasize the widespread and immediate danger posed by sex offenders as a hidden population. The child advocacy organization, Beyond Borders— a vocal participant in the debates— was quoted in one media article, arguing that sex offenders, as "sexual predators" who "walk free and in total anonymity" have created a "silent epidemic" (House of Commons, 2003). Describing sex offending as an outbreak not only pathologized the behaviour, and likened it to an illness or a sickness, but was extremely alarmist.

Sex offenders were also discursively constructed in contrast to children, or more specifically, children's innocence and vulnerability. The documents contained much more discussion about children than I was anticipating, and references to their vulnerability were striking. Not surprisingly, many of these references came from victim and children's rights groups. These groups presented vulnerable people as the main victims of sex crimes, and children as especially vulnerable:

> What is common to the victims is that they are perceived by the offender to be weak and are selected for that reason - people who are unimportant, who are unlikely to complain or, if they do complain, are unlikely to be accepted as credible. Children and young women fall easily into this category. (Valpy, 1993)

Similarly, at one point in the debates, Beyond Borders expressed their support for the registry, stating that "children are the most vulnerable in society" (House of Commons, 2003). And the Canadian Police Association, stated their support for the registry by referencing children's vulnerability: "Children are the most vulnerable group in society

and are in need of protection from those who would prey on them" (House of Commons, 2003). In some places, the documents also highlighted what makes children especially vulnerable. As another vocal victim and child advocacy group argued: "Children are by nature loving, trustworthy, and fun loving. Young children very much want to please and impress adults" (House of Commons, 2003). It is evident that the debates and media documents primarily considered victims of sex crimes to be children and presented children as uniquely vulnerable.

The documents analysed thus created a clear binary: the dangerous sex offender vs. the vulnerable and innocent child. They clearly represented sex offenders as ever-present but unseen predators who actively seek out child victims. It is important to note here that the documents very rarely talked about sexual violence experienced by adult women or men, despite the fact that the former are much more likely to be victims of sex crimes (Statistics Canada, 2017). It is also important to note that they rarely explained or described what 'sex offending' actually is. While they contained much discussion about the danger that sex offenders pose, it seems as though what sex offenders do, the crime(s) that they commit, were unspeakable. This, again, obscured the most common types of sex crimes and the most common victims. It also very likely amplified the sense of threat or danger posed by sex offenders, as those who perpetrate unspeakable sexual violence on the most vulnerable. In other words, focusing on children and avoiding a definition of sex crimes strengthened the predatory sex offender/ innocent child binary.

How to respond to sex offenders?

The documents also inevitably addressed the question of how to prevent sex offending, as well as how the crime should be punished. Although the question of

whether sex offenders could be treated was addressed, the documents ultimately framed sex offenders as incurable. One media article, for example, discussed medical interventions that had been performed on sex offenders, like chemical or surgical castration, but emphasized that these interventions were unsuccessful (Taylor, 1991). The article went on to argue that psychological treatment is an option, but it depends on a willingness on the part of the sex offender (Taylor, 1991). Another media article discussed how prison treatment programmes are often not court-mandated, and thus sex offenders are often released from prison without treatment. These examples illustrate a general lack of faith in treatment as an option. Interestingly, these discussions often focused on pedophiles (sex offenders who offend against children), and not rapists (those who offend against adult females or males), suggesting that those who offend against children were more likely to be considered pathological, rather than criminal.

Instead of treatment, the documents presented harsh punishment as a key and necessary response. Some argued that particularly harsh punishment could be a deterrent, a tool to "at the very least […] have sexual predators fearful of penalty" (House of Commons, 2003). Harsh penalties were supported regardless of whether or not they infringed on sex offenders' human rights. In one article, for example, the then-British Columbia Premier distinguished "dangerous," "predatory" sex offenders from "law-abiding citizens" while arguing for a more punitive criminal justice response to sex offending:

> If you are a dangerous sexual offender or *predator* or stalker, . . . you lose some of your rights because other people's rights are more important and it's more important that innocent citizens, law-abiding citizens be protected. (McInnes, 1995) [emphasis added]

Another proposed response was the on-going surveillance of sex offenders, through measures like the sex offender registry— justified on the grounds that predatory and pathological sex offenders will always pose a risk to public safety.

> We want to see more of the dangerous sexual predators coming before the courts after their terms have ended to have them stay in the correction system . . . because they're not safe to put out on the street. (McInnes, 1995)

The Federal Corrections Directorate acknowledged that the risk of reoffending was in fact quite low but reaffirmed that the nature of the crime warranted the need for registration: "We know that for the vast majority of these offenders, the risk is quite low, but nobody can predict human behaviour; nobody can see the future" (House of Commons, 2003). As such, the registry appears to be necessary as a 'just in case' measure because there is always a risk that a sex offender *could* reoffend.

