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# RESEARCH CONNECTIONS

RECENT PUBLICATIONS FROM SFU'S SCHOOL OF CRIMINOLOGY

## IN THIS ISSUE

### **1 MARTIN BOUCHARD & MITCH MACDONALD**

Estimating Risks of Arrest and Criminal Populations: Regression Adjustments to Capture-Recapture Models

### **2 JOAN BROCKMAN**

The Research Challenges of Exposing Physicians' Sexual Misconduct in Canada

### **3 SHERI FABIAN, TAMARA O'DOHERTY & HILARY TODD**

Harm Reduction and Resiliency-Building in Lectures

### **4 KELYSEY GUSHUE & JENNIFER S. WONG**

"When You Choose to be a Gangbanger, You Deserve Everything You Get": Victim Dichotomization, Fear and the Problem Frame

### **5 L. MAAIKE HELMUS**

Predictive Accuracy of Static Risk Factors for Canadian Indigenous Offenders Compared to Non-Indigenous Offenders

### **6 TED PALYS & JOHN LOWMAN**

Statute-Based Protections for Research Participant Confidentiality: Implications of the US Experience for Canada

### **7 AYNSLEY PESCIPELLI**

MySpace or Yours?: An Exploratory Study of Homophobic and Transphobic Cyberbullying of Post-Secondary Students

Research Connections is distributed quarterly by Simon Fraser University's School of Criminology. The newsletter highlights the published academic work of faculty and graduate students, along with research projects of significant impact.

To provide feedback, please contact the editor Christine Palka at [crimcomm@sfu.ca](mailto:crimcomm@sfu.ca).

**MARTIN BOUCHARD AND MITCH MACDONALD**Estimating Risks of Arrest and Criminal Populations:  
Regression Adjustments to Capture-Recapture Models

**Martin Bouchard**  
Professor  
[mbouchard@sfu.ca](mailto:mbouchard@sfu.ca)

**Mitch Macdonald**  
PhD Student  
[mcmacdon@sfu.ca](mailto:mcmacdon@sfu.ca)

**BACKGROUND**

How many people sell illegal drugs over the course of a year? This question is challenging to answer because there are no systematic surveying or recording systems that provide counts of sellers who never come to the attention of the criminal justice system.

Our study estimated the number of people who were at risk of arrest for possession, selling, and/or other offences involving amphetamine-type stimulants (ATS) in Quebec, using distributions of arrest and re-arrests from 1999-2009. Our data run through a decade when many argued Canada was a “key player” in global production and supply of ATS after several large international seizures. This claim was never substantiated and was perhaps exaggerated, although there was still evidence of a large local supply and demand: (1) large quantities of ATS seized from a small number of labs; (2) few arrests for importation-exportation; and (3) available data on past-month, past-year, and lifetime drug use from general population surveys showed consistently high rates of

methamphetamine and ecstasy use in Quebec year-after-year compared with what was observed across other Canadian provinces.

**FINDINGS**

So, were the rising number of arrests an indicator of a growing local drug market, or simply the result of changing police priorities during a time where ATS were a central issue for local authorities? Our results showed that the rising number of arrests weren't just a police response to perceptions about Canada's role in global ATS production and supply or Quebec's high rates of ATS use, but rather a steady rise in the populations at risk of arrest for possession and/or selling offences across the study period. For example, Figure 1 shows a slow rise in the estimated number of people at risk of arrest for selling offences from

under 5,000 in 1999-2001 to a peak of 12,500 in 2005-2007, before levelling off at just over 10,000 over the next few years.

When we considered the arrest distributions for all ATS offences during 2008-2009, we found that the 4,989 individuals arrested were the visible part of an estimated 42,541 (36,936-48,145) individuals otherwise at risk of arrest. The risk of arrest within and across the study period ranged 8-12% and was greater for offences involving methamphetamine (8-12%) than ecstasy (1-3%), consistent with the harms associated with these substances.

