

The Influence of Victim Impact Statements and Offender Character on Sentencing and Parole Decisions

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Abstract

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Victims can provide evidence at sentencing and parole hearings that describe the physical, emotional, and financial harm they have suffered due to the offence. Similarly, offenders can provide evidence of their good character or resources that support rehabilitation. This thesis aimed to examine the roles that evidence from victims and offenders have on judicial decision-making at sentencing and parole board outcomes. Study one analyzed 1992 Canadian sentencing decisions and found that victim impact statements and offender character evidence predict incarceration. The effect of victim impact statements was greater when offender evidence was absent than when it was present. Study two examined 55 Parole Board of Canada parole decisions to investigate victim statements and letters of support but found no relationship with parole outcomes. These results provide insight about which variables may influence decision makers in the justice system. Implications for offenders, crime victims, judges, and parole board members are discussed.

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Introduction

There are various factors that can impact sentencing and parole decisions. At sentencing, victim impact statements and offender character evidence are two items that may be submitted or presented to the court and could perhaps play a role in the sentencing decisions. Similarly, at parole hearings, victim statements and letters of support may be submitted or presented and may influence parole decisions. The current thesis consists of two studies: the first explores if victim impact statements and offender character evidence impact Canadian sentencing decisions, using 1992 cases from CanLII. The second study explores the relationship of victim statements, letters of support, and day and full parole decisions using 55 written parole decisions from the Parole Board of Canada. The goal of each study is to investigate if any of these variables influence either sentencing or parole decision making. There has been some research that has analyzed some of these variables (e.g., Caplan, 2010a; Dufour et al., 2023; Smith et al., 1997; etc.); however, previous literature has not explored victim impact statements and offender character evidence's combined impact nor victim statements and letters of support together.

Study I: Victim Impact Statements, Offender Character Evidence, and Sentencing Decisions

Sentencing Decisions

The *Criminal Code of Canada* describes that the fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, respect for the law and maintenance of a just, peaceful, and safe society (*Criminal Code*, 1985, s. 718). This is achieved by imposing fair sanctions that have one or more of the following objectives: denounce unlawful conduct and the harm done to victims or the community that is caused by unlawful conduct; deter the offender and others from committing offences; when necessary, separate offenders from society; rehabilitate offenders; provide reparations for harm done to victims or the community; and promote a sense of responsibility in offenders, and acknowledge the harm done to victims or the community (*Criminal Code*, 1985, s. 718). A sentence must also be proportionate to the gravity of the offence and the degree of responsibility of the offender (*Criminal Code*, 1985, s. 718.1). There are several other sentencing principles that a judge must also take into consideration when imposing a sentence, such as any relevant aggravating or mitigating circumstances relating to the offence or the offender, a sentence should be similar to sentences imposed on similar offences in similar circumstances, a combined sentence should not be unduly long or harsh, an offender should not be deprived of liberty if less restrictive sanctions may be appropriate, and all available sanctions (i.e., other than imprisonment) that are reasonable given the circumstances and with harm done to victims and the community should be considered, particularly for Indigenous offenders (*Criminal Code*, 1985, s. 718.2). Mitigating factors speak to aspects of the offence or offender that lessen the severity of culpability of the offence, whereas aggravating factors are circumstances that increase the severity of culpability of the offence

(*Criminal Code*, 1985, s. 718.1-718.2). In summary, Canadian judges consider numerous principles to arrive at a sentencing ruling.

Victim Impact Statements

In addition to sentencing principles, judges consider evidence submitted by the parties. Victim impact statements (VIS) may also enter into evidence at sentencing. VIS are statements prepared by victims that describe to the court any harm (physical, emotional, or financial) that they have suffered due to the offence that the offender is being sentenced for (Canadian Victims Bill of Rights [CVBR], 2015; Department of Justice, 2016). The court must consider the statement and take into account any portions that are deemed relevant (CVBR, 2015; *Criminal Code*, 1985, s. 722). VISs provide victims with a voice, allow them to address the offender, and provide the judge and rest of the courtroom with their perspective and how they were affected by the crime (LePage, 2022). However, victims did not always have the opportunity to present their perspective in court.

The victim's rights movement began in the 1970s and was partly compelled by how the justice system did not consider victims' rights in cases where they were directly affected and how victims had little voice in the criminal justice system (Campbell, 2015). In Canada, VIS were first introduced into the *Criminal Code of Canada* in 1985, where it stated that a VIS *could* be considered. The *Criminal Code of Canada* was amended 7 years later to require the court to consider a statement if it had been submitted. In 1998, the House of Commons Standing Committee on Justice and Human Rights released a report that had 17 recommendations to improve the experiences for victims within the criminal justice system. The recommendations included that the court permit victims to read or orally present their VIS, clarify the definition of 'victim', inquire whether victim(s) have been advised of the opportunity to prepare a VIS, and

more (Meredith & Paquette, 2001). The CVBR (2015) specifies the rights of victims of crime, which includes right to information, right to protection, right to participation, and right to seek restitution (CVRB, 2015; Office of the Federal Ombudsman for Victims of Crime, n.d.). The CVBR (2015) also specifies several other items, such as which individuals may exercise these rights (e.g., defines “victim”) and how the CVBR is to be interpreted. In addition, this bill requires federal departments to create complaint mechanisms for victims (CVBR, 2015).

There are a number of ways that a victim can present their statement: by orally presenting it themselves, having someone else read it, orally presenting it outside of the courtroom or behind a screen that would not allow them to see the offender, or in another manner deemed appropriate, such as through a drawing or submitting a written statement (CVBR, 2015; Department of Justice, 2016). Every victim has the right to present a VIS, if they wish to do so, and to have it considered by the court. The court shall consider the statement, but only parts that are deemed relevant (*Criminal Code*, 1985, s. 722). VIS must not contain irrelevant or impermissible information such as victim recommendations for the sentence; VIS that contain such inadmissible evidence may be redacted in advance of the sentencing or judges may announce that the inadmissible testimony will be disregarded. The statement must also only refer to the specific offence(s) that the offender was found guilty of (Government of Nova Scotia, 2021).

The CVBR (2015) defines a victim as “an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence”. However, this definition is expanded to the following individuals who may exercise victim’s rights if the victim is dead or unable to act on their own behalf such as: the victim’s spouse or spouse at time of death, an individual who is or was (at time of death)

cohabiting with the victim in a conjugal relationship of at least one year, a relative or dependant, or an individual who has in law or fact custody or is responsible for the care/support of the victim or a dependent of the victim (CVBR, 2015).

Since VIS have become involved in the criminal justice system, the goals behind these statements have been debated. There are several possible purposes for VIS, such as providing information about the impact of the offence, allowing the victim to participate in the sentencing process, providing the victim the opportunity to communicate a message to the offender, providing the offender with an idea of the harm inflicted, and to provide the Crown with information about the seriousness of the crime (Roberts & Erez, 2004). It has also been debated if providing or presenting a VIS has therapeutic benefits for the victim (e.g., Lens et al., 2015). Miller (2014) found relational caring as a theme in their research of VIS by women who were sexually assaulted. Miller (2014) describes that relational caring is concern for others in a protective and caring way, whether the other individual is someone they know, a stranger, or hypothetical – which could describe one reason for writing a VIS. In the case of Larry Nassar, a former team doctor for the USA Women's National Gymnastics Team and physician at Michigan State University who was charged and plead guilty to numerous sexual assault and child pornography charges, 168 VIS were presented at his sentencing (Cassell & Erez, 2023; Hinkley, 2017; U.S. Attorney's Office Western District of Michigan, 2017). There were several reasons the victims came forward to deliver a VIS, which included thinking it would be healing, regaining agency from their abuser, or to speak on behalf of other women abused by Nassar but chose not to speak (Cassell & Erez, 2023). Overall, there are two main categories that describe the aims of VIS: instrumental and expressive (Roberts & Erez, 2004; Roberts & Manikis, 2011). The expressive function of VIS describes that the aim is to communicate a message about the

harm that was caused, and that this provides the victim with therapeutic benefits, such as recovering from the harm they suffered (Lens et al., 2015; Janzen, 2020; Roberts & Erez, 2004). The instrumental function of VIS can influence the sentence; in this way, the statement is a way to understand the harm suffered, which is information that is necessary in order to determine the appropriate sentence (Roberts & Erez, 2004). When the harm experienced by a victim is described in a VIS, the court can consider it to be either aggravating or mitigating, thereby affecting the sentence (Manikis, 2015). Thus, with the explanation of the harm suffered from being victimized, VIS can help the courts to evaluate the seriousness of the crime and give a fair sentence (Campbell, 2015). Meredith and Paquette (2001) interviewed victims in focus groups from across Canada and found that these victims supported these goals. The victims in this study perceived several goals of the statements, such as allowing victims to have a say in sentencing and how the offence has affected their lives, having an effect/being taken into account when a judge is reaching their decision, cathartic effects from preparing their statements, and allowing them the ability to tell the offender how the crime affected them (Meredith & Paquette, 2001). Roberts and Manikis (2011) found similar reasons for participation, with the most frequent reason being the desire to communicate a message to the court and offender. Likewise, Lens and colleagues (2015) stated that a main goal of contributing a VIS is to help with the victim's emotional recovery; however, the goal does vary depending on the victim. In addition, Lens (2015) found that victims' psychological state plays a role in choosing to deliver a VIS – those who provide a VIS have higher levels of anxiety and lower levels of control over their recovery process. However, delivering a VIS had no direct “therapeutic” benefits, in terms of decreases in feelings of anger or anxiety. Despite this, Lens (2015) found that feelings of procedural justice, that were a result of delivering a VIS, had a significant positive effect on perceived control over

one's recovery process. Thus, experiencing procedural justice mediated the relationship between delivering a VIS and reducing feelings of anxiety (Lens, 2015).

Victim Impact Statements at Sentencing

Although Roberts and Edgar (2006) found that the majority of judges in several Canadian provinces believe that VIS contain information that is useful for sentencing, VIS are rarely submitted, estimated in only around 7-13% of all cases (Dufour, 2021; Lindsay, 2015; Roberts & Edgar, 2006; Victims and Survivors of Crime Week, 2015). Research in the area also suggests that victims of serious crimes are more likely to submit statements (e.g., Roberts & Manikis, 2011). Specific offences that were found to be positively related to VIS presence were contact sexual offences, second-degree murder, and other homicide charges (Dufour et al., 2023).