It is clear that there were some discussions had about whether treatment could be an effective response to sex offenders. Despite these discussions, individuals ultimately framed harsh penalties and surveillance as necessary by repeatedly representing sex offenders as predators and/ or sick, and thus as a distinct and uncontrollable population.

In other arguments about responses, sex offenders also appeared to be a population separate and distinct from the "general population." This was clear at one point in the debates when Beyond Borders commented on making the sex offender registry accessible to the public, and also used "predator" terminology to emphasize the point: "The *general public* needs to know if a convicted *sexual predator* is living among them or having access to their children" (House of Commons, 2003) [emphasis added]. And so, the documents not only constructed a binary of predatory sex offender/ vulnerable child victim, but also a binary of dangerous criminal and "general public." In

the example above and others, specific terminology clearly differentiated sex offenders from others and revoked their citizen and human status.

It is important to acknowledge that there was not total homogeneity in the documents in terms of the way they represented sex offenders or necessary responses. For example, the Canadian Bar Association argued that the registry is bad policy because only a select few require such intense monitoring. The Association also suggested that considering all sex offenders to be monsters is harmful (House of Commons, 2003). Similarly, the Canadian Criminal Justice Association (CCJA) challenged the construction of all sex offenders as likely to reoffend and argued that this is not reflected in the literature, pointing to this fact when explaining why registration is not an effective solution (House of Commons, 2003).

These findings ultimately suggest that the majority of individuals in the debates and media documents were in favour of harsh punishment for sex offenders over treatment and rehabilitation. In addition, the documents created another binary between sex offenders and the "general public" to suggest that the nature of the crime justified the infringement of sex offenders' human rights.

One topic that seemed to challenge arguments in favour of harsh punishment rather than treatment for sex offenders, was youth who sexually offend. Discussions about youth sex offenders was unexpected, but how to respond to this group appeared in several documents. Debate participants considered youth to be under the age of 18 (House of Commons, 2003), thus also children. As one debate participant asked:

> On the larger issue of sex offenders, how are we treating a situation where a sex offender is also a young offender? What opportunity is there, or what strategy is there, to track that individual? (House of Commons, 2003)

One suggested response— by Liberal party representatives, the Canadian Alliance, the Canadian Resource Centre for Victims of Crime, and the Canadian Police Association— was to register them as sex offenders too. These groups expressed a desire for the state to track, and thus monitor, young offenders indefinitely. These arguments stressed that the nature of sex crimes warrant harsh punitive sanctions, even for youth (House of Commons, 2003). Debate participants drew on high-profile cases committed by youth to strengthen these arguments:

> I'm certainly aware of a situation in my own province where we had a 15-year-old who molested children and within a year raped and murdered a young girl-- by the time he was 16. Also, in my own community we've had some very serious aggravated sexual assaults committed by young offenders that were not dealt with in the adult court. (House of Commons, 2003)

Not all participants agreed, although counter arguments were very much a minority. One of the only groups to question harsh punishment and surveillance of youth sex offenders was the Quebec Association of Social Rehabilitation Agencies. They drew attention to contradictions in discourses about childhood vulnerability vs. those about youth sex offenders:

> When 14-year-olds become the victims of sexual assault, they are considered to be children, whereas if they become sexual aggressors at the same age—for all kinds of reasons that research is bringing to light—they are not provided with the treatment opportunities. (House of Commons, 2003)

Some groups also felt strongly that youth should not be subjected to registration and should not be tracked:

> But it would be—and I will try to play down the term—irresponsible to force a young offender to register without providing any treatment along with the order. It would be irresponsible because these are young people. (House of Commons, 2003)

Overall, however, debates about how to address youth sex offenders were not thorough and they ultimately constructed this group as dangerous. While some challenged this construction, it was not enough to change or disrupt the constructions taking place. Instead, a dichotomy between youth who are victimized and youth who victimize others appeared in the documents, suggesting that only certain youth deserve protection from sex offenders, while others— those who effectively renounced their innocent/ child status by offending— should be feared.

Paternalism, protection, and collective responsibility

Another important finding was the use of paternalistic language in the debates and media documents. The documents did not identify who is responsible to protect children but instead suggested that 'we' all have the same goal in mind: to stop monstrous sex offenders from victimizing innocent children. This created another binary between us (those that want to protect children)/ them (those that want to harm children). For example, at some points during the debates, individuals began referring to all children as "our" children (House of Commons, 2003), suggesting that there is a collective duty to protect them. At another point, Beyond Borders argued that children are unable to recognize whether they are in a situation where a sex offender may victimize them. In this example, the binary of us/ them is evident:

> In short, Canadian children can expect to be in a million different situations where they may be in close contact with a sexual offender and not even realize they should be careful, not trust them, or put themselves at risk. (House of Commons, 2003)

The use of paternalistic language was also used in one media article: "[…] the only way to reduce the threat they may pose to our children" (Giambrone, 2003). Therefore,

debaters were able to construct sex offenders as particularly monstrous by relying on constructions of children as ideal victims.