*Bouchard, M., Morselli, C., Macdonald, M., Gallupe, O., Zhang, S., Farabee, D. (2018). Estimating risks of arrest and criminal populations: Regression adjustments to capture-recapture models. Crime and Delinquency. Online First. <https://doi.org/10.1177/0011128718807156>*

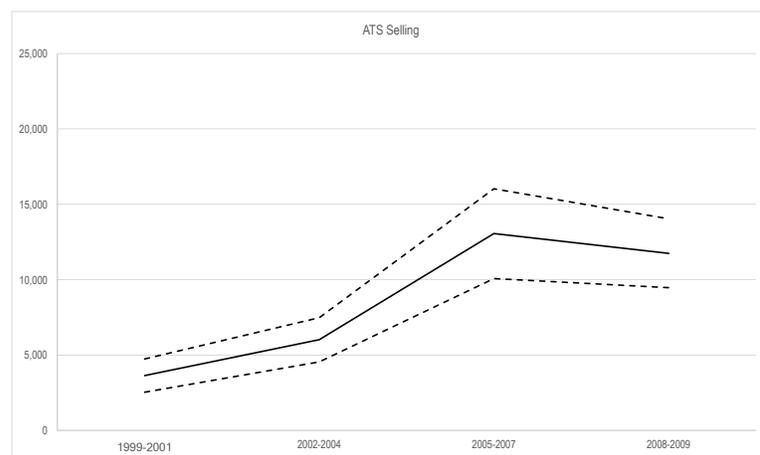


Figure 1. Trends in the estimate population of ecstasy and methamphetamine (ATS) sellers in Quebec, 1999-2009

## JOAN BROCKMAN

### The Research Challenges of Exposing Physicians' Sexual Misconduct in Canada

**Joan Brockman**

**Professor**

[brockman@sfu.ca](mailto:brockman@sfu.ca)

[W]HILE A PHYSICIAN MIGHT THINK THAT "CUPPING" A WOMAN'S NIPPLE WITH HIS MOUTH AND A PSYCHIATRIC EXPLANATION FOR HIS BEHAVIOUR ("SEEKING THE SAME SORT OF PSYCHOLOGICAL NURTURING THAT BABIES SEEK WHEN THEY SUCKLE AT THEIR MOTHER'S BREASTS") IS PERSONAL AND PRIVATE, WHEN SUCH ACTIVITY IS DONE ON AN UNSUSPECTING (OR SUSPECTING) PATIENT, THE VERY PERSONAL EXPERIENCE TAKES ON A PUBLIC PERSONA AND BECOMES PART OF THE PUBLIC DISCIPLINE RECORD (BROCKMAN 2018).

#### BACKGROUND

The above is the case for the College of Physicians and Surgeons of Ontario (CPSO), but not for the College of Physicians and Surgeons of British Columbia (CPSBC). This article discusses my use of Access to Information (ATI) legislation to obtain sexual misconduct decisions from the CPSBC. I was up against what was described in 1984 as "among the most secretive" of professional self-regulating organizations in BC (Goldman B. "Professional misconduct: Does the public have a right to know?" 131 CMAJ 637, 640). After 21 months (2010-2012), the CPSBC was ordered by the Information and Privacy Commissioner to release information (on a test case) that was already in the public domain ((2012) Order F12-10).

Although the CPSBC is required to publish its decisions, publications following consent agreements (39 of 40 decisions on sexual misconduct between 2006-2017) contain brief, standardized versions of events (e.g., the physician "hugged the patient"), with the details of the misconduct shuffled to unpublished appendices to the decision. According to the CPSBC, this allows it to "act swiftly and effectively in the public interest" (VanAndel, M. (2008). Letter to George Abbott, Minister of Health). In contrast, the CPSO posts detailed decisions on their website.

#### LESSONS LEARNED

This paper concludes with "Lessons from the Research Trenches":

- (1) Get access to all information in the public domain. Researchers often get more information at the informal stage, than after they launch an Access to Information request;
- (2) Word requests as broadly as possible so the target agency cannot weasel out of requests on the basis of how the request is worded;
- (3) Keep on top of how your request is (or is not) being processed; it can easily get lost;
- (4) If you agree on a test case, make sure that the legislation governing other decisions has not changed during the time period in which you are trying to access decisions. It may be that you

need more than one test case;

(5) Keep track of the access process; it might be more interesting than what you obtain;

(6) Lobby governments for changes to legislation to make your research targets more transparent; and

(7) Join up with investigative journalists who appear to be doing a better job of exposing white-collar crime than academic researchers.

