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A Descriptive Profile of High-Risk Sex Offenders Under Intensive Supervision in the Province of British Columbia, Canada

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This study provides a preliminary descriptive profile of individuals having been issued an 810 recognizance order (i.e., peace bond). This preventive order is issued to individuals in the community considered by the court to be high-risk sex offenders. In total, 88 offenders were issued an 810.1 (at risk of sexual offence against a child) or an 810.2 (at risk of a personal injury offence) recognizance order between April 2006 and February 2008, among whom 59 sex offenders were included. The sociodemographics, risk profiles, and recidivism of offenders under the orders were analyzed. Two risk assessment tools, the Static-99 and the Stable, were used to describe this population. Comparisons were made between sex offenders under 810.1 and 810.2 orders. Preliminary analyses suggest that these men are heterogeneous in terms of their level of risk of reoffending. Only one offender sexually reoffended while under the order. On the other hand, the general recidivism rate was about 30%, with many breaching the conditions of their order. The findings are discussed in light of the community risk management of high-risk sex offenders.

Keywords: *810 recognizance order; high-risk offenders; intensive supervision; sex offenders; recidivism; community reintegration*

Since the 1990s, the criminal justice system has been increasingly concerned about public safety and the incapacitation of dangerous sex offenders. Under what has been described as the community-protection model (Petrunik, 2003), new

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legal dispositions targeting sex offenders have rapidly emerged with the assumptions that those measures will prevent future sex crimes (Janus, 2003). In the United States, sexually violent predator laws have been gradually introduced to confine, for an indefinite period, dangerous sex offenders about to be released from prison (Lieb, Quinsey, & Berliner, 1998). For other sex offenders who do get released from prison, other measures such as registration and community notification laws have been implemented to deter offenders from reoffending, to facilitate police investigation, and to promote community vigilance. In contrast to the more aggressive approach taken in the United States, a more cautious approach has been taken in Canada (Petrunik, 2003). During the same period, the dangerous offender legislation, the long-term supervision order, the community notification, and 810 orders have all emerged to provide the Canadian criminal justice system with several legal dispositions to control the criminal behavior of high-risk sexual offenders. These measures have been implemented to increase the protection of residents by incapacitating dangerous, high-risk sex offenders while managing the risk of other high-risk sex offenders returning to the community following their prison release. One measure that has been increasingly used by the court is the 810 recognizance order. This order allows the court to restrict the liberty of individuals considered to be at risk of committing a sex crime. The individuals under an 810 recognizance order pose many challenges to the courts, community correction officials, and the police involved in the application of the order. If the Canadian approach has been one characterized by its main focus on high-risk sex offenders, and the 810 recognizance order exemplifies that perspective, no studies to date have described those individuals targeted by court for those orders and their risk of reoffending while under intensive community supervision.

Sexual Offenders, Risk, and Recidivism

Understanding the risk. Since the 1960s, several empirical investigations have looked at the risk of recidivism of sex offenders (Alexander, 1999; Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005; Lussier, 2005; Proulx, Tardif, Lamoureux, & Lussier, 2000; Quinsey, Lalumiere, Rice, & Harris, 1995). Taken together, these studies have demonstrated that sex offenders are not more likely to reoffend on their release than non–sex offenders. In fact, as a group, sex offenders tend to have lower general recidivism rates than non–sex offenders. On the other hand, sex offenders who do recidivate are much more likely to commit a nonsexual crime than reoffend sexually (Hanson & Bussière, 1998; Lussier, 2005). Indeed, persistent sex offenders do not specialize in sex crimes and tend to engage in a variety of criminal activities (Lussier, LeBlanc, & Proulx, 2005; Simon, 2000). However, sex offenders are more likely to recidivate in a sex crime than non–sex offenders. Studies have shown that they are three to five times more likely to be rearrested for a sex crime when compared with non–sex offenders (Langan, Schmitt, & Durose, 2003; Sample & Bray, 2003). Thus, a prior record of a sex crime is a good indicator of the likelihood of sexual recidivism even though only a minority of convicted sex offenders reoffends sexually. When looking at a short follow-up period of about 5 years, the recidivism rate of sex offenders is approximately 10% (Hanson, Morton, & Harris, 2003; Lussier, 2005).[1] Sexual recidivism rates have been shown to increase over time as a few studies based on serious offenders (i.e., federal inmates, aggressive/repetitive sex offenders) have found recidivism rates of up to 30% over a 25-year follow-up period. If, as a group, sex offenders are not likely to recidivate sexually on their prison release, a very small subgroup of persistent sex offenders may pose a more significant risk.

Identification of persistent sex offenders. In an effort to identify the small subgroup of sex offenders at risk of reoffending, several empirical studies have looked at the individual characteristics of persistent high-risk sex offenders. Two main categories of individual risk factors have been the focus of those empirical investigations: (a) static risk factors and (b) dynamic risk factors. Static risk factors are historical in nature and refer to those individual characteristics that cannot be modified through treatment (e.g., prior record for a sex crime, a prior male victim, etc.). Dynamic risk factors, on the other hand, can be changed through treatment (e.g., attitudes supporting sexual assault, antisocial personality, deviant sexual fantasies, etc.). Therefore, dynamic risk factors are those that not only inform about the risk of recidivism but also inform about any changes in the risk of reoffending over time (Proulx et al., 2000). The understanding that the risk of reoffending is multidimensional and that a combination of risk factors best predicts recidivism has led to the development of several risk assessment tools. Static-99 (Hanson & Thornton, 2000) and SONAR (Hanson & Harris, 2001) have been introduced specifically to screen for persistent high-risk sex offenders. Although it has been shown that those empirically based actuarial tools outperform human judgment (Hanson & Bussière, 1998), several empirical and practical issues have been raised, such as (a) the overall modest predictive accuracy, (b) the overprediction of risk for older offenders, (c) the fact that not all types of sexual recidivism (e.g., injurious offence, intrafamilial, etc.) are accurately predicted by these instruments, (d) the variable predictive accuracy of these instruments across different ethnic groups, and (e) that the heterogeneity of offending pathways are not captured (Barbaree, Langton, & Blanchard, 2007; Gottfredson & Moriarty, 2006; Harris & Rice, 2007; Langstrom, 2004; Lussier, Leclerc, Cale, & Proulx, 2007; Sjöstedt & Grann, 2002). In spite of those concerns, these risk assessment tools are routinely used to identify persistent high-risk sex offenders for specific legal dispositions (e.g., Levenson & Morin, 2006). Although those instruments have been developed to screen for high-risk offenders, it is unclear whether those instruments are useful for the community risk management of high-risk sex offenders.