The debates and media documents used paternalistic language to reinforce the idea that, given the unpredictability of sex offenders, there is a collective duty to intervene in order to protect innocent children. This helped strengthen the binary of us/ them. Thus, debaters began describing Canada's children as "ours" which suggests that the registry is a paternalistic tool that the State used to protect children, by way of punishing predatory sex offenders. Talking about children in these ways—as innocent and vulnerable— was mainly used to position sex offenders as distinctly predatory in comparison. It is true that children are vulnerable and require protection, however, the language used to describe children effectively dehumanizes sex offenders. As such, surveillance— through the use of the sex offender registry— was framed as an *absolutely necessary* tool required to stop sex offenders from victimizing children.

Summary

This chapter explored how the debates and media documents discursively constructed sex offenders as a unique and specific population. The documents created binaries that helped to strengthen arguments made in favour of harsh punishment: predatory sex offenders/ vulnerable children, predatory sex offenders/ "general public," and us (those that want to protect children)/ them (those that want to harm children). These binaries ultimately constructed sex offenders as dangerous predators and pathological individuals who are undeserving of basic human rights, and who require a particular kind of state intervention. The documents also constructed children in contrast to sex offenders. Framing children as vulnerable and innocent was used to position sex

offenders as a particular kind of predatory animal. The chapter explored how the documents presented responses to sex offenders, which included a discussion about whether sex offenders could be treated.

The binary between predatory sex offender/ vulnerable children was challenged by the existence of youth sex offenders, a group that could not be ignored. How this challenge was resolved, it seems, was to argue that the nature of their crimes made youth sex offenders just as dangerous as adults, thus they were seen as adult-like, requiring that they register as sex offenders too. In other words, youth who commit sexual offences were, and continue to be, stripped of their child status. While some were considered deserving of treatment, most were framed as unworthy of the compassion and care afforded to non-offending youth. In other words, all sex offenders, even those who are also children, were considered deserving of harsh punishment.

There are likely several important implications of these discursive constructions but two are most significant for the purposes of this study. First, they did nothing to call attention to the infringement on sex offenders rights that the registry was going to involve. And the way that sex offenders were constructed forecloses the possibility that people who commit sexual violence can be anything other than monsters, let alone contributing members of society. In fact, these constructions helped make paternalistic and harsh penalties, and state surveillance appear necessary. Second, they would likely have powerfully influenced how sexual violence was understood at the time, including who the victims of sex crimes were considered to be. However, these constructions have continued to resonate, and sex offenders remain a particular kind of monstrous and animalistic population, and sexual violence is a particular problem. The next chapter, the

conclusion, continues this important discussion of the implementation of the sex offender registry and the discursive construction of sex offenders that accompanied it.

Chapter 6: Discussion and Conclusion

This thesis set out to determine what factors ultimately led to the implementation of the National Sex Offender Registry (NSOR) in Canada and aimed to shed light on whether the registry can be justified as a response to sexual violence. The findings outlined in Chapter Four ultimately suggest that there was limited debate leading up to the establishment of the registry, and lack of attention to important details helped to pass the legislation— for example, the important issue of sex offenders' rights was given cursory attention. Additionally, the findings outlined in Chapter Five suggest that sex offenders were constructed in specific ways in order to justify the ongoing use of harsh penalties and surveillance.

The literature that informed this project suggested that the following would have had key influences on the establishment of the registry: victim-centred legal reforms and feminist advocacy, the new penology (a growing preference for retribution over rehabilitation (Haggerty, 2012)), and moral panic. In this chapter I return to this literature by comparing and discussing how it can explain this study's findings.

Victim-centred legal reforms and legal feminist advocacy

The study found some evidence to suggest that there was growing support for victims' rights and certainly there was a lot of discussion about the need to protect victims. However, the documents show that victims were rarely considered to be women and the nature of sex crimes was not discussed despite the fact that the majority of these crimes are perpetrated against adult women (Statistics Canada, 2017). I believe this was the case because women do not necessarily fit the "ideal, good" victim typology that the literature has called attention to and, due to this "idea victim" myth, are not always

considered vulnerable and in need of protection. Rather, the evidence demonstrates that children have been constructed as such "ideal" victims, deserving (and requiring) protection and criminal justice intervention because they are regarded as uniquely innocent and vulnerable. The findings suggest that consideration was only given to children's safety and other victims, particularly women, were rarely (if ever) considered. So, although the literature suggests that legal feminist advocacy was a leading cause for social policy changes like sex offender registries (Hall, 2004), this study suggests that the Canadian sex offender registry was implemented primarily in an effort to protect children from sexual violence and not women. I want to highlight that, of course, it is true that children are vulnerable and require protection; but paying little (or no) attention to women's experiences of sexual violence means that complex, systemic issues of gender-based violence were ignored and the conditions which permit such violence continue to persist. It is therefore important to call attention to the fact that women's organizations were not present during the debate process; why they were not remains unknown, but their absence is noteworthy in light of the influential role that feminist advocacy played in other legal reforms at the time, and in light of the fact that most victims of sex crimes are women.

