

TO BREACH OR NOT TO BREACH

To Breach or Not to Breach: Exploring Inconsistencies in the Interpretation,  
Enforcement, and Impact of Canada's Section 161 Order for Sexual Offending

by

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### **Abstract**

Community management strategies for people convicted of sexual offences (PCSOs) can hinder reintegration, which plays an important role in reducing recidivism. Section 161 of the Criminal Code is a prohibition order given to people convicted of sexual offences against children (PCSOCs) upon their release into the community. This study was the first to evaluate the 161 Order and explored inconsistencies in the interpretation and enforcement of these conditions among people subject to a 161 Order, community members, and undergraduates. Attitudes toward the treatment of PCSOs were found to mediate the relationship between group membership and subjective legal decision-making. Support for the conditions did not appear to moderate this relationship. Conditions most likely to be inconsistently enforced were also most commonly reported as impacting reintegration. Results suggest the need for more concrete terminology, and a re-evaluation of using long-term management strategies in a population with one of the lowest recidivism rates.

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Current legislation for people convicted of sexual offences (PCSOs) aims to prevent sexual recidivism by means of restrictive and sometimes punitive community management strategies (Lussier et al., 2011). It has been argued that this is a reflection of the fear and disgust commonly associated with this population (Budd & Mancini, 2016; Lynch, 2002). There is a growing body of research supporting the assertion that many community management strategies for this population (herein referred to as management strategies) are at best ineffective, and at worst actually increase the risk of recidivism (Appelbaum, 2008; Levenson, 2018). Researchers, clinical and legal professionals, as well as PCSOs themselves have identified a number of collateral consequences associated with these management strategies, including increased difficulty obtaining housing, employment, and social supports (Call, 2018; Levenson et al., 2007; Rydberg, 2018), all of which can inhibit community reintegration and increase recidivism (Lussier & Gress, 2014; Meredith et al., 2007; Willis & Grace, 2009).

One management policy unique to Canada is Section 161 of the *Criminal Code* (1985), herein referred to as the 161 Order, which is given to people convicted of sexual offences against children (PCSOC), including child pornography. The 161 Order can be given for any length of time (including life) and includes five standard conditions prohibiting PCSOCs from: attending places where children are reasonably expected to congregate, being within a certain distance of the victim, working or volunteering with children, communicating with anyone under age 16, and using the Internet. Despite its common use, there has yet to be any empirical research conducted to examine the application and efficacy of the 161 Order. The current study will begin to address this gap in the literature by identifying potential inconsistencies in how the 161 Order is

interpreted and enforced, as well as exploring participants' level of support for the conditions, and the impact of these conditions on community reintegration. Multiple legal cases have demonstrated that some conditions may be overly vague (e.g., exact definition of "public park" or "community centre"), allowing too much individual discretion from both law enforcement officers and the judicial system, which can leave PCSOCs unsure of exactly what their conditions prohibit (see *R. v. Allaby*, 2017; *R. v. Lachapelle*, 2008; *R. v. Perron*, 2010). In fact, a commentary on judicial interpretation by Hutchinson (2010, p. 337) reviews two of these cases in an attempt to address the question, "What is a "park"?" in the context of a 161 Order.

Poor reintegration planning, and specifically difficulties in obtaining accommodation, employment, and social support, has been associated with increased recidivism (Hanson & Morton-Bourgon, 2005; Willis & Grace, 2009). Yet some PCSOs find themselves released into the community without any idea of how they will obtain basic human necessities such as shelter, food, clothing, and employment (Morani et al., 2011). Individuals incarcerated for a long period of time who are released into the community may have additional barriers such as obtaining personal identification, opening a bank account, and learning how to navigate their new surroundings (Lussier & Gress, 2014). While parole officers are often expected to assist with these vital tasks, they may not always have the capacity to meet the demands of the 9,747 individuals released in Canada each year (Parole Board of Canada, 2018). In addition to a lack of support, most PCSOs are subject to community management policies that may further restrict their ability to successfully reintegrate, resulting in "conditions that almost guarantee parolees' failure" (Petersilia, 2001, p. 372).

### **Community Management Strategies for People Convicted of Sex Offences**

Past research has found that approximately 95% of PCSOs have no prior history of sexual offending (Craun et al., 2011; Sandler et al., 2008), and rates of sexual recidivism are consistently reported to be between 5% to 15% in the first five years, further decreasing over time (Hanson et al., 2018; Helmus et al., 2012). Despite this, current strategies for preventing these types of offences are almost entirely tertiary, and focus solely on preventing recidivism by those living in the community. From 2016 to 2017, the number of individuals released into the community on conditional sentences in Canada increased by 6%, and PCSOs comprised 9% of those released on day parole, 6% of those released on full parole, and 13% of those who met statutory release (Parole Board of Canada, 2018). Unfortunately, current management strategies tend to focus on preventing recidivism through “tough on crime” approaches, as opposed to high-quality reintegration planning and support (Fortune et al., 2012; Pickett et al., 2013).

The last century has seen a shift in correctional practices, moving away from the original goal of *correcting* behaviours and rehabilitating individuals, toward practices that promote punishment and risk management as the primary means of ensuring public safety (Budd & Mancini, 2016; Levenson, 2018). This is especially true for PCSOs, who incite more demand for increased public protection than any other type of offender. The application of community management strategies is based on the perceived likelihood of re-offending (McAlinden, 2007), yet these strategies are applied almost exclusively to a population with one of the lowest rates of recidivism. In Canada, PCSOs had the highest successful completion rate for federal day parole and statutory release from 2016 to 2017, and PCSOs on provincial day parole had an average success rate of 94% between 2012 to

2017 (Parole Board of Canada, 2018). Additionally, from 2001 to 2006, PCSOs were the least likely type of offender to be reincarcerated after having completed full parole (5%), statutory release (12%), or warrant expiry (25%; Parole Board of Canada, 2018).

While some may contend that these success rates support the efficacy of current management strategies, a Canadian longitudinal study by Lussier and McCuish (2016) followed 500 male PCSOs for nine years and found that some individuals were able to desist from offending despite an inability to successfully reintegrate into the community. This indicates that some PCSOs are unlikely to reoffend regardless of the management strategies to which they are subjected; however, it is difficult to know if these strategies are associated with other negative implications unrelated to recidivism (e.g., an inability to find work may increase reliance on social assistance, a lack of social supports may exacerbate mental health issues creating more stress on the healthcare system, etc.).

The overall rate of violent crimes in Canada consistently declined between 1993 and 2015 (Rotenburg, 2017), suggesting that decreases in rates of sexual recidivism are not necessarily a direct result of community management strategies for PCSOs. It is also worth noting that Zgoba and Bachar (2009) studied rates of sexual offending in New Jersey and found that although the number of offences had consistently declined since 1985, the rate of decline was highest prior to 1994 and lowest after 1995. These dates coincide with the establishment of the United States' sex offender registry in 1994, and the implementation of public notification laws in 1996 (SMART, n.d.). Taken together, these findings raise questions about the true value of current management strategies.

Community management strategies for PCSOs have been implemented with good intentions, however they are predicated on legislation that was introduced solely as a

means of quelling public outcry in the wake of tragic and highly publicized cases of child sexual abuse (Budd & Mancini, 2016). Legislation from the United States (US) aimed at preventing child sexual abuse has often been named after the victims of high-profile cases (e.g., *Jacob Wetterling Act*, 1994; *Megan's Law*, 1996; *Adam Walsh Child Protection Act*, 2006), all of which involved aspects that are rarely associated with child sexual abuse, such as kidnapping, murder, and perpetrators unknown to the victim (Levenson, 2018). In Canada, management strategies have developed more slowly than in the US, although their implementation was still in response to a high-profile case involving the abduction, sexual abuse, and murder of 11-year-old Christopher Stephenson in 1988. It was not until years later, however, that the Ontario Sex Offender Registry (SOR) was created under *Christopher's Law* (2000), eventually resulting in the establishment of a national registry under the *Sex Offender Information Registration Act* (2005).

Due to the influence of these tragic cases, legislation to prevent child sexual abuse has been designed to protect against stereotypical but rare types of sexual offences (Sandler et al., 2008), as opposed to those that research has consistently shown to be most prevalent (i.e., first-time offences, against known victims). This has resulted in the implementation of management strategies that do little more than provide the public with a false sense of security, leading to what Budd and Mancini (2016, p. 362) call “an era of crime control theatre”. To date, the most commonly used community management strategies for PCSOs include: (1) sex offender registration; (2) public notifications; and (3) residency restrictions. Similarities and differences between management strategies in Canada and the US will be discussed briefly below (see Petrunik, 2002, 2003 for a

review); however, significantly less research on this topic has been conducted in a Canadian-specific context (Jung et al., 2018; Murphy et al., 2009).

### ***Sex Offender Registries***

Sex offender registries (SOR) were introduced as a means of helping law enforcement officers monitor PCSOs and identify possible suspects in cases of child sexual abuse (Levenson, 2018; *Sex Offender Information Registration Act*, 2004). While the SOR in the US is publicly accessible, the Canadian government has consistently refused public demands to follow suit, and the SOR in Canada can only be accessed by designated criminal justice personnel (Levenson et al., 2007). As of 2017, the national SOR in Canada was reported to include 43,217 registrants (Friscolanti, 2017). While significantly less than the 843,000 registrants on the US SOR (National Center for Missing and Exploited Children, 2015), it is still questionable whether a registry of this size is truly an effective investigative tool in cases where time is of the essence. Cubellis et al. (2018) found that law enforcement officers living in states with an especially large SOR were less likely to think the registry was an effective tool; they also found that while most participants considered the SOR to be effective for law enforcement related goals (e.g., information sharing, monitoring PCSOs), nearly half felt that it was not an effective method of reducing recidivism. Jung et al. (2018) found that students in the US were less likely than Canadian students to believe the SOR was effective. The authors also report that in Canada, little empirical evidence currently exists regarding the public's views on the efficacy of SORs.

Only one study to date has examined the views of PCSOs in Canada toward the SOR, which found that most participants did not consider being on the SOR to be overly

problematic, but they also did not believe it was an effective means of preventing recidivism (Murphy & Fedoroff, 2013). Unfortunately, a lack of research on the efficacy of Canadian SORs currently exists; however, based on numerous studies conducted in the US and elsewhere, the SOR has not been empirically supported. Sandler et al. (2008) conducted a time-series analysis and found no significant reductions in the frequency of initial or repeat sexual offences in the US since the registry was introduced. It has been suggested that the SOR may be nothing more than a “feel good” measure, which results in essential resources being diverted away other evidence-based alternatives (e.g., reintegration planning, Circles of Support and Accountability; White & Malesky, 2009). PCSOs themselves have reported that the efficacy of the SOR could be improved by allowing for more personalized management approaches, taking into account an individual’s characteristics, level of understanding, history, etc. (Tewksbury & Lees, 2006). Similar suggestions have been reported by police officers involved with the registry, who also stressed the importance of treating PCSOs with dignity and respect (Powell et al., 2014).

### ***Public Notifications***

Public notifications occur when PCSOs are released into the community and involve distributing an individual’s photo and information (e.g., address, sexual offence) to members of the public (Appelbaum, 2008). Their use is based on the assumption that the SOR alone inadequately protects community members from known PCSOs. While research supports this assumption, public notifications have not been found to increase the efficacy of the SOR. A national study of all 50 states found that the rate of sexual assault did not decrease after the implementation of public notifications (Ackerman et al.,

2012), and a 10-year review of six US registries found no reductions in recidivism associated with public notification laws (Vasquez et al., 2008). Some have argued that public notifications can actually increase recidivism, as they prevent community reintegration, which can lead to feelings of anger and resentment towards society and reduce the motivation to invest and engage in mainstream social contracts (Freeman, 2012; Uggen et al., 2006).

While registration and notification are almost always used simultaneously in the US, public notification has been a controversial issue in Canada and only occurs in cases where an individual has been deemed high-risk (*Corrections and Conditional Release Act*, 1992; Murphy et al., 2009). No standardized system for delivering public notifications about PCSOs currently exists in Canada, but options may include notifying schools, recreation centres, and other child-related institutions, holding community meetings, and press releases in the media (Brodsky, 2006). The reason for not implementing a mandatory public notification system in Canada involved concerns that it may result in lower compliance rates, which is supported by the finding that compliance rates with the US SOR are significantly lower than the 95% compliance rate in Canada (Cole & Petrunik, 2006; 2007).

Despite a closed SOR and infrequent use of public notifications in Canada, there are other ways in which PCSOs may become identified in their neighbourhood. For example, some PCSOs have their trials covered by local news stations, which often report the details of their offence(s) alongside their name and photograph. People on the SOR also receive at least one annual drop-in visit from police officers to verify their home address. Murphy and Fedoroff (2013) found that the majority of PCSOs in their sample

reported that police officers conducted their visit in uniform (65%) as opposed to wearing street clothes (22%); the remaining participants reported that officers wore a uniform one year and plain clothes the following year (13%). Additionally, 52% of participants reported that the officers arrived in a marked police car, while 26% reported an unmarked car and 21% did not see the car. Conducting check-ins while in uniform and/or marked police cars increases the likelihood that PCSOs will be identified by those in their neighbourhood (or will need to find a way to explain these annual police visits).

### ***Residency Restrictions***

Residency restrictions prevent PCSOs from living within certain distances of places where children are reasonably expected to congregate. While Canada does not have formal residency restrictions, such as those currently implemented in over 50% of states (Mancini et al., 2013), this management strategy is worth mentioning as it has been found to have serious unintended consequences for PCSOs. Canada's 161 Order does not explicitly prevent PCSOCs from residing near schools, parks, daycares, etc., however it does prevent their attendance in or around these same areas, which would likely also prevent them from living near these locations. As such, research on residency restrictions may have implications in the Canadian context.

To date, there has been little to no evidence supporting the idea that restricting PCSOCs from living near places where children are likely to congregate is an effective strategy for preventing sexual recidivism (Levenson, 2018). This is likely related to the fact that numerous studies have found no significant relationship between an individual's risk of reoffending and their residential proximity to schools or daycares (Zandbergen et al., 2010). Residency restrictions are another example of how legislation for PCSOCs is

based on outdated assumptions about “stranger danger” – evil monsters lurking around schools and daycares just waiting to abduct a child – when the reality is that most cases of CSA involve someone well-known to the victim (Sandler et al., 2008). Indeed, the stereotypical “predatory offender”, for whom these restrictions may actually be appropriate, makes up only 1% to 4% of all PCSOCs (Colombino et al., 2009). The vast majority of those convicted of child sexual abuse meet their victims and commit their offences in private settings, such as the home of the victim, or a friend, neighbour, or relative (Colombino et al., 2009; Rotenburg, 2017).

The lack of evidence supporting the efficacy of residency restrictions has led the US Department of Justice to recommend *against* their use as a means of preventing sexual recidivism (SMART, 2015). Levenson (2018, p. 21) points out that, “Sex offenders do not abuse children because they live near parks or schools” but rather by “cultivating relationships of familiarity, trust, or authority, typically with children and families well-known to them”. Thus, it has been posited that the relationships and social proximity that PCSOCs have with children are more relevant to the prevention of child sexual abuse than residential proximity to schools and daycares (Duwe et al., 2008). This indicates that prohibiting direct communication with children in order to prevent the establishment of new relationships may be a more effective strategy for reducing recidivism.

### **Collateral Consequences of Community Management Strategies**

An emerging body of research on the collateral consequences of management strategies has highlighted that these strategies are not only ineffective, but can also significantly limit an individual’s ability to obtain basic necessities and successfully

reintegrate into their community (Lussier & Gress, 2014). Both clinical and correctional professionals have agreed that PCSOs experience collateral consequences related to personal loss (91%), emotional and/or psychological issues (77%), and residency restrictions (70%; Call, 2018). This is problematic as Willis et al. (2010, p. 553) have argued that “desistance from sexual offending is dependent on specific environmental conditions, such as stable housing, access to employment opportunities, cognitive transformations, and social support”. As such, it has been asserted that the legislation, policies, and strategies used to prevent sexual recidivism are not only expensive and ineffective, but that they may actually *increase* the risk of reoffending (Burchfield & Mingus, 2008; Levenson & Cotter, 2005; Schultz, 2014). Research on collateral consequences indicates that researchers, policy makers, and other professionals are beginning to understand what PCSOs themselves have known for many years: community management strategies for PCSOs create “barriers for individuals who would perhaps otherwise be on a path of desistance from (sex) offending” (Lussier & Gress, 2014, p. 112).

### ***Housing and Employment Challenges***

One of the most immediate challenges that PCSOs face after being released from incarceration involves securing stable and affordable housing that does not breach any of their conditions (Visher & Courtney, 2007). Housing options are often extremely limited by an individual’s conditions, and Levenson and Hern (2007) found that residency restrictions prevented some individuals from returning home (26%) or living with family members (37%) after being released from incarceration. Similar consequences may result for those on the 161 Order. Housing options are further limited by the fact that many

landlords refuse to rent to someone with a criminal record, especially if it involves a sexual offence (Evans & Porter, 2015; Levenson & Hern, 2007; Rydberg, 2018).

Policymakers should be concerned about the impact that certain legislations can have on one's ability to find housing, as it has been found that parolees with residential instability had more difficulties with community reintegration, and showed increased risk for substance abuse relapses and recidivism (Meredith et al., 2007). Residency restrictions and other conditions, along with financial difficulties, can also force PCSOs to reside in areas with high levels of crime, drugs, and prostitution, or remote areas that may limit access to housing, public transit, mental health clinics, social services, and employment opportunities (Levenson & Cotter, 2005; Levenson & Hern, 2007).

Multiple studies have indicated that individuals want to return to the workplace upon being released from incarceration, but are often faced with substantial barriers to obtaining suitable employment (Brown et al., 2007; Burchfield & Mings, 2008). For example, Evans and Porter (2015) have pointed out that it is often difficult to obtain employment without having a fixed address, clean clothing, and access to bathing facilities, yet similarly difficult to obtain accommodations without proof of employment. Rydberg (2018) surveyed a sample of PCSOs on parole and found that the most common barrier to employment was conflict between job requirements and parole conditions (43%; e.g., Internet restrictions). A study of employers in the UK found that 70% would never consider hiring an individual who had been convicted of a sexual offence (Haslewood-Pócsik et al., 2008). In general, research has consistently indicated that an inverse correlation exists between employment and recidivism (Hanson & Morton-Bourgon, 2005; Willis et al., 2010), and both parolees and parole officers agree that

obtaining suitable employment is an essential factor for successful community reintegration (Rydberg & Grommon, 2016).

### ***Stigmatization and Lack of Social Supports***

The importance of social supports and community ties is strongly emphasized in crime desistance theory, yet studies have shown that stigmatization of PCSOs can prevent these individuals from engaging in exactly the types of prosocial activities needed to support successful reintegration (Uggen et al., 2004). PCSOs are acutely aware of the stigmatization they face, and a study by Mingus and Burchfield (2012) found that 90% of PCSOs believed that other members of society would devalue or discriminate against them due to their offence. Appelbaum (2008, p. 354) asserts that, “By publicly labeling and shaming offenders, it all but ensures that they will have difficulty reintegrating into community life, supporting their families, and making friends”.

Being labeled as a “sex offender” may increase the risk of reoffending by causing individuals to internalize an image of themselves as deviant, unlovable, and untreatable (Schultz, 2014), which is then reinforced by their stigmatizing environment (Mingus & Birchfield, 2012). Stigmatization also puts PCSOs at risk of physical harm, as public SORs and notifications can alert members of the general public to their whereabouts, which has led to multiple incidents of harassment or vigilantism toward PCSOs (Cubellis et al., 2018). Harassment from fellow community members can also result in more frequent address changes, creating aliases, or failing to register, all of which increase the risk of recidivism and make it more difficult for the SOR to monitor individuals’ whereabouts (Freeman, 2012).

Registered PCSOs report above average rates of emotional and psychological issues, often manifesting as intense shame, depression, stress, hopelessness, and fear (Comartin et al., 2010; Levenson et al., 2007; Tewksbury, 2012). Past research has indicated that this type of emotional distress, along with social exclusion, isolation, and negative peer influences can all increase recidivism (Petersilia, 2003). In contrast, positive social supports, intimate relationships, and community integration often protect against recidivism (Lussier & Gress, 2014). Interestingly, Cubellis et al. (2018) found that of all the collateral consequences examined in their study, law enforcement officers expressed the least concern for those which inhibited PCSOs' ability to establish community ties. A study of community corrections professionals reported that threats and harassment (83%) or housing and employment issues (44%) were unacceptable collateral consequences, but only 15% considered emotional and psychological distress to be an unacceptable consequence for PCSOs (Call, 2017).

### **Policy Reform and Public Opinion**

The collateral consequences of management strategies should be a source of concern for policy makers, criminal justice professionals, and the general public (Call, 2017), as these consequences can promote feelings of frustration, isolation, and other dynamic risk factors for offending (Lussier & Gress, 2014). Rydberg (2018) points out that policymakers and administrators have the power to reform current policies in favour of more evidence-based approaches, yet despite mounting empirical evidence advocating for an overhaul of current management policies, these arguments have continued to fall on deaf ears (Call, 2018). The UK is one exception to this; after recognizing that overly restrictive conditions may actually increase sexual recidivism, by promoting social

isolation and inhibiting community reintegration, steps have been taken to address this issue (Her Majesty's Inspectorates of Probation and Constabulary, 2005). Unfortunately, the efficacy of these strategies is difficult to determine due to concurrent changes in the identification and reporting of these offences (for a review, see Kelly & Karsna, 2018). Moreover, the potential benefits derived from these changes may not be fully reflected in recidivism rates alone.

Current management policies for PCSOs were introduced in response to public fears about sexual offending and are based on common myths and misunderstandings as opposed to empirical evidence. Lussier et al. (2011) suggest that many of these policies are shaped by a common belief that there is some innate and fundamental difference between the mechanisms underlying sexual and non-sexual offences. As such, Freeman (2012) has argued that, "A shift away from reactionary policies to a system where legislation is based on empirical research cannot be accomplished, however, without public education and a true understanding of sex offenders and sexual offenses" (Freeman, 2012, p. 560). Unfortunately, many members of the general public get the majority of their information about PCSOs from public and social media. It has even been suggested that the primary motivation for implementing the SOR was the public's demand for greater protection against sexual offences, often in response to portrayals of sexual offending in the media (Meloy et al., 2007).

The fact that PCSOs are the only type of offender subjected to registration, public notifications, and residency restrictions – despite their low base rates of recidivism – is evidence of the public's impact on policy development. This is especially problematic considering the finding that 73% of community members would likely remain supportive

of community management strategies, even if there was a lack of empirical evidence to support their efficacy (Levenson et al., 2007). The public is often supportive of using a one-size-fits-all approach to community management strategies, with one study finding that 20% of a general public sample believed that even PCSOs who have been designated as “no risk” should be forced to comply with registration and notification laws (Schiavone & Jeglic, 2009). Levenson et al. (2007) found the majority of their sample believed that public notification was effective at reducing recidivism rates and felt that all PCSOs should be subject to notification policies. In addition to supporting the use of community management strategies, the public also tends to support the belief that treatment for PCSOs is ineffective, and that these individuals will all eventually reoffend (Sandler et al., 2008; Levenson et al., 2007). However, these assumptions have not been supported by research (Hanson & Morton-Bourgon, 2005; Hanson et al., 2014).

### ***Media Depictions of People Convicted of Sexual Offences***

The media has been shown to be the most consistent source of information about the criminal justice system, and thus has a strong impact on individuals’ perceptions of PCSOs (Indermaur & Hough, 2002; Wood, 2008). The intensely negative public perception toward PCSOs is likely attributable, at least in part, to the way in which information is presented in the media. Dowler (2006) noted that the media intentionally reports information about sexual offences in a way that arouses fear and loathing, more so than when reporting on homicides, robberies, or assaults. The media also prioritizes cases that sensationalize sexual crimes, and often describes PCSOs as untreatable, subhuman, and doomed to reoffend (Brown, 2009; Gakhal & Brown, 2011). As a result, public perceptions of PCSOs are based on the most horrific but rarest forms of sexual

crimes, such as those involving abductions and murders (Pratt, 2007), which may lead to the belief that these types of offences are far more common than research has shown them to be. It has also been found that community members often determine what they believe is a reasonable punishment for an offence based on media stereotypes of criminals, leading to increased support for SORs (Salerno et al., 2010).

Brown et al. (2008) found that among a sample of 976 community members in the UK, over 50% believed that the media's portrayal of PCSOs was either accurate, or actually minimized the risk posed by PCSOs living in the community. It has also been found that media sources deemed to be more credible have a greater influence on public perspectives (Waid-Lindberg et al., 2011). A study of undergraduate students found that participants' estimated rate of recidivism for PCSOs was between 40-59% (Olver & Barlow, 2010), approximately five times higher than actual recidivism rates of 10-15% (Helmus et al., 2012). Research has also indicated that US politicians receive most of their information about sexual offending from the media, which is then used to shape legislative protocols (Sample & Kadleck, 2008). This is problematic, as the stereotypical media depiction of PCSOs as a homogeneous population, who offend against strangers and have high rates of recidivism, has not been empirically supported (Levenson et al., 2007). Unfortunately, it is difficult to combat the media's impact on public perceptions of PCSOs when the majority of people - even policymakers and criminal justice professionals - do not have access to the scientific journals in which accurate information about this population is distributed. Jung et al. (2018) suggest that future research should examine the specific media sources used by Canadians, in order to better understand how different sources impact attitudes about the justice system.

*Additional Sources of Information*

Research has indicated that being exposed to information about sexual offending from sources other than the media, such as education, job training, and personal relationships, may also impact individuals' attitudes and opinions regarding PCSOs (Dowler, 2010). Attitudes toward PCSOs have been found to vary among different populations, such as treatment providers, students in different fields of study, the general public (Gakhal & Brown, 2011; Willis et al., 2010), and different correctional professionals, including parole board members, police and probation officers, prison officials, and community corrections officials (Hogue, 1993; Tewksbury & Mustaine, 2012; 2013; Tewksbury et al., 2011). Mustaine et al. (2015) found that police officers working closely with PCSOs were more aware of the possible collateral consequences of management strategies, but were not necessarily more concerned about their impact. Similarly, Cubellis et al. (2018) reported that even when police officers acknowledge that collateral consequences exist for PCSOs, they do not consider them "insurmountable barriers" to community reintegration. Differences among participants were attributed to their belief in the efficacy of treatment programs for PCSOs, personal experience with sexual abuse (both direct and indirect), and personal experience with PCSOs outside a professional context (Call, 2017).

Demographic factors such as gender, level of education, political views, religion, personality traits, parental status, and belief in the efficacy of treatment programs have all been shown to influence attitudes toward PCSOs (Call, 2018; Comartin et al., 2009; Olver & Barlow, 2010; Willis et al., 2013). Among community members and criminal justice professionals, women consistently show less support than men for management

strategies such as sex offender registration, notification, and residency restrictions (Brown et al., 2008; Mustaine et al., 2015). Higher levels of education have also been associated with less support for these strategies (Comartin et al., 2009), while being a parent is associated with increased support (Call, 2018). Jung et al. (2018) found that participants with more knowledge about the eligibility requirements for the SOR were more likely to believe that PCSOs have the ability to change their criminal behaviours.

### **Canada's Section 161 Order**

The collateral consequences associated with community management strategies have the potential to undermine their intended benefits, and it has been asserted that, "Policymakers should not be complacent with the current registration and community notification system" (Sandler et al. 2008, p. 299). I argue that this statement extends to other management strategies – particularly those that have yet to receive any empirical study – such as Canada's Section 161 Order for people convicted of sexual offences against children. The 161 Order includes the following prohibitions: (a) attending public parks or swimming areas where children under age 16 are reasonably expected to be present, as well as daycare centres, schools, playgrounds, and community centres; (a.1) being within a specified distance of the victim's home or other places listed in the Order; (b) working or volunteering with children under age 16; (c) communicating in any way with someone under age 16; and (d) using the Internet or other digital networks (*Criminal Code*, 1985).

Section 161 was first enacted in response to *R. v. Heywood* (1992), which involved a constitutional challenge of s. 179(1)(b), a now repealed law against vagrancy that prohibited PCSOCs from "loitering in or near a school ground, playground, public

park or bathing area" (*Criminal Code*, 1985). The primary concerns raised during this appeal involved the vagueness and overbreadth of s. 179(1)(b), particularly the definition of the word "loitering". Although the appeal was initially denied, the Supreme Court in *R. v. Heywood* (1994) ultimately ruled that this prohibition was in violation of s. 7 of the *Charter*, as the degree to which it restricted personal liberty was deemed unacceptable in light of its overbreadth. It is worth noting that s. 179(1)(b) was preceded by legislation (s. 175) that was also found to be unconstitutional, partly due to its broadness of scope (see *R. v. Graf*, 1988). The 161 Order thus appears to have been predicated on the belief that s. 179(1)(b), just as s. 175 before it, was too broad to be constitutionally valid. Interestingly, it has been pointed out that the decision in *R. v. Heywood* (1994) "referred to s. 161 with approval because its geographical ambit was limited to "clearly defined geographical areas where children are or can reasonably be expected to be present"" (*R. v. Lachapelle*, 2008, para. 23).

Initially, the 161 Order included only Conditions (a) and (b), and these prohibitions have remained unchanged since the legislation was first enacted in 1993 (*Criminal Code*, 1985, S.C., c. 45, s. 1); the only exception to this is when the age of consent was increased from 14 to 16 and the conditions were changed accordingly. Condition (a) most closely resembles s. 179(1)(b), and appears to reflect this history of constitutional challenges. For example, the reference to *attending* public parks, swimming areas, etc., as opposed to *loitering* in these areas, seems to have been purposely selected in response to the definitional issues raised in *R. v. Heywood* (1992). Moreover, prohibiting attendance at public parks and swimming areas "*where persons under the age of 16 years are present or can reasonably be expected to be present*"

(*Criminal Code*, 1985, s. 161(1)(a)) was intended as a means of limiting the geographical scope of this condition in response to concerns about overbreadth (*R. v. Heywood*, 1994). Condition (c) was added nearly a decade later as part of the *Criminal Law Amendment Act* (2001), and originally prohibited using a computer system to communicate with someone under age 14. In 2012, as part of the *Safe Streets and Communities Act*, Condition (c) was changed to its current version (i.e., preventing communication by any means), and Condition (d) was added, prohibiting the use of the Internet or other digital network. Condition (a.1) was added in 2014 (*Act to Amend the Criminal Code and Corrections*).

While a major goal of the 161 Order was to reduce the vagueness and breadth associated with s. 179(1)(b), the somewhat ambiguous wording used in certain conditions creates the potential for misinterpretation. The 161 Order also uses complex language and has a reading level of 19.4 (i.e., college graduate or above) based on the Flesch-Kincaid readability test. This complexity may increase the chance of the conditions being misunderstood, especially for those with lower levels of education, reading difficulties, or intellectual disabilities. A qualitative study of 24 officers working with people on the SOR indicated that many registrants had difficulties understanding their conditions (Powell et al., 2014). This is in line with past research reporting that PCSOs often had difficulties understanding the exact meaning of complicated registration laws, and thus were not always entirely sure how to comply with their conditions (Levenson et al., 2007). Given that local law enforcement officers (rather than parole or probation officers) oversee the 161 Order, ambiguity gives individual police officers significant personal discretion with regard to the enforcement of these conditions.

A ruling from the Supreme Court of Canada has stated that, "The discretionary and flexible nature of s. 161 demonstrates that it was designed to empower courts to craft tailored orders to address the nature and degree of risk" (*R. v. K.R.J.*, 2016, para. 47). In practice, however, this flexibility may result in collateral consequences if the 161 Order is applied on a one-size-fits-all basis, as opposed to adapting the conditions in response to particular needs and risk factors. The Court in *R. v. Brar* (2016) acknowledged that the 161 Order has the potential to impact an individuals' liberty and security, as well as lead to increased stigmatization, but stated that these potential negative consequences could be mitigated by tailoring the conditions to an individual's specific circumstances.

In addition to reducing the breadth of s. 179(1)(b), the enactment of the 161 Order was expected to address other concerns raised about this prior legislation, specifically the lack of proper notice given to those who could potentially be convicted under this law (i.e., people who had committed the necessary offences and were then found to be "loitering" in certain areas), as well as the fact that s. 179(1)(b) could be imposed for life with no opportunity for review (*R. v. Heywood*, 1994). Imposing these conditions as part of a prohibition order was expected to help ensure that individuals were properly informed of the prohibited behaviours, as well as provide a possible means of varying the conditions over time. While these changes were positive in theory, it seems that multiple assumptions must be met for the 161 Order to function as intended. First, I would argue that in order for the provision of notice to be satisfied, individuals must not only be aware of these prohibitions, but also able to understand and interpret them correctly. The ambiguous and complicated legal terminology used in the 161 Order therefore raises questions about whether simply imposing this set of conditions on a person is sufficient

to constitute proper legal notice. Secondly, although the 161 Order does provide a possible avenue for modifying the specific conditions, this process not only requires that the individual demonstrate “changed circumstances after the conditions were prescribed” (*Criminal Code*, 1985, s. 161(3)), it also involves a full judicial hearing (*R. v. Brar*, 2016). The fact that the 161 Order can be imposed for life makes the possibility of review particularly important, yet it seems possible that some PCSOCs may be unaware of this option, or unable to pursue it due to a lack of time and/or resources (or simply an aversion to returning to court).

The Canadian government was cautious with the implementation of the SOR and, despite public pressures, took time to create a federal, provincial, and territorial task force (Petrunik, 2003). Perhaps because the 161 Order conditions seem less onerous than being subjected to registration or notification policies, or simply because the Order only exists in Canada, little attention has been paid to this commonly used management strategy.

### **Current Study**

The goal of the current study was to identify possible inconsistencies in how the conditions on Canada’s 161 Order were interpreted and enforced by different groups, and examine specific factors that may help to explain these discrepancies. The study involved one clinical sample, comprised of PCSOCs receiving outpatient psychiatric treatment and subject to a 161 Order, and two non-clinical samples, including members of the general public (GP) and undergraduate students (UG). The clinical group was included because these individuals must abide by the 161 Order and can face severe consequences for violating these conditions. The general public sample was included because research has indicated that public perceptions about PCSOs have traditionally had more impact on

policy development than scientific evidence, and negative public perceptions continue to be a major barrier to policy reform. The undergraduate sample was selected as a second non-clinical comparison group for convenience of sampling.