Persistent High-Risk Sex Offenders

The 810 recognizance order or "peace bonds." The concerns raised by the small subgroup of persistent high-risk sex offenders led to the introduction of various legal dispositions. A series of legal measures have been taken since the mid-1990s by the federal government in an effort to enhance security and protection for children and women from violence and sexual abuse (Lafond, 2005; Petrunik, 2003). In 1995, the federal government introduced Bill C-42 by making amendments to Section 810 of the Criminal Code of Canada. The amendments aimed, among other things, at making 810 orders easier to obtain, while increasing the maximum penalty for a breach from 6 months to 2 years. Section 810 allows the court to restrict the liberty of those individuals considered on reasonable grounds to be at risk of committing a crime. Therefore, the court can enforce a preventive order forcing an individual to keep the peace by imposing to that person a set of conditions—for example, no alcohol/drug consumption, staying away from a particular location/person, curfew, no weapons, reporting to probation officers, and so on. Although peace bonds first appeared in the Canadian Criminal Code in 1892, Sections 810.1 and 810.2 were introduced in the 1990s. Section 810.1 of the Criminal Code of Canada focuses on individuals at risk of committing a sex crime against someone 14 years old and younger, whereas Section 810.2, on the other hand, deals with individuals at risk of committing serious personal injury offence. Although Section 810.2 does not make reference to specific types of victims, it does make reference to sexual assault and aggravated sexual assault. Generally, the provincial crown attorneys or the police apply for an 810 recognizance order. If the 810 recognizance order is granted by the court, it comes into effect for a period of up to 12 months, after which it may be renewed on application to the court. To our knowledge, no empirical study has looked at this legal disposition and its application.

Aim of the Study

In line with other measures that have emerged under the community protection model, the 810 recognizance order is based on three main assumptions: (a) the criminal justice system can accurately identify high-risk sex offenders, (b) the risk that poses the offenders identified by the court for 810 orders can be efficiently managed in the community, and (c) the conditions of the order, and the intensive supervision that follows, can prevent future sex crimes. The underlying assumptions of this new legal disposition have not received much attention from researchers. In fact, since the introduction of this new preventive legislation, no empirical study has been conducted to describe the population of sex offenders under an 810 recognizance order. The present study attempts to fill this gap by providing baseline information on this specific subgroup of sex offenders. In doing so, the aim of the study is manifold. First, we provide a descriptive profile of those individuals having received an 810 recognizance order. In doing so, our main concern will be to determine whether those offenders are indeed at high risk to sexually reoffend. A related point is to verify whether offenders receiving an 810.1 order are significantly different from those under an 810.2 order. This consideration is of importance to determine whether or not community risk management should differ between the two groups. Second, this study looks at the recidivism rates of those high-risk offenders while being under the supervision order. As those individuals are under intensive supervision from probation officers and police investigators, it is imperative to examine their risk of reoffending. Finally, the study aims to verify the characteristics of the individuals most likely to reoffend while under community supervision. Of importance, no study to date has looked at the predictive validity of risk assessment tools specifically for a subgroup of high-risk sex offenders. As distinctive programs have been designed to address the risk and needs of this population, it is imperative to provide a descriptive analysis of the recidivists to prevent future victimization.

Method

Sample

All offenders issued an 810.1 or an 810.2 recognizance order between April 1, 2006, and February 12, 2008, in the province of British Columbia, Canada, were included in the study (n = 88). This constitutes the whole population of offenders issued an 810 order during close to a 2-year window. Of those 88 offenders under an 810.1 or an 810.2 recognizance order, 59 (67%) were sex offenders. Of those 59 sex offenders, 40 (68%) were issued an 810.1 order (fear of sexual offences against a person under age 14) and 19 (32%) were under an 810.2 order (fear of serious personal injury offence), suggesting a higher proportion of child molesters in the sample. The sociodemographic characteristics of this population are presented in Table 1. This group of offenders under an 810 order was exclusively male. On average, these offenders were 44.2 years old (SD = 13.9; range = 18-72). Most of them were Caucasian (71%), whereas the second most prevalent group was aboriginal (22%). These results are in line with the profile of convicted sex offenders in Canadian federal penitentiaries (Motiuk & Vuong, 2005). The educational level was relatively low as more than half of our population had not surpassed Grade 11. Close to 60% of the population was single, whereas the same proportion was unemployed at the time of their risk assessment (56%). It is difficult to provide comparative data for other Canadian provinces as it is the first study to look at this subgroup of offenders. This study focused on the 59 sex offenders having received either an 810.1 or an 810.2 recognizance order during close to a 2-year period in the province of British Columbia.