There has been debate in the literature on whether VIS impacts sentencing decisions; some research has found a relationship, such as Erez and Tontodonato (1990), who found that presence of a written or oral VIS did not influence sentence length, but were related to the likelihood of getting an incarceration sentence. Davis and Smith (1994) found that any differences that VIS presence made on sentence length were small. Other research (e.g., Erez & Roeger, 1995) did not find a relationship between VIS and sentencing. Interestingly, Myers and Arbuthnot (1999) discovered that mock jurors rated VIS as having little impact on their verdicts, but the VIS ended up significantly impacting their sentencing judgments. Dufour and colleagues (2023) analyzed over 1300 sentences from across Canada and found no evidence that VIS impacted sentencing outcomes when type of crime was controlled for. They found several other interesting findings, such as no differences in the number of sentencing conditions in cases with a VIS compared to without, and that cases with more than one VIS were associated with longer sentencing outcomes than cases with only one statement (Dufour et al., 2023). Overall, having

this data can help to answer the debate of whether or not VIS leads to longer sentences or not, which has been debated for years (e.g., Bandes & Salerno, 2014; Boppre & Miller, 2014; Erez et al., 1994; Erez & Roeger, 1995; Erez & Rogers, 1999). Some researchers propose that VIS can aid in sentencing through proportionality principles. For example, Erez (1999) argues that VIS should be used for therapeutic functions for victims and for determining a sentence – specifically that the impact of the offence on a victim, as described through a VIS, aids in the judge assigning a more *proportionate* sentence, rather than a longer or more severe one. Lens (2014) explored experienced harm expressed in VIS statements (high harm: experienced serious consequences after the crime; low harm: described that the crime did not change their life) across two different crime severities (rape or a threat). Findings from this study revealed that participants, for both crime type conditions, who read a VIS that stated that the victim experienced serious consequences were more likely to think that the VIS should be taken into account when determining the sentence of the offender; however, no differences were found on whether participants think that a VIS should have an influence on criminal justice proceedings (Lens, 2014). Despite these findings, Lens' 2014 study did not find support for the argument that VIS leads to violations of the proportionality principle.

More specifically, it is also interesting to consider how the VIS is delivered and how that may impact the length of a sentence. When considering VIS format, there has been mixed results in the literature examining oral versus written VIS (e.g., Lens, 2014; Lens et al., 2015; Smith et al., 1997). Myers and colleagues (2002) found no difference between written and oral statements; however, Dufour and colleagues (2023) found a small statistically significant effect of VIS format, where cases that had a VIS delivered orally received longer sentences than cases that had written VIS. Nuñez and colleagues (2017) found that the emotion expressed in a VIS can impact

sentencing decisions; this could be relevant to the debate of impact of oral versus written VIS as orally delivered VIS allow victims to use their voice to express emotions, which is something a written VIS lacks. More research should investigate how the format of delivery impacts sentencing decisions.

Studies have shown that judges seem to acknowledge the importance of VIS (Erez et al., 1994; Schuster & Proppen, 2010). Roberts and Edgar (2006) collected data from judges from across four provinces in Canada and found that each jurisdiction found VIS to be useful in all or most cases by over half the judges interviewed. Additionally, an earlier study in Manitoba found that 84% of participants agree that a VIS assists the court in making sentencing decisions (D'Avignon, 2002, as cited in Roberts & Edgar, 2006). Roberts and Manikis (2011) also note that judges reported finding VIS useful for the purposes of sentencing. However, Campbell (2015) describes how some judges struggle with the role of VIS in sentencing processes and whether VIS should be treated in the same way as other evidence. These two studies conclude that when a VIS should impact sentencing and how much it should impact it is unclear.

A recent systematic review that looked at the impact of VIS on legal decisions across jurisdictions and decision types found that few studies used data from real cases to investigate the association between VIS and sentencing outcomes, and the few that *did* were not able to find a significant association between VIS delivery and sentencing outcome (Kunst et al., 2021). However, Kunst and colleagues (2021) found that when reviewing various experimental studies (i.e., mock jurors study a vignette of a fictitious crime), the impact of VIS delivery on sentencing may vary by sentence type. This finding exemplifies the importance of considering data using real cases in order to find the impact of VIS on sentencing decisions, as there are some limitations to experimental studies, such as the judgment of judges compared to laypersons. In

addition, a large subset of the empirical literature on VIS focuses on death penalty cases (e.g., Boppre & Miller, 2014; Gordon & Brodsky, 2007; Myers & Greene, 2004); this US data is not applicable to a Canadian context and thus, will not be discussed in this thesis.

Offender Character and OCE

Characteristics of an offender may present itself at trial and at sentencing phases of the criminal justice process through offender character evidence (OCE), such as an offender character letter. Judgment of what would be considered “good character” can be rooted in a number of different things such as achievements, employment or education, family ties, reputation, and offence status (e.g., first time), among others (Wu, 2007). Saccomano (2019) argues that intrinsic racial superiority and material success, referencing white cultural values, is deeply embedded in the weighing of offender character at sentencing. For example, Saccomano (2019) notes that judges often cite things that are easily accessed if one is privileged, such as educational attainment.

An offender’s character, or their character evidence, is often presented in the form of OCE during sentencing. OCE can be introduced to help provide information about the offender and their moral standing, such as showing that the offender has a history of good character, that the offence was not typical behaviour exhibited by the offender, or that it was done ‘out of character’. OCE shows the court that individuals in the offender’s daily life think highly of them. OCE is commonly presented in character letters from people who know the offender well, but may also be presented orally for the court (Legal Aid Western Australia, 2018; *R v. Pickering*, 2014). This evidence can be most useful when they are written by someone who has known the offender for a long period of time and has good standing or an important position in the community, such as teachers, doctors, religious leaders, or family friends. Past or present

employers can speak of an offender's behaviour at work and show the judge that they are able to hold a job and act responsibly (Legal Aid Western Australia, 2018). Overall, OCE can show that an offender is a person of good character or that the offence was something done out of character and can help the sentencing judge to understand who the person is, beyond what they have heard during the trial (Abad-Santos, 2023; Legal Aid Western Australia, 2014).

Barg (2017) investigated the format and content of character letters and found that letters often consisted of the writer stating how long and in what capacity they knew the offender, followed by lists of traits and accomplishments; for some cases, the goal of the letters may be to overturn a predatory image projected on the offender in court (Barg, 2017). However, it is important to note that this is not always the image created by the Crown. In a news article, Burke (2022) showed how who is writing the letter and how they write it may lead to more of an influence on sentencing. For example, a member of the military writing a letter using an official letterhead of the Canadian Armed Forces could make it appear as though they are speaking on behalf of the military; also, having military accomplishments is viewed as impressive and references from senior military leaders may have extra weight in court, which could possibly influence the sentence (Burke, 2022). Similarly, former mayor of Toronto Rob Ford had written a few character references while he was the mayor, all on official City of Toronto stationary (D'Aliesio, 2014). Other public figures that have provided OCE are celebrities, who could also potentially create a bigger impact due to their presence in society.

Similarly to VIS, there are certain things that can and cannot be said in OCE; for example, VIS cannot contain a sentence recommendation from the victim or discuss other offences that the offender has not been found guilty of (Government of Nova Scotia, 2021). With OCE, individuals are allowed to state that the offence was out of character or that the offender

could have committed such an act; however, if they disagree with the guilty verdict or deny the criminal conviction, this will be omitted from the character evidence (*R v. Sandhu*, 2022).

Offender Character Evidence at Sentencing

The evidence of positive character may be seen as a mitigating factor in sentencing decisions. During sentencing, evaluating an offender's character through OCE can help the judge to find an appropriate sentence for the offender (Legal Aid Western Australia, 2014; Wu, 2007). However, there is little empirical evidence that has explored the effect of OCE on sentencing decisions. Some research has found that OCE may provide misleading information about an offender and may counteract the impact of VIS (Barg, 2017; Sweeney, 2020).

An example of this is seen in Barg (2017), who analyzed the content of the 38 OCE written for Brock Turner, a 19-year-old Stanford student who, in 2015, was found guilty of three counts of sexual assault after witnesses saw him sexually assaulting an unconscious woman. The judge in the case stated that the letters indicated a period of good behaviour and depicted a collateral consequence based on the conviction. Common themes within the letters included that he was a good man, had athletic membership, had already suffered enough punishment (through accusations, charges, trial, and conviction), implied he was the victim or that it was not rape, and blamed alcohol consumption (Barg, 2017). In Turner's case, he had 38 OCE presented, and the victim read her sole VIS to the court (Neary, 2019). Some evidence suggests that OCE may also counteract the impact of VIS (Sweeney, 2020). However, more research is needed to investigate this.

Other factors may work in conjunction with the presence of OCE to potentially influence a sentence. For example, judges may conflate remorsefulness with an offender's overall character, which could be seen as a mitigating factor while sentencing (Zhong et al., 2014). OCE

can be written or presented orally similar to VIS, and little is known about OCE delivery or if it plays a role in influencing sentencing. To my knowledge, there are no studies that have evaluated how these different formats of delivery would contribute to the impact of OCE – making the current research the first of its kind.

OCE in the Media

OCE can be brought forward in any type of crime – such as murder (MacKinnon, 2016), drug trafficking (Barghout, 2018; Carter, 2018) or sex offences (Barg, 2017), among other offences. There can be reactions to OCE in the media and on social media for some cases, such as those with celebrities or other public figures (as victims, offenders, or as authors of OCE) or if there is something extremely shocking in the case, such as a high number of OCE, an especially heinous crime, or victim blaming in OCE. Some recent examples of public outrage and online commentary include the cases of Brock Turner, Danny Masterson, and Brian Peck.

In the case of Brock Turner, he had 38 OCE that discussed how he was a good man, praised his accomplishments, and blamed the victim (Barg, 2017). However, after these were submitted or read to the court for his sentencing, some of the authors have stated they regret writing their letters – saying it was a mistake – or have faced backlash over supporting him (Bender, 2016). Kelly Owens, a guidance counsellor at the high school Turner attended, had told the court that he was undeserving of the outcome of the trial, and has since apologized, acknowledged her letter was a mistake, and said that he should be held accountable (Bender, 2016; Rocha, 2016). Leslie Rasmussen, a childhood friend, had blamed campus drinking culture and the victim's intoxication in her letter. She apologized on her Facebook page and stated how she had no right to make assumptions about the situation and that she did not acknowledge the severity of the crime and suffering of the victim enough. There was outrage over her letter on

social media, leading to her receiving messages about her letter, the cancellation of her band's appearances in festivals, and even being dropped by the band's publicity label (Bender, 2016; Cuevas, 2016).