New penology

Alternatively, there is evidence to suggest that the new penology informed the implementation of the sex offender registry in Canada, as there was a growing push towards more punitive responses to sex offenders (Ashenden, 2002; Haggerty, 2012; Gibbs Van Brunschot, 2015). This was especially evident when debate participants and the media expressed a desire for surveillance and the ability to indefinitely monitor sex

offender's whereabouts, effectively advocating for retribution and harsh punishment for sex offenders. The evidence suggests that the sex offender registry was constructed as an absolutely necessary and effective tool to stop sexual violence, informed by the increased demand for harsh sex offender sanctions. In these discussions, sex offender rights came second to that of public protection insofar as any infringement of their rights could be justified because of an increasing desire for punitive measures. Social policy changes like these cannot be seen as a panacea for sexual violence (Randall, 2010) but despite that, my findings show that the registry was regarded as a tool that (once implemented) would instantly prevent sexual violence through extensive monitoring. It was suggested that monitoring would deter future crimes because sex offender's information would connect them to the case. However, this approach does not address the cause of sexual offending, nor does it attempt to address the fact that sexual violence is a complex issue requiring more than a band-aid solution. It appears that the state established the registry in order to say that they did something to respond to public and political calls for action. Extensive monitoring through the registry, therefore, has become the "catch-all" solution for sexual violence despite a limited understanding of such violence, or of the registry's consequences and limitations, and despite evidence suggesting that registries are an ineffective deterrent.

Moral panic

The registry's establishment can be best explained as coming about as a result of moral panic and anxiety about pedophiles and threats to children's safety. Moral panics are born out of a misrepresentation, or exaggeration of a problem (Cohen, 1972), and the evidence certainly points to the fact that this was the case in Canada at the time of the

registry's establishment. The parliamentary documents analyzed for this study represented sex offenders as uncontrollable individuals who threaten social values, and pedophiles harm children and their innocence; as such, something to stop this needs to be implemented quickly. Suggesting that sex offenders are so threatening that they should be subject to surveillance beyond incapacitation has lasting and enduring impacts on the way that sex offenders and sexual violence are conceptualized, understood, and ultimately how the state and society continues to respond to this crime. This further reinforces that the state has a limited understanding of sexual violence and, consequently, may not be providing the most effective tools to respond to and prevent such violence.

The evidence also shows that alarmist language was used (like predator) to construct sex offenders as animals, hunting children (their prey). Such language made sex offenders appear far more dangerous and impulsive than they actually are (Hanson, Harris, Letourneau, Helmus, & Thornton, 2018), and also served to overwrite sex offenders' rights. I want to acknowledge that a small population of sex offenders *are* very dangerous and do require such intensive monitoring, however, effectively eliminating an entire group's rights— based on misrepresentations and false assumptions— is an infringement that cannot be justified, as it does nothing to protect against future victimization since it fails to consider the underlying causes of offending. This approach also fails to consider an offender's experience of trauma or their offence history. This means that sex offenders are left without rehabilitation, are subjected to surveillance, and their ability to live in the community offence-free is hindered. In essence, these constructions do nothing to address an offender's motivations (or cause) for such

violence and instead continue to promote false understandings of sex offenders and sexual violence in general.

Summary and directions for future research

My study ultimately found that the new penology did play some role in the implementation of a sex offender registry in Canada, but it was not the main factor. Rather, the main impetus for the establishment of the registry was a general moral panic informed and driven by widely publicized media reporting of child deaths and anxiety about pedophiles. My study also suggests that although the literature claims such social policy changes in the 1990s and 2000s came about in response to feminist advocacy, there is little evidence that this was the case for the National Sex Offender Registry (NSOR) in Canada. Rather than address concerns about sexual violence generally, most of which is experienced by women, the main concern addressed by the registry was sexual abuse and violence against children and threats to children's innocence.

The study offers insight into the legislative process that led to the NSOR's implementation in Canada, and the discourses that circulated about sex offenders and sex offending at this time. It ultimately found that at the time the NSOR was implemented in Canada, the state constructed sex offenders as a particularly problematic population which helped to justify the use of harsh penalties and surveillance to remediate and prevent sexual violence. This also helped circumvent the important question of sex offenders' rights. I found that very little attention was paid to the possibility of reforming sex offenders, or to sexual violence against women. And so, at the time parliamentary debates took place about the registry, it seems to have been a *fait accompli*. This calls

into question whether the way that the registry infringes on sex offenders' rights can be justified.