Procedures

Correctional computerized file data were extracted for all sex offenders included in our sample to gather information on the sociodemographic characteristics, risk

Table 1
Sociodemographic Information of Sex Offenders Under an 810 Order

Sociodemographic Characteristic	Full Sample (N = 59)	Group Comparison 810.1 Order (n = 40)	810.2 Order (n = 19)
Age			
$\bar{X}$	44.2	44.9	42.9
SD	13.9	14.6	12.4
Range	18-72	18-72	22-71
Gender			
Male	100.0%	100.0%	100.0%
Female	0.0%	0.0%	0.0%
Ethnicity			
Caucasian	71.2%	75.0%	63.2%
Aboriginal	22.0%	17.5%	31.6%
Black	1.7%	2.5%	0.0%
Other	5.1%	5.0%	5.3%
Educational achievement			
Grade 9 or less	14.8%	13.9%	16.7%
Grade 10-11	42.6%	52.8%	22.2%
Grade 12	31.5%	27.8%	38.9%
University	9.3%	5.6%	16.7%
Other	1.8%	0.0%	5.6%
Marital status			
Single	56.4%	47.4%	76.5%
Common law	3.6%	2.6%	5.9%
Married	7.3%	10.5%	0.0%
Separated	18.2%	23.7%	5.9%
Divorced	12.7%	13.2%	11.8%
Widowed	1.8%	2.6%	0.0%
Employment status			
Employed	15.3%	10.0%	26.3%
Unemployed	55.9%	62.5%	42.1%
Other	28.8%	27.5%	31.6%

assessments, and recidivism data. The risk assessment tools (i.e., the Static-99 and the Stable) were usually completed within the first 60 days after the start of the 810 recognizance order. The Static-99 and the Stable are routinely completed by the probation officers as part of their duties for the British Columbia Corrections Branch, part of the Ministry of Public Safety and Solicitor General. The assessments were completed following the respective protocol/manual of the instruments using different sources of information. The results of those assessments completed by the probation officers were used to conduct this study. At the time of the study, the Stable had been completed for all participants, whereas for the Static-99, one file was missing.

Measures

Sociodemographic characteristics. For the purpose of the study, and to conduct the statistical analyses, some of the sociodemographic information had to be recoded. Therefore, we dichotomized ethnicity (0 = *Caucasian*; 1 = *non-Caucasian*), educational achievement (0 = *Grade 11 or less*; 1 = *More than Grade 11*), marital status (0 = *Not single/prior relationship*; 1 = *Single, never married*), and occupational status (0 = *Employed/student/retired/other*; 1 = *Unemployed*). The recoding was done in a manner consistent with prior investigations for comparative purposes (Hanson & Bussière, 1998).

Static-99. The Static-99 was developed by Hanson and Thornton (2000). The Static-99 is a risk assessment tool that was developed using risk factors that had been shown to be empirically linked to sexual recidivism. In Canada alone, the instrument has received extensive empirical validation through a wide variety of samples of sex offenders in different correctional settings (e.g., Barbaree, Seto, Langton, & Peacock, 2001; Harris et al., 2003; Looman, 2006; Nunes, Firestone, Bradford, Greenberg, & Broom, 2002). The Static-99 is based on the following 10 indicators: (a) the offender's current age, (b) having lived with an intimate partner for at least 2 years, (c) an index offence for a nonsexual violent crime, (d) a prior record for a nonsexual violent crime, (e) the number of prior sex offence convictions, (f) the number of prior sentencing dates, (g) any noncontact sex offences, (h) any unrelated victims, (i) any stranger victims, and (j) any male victims. Scores on the Static-99 can vary between 0 and 12. Using the total score on the Static-99, Hanson and Thornton (2000) categorized sex offenders' risk of recidivism as follows: (a) low risk, scores between 0 and 1; (b) medium to low risk, scores between 2 and 3; (c) medium to high risk, scores between 4 and 5; (d) high risk, scores of 6 and more. Using those criteria, they found that, for a follow-up period of 5 years, the sexual recidivism rates varied between 5% and 6% for low-risk sex offenders, between 9% and 12% for medium-lows, between 26% and 33% for medium-highs, and 39% for high-risk sex offenders.[2] The predictive accuracy of the Static-99 using the area under the curve (receiver operating characteristic area) has been shown to be .71 (95% confidence interval [CI] = 0.68-0.74) for sexual recidivism, whereas the correlation was .33 (95% CI = 0.28-0.38). In the present study, because the size of our group of offenders is small, we decided to combine the medium-low and the medium-high groups.

Stable. The second instrument used in this study is the Stable, a risk assessment tool developed by Hanson and Harris (2001). The Stable captures dynamic stable risk factors that have been shown to be empirically linked to sexual recidivism. The Stable is based on the following six indicators: (a) negative social influences (i.e., refers to the number of negative influences subtracted from the number of positive influences in the social environment), (b) intimacy deficits (i.e., refers to intimate partner, callous/unemotional traits, social rejection, hostility toward women, and emotional identification with children), (c) sexual self-regulation (i.e., refers to sexual preoccupation, deviant sexual interests, and using sex as a coping mechanism), (d) attitudes supporting sexual assault (i.e., refers to pedophilic, rape supportive cognitions, and sexual entitlement), (e) lack of cooperation with supervision (i.e., being deceptive, manipulative, and disengaged with supervision), and (f) general self-regulation deficits (i.e., refers to impulsivity, negative emotionality, and poor problem-solving skills). Each item was scored and recoded using a 2-point scale: 0 (*Low*), 1 (*Medium*), and 2 (*High*). A high score on the scale is indicative of a higher risk of recidivism. The total score on the Stable, however, has been shown to be moderately related to sexual recidivism ($r = .40$), with the scale of intimacy deficits showing the lowest strength of association with sexual recidivism ($r = .10$) and the general self-regulation appearing to be the strongest ($r = .41$; Hanson & Harris, 2001).