The primary outcome measure asked participants to read scenarios that described situations which may or may not breach the 161 Order, then use the conditions on the 161 Order to determine if each scenario could and/or should constitute a breach. Participants were asked to explain the reasons for their decisions and to suggest the most appropriate legal sanction if they believed a breach had occurred. Participants also completed questionnaires regarding their demographic characteristics, primary source of information about sexual offences, attitudes toward the treatment of PCSOs, and support for the 161 Order conditions, in order to assess how these factors impacted participants' likelihood of believing the scenarios could and/or should constitute a breach. Although it is the Courts that determine if an individual is actually *convicted* of breaching the 161 Order, the current study focused primarily on the immediate enforcement of these conditions, as the interpretation of a situation by law enforcement officers is what ultimately determines whether a person even has the possibility of being convicted of a breach.

### **Research Questions and Hypotheses**

Based on the lack of empirical information on Canada's 161 Order, as well as previous research indicating that management strategies for PCSOs are often costly, ineffective, and can result in collateral consequences, the current study was intended to address the following research questions:

#### ***Question 1***

Do inconsistencies exist between the clinical group (i.e., people convicted of sex offences) and non-clinical groups (i.e., members of the general public, undergraduate students) regarding their interpretation and enforcement of the 161 Order conditions?

**Hypothesis 1 (H1): Probability of Breaching.** The question of whether a scenario *could* constitute a breach of the 161 Order relates more to the “letter of the law” and thus was intended to evoke a more objective perspective. In contrast, the question of whether a scenario *should* constitute a breach relates more to personal opinion and was intended to obtain a more subjective point of view. Since the scenarios in the outcome measure could all technically be violations of the 161 Order, I did not expect to find significant between-group differences on the Could Breach score (H1a). However, due to the ambiguity of some of the 161 Order conditions, I did expect to find significant between-group differences on the Should Breach score (H1b).

### ***Question 2***

Are between-group differences on Should Breach scores mediated by participants’ primary source of information about sexual offending and/or their attitudes toward the treatment of PCSOCs, and is the strength of these relationships moderated by participants’ support for the 161 Order conditions?

**Hypothesis 2 (H2): Mediation and Moderation.** Based on current research indicating that an individual’s source of information about sexual offending can influence their attitudes toward PCSOs, I expected that between-group differences on Should Breach scores would be mediated by participants’ primary source of information about sexual offending, which in turn would mediate their attitudes toward the treatment of

PCSOs (H2a). I also hypothesized that the strength of these relationships would be moderated by participants' support for the 161 Order conditions (H2b).

### ***Exploratory Question 1***

Are certain demographic characteristics (e.g., age, gender, parental status, level of education, political views, sexual abuse history) associated with differences in Could Breach and/or Should Breach scores?

**Exploratory Hypothesis 1.** Based on past research, I hypothesized that gender, education, and parental status would be significantly related to Should Breach but not Could Breach scores, and only for participants in the non-clinical groups. I did not expect to find this same effect in the clinical group, based on the belief that the personal experience of being subject to a 161 Order would likely override any potential impact of these demographic factors.

### ***Exploratory Question 2***

How do people currently under a 161 Order feel about these conditions and how do they believe these conditions have personally impacted their lives (both positively and negatively)? Since no research currently exists on this topic, I did not propose a hypothesis.

## **Methodology**

### **Participants**

All participants were adult men or women (age 18 or older), who could read and understand English, and fell into one of the following groups: (1) People convicted of sexual offences against children (PCSOC); (2) Members of the general public (GP); and (3) Undergraduate students (UG). Participants in the PCSOC group (also known as the

clinical group) included outpatients currently receiving treatment in the Sexual Behaviours Clinic (SBC), who had been convicted of a sexual offence against a child, including child pornography offences, and were subject to a Section 161 Order (currently or within the past year). The SBC is part of the Integrated Forensics Program at The Royal, and receiving treatment was defined as participating in individual, group, or pharmacological therapy. The GP group included members of the Canadian public and the UG group included undergraduate students from Carleton University. The GP and UG groups (also known as the non-clinical groups) only included participants who had never been charged with any type of criminal offence. In addition to the inclusion criteria outlined above, all three groups were subject to the following exclusion criteria: (1) less than grade 10 education; and (2) special education for intellectual disabilities.

### ***Participant Screening and Data Cleaning***

I originally recruited a total 492 potential participants. For the PCSOC group, 66 outpatients were originally contacted about the study, 26 of whom did not meet the criteria as they either did not have a 161 Order ( $n = 21$ ) or had attended special education classes for intellectual disabilities ( $n = 5$ ); these individuals were not invited to complete the study. Of the 41 outpatients who completed the study, one was removed for skipping 50% of the primary outcome measure. This left 40 participants in the PCSOC sample.

Qualtrics recorded 210 responses for the GP group. Of these, 22 were screened out for not meeting the criteria: under age 18 ( $n = 3$ ), having a criminal record ( $n = 14$ ), or attending special education classes for intellectual disabilities ( $n = 5$ ). Of those who met the criteria, 37 did not consent to participate in the study. I removed participants who failed to complete the study ( $n = 71$ ) or who were identified by Qualtrics as duplicates ( $n$

= 17). Among complete responses, I removed participants who failed the attention check ( $n = 1$ ) or fact check ( $n = 3$ ) questions, completed the study in under 25 minutes ( $n = 2$ ), or skipped at least 50% of any of the outcome measures ( $n = 1$ ). This left 56 participants in the GP sample.

Qualtrics recorded 216 responses for the UG group. Of these, 40 were screened out for being under age 18 ( $n = 37$ ) or having a criminal record ( $n = 3$ ). Of those who met the criteria, 4 did not consent to participate in the study. I removed participants who failed to complete the study ( $n = 15$ ) or who were identified as duplicates ( $n = 43$ ). Among complete responses, I removed participants who failed the attention check ( $n = 2$ ) or fact check ( $n = 9$ ) questions, completed the study in under 25 minutes ( $n = 9$ ), gave less than 40% effort ( $n = 3$ ), or skipped at least 50% of any of the outcome measures ( $n = 4$ ). A small number of participants were removed because their status as an undergraduate student was either negative ( $n = 4$ ) or unknown ( $n = 2$ ), meaning they did not (or might not) meet the main criterion of this group. This left 81 participants in the UG sample.

An additional two cases were removed after being identified as influential outliers, one from the clinical group and one from the UG group (the process leading to this decision is discussed in detail in the assumptions section below). This left a total sample of  $N = 175$ .

**Final Sample.** On average, the PCSOC group ( $n = 39$ ) was older than both the GP group ( $n = 56$ ) and the UG group ( $n = 80$ ), with a mean age of 52.3 ( $SD = 12$ ) compared to 33.7 ( $SD = 11.2$ ) and 21.2 ( $SD = 6.1$ ), respectively. While the PCSOC group was entirely comprised of males, females made up the majority of both the GP (68%) and UG (81%) groups. The PCSOC group was also entirely Caucasian, whereas the non-

clinical groups showed greater ethnic diversity. The GP and UG groups had a similar amount of forensic school, work, or volunteer experience (37.5% and 35.4%, respectively), which was higher than that reported by the PCSOC group (10.3%). In contrast, the PCSOC group reported more overall exposure to information about sexual offences ( $M = 71.3$ ,  $SD = 23.2$ ) compared to the GP ( $M = 51.2$ ,  $SD = 27.4$ ) and UG groups ( $M = 48.6$ ,  $SD = 22.5$ ). Participants in the PCSOC group were considerably more likely to have children than non-clinical participants (64% vs. 32.1% for GP and 7.6% for UG) and slightly more likely to have been sexually abused (41% vs. 29.4% and 22.4%). See Table 1 for a more detailed description of the study groups.

### ***Power Analysis***

A traditional power analysis was not conducted for the current study, as no standardized procedure currently exists for determining the number of participants required to detect indirect effects. Fritz and MacKinnon (2007) conducted simulations to estimate the sample sizes required to obtain .8 power for six commonly used types of mediation analyses, based on different combinations of effect sizes for both pathways in the model (i.e., predictor to mediator and mediator to outcome pathways). Effect sizes were defined as small (0.14), halfway between small and medium (0.26), medium (0.39), and large (0.59). Overall, the bias-corrected bootstrap method was the most powerful test of mediation regardless of effect size. For the current study, I used the PROCESS macro for SPSS to conduct the mediation analyses, which uses the bias-corrected bootstrap method to generate 95% confidence intervals for all indirect effects, based on a minimum of 5,000 bootstrap samples (Hayes, 2018). Fritz and MacKinnon (2007) suggest that when using this method for a single mediator model, the required sample size to detect a

**Table 1***Description of Study Groups*

Demographics	PCSOC		GP		UG	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Age	52.3	12.0	33.7	11.2	21.2	6.1
Exposure to info	71.3	23.2	51.2	27.4	48.6	22.5
Contact with PCSOs						
Personal	–	–	9.98	2.45	7.72	2.45
Professional	–	–	13.16	3.58	4.59	1.58
Knowledge about PCSOs						
Treatment	–	–	32.55	3.68	29.69	2.77
In general	–	–	43.75	3.44	43.73	2.85
	PCSOC		GP		UG	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Gender						
Males	39	100	16	28.6	15	18.8
Females	0	0	38	67.9	65	81.3
Non-binary	0	0	2	3.6	0	0
Education <sup>a</sup>						
No diploma	7	17.9	1	1.8	1	1.3
High school	13	33.3	13	23.6	62	77.5
College	11	28.2	6	10.9	14	17.5
Bachelor's	6	15.4	21	38.2	2	2.5
Graduate	2	5.1	14	25.4	1	1.3
Employment <sup>b</sup>						
Full time	14	35.9	31	57.4	3	3.8
Part time	8	20.5	9	16.7	34	42.5
Student	0	0	4	7.4	37	46.3
Retired	8	20.5	2	3.7	0	0
Unemployed	9	23.1	8	14.9	6	7.6
Forensic experience	4	10.3	21	37.5	28	35.4
Marital status						

	PCSOC		GP		UG	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Single	12	30.8	15	26.8	47	58.8
Dating	3	7.7	12	21.4	28	35.0
Married/common-law	11	28.2	28	50	4	5.1
Separated/divorced	13	33.3	1	1.8	1	1.3
Has children <sup>a</sup>	25	64.1	18	32.1	6	7.6
Ethnicity <sup>a</sup>						
Caucasian	39	100	45	80.4	47	59.5
African Canadian	0	0	1	1.8	3	3.8
Latin	0	0	2	3.6	3	3.8
Asian	0	0	5	8.9	12	15.2
Aboriginal	0	0	1	1.8	3	3.8
Arab	0	0	0	0	5	6.3
Mixed Race	0	0	2	3.6	6	7.6
Hx of sexual abuse <sup>c</sup>	16	41	15	29.4	17	22.4
Political views						
Very Conservative	1	2.6	0	0	0	0
Slight/moderate Con	9	23.1	10	18.2	8	11.3
Neither Con/Lib	10	25.6	5	9.1	24	33.8
Slight/moderate Lib	9	23.1	22	40	24	33.8
Very Liberal	3	7.7	14	25.5	11	15.5
Other	7	17.9	4	7.3	4	5.6
Offence type						
Child pornography	27	69.2	–	–	–	–
Contact - child victim	21	53.8	–	–	–	–
Contact - adult victim	2	5.1	–	–	–	–

<sup>a</sup> *N* = 174. <sup>b</sup> *N* = 173. <sup>c</sup> *N* = 166. <sup>d</sup> *N* = 165.

medium effect of 0.39 or greater for both pathways is *N* = 71 (see Table 2 for sample sizes required for other effect sizes).

Past research conducted in the SBC (Tarnai-Feely et al., 2015) found a large effect size ( $p < .01$ ,  $d = 1.21$ ) for differences between student groups regarding their attitudes toward the treatment of PCSOs. Kjelsberg and Loos (2008) compared attitudes toward PCSOs among prison officials and undergraduate students and found moderate effect sizes for differences between these two groups ( $p < .001$ ,  $d = 0.55$ ), as well as between prison officers and other correctional professionals ( $p = .003$ ;  $d = 0.69$ ). Shackley et al. (2014) also found a moderate effect size ( $p < .001$ ,  $d = 0.56$ ) for the relationship between negative attitudes toward PCSOs and support for community notification policies among the general public. A literature review of 166 articles, reporting the results of mediation analyses for 189 independent samples found that the median sample size was  $N = 187$  (Fritz & MacKinnon, 2007).

Based on these findings and the sample sizes suggested in Table 2, I originally proposed recruiting a total sample of  $N = 180$ , which I expected would be sufficient to detect indirect effects of medium size (i.e., 0.39) or greater. I used G\*Power 3.1.9.2 (Faul et al., 2007) to determine the effect size that would be required to detect significant results for the Pearson's correlations using a sample of  $N = 180$ . With an alpha of .05 and 80% power, an effect size of  $r = .18$  is required to detect existing effects. When using the current sample of  $N = 175$ , the required effect size is only slightly larger ( $r = .21$ ). Thus, while the sample used in the following analyses is slightly smaller than originally proposed, it seems unlikely that this had a significant impact on statistical power (although future research with a larger clinical sample would still be beneficial).

**Table 2***Suggested Sample Sizes to Detect Indirect Effects*

Effect sizes	Required <i>N</i> (.8 power)
HH	148
HM	115
HL	118
MH	116
MM	71
ML	53
LH	115
LM	54
LL	34

*Note.* First letter represents the effect size for predictor (*X*) to mediator (*M*) pathways; second letter represents effect size for mediator to outcome (*Y*) pathways. H = 0.26; M = 0.39; and L = 0.59 (Fritz & MacKinnon, 2007).

**Recruitment and Location**

Participants in the clinical (PCSOC) sample were recruited from five psychotherapy groups run by the SBC Director, Dr. Paul Fedoroff. The groups take place on Mondays from 9am-11:30am (two groups) and Tuesdays from 3pm-7:30pm (three groups). Between these groups, approximately 70 outpatients attend on an average week. A research assistant attends these weekly group therapy sessions in order to give brief presentations about the research studies being conducted in the SBC, including explaining the purpose, criteria, and other details of these studies. The research assistant also distributes *Consent to be Contacted for Research* forms (Appendix A), which are collected at the end of each session.

Outpatients who completed one of these forms were contacted by phone for screening purposes (see screening questions in Appendix B1), and those who met the criteria and wanted to participate were given an appointment to complete the study. To

avoid any perceived coercion, Dr. Fedoroff was not involved with this recruitment process, and group members were explicitly informed that they had no obligation to participate as part of their treatment, and their care would not be affected in any way if they chose not to participate or chose to withdraw their consent during the study.

Recruitment posters outlining the purpose of the study, inclusion criteria, compensation, and contact information were also posted within the SBC and the Forensic waiting room, in order to recruit SBC patients who do not attend the psychotherapy groups (see Appendix C1).

Participants in the clinical group completed the study in a private room, located in The Royal's Institute of Mental Health Research. At the start of each appointment, I reviewed the Information and Consent Form for Clinical Participants (Appendix D1). Individuals were given the opportunity to raise any questions or concerns they had, and these were fully addressed prior to signing the consent form in order to ensure their consent was fully informed. Those who voluntarily agreed to participate were asked to sign the consent form and the study began immediately. As compensation, participants in the clinical group had the option of entering into a draw for a \$100 gift card.

Participants in the GP group were recruited using advertisements posted online (e.g., Twitter, Facebook, Kijiji, Reddit; see Appendix C2), and participants in the UG group were recruited through an advertisement on Carleton University's internal recruitment system (i.e., SONA; see Appendix C3). Participants in the non-clinical groups were provided with a link to access the study, and completed the study entirely online using the Qualtrics Survey program (this option was not given to the clinical group as they were expected to have Internet restrictions due to their 161 Order).

The study link first brought individuals to the screening page where they were asked to answer a few questions to ensure they met the study criteria (see screening questions in Appendix B2). Those who met the criteria were taken to the Informed Consent Form for Participation in a Research Study – General Public Group (Appendix D2) or the Informed Consent Form for Participation in a Research Study – Student Group (Appendix D3). They were asked to read this form and to contact me if they had any questions or concerns about the study or their participation. Those who read and understood the consent form were asked to check the appropriate box if they voluntarily agreed to participate in the study. If a participant checked this box, the study began immediately.

Participants in the PCSOC and GP groups were entered into a raffle to win a \$100 gift card to one of the following locations: Starbucks, Tim Hortons, Amazon, Cineplex, Esso, Uber, or the Ultimate dining card (valid at a number of different restaurants). Due to the anonymous nature of the study, participants were only eligible for the raffle if they were willing to provide their contact information to allow the research coordinator to contact them if they won. Due to Internet restrictions, participants in the PCSOC group were asked to provide a phone number and to indicate their preferred gift card on the study consent form if they wanted to enter the raffle. Participants in the GP group were given the option of providing an email address or phone number, and they provided this information, along with their preferred gift card, in a separate Qualtrics survey to which they were directed after completing the study. A winner was selected at random for the GP group using an online number generator, and the winner was sent an electronic copy of their preferred gift card via email. Upon confirmation that this gift card had been

received, contact information provided by the GP group was deleted from the Qualtrics survey and no copies remain. A winner has not yet been selected for the clinical group since data collection is ongoing. Participants in the UG group received a small amount of course credit (0.5%) for participating in this study.

### **Data Collection**

Data collection for this study involved: (1) completing a self-administered questionnaire package (see details below); and (2) reading 10 short scenarios describing a situation that could technically be considered a breach of the 161 Order, then using the 161 Order conditions to determine if the scenario could and/or should constitute a breach. Questionnaires were completed by all three groups, unless otherwise specified, and all measures were completed only once. Data collection for the non-clinical groups was conducted through the Qualtrics Software Company and data was temporarily stored on Qualtrics servers in Toronto (on my personal account) until data collection for these groups was completed. Only those with authorized access to this Qualtrics account were able to download the data. Upon completion, the data was imported into SPSS and stored on a password-protected computer. Once imported into SPSS, the data was deleted from Qualtrics and no backups remain on the Qualtrics server.

### ***Self-Report Measures***

**Demographic Information Form.** This questionnaire is a more inclusive version of a basic demographic form that has been used in multiple studies conducted in the SBC. Two versions of this form were used in the current study, one for the clinical group (Appendix E1) and one for the non-clinical groups (Appendix E2). Both versions included 20 of the same items regarding standard demographic information (e.g., gender,

education, parental status, etc.), as well as questions about their religion, political views, personal experiences with sexual abuse, etc. The version for the clinical group included four additional items regarding the types of sexual offences for which they had been charged; the version for the non-clinical groups included four additional items related to their level of personal and professional contact with PCSOs, and perceived knowledge about treatment for PCSOs and sexual offending in general.

**Attitudes toward the Treatment of Sex Offenders Scale (ATTSO; Wnuk et al., 2006; Appendix F).** The ATTSO is originally a 35-item measure of attitudes toward the treatment of PCSOs. The original measure was reduced to 15 items that were found to function well both statistically and theoretically (Cronbach's  $\alpha = .78$ ,  $n = 170$ ). In a previous SBC study, for which I was the research coordinator, we administered all 35 items. For the current study, I used a revised version with 26 items that were identified as important in our previous study (Tarnai-Feely et al., 2015). This included all 15 items selected by the developers. With our previous sample, the Cronbach's  $\alpha$  was .72; with the 15 items selected by Wnuk et al. (2006), the Cronbach's  $\alpha$  was .71.

I also included one question as an instructional manipulation check to help assess participants' level of attention (#20), and participants who failed this manipulation check were removed from the study (this question was excluded when calculating mean scores). This measure used a 5-point Likert scale (from "strongly disagree" to "strongly agree"), and the following items were reverse-scored: 1-3, 10, 14-16, 23-24. I calculated a mean ATTSO score for each participant to use in the final analyses, with higher scores representing more negative attitudes towards the treatment of PCSOs. For discussion purposes, this variable is herein referred to as *Attitude*.

**Exposure to Information about Sexual Offending Questionnaire (Appendix G).** I created this measure to identify participants' primary source of information about sexual offending. It includes six primary sources: (1) news; (2) social media; (3) other forms of media; (4) personal relationships; (5) education and/or training; and (6) personal experience after being charged or convicted of a sexual offence. For data analysis purposes, I used dummy coding to enter participants' primary source of information about sexual offending into the model. Based on the information source selected, participants were given a list of specific relevant examples and asked to select all of the sources from which they had received information about sexual offending. Participants were also asked to indicate their overall level of exposure to information about sex offending on a scale from 0 (no exposure) to 100 (high exposure). For discussion purposes, participants' primary source of information about sexual offending is herein referred to as *Info Source*.

**Support for 161 Order Conditions Scale (Appendix H).** I created this measure to assess participants' level of support for each condition on the 161 Order. Participants used a 6-point Likert scale (from "strongly disagree" to "strongly agree") to respond to 10 statements regarding the clarity, practicality, and potential impacts (both positive and negative) of each condition. I also included one item at the end of this measure asking participants to describe the purpose of a 161 Order in their own words. This was used as a factual manipulation check to help assess participants' level of attention and understanding prior to completing the primary outcome measure. Participants who failed this manipulation check were removed from the study. For each participant, I calculated individual mean scores for each of the five conditions, as well as a total mean score for

the measure, which was used as the moderator in the conditional process models. The following items were reverse-scored: 3, 5, 6, 9, 10. Higher scores indicate greater support for the 161 Order (either for the individual conditions or for the Order as a whole). For discussion purposes, participants' support for the 161 Order conditions is herein referred to as *Degree of Support*.

**Primary Outcome Measure: 161 Orders Questionnaire (Appendix I).** I

created this measure to identify inconsistencies in the interpretation and enforcement of the 161 Order conditions. It included 10 short scenarios that could technically constitute a breach of the 161 Order, many of which were based on actual experiences reported by past SBC patients. A few details were provided about the individual involved in the scenario, in order to represent the information that would likely be available to law enforcement officers when assessing situations that may or may not constitute a breach of the 161 Order (i.e., basic visual information, details obtained from running a person's name or license plate, such as criminal history).

Participants were asked to read each scenario and then use the 161 Order to answer questions regarding: (1) whether the scenario *could* constitute a breach (i.e., Could Breach); (2) whether the scenario *should* constitute a breach (i.e., Should Breach); (3) the reason(s) for their decisions on the Could Breach and Should Breach items; (4) how confident they felt in their decisions; (5) the degree to which they felt the scenario represented a breach of the 161 Order; (6) the most appropriate legal sanction if the person was charged with a breach; and (7) which condition(s) they believed had been breached (if any). After completing all 10 scenarios, participants were asked to answer four questions regarding whether certain factors (e.g., repeat vs. first-time offence,

contact vs. child pornography offence) would cause them to reconsider their previous responses. For each participant, I calculated a mean Could Breach and mean Should Breach score, with higher scores indicating a greater likelihood of reporting that the scenarios could and/or should constitute a breach of the 161 Order.

I included both the Could Breach and Should Breach items in an effort to measure both an objective and subjective interpretation of the 161 Order conditions. If participants were not asked to explicitly distinguish between these two perspectives, it would be impossible to know with certainty whether they had responded to the scenarios objectively (i.e., based on the letter of the law) or subjectively (i.e., based on whether they believe this is a useful or reasonable application of the 161 Order). This is an important distinction to make considering the ambiguity of certain conditions.

**Impact of 161 Orders Questionnaire (Appendix J).** I created this 20-item measure to collect information on the perceptions of PCSOCs regarding how the 161 Order conditions have personally affected their life (both positively and negatively). Questions were based on previous research exploring the collateral consequences of other community management strategies (e.g., SOR, residency restrictions). Only the clinical group completed this measure.

After participants had finished the self-report measures, they were asked to indicate how much effort they put into completing the current study on a scale from 0 (no effort) to 100 (maximum effort). Participants were asked to answer honestly and informed that their response would have no impact on the compensation they received for participating in the study. Participants in the non-clinical groups were asked this question at the end of the primary outcome measure, since this was the last measure they

completed; participants in the clinical group were given this question at the end of the Impact of 161 Orders questionnaire, since this was the last measure they completed.

### *Ethics*

Data collection did not proceed until the study had received final approval from the Research Ethics Boards (REBs) at The Royal's Institute for Mental Health Research and Carleton University. Stringent precautions regarding confidentiality were followed at all times. The following personal identifiers were collected for all study groups: age, gender, and first three digits of postal code. For clinical participants, full names and phone numbers were collected to ensure that a person did not complete the study twice, and so that participants could be entered into the raffle and the winner could be contacted. Clinical participants' names and phone numbers were collected using the Informed Consent form and entered into a password-protected electronic spreadsheet stored on The Royal's secured network. Once data collection is complete and the winner has been selected, this document will be deleted. Since participants in the clinical group completed hard copies of the questionnaires, they were assigned a study ID number that was noted on all of their completed measures to ensure that these documents could easily be linked together. Participants' study ID numbers were not linked to their name or phone number. Consent forms and hard copies of the questionnaires completed by the clinical group will be kept for 10 years in a locked room inside the Forensic Research Unit, stored separately from each other. Both the consent forms and collected data will be kept separate from clinical records.

For participants in the UG group, I was necessarily aware of participants' identities in order to assign course credit. For this purpose, a study ID number created by

Qualtrics was linked to the student's SONA account. To ensure participants' responses remained confidential, this ID number was not associated with any of the study data downloaded from Qualtrics. Once all course credit had been assigned, the student's ID numbers were deleted from the dataset.

Data for the non-clinical groups was collected using the Qualtrics software, which employs multiple layers of security to protect the privacy of the data. Surveys created on Qualtrics are placed in a Secure Survey Environment (SSE) and the webpages are encrypted with secure socket layer (SSL). User accounts are password protected, and Qualtrics employees will not access user accounts without express permission. Participants' responses were anonymous, and I disabled the option to collect IP addresses. Participants were informed that it is possible data could be disclosed via a court order or data breach. Upon completion of the study, data was downloaded from Qualtrics and then deleted from the Qualtrics server.

Data from the hard copy questionnaires was entered into a dataset stored on The Royal's secured network, which was then merged with the data downloaded from the Qualtrics server. This final dataset will be stored on The Royal's secured network for 10 years. After ensuring there were no possible patient identifiers in the dataset, I transported the data to Carleton University (via an encrypted USB), where it will be stored on the University's secured network so that both Dr. Blais and myself have access to this data.

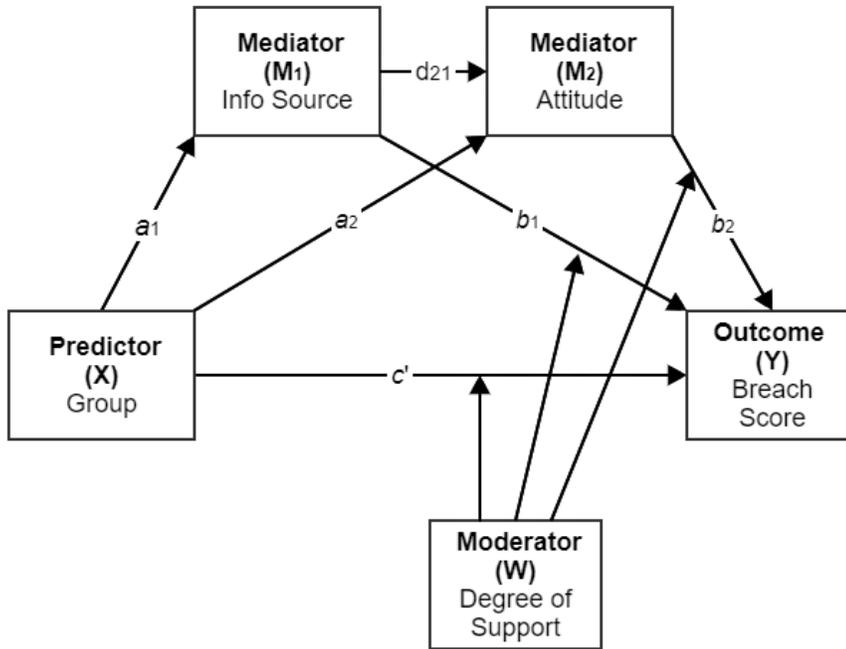
### **Deviations from Original Pre-Registration**

#### ***Sample Size***

I originally intended to recruit a total sample of  $N = 180$ , with  $n = 60$  for each study group. Due to time constraints and challenges recruiting the clinical sample, I proceeded with the following analyses prior to reaching the proposed sample size. Upon realizing that I was unlikely to reach the proposed sample size in the allotted time, I pre-registered new stopping rules, which state that if the full sample had not been recruited by early February 2020, I would proceed with the analyses for my thesis using a partial clinical sample of no less than  $n = 30$ . The new stopping rules also note that I will continue to recruit clinical participants until I reach the full sample ( $n = 60$ ) or until the end of June 2020, when I will no longer have access to this population. Data will be reanalyzed using the final sample, and any subsequent dissemination of these results will report both the preliminary and final analyses in order to maintain transparency. Since my sample was smaller than originally proposed, I increased the number of biased-corrected bootstrap samples used to estimate the indirect effects from 5,000 to 20,000, in order to reduce the sampling error associated with the confidence interval estimates.

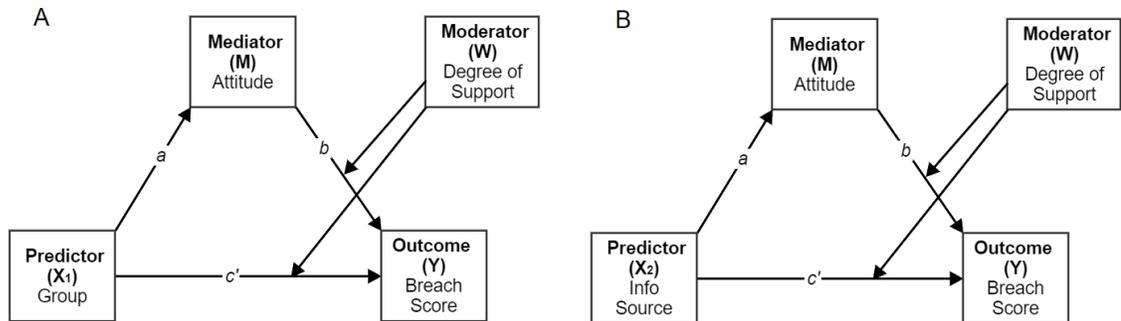
### ***Statistical Model***

My data analysis plan originally involved using a moderated serial mediation analysis with two mediators ( $M_1$ : Info Source; and  $M_2$ : Attitudes), and one moderator ( $W$ : Degree of Support) to examine the relative conditional direct and indirect effects of the predictor variable ( $X$ : Group) on the two outcome variables ( $Y_1$ : Could Breach score; and  $Y_2$ : Should Breach score) (see original model in Figure 1). Serial mediation refers to the fact that  $M_1$  is modeled as affecting  $M_2$  sequentially, and for the current study, participants' Info Source was modeled as affecting their Attitude. Unfortunately, I realized this was not a functional model, as Info Source ( $M_1$ ) is a categorical variable, and

**Figure 1***Conceptual Diagram of Original Moderated Serial Mediation Model*

the PROCESS macro does not provide an option for categorical mediators. As a result, I was not able to answer my original research questions as planned. Specifically, I was unable to examine the indirect effects of: (1) Group on Attitude through Info Source (path  $a_1d_{21}$ ); (2) Group in Breach scores through Info Source (path  $a_1b_1$ ); and (3) Group on Breach scores through Info Source and Attitude (path  $a_1d_{21}b_2$ ).

To address this mistake while still answering the original research questions as closely as possible, I first removed Info Source from the original model, changing it from a moderated serial mediation model to a moderated simple mediation model testing the effect of Group ( $X_1$ ) on Could Breach ( $Y_1$ ) and Should Breach scores ( $Y_2$ ) through Attitude ( $M$ ) (see Figure 2, panel A). Next, I created a second moderated simple mediation model, replacing Group ( $X_1$ ) with Info Source ( $X_2$ ) as the predictor, in order to

**Figure 2***Conceptual Diagrams of Moderated Simple Mediation Models*

examine the effect of Info Source on Could Breach ( $Y_1$ ) and Should Breach scores ( $Y_2$ ) through Attitude ( $M$ ) (see Figure 2, panel B). As with the original model, the paths between  $X$  and  $Y$  and between  $M$  and  $Y$  were modeled as being moderated by Degree of Support ( $W$ ). Since only a small number of participants reported that their Info Source was other forms of media ( $n = 8$ ) or personal relationships ( $n = 6$ ), and these samples were too small to draw reliable conclusions, I excluded them from the analyses when using Info Source as a predictor variable.

In Figure 2A, paths  $ab$  and  $c'$  resemble paths  $a_2b_2$  and  $c'$  from the original model, respectively. In Figure 2B, paths  $ab$  and  $c'$  resemble paths  $d_{21}b_2$  and  $b_1$  from the original model, respectively. Although some of the pathways between the original and revised models may appear identical, I refer to them as *resembling* each other because the two revised models will not control for all of the variables in the same way as when using the one original model. However, I believe these revised models still allowed me to begin addressing the question of whether inconsistencies exist in the interpretation and enforcement of the 161 Order conditions.

***Total vs. Mean Breach Scores***

I originally stated that a total Could Breach score and a total Should Breach score would be calculated for each participant, and these scores would be used to calculate mean Could Breach and Should Breach scores for each group, which would be used as the two outcome variables. However, this approach did not account for the fact that participants could “prefer not to respond” (PNR) to the Could Breach and/or Should Breach questions in each scenario (scenario eight had the highest number of PNR responses, with 10.3% of the total sample). As such, I chose to calculate mean breach scores rather than total scores for each participant, and these individual mean scores were used to calculate the outcome variables used in the following analyses.

**Analysis Plan<sup>1</sup>*****Moderated Simple Mediation Model***

I selected Attitude as a mediator because I believed it would provide a possible explanation for the between-group differences that I expected to find in participants’ Should Breach scores. I chose to use Degree of Support as a moderator because I believed it was possible that the average level of support for the 161 Order conditions would differ between groups, which could impact the strength/direction of their Breach scores. For example, someone who has strongly negative attitudes toward PCSOs but also considers the 161 Order conditions to be an ineffective means of preventing sexual offences may be less likely to decide the scenarios should constitute a breach than someone who believes in the efficacy of the 161 Order.

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<sup>1</sup> These analyses were conducted as part of a larger study, and do not address every variable in the demographic form and outcome measure. Only analyses conducted for the current study are described.

