

The Medium Behind the Message: An Examination of the Delivery Method of Victim Impact  
Statements in Canada

By  
Samantha Webb

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Approved: Dr. Veronica Stinson  
Thesis Supervisor  
Department of Psychology, Saint Mary's University

Approved: Dr. Marguerite Ternes  
Committee Member  
Department of Psychology, Saint Mary's University

Approved: Dr. Patrick Carolan  
Committee Member  
Department of Psychology, Saint Mary's University

Approved: Dr. Bryan Myers  
External Examiner  
Department of Psychology, University of North Carolina Wilmington

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## Abstract

### The Medium Behind the Message: An Examination of the Delivery Method of Victim Impact Statements in Canada

By Samantha Webb

Victim impact statements (VIS) allow victims to express how a crime has affected them physically, psychologically, and financially. During the COVID-19 pandemic, many sentencing trials were moved online. This study examined victims' experiences with VIS and the justice system, evaluating if the presentation medium affects sentencing. Study 1 interviewed victims via Zoom, revealing they find the process more comfortable and accessible online but prefer in-person or written submissions. Study 2 assessed participants' reactions to real VIS presented in video, audio, or transcript formats. Results showed the medium did not affect victim-related factors or sentence length. However, participants recommended alternatives to incarceration (e.g., probation) more often after reading a VIS, particularly in stalking cases. The type of crime also influenced perceptions; a VIS detailing sexual assault led to higher harm ratings and longer sentences compared to stalking. These findings have implications for victims, judges, and the justice system.

*Keywords:* victim impact statements, sentencing, victims, criminal justice system, Canada, qualitative research, mixed-methods, delivery

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## **The Medium Behind the Message: An Examination of Victim Impact Statements in Canada**

The role and usage of victim impact statements (VIS) in the Canadian court system has become increasingly more relevant since its conception in 1988, when VIS were introduced in Canada's Criminal Code. A VIS is a statement that allows victims to describe how a crime has affected them physically, psychologically, and economically during sentencing (Department of Justice, 2015). Some examples of the information provided includes personal injuries, property damage, loss of wages due to medical/treatment costs, psychological problems such as inability to sleep, paranoid thinking, PTSD, and an inability to attend work (Department of Justice, 2018). A victim can submit a VIS to a judge via a written letter, or have it read aloud to the courtroom during the sentencing trial (Department of Justice, 2018). In the event that the victim is not able to present themselves, someone else such as a family member, friend, or crown lawyer can present in their place (Department of Justice, 2018).

Before 2015, the admissibility of VIS in court was at the trial judge's discretion (Miller, 2013). However, one of the more prominent changes involving victims in the Criminal Justice System was the Victim Bill of Rights (2015), which stated that judges must allow victims of a crime to provide and present a VIS to the court when the offender has pleaded guilty or has been found guilty (Department of Justice, 2015). Although victims are not required to submit a VIS, judges must take VIS into consideration when delivering a final sentence to the offender (Department of Justice, 2015). Researchers have referred to VIS as a "critical point" in the criminal process because they allow the judge to use the information presented within the statement to help determine the parameters of the offender's sentence (Szmania & Gracyalny, 2006). However, neither the Victims Bill of Rights (2015) nor the VIS process details the extent

to which judges must consider the statements during their sentencing decisions (Manikis, 2015). In addition to this, each judge may consider the aggravating/mitigating factors of the case differently, leading to an unclear picture of the substantive impact of VIS. The lack of parameters outlining the usage of a victim's VIS in decision-making has the potential to cause inconsistencies in the weight given to VIS across Canadian courtrooms, leading to arguably subjective and contradictory outcomes in the data (Manikis, 2015). The current thesis is composed of two studies designed to examine and identify qualities of Canadian VIS that have an impact on the weight given to these statements by judges. Additionally, these studies aimed to develop a research-based understanding of the various ways that the method of delivery has an impact on sentencing outcomes.

Study 1 primarily aimed to gain insight on crime victims' thoughts and opinions on VIS, including their goals, preferred mode of delivery, and views about the criminal justice system in Canada. This study took an exploratory approach and consisted of video-recorded interviews with self-identified victims who were invited to present their VIS to researchers as they would present it in a court setting, followed by a series of questions about their experience with VIS.

Study 2 aimed at evaluating the medium in which the statement is presented (video/audio, audio only, transcript) and examined the overall effect of the medium on sentencing decisions. This study took an experimental approach and involved showing a set of participants VIS from Study 1 with varying mediums, followed by a series of questions about the VIS they just saw.

### **Principles of Sentencing**

To understand the role that VIS play in sentencing, it is essential to examine the relationship between VIS submission and the standard sentencing principles in Canada. According to Section

718 of the Canadian Criminal Code (CCC), the purpose of sentencing is “to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions” (Department of Justice, 2017b). Additionally, a sentence must be “proportionate to the gravity of the offence and the degree of responsibility of the offender” (Department of Justice, 2017b). The CCC specifies six factors that judges should consider during every sentencing decision:

1. *Denunciation* – the sentence is reflective of society’s opinions of the crime.
2. *Deterrence* – the sentence discourages the public from committing similar crimes.
3. *Separation* – the sentence separates the offender from the public if it is necessary.
4. *Rehabilitation* – the sentence influences the offender to change their behaviour to become a productive member of society.
5. *Reparation* – the sentence compensates for the harm their actions have caused the victim or the community.
6. *Responsibility* – the sentence holds the offender accountable for their actions.

In addition to these six factors, sentences will also be impacted by the aggravating and mitigating factors relevant to each case presented before the court. Aggravating factors can increase the severity of the sentence and lead to harsher penalties, while mitigating factors can result in a more lenient sentence. Aggravating factors could include: a prior criminal record, offenses against children, currently on parole/probation, offenses against animals, and use of weapon, among others. Alternatively, mitigating factors could include expressions of remorse, age of offender (young/old), lack of criminal record, and mental or physical disability, among

others. Judges consider these factors to achieve a fair and just punishment based on the specific factors presented in each case.

Section 718.2 lists several other considerations that the judge must recognize when deciding on an appropriate sentence:

1. The sentence for the offence should be similar to sentences imposed on offenders who have committed similar offences.
2. When consecutive sentences are imposed, the combined sentence should not be unduly long or harsh.
3. When it is reasonable and appropriate, alternative sanctions other than imprisonment should be considered, with particular attention to Aboriginal offenders.
4. An offender should not be deprived of liberty if less restrictive or punitive sanctions are appropriate for the circumstance.
5. All sanctions must be consistent with the extent of the harm suffered by the victims or the community.

The final consideration listed above (#5) is of particular importance when examining the important role that VIS play in court proceedings. These statements are designed to provide the court with a unique perspective on the extent of harm suffered from a given crime. They also may highlight aggravating and mitigating factors that the judge can consider when putting forth the offender's sentence. Overall, VIS may help to follow this consideration and inform judges of the harm suffered by the victim or the community.

Given these extensive factors that judges must consider when deciding upon a sentence, it is important to note that VIS are only one portion of the multitude of mitigating and aggravating

factors that judges must consider. Section 722 of the CCC notes that VIS “may be submitted to the court for the purposes of informing sentencing”, though it may be challenging to isolate the weight given to VIS since it is only one factor considered in sentencing decisions.

### **VISs in the United States vs. Canada**

A significant portion of the literature on VIS is grounded in the United States legal system (Arrigo & Williams, 2003; Berger & Iyengar, 2013; Boppre & Miller, 2014; Englebrecht & Chavez, 2014; Erez & Rogers, 1999; Gordon & Brodsky, 2008; Myers & Greene, 2004; Schuster & Propen, 2010; Szmania & Gracyalny, 2006; West et al, 2019; Wevodau et al., 2014). However, many of the rules and regulations surrounding VIS in Canadian courts detailed below are drastically different from those present in United States courts, making study results and research conclusions difficult to generalize to Canadian research. Additionally, much of the media portrayals of VIS that Canadians see are based on American cases, which show Canadian victims an inaccurate representation of the Canadian justice system and VIS in some cases, potentially leading to disappointment and feelings of injustice when their expectations are not met (Canadian Forum on Civil Justice, 2005; Manikis, 2015). Due to the lack of Canadian representation in the literature and media, it is important to contextualize VIS in the Canadian Legal system.

First, victims in the United States are provided with more leeway regarding the content of their VIS, how their VIS is presented, and who their VIS is presented to (National Center for Victims of Crime, 2011). In Canada, the only evidence in VIS that is considered by the judge at the sentencing hearing is the emotional, physical, or financial impact that the victim experienced as a result of the crime meaning that any portion of the VIS that is considered not relevant to these three factors will be amended or redacted in order to be admissible in court (Department of

Justice, 2018). For instance, if a Canadian victim were to address the offender directly without a judge's permission, use derogatory language, suggest a sentence in their statement, or include anything outside of those three factors, the sentencing judge would be obligated to disregard those elements. Sometimes VIS are redacted in advance of sentencing to remove inadmissible content (Department of Justice, 2018). Additionally, many Canadian VIS protocols prohibit the inclusion of comments regarding unproven allegations or offences for which the offender was not convicted, or other statements that are not directly related to the harm suffered. In contrast, victims in the United States may include their personal views on the crime, the offender, as well as a potential sentencing outcome, if they wish to do so, in addition to the three factors included in Canadian VISs (National Center for Victims of Crime, 2011). Furthermore, victims in the United States have the option to submit their VIS in many forms similar to Canada such as a letter to the judge, an oral statement, or a drawing. Victims who reside in the United States may also submit their VIS in religious mediums like a prayer or a religious verse (National Center for Victims of Crime, 2011).

Second, much of the literature in the field discusses VIS impact on jury and mock jury decision-making (Boppre & Miller, 2014; Szmania & Gracyalny 2006; Wevodau et al., 2014). Mock jurors often consist of university or community samples that react to fabricated trials or written scenarios and must render a sentence recommendation based on the stimulus material presented to them. The use of mock juries and jury research is appropriate in the United States because VIS are presented to juries during actual sentencing trials, but only in capital punishment cases. In contrast, the use of juries in Canada differs significantly. In Canada, VIS constitute evidence presented at sentencing, not during the initial trial (Department of Justice, 2017). Additionally, Canadian juries do not make sentencing decisions, nor are they required to

attend the sentencing hearing (Department of Justice, 2016). Although juries in Canada may offer a sentence recommendation after a guilty verdict, this recommendation is not binding, with most judges deviating from juror recommendations at the sentencing hearing (Department of Justice, 2016; *R. v. Hoewing*, 2007). Therefore, the extent to which many US jury studies apply to the Canadian context is not clear and requires further investigation in Canadian sentencing outcomes.

The differences between the two justice systems regarding VIS and the lack of Canadian research highlight the need for further investigation into the role of VIS. This thesis aimed to broaden the Canadian literature on VIS and examining victim's perspectives on VIS and how the medium of VIS influences sentencing.

### **Perception of VIS in the Criminal Justice System**

VISs are generally considered an important element in providing victims a voice within the court (Szmania & Gracyalny, 2006). Some have argued that VIS prevent the courts from focusing solely on the offender, while others propose that the goals associated with VIS submission serve as a therapeutic outlet for victims to recover from the emotional harm caused by the crime (Boppre & Miller, 2014; Lens, 2015; Roberts & Edgar, 2006). Most prominently, some authors have postulated that VIS could lead to significantly lengthier sentences for the offender (Boppre & Miller, 2014; Roberts & Edgar, 2006). It is important to understand how judges, the general public, and victims themselves perceive VIS to further our understanding on how VIS directly impact Canadian courts and those who participate in the system.

### **Victim Perception and Goals in VIS Submission**



According to the Victim's Bill of Rights (2015), a victim refers to an individual who has suffered harm due to an offence. "*Harm*" can be interpreted in a variety of different ways, but generally this definition encapsulates instances of physical or psychological suffering, property damage, or financial loss. Perhaps the most relevant opinion on VIS to consider is that of the victim. The individual thoughts and opinions of victims are crucial to examine when developing an understanding of why victims may choose to submit a VIS, what factors influence their decision, and the outcome they expect upon delivery.

Although the Victim's Bill of Rights (2015) details the purpose of VIS in Canada, the Bill does not explicitly outline what the goals of a VIS are. Therefore, the motivation behind the decision to submit a VIS may be different for each victim (Lens et al., 2015; LePage, 2021). That is, each victim who contemplates preparing a VIS might have different goals (or multiple goals) in mind when making this decision. Although some victims may want to see their offender punished, a common misconception about VIS is that they are all submitted for vengeful purposes or used as means to "seek revenge" for the crime committed against them (Gordon & Brodsky, 2007). The three most commonly discussed goals in VIS literature are to influence sentencing (Erez & Rogers, 1995; LePage, 2021; Lens et al, 2014; Roberts & Edgar, 2006; Roberts, 2009), to provide victims with a voice in the court proceedings (Arrigo & Williams, 2003; LePage, 2021; Szmania & Gracyalny 2006), and to facilitate a victims' emotional recovery from the crime (Boppre & Miller, 2014; Lens et al., 2015; LePage, 2021). Notably, the only Canadian study listed here, LePage (2021), found evidence of all three goals within the Canadian context.

Regarding the first goal, LePage (2021) interviewed victims of crime whose cases had either reached the sentencing phase or had been closed prior to the study. The interview

questions included several aimed at understanding the victims' individual goals when submitting their VIS. Many victims believed that VIS could influence sentencing and that presenting a VIS could potentially affect the outcome of the sentence (LePage, 2021). This finding is supported by Dufour et al. (2023), whose study revealed many victims hoped their VIS would contribute to the length of the sentence or evoke remorse in the offender. Results of this study found an association between the presence of VIS and the length of the sentences imposed, in which cases with a VIS present were associated with longer incarceration sentences than cases without a VIS (Dufour et al., 2023). Some authors have argued against the use of VIS, claiming that VIS undermine the right of the offender to a fair trial (Arrigo & Williams, 2003). However, many other academics have claimed that VIS can make a useful contribution to sentencing without becoming biased (Lens et al., 2016; Luginbuhl & Burkhead, 1995). Roberts (2009) defined a successful VIS as "one that achieves some benefit for the victim, the offender, or the sentencer, without interfering with consensual principles of sentencing (Roberts, 2009 p. 353-354). A full discussion of the evidence regarding whether VIS influence sentencing decisions can be found in the sections below.

Another commonly discussed goal of VIS is their ability to provide victims with a voice in the justice system (LePage, 2021; Manikis, 2015). VIS are arguably one of few ways that victims can be heard in the justice system (de Mesmaecker, 2012; Verdon-Jones & Tijerino, 2004). Some authors view VIS as an expressive function in which victims can convey their feelings about the crime (Arrigo & Williams, 2003; Szmania & Gracyalny 2006). Englebrecht and Chavez (2014) reinforce this view, claiming that VIS create meaningful opportunities for victims to tell their story and be heard. Victims themselves express similar sentiments, citing their reason for VIS submission was to address the court and be heard during the process (Dufour

et al., 2023). That is, many victims are motivated to present a VIS to provide the judge with their experience/perspective rather than potentially affecting the outcome of sentencing (LePage, 2021). Additionally, researchers have found that presenting a VIS orally as opposed to submitting a written statement increased feelings of involvement and satisfaction with the justice process for the victim (Lens et al., 2015).

The final goal of VIS submission highlighted in the literature follows the idea that VIS is cathartic for the victim (Lens et al., 2015; Schuster & Proppen, 2010). That is, VIS may provide victims with a therapeutic outlet to express the impact that the crime had on them, thereby facilitating recovery from the emotional harm caused by the crime (Lens et al., 2015). Victims are most likely to participate in the judicial process if their experience resulted in high levels of trauma and pain (Erez & Tontodonato, 1990). Moreover, victims who experience symptoms of psychological distress are more likely to submit a VIS than victims who do not (Lens et al., 2013). For these victims, therapeutic relief/catharsis may be a common goal for VIS submission. One study reported that more than half (59%) of victims who deliver a VIS orally report feelings of relief or satisfaction afterwards (Schuster & Proppen, 2010). This view is also supported by victims themselves, who expressed that delivering a VIS allowed them to feel more in control, help them reconstruct their sense of self, and better understand their victimization (Dufour et al., 2023; Englebrecht & Chavez, 2014; LePage, 2021).

However, the research about whether delivering a VIS provides any real therapeutic effects remains unclear (Pemberton & Reynaers, 2011; Meredith & Paquette, 2001). Some researchers claim that delivering a VIS does not result in any direct healing outcomes, but rather leads to increased levels of anger and anxiety in some cases (Erez & Tontodonato, 1990; Lens et al., 2015). That is, for someone who has already undergone trauma, presenting a VIS may

worsen or extend that trauma, resulting in an overflow of negative emotions resurfacing when revisiting the effects of the crime (Dufour et al., 2023; Erez & Tontodonato, 1990; Lens et al., 2015). Some researchers have theorized that any positive emotions experienced after delivering a VIS might be a result of the judges' acknowledgement of the victims' suffering and the harm done to them as a result of the crime as opposed to a therapeutic outcome (Erez & Laster, 1999; Schuester & Propen, 2010). Therefore, VIS might better be explained as a tool that victims may use to acquire a sense of recognition and relief once a judge has acknowledged the impact and the suffering ensued as a result of the crime. However, the existing research on victims who submit VIS only reflects a small percentage of crime victims and neglects the population of victims who do not/are not able to participate in the justice system (Davis & Smith, 1994; Myers & Greene, 2004; Roberts & Edgar, 2006). There is a need for a more in-depth, victim-centric approach to outline the process by which a victim decides to submit a VIS.

### **Public Perception**

It is important to understand the public's opinions on VIS for several reasons. First, victims often rely on support systems (family, friends, religious groups) when dealing with the aftermath of their victimization (Ahrens et al., 2007; Ahrens et al., 2010; Campagna & Zaykowski, 2020; Campbell et al., 2015; Casey & Nurius, 2006; Fanslow & Robinson, 2010; Hanson et al., 2003; Kaukinen, 2002; Kaukinen, 2004; Lempert, 1997; Stein & Nofziger, 2008). The presence of these individuals who offer support to victims has been linked to an increased willingness to seek out formal mental and physical healthcare services (Campbell et al., 2015; Hand et al., 2002; McCart & Smith, 2010; Snowden, 1998; Waldrop & Resick, 2004). Secondly, it has been shown that members of the public help to provide victims with encouragement to become more involved in the justice system (Kaukinen, 2002; Pescosolido, 1992; Snowden,

1998). The influence and opinion that individuals who provide support to victims have on VIS delivery is important to discuss when it comes to understanding victims' goals and motivation for VIS submission.

### ***Sources of Support and Information for Victims***

Victimization is often a traumatizing and life-altering event with short- and long-term implications for the victim's quality of life (Janssen et al., 2021; Kaukinen, 2004; Krulichová, 2021; Mahuteau & Zhu, 2016). For many victims, extreme feelings of isolation are exceptionally common after victimization (Cornaglia et al., 2014; Craig-Henderson & Sloan, 2003; Dufour et al., 2023). Victims often describe themselves as feeling physically, emotionally, or spiritually alone in the aftermath of their experience; this is because individuals who experience trauma tend to distance themselves from their loved ones (Cornaglia et al., 2014; Craig-Henderson & Sloan, 2003; Dufour et al., 2023). Most times, victims' relationships will become strained, as they are wary to let anyone know how much they are struggling (Cornaglia et al., 2014; Craig-Henderson & Sloan, 2003; Dufour et al., 2023). These statistics are especially true for male victims, who are significantly less likely to seek help compared with female victims (Campagna & Zaykowski, 2020). Moreover, the experience of victimization has been linked to many negative outcomes for health and wellbeing, such as worsened mental health and suicidality among many others (Aldrich & Kallivayalil, 2013; Cornaglia et al., 2014; Janssen et al., 2021; Krulichová, 2021; Mahuteau & Zhu, 2016; McCart & Smith, 2010; Papachristos & Wildeman, 2014). Notably however, research indicates overcoming this isolation and building a support system is an integral component of recovery from trauma. (Connolly & Gordon, 2015; Rolls & Harper, 2016). Both informal (friends, family) and formal (victim services, counsellors) sources

of support offer victims social support, coping strategies, and can lead to positive mental health outcomes (Kaukinen, 2004; Schonert-Reichl & Muller, 1996).

Using data from the New Zealand Violence Against Women Study, which drew from a representative sample of women aged 18-64, more than 75% of respondents reported that they had relied on family and friends when seeking support for their trauma (Fanslow & Robinson, 2010). This finding is consistent with other literature as well, which indicate that both adult and adolescent victims are most likely to seek solace in informal sources of support, most notably, friends and family (Ahrens et al., 2007; Ahrens et al., 2010; Casey & Nurius, 2006; Hanson et al., 2003; Stein & Nofziger, 2008).

For help seeking in general, the responses of others are an important influence on a victims' involvement in the justice system (Campbell et al., 2015; Fanslow & Robinson, 2010; Kaukinen, 2002; Pescosolido, 1992; Snowden, 1998). Previous literature on the topic has shown that these types of support sources are an important link to formal help, as well as an increase in confidence to move forward with recovery (Fanslow & Robinson, 2010; Kaukinen, 2002; Waldrop & Resick, 2004). In LePage (2021), victims most often heard about VIS through personal contacts, including their family, friends, and church group. Many of them noted that they had felt like these groups of people had their best interest in mind during sentencing, some even helping them to fill out the necessary forms to submit a VIS (LePage, 2021). In addition to this, VIS often contain a pattern of thankfulness for support systems woven throughout the pain and despair, indicating that these groups were integral for the victims' recovery and strength to move forward (Dufour et al., 2023).

However, there has been little research on the direct effects of support systems on a victims' willingness to submit a VIS, much less their influence on the delivery method of the

VIS. These groups have some influence on a victims' decision, but it is unclear to what extent this applies to the medium specifically. Although this is beyond the scope of the current study, there is a need for more systematic, evidence-based research to fill this gap and outline the effect of a support system on whether a victim decides to submit a VIS.

### **Judicial Perceptions of VIS**

When examining the perception of VIS on Canadian judges, many judges across several provinces discussed VIS in terms of its usefulness to the court proceedings (Roberts & Edgar, 2006). Mainly, Canadian judges believe VIS are most useful during sentencing to assess harm, particularly in violent crimes, as VIS offer a unique perspective of the crime and its outcome (Roberts & Edgar, 2006). Judges often reference VIS as an important tool in the sentencing process to gather more comprehensive information on the impact of the crime (Roberts & Erez, 2004). Additionally, judges stated that they often refer to the VIS in their sentencing decisions. That is, VIS often inform the sentencing decision instead of impacting it. Although the study only examined three provinces in Canada, the results suggest that most Canadian judges have a positive view on VIS and the role they play in the Canadian Justice System. United States judges appear to agree when it comes to the importance of VIS (Schuster & Proppen, 2010). Research conducted with Minnesota state judges highlights and acknowledges the impact and importance of VIS in their interviews (Schuster & Proppen, 2010). One judge stated that he had previously added conditions to sentences based on a VIS, as well as several other judges who noted they had added restitution fees for financial aid or counselling based on the content present in the VIS. However, it is unclear whether this applies to every case in which a VIS is present. Furthermore, these are the results of a single, unique study in the literature and further research is warranted to flesh out these findings.

Another factor to consider is judges' opinions about the format of VIS submission. VIS are only submitted in a small percentage of cases, and even less frequently do victims deliver their statement orally (Department of Justice Canada, 2015b; Roberts & Edgar, 2006). Some literature has examined differences between how written and oral statements are perceived, and the ways in which that can interplay with how VIS impact decision making (Lens et al, 2014; Lens, 2014; Smith et al, 1997). However, little research has been conducted explicitly on judges' opinions on VIS delivery. The empirical evidence surrounding VIS delivery that does exist remains mixed, though in recent studies, sentencing hearings that contained an orally delivered VIS have shown to be predictive of longer sentencing outcomes (Dufour et al., 2023; Erez & Tontodonato, 1990; Landstrom et al., 2015). Notably, Dufour et al.'s (2023) study showed an average of 2 additional years were added to incarceration sentences that contained an orally delivered VIS as opposed to a written VIS. This is the first Canadian study that used real-world archival sentencing data to demonstrate this effect. The current study hopes to provide support for these findings and expand on the importance of VIS delivery in sentencing outcomes. A full discussion on the impact of VIS delivery method is below.