Important directions for future research include exploring the impact of sex offender registration in Canada. It could examine whether the registry hinders rehabilitation efforts like studies have found to be the case in other parts of the world. Such research might look at re-arrest rates or readmission to custody. Research could also explore whether registering as a sex offender is regarded by these individuals as ongoing state punishment, and whether alternative responses (like treatment, for example) are considered valuable alternatives.

Critique of the National Sex Offender Registry

It is not entirely clear how much it cost to establish the registry, nor how much it costs to maintain the registry. However, for reference, the Ontario provincial registry alone cost $4 million to implement (House of Commons, 2009). These costs are significant and cannot be overlooked; moreover, they prompt us to ask whether the registry is effectively doing what it claims to do. If it is effectively preventing and protecting against sexual violence, then these costs may be justifiable.

The National Sex Offender Registry (NSOR) was designed primarily to prevent sexual abuse and violence against children, but the main victims of sexual violence continue to be women. Systemic issues of gender-based violence cannot continue to be ignored and until such recognition is given to women's experiences, I question whether the NSOR has the capacity to protect women from sexual violence. It also cannot be ignored that sex offenders have low rates of recidivism and are most frequently known to their victims. How then, is such intense control and monitoring, for the purpose of

connecting sex offenders to future offences, necessary? I argue that the tool, therefore, exists for the state to do nothing more than track sex offenders indefinitely and be able to say that they have done something to respond to public and political calls for action.

Increased police use of surveillance and risk management tools like the NSOR also have a number of consequences. The NSOR involves the use of surveillance and risk management tools that constitute a major infringement of sex offenders' rights; such surveillance tools actually constitute a form of ongoing punishment for offenders (Lacombe, 2007; Humphrey & Gibbs Van Brunschot, 2015). Continuing to punish sex offenders for their actions not only impedes their ability to be rehabilitated, but it also infringes on their rights to privacy. Scholars argue that modes of contemporary surveillance, in the form of post-carceral punishment, function as "a form of custody without walls" (Feeley & Simon, 1992, p. 457) and allow state actors to control populations by "governing at a distance" (Rose & Miller, 1992, p. 271). The literature also suggests that the state identifies certain populations as "problematic" in order to justify their ongoing subjection to surveillance (Ashenden, 2002; Randall, 2010; Humphrey & Gibbs Van Brunschot, 2015). Identifying particular groups of individuals as problematic, therefore, provides the opportunity for them to be policed and managed, but also helps to justify the infringement of their rights. So, although sex offenders are living "freely" in the community, they continue to be subjected to various control and surveillance methods like that experienced in custody. This begs the question of whether releasing sex offenders into the community is actually a guise which allows the state to quietly govern these individuals, regardless of their rights being infringed upon.

References

Appleby, T. (1992). Plans to release pedophile put pressure on parole board: New criterion for freedom under scrutiny. *The Globe and Mail.*

Armstrong, J. (1999). B.C. teen sent to jail indefinitely: Violent sex criminal becomes youngest-ever dangerous offender. *The Globe and Mail,* p. A1.

Ashenden, S. (2002). Policing perversion: The contemporary governance of paedophilia. *Cultural Values*, *6*(1-2), 197-222.

Bacchi, C., & Goodwin, S. (2016). Making politics visible: The WPR approach. In Bacchi, C. & Goodwin, S. (Eds.), *Poststructural policy analysis*, (pp. 13-26). Palgrave Pivot.

Béhague, D. P. (2009). The dilemmas of politically sensitive medicalized approaches to reducing youth violence in Pelotas, Brazil. In G.A. Jones & D. Rodgers (Eds.) *Youth violence in Latin America: Gangs and juvenile justice in perspective* (p. 133-148). Palgrave Macmillan.

Brannen, J., & O'Brien, M. (1995). Childhood and the sociological gaze: paradigms and paradoxes. *Sociology*, *29*(4), 729-737.

Braun, V., & Clarke, V. (2013). *Successful qualitative research: A practical guide for beginners*. London, UK: SAGE Publications.

Brost, A. R., & Jordan, A. M. S. (2017). Punishment that does not fit the crime: The unconstitutional practice of placing youth on sex offender registries. *South Dakota Law Review*, *62*, 806-830.

Cernitig, M. (1995). Pedophiles entitled to privacy in B.C.: RCMP won't help publicize records. *The Globe and Mail.*

Christie, N. (1986). An ideal victim. In Fattah, E. A. (Ed.), *From crime policy to victim policy: Reinventing the justice system.* MacMillan.

Cohen, S. (1972). *Folk devils and moral panics.* MacGibbon and Kee Ltd.

Conrad, P. (1992). Medicalization and social control. *Annual review of Sociology*, *18*(1), 209-232.