Danny Masterson, an actor well known for starring on "That '70s Show", was convicted in 2023 of drugging and raping two women in the early 2000s and was sentenced to 30 years to life in prison. Ashton Kutcher and Mila Kunis, two actors who starred alongside Masterson in the show, were two of more than 50 people – which also included numerous other Hollywood presences – who wrote in support of him ahead of his sentencing. In their letters, Kutcher and Kunis described him as a role model and an anti-drug presence, vouching for his exceptional character, and referring to him as an older brother figure (Ralston, 2023; Sharf & Wagmeister, 2023). They have since apologized for their letters, as they said they didn't think the letters would be seen by anyone other than the judge. When these letters came to light, the pair experienced very strong backlash online, especially considering Kutcher has been vocal of his support in the #MeToo movement – which focuses on spreading awareness on sexual harassment of women – and is an anti-trafficking and anti-rape activist. As well, Kutcher and Kunis are both a part of an anti-human trafficking organization that targets child sex abuse. Since then, they have both stepped down from the anti-human trafficking organization and issued a video apology on Instagram (Abad-Santos, 2023; Ralston, 2023).

Finally, Brian Peck, a dialogue and acting coach, had been convicted in 2004 of a lewd act against a child and oral copulation of a person under 16 and was sentenced to 16 months in prison. This year, child actor Drake Bell, had come forward as the victim (Singh & Taylor, 2024; Squires, 2024). Forty-one people had written letters in support of Peck at the time of his sentencing, many of whom were famous and worked with or were friends with Bell later in life

(Singh & Taylor, 2024). After the letters were unsealed in 2023, some celebrities have commented on their support they had given two decades ago. Actor Joanna Kerns has said that her letter was based on misinformation and if she knew what she knows now, she would have never written it. Similarly, producer Tom DeSanto has said to have had incomplete information, apologized to Bell, and stated that if he'd been fully informed of the accusations, his support would have been withheld (Singh & Taylor, 2024). Actors Rider Strong and Will Friedle had also written letters, and when commenting on the fact that they wrote letters, they describe how Peck victimized himself to them, spinning the story to be the victim's fault. Peck had also downplayed the severity and number of offenses to them, saying that he committed one offence, but only after being manipulated and take advantage of by the victim. Strong and Friedle also stated they feel shame about it now and question how they were so naïve to believe him (Fishel et al., 2024; Squires, 2024).

As seen, there can be public outrage and backlash about OCE for various reasons, and this can lead the people who provided the OCE to step forward and express regret, apologize, and potentially face consequences in their own lives. If OCE was not publicly known and the public did not express disappointment or anger, would this same regret exist? After seeing some responses to OCE, does this make individuals – public figures or not – less inclined to provide OCE or be more cautious in how they express their support?

Judicial Decision Making

In daily life, as well as in professional settings, individuals can be susceptible to cognitive biases, such as anchoring, when making decisions (Guthrie et al., 2002). Research has shown that judges use heuristics to help with their decision making, with anchoring accounting for a large amount of cognitive bias in judgments and sentencing decisions (Fariña et al., 2003;

Guthrie et al., 2007; Peer & Gamliel, 2013; Rachlinski et al., 2015). Other professionals such as general surgeons and philosophers are also prone to anchoring and other cognitive biases (Antonacci et al., 2021; Schwitzgebel & Cushman, 2012). Although it is beneficial to make judges aware of these influences on judicial decision making (Fariña et al., 2003; Rachlinski et al., 2009), it does not allow them to become completely objective. Nisbett and Wilson (1977) suggest that we have little or no access to high order cognitive processes despite feeling that we do.

Anchoring refers to the reliance on using surrounding context or numeric reference points in order to make a numeric judgment (Rachlinski et al., 2015). Rachlinski and colleagues (2015) suggest that judges make decisions in the legal system similarly to other judgments in their life and that specific decisions, such as exact sentences imposed, are influenced by contextual factors and arbitrariness, such as anchoring. This research also shows that the order in which a judge sentences offenders influences their decisions; when there were two unrelated, fictitious sentencings back-to-back, the order they were presented to provide a sentence influenced the decisions – when a more serious crime was sentenced first, it raised the judge’s sentence of a less serious crime (Rachlinski et al., 2015). A great deal of previous research supports the claim that anchoring has a powerful influence on judicial decision-making (e.g., Englich et al., 2006; Guthrie et al., 2001; Rachlinski et al., 2015; Wistrich et al., 2005).

Implicit bias is when one holds subtle or unconscious stereotypical associations towards specific groups of people. Implicit bias is a significant source of racial disparities within the criminal justice system (Rachlinski et al., 2009). Rachlinski and colleagues (2009) found that judges have the same implicit racial biases as the general population, and these biases can influence their judgement; however, judges are able to compensate for the influence of this bias

by suppressing it, if they feel motivated to do so. Guthrie and colleagues (2007) agree that judges make intuitive decisions but are able to override it with deliberation. They state that judges do rely on intuition to make their judgments, and although judging this way is often flawed, eliminating intuition from judicial decision making entirely is not possible – as well as unadvisable since it is an essential part of how the human brain works. Overall, Guthrie and colleagues (2007) demonstrate that judges make decisions using intuition in both daily decisions and in legal contexts.

Knowing that judges' decisions can be influenced by heuristics similar to other professionals and non-judges, looking at sentencing decisions delivered by judges could help to see if there are differences in cases with certain variables, such as VIS and OCE. For example, since their decisions can be influenced by order effects (as suggested by Rachlinski et al., 2015), it is possible they may be influenced by the order evidence is heard, specifically VIS and OCE, and one may become more influential than the other. This also may be true when considering the number of VIS and OCE the judge must consider – as if one has significantly more than the other, this could be more influential than if they were equivalent or if there are more than the judge sees in an average case, going against their reference number of this evidence. Overall, judges must consider a great deal when making sentencing decisions; it is important to ensure that all the evidence is considered and that it is all weighed appropriately to create the fairest sentence for the offender.

Studying Variables at Sentencing

Typically, VIS research uses mock jury designs (e.g., Nuñez et al., 2017; Myers et al., 2002), which can be a very beneficial design to gather data in an area that can be challenging to conduct. However, it comes with several drawbacks; for example, the samples may not be

representative to what a typical jury may look like (e.g., using university students), there may be a lack of deliberation – as some studies may have the participants complete the sentencing independently as opposed to in a group setting (e.g., Boppre & Miller, 2014), or the setting is an artificial context using written vignettes or videotapes trials using actors (as described in Dufour, 2021). Most importantly, in Canada, only judges can deliver a sentence to an offender. Overall, mock jury research is useful but has limited generalizability and ecological validity to real courtrooms (Bornstein, 1999; Kleinstuber et al., 2020).

Using archival data can fill this need for ecologically valid research in this area. Archival research allows for a large amount of data to be collected in a cost-efficient manner (University of Chicago, 2018). Using CanLII (<https://www.canlii.org/en/>) for the present study allows for the collection of sentencing decisions that have actually taken place, as opposed to fictitious scenarios that would be in mock jury research. Archival research also has the benefit of increased statistical power and generalizability when it has large sample sizes and diverse samples (Tse Heng et al., 2018). Using archival data to rigorously examine sentencing rulings available on CanLII could shed light on the extent that VIS and OCE, both individually and in combination, play a role in sentencing outcomes.

While studying factors that may influence sentencing decisions, crime type is an important variable to also consider due to the principle of sentencing that states that the sentence must be proportionate to the gravity of the offence and degree of responsibility of the offender (*Criminal Code*, 1985, s. 718.1); thus, judges have discretion in what sentence will be imposed, but the nature of the offence is a core factor that judges consider, among other variables, when sentencing. The more serious an offence is and the greater the risk for public safety, it is more likely that a sentence will be longer and more severe, while still not being unduly long or harsh

when there are consecutive sentences and being similar to sentences imposed on similar offenders for similar offences in similar circumstances (*Criminal Code of Canada*, 1985; Government of British Columbia | Prosecution Service, 2019). All crimes are not created equally (Sherman et al., 2016), and crime type has been found to influence decisions in the criminal justice system (e.g., Caplan, 2010a; Dufour et al., 2023). Therefore, this was an important variable to include in the present study.

Present Study

To date, there has not been a study that investigates the effect of VIS and OCE on sentencing decisions using archival data. Thus, the current study explores the following research questions:

1. After controlling for crime type, does the presence or absence of a VIS impact sentence length (incarceration and/or probation)?
 - a. Currently, there are mixed results in the literature regarding the topic of VIS impacting sentencing decisions; some research (e.g., Erez & Tontodonato, 1990) has found a relationship, whereas others (e.g., Erez & Roeger, 1995) found no impact or no relationship after controlling for crime type (Dufour et al., 2023).
2. After controlling for crime type, does the format of VIS delivery (written or oral) impact sentence length (incarceration and/or probation)?
 - a. Results in the literature are mixed in terms of whether the format of a VIS (i.e., a written statement submitted or delivered orally) influences sentence length. Myers and colleagues (2002) did not find a difference between these two types of statements, but Dufour and colleagues (2023) found a small but statistically significant effect ($\eta_p^2 = .013$), where oral statements received longer sentences

than cases with written VIS. Due to the limited research in the area, and the fact that the research available has mixed results, this question was exploratory.

3. After controlling for crime type, does the presence or absence of OCE impact sentence length (incarceration and/or probation)?
 - a. There has been minimal empirical evidence that has explored the impact of OCE on sentencing decisions. Research has described that evidence of positive character may be seen as a mitigating factor in sentencing decisions (Wu, 2007); however, no studies have examined specifically if OCE impacts incarceration and probation length. To my knowledge, this study is the first of its kind; therefore, this research question was exploratory in nature.
4. After controlling for crime type, does the format of OCE (written or oral) delivery impact sentence length (incarceration and/or probation)?
 - a. OCE can be written or presented orally during a sentencing decision; however, to my knowledge, there is no research that has studied how different formats of delivery would contribute to the impact of OCE, so this research question was exploratory.
5. After controlling for crime type, does the presence or absence of VIS and OCE interact with one another to impact sentence length (incarceration and/or probation)?
 - a. There has not been any empirical evidence conducted to date, to my knowledge, investigating the interaction between VIS and OCE. Thus, this research question was exploratory in nature.
6. After controlling for crime type, does the interaction between VIS format and OCE delivery (written or oral) impact sentence length (incarceration and/or probation)?

- a. To my knowledge, no studies have evaluated how different formats of delivery of both OCE and VIS – making the current research the first of its kind and this question exploratory.

Data

The present study utilized an archival sentencing dataset that consisted of 1992 sentencing decisions coded from information available on CanLII. CanLII is a public archive that provides access to court judgments from across Canada, including the Supreme Court, federal courts, and provincial/territory courts (CanLII, n.d.). The original dataset is made up of 87 variables coded from the information found in the CanLII sentencing decisions, coded by a research team (which included myself) under the supervision of Gena Dufour, Dr. Veronica Stinson, and Dr. Meg Ternes. Not all of the variables that have been coded for were analyzed in the current study; variables that were analyzed include charges (i.e., contact sexual offence, drug related charges, etc.), VIS (VIS presence, format of delivery), offender character information, and sentence (number of days incarcerated, number of days on probation). It is also important to note that the sentences in this dataset were coded by global sentence in days; therefore, each sentence was added together even if the sentences were being served concurrently. See Appendix B for information on variables relevant to this study and Appendix C for the codebook for all variables that are currently coded for in the archival dataset.