### **Emotional Content in VIS**

The primary argument dominating the literature against the use of VIS in sentencing is that the emotional content often present in the statement can interfere with due process (Sanders et al., 2001). That is, VIS brings too many emotions into the courtroom, which has the potential to influence both the judge and the jury into longer sentence recommendations (Schweitzer & Nunez, 2017; Wevodau et al., 2014). However, the emotional effect of VIS has been widely disputed in the literature, and research has produced mixed results (Bandes & Salerno, 2014; Nunez et al., 2017). For instance, Arrigo and Williams (2003) argue that emotionally fueled VIS



encourage feelings of anger, vengeance, and hatred toward the offender, essentially creating bias among decision-makers. They claim that the emotionality of VIS has the potential to undermine the right of the offender to a fair and impartial trial, especially in instances where the VIS is presented orally as opposed to in writing (Arrigo & Williams, 2003). Szmania and Gracyalny (2006) support this claim, stating that VIS are persuasive in their nature and possess a natural tendency to sway the opinion of the judge towards a more severe sentence. However, more recent research conducted in Canada suggests that when an emotional affect is present during VIS presentation, grief and loss are the most prevalent emotions expressed, followed closely by sadness and emptiness (Dufour et al., 2023). Nearly three quarters of statements that were analyzed mentioned these emotions, often referencing a grief so profound and unending that it impaired their ability to live day-to-day (Dufour et al., 2023). This finding was also noted by Englebrecht and Chavez (2014) in their research, where many victims discussed intense feelings of loss and grief in their VIS. Notably, these are all negative emotions, though they may not be the type of emotion that provokes the same emotional response as anger or rage (Lens et al, 2016; Myers & Greene, 2004; Nuñez et al., 2015; Nuñez et al., 2017; Schuster & Proppen, 2010).

Regardless of status, the emotional reactions of others have been found to influence one's ability to make decisions, develop sympathy and empathy, and perspective-take (McGowarn & Myers, 2004). Typically, the VIS process involves speaking about any personal trauma that the individual has experienced, rehashing memories/feelings related to the crime, and dealing with tremendous grief and loss in some cases. When judges read or hear these statements, it is unclear how these emotional displays contribute to their sentencing decisions. Additionally, the extent to which an emotional VIS' method of delivery influences sentencing decisions is unknown. A study conducted in the United States examined the emotionality in 192 capital trial VIS

transcripts and the sentencing outcomes of these cases (life sentence vs death penalty) and found that although emotional content was prevalent throughout the VIS, sadness was the most expressed emotion, and the degree of emotional language in the statements was not particularly high (Myers et al., 2018). Authors compared the emotion expressed in the VIS as similar to emotions typically encountered in everyday life. Therefore, they concluded that VIS emotionality did not appear to be indicative of changes in sentencing outcome (Myers et al., 2018). There is a need for more empirical research to understand the role emotionality within a VIS plays in sentencing decisions. This study hopes to address the gap in literature and examine the interaction between emotionality and different delivery methods of VIS.

Additionally, it is likely that the type of crime plays a key role in determining sentence length, over and above the impact of an emotional VIS. Recent research from the Netherlands compared sentencing recommendations for offenders who committed minor crimes to offenders who committed severe crimes, both with a highly emotional VIS that was presented in the sentencing hearing (Lens et al., 2016). The authors found that the sentence recommendation for the minor crime offender was much more lenient than the sentence recommendation for the severe crime offender despite both cases containing a highly emotional VIS (Lens et al., 2016). Therefore, it may be the case that the sentencing outcome is dependent on other information in the case, regardless of the presence of an emotional VIS. Unsurprisingly, there is a need for more empirical research to understand what victims say in their VIS, and the way in which the content is expressed. In addition to the emotional content in VIS, there are many other factors present in a VIS and in the individual case that have the potential to affect the sentencing outcome and the judge who ultimately makes that decision. This includes the credibility of the victim, the severity of the crime, and the communication medium of the VIS.

### **Credibility Assessments of VIS Delivery**

A victim's credibility and how they are perceived when delivering their VIS is a crucial factor when it comes to how judges are affected by and respond to their statement. Most notably, differences in perceived victim credibility have been theorized to contribute to sentencing outcomes in some cases (Myers et al., 2002). Although assessing credibility comes in many different forms, such as nonverbal behaviour, preparedness, and appearance (Bogaard & Meijer, 2020; Gojkovich et al., 2019), credibility tends to be closely associated with a victim's display of emotion and decision-maker expectancies inside the courtroom. That is, judicial responses to VIS depend on what judges expect the victim to say (Kaufmann et al., 2003). Expectancies of victimization, or "expectancy violation", occurs when individuals carry stereotypical expectations about what constitutes a "normal" reaction to victimization (hysterical, emotional, traumatized), and victims who do not display such a reaction are viewed as less credible than those whose reactions are more in line with their expectations (Calhoun et al., 1981; Kaufmann et al., 2003; Lens et al., 2014; Winkel & Koppelaar, 1991). Jury expectancies have been supported significantly by the literature (Ask & Landstrom, 2010; Landstrom et al., 2019; Lens et al., 2014; Kaufmann et al., 2003). For instance, some research conducted on juries has found that victims who display negative emotions when disclosing a traumatic event are more readily believed than victims who disclose their trauma in a monotone or controlled manner (Ask & Landström, 2010). Additionally, research involving university students acting as mock jurors has found that VIS with highly emotional content are associated with increased perceptions of truthfulness and credibility compared to VIS that contains little emotional content or emotional displays (Bollingmo et al., 2008; Kaufmann et al., 2003). These findings have also been replicated with police officers and trainees, where researchers found that victims who express

noticeably strong negative emotions when talking about their victimization are perceived as more credible than victims who display less emotional distress or positive emotions (Ask & Landström, 2010).

Although this research focuses on juries, it is relevant in the Canadian context as it provides insight into general public perceptions of VIS. In Canada, while juries do not make sentencing recommendations, understanding how jurors perceive VIS can still be valuable. If we assume that the perceptions of jurors and judges align, then results derived from studies involving jurors can be cautiously generalized to inform our understanding of how judges might perceive and be influenced by VIS in the Canadian judicial system.

Further, VIS are most often submitted in “severe” crime cases (e.g., sexual offences and homicide) (Dufour et al., 2023). That is, victims who experience greater psychological distress are the most likely to participate in court processes and are most likely to submit a VIS (Lens et al., 2013). This finding is relevant because the severity of the crime seems to bear significant implications for the weight given to VIS in sentencing. Additionally, decision-makers’ emotional expectancies seem to vary based on the type of crime. For instance, Lens et al. (2014) examined mock jurors’ expectations about emotionality and emotional content in VIS with both minor and severe/violent crimes. They found that a highly emotional VIS is seen as more credible when the individual is a victim of a severe or violent crime than when the individual is a victim of a minor crime. That is, victims who delivered an emotional VIS for a minor crime were less credible to participants than those who delivered the same VIS for a more severe crime (Lens et al., 2014). Further demonstrating this moderating effect, Myers et al.’s (2002) study on mock jurors found that VIS-present conditions yielded longer sentencing outcomes than no-VIS conditions, but only in conditions where the level of suffering/harm experienced was high. That is, VIS with content

that expressed high amounts of harm and suffering were associated with harsher sentences. From this finding, authors concluded that jurors tend to apply harsher sentences in cases where they perceive greater suffering for the victim than cases where they perceived less suffering (Myers et al., 2002).

The final factor that may affect credibility assessments is the format of VIS submission. Some literature has examined differences between how written and oral statements are perceived, and the ways in which VIS delivery can impact decision making. Landström et al. (2019) examined the effects of emotionality, presentation mode, and statement consistency on credibility judgements with police trainees. Participants were asked to assess the credibility of an intimate partner violence (IPV) victim who appeared either live or on video and behaved in an emotional (displaying sadness and distress) or in a neutral manner (Landström et al., 2019). Authors found that live statements were perceived as more credible, especially in cases where the victim behaved in an emotional manner (Landström et al., 2019). These findings highlight the need to consider multiple factors that may influence decision-makers' judgements of credibility. For instance, perceived victim involvement may play a role in these judgements. As demonstrated above, cases with victims who appear more involved (physically present in court) might receive harsher sentencing outcomes (Landström et al., 2019). This finding aligns with Erez and Tontodonato's (1990) study, which found that victim presence in court during a trial appeared to be associated with significantly longer sentencing outcomes when compared to those who submitted their statement in writing and were not present in the courtroom during sentencing. Other aspects related to the delivery method of VIS will be discussed in more detail below.

It is important to note that there is no single emotional response that is telling of victims' level of credibility, and these assessments should be taken with a grain of salt (Landström et al, 2015). Depending on a victim's individual goals when presenting a VIS, these credibility assessments have the potential to be problematic. For instance, if a victim's primary goal is to provide the judge with their perspective and gain a sense of understanding and sympathy, the victim would likely be worried about how they are perceived by the court. Violations in expectancy are related to lowered sympathy for the victim (Lens et al., 2014). Conversely, if a victim's goal is to impact sentencing, they may want to consider presenting their statement live and displaying a high level of emotion. However, victims often have different emotional reactions to victimization; some victims may feel uncomfortable with inauthentic, theatrical, or insincere emotional displays.

### **Delivery Method of VIS**

The final aspect of VIS worth considering is the delivery method of these statements. As noted, victims most often present their VIS in writing, deliver their VIS in court during sentencing, or have an attorney read the statement on their behalf. In some cases, VIS can also be submitted as a drawing, poem, or religious verse. It is important to note that the Victim's Bill of Rights does not enshrine victims the right to deliver their VIS orally. Orally delivered VIS are permitted at the judge's discretion on a case-to-case basis. According to the Department of Justice Canada (2015b) approximately 70-90% of victims deliver their statements in written form, 2-18% read their statements out loud, and 16-21% have the crown attorney read their statements on their behalf. However, more recent research has indicated that the number of victims opting to submit their VIS orally may be increasing. (Dufour et al., 2023; LePage, 2021.) Despite varying delivery methods, there has been little research that examines why

victims choose a particular delivery method, the implications of that method, and the sentencing outcomes associated with VIS delivery. Research that compares delivery methods in other contexts allows us to gain insight into the influence that the delivery method of a VIS may play in courtrooms. For instance, there is some evidence that oral statements are easier to understand and have a more significant emotional impact than written statements (Lachner et al., 2018; Rocklage et al., 2018). However, this research examines oral presentations delivered in classrooms and lacks ecological validity. It is unclear whether these findings can generalize to VIS and court settings. This study hopes to contribute to the limited literature on VIS delivery and address this gap.

Previous research that compares oral versus written VIS has found mixed results (Dufour et al., 2023; Erez & Tontodonato, 1990; Lens et al., 2015; Lens, 2014; Myers et al., 2002; Smith et al., 1997). A victims' experience when delivering a VIS seems to differ based on the delivery method they choose. For instance, Lens (2014) and Lens et al. (2015) found that victims who delivered their VIS orally were more likely to experience feelings of procedural justice than victims who submitted a VIS in writing. That is, victims who spoke aloud to the court perceived the process as fairer than victims who did not deliver their VIS orally (Lens, 2015; Lens et al., 2014). Conversely, victims who submitted written statements displayed significantly higher levels of anger than those who delivered oral VIS, or victims who did not submit VIS at all. This finding could be due to the victim's involvement in court. That is, orally delivered statements often involve the victim to be physically present in court to deliver their VIS, whereas written statements can be submitted in advance and do not require such involvement from the victim.

Physically present victims witness the court proceedings firsthand and may feel a greater sense of closure than a victim who did not actively participate, leading to stronger feelings of

procedural justice and lower levels of anger preceding sentencing. In addition to this, some researchers have noted that a victim's physical presence in the courtroom was an influencing factor in decision-making (Erez & Tontodanto, 1990; Smith et al, 1997).

However, it is important to note that these were not "true" experiments. That is, the victims who delivered orally were not compared to victims who presented their VIS in other methods, such as in writing. Therefore, it is impossible to know whether the offenses/circumstances for victims who delivered orally may have been different from those who delivered in writing.

When it comes to sentencing, research which directly examines the effect of oral versus written VIS on sentencing further demonstrates that VIS research often yields mixed results. Erez and Tontodonato (1990) used data from 500 Ohio felony cases from 1985 to 1988 and found that the presence of a VIS did not impact on the length of a sentence, but did have an influence over sentencing type, in which cases with a VIS were more likely to be associated with incarceration as an outcome. Additionally, research by Myers et al. (2002) found no significant difference between oral and written VIS regarding sentence outcome.

However, as mentioned previously, Dufour et al. (2023) found that oral VIS were associated with longer sentences (2+ years) than written statements. This finding could be due to the overall emotional nature of orally delivered VIS, in which listening to an oral statement is significantly more emotion-inducing than a written statement, such that it results in a greater influence over sentencing outcomes (Dufour et al., 2023). Landström and colleagues (2015) support this notion, claiming that live statements are spatially and temporally more immediate than written statements, meaning they are likely to be experienced as more vivid. Additionally,



authors noted that in-person testimonies tend to attract more attention, are assessed as more credible, and are better remembered than written testimonies (Landstrom et al., 2015).

One possible explanation for these findings is the vividness effect (Bell & Loftus, 1985; Nisbett & Ross, 1980). That is, information that is emotionally interesting, image provoking, or temporally or spatially proximate, can be considered vivid, affecting an individual's perception of the situation (Nisbett & Ross, 1980). It is also possible that the content of orally delivered VIS differs in some way from written statements. Victims who deliver their VIS orally may be more motivated or their VIS may be more compelling, vivid, or detailed. They might also be less constrained by redaction than written statements.

Of course, each method of presentation offers unique benefits. For instance, submitting a written VIS allows a victim to have a voice without the requirement of being physically present in the courtroom. There may be many barriers (both logistical and psychological) that prevent a victim from being present during sentencing that could be avoided. That is, victims would not need to travel to the courtroom, deal with scheduling uncertainties, lose money by taking time off work, make childcare arrangements, or face their offender directly. Moreover, written statements allow victims to partake in selective self-presentation (Berger & Iyengar, 2013). That is, victims can select specific parts of their own experience to highlight as opposed to "bearing it all", which some may find difficult or uncomfortable (Berger & Iyengar, 2013). Selective self-presentation is often difficult or impossible to participate in when delivering a VIS orally as many verbal and non-verbal cues are present in speech and physical presentation more readily (emotionality, nervousness, etc.) than written statements (Berger & Iyengar, 2013).

To understand the factors that influence a victim's decision to present a VIS, the mode in which they deliver their statement, and their desired outcomes of participation, should be investigated. This study hopes to contribute to the limited literature and address this gap.

### **Research Overview**

The current study consists of two studies designed to explore the relationship between the presentation medium of VIS and outcomes that may affect sentencing decisions: perceived credibility, perceived harm suffered by the victim, emotionality/impact of the statement, and severity of the crime. Study 1 takes an exploratory approach through semi-structured interviews and video recorded VIS, whereas Study 2 is primarily experimental and quantitative in nature.

Study 1 is a collaborative study that consisted of 6 semi-structured interviews with self-identified victims of a crime. Interview topics focused on victims' thoughts and opinions on VIS-related factors and outcomes, including their goals, preferred mode of delivery, and views about the criminal justice system in Canada. This study included a video-recording portion in which victims were asked to prepare and present a VIS to researchers as they would present it in a court setting. With consent from the victim, these recordings were stored for use in Study 2. The goal of Study 1 was to help researchers gain more understanding of how victims view VIS and the factors that affect a victim's decision to present a VIS in court.

Study 2 used the VIS collected from Study 1 and manipulated the medium in which the statement was presented (video/audio, audio only, transcript). These edited VIS were shown to a set of participants along with a questionnaire to evaluate credibility of the statement, impact of the statement, and emotionality expressed in the VIS. In addition to the above variables,

participants were also asked to recommend a sentence for the perpetrator of the crime. This study aimed to examine the overall effect of the medium on relevant sentencing-related outcomes.

### **Study 1: Take Two: Remote Justice for Crime Victims**

Canadian crime victims face many barriers when navigating the Canadian Justice System (Healy, 2019; Miller, 2013; Roberts & Manikis, 2013). Historically, one of the most prominent barriers was the victims' lack of active involvement in the justice system, leading to distrust and confusion in judicial decision-making (Healy, 2019). The introduction of VIS aimed to ameliorate this issue by providing victims an opportunity to have a voice during the sentencing hearing. However, many trials do not reach sentencing, or crimes go unreported completely. This leaves crime victims no opportunity to be heard inside the court or be considered as part of the sentencing. When trials do reach sentencing, many victims face difficulties when completing and delivering VIS forms (Healy, 2019; LePage, 2021; Miller, 2013; Roberts & Manikis, 2013). Victims who have gone through this process note that they had experienced a lack of sufficient support through Victim Services, were given unclear guidelines on what can/cannot be included in a VIS and were rarely given direction on how to properly submit a VIS (Department of Justice, 2018; Healy, 2019; LePage, 2021; Miller, 2013; Roberts & Edgar, 2006; Roberts & Manikis, 2013).

Additionally, the COVID-19 pandemic presented another obstacle for victims. Many courts were being held virtually through teleconferencing or video conferencing. There is currently no published research that explores the perspectives of crime victims related to their experiences with delivering VIS through telephone or video conferencing media, though it is possible that this situation may create concerns relating to potential privacy violations, or victims may feel that there is a significant barrier in achieving their individual goals when presenting

their VIS. For instance, recent research has shown that a common goal when delivering a VIS is to elicit an apology or expression of remorse from the perpetrator (Lepage, 2021; Manikis, 2015). With the COVID-19 restrictions affecting appearances in court, achieving this goal is sometimes not possible in the ways in which the victim would prefer.

Study 1 recruited self-identified crime victims to present their VIS regardless of their experience with VIS or the legal system. Study 1 aimed to explore crime victims' views about their voice in our criminal justice system, their thoughts regarding whether to deliver a VIS, their individual goals in presenting a VIS, and their thoughts on the mode of delivery. There is little research on VIS in general, though the research that has been conducted focuses on the impact of VIS on jurors in the United States (Boppre & Miller 2014; Wevodau et al., 2014), and the therapeutic aspects of VIS in the Netherlands (Lens et al., 2015). There is Canadian research on VIS (Department of Justice, 2015), but little of this research takes a "victim-centric" approach, as no victims were asked for their perspective on VIS in published works. I hope that this research may create an important avenue to understanding the impact and perception of VIS from victims in Canada.

The current study aimed to explore various aspects of victims' experiences with delivering VIS within the Canadian Criminal Justice System VIS. The research primarily focused on understanding the medium victims choose for delivering their VIS and the factors influencing this choice. Additionally, the study examined the impact of using the Zoom video platform on victims' experiences and identified the supports and barriers they encounter in the process. For the purposes of this study, "supports" is defined as any person or tool that would make the VIS process easier for the victim. These research questions were open-ended to encourage a diverse range of responses:

1. *Which medium do victims choose to deliver their VIS and how do they make this choice?*
2. *How does the use of the Zoom video platform affect victims' experience of presenting a VIS?*
3. *What supports are currently in place to assist victims in delivering their VIS in their preferred format? What about barriers?*

## **Method**

### **Sampling**

The current study employed qualitative methods using semi-structured interviews with victims and a questionnaire. The target population for this study was self-identified victims of a crime, whether that crime is reported or unreported, who live in Canada and are over the age of 18. To reach as many participants as possible, I used a variety of recruitment methods.

### ***Social Media***

Advertisements targeting crime victims were posted on various social media platforms, including Reddit, Facebook, Twitter, and Instagram (See Appendix A).

### ***SONA***

Saint Mary's University students who identified as crime victims and were eligible to earn bonus points through SONA were recruited through the SONA website.

### ***Recruitment posters***

Posters that advertise the study were posted on the Saint Mary's University campus, the Nova Scotia Law Courts in Halifax, and the Halifax Victim Services Unit to attract potential participants who identify as a victim of a crime. Although recruitment was not limited to the

Halifax area as posters were also posted online, my research team and I are centralized in the Halifax area, so these locations were specifically targeted as they are the most accessible to researchers (See Appendix A).

### ***Snowball recruitment***

Other students, researchers, academics, colleagues, and personal contacts were asked to broadcast the study and direct those interested to where to sign up to participate. In addition to this, I asked participants of the study to encourage other victims they may know to participate as well.

### **Participants**

A total of six crime victims were interviewed, though one was excluded from final analyses, as they were suspected to be a duplicate participant upon reviewing interview footage (See *Challenges and Limitations* for a more detailed explanation). The sample was predominantly female ( $n = 4$ ), of European or Canadian origin ( $n = 3$ ), between the ages of 18-24 ( $n = 3$ ), who had received a master's degree ( $n = 2$ ) or high school diploma ( $n = 2$ ). Of the five participants, two had reported the crime they were a victim of, though only one participant's reported crime made it to trial. This participant also had previously submitted a VIS for the same crime they described in the current study. See Table 1 for the breakdown of participants' demographic information.

Table 1.

*Participant Demographics*

<i>Variables</i>	<i>n</i>
Age Group	
18-24	3
25-34	1
65-74	1
Gender	
Male	1
Female	4
Education Level	
High School Diploma	2
Bachelor's	1
Master's	2
Ethnicity	
European Descent	3
African Canadian	2
Student at SMU	
Yes	1
No	4
Year of Crime	
2000-2010	1
2011-2019	2
2020-2023	2
Crime Type	
Sexual Assault	3
Stalking	1
Property Damage	1
Crime Reported	
Yes	2
No	3
Submitted a VIS	
Yes	1
No	4

*Note.*  $N = 5$

**Interview Methodology**

Participants who contacted the research team and were interested in participating were invited to schedule an interview. The interviews were conducted over video call (Zoom). Zoom

is a free website that allows researchers to communicate with the participants and see each other. Participants needed a computer, tablet, or smartphone to participate, as well as internet access at the time of the Zoom call. Although a webcam was highly encouraged, participants were not required to turn on their camera if they were in a shared space or had technical issues. Participants knew in advance which members of the research team would be conducting the interview. The interviewers were myself and my colleague (Maria Holley McGee). In one instance, my supervisor Veronica Stinson, was present in the Zoom call when my colleague was not available. We recorded the interview from start to finish using Zoom's built-in recording software.

In terms of compensation, participants received a \$10 gift card of their choosing from a pre-approved list. Their compensation was emailed to the participants' email address upon completion of the interview.

### ***Informed Consent and Preparation***

Participants were sent the informed consent form and guidelines for participating (See Appendix B) via email so they could consider any questions/concerns they may have had before the interview took place. My goal for this study was to reflect the authentic experience of delivering a victim impact statement in court, therefore participants were asked to prepare their VIS before the Zoom interview, as this is typical in court proceedings. Participants were also given a copy of the Nova Scotia Victim Impact Statement form to use as a reference when writing their VIS (See Appendix C). We asked that participants follow the guidelines in the Victim Impact Statement Form to the best of their ability but emphasized that the form was only a guideline for how to prepare a victim impact statement. They were not required to fill out the form, nor were they asked any of the prompts indicated on the form.



## *Interview*

The interview followed several scripts for clarity and consistency across participants/interviewers (See Appendix D). We began by going over the study and talking about the key points in the Informed Consent Form that participants had been given before the interview. Participants were encouraged to ask questions and were provided with additional information on anything they required clarification on. Once the participant had consented to participate in the study, the researcher shared their screen with the participant and allowed them to read the demographic questions and provide their responses (See Appendix E).

Following the demographic questions, we invited participants to share their previously prepared VIS with us – to deliver it to us as they would want to if they were asked by a judge. They were free to take as much time as they liked or start over completely at any time. On average, participants took about four and a half minutes to deliver their VIS.