Criminal Code of Canada, R.S.C., 1985, c. C-46. Retrieved from https://laws-lois.justice.gc.ca/eng/acts/c-46/

De Block, A., & Adriaens, P. R. (2013). Pathologizing sexual deviance: A history. *Journal of Sex Research*, *50*(3-4), 276-298.

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology, 30*(4), 449-474.

Fennel, T. (1993). One family's nightmare: A victim's parents demand changes. *Maclean's.* https://archive.macleans.ca/article/1993/3/1/one-familys-nightmare

Fine, S. (1993). Victims strike back. *The Globe and Mail.*

Finkelhor, D. (1994). Current information on the scope and nature of child sexual abuse. *The Future of Children, 4*, 31-69.

Foss, K. (2001). Mothers tackle pedophilia 'apathy': Group pushing for tougher sentences, better government surveillance of those who prey on kids. *The Globe and Mail,* p. A6.

Freeze, C. (2003). Sex-offender registry too late, critics say. *The Globe and Mail,* p. A11.

Freeze, C. (2004). National sex-offender database goes on-line. *The Globe and Mail,* p. A12.

Friscolanti, M. (2008a). Canada's sex offender registry a national embarrassment. *The Canadian Encyclopedia.* https://www.thecanadianencyclopedia.ca/en/article/canadas-sex-offender-registry-a-national-embarrassment

Friscolanti, M. (2008b). How we got here. *Maclean's*. https://www.macleans.ca/news/canada/how-we-got-here/

Gam. (1988). The least we can do. *The Globe and Mail.*

Garland, D. (2008). On the concept of moral panic. *Crime, Media, Culture*, *4*(1), 9-30.

Giambrone, A. (2003). Holly's Law will protect our children. *The Globe and Mail,* p. A15.

Gibbs, G. R., (2007). Thematic coding and categorizing. *Analyzing Qualitative Data*. London, UK: SAGE Publications.

Haggerty, K. D. (2012). Surveillance, crime and the police. *Routledge Handbook of Surveillance Studies*, 236-243.

Hall, R. (2004). "It can happen to you": Rape prevention in the age of risk management. *Hypatia, 19*(3), 1-19.

Hanson, R., Harris, A., Letourneau, E., Helmus, L., & Thornton, D. (2018). Reductions in Risk Based on Time Offense-Free in the Community: Once a Sexual Offender,

Not Always a Sexual Offender. *Psychology, Public Policy, and Law, 24*(1), 48-63.

Harrison, K. (2011). *Dangerousness, risk and the governance of serious sexual and violent offenders.* New York, NY: Routledge.

House of Commons Canada. (2002). *Bill C-23*. https://www.ourcommons.ca/Committees/en/JUST/StudyActivity?studyActivityId=626331

Humphrey, T., & Gibbs Van Brunschot, E. (2015). Postsentencing supervision: Punishment and/or protection? *International Criminal Justice Review, 25*(4), 379-401.

Jones, T., & Newburn, T. (2013). Policy convergence, politics and comparative penal reform: Sex offender notification schemes in the USA and UK. *Punishment & society*, *15*(5), 439-467.

Kronick, R., & Rousseau, C. (2015). Rights, compassion and invisible children: A critical discourse analysis of the parliamentary debates on the mandatory detention of migrant children in Canada. *Journal of Refugee Studies*, *28*(4), 544-569.

Lacombe, D. (2007). Consumed with sex: The treatment of sex offenders in risk society. *The British Journal of Criminology, 48*(1), 55-74.

Levenson, J. S. (2018). Sex offender management policies and evidence-based recommendations for registry reform. *Current Psychiatry Reports*, *20*(3), 3–38. https://doi.org/10.1007/s11920-018-0884-0

Levenson, J. S., & D'amora, D. A. (2007). Social policies designed to prevent sexual violence: The emperor's new clothes? *Criminal Justice Policy Review*, *18*(2), 168-199.

Luce, H., Schrager, S. and V. Gilchrist. (2010). Sexual assault of women. *American Family Physician, 81*(4), 489-495.

Lunman, K. (2003). Ottawa fast-tracking sex-offender registry. *The Globe and Mail,* p. A8.

MacKay, R. (2004). Legislative Summary for Bill C-16. *Library of Parliament*. https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/373LS470E#1TheUnited

Mackie, R. (1999). Ontario plans registry of rapists, pedophiles in wake of Parrott murder trial. *The Globe and Mail,* p. A5.

Maidment, M. R. (2008). “We’re not all that criminal”: Getting beyond the pathologizing and individualizing of women’s crime. *Women & Therapy, 29*(3-4), 35-56.