Additional variables were coded for by another team of 14 trained coders, led by myself. Training included hosting a zoom session to review the codebook, CanLII and its sentencing decisions, and completing practices cases together and individually. The new variables being coded for pertained to the offender character information variable that had been previously coded as a copy and paste variable. In order for this information to be analyzed, it was broken down

into if OCE was presented, the format of delivery, and number of individuals who provide OCE. See Appendix D for the codebook used for the OCE coding.

Additionally, in order to analyze, the following crime type variables were dichotomized: contact sexual offense charges; non-contact sexual offense charges; first degree murder charges; second degree murder charges; other homicide murder charges; assault charges; kidnapping, confinement, and abduction charges; theft, robbery, and fraud charges; drug related charges; and “other” charges. Delivery variables were also created for OCE and VIS in order to combine the delivery formats for each of those items (e.g., OCE delivery was coded 0 for only orally delivered, 1 for only written, and cases with neither delivery or both deliveries were excluded from the analysis).

Part of the dataset that I have used in this study was previously used and analyzed by Dufour and colleagues (2023). In their paper, they analyzed 1332 cases from the current dataset, which now has a total of 1992 sentencing rulings. They investigated five research questions: if crime victims were more likely to deliver a VIS for some offences than others; if there was an association between the likelihood of delivering a VIS and the nature of the victim-offender relationship; if there was a relationship between VIS presence and sentencing outcomes (incarceration, probation, and sentencing conditions) and if so, if controlling for crime type impacts the relationship; if there was a relationship between VIS presence and parole eligibility outcomes when life sentences are imposed; and if there was a relationship between sentence length and the format of VIS delivery (oral versus written) or the number of VIS presented at a sentencing (Dufour et al., 2023).

In their study they found that contact sexual offences, second-degree murder, and other homicide offences were significantly positively related to VIS presence. As well, relationship

type was not associated with VIS presence; however, in cases where the offender was an extended family member, it was significantly less likely to have no VIS submitted and these extended family relationships were the only statistically significant relationship they found (Dufour et al., 2023). While investigating the relationship of VIS presence and sentencing outcomes, they found that incarceration sentences were significantly longer in cases that did have a VIS and probation sentences were significantly shorter in cases that had a VIS. However, after controlling for crime type, VIS presence did not significantly predict the total sentencing outcome, incarceration sentences or probation sentences. Additionally, sentencing conditions did not differ between cases that had a VIS and cases that did not (Dufour et al., 2023). Their results also showed that parole eligibility did not significantly differ between cases that had a VIS and cases that did not. Dufour and colleagues (2023) found that cases with more than one VIS received significantly longer sentences than cases that only had one VIS, with an average sentence being four years longer in cases with more than one VIS compared to cases with only one. They found a significant effect of VIS format as well, specifically that offenders in cases with orally delivered VIS received longer sentences - on average, two years longer - than offenders in cases with written VIS. Finally, they did not find a significant interaction between the number and format of VIS (Dufour et al., 2023).

Two of my six research questions continue Dufour and colleagues' (2023) research. One of my research questions investigates VIS presence and sentencing outcomes - however, I only look at incarceration and probation, not sentencing conditions - and another looks at the relationship between sentences and the format of VIS delivery. Dufour and colleagues (2023) analyzed 1332 of the total 1992 cases that are a part of the dataset; therefore, I analyzed these two research questions using *only* the 660 cases that were not previously analyzed by Dufour and

colleagues. I also expand upon their research and the dataset we both use by investigating offender character evidence and its format of delivery as well as investigating OCE and VIS while looking at sentencing decisions. While offender character information was previously coded for as a copy and paste variable when the dataset was being created and compiled - along with numerous other variables - it was not analyzed before this current thesis. As well, while coding, I expanded the “offender character information” variable into different categories to be able to analyze and investigate relationships between the presence of OCE and OCE delivery format with sentencing decisions. For any research questions I analyzed using OCE or OCE and VIS (i.e., questions three to six), I used all 1992 cases.

Analysis

Interrater reliability (IRR) analyses were conducted on SPSS 28 for the OCE variables used in this study – OCE presence, OCE oral, and OCE written – from all 1992 cases. Since the delivery format variables (OCE oral and OCE written) are used in a binary format for the study, these variables were dichotomized first, then IRR conducted. Fifty-one percent ($n = 1039$) of the 1992 cases were randomly selected to recode the OCE variables. Cohen’s Kappa was conducted on OCE presence ($\kappa = .947, p < .001$), OCE oral ($\kappa = .747, p < .001$), and OCE written ($\kappa = .948, p < .001$), giving substantial agreement for OCE oral and almost perfect agreement for OCE presence and OCE written, according to Landis and Koch (1977)’s guidelines.

Additionally, Dufour and colleagues (2023) conducted IRR analyses on 53% of the cases they analyzed in their paper (700 of the 1332 cases they studied, which is part of the total 1992 cases used in the present study). IRR, calculated using Cohen’s Kappa, was conducted on all quantitative variables, including those being used in my analyses such as sentencing variables,

crime types, presence of a VIS, and VIS delivery formats, producing overall moderate-to-almost perfect reliability (Dufour et al., 2023).

Results

Descriptives

The full dataset consisted of 1992 cases collected from CanLII. This full dataset was used only for research questions three to six. The average incarceration sentence in days was 2866.55 ($SD = 4867.26$) and the average probation sentence in days was 393.34 ($SD = 837.99$). Table 1 shows the descriptives for all crime types, VIS, and OCE variables. A smaller portion of this dataset ($n = 660$) was used for research questions one and two, as it consisted of cases not previously analyzed by Dufour and colleagues (2023). The average incarceration sentence in days was 3066.41 ($SD = 4728.9$) and the average probation sentence in days was 470.62 ($SD = 1084.38$). See Table 2 for a further breakdown of the other variables.

Assumptions For Research Questions One and Two

Prior to running each statistical analysis, assumptions were checked using SPSS 28. For the smaller dataset ($n = 660$) used in research questions one and two, univariate outliers were assessed by creating z-scores for the two dependent variables – incarceration sentence and probation sentence – and cases were excluded if they exceeded ± 3.3 . For the incarceration variable, nine cases were removed ($n = 651$) and for the probation variable, seven cases were excluded ($n = 653$). There were some violations of normality, such as significant Shapiro-Wilk tests and the visual inspection of QQ plots, however large sample sizes are robust to violations of normality. Linearity was also assessed visually by inspecting each predictor (e.g., each dichotomized crime type variable, VIS presence, VIS delivery) and each DV (incarceration sentence, probation sentence), and revealed linear relationships. Homoscedascity was visually

inspected using residual plots of the sentence variables (incarceration and probation, separately) with each analysis and did not violate the assumption.

For research question one, with incarceration sentence as the dependent variable, further assumptions were checked. The multicollinearity assumption was checked using Pearson's correlation, where no correlations between the variables exceeded .52, and thus, was not a cause for concern. Additionally, all tolerance scores surpassed .4, showing less interaction between predictors, and VIF values were not above 1.61, suggesting no issues with multicollinearity. *DW statistic* = 1.82, indicating no issues with independence. Cook's distance scores were also evaluated, and all were less than 1 (.00, .13). Assumptions were also checked with the probation dependent variable. The multicollinearity assumption was checked using Pearson's correlation, where no correlations between the variables exceeded -.27, and did not indicate issues with multicollinearity. This was confirmed with tolerance values being above .4 and VIF values not exceeding 1.58. *DW statistic* = 1.9, indicating no issues with independence, and Cook's distance was also investigated, and did not surpass 1 (.00, .21).

For research question two, cases that did not have VIS that were *only* orally delivered or *only* written were excluded. While using incarceration as the dependent variable, multicollinearity was checked using Pearson's correlation, where no correlations between the variables exceeded .54, not suggesting any concerns for multicollinearity. Additionally, all tolerance scores surpassed .4 and VIF values were not above 1.67, further supporting no issues with multicollinearity. *DW statistic* = 1.78, indicating no issues with independence. Cook's distance scores were also evaluated, and all were less than 1 (.00, .27). Assumptions continued to be checked with the probation dependent variable. The multicollinearity assumption, using Pearson's correlation, was checked and found no correlations between the variables exceeding -

.34, and did not indicate issues with multicollinearity. This was confirmed with tolerance values being above .4 and VIF values not exceeding 1.63. *DW statistic* = 2.04, indicating no issues with independence, and Cook's distance was also investigated, and did not surpass 1 (.00, .38).

Assumptions For Research Questions Three to Six

For the full dataset ($N = 1992$) used in research questions three to six, univariate outliers were assessed by creating z-scores for incarceration and probation sentence lengths – and cases were excluded if they exceeded ± 3.3 . Thus, 23 cases were excluded ($N = 1969$) for incarceration and 28 cases were excluded ($N = 1964$) for probation. There were some violations of normality, seen with significant Shapiro-Wilk tests and QQ plots, however large sample sizes are robust to violations of normality. Linearity was also assessed visually by inspecting each predictor (e.g., each dichotomized crime type variable, VIS presence, VIS delivery, OCE presence, OCE delivery) and each DV (incarceration sentence, probation sentence), and revealed linear relationships. Homoscedasticity was visually inspected using residual plots of the sentence variables (incarceration and probation, separately) with each analysis and did not violate the assumption.

For the third research question, with incarceration sentence as the dependent variable, assumptions continued to be checked. The multicollinearity assumption was checked using Pearson's correlation, where no correlations between the variables exceeded .55, and thus, were not a cause for concern. Additionally, all tolerance scores surpassed .4, showing less interaction between predictors, and VIF values were not above 1.69, suggesting no issues with multicollinearity. *DW statistic* = 1.9, indicating no issues with independence. Cook's distance scores were also evaluated, and all were less than 1 (.00, .08). Assumptions were also checked with the probation dependent variable. Multicollinearity was checked using Pearson's

correlation, where no correlations between the variables exceeded $-.28$, indicating no issues with multicollinearity. This was confirmed with tolerance values being above $.4$ and VIF values not exceeding 1.67 . *DW statistic* = 1.9 , indicating no issues with independence, and Cook's distance was also investigated, and did not surpass $1 (.00, .05)$.