After they had delivered their VIS, we thanked them for sharing and confirmed that the participant was ready to move forward to the questionnaire portion of the interview. My colleague and I highlighted each participant's right to skip any questions, take a break, or stop the interview at any point. Participants were then asked a sequence of interview questions that varied in format from yes/no to Likert scale to open-ended style questions (See Appendix E). Depending on the amount of information participants divulged, interviews took approximately 30-50 minutes.

After the interview concluded, we let participants know that if they were unhappy with their VIS, they may redo their VIS by either delivering it a second time during the current

research session or by recording it themselves and sending it to us via email. Participants who chose this option would have an additional \$5 added to their gift card amount (\$15 total).

Finally, participants were presented with the feedback form (See Appendix F). During this time, participants were asked for their consent to use their recorded VIS in future research. We provided participants with several options as to what they could share with us, ranging from the full video/audio VIS recording to a transcription of the VIS. All participants provided their consent and were sent an email confirming their choice after the study.

### **Analysis Strategy**

Each participant was asked a set of interview questions about their personal experiences with VIS and the Canadian Criminal Justice System (CCJS). However, many participants provided additional information during the interview. Each participant was given an anonymous label based on their order of interview. For example, the first participant interviewed was labelled as “P001” and the fifth participant interview was labelled as “P005”.

All VIS recordings, transcriptions, and interview responses were stored in a password-protected OneDrive. VIS transcriptions and interview responses from participants were edited to remove pauses, filler words, and repeated words or phrases. Editing was done to improve the flow and understandability of the responses. Data was exported from Qualtrics into SPSS and NVivo for further analyses.

### ***NVivo***

Using the NVivo software, a *Node* was created for each qualitative, open-ended research question, and corresponding interview questions were added to the node, along with participant responses to the questions. Nodes are an NVivo setting that gathers responses together in one

place. For example, the responses for “What were your considerations when deciding whether/whether not to submit a VIS?” were added to a node labelled *Considerations*. Each node was coded according to the similarity of the response, and sub-nodes such as *Wanted the judge to hear impact* and *Lack of evidence* were created. Participant responses may have been placed in multiple nodes depending on what was covered in the interview question.

## Results

### Descriptives

Of the five participants, the majority had their camera enabled for the interview and VIS presentation ( $n = 3$ ). The remaining two participants either experienced technical issues with their camera ( $n = 1$ ) or were in a shared space in which they could not enable their camera ( $n = 1$ ). Most VIS described a case of sexual assault ( $n = 3$ ), while the other participants described an instance of recurrent stalking ( $n = 1$ ), and an act of vandalism ( $n = 1$ ) in their VIS. On average, VIS were 4.32 (SD = 2.44) minutes long and averaged 687 (SD = 276.54) words. The longest VIS was 8.14 minutes and 1033 words, while the shortest VIS was 1.43 minutes and 366 words.

### Research Questions

#### *1) Which medium do victims choose to deliver their VIS and how do they make this choice?*

Participants were asked several interview questions to better understand their choice of delivery method, their preferred method of delivery, and what factors they considered when making their choice. The majority of our participants ( $n = 4$ ) did not have the opportunity to submit a VIS for sentencing, therefore I invited them to consider their preferred method of delivery if they had the opportunity to present a VIS. For example, these participants were asked

*“What would be your preferred method of presenting your VIS?”* and *“What would be your considerations when deciding what format to submit your VIS in?”*. We identified three delivery method preferences from participants’ responses:

- a) **In Person.** Two participants indicated that they would prefer to deliver their VIS to the court in person. These participants stated that this delivery method would be more impactful to the court and allow the judge and offender to see how they were affected by the crime, and the emotions associated with their victimization firsthand.

*“I think in-person has a bigger impact because the judge can see the reaction and the emotions of the victim and how they were affected by the crime (...) I think for something personal; I'd want to be right there with the person I was addressing the statement to.”*

*“I would want the judge to hear about the impact firsthand so that he would take it into consideration in sentencing. It is important to not just see the crime on a ‘this happened’ level and more of a ‘what the crime has caused’.”*

One participant expressed that other delivery methods would be “too distanced”:

*“I'd have to do it in person. Zoom is too distanced. I think for something personal; I'd want to be right there with the person I was addressing the statement to.”*

- b) **In Writing.** Two participants indicated that they would prefer to deliver their VIS in writing, one of whom had previously delivered a VIS to the judge in writing. These participants stated that delivering a VIS in writing is less intimidating because you can’t “mess up” in front of the judge or the offender. They felt that this method allowed them to adequately express their message without the added worry of confronting the offender in court.

*“My preference is to do it in writing because it gives you a chance to think about what you're saying. I wouldn't have to worry about messing up.”*

*“I didn’t want to read it in front of the offender or the audience in the court. I didn’t want them to know about the personal account. I think it would be traumatic confronting my offender in court.”*

- c) **Over Video Conferencing Software (e.g., Zoom).** One participant indicated that they would prefer to deliver their VIS over video conferencing software like Zoom. Similarly, this participant expressed that Zoom would be less intimidating than being in front of the offender.

*“Zoom seems like an easier option as it’s less intimidating than being in front of that person after so much time and after the events that occurred (...) I don’t ever want to see the offender again and I don’t know how I’d react if I did.”*

In addition to participants’ delivery preferences, participants were also asked about their considerations when making their choice. Researchers identified four main factors that influenced participants’ decision-making processes when considering their preferential delivery method:

- a) **Offender Related Factors.** Three participants expressed that their choice of delivery method was heavily influenced by their offender. They stated that they did not/would not want to see the offender or read their VIS in front of the offender. This choice was mainly to avoid any confrontation or to be “re-traumatized” by seeing them again. One participant disclosed that the offender shared the same friends as them, and they chose to cut contact with the entire group to avoid him.

*“The offender was a part of the same friend group, and I decided that keeping the peace was more important than my mental health and processing the feelings of what had happened or doing something about it.”*

- b) **Personal Embarrassment.** Two participants cited feelings of personal embarrassment when considering their delivery preference. They expressed that the crime was “too personal” to read the impact out loud. They did not want the court to know the shame they had felt as a result of their victimization. One participant stated that presenting their VIS to the court would “make it real.”

*“I didn’t want to read it in front of the offender or the audience in the court. I didn’t want them to know about the personal account (...) this crime was very personal and if it was nonpersonal, like a robbery, I don’t think I’d have any trouble reading it in court.”*

*“I didn’t submit because I don’t know if I could have that on record. Years later I realize it happened, but I can’t fully process it in my mind to put it on paper. It makes it real and I’m still not really wanting to believe it happened.”*

- c) **To be Heard.** All participants (n = 5) expressed a desire to have their accounts heard and taken into consideration by the judge.

*“I wanted to share my experience and be heard by someone. I want to be believed as well.”*

Participants who indicated their delivery preference was to deliver it orally in court (n = 2) stated that they wanted the judge to *see* the emotional reaction and *see* how it affected them:

*“Live would be the most impactful because the judge would be able to see the emotion.”*

*“The judge can see the reaction and the emotions (...) and see how they were affected by the crime and what the offender did.”*

One participant expressed their wish to be “taken seriously”:

*“Nobody was taking me seriously. They just let it slide. In person, I could tell more easily if someone is actually concerned about my VIS.”*

- d) **Justice.** Two participants indicated their main reason for submitting a VIS would be to “serve justice”. They wanted to protect other potential victims from their offender:

*“ Justice, getting that person off the street. I would not just be helping myself, but I would be helping other potential victims.”*

**2) *How does the use of the Zoom video platform affect victims’ experience of presenting a VIS?***

Participants delivered their VIS in the current study live over Zoom. They were asked several questions about their experience delivering their VIS over Zoom, and what they thought about the use of online video conferencing technology as an option for victims in sentencing trials. All participants (n = 5) stated that they believed the use of technology was an **advantage** when delivering their VIS. Quantitative responses are summarized below (See Table 2).

Table 2.

*VIS Experience over Zoom*

<i>Variables</i>	<i>n</i>
Advantage or Disadvantage?	
Advantage	5
Delivering a VIS over Zoom was easy.	
Somewhat	1
Moderately	3
Extremely	1
Delivering a VIS over Zoom was hard.	
Not at all	1
Slightly	3
Somewhat	1
I would recommend Zoom for delivering VIS.	
Somewhat	2
Moderately	1
Extremely	2
I would NOT recommend Zoom for delivering VIS.	
Not at all	3
Slightly	1
Somewhat	1

*Note. N = 5*

Participants were asked “*How did you feel submitting your VIS over Zoom?*” and “*If you had to option to deliver a VIS for the offender’s sentencing, would you choose to do it over Zoom? Why or why not?*”. Responses were categorized into three clusters:

- a) **Comfort.** Two participants commented on the increased comfort of delivering a VIS over Zoom, both noting that Zoom was less intimidating and better than the alternative of delivering the statement in a courtroom.



*“Zoom seems like an easier option as it’s less intimidating than being in front of that person after so much time and after the events that occurred.”*

*“I feel a lot better delivering my VIS over Zoom than I would if I had to do it in a courtroom.”*

- b) **Accessibility.** Two participants thought that Zoom was an advantage in delivering their VIS because of its accessibility to victims. One participant emphasized the importance of having options for victims who are unable to be present in court during sentencing:

*“Not everyone can make it to court. I think having Zoom as an option is helpful for victims that want to speak up and tell their side of the story but wouldn’t have been able to be there for some reason.”*

- c) **To Avoid Re-Traumatization.** Two participants noted that Zoom may ameliorate issues associated with seeing their offender in court.

*“You are immediately confronted with the person who has hurt you (...) it would be traumatic seeing my offender in court. I think delivering my VIS over Zoom would be easier.”*

### ***3a) What supports are currently in place to assist victims in delivering their VIS in their preferred format?***

Our final research question aimed to identify any supports within the VIS process that assisted our participants in the creation and submission of their VIS, as it relates to their delivery preference.” For example, participants were asked *“What tools did you use when preparing your VIS?”* All participants (n = 5) indicated that they had used the Nova Scotia Victim Impact Statement Form when preparing their VIS. One participant noted they used online resources in addition to the form:

*“I found the form helpful, but I also used online resources of examples.”*

We also provided the VIS form to our participants in the present study and asked: *“When preparing your VIS for this study, did you find the Nova Scotia Victim Impact Statement form to be helpful or hindering?”* All participants (n = 5) found that the form was helpful as a guideline. One participant who had submitted a VIS prior to the Victim’s Bill of Rights (2015) noted that the current VIS form was more detailed:

*“I didn’t use this form for the VIS I wrote in 2002. The 2001 form was what I used. It covered most of the same bases. The 2015 form has more prompts, it was more detailed. It’s helpful as a guideline.”*

### **3b) What about barriers?**

As mentioned previously, the majority of our participants (n = 4) did not have the opportunity to submit a VIS outside of the current study. To address this gap and find potential barriers in the VIS process, we asked participants who did not submit a VIS: *“What prevented you from submitting a VIS?”* and *“Please walk us through your decision-making process (I.e., why you did not submit a VIS).”* Responses to each question were categorized into two clusters, according to theme similarity.

- a) **Did not report the crime.** The majority of participants who did not submit a VIS did not report the crime they were a victim of (n = 3). Participants were asked: *“Why did you choose not to report the crime?”* The following responses were given:
  - i. **Lack of evidence.** All participants who did not report their crime (n = 3) indicated that they did not believe there was enough evidence to convict their offender. One

participant believed that too much time had passed between the crime and when they realized they had been victimized.

*“My education told me it was too late for anything to be done by the time I realized it was sexual assault (...) It was too late for any evidence to be collected so any prosecution would have failed.”*

One participant stated that they had lost their source of physical evidence, and the damage wasn't significant enough to report without that evidence.

*“There was minimal damage to the house and there was no exact proof that it was the offender. My neighbour two doors down witnessed it happen and had camera footage of the crime (...) but when he went to transfer the footage, he ended up deleting it. It would have all been hearsay and knowing what I've heard, hearsay doesn't change anything.”*

- ii. ***Did not want to confront the offender.*** Two participants chose not to report the crime because they did not want to go through the court proceeding and confront their offender.

*“I honestly wanted to just stay away from him and avoid the confrontation with the offender.”*

- iii. ***Would make it “real.”*** One participant was hesitant to report the crime as this would require them to face the reality that the crime had happened.

*“I didn't realize what had happened at the time. Years later I realized it happened, but I couldn't fully process it in my mind to put it on paper (...) I don't know if I could have that on record. I was too afraid of processing the feelings or doing something about it.”*

- b) **No support was provided.** One participant stated that they were not provided with any support or guidance when reporting their crime.

*“The police did not take the reporting seriously. Nobody was taking me seriously. They just let it slide. They never did anything when given information about the crime.”*

## Discussion

### Overview

The present study explored VIS through the perspective of self-identified crime victims, both reported and unreported. Using semi-structured interviews, the goal was to understand how victims view the VIS process, the considerations in submitting a VIS, and their thoughts on its delivery method. Instead of testing hypotheses, I explored research questions through qualitative analyses, focusing on victims' thoughts, opinions, and feelings about VIS delivery methods. The study examined why victims report or do not report their crime, their decision-making process in submitting a VIS for sentencing, the use of technology in sentencing trials, and their views on the delivery method of these statements. Despite varied individual perspectives, common trends emerged across interviews, warranting further discussion.

### VIS Delivery Method Preference

The first goal of the current study was to gain insight into victims' preference of VIS delivery method and their considerations when making this choice. In addition to asking participants' delivery preferences, participants were also asked to elaborate on why they preferred their chosen delivery method over other methods. Overall, three delivery methods were identified from participants' responses.

From the sample, 2/5 participants preferred delivering their VIS **in person**, believing this delivery method had a greater impact on the judge and court attendees. They felt that the judge would be able to see their emotional reaction when presenting their VIS and more easily understand how they were affected by the crime. One participant described this as giving a "human look" at the crime's impact. These remarks aligns with previous research indicating that

oral VIS are more emotion-inducing than written ones (Landström et al., 2015). Moreover, oral statements require the victim's physical presence, whereas written statements can be submitted in advance. Some researchers suggest that a victim's presence in court can influence decision-making (Landström et al., 2019; Smith et al, 1997; Erez & Tontodanto, 1990).

Additionally, 2/5 participants preferred delivering their VIS **in writing**, finding this method to be less intimidating than reading it aloud in front of the court and the offender. Notably, this was the leading reason participants opted to present their VIS in writing as opposed to in person. Participants feared confrontation or re-traumatization from seeing their offender, a concern supported by existing research on victimization, which states that developing a new or heightened fear of the offender is a common experience for people who have been victimized (Collins, 2016; Ejrnæs & Scherg, 2020; Russo & Roccatò, 2010). Additionally, these participants valued the ability to self-edit, avoiding mistakes and personal embarrassment, and ensuring clarity for the judge. Research on selective self-presentation supports this notion, indicating that victims prefer highlighting specific parts of their experience rather than exposing everything, which many victims find difficult or uncomfortable (Berger & Iyengar, 2013). Written VIS allow victims to have a voice without being physically present, reducing anxiety related to verbal and non-verbal cues that might disrupt court proceedings.

The remaining one participant preferred delivering their VIS **via Zoom or similar software**. Even before the COVID-19 pandemic, Canadian courts used phone and video conferencing to streamline processes and improve efficiency (Bertrand et al., 2021). The pandemic amplified and expanded these virtual practices, including for sentencing trials. I included this as a delivery method option for participants to choose from to reflect this modification to real world court proceedings. The participant who preferred Zoom felt less

intimidated and more comfortable than delivering their VIS in person. They also appreciated the accessibility of this method, as it allowed them to participate without facing travel, scheduling uncertainties, loss of income, childcare arrangements, or direct confrontation with their offender (Harker & Ryan, 2022; Tomlinson et al., 2020).

Overall, the samples' preferred delivery method varied between in-person and in-writing, with each presenting its pros and cons. This finding contrasts slightly with pre-COVID-19 data, which showed a preference for written VIS (Department of Justice, 2015b). The pandemic's impact on court proceedings may have influenced this shift, offering more options for victims who wish to participate but cannot be present in person.

### **VIS Considerations**

Participants were asked about their considerations when deciding whether to submit a VIS or report their crime. We asked them to walk us through their decision-making process and to highlight any factors that they considered important during this time. Overall, we identified four overarching themes in their responses.

Many participants highlighted **offender-related factors**, such as the fear of seeing or confronting their offender, which often led them to opt for written VIS or not submit a VIS at all. One participant avoided reporting a crime to prevent conflict within a shared friend group. This finding aligns with studies showing elevated fear and anxiety in people who have experienced victimization (Buccioli & Zarri, 2020; Mahuteau & Zhu, 2016). These insights highlight why victims may choose certain delivery methods over others and underscore the safety concerns victims face within the criminal justice system.

Another theme in participants' considerations was **personal embarrassment**. This included feelings of blame, guilt, and the belief that the crime was too personal to present in

court, as well as hesitancy to have a record of the crime. Participants expressing these emotions were victims of sexual assault, aligning with research indicating substantial mental health issues and chronic psychological distress in these victims post-offence (Cornaglia et al., 2014; Wathen, 2012). Rape myth acceptance, which shifts blame from perpetrators to victims, may also play a role (Iconis, 2008). Several studies have illustrated that many adults from varied backgrounds believe and accept rape myths, including victims of sexual assault themselves (Lonsway & Fitzgerald, 1994). I speculate that these factors may explain the considerations expressed in this category and highlights a need for more education on blame attribution and rape myth acceptance.

Another prevalent theme was the desire **to be heard**. Nearly all participants emphasized the importance of the judge hearing the impact of the crime on them. One participant noted that VIS provides a unique perspective beyond the case facts. Literature supports this, describing VIS as a way for victims to express their experiences of victimization (Arrigo & Williams, 2003; Englebrecht & Chavez, 2014; Szmania & Gracyalny, 2006). Crime victims value being heard “officially” (Bandes & Feigenson, 2020), and positive emotions from the VIS process often stem from judges acknowledging their suffering (Erez & Laster, 1999; Schuester & Proppen, 2010). Being heard contributes to victims’ sense of procedural justice, and fair treatment by the justice system (Hollander-Blumoff & Tyler, 2011). Victim participation is often encouraged by various court system actors (Herman, 2003). While it is unclear how judges use VIS, victims in the current study valued having their voices acknowledged, regardless of the outcome.

The final theme identified was participants’ desire for **justice**. This included warning others about a person or situation, helping potential future victims, and removing dangerous individuals from society. These motivations reflect victims’ satisfaction with and perception of

procedural justice (Tyler, 2003), particularly important in cases like sexual assault (Laxminarayan, 2012). Participants who trusted the judicial process were likely motivated to submit a VIS or report their crime to benefit the community and ensure offenders faced consequences.

### **Use of Technology**

Another goal of this study was to examine how online video platforms (e.g., Zoom) affect victims' experiences presenting a VIS. Due to the COVID-19 pandemic, many courts transitioned to teleconferencing, including sentencing trials with virtual VIS presentations. There is no published research on victims' perspectives regarding delivering VIS through telephone or video conferencing media. This study aims to understand if these online platforms provided victims with any positive or negative implications regarding VIS delivery, and how the process differed from the traditional process carried out in the courtroom.

Participants were asked how using Zoom affected their experience of presenting a VIS. They described their experience as positive, citing no negative implications when prompted. Many participants recommended that courts offer similar technology in the future. This finding contrasts with previous research on virtual court proceedings, which highlights issues with demeanor evidence, fairness, and credibility (Bandes, 2014; Bennett, 2017; Diamond et al., 2010; Weisman, 2016). This study is the first to take a victim-centric approach, focusing on **victims'** experiences with virtual courts and VIS presentations. Participants' responses highlighted three factors: comfort, accessibility, and avoiding re-traumatization.

All participants stated that presenting their VIS over Zoom was a **comfortable experience**. Many expressed that it was less intimidating than being in the courtroom. This sentiment aligns with previous research showing that victims, especially vulnerable ones, feel



more at ease in virtual courts and present their VIS more confidently (Bandes & Feigenson, 2020) Virtual courts reduce the stress of facing court officials, judges, and offenders in person, thus significantly lowering their stress levels and increasing their comfort in participating (Bandes & Feigenson, 2020; Mulcahy, 2008; Rossner & McCurdy, 2018). Video platforms like Zoom also present a notable advantage for victims by offering them a valuable opportunity to practice their delivery in a private setting, which is often not possible in physical courtrooms, further reducing anxiety and increasing confidence (Rossner, 2021). The concept of increased comfort in virtual trials predates COVID-19, as sexual assault victims have previously been allowed to testify via videoconference to avoid intimidation and trauma (Bandes & Feigenson, 2020).

Participants highlighted **the increased accessibility** that Zoom offered when delivering their VIS. Many noted that Zoom benefits victims unable to attend court in person due to various reasons. The significant time commitment and arrangements required for court attendance, such as travel, missing work, and finding childcare, can burden victims who wish to participate (Bandes & Feigenson, 2020; Bannon & Keith, 2021; Ferguson, 2022; Greacen, 2017; Handika et al., 2020; Lageson, 2020; Turner, 2020). Virtual court proceedings have reduced these accessibility issues, making participation more inclusive (Bandes & Feigenson, 2020; Donoghue, 2017). Remote court saves time and offers convenience for those with access to Zoom technology (Bannon & Keith, 2021). This sentiment is reflected in Turner's (2020) survey of Texas legal professionals, where the majority found online proceedings during the pandemic to be timesaving and resource-efficient (Bannon & Keith, 2021; Turner, 2020). All participants in the current study agreed that Zoom made delivering their VIS easier and more advantageous.

While these benefits are significant, they are only available to individuals with access to and understanding of Zoom and similar technology. For those without internet access or who are less tech-savvy, remote proceedings create obstacles. Despite extensive coverage in Canada, access to computers and high-speed internet is not equal across all communities, with substantial disparities based on income and race (Benninger et al., 2021; Cahn & Giddings, 2020; Ferguson, 2022). Additionally, existing research on virtual courtrooms focuses on hearings and trials, not on VIS delivery. More research is needed in this area, particularly in the context of COVID-19.

Finally, victims discussed using Zoom to deliver their VIS as a way to **avoid re-traumatization**. Offender-related concerns were a driving factor in victims' choice, with many fearing confrontations in court. Victims are already under immense stress from the nature of their situation. This stress can negatively impact their health, quality of life, and the quality of their VIS (Ólafsdóttir et al., 2019). Zoom offers a way to present VIS without physical proximity in a public courtroom. Participants found Zoom to be a suitable alternative to delivering their VIS to the court, believing it would lessen the negative mental impact on their well-being and avoid re-traumatization. This finding aligns with research suggesting that reduced physical proximity in virtual settings may alleviate some of the stress and negative effects of face-to-face confrontation (Bandes & Feigenson, 2020).

Prior to this study, none of the participants had presented a VIS over Zoom or experienced confrontation with their offender in a virtual court. There is a notable gap in research on **victims'** experience with virtual courts, especially regarding VIS delivery during sentencing. This study indicates that victims see videoconferencing technology as advantageous for delivering their VIS. However, it remains unclear how often this technology is offered to victims in daily proceedings and how their experiences differ on a virtual platform.

## Supports and Barriers

My final research question explored the supports and barriers victims encounter when delivery their VIS. Participants identified two key supports that helped them in their VIS preparation process: the Nova Scotia VIS Form and online resources. They also noted three barriers that either prevented them from submitting a VIS or from reporting the crime: lack of evidence, avoiding confrontation, and lack of support/guidance.

*Supports.* Participants found **the Nova Scotia VIS Form**, revised in 2015 per the Victim's Bill of Rights, helpful in preparing their VIS. Although participants in this study were not required to use it, they appreciated its guidelines. The form, provided before sentencing, includes background information on VIS, delivery instructions, and writing prompts. One participant noted the revised form's improved prompts and ease of use compared to the pre-2015 version.

In addition to the form, several participants used online resources to help them prepare their VIS. These resources included examples of previously submitted VIS, guidelines for submission, and the Department of Justice website. One participant noted that these examples helped provide them with the appropriate length and content for their statement.