**Multicategorical Predictor.** Since the models all used a multicategorical predictor variable in a regression-based mediation analysis,  $X$  was represented by  $g - 1$  variables (where  $g$  indicates the number of groups), with the remaining variable representing the reference group. I used indicator coding (completed via the PROCESS macro) to enter the multicategorical  $X$  into the mediation model. For this purpose, all cases in the selected reference group were coded as zero for all  $g - 1$  variables. The remaining variables were set to either zero or one, depending on whether the case fell within the particular category. Hayes (2018) points out that the reference group must be carefully selected, as it is possible to have relative indirect effects that exist only when a particular group is being used as the reference. He suggests that this causes the most concern if using a coding system that is not based on the study hypotheses or an underlying theoretical framework. For the current study, when Group was included as the predictor, I used the clinical group (PCSOC) as a reference for the two non-clinical groups (GP, UG).

When Info Source was included as the predictor, I used personal experience after being charged/convicted of a sexual offence (herein referred to as personal experience) as a reference group for the other sources of information (i.e., news, social media, education). This was essentially a different way of comparing the clinical and non-clinical participants, as the reference group was comprised entirely of clinical participants and included the majority of the clinical sample. However, using this predictor allowed for a redistribution of the non-clinical samples based on their primary source of information about sexual offending, which could potentially be more meaningful than group membership alone.

**Partially Standardized Effect Sizes.** The use of effect sizes in mediation is more complicated due to the primary focus being on the indirect effect, which does not allow for the use of more traditional effect size measures (Preacher & Kelley, 2011). PROCESS provides the option to compute the partially standardized effect sizes for both direct and indirect effects. This works by transforming an effect so that it is expressed relative to the standard deviation of the outcome variable, as opposed to being expressed in terms of the original scale, which may not be inherently meaningful. The partially standardized effect differs from the completely standardized effect because it “rescales  $c'$  and  $ab$  to the standard deviation of  $Y$  but keeps  $X$  in its original metric” (Hayes, 2018, p. 135). This option is not available when using moderation.

Hayes (2018) notes that when presenting the results of mediation analyses involving a dichotomous or multicategorical variable, standardized coefficients should be avoided, as they will be impacted by differences in both the distribution of cases between study groups and group means. Rather, the use of either unstandardized regression coefficients or both unstandardized coefficients and partially standardized effects is recommended. This approach is discussed in further detail by Preacher and Kelley (2011), and is based on the following formulas for partially standardized direct and indirect effects (MacKinnon, 2008):

$$c'_{ps} = \frac{c'}{SD_Y}$$

$$ab_{ps} = \frac{ab}{SD_Y}$$

For the current study, I have reported the unstandardized regression coefficients for all models, and both the unstandardized regression coefficients and the partially

standardized effect sizes (obtained through PROCESS) for any significant effects of  $c'$  and  $ab$ . This is intended to allow for a more meaningful interpretation of any direct and indirect effects observed in the current study; however, these effect sizes should be interpreted in light of the fact that not all researchers support the use of these (and other) effect sizes when reporting mediation analyses (Wen & Fan, 2015).

### ***Conditional Process Analysis***

The practice of using mediation and moderation together, as in the current models, has been referred to as conditional process analysis. Hayes (2018) provides a thorough description of conditional process analysis, as well as specific instructions for conducting these analyses using the PROCESS macro available for SPSS. The models that I used for this analysis are both examples provided in the PROCESS manual (i.e., models 4 and 15). For the current study, I used PROCESS to estimate the following regression equations for the two moderated simple mediation models described above (see Appendix K for legend). The regression equations for the unmoderated simple mediation analyses can be obtained by removing any terms that include  $W$ .

#### **When using Group ( $X_1$ ) as Predictor:**

$$(1) \quad M = i_M + a_1D_1 + a_2D_2 + e_M$$

$$(2) \quad Y = i_Y + c'_1D_1 + c'_2D_2 + c'_3W + c'_4D_1W + c'_5D_2W + b_1M + b_2MW + e_Y$$

#### **When using Info Source ( $X_2$ ) as Predictor:**

$$(1) \quad M = i_M + a_1D_1 + a_2D_2 + a_3D_3 + e_M$$

$$(2) \quad Y = i_Y + c'_1D_1 + c'_2D_2 + c'_3D_3 + c'_4W + c'_5D_1W + c'_6D_6W + c'_7D_7W + b_1M + b_2MW + e_Y$$

**Terminology for Model Effects.** When using a multicategorical predictor variable in a moderated simple mediation model, the resulting effects must be understood as “relative conditional direct effects” or “relative conditional indirect effects”.

“Relative” refers to the fact that the predictor variable is multicategorical, and thus the effects represent the strength of the relationship *relative* to the reference group.

“Conditional” refers to the impact of the moderator, since the strength of the relationships between  $X$  and  $Y$ , and between  $X$  and  $Y$  through  $M$ , are conditional on values of the moderator. “Direct” and “indirect” refer to the unmediated and mediated pathways, respectively.

**Interpretation of Model Effects.** To assess the indirect effect of  $X$  on  $Y$  through  $M$  when using a multicategorical predictor variable, Hayes (2018, p. 192) suggests the following: “ $X$ ’s effect on  $Y$  can be said to be mediated by  $M$  if at least one of the  $g - 1$  relative indirect effects is different from zero”. When assessing the impact of the moderator, he suggests that  $X$ ’s effect on  $Y$  can be seen as moderated by  $W$  if the size, sign, or strength of the effect is dependent on or can be predicted by  $W$ . It follows that the same is true when examining if  $M$ ’s effect on  $Y$  is moderated, as the mediator assumes the role of  $X$  in this relationship.

The formal test of moderation involves testing the interaction between the moderator and predictor variable(s) to determine if the effect of  $X$  on  $Y$  depends linearly on  $W$ . If the results of this test are significant, it is appropriate to probe the moderation by testing if the conditional effect of  $X$  on  $Y$  is different from zero at particular values of  $W$  (e.g., the pick-a-point method). The default option in PROCESS uses the 16th, 50th, and 84th percentiles for these values, which in the current study would represent a “low”,

“moderate”, or “high” Degree of Support. While PROCESS reports the results of these follow-up tests regardless of whether the interaction between the moderator and predictor variable(s) is significant, it is only appropriate to interpret these tests when the interaction is significant. This is because the pick-a-point method is not actually a test of moderation, but rather a test of whether the effect of  $X$  on  $Y$  is significant at a particular value of  $W$ , which is possible regardless of whether  $X$ 's effect on  $Y$  is *dependent* on  $W$ .

### **Preliminary Tests and Diagnostics**

Prior to testing the models, I screened the data for entry errors, specifically for participants who completed paper versions of the study, which required the data to be hand-entered. I also explored the data to determine if the assumptions of OLS regression had been met (e.g., linearity, homogeneity, normality, multicollinearity, outliers). I conducted Pearson's correlations to test for significant existing relationships between the study measures, and to determine whether any of the demographic variables needed to be entered as covariates (see correlations in Table 3).

### ***Assumptions***

I obtained scatterplots for each continuous predictor variable (i.e.,  $M$  and  $W$ ) against the outcome variable ( $Y_1$  or  $Y_2$ ) to assess if any of these relationships appeared curvilinear. To determine if the homogeneity of variance assumption had been met, I ran a linear regression for each pathway leading to the mediator ( $M$ ) or the outcome variable ( $Y$ ), and saved the standardized residuals and unstandardized predicted values. I plotted the standardized residuals against the unstandardized predicted values and against each predictor variable included in the model. To assess normality, I obtained a histogram of the standardized residuals, as well as a normal Q-Q plot of observed values against the

**Table 3**

*Correlations between Demographics, Predictors, and Study Measures for Total Sample*

Variable	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
1. Could breach <sup>a</sup>	–																		
2. Should breach <sup>a</sup>	.143	–																	
3. PCSOC <sup>a</sup>	.072	-.279**	–																
4. GP <sup>a</sup>	-.008	-.153*	f	–															
5. UG <sup>a</sup>	-.053	.376**	f	f	–														
6. Experience <sup>a</sup>	.137	-.270**	.917**	-.337**	-.451**	–													
7. News <sup>a</sup>	-.053	.121	-.244**	.222**	-.004	-.332**	–												
8. Social media <sup>a</sup>	-.130	.194*	-.301**	-.156*	.398**	-.276**	-.380**	–											
9. Education <sup>a</sup>	.085	-0.061	-.207**	.176*	.009	-.223**	-.308**	-.256**	–										
10. Attitude <sup>b</sup>	-.157*	.406**	-.586**	.129	.369**	-.547**	.270**	.169*	-.022	–									
11. Support <sup>c</sup>	-.145	.259**	-.491**	.211**	.213**	-.442**	.231**	.054	.102	.367**	–								
12. Age	-.013	-.297**	.707**	.071	-.657**	.666**	-.037	-.401**	-.126	-.436**	-.264**	–							
13. Gender <sup>d</sup>	.001	.230**	-.605**	.203**	.316**	-.555**	.151*	.118	.119	.364**	.296**	-.427**	–						
14. Forensic <sup>a</sup>	.009	.016	-.236**	.105	.099	-.232**	-.039	.006	.359**	-.035	.172*	-.169*	.206**	–					
15. Parent <sup>a</sup>	-.063	-.156*	.429**	.061	-.417**	.433**	.097	-.323**	-.177*	-.134	-.117	.664**	-.241**	-.132	–				
16. Political <sup>e</sup>	.059	-.166*	-.243**	.215**	-.004	-.204*	-.074	.142	.017	-.040	-.034	-.163*	.313**	.073	-.232**	–			
17. Abused <sup>a</sup>	.106	-.198*	.148	.007	-.133	.137	-.092	-.142	.091	-.196*	-.094	.174*	-.029	.080	.128	.113	–		
18. Exposure	.079	-.182*	.349**	-.088	-.209**	.374**	-.220**	-.137	.140	-.265**	-.116	.266**	-.161*	.158*	.168*	-.061	.181*	–	

<sup>a</sup> 0 = no and 1 = yes. <sup>b</sup> higher = more negative. <sup>c</sup> higher = more supportive. <sup>d</sup> 0 = male and 1 = female. <sup>e</sup> higher = more liberal.

<sup>f</sup> Participants could only be in one of the three groups, so these correlations were negative but not meaningful.

\*  $p < .05$ . \*\*  $p < .01$ .

values expected under normality; I also checked the results of the Kolmogorov-Smirnov (KS) test. I checked for multicollinearity by examining the VIF scores and the intercorrelations between predictors. I obtained a boxplot of the standardized residuals and used this, along with the histogram and Q-Q plot, to check for the presence of outliers.

I repeated this process using both Group ( $X_1$ ) and Info Source ( $X_2$ ) as predictors, and with both Could Breach ( $Y_1$ ) and Should Breach ( $Y_2$ ) scores as outcome variables. The results of the assumption checks were essentially the same for both predictors, which is not surprising considering the personal experience group is comprised entirely of clinical participants. As such, only the assumption checks using Group as a predictor are discussed below.

**Could Breach Scores.** When using Could Breach scores ( $Y_1$ ) as the outcome variable, the individual scatterplots of  $M$  and  $W$  against  $Y_1$  showed a negative relationship with no evidence of curvilinearity. Since  $X$  was multicategorical, its relationship with the outcome variable was inherently linear. The distribution of variance for the full moderated mediation model was fairly even and appeared to meet the assumption of homogeneity, as did all the individual pathways except path  $a$  (the effect of  $X$  on  $M$ ), which showed greater variance among the residuals in the GP and UG groups compared to the PCSOC group. The distributions on the histogram and Q-Q plot appeared to meet the assumption of normality, and the KS test was not significant,  $p = .200$ . This was true for the full model and all pathways except path  $a$  (effect of  $X$  on  $M$ ), which showed a slight right skew (KS:  $p = .013$ ), and paths  $c'_1$  and  $c'_2$  (direct effect of  $X$  on  $Y_1$ ), which showed a slight left skew (KS:  $p = .007$ ). Regarding multicollinearity, for the full model

and all pathways,  $VIF < 3$ ; since VIF scores over 10 are considered problematic, this assumption appeared to be met.

No outliers were identified for any of the paths testing the effect on Could Breach scores. However, the boxplot did identify four possible outliers (i.e., GP44, GP27, and GP6) in path  $a$ , which tests the relative direct effects of  $X$  on  $M$ . To check if these outliers were influential, I created a table of the top 10 cases with the highest absolute standardized residuals and obtained their studentized deleted residuals, leverage values, Cook's distance, and DFFITS. To determine the critical value for the studentized deleted residual, I used the Bonferroni test procedure: for  $\alpha = .05$  and  $n = 177$ , the critical value is  $t(1 - \alpha/2n; n-p-1)$ . The critical value for leverage was determined using  $2p/n$ , and for Cook's distance, I used  $4/n$  (although in retrospect this critical value may have been too lenient). For DFFITS, I used  $|DFFITS| > 2\sqrt{(p/n)}$ . According to the results of these tests, the outliers identified by the boxplot only exceeded the critical value for Cook's distance, and since this critical value appeared too lenient (based on the large number of outliers identified as influential solely by Cook's distance), I elected not to remove these cases.

**Should Breach Scores.** When using Should Breach scores ( $Y_2$ ) as the outcome variable, the individual scatterplots of  $M$  and  $W$  against  $Y_2$  showed a positive relationship with no evidence of curvilinearity;  $X$  was once again multicategorical and inherently linear. The residual scatterplots clearly showed heteroscedasticity, with less variability in standardized residuals for the clinical compared to non-clinical groups, and for lower predicted values of the continuous predictor variables ( $M$  and  $W$ ). I followed up this visual inspection with a series of Brown-Forsythe tests (aka modified Levene's tests) to determine if the variance of error was significantly different across values of  $M$  and  $W$ .

The decision rules for this test are: if  $|t^*_{BF}| \leq t(1-\alpha/2; n-2)$ , conclude  $H_0$ . For the current study, the critical value was  $t(.975; 177) = 1.974$ . When comparing the variance of error across high and low values of the mediator (i.e., Attitude),  $|t^*_{BF}| = 2.934 > 1.974$ , suggesting that there was a significant difference in error variance between the high and low scoring groups. The same was true when comparing the variance of error across high and low values of the moderator (i.e., Degree of Support),  $|t^*_{BF}| = 3.039 > 1.974$ . Consequently, I concluded that the assumption of homogeneity had been violated.

The assumption of normality was also violated, as the full model and all individual pathways were right skewed, with KS tests ranging from  $p = .011$  for the full model, to  $p < .001$  for the individual paths. The VIF scores were the same as the previous model since there were no changes to the predictor variables, and thus the assumption of multicollinearity was met. Since this assumption was met in both cases, I did not centre the continuous variables except when using products of the continuous variables ( $M$  and  $W$ ) in the moderation analyses, in which case I used the automatic centering option in PROCESS.

Four potential outliers were consistently identified when using Should Breach scores as the outcome variable (i.e., PCSOC15, UG4, GP44, and UG20), and I used the same process described above to explore if any of these cases were influential. PCSOC15, UG4, and GP44 all exceeded the critical value on at least two of the tests. I further explored the influence of these outliers by comparing the fit of the model with and without these cases included (individually and all combinations). The model accounted for 22.6% of the variance when all cases were included compared to 24% of the variance when PCSOC15 and UG4 were excluded; the SSE also decreased from 5.041 to 4.436

when these cases were excluded. Removing GP44 did not have a substantial difference. Based on these results, and the fact that casewise diagnostics identified PCSOC15 and UG4 as being more than three standard deviations from the mean, I elected to remove these participants from all subsequent analyses, leaving a total sample of  $N = 175$ .

**Addressing Violations of Normality and Homoscedasticity.** Violating the normality assumption is not a major concern when using PROCESS, as the program computes bias-corrected bootstrap 95% confidence intervals to estimate effects (Hayes, 2018). In contrast, violations of the homogeneity of variance assumption are important to address, as these can reduce statistical power and affect the accuracy of standard errors and confidence intervals for the regression coefficients. Fortunately, PROCESS includes the option of using a heteroskedasticity-consistent standard error estimator (HCSE), which is recommended when there is reason to believe that the homogeneity of variance assumption is not met (Hayes & Cai, 2007; Hayes, 2018). Hayes and Cai (2007) discuss multiple HCSEs proposed over the years, but suggest that the two most recent estimators (HC3 and HC4) are the best options. However, HC3 can be impacted by high leverage values, an issue which has been addressed in HC4. Thus, I elected to use HC4 when conducting my analyses. Since the homogeneity of variance assumption was violated for the Attitude measure, and this variable was included as the mediator in all models, I used the HCSE for all model tests.

### ***Testing Covariates***

I obtained the correlations between multiple demographic factors and the predictor and outcome variables to determine if any demographic factors were significantly correlated with the outcome(s) but not predictor(s). Variables that meet this

description could potentially be included in the model as a covariate, in order to reduce the amount of variance in  $Y$  that would otherwise be attributed to error. As can be seen in Table 3, Could Breach scores were not significantly correlated with any demographic variables. In contrast, Should Breach scores were significantly correlated with age, gender, parental status, political views, history of sexual abuse, and degree of exposure to information about sexual offending. Since the mediator acts as both a predictor and outcome variable in this model, I also examined correlations between Attitude and demographic variables, and found significant correlations with age, gender, a history of sexual abuse, and degree of exposure. Parental status, political views, and degree of exposure were all more strongly correlated with both group membership and primary source of information than with Should Breach scores or Attitude, and thus were not entered as covariates.

**Group as Predictor.** Age had a strong positive correlation with membership in the PCSOC group, and a similarly strong negative correlation with membership in the UG group. Since variations in age between the study groups reflect natural differences that I would expect to find between these populations (and which could have a relevant impact on their decision-making in this context), I considered that it might be better not to control for age when using Group as a predictor; however, I still assessed the impact of using this factor as a covariate (see below). The decision of whether to control for gender was more difficult. Although the clinical group was entirely male, this is an accurate reflection of reality, since most people charged with sexual offences against children (and thus most people subject to the 161 Order) are male. However, the majority of both the non-clinical groups were female, which is unlikely to be an accurate representation of the

population that most commonly enforces the 161 Order conditions, as many police officers are male. Consequently, I did not want observed differences in participants' Breach scores to potentially reflect differences between genders, and thus I also assessed the impact of controlling for gender.

For Should Breach scores, when age was entered into the model first, it accounted for 8.8% of the variance, and gender accounted for an additional 2.4% (when entered in the reverse order, gender accounted for 5.3% and age for an additional 4.8%). For Attitude as the outcome variable, when age was entered first it accounted for 19% of the variance, and gender for an additional 3.9% (in the reverse order, gender accounted for 13.3% of the variance, and age for an additional 9.6%). Although age did account for a portion of the variance, I chose to control for gender but not age when using Group as a predictor, for the reasons described above. However, to better understand the influence of age and gender on participants' objective and subjective legal decision-making, I ran the models both with and without controlling for these factors, and have reported any changes in significance related to the use of these covariates.

A history of sexual abuse was significantly correlated with Should Breach scores and Attitude but not with group membership. I assessed the value of controlling for this variable by examining whether its inclusion in a linear regression model prior to the other predictor variables led to a substantial improvement in fit. I did this using both Attitude and Should Breach scores as outcome variables and found similar results, which indicated that a history of sexual abuse accounted for 3.9% of the variance. This reduced only slightly when also controlling for gender, to 3.7% when using Should Breach as the outcome, and 3.4% when using Attitude. Since this was a relatively small amount of

variance and controlling for history of sexual abuse reduced the sample size to  $N = 166$  (since some participants did not answer this question), I chose not to use history of sexual abuse as a covariate when using Group as a predictor.

**Info Source as Predictor.** Unlike the previous model, when using Info Source as a predictor I considered that it might be necessary to control for age. While differences in age between Groups (i.e., PCSOC, GP, UG) are to be expected based on the nature of these samples, it does not seem as likely that differences in Info Source would naturally reflect differences in age. Although higher rates of social media use may be expected among the UG group, individuals in the GP group could also obtain their information from this source, just as undergraduate students could obtain their information from education or the news. As such, I did not want observed differences in breach scores to reflect differences in participants' age as opposed to their primary source of information about sexual offending. Since those who obtained their information from personal experience were entirely male, I also thought it may be necessary to control for gender when using Info Source as a predictor, for the same reasons mentioned above.

To assess the value of controlling for age and gender, I explored whether the use of these factors as covariates in a linear regression analysis with Should Breach scores and/or Attitude as the outcome variable improved the fit of the model. For Should Breach scores, when age was entered into the model first, it accounted for 12% of the variance, and gender accounted for an additional 2.6% (when entered in the reverse order, gender accounted for 9.1% and age for an additional 5.5%). For Attitude, when age was entered first it accounted for 22% of the variance, and gender for an additional 6.6% (in the reverse order, gender accounted for 19.7% of the variance, and age for an additional

8.9%). Based on these outcomes, and the reasons noted above, I elected to use both age and gender as covariates when using Info Source as a predictor. As with the previous model, I ran the analyses both with and without these covariates and any differences in significance are reported.

A history of sexual abuse was significantly correlated with Should Breach scores and Attitude, but not with any predictor variables, and thus I examined its potential use as a covariate in the same manner described above. When history of sexual abuse when entered into a linear regression model with Should Breach scores as the outcome (and no other covariates included), it accounted for 4.2% of the total variance; when entered after both age and gender, it accounted for an additional 2.4%. These results are nearly identical when using Attitude as the outcome variable, the only difference being that when history of sexual abuse is the only covariate, it accounted for 4.9% of the variance. Based on these findings and the reasons reported above, I once again chose not to include history of sexual abuse as a covariate.

## **Data Analyses**

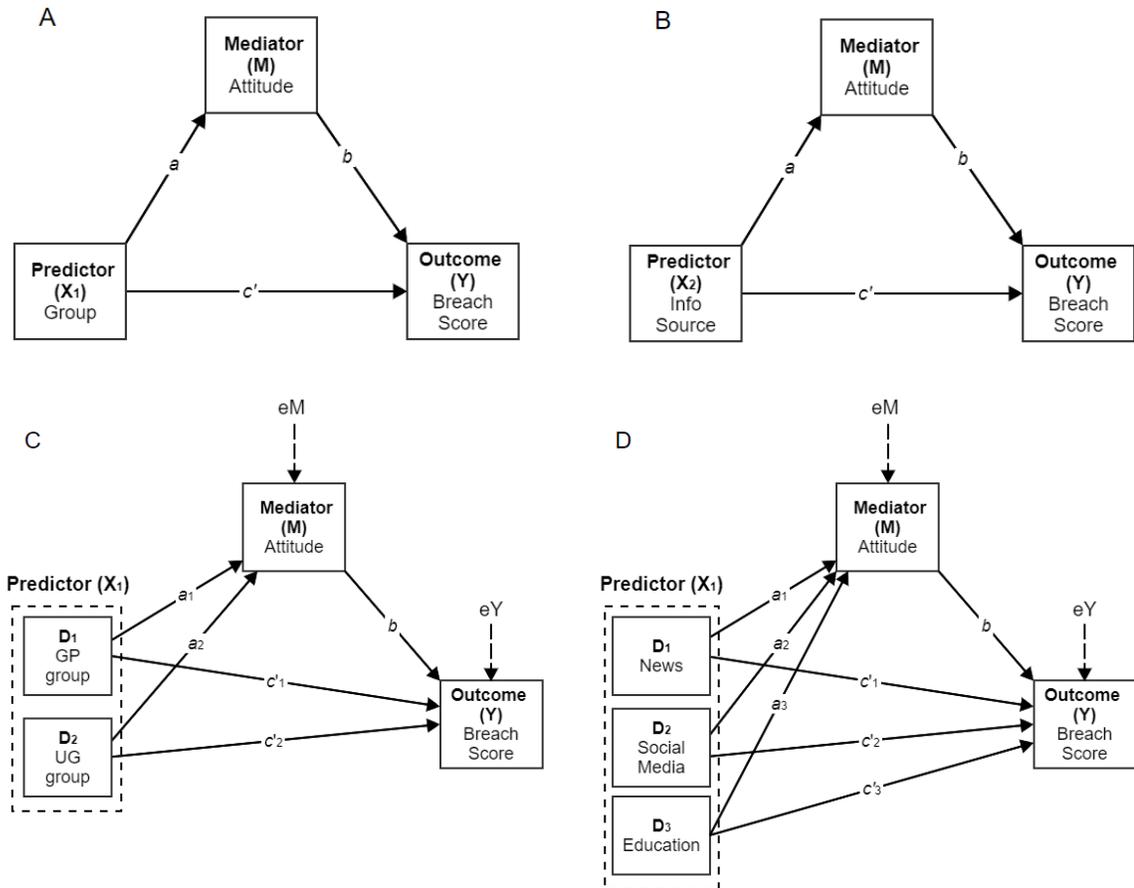
### ***Hypothesis Testing***

**Hypothesis 1 (H1): Probability of Breaching.** For each participant, I calculated a mean Could Breach score ( $Y_1$ ) and Should Breach score ( $Y_2$ ) based on their response to whether each of the 10 scenarios could and/or should constitute a breach of the 161 Order (for both Could Breach and Should Breach: no = 0 and yes = 1). These scores were used as the outcome variables in all subsequent models. Since H1 involved the unconditional and unmediated direct effect of Group on Breach scores – mediation and moderation were addressed in H2b – I tested this hypothesis using an unmoderated version of the

simple mediation model. Although the moderated mediation model provides estimates for the unconditional direct effects of Group on Breach scores, these estimates would not accurately address H1 since the model still includes (and is thus accounting for) the effect of the moderator. I also examined the unconditional direct effects of Info Source ( $X_2$ ) on Could and Should Breach scores; however, I did not use this model to test any formal hypotheses since it was developed post hoc.

Figure 3 shows the conceptual (panels A and B) and statistical (panels C and D) diagrams used to examine the relative unconditional direct effects of Group and Info Source on Could Breach and Should Breach scores, independent of the effects of these predictors on Breach scores through Attitude. The statistical diagrams expand the conceptual diagrams to show the individual pathways for each relative direct and indirect effect. Since the predictors are multicategorical, the predictor variable (formerly represented by  $X$ ), becomes represented by  $D_{g-1}$  in order to distinguish between the categories.

**Hypothesis 2 (H2): Mediation and Moderation.** Since H2a involved the unconditional indirect effect of Group on Breach scores through Attitude (i.e., mediation), I used the unmoderated simple mediation models from H1 (see Figure 3) to test the relative unconditional indirect effects. To test H2b, I used a moderated simple mediation model with one mediator ( $M$ : Attitude) and one moderator ( $W$ : Degree of Support) to separately examine the relative conditional direct and indirect effects of Group on Breach scores through Attitude conditional on Degree of Support (see statistical diagram in Figure 4, panel A). Both the direct effect of  $X$  on  $Y$  controlling for

**Figure 3***Conceptual and Statistical Diagrams for Unmoderated Simple Mediation Models*

*M*, and the indirect effect of *X* on *Y* through *M*, were modeled as conditional on *W*.

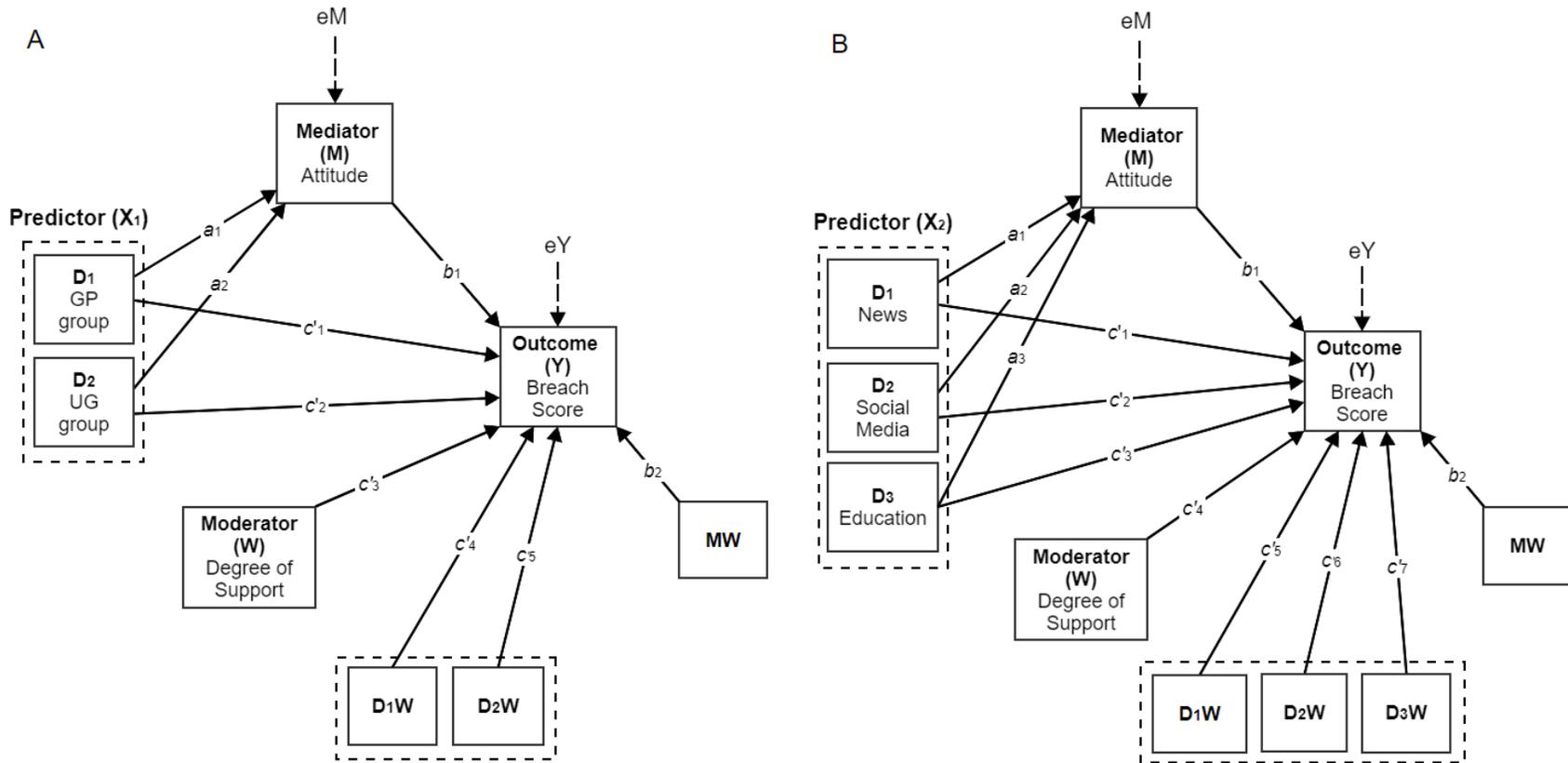
Although moderation of the indirect effect was only expected to occur in the second stage of the mediation process (i.e., *M* to *Y*), if either half of this pathway is modeled as moderated, the indirect effect as a whole is considered to be conditional. As with H1, I also examined the aforementioned effects using Info Source as a predictor (see Figure 4, panel B), but did not test any formal hypotheses related to this question.

### ***Exploratory Analyses***

**Exploratory Analysis 1: Relevant Characteristics.** Since research has indicated that certain demographic characteristics can impact individuals' attitudes toward sexual

**Figure 4**

*Statistical Diagrams for Moderated Simple Mediation Models*



offences, I used Pearson's correlations to explore if relationships existed between specific demographic factors (i.e., age, gender, forensic work experience, parental status, political views, history of sexual abuse, and exposure to information about sexual offences) and Breach scores.

**Exploratory Analysis 2: Impact of 161 Order.** No research currently exists on the 161 Order; however, there is a growing body of literature to support the assertion that other community management strategies (e.g., registries, public notification, residency restrictions) can have a significantly negative impact on PCSOs, including hindering successful community reintegration and increasing their risk of recidivism. As such, I used univariate parametric analyses (e.g., mean, standard deviation) to provide an overview of the personal experiences of people living with a 161 Order, and the perceived impact these conditions have had on their life and their ability to reintegrate into the community.

A summary of the research questions, hypotheses, and analyses conducted for the current study is available in Table 4.

## Results

Descriptive statistics for the study measures are presented in Table 5. Unsurprisingly, the most common source of information about sexual offending among clinical participants was personal experience (87.2%). The GP group most commonly received this information from news sources (46.4%), and the UG group primarily received this information via social media (42.5%). Although I was unable to test my original question regarding the potential mediating effect of Info Source on the

**Table 4***Summary of Research Questions, Hypotheses, and Analyses*

Research Questions	Hypotheses	Analyses	Variables	Model Pathways
Q1. Do inconsistencies exist between study groups regarding their interpretation and enforcement of the 161 Order?	H1. No significant between-group differences will exist on the Could Breach score (H1a), but significant between-group differences will exist on the Should Breach score (H1b).	Regression analysis as part of unmoderated simple mediation model to test relative unconditional direct effects, independent of indirect effect of $X$ through $M$ .	Group ( $X_1$ ) Attitude ( $M$ ) Breach scores ( $Y$ )	Paths $c'_{g-1}$ on Figure 3, panel C.
Q2. Are between-group differences on Should Breach scores mediated by attitudes toward the treatment of PCSOs; and is this effect conditional on support for the 161 Order?	H2. Between-group differences will be mediated by attitudes toward PCSOs (H2a); the strength of these effects will be moderated by participants' support for the 161 Order (H2b).	H2a. Simple unmoderated mediation analysis with one mediator ( $M$ ) to test unconditional indirect effect. H2b. Moderated simple mediation with one mediator ( $M$ ) and one moderator ( $W$ ) to test the relative conditional direct and indirect effects.	Group ( $X_1$ ) Attitude ( $M$ ) Breach scores ( $Y$ )  Group ( $X_1$ ) Attitude ( $M$ ) Support ( $W$ ) Breach scores ( $Y$ )	H2a. Paths $a_{g-1}b$ on Figure 3, panel C. H2b. All paths on Figure 4, panel A.
Q3. Does primary source of information about sex offending have an effect on Breach scores?	Formulated post hoc to address issue with model design. Model coefficients were examined but did not test a formal hypothesis.	All of the analyses reported above, but using Info Source ( $X_2$ ) rather than Group ( $X_1$ ) as the predictor.	Info Source ( $X_2$ ) Attitude ( $M$ ) Support ( $W$ ) Breach scores ( $Y$ )	Paths $c'_{g-1}$ and $a_{g-1}b$ on Figure 3, panel D.  All paths on Figure 4, panel B.