McGill Library. (n.d.). Canadian Parliamentary Debates (Hansard). https://www.mcgill.ca/library/find/govinfo/canada/canada-debates

McInnis, C. (1995). Keep dangerous offenders off courts. Harcourt urges indeterminate sentences proposed for sex criminals. *The Globe and Mail.*

Murphy, L, Fedoroff, J. P., & Martineau, M. (2009). Canada's sex offender registries: Background, implementation, and social policy considerations. *The Canadian Journal of Human Sexuality, 18*(1-2), 61-72.

Murphy, L., & Fedoroff, J. P. (2013). Sexual offenders’ views of Canadian sex offender registries: A survey of a clinical sample. *Canadian Journal of Behavioural Science/Revue Canadienne des Sciences du Comportement*, *45*(3), 238-249.

Mythen, G. (2014). *Understanding the risk society: Crime, security and justice*. London, UK: Red Globe Press.

Pardons Canada. (n.d.). What is the CPIC? https://www.pardons.org/what-is-the-cpic/

Petrunik, M. (2002). Managing unacceptable risk: Sex offenders, community response, and social policy in the United States and Canada. *International Journal of Offender Therapy and Comparative Criminology, 46*(4), 483-511.

Petrunik, M. (2003). The hare and the tortoise: Dangerousness and sex offender policy in the United States and Canada. *Canadian Journal of Criminology and Criminal Justice*, *45*(1), 43-72.

Petrunik, M., Murphy, L., & Fedoroff, J. (2008). American and Canadian Approaches to Sex Offenders. *Federal Sentencing Reporter, 21*(2), 111-123.

Pickett, J. T., Mancini, C., & Mears, D. P. (2013). Vulnerable victims, monstrous offenders, and unmanageable risk: Explaining public opinion on the social control of sex crime. *Criminology*, *51*(3), 729-759.

Porter, S., Newman, E., Tansey, L., & Quayle, E. (2015). Sex offending and social anxiety: A systematic review. *Aggression and Violent Behavior*, *24*, 42-60.

Randall, M. (2010). Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming. *Canadian Journal of Women and the Law*, 22(2), 397-434.

Ricciardelli, R., & Spencer, D. C. (2017). *Violence, sex offenders, and corrections.* London, UK: Routledge.

Ricciardelli, R., Spencer, D. C., & Dodge, A. (2021). "Society Wants to See a True Victim": Police Interpretations of Victims of Sexual Violence. *Feminist Criminology, 16*(2), 216-235.

Riemann, M. (2019). Problematizing the medicalization of violence: A critical discourse analysis of the 'Cure Violence' initiative. *Critical Public Health*, *29*(2), 146-155.

Rickard, D. (2016). *Sex offenders, stigma, and social control (Critical issues in crime and society).* Rutgers University Press.

Royal Canadian Mounted Police. (2020). *Sex offender management*. https://www.rcmp-grc.gc.ca/en/sex-offender-management

SAGE Publications. (2019). *Learn to Build a Codebook for a Generic Qualitative Study*. SAGE Publications, Limited.

Scott, S., Jackson, S., & Backett-Milburn, K. (1998). Swings and roundabouts: Risk anxiety and the everyday worlds of children. *Sociology*, *32*(4), 689-705.

Seto, M. C., & Lalumiere, M. L. (2010). What is so special about male adolescent sexual offending? A review and test of explanations through meta-analysis. *Psychological Bulletin*, *136*(4), 526-575.

Sex Offender Information Registration Act (SOIRA), Statutes of Canada (2004, c. 10). https://laws-lois.justice.gc.ca/eng/acts/S-8.7/FullText.html

Spencer, D. (2009). Sex offender as homo sacer. *Punishment & Society*, *11*(2), 219-240.

Statistics Canada. (2008). *Sexual assault in Canada 2004 and 2007*. https://www.150.statcan.gc.ca/n1/en/pub/85f0033m/85f0033m2008019-eng.pdf?st=g4oY83jc

Statistics Canada. (2017a). *Police-reported sexual assaults in Canada, 2009 to 2014: A statistical profile*. https://www.150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/54866-eng.htm

Statistics Canada. (2017b). *Self-reported sexual assault in Canada, 2014*. https://www.150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14842-eng.htm#a17

Taylor, P. (1991). Sex Offenders: Can we ever be safe? *The Globe and Mail.*

Tewksbury, R. (2002). Validity and utility of the Kentucky sex offender registry. *Fed. Probation*, *66*, 21-26.

Tewksbury, R. (2005). Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, *21*(1), 67-81.

Tewksbury, R., Jennings, W., Zgoba, K., & Ewing, C.W. (2012). A longitudinal examination of sex offender recidivism prior to and following the implementation of SORN. *Behavioral Sciences & the Law, 30*(3), 308-328.

Thomas, T. (2015). *Sex crime: Sex offending and society*. Routledge.

Ullman, S. (2007). Relationship to perpetrator, disclosure, social reactions and PTSD symptoms in child sexual abuse survivors. *Journal of Child Sexual Abuse, 16*, 19-36.