Research on what victims find helpful when preparing their VIS is limited. Besides the Nova Scotia VIS form and online resources, victims often rely on support systems during court proceedings (Fanslow & Robinson, 2010; Kaukinen, 2004; Schonert-Reichl & Muller, 1996). These support systems typically include friends and family for emotional support, rather than justice system personnel (Ahrens et al., 2007; Ahrens et al., 2010; Casey & Nurius, 2006; Hanson et al., 2003; Stein & Nofziger, 2008). Interestingly, participants in this study did not mention support systems as a support. The effects of support systems on a victim's willingness to

submit or deliver a VIS are largely unexplored. More systematic, evidence-based research is needed to understand how these systems impact victims' experiences and what other supports are currently in place to assist victims during this process.

***Barriers.*** Most participants identified their largest barrier to submitting a VIS was that they did not report the crime they were a victim of. This finding aligns with statistics showing that roughly only 29% of crimes in Nova Scotia are reported (Cotter, 2021). Many of those who did not report their crime cited that they did not believe there was **enough evidence** available to convict their offender, or that too much time had elapsed between the time of the crime and the time of reporting to gather sufficient evidence. Unfortunately, it is not uncommon for cases to be dismissed due to a lack of evidence (Department of Justice, 2021). 32% of criminal cases in 2011-2012 were stayed, withdrawn, dismissed, or discharged (Department of Justice, 2021). Victims may avoid reporting if they doubt their evidence can meet the higher standard of proof required for criminal trials compared to the balance of probabilities in civil trials (Department of Justice, 2021).

Some participants chose not to report their crime to **avoid the stress of court proceedings and confrontation of their offender**. This finding is not unusual, as the court process can be incredibly stressful and prolonged, which can negatively impact victims who participate in the justice system (Ólafsdóttir et al., 2019). The potential for a lengthy and emotionally taxing process may deter victims from reporting the crime or participating further in the justice system. For many, the prospect of facing their offender and reliving the trauma in court is a significant barrier.

Participants cited the **lack of support or guidance** when reporting their crime or submitting their VIS as a significant barrier. This issue is well-documented, with research

indicating that the court process can discourage, or hinder victims' voices being heard (Ellison & Munroe, 2016; LePage, 2021). The limited supports and numerous barriers discussed by participants in the current study highlight a lack of adequate governments measures to support victims during the court and recovery process (Ellison & Munro, 2016). There is a need for additional research on the support available to victims, and how effectively this support is communicated to them.

### **Strengths**

A primary strength of this study is the novelty of the research conducted. There is very limited research on Canadian VIS. This study is, to my knowledge, the first qualitative research study that examined a victim's thoughts, opinions, and feelings on the varying delivery methods of VIS in Canada. The study provided detailed insights into victims' experiences through the CJS, their personal opinions on VIS delivery, and the use of technology in delivering these statements.

Additionally, this study took a victim-centered approach by interviewing real victims of crime, which makes this study a strong example of ecological validity. For years, research has focused on what judges, prosecutors, and other members of the court think about VIS, but very few studies have asked victims what they think about VIS. Moreover, no other research (to my knowledge) has examined victims' considerations in **how** they deliver their VIS, and how their chosen method helps accomplish their individual goals.

### **Challenges and Limitations**

One limitation of this research was the sample size. Victims are a difficult population to recruit. Many victims may not wish to participate in research or share their stories with us, and finding participants who are eligible to participate who are also willing to be a part of our

research is a challenging task. Because of this, our sample size was lower than I would have preferred and only represents a small portion of victims in Canada. However, the current sample size is not uncommon in qualitative research. Qualitative research is often concerned with developing an understanding rather than a breadth (Boddy, 2016). That is, a handful of participants can produce an in-depth understanding of a population when the goal is to further knowledge rather than producing facts or developing quantitative measures (Boddy, 2016; Sandelowski, 1995). Future studies should employ other methods of recruitment along with the current methods to access a larger sample size to enhance statistical power and generalizability of the findings.

Another limitation of this study is the representativeness and potential sampling bias of the sample. The thoughts and opinions on VIS expressed by the victims in this study may not reflect those of all victims in Canada. Only a small proportion of victims progress to the point of delivering a VIS, and unique factors relating to their cases might distinguish these victims from others. For example, the outcome of a case—whether it goes to trial, reaches a verdict, or results in a plea deal—could influence victims’ perceptions of the VIS process. Moreover, victims may have had limited input during the trial, leading to decreased trust and engagement, or they might have been negatively impacted by cross-examination. Conversely, some victims might have had positive experiences with prosecutors or victim services staff or received unexpected support from a judge. Therefore, while this study captures the general experiences of victims, it may not fully represent the experiences of those who choose to submit a VIS.

Additionally, the sample may be biased as victims who volunteer to participate in research could differ significantly from those who do not. Only two participants in the current study had reported their victimization and only one had submitted a VIS. The participants who

did not report their crime might feel more apprehensive about the judicial process, affecting their confidence and willingness to present a VIS. Though, most of the participants who did not submit a VIS or report their crime indicated they would have wanted to submit a VIS if they could have avoided conflict or confrontation with their offender, or if they had more evidence that the crime had taken place. In general, it seems that the majority of participants wanted to be heard regardless of if they had presented a VIS/reported their crime or not. Future studies should aim to improve the representativeness of the study, perhaps by collaborating with justice system agencies to identify and recruit participants who have gone through different stages of the justice system, including those who have submitted a VIS and those who have not.

Additionally, I faced an unexpected challenge during the recruitment and interview phase of the current study. I refer to this challenge as the *Duplicate participant problem*. All interviews with victims were conducted exclusively online, due to the COVID-19 pandemic. In addition to the benefits that this methodology provided researchers and participants, it also had its unexpected hurdles. Participants could contact us via email, change their screen name if they wished, and have their cameras off during the interview if there was a technical or personal issue. Unfortunately, my team and I discovered that an individual was attempting to participate multiple times under different aliases to receive the compensation offered for participating in the study. This person was not only occupying timeslots that could have been used by genuine participants but also introducing inaccurate information into the dataset. We initially attempted to address the issue directly by asking the individual not to contact us again; however, this approach was unsuccessful. Eventually, we found a solution through Qualtrics that allowed us to prevent a person with the same IP address from accessing a study link more than once. While this issue did cause some delays, it helped us improve our data collection process. Future studies

that plan to use this methodology in the future should incorporate safeguards to ensure the same participant cannot participate multiple times, such as same-IP barring or similar methods. Additionally, requiring the use of a video camera during interviews may also help verify participant identities.

When we conducted the first interview with the participant, both my colleague and I considered it to be a genuine interview. The participant's victimology was believable, their answers were detailed, and they met the study's criteria. We also believe that the original name and email they contacted us with were genuine, as they can be linked back to a recognizable person. The creation of other personas (email addresses, names, Zoom accounts, etc.) began only after the original interview. We assume that once they understood the experimental process, they realized they could keep participating to receive additional compensation. The second interview with this individual (under a different persona) was extremely lacking in detail, the answers were short, and the story changed throughout the interview, which was very different from the original interview. The research team viewed recordings of both interviews and agreed with my interpretation. After some discussion, we opted to include the participant's original interview data in the interest of using all usable data. Therefore, only the original interview data was kept and all subsequent interviews with this individual were excluded.

### **Future Research**

The current study captures only a fraction of victim research conducted in Canada. The wide range of topics that fall under the VIS umbrella is endless and fascinating. However, research on the impact of VIS, specifically with victims, is largely unexplored. Although this study sought to understand how victims feel about the VIS process, future studies are needed to



increase our understanding of victims' perceptions of the justice system and VIS and uncover what changes they feel are necessary in making this process more inclusive and comforting.

Moreover, future research should aim to include groups of victims that have not been represented in this study to ensure a broader understanding of the VIS process. This could involve reaching out to diverse demographics and victims of different types of crimes to capture a wider range of experiences and perspectives.

Future research might also explore victims' goals for delivering VIS. In particular, it would be valuable to understand victims' goals for delivering a VIS, how the content of their VIS reflect their goals, and how well these goals are translated to the sentencing judge. The current study revealed that victims' primary motivations were the desire to be heard by the judge and to be a part of the decision-making process. Though likely, the goals of VIS will vary depending on the victim and their perceived outcome of the situation (Lens et al., 2015; LePage, 2021; Mastrocinque, 2014; Orth, 2003). It would be interesting to shed light on whether victims' goals are satisfied in the VIS process and provide valuable insights into the specific objectives victims aim to achieve through their VIS and how these goals influence their choices and experiences.

## **Study 2: The Medium behind the Message: An Examination of the Delivery Method of Victim Impact Statements in Canada**

Researchers have referred to VIS as a “critical point” in the criminal process because they allow the judge to use the information presented within the statement to help determine the parameters of the offender’s sentence (Szmania & Gracyalny, 2006). However, the lack of parameters outlining the extent to which VIS must be considered in the decision-making process has the potential to cause inconsistencies in the weight given to VIS across Canadian courtrooms (Manikis, 2015). Each individual judge may consider factors present in the VIS differently, leading to an unclear idea of the substantive impact of VIS. There are many possible factors that might directly moderate the relationship between VIS and sentencing decisions (Caplan, 2010). Some examples of moderators may include gender (of the judge, offender, and victim), victim and offender characteristics such as age or number of victims, or perceived suffering/harm of the victim (McGowarn & Myers, 2004; Myers et al., 2002). One particularly critical moderator is the type of crime committed. The type of crime committed can influence both the likelihood of VIS submission and the sentencing outcome (Dufour et al., 2023; Lens, 2014). Specifically, victims of more severe crimes (e.g., sexual assault) are more likely to submit a VIS than victims of less severe crimes (Dufour et al., 2023; Roberts & Edgar, 2006).

Additionally, certain aspects of a VIS may influence the way these statements are interpreted, which could potentially impact the sentencing outcomes of cases involving VIS. Some factors that could contribute to this include the emotional content of the VIS and the victim's emotional reaction while delivering their statement, the credibility of the victim, and the judges’ empathy and compassion evoked by the VIS. The VIS process includes discussing personal trauma experienced by the individual, recalling memories and emotions linked to the

crime, and detailing profound grief and loss in some cases. Some authors have argued that VIS brings too many emotions into the courtroom, which has the potential to affect judges' response to the VIS and influence decision makers into longer sentence recommendations (Schweitzer & Nunez, 2017; Wevodau et al., 2014). Despite these findings, the literature continues to yield mixed results, some of which found no effect of VIS factors on sentencing outcomes (Myers et al., 2018). Another factor of consideration is the medium of VIS submission. As mentioned previously, VIS can be submitted in writing or read orally in court, among other ways. There is some evidence that oral statements are easier to understand and have a more significant emotional impact than written statements (Lachner et al., 2017; Rocklage et al., 2018). In addition to this, some researchers have noted that a victim's physical presence in the courtroom was an influencing factor in decision-making (Erez & Tontodanto, 1990; Smith et al, 1997).

In Study 1, I explored the different factors and considerations in place when victims choose to present their VIS in one medium over another. However, the relationship between delivery method and sentencing outcomes is largely unexplored. In Study 2, I explored the link between the **method of delivery** and several VIS aspects mentioned above, including the emotional content in the VIS, the credibility of the victim, the perceived severity of the crime, the perceived suffering/harm of the victim, the empathy/compassion evoked by the VIS, and the overall impact of the statement.

Study 2 employed quantitative methods using recorded VIS from real victims and a Qualtrics questionnaire. Study 2 aimed to evaluate the medium in which the VIS is presented and examine the overall effect of the medium on various decision-making factors such as: sentence length, impact of statement, severity, perceptions of harm, and credibility.

Study 2 contains hypotheses that fall into two general lines of inquiry. First, I aimed to examine the relationship between the delivery method of a VIS and participants' perception of the victim and the impact of the crime. This included their thoughts on the victim's emotionality, credibility, and participants' empathy/compassion for the victim. Additionally, I also examined the perceived severity of the crime in this section. These hypotheses were derived from multiple studies which highlight the association between orally delivered VIS and decision-making factors. Specifically, victims who present orally tend to lend themselves to higher ratings of credibility and sympathy (Arrigo & Williams, 2003; Englebrecht & Chavez, 2014; Herr et al., 1991; Landström et al., 2019; Lens et al., 2014; Myers & Greene, 2004; Rocklage et al, 2018; Szmania & Gracyalny, 2006). Based on these findings, I predicted that:

1. Participants who see a video recorded VIS will assess the impact of the VIS to be greater than participants who listen to/read a VIS (Arrigo & Williams, 2003; Landström et al., 2019).
2. Participants who see a video recorded VIS will assess the emotionality of the victim to be greater than participants who listen to/read a VIS (Arrigo & Williams, 2003; Landström et al., 2019).
3. Participants who see a video recorded VIS will report a higher level of empathy/compassion for the victim than participants who listen to/read a VIS (Englebrecht & Chavez, 2014; Lens et al., 2014; Lens, 2013; Myers & Greene, 2004).
4. Participants who see a video recorded VIS will assess the degree of harm suffered by the victim to be greater than participants who listen to/read a VIS (Englebrecht & Chavez, 2014; Lens et al., 2014; Lens, 2013; Myers & Greene, 2004).

5. Participants who see a video recorded VIS will assess the severity of the crime to be greater than participants who listen to/read a VIS (Lens et al., 2014; Myers et al., 2002).
6. Participants who see a video recorded VIS will assess the victim as more credible than participants who listen to/read a VIS (Landström et al., 2019; Lens et al., 2014).
7. The patterns predicted above should persist regardless of the type of crime that participants are assigned to (sexual assault or stalking).

Additionally, I aimed to examine the relationship between the delivery method of a VIS and sentence recommendations. Specifically, I predicted that video-recorded VIS will have longer sentence recommendations than their audio/written counterparts, regardless of the type of crime. The following hypothesis captures this idea:

8. Participants who watched a video recorded VIS will recommend longer sentences than those who listened/read a VIS (Dufour et al., 2023; Landström et al., 2019; Landström et al., 2010).

## **Method**

### **Sampling**

Study 2 recruited Canadian participants across different social media and research-based platforms to view a VIS delivered by a real crime victim. Participants who took part in Study 1 were **not** eligible to participate in Study 2 to avoid any potential overlap between the two groups. The target population for this study was participants who were over the age of 18 and lived in Canada. To reach as many participants as possible, I used a variety of different recruitment methods.

### ***Social Media***

A poster with information about the study including a link to participate was created and posted on various social media platforms, including Reddit, Facebook, LinkedIn, and Instagram (See Appendix G).

### ***SONA***

Saint Mary's University students who were eligible to participate and earn bonus points through SONA were recruited through the SONA website. Upon completion of the study, participants earned .5 bonus points for their participation.

### ***Prolific***

The study was posted on the online research platform *Prolific* to recruit participants. Prolific offers fast, reliable, and high-quality data collection by connecting diverse participants to eligible research studies. Upon completion of the study, participants were paid for their time (Prolific has a standard rate of \$16.40 CAD/hour, which is equal to \$8.20 CAD for 30 minutes of participation) with my graduate funding.

### **Participants**

The sample initially consisted of 336 participants prior to data cleaning, participant withdrawal, and manipulation checks. From the sample, 5 participants withdrew from the study, 98 participants failed to complete more than 75% of the survey, and 13 participants failed at least two manipulation checks. Overall, 120 participants were excluded from the study. The final sample size consisted of 220 participants recruited through SONA (82.3%,  $n = 181$ ), Prolific (8.6%,  $n = 19$ ), and social media (9.1%,  $n = 20$ ). The sample was predominantly female (81.4%,  $n = 179$ ), of European descent (73.2%,  $n = 161$ ), between the age range of 18-25 (75.5%,  $n = 166$ ), whose highest level of education was a high school diploma (71.4%,  $n = 157$ ). The

majority of participants had never written or presented a VIS prior to the study (93.2%,  $n = 205$ ), had never been involved with victim services (90%,  $n = 198$ ), did not personally know someone who had written a VIS prior to the study (73.6%,  $n = 162$ ), and had not witnessed someone present a VIS to the court prior to the study (92.7%,  $n = 204$ ). See Table 3 for a breakdown of participant demographics.

Table 3.  
*Demographics breakdown of participants*

<i>Variable</i>	<i>n</i>	<i>%</i>
<b>Age group</b>		
18-25	166	75.4
26-30	22	10
31-39	22	10
40-49	4	1.8
50-59	1	.5
60-69	1	.5
Prefer not to say	4	1.8
<b>Ethnicity</b>		
European Descent	161	68.2
African Canadian	16	6.8
Asian	27	11.4
Hispanic or Latino	7	3
Indigenous	8	3.4
Native Hawaiian or Pacific Islander	1	.4
Caribbean	3	1.3
Filipino	1	.4
Middle Eastern	2	.8
Arab	3	1.3
Mixed	3	1.3
Prefer not to say	4	1.7
<b>Gender Identity</b>		
Male	33	15
Female	179	81.4
Non-binary	7	3.2



Prefer not to say	1	.5
<b>Highest Education Level</b>		
High school diploma	157	71.4
College diploma	18	8.2
Bachelor's Degree	35	15.9
Master's Degree	9	4.1
Prefer not to say	1	0.5
<b>Written a VIS in the past</b>		
Yes	12	5.5
No	205	93.2
Prefer not to say	3	1.4
<b>Victim Services Involvement</b>		
Yes	21	9.5
No	198	90
Prefer not to say	1	.5
<b>Know of someone who has written a VIS</b>		
Yes	50	22.7
No	162	73.6
Prefer not to say	8	3.6
<b>Witnessed a VIS in the past</b>		
Yes	14	6.4
No	204	92.7
Prefer not to say	2	.9

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*Note. N = 220. The ethnicity variable appeared as a check all that apply question to participants, therefore n = 236 for this question.*



## Design

The current study was experimental as it aimed to explore the effect of two factors: the type of crime detailed in a VIS and the medium in which a VIS is presented on several victim-centered outcomes, alongside sentencing recommendations. However, this is not a fully crossed factorial design. Due to the nature of the VIS stimuli collected in Study 1, these VIS varied in the medium in which they were presented. As mentioned previously, participants in Study 1 were provided with several options as to what they could share with us, ranging from an unaltered VIS that included both their face and voice to a transcription of the VIS. Because these VIS were collected from real victims in their preferred medium, I was unable to equally balance the medium across both crime types. Specifically, I ended up with five medium levels for Crime 1 and three medium levels for Crime 2. A detailed explanation of the VIS Stimuli is in the *Materials* section, and further discussed in the *Strengths/Limitations* section of the discussion.

Due to the unbalanced factors, this study used a 2 (crime type) x 5 (medium) factorial design with two hanging groups. A “hanging group” refers to a design where one factor has one or more levels that do not align with any of the levels of the other factor. For the current study, this “hanging” occurs because Crime 1 does not have a corresponding medium level for two medium levels of Crime 2. Overall, I ended up with eight study conditions: five Crime 1 (sexual assault) conditions, and three Crime 2 (stalking) conditions. Participants were randomly assigned to 1 of 8 study conditions, each of which presented participants with a VIS. The VIS differed in 1. The crime that the VIS described, and 2. The medium in which the VIS was presented in. See Figure 1 for a visual aid of the study groups.

**Figure 1.**

*An Outline of the Study's Eight Groups and the Medium Manipulation for Each Condition, Sorted by Crime Type*

Sexual Assault Groups	SA 1	SA 2	SA 3	SA 4	SA 5
	<ul style="list-style-type: none"> <li>• Face Blurred</li> <li>• Raw Audio</li> </ul>	<ul style="list-style-type: none"> <li>• No Visual Stimuli</li> <li>• Raw Audio</li> </ul>	<ul style="list-style-type: none"> <li>• Face Blurred</li> <li>• Distorted Audio</li> </ul>	<ul style="list-style-type: none"> <li>• No Visual Stimuli</li> <li>• Distorted Audio</li> </ul>	<ul style="list-style-type: none"> <li>• No Visual Stimuli</li> <li>• No Audio</li> <li>• Transcript</li> </ul>
Stalking Groups			Stalk 1	Stalk 2	Stalk 3
			<ul style="list-style-type: none"> <li>• Face Blurred</li> <li>• Distorted Audio</li> </ul>	<ul style="list-style-type: none"> <li>• No Visual Stimuli</li> <li>• Distorted Audio</li> </ul>	<ul style="list-style-type: none"> <li>• No Visual Stimuli</li> <li>• No Audio</li> <li>• Transcript</li> </ul>

## Materials

### *VIS Stimuli*

With consent from the participants in Study 1, I recorded and stored six unique VIS to potentially use as VIS stimuli for Study 2. Participants in Study 1 were given the option to share their VIS in different mediums (or to not share their VIS at all) if they were uncomfortable with an identifiable version (an unaltered VIS that included both their face and voice). Some of these choices included sharing a video version of their VIS with facial blurring applied or sharing an audio recording of their VIS with no visual stimuli. It is important to understand that the VIS obtained in the current study were genuine and provided by actual crime victims. In Study 1, participants had various options for how they could share their VIS. This means that each VIS wasn't available in every medium. For instance, if a participant wanted to share their VIS only

with distorted audio, there would not be a raw audio version of the VIS available for the current study. To maintain authenticity and fully utilize the provided stimuli, I included all available mediums in the study, even if they weren't evenly balanced across all stored VIS.

After careful consideration, I chose two VIS with similar demographic factors (gender, ethnicity, education level) to use in the present study. Both VIS that were chosen for Study 2 were presented by women of European descent whose native language was English. Both women were college graduates and were not currently student at SMU. The VIS were also approximately the same duration, and both shared in a similar medium (video with face blurred vs. video with face blurred/distorted audio). One VIS described an incidence of sexual assault, and the other described an occurrence of stalking. Participants in the current study were randomly presented with one VIS that described one crime in one medium.

### ***Manipulation Checks***

The study included two manipulation checks per condition that appeared immediately after exposure to the VIS. These manipulation checks asked participants to indicate which type of crime the VIS described, and in which medium was the VIS was presented (e.g. The VIS in this study described a... (select *stalking* or *sexual assault*)). These checks also functioned as attention checks as they intended to ensure that participants were fully engaged in the study and did not simply click past the VIS. Participants who failed to answer both manipulation checks correctly were excluded from the main analysis ( $n = 13$ ).

### ***Questionnaire***

After exposure to the VIS, participants were invited to fill out a Qualtrics questionnaire. Questions were presented in either a 5-point-Likert scale or as an open-ended question.

Questions were sorted into the seven main categories of inquiry, each category corresponding with their respective dependent variable/hypothesis. These categories include: the impact of the VIS, the emotionality of the victim, sentence-related factors, the level of empathy for the victim, the degree of harm suffered by the victim, the severity of the crime, and the credibility of the victim. The Likert-Scale items from each category were transformed into their respective scales for ease of analysis. The scales are as follows:

**Impact.** Three items analyzed the impact of the VIS (1. *It is clear that the victim was significantly impacted by the crime*, 2. *The victim impact statement is a helpful tool for providing information about the impact of the crime*, 3. *The victim impact statement is not helpful because I already know the impact of the crime (reverse coded)*). The items in the scale aimed to capture the impact that the VIS had on the participant. Participants' scores were averaged, with mean scores ranging from 2 to 5. Higher scores indicated a higher level of impact from the VIS. The scale had acceptable internal consistency ( $\alpha = .61$ ).

**Emotionality.** Three items analyzed the perceived emotionality of the victim (1. *The victim was too emotional when presenting the victim impact statement*, 2. *The victim was not emotional enough when presenting the victim impact statement (reverse coded)*, 3. *The victim impact statement is too emotional to be considered a relevant factor in determining a sentence for the offender*). The items in the scale aimed to capture if the participant perceived the victim as being overly emotional, as opposed to displaying an appropriate level of emotion. Participants' scores were averaged, with mean scores ranging from 1 to 4.67. Higher scores indicated a higher level of emotion from the victim. The scale had acceptable internal consistency ( $\alpha = .64$ ).