For research question four, cases that did not have OCE that were *only* orally delivered or *only* written were excluded. When looking at incarceration sentence for the dependent variable ($n = 606$), multicollinearity was checked using Pearson's correlation, where no correlations between the variables exceeded $.57$, and thus, were not a cause for concern. Additionally, all tolerance scores surpassed $.4$ and VIF values were not above 1.62 , suggesting no issues with multicollinearity. *DW statistic* = 1.87 , indicating no issues with independence. Cook's distance scores were evaluated, and all were less than $1 (.00, .19)$. Assumptions were continued to be checked with the probation sentence dependent variable ($n = 607$). There were no issues with multicollinearity, as it was checked using Pearson's correlation, where no correlations between the variables exceeded $-.38$, and was confirmed with tolerance values being above $.4$ and VIF values not exceeding 1.62 . *DW statistic* = 1.91 , indicating no issues with independence, and Cook's distance was also investigated, and did not surpass $1 (.00, .04)$.

For the fifth research question, using incarceration as the dependent variable, multicollinearity, using Pearson's correlation, was checked and no correlations between the variables exceeded $.55$. A correlation of $.86$ was seen between the VIS*OCE interaction variable and OCE presence variable, but due to the interaction variable, it was likely expected to potentially have a higher correlation with the VIS or OCE variables. Additionally, most tolerance scores surpassed $.4$ and no VIF values were not above 5.8 , suggesting no issues with multicollinearity. Again, due to the interaction variable, a lower tolerance score was seen for

OCE presence and VIS*OCE interaction variables. *DW statistic* = 1.9, indicating no issues with independence. Cook's distance scores were also evaluated, and all were less than 1 (.00, .07). Checking assumptions was continued with the probation dependent variable. Multicollinearity was checked using Pearson's correlation, where no correlations between the variables exceeded .31, with the exception of a correlation of .86 between OCE and the VIS*OCE interaction variable, overall indicating no issues with multicollinearity. No issues with multicollinearity were confirmed, with most tolerance values being above .4 and no VIF values not exceeding 5.8. Due to the interaction variable, lower tolerance scores were seen for OCE presence and VIS*OCE interaction variables. *DW statistic* = 1.90, suggesting no issues with independence, and Cook's distance was also investigated, and did not surpass 1 (.00, .05).

For research question six, cases that did not have VIS that were *only* orally delivered or *only* written and OCE that were *only* orally delivered or *only* written were excluded. Looking at incarceration as the dependent variable ($n = 258$), multicollinearity was checked using Pearson's correlation, where no correlations between the variables exceeded .57, which was not concerning. A correlation of .98 was seen between the VIS Format*OCE Format interaction variable and VIS Format variable, but due to the interaction variable, it was likely expected to potentially have a higher correlation with the VIS Format or OCE Format variables.

Additionally, most tolerance scores surpassed .4 and VIF values were not above 2.55, suggesting no issues with multicollinearity. Again, VIS format and the VIS format*OCE format interaction variables had low tolerance scores and high VIF values, and OCE format had a tolerance score of .39. *DW statistic* = 2.08, indicating no issues with independence. Cook's distance scores were also evaluated, and all were less than 1 (.00, .30). Assumptions were also checked with the probation dependent variable ($n = 257$). Multicollinearity was checked using Pearson's

correlation, where no correlations between the variables exceeded -.33, and did not indicate issues with multicollinearity. Again, there was a correlation of .98 was seen between the VIS Format*OCE Format interaction variable and VIS Format variable. Tolerance values were above .4 and VIF values not exceeding 2.55. The exception was VIS format and the VIS format*OCE format interaction variables had low tolerance scores and high VIF values, and OCE format had a tolerance score of .39. *DW statistic* = 1.89, indicating no issues with independence, and Cook's distance was also investigated, and did not surpass 1 (.00, .07).

Research Question One: VIS and Sentencing

Research question one examined the relationship between the presence or absence of VIS and sentencing decisions – for incarceration and probation, coded and analyzed separately. I conducted two hierarchical multiple regressions to do so, and entered the ten crime type variables in the first model (contact sexual offense charges; non-contact sexual offense charges; first degree murder charges; second degree murder charges; other homicide murder charges; assault charges; kidnapping, confinement, and abduction charges; theft, robbery, and fraud charges; drug related charges; other charges), then adding the VIS presence variable in the second model.

For incarceration sentence ($n = 651$), regression analyses showed that the first model was significant $R^2 = .47$, $Adjusted R^2 = .46$, $F(10, 640) = 55.87$, $p < .001$, therefore indicating that crime types significantly predict incarceration sentence length. Together, crime types and VIS significantly predicted incarceration length $R^2 = .48$, $Adjusted R^2 = .47$, $F(11, 639) = 54.32$, $p < .001$. Once crime type was controlled for, VIS did continue to significantly predict incarceration length $F_{change}(1, 639) = 21.19$, $p < .001$. Cases with VIS had an average incarceration sentence of 2924.47 days and cases that did not have VIS had an average incarceration sentence of

1751.81 days. The presence of VIS was associated with a higher incarceration sentence by an average of 1172.67 days. The effect size was small, with a Cohen's d of .18. See Table 3 for the full results.

For probation sentence ($n = 653$), the regression analyses again showed that crime types significantly predict sentence length, $R^2 = .1$, *Adjusted R*² = .08, $F(10, 642) = 6.74$, $p < .001$. Crime type with VIS impacted probation sentence length, $R^2 = .1$, *Adjusted R*² = .08, $F(11, 641) = 6.25$, $p < .001$. However, when looking at VIS alone, $F_{change}(1, 641) = 1.31$, $p = .25$, VIS did not significantly predict probation when crime type was controlled for. See Table 4 for the detailed results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. However, only for incarceration, was VIS presence able to still significantly predict sentence length after controlling for crime type.

Research Question Two: VIS Format and Sentencing

The second research question explored the impact of VIS delivery method on incarceration and probation sentencing decisions, tested separately using two hierarchical multiple regressions. For both regressions, the 10 crime types were entered in the first model in order to control for crime type in the second model. The second model then only contained VIS delivery format as the sole variable.

The first regression, for incarceration ($n = 309$), crime types significantly predicted incarceration sentence length $R^2 = .51$, *Adjusted R*² = .5, $F(10, 298) = 31.43$, $p < .001$. Crime types and VIS delivery together significantly predicted incarceration length, $R^2 = .54$, *Adjusted R*² = .52, $F(11, 297) = 31.43$, $p < .001$. Once crime type was controlled for, VIS delivery was found to still significantly predict incarceration sentence, $F_{change}(1, 297) = 15.84$, $p < .001$.

Cases with VIS delivered orally had an average incarceration sentence of 3127.47 days and cases with a written VIS had an average incarceration sentence of 2020.59 days. Compared to VIS that were orally delivered, written VIS were associated with a lower incarceration sentence by an average of 1106.88 days, which was a small effect ($d = .23$). See Table 5 for more details.

The second regression investigated the crime types, VIS format, and probation sentence length ($n = 314$). With just the 10 crime types entered into the model, probation length was significantly predicted $R^2 = .13$, $Adjusted R^2 = .1$, $F(10, 303) = 4.44$, $p < .001$. Crime type and VIS format together continued to significantly predict probation sentence, $R^2 = .14$, $Adjusted R^2 = .11$, $F(11, 302) = 4.44$, $p < .001$. Once crime type was controlled for, VIS delivery was still found to significantly predict probation, $Fchange(1, 302) = 4.05$, $p = .05$. Cases with VIS delivered orally had an average probation sentence of 342.34 days and cases with written VIS had an average probation sentence of 469.59 days. Therefore, when VIS was written, it was associated with a higher probation sentence time by an average of 127.25 days compared to when it was delivered orally. This was a small effect ($d = .11$). See Table 6 for the full results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. As well, once crime type was controlled for, VIS delivery also significantly predicted sentence length.

Research Question Three: OCE and Sentencing

Research question three examined the relationship between the presence or absence of OCE and sentencing decisions (incarceration and probation). I conducted two hierarchical multiple regressions, entering the ten crime type variables in the first model then adding the OCE variable in the second model.

For incarceration sentence length ($n = 1969$), regression analyses showed that the first model was significant $R^2 = .47$, $Adjusted R^2 = .47$, $F(10, 1958) = 175.36$, $p < .001$, therefore indicating that the crime types significantly predicted incarceration sentence length. Together, crime types and OCE significantly predicted incarceration length $R^2 = .47$, $Adjusted R^2 = .47$, $F(11, 1957) = 160.17$, $p < .001$. Once crime type was controlled for, OCE continued to significantly predict incarceration length $Fchange(1, 1957) = 4.87$, $p = .03$. Cases with OCE had an average incarceration sentence of 2373.89 days and cases with no OCE had an average incarceration sentence of 2622.91 days; thus, OCE presence was associated with a lower incarceration sentence time of an average of 249.03 days compared to when it was not present, which was a small effect ($d = .05$; see Table 7 for more results).

For probation sentence length ($n = 1964$), the regression analyses again showed that crime types significantly predict sentence length, $R^2 = .11$, $Adjusted R^2 = .10$, $F(10, 1953) = 23.45$, $p < .001$. Crime type with OCE predicted probation sentence length, $R^2 = .1$, $Adjusted R^2 = .08$, $F(11, 641) = 6.25$, $p < .001$. However, when looking at OCE alone, $Fchange(1, 1952) = .05$, $p = .82$, OCE did not significantly predict probation when crime type was controlled for. See Table 8 for the results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. However, OCE was only able to still significantly predict incarceration sentence length, not probation.

Research Question Four: OCE Format and Sentencing

Research question four examined the OCE format (only orally delivered or only written) and sentencing decisions (incarceration and probation). I conducted two hierarchical multiple regressions, with 10 crime type variables in the first model, then adding the OCE delivery format

variable in the second model. This analysis was conducted separately for incarceration and for probation.

For incarceration sentence ($n = 606$), regression analyses showed that the first model was significant $R^2 = .46$, $Adjusted R^2 = .45$, $F(9, 596) = 55.70$, $p < .001$, indicating that crime types significantly predicted incarceration sentence length. Together, crime types and OCE format significantly predicted incarceration length $R^2 = .46$, $Adjusted R^2 = .45$, $F(10, 595) = 50.09$, $p < .001$. However, after crime type was controlled for, OCE format did not significantly predict incarceration length $F_{change}(1, 595) = .23$, $p = .65$. See Table 9.

For probation sentence ($n = 607$), the regression analyses again showed that crime types significantly predict sentence length, $R^2 = .14$, $Adjusted R^2 = .13$, $F(9, 597) = 10.97$, $p < .001$. Crime type and OCE format predicted probation sentence length, $R^2 = .14$, $Adjusted R^2 = .13$, $F(10, 596) = 10$, $p < .001$. However, when looking at OCE delivery format alone, $F_{change}(1, 596) = 1.18$, $p = .28$, OCE format did not significantly predict probation when crime type was controlled for. See Table 10 for the detailed results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. After controlling for crime type, OCE format did not predict either sentence length.