Despite its shortcomings, I agree with Larsen and Walby (edited volume on Brokering Access) that ATI legislation can still be a useful research strategy.

#### ACCESSING COURT DOCUMENTS

Theoretically, the public has access to criminal court decisions, subject to limited exceptions. However, if the decision is oral, court transcripts in some provinces are rendered inaccessible, in practice, by online application forms which require difficult to access information like the courtroom number where the decision took place. Lengthy automated phone answering systems make it impossible to speak to a human for assistance. At one point, I was relieved to be told I could leave a voicemail at a courthouse, but the mailbox was full.

*Brockman, Joan (published online 08 October 2018). "The Research Challenges of Exposing Physicians' Sexual Misconduct in Canada" Critical Criminology <https://doi.org/10.1007/s10612-018-9418-7>*

# SHERI FABIAN, TAMARA O'DOHERTY AND HILARY TODD

## Harm Reduction and Resiliency-Building in Lectures

**Sheri Fabian**  
University Lecturer  
[sfabian@sfu.ca](mailto:sfabian@sfu.ca)

**Tamara O'Doherty**  
Limited Term Lecturer  
[tco@sfu.ca](mailto:tco@sfu.ca)

**Hilary Todd**  
PhD Candidate, Research Assistant  
[hiliaryt@sfu.ca](mailto:hiliaryt@sfu.ca)

### BACKGROUND

As previously reported in [Research Connections Issue 6](#), this project explored strategies for delivering triggering or otherwise sensitive content in ways that respected student emotional safety or mental health.

We implemented harm reduction and resiliency-building strategies into our lectures throughout the summer and fall of 2017. Students indicated a general positive reception to the strategies: they reported that such measures allowed them to focus and learn in situations when they felt emotional, anxious or otherwise triggered by the course materials. Considering that many of our students pursue careers in emergency and crisis-related fields, these strategies can provide tools that can be used subsequently.

Based on our study and experiences, we created a [toolkit](#) outlining the process for incorporating attention to

harm-reduction and resiliency-building in lectures.

### IMPLEMENTATION

We recommend that instructors frame their courses in student-centred and supportive manners. Instructors who build in supports for students are seen as more approachable (e.g., including trigger warnings, resource information regarding mental health, academic success, Indigenous student supports, and safe classroom space). Another component is offering students information for where to obtain more support when needed. We recommend that instructors display resources such as links to support services in prominent and easy-to-access locations (e.g., Canvas homepages) wherever possible.

When implementing lecture strategies, we encourage instructors to thoroughly introduce the underlying purpose of attention to resiliency-building. We suggest instructors remind students that each strategy can be tailored for individual use, and that many other alternatives exist.

We also need to consider student educational level and life experiences: students further along in their academic trajectory may respond differently than students with more limited experience.

Finally, we suggest that instructors remind students that employing dis-

traction strategies should not trivialize or minimize the seriousness of the content, nor student emotional responses to content and mental health concerns. This work is not designed to stop students from feeling emotional about trauma-related materials; it is about exposing students to constructive mechanisms to deal with overwhelming feelings in the moment so that students are able to focus and learn. These strategies are also not therapeutic tools to address diagnosed conditions and they should not be used to minimize the seriousness of those conditions.

We encourage faculty to learn about and consider the options that exist to implement harm reduction and resiliency building in teaching practices. For, as one of our interviewees stated,

*"[We] want our students to leave here [university] whole, ready for the next phase of their journeys, not broken and in need of recovery."*

*Project funded by a Teaching and Learning Development Grant from SFU's Institute for the Study of Teaching and Learning in the Disciplines. The final report can be accessed here: <https://www.sfu.ca/istld/faculty/grant-programs/projects/fass/G0187.html>*

## KELSEY GUSHUE AND JENNIFER S. WONG

### “When You Choose to be a Gangbanger, You Deserve Everything You Get”: Victim Dichotomization, Fear and the Problem Frame