***Sentence-Related Factors.*** Five items measured participants' views on an appropriate sentence for the offender. This scale comprised items asking participants if they believed the offender should be punished for the crime, if the offender should go to jail for the crime, the level of blame they assigned the offender, and their opinion on sentence length (*1. The offender should be punished for the crime, 2. The offender should go to jail for a very long time, 3. Based on the victim impact statement, the offender is completely to blame for this crime, 4. The offender should receive a lenient sentence for this crime (reverse coded), 5. The offender should receive a harsh sentence for this crime*). Average participant scores ranged from 1.60 to 5. Higher scores indicated a longer sentence recommendation. The scale had good internal consistency ( $\alpha = .75$ )

***Empathy for the Victim.*** Seven items measured participants' level of empathy and/or compassion for the victim. These items covered topics such as the degree to which participants felt bad for the victim, whether they rated the victim as being overdramatic, their level of anger towards the offender, and their blame attribution for the crime (*1. The victim is being overdramatic, 2. I feel bad for the victim, 3. I do not feel bad for the victim (reverse coded), 4. I feel anger towards the offender, 5. The offender didn't do anything wrong (reverse coded), 6. Based on the victim impact statement, the offender is completely to blame for this crime, 7. Based on the victim impact statement, the victim is completely to blame for this crime (reverse coded)*). The average scores were calculated with means ranging from 2.43 to 5. Higher scores indicated a higher level of empathy for the victim experienced by participants. The scale had excellent internal consistency ( $\alpha = .80$ ).

***Degree of Harm Suffered.*** Five items measured participants' perception of the degree of harm suffered by the victim as a result of the crime. These items covered topics such as the impact of the crime on the victim, the degree to which the victim was traumatized as a result of

their victimization, and how likely it is the victim will recover completely from the crime (*1. It is clear that the victim was significantly impacted by the crime, 2. It is clear that the victim suffered greatly as a result of this crime, 3. I do not think the victim suffered very much as a result of this crime (reverse coded), 4. The victim will recover completely from this crime (reverse coded), 5. The victim will be dealing with the trauma caused by this crime for their entire life*). The average scores were calculated with means ranging from 1.20 to 5. Higher scores indicated a greater degree of harm suffered by the victim. The scale good internal consistency ( $\alpha = .76$ )

**Crime Severity.** Four items measured the perceived severity of the crime described in the VIS. These items aimed to examine how serious participants thought the crime was (*1. The victim is being overdramatic (reverse coded), 2. The crime was not as serious as the victim described in the victim impact statement (reverse coded), 3. The offender should be punished for the crime, 4. The offender should go to jail for a very long time*). The average scores were calculated with means ranging from 1.25 to 5. Higher scores indicated the crime was more serious and higher in severity. The scale had good internal consistency ( $\alpha = .73$ )

**Credibility.** Four items measured the credibility of the victim when presenting their VIS. That is, the extent to which the participants believed that the crime happened to the victim exactly how they had described (*1. I do not believe this crime happened to the victim (reverse coded), 2. I do not believe the crime was as bad as they describe it to be (reverse coded), 3. I completely believe that this crime happened to the victim, 4. Based on the victim impact statement, the victim is completely to blame for this crime (reverse coded)*). The average scores were calculated with means ranging from 2 to 5. Higher scores indicated a more credible/believable victim. The scale had good internal consistency ( $\alpha = .74$ ).

In addition to the above scales, we measured sentence recommendations in an open-ended question that asked “*What do you think is a fair and appropriate sentence for the offender? Please indicate your answer in months/years*”. Due to the nature of the question, participant responses varied greatly, and in most cases, included more than just a numeric expression. To analyze this question quantitatively, a new variable was created in which participant responses were categorized into several groups that corresponded with a numeric value and were labelled accordingly. The groups/values are as follows: 0 = “unsure/no sentence given”, 1 = “alternative to incarceration”, 2 = “less than 1 year”, 3 = “1-2 years”, 4 = “3-5 years”, 5 = “5-10 years”, and 6 = “10+ years”.

In addition to a sentence recommendation, many participants recommended alternatives to incarceration, such as probation or rehabilitation. A new variable was created to account for these alternative recommendations. The groups/values are as follows: 0 = “no alternative recommendation”, 1 = “recommended probation”, 2 = “recommended rehabilitation”, 3 = “recommended counselling”, and 4 = “recommended 2+ alternatives”.

## **Procedure**

The study was conducted online using Qualtrics software. Participants were recruited through various methods, including the SONA system, Prolific, social media (Twitter, Facebook, LinkedIn, Instagram, and Reddit), and word of mouth. Participants recruited through SONA were granted 0.5 bonus points toward their course. Participants recruited through Prolific were compensated with \$8.20 CAD for their participation. Participants had to have access to a computer, tablet, or smartphone to participate, as well as internet access at the time of participating. Once participants followed the Qualtrics link, they were presented with an Informed Consent Form that outlined the purpose of the study and included the mention of



possibly disturbing content detailed in the VIS. If participants chose to participate, they were invited to click “I Consent” and continue to the next page.

Participants answered a series of demographic questions. These questions included their current age, ethnicity, gender identity, educational status, and experience with VIS and the CJS. For a full list of questions, see Appendix H. Following the demographic questions, participants were provided with a definition of a VIS, and a description of the VIS stimulus they would be exposed to (See Appendix I). Additionally, they received another warning about the possibly disturbing material discussed within the VIS they were about to view. At this point, participants were given the option to exit the study, or continue to the VIS.

If participants chose to continue, they were randomly assigned to one of the eight study conditions. Participants were asked to listen closely to/read the statement and were provided with the ability to replay the media file if they wished to do so. After exposure to the VIS, participants were once again asked if they wished to continue or exit the survey at that point in time. Participants who opted to continue were invited to answer a series of questions that measured their thoughts on the VIS they just watched/read/listened to including the impact of the VIS, the emotionality of the victim, sentence-related factors, participants’ empathy for the victim, the degree of harm suffered as a result of the crime, the severity of the crime, and the perceived credibility of the victim. Finally, participants were asked “What do you think is a fair and appropriate sentence for the offender? Please indicate your answer in months/years.” To conclude the study, participants were presented with a feedback form which re-stated the purpose of the study, provided participants with contact information to victim and trauma services in the local area, and thanked them for their participation.

## Data Analysis

Participants' responses to the quantitative items pertaining to each dependent variable (impact, emotionality, sentence related factors, empathy for the victim, degree of harm suffered, crime severity, and credibility) were aggregated to produce seven continuous scales. The scores were then calculated for each condition, as well as each medium and crime type.

In accordance with hypotheses 1-5, and 7, I aimed to assess the effect of different mediums on impact, emotionality, sentence-related factors, empathy for the victim, degree of harm suffered, crime severity, and credibility while accounting for the type of crime. To examine these hypotheses, I conducted two one-way multivariate analysis of variance (MANOVA), with each analysis including only one crime type. One MANOVA examined conditions in which the crime was *sexual assault*, while the other MANOVA examined conditions in which the crime was *stalking*.

The reason for the two separate analyses (one for each crime) is twofold. First, I wanted to examine the effect of the medium on participant responses while controlling for the type of crime. Secondly, I had an unequal number of groups for each crime type (e.g. I had five *sexual assault* conditions and three *stalking* conditions), if I had compared DV ratings across all eight conditions, my sample sizes would be unbalanced, and I would be at risk of violating the assumption of homogeneity of variance.

Additionally, I chose to conduct MANOVAs instead of several one-way analysis of variance (ANOVA) as I predicted that my dependent variables would be moderately correlated with one another. Conducting a MANOVA would help protect against potential Type 1 error rate inflation in the analyses and post-hoc comparisons. Prior to conducting the MANOVA, Pearson

correlations were conducted between the DV scales to test my prediction of moderate intercorrelation among dependent variables (See Table 4). As depicted in Table 4, a significant correlation pattern emerged among the dependent variables, indicating the appropriateness of a MANOVA.

Table 4.

*Means, standard deviations, and correlations for the study variables*

<i>Variable</i>	<i>M</i>	<i>SD</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>
1.Impact	4.60	.55	—						
2.Emotionality	1.68	.73	.59**	—					
3.Sentence	4.09	.71	.44**	.34**	—				
4.Empathy	4.50	.58	.58**	.54**	.67**	—			
5.Harm	4.42	.60	.63**	.52**	.48**	.63**	—		
6.Severity	4.35	.67	.53**	.45**	.84**	.72**	.58**	—	
7.Credibility	4.52	.64	.59**	.61**	.42**	.76**	.58**	.57**	—

*Note.* *M* and *SD* are used to represent mean and standard deviation, respectively. Pearson correlation was used for all correlations. \*\* indicates  $p < .01$

In addition to the above analyses, I also aimed to investigate the effect of crime type on the outcome variables independently, as well as any possible interaction between crime type and medium (H6). To investigate this hypothesis, I conducted a two-way MANOVA. The MANOVA compared participants' scores on the study variables across the six conditions that shared an identical medium, without the 2 hanging conditions. Specifically, the MANOVA analyzed the main effects and interactions between the six conditions that were comparable to

each other (Condition 3- Condition 8) and did not look at Condition 1 or 2 in this analysis. See Figure 2 for a visual aid of the groups used in this analysis.

**Figure 2.**

*An Outline of the Study's Six Comparable Groups and the Medium Manipulation for Each Condition, Sorted by Crime Type*

<b>Sexual Assault Groups</b>	Face Blurred Distorted Audio	No Visual Stimuli Distorted Audio	No Visual Stimuli No Audio Transcript Only
<b>Stalking Groups</b>	Face Blurred Distorted Audio	No Visual Stimuli Distorted Audio	No Visual Stimuli No Audio Transcript Only

Finally, to examine sentence recommendations further (H7) , I conducted a one-way ANOVA to examine the relationship between VIS medium and participants' sentence recommendations for the offender (in years), and a chi-square test of association to examine the relationship between VIS medium and participants' likelihood of recommending alternatives to incarceration, across both sexual assault and stalking conditions, respectively.

## Results

### Descriptives

On average, the study took about 43.83 minutes to complete ( $SD = 85.73$ ). Participants were randomly assigned to one of eight study conditions. See Table 5 for the participant breakdown by condition.

Table 5.  
*Participant breakdown sorted by condition*

<i>Condition</i>	<i>n</i>
C1 (Sexual Assault, Face Blurred, Raw Audio)	25
C2 (Sexual Assault, No Visual Stimuli, Raw Audio)	27
C3 (Sexual Assault, Face Blurred, Distorted Audio)	28
C4 (Sexual Assault, No Visual Stimuli, Distorted Audio)	28
C5 (Sexual Assault, No Visual Stimuli, No Audio, Transcript)	29
C6 (Stalking, Face Blurred, Distorted Audio)	28
C7 (Stalking, No Visual Stimuli, Distorted Audio)	25
C8 (Stalking, No Visual Stimuli, No Audio, Transcript)	30

*Note.*  $N = 220$

### *Hypotheses 1, 2, 3, 4, 5 and 7*

A 5 VIS medium (face blurred/raw audio, no visual stimuli/raw audio, face blurred/distorted audio, no visual stimuli/distorted audio, transcript only) x 1 crime type (sexual assault) MANOVA was conducted to examine the main effects and interactions on participants' ratings of the impact of the crime, emotionality of the victim, recommended sentence length, empathy towards the victim, harm suffered by the victim, severity of the crime, and credibility of the statement. The MANOVA was not significant [ $F(28, 444) = 1.416, p = .80; Wilk's \Lambda = .735, \text{partial } \eta^2 = .074$ ]. Although the overall test was not significant, for the purposes of this thesis, I examined the univariate results and discovered a significant effect of VIS medium on Impact of the VIS ( $F =$

2.699,  $p = 0.34$ ), in which participants who viewed a VIS with face blurred and distorted audio, rated the impact of the VIS higher than those who were in the face blurred and raw audio condition ( $MD = -0.44, p = 0.56$ ). See Table 6 for a full breakdown of the multivariate and univariate results.

Table 6.

*One-Way MANOVA: Multivariate and univariate results for participants' ratings of impact, emotionality, sentence, empathy, harm, severity, and credibility across sexual assault conditions.*

	<i>value</i>	<i>F</i>	<i>df</i>	<i>df2</i>	<i>p</i>	<i>partial <math>\eta^2</math></i>
Wilks' lambda	.735	1.416	28	444	.080	.074
	<i>F</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>p</i>	<i>partial <math>\eta^2</math></i>
Impact	2.699*	3.646	4	.912	.034*	.077
Emotionality	.985	2.077	4	.519	.418	.030
Sentence	1.184	2.588	4	.647	.321	.035
Empathy	1.217	1.830	4	.457	.307	.036
Harm	2.011	2.215	4	.554	.097	.059
Severity	.494	.953	4	.238	.740	.015
Credibility	.995	1.709	4	.427	.413	.030

*Note.* Wilk's lambda was used for the probability distribution. partial  $\eta^2$  = partial eta squared. df = degrees of freedom. SS = sum of squares. MS = mean squared. \* $p < .05$  (two-tail).

An additional 3 VIS medium (face blurred/distorted audio, no visual stimuli/distorted audio, transcript only) x 1 crime type (stalking) MANOVA was conducted to examine the main effects and interactions on participants' ratings of the impact of the crime, emotionality of the victim, recommended sentence length, empathy towards the victim, harm suffered by the victim, , severity of the crime, and the credibility of the statement. The multivariate results among the three groups was not significant [ $F(14, 146) = 1.01, p = .44$ ; *Wilk's  $\Lambda$*  = .46, partial  $\eta^2 = .09$ ]. The univariate tests for the other study variables were also not significant. See Table 7 for a full breakdown of the multivariate and univariate results.

Table 7.

*One-Way MANOVA: Multivariate and univariate results for participants' ratings of impact, emotionality, sentence, empathy, harm, crime severity, and credibility across stalking conditions.*

	<i>value</i>	<i>F</i>	<i>df</i>	<i>df2</i>	<i>p</i>	<i>partial <math>\eta^2</math></i>
Wilks' lambda	.83	1.00 <sup>b</sup>	14	146	.46	.09
	<i>F</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>p</i>	<i>partial <math>\eta^2</math></i>
Impact	.65	.30	2	.15	.52	.02
Emotionality	1.23	1.36	2	.68	.30	.03
Sentence	.75	.64	2	.32	.48	.02
Empathy	1.12	.60	2	.30	.33	.03
Harm	1.88	1.78	2	.88	.16	.05
Severity	.14	.11	2	.06	.87	.003
Credibility	1.76	1.32	2	.66	.18	.04

*Note.* Wilk's lambda was used for the probability distribution. b = exact statistic. partial  $\eta^2$  = partial eta squared. df = degrees of freedom. SS = sum of squares. MS = mean squared.



### ***Hypothesis 6***

To test the hypothesis that the patterns predicted above should persist regardless of the type of crime that participants are assigned to, A 3 VIS medium (face blurred/distorted audio, no visual stimuli/distorted audio, transcript only) x 2 crime type (sexual assault, stalking) MANOVA was conducted to examine the main effects and interactions on participants' ratings of the impact of the crime, emotionality of the victim, recommended sentence length, empathy towards the victim, harm suffered by the victim, , severity of the crime, and the credibility of the statement.

There was a significant main effect of Crime Type [ $F(7, 154) = 3.045, p = .005$ ; *Wilk's  $\Lambda$*  = .878, partial  $\eta^2 = .122$ ], accounting for approximately 12.2% of the variance in the model. The direction of this effect was largely that participants who were exposed to the sexual assault VIS rated certain variables higher than participants who were exposed to the stalking VIS. These univariate results are probed further in the following section. There was no significant main effect of VIS medium, and no significant interaction effect between VIS medium and crime type on study variables. See Table 8 for a full breakdown of the multivariate results.

Table 8.

*Two-way MANOVA: Multivariate main effects and interaction results across balanced stalking and sexual assault conditions.*

<i>Model</i>	<i>Wilk's Lambda</i>	<i>F</i>	<i>df</i>	<i>df2</i>	<i>p</i>	<i>partial η<sup>2</sup></i>
Crime	.88	3.05 <sup>b</sup>	7	154	.005	.12
VIS Medium	.90	1.24 <sup>b</sup>	14	308	.25	.05
Crime x VIS Medium	.91	1.07 <sup>b</sup>	14	308	.38	.05

*Note.* b = exact statistic. partial  $\eta^2$  = partial eta squared. df = degrees of freedom.

As there was a significant main effect of Crime, I was able to probe further by analyzing the univariate results. Crime had a significant effect on participants' ratings of *Harm suffered by the victim*,  $F(1,160) = 2.561, p = .008$ , partial  $\eta^2 = .043$ , accounting for approximately 4.3% of the variance in the univariate outcomes, *Severity of the crime*,  $F(1,160) = 2.183, p = .020$ , partial  $\eta^2 = .033$ , accounting for approximately 3.3% of the variance in the univariate outcomes, and *Recommended sentence for the offender*,  $F(1,160) = 3.968, p = .005$ , partial  $\eta^2 = .049$ , accounting for approximately 4.9% of the variance in the univariate outcomes. The direction of these effects were largely that participants' who viewed a sexual assault VIS rated harm suffered ( $MD = 0.25$ ), severity of the crime ( $MD = 0.23$ ), and sentence recommendations ( $MD = 0.31$ ) higher than those who viewed a stalking VIS. The univariate tests for the other study variables were nonsignificant. See Table 9 for a full breakdown of the univariate results for Crime.

Table 9.

*Two-way MANOVA: Crime univariate results for impact, emotionality, sentence, empathy, harm, severity, and credibility across balanced stalking and sexual assault conditions.*

Variable	<i>F</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>p</i>	<i>partial η<sup>2</sup></i>
Impact	1.485	.321	1	.321	.225	.009
Emotionality	3.686	1.712	1	1.712	.057	.023
Sentence	8.248**	3.968	1	3.968	.005**	.049
Empathy	.321	.100	1	.100	.572	.002
Harm	7.227**	2.561	1	2.561	.008**	.043
Severity	5.510*	2.183	1	2.183	.020*	.033
Credibility	.204	.075	1	.075	.652	.001

*Note.* partial  $\eta^2$  = partial eta squared. *df* = degrees of freedom. *SS* = sum of squares. *MS* = mean squared. \* $p < .05$  (two-tail). \*\* $p < .01$  (two-tail).

### ***Hypothesis 7 cont.***

To further test the hypothesis that participants who watched a video recorded VIS will recommend longer sentences than those who listened/read a VIS, we asked participants in an open-ended question to recommend a “*fair and appropriate sentence for the offender*” based on the information presented within the VIS. These answers were converted into numeric data and grouped into six categories. The categories were labelled based on the length of time (in years)

that participants recommended. The values/labels are as follows: 0 = “*unsure/no sentence given*”, 1 = “*alternative to incarceration*”, 2 = “*less than 1 year*”, 3 = “*1-2 years*”, 4 = “*3-5 years*”, 5 = “*5-10 years*”, and 6 = “*10+ years*”. Many participants provided a range of years (e.g., 3-5 years) rather than a single number, making it challenging to capture their recommendation accurately with a single numeric value. By grouping responses into categories, I was able to better reflect the ranges provided and maintain consistency in the data analysis.

Regarding “1 = *alternative to incarceration*”, some participants had recommended alternatives to incarceration, such as probation or rehabilitation in their open-ended responses. An “*Alternative*” variable was created to further examine whether the medium of the VIS affected participants’ likelihood of recommending an alternative to jail time. This variable was grouped into two distinct categories: 0 = “*no alternative recommendation*”, 1 = “*recommended an alternative*”.

First, a one-way ANOVA was performed to compare the effect of VIS medium on participants’ sentence recommendations for the offender (in years) across **sexual assault conditions**. There were no statistically significant differences between the groups for both participant sentence recommendations for the offender:  $F(4, 132) = 1.04, p = .39$ . A second one-way ANOVA was performed to compare the effect of VIS medium on participants’ sentence recommendations for the offender (in years) across **stalking conditions**. There was no statistically significant difference in participants’ sentence recommendations for the offender (in years) between the groups:  $F(2, 80) = .270, p = .764$ .

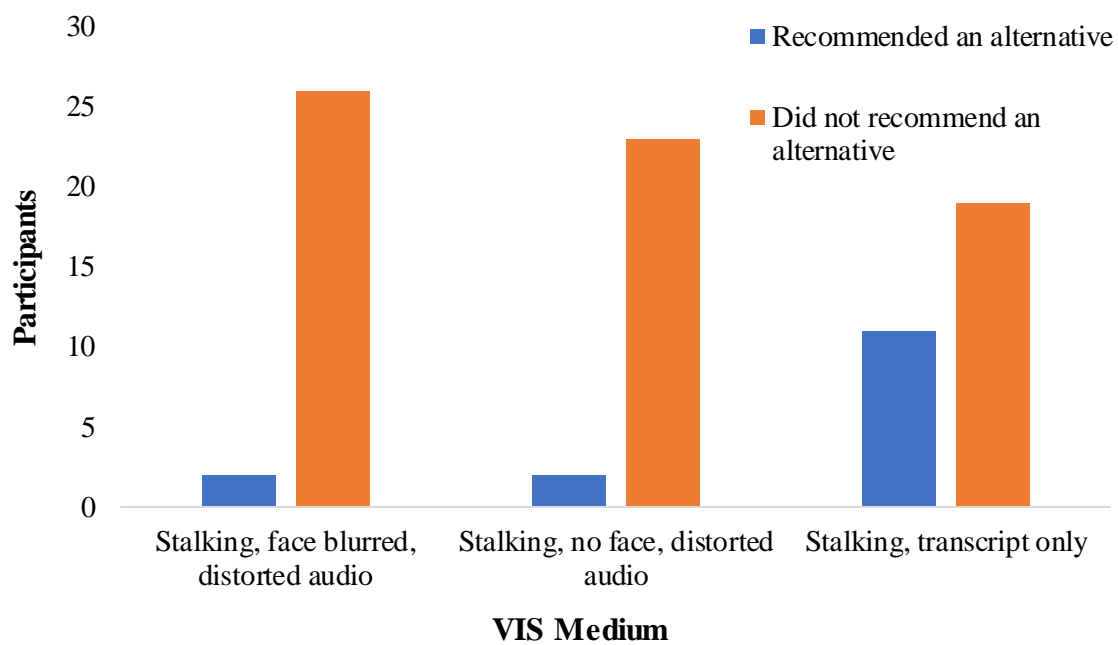
Second, a chi-square test of association was performed to examine the relationship between VIS medium and the likelihood of recommending an alternative to incarceration across **sexual assault conditions**. The analysis revealed that the relationship between the two variables

was nonsignificant:  $\chi^2(4) = 2.859, p = .582$ . A second chi-square test of association was performed to examine the relationship between VIS medium and the likelihood of recommending an alternative to incarceration across **stalking conditions**. The analysis revealed that there was a statistically significant relationship in participants' likelihood of recommending an alternative to incarceration and the medium of the VIS:  $\chi^2(2) = 10.977, p = .004$

Upon further probing, post-hoc comparisons indicated that the likelihood of recommending an alternative to incarceration was significantly different between participants who read a transcription of the VIS and participants who viewed a VIS with the face blurred and audio distorted:  $MD = .295, p = .009, 95\% CI = (0.06, 0.53)$ . The test also revealed that this difference was present between participants who read a transcription of the VIS and participants who listened to a distorted audio recording of a VIS with no visual stimuli:  $MD = .287, p = .014, 95\% CI = (0.04, 0.53)$ . In other words, the 30 participants who only read a transcription of a VIS ( $M = .37, SD = 0.49$ ) recommended incarceration alternatives significantly more often than the 28 participants who viewed a VIS with the face blurred and the audio distorted ( $M = .07, SD = .26$ ), and the 25 participants who listened to a distorted audio recording of a VIS with no visual stimuli ( $M = .08, SD = .28$ ). See Figure 3 for a visual representation of the results.