Research Question Five: VIS, OCE, and Sentencing

Research question five examined the relationship between VIS presence, OCE presence, and incarceration and probation sentence lengths. Two hierarchical multiple regressions were used to explore this research question, one for each sentence variable. For incarceration and probation, in the first regression, the 10 crime type variables were entered in the first model,

OCE and VIS was added in the second model, then the VIS*OCE interaction variable was added in the third model.

For incarceration sentence ($n = 1969$), regression analyses showed that the first model was significant $R^2 = .47$, $Adjusted R^2 = .47$, $F(10, 1958) = 175.36$, $p < .001$, therefore indicating that crime type significantly predicted incarceration sentence length. Together, crime types, OCE and VIS significantly predicted incarceration length $R^2 = .48$, $Adjusted R^2 = .48$, $F(12, 1956) = 149.76$, $p < .001$. Once crime type was controlled for, VIS and OCE continued to significantly predict incarceration length $Fchange(2, 1956) = 11.95$, $p < .001$. Specifically, the presence of OCE was associated with a shorter incarceration sentence time ($M = 260.79$), whereas the presence of a VIS was associated with a longer incarceration sentence time ($M = 599.60$). The third model showed that crime type, OCE, VIS and VIS*OCE interaction significantly predicted incarceration length, $R^2 = .48$, $Adjusted R^2 = .48$, $F(13, 1955) = 139.08$, $p = .01$. Once crime type, VIS and OCE were controlled for, the VIS*OCE interaction still remained significant, $Fchange(3, 1955) = 6.20$, $p < .001$, and was associated with a lower incarceration sentence time, by an average of 709.97 days. As seen in Figure 1, when VIS is present, incarceration sentences are significantly longer ($p = .002$, $d = .08$) when OCE is absent ($M = 2792.42$, $SE = 73.72$) compared to present ($M = 2396.48$, $SE = 100.67$). However, when VIS is absent, there are no significant differences ($p = .221$) in incarceration sentences when OCE is absent ($M = 1960.89$, $SE = 147.51$) and when OCE is present ($M = 2274.92$, $SE = 213.02$). When OCE is present, again there are no significant differences ($p = .607$) in incarceration sentences when VIS is present ($M = 2396.48$, $SE = 100.67$) versus absent ($M = 2274.92$, $SE = 213.02$). When OCE is absent, incarceration sentences are also significantly longer ($p < .001$, $d = .14$) when VIS is present ($M =$

2792.42, $SE = 73.72$) compared to absent ($M = 1960.89$, $SE = 147.51$). See Table 11 for the full results.

For probation sentence ($n = 1964$), the regression analyses again showed that crime types significantly predict sentence length, $R^2 = .11$, $Adjusted R^2 = .10$, $F(10, 1953) = 23.45$, $p < .001$. Crime type with VIS and OCE together predicted probation sentence length, $R^2 = .11$, $Adjusted R^2 = .10$, $F(12, 1951) = 19.87$, $p < .001$. However, when looking at VIS and OCE on their own, $Fchange(2, 1951) = 1.85$, $p = .16$, VIS and OCE did not significantly predict probation when crime type was controlled for. Together, crime type, OCE, VIS and VIS*OCE interaction significantly predicted probation length, $R^2 = .11$, $Adjusted R^2 = .10$, $F(13, 1950) = 18.4$, $p < .001$. Once crime type, VIS and OCE were controlled for, the VIS*OCE interaction was not significant, $Fchange(1, 1950) = .79$, $p = .38$. See Table 12 for the detailed results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. However, only for incarceration length were VIS and OCE, both independently and while interacting, able to significantly predict sentence length after controlling for crime type.

Research Question Six: VIS Format, OCE Format, and Sentencing

Research question six examined OCE delivery format, VIS delivery format, and sentencing decisions (incarceration and probation). I conducted two hierarchical multiple regressions, entering the nine crime type variables in the first model, OCE format and VIS format in the second model, and the VIS format*OCE format interaction variable in the third model. This was run once for incarceration and once for probation. The first-degree murder variable was removed from this analysis due to empty cell counts, displaying a warning on SPSS, and would not run with it included. All other crime types (contact sexual offense charges;

non-contact sexual offense charges; second degree murder charges; other homicide murder charges; assault charges; kidnapping, confinement, and abduction charges; theft, robbery, and fraud charges; drug related charges; other charges) were included.

For incarceration sentence ($n = 258$), regression analyses showed that the first model was significant $R^2 = .47$, $Adjusted R^2 = .45$, $F(9, 248) = 23.97$, $p < .001$, indicating that crime types significantly predict incarceration sentence length. Together, crime types, OCE format, and VIS format significantly predicted incarceration length $R^2 = .48$, $Adjusted R^2 = .46$, $F(11, 246) = 20.69$, $p < .001$. Once crime type was controlled for, VIS format and OCE format continued to significantly predict incarceration length $Fchange(2, 246) = 3.64$, $p = .03$. VIS that were written were associated with a shorter incarceration sentence time by an average of 700.07 days compared to cases where VIS was delivered orally. However, OCE format on its own did not significantly predict incarceration length. The third model, with crime types, VIS format, OCE format, and VIS format*OCE format interaction, still significantly predicted incarceration length $R^2 = .48$, $Adjusted R^2 = .46$, $F(12, 245) = 18.84$, $p < .001$. However, the VIS format*OCE format variable on its own was not significant $Fchange(1, 245) = .32$, $p = .57$. See Table 13 for the full results.

For probation sentence ($n = 257$), the regression analyses again showed that crime types significantly predict sentence length, $R^2 = .14$, $Adjusted R^2 = .10$, $F(9, 247) = 4.29$, $p < .001$. When looking at crime types with VIS format and OCE format, it was found that they impacted probation sentence length, $R^2 = .14$, $Adjusted R^2 = .10$, $F(11, 245) = 3.68$, $p < .001$. However, when looking at VIS format and OCE format after controlling for crime type, $Fchange(2, 245) = .96$, $p = .38$, VIS format and OCE format did not significantly predict probation. Together, the crime types, VIS format, OCE format, and VIS format*OCE format interaction, still significantly

predicted probation length $R^2 = .14$, *Adjusted R*² = .10, $F(12, 244) = 3.42$, $p < .001$. However, the VIS format*OCE format variable on its own was not significant $F_{change}(1, 245) = .69$, $p = .41$. See Table 14 for the detailed results.

Therefore, for both incarceration and probation sentences, crime type did significantly predict sentence lengths. However, for incarceration sentences, OCE format and VIS format continued to predict independently, but not as an interaction. OCE format and VIS format did not predict probation sentences independently or as an interaction.

Discussion

Study 1 explored the role of victim impact statements and offender character evidence on sentencing decisions, specifically incarceration and probation sentences. Taking an iterative approach, I found several novel findings that highlight how these types of evidence can individually and in combination play a role in sentencing outcomes.

The first research question explored if the presence of VIS predicted incarceration or probation when controlling for crime type. The results showed that when VIS was present, sentences were longer by 1172.67 days. The results for probation were nonsignificant and only crime type accounted for differences in probation sentence. Interestingly, this study used 660 cases from the same dataset as the Dufour et al. (2023) study which found that VIS did not significantly predict sentencing or probation when controlling for crime type. Dufour and colleagues (2023) found in their MANOVA that there was a significant difference between VIS presence and VIS absence on incarceration and probation outcomes – specifically, significantly longer incarceration sentences and significantly shorter probation sentences; however, while conducting hierarchical linear regressions to control for type of crime, VIS presence was not significantly associated with differences in incarceration or probation sentences. The sentencing

rulings in the dataset Dufour and colleagues analyzed had cases from 2016 to 2018 whereas the 660 cases I analyzed were from 2018 and 2019, and perhaps the difference in the years in the cases for each analysis could play a role in the significant results found in the present study.

My results for research question one support some previous research that has found a relationship between VIS and sentencing decisions, such as Erez and Tontodonato (1990). Erez and Tontodonato (1990) found that the presence of a VIS influenced the likelihood of an offender getting incarcerated. Specifically, various forms of victim participation - filing a VIS, appearing in court, and requesting incarceration - were correlated with the length of the incarceration sentence. However, the length was not significantly affected by VIS or a victim's oral statement (Erez & Tontodonato, 1990). The results of the current study do not entirely line up with this, as I found that there were differences in incarceration length. However, there are a few differences between their study and my own that could account for this difference, mainly with theirs being from the 1990s and taking place in Ohio.

The second research question examined if VIS delivery format (oral or written) predicted incarceration or probation sentences when controlling for crime type. When written, VIS predicted a lower incarceration sentence by 1106.88 days and higher probation sentence of 127.25 days compared to when they were only delivered orally. This research question also expanded upon Dufour and colleagues' (2023) previous research, which also found a statistically significant small main effect of VIS format. Specifically, they found that rulings with VIS that were only orally delivered ($M = 3118.02$, $SD = 3248.73$) had significantly longer sentences than those that had VIS that were only written ($M = 2360.50$, $SD = 2589.85$; Dufour et al., 2023). Research has not dived into why there may be differences in oral and written VIS with real sentencing cases. It may be possible that the presence of the victim in the courtroom could be

playing a role in the impact that is seen with oral VIS. Studies on mock jurors bring up the fact that victims and their VIS can provoke strong emotions (Paternoster & Deise, 2011 as cited in Bandes & Salerno, 2014) and even impact the sentencing decision (Nuñez et al., 2017), which could be relevant with written versus oral VIS. However, judges are expected to be emotionless, or at least to manage their emotions in the courtroom (Maroney & Gross, 2014). Therefore, more research with judges is needed to further investigate judge's sentencing decisions for various delivery formats and what specific aspects of the delivery methods cause differences.

Research question three examined whether the presence of OCE predicted sentence length for both incarceration and probation. The results showed that OCE predicted incarceration length; specifically, when OCE was present, incarceration length was shorter by 249.03 days – but did not predict probation length. This result supports the suggestion from Sweeney (2020) that OCE plays a role in sentencing. Sweeney (2020) describes how numerous US jurisdictions consider good character to be mitigating evidence at sentencing, reducing any potential sentences.

The fourth research question investigated if the delivery format of OCE predicted sentence length. For both incarceration and probation sentences, OCE delivery format did not significantly to predict sentencing outcomes. Future studies should continue to explore this to determine if there are specific aspects of OCE that are important in regard to OCE's relationship with sentencing decisions. For example, does delivery format, number of OCE submitted, who submitted the OCE, or specific content from the OCE matter? Or is it simply the presence of having OCE and exhibiting that one or more people support an offender the main contributing factor?