Research Questions	Hypotheses	Analyses	Variables	Model Pathways
<i>Exploratory Questions, Hypotheses, and Analyses</i>				
EQ1. Are demographic characteristics associated with differences on Could Breach and/or Should Breach scores?	EH1: In GP and UG groups, gender, education, and parental status will be associated with differences in Should but not Could Breach scores. These factors will not impact scores in PCSOC group.	Correlations between demographic factors and participants' Could Breach and Should Breach scores.	Demographics Could Breach (Y <sub>1</sub> ) Should Breach (Y <sub>2</sub> )	Not applicable
EQ2. How do people under a 161 Order feel about the conditions and how they have impacted their lives?	Not applicable	Univariate parametric analyses (e.g., mean, standard deviation).	Impact of 161 Order	Not applicable

**Table 5***Descriptive Statistics for Study Measures*

Measure	PCSOC		GP		UG	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Primary information source						
Experience	34	87.2	0	0	0	0
News	4	10.3	26	46.4	25	31.3
Social media	0	0	8	14.3	34	42.5
Education <sup>a</sup>	1	2.6	15	26.8	14	17.5
Other media	0	0	4	7.1	4	5.0
Personal relationships	0	0	3	5.4	3	3.8
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Attitude <sup>b</sup>	1.84	.257	2.53	.541	2.65	.417
Support for 161 Order <sup>c</sup>						
Condition (a)	2.75	.793	3.74	.883	3.72	.797
Condition (a.1)	3.37	1.04	4.40	.824	4.23	.898
Condition (b)	3.26	.897	4.36	.807	3.86	.893
Condition (c)	2.89	1.08	3.81	.951	3.92	.874
Condition (d)	2.47	1.06	3.27	.978	3.55	.863
Overall score	2.94	.778	3.92	.648	3.86	.665
Breach decisions						
Could Breach	.621	.233	.579	.232	.569	.202
Should Breach	.113	.123	.168	.171	.284	.187
Impact of alternative factors <sup>c</sup>						
Child porn vs. contact	43.89	6.06	33.05	4.25	35.30	3.65
Repeat vs. first offence	65.83	5.79	64.29	4.79	71.76	3.72
Stranger vs. known victim	34.17	5.78	42.35	5.35	27.0	3.75
If 161 Order ineffective	55.56	5.90	50.64	4.87	38.79	3.85

<sup>a</sup> Includes any form of education, training, etc. <sup>b</sup> Max score = 5 and higher = more negative attitude. <sup>c</sup> Max score = 6 and higher = more supportive. <sup>d</sup> Higher = more likely to impact decision.

relationship between Group and Breach scores, these findings suggest that between-group differences do exist regarding participants' primary source of information about sexual offending (not only between the clinical and non-clinical groups, but also between the GP and UG groups).

The mean score on the Attitude measure was lower for clinical participants ( $M = 1.84$ ,  $SD = 0.257$ ) compared to both the GP group ( $M = 2.53$ ,  $SD = 0.541$ ) and UG group ( $M = 2.65$ ,  $SD = 0.417$ ), indicating that clinical participants had less negative feelings toward the treatment of PCSOs compared to the non-clinical groups. Clinical participants were also less supportive of the 161 Order as a whole ( $M = 2.94$ ,  $SD = 0.778$ ) compared to the GP ( $M = 3.92$ ,  $SD = 0.648$ ) and UG groups ( $M = 3.86$ ,  $SD = 0.665$ ), as well as less supportive of each individual condition on the Order (see Table 5). All three groups reported the least support for Condition (d), which prohibits Internet use, and the most support for Condition (a.1), which prohibits being within a certain distance of the victim's residence.

Average Could Breach scores were relatively similar between the three groups, with clinical participants being slightly more likely to report that the scenarios could result in a breach ( $M = .621$ ,  $SD = .233$ ) compared to the GP ( $M = .579$ ,  $SD = .232$ ) and UG groups ( $M = .569$ ,  $SD = .202$ ). This may relate to the fact that the clinical group has first-hand knowledge regarding the types of situations that could lead to a breach (through their own experience and/or the experiences of fellow patients). In contrast, average Should Breach scores were lowest for the clinical group ( $M = .113$ ,  $SD = .123$ ), slightly higher for the GP group ( $M = .168$ ,  $SD = .171$ ), and higher still for the UG group ( $M = .284$ ,  $SD = .187$ ). Although the current study only explored differences between the clinical and non-clinical groups, these findings suggest that differences may also exist

between the GP and UG groups with regard to the likelihood of reporting that the scenarios *should* constitute a breach of the 161 Order.

### **Breach Decisions by Scenario**

Prior to conducting the main analyses, I used frequency counts to determine the proportion of each Group reporting that the scenarios could and/or should constitute a breach. A brief description of each scenario is provided in Table 6 (see Appendix I for full scenarios). Although not originally proposed, and thus not associated with any specific hypotheses, this analysis was intended to provide a descriptive overview of the (in)consistency in breach decisions for each of the 10 scenarios, both between Groups and between objective (i.e., Could Breach) and subjective (i.e., Should Breach) legal decision-making (see Figure 5).

Results show that for all 10 scenarios, the rate at which participants reported the scenarios could constitute a breach of the 161 Order was higher than the rate at which they reported they should constitute a breach. This was true for all three study groups. These figures also demonstrate greater discrepancies among certain scenarios (and by extension certain behaviours and conditions) particularly among Should Breach scores. Considerable discrepancy existed amongst the clinical participants with regard to whether certain scenarios *could* result in a breach. This indicates that even individuals subject to the 161 Order disagree on what is permissible under these conditions. It is worth noting that there was one scenario in which clinical participants were more likely to report the scenario should result in a breach (#10).

For each scenario, I also calculated the proportion of the total sample that reported the scenario: (1) both could and should constitute a breach; (2) both could not and should

**Table 6***Brief Descriptions of Study Scenarios*

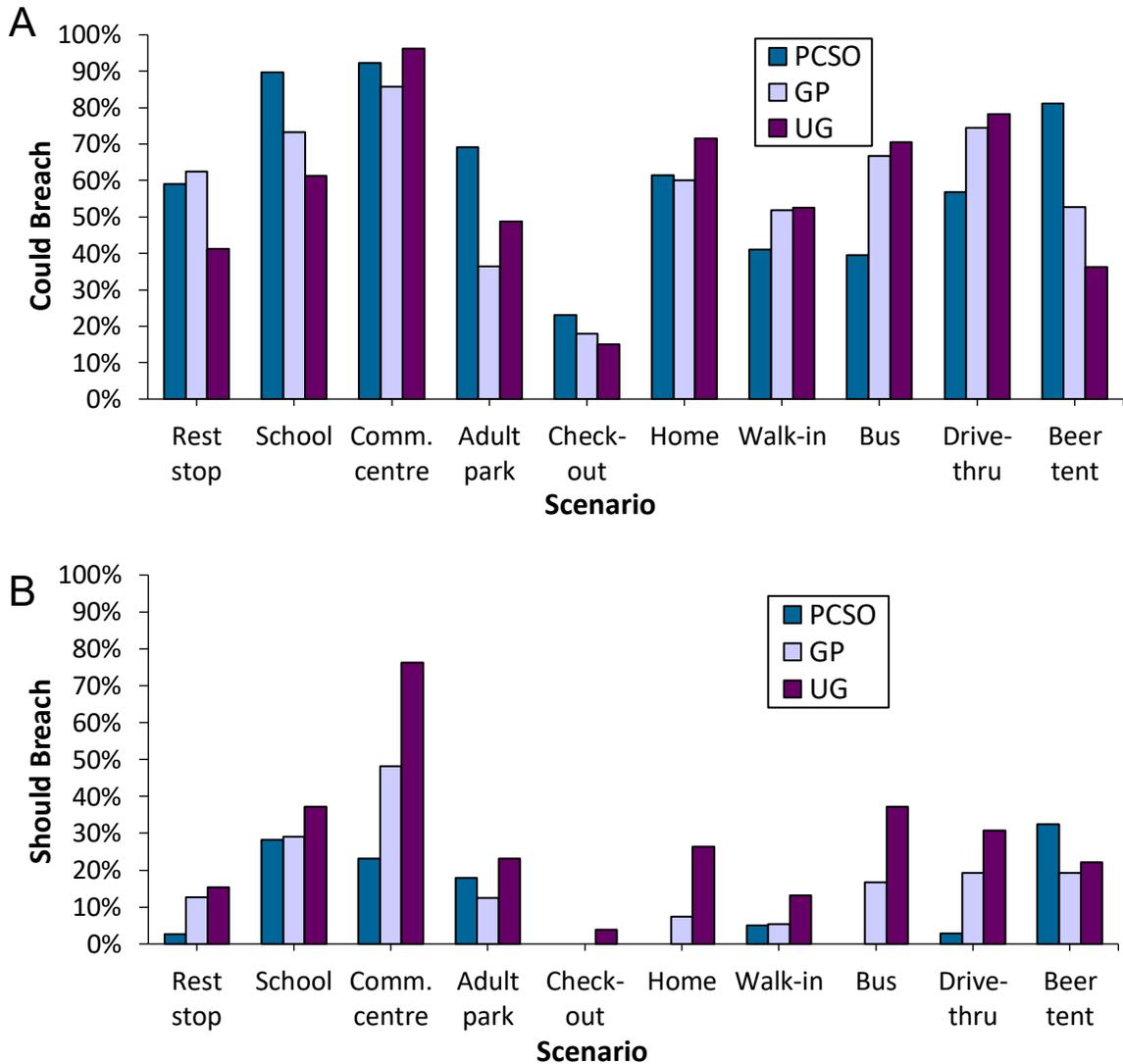
Scenario #	Description
1	Pulling into empty highway rest stop that has only a parking lot and washroom, but is located beside a grassy area with a picnic table, some trees, and a river nearby.
2	Making a work delivery to an after-hours PTA meeting. Not required to leave truck (his coworkers do this part), but meeting is located at an elementary school.
3	Attending a job fair to hand out resumes (since cannot apply online) that is meant for adults and when children would be in school, but is held at a community centre.
4	Going camping with a friend in an area that is restricted to adults, meaning no children should reasonably be present, but which is located within Algonquin Park.
5	Using the self check-out machine at a grocery store, despite the possibility that this may or may not constitute a “digital network”.
6	Answering the front door in response to a knock and finding his stepdaughter (who was also his victim) standing at his door with her mother.
7	Using the patient registration kiosk at a walk-in centre, after attempting to check-in with a person and being told that all patients must use the kiosk to register.
8	While riding the bus to work, a girl around 13-14 sits in the adjacent seat. He instantly moves away and changes seats, but does not get off the bus entirely.
9	Uses a McDonald’s drive-thru and realizes employee at the window is his victim. Does not say anything, just takes the food and drives away.
10	Meeting friends at a beer garden that can be entered from the street but is located at the edge of Mooney’s Bay Park and Beach.

not constitute a breach; and (3) could but should not constitute a breach (see Figure 6).

There were no scenarios in which a participant reported that the person could not but should be breached. The considerable number of inconsistent responses (i.e., could but

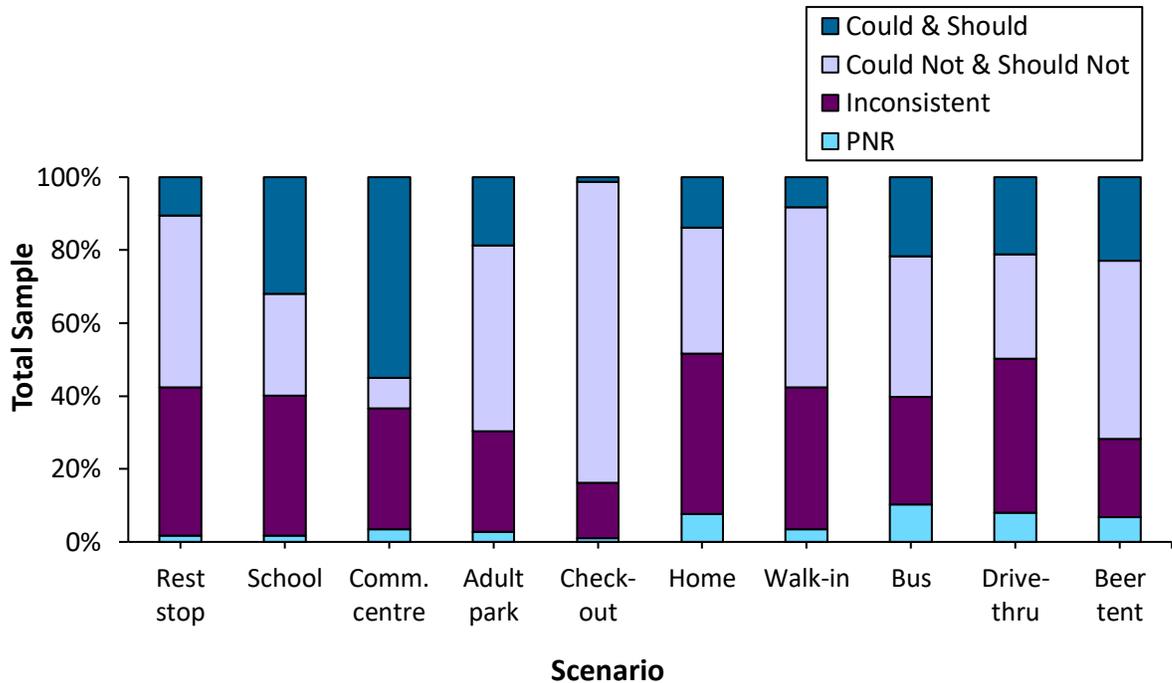
**Figure 5**

*Proportion of Groups Reporting Scenarios Could and/or Should Constitute a Breach*



*Note.* Figures A and B use the same scale for ease of comparison. Differences between bar values and 100 represent the percentage of each group reporting the scenario could *not* or should *not* result in a breach.

should not be breached) across the scenarios further highlights the discretionary nature of the 161 Order. This raises concerns about the potential use of these conditions as a means for police officers and prosecutors to arrest and charge PCSOCs for engaging in behaviours that participants in the current study reported should not result in a breach.

**Figure 6***Consistency of Breach Decisions by Scenario*

*Note.* Inconsistent = scenario could but should not lead to breach. PNR = prefer not to respond.

In fact, two of the scenarios which many participants agreed could but should not result in a breach were based on real cases, in which the individual was indeed charged with breaching the 161 Order (#1 and #6).

### **Simple Mediation Models Using Group as Predictor Variable**

#### ***Direct Effects of Group Membership on Breach Scores (H1)***

I first hypothesized that membership in the non-clinical groups (GP, UG) relative to the clinical group (PCSOC) would not have a significant direct effect on Could Breach scores (H1a), but would have a significant direct effect on Should Breach scores (H1b).

The results are presented in Table 7. As expected, I found that when using Could Breach

scores ( $Y_1$ ) as the outcome variable in a simple mediation model with Group ( $X_1$ ) as the predictor, the model summary test for the direct effect of Group on Breach scores when controlling for gender (covariate) and Attitude ( $M$ ) was not significant,  $F(4, 171) = 1.119$ ,  $p = .349$ , nor were the relative direct effects for either the GP group,  $t(94) = -0.089$ ,  $p = .929$ , or the UG group,  $t(118) = -0.132$ ,  $p = .895$ . This indicates that group membership was not directly related to differences in Could Breach scores independent of any (potential) influence of Group on Attitude.

In contrast, when using Should Breach scores ( $Y_2$ ) as the outcome variable, I found that the model summary test for the direct effect of Group on Breach scores when controlling for gender and Attitude was significant,  $F(4, 170) = 11.938$ ,  $p < .0001$ . However, the relative direct effects were not significant for membership in either the GP group,  $t(94) = -1.126$ ,  $p = .262$ , or the UG group,  $t(118) = 1.286$ ,  $p = .200$ . Hayes (2018) notes that in this situation it is reasonable to conclude that  $X$  does directly affect  $Y$ , although it is difficult to draw any further conclusions about this relationship. Since the omnibus test is not impacted by the choice of reference group (Hayes, 2018), it is possible that this significant finding indicates that differences exist between the two non-clinical groups; however, further research is needed before any real inferences can be made. Taken together, these results provide support for both H1a and H1b.

I did not find any significant changes associated with the use of covariates when using the Could Breach model. In contrast, when gender was not entered as a covariate, the relative direct effect of membership in the UG group on Should Breach scores was significant at  $\alpha = .05$  ( $p = .043$ ,  $c'_{ps} = .43$ ). This suggests that among the undergraduate students, the likelihood of reporting the scenarios should constitute a breach of the 161 Order may be dependent on gender.

**Table 7**

*Relative Effects of Group on Breach Scores through Attitude*

GROUP ( $X_1$ )		Could Breach ( $Y_1$ )					Should Breach ( $Y_2$ )				
Predictor	Path	$\beta$	SE	$t$	$p$	95% CI	$\beta$	SE	$t$	$p$	95% CI
Relative direct effects											
Constant	$i_Y$	.742	.079	9.29	< .0001	[.584, .900]	-.097	.066	-1.485	.139	[-.227, .032]
$D_1$ (GP)	$c'_1$	-.006	.065	-.089	.929	[-.133, .122]	-.045	.040	-1.126	.262	[-.124, .039]
$D_2$ (UG)	$c'_2$	-.008	.063	-.132	.895	[-.132, .115]	.057	.044	1.286	.200 <sup>d</sup>	[.031, .144]
$M$ (ATTSO)	$b$	-.071	.040	-1.78	.077	[-.150, .008]	.114	.033	3.424	.001	[.048, .180]
Gender <sup>a</sup>	-	.029	.053	.550	.583	[-.075, .132]	.027	.027	1.014	.312	[-.026, .080]
Model summary		$R^2 = .029$ $F(4, 171) = 1.119, p = .349$					$R^2 = .230$ $F(4, 170) = 11.938, p < .0001$				
Relative total effects											
Constant	$i_Y$	.611	.038	16.347	< .0001	[.536, .684]	.113	.020	5.703	< .0001	[.074, .153]
$D_1$ (GP)	$c_1$	-.054	.059	-.916	.361	[-.170, .062]	.032	.039	1.804	.073	[-.005, .114]
$D_2$ (UG)	$c_2$	-.065	.056	-1.162	.247	[-.174, .045]	.147	.041	5.906	< .0001	[.113, .227]
Gender <sup>a</sup>	-	.028	.045	.621	.535	[-.061, .117]	.029	.035	.815	.416	[-.041, .098]
Model summary		$R^2 = .009$ $F(3, 171) = 0.456, p = .713$					$R^2 = .158$ $F(3, 171) = 12.359, p < .0001$				

	Path	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI	
Relative indirect effects								
	$D_1$ (GP)	$a_1b$	-.049	.025	[-.101, -.0008] <sup>b</sup>	.077	.027	[.027, .131]
	$D_2$ (UG)	$a_2b$	-.056	.029	[-.117, -.0009] <sup>c</sup>	.090	.029	[.032, .146]

*Note.* Regression coefficients are unstandardized. Bootstrap  $N = 20,000$ .

<sup>a</sup> Entered as covariate. <sup>b</sup> Without covariate, CI = [-.100, .0006]. <sup>c</sup> Without covariate, CI = [-.116, .0007]. <sup>d</sup> Without covariate,  $p = .043$ .

***Indirect Effects of Group on Breach Scores through Attitude (H2a)***

Following from H1, I hypothesized that the relative indirect effect of Group ( $X_1$ ) on Should Breach scores ( $Y_2$ ) through Attitude ( $M$ ) would also be significant. I did not propose a similar hypothesis for Could Breach scores ( $Y_1$ ), as I did not expect to find significant between-group differences on this outcome variable. The results are presented at the bottom of Table 7. Contrary to my expectation, I found that when controlling for gender, the bootstrap 95% CIs for the relative indirect effects of Group on Could Breach scores through Attitude were significant for both the GP group,  $\beta = -0.049$ , CI = [-.101, -.0008],  $ab_{ps} = [-.459, -.004]$ , and the UG group,  $\beta = -0.056$ , CI = [-.117, -.0009],  $ab_{ps} = [-.530, -.004]$ . This suggests that membership in both of the non-clinical groups, relative to the clinical group, was associated with a lower likelihood of reporting the scenarios could result in a breach, and may indicate that the influence of Group on Attitudes is one possible mechanism underlying the observed effect.

When not controlling for gender, the relative indirect effects of Group on Could Breach scores through Attitude were no longer significant for either the GP group, CI = [-.100, .0006] or UG group, CI = [-.116, .0007]. Based on these results, it appears that the indirect effect of Group on Could Breach scores may be related to participant gender in both the GP and UG groups.

I found that the relative indirect effects of Group ( $X_1$ ) on Should Breach scores ( $Y_2$ ) through Attitude ( $M$ ) when controlling for gender were also significant for both the GP group,  $\beta = 0.077$ , CI = [.027, .133],  $ab_{ps} = [.155, .703]$ , and UG group,  $\beta = 0.090$ , CI = [.034, .144],  $ab_{ps} = [.188, .773]$ . This suggests that Attitude may function as one potential mechanism through which membership in the non-clinical relative to clinical

groups increased the likelihood of reporting the scenarios should constitute a breach (other factors not explored in this study may also act as mechanisms). Unlike Could Breach scores, the indirect effects of Group on Should Breach scores through Attitude remained significant when not controlling for gender. These results provide partial support for H2a.

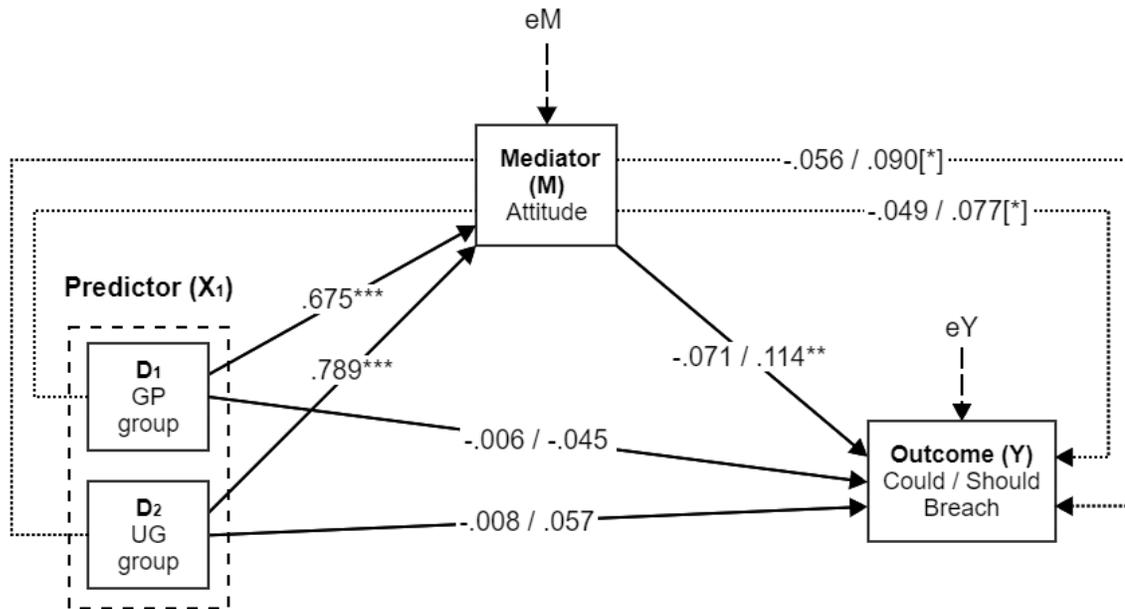
See Figure 7 for a visual display of the estimated regression coefficients for the relative unconditional direct and indirect effects of Group on Breach scores through Attitude.

### ***Conditional Effects of Group Membership on Breach Scores through Attitude (H2b)***

I also hypothesized that the relative direct and indirect effects of Group on Should Breach scores through Attitude would be conditional on participants' Degree of Support for the 161 Order conditions ( $W$ ). Again, I did not propose a similar hypothesis for Could Breach scores. Results are presented in Table 8. To test for moderation, I used PROCESS to compute tests of highest order unconditional interactions to determine if the interactions between Group and Degree of Support ( $X_1 * W$ ) or between Attitude and Degree of Support ( $M * W$ ) had an effect on Breach scores that was significantly different from zero. As expected, when using Could Breach scores as the outcome variable, the interaction between Group and Degree of Support was not significant,  $F(2, 166) = 1.653$ ,  $p = .195$ , nor was the interaction between Attitude and Degree of Support,  $F(1, 167) = 0.077$ ,  $p = .782$ . This indicates that the relative direct and indirect effects of Group on Could Breach scores through Attitude were not linearly dependent on participants' Degree of Support for the 161 Order, meaning there was no significant moderation effect.

**Figure 7**

*Coefficients for Simple Mediation Model with Group as Predictor*



*Note.* Regression coefficients are unstandardized. Dotted pathways represent indirect effects. Coefficients are for Could Breach model / Should Breach model. Controlling for gender.

\*\* $p < .01$ . \*\*\* $p < .001$ . [\*]Bootstrap 95% confidence intervals do not contain zero.

Contrary to my hypothesis, I found that when using Should Breach scores as the outcome variable, the test of moderation was also not significant for the interaction between Group and Degree of Support ( $X_2 * W$ ),  $F(2, 166) = 0.438, p = .646$ , or between Attitude and Degree of Support ( $M * W$ ),  $F(1, 166) = 0.850, p = .358$ . These findings suggest that neither the relative direct effect of Group on Should Breach scores, nor the relative indirect effect of Group on Should Breach scores through Attitude were linearly dependent on Degree of Support for the 161 Order. Since these interactions were not significant, I did not probe the results. These findings do not provide support for H2b.

**Table 8**

*Relative Effects of Group on Breach Scores through Attitude Conditional on Degree of Support*

GROUP ( $X_1$ )		Could Breach ( $Y_1$ )					Should Breach ( $Y_2$ )				
Predictor	Path	$\beta$	$SE$	$t$	$p$	95% CI	$\beta$	$SE$	$t$	$p$	95% CI
Relative direct effects											
Constant	$i_Y$	.525	.055	9.546	< .0001	[.416, .633]	.194	.038	5.168	< .0001	[.120, .267]
$D_1$ (GP)	$c'_1$	.052	.071	.729	.467	[-.089, .193]	-.071	.047	-1.533	.127	[-.163, .021]
$D_2$ (UG)	$c'_2$	.022	.075	.296	.768	[-.127, .171]	.047	.052	.913	.363	[-.055, .142]
$M$ (ATTSO)	$b_1$	-.043	.047	-.903	.368	[-.137, .051]	.096	.035	2.728	.007	[.027, .165]
$W$ (Support)	$c'_3$	-.100	.079	-1.263	.209	[-.255, .056]	.056	.038	1.496	.137	[-.018, .130]
$D_1 \times W$	$c'_4$	.036	.142	.255	.799	[-.245, .318]	-.015	.057	-.258	.797	[-.127, .098]
$D_2 \times W$	$c'_5$	.120	.100	1.196	.233	[-.078, .317]	-.042	.049	-.850	.397	[-.138, .055]
$M \times W$	$b_2$	-.024	.086	-.278	.782	[-.194, .146]	.038	.039	.922	.358	[-.041, .112]
Gender <sup>a</sup>	-	.033	.075	.441	.660	[-.114, .180]	.025	.030	.827	.410	[-.035, .084]
Model summary		$R^2 = .060$ $F(8, 166) = 0.907, p = .512$					$R^2 = .249$ $F(8, 166) = 7.168, p < .0001$				

GROUP ( $X_1$ )		Could Breach ( $Y_1$ )			Should Breach ( $Y_2$ )		
Tests of highest order unconditional interactions <sup>b</sup>							
$X*W$		$\Delta R^2 = .018$ $F(2, 166) = 1.653, p = .195$			$\Delta R^2 = .003$ $F(2, 166) = 0.438, p = .646$		
$M*W$		$\Delta R^2 = .001$ $F(1, 167) = 0.077, p = .782$			$\Delta R^2 = .004$ $F(1, 166) = 0.850, p = .358$		
Predictor	Path	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI
Index of moderated mediation <sup>c</sup>							
$D_1$ (GP)	$a_1b_2$	-.016	.040	[-.091, .067]	.024	.024	[-.023, .073]
$D_2$ (UG)	$a_2b_2$	-.019	.046	[-.107, .077]	.028	.027	[-.028, .081]

*Note.* Regression coefficients are unstandardized. Bootstrap  $N = 20,000$ . Continuous variables that define products (i.e.,  $M$  and  $W$ ) were mean-centered by PROCESS.

<sup>a</sup> Entered as covariate. No differences in significance when not using covariate. <sup>b</sup> Tests moderation of relative direct effects. <sup>c</sup> Tests moderation of relative indirect effects.

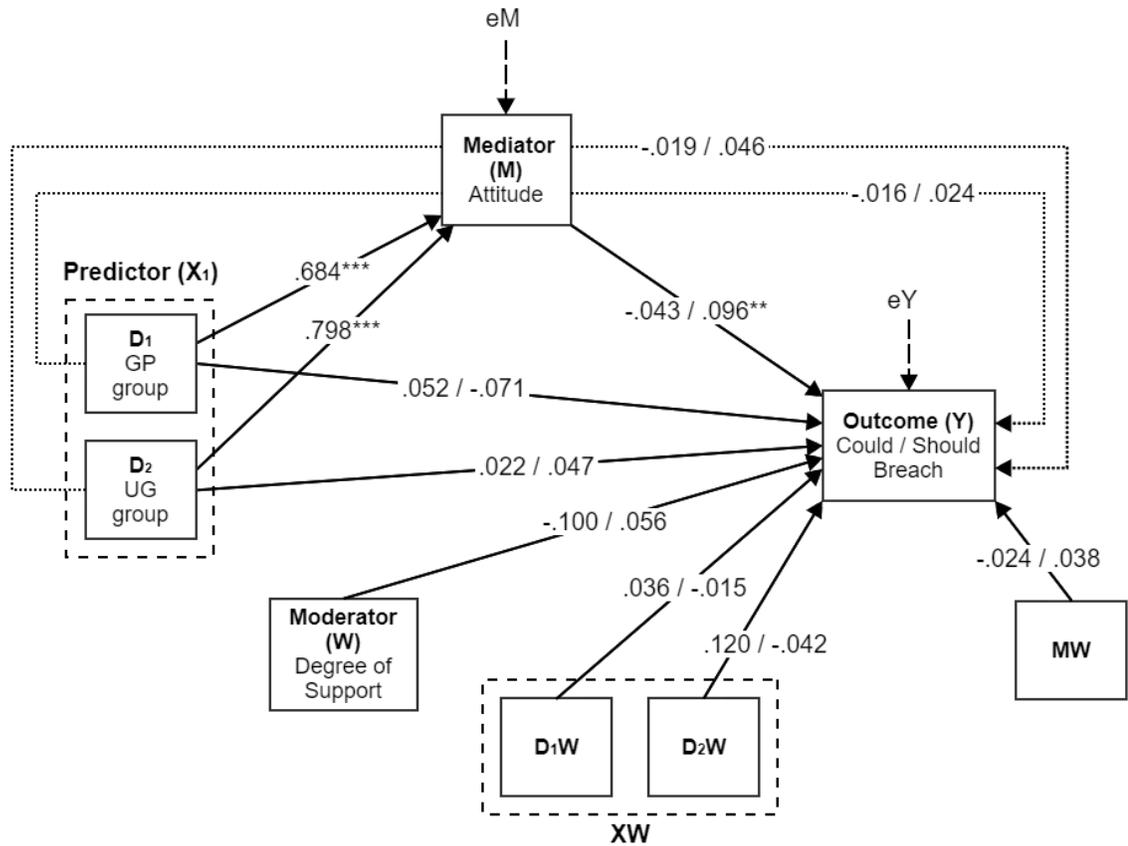
See Figure 8 for a visual display of the estimated regression coefficients for the direct and indirect effects of Group on Breach scores through Attitude conditional on Degree of Support.

**Individual Pathways in Indirect Effect.** It has been argued that a significant indirect effect does not require either of the individual pathways involved in this effect (i.e., paths  $a_{g-1}$  and  $b$ ) be significant (Hayes, 2018). However, it is worth noting that the first stage of the mediation process ( $X$  on  $M$ ), which was not modeled as moderated and not dependent on the outcome variable, was significant in all models. Results show that more negative Attitudes were reported by the GP group,  $t(94) = 5.189, p < .0001$ , and UG group,  $t(118) = 6.663, p < .0001$ , relative to the PCSOC group. With the exception of the intercept, these results were the same for the unmoderated and moderated models (relative effects and both intercept values are reported in Table 9).

The second stage of the mediation process ( $M$  on  $Y_2$ ) was not significant when using Could Breach scores as the outcome variable,  $t(174) = -1.78, p = .077$ . These results suggest that Attitude did not have a significant effect on Could Breach scores when controlling for Group, although the effect was relatively close to reaching significance at  $\alpha = .05$ . Conversely, I found that the effect of Attitude on Should Breach scores when controlling for Group was significant in both the unmoderated,  $t(174) = 3.424, p = .001$ , and moderated models,  $t(174) = 2.728, p = .007$ . This suggests that participants with more negative attitudes toward the treatment of PCSOs were more likely to report the scenarios should result in a breach of the 161 Order, independent of group membership.

**Figure 8**

*Coefficients for Moderated Simple Mediation Model with Group as Predictor*



*Note.* Regression coefficients are unstandardized. Dotted pathways represent indirect effects.

Coefficients are for Could Breach model / Should Breach model. Controlling for gender.

\*\*  $p < .01$ , \*\*\*  $p < .001$

**Simple Mediation Models Using Info Source as Predictor Variable**

***Direct Effects of Info Source on Breach Scores***

As with the previous analyses, I first tested the relative unconditional direct effect of Info Source ( $X_2$ ) on Could and Should Breach scores controlling for Attitude ( $M$ ). As

**Table 9***Relative Direct Effects of Group on Attitude*

GROUP ( $X_1$ )	Attitude ( $M$ )						
	Predictor	Path	$\beta$	$SE$	$t$	$p$	95% CI
Direct effects							
Constant <sup>a</sup>	$i_M$	-.584	.042	-14.123	< .0001	[-665, -.502]	
Constant <sup>b</sup>	$i_M$	1.847	.041	44.679	< .0001	[1.77, 1.93]	
$D_1$ (GP)	$a_1$	.675	.116	5.189	< .0001	[.446, .904]	
$D_2$ (UG)	$a_2$	.789	.118	6.663	< .0001	[.555, 1.02]	
Gender <sup>c</sup>	-	.012	.1274	.092	.927	[-.240, .263]	
Model summary			$R^2 = .352$				
			$F(3, 171) = 61.072, p < .0001$				

*Note.* Path  $a$  is same regardless of outcome variable. Regression coefficients are unstandardized.