**Kelsey Gushue**  
PhD Student  
[kgushue@sfu.ca](mailto:kgushue@sfu.ca)

**Jennifer S. Wong**  
Associate Professor  
[jenwong@sfu.ca](mailto:jenwong@sfu.ca)

#### BACKGROUND

On October 19, 2007, six people were murdered in the penthouse suite of the Balmoral Towers in Surrey, British Columbia (BC). The shootings, dubbed the “Surrey Six Slayings” (S6S) by the media, represent the deadliest gang-related mass shooting to ever occur in BC, and acted as a turning point for the provincial media focus on gang violence (Gravel, Wong, & Simpson, 2017). Of the six victims, two can be described as classically innocent bystanders, while the remaining four victims were in some way associated with gangs and the drug trade (Bolan, 2009).

The way in which the media frames an event, such as the S6S, can have a significant impact on both reader response and public opinion. Through an examination of the deadliest gang-related murder to ever occur in BC, the current study extends previous research by analyzing the influence of victim characteristics on the development of a problem frame.

#### METHODS

We analyzed all newspaper articles published in the *Vancouver Sun* mentioning at least one of the murder victims between October 19, 2007 and December 31, 2016 ( $N = 210$ ). Specifically, we explored the media’s depiction of the victims of the S6S and the different victim characteristics highlighted by the media in their framing of the event.

#### RESULTS

Results suggest that journalists use a number of techniques when creating a problem frame, including victim differentiation, purposeful inclusion of sources and use of specific language. We argue that the extensive coverage of the murders provided an opportunity for the media to develop a problem frame that dichotomized victims, capitalized on societal fear of crime, and, consequently, affected calls for policy change.

By discriminating between the innocence and culpability of the S6S murder victims, the media was able to play on the fear of the public. Specifically, the media perpetuated the idea that the innocent victims could be any of “us” or our family members. Fear of crime is intrinsically related to audience interpretations of relevancy; the more a crime or crime victim resonates with an individual the more fearful they

will be (Ditton et al., 2004).

Furthermore, this differentiation between innocent and deserving victims impacted the calls for policy change amongst the public. The calls for policy change primarily focused on protecting innocent members of the general public from gang violence, suggesting a crackdown on gangs, guns and drugs – even if this approach is not the most effective. This in-depth analysis expanded on Altheide’s (1997) idea of the problem frame promoting an image of “who” or “what” to fear, to incorporate ideas of the ideal victim and how victim characteristics work to build a problem frame that not only tells the public who or what to fear but also when to fear.

*Gushue, K., & Wong, J. S. (2018). “When You Choose to be a Gangbanger, You Deserve Everything You Get”: Victim Dichotomization, Fear, and the Problem Frame. Journal of Contemporary Criminal Justice, 34(4), 364-382.*

## L. MAAIKE HELMUS

### Predictive Accuracy of Static Risk Factors for Canadian Indigenous Offenders Compared to Non-Indigenous Offenders

**L. Maaïke Helmus**  
Assistant Professor  
[maaike\\_helmus@sfu.ca](mailto:maaike_helmus@sfu.ca)

#### BACKGROUND

Indigenous offenders are over-represented in the Canadian criminal justice system. They are more likely to be incarcerated for violent offences, to be placed in administrative segregation, released later in their sentence, and to have their parole revoked. Despite government and Supreme Court attempts to address this over-representation, it has actually increased since the late 1990s. Given such severe over-representation, as well as the unique social and cultural history of Indigenous peoples and the lasting harms of colonization, it is necessary to determine the extent to which assessment, treatment and management strategies used for non-Indigenous offenders are applicable to Indigenous offenders.

This study seeks to expand the knowledge base regarding risk assessment for Indigenous offenders by zeroing in on specific static risk factors (the building blocks of risk assessment scales) and examining their performance for Indigenous versus non-Indigenous offenders. Previous research has found that criminal history has significantly lower predictive accuracy for recidivism for Indigenous offenders. We

need to better understand this pattern to improve the accuracy and utility of risk assessment with Indigenous offenders. How should criminal history risk factors be defined/measured? Are there some static risk factors that predict recidivism equally well for Indigenous and non-Indigenous offenders?