Research question five focused on both VIS and OCE on incarceration and probation sentences and found that they predicted incarceration length but not probation. When OCE was present, sentence rulings tended to have shorter incarceration sentences, by an average of 260.79 days. When VIS was present, the sentences were associated with a longer incarceration sentence, averaging a higher sentence of about 599.60 days. The interaction of VIS and OCE, as illustrated in Figure 1, shows several interesting findings. When there is a VIS, there is a large difference - 395.94 more days on average - between cases that do not have OCE compared to those that do. This finding suggests that OCE is especially relevant when VIS is present as the sentences were much shorter in cases that had OCE. This could be informative to offenders and their attorneys when deciding to present any character evidence, especially if there is already a VIS on file or they know if any VIS will be presented. These findings support Sweeney's (2020) contention that OCE may counteract VIS. More research should continue to explore this relationship. Another significant finding is that when OCE is absent, there is over a two-year difference (831.53 days on average) when VIS is present compared to absent. This shows how strong a VIS can be in a sentencing, which could be helpful if a victim is deciding whether or not to submit a VIS and are hoping it will inform the outcome of the sentencing. This is the first study to investigate the interaction of OCE and VIS and it appears to show the importance of both variables, individually and together, after controlling for crime type.

The final research question pertained to the delivery formats of both VIS and OCE on sentence lengths. I found that the formats did not predict probation length but did predict incarceration. Specifically, in model two of the regression, I found that sentencings that had written VIS were associated with shorter incarceration sentences of 700.07 days compared to those with orally delivered VIS. However, OCE format on its own did not significantly predict

incarceration length. As well, VIS format and OCE format did not interact to predict incarceration length. Future research should continue to investigate OCE format and whether it has a relationship with sentence length, as this is the first study to explore this, and little is known about the deliveries of OCE and other factors such as how one decides to orally present it. The finding that written VIS format has on average shorter incarceration sentences could again reflect the emotion when presenting a VIS orally as opposed to it being written and read by the judge. Exploring the role of emotions and if they influence the impact of OCE as well as VIS presentations, as some supporters of the offender (i.e., those submitting OCE) could be emotional too as they deliver a statement.

Strengths

One strength for this study is the use of archival data. Firstly, it is a large dataset of nearly 2000 Canadian sentencings. This sample size allowed me to examine my research questions using powerful statistical techniques. Kunst and colleagues (2021) states that there are few studies on VIS using real cases and emphasized the importance of examining real cases and of different delivery formats, and this research helps to add to this area of the literature. This study provides further evidence that there is value in examining real-world decisions, as they can provide a basis for experimental research in order to draw causal conclusions, but also it provides insight to the way decisions are being made in Canada specifically. By collecting data on these sentencings, it allows us to better understand how these decisions are being made and what is important and impactful within our own justice system.

Another strength of this study is that it expands on OCE literature. OCE is an interesting part of the sentencing process as it tries to humanize the offender after much of the criminal justice process has focused on a harmful thing they have done. Sentencing decisions have to be

fair and just, and one could argue that OCE helps to do that. Despite this, little is known about OCE, not even prevalence rates. The current study has shown that when OCE is present, there were shorter incarceration sentences, especially while VIS were also present. There is limited research on the topic, and none to my knowledge, have specifically investigated OCE contrasted with VIS. Since these two variables could be seen as opposite variables, as VIS discusses the harm experienced due to the offender's actions and OCE describes the offender's good character or moral standing, I was intrigued to see if they interacted with each other and how that interaction played out. Sweeney (2020) had suggested that OCE may counteract the impact of VISs, and my study showed how much of a difference OCE could make.

Limitations

While there are numerous strengths to this research, there are a few limitations. Firstly, the archival nature of this study makes causal inferences unwise. Future research should include experimental approaches to expand upon the results in this study. For example, judges could be invited to consider sentencing-related evidence that includes OCE and VIS and provide sentencing decisions for incarceration and probation.

A second limitation to acknowledge is that the dataset used was gathered with the intention of coding for information on victim impact statements (among other variables). Therefore, when originally searching for the cases, coders were asked to search for "impact statement" on the CanLII website. Therefore, since I have also focused on investigating offender character evidence in this study, these cases do not include all cases on CanLII that include OCE. Future studies could do a search specifically for OCE, or exploring all cases available on CanLII, to provide a better idea of the prevalence of OCE during sentencing.

Finally, a conservative coding approach was used while coding for the data. In order to code the cases as accurately as possible, information needed to be explicitly stated. For example, in the CanLII sentencing, the judge may not specify the exact number of VISs or OCE that is presented. Also, it can be difficult to specify what was presented during the sentencing hearing that is OCE. While creating the codebook, I tried to the best of my abilities to encompass the numerous ways judges may refer to character evidence. Similarly, there may be cases where VIS was present but not explicitly stated, so it could not be coded for. I do not know whether the written sentencing documents capture all the evidence that were presented at the hearings; it is possible that the written document excludes some information. Since I used a conservative approach to measure the presence of VIS and OCE, it is possible that this dataset underestimates OCE and VIS.

Future Directions

This study has provided a great deal of information on the topic of OCE and VIS on sentencing decisions; it also points to important areas within the field that future studies should pursue. Continuing to explore offender character evidence in sentencing research is important, as there is minimal research exploring this topic, especially looking at it within real cases. There are various different avenues future OCE research could explore, such as who provides OCE, the goals or motivations behind those submit OCE, the goals or aspirations of offenders who seek out OCE from people they know, and the perception of OCE (i.e., by the public, offenders, attorneys, etc.).

Exploring OCE in research with individuals who make the decisions, such as judges, could be beneficial to know their opinions on the importance of OCE and the contrast of VIS and OCE when they both are presented. In the present study, I found that OCE was associated with a

lower incarceration sentence compared to when it was not present and there was a significant difference in incarceration sentences when both OCE and VIS are present compared to when VIS is present and OCE is absent. Knowing judges' perspectives on OCE as well as what is important to hear or read in OCE could be of great value to the literature as there is little academic research on the subject to my knowledge.

It may be that the number of VIS or OCE presented is important in terms of sentencing outcomes; this was not explored in the current study. There are many cases where they may be multiple OCE but no or minimal VIS (ex. Brock Turner; *R. v. Heffernan*, 2018) or vice versa (ex. *R. v. Figueiredo*, 2019). Exploring this, given that the results in the study show that OCE and VIS interact for incarceration sentences, would be interesting to see if the specific number plays a role or if it is just simply if either are present.

Finally, it is possible that there are other differences between the cases that could be causing some of the results I found, as the VIS and OCE variables are not isolated in these analyses. Other factors could be playing a role such as the presence of victims in the courtroom or there may be something different in each of the cases that contain OCE (ex. More media exposure, the offenders are rich or more privileged, etc.). Therefore, future research should explore these relationships in more detail and in experimental ways to rule out any alternative explanations.

Study II: Victim Statements, Letters of Support for the Offender, and Parole Decisions

Parole

Parole is a type of conditional release that still protects society but allows offenders to serve part of their sentence in the community under the supervision of a parole officer with conditions they must follow (Parole Board of Canada [PBC], 2011). It helps offenders to rehabilitate and re-integrate into society through a gradual, supported release plan (*Corrections and Conditional Release Act*, 1992; PBC, 2011). There are a few types of conditional releases: temporary absences, which can be escorted or unescorted, and allow the offender to be in the community for a variety of reasons; day parole, which allows an offender to participate in community activities to prepare for full parole or statutory release; and full parole is when an offender serves part of their sentence in the community under specific conditions and supervision. Statutory release is mandatory release by law after two-thirds of an offender's sentence and is not considered parole (PBC, 2011). Parole is different from probation, which is a sentence from a judge where an offender is allowed to live in the community under the supervision of a probation officer; this can be either given as an alternative to incarceration or after their sentence in an institution. Probation is also provincial jurisdiction and is not used for federal offenders serving more than two years (Government of Canada, 2023b). Parole may only be granted by a parole board and always includes imprisonment first. The offender then may live in the community, under supervision of a parole officer and conditions, for the rest of their sentence; however, if they do not follow these conditions, they can return to prison (Government of Canada, 2023b).

The Parole Board of Canada (PBC) has the authority to grant, deny, and revoke parole for offenders serving two years or more (i.e., federal sentences), as well as some sentences less than

two years (i.e., provincial sentences), in every province and territory other than Ontario and Quebec, who have their own parole boards. However, being eligible to apply for parole does not mean that an offender is automatically granted parole. In order to be granted parole, offenders must convince the PBC that they have changed and that they are willing to engage in law-abiding behaviour if released (Lauzon, 2021). Parole decisions are made by parole board members either with a hearing or without (i.e., just a file review). When making a decision, the board members must consider all relevant and available information in assessing the offender's risk to re-offend which includes information from police, Crown attorneys, courts, correctional authorities, private agencies, mental health professionals, and victims (Caplan, 2007; PBC, 2011). This could include considering an offender's criminal and social history, any factors that may have contributed to their offending, the types of offence that occurred, any past offences, program participation, behaviour while incarcerated, risk assessment tools, and any victim statements (VS; PBC, 2011). Specifically, section 102 of the *Corrections and Conditional Release Act* (1995) states that the Board may grant parole if the offender does not present undue risk to society before the end date of the sentence they are serving, and the release will contribute to the protection of society by aiding in the reintegration of the offender as a law-abiding citizen. Overall, the process includes reviewing the offender's case file, the hearing, deliberation with other board members, and drafting the decision (Lauzon, 2021).

In order to determine if the release of an offender will pose a risk to society and promote the offender's integration as a law-abiding citizen, the PBC may question the offender at the hearing; review their file, sentencing decisions, and psychiatric reports; and complete a risk assessment (PBC, 2021a). Parole hearings are required by PBC for full parole applications, unless the offender has stated that they do not wish to be heard, then there will be no hearing that

takes place with the offender, and just a file review will be done instead (PBC, 2018). At the hearings, there are several people that may be present, including the offender, their family, victim(s), parole officer, and the offender's case management team. Other individuals may attend with prior approval, such as Elders or the general public. Individuals such as the offender's parole officer or any victims are allowed to express their opinion on the possible release of the offender (PBC, 2021b). One or two board members are present for the hearing and must deliberate then render a decision on whether to allow the offender to be released (PBC, 2020).

The PBC Decision-Making Policy Manual for Board Members suggests that several criteria must be considered when making a decision about parole: actuarial measures of the risk to re-offend; criminal, social, and conditional release history; factors affecting self-control; offender responsivity to interventions and programming; institutional and community behaviour; offender change; and release plan and community supervision strategies (PBC, 2018). However, the manual does not specify how important each factor is to be considered (Hannah-Moffat & Yule, 2011). Not having this specification of importance could allow for great discrepancy between decisions as some factors may be weighted more than others for different board members. For example, Gobeil and Serin (2009) found that the information accessed depended on the board member – that most accessed information regarding risk assessment and release plans but few accessed information relating to mental health and victim impact. As well, Ruhland (2020) described how a board member's views or biases and even their own personal experiences can impact their decision making. Ruhland (2020) found that various personal or professional experiences about the board member can impact their decisions; for example, one participant had been a victims' advocate at a non-profit and described wanting the offender to focus more on understanding the consequences of their crimes, and another was recovering from

alcohol addiction and drew on his own experiences to determine release readiness by focusing on whether drug and alcohol programming was completed and if the offender was continuing to work on their recovery.