Valpy, M. (1993). Streets: When those in power commit sexual abuse. *The Globe and Mail.*

Veneziano, C., & Veneziano, L. (2002). Adolescent sex offenders: A review of the literature. *Trauma, Violence, & Abuse*, *3(4),* 247–260. https://doi.org/10.1177/1524838002237329

Vogeltanz, N., Wilsnack, S., Harris, T., Wilsnack, R., Wonderlich, S., & Kristjanson, A. (1999). Prevalence and risk factors for childhood sexual abuse in women: National survey findings. *Child Abuse & Neglect, 23*, 579-592.

Walton, D. (2002). Website to name sex offenders: Alberta urges Ottawa, all provinces to establish database of dangerous felons. *The Globe and Mail,* p. A8.

Wodak, R., & Meyer, M. (2015). Critical discourse studies: History, agenda, theory and methodology. *Methods of critical discourse studies* (Wodak & Meyer, Eds.). London, UK: SAGE Publications.

Zgoba, K. M., Levenson, J., & McKee, T. (2009). Examining the impact of sex offender residence restrictions on housing availability. *Criminal Justice Policy Review*, *20*(1), 91-110.

Zgoba, K.M. (2004). Spin doctors and moral crusaders: the moral panic behind child safety legislation. *Criminal Justice Studies, 17*(4), 385-404.

Appendix 1 – Coding Guide

Code	Description	Origin	Importance
Risk	The idea of sex offenders posing a risk; behaviour is 'risky'; children/women are seen as 'at risk' to sex offender behaviours	Arose in the literature	Can help speak to WPR analytical questions of how sex offenders are constructed in these debates
Dangerousness	Feelings of being unsafe; sex offender behaviours are referred to as dangerous	Arose in the literature	Can help speak to how sex offenders are constructed in debates; how sex offenders are constructed as a problem
Public protection	The need for public protection from sex offenders; public protection is jeopardized (at risk**) by sex offenders' behaviours; citizen's *rights* to public protection	Arose in the literature	Can speak to how sex offenders are constructed (as a problem disrupting public protection, for ex)
Public safety/security	Same as above; false sense of safety and security from sex offenders	Arose in the literature	Can speak to how sex offending and offenders are constructed as a problem (violates public safety); speaks to how NSOR as a sex offending reform may create false sense of security
Pathology (predator; sick; monster/monstrous)	Notions of believing rehabilitation is not possible; behaviour is due to a problem intrinsic to the individuals	Arose in the literature	Speaks to assumptions that underlie the construction of sex offending/ offenders as problematic
References to high-profile cases	Naming child victims; descriptive features of high-profile cases	Arose in the literature	Same as above; also, may shed light on how sex offenders are constructed as particularly dangerous
Surveillance • **General references** • **Specific references**	The need to surveil sex offenders'; references to objections to this form of policy being a new police surveillance tool (i.e., it is something that is not considered ongoing punishment/custody) • Want to pay attention to them/ track them • Reference to specific technology used, tools,	Arose in the literature	May speak to arguments *for/ against* NSOR; speaks to emergence of new themes of social control

Code	Description	Origin	Importance
	or means of tracking people		
Punishment	References to NSOR being seen as retribution	Arose in the literature	Same as above
Justice	References to the NSOR being seen as 'getting justice'; fair treatment; fair expectation for individuals who commit such offences	Want to pay attention to it	May speak to how sex offenders are constructed in policy (as deserving of any/all punishment, for ex)
Offender rights	References to the rights that offenders should be afforded (or not afforded)	Arose in the literature	May speak to assumptions which underlie constructing sex offenders/ing in this way… i.e., the assumption that offender rights are second to that of children/future victims
Victims	References to who is most often identified as a victim of sexual violence	Arose in the literature/want to pay attention to it	Similar to above in that there is a "hierarchy of compassion" (Kronick & Rousseau, 2015) whereby offenders are at the bottom and victims (particularly children) are at the top
Sex offences/sexual violence • **Sub-category:**	References to what type of actions constitute sex offences… are they named/discussed at all? • Sex offender identity? Behaviour? If it's an identity… is it permanent? A temporary label?	Want to pay attention to it	Can help to understand how sex offending is understood in terms of level of violence To touch on how government may problematize things through policy
Sex offender(s)	Looking at how they are described/ if they are described at all; what offender characteristics are provided (if any)?	Arose in the literature/want to pay attention to it	To touch on how government may problematize things through policy
Cause of sex offending	References to the kind of behaviour this is considered to be… biological, psychological, clinical?	Want to pay attention to it	To touch on how government may problematize things through policy
Reformation	References to recovery/reform	Arose in the literature/want to pay attention to it	Can speak to how sex offending is understood; also speaks to how the assumption is that this is (or is not) possible