**Figure 3.**

*Participants Recommending Alternatives to Incarceration by VIS Medium (Stalking Conditions)*



*Note. N = 83. Alternatives to incarceration included probation, rehabilitation, therapy, or a combination of the three.*

**Tests Involving Gender**

Due to the small number of male participants in the study, I conducted several analyses to examine whether participant gender impacted results. An analysis was first run with gender included to see if the effects or their directions changed when gender was included in the model. To determine this, I ran a 2x2 (crime type (stalking vs sexual assault) x gender (men vs non-men)) MANOVA using SPSS. Results were largely unchanged, except gender had a significant effect on participants' ratings of impact of the crime, emotionality, harm suffered, and credibility. The direction of these effects were largely that non-men rated impact of the crime (MD = 0.34), harm suffered (MD = 0.40), and credibility (MD = 0.68) higher than men. In

contrast, men rated the victims as more emotional compared to non-men ( $MD = -0.60$ ). However, the marginal means for men vs non-men generally seem to have fallen on the same side of the Likert-scale midpoint “3” (e.g., 4.071 vs 4.468 for harm suffered). Although male participants tended to have lower scores, the changes in the data are not extreme enough to consider them as a unique subgroup, as it seems that men and non-men agree on direction and differ on intensity.

Next, I re-ran my analyses across crime type (sexual assault and stalking) with men excluded. Again, results were largely unchanged, with no effects of VIS medium in the stalking conditions emerging. Conversely, an effect of VIS medium emerged in the sexual assault conditions ( $\Lambda = .636, p = .017$ ) with men excluded. As this significant effect emerged, I investigated further with a univariate analysis on the DVs and found only an effect on the impact of the VIS ( $F = 2.90, p = .025$ ), in which participants who viewed a VIS in the sexual assault conditions with face blurred and distorted audio, rated the impact of the VIS higher than those who were in the face blurred and raw audio condition ( $MD = -0.5, p = .028$ ). Given the significant effect of VIS medium in the sexual assault conditions only emerged when men were excluded from the analysis, it suggests that men’s ratings of the impact of the crime were low enough to reduce the potency of this effect. Moreover, the F-value of VIS medium on impact in the sexual assault conditions with men included ( $F = 2.70$ ) is smaller than the analysis when men are removed ( $F = 2.90$ ). However, this significant effect was also present with men included in the study, suggesting that gender does not seem to significantly change the initial results found.

## Discussion

### Overview

Research suggests that there are numerous potential factors that could directly influence the relationship between VIS and sentencing decisions (Caplan, 2021). Undoubtedly, aspects of a VIS, such as a victim's emotional expression (Schweitzer & Nunez, 2017) or their physical presence in the courtroom (Smith et al., 1997), may shape how these statements are understood or evaluated by decision-makers. The objective of the current study was to explore how the presentation medium of VIS influences various factors in decision-making, including sentence length, the statement's impact, perceived severity of the crime, perceptions of harm, and a victim's credibility.

Study 2 aimed to evaluate seven key variables across eight distinct VIS presentation mediums, five sexual assault conditions, and three stalking conditions. Particularly, I examined participants' ratings of impact of the VIS, emotionality of the victim, sentence-related factors, empathy for the victim, perceptions of harm, severity of the crime, and credibility after viewing a VIS. Analyses were conducted separately for each type of crime as I wanted to examine the medium of the VIS without the potential influence of the type of crime committed.

Study 2 tested eight hypotheses in total. These hypotheses were derived from multiple studies which highlight the association between orally delivered VIS and certain decision-making factors. The study aimed to examine: 1) *The relationship between the delivery method of a VIS and participants' perception of the victim*, in which I hypothesized that participants would provide higher ratings across all study variables for video-recorded VIS compared to audio/transcript-only VIS; and 2) *The relationship between delivery method of a VIS and*



*sentence recommendations*, where I hypothesized that participants who viewed a video-recorded VIS will recommend longer sentences for the offender compared to their audio/transcript only counterparts. Finally, I hypothesized that these patterns would persist regardless of the type of crime described in the VIS. In other words, there would be no main effect or interaction between VIS medium and type of crime on participants' ratings of the key variables.

When comparing ratings across mediums, the study found that participants rated the sexual assault VIS to be more impactful than the stalking VIS. Furthermore, there was a statistically significant difference in participants' tendencies to suggest alternatives to incarceration, such as probation or rehabilitation. Specifically, participants who solely read a transcription of a VIS were significantly more likely to recommend alternatives to incarceration compared to participants who viewed a VIS in any other medium. However, this difference was only observed across stalking conditions, and not present across sexual assault conditions.

When comparing ratings across the two crime types, the study found a significant main effect of crime type on participants' assessments of *Harm suffered by the victim*, *The perceived severity of the crime*, and participants' *Sentence recommendations*, in which participants who were exposed to a VIS describing a sexual assault rated the victim as suffering more harm, rated the crime as more severe, and gave harsher sentence recommendations than participants who were exposed to a VIS detailing a case of stalking.

Apart from the results detailed above, the study did not find any substantial differences in participants' evaluations across VIS presentation medium or across the two distinct types of crime. Despite this, the body of research on Canadian VIS remains limited. The current study provides valuable insight into the public's assessment and perception of these statements, highlighting the need for further discussion and exploration of these results.

## VIS Presentation Medium

Across sexual assault conditions, there was a notable result when examining participants' ratings of the *impact of the VIS*, in which participants reported to be significantly and highly impacted by the VIS. However, upon closer investigation of the post-hoc analyses, there was no significant difference between the five presentation mediums, suggesting that participants were highly impacted by the VIS regardless of the medium. This finding is consistent with previous research that has found it is exceedingly common for victims to express negative emotions such as distress, anger, frustration, and sadness in their VIS (Button et al., 2014). Listening or reading these statements can be particularly difficult and impactful on its audience, especially when describing personal and violating crimes such as sexual assault (Buccioli & Zarri, 2020; Cornaglia et al., 2014; Dembo et al., 2018).

Notably, this finding was not present across stalking conditions, which may suggest that participants are not significantly impacted when listening to/reading an instance of stalking in one medium over another. This finding could be explained by the content of the VIS itself. Past research has noted that victims of violent crimes often show greater levels of psychological distress than victims of less violent crimes (Buccioli & Zarri, 2020; Cornaglia et al., 2014; Dembo et al., 2018). As the instance of stalking described was not violent, participants' ratings did not mirror what I found when examining the sexual assault conditions, which is exceedingly more violent in nature.

Across stalking conditions, I did not uncover any substantial differences in participants' evaluations across presentation medium. However, when examining sentencing and its caveats more in-depth, there was a statistically significant difference in participants' tendencies to

suggest alternatives to incarceration, such as probation or rehabilitation. This finding will be discussed further in the “*Sentence Recommendation*” section.

Apart from these two findings, I did not uncover any other notable differences in participants’ ratings across different VIS presentation mediums. Although these results do not align with my initial hypotheses, they do offer valuable insights and commentary on the existing research of the key variables. For instance, some authors argue that VIS brings too many emotions into the courtroom, which has the potential to influence both the judge and the jury into longer sentence recommendations (Schweitzer & Nunez, 2017; Wevodau et al., 2014). The current study does not support this claim. Although participants experienced high levels of empathy towards the victim and were significantly impacted by the VIS, their ratings on these factors did not outweigh other factors that may be considered when recommending a sentence. In fact, in participants’ open-ended responses to sentence-related questions, 72% of the sample indicated that the most important thing to consider when arriving at a sentence were external factors, such as prior criminal record, sentences given for similar crimes, and the presence of remorse from the offender. Although it is possible that the emotions displayed within the VIS were mild in comparison to VIS delivered in a courtroom, or that participants felt the emotional display was appropriate for the situation, these findings hold substantial implications for victims, decision-makers, and the admissibility of such statements.

### **Crime Type**

I also investigated whether the type of crime detailed in the VIS independently affected participants’ ratings of the key variables or had a significant interaction effect with the VIS medium across the six conditions where the medium was identical. The results revealed that there was no main effect of *VIS Medium* or a significant interaction effect between *VIS Medium*

and *Crime*. However, there was a significant main effect of *Crime* on participants' ratings of several of the key variables.

Specifically, participants who were exposed to a VIS that described a sexual assault rated the victim as having suffered more harm than participants who were exposed to a VIS that described a pattern of stalking. Additionally, participants in the sexual assault conditions rated the crime to be significantly more severe than participants in the stalking conditions. Finally, the *sexual assault* participants recommended harsher sentences than *stalking* participants. This was an interesting finding, though not entirely surprising. Although this finding did not support the hypothesis that participants' ratings of the key variables would remain the same regardless of crime type, previous research on the link between VIS and crime severity may help shed some light on this finding.

VIS are most often submitted in "severe" crime cases, such as sexual offences and homicide (Dufour et al., 2023). Furthermore, a significant portion of victims who deliver VIS describe being significantly impacted by the crime, citing that the offense had a lasting impact on their lives and that the harm they endured from the offense profoundly affected them and their mental health (Cornaglia et al., 2014; Dufour et al., 2023; Wathen, 2012). Previous studies have found that the severity of the crime plays a key role in shaping perceptions of the victim, their suffering, and subsequent sentencing decisions. For instance, Lens et al. (2016) found that participants recommended harsher sentences for offenders who committed major crimes compared to offenders who committed minor crimes, despite both cases containing a highly emotional VIS (Lens et al., 2016). It could be that participants carry preconceptions of what constitutes a "severe" crime, and primarily consider this over and above any impact that the VIS

may provide. That is, the nature and severity of the offense may overshadow other factors, including the VIS, in determining an appropriate sentence for the offender.

Furthermore, the findings of this study align with research conducted by Myers et al. (2002) who explored the influence of VIS content on mock jurors' sentencing decisions. Their study revealed that when VIS included descriptions of significant harm and suffering, participants recommended harsher sentences (Myers et al., 2002). In the current study, participants similarly believed the victim suffered greater harm and consequently recommend longer sentences for the offender when presented with a VIS describing sexual assault compared to a VIS describing an instance of stalking (Myers et al., 2002). It is plausible that participants' perceptions of the severity of stalking in contrast to a more widely recognized "severe" crime like sexual assault might have influenced their rating of the harm suffered by the victim, and, subsequently, their sentence recommendation. In other words, they may have perceived stalking as less severe, leading them to believe that the victim suffered less harm.

Collectively, these findings emphasize the importance of understanding preconceptions surrounding different types of crimes, and the varying weight individuals may attribute to them. These perceptions can significantly influence perceptions of victim suffering and the severity of the offense.

### **Sentence Recommendations**

Finally, I aimed to further investigate to what extent the presentation medium of the VIS influenced participants' sentence recommendations. Similar to previous analyses, the tests were conducted independently for each crime (sexual assault and stalking, respectively) to isolate the effect of the VIS medium from the potential influence of the type of crime committed.

Participants were asked to recommend “*a fair and appropriate*” sentence for the offender (in years). The findings indicate that there were no significant differences between participants’ numeric sentence recommendations between groups for both the sexual assault and stalking crimes. This means that participants recommended roughly the same sentences for the offender, regardless of the medium of the VIS.

This finding is largely consistent with previous research. For example, both Myers et al., (2002) and Erez and Tontodonato (1990) observed no significant differences in sentencing outcomes between oral and written VIS. However, recent archival research conducted in Canada by Dufour et al. (2023) indicated that oral VIS were associated with lengthier sentences compared to written VIS, which was not supported in the current study.

One potential explanation for this discrepancy may stem from differences in study design (experimental versus archival) or the sample itself, which predominantly consisted of female undergraduate students as opposed to courtroom decision makers. Undergraduate students lack the in-depth knowledge and extensive experience in reviewing case law that judges rely on to make appropriate sentencing decisions. Additionally, undergraduate students tend to be younger and less punitive on average compared to judges (McCabe & Krauss, 2011). Additionally, Dufour et al. (2023) likely had a different gender composition compared to the predominately female sample in the current study. Therefore, the results for the current study may have reflected this demographic. Another factor to consider is that people may be more likely to submit VIS in person for more severe case, even if they resulted in the same charges for convictions. In Dufour et al. (2023), it may have been case-related factors that led to both increased sentences and the submission of VIS. Furthermore, Dufour et al. (2023) encompassed many different types of crime, whereas the current study only looked at two.

Apart from numerical recommendations, many participants suggested alternatives to incarceration, including probation, rehabilitation, or therapy. Therefore, participants' likelihood to recommend an alternative to jail time was also examined. Among the stalking conditions, there was a statistically significant difference between groups in participants' tendencies to suggest incarceration alternatives. However, this difference was not present in the sexual assault conditions. This finding demonstrates that participants were significantly more likely to advocate for alternatives to incarceration (such as probation, rehabilitation, or therapy) in one presentation medium over another, when the VIS detailed an instance of stalking.

As noted earlier, this finding suggests that individuals may not perceive stalking as a highly severe offense, leading to a greater number of recommendations for alternatives to incarceration. It is also possible that Canadians tend to favor less punitive sentences in cases where they believe that offenders may benefit elsewhere. According to the Government of Canada (2022), probation was the most common sentence imposed in adult criminal court cases during the 2020-2021 period, either on its own or in combination with another sentence. The VIS shown in the current study describes stalking behaviours that could indicate underlying mental health issues in the offender. Consequently, participants may have been more inclined to recommend therapy or probation over incarceration in these instances.

Upon further investigation of this finding, I discovered that this difference in participant recommendations was only present between participants who **read a transcription** of a VIS and those who viewed the VIS through **any other medium** (video with face blurred/audio distorted or distorted audio with no visual stimuli) in the stalking conditions. This means that participants were significantly more likely to recommend an alternative to incarceration when they **read a** VIS than in any other presentation medium, when the VIS described an instance of stalking.

One explanation for this finding could stem from a possible interaction between the type of crime and the presentation medium of the VIS. That is, those who read a transcription of the VIS could have experienced a different or diminished sense of impact when physical elements like sight and sound are absent compared to those who experienced it through other mediums, such as video or distorted audio. As this finding was only present in the stalking conditions, it could be that participants' preconceptions of the severity of the crime amplified this finding. That is, the diminished emotional reaction and participants' own thoughts on crime severity could have led participants to perceive the offense as less severe and opt for less punitive incarceration alternatives.

Another explanation for this finding could relate to differences between reading and audio-visual comprehension. This is consistent with previous research, in which oral statements are easier to understand and have a more significant emotional impact than written statements (Lachner et al., 2017; Rocklage et al., 2018). Different presentation mediums may engage participants differently, perhaps allowing for deeper reflection and consideration of the VIS when participants have the opportunity to directly watch and listen to a victim recount their experience. Landström and colleagues (2015) support this notion, claiming that live statements are spatially and temporally more immediate than written statements, meaning they are likely to be experienced as more vivid. Additionally, authors noted that these statements tend to be assessed as more credible and are better remembered than written testimonies (Landstrom et al., 2015). Without the visual or auditory stimuli, participants understanding of the crime's impact, the victim's emotions, or the harm suffered as a result of the offense may be significantly affected, potentially leading them to favor alternative sentencing options perceived as more "appropriate" for the offense, rather than incarceration.



## **Strengths and Limitations**

The most notable strength of this study is its valuable and important contribution to victim research. To my knowledge, the present study marks the first of its kind in victim research to focus on the presentation medium of VIS in Canada. VIS and its reception by decision-makers, the public, and victims itself is largely unexplored territory. This is an incredible disservice to everyone within the court process, victims included. VIS are a valuable resource for victims to have a voice in the proceedings, for the judge and jury to better understand the impact and the suffering ensued as a result of the crime, and to facilitate a victim's sense of recognition and relief once a judge has acknowledged the harm suffered as a result of the crime. Moreover, it is important to understand how these statements are perceived, their influence (if any) on sentencing decisions, and how these differ based on their presentation medium. I hope that this research can lay the groundwork for future research into the characteristics of VIS with the Canadian Criminal Justice System.

Another significant strength of this study is its use of authentic VIS, presented by real victims. By doing so, we were able to capture genuine emotions and experiences similar to those witnessed in real legal proceedings by judges and jury members. Because of this aspect, the current study achieves a high level of ecological validity. By having access to, and showing participants authentic VIS, the study's findings, including their relevance and applicability, is enhanced.

Finally, despite many of the hypotheses in the current study only being partially supported or not supported, this remains extremely valuable research, and highlights important insights into the impact of VIS presentation. That is, regardless of how a VIS is presented (in writing, read aloud by the victim, or by the crown prosecutor), it still provides victims an

opportunity to voice their experiences effectively in court proceedings, with the impact of their statement remaining consistent and influential. This is especially helpful to victims who may face logistical or psychological barriers that prevent them from being present during sentencing. That is, victims who suffer from anxiety or other panic disorders, cannot travel to the courtroom, or face their offender directly still have the opportunity to express themselves in a meaningful way. Although the study did not produce the results I had anticipated, it is reassuring to find that their chosen presentation medium does not harm or significantly disadvantage victims in any way.

One limitation of the study is the lack of a fully crossed experimental design. Specifically, there were five conditions that examined VIS medium across sexual assault conditions, and only three conditions that examined VIS medium across stalking conditions. As the study used authentic VIS prepared and presented by real victims of crime, I was unable to fully balance the conditions across the two crimes. It is important to note that the study could have been structured as a 2x3 fully crossed design; however, this would have resulted in the elimination of valuable stimuli and a smaller pool of presentation mediums. Upon careful consideration, I chose to conduct the partially crossed design as it enabled the inclusion of all available stimuli and allowed the examination of a wider range of VIS mediums. I made this decision in an effort to enhance the richness of the study's findings. Additionally, I aimed to prioritize ecological validity by retaining the authenticity and real-world relevance of the VIS stimuli, over fabricated VIS or VIS read by an actor.

Another limitation of the current study was the composition of the participant sample. The participants were predominately female undergraduate students between the ages of 18-24. Due to the small proportion of male participants, the findings may not be fully generalizable to the

broader public, potentially underrepresenting male perspectives and reflecting more on female participants' evaluations of VIS. However, several tests excluding male participants indicated similar responses, suggesting that while the gender imbalance is a limitation, the overall trends and findings of the study remain robust. Future research should aim for a more balanced sample to provide a comprehensive understanding and ensure the findings are more generalizable.

Additionally, the study examined the perspectives of students and the general public, whereas recruiting judges or decision-makers would have been the ideal population. As these individuals are directly involved with VIS and sentencing decisions, the absence of their perspectives limits the applicability of the findings to the broader judicial context, as student participants may lack the expertise and real-world experience relevant to VIS assessment and decision-making. Future research would benefit from including a more appropriate population to enhance the study's relevance and applicability.

One notable limitation of the questionnaire is the wording used when inquiring about participants' sentence recommendations for the offender. The question asked, "*What do you think is a fair and appropriate sentence for the offender? Please indicate your answer in months/years.*" While the intention was to gather recommendations for incarceration length, the term "incarceration" was not explicitly mentioned. Fortunately, the open-ended nature of the question allowed most participants to clarify whether their recommended sentence was specifically for jail/prison time, or probation, or a combination of both. However, some participants only provided a duration in months or years without specifying whether they were referring to incarceration or probation. This ambiguity may have led to interpreting some responses as numerical recommendations for jail time when they might have meant a different

type of sentence. Future research should clearly distinguish between incarceration and other types of sentences to avoid potential miscommunication.

Finally, a further limitation of the current study stems from the absence of a condition without a VIS. As this study aimed to evaluate the impact of VIS presentation medium, I did not include a condition without a VIS. Because of this, I cannot make any comparisons or conclusions regarding the impact of VIS presence versus absence on the study variables. Future research could expand the study by including a condition without a VIS, and instead provide a description of the crime in its place to examine the effect of a no-VIS condition on participants' ratings of the key variables.

### **Future Research**

The field of victim research, particularly within the realm of VIS in the Canadian Criminal Justice System is a vast and underexplored area that has many unanswered questions and facets for future research to help deepen our understanding of the importance of VIS within the court proceedings. One continually growing area for future research involves exploring the impact of VIS on decision-making processes. Although this is not an entirely new area of VIS research, it is crucial to investigate the aspects and characteristics of a VIS that influence judge's sentencing decisions, and to what extent they weigh these statements against their other considerations. Investigating overall case outcomes can provide valuable insights into the role a victim has in shaping court proceedings.

Additionally, understanding victims' experiences with VIS is another crucial area for future research. Researchers could aim to develop an understanding of the emotional, psychological, and procedural aspects of the VIS process from the perspective of victims. This

could involve exploring how victims perceive the efficacy, fairness, and overall importance of VIS, and could help shed light on the reasoning behind the presence or absence of VIS submission. This could include their underlying motivations and goals when presenting a VIS, identifying and addressing the barriers faced by victims in accessing and effectively presenting a VIS, and developing support mechanisms to help enhance victim participation and engagement in the VIS process.

Finally, future research should continue to examine the extent to which the presentation medium of VIS influences various factors of a VIS, including their emotional impact, their credibility, and their related sentencing outcomes. Research comparing the impact of different presentation mediums (e.g. oral vs. written, victim vs. crown prosecutor) on these factors could inform best practices for presentation for victims and provide valuable insights into the perception of different mediums for decision-makers and the general public.

### **General Discussion**

Canadian VIS provide victims with an opportunity to detail the physical, emotional, and financial impact they have experienced due to a crime. Although research on VIS dates back more than three decades (Erez & Tontodonato, 1990), numerous aspects of VIS remain insufficiently explored, inconsistent, and not fully understood. Interestingly, the thoughts, opinions, and feelings of victims themselves have been largely overlooked in the existing research. Factors influencing victims' decisions to submit a VIS, their considerations when making this choice, and their chosen method of delivery (in writing, delivered orally to the court) remains unexamined. Furthermore, much of the research on VIS has predominately focused their relationship with sentencing outcomes. The enactment of Canada's Victim Bill of Rights in 2015

mandated that judges must acknowledge and consider VIS during sentencing. However, the bill did not specify the weight VIS should carry during sentencing nor what factors within a VIS may impact how decision-makers perceive them or the victim themselves. Notably, the medium in which these statements are delivered represents a crucial yet unexplored factor that may influence sentencing outcomes. The current study consisted of two studies, in which the goals were twofold: First, I sought to adopt a victim-centric approach to VIS research and understand victims' perspective of these statements. What do victims think of these statements? What are their considerations when deciding whether to submit a VIS? What do victims want or need, and how do they express that in their VIS? Second, I sought to develop a research-based understanding of the various ways that the method of delivery may influence sentencing decisions.

In Study 1, I conducted semi-structured interviews with self-identified crime victims. The interviews delved into various aspects of VIS, including victims' thoughts and opinions on factors such as their goals, preferred method of delivery, and perceptions of the Canadian criminal justice system. Additionally, this study incorporated a video-recording component wherein participants were invited to prepare and present a VIS to researchers, simulating a courtroom experience. Through these interviews and recordings, participants provided valuable insights into the practical implications of VIS. The study's findings provided a better understanding of victim's perspective on VIS, their unique experiences, and the barriers they faced throughout the process. Notably, participants highlighted systemic gaps that prevented them from presenting their VIS or report the crime they were a victim of, as well as advocated for the use of video-conferencing software within courtroom settings.

To the best of my knowledge, this approach of conducting qualitative interviews with real crime victims is novel to the field of VIS research. This gap arises partly from the lack of victim-centric studies but also from previous research limited scopes, which mainly focused on mock juries and sentencing recommendations in a US context. The present study not only draws insights and perspectives from a sample of real crime victims, but also focuses exclusively on Canadian victims, thus offering a Canadian perspective on VIS and the CCJS as a whole.

In Study 2, I utilised the video-recorded VIS from Study 1, which were de-identified and presented in different delivery mediums, to a new group of participants. Additionally, participants completed a questionnaire that covered a range of victim-related and sentencing variables. The primary goal of the study was to investigate how the presentation medium influenced participants' perceptions of the statement's credibility, impact, emotional expression within the VIS, crime severity, harm suffered by the victim, and empathy towards the victim. Additionally, participants were asked to recommend a sentence for the offender. The study found that the VIS medium did not significantly affect victim-related factors or sentence length. However, results show that participants were more likely to advocate for alternatives to incarceration, such as probation, rehabilitation, or therapy, when they read a VIS compared to when they viewed it through other mediums, particularly when the VIS detailed an instance of stalking.

Additionally in Study 2, I examined how the type of crime influenced participant's ratings of the above variables. The findings revealed that the type of crime affected participants' perceptions of the harm suffered by the victim and the severity of the crime. Specifically, participants who were presented with a VIS describing a sexual assault rated the victim as experiencing greater harm and rated the crime as more severe in comparison to those presented

with a VIS about stalking. Furthermore, these participants recommended lengthier sentences for the offender compared to participants who were exposed to a VIS describing an instance of stalking.