<sup>a</sup> Moderated model. <sup>b</sup> Unmoderated model. <sup>c</sup> Entered as covariate. No significant changes when not using covariate.

noted earlier, when using Info Source as a predictor, both age and gender were entered as covariates, and the sample was reduced to  $N = 161$  after removing participants who selected “other media sources” or “personal relationships” as their primary source of information about sexual offending. Results are presented in Table 10. I found that when using Could Breach scores ( $Y_1$ ) as the outcome variable, the model summary test was significant,  $F(6, 154) = 2.723, p = .015$ . This suggests that when controlling for age and gender, the relative direct effects of Info Source on Could Breach scores were significantly different from zero, independent of any potential effect of Info Source on Attitude.

Based on the specific relative direct effects, I found that Could Breach scores were significantly different for participants who primarily obtained their information

**Table 10**

*Relative Effects of Info Source on Breach Scores through Attitude*

INFO ( $X_2$ )		Could Breach ( $Y_1$ )					Should Breach ( $Y_2$ )				
Predictor	Path	$\beta$	SE	$t$	$p$	95% CI	$\beta$	SE	$t$	$p$	95% CI
Relative direct effects											
Constant	$i_Y$	.968	.125	7.724	< .0001	[.721, 1.22]	.056	.096	.588	.558	[-.133, .245]
$D_1$ (news)	$c'_1$	-.141	.071	-1.980	.050 <sup>b</sup>	[-.281, -.0003]	-.032	.048	-.672	.503	[-.127, .063]
$D_2$ (social media)	$c'_2$	-.213	.080	-2.676	.008 <sup>c</sup>	[-.370, -.056]	-.021	.057	-3.360	.719	[-.133, .092]
$D_3$ (education)	$c'_3$	-.115	.079	-1.459	.147	[-.270, .041]	-.075	.050	-1.50	.136	[-.175, .024]
$M$ (ATTSO)	$b$	-.077	.041	-1.885	.061	[-.158, .004]	.097	.034	2.829	.005	[.029, .165]
Age <sup>a</sup>	-	-.004	.002	-1.951	.053	[-.007, .0000]	-.002	.001	-2.205	.029	[-.005, -.0002]
Gender <sup>a</sup>	-	.067	.059	1.128	.261	[-.050, .183]	.047	.040	1.190	.236	[-.031, .126]
Model summary						$R^2 = .101$	$R^2 = .213$				
						$F(6, 154) = 2.723, p = .015^d$	$F(6, 154) = 7.405, p < .0001$				
Relative total effects											
Constant	$i_Y$	.805	.103	7.851	< .0001	[.602, 1.01]	.263	.064	4.391	< .0001	[.153, .404]
$D_1$ (news)	$c'_1$	-.185	.068	-2.712	.007 <sup>e</sup>	[-.320, -.050]	.024	.039	1.63	.105 <sup>h</sup>	[-.013, .140]
$D_2$ (social media)	$c'_2$	-.249	.077	-3.230	.002	[-.401, -.097]	.025	.054	1.125	.262 <sup>i</sup>	[-.046, .169]
$D_3$ (education)	$c'_3$	-.139	.077	-1.804	.073	[-.291, .013]	-.045	.047	-1.04	.918 <sup>j</sup>	[-.097, .087]

INFO ( $X_2$ )		Could Breach ( $Y_1$ )					Should Breach ( $Y_2$ )				
Predictor	Path	$\beta$	<i>SE</i>	<i>t</i>	<i>p</i>	95% CI	$\beta$	<i>SE</i>	<i>t</i>	<i>p</i>	95% CI
Age <sup>a</sup>	-	-.003	.002	-1.684	.094	[-.007, .0005]	-.003	.001	-3.050	.003	[-.005, -.001]
Gender <sup>a</sup>	-	.055	.048	1.138	.257	[-.040, .149]	.062	.046	1.368	.173	[-.028, .152]
Model summary		$R^2 = .079$ $F(5, 155) = 2.691, p = .023$ <sup>f</sup>					$R^2 = .166$ $F(5, 155) = 7.234, p < .0001$				
Predictor	Path	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI		$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI			
Relative indirect effects											
$D_1$ (news)	$a_1b$	-.044	.023	[-.092, -.0015] <sup>g</sup>		.056	.022	[.014, .099]			
$D_2$ (social media)	$a_2b$	-.036	.020	[-.079, -.0013] <sup>g</sup>		.046	.021	[.010, .090]			
$D_3$ (education)	$a_3b$	-.024	.017	[-.064, .002]		.031	.020	[.0002, .076]			

*Note.* Regression coefficients are unstandardized. Bootstrap  $N = 20,000$ . Continuous variables that define products (i.e.,  $M$  and  $W$ ) were mean-centered by PROCESS.

<sup>a</sup> Entered as covariate. <sup>b</sup> No covariates,  $p = .530$ ; gender only,  $p = .215$ ; age only,  $p = .130$ . <sup>c</sup> No covariates,  $p = .224$ ; gender only,  $p = .057$ ; age only,  $p = .028$ . <sup>d</sup> No covariates,  $p = .088$ ; gender only,  $p = .036$ ; age only,  $p = .023$ . <sup>e</sup> No covariates,  $p = .115$ ; gender only,  $p = .044$ ; age only,  $p = .020$ . <sup>f</sup> No covariates,  $p = .093$ ; gender only,  $p = .041$ ; age only,  $p = .05$ . <sup>g</sup> Only significant when controlling for both age and gender. <sup>h</sup> No covariates,  $p < .0001$ ; gender only,  $p = .099$ ; age only,  $p = .105$ . <sup>i</sup> No covariates,  $p < .0001$ ; gender only,  $p = .017$ ; age only,  $p = .262$ . <sup>j</sup> No covariates,  $p = .028$ ; gender only,  $p = .970$ ; age only,  $p = .918$ .

from social media relative to personal experience,  $t(75) = -2.676, p = .008, ab_{ps} = -.98$ . For participants who reported news as their primary source of information, the relative direct effect was on the verge of significance,  $t(88) = -1.980, p = .049, ab_{ps} = -.648$ , whereas the relative direct effect for education was not significant,  $t(63) = -1.459, p = .147$ . This suggests that individuals who learned about PCSOs primarily from social media were less likely than those with personal experience to report that the scenarios could result in a breach. The direct effect of news as a primary source of information requires further inquiry, but current results suggest that the effect may be similar to using social media. While examples were provided to help participants distinguish between news and social media sources when selecting their primary source of information, it is possible that the blurring of lines between actual news sources and the “news” obtained from social media sources could be confounding these results. Participants who learned about PCSOs from educational sources were no more likely than those with personal experience to report that the scenarios could result in a breach.

As can be seen in Table 10, the unmoderated simple mediation model with Info Source as a predictor had the largest number of differences associated with the use of covariates. When no covariates were used, the model summary test for the effect of Info Source on Could Breach scores was no longer significant ( $p = .093$ ), nor was the relative direct effect of social media on Could Breach scores ( $p = .224$ ). When only age was used as a covariate the model summary test was  $p = .05$  and the relative direct effect was  $p = .028$ ; when only gender was used,  $p = .041$  and  $p = .057$ , respectively. These findings suggest that participants’ likelihood of reporting the scenarios could result in a breach of the 161 Order may be dependent on their age and/or gender.

When using Should Breach scores ( $Y_2$ ) as the outcome variable and controlling for age, gender, and Attitude ( $M$ ), I found that the model summary test for the direct effect was significant,  $F(6, 154) = 7.405, p < .0001$ . However, the relative direct effects of Group on Should Breach scores were not significantly different from zero for those who primarily received their information about PCSOs from the news,  $t(88) = -0.672, p = .503$ , social media,  $t(75) = -0.360, p = .719$ , or education,  $t(64) = -1.50, p = .136$ , relative to those who obtained this information through personal experience. This outcome is similar to when using the model with Group as a predictor, which may not be surprising considering that the personal experience group is comprised entirely of clinical participants.

As with the previous model, the significant omnibus test allows me to conclude that Info Source does have a direct effect on Should Breach scores. I am unable to draw more specific conclusions, aside from the possibility that differences in the likelihood of reporting the scenarios should constitute a breach may exist between non-clinical participants' whose primary source of information was news, social media, or education. I did not find any significant changes associated with the use of covariates, suggesting that the direct effect of Info Source on Should Breach scores was not dependent on participants' age or gender.

### ***Indirect Effects of Info Source on Breach Scores through Attitude***

I used PROCESS to compute bootstrap 95% confidence intervals to test the unconditional indirect effect of Info Source on Breach scores through Attitude. Results are presented in Table 11. I found that the relative indirect effects of Info Source ( $X_2$ ) on Could Breach scores ( $Y_1$ ) through Attitude ( $M$ ) were significant for news,  $\beta = -0.044$ , CI

**Table 11**

*Relative Effects of Info Source on Breach Scores through Attitude Conditional on Degree of Support*

INFO ( $X_2$ )		Could Breach ( $Y_1$ )					Should Breach ( $Y_2$ )				
Predictor	Path	$\beta$	SE	$t$	$p$	95% CI	$\beta$	SE	$t$	$p$	95% CI
Relative direct effects											
Constant	$i_Y$	.718	.108	6.651	< .0001	[.505, .933]	.344	.072	4.775	< .0001	[.208, .486]
$D_1$ (news)	$c'_1$	-.078	.076	-1.025	.307	[-.229, .073]	-.063	.056	-1.133	.259	[-.173, .047]
$D_2$ (social media)	$c'_2$	-.156	.085	-1.836	.068	[-.324, .012]	-.071	.063	-1.125	.262	[-.196, .054]
$D_3$ (education)	$c'_3$	-.049	.086	-.575	.566	[-.219, .120]	-.114	.060	-1.913	.058 <sup>c</sup>	[-.232, .004]
$M$ (ATTSO)	$b_1$	-.064	.043	-1.496	.137	[-.149, .021]	.104	.036	2.896	.004	[.033, .175]
$W$ (Support)	$c'_4$	-.095	.060	-1.583	.116 <sup>b</sup>	[-.213, .024]	.055	.039	1.436	.153	[-.021, .132]
$D_1 \times W$	$c'_5$	.080	.079	1.004	.317	[-.077, .237]	-.091	.060	-1.511	.133	[-.210, .028]
$D_2 \times W$	$c'_6$	.119	.104	1.152	.251	[-.086, .324]	.065	.070	.927	.356	[-.074, .203]
$D_3 \times W$	$c'_7$	.075	.075	.988	.325	[-.075, .223]	-.060	.051	-1.173	.243	[-.161, .041]
$M \times W$	$b_2$	-.019	.050	-.370	.712	[-.118, .081]	.019	.423	.445	.657	[-.065, .103]
Age <sup>a</sup>	-	-.003	.002	-1.787	.076	[-.007, .0003]	-.0027	.001	-2.444	.016	[-.005, -.0005]
Gender <sup>a</sup>	-	.063	.057	1.095	.275	[-.051, .176]	.039	.043	.909	.365	[-.046, .125]
Model summary				$R^2 = .124$			$R^2 = .261$				
				$F(11, 149) = 1.707, p = .077$			$F(11, 149) = 4.634, p < .0001$				

INFO ( $X_2$ )			Could Breach ( $Y_1$ )			Should Breach ( $Y_2$ )		
Tests of highest order unconditional interactions <sup>d</sup>								
$X*W$			$\Delta R^2 = .012$ $F(3, 149) = 0.519, p = .670$			$\Delta R^2 = .042$ $F(3, 149) = 2.295, p = .080$		
$M*W$			$\Delta R^2 = .0008$ $F(1, 149) = 0.137, p = .712$			$\Delta R^2 = .001$ $F(1, 149) = 0.198, p = .657$		
Predictor	Path	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI	$\beta$	Bootstrap <i>SE</i>	Bootstrap 95% CI	
Index of moderated mediation <sup>e</sup>								
$D_1$ (news)	$a_1b_2$	-.011	.029	[-.068, .049]	.011	.022	[-.034, .055]	
$D_2$ (social media)	$a_2b_2$	-.009	.024	[-.059, .040]	.009	.018	[-.028, .046]	
$D_3$ (education)	$a_3b_2$	-.006	.017	[-.044, .029]	.006	.013	[-.018, .038]	

Note. Regression coefficients are unstandardized. Bootstrap  $N = 20,000$ .

<sup>a</sup> Entered as covariate. <sup>b</sup> Without covariates,  $p = .043$ . <sup>c</sup> Without covariates,  $p = .692$ . <sup>d</sup> Tests moderation of relative direct effects. <sup>e</sup> Tests moderation of relative indirect effects.

= [-.092, -.002], and social media,  $\beta = -0.036$ , CI = [-.079, -.001], but not for education,  $\beta = -.024$ , CI = [-.064, .002]. These results suggest that among participants who reported obtaining their information about sexual offending from the news or social media (relative to personal experience), Attitude functioned as one possible mechanism through which participants' primary source of information decreased their likelihood of reporting that the scenarios could result in a breach. In contrast, those who obtained this information primarily from educational sources did not have significantly different Could Breach scores compared to participants who reported receiving this information through personal experience.

The indirect effects for news and social media were no longer significant when one or both of the covariates were removed. This suggests that differences in Could Breach scores associated with the effect of Info Source on Attitudes may be better explained by age and/or gender as opposed to primary source of information about sexual offending.

When using Should Breach scores ( $Y_2$ ) as the outcome variable, the bootstrap 95% confidence intervals indicated that the relative indirect effects of Info Source on Should Breach scores were significant for news,  $\beta = 0.056$ , CI = [.014, .099], social media,  $\beta = 0.046$ , CI = [.010, .090], and education,  $\beta = 0.031$ , CI = [.0002, .093], although the confidence interval for education appears to barely have reached significance. These results suggest that compared to participants who primarily obtained their information about sexual offending from personal experience, those who received this information from any of the other sources of information were more likely to report that the scenarios should constitute a breach, and the effect of Info Source on Attitude

indicates this may be at least one of the possible mechanisms underlying this effect.

Unlike the indirect effect of Info Source on Could Breach scores, these results were not associated with the use of covariates, suggesting that the effect of Info Source on Should Breach scores through Attitude is not dependent on differences in age and/or gender.

See Figure 9 for a visual display of the estimated regression coefficients for the unconditional direct and indirect effects of Info Source on Breach scores through Attitude.

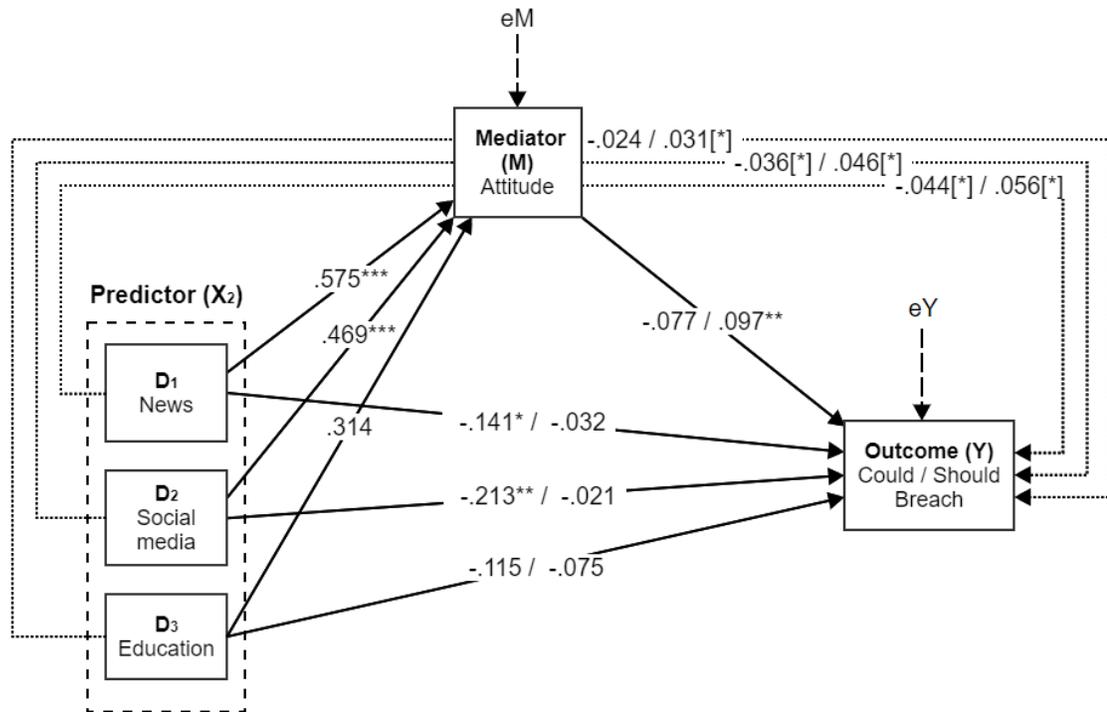
### ***Conditional Effects of Info Source on Breach Scores through Attitude***

I found that when using Could Breach scores ( $Y_1$ ) as the outcome variable, the interaction between Info Source and Degree of Support ( $X_2 * W$ ) was not significant,  $F(3, 149) = 0.519, p = .670$ , nor was the interaction between Attitude and Degree of Support ( $M * W$ ),  $F(1, 149) = 0.137, p = .712$ . This suggests that the relative direct and indirect effects of Info Source on Could Breach scores were not conditional on participants' Degree of Support for the 161 Order. When using Should Breach scores as the outcome variable, the interaction between Info Source and Degree of Support was also not significant,  $F(3, 149) = 2.295, p = .08$ , nor was the interaction between Attitude and Degree of Support,  $F(1, 149) = 0.198, p = .657$ . These non-significant interactions indicate that the direct and indirect effects for both Could Breach and Should Breach scores were not linearly dependent on participants' Degree of Support. Consequently, I did not probe the results.

See Figure 10 for a visual display of the estimated regression coefficients for the direct and indirect effects of Info Source on Breach scores through Attitude conditional on Degree of Support.

**Figure 9**

*Coefficients for Simple Mediation Model with Info Source as Predictor*



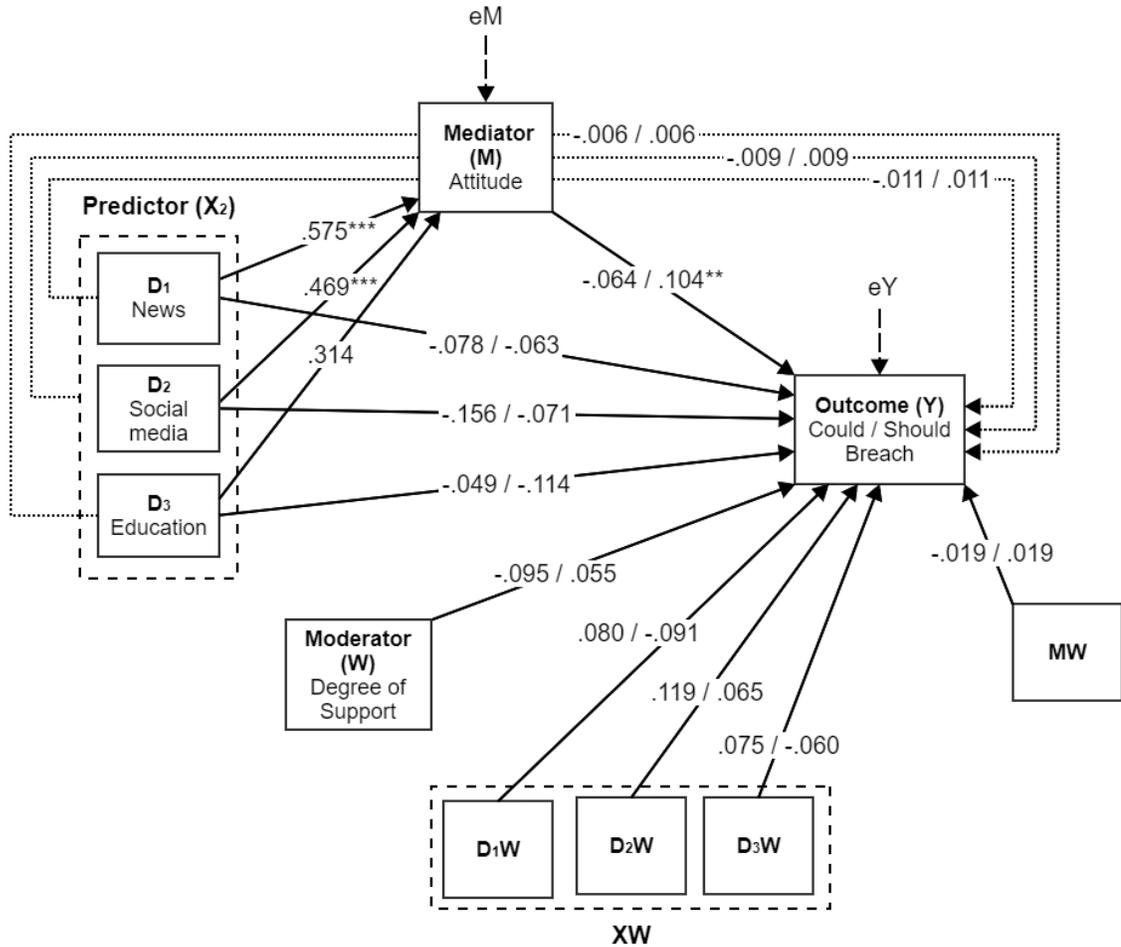
*Note.* Regression coefficients are unstandardized. Dotted pathways represent indirect effects. Coefficients are for Could Breach model / Should Breach model. Controlling for gender and age.

\* $p = .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ . [\*]Bootstrap 95% confidence intervals do not contain zero.

**Individual Pathways in Indirect Effect.** When controlling for age and gender, the first half of the mediation process ( $X$  on  $M$ ) was significant for participants whose primary source of information was news,  $t(88) = 4.715$ ,  $p < .0001$ , or social media,  $t(75) = 3.90$ ,  $p = .0001$ . This indicates that participants who obtained their information about sexual offending primarily from the news or social media, relative to participants who reported learning this information through personal experience, had more negative attitudes toward the treatment of PCSOs. In contrast, those who primarily obtained this

**Figure 10**

*Coefficients for Moderated Mediation Model using Info Source as Predictor*



*Note.* Regression coefficients are unstandardized. Dotted pathways represent indirect effects. Coefficients are for Could Breach model / Should Breach model. Controlling for gender and age.

\*\*  $p < .01$ , \*\*\*  $p < .001$

information from educational sources did not have significantly different attitudes than participants who reported personal experience,  $t(64) = 1.889, p = .061$ . However, with no covariates, or when controlling only for gender, the effect of education on Attitude became highly significant ( $p < .0001$ ); this effect was also significant when only controlling for age ( $p = .005$ ). This suggests that the effect of having education as a

primary source of information (relative to personal experience) on participants' attitudes toward the treatment of PCSOs may be dependent on age and/or gender. With the exception of the intercept, these results are the same for both the moderated and unmoderated models (results and both intercept values are reported in Table 12).

In the second stage of the mediation process ( $M$  on  $Y_2$ ), the effect of Attitude on Should Breach scores was significant for both the unmoderated model,  $t(160) = 2.829$ ,  $p = .005$ , and the moderated model,  $t(160) = 2.896$ ,  $p = .004$ . This suggests that more negative attitudes toward the treatment of PCSOs was associated with a higher likelihood of reporting the scenarios should constitute a breach. I did not find any changes in significance associated with the use of covariates, indicating that the effect of Attitude on Should Breach scores did not appear to be dependent on participants' age or gender.

### **Exploratory Questions and Analyses**

#### ***Correlations between Demographic Factors and Breach Scores***

I hypothesized that among participants in the non-clinical groups, gender, education, and parental status would be associated with differences in Should Breach but not Could Breach scores. I did not expect these factors to be significantly related to Could or Should Breach scores in the clinical group. I also examined the correlations between Breach scores and age, forensic school/work/volunteer experience, political views, history of sexual abuse, and exposure to information about sexual offences for both the clinical and non-clinical groups, but did not propose any hypotheses about these factors. Pearson's correlations are reported in Table 13.

When computing correlations exclusively for the clinical group, Could Breach scores had a significant negative correlation with prior forensic, school, work, or

**Table 12***Direct Effects of Info Source on Attitude*

INFO ( $X_2$ )	Attitude ( $M$ )						
	Predictor	Path	$\beta$	$SE$	$t$	$p$	95% CI
Direct effects of Info Source on Attitude							
Constant <sup>a</sup>	$i_M$	-.291	.158	-1.848	.067 <sup>d</sup>		[-.603, .020]
Constant <sup>b</sup>	$i_M$	2.124	.158	13.467	< .0001		[1.81, 2.44]
$D_1$ (news)	$a_1$	.575	.122	4.715	< .0001		[.334, .816]
$D_2$ (social media)	$a_2$	.469	.120	3.90	.0001		[.231, .707]
$D_3$ (education)	$a_3$	.314	.167	1.889	.061 <sup>e</sup>		[-.014, .643]
Age <sup>c</sup>	-	-.006	.003	-1.874	.063		[-.011, .0003]
Gender <sup>c</sup>	-	.155	.136	1.134	.259		[-.115, .424]
Model summary					$R^2 = .386$		
					$F(5, 155) = 29.775, p < .0001$		

*Note.* Path  $a$  is the same regardless of outcome variable used. Regression coefficients are unstandardized.

<sup>a</sup> Moderated model. <sup>b</sup> Unmoderated model. <sup>c</sup> Entered as covariate. <sup>d</sup> Without covariates,  $p < .0001$ ; age only,  $p = .115$ ; gender only,  $p < .0001$ . <sup>e</sup> Without covariates,  $p < .0001$ ; age only,  $p = .005$ ; gender only,  $p < .0001$ .

volunteer experience,  $r = -.352, p = .028$ , and a significant positive correlation with amount of exposure to information about sexual offending,  $r = .387, p = .015$ . These results suggest that clinical participants who had some form of forensic school/work/volunteer experience were less likely to report that the scenarios could constitute a breach, and those with more overall exposure to information about sexual offending (from all sources of information) were more likely to report that the scenarios could constitute a breach. The only significant correlation for Should Breach scores among the clinical group was a negative correlation with political views,  $r = -.386$ ,

**Table 13**

*Correlations between Demographics and Breach Scores for Clinical and Non-Clinical Samples*

Variable	1	2	3	4	5	6	7	8	9	10
1. Could breach <sup>a</sup>	–	.219*	.065	.115	-.089	-.085	.163	.076	.101	-.036
2. Should breach <sup>a</sup>	-.055	–	.084	-.197*	.002	-.160	-.151	-.233*	-.059	-.111
3. Gender <sup>b</sup>	e	e	–	.000	.031	.002	.091	.247**	.086	.075
4. Education <sup>c</sup>	.247	-.173	e	–	.109	.463**	.084	.209*	.067	.046
5. Parent <sup>a</sup>	-.147	-.240	e	.043	–	.696**	.159	-.171	-.105	.054
6. Age	-.106	-.097	e	-.012	.246	–	.119	.065	-.080	.041
7. Abused <sup>a</sup>	-.088	-.248	e	-.190	-.137	.047	–	.218*	.136	.197*
8. Political <sup>d</sup>	.133	-.386*	e	.366*	-.066	-.147	.010	–	.020	-.020
9. Forensic <sup>a</sup>	-.352*	-.007	e	.133	.253	.375*	.062	.029	–	.311**
10. Exposure	.387*	.004	e	.306	-.075	-.013	-.047	.347	.018	–

*Note.* Results for clinical sample ( $n = 39$ ) are shown below the diagonal. Results for combined non-clinical samples ( $n = 136$ ) are shown above the diagonal. Forensic refers to study, work, or volunteer experience in this field. Exposure refers to amount of exposure to information about sexual offences from all sources.

<sup>a</sup> 0 = no and 1 = yes. <sup>b</sup> 0 = male and 1 = female. <sup>c</sup> higher = more formal education (refers to level of education, not education as primary source of information. <sup>d</sup> higher = more liberal. <sup>e</sup> unable to compute since clinical sample was all male.

\*  $p < .05$ . \*\*  $p < .01$ .

$p = .029$ , suggesting that clinical participants with more liberal political views were less likely to report that the scenarios should result in a breach.

Among the combined non-clinical samples, Could Breach scores were not significantly correlated with any demographic variables, although they were positively associated with Should Breach scores,  $r = .219$ ,  $p = .01$ . This suggests that non-clinical participants who reported that the scenarios could constitute a breach of the 161 Order were also more likely to report that the scenarios should result in a breach. Should Breach

scores had a significant negative correlation with both level of education,  $r = -.197$ ,  $p = .022$ , and political views,  $r = -.233$ ,  $p = .011$ , suggesting that non-clinical participants with higher levels of education and/or more liberal political views were less likely to report the scenarios should constitute a breach.

Overall, these results provide partial support for my exploratory hypotheses, specifically regarding: (1) the lack of association between Breach scores and gender, education, and parental status in the clinical group; (2) the lack of association between Could Breach scores and these demographic factors in the non-clinical groups; and (3) the significant positive association between level of education and Should Breach scores in the non-clinical groups. My prediction that Should Breach scores would be impacted by gender and parental status among non-clinical participants was not supported.

### ***Personal Impact of 161 Order Conditions***

Clinical participants had been subject to the 161 Order conditions for an average of three years at the time of the study, ranging from as little as two months to 19 years. The total length of their Order (i.e., the number of years they were required to follow the conditions) ranged from 1.5 years to life, with the most common length being 10 years (45.9%), followed by 5 years (16.2%), life (13.5%), 20 years (10.8%), less than five years (8.1%), and 15 years (5.4%). Table 14 provides a descriptive summary of clinical participants' personal experiences with the 161 Order.

Overall, clinical participants had the most positive feelings about Condition (a.1) ( $M = 60.26$ ,  $SD = 28.62$ ; 0 = very negative, 50 = neither negative nor positive, 100 = very positive), which prohibits being within a certain distance of the victim's home. This was the only condition for which participants reported more positive than negative feelings.

**Table 14***Personal Impact of 161 Order*

	<i>M</i>	<i>SD</i>
Years on 161 Order at time of study	2.95	41.28
Total length of 161 Order (years)	9.1	5.07
How do you feel about each condition overall? <sup>a</sup>		
Condition (a)	26.32	22.11
Condition (a.1)	60.26	28.62
Condition (b)	41.05	27.68
Condition (c)	29.61	26.72
Condition (d)	26.05	29.64
How much has the 161 Order impacted <sup>b</sup> ...		
Finding suitable employment	60.66	36.84
Finding appropriate housing	34.86	40.32
Establishing social supports in community	58.38	32.10
Successfully reintegrating into the community	55.41	31.94
How does 161 Order impact your risk of committing <sup>c</sup> ...		
Sexual offence	3.74	1.18
Non-sexual offence	3.92	.850
Technical violation (e.g., breach)	4.97	2.02

<sup>a</sup> 0 = very negative, 50 = neither negative or positive, and 100 = very positive. <sup>b</sup> 0 = no impact, 50 = moderate impact, and 100 = extreme impact. <sup>c</sup> Max score = 7; < 4 = decreases risk, 4 = neither decreases nor increases, and > 4 = increases risk.

Condition (b), which prohibits working or volunteering in a position of power over someone under age 16, was perceived as being slightly more negative than neutral ( $M = 41.05$ ,  $SD = 27.68$ ), while the remaining conditions were all perceived more negatively. Condition (c), prohibiting any means of communication with people under age 16, was felt to be only slightly less negative ( $M = 29.61$ ,  $SD = 26.72$ ) than Condition (a),

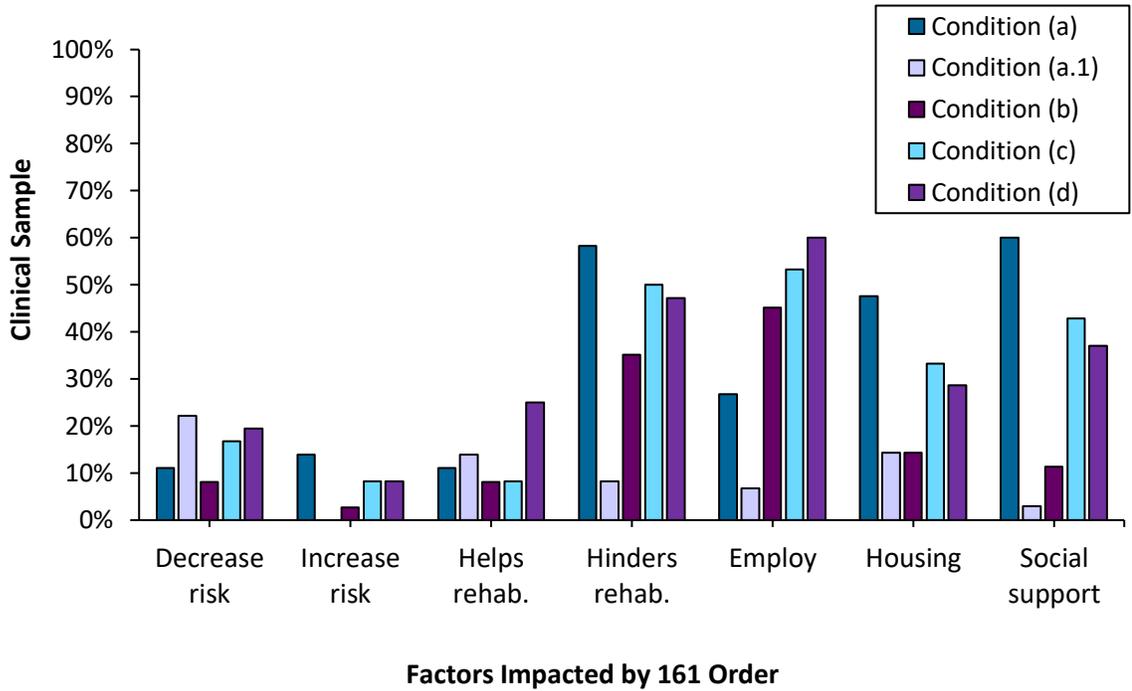
prohibiting attendance at public parks and swimming areas where children under 16 are reasonably expected to be ( $M = 26.32$ ,  $SD = 22.11$ ), and Condition (d), prohibiting Internet use ( $M = 26.05$ ,  $SD = 29.64$ ).