#### METHOD

The current study examined whether 87 static risk factors (measuring criminal history and offence severity) currently assessed in Canadian federal prisons were differentially present and predictive of outcomes (revocations, general recidivism, and violent recidivism) for Indigenous ( $n = 1,500$ ) and non-Indigenous ( $n = 6,684$ ) male federal offenders. The follow-up was eight months for revocations and five years for any/violent recidivism. Indigenous offenders scored significantly higher risk than non-Indigenous offenders on the majority of the risk factors. Generally, most criminal history factors and some offence severity factors predicted revocations, general, and violent recidivism for Indigenous offenders; however, many had significantly lower accuracy for Indigenous offenders (particularly criminal history factors).

#### DISCUSSION

Consistent with previous research, Indigenous offenders are a higher risk population and several static

risk factors do not perform as well for this group as for non-Indigenous offenders. Nonetheless, there were numerous static factors that did predict outcomes for Indigenous offenders. In other words, although current factors used in risk assessment methods are not working as well as we'd like for Indigenous offenders, they are still performing better than chance (and in previous research with this sample, they are performing better than professional judgement). Consequently, the way forward should involve improving, but not abandoning, structured and empirical risk assessment methods for Indigenous offenders.

The current findings suggest that it is possible to meaningfully assess static risk for recidivism among Indigenous offenders, especially if assessment methods were altered to focus on the static risk factors that showed comparable accuracy for Indigenous and non-Indigenous offenders. Particularly in light of a 2018 Supreme Court of Canada decision indicating that risk scales used by Correctional systems must be validated with Indigenous offenders, this paper advances knowledge in this important area.

*Perley-Robertson, B., Helmus, L. M., & Forth, A. (2018). Predictive accuracy of static risk factors for Canadian Indigenous offenders compared to non-Indigenous offenders. Psychology, Crime, and Law. Advance online publication. doi:10.1080/1068316X.2018.1519827*

## TED PALYS AND JOHN LOWMAN

### Statute-Based Protections for Research Participant Confidentiality: Implications of the US Experience for Canada

**Ted Paly**  
Professor  
[paly@sfu.ca](mailto:paly@sfu.ca)

**John Lowman**  
Professor Emeritus  
[lowman@sfu.ca](mailto:lowman@sfu.ca)

#### BACKGROUND

Many types of vital criminological (and other) research require protection of communication and information provided confidentially by research participants. In Canada, the only research information protected by statute is that gathered by Statistics Canada researchers under the Statistics Act. For all other researchers and participants, the only option if confidentiality is threatened is to invoke a public interest privilege by demonstrating the research meets the Wigmore criteria, a common law test that ultimately involves the court weighing its need for the information against the impact on research an order for disclosure would create.

Use of Wigmore has advantages and disadvantages that have been described elsewhere (e.g. Paly and Lowman's *Protecting Research Confidentiality*). As an alternative, researchers, research ethics board members, and several scholarly associations have expressed interest in developing broader statute-based protections in Canada. Our article examines the

strengths and limitations of the two principal such protections in place in the United States for decades: Certificates of Confidentiality (CoC), available through the National Institutes of Health (NIH) for a wide range of "health" research, and Privacy Certificates (PCs), available for criminological research funded through the National Institute of Justice (NIJ).

#### METHOD

We first sought any evaluative studies that examined some aspect of the US experience with either of the two statute-based protections. We also contacted officials at both NIH and NIJ involved in issuing those protections to acquire any in-house evaluations that had been conducted. We also conversed with spokespersons from both NIH and NIJ and one key contributor to the literature regarding CoCs to gain the benefit of their experience. These data were compiled in NVivo, which we used inductively to identify themes that arose.

#### LESSONS LEARNED

Researchers, research ethics board members and university legal advisers in the US all judge both measures successful overall at warding away threats. However, PCs for criminological research have never been challenged in court, while CoCs were challenged in several cases. The

biggest legal problem for CoCs arises because they protect only "identity," in contrast to PCs, which protect identity and "identifiable information." Also, CoCs allow researchers to create exceptions to the coverage at their discretion, leading to inconsistencies that courts seem to view as making coverage negotiable. In contrast, PCs allow only one exception – future crime.