Recidivism. On February 12, 2008, the criminal history of all 810 offenders included in the present study was extracted from the operational database of the British Columbia Corrections Branch. Any official crime resulting in a charge occurring after the 810 recognizance but before February 12, 2008, was recorded into a computerized questionnaire measuring recidivism. Five categories of recidivism were created for the purpose of the present study: (a) sexual recidivism (any charge for a sex-related offence), (b) nonsexual violent recidivism (any charge for nonsexual violent offence), (c) nonsexual nonviolent recidivism (any charge for nonsexual nonviolent offence), (d) breach of conditions (any charge for a breach of conditions under the 810 recognizance order), and (e) general recidivism (any charge). Table 2 presents the descriptive data for recidivism of the group of sex offenders included in the study. During the follow-up period, 19 of the 59 sex offenders included in the study did recidivate while under an 810 recognizance order (32%). Of those, 15 were charged for a breach of condition (25%), 9 for a nonsexual nonviolent crime (15%), and 8 for a nonsexual violent crime (14%). Only one (1.7%) of the offenders under an 810 recognizance order was charged for a sex crime during the follow-up period of the study. Sex offenders did not significantly differ in terms of their general recidivism as to whether they were under an 810.1 or an 810.2 order, $\chi^2(1) = .28$, ns; $\Phi = .07$. These analyses do not, however, take into consideration the actual length of the follow-up period. Considering our sample size, and the relatively low number of recidivists, the next set of analyses will only consider the general recidivism.

Analytical Strategy

As the purpose of the study was manifold, the analytical strategy consisted of three interrelated sections. First, a description of the sample of sex offenders under an 810 recognizance order in the province of British Columbia, Canada, was achieved. Independent-sample *t* test and chi-square test were reported for sociodemographics, recidivism, and for each of the items on both the Static-99 and the

Table 2
Recidivism of Sex Offenders Under an 810 Recognizance Order

Group of 810 Offenders	Recidivism: General	Breach of Conditions	Nonsexual Nonviolent	Nonsexual Violent	Sexual	Follow-up Period: Average Length (Days)[a]	Range (Days)
Sex offenders (n = 59)	32.2% (19)	25.4% (15)	15.3% (9)	13.6% (8)	1.7% (1)	273.8 (192.9)	5-673
810.1 order (n = 40)	30.0% (12)	25.0% (10)	12.5% (5)	10.0% (4)	0.0% (0)	281.0 (182.2)	5-614
810.2 order (n = 19)	36.8% (7)	26.3% (5)	21.1% (4)	21.1% (4)	5.3% (1)	258.7 (218.3)	10-673

a. Mean and standard deviation (in parentheses) presented.

Stable. Second, we examined the psychometric properties of the risk assessment tools with the sex offenders under an 810 recognizance order. It is of importance to determine whether the instruments used maintain their predictive validity even though they are being used with a specific subpopulation of high-risk sex offenders. Bivariate statistical analyses (chi-square, point–biserial correlation) were reported between items of the risk assessment tools and recidivism. Finally, we also performed Cox regression analyses to determine the risk factors of recidivism (Tabachnick & Fidell, 2007). Cox regression (or Cox proportional hazards) is a statistical technique that controls for survival time (i.e., not reoffending), something important here considering the differential length of the follow-up period across offenders. This technique also allows examining whether survival time is influenced by some factors. Using SPSS 15.0, a series of Cox regression analyses were performed to determine the association between each of the covariates and our measures of reoffending. Because of the size of the population under study, three regression analyses were conducted to analyze the role of those three sets of covariates: (a) legal status, (b) sociodemographic data, and (c) total scores on the risk assessment tools.

Results

Risk Assessments: A Descriptive Profile of Sex Offenders

Items from the Static-99. First, we examined the scores on each item of the Static-99 (Table 3). The sociodemographic variables showed that more than 90% of the sample of sex offenders was older than 25 years, whereas about 50% had not lived with an intimate partner for at least 2 years. The official criminal history items of the Static-99 showed that close to half of the sample had a prior record for a nonsexual violent crime (48%). Also, 43% of the sample had three or more charges or two or

Table 3
A Descriptive Profile of Sex Offenders Under an 810 Using Static-99

Static-99 Item	Full Sample (n = 58)	Group Comparisons: 810.1 Order (n = 39)	Group Comparisons: 810.2 Order (n = 19)	Test of Group Differences: χ^2	Test of Group Differences: Effect Size[a]	Predictive Validity Effect Size[b]
Offender's age						
25 years or older	91.4%	92.3%	89.5%	0.13	.05	.32*
18-24 years	8.6%	7.7%	10.5%			
Ever lived with lover for at least 2 years						
Yes	53.4%	69.2%	21.1%	11.92**	.45	.27*
No	46.6%	30.8%	78.9%			
Index offence nonsexual violence						
Yes	31.0%	7.7%	78.9%	30.31**	.72	.27*
No	69.0%	92.3%	21.1%			
Prior nonsexual violence						
Yes	48.3%	28.2%	89.5%	19.21**	.57	.17
No	51.7%	71.8%	10.5%			
Prior sex offence convictions						
0 Charges/convict	37.9%	41.0%	36.1%	1.05	.13	.09
1-2 Charges; 1 convict	19.0%	20.5%	15.8%			
3-5 Charges; 2-3 convicts	34.5%	30.8%	42.1%			
6+ Charges; 4+ convicts	8.6%	7.7%	10.5%			
Prior sentencing dates						
3 or less	37.9%	51.3%	10.5%	9.01**	.39	.29*
4 or more	62.1%	48.7%	89.5%			
Any noncontact sex offences						
Yes	24.1%	23.1%	26.3%	0.07	.04	.12
No	75.9%	76.9%	73.7%			
Any unrelated victims						
Yes	69.0%	69.2%	68.4%	0.00	.00	.11
No	31.0%	30.8%	31.6%			
Any stranger victims						
Yes	37.9%	28.2%	57.9%	4.78*	.29	.01
No	62.1%	71.8%	42.1%			
Any male victims						
Yes	19.0%	23.1%	10.5%	1.31	.15	.04
No	81.0%	76.9%	89.5%			

a. The phi coefficient is reported for all other variables except for Item 5 (number of prior sex offence convictions) where Cramer's *V* was used.
b. Refers to the item's predictive validity using general recidivism as the criterion.
$*p < .05$. $**p < .01$.