Participants reported that the 161 Order conditions had the greatest impact on finding suitable employment ( $M = 60.66$ ,  $SD = 36.84$ ), followed closely by establishing social supports ( $M = 58.38$ ,  $SD = 32.10$ ) and successfully reintegrating into the community ( $M = 55.41$ ,  $SD = 31.94$ ). The 161 Order was reported as having the least impact on participants' ability to find finding appropriate housing ( $M = 34.86$ ,  $SD = 40.32$ ). Regarding the efficacy of the 161 Order at reducing the risk of (re)offending, the majority of participants felt the Order neither increased nor decreased their risk of committing a sexual reoffence ( $M = 3.74$ ,  $SD = 1.18$ ; max score = 7;  $< 4$  = decreases risk,  $4$  = no impact, and  $> 4$  = increases risk) or a non-sexual offence ( $M = 3.92$ ,  $SD = .850$ ). In contrast, participants reported that the Order slightly increased their risk of committing a technical violation, such as a breach of their conditions ( $M = 4.97$ ,  $SD = 2.02$ ).

Figure 11 shows the specific conditions that participants identified as having a particularly strong impact on these factors, and on their perceived risk of reoffending. It is notable that Condition (a.1) was rarely associated with increased difficulties in these areas, and was most commonly identified as having the greatest impact on preventing reoffending, and as being the condition most helpful for rehabilitation. In contrast, Condition (a) was most commonly identified as having the greatest impact on multiple reintegration factors, and was considered most likely to increase the risk of reoffending. Interestingly, Condition (d) was most commonly identified as being helpful for rehabilitation/reintegration, despite also being perceived most negatively overall.

**Figure 11**

*Personal Impact of 161 Order Conditions*



**Discussion**

I sought to explore possible inconsistencies in how the conditions on Canada’s 161 Order were interpreted and enforced by different individuals, and whether these inconsistencies could be at least partially explained by group membership, primary source of information about sexual offending, attitudes toward the treatment of PCSOs, or support for the 161 Order. I also examined the influence of demographic factors on participants’ legal decision-making. Finally, I explored the subjective impact of the 161 Order conditions on factors related to community reintegration and recidivism, in order to provide the first available evidence on possible collateral consequences associated with the use of this management strategy. The research questions, hypotheses, and analyses are reiterated in Table 15, along with a brief overview of the supporting evidence.

**Table 15**

*Summary of Questions, Hypotheses, Analyses, and Results*

Research Questions	Hypotheses	Analyses	Results
Q1. Do inconsistencies exist between study groups regarding their interpretation and enforcement of the 161 Order?	H1. No significant between-group differences will exist on the Could Breach score (H1a), but significant between-group differences will exist on the Should Breach score (H1b).	Regression analysis as part of unmoderated simple mediation model to test relative unconditional direct effects, independent of indirect effect of <i>X</i> through <i>M</i> .	H1: Supported  Direct effect of Group on Could Breach was not significant. For Should Breach, omnibus direct effect was significant, but relative direct effects were not.
Q2. Are between-group differences on Should Breach scores mediated by attitudes toward the treatment of PCSOs; and is this effect conditional on support for the 161 Order?	H2. Between-group differences will be mediated by attitudes toward PCSOs (H2a); the strength of these effects will be moderated by participants' support for the 161 Order (H2b).	H2a. Simple unmoderated mediation analysis with one mediator ( <i>M</i> ) to test unconditional indirect effect.  H2b. Moderated simple mediation with one mediator ( <i>M</i> ) and one moderator ( <i>W</i> ) to test the relative conditional direct and indirect effects.	H2a: Partially supported  When controlling for gender, the indirect effect of Group on Could Breach through Attitude was significant. The indirect effect of Group on Should Breach through Attitude was significant regardless of whether the covariate was used.  H2b: Not supported  None of the moderated pathways were significant.

Research Questions	Hypotheses	Analyses	Results
Q3. Does primary source of information about sex offending have an effect on Breach scores?	Formulated post hoc to address issue with model design. Model coefficients were examined but did not test a formal hypothesis.	All of the analyses reported above, but using Info Source ( $X_2$ ) rather than Group ( $X_1$ ) as the predictor.	When controlling for age and gender, direct and indirect effects of Info Source on Could Breach were significant for news and social media but not education. Direct effects of Info Source on Should Breach were not significant, but indirect effects through Attitude were significant for all Info Sources. These effects were independent of covariates.
EQ1. Are demographic characteristics associated with differences on Could Breach and/or Should Breach scores?	EH1: In GP and UG groups, gender, education, and parental status will be associated with differences in Should but not Could Breach scores. These factors will not impact scores in PCSOC group.	Correlations between demographic factors and participants' Could Breach and Should Breach scores.	EH1: Partially supported  In the GP & UG groups, Could Breach was unrelated to these factors, whereas Should Breach was associated with level of education, but not gender or parental status. These factors did not impact the clinical group.
EQ2. How do people under a 161 Order feel about the conditions and how they have impacted their lives?	Not applicable	Univariate parametric analyses (e.g., mean, standard deviation).	Condition (a) and Condition (d) were perceived most negatively. 161 Order had greatest impact on establishing social supports and finding employment.

### **Ambiguity of Conditions**

Anecdotal evidence obtained from group therapy sessions with SBC outpatients prior to conducting the study indicated that Condition (a) was perceived as being especially problematic, largely because the definition of “public park” was overly vague and allowed for too much personal discretion by law enforcement officers. This was supported by the current results, as the three scenarios that involved a “public park” of some sort (i.e., highway rest stop, adults-only park, and beer tent at Mooney’s Bay) showed considerable inconsistencies both within and between-groups with regard to whether they believed the scenario *could* constitute a breach of the 161 Order. This may relate to their personal experiences with the conditions, either having been breached themselves in a similar situation, or hearing from other patients who have had these experiences.

Participants also appeared to be divided regarding whether the use of a patient registration kiosk at a walk-in clinic could constitute a breach. This scenario was used to probe the aspect of Condition (d) that prohibits the use of “other digital networks”, another phrase on the 161 Order that exceedingly vague, especially considering the pervasiveness of technology in our current society. The Internet prohibition was only introduced in 2012 (*Safe Streets and Communities Act*), yet due to the wide-range of technological advances in the past eight years, the meaning of a digital network (and the implications associated with banning their use) may be different than it was when this condition was first implemented. Despite this, individuals who are under a 161 Order remain subject to whatever interpretation of this condition an officer chooses to enforce.

Among the clinical participants specifically, there were four scenarios for which approximately half of the sample (between 40% to 60%) disagreed on whether the scenario *could* constitute a breach (i.e., using a highway rest stop, using a patient registration kiosk at a walk-in clinic, riding the bus, and using a McDonald's drive-thru). Since this question was based on the letter of the law – a law that all of these participants were subject to at the time of the study – this variation in responses indicates that even the individuals who must follow these conditions do not necessarily have the same interpretation of the actions and behaviours they prohibit. These findings are in line with past research indicating that individuals may have difficulty understanding and subsequently adhering to the conditions imposed on them by the SOR (Levenson et al., 2007; Powell et al., 2014). Moreover, these four scenarios described basic everyday activities, ones in which people may need to engage in in order to facilitate their reintegration into the community (e.g., individuals who do not have access to a car when released from incarceration may need to ride the bus to work).

The possibility that a person could be breached and potentially reincarcerated for engaging in these seemingly innocuous behaviours seems likely to hinder their ability to successfully re-establish their lives in the community. Considering the importance of reintegration in preventing future offending (Griffiths et al., 2007; Willis & Grace, 2009), the ambiguous and imprecise nature of these conditions may render them more detrimental than beneficial (both for public safety and for the individuals themselves). The current results are in line with past research suggesting that certain legal conditions can be barriers to desistance if they are found to hinder access to basic human needs (Willis et al., 2010).

### *A Discretionary and Flexible Order*

The 161 Order was intentionally created to be discretionary and flexible, in order to allow for implementation of individualized Orders that best suit the specific person and offence (*R. v. Heywood*, 1994). Importantly, this discretion is intended to be on behalf of the judges responsible for sentencing these individuals, not the police officers who subsequently enforce these judicial orders. This is evidenced by the fact that the 161 Order has been described as a tool that sentencing judges can use to protect public safety, without imposing unnecessary restrictions on personal liberty (*R. v. K.R.J.*, 2016). Considering the heterogeneity of PCSOCs, this flexibility would likely be very beneficial if used as originally intended (i.e., to tailor the conditions to be most relevant for each individual situation). However, it seems likely that the efficacy of this judicial tool is at least somewhat dependent on the Court's decision to actually exercise this discretion.

Cases in which people are prohibited from engaging in behaviours unrelated to their offences, such as imposing Condition (d) on people with contact offences (see *R. v. Brar*, 2016) or Condition (a) on people with Internet offences (see *R. v. Levin*, 2015), indicate that the specific conditions included in a 161 Order do not always account for individual differences. Whether this is due to an overburdened court system, a failure to recognize that the 161 Order is intended to be tailored by judges at the time of sentencing, continued misunderstandings regarding the nature of sexual offences against children, or some other factor or combination thereof, the amount of personal discretion that is provided to police officers as a result of using these untailored 161 Orders should not be acceptable.

The current study asked participants to determine whether a number of everyday activities could and/or should constitute a breach based on the standard version of the 161 Order. Results suggest that the potential for personal discretion is high when using this version of the 161 Order to make objective and subjective decisions regarding the enforcement of these conditions. Interestingly, Canada's void for vagueness doctrine (*s. 7 of the Charter of Rights and Freedoms*) states that, "In a criminal context, a statutory provision must afford citizens fair notice of the consequences of their conduct and it must limit the discretion of those charged with its enforcement. A provision that fails to satisfy these essential requirements is void for vagueness" (*R. v. Levkovic*, 2013, para. 1). If multiple individuals who are subject to the 161 Order cannot agree on the legality of certain behaviours, this suggests that at least some of these conditions have the potential to be void for vagueness. As such, a re-examination of the 161 Order conditions appears warranted.

Furthermore, it is unreasonable to expect that an individual could be aware that opening their front door in response to a knock could result in legal consequences, yet this particular scenario was based on a real case that resulted in reincarceration. While cases like this may seem rare, the reality is that we do not know how these conditions are actually enforced. Moreover, the fact that a situation such as this is even possible in a fair and just society should raise serious concerns regarding the potential misuse of the 161 Order conditions.

### ***Judicial Interpretations of the 161 Order***

While empirical research on the 161 Order is not currently available, there have been a number of appeals and Supreme Court cases which, when considered together,

demonstrate that inconsistencies in the interpretation and enforcement of these conditions are not simply theoretical. One of the reasons provided by the Court when determining s. 179(1)(b) to be a *Charter* violation was that, "it is overly broad in its geographical scope embracing as it does all public parks and beaches no matter how remote and devoid of children they may be" (*R. v. Heywood*, 1994, Absence of Notice section, para. 2).

Considering this is the case law on which the 161 Order was predicated, the multiple appeals contesting the enforcement of Condition (a), specifically due to issues of ambiguity, should raise concerns about the constitutionality of this condition. These cases highlight that the geographical areas prohibited by the 161 Order are not always as well-defined as originally anticipated, and that even judicial officials do not necessarily agree on the correct interpretation of seemingly basic terminology. This is particularly relevant in light of the current study, which found that Condition (a) was associated with inconsistent interpretations, and was also reported as having the most negative impact on community reintegration.

In *R. v. Lachapelle* (2008), a man was charged under section 161(a) for visiting a travelling circus located on a privately owned field; he was later acquitted when the trial judge ruled that the field did not constitute a public park or playground. The Crown appealed this decision, arguing that it was the nature of the ongoing activities, rather than the location itself, that was most relevant to its consideration as a park or playground. The judge dismissed the appeal, stating that the Crown's proposed interpretation would introduce an unacceptable level of vagueness and inconsistency to the enforcement of this condition, rather than providing the intended "uncontroversial" understanding of what constitutes a public park or playground. Moreover, the judge asserted that:

It was not the intention of Parliament to prevent a pedophile from attending at all events involving some element of recreation or play where children may be present. It is the specific location that determines whether or not the offence has been committed, not the nature of the activity occurring at the time (*R. v. Lachapelle*, 2008, para. 31).

A year later, in *R. v. Perron* (2009), a man was convicted under section 161(a) for working a booth at the “Super Ex”, as the judge determined that this fair, which was located on a large slab of pavement, constituted a public park. Upon appeal, the defence cited *R. v. Lachapelle* (2008), arguing that the definition of a park should be determined by its geographical landscape (i.e., public green space), as opposed to its primary purpose. The Court disagreed, upholding the conviction on the basis that the defining characteristic of a public park is in fact its recreational purpose, not its physical or geographical features. In this decision, the judge noted that he agreed with the decision in *R. v. Lachapelle* (2008), if the basis for this decision was that the travelling carnival was located in a privately owned field (i.e., an area not primarily intended for recreation), but not if it was based on the belief that the purpose of a space is irrelevant to its consideration as a public park.

“Public park” is not the only potentially ambiguous terminology used in the 161 Order. In *R. v. Allaby* (2017), a man attended a library that, unbeknownst to him, was located inside of a building deemed to be a “community centre”. In his defence, he stated that he had previously lived in a different province and had been granted permission by his parole officer to visit a library, despite being subject to both parole and the 161 Order conditions; as a result, he believed that a library was distinct from a community centre. The trial judge determined that since the legal terminology was ambiguous, the judicial

interpretation must favour the accused, as per the ruling in *R. v. McIntosh* (1995). Upon appeal, however, the case resulted in a conviction, with the judge declaring that:

The term community centre as it applies to orders protecting children must be given an expansive meaning. As a matter of common sense, children partake in social, recreational or educational activities at various locations including places that are open to the public or community and where the children are invited to attend for such activities. Places hosting such activities need not be explicitly designated community centres. (*R. v. Allaby*, 2017, para. 37).

This judicial interpretation of Condition (a) is in stark contrast to the statement from *R. v. Lachapelle* (2008) cited above. Moreover, such a broad application of this condition seems to undermine what was originally perceived as one of the major benefits of the 161 Order, specifically the narrowing of s. 179(1)(b) to address the issues of overbreadth that led this previous legislation to be ruled unconstitutional.

Condition (a) is not the only prohibition that has raised issues regarding ambiguity and overbreadth. While the primary issue in *R. v. K.R.J.* (2016) involved the retroactive application of Conditions (c) and (d), the following dissenting opinion highlights inconsistencies regarding the interpretation of the term “contact” used in Condition (c):

More to the point, the majority’s suggestion that merely “moving about” in a public space where children are present constitutes or risks “contact” represents a strained interpretation of the scope of the restriction on contact, and is directly at odds with the well-established principle that the criminal law’s prohibitions on conduct should be construed strictly: *R. v. McIntosh*, [1995] 1 S.C.R. 686, at paras. 38-39, per Lamer C.J. (*R. v. K.R.J.*, 2016, para. 152).

### **Subjective Enforcement of 161 Order Conditions**

The question of whether inconsistencies exist in the enforcement of the 161 Order conditions is well-demonstrated in Figure 5. For most scenarios, considerable discrepancies exist between the number of individuals reporting that the behaviour could constitute a breach, and the number reporting that this behaviour should actually result in

a breach of the 161 Order. This was true for both the clinical and non-clinical groups. Moreover, regardless of group membership or the specific scenario, the rate at which participants reported that scenarios could constitute a breach was always higher than the rate at which they reported it should constitute a breach. Among the total sample, there was only one scenario for which the majority of participants reported that the behaviour both could and should result in a breach, and this involved attending a job fair located within a community centre. I would speculate that the high consistency between could and should breach scores for this scenario may relate to the fact that community centres are explicitly prohibited in Condition (a), and are more clearly defined than a public park, thus removing the ambiguity and limiting the potential for personal discretion.

Based on these findings, and what has previously been established regarding the stigma that exists against PCSOs (Mingus & Burchfield, 2012; Uggen et al., 2004), it seems possible that the 161 Order has the *potential* to be used as a means of further punishing or unjustly reincarcerating these individuals. The large discrepancy among non-clinical samples regarding the likelihood of reporting the scenarios could versus should result in a breach suggests that it is not only PCSOCs who consider the application of certain conditions to be inappropriate or ineffective. Since public opinion has been found to have an unduly large impact on policy-related decisions (Levenson, 2018), I believe it would be beneficial for Canadian policy-makers to be aware that members of the general public may not actually support the use of these conditions (at least in their current form), particularly if they are educated on the true costs and benefits of using community management strategies to prevent sexual offences.

The relatively low rate at which participants reported the scenarios should constitute a breach, even among the non-clinical samples, should be considered in light of the fact that many of these participants were likely unaware of the existence or extent of potential collateral consequences associated with the use of community management strategies for PCSOs. As such, the likelihood of reporting that the scenarios should result in a breach may be even lower if individuals were informed about the costs and benefits of these strategies. Future research involving an experimental design to assess the impact of this information on participants' enforcement of the 161 Order conditions may be valuable.

It has been found that US politicians obtain the majority of their information on PCSOs from media sources (Sample & Kadleck, 2008), which are known to prioritize reporting of the most shocking and least common types of sexual offences against children (i.e., those involving stranger victims, abductions, and/or murder; Pratt, 2007). Moreover, individuals who commit these offences are typically depicted by the media as untreatable and essentially guaranteed to reoffend (Brown, 2009; Gakhal & Brown, 2011). Presumably, Canadian politicians with the power to change the 161 Order, as well as the police officers who enforce it, are also exposed to these stereotypical and often horrific media depictions of PCSOs. Indeed, Canadians have been found to have more stereotypical perceptions of this population than Americans, possibly due to higher rates of viewing crime-related television shows (Allison et al., 2013).

The possibility that policy-related and enforcement decisions regarding the 161 Order could be influenced by stereotypical media depictions is concerning, particularly in light of the current findings suggesting that negative attitudes toward the treatment of

PCSOs may influence the likelihood of reporting that certain activities should result in a breach. In addition to stereotypical media depictions, it is possible that police officers could have more negative attitudes toward the treatment of PCSOs, due to the fact that they are often only familiar with the small number of individuals who sexually reoffend, and not the larger portion of this population who return to society without further incident (since people are rarely eager to advertise that they used to be a “sex offender”).

### **The Role of Attitudes and Support for the 161 Order**

While the moderated mediation models including both attitudes and support for the 161 Order were not significant, the current findings provide relatively strong support for the assertion that differences in attitudes toward the treatment of PCSOs can be at least partially attributed to differences in group membership (i.e., clinical versus non-clinical) and/or primary sources of information about sexual offending (i.e., news, social media, or education versus personal experience).

#### ***Attitudes Toward the Treatment of PCSOs***

**Group Membership.** Among the study groups, undergraduate students had the highest (i.e., most negative) mean score on the measure of attitudes toward the treatment of PCSOs, and the highest rate of reporting that the scenarios should result in a breach of the 161 Order (although no tests were conducted to compare the two non-clinical groups). These findings are supported by past research indicating that undergraduate students believed the rate of recidivism among PCSOs to be between 40% to 59% (Olver & Barlow, 2010), which is considerably higher than the true rate of reoffending. The general public group also showed more negative attitudes toward the treatment of PCSOs compared to the clinical group, which is similar to previous research indicating that

community members believe treatment for PCSOs will be ineffective (Levenson et al., 2007; Sandler et al., 2008). Past research has also found that individuals' attitudes toward the treatment of PCSOs differed between students in various fields of study, community members (Gakhal & Brown, 2011; Willis et al., 2010), and individuals charged or convicted of sexual offences (Hogue, 1993).

**Primary Source of Information.** Among the total sample, news sources were the most commonly reported means of obtaining information about sexual offending. Relative to individuals who reported personal experience as their primary source of information, those who obtained this information from news sources were found to have the most negative attitudes toward the treatment of PCSOs. Correlational data also shows that these individuals were more likely to be supportive of the 161 Order. These findings are similar to past research indicating that the media is the most common source of information about the criminal justice system – and PCSOs by extension – and has been found to impact public perceptions of these individuals (Indermaur & Hough, 2002; Wood, 2008), as well as support for community management strategies (Salerno et al., 2010). This is likely influenced by the fact that community members have been found to perceive the media's negative and sensationalized portrayal of PCSOs as accurate (Brown et al., 2008).

In contrast, participants who primarily obtained their information on sexual offending from educational or professional sources (e.g., work, volunteering) did not have significantly different attitudes toward the treatment of PCSOs than participants with personal experience (i.e., the majority of clinical participants). This finding is in line with past research indicating that those who work with PCSOs have a less negative

attitude toward this population compared to students or community members, and an inverse relationship has been found between the amount of professional exposure and negative attitudes toward PCSOs (Willis et al., 2010). Similarly, Kjelsberg and Loos (2008) noted that a lack of personal or professional contact with PCSOs can result in attitudes being shaped more strongly by negative media depictions. Individuals who receive formal education/training about sexual offending from more accurate and reliable sources are expected to be better informed about the true benefits of treatment, and the inefficacy and potential collateral consequences associated with other management strategies.

**Attitudes as a Possible Mechanism for Subjective Legal Decision-Making.**

While the direct effects of both group and information source had no significant impact on participants' likelihood of reporting the scenarios should constitute a breach, there was an indirect effect of both group and primary source of information through participants' attitudes toward the treatment of PCSOs. This may indicate that participants' attitudes toward the treatment of PCSOs acted as one potential mechanism through which group membership and primary source of information led to differences in subjective legal decision-making. More specifically, participants who believed that PCSOs cannot be successfully treated were more likely to report that they should be charged with a breach. This finding is supported by past research, which found that community members with more negative attitudes toward the treatment of PCSOs were more supportive of public notification policies (Shackley et al., 2014).

Considering the stigma that exists toward PCSOs, and the incorrect assumptions regarding the efficacy of treatment programs for this population, these results raise

concerns about the real-world enforcement of the 161 Order, and the potential misuse of these conditions. While a direct comparison clearly cannot be made between the non-clinical participants in this study and the police officers who actually enforce the 161 Order conditions, there is no question that police officers as a whole are not immune to the effects of stereotyping. As such, these individuals have the potential to be influenced by negative media portrayals and other inaccurate sources of information about sexual offending. In fact, it has been found that law enforcement officers may actually hold more negative views of PCSOs than probation officers, prosecutors, and community corrections professionals (Hogue, 1993; Mustaine et al., 2015). For these reasons, the current study would ideally be followed-up with future research involving a sample of police officers who enforce the 161 Order. Unfortunately, a number of barriers exist to recruiting a police sample, especially if the study has the potential to produce unflattering or unwelcome results.

### ***Support for the 161 Order***

As mentioned above, participants' support for the 161 Order was not found to moderate any of the direct or indirect relationships between group membership or primary source of information and breach scores. This suggests that participants' objective and subjective legal decisions regarding the enforcement of the 161 Order were not significantly different for those with "low", "moderate", or "high" levels of support for these conditions. However, bivariate correlations showed that participants in the non-clinical groups were more supportive of the 161 Order, and that increased levels of support for these conditions was associated with a greater likelihood of reporting the scenarios should result in a breach.

Correlations also indicated that participants who primarily obtained their information about sexual offending from news sources showed greater support for the 161 Order, whereas obtaining this information primarily from social media or educational sources was not significantly associated with degree of support. As with participants' attitudes toward the treatment of PCSOs, the association between news as a primary source of information and increased support for the 161 Order may relate to the fear and loathing often depicted in the media's portrayal of PCSOs (Dowler, 2006).

As expected, those with personal experience showed less support for the 161 Order on average. Interestingly, however, having personal experience as a primary source of information about sexual offending had a stronger negative correlation with support for the 161 Order than membership in the clinical group. Since not all clinical participants fell into the personal experience group, this finding may indicate that increased amounts of personal exposure to the criminal justice system had a greater influence on support for the 161 Order than the fact that these individuals had a history of sexual offending or were currently subject to these conditions themselves.

### **Collateral Consequences of the 161 Order**

Although a growing body of research exists on community management strategies for PCSOs, this was the first research ever conducted on Canada's 161 Order for people convicted of sexual offences against children (PCSOC). The findings are in line with past research suggesting that other management strategies appear to be associated with collateral consequences, which may actually increase rather than decrease an individual's risk of reoffending (Levenson, 2018; Willis et al., 2010). Specifically, clinical participants reported that being subject to a 161 Order had a moderate impact on their

ability to find suitable employment, establish social supports, and successfully reintegrate into the community, all of which have previously been associated with increased rates of recidivism (Hanson & Morton-Bourgon, 2005). In the current study, the impact of the 161 Order conditions on participants' ability to find suitable accommodation was reported as low, which may relate to the fact that the clinical sample was older and may have already owned a home at the time of their arrest (to which they could return after completing their sentence).

### ***Internet Restrictions***

Overall, clinical participants had the most negative feelings about Condition (d), which prohibits using the Internet or other digital networks. Due to the ubiquitous nature of technology in today's society, a prohibition against using the Internet (possibly for life) is unquestionably penalizing. The Internet has been considered an essential service in Germany since 2013 (Hudson, 2013), and even the Supreme Court of Canada has pointed out the punitive aspect of this restriction (*R. v. K.R.J.*, 2016). In *R. v. Brar* (2016), the 161 Order conditions imposed by the sentencing judge were appealed on the basis that Condition (d) was unnecessarily restrictive. The Court agreed, and this condition was tailored to prohibit using the Internet to engage in specific behaviours (i.e., accessing illegal material or visiting any type of social media, chat room, or discussion forum), rather than prohibiting Internet use altogether. In support of this decision, the judge stated:

However, given the myriad of innocent and perhaps unavoidable activities for which some Internet use may be required, the virtually unconditional prohibition on any Internet use imposed by the sentencing judge for a period of 20 years is, in my view, demonstrably unfit and unreasonable in the circumstances (*R. v. Brar*, 2016, para. 26).

Participants in the current study reported that the Internet prohibition had the greatest impact on their ability to find employment, which is similar to Rydberg's (2018) finding that conflicts between job requirements and parole conditions constituted the most common barrier to obtaining employment. Condition (d) not only interferes with job searches and applications, both of which are often done online, it also excludes employment opportunities that require any degree of Internet use, even if this usage is minimal and done publicly. Since individuals with criminal records are already at a disadvantage in the work force (Haslewood-Pócsik et al., 2008), these additional barriers are expected to further hinder their ability to obtain employment. This is an important consequence since empirical evidence (Andrews & Bonta, 2010) and anecdotal reports from both parolees and parole officers (Rydberg & Grommon, 2016) have associated employment with reduced recidivism and successful community reintegration.

Despite participants' overall negative feelings toward Condition (d), some reported that the Internet restriction could actually help prevent reoffending, as well as assist with community reintegration. Based on past research with this population, I believe this perspective may be associated with individuals who consider themselves to be "addicted" to the Internet or child pornography, and feel as if any amount of Internet access could increase their risk of returning to these illegal activities (Knack et al., 2020).

### ***Places Where Children are Reasonably Expected to Be***

Participants' feelings toward Condition (a), which prohibits attendance at public parks and swimming areas where children under age 16 are reasonably expected to be present, as well as daycares, schools, playgrounds, and community centres, were also quite negative. This condition was reported as having the greatest impact on establishing

social supports and on successful community reintegration as a whole. I expect this is partly related to the ambiguous nature of this condition, which can lead individuals to isolate themselves in their homes for fear of being reincarcerated as a result of accidentally breaching their conditions. This is problematic, since community reintegration, positive social supports, and intimate relationships have been identified as factors that can help prevent recidivism (Lussier & Gress, 2014). Among a sample of community corrections professionals, housing and employment issues were considered unacceptable collateral consequences, whereas little concern was expressed for factors that inhibited the establishment of social ties (Cubellis et al., 2018).

PCSOs are highly cognizant of the public stigma that exists toward them, and have been found to believe that others would discriminate against them if they became aware of their offence (Mingus & Burchfield, 2012). Since the stigmatization of PCSOs has been found to prevent engagement in the types of activities shown to support reintegration (Uggen et al., 2004), one potential consequence of Condition (a) on the 161 Order is that it may prevent individuals from participating in certain healthy prosocial behaviours due to concerns that they will have to consistently make excuses to avoid certain activities or venues, or to explain why they must remove themselves from a situation if ever a child should arrive. Research on public notifications (which can also lead to being labeled a “sex offender”) has suggested that barriers to community reintegration can result in feelings of anger and frustration toward society, possibly reducing individuals’ motivation to reintegrate (Freeman, 2012; Uggen et al., 2006). It is also possible that, compared to becoming known by this stigmatizing label, isolation may appear to be the safer alternative. Unfortunately, social exclusion and isolation also have

the potential to increase recidivism (Petersilia, 2003). The potentially isolating effects of Condition (a) have previously been raised as a defence against the application of this condition (*R. v. Levin*, 2015).

Among participants who reported that the 161 Order influenced their ability to obtain housing, Condition (a) was once again cited as having the greatest impact. This supports my earlier assertion that although Canada does not use formal residency restrictions as a community management strategy, Condition (a) is likely to be a reflection of these restrictions (or at least result in similar collateral consequences), since prohibiting attendance in certain areas also presumably precludes residing near these areas. Considering that research consistently shows no significant relationships between sexual reoffending and residential proximity to schools or daycare centres (Zandbergen et al., 2010), and theories about “stranger danger” are known to be unfounded, the lack of support for the efficacy of residency restrictions is not surprising (Levenson, 2018). Perhaps more surprising is the fact that, despite this research, we continue to use management strategies that are at best questionable, and at worst may actually increase the risk of harm to children.

The following statement, put forth by the Supreme Court of Canada over 25 years ago, suggests that the reference in Section 161(a) to parks and swimming areas *where children under age 16 can reasonably be expected* was originally intended as a means of reducing the breadth associated with the previous legislation (i.e., s. 179(1)(b)) by limiting the application of this prohibition to areas in which there is actually a possibility that a sexual offence against a child could occur.

If the particular park or part of the park or bathing area is not a place frequented by children, the object of protecting children is not enhanced by limiting the

individual's freedom. In my opinion, such a limit should be more narrowly defined, to apply only to those parks and bathing areas where children can reasonably be expected to be present (*R. v. Heywood*, 1994, Overbreadth in Geographical Ambit section, para. 3).

Theoretically, the addition of this clause should help to protect public safety, while imposing the fewest possible restrictions on personal liberty. In reality, however, this addition has the potential to allow vagueness and overbreadth in the interpretation and enforcement of this legislation.

### ***Subjective Costs and Benefits***

It is notable that the two conditions for which clinical participants reported the least negative feelings (i.e., maintaining a specific distance from one's victim(s) and not working or volunteering in a position of power over children) are the two conditions that I would argue are most reasonable and in line with existing evidence regarding the true nature of sexual offences against children. Participants also reported that the condition which required them to maintain distance from their victim(s) was most likely to help prevent future offences. These findings support Duwe et al.'s (2008) suggestion that restricting relationships and social proximity between PCSOCs and children is likely to be a more effective means of preventing sexual offences than restrictions against residing near schools or daycares.

These results also indicate that clinical participants were not against the 161 Order conditions solely on principle, but rather are not supportive of conditions that they feel are ineffective or likely to hinder their ability to establish and live a satisfying prosocial life. Interestingly, Murphy and Fedoroff (2013) found that although PCSOs on the Canadian SOR did not believe this management strategy would effectively prevent recidivism, they also did not consider it to be overly problematic. While participants in

the current study also did not believe the 161 Order was an effective means of reducing recidivism, many reported that these conditions had at least a moderate impact on multiple factors associated with community reintegration.

Considering that some PCSOCs are released from incarceration with no reintegration plan to assist with the attainment of basic human needs such as shelter, food, and employment (Morani et al., 2011), the fact that they may also find themselves faced with a minefield of potential missteps that could result in breaching the 161 Order appears to be setting these individuals up to fail.

### **Policy Implications**

Since it has been found that collateral consequences associated with community management strategies can include frustration, social isolation, and other dynamic risk factors for reoffending (Lussier & Gress, 2014), the current results should be of concern for Canadian policy makers. The 161 Order is another example of a tertiary response to preventing sexual offending, despite the fact that the majority of people arrested for sexual offences against children are first-time offenders (Craun et al., 2011). Moreover, the specific conditions on the 161 Order appear to target the stereotypical “predatory offender”, which makes up less than 5% of all individuals charged with sexual offences against children (Colombino et al., 2009). For example, neither Condition (a) nor Condition (d) are likely to have any significant impact on the most common manifestation of these offences, in which people offend against children they know and commit these offences in private residences (Colombino et al., 2009; Rotenburg, 2017).

### ***The Longest Supervision for the Lowest Rates of Recidivism***

The continued use of ineffective and potentially harmful management strategies, which are based primarily on the inaccurate perception that PCSOs have a high rate of reoffending (McAlinden, 2007), is an example of the criminal justice system's ongoing decision to prioritize "tough on crime" approaches over evidence-based reintegration planning and support. This decision is further demonstrated by the fact that PCSOs, despite their low recidivism rates, are subject not only to normal legal sanctions such as incarceration, parole, and probation, but also to the SOR, public notifications, residency restrictions and, in Canada, the 161 Order. Furthermore, the fact that the 161 Order can be given for life (and this was the third most common sentence length in the current study) also implies a belief that this population remains at high risk of reoffending for many years after being released into the community.

However, research has shown that even among PCSOs deemed "high-risk", rates of recidivism are highest in the first few years after release from incarceration and decrease substantially over time so that the longer an individual goes without reoffending, the lower their risk becomes (Hanson et al., 2014; 2018). Consequently, there appears to be little benefit in assigning the 161 Order for life. Furthermore, according to the Commissioner's Directive on long-term supervision orders in Canada, "The period of supervision to which the offender is subject at any time must not total more than 10 years" (Correctional Services Canada, Annex A, p. 1). It is worth questioning why the 161 Order – which is specific to a population with one of the lowest rates of recidivism (Parole Board of Canada, 2018) – has the option of an indeterminate sentence, while a long-term supervision order (just one step below a dangerous offender designation) has a maximum length of 10 years.