CoCs and PCs also are administered quite differently. CoCs are "voluntary;" researchers must apply for the coverage. This, coupled with the length of time required to process applications, creates inconsistency in the extent to which health projects are taking advantage of the protections that exist. In contrast, PCs are obligatory for all research funded by NIJ, which results in greater consistency of coverage.

CoCs and PCs provide an interesting and attractive basis for developing statutory protections for research confidentiality in Canada. The next step is to share our findings with the Canadian Association of Research Ethics Boards, the federal Tri-Council Secretariat on Responsible Conduct of Research and the Interagency Advisory Panel on Research Ethics to enlist their support for our proposals.

*Paly, T., Turk, J.L., and Lowman, J. (2018). Statute-Based Protections for Research Participant Confidentiality: Implications of the US Experience for Canada. Canadian Journal of Law and Society. Online first: <https://doi.org/10.1017/cls.2018.24>*

## AYNSLEY PESCITELLI

### MySpace or Yours? An Exploratory Study of Homophobic and Transphobic Cyberbullying of Post-Secondary Students

**Aynsley Pescitelli**  
**PhD Candidate**  
[aynsley\\_pescitelli@sfu.ca](mailto:aynsley_pescitelli@sfu.ca)

#### BACKGROUND

The vast majority of cyberbullying research to date focuses on elementary, middle and high school students; yet, post-secondary students are not immune to this behaviour, nor are they immune to the resultant harms.

Although studies have just begun to examine cyberbullying among post-secondary students, there is even less research examining the LGBTQ+ experience. Of these studies, most address LGBTQ+ students as part of the wider student population or by comparing cyberbullying patterns to non-LGBTQ+ peers rather than studying the LGBTQ+ post-secondary student community in particular.

This qualitative study attempts to bridge this research gap by addressing LGBTQ+ students' experiences with homophobia and transphobia in online environments.

#### METHODS

In-depth, semi-structured interviews were conducted with six participants. Interviewees included both undergraduate and graduate students from post-secondary institutions throughout the Greater Vancouver region.

Follow-up questionnaires were admin-

istered to obtain detailed demographic information about each participant as well as to allow interviewees to expand on any information not covered in the interview.

Interviewees were encouraged to select their own pseudonyms and pronouns, and to define their sexual orientation and gender identity in their own words to give them additional ownership over their representation.

#### FINDINGS

There was a clear consensus among participants that there is no such thing as a truly safe online space for LGBTQ+ individuals. Interviewees argued that some sites and modes of communication were safer than others, but even the spaces viewed as safest and most tightly controlled allowed some harmful information to intrude. While cyberbullying was experienced by participants in many different online settings, it was most commonly experienced by interviewees through Facebook posts, YouTube comments and while online gaming.

Most experiences of homophobia and/or transphobia in online settings were perpetrated by individuals known or presumed to be heterosexual, but multiple participants had also experienced cybervictimization perpetrated by other members of the LGBTQ+ community. Such in-group victimization was experienced most commonly

by trans participants, and was perpetrated by members of the broader LGBTQ+ community as well as other trans individuals.

When asked why they believed they had been targeted, the most common reasons were disconnect and detachment in online settings, strongly held personal opinions and deeply ingrained beliefs, and broader societal acceptance of transphobia. Several interviewees pointed to the "in real life" vs. online distinction made by many Internet users, allowing cyberbullies to distance themselves from problematic online actions as well as to minimize the perception of harm experienced by their targets. For in-group harassment, multiple participants argued that although overt homophobia has become much less acceptable over the years, transphobic beliefs have not followed the same trend.

Findings indicate high levels of resiliency among participants, as well as a willingness among many participants to educate individual Internet users about homophobia and transphobia, and to raise awareness of the resultant harm that can be experienced both online and offline.

*Pescitelli, A. (2019). MySpace or yours?: An exploratory study of homophobic and transphobic cyberbullying of post-secondary students. In W. Cassidy, C. Faucher, & M. Jackson (Eds.) Cyberbullying at University in International Contexts (pp. 52-65). New York, NY: Routledge.*