more prior convictions for a sex crime. Not surprisingly, therefore, two thirds (62%) of the sample had four or more sentencing dates, thus highlighting the extensive criminal history of those offenders as a group. On the other hand, a little more than one out of three offenders in the sample (38%) had no prior official history for a sex crime. When looking at the offending characteristics, the sample included mostly sex offenders having offended at least once against an unrelated victim (69%). A minority had committed noncontact offences (24%) and offended against a stranger (38%) or a male victim (19%). When comparing 810.1 and 810.2 offenders, 5 of the 10 items were found to be statistically significant. Offenders under an 810.1 order were more likely than those under an 810.2 order to have lived with an intimate partner for more than 2 years. On the other hand, those under an 810.2 order were more likely to have a nonsexual violent crime in their index crimes, to have a prior record for a nonsexual violent crime, to have more prior sentencing dates, and to have committed a sex crime against a stranger victim.

Items from the Stable. Looking at the items of the Stable (Table 4), almost all sex offenders included in the study were rated by probation officers as having intimacy deficits (96%). Also, close to half of the group had the highest rating on sexual self-regulation deficits (49%) and general self-regulation deficits (49%). Furthermore, one out of three offenders had highest rating on attitudes supportive of sexual assault (37%), whereas one out of five had highest rating on lack of cooperation with supervision (22%). When comparing offenders under an 810.1 or an 810.2 order, only one of the items emerged as statistically significant, with offenders under an 810.2 order being more likely to endorse attitudes supportive of sexual assault.

Risk category. When looking at the risk status of the group of sex offenders included in the sample, much heterogeneity was found. When using the scores on the Static-99 only, 20.7% of the offenders were low risk, 39.7% were medium risk, and 39.7% represented a high risk of recidivism (Table 5). Using the risk classification derived from the total score of the Stable, 17.2% of the sex offenders were low risk, 44.8% medium risk, and 37.9% high risk. As expected, the risk classification on both the Static-99 and the Stable were strongly associated, $\chi^2(1) = 26.3$, $p < .001$; Cramer's $V = .67$.

Therefore, those classified as low, medium, and high risk on the Static-99 were more likely to be classified as such on the Stable. When combining the classification of the Static-99 with that of the Stable, the following results emerged: (a) about one out of four offenders were considered high risk on both instruments (26%), (b) about half of the sample were classified as high risk on at least one of the two instruments (51.7%), (c) the corollary being that the other half of the sample was not ranked as high risk on either the Static-99 or the Stable, and (d) more than 10% of this group of offenders were classified as low risk on both instruments (12%).

Table 4
A Descriptive Profile of Sex Offenders Under an 810 Using the Stable

Stable Item	Full Sample (n = 58)	Group Comparisons: 810.1 Order (n = 40)	Group Comparisons: 810.2 Order (n = 19)	Test of Group Differences: χ^2	Test of Group Differences: Effect Size[a]	Predictive Validity Effect Size[b]
Negative social influences						
Low	45.8%	52.5%	31.6%	2.58	.21	.39**
Medium	32.2%	30.0%	36.8%			
High	22.0%	17.5%	31.6%			
Intimacy deficits						
Low	2.0%	0.0%	5.6%	0.10	.04	.15
Medium	2.0%	0.0%	5.6%			
High	96.0%	100.0%	88.9%			
Sexual self-regulation						
Low	13.7%	18.2%	5.6%	2.73	.21	−.11
Medium	37.3%	33.3%	44.4%			
High	49.0%	48.5%	50.0%			
Attitudes supportive of sexual assault						
Low	13.7%	21.2%	0.0%	7.87*	.37	−.13
Medium	49.0%	48.5%	50.0%			
High	37.3%	30.3%	50.0%			
Lack of cooperation with supervision						
Low	37.3%	42.4%	27.8%	2.49	.21	.34*
Medium	41.2%	36.4%	50.0%			
High	21.6%	21.2%	22.2%			
General self-regulation deficits						
Low	17.6%	18.2%	16.7%	4.27	.27	.29*
Medium	33.3%	39.4%	22.2%			
High	49.0%	42.4%	61.1%			

a. Cramer's *V*.
b. Refers to the item's predictive validity using general recidivism as the criterion.
*$p < .05$. **$p < .01$.

Predictive Validity of the Risk Assessment Tools

Predictive validity of Static-99 items. Looking at the predictive validity of the instrument (Table 3), only 4 of the 10 items were significantly related to general recidivism: age ($\Phi = .32$; $p < .05$), ever lived with an intimate partner for at least 2 years ($\Phi = .27$; $p < .05$), index offense includes a nonsexual violence crime ($\Phi = .27$; $p < .05$), and the number of prior sentencing dates ($\Phi = .29$; $p < .05$). Our findings

Table 5
Cross-Tabulation of Risk Status Based on the Static-99 and the Stable

	Risk Based on the Stable			
Risk Based on the Static-99	Low	Medium	High	Total
Low	12.1% (7)	6.9% (4)	1.7% (1)	20.7% (12)
Medium	5.2% (3)	24.1% (14)	10.3% (6)	39.7% (23)
High	0.0% (0)	13.8% (8)	25.9% (15)	39.7% (23)
Total	17.2% (10)	44.8% (26)	37.9% (22)	100% (58)

thus showed that younger offenders, those who never lived with an intimate partner for at least 2 years, with a more extensive criminal history, including violent offence as their most recent crime, were more likely to recidivate while being under an 810 recognizance order. Most of the predictors were in the expected direction (positively related to general recidivism).