*Recommendations*

**Use Concrete Terminology.** Based on the results of the current study, potential policy recommendations for the 161 Order would include either amending or removing Conditions (a) and (d). Considering the vast amount of research debunking the idea of “stranger danger”, and the multiple collateral consequences that participants perceived to be associated with Condition (a), any potential benefits of this prohibition (in its current form) seem unlikely to outweigh the increased risks associated with the inability to successfully reintegrate into the community. Removing the ambiguous prohibition against attending public parks and swimming areas where children under age 16 are reasonably expected to be present (which, considering the aforementioned judicial interpretations, could be almost anywhere), is one potential strategy to address the collateral consequences associated with the 161 Order. At the very least, a more precise definition as to what constitutes a “public park”, “public swimming area”, or “playground” is undoubtedly needed.

The same argument can be made for the prohibition against using “other digital networks”; this terminology is so broad that it makes the condition nearly impossible to adhere to, particularly when one considers everything that could technically constitute a digital network. Clarifying the terminology and reducing the ambiguity of these conditions is expected to help ensure that the 161 Order is serving its intended purpose of preventing children from sexual abuse, as opposed to preventing PCSOCs from using a highway rest stop, or a patient registration kiosk, for example. Furthermore, since the Internet prohibition is typically monitored solely through the honour system, a more effective strategy may be to prohibit individuals from accessing illegal or problematic

websites (as in *R. v. Brar*, 2016), rather than prohibiting Internet use entirely (unless there is a valid reason to do so).

**Focus Resources on Evidence-Based Strategies.** If strong empirical evidence suggests that a particular community management strategy is ineffective and/or associated with significant collateral consequences, this should motivate policy makers to re-evaluate the use of this strategy and consider more effective, evidence-based alternatives (Rydberg, 2018). I would argue that a failure to do so could be seen as both morally and fiscally irresponsible, as the continued use of these ineffective strategies is not only detrimental to the children who may be victimized, it also directs valuable time and resources toward enforcing these potentially harmful conditions (and away from more effective alternatives). Considering the success rates of alternative evidence-based strategies for reducing recidivism, such as high-quality reintegration planning, outpatient treatment programs, and Circles of Support and Accountability (Duwe, 2012; Hanson & Morton-Bourgon, 2005; White & Malesky, 2009; Willis & Grace, 2009), these limited resources are likely to be more effective if used primarily for treatment rather than monitoring (or punitive) purposes.

An effective long-term strategy for the prevention of child sexual abuse would also include primary and secondary prevention initiatives, which aim to both educate the public on the reality about sexual offences against children and provide increased awareness and availability of targeted treatment options for those who may be at risk of offending (Knack et al., 2019). In addition to reducing even initial incidents of child sexual abuse, primary prevention initiatives also have important implications for policy changes more generally, particularly considering the role that public opinion plays in

policy-related decisions. This is because without widespread education aimed at reducing the fear and hatred currently associated with PCSOCs, policies such as the 161 Order are unlikely to change, regardless of the strength of the empirical evidence stacked against them (Freeman, 2012). Fortunately, the current study suggests that when information about sexual offending is obtained from more accurate sources such as formal education or work/volunteer experience, this may influence people's attitudes toward the treatment of PCSOs.

### **Limitations**

There are a number of limitations associated with this study that must be considered when interpreting the results. Perhaps most important is that despite the use of mediation analysis (which may appear to demonstrate a causal link between variables), the current results cannot be used to support the existence of any causal relationships due to the fact that the study did not include an experimental manipulation. While the findings are consistent with the theory that Attitudes may function as a possible mechanism underlying the relationships between the predictors and legal decision-making, these results do not account for the wide range of other factors that were not explored in the current study, but which could have an equally strong or stronger mediating effect on these relationships.

The overall sample was smaller than originally planned, and there were considerably fewer participants in the clinical compared to non-clinical groups, which could have impacted the results. This discrepancy in sample size may have been somewhat mitigated by the fact that there was less overall variance in responses among the clinical sample compared to the non-clinical samples, which may have helped

improve the accuracy of the estimated effects. Moreover, neither the general public nor undergraduate samples were drawn from the population of people who actually enforce the 161 Order, and any observed differences in the current study cannot be generalized to individuals working in law enforcement.

Since part of my recruitment strategy for the general public group involved advertising my study on Facebook, it is possible that this resulted in a non-representative sample (e.g., participants more likely to be graduate students, involved in the field of forensics, etc.). Although I did use other online methods of recruitment, it is impossible to know where participants were recruited from since I disabled the IP tracking option on Qualtrics. Females made up the majority of both non-clinical samples, possibly due to the aforementioned recruitment strategy, as well as recruiting students enrolled in undergraduate psychology courses. Although I controlled for gender, this discrepancy may have influenced the results in other ways that I did not anticipate.

It is also a limitation that nearly all of the outcome measures used were ones that I created for the purpose of this study (with the exception of the Attitude measure), meaning there is no information currently available regarding their reliability or validity. Furthermore, the use of self-report measures means that participants' responses may have been influenced by impression management or other forms of biased responding. Responses in the clinical group may also have been impacted by the fact that some participants had been on the 161 Order for a number of years at the time of completing the study, which could have skewed their perceptions of the impact of these conditions (in either direction).

Due to necessity, changes were made between the original pre-registration and the current study, including stopping data collection for the clinical sample prior to reaching the intended sample size. While I pre-registered this new stopping rule prior to any form of data analysis, and have provided a detailed account of the other deviations from the original pre-registration, these changes may also be viewed as a limitation. Furthermore, I did not include a detailed data cleaning plan in my pre-registration, which could raise concerns due to the fact that I used a fairly strict cleaning policy in order to help ensure quality data. I have provided a thorough description of the cleaning process above in an attempt to alleviate potential concerns.

### **Future Directions**

Considering the ongoing time and resources being allocated to the enforcement of the 161 Order, despite a complete lack of information on its efficacy in reducing the risk of sexual recidivism, the results of this study may encourage other Canadian researchers to begin investigating the use of this community management strategy. In order to address some of the limitations discussed above, future research on this topic should aim for larger clinical samples and more representative non-clinical samples. The ideal next step would involve the inclusion of a law enforcement sample to better understand how the real-world application and enforcement of these conditions. Past research has found that while police officers do not believe the SOR is likely to be an effective means of preventing sexual recidivism, they do consider it helpful for law enforcement goals such as monitoring and information sharing (Cubellis et al., 2018).

Based on what is currently known about the (in)efficacy of other community management strategies, the likelihood that the 161 Order leads to significant reductions in

sexual recidivism is expected to be low. As such, in addition to learning more about the efficacy of this Order, it would be interesting to explore what police officers think about these conditions, and whether they have identified any other potential benefits associated with the use of the 161 Order. Unfortunately, as noted earlier, the feasibility of obtaining a law enforcement sample for this research is questionable. Since the 161 Order only exists in Canada, one possible solution would be to recruit a sample of police officers from outside of Canada, who could provide at least some insight into how those trained in law enforcement would interpret and enforce these conditions. These individuals may be less concerned about the potential implications of the research findings since, unlike Canadian police officers, they are not actually responsible for enforcing the 161 Order.

As this was the first study conducted on this topic, future research should also explore the influence of other factors that could help to explain differences in legal-decision making regarding the enforcement of the 161 Order. Subsequent studies could also involve the introduction of an experimental manipulation, such as varying details about the individual in the scenarios (e.g., known versus stranger victim), or using different terminology (e.g., “person convicted of sexual offences” versus “child molester”) to assess the impact of language on participants’ responses. One particular question of interest for future research involves the possible implications of Canada’s void for vagueness doctrine on the enforcement of the 161 Order conditions.

### **Conclusions**

According to desistance theory, “Distorted and relentlessly punitive attitudes constitute obstacles to successful behavioral change, and ultimately, may well result in increased rather than lesser risk of further offending” (Willis et al., 2010, p. 552). As

such, the continued use of management strategies that are inherently punitive and based on public fears and misconceptions about sexual offending must be called into question. If society truly wants to help protect children from sexual abuse, they must understand that the efficacy of the policies, practices, and reintegration programs intended to support this goal is a vital component of ensuring children's safety. As such, it is fundamental that the legislation underlying these policies and practices be based on empirical and methodologically sound research (Myers, 2014), as opposed to public fears and inaccurate assumptions about PCSOs.

Certain conditions on the 161 Order clearly reflect outdated and incorrect understandings about the nature of sexual offences against children (e.g., "stranger danger"). I expect this is related to the fact that some of these conditions have existed in their current form since 1993, and thus do not account for nearly 30 years of scientific discovery and advancement in this field. Although Condition (d) has existed for slightly less than a decade, the rate at which technology develops and subsequently becomes ingrained in everyday life seems to necessitate an ongoing review of the implications of this condition. In addition to concerns about specific conditions, there is growing evidence to suggest that other community management strategies for PCSOs (e.g., registries, public notifications, residency restrictions) are expensive, ineffective, and have the potential for unintended consequences. In the face of this evidence, the continued use of the 161 Order without an empirical foundation to support its efficacy appears to be another example of Budd and Mancini's (2016) "crime control theatre".

The Canadian governments' ongoing refusal to publicize the sex offender registry (despite consistent public demands), along with their limited use of public notifications

and lack of formal residency restrictions, suggests an appreciation for evidence-based approaches to preventing sexual offences. As such, a re-evaluation of the efficacy of the 161 Order conditions should constitute a priority for policy makers. If the 161 Order does have unintended consequences, it is important that those who have the power to amend this legislation be made aware of the nature of these effects. This is especially true if the collateral consequences prevent successful reintegration, as I agree with Call (2018, p. 692) that, “A community is not safer when a sex offender in that community cannot secure housing, cannot find employment, cannot establish social relationships, and suffers emotionally”. In order to properly inform policy recommendations, it is essential that we first begin building an empirical understanding of Canada’s Section 161 Order.

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## Appendix A

### Permission to be Contacted for Research

The Royal's Institute of Mental Health Research (IMHR) is committed to building a future where we can identify and successfully treat mental illness.

We are asking for your permission to allow IMHR research staff to contact you to see if you are interested in participating in a research study being conducted at the IMHR. Even if you consent to be contacted now, you may withdraw your consent at any time. If you prefer not to be contacted for research, your care and treatment will not be affected in any way.

Any personal health information you may give us is protected under the Personal Health Information Protection Act, 2004 (Ontario).

---

I, \_\_\_\_\_, consent to be contacted by staff from the Forensic Research Unit.

Date: \_\_\_\_\_

Phone number where you can be reached: area code (    ) \_\_\_\_\_

When is the best time to reach you?                      MORNING      AFTERNOON      EVENING  
(Please circle)

Is it okay to leave a message?                      YES                      NO  
(Please circle)

Signed: \_\_\_\_\_  
(Patient or substitute decision maker                      (Relationship to patient, if applicable))

## Appendix B

### Screening Questions

#### Appendix B1 - Questions for Clinical Group

1. How old are you? \_\_\_\_\_
2. What is your highest level of education? \_\_\_\_\_
3. Do you have a 161 Order (currently or within the past year?)      Y      N
4. Any problems reading, writing, or understanding English?      Y      N
5. Have you ever attended special education classes for intellectual disabilities?      Y      N

#### Appendix B2 - Questions for Non-Clinical Groups

Please answer the following questions to see if you meet the criteria for the study.

##### ***General Public (GP) Group:***

1. **How old are you?**
  - 14 – 17
  - 18 – 24
  - 25 – 34
  - 35 – 44
  - 45+
2. **Have you ever been charged with a criminal offence?**
  - No
  - Yes
3. **What is your highest level of education?**
  - Less than grade 10
  - Grade 10 or 11
  - High school diploma
  - College degree
  - Bachelor's degree
  - Graduate studies
4. **Have you attended special education classes for intellectual disabilities?**

- No
  - Yes
- 

***Undergraduate Student (UG) Group:***

**1. How old are you?**

- 14 – 17
- 18 – 24
- 25 – 34
- 35 – 44
- 45+

**2. Have you ever been charged with a criminal offence?**

- No
- Yes



## Appendix C2 – Advertisement for General Public Group

### PARTICIPANTS NEEDED FOR STUDY ON LEGAL DECISION MAKING

We are conducting a study to explore how different people interpret and enforce certain legal conditions given to people convicted of sexual offences against children in Canada.

#### What is involved?

- Complete 4 short questionnaires about your demographics, attitudes toward the treatment of people convicted of sex offences, exposure to information about sexual offending, and support for the specific legal conditions.
- Read 10 short scenarios (one at a time) describing situations that may or may not breach the legal condition(s), and answer questions about whether each scenario could and/or should be considered a breach. The scenarios involve everyday situations and do not describe any aspects of a sexual offence.

**How long does it take?** The study takes about 35 minutes and is completed entirely online.

**Do I get anything for participating?** If you provide your email address or phone number, you'll be entered into a draw to win a \$100 gift card. Your contact information will not be associated with your responses in any way. This information will only be used to contact you if you win, and will be deleted once a winner is selected.

**Who are the researchers?** Natasha Knack (Principal Investigator), Julie Blais (Faculty Supervisor), Paul Fedoroff (Co-Investigator).

**What if I have questions?** Please contact the Principal Investigator, Natasha Knack, at [natasha.knack@theroyal.ca](mailto:natasha.knack@theroyal.ca) or 613-722-6521 ext. 6236.

**How do I participate?** Click on the link below to access the online survey.

[https://carletonu.az1.qualtrics.com/jfe/form/SV\\_bQ4bL529oEMLsdD](https://carletonu.az1.qualtrics.com/jfe/form/SV_bQ4bL529oEMLsdD)

**Ethics:** This study has received ethical approval from the Research Ethics Boards at The Royal's Institute of Mental Health Research (REB #: 2019013) and Carleton University (CUREB-B #: 111297).



## Appendix C3 – Advertisement for Undergraduate Group

### SONA Systems Participant Recruitment

**NAME OF RESEARCHERS:** Natasha Knack (Lead Researcher), Julie Blais (Faculty Supervisor), Paul Fedoroff (Co-Investigator).

**PRINCIPAL RESEARCHERS CONTACT INFORMATION:**

natasha.knack@carleton.ca

**TITLE OF STUDY:** To Breach or Not to Breach: Exploring Inconsistencies in the Interpretation, Enforcement, and Impact of Canada's Section 161 Order for Sexual Offending

**BRIEF DESCRIPTION:** This study explores how different people interpret and enforce certain legal conditions given to people convicted of sexual offences against children in Canada. If you agree to the informed consent, you will be asked to complete 4 short questionnaires about your demographics, attitudes toward the treatment of people convicted of sex offences, exposure to information about sexual offending, and support for the specific legal conditions.

You will then be asked to read 10 short scenarios (one at a time) describing situations that may or may not breach these legal condition(s), and answer questions about whether each scenario could and/or should be considered a breach. The scenarios involve everyday situations and do not describe any aspects of a sexual offence.

**POTENTIAL RISK:** Please note that many questions refer to people who have committed sexual offences against children, which may cause you to feel upset or uncomfortable.

**IS THIS A WEB-BASED STUDY?** Yes.

**IS THIS A TWO-PART STUDY?** No

**LENGTH OF STUDY:** Approximately 35 minutes.

**ETHICS:** This study has received ethical approval from the Research Ethics Boards at The Royal's Institute of Mental Health Research (REB #: 2019013) and Carleton University (CUREB-B #: 111297).





## Appendix D

### Consent Forms

#### Appendix D1 – Consent Form for Clinical Group

##### Informed Consent Form for Participation in a Research Study – Clinical Group

**Study Title:** *To breach or not to breach: Exploring inconsistencies in the interpretation, enforcement, and impact of Canada's Section 161 Order for sexual offending*

**Principal Investigator:** *Natasha Knack, Forensic Research Unit, 613-722-6521 ext. 6236*

**Research Team:** *Dr. Julie Blais (Faculty Supervisor), Dr. Paul Fedoroff (Co-Investigator)*

**Ethics:** *This study has received ethical approval from the Research Ethics Boards at The Royal's Institute of Mental Health Research (REB #: 2019013) and Carleton University (CUREB-B #: 111297).*

##### INTRODUCTION

You are being invited to participate in a research study. You are invited to participate in this study because you are currently under a 161 Order, or have been within the past year. This consent form provides you with information to help you make an informed choice. Please read this document carefully and ask any questions you may have. All your questions should be answered to your satisfaction before you decide whether to participate in this research study.

Please take your time in making your decision. You may find it helpful to discuss it with your friends and family.

Taking part in this study is voluntary. Deciding not to take part or deciding to leave the study later will not result in any penalty or affect current or future health care.

##### IS THERE A CONFLICT OF INTEREST?

There are no conflicts of interest to declare related to this study.

### WHY IS THIS STUDY BEING DONE?

The purpose of this study is to explore possible inconsistencies in how the 161 Order is interpreted and enforced by different groups, as well as the positive and/or negative impacts of having a 161 Order.

### HOW MANY PEOPLE WILL TAKE PART IN THIS STUDY?

It is anticipated that about 180 people will take part in this study, 60 from a research site located in Ontario, 60 members of the Canadian general public, and 60 undergraduate students from a Canadian university.

This study should take about eight months to complete and the results should be known in about one year.

### WHAT WILL HAPPEN DURING THIS STUDY?

You will be provided with 6 questionnaires to complete during the study appointment. The purpose of the questionnaires is to help us understand how demographic factors, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, and support for the 161 Order impact your interpretation and enforcement of the 161

Order conditions. There is also a questionnaire that will ask about your personal experience being under a 161 Order. The purpose of this is to gain an understanding of how people's lives are impacted (positively or negatively) by the 161 Order conditions. Each questionnaire will take about 5 to 15 minutes to complete, for a total of about 45 minutes.

The information you provide is for research purposes only. Some of the questions are personal. You can choose not to answer questions if you wish.

Due to the nature of the study, it is possible that some of the questions may upset you. Should this happen, you have the option to skip the question, take a break, or withdraw from the study. If you are still feeling distressed and are in need of support, you will be asked if you would like to see your psychiatrist.

### WHAT ARE THE RESPONSIBILITIES OF STUDY PARTICIPANTS?

If you choose to participate in this study, you will be expected to:

- Complete questionnaires about your demographic information, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, support for the 161 Order, and personal impact of being under the 161 Order.
- Read 10 short scenarios (one at a time) that describe a situation which may or may not be considered a breach the 161 Order, then use a copy of the 161 Order

to answer questions about whether each scenario could and/or should constitute a breach.

#### HOW LONG WILL PARTICIPANTS BE IN THE STUDY?

Your participation on this study will involve one session that will last for about 45 minutes.

#### CAN PARTICIPANTS CHOOSE TO LEAVE THE STUDY?

You can choose to end your participation in this research (called withdrawal) at any time before you have finished the study without having to provide a reason. To withdraw from this study, simply let the research coordinator know that you would like to withdraw.

If you withdraw from the study before submitting the completed questionnaires, any information that was collected about you for this study will be deleted.

Since responses are anonymous, it is not possible to withdraw from the study after you have submitted your completed questionnaires.

#### WHAT ARE THE RISKS OR HARMS OF PARTICIPATING IN THIS STUDY?

There are no medical risks to you from participating in this study, but taking part in this study could make you feel uncomfortable due to the nature of the questions.

#### WHAT ARE THE BENEFITS OF PARTICIPATING IN THIS STUDY?

There are no benefits to you for taking part in this study. However, we hope the information learned from this study will increase our understanding of how people are impacted by the 161 Order conditions, as well as inform policy recommendations intended to improve the 161 Order.

#### HOW WILL PARTICIPANT INFORMATION BE KEPT CONFIDENTIAL?

If you decide to participate in this study, the research team will only collect the information they need for this study. All information will be collected from you directly, and your medical records will not be accessed for any reason.

You will be asked to sign your name at the bottom of this form if you consent to participate in the study. You will also be asked to provide your phone number if you would like to be entered into a draw for a gift card. This is completely voluntary. Your name and phone number (if provided) will not be associated with any other information collected about you for this study (called study data).

Records identifying you at this centre will be kept confidential and, to the extent permitted by the applicable laws, will not be disclosed or made publicly available, except as described in this consent document.

Authorized representatives of the following organizations may review the study data (including identifiable information) to check that the information collected for the study follows proper laws and guidelines:

- The Royal's research ethics board who oversees the ethical conduct of this study in Ontario.
- Representatives of The Royal's Institute of Mental Health Research, to oversee the safety and quality of research at this location.

This research study is collecting information on race and ethnicity, as well as other individual characteristics, because these characteristics may influence how people respond. Providing information on your race or ethnic origin is voluntary.

If the results of this study are published, your identity will remain confidential. It is expected that the information collected during this study will be analyzed and then presented to the scientific community and policy makers through published journal articles and conference presentations.

Even though the likelihood that someone may identify you from the study data is very small, it can never be completely eliminated.

#### WHAT IS THE COST TO PARTICIPANTS?

Participation in this study will not involve any additional costs to you or your private health care insurance.

#### ARE STUDY PARTICIPANTS PAID TO BE IN THIS STUDY?

If you decide to participate in this study, you will be entered into a draw to win a \$100 gift card to one of the following places of your choice: Starbucks, Tim Hortons, Amazon, Cineplex, Esso, Uber, or the Ultimate dining card (valid at a number of different restaurants).

Due to the anonymous nature of the study, only participants who provide their phone number will be eligible for the draw. The winner will be contacted by phone and can pick up their gift card at The Royal.

Your phone number will not be associated with your responses in any way, and will only be used to contact you if you have won the draw.

#### WHAT ARE THE RIGHTS OF PARTICIPANTS IN A RESEARCH STUDY?

You have the right to be informed of the results of this study once the entire study is complete. If you would like to be informed of the results of this study, please contact the research team.

Your rights to privacy are legally protected by federal and provincial laws that require safeguards to ensure that your privacy is respected.

By signing this form you do not give up any of your legal rights against the researchers

or involved institutions for compensation, nor does this form relieve the researchers of their legal and professional responsibilities.

You will be given a copy of this signed and dated consent form prior to participating in this study.

#### WHOM DO PARTICIPANTS CONTACT FOR QUESTIONS?

If you have questions about taking part in this study, or if you suffer a research-related injury, you can talk to the person who is in charge of the study at this institution. That person is:

Natasha Knack  
Research Coordinator  
The Royal's Institute of Mental Health Research  
Tel: 613-722-6521 ext. 6236

If you have questions about your rights as a participant or about ethical issues related to this study, you can talk to someone who is not involved in the study at all. That person is:

Tammy Beaudoin  
Clinical Research Support Manager  
The Royal's Institute of Mental Health Research  
Tel: 613.722.6521 Ext. 6214  
[Tammy.beaudoin@theroyal.ca](mailto:Tammy.beaudoin@theroyal.ca)



**Study Title:** *To breach or not to breach: Exploring inconsistencies in the interpretation, enforcement, and impact of Canada's Section 161 Order for sexual offending*

### SIGNATURES

- All of my questions have been answered,
- I understand the information within this informed consent form,
- I do not give up any of my legal rights by signing this consent form,
- I agree to take part in this study.

\_\_\_\_\_  
Signature of Participant                      PRINTED NAME                      Date

\_\_\_\_\_  
Signature of Person Conducting  
the Consent Discussion                      PRINTED NAME & ROLE                      Date

If you want to be entered into a draw to win a \$100 gift card, please provide your phone number (this allows us to contact you if you win): \_\_\_\_\_

Please select your choice of gift card if you win the draw:

- Starbucks
- Tim Hortons
- Amazon
- Cineplex
- Esso
- Uber
- Ultimate dining card (valid at a number of different restaurants).

## Appendix D2 – Consent Form for General Public Group

### Informed Consent Form for Participation in a Research Study – General Public Group

**Study Title:** *To breach or not to breach: Exploring inconsistencies in the interpretation, enforcement, and impact of Canada's Section 161 Order for sexual offending*

**Principal Investigator:** *Natasha Knack, Forensic Research Unit, 613-722-6521 ext. 6236 or [natasha.knack@theroyal.ca](mailto:natasha.knack@theroyal.ca)*

**Research Team:** *Dr. Julie Blais (Faculty Supervisor), Dr. Paul Fedoroff (Co-Investigator)*

**Ethics:** *This study has received ethical approval from the Research Ethics Boards at The Royal's Institute of Mental Health Research (REB #: 2019013) and Carleton University (CUREB-B #: 111297).*

#### INTRODUCTION

You are being invited to participate in a research study. You are invited to participate in this study because you are a law-abiding member of the Canadian public. This consent form provides you with information to help you make an informed choice. Please read this document carefully and contact the research team by phone or email if you have any questions. All your questions should be answered to your satisfaction before you decide whether to participate in this research study.

Please take your time in making your decision. You may find it helpful to discuss it with your friends and family. Taking part in this study is voluntary. Deciding not to take part or deciding to leave the study later will not result in any penalty or negative consequences.

This study explores the interpretation and enforcement of Canada's 161 Order, which is a prohibition order given to people convicted of sexual offences against children once they are released from incarceration. The 161 Order outlines five conditions that individuals must follow, such as not attending places where children are expected to be present. Breaching these conditions could cause the person to be returned to jail or face some other punishment.

#### IS THERE A CONFLICT OF INTEREST?

There are no conflicts of interest to declare related to this study.

#### WHY IS THIS STUDY BEING DONE?

The purpose of this study is to explore possible inconsistencies in how the 161 Order is interpreted and enforced by different groups, as well as the positive and/or negative impacts of having a 161 Order.

#### HOW MANY PEOPLE WILL TAKE PART IN THIS STUDY?

It is anticipated that about 180 people will take part in this study, 60 from a research site located in Ontario, 60 members of the Canadian general public, and 60 undergraduate students from a Canadian university.

The study should take about eight months to complete and results should be known in about one year.

#### WHAT WILL HAPPEN DURING THIS STUDY?

You will be provided with 5 questionnaires to complete during the study appointment. The purpose of the questionnaires is to help us understand how demographic factors, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, and support for the 161 Order impact your interpretation and enforcement of the 161 Order conditions.

Each questionnaire will take about 5 to 15 minutes to complete, for a total of about 35 minutes.

The information you provide is for research purposes only. Some of the questions are personal. You can choose not to answer questions if you wish.

Due to the nature of the study, it is possible that some of the questions may upset you. Should this happen, you have the option to skip the question, take a break, or withdraw from the study. If you are still feeling distressed and are in need of support, you should contact the Principal Investigator of the study and/or the 24-hour Crisis Line (1-866-996-0991).

#### WHAT ARE THE RESPONSIBILITIES OF STUDY PARTICIPANTS?

If you choose to participate in this study, you will be expected to:

- Complete questionnaires about your demographic information, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, and support for the 161 Order.
- Read 10 short scenarios (one at a time) that describe a situation which may or may not be considered a breach the 161 Order, then use a copy of the 161 Order to answer questions about whether each scenario could and/or should constitute a breach.

#### HOW LONG WILL PARTICIPANTS BE IN THE STUDY?

Your participation on this study will involve one session that will last for about 35 minutes.

#### CAN PARTICIPANTS CHOOSE TO LEAVE THE STUDY?

You can choose to end your participation in this research (called withdrawal) at any time before you have finished the study without having to provide a reason. To withdraw from this study, simply exit the browser window.

If you withdraw from the study before submitting the completed questionnaires, any information that was collected about you for this study will be deleted.

Since responses are anonymous, it is not possible to withdraw from the study after you have submitted your completed questionnaires.

#### WHAT ARE THE RISKS OR HARMS OF PARTICIPATING IN THIS STUDY?

There are no medical risks to you from participating in this study, but taking part in this study could make you feel uncomfortable due to the nature of the questions.

#### WHAT ARE THE BENEFITS OF PARTICIPATING IN THIS STUDY?

There are no benefits to you for taking part in this study. However, we hope the information learned from this study will increase our understanding of how people are impacted by the 161 Order conditions, as well as inform policy recommendations intended to improve the 161 Order.

#### HOW WILL PARTICIPANT INFORMATION BE KEPT CONFIDENTIAL?

If you decide to participate in this study, the research team will only collect the information they need for this study. At the end of the study, you will be given the option to be entered into a draw to win a gift card. This is completely voluntary and would require you to provide your email address or phone number so we can contact you if you win. If you want to enter the draw, you will be asked to click a link that will take you to a completely new survey where you can enter your contact information and choice of gift card if you win the draw. This protects the anonymity of your responses, since your email address or phone number cannot be associated with any other information collected about you for this study (called study data).

Authorized representatives of the following organizations may review the study data (including age and gender) to check that the information collected for the study follows proper laws and guidelines:

- The Royal's research ethics board who oversees the ethical conduct of this study in Ontario.

- Representatives of the Royal's Institute of Mental Health Research, to oversee the safety and quality of research at this location.

This research study is collecting information on race and ethnicity, as well as other individual characteristics, because these characteristics may influence how people respond. Providing information on your race or ethnic origin is voluntary.

If the results of this study are published, your identity will remain confidential. It is expected that the information collected during this study will be analyzed and then presented to the scientific community and policy makers through published journal articles and conference presentations. Even though the likelihood that someone may identify you from the study data is very small, it can never be completely eliminated.

#### WHAT IS THE COST TO PARTICIPANTS?

Participation in this study will not involve any additional costs to you.

#### ARE STUDY PARTICIPANTS PAID TO BE IN THIS STUDY?

If you decide to participate in this study, you have the option to be entered into a draw to win a \$100 gift card to one of the following places of your choice: Starbucks, Tim Hortons, Amazon, Cineplex, Esso, Uber, or the Ultimate dining card (valid at a number of different restaurants). Due to the anonymous nature of the study, only participants who provide their email address or phone number will be eligible for the draw. If the winner has provided a phone number, they will be contacted by phone and asked how they would like to receive their gift card; if the winner provides an email address, they will be sent an electronic copy of their chosen gift card. Your contact information will be kept confidential, will not be associated with your responses in any way, and will only be used to contact you if you have won the draw. Once a winner has been selected, your contact information will be deleted.

#### WHAT ARE THE RIGHTS OF PARTICIPANTS IN A RESEARCH STUDY?

You have the right to be informed of the results of this study once the entire study is complete. If you would like to be informed of the results of this study, please contact the research team.

Your rights to privacy are legally protected by federal and provincial laws that require safeguards to ensure that your privacy is respected.

By consenting to participate in this study, you do not give up any of your legal rights against the researchers or involved institutions for compensation, nor does this form relieve the researchers of their legal and professional responsibilities.

#### WHOM DO PARTICIPANTS CONTACT FOR QUESTIONS?

If you have questions about taking part in this study, you can talk to the person who is in charge of the study at this institution. That person is:

Natasha Knack  
Research Coordinator  
The Royal's Institute of Mental Health Research  
Tel: 613-722-6521 ext. 6236  
[natasha.knack@theroyal.ca](mailto:natasha.knack@theroyal.ca)

If you have questions about your rights as a participant or about ethical issues related to this study, you can talk to someone who is not involved in the study at all. That person is:

Tammy Beaudoin  
Clinical Research Support Manager  
The Royal's Institute of Mental Health Research  
Tel: 613.722.6521 Ext. 6214  
[Tammy.beaudoin@theroyal.ca](mailto:Tammy.beaudoin@theroyal.ca)

#### CONSENT TO PARTICIPATE

- All of my questions have been answered,
  - I understand the information within this informed consent form,
  - I do not give up any of my legal rights by signing this consent form,
  - I understand that by selecting the 'I consent to participate in this study' box and completing the following questionnaires, I am voluntarily agreeing to take part in this research study.
- 
- I consent to participate in this study.
  - I do not consent to participate in this study.

## Appendix D3 – Student Group

### Informed Consent Form for Participation in a Research Study – Student Group

**Study Title:** *To breach or not to breach: Exploring inconsistencies in the interpretation, enforcement, and impact of Canada's Section 161 Order for sexual offending*

**Principal Investigator:** *Natasha Knack, Forensic Research Unit, 613-722-6521 ext. 6236 or [natasha.knack@theroyal.ca](mailto:natasha.knack@theroyal.ca)*

**Faculty Supervisor:** *Dr. Julie Blais, Department of Psychology, Carleton University, [julie.blais@carleton.ca](mailto:julie.blais@carleton.ca)*

**Co-Investigator:** *Dr. Paul Fedoroff, Integrated Forensic Program, The Royal*

**Ethics:** *This study has received ethical approval from the Research Ethics Boards at The Royal's Institute of Mental Health Research (REB #: 2019013) and Carleton University (CUREB-B #: 111297).*

### INTRODUCTION

You are being invited to participate in a research study. You are invited to participate in this study because you are a law-abiding member of the Canadian public who is currently enrolled as an undergraduate student. This consent form provides you with information to help you make an informed choice. Please read this document carefully and contact the Principal Investigator by phone or email if you have any questions. All your questions should be answered to your satisfaction before you decide whether to participate in this research study.

Please take your time in making your decision. You may find it helpful to discuss it with your friends and family. Taking part in this study is voluntary. Deciding not to take part or deciding to leave the study later will not result in any penalty or negative consequences.

This study explores the interpretation and enforcement of Canada's 161 Order, which is a prohibition order given to people convicted of sexual offences against children once they are released from incarceration. The 161 Order outlines five conditions that individuals must follow, such as not attending places where children are expected to be present. Breaching these conditions could cause the person to be returned to jail or face some other punishment.

### IS THERE A CONFLICT OF INTEREST?

There are no conflicts of interest to declare related to this study.

### WHY IS THIS STUDY BEING DONE?

The purpose of this study is to explore possible inconsistencies in how the 161 Order is interpreted and enforced by different groups, as well as the positive and/or negative impacts of having a 161 Order.

### HOW MANY PEOPLE WILL TAKE PART IN THIS STUDY?

It is anticipated that about 180 people will take part in this study, 60 from a research site located in Ontario, 60 members of the Canadian general public, and 60 undergraduate students from a Canadian university.

This study should take about eight months to complete and the results should be known in about one year.

### WHAT WILL HAPPEN DURING THIS STUDY?

You will be provided with 5 questionnaires to complete during the study appointment. The purpose of the questionnaires is to help us understand how demographic factors, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, and support for the 161 Order impact your interpretation and enforcement of the 161 Order conditions.

Each questionnaire will take about 5 to 15 minutes to complete, for a total of about 35 minutes.

The information you provide is for research purposes only. Some of the questions are personal. You can choose not to answer questions if you wish.

Due to the nature of the study, it is possible that some of the questions may upset you. Should this happen, you have the option to skip the question, take a break, or withdraw from the study. If you are still feeling distressed and are in need of support, you should contact the Principal Investigator of the study and/or the 24-hour Crisis Line (1-866-996-0991).