Research such as this, that focuses on the public perception and impact of VIS and their delivery mediums offers valuable insight into the public's understanding and attitudes towards VIS, as well as informs victims' choices regarding the most suitable VIS presentation medium to accomplish their goals and evoke appropriate responses from decision makers. I hope that this research can shed light on how these statements are received and interpreted by individuals who may serve as jurors, judges, or other members of the legal system. Moreover, understanding the influence of different mediums on public perceptions adds nuance to VIS research, particularly during COVID-19 where video-conferencing software is more prevalent in court settings. This study complements Study 1 by offering empirical evidence to support individual experiences and perspectives, thus enriching the overall understanding of VIS impact and effectiveness.

The combined findings of this thesis highlight additional avenues for future research regarding VIS in the CCJS. Most importantly, both studies point out the need for a deeper understanding of victims' experiences and perspective of the VIS process. While Study 1 highlights the necessity to explore victims' motivations for delivering a VIS and their satisfaction with the process, Study 2 emphasizes the importance of examining the impact of VIS on judicial decision-making and overall sentencing outcomes. Future research should therefore aim to bridge the gap between these areas by investigating how victims' goals and the content of their VIS influence judicial perceptions and sentencing decisions. Additionally, exploring the emotional, psychological, and procedural aspects of the VIS process from victims' perspective can provide valuable insights into their motivations and the barriers they face, which may help in



creating and providing more supportive and inclusive practices. Furthermore, given the evolving nature of VIS presentation mediums, future studies could compare the effects of different presentation mediums on other outcome variables, such as feelings of procedural justice, possible therapeutic benefits, or conditions of sentencing. I hope that by following these future directions, researchers can contribute to building the foundation for a more comprehensive understanding of the VIS process, and aim at improving its efficacy and fairness for victims within the justice system.

In conclusion, this thesis contributes to VIS literature by bridging gaps in knowledge, informing victim practices, and ultimately adding to the general understanding of VIS impact within the CCJS. I hope to highlight the importance of the delivery mediums of VIS as a means to optimize their effectiveness and ensure that victims' voices are not only heard but also valued in legal proceedings. Despite decades of research on VIS, the way in which these statements inform sentencing is unclear. The findings of this study serve to provide valuable guidance for victims considering submitting a VIS and empowering them to have a meaningful voice in their own victimization experiences.

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## APPENDIX A

### Social Media/Flyer Script

Have you been the victim of a crime (reported or unreported)?

We want to hear from you!

**Who we are:** We are a group of Saint Mary's University students/faculty members conducting a research project on victim impact statements.

**Purpose of the research:** To learn from crime victims their thoughts, opinions, and feelings about victim impact statements, and give victims an opportunity to deliver a victim impact statement.

**What?** You will be invited to deliver your victim impact statement to us via Zoom. We ask that you prepare this statement in advance. We also would like to ask some questions about your thoughts/feelings on victim impact statements in general, and some goals you may have when delivering one.

**Where?** The interview will take place on Zoom, a free video conferencing platform. We estimate participating will take 30-60 minutes, not including preparation time.

**What's in it for me?** We are offering a \$10 gift card of your choice from a pre-approved list (e.g., Tim Hortons, Sobeys, Amazon, etc.) as a gesture of gratitude for your participation.

**Eligibility:**

- Must be 18 years of age or older.
- Must be English speaking.
- Must be a self-identified victim of a crime (reported or unreported).
- Must have access to a computer or a tablet (smartphones may also work).

**How to sign-up:**

- Please **email** Samantha Webb and Maria Holley McGee ([visresearch@smu.ca](mailto:visresearch@smu.ca)) to let us know you are interested in participating.

**Questions?**

Please email Samantha Webb and Maria Holley McGee at the email address provided above.

**This study has received ethics clearance from the Saint Mary's University Research Ethics Board (REB #22-048)**

## **APPENDIX B**

### **Informed Consent Form and Guidelines for Participating**

#### **SMU REB #22-048**

#### **INTRODUCTION**

We are a research team at Saint Mary's University consisting of 2 faculty members, Dr. Veronica Stinson and Dr. Meg Ternes and 2 Master's students, Samantha Webb and Maria Holley McGee.

We invite you to take part in a research project entitled, "*Take Two: Remote Justice for Crime Victims in the COVID-19 Era.*"

#### **PURPOSE OF THIS RESEARCH**

The purpose of this research is to learn from crime victims their thoughts, opinions, and feelings about victim impact statements. After an offender has been found guilty or has pled guilty, the sentencing phase of a trial provides victims of the offense a chance to tell the court about the emotional, physical, psychological, and economic consequences of the crime on them. This is called a victim impact statement (<https://laws-lois.justice.gc.ca/eng/acts/c-23.7/page-1.html>).

If you were a victim of a crime, we want to hear from you about the physical, emotional, psychological, and economic consequences of the offense(s). Did you report the crime to police? Did you participate in the legal process? Did you submit a victim impact statement? No matter what your answer is to each of these questions, we want to learn from you.

Since COVID-19, many courts are now being held virtually; this means some people are participating from home instead of in court (in-person). Some crime victims can now pre-record their statements or deliver them live through programs like Zoom. Nobody knows yet how victims feel about this, and nobody knows yet how other people might react to victims providing their statements via pre-recorded video or through remote delivery.

We want to learn from victims about how they would deliver a victim impact statement. We want to investigate crime victims' goals when delivering a victim impact statement virtually, as well as their preferred mode of delivering their statement (recorded video, recorded audio, written transcript, or live through Zoom). We also want to learn about potential challenges victims may face in delivering their victim impact statements remotely or through pre-recorded videos.

#### **WHO IS ELIGIBLE TO TAKE PART?**

You are eligible to take part in this study if you are a self-identified victim of a crime (reported or unreported), are over the age of 18, are English speaking, and are currently living in Canada.

#### **WHAT DOES PARTICIPATING MEAN?**

The study will take place online using Zoom, an online video-recording platform. If Zoom is unavailable to you, we will make other arrangements.

If you consent and choose to participate in the study, participating would involve (with your consent):

- Over email or text, we will set up a day and time to have a meeting through Zoom. Zoom is a website that allows us to communicate and see each other. It's free. We will send you a link. You would need a computer or a tablet (best options), but a smartphone could work. You would need internet access. At the research session, we will discuss the research project and you'll have an opportunity to ask questions about it and decide whether or not you want to take part in this study.
- We ask that you take time to prepare your VIS ahead of time. When preparing your statement, we ask that you consult the guidelines in the Nova Scotia Victim Impact Statement form to the best of your ability.
- If you want to participate, during the Zoom call we will first ask you a couple of questions about yourself, like your age and your gender.
- Next, we will invite you to share with us your victim impact statement, how you would if you had the opportunity to present it to a courtroom.
- Next, we will invite you to answer some questions about your thoughts, feelings, and experiences related to your experiences with the justice system, particularly around the process of preparing and delivering a victim impact statement., your views on victim impact statements including your goals, and how you felt about it.
- Finally, we will ask if you are interested in submitting your victim impact statement again. If you choose to do this, you have options about how (for instance, in writing, or over Zoom again, or audio).

We would like to record the research session from the beginning until the end using Zoom's built-in recording software.

If you are uncomfortable with any of the questions, want to skip some or all, or want to stop, just let us know (you can say "I want to stop now").

We recognize that preparing and delivering a victim impact statement can bring about mixed emotions in people. Sometimes it can be hard. We encourage you to prepare your victim impact statement with a support person. This can be a family member, a friend, anyone who can support you if any negative feelings arise. We also encourage you to consider bringing along a support person to your Zoom interview, to stay with you in case you experience any negative emotions throughout (your support person would remain off camera so there are no identification concerns).

### ***How long will this take?***

We estimate this research will take from 15-60 minutes, but of course, it all depends on you and what you want to do. This does not include preparation time.

The estimated time to prepare your VIS prior to our Zoom call will vary for each person – how much time you spend on this is up to you.

### **WHAT ARE THE POTENTIAL BENEFITS OF THIS RESEARCH?**

We are not aware of any direct benefits to participating. Some research shows that delivering a victim impact statement in court has beneficial effects for victims, but we are not sure that doing so for research has the same outcomes. Because it is the first study of its kind (to our knowledge), we are not sure how much you will benefit directly. Perhaps telling your story and being heard will be fulfilling for you, although we cannot guarantee this. We expect this research will contribute to the little Canadian research in this topic; it may foster a greater understanding of the factors at play for victims but also decision-makers.

### **WHAT ARE THE POTENTIAL RISKS FOR PARTICIPANTS?**

We believe the risks associated with participating in this study are low. It is possible that telling us your story might trigger some negative emotions, worry, or stress. Previous research similar to ours has, to our knowledge, not yielded any significant negative effects for participants. We will be sending you a Feedback Form after participating that lists resources you can access in case you experience any negative emotions from participating.

Because we are recording the entire zoom session, your face and voice will be included in these recordings. Furthermore, information in your victim impact statement may have identifiable information. However, these recordings will only be seen by the research team and will only be used for research purposes.

Remember that you get to choose what you share with us. You can stop anytime, skip questions, pause and continue another day, or stop altogether. You are free to completely withdraw at any time.

It is important to note that we are not therapists or mental health professionals. We are student researchers who simply want to learn from crime victims about their thoughts, opinions, and feelings on victim impact statements.

### **For SMU students interested in participating:**

Because this study is being conducted through Saint Mary's University (SMU) by two SMU professors and two SMU graduate students, there is the potential that a member of the research team may have interacted with you previously (e.g., as a professor or a teaching assistant). Furthermore, there is the chance that you may run into a member of the research team on the SMU campus. Think about this as you decide whether or not you want to do this.

### **WHAT WILL BE DONE WITH MY INFORMATION?**



**Video/Audio Recordings:** If you agree to participate, we will be video and audio recording the session. The recordings will be securely stored by researchers and will only be used for research purposes.

**Questionnaire data:** We will remove any identifying information from the responses to the questions we ask you, but we will still know that you participated. Demographic information (such as age and gender) will be collected although our records won't link your name to this information. Only the researchers and the supervisor(s) will have access to your name and email.

### **Will the Data be Kept Confidential?**

Data will be stored on secure cloud-based platforms (OneDrive) that only the researchers have access to. The data will be stored as long as we (the research team) believe it is necessary. Typically, this is a 7-year period, but we may store it longer for future research.

It is important to note that we will not link your name with any of your responses, **except in one case:** if you tell us that a child or vulnerable adult is in danger currently (experiencing psychological or physical abuse), and you provide us with identifying information about the person in distress, we are required by law to notify the authorities and we will do so.

We plan to share the results of our research with the scientific community. . However, your personal information will not be shared, and your questionnaire responses will be de-identified and as a result they will not be able to be connected to you.

### **Future Research:**

We plan to conduct additional research on VIS in the future using the data we collect in this study. For example, we plan to conduct a content analysis of VIS, we plan to investigate victims' goals when preparing and delivering VIS, and plan to investigate how victims prefer to deliver their VIS (in-person to a court, over writing, pre-recorded video, etc.)

### **WHAT TYPE OF COMPENSATION IS AVAILABLE FOR PARTICIPATION?**

**Non-SMU Students:** We are offering a \$10 gift card of your choice from a pre-approved list as a gesture of gratitude for your participation. If you decide to submit/record a second victim impact statement for us, you will receive an additional \$5 gift card of your choice from a pre-approved list for your time (\$15 total). This gift card will be sent to your email address provided.

**SMU Students who are enrolled in a SONA- eligible psychology course:** If you are a student at Saint Mary's University, and are taking a SONA- eligible psychology course, you have the option to choose from a \$10 gift card of your choice from a pre-approved list OR bonus points on SONA (2 bonus points an hour). If you decide to submit/record a second victim impact statement for us, you can choose between receiving an additional \$5 gift card of your choice from a pre-approved list OR 1 additional SONA bonus point.

**SMU Students who are NOT enrolled in a SONA-eligible psychology course:** If you are a student at Saint Mary's University who is not enrolled in a SONA-eligible psychology course, we are offering a \$10 gift card of your choice from a pre-approved list as a gesture of gratitude for your participation. If you decide to submit/record a second victim impact statement for us, you will receive an additional \$5 gift card of your choice for your time (\$15 total). This gift card will be sent to your email address provided.

**List of gift card options:**

- Tim Hortons
- Sobeys
- McDonald's
- Walmart
- Atlantic Superstore
- Starbucks
- Apple
- Google Play
- Amazon

**HOW CAN I WITHDRAW FROM THIS STUDY?**

Your participation in this study is completely voluntary and you may withdraw from this study at any time during the Zoom call. At any point during the interview, you may tell the researcher that you no longer want to continue and would like to withdraw your participation. If you choose to participate and then decide to withdraw from the study, you will still receive your compensation; there is no penalty for withdrawing.

If you would like to be excluded from the study entirely, please let us know within 30 days and your data will be destroyed and will not be included in the final analyses.

**RESOURCES**

It is possible that preparing your victim impact statement may trigger some negative emotions, worry, or stress. If you are struggling with any of the issues, there are various options to seek help and guidance.

**For Saint Mary's University Students:**

We have partnered with the SMU Counselling Centre to provide our SMU participants with specialized support if you experience any negative emotions or stress when preparing your victim impact statement. You have access to the Counselling Centre via Brandi Veith at [Brandi.Veith@smu.ca](mailto:Brandi.Veith@smu.ca) or (902) 420-5615

**For all participants:**

There are mental health services available through the Nova Scotia Health Authority (referral needed from a physician). However, if you are in crisis, please contact the Mobile Crisis Telephone Line (902) 429-8167, call 911, or attend your local emergency department. Here is a list of additional mental health resources for all participants in the study:

- Canadian Mental Health Association ([cmha.ca](http://cmha.ca)) maintains a list of mental health resources at their local offices.
- Psychology Today maintains a list of practitioners in the community, which can be viewed by accessing <https://therapists.psychologytoday.ca>.
- Visit your family physician who can make resources to local mental health services.

- National Suicide Prevention hotline: (833) 456-4566
- Halifax Regional Police Victims Services Unit: (902) 490 5300
- Victims Services Head Office: (902) 424-3309 or toll-free 1 (888) 470-0773

If you haven't reported the crime committed against you, and you now feel that you would like to, it is not too late. Please contact the RCMP telephone line at 1 (800) 803-7267 or the Halifax Regional Police at (902) 426-8130.

As with all Saint Mary's University projects involving human participants, this project was reviewed by the Saint Mary's University Research Ethics Board (File # 22-048). Should you have any comments or concerns about ethical matters or would like to discuss your rights as a research participant, please contact the Chair of the Research Ethics Board at 902-420-5728 or [ethics@smu.ca](mailto:ethics@smu.ca).

## TERMS OF USE

As we will be using Zoom and Qualtrics for our study, we have linked below the Terms of Use/Service for both platforms.

Zoom: <https://zoom.us/terms>

Qualtrics: <https://www.qualtrics.com/terms-of-service/>

## HOW CAN I GET MORE INFORMATION? (OR HOW CAN I FIND OUT MORE ABOUT THIS STUDY?)

If you have any questions about the study, you may contact the faculty members and/or the student researchers listed below to discuss the study at any time during the study as well as answer any of your questions.

**Faculty Supervisors:** Dr. Veronica Stinson ([Veronica.Stinson@smu.ca](mailto:Veronica.Stinson@smu.ca)/902-420-5861)

Dr. Meg Ternes ([Meg.Ternes@smu.ca](mailto:Meg.Ternes@smu.ca))

**Student researchers:** Samantha Webb ([Samantha.webb@smu.ca](mailto:Samantha.webb@smu.ca))

Maria Holley McGee ([maria.holley@smu.ca](mailto:maria.holley@smu.ca))

If you have any ethical concerns, please contact [ethics@smu.ca](mailto:ethics@smu.ca)

## CERTIFICATION

The Saint Mary's University Research Ethics Board has reviewed this research (REB # 22-048). If you have any questions or concerns about ethical matters or would like to discuss your rights as a research participant, you may contact the Chair of the Research Ethics Board at [ethics@smu.ca](mailto:ethics@smu.ca) or (902) 420-5728.

**Take Two: Remote Justice for Crime Victims in the COVID-19 Era: Statements of Consent**

- I understand what this study is about, appreciate the risks and benefits, and that by consenting I agree to take part in this research study and do not waive any rights to legal recourse in the event of research-related harm.
- I understand that my participation is voluntary and that I can end my participation at any time without penalty.
- I understand that the entirety of the Zoom call including my victim impact statement will be recorded to be used for research purposes only.
- All of my questions so far have been answered, I have had adequate time to think about the research study and have had the opportunity to ask questions.
- If technical difficulties occur or we run out of time and would like to continue at a later date, I consent to the researchers contacting me again to reschedule another Zoom meeting, or to provide the survey to complete on my own time.
- If applicable, I consent to having the researcher email the compensation gift-card to me at my preferred email address (If email is unavailable to you, we will make other arrangements).

### **Guidelines for Participating**

#### ***What information can I include in my victim impact statement?***

We are asking participants to follow the guidelines that are listed on the Nova Scotia Victim Impact Statement Form. This means you can talk about:

- The financial/economic impact of the crime. This refers to any money or expenses lost because of the crime. For example: medical bills, loss of work, etc.
- The physical impact of the crime. This refers to any physical injuries you experienced from the crime. For example, a broken leg, bruises, etc.
- The emotional/psychological impact of the crime: This refers to the impact the crime has had on your mental health/wellbeing. For example: experiencing anxiety, experiencing PTSD symptoms, etc.
- Fears for security after the crime: This refers to any safety concerns you now have for yourself and/or your family after the crime. For example: fear of encountering your, fear of your friends/family encountering your offender, etc.

We recommend that you prepare your victim impact statement before our Zoom session. Not only does this help you when delivering your statement, but also reflects a real-life courtroom where victims prepare their statements in advance.

#### ***Is there any information that **SHOULDN'T** be included in my victim impact statement?***

Although we want you to give us your victim impact statement and all the details you wish to include, there is certain information we are asking you to NOT include.

- Please do not mention the full\_name of your offender (but you can use a fake name or pseudonym. However, please tell us ahead of time if you plan to use one.)

- Please do not mention the location (street, town, city) that the crime took place (you may say “home” however please refrain from saying “1234 Internet Street” or “Halifax”.)
- Please do not mention any identifying information of others in your victim impact statement (a bystander, a friend, a friend of the offender, a police officer, etc.)

If you do include any names, locations, or identifying information of other people, do not worry! We can use editing software to fix this.

## APPENDIX C

### Nova Scotia Victim Impact Statement Form



#### VICTIM IMPACT STATEMENT GUIDELINES

Revised May 31, 2018

**Preparation of a Victim Impact Statement is completely voluntary.  
When submitted by a victim, the Statement is to be written in their own words.**

A Victim Impact Statement gives you the chance, at the time of the offenders sentencing, to tell the Court about how the criminal offence has affected your life. If a Victim Impact Statement is filed with the Court, it is one of the factors which will be considered by the Judge or Justice in deciding on the sentence. Your comments should be directed to the Judge or Justice, not the offender. Information about admissible and inadmissible content is included on the form.

The Victim Impact Statement should only include information about the harm done to you, or the loss suffered by you as a victim of the crime(s) for which the accused person was found guilty. The Victim Impact Statement should not include facts about the case, comments/criticisms about the offender's character or expressions of vengeance. Opinions on the sentence to be given should not be provided, except with the Court's approval. If the statement contains information other than the impact of the crime on a victim writing the statement, some or all of the statement may not be considered by the Court. Inadmissible parts of the statement, as determined by the Judge or Justice, may be removed and not read into the court record.

The person completing the Victim Impact Statement may be called upon to testify in Court and be asked questions about the statement. If the Victim Impact Statement is written before the accused has been found guilty, the statement and any notes made in writing it, may be asked for as evidence in the Court proceedings.

Your Victim Impact Statement is not confidential. The offender and/or their lawyer will receive a copy of the statement. Once the Victim Impact Statement has been given to the Court, it becomes a public document. The Court may give a copy to the general public upon request. If victims wish to have their identity and identifying information contained in their Victim Impact Statement restricted from publication, they can contact the Crown Attorney or a Victim Services Officer to request assistance with the application process for a Publication Ban. It is important to remember that the Judge may or may not grant this restriction. The Victim Impact Statement may be used in future by Corrections, for example at Parole hearings.

Section 722 of the *Criminal Code* requires the Court to consider a Victim Impact Statement at sentencing if a statement has been filed with the Court. Upon request, a victim will be permitted to read the statement in Court, or from behind a screen, or outside of the Courtroom, to have a support person close by, or to present the statement in any other manner that the Court considers appropriate. When the statement is presented by a victim or someone acting on the victim's behalf, that individual may have with them a photograph of the victim taken before the offence occurred, if the Judge or Justice decides the hearing would not be disrupted. It is recommended that the Court be advised well in advance of the sentencing date about these requests. If you would like to read your statement, you should check the box on the form indicating "I would like to present this statement in court".

The *Criminal Code* in Section 2 provides the following definition of victim, in relation to Victim Impact Statements:  
2. "victim" means a person against whom an offence has been committed, or is alleged to have been committed, who has suffered, or is alleged to have suffered, physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of the offence and includes, for the purposes of sections 672.5, 722 and 745.63, a person who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of an offence against any other person.

2.2 (1) For the purposes of sections 606, 672.5, 722, 737.1 and 745.63, any of the following individuals may act on the victim's behalf if the victim is dead or incapable of acting on their own behalf: (a) the victim's spouse, or if the victim is dead, their spouse at the time of death; (b) the victim's common-law partner, or if the victim is dead, their common-law partner at the time of death; (c) a relative or dependant of the victim; (d) an individual who has in law or fact custody, or is responsible for the care or support, of the victim; and (e) an individual who has in law or fact custody, or is responsible for the care or support, of a dependant of the victim.

2.2 (2) An individual is not entitled to act on a victim's behalf if the individual is an accused in relation to the offence or alleged offence that resulted in the victim suffering harm or loss or is an individual who is found guilty of that offence or who is found not criminally responsible on account of mental disorder or unfit to stand trial in respect of that offence.

The Victim Impact Statement must be written on the Victim Impact Statement Form and returned to your local Victim Services office. It must be signed and dated. If you are writing and signing the form on the behalf of a victim, then your first and last name and your relationship to the victim and/or crime should be printed clearly in the space provided on the form and it must be signed and dated twice. The Victim Services office will file the statement with the Court. Once it has been filed with the Court, it cannot be taken back. If you write your statement before the accused person is found guilty and/or there is a long period between filing the Victim Impact Statement with the Court and the offenders sentencing hearing, please consult with the Victim Services office if you want to ask about updating your statement.

The completed form should be submitted to Victim Services – For office locations, call toll-free 1 (888) 470-0773 or visit website: [http://novascotia.ca/just/victim\\_Services/contact.asp](http://novascotia.ca/just/victim_Services/contact.asp)



## Victim Impact Statement

### Case Identification

Name of the Victim (PLEASE PRINT/TYPE): \_\_\_\_\_

Name(s) of the Accused (PLEASE PRINT/TYPE): \_\_\_\_\_

Date of the Incident (PLEASE PRINT/TYPE – Month/Day/Year): \_\_\_\_\_

This form may be used to provide a description of the physical or emotional harm, property damage or economic loss suffered by you as the result of the commission of an offence, as well as a description of the impact of the offence on you. You may attach additional pages if you need more space.

#### Your statement must not include:

- any statement about the offence or the offender that is not relevant to the harm or loss you suffered;
- any unproven allegations;
- any comments about any offence for which the offender was not convicted;
- any complaint about any individual, other than the offender, who was involved in the investigation or prosecution of the offence; or
- except with the court's approval, an opinion or recommendation about the sentence.

You may present a detailed account of the impact the offence has had on your life. The following sections are examples of information you may wish to include in your statement. You are not required to include all of this information.