Predictive validity of stable items. Three of the six items included in the Stable were significantly related to general recidivism (Table 4). Those sex offenders who had more negative social influences (Cramer's $V = .39$; $p < .01$) in their entourage, who were rated as being more uncooperative with the supervision process (Cramer's $V = .34$; $p < .05$), and showing more general self-regulation deficits (Cramer's $V = .29$; $p < .05$) were more likely to recidivate. The scale of intimacy deficits showed poor predictive validity, which may reflect the fact that almost all offenders included showed poor intimacy skills. Again, most of the predictors were in the expected direction (positively related to general recidivism).

Predictive validity of overall risk assessment scores. Total scores on the Static-99 and the Stable are presented in Table 6. First, we compared the total scores between 810.1 and 810.2 offenders for both the Static-99 and the Stable. Results showed group differences between the two groups on the Static-99 only, with individuals under an 810.2 order showing higher scores. Looking at the point–biserial association between the scores on the two risk assessment tools, the findings showed that a higher total score on the Static-99 was positively related to general recidivism, but the relationship was not statistically significant ($r = .17$; $p =$ ns). A higher score on the Stable, however, was associated with a significant increase in the risk of general recidivism ($r = .29$; $p < .05$). We also inspected the ROC curve for both the Static-99 and the Stable to assess the accuracy of the prediction of general recidivism. Consistent with the results observed with point–biserial correlation, the Static-99 showed poor predictive accuracy (area under the curve [AUC] = .61; $SE = .08$; 95% CI = 0.46-0.76), whereas the Stable showed more promising results but still only showed a fair predictive accuracy (AUC = .68; $SE = .07$; 95% CI = 0.54-0.82).

Table 6
Means, Standard Deviations, and Predictive Accuracy of the Stable and Static-99

		Group Comparison		Test of Group Differences		Predictive Validity	
Risk Assessment	Full Sample	810.1 Order	810.2 Order	*t* (*df*)	Effect Size (Cohen's *d*)	*r*	AUC (95% CI)
Static-99							
$\bar{X}$	4.60	3.72	6.42	3.61** (56)	1.01	.17	0.61 (0.46-0.76)
SD	2.94	2.78	2.43				
Range	0-10	0-10	1-10				
Stable							
$\bar{X}$	7.14	6.70	8.11	1.99 (56)	.57	.29*	0.68 (0.54-0.82)
SD	2.56	2.45	2.59				
Range	1-11	1-11	2-11				

Note: AUC = area under the curve; CI = confidence interval. The Static-99 was completed for 39 offenders under an 810.1 order and 19 offenders under an 810.2 order. The Stable was completed for 40 offenders under an 810.1 order and 19 offenders under an 810.2 order. The predictive validity was tested using the measure of general recidivism (any crime during the follow-up period).
*$p < .05$. **$p < .01$.

Survival Analyses and Cox Regression

In this section, we performed survival analyses using Cox regression analyses to examine the risk factors associated with general recidivism in offenders under an 810 recognizance order. These statistical analyses allow adjusting for the length of the follow-up period after the start of the 810 recognizance order. On average, the sex offenders included in the study were followed for a period 273.8 days (range = 5-673) after the start of the 810 order, which represent about 9 months. There were no group differences between offenders under an 810.1 order and those under an 810.2 order as to the length of the follow-up period.

General recidivism and type of offenders. We first examined whether there were differences between 810.1 and 810.2 offenders as to the risk of general recidivism. A Cox regression model was run with only the variable referring to the type of offenders (810.1 coded as 0; 810.2 coded as 1) entered as a predictor. Findings showed that the prediction model did not predict well the outcome after controlling for the length of the follow-up period, $G^2(1) = .55$, p = ns. Hence, the type of order had no impact on the likelihood of reoffending (odds ratio [OR] = 1.42; 95% CI = 0.56-3.62; p = ns).

General recidivism and sociodemographic characteristics of the offenders. Second, we performed separate Cox regression analyses taking into consideration each of the following factors: (a) age, (b) ethnicity, (c) level of education, and (d) employment status. Of the four risk factors tested, only the offender's age emerged as a significant predictor of general recidivism. The Cox regression model including age as a covariate was significantly related to recidivism, $G^2(1) = 7.28$, $p < .01$. For age, we found a significant effect showing that younger offenders were more likely to recidivate (OR = .96; 95% CI = 0.92-0.99; $p < .01$). These results suggest that for every 1-year increase in the offender's age, the probability of general recidivism decreased by about 4%.

General recidivism and risk status. We ran two separate models to test for the predictive accuracy of the risk assessment tools controlling for the passage of time. Regarding the Static-99, findings from the Cox regression analysis showed that the total score (OR = 1.10; 95% CI = 0.93-1.29) obtained on this actuarial tool was not related to general recidivism, $G^2(1) = 1.31$, p = ns. On the other hand, we found a significant relationship between the total score on Stable and general recidivism, $G^2(1) = 4.11$; $p < .05$. These results suggest that for every one-point increase in the offender's total score on the Stable, the probability of general recidivism increased by about 24% (OR = 1.24; 95% CI = 1.00-1.54). To identify the items of the Stable that were responsible for this finding, we ran another Cox regression model using four of the five items of the instrument (the score on the intimacy scale was not included because of lack of variance). Two of the items emerged as significant predictors of general reoffending, the scores on the scales of social influences (OR = 2.51; 95% CI = 1.28-4.94) and the lack of collaboration (OR = 1.98; 95% CI = 1.00-3.89). Hence, offenders with more negative social influences in their social environment and lacking collaboration with the supervision process while in the community were more likely to recidivate. The prediction model proved to be significantly related to general recidivism, $G^2(4) = 20.25$, $p < .001$.