### WHAT ARE THE RESPONSIBILITIES OF STUDY PARTICIPANTS?

If you choose to participate in this study, you will be expected to:

- Complete questionnaires about your demographic information, attitudes toward the treatment of people convicted of sex offences, exposure to information about sex offending, and support for the 161 Order.
- Read 10 short scenarios (one at a time) that describe a situation which may or may not be considered a breach the 161 Order, then use a copy of the 161 Order to answer questions about whether each scenario could and/or should constitute a breach.

### HOW LONG WILL PARTICIPANTS BE IN THE STUDY?

Your participation on this study will involve one session that will last for about 35 minutes.

### CAN PARTICIPANTS CHOOSE TO LEAVE THE STUDY?

You can choose to end your participation in this research (called withdrawal) at any time before you have finished the study without having to provide a reason. To withdraw from this study, simply exit the browser window. You will still be compensated with course credit should you choose to withdraw before completing the study.

If you withdraw from the study before submitting the completed questionnaires, any information that was collected about you for this study will be deleted.

Since responses are anonymous, it is not possible to withdraw from the study after you have submitted your completed questionnaires.

### WHAT ARE THE RISKS OR HARMS OF PARTICIPATING IN THIS STUDY?

There are no medical risks to you from participating in this study, but taking part in this study could make you feel uncomfortable due to the nature of the questions.

### WHAT ARE THE BENEFITS OF PARTICIPATING IN THIS STUDY?

There are no benefits to you for taking part in this study. However, we hope the information learned from this study will increase our understanding of how people are impacted by the 161

Order conditions, as well as inform policy recommendations intended to improve the 161 Order.

### HOW WILL PARTICIPANT INFORMATION BE KEPT CONFIDENTIAL?

If you decide to participate in this study, the research team will only collect the information they need for this study. Any information collected about you for this study (called study data) will be strictly confidential. The study data is completely separate from SONA and your name cannot be linked to your responses in any way once the course credit has been assigned.

Authorized representatives of the following organizations may review the study data (including age and gender) to check that the information collected for the study follows proper laws and guidelines:

- The Royal's research ethics board who oversees the ethical conduct of this study in Ontario
- Representatives of the Royal's Institute of Mental Health Research, to oversee the safety and quality of research at this location

This research study is collecting information on race and ethnicity, as well as other individual characteristics, because these characteristics may influence how people respond. Providing information on your race or ethnic origin is voluntary.

If the results of this study are published, your identity will remain confidential. It is expected that the information collected during this study will be analyzed and then presented to the scientific community and policy makers through published journal articles and conference presentations. Even though the likelihood that someone may identify you from the study data is very small, it can never be completely eliminated.

#### WHAT IS THE COST TO PARTICIPANTS?

Participation in this study will not involve any additional costs to you.

#### ARE STUDY PARTICIPANTS PAID TO BE IN THIS STUDY?

If you decide to participate in this study, you will receive 0.5% course credit.

#### WHAT ARE THE RIGHTS OF PARTICIPANTS IN A RESEARCH STUDY?

You have the right to be informed of the results of this study once the entire study is complete. If you would like to be informed of the results of this study, please contact the research team.

Your rights to privacy are legally protected by federal and provincial laws that require safeguards to ensure that your privacy is respected.

By consenting to participate in this study, you do not give up any of your legal rights against the researchers or involved institutions for compensation, nor does this form relieve the researchers of their legal and professional responsibilities.

#### WHOM DO PARTICIPANTS CONTACT FOR QUESTIONS?

If you have questions about taking part in this study, you can talk to the person who is in charge of the study at this institution. That person is:

Natasha Knack  
Research Coordinator  
The Royal's Institute of Mental Health Research  
Tel: 613-722-6521 ext. 6236  
natasha.knack@theroyal.ca

If you have questions about your rights as a participant or about ethical issues related to this study, you can talk to someone who is not involved in the study at all. That person is:

Tammy Beaudoin  
Clinical Research Support Manager  
The Royal's Institute of Mental Health Research  
Tel: 613.722.6521 Ext. 6214  
[Tammy.beaudoin@theroyal.ca](mailto:Tammy.beaudoin@theroyal.ca)

### CONSENT TO PARTICIPATE

- All of my questions have been answered,
  - I understand the information within this informed consent form,
  - I do not give up any of my legal rights by signing this consent form,
  - I understand that by checking the 'I consent to participate in this study' box and completing the following questionnaires, I am voluntarily agreeing to take part in this research study.
- 
- I consent to participate in this study.
  - I do not consent to participate in this study.

## Appendix E

### Demographic Information Forms

#### Appendix E1 – Demographic Form for Clinical Group

Study number: \_\_\_\_\_

1. First 3 digits of postal code: \_\_\_\_\_

2. How old are you? \_\_\_\_\_

3. What is your gender? \_\_\_\_\_

4. What is the highest level of education you have completed?

- Less than grade 10
- Less than grade 12
- High school diploma
- College diploma (general or professional)
- Bachelor's degree
- Master's degree
- Doctoral degree
- Other (please specify): \_\_\_\_\_

5. Have you ever studied, worked, or volunteered in an area related to forensics, law, criminology, victim services, or anything to do with the criminal justice system?

- No
- Yes (please explain):  
\_\_\_\_\_

6. What is your ethnicity?

- Caucasian
- African Canadian
- Latin
- Asian
- Aboriginal
- Arab
- Other (please specify): \_\_\_\_\_

7. What is your current marital status?

- Single – no steady partner
- Dating – steady partner
- Common-law
- Married
- Separated
- Divorced
- Widowed

**8. Do you have children?**

- No
- Yes

If yes:

**8a. Please list age and gender for each child:**

\_\_\_\_\_

**9. Do you have any siblings?**

- No
- Yes

If yes:

**9a.** Number of brother(s): \_\_\_\_\_

**9b.** Number of sister(s): \_\_\_\_\_

**10. Are you currently employed at a paying job?**

- Yes – full time
- Yes – part time
- No – full time student
- No – full time homemaker
- No – on disability or other social assistance
- No – retired
- No – currently unemployed but seeking work
- No – currently unemployed and not seeking work

**11. Were you raised mainly in a rural or urban area?**

- Rural - outside a town/city
- Urban - within a town/city
- Other (please specify): \_\_\_\_\_

**12. Do you currently live in a rural or urban area?**

- Rural - outside a town/city
- Urban - within a town/city
- Other (please specify): \_\_\_\_\_

**13. What is your religion?**

- Catholic
- Protestant
- Jewish
- Islam
- Hindu
- Buddhist
- Agnostic
- Atheist
- Other (please specify): \_\_\_\_\_

**14. How religious do you consider yourself?**

- Not at all religious
- Slightly religious
- Moderately religious
- Strongly religious
- Extremely religious
- Other (please specify): \_\_\_\_\_

**15. How would you describe your political views?**

- Very conservative
- Moderately conservative
- Slightly conservative
- Neither conservative nor liberal
- Slightly liberal
- Moderately liberal
- Very liberal
- Other (please specify): \_\_\_\_\_

**16. Please list the specific sources that you most often use to learn about news and current events (e.g. Ottawa Citizen, Fox News, Metro, CBC radio, Ottawa Sun, Huffington Post, etc.).**

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**17. Have you ever been the victim of sexual abuse?**

- No
- Yes

If yes:

**17a. How old were you when the abuse happened? List multiple ages or age range if necessary.**

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**17b. What is your relationship to the person who sexually abused you? Select all that apply.**

- Stranger
- Acquaintance/friend
- Neighbour
- Significant other/partner
- Person in a position of power (e.g., teacher, coach, scout leader, etc.)
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Other (please specify): \_\_\_\_\_

**18. Do you have a close friend or relative who has been the victim of sexual abuse (not including your own victim)?**

- No
- Yes

If yes:

**18a. Do you know the relationship between your friend or relative and the person who abused them? Select all that apply.**

- Unsure
- Stranger
- Acquaintance/friend
- Neighbour
- Significant other/partner
- Person in a position of power (e.g., teacher, coach, scout leader, etc.)
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Other (please specify): \_\_\_\_\_

**19. Do you know anyone (not including yourself) who has committed or been charged with a sexual offence against someone other than you or your friends/relatives?**

- No
- Yes

**If yes:**

**19a. What is your relationship to this person? Select all that apply.**

- Acquaintance/friend
- Co-worker
- Neighbour
- Significant other/partner
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Attends the same therapy group(s)
- Other (please specify): \_\_\_\_\_

**20. Do you know anyone (not including yourself) who has committed or been charged with a child pornography offence?**

- No
- Yes

**If yes:**

**20a. What is your relationship to this person? Select all that apply.**

- Acquaintance/friend
- Co-worker
- Neighbour
- Significant other/partner
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Attends the same therapy group(s)
- Other (please specify): \_\_\_\_\_

**21. Have you ever been charged with a sexual offence against a child (not including child pornography)?**

- No

- Yes

If yes:

**21a. What was the offence? Select all that apply.**

- Sexual assault
- Sexual interference
- Invitation to sexual touching
- Incest
- Sexual exploitation
- Exposing to a child
- Luring a child via Internet
- Unsure
- Other (please specify): \_\_\_\_\_

**21b. What was your relationship to the victim? Select all that apply.**

- Stranger
- Acquaintance/friend
- Neighbour
- Significant other/partner
- Co-worker
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Other (please specify): \_\_\_\_\_

**21c. Do you admit to committing this offence?**

- No
- Yes
- Partly (please explain):  
\_\_\_\_\_

**22. Have you ever been charged with a child pornography offence?**

- No
- Yes

If yes:

**22a. What was the offence? Please select all that apply.**

- Accessing child porn
- Possession of child porn

- Distribution of child porn
- Making child porn
- Unsure
- Other (please specify): \_\_\_\_\_

**22b. Do you admit to committing this offence?**

- No
- Yes
- Partly (please explain): \_\_\_\_\_

**23. Have you ever been charged with a sexual offence against an adult?**

- No
- Yes

**If yes:**

**23a. What was the offence? Select all that apply.**

- Sexual assault
- Indecent act/exposure
- Voyeurism
- Aggravated sexual assault
- Sexual assault with a weapon
- Unsure
- Other (please specify): \_\_\_\_\_

**23b. Do you admit to committing this offence?**

- No
- Yes
- Partly (please explain): \_\_\_\_\_

**24. Have you ever committed or been charged with a non-sexual offence?**

- No
- Yes

**If yes:**

**24a. What was the offence? Select all that apply.**

- Theft, break & enter, or property damage
- Robbery
- Drug offences

- Non-sexual assault
- Murder
- Weapons offences
- Driving offences
- Fraud/forgery
- Arson
- Mischief
- Obstructing criminal process (e.g., breach conditions, fail to appear, etc.)
- Other (please specify): \_\_\_\_\_

**24b. Do you admit to committing this offence?**

- No
- Yes
- Partly (please explain): \_\_\_\_\_

**Appendix E2 – Demographic Form for Non-Clinical Groups**

*[Note: This questionnaire will be completed online using Qualtrics and branch logic will be used to display certain questions based on responses to a previous question. Some question numbers repeat in this questionnaire due to the fact that participants will only see one of the possible questions.]*

**1. First 3 digits of postal code:** \_\_\_\_\_

**2. How old are you?** \_\_\_\_\_

**3. What is your gender?** \_\_\_\_\_

**4. Are you currently enrolled in a post-secondary program?**

- No
- Yes

**If yes:**

**4a.** What program are you in? \_\_\_\_\_

**4b.** What year are you in? \_\_\_\_\_

**4c.** What college/university do you attend? \_\_\_\_\_

**If no:**

**4a. Have you ever been enrolled in a post-secondary program?**

- No  
 Yes

**If yes:**

**4b.** What program did you take? \_\_\_\_\_

**4c.** What year did you finish the program (write N/A if not completed)?  
\_\_\_\_\_

**4d.** What college/university did you attend? \_\_\_\_\_

**If no:****4b. What is the highest level of education you have completed?**

- Less than grade 10  
 Less than grade 12  
 High school diploma  
 College diploma (general or professional)  
 Bachelor's degree  
 Master's degree  
 Doctoral degree  
 Other (please specify): \_\_\_\_\_

**5. Have you ever studied, worked, or volunteered in an area related to forensics, law, criminology, victim services, or anything to do with the criminal justice system?**

- No  
 Yes (please explain):  
\_\_\_\_\_

**6. What is your ethnicity?**

- Caucasian  
 African Canadian  
 Latin  
 Asian  
 Aboriginal  
 Arab  
 Other (please specify): \_\_\_\_\_

**7. What is your current marital status?**

- Single – no steady partner

- Dating – steady partner
- Common-law
- Married
- Separated
- Divorced
- Widowed

**8. Do you have children?**

- No
- Yes

**If yes:**

**8a. Please list age and gender for each child:**

\_\_\_\_\_

**9. Do you have any siblings?**

- No
- Yes

**If yes:**

**9a. Enter number of brother(s):** \_\_\_\_\_

**9b. Enter number of sister(s):** \_\_\_\_\_

**10. Are you currently employed at a paying job?**

- Yes – full time
- Yes – part time
- No – full time student
- No – full time homemaker
- No – on disability or other social assistance
- No – retired
- No – currently unemployed but seeking work
- No – currently unemployed and not seeking work

**11. Were you raised mainly in a rural or urban area?**

- Rural - outside a town/city
- Urban - within a town/city
- Other (please specify): \_\_\_\_\_

**12. Do you currently live in a rural or urban area?**

- Rural - outside a town/city
- Urban - within a town/city
- Other (please specify): \_\_\_\_\_

**13. What is your religion?**

- Catholic
- Protestant
- Jewish
- Islam
- Hindu
- Buddhist
- Agnostic
- Atheist
- Other (please specify): \_\_\_\_\_

**14. How religious do you consider yourself?**

- Not at all religious
- Slightly religious
- Moderately religious
- Strongly religious
- Extremely religious
- Other (please specify): \_\_\_\_\_

**15. How would you describe your political views?**

- Very conservative
- Moderately conservative
- Slightly conservative
- Neither conservative nor liberal
- Slightly liberal
- Moderately liberal
- Very liberal
- Other (please specify): \_\_\_\_\_

**16. Please list the specific sources that you most often use to learn about news and current events (e.g. Ottawa Citizen, Fox News, Metro, CBC radio, Ottawa Sun, Huffington Post, etc.)**

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**17. Have you ever been the victim of sexual abuse?**

- No

- Yes

If yes:

**17a. How old were you when the abuse happened? List multiple ages or age ranges if necessary.**

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**17b. What is your relationship to the person who sexually abused you? Select all that apply.**

- Stranger
- Acquaintance/friend
- Neighbour
- Significant other/partner
- Person in a position of power (e.g., teacher, coach, scout leader, etc.)
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Other (please specify): \_\_\_\_\_

**18. Do you have a close friend or relative who has been the victim of sexual abuse?**

- No
- Yes

If yes:

**18a. Do you know the relationship between your friend or relative and the person who abused them? Select all that apply.**

- Unsure
- Stranger
- Acquaintance/friend
- Neighbour
- Significant other/partner
- Person in a position of power (e.g., teacher, coach, scout leader, etc.)
- Related – parent or step-parent
- Related – sibling
- Related – other relative (e.g., uncle, grandparent, cousin, etc.)
- Other (please specify): \_\_\_\_\_

**19. Do you know anyone who has committed or been charged with a sexual offence against someone other than you or your friends/relatives?**





## Appendix F

### Attitudes toward the Treatment of Sex Offenders Scale

The statements listed below describe different attitudes toward the treatment of people convicted of sexual offences. There are no right or wrong answers. Using the scale below, please indicate which answer best describes your personal opinions.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Undecided</b>	<b>Agree</b>	<b>Strongly Agree</b>
1. I believe that sex offenders can be treated.					
2. Treatment programs for sex offenders are effective.					
3. It is better to treat sex offenders because most of them will be released.					
4. Most sex offenders will not respond to treatment.					
5. People who want to work with sex offenders are crazy.					
6. Psychotherapy will not work with sex offenders.					
7. I believe that all sex offenders should be chemically castrated.					
8. Regardless of treatment, all sex offenders eventually reoffend.					
9. Treating sex offenders is a futile endeavor.					
10. Sex offenders can be helped using the proper techniques.					
11. Treatment doesn't work, sex offenders should be incarcerated for life.					
12. Only certain types of sex offenders will respond to treatment.					

13. Right now, there are no treatments that work for sex offenders.					
14. It is important that all sex offenders being released receive treatment.					
15. We need to urge our politicians to make sex offender treatment mandatory.					
16. All sex offenders should go for treatment even if they don't want to.					
17. Sex offenders don't deserve another chance.					
18. Tax money should not be used to treat sex offenders.					
19. Sex offenders don't need treatment since they chose to commit the crime.					
20. For this question, choose undecided as your answer.					
21. Treatment funding should be focused on the victims, not on the offenders.					
22. Sex offenders should be executed.					
23. Sex offenders should never be released.					
24. Civilly committing sex offenders to treatment facilities is a violation of their rights.					
25. Treatment should be conducted during incarceration.					
26. Sex offenders are the worst kind of offenders.					
27. Sex offenders should not be released back into the community.					

## Appendix G

### Exposure to Information about Sexual Offending

Please complete the following questionnaire based on both your past and present experiences.

**1. What is your primary source of information about sex crimes, people who commit sex offences, treatment/rehabilitation for these individuals, or any other information related to sexual offending?**

- News (e.g., TV or radio programs, print or online newspapers, etc.)
- Social media (e.g., Twitter, Facebook, Reddit, Tumblr, etc.)
- Other forms of media (e.g., movies, TV shows, podcasts, personal blogs, etc.)
- Personal relationships (e.g., friends, co-workers, relatives, significant others, etc.)
- Education and training (e.g., courses, journals, conferences, placements, volunteering, etc.)
- Personal experience after being charged or convicted of a sexual offence
- Other (please specify):

**2. Have you received information related to sexual offending from any of the following sources? Select all that apply.**

*[Note: For participants completing the study online, only one of the following lists will appear (based on their response to question 1). For clinical participants completing the study in-person, question 2 will begin with this additional instruction: Find the list of examples associated with your primary source of information and answer the following question using only this list].*

**News:**

- TV news programs
  - Radio news programs
  - Print newspapers
  - Online news papers
  - Other online news sources
  - Other news sources (please specify):
- 

**Social media:**

- Twitter
- Facebook

- Reddit
- Tumblr
- LinkedIn
- YouTube
- Instagram
- Pinterest
- Other (please specify): \_\_\_\_\_

**Other forms of media:**

- Documentaries
- Podcasts
- Personal blogs
- Non-academic books or magazines
- Movies or TV shows
- Other online media sources
- Other (please specify): \_\_\_\_\_

**Personal relationships:**

- With someone who has been sexually abused
- With someone who has committed a sexual offence
- With someone who works or studies in the field of sexual offending
- Other (please specify): \_\_\_\_\_

**Education and/or training:**

- High school classes
- College or University course(s)
- Student placements, co-ops, etc.
- Academic books or journal articles
- Academic or professional conferences
- Employment in a related field
- Training or professional development
- Training for volunteer position(s)
- Other (please specify): \_\_\_\_\_

**Personal experiences after being charged or convicted of a sexual offence:**

- Individual psychotherapy with a therapist, counsellor, etc.
- Facilitators in group psychotherapy sessions
- Other patients in group therapy sessions
- Sexual education or other aspects of treatment program(s)
- Other members of treatment team
- Lawyer or legal aid representative
- Going through the legal process



## Appendix H

### Support for 161 Order Conditions

This scale asks about your feelings toward the individual conditions on the 161 Order. For each of the five conditions, please read each statement and select the answer that best describes how much you personally agree or disagree. There are no right or wrong answers.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
<p><b>Condition (a):</b> Attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre.</p>						
1. Is a fair and reasonable condition for this population						
2. Is likely to protect children from sexual abuse						
3. Would make it difficult to establish social supports						
4. Is likely to be consistently enforced the same way						
5. Could cause someone to become isolated						
6. Has the potential to be misinterpreted						
7. Would have a positive impact on rehabilitation						
8. Makes my community a safer place						

9. Would make it difficult to find a job or place to live						
10. Gives individual police officers too much discretion						

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
<b>Condition (a.1):</b> Being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order.						
11. Is a fair and reasonable condition for this population						
12. Is likely to protect children from sexual abuse						
13. Would make it difficult to establish social supports						
14. Is likely to be consistently enforced the same way						
15. Could cause someone to become isolated						
16. Has the potential to be misinterpreted						
17. Would have a positive impact on rehabilitation						
18. Makes my community a safer place						
19. Would make it difficult to find a job or place to live						

20. Gives individual police officers too much discretion						
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	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
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**Condition (b):** Seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years.

21. Is a fair and reasonable condition for this population						
22. Is likely to protect children from sexual abuse						
23. Would make it difficult to establish social supports						
24. Is likely to be consistently enforced the same way						
25. Could cause someone to become isolated						
26. Has the potential to be misinterpreted						
27. Would have a positive impact on rehabilitation						
28. Makes my community a safer place						
29. Would make it difficult to find a job or place to live						
30. Gives individual police officers too much discretion						

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
<b>Condition (c):</b> Having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate.						
31. Is a fair and reasonable condition for this population						
32. Is likely to protect children from sexual abuse						
33. Would make it difficult to establish social supports						
34. Is likely to be consistently enforced the same way						
35. Could cause someone to become isolated						
36. Has the potential to be misinterpreted						
37. Would have a positive impact on rehabilitation						
38. Makes my community a safer place						
39. Would make it difficult to find a job or place to live						
40. Gives individual police officers too much discretion						

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
--	--------------------------	-----------------	--------------------------	-----------------------	--------------	-----------------------

<b>Condition (d):</b> Using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.						
41. Is a fair and reasonable condition for this population						
42. Is likely to protect children from sexual abuse						
43. Would make it difficult to establish social supports						
44. Is likely to be consistently enforced the same way						
45. Could cause someone to become isolated						
46. Has the potential to be misinterpreted						
47. Would have a positive impact on rehabilitation						
48. Makes my community a safer place						
49. Would make it difficult to find a job or place to live						
50. Gives individual police officers too much discretion						

**51. In your own words, please describe what a 161 Order is and what it is used for:**

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## Appendix I

### 161 Order Questionnaire

This questionnaire contains 10 short scenarios describing everyday situations that may or may not be considered a breach of the 161 Order. A ‘breach’ means that the person has violated one or more of the conditions on the Order.

Each scenario involves a man (John) who has recently been released from jail after being convicted of a sexual offence against a child. He has been placed under a 161 Order and must follow the conditions on this Order for 10 years. These conditions are enforced by local police officers, and John could be returned to jail for breaching a condition.

Below is an exact copy of the 161 Order John was given. Please take a couple minutes to read it before proceeding to the scenarios. For each scenario, you will be asked to use the conditions on the 161 Order to determine if John could and/or should be charged with breaching the 161 Order.

The conditions will also be listed at the bottom of each page so you can easily refer back to them.

### Canada’s 161 Order

Since there is a lot of legal language used in the Order, the most relevant sections have been italicized. You don’t need to fully understand every part of the Order to complete the study. Just keep in mind that this is the exact same language used in the 161 Orders that are given to people convicted of sexual offences.

#### **Order of prohibition**

**161 (1)** When an offender is convicted, or is discharged on the conditions prescribed in a probation order under section 730, of an offence referred to in subsection (1.1) in respect of a person who is under the age of 16 years, the court that sentences the offender or directs that the accused be discharged, as the case may be, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, shall consider making and may make, subject to the conditions or exemptions that the court directs, *an order prohibiting the offender from*

*(a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;*

*(a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;*

*(b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;*

*(c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or*

*(d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.*

### **Duration of prohibition**

**(2)** The prohibition *may be for life or for any shorter duration that the court considers desirable* and, in the case of a prohibition that is not for life, the prohibition begins on the later of

**(a)** the date on which the order is made; and

**(b)** where the offender is sentenced to a term of imprisonment, the date on which the offender is released from imprisonment for the offence, including release on parole, mandatory supervision or statutory release.

### **Court may vary order**

**(3)** A court that makes an order of prohibition or, where the court is for any reason unable to act, another court of equivalent jurisdiction in the same province, may, on application of the offender or the prosecutor, require the offender to appear before it at any time and, after hearing the parties, that *court may vary the conditions prescribed in the order if, in the opinion of the court, the variation is desirable because of changed circumstances after the conditions were prescribed.*

### **Offence**

**(4)** Every person who is bound by an order of prohibition and who does not comply with the order is guilty of

**(a)** an indictable offence and is liable to *imprisonment for a term of not more than four years; or*

**(b)** an offence punishable on summary conviction and is liable to *imprisonment for a term of not more than 18 months.*

**Once you've read the 161 Order, proceed to the next page to read the first scenario.**

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- (a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;
  - (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
  - (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
  - (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
  - (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.
- 

**Details:** White male, mid-40s; hands-on sex offence against a child who was well-known to him; no criminal history prior to this offence.

**Scenario #2:**

John has recently gotten a job for a delivery catering company. His shift is from 3pm to 11pm, and he works with two other employees. It is his responsibility to figure out the delivery routes and drive the truck. The other two employees are responsible for bringing the prepared food items into the venue. A few weeks later, John is asked to make a delivery to a local elementary school for a PTA meeting. Since the delivery would be made after school hours and he wouldn't be getting out of his truck, he decides it's okay to make the delivery.

**6. In this scenario, could John be charged with breaching any of the conditions on the 161 Order?**

- No
- Yes



**9. In this scenario, which of the following punishments do you think would be the most appropriate if John was charged with a breach? Select only one.**

*Note: Jail sentences of 90 days or less can (at the judge's discretion) be served on weekends, allowing offenders to keep working, going to school, supporting their families, etc. while serving their jail sentence.*

- Pay a fine
- Community service
- More mandated treatment
- Time added to probation
- Conditions added to 161 Order
- Put on house arrest
- Jail time – 90 days or less
- Jail time – 3 to 17 months
- Jail time – 1.5 to 4 years
- Chemical castration
- Other (please specify): \_\_\_\_\_

**10. If yes to question 1 or 2, which condition(s) have been breached? Select all that apply (see conditions below).**

- (a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;
  - (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
  - (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
  - (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
  - (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.
-





present, or a daycare centre, schoolground, playground or community centre;

- (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
- (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
- (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
- (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.

**Details:** White male, mid-40s; hands-on sex offence against a child who was well-known to him; no criminal history prior to this offence.

**Scenario #4:**

John and his best friend had been camping together since they were kids, going multiple times every summer for many years now. It was one of the things that John looked forward to most. But since his conviction, it had become difficult to find a place to go, since many campgrounds are considered parks. One day a friend tells John about a section of Algonquin Park that is restricted to adults-only, meaning that no children are permitted in this area. Since children could not reasonably be expected to be present in an adults-only campground, John decides to go camping in this section of Algonquin Park.

**16. In this scenario, could John be charged with breaching any of the conditions on the 161 Order?**

- No
- Yes

**1a. Please explain how you determined your answer to the above question (including specific details that influenced your decisions):**



- Pay a fine
- Community service
- More mandated treatment
- Time added to probation
- Conditions added to 161 Order
- Put on house arrest
- Jail time – 90 days or less
- Jail time – 3 to 17 months
- Jail time – 1.5 to 4 years
- Chemical castration
- Other (please specify): \_\_\_\_\_

**20. If yes to question 1 or 2, which condition(s) have been breached? Select all that apply (see conditions below).**

- (a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;
- (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
- (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
- (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
- (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.

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**Details:** White male, mid-40s; hands-on sex offence against a child who was well-known to him; no criminal history prior to this offence.

**Scenario #5:**

John is in the grocery store picking up something for dinner. After finding the few things he needs, he heads to the front of the store to pay and sees that all the cashiers have a long line of customers, many with full shopping carts. The only line that isn't currently









- Jail time – 3 to 17 months
- Jail time – 1.5 to 4 years
- Chemical castration
- Other (please specify): \_\_\_\_\_

**30. If yes to question 1 or 2, which condition(s) have been breached? Select all that apply (see conditions below).**

- (a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;
- (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
- (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
- (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
- (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.

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**Details:** White male, mid-40s; hands-on sex offence against a child who was well-known to him; no criminal history prior to this offence.

**Scenario #7:**

John has recently come down with a cold, and after about a week of being sick he decides he should see a doctor to find out if he has some sort of infection. Since John doesn't have a family doctor, he goes to a local Appletree walk-in clinic. Inside the clinic John sees a sign telling patients to register themselves at the computer kiosk. Since John is worried that the computer might be connected to the Internet, he asks an employee at the front desk if he can register with her instead, but she tells him that all patients need to register at the kiosk. He walks back to the kiosk and registers himself on the computer.









- Jail time – 1.5 to 4 years
- Chemical castration
- Other (please specify): \_\_\_\_\_

**40. If yes to question 1 or 2, which condition(s) have been breached? Select all that apply (see conditions below).**

- (a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;
- (a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;
- (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;
- (c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or
- (d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.

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**Details:** White male, mid-40s; hands-on sex offence against a child who was well-known to him; no criminal history prior to this offence.

**Scenario #9:**

John is out running errands on the weekend and decides to go to McDonald's to get something for lunch. Since it's cold and raining outside, he decides to go through the drive-thru to get his food. When the employee comes on the intercom, he places his order and then pulls forward to the first window as instructed. He greets the employee at the window, hands over his money, and then pulls forward to collect his food. When the second window opens, he begins to greet the employee and then realizes that he is talking to his former victim. He stops talking immediately, takes the bag of food that is handed to him, and drives away.















Condition (d)

**5. How much has the 161 Order impacted your ability to establish social supports in the community?**

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
 No impact Moderate impact Extreme impact

**5a. Which conditions (if any) have had the greatest impact on this? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**6. Overall, how much has the 161 Order impacted your ability to successfully reintegrate into the community after being released from incarceration?**

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
 No impact Moderate impact Extreme impact

**6a. Which conditions (if any) have had the greatest impact on this? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**7. How do you think the 161 Order impacts your risk of committing another sexual offence?**

- Extremely reduces risk
- Somewhat reduces risk
- Slightly reduces risk
- Does not increase or decrease risk
- Slightly increases risk
- Somewhat increases risk
- Greatly increases risk

**7a. Which conditions (if any) have had the greatest impact on this? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**8. How do you think the 161 Order impacts your risk of committing a non-sexual offence?**

- Extremely reduces risk
- Somewhat reduces risk
- Slightly reduces risk
- Does not increase or decrease risk
- Slightly increases risk
- Somewhat increases risk
- Greatly increases risk

**8a. Which conditions (if any) have had the greatest impact on this? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**9. How do you think the 161 Order impacts your risk of committing a technical violation (i.e., breaching one of your conditions)?**

- Extremely reduces risk
- Somewhat reduces risk
- Slightly reduces risk
- Does not increase or decrease risk
- Slightly increases risk
- Somewhat increases risk
- Greatly increases risk

**9a. Which conditions (if any) have had the greatest impact on this? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**10. Has the degree to which the 161 Order impacts your life changed over time?**

- No
- Yes

If yes, please explain:

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**11. At what point in your life did the 161 Order have the greatest impact?**

- When first released from incarceration
- Currently or within the recent past
- Same amount of impact regardless of time period
- Other (please specify): \_\_\_\_\_

**12. Which conditions (if any) have had the most positive impact on your life? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**13. Which conditions (if any) have had the most negative impact on your life? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**14. Which conditions (if any) do you think are most likely to prevent reoffending? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**15. Which conditions (if any) do you think could increase your risk of reoffending? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**16. Which conditions (if any) do you think are most likely to prevent your rehabilitation or reintegration into the community? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**17. Which conditions (if any) do you think could help your rehabilitation or reintegration into the community? Select all that apply.**

- None
- Condition (a)
- Condition (a.1)
- Condition (b)
- Condition (c)
- Condition (d)

**18. Looking at the individual conditions on the 161 Order, what are your overall feelings about each one?**

**Condition (a):**

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

Very negative

Neither negative  
nor positive

Very positive



## Appendix K

### Legend for Model Terms

**When Group ( $X_1$ ) was used as a predictor:**

$i_M$  = intercept for Attitude scores

$i_Y$  = intercept for Breach Scores

$a_1$  = effect of membership in GP group relative to PCSOC group on Attitude

$a_2$  = effect of membership in UG group relative to PCSOC group on Attitude

$c'_1$  = effect of membership in GP group relative to PCSOC group on Breach scores when controlling for Attitude

$c'_2$  = effect of membership in UG group relative to PCSOC group on Breach scores when controlling for Attitude

$c'_3$  = effect of Degree of Support on Breach scores when controlling for Attitude

$c'_4$  = effect of membership in GP group relative to PCSOC group on Breach scores when controlling for Attitude and moderated by Degree of Support

$c'_5$  = effect of membership in UG group relative to PCSOC group on Breach scores when controlling for Attitude and moderated by Degree of Support

$b_1$  = effect of Attitude on Breach scores when controlling for Group

$b_2$  = effect of Attitude on Breach scores when controlling for Group and moderated by Degree of Support

$e_M$  = residuals for Attitude

$e_Y$  = residuals for Breach scores

**When Info Source ( $X_2$ ) was used as a predictor:**

$i_M$  = intercept for Attitude

$i_Y$  = intercept for Breach Scores

$a_1$  = effect of news as Info Source relative to experience (on Attitude

$a_2$  = effect of social media as Info Source relative to experience on Attitude

$a_3$  = effect of education as Info Source relative to experience on Attitude

$c'_1$  = effect of news as Info Source relative to experience on Breach scores when  
controlling for Attitude

$c'_2$  = effect of social media as Info Source relative to experience on Breach scores when  
controlling for Attitude

$c'_3$  = effect of education as Info Source relative to experience on Breach scores when  
controlling for Attitude

$c'_4$  = effect of Degree of Support on Breach scores when controlling for Attitude

$c'_5$  = effect of news as Info Source relative to experience on Breach scores when  
controlling for Attitude and moderated by Degree of Support

$c'_6$  = effect of social media as Info Source relative to experience on Breach scores when  
controlling for Attitude and moderated by Degree of Support

$c'_7$  = effect of education as Info Source relative to experience on Breach scores when  
controlling for Attitude and moderated by Degree of Support

$b_1$  = effect of Attitude on Breach scores when controlling for Info Source

$b_2$  = effect of Attitude on Breach scores when controlling for Info Source and moderated  
by Degree of Support

$e_M$  = residuals for Attitude

$e_Y$  = residuals for Breach scores