### Emotional Impact

Describe how the offence has affected you emotionally. For example, think of

- your lifestyle and activities;
- your relationships with others such as your spouse, family and friends;
- your ability to work, attend school or study; and
- your feelings, emotions and reactions as they relate to the offence.

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### Physical Impact

Describe how the offence has affected you physically. For example, think of

- ongoing physical pain, discomfort, illness, scarring, disfigurement or physical limitation;
- hospitalization or surgery you have had because of the offence;
- treatment, physiotherapy or medication you have been prescribed;
- the need for any further treatment or the expectation that you will receive further treatment; and
- any permanent or long-term disability.

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### Economic Impact

Describe how the offence has affected you financially. For example, think of

- the value of any property that was lost or damaged and the cost of repairs or replacement;
- any financial loss due to missed time from work;
- the cost of any medical expenses, therapy or counselling; and
- any costs or losses that are not covered by insurance.

**Economic Impact (Continued) - Please note that this is not an application for compensation or restitution.**

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**Fears for Security**

Describe any fears you have for your security or that of your family and friends. For example, think of

- concerns with respect to contact with the offender; and
- concerns with respect to contact between the offender and members of your family or close friends.

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**Drawing, Poem or Letter**

You may use this space to draw a picture or write a poem or letter if it will help you express the impact that the offence has had on you.

I would like to present my statement in court.

To the best of my knowledge, the information contained in this statement is true.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_

\_\_\_\_\_  
Signature of declarant

If you completed this statement on behalf of the victim, please indicate the reasons why you did so and the nature of your relationship with the victim:

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_

\_\_\_\_\_  
Signature of declarant

**This completed form should be submitted to Victim Services – For office locations, call toll-free 1 (888) 470-0773 or visit website: [http://novascotia.ca/just/victim\\_Services/contact.asp](http://novascotia.ca/just/victim_Services/contact.asp)**



## APPENDIX D

### Interview Scripts

#### INTRODUCTION SCRIPT

Thank you for participating in our study on victim impact statements. My name is \_\_\_\_ and I am a member of the research team currently conducting the “Take Two” study at Saint Mary’s University.

To begin, I want you to be aware that we are going to be recording this session from this moment on until the end of the Zoom call. I will begin recording now. In this study we are not only interested in investigating the impact that COVID-19 and the change to virtual hearings is having on the delivery of VIS, but also, we are interested in giving people like yourself, a chance to present their victim impact statement in their ideal circumstances, a “take two”. We acknowledge that participating in this study may be difficult for you, and we appreciate your contribution to this study. Before we start, please keep in mind that your participation in this study is completely voluntary and you have the option to end this Zoom call at any point. We are going to start by going over some key points in the informed consent form we sent to you over email. If you are comfortable moving on, we will give you the opportunity to present your victim impact statement. Finally, I will ask you to answer a series of questions that will be shown on a shared screen. If possible, please try to ensure that you are in a space where you will not experience any interruptions such as an excess amount of background noise, or others walking in and out of the monitor’s view. Please let me know if you have any questions or concerns.

#### DISCUSSING THE INFORMED CONSENT FORM SCRIPT

To begin, I am going to start off by reviewing some key points in the informed consent form that we sent to you over email.

I am just going to confirm your eligibility for the study. Are you over the age of 18? And are you a self-identified victim of a crime, reported or unreported? (*If yes, continue.*)

Next, I am going to briefly reiterate what your participation in this study is going to look like. Once I have finished going over this form, and you have consented to take part in the research, I will ask you to deliver your victim impact statement exactly how you would like to. You can take as much or as little time as you’d like. Once you are satisfied with your statement, I am going to share my screen with you so you can complete a questionnaire. The questionnaire includes some demographic questions, some yes/no questions, some rating scale questions, and some open-ended style questions where your response isn’t limited to a predetermined option.

After completing the questionnaire, I will ask you if you are satisfied with your victim impact statement or whether you would like to do it again. If you want to do it again, you can do it right away – during this same session. Some people might want to do it again at another time – that is ok too! Some people might also want to record it themselves and send it to us – that is also ok! It is your choice.

For some people, telling us about the impact of their crime may be difficult. We understand. If anytime during your participation, you start to experience some upsetting/negative feelings, you are free to step away and take some time for yourself. At this point, we will pause the recording until you feel ready to continue. Remember that you get to choose what you share with us. You can stop anytime, skip questions, pause, and continue another day, or stop altogether. Of course, you can quit at any time.

As I've already mentioned before, the information you provide to us will be kept confidential and used for research purposes only. However, if you tell me in your victim impact statement that a child or a vulnerable adult is in danger **currently** (experiencing psychological or physical abuse), and you provided us with identifying information about this individual, we are required by law to report it to the authorities.

Your victim impact statement will only be seen by our research team. We are interested in group data – what many victims will teach us about victim impact statements. We will not share your name, address or any identifying information with anyone outside this research team. Do you understand? *(If yes, continue.)*

*(At this point, we describeD to the participant their options for compensation depending on their SONA eligibility or not)*

In terms of compensation,

1. **SONA Eligible:** Since you are eligible for SONA points, you have the option to choose between collecting those SONA points or receiving a \$10 VISA gift card via email. If you choose to deliver your victim impact statement a second time, you can choose between receiving an additional \$5, OR additional SONA points.
2. **Not SONA Eligible:** We are offering a \$10 VISA gift card to thank you for your participation. However, if you decide to deliver your victim impact statement a second time, you will receive an additional \$5, so \$15 in total for your participation.

I believe it is important to stress that this is a research study, and we are conducting this study for research purposes only. We are not therapists or mental health professionals. We are not qualified to run a therapy session, nor is this the purpose of the study. We are researchers who simply want to learn from crime victims about their thoughts, opinions, and feelings on victim impact statements.

Finally, we are going to read the statements of consent to you. After each statement, please indicate with a “yes/no” whether you understand and agree to the terms.

- I understand what this study is about, appreciate the risks and benefits, and that by consenting I agree to take part in this research study and do not waive any rights to legal recourse in the event of research-related harm.
- I understand that my participation is voluntary and that I can end my participation at any time without penalty.

- I understand that the entirety of the Zoom call including my victim impact statement will be recorded to be used for research purposes only.
- All my questions so far have been answered, I have had adequate time to think about the research study and have had the opportunity to ask questions.
- If technical difficulties occur or we run out of time and would like to continue at a later date, I consent to the researchers contacting me again to reschedule another Zoom meeting, or to provide the survey to complete in my own time.
- If applicable, I consent to having the researcher email the compensation gift-card to me at my preferred email address.

### **TAKE TWO SCRIPT**

Now that we have come to the end of the study, I wanted to ask you if you are satisfied with your victim impact statement or whether you would like to do it again? If you would like to do it again and deliver another victim impact statement to us, you can do it right now during this Zoom call or we can schedule another Zoom call at a later date if you would like some time to prepare. Additionally, you can prerecord it on your own time and send it to us. Whatever works for you.

We will compensate you with an additional \$5 gift card, or additional SONA points (for SMU eligible students) for your do-over victim impact statement.

### **FEEDBACK SCRIPT**

I would like to thank you for taking the time to participate in this study. As researchers, my team and I understand that our conversation may have triggered some negative emotions, or stress. We have created a feedback form that includes some options to help seek some support/guidance if this is something you are interested in. The form also includes our contact information, and some ways in which you can reach out if you are interested in the future of this research. If you are OK with this, I will send the form along to the email you have provided us. I will also include your compensation for the study (if applicable). Thank you again for your participation. Do you have any final questions?

### **FUTURE USE OF VIS SCRIPT**

Before we end the session, we wonder if you would be interested in allowing us to use your recorded victim impact statement in additional research. This research would involve us showing your recorded statement to future participants to learn more about the impact of victim impact statements, and their related factors. Your decision on whether to allow us to use your recorded vis in the future has no impact on your compensation for this study.

If you are interested, we have prepared an informed consent form for you to review that we can send you. Although we will take all necessary steps to ensure your identity is protected, we recognize that consenting to your recording being used in the future poses the risk of you being identified by future participants. As a result, we have prepared a PowerPoint presentation that shows different options for how much of your video recording we can use. Your choices include

allowing us to use your full video recording, with your face and voice included, or additional options like audio-recording only, blurred face with audio-recording, audio distorted to help hide your identity, just the written transcript, or of course the option to not consent to any version of your victim impact statement being used.

## **SCRIPTS FOR INCIDENTAL EVENTS**

### **ADVERSE EVENT SCRIPT**

*For the purposes of this research, we are defining an “adverse event” as any situation where the participant displays signs of distress (e.g., crying).*

I can see that you are experiencing some upsetting emotions/feelings right now. If you need to, I can pause the recording so that you take a moment to yourself, please feel free to step away and take as much time as you need. There is absolutely no rush. We do not want this to be an upsetting experience for you, and we encourage you to continue whenever you are ready. Of course, if you want to stop, that’s ok too.

### **TECHNICAL ISSUES SCRIPT**

*For the purposes of this research, we are defining “technical issues” as any situation in which either party’s software shuts down, freezes, experiences unstable connection, corrupts, or ends the session entirely.*

It looks like we may be experiencing some technical difficulties. If you are still able to hear me, we are going to end the session now and contact you via the information you have provided us with in the informed consent form (email, phone number, etc.) to reschedule a new meeting time, or try to restart the session

(If the participant has already given us their victim impact statement, we will alternatively offer to send them the Qualtrics survey as opposed to rescheduling a new session).

### **SAFETY MONITORING SCRIPT**

*(Throughout the interview, we paused and checked in with the participant to ensure that they were comfortable proceeding with the interview. We conducted these checks after 1) reviewing the ICF with them, 2) asking the demographic questionnaire/before delivering their VIS, 3) after delivering their VIS/prior to the questionnaire.)*

Before continuing to the next part of our session, I just wanted to check in to make sure that you are comfortable proceeding or if you would like to take a break. If you need to stop or end the session at any point, just let us know and we will stop immediately. And stopping won’t impact your compensation at all, you will still receive your gift card or SONA points either way.

**SCRIPT TO MITIGATE FEELINGS OF EMBARRASMENT OR SHAME**

*(Throughout the interview, we were cognizant of participants feelings regarding embarrassment or shame, especially during/after presenting their VIS. If we noticed that participants were feeling embarrassed or ashamed of themselves at any point during the Zoom call, we used this script to remind them of our role and our appreciation for their participation.)*

I've noticed that you seem to be struggling with the information you're sharing with/have shared with us. Please remember that this is a safe space to share your victim impact statement and we are not here to judge anything you share with us. You can decide what information you share with us, and we don't need a complete account of your experience if you are uncomfortable with sharing certain details. We appreciate any information you decide to share in your victim impact statement. Please let us know if you need to take a break or need to stop. Please be aware that stopping will not affect your compensation.

## APPENDIX E

### Study 1 Interview Questions

#### **Eligibility:**

1. Have you ever been a victim of a crime?
2. Are you over the age of 18?

#### **Demographics:**

1. What is your current age? (18-24, 25-34, 35-44, 45-54, 55-64, 65-74, 75-84, 85 and older)
2. What is your gender? (female, male, non-binary/third gender, prefer not to say, other: please specify)
3. What is your ethnicity? (White/Caucasian/European Canadian, Black/African Canadian, Hispanic/Latino/Latin American, East Asian, Southeast Asian, Aboriginal/Indigenous, Arab/West Asian, South Asian, Prefer not to say, Other: please specify)
4. What is your level of education? (Less than a high school diploma, High school diploma, Associate's or professional degree, bachelor's degree, master's degree, doctoral degree, prefer not to say, other: please specify)
5. Are you a current student at Saint Mary's University? (asked for SONA eligibility)
  1. Are you currently enrolled in a SONA eligible course?
  2. Would you like to receive your compensation in SONA points or a gift card?

#### **Past Experience with VIS and CCJS Questions:**

1. When did the crime take place?
2. What was the crime?
3. Did you report the crime you were a victim of?
  - a. If yes, did you go to court?
    - i. If yes, was your offender sentenced?
  - b. If no, why did you choose not to report?
4. Have you ever given a VIS before?
  - a. If yes, did you use a VIS form when preparing your VIS?
    - i. In what province/territory did you submit your VIS?
  - b. If no, what prevented you from doing so?
    - i. Would you ever consider delivering your impact statement to the court in person?
      1. If yes, why?

2. If no, why not?
  - c. If not, would you ever consider delivering your impact statement to the court in person?
    - i. If yes, why?
    - ii. If no, why not?
5. Please walk us through your decision-making process (why you did or did not submit a VIS).
6. What were your considerations when deciding whether/whether not to submit your VIS?

### **Experience with the Study:**

1. When preparing your VIS for this study, did you find the Nova Scotia Victim Impact Statement form to be helpful or hindering?
2. Do you feel you have been negatively impacted from participating in this study (if at all)? If so, how?
3. Do you feel you have benefitted from participating in this study (if at all)? If so, how?
4. How would you compare this experience to your first time?
5. When thinking about your experience presenting a VIS, please indicate how much you agree with the following statements:

1	2	3	4	5
<i>(not at all)</i>	<i>(slightly)</i>	<i>(somewhat)</i>	<i>(moderately)</i>	<i>(extremely)</i>

- a) Delivering this VIS was hard for me.
- b) Delivering this VIS will bring back painful memories.
- c) I do not care what anyone else thinks about my VIS.

### **Questions about the Medium of Delivery:**

1. If you had the option to delivery a VIS for the offender's sentencing, would you choose to do it in-person? Or would you choose to do it over Zoom?
  - a. If in-person, why?
    - i. Why not over Zoom?
  - b. If Zoom, why?
    - i. Why not in-person?
6. Do you think that the use of technology you used was an advantage or a disadvantage when presenting your VIS?
  - a. If advantage, why?
    - i. Is this your preferred method of presenting your statement?
    - ii. Do you think the method of delivery you chose was the most effective way of accomplishing your goals?
  - b. If disadvantage, why?
3. Please indicate how much you agree with the following statements:





- f) I want to be heard/acknowledged.
  - g) I want to my statement to make my offender feel bad.
  - h) I want my statement to make my offender feel angry.
  - i) I want to feel better after presenting my statement.
4. Do you have any other goals?\*
  5. What were your main goals or objectives when giving us your victim impact statement?\*
  6. Did you have competing goals?\*

## APPENDIX F

### Study 1 Feedback Form

Take Two: Remote Justice for Crime Victims in the COVID-19 Era

SMU REB File # 22-048

Dear Participant:

We would like to thank you for your participation in this study.

As a reminder, the purpose of this study is to learn from crime victims their thoughts, opinions, and feelings about victim impact statements. With COVID-19 being our new reality for now, we want to learn from victims how they would deliver a victim impact statement and allow them to “do-over” their victim impact statement if they wish. We want to investigate crime victims’ goals when delivering a VIS virtually, as well as their preferred mode of delivering (recorded video, recorded audio, written transcript, live through Zoom).

As a reminder, participants have been video and audio recorded during the study. The full recordings will be stored safely and securely by researchers and used for coding purposes. Data collected from the questionnaire will be anonymous. Personal information will be collected, although none of this information will be attached to your name, and therefore will not be personally identifying. Only the researchers and the supervisor(s) will have access to your name and email.

If you are interested in receiving more information regarding the results of this study, or if you have any questions or concerns, please contact us at either the phone numbers or email addresses listed at the top of the page. The study and potential follow-up research are expected to be completed by 2023.

It is possible that telling us your story may have triggered some negative emotions, worry, or stress. If you are struggling with any of the issues addressed in the study, there are various options to seek help and guidance:

#### **For Saint Mary’s University Students:**

We have partnered with the SMU Counselling Centre to provide our SMU participants with specialized support if you experience any negative emotions or stress when preparing your victim impact statement. You have access to the Counselling Centre via Brandi Veith at [Brandi.Veith@smu.ca](mailto:Brandi.Veith@smu.ca) or (902) 420-5615

#### **For all participants:**

There are mental health services available through the Nova Scotia Health Authority (referral needed from a physician). However, if you are in crisis, please contact the Mobile Crisis Telephone

Line (902) 429-8167, call 911, or attend your local emergency department. Here is a list of additional mental health resources for all participants in the study:

- Canadian Mental Health Association (cmha.ca) maintains a list of mental health resources at their local offices.
- Psychology Today maintains a list of practitioners in the community, which can be viewed by accessing <https://therapists.psychologytoday.ca>.
- Visit your family physician who can make resources to local mental health services.
- National Suicide Prevention hotline: (833) 456-4566
- Halifax Regional Police Victims Services Unit: (902) 490 5300
- Victims Services Head Office: (902) 424-3309 or toll-free 1 (888) 470-0773

If you haven't reported the crime committed against you, and you now feel that you would like to, it is not too late. Please contact the RCMP telephone line at 1 (800) 803-7267 or the Halifax Regional Police at (902) 426-8130.

As with all Saint Mary's University projects involving human participants, this project was reviewed by the Saint Mary's University Research Ethics Board (REB # 22-048). Should you have any comments or concerns about ethical matters or would like to discuss your rights as a research participant, please contact the Chair of the Research Ethics Board at 902-420-5728 or [ethics@smu.ca](mailto:ethics@smu.ca).

### **“Take-Two” Follow up**

As noted in the consent form and discussed during the interview, we would like to offer you the chance to re-submit your victim impact statement as a “take two.” There are several options for you to do this. For instance, you may email it to us in writing, or as an audio or pre-recorded video file. If you would like to do it again live over Zoom, we can set up another call.

Participants who choose this option will be provided additional compensation (details in the consent form). Thank you for participating in our study. We appreciate your time.

## Appendix G

### Study 2 Social Media/Flyer Script

#### **Participants needed for Study on Victim Impact Statements in Canada**

**Study goal:** To examine the public's opinions and decision-making processes when viewing victim impact statements.

**What does participating involve:** Participants will be invited to partake in an online study where you will view a recording of a victim impact statement given by a real victim of a crime. You will then be asked to complete a questionnaire about your experience and opinion on this statement. This will take approximately 30 minutes of your time.

**In order to participate you must:**

1. Be over the age of 18
2. Have **NOT** taken part in "Take Two: Remote Justice for Crime Victims in the COVID-19 Era."

**Contact us!**

Current SMU Students in a SONA Eligible Course: sign up through the SMU SONA System  
All other SMU Students and the general public: Click the following link (Qualtrics survey).

**This study has received ethics clearance from the Saint Mary's University Research Ethics Board (REB #23-087)**

## APPENDIX H

### Study 2 Questionnaire

#### Demographics:

- What year were you born?
- What is your gender? (female, male, non-binary/third gender, prefer not to say, other)
- Please specify your ethnicity- you may check all that apply (Caucasian, African Canadian, Asian, Hispanic or Latino, Indigenous, Native Hawaiian or Pacific Islander, prefer not to say, other: please specify)
- What is the highest level of education you have currently completed? (High school diploma, college diploma, bachelor's degree, master's degree, PhD or higher, prefer not to say)

#### Prior Experience with VIS and VS:

1. Have you ever written or presented a VIS before in court?
2. Have you ever been involved with victim services?
3. Do you know of someone who has written a victim impact statement?
4. Have you ever witnessed someone presenting a victim impact statement to the court?
5. If you were the victim of a crime, would you submit a victim impact statement?
  - a) If yes, why would you choose to submit a victim impact statement?
  - b) If no, why would you choose NOT to submit a victim impact statement?

#### VIS Content/Outcome Questions:

1. Do you think a victim impact statement affects the length of the sentence that the offender receives?
  - a) Why or why not?
2. What part of a victim impact statement do you think affects the length of the sentence the offender receives? (Check all that apply)
  - a) How believable the victim is
  - b) The format the statement is presented in
  - c) How emotional the victim is
  - d) How severely the victim was impacted by the crime
  - e) Something else (specify below)
3. Do you think a victim impact statement allows the victim to have a voice within the court process?
  - a) Why or why not?

4. Please answer the following questions with the VIS you just viewed in mind:

1	2	3	4	5
<i>(strongly disagree)</i>	<i>(somewhat disagree)</i>	<i>(neither agree nor disagree)</i>	<i>(somewhat agree)</i>	<i>(strongly agree)</i>

- a) It is clear that the victim was significantly impacted by the crime.<sup>1 5</sup>
- b) The victim was being overdramatic.<sup>4 6</sup>
- c) I do not believe this crime happened to the victim.<sup>7</sup>
- d) I do not believe the crime was as bad as they describe it to be.<sup>7</sup>
- e) I completely believe that this crime happened to the victim.<sup>7</sup>
- f) The crime was not as serious as the victim described in the victim impact statement.<sup>6</sup>
- g) I feel bad for the victim.<sup>4</sup>
- h) It is clear the victim suffered greatly because of this crime.<sup>5</sup>
- i) I do not think the victim suffered very much because of this crime.<sup>5</sup>
- j) The victim will recover completely from this crime.<sup>5</sup>
- k) The victim will be dealing with the trauma caused by this crime for their entire life.<sup>5</sup>
- l) The victim was too emotional when presenting the victim impact statement.<sup>2</sup>
- m) The victim was not emotional enough when presenting the victim impact statement.<sup>2</sup>
- n) I do not feel bad for the victim.<sup>4</sup>
- o) The perpetrator should be punished for the crime.<sup>3 6</sup>
- p) The perpetrator should go to jail for a very long time.<sup>3 6</sup>
- q) I feel anger towards the perpetrator.<sup>4</sup>
- r) The perpetrator didn't do anything wrong.<sup>4</sup>
- s) Based on the victim impact statement, the perpetrator is completely to blame for this crime.<sup>3 4</sup>
- t) Based on the victim impact statement, the victim is completely to blame for this crime.<sup>4 7</sup>
- u) The perpetrator should receive a lenient sentence for the crime.<sup>3</sup>
- v) The perpetrator should receive a harsh sentence for this crime.<sup>3</sup>
- w) The victim impact statement is a helpful tool for providing information about the impact of the crime.<sup>1</sup>
- x) The victim impact statement is not helpful because I already know the impact of the crime such as this.<sup>1</sup>
- y) The victim impact statement should be taken into account when considering a sentence for the perpetrator.
- z) The victim impact statement should not play a role in determining a sentence for the perpetrator.
- aa) The victim impact statement is too emotional to be considered a relevant factor in determining a sentence for the perpetrator.<sup>2</sup>
- bb) Victim impact statements should not be a part of the sentencing process.
- cc) Victim impact statement is a vital part of the sentencing process.



7. Why do you think victims choose different delivery methods when presenting their VIS?
8. In what ways do you think the delivery method of a VIS affects the sentencing outcomes?

- <sup>1</sup> Items that comprise the Impact scale
- <sup>2</sup> Items that comprise the Emotionality scale
- <sup>3</sup> Items that comprise the Sentence scale
- <sup>4</sup> Items that comprise the Empathy scale
- <sup>5</sup> Items that comprise the Harm Suffered scale
- <sup>6</sup> Items that comprise the Crime Severity scale
- <sup>7</sup> Items that comprise the Credibility scale



## APPENDIX I

### Definition of a VIS and Description of VIS Stimulus

**Definition of a VIS:** A Victim Impact Statement, or VIS for short, is an account from a crime victim that outlines how a given crime has impacted them physically, emotionally/psychologically, and financially. These statements are delivered to the court after an offender has been found guilty of a crime and are used to assist the presiding judge when deciding on the appropriate sentence that the offender should receive. A VIS can be delivered as a written statement, where the victim reads the VIS aloud to the court. Alternatively, the victim can have someone else read their statement to the court for them, such as a lawyer or a social worker. A victim can also choose to deliver their VIS via video or other methods (Canadian Victim's Bill of Rights, 2015). For more information, visit: <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/sentencing-peine/vis-dv.html>

**Description of VIS Stimulus:** The following victim impact statement (VIS) involves a real victim delivering their own account of \_\_\_(stalking/sexual assault). The woman presenting the statement has had her face blurred (for distorted conditions: and her audio distorted) to protect her identity. As a reminder, what you are about to (watch/listen to/read) may be distressing or uncomfortable. If you would like to exit the study, please do so now by clicking the "leave the study" button located on the survey screen or clicking the x on your browser window. If you wish to proceed, please click "continue."