Discussion

The new legal dispositions introduced in the 1990s led to the introduction of a new category of sex offender. The goal of this study was to provide a first descriptive profile of sex offenders under an 810 recognizance order in the province of British Columbia, Canada. As previously noted, the sample size is relatively small. As we are working with a population, however, representativeness is less an issue than the statistical power of the results. Therefore, considering the low statistical power of the current study, any conclusion drawn from it should be interpreted with caution. Also, the low statistical power of the study may have prevented us from observing more statistically significant differences between offenders under an 810.1 order and those under an 810.2 order. We discuss here the main empirical observations from our preliminary analyses regarding the sociodemographics, risk profile, and the early recidivism rates of those sex offenders.

Sociodemographics, Legal Dispositions, and Criminal History

Although a small group of 59 sex offenders were analyzed here, certain trends emerged. First, all sex offenders under a Section 810 recognizance order were male, mostly Caucasian, with a substantial proportion of first nations. Second, it appears that child molesters represented a large proportion of those targeted by the 810 recognizance order. Indeed, 68% of the population of sex offenders was under an 810.1 order because of fear that those individuals may commit a sexual crime against someone 14 years and younger. On the other hand, 32% of the population of sex offenders was under an 810.2 order because of fear that they may commit a serious personal injury offence.[3] Third, on average, sex offenders included here were close to their mid-40s, which is relatively older when compared with what is typically observed in samples of convicted sex offenders (Hanson & Thornton, 2000; Looman, 2006; Lussier et al., 2005; Nunes et al., 2002). As such, only about 15% of this group was less than 25 years, which is considered to be the age category at most risk of reoffending (Wollert, 2006). This is of considerable importance, as several studies have shown a gradual linear decrease in risk of reoffending for older offenders (Barbaree et al., 2007; Lussier & Healey, 2008). Fourth, items from the Static-99 revealed the extensive criminal background of those men. About three quarters of the sex offenders under an 810 order had a prior record for a sex crime, whereas about half of them had a prior record for a violent crime. These numbers are higher than what is typically reported in samples of convicted sex offenders (Lussier, 2005).[4] Furthermore, a substantial proportion were multirecidivists, as two thirds of the population of sex offenders had four or more sentencing dates. Not surprisingly, most of them were sexual multirecidivists, as half of the sample had a minimum of two prior convictions for a sex crime. Fifth, few meaningful differences emerged between offenders under an 810.1 order and those under an 810.2 order beyond the fact that those under an 810.2 order have a more extensive criminal history and more violent criminal background. These latter differences might simply reflect the fact that the 810.2 order targets those susceptible to commit personal injury offences, including sexually violent crimes. Taken together, sex offenders under an 810 order were typically male Caucasians, in their 40s, multirecidivists, with a violent history, and considered by the court to be high risk of committing a crime against a child.

Risk of Sex Offenders Under an 810 Order

Using two risk assessment tools designed specifically for sex offenders, Static-99 and the Stable, we provided a descriptive profile of the level of risk that this population represents and the static and dynamic risk factors that may best characterize that population. Several points need to be further elaborated here. First, sex offenders included in the present study showed higher risk ratings on the Static-99 than those typically reported in the scientific literature with different samples of convicted sex offenders (n = 1,208, $\bar{X}$ = 3.15, SD = 1.97, Hanson & Thornton, 2000; Static-99, $\bar{X}$ = 2.9, median = 3; Doren, 2004). Therefore, the total scores on the Static-99 suggest that this small group of offenders under an 810 order were of higher risk than those typically reported in the literature (see, however, Looman, 2006). Second, results on the Static-99 alone showed that, using Hanson and Thornton's (2000) original risk classification scheme, sex offenders, as a group, were in the moderately high risk category. In fact, although about 40% of the our sample showed a score of 6 or higher, suggesting a high risk of recidivism, only 12% did so in the Hanson and Thornton (2000) study. Generally, these results seem to support, at least, in part, that the identification of high-risk sex offenders is in line with the information provided by current risk assessment tools for sexual offenders. On the other hand, much heterogeneity in the level of risk was found. Indeed, when taking the two instruments (the Static-99 and the Stable) into account, close to 50% of our group of sex offenders was considered no more than medium risk. This group included a substantial subgroup (12%) of offenders who were considered to be no more than at low risk of sexual reoffending when taking into account the scores of both the Static-99 and the Stable. This result is surprising and should warrant closer scrutiny in future empirical research on offenders being identified for an 810 recognizance order. It is possible that certain risk factors not included in the Static-99 or the Stable might have been considered by the court to be critical enough to issue an 810 recognizance order (e.g., psychopathy—the level of violence of the most recent offence). It may also be that in certain cases a peace bond was issued as an alternative form of sentencing. The distribution of risk scores will necessitate more scrutiny in the near future as the population of sex offenders processed by the courts increases. Also, as the characteristics of this population of sex offenders are somewhat different from those of the sample used by Hanson and Thornton (2000) to develop the Static-99, it raises some concerns as to the predictive validity of the instrument with 810 offenders. In fact, the preliminary findings of the predictive ability of the Static-99 for this population are not promising when compared with that of the Stable. This might be explained by the nature of the current sample, which is overrepresented by moderate to high risk of reoffending. Therefore, with the relative absence of low-risk sex offender from this population, Static-99 might perform less well in identifying those most likely to recidivate while under supervision in the community. In sum, although as a group this population of sex offenders appeared to be at higher risk of reoffending, much heterogeneity in the level of risk of reoffending was found across individuals than first expected.

Recidivism While Under Supervision

On average, the sex offenders included in the study were followed for an average period of about 9 months. The recidivism rates observed during that period were extremely high, with 19 of the 59 sex offenders included in the study charged for another crime (which includes technical violation; 32%): 15 for a breach of condition of their 810 order (25%), 9 for a nonsexual nonviolent crime (15%), and 8 for a nonsexual violent crime (14%). These recidivism rates are somewhat congruent with results stemming from intensive supervision programs. For example, Petersilia and

Turner (1990) reported that after 6 months 30% of their sample had a technical violation and 20% were rearrested. Bonta, Wallace-Cappretta, and Rooney (2000) reported a general reconviction rate of a little more than 30% following a 1-year follow-up period for a group of offenders under electronic monitoring. Earlier reports suggest that whereas intensive supervision does not increase risk of rearrest, it does increase the risk of technical violation (Petersilia & Turner, 1993). Although we cannot comment on the possibility that 810 orders increased the risk of technical violation because of the absence of a control/comparison group, other results are worth mentioning with respect to the objectives of those orders. First, most recidivists were charged for a breach of condition rather than a violent or sexual crime. Hence, though it could be argued that those having been breached might have been at risk of escalating to more serious forms of crimes, it also put further hurdles on the community reintegration of this subgroup of individuals. Second, only one of the offenders under an 810 recognizance order was charged for a sex crime during the follow-up period of the study. Although all those offenders were considered by the court to be "high risk" of sexual reoffence, these results are not surprising considering: (a) the intensive scrutiny under which those offenders were, (b) the possibility for the probation officers/police officers to breach the offender before an actual offence occurred, (c) the overall low base rate of sexual reoffending found in previous studies, and (d) the short follow-up period in the current study. A longer follow-up period and a larger sample size will help in disentangling the effects of those factors.

Preliminary results suggest that being a sex offender, whether under an 810.1 order or under an 810.2 order, did not significantly increase or decrease the likelihood of recidivism. On the other hand, individual characteristics, more specifically age, emerged as a significant predictor, with younger offenders more likely to reoffend. Hence, in spite of the fact that this group of offenders was typically older than what is usually reported in the literature, and the fact that our sample is overrepresented by moderate- and high-risk offenders, age appeared to have an impact on the likelihood of reoffending. This suggest, as it has been discussed elsewhere (Barbaree et al., 2007), that risk assessors should adjust the level of risk according to the current age of the offender. Interestingly, dynamic risk factors measured by the Stable showed more promising predictive accuracy compared with static risk factors as measured by the Static-99. This might be explained by the fact that overall reoffending, in the current study, includes mostly breach of conditions, such as not respecting a curfew, substance use, having a weapon, or not reporting to a probation officer. The inability to respect those might prove even more difficult to those not ready to abandon an antisocial/deviant lifestyle, which might be best captured by the Stable rather than by the Static-99. In fact, the presence of negative social influences and the lack of cooperation with the supervision appeared, in the early stages of this study, to be the most promising indicators of general recidivism. These results should be interpreted with caution however; although this may reflect a lack of responsivity of a subgroup of sex offenders, it may also reflect the probation officer's decision to breach an offender.

Conclusion

The present study provides a preliminary descriptive profile of sex offenders having been issued an 810 recognizance order during close to a 2-year window in the province of British Columbia, Canada. Sociodemographic characteristics, individual characteristics, risk profiles, and recidivism data of 59 high-risk sex offenders under the order were analyzed. The early results suggest that the individuals issued an 810 order are male, Caucasian, primarily in their 40s, multirecidivists, have offended against unrelated females, and believed to be at risk of committing a sex crime against a child. Preliminary analyses suggest that, using the Static-99 and the Stable, although these men are at higher risk than what is typically reported in the scientific literature, they are heterogeneous in terms of their risk status. Of importance, from those that have been identified by the court as high-risk offenders to commit a sex crime while in the community, we found that about 50% did not meet the requirement of high risk when taking into account the two risk assessment tools. On the other hand, while under intensive supervision in the community, the recidivism rate found was high considering the short follow-up period of the study, but involved mainly breaches to the condition of their supervision order. Younger offenders, with more negative social influences and showing a lack of collaboration with the supervision process, were most likely to be charged again while under intensive supervision. These results have many implications for the community risk management of high-risk sex offenders. First, results of this study warrant more scrutiny about the process of identifying high-risk sex offenders and the characteristics of those offenders under an 810 order. Although the court labeled all those men as high risk to sexually reoffend, the available data showed that a substantial proportion of them were not. Hence, intensive supervision might be imposed on offenders that may not necessitate intensive supervision in the community. Furthermore, dynamic and changeable risk factors appeared to be more promising in identifying the high-risk offenders most likely to reoffend while under intensive supervision. Considering that most offenders had been incarcerated for lengthy periods (minimum of 2 years) prior to being subject to the 810 order, this finding might suggest more scrutiny as to the offender's needs when returning to the community. In that regard, one of the best indicators of reoffending was the presence of negative social influences in the offender's environment. It is unclear at this stage whether this might reflect the fact that (a) offenders returning to the community after their prison sentence reconnect with their former social network composed mainly of antisocial peers/family members and/or (b) offenders had to move to disorganized, criminogenic neighborhoods due to their difficulties finding a residence in other neighborhoods as a result of community notification (Lussier, Dahabieh, & Deslauriers-Varin, 2008). These two scenarios represent important challenges that need to be addressed to modify the risk status of those sex offenders under an 810 recognizance order.

Notes

1. Recidivism rates of sexual offenders vary from one study to another depending on the length of the follow-up period, the nature of the sample, the criteria used to measure and define recidivism, and so on (Proulx et al., 2000).

2. In comparison, the violent recidivism rates varied from 6% to 11% for low-risk offenders, 17% to 22% for medium-lows, 36% to 42% for medium-highs, and 44% for high-risk offenders.

3. It was not possible to determine, based on the information provided, the proportion of offenders who were referred from federal correctional institution to those who were provincially referred after their warrant expiry date.

4. Comparatively speaking, it has been shown in other studies that for rapists, on average, 14% (range = 28% to 95%) of them have a prior sex crime whereas 27% (range = 9% to 54%) have a prior record for a violent crime (Lussier, 2005). On the other hand, for child molesters, those rates are usually around 24% (range = 11% to 53%) and 18% (range = 4% to 38%), respectively.

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