Two variables that predict risk of reoffending and parole release are institutional behaviour and type of crime (Caplan, 2007). Various studies have found that people who have been sentenced for sexual offences (including sex offences involving a child), violent crimes or crimes involving addiction are more likely to be denied parole (e.g., Carroll et al., 1982; Hannah-Moffat, 2004; Morgan & Smith, 2005). Mental illness is also relevant for determinations of violence, especially for women, as women who have been diagnosed with a mental illness are less likely to be released on parole compared to men (Hannah-Moffat, 2004). Additionally, Proctor (1999) found that a recommendation from the institution was an influential factor in a parole decision; when staff recommended the offender be paroled, the offender was 19 times more likely to have parole granted. Many factors may impact parole decisions, even things that may not be specified by PBC guidelines; for example, Hannah-Moffat (2004) suggests that women's past experiences being victimized gets reframed by board members in an effort to determine their potential level of violence. Her research shows that some parole board members linked a criminal charge that occurred from a domestic incident with a risk for future violence, as the nature or length of the relationship or harm experienced by the woman is not discussed; therefore, the charge, and thus the woman's verbal or physical aggression, is viewed in isolation instead of considering the context of the abuse and the woman's victimization. Therefore, there are numerous factors that have been explored and may be influential on parole decisions.

Occasionally in research investigating victim input in parole decisions, studies using data from the United States describe "letters of protest", in which victims, individuals close to

victims, or other individuals, may protest an offender's release at the parole hearing (e.g., Morgan & Smith, 2005; Smith et al., 1997). Although letters of protest are not the same as VS, these studies were included while reviewing the research in the area because they consider victim perspectives and there is a dearth of studies investigating victim input.

The PBC allows the public access to their decision registry; anyone who would like to have access to a certain case can make a request and must include the reason for requesting the decision and the nature of the relationship with the offender (Government of Canada, 2018). For example, the victim or the offender's loved ones may make a request on the decision, and if granted, they will receive a copy of the decision. The current study utilizes these written decisions. Researchers are also able to have access to these decisions and must fill out a similar form describing the research project and type of decisions requested. See Appendix E for the request for parole decisions form for researchers.

Victim Statements

Since 2001, Canadian victims have been permitted to submit a statement at federal parole hearings (Campbell, 2015). Similar to VISs, VSs are a statement written by a victim that describes the harm or loss experienced by a victim of an offence. These statements are considered by PBC during parole decisions (Victims and Survivors of Crime Week, 2015). The Correctional Service of Canada (CSC) encourages victims to provide a VS to describe how the offender's crime has impacted their lives. In these statements, a victim can describe the harm or loss they have endured as well as the ongoing impact of the offence and any safety concerns they may have for themselves or their community. They are also able to comment on the potential release of the offender, ask for no contact with them or their families, or request limits on locations an offender can be allowed at such as places they frequent (Canadian Resource Centre

for Victims of Crime, 2014a; CSC, 2019; Government of Canada, 2021). The information provided by victims helps the parole board members understand the seriousness of the offence and whether the offender recognizes the harm they have caused (Government of Canada, 2021). PBC considers the VS along with the offender's security level, programming needs and risk of re-offending, any special conditions that may be necessary and what type of release should be given (temporary absence, work release, conditional release, absolute discharge; CSC, 2019).

At parole, victims can use their VIS from sentencing, provide another statement, or include both (Victims and Survivors of Crime Week, 2015). VS are very similar to VIS that are presented at sentencing decisions, see Appendix A for a full description of differences between VIS and VS. The intention of the VS is to give the victim a voice in the criminal justice system and express to others – such as the offender and the Board – how they have been affected by the crime (Victims and Survivors of Crime Week, 2015). Providing a statement is voluntary at the sentencing and parole stages; however, it is necessary for both sentencing judges and parole board members to take the statement into consideration when making their decision. VS can also be updated at each stage of release such as temporary absences, day parole, and full parole (Canadian Resource Centre for Victims of Crime, 2014a, 2014b).

Victim Statements at Parole Hearings

It is rare for a VS to be presented at parole hearings; thus, there is less known about VS at parole hearings (Roberts, 2008). According to the PBC (2011), from 2005-2011, over 1000 VS had been presented at parole. In 2017 to 2018, there were 15,000 parole board reviews and there were only 328 presentations at 181 hearings (about 1.2% of all reviews; Government of Canada, 2019). In 2019-2020, 1640 VS were received for consideration for release decisions and 319 presentations made by victims at 205 hearings, both which are increases from previous years

(Public Safety Canada, 2022). At sentencing, only a small portion of victims submit a VIS, and this may be for a multitude of reasons such as lack of support, distrust in the criminal justice system, trauma, or lack of awareness. These same reasons could be why victims do not submit VSs at parole too (Prairie Research Associates Inc., 2006; Roberts, 2008). Although it is still not presented frequently, the number of VSs have increased over the years. The increase in VS at parole could be increasing due to increased attention to victims and the Canadian Victims Bill of Rights. There has also been an increase in the number of victims registering for correctional information on the offender, and thus would be informed about the offender being released on parole (Roberts, 2009); however, not all victims register for this information as some may not wish to be contacted or receive information about the offender (Government of Canada, 2023a).

There has been minimal research exploring the impact of VS on parole decisions and any studies that have analyzed it have found mixed results. For example, Smith and colleagues (1997) as well as Parsonage and colleagues (1992) found that victim input leads to a greater likelihood that parole is denied, especially when there is more victim participation. In Smith et al.'s (1997) bivariate analysis, they found that the percentage of cases when parole is denied was significantly greater the more letters that were written or the greater the number of individuals who attended the hearing on behalf of the victim. However, they only looked at cases for violent or sexual offences, therefore, severity of the crime may have had an impact on their results. Surprisingly, Parsonage and colleagues (1992) found that victim input was the strongest predictor of parole decisions, even more so than institutional performance, presence of victim injury, and number of prior convictions. Morgan and Smith (2005) also found that when a victim submitted a statement, the offender was less likely to be granted parole, especially when there was more victim participation present relative to offender participation, even after controlling for

the influence of other factors related to parole decisions. The findings from this study also indicate that oral participation from the victims has a greater impact than written VS (Morgan & Smith, 2005). Hail-Jares (2015) had a marginally significant finding that individuals who were denied parole were four times more likely to have a letter from a registered victim in their file. Proctor (1999) did not look at victim input specifically, but at public opposition (i.e., letters or appearances at the hearing that request parole be denied) and found that offenders who had opposition present at their hearing were four times less likely to be granted parole.

When discussing opinions of victim input with parole board members, there is some mixed opinions. In studies that interviewed parole board members, almost all participants believed that victim input had an impact on parole decisions (Caplan & Kinnevy, 2008; Polowek, 2005). McLeod (1989) interviewed parole administrators, who described that in some states in the U.S., victim participation was perceived to have an effect on parole boards. For example, one participant stated that when no VS were included, 40 to 50% of applications were denied, but were denied 80% of the time when a VS was included. Although not a study, in an article by Michael Crowley, a past board member for the PBC, he describes how he does not think a decision regarding parole is changed if there is victim participation in the hearing or not, as any information read aloud is in the file that the PBC member reads prior to the hearing. However, he does note that victims attending and reading their statements “changes the emotional tenor of any hearing” and is useful in assessing the attitude of the offender and their understanding of the harm they caused (Crowley, 2024).

However, Caplan (2010a) found that overall victim input, whether positive or negative, was not a significant predictor of parole release. Caplan’s (2010a) results also suggest that negative verbal victim input had a greater negative effect on parole being granted than negative

written input – but neither verbal nor written input significantly impacted parole being denied. Tubman-Carbone (2014) used conjunctive analysis to assess parole denial decisions. The goal of their research was to expand on previous research that found that neither victim or non-victim input presence or direction (i.e., positive/supportive of release, negative/against release) affect release decisions and understand why they do not. They had three models: the first model used the themes they discovered through their content analysis of input submitted on behalf of offenders to the New Jersey state parole board as well as characteristics previously researched in parole decision making; the second model used more “negative” themes that argue against an offender’s release; and the third model used more “positive” themes that argue in support of an offender’s release. They found that any offence and offender characteristics were more influential than any positive or negative themes. Their findings suggest that input may not influence release decisions because it does not contain any useful, unique information that is not available through other sources such as other parts of an offender’s case file. It is unclear why research in the area is mixed. Articles that find an impact are typically older than research that finds no impact; therefore, it may be possible that older legislation or older rules for parole boards may be the cause for the impact of VSs that was found. In addition, although there is Canadian research investigating parole board decisions (e.g., Hannah-Moffat, 2004; Hannah-Moffat & Yule, 2011; Lauzon, 2021), no Canadian studies have looked at VS at parole decisions to my knowledge, making the current study the first of its kind.

Letters of Support

Having strong social support, especially outside of prison, plays an important role in reducing recidivism in offenders (Lauzon, 2021). One way to help show that an offender has a strong support system is to provide to the PBC a letter of support (LS) that describes the

resources (i.e., support, community, etc.) that an offender has once they leave the correctional institution. These letters are part of the documents reviewed by the parole board members (Hail-Jares, 2021).

There are two groups of individuals who may submit letters to the parole board for their decision-making process: victims and “non-victims”. According to the PBC, a victim who can submit a statement is an adult who has been harmed by the crime; if the victim is deceased, ill or unable to act, another person can represent them if they are the spouse or conjugal partner of the victim, are a relative of the victim, have custody of or are responsible for a dependent of the victim (i.e., a child), and if they are registered as a victim with the PBC (Government of Canada, 2020). Non-victims are anyone who does not fall into this category. West-Smith and colleagues (2000) and Hail-Jares (2021) suggest that letters from non-victims may be from an offender’s family, friends, prosecuting attorneys, potential or former employers, and other community members.

LS may describe various things such as how an offender has changed, any employment opportunities they may have, and who will be able to provide them support once released. Themes commonly discussed in offender interested non-victim input in Tubman-Carbone (2014) included rehabilitation and progress the offender has made, offender character (e.g., personality, habits, specific traits, etc.), harm experienced by the offender and their loved ones due to the incarceration, remorse, parole conditions, and support upon release. None of the themes appeared to be associated with certain parole decisions or more important than other themes. West-Smith and colleagues (2000) describe how inmates often believe that good institutional behaviour is an important factor for release; however, instead of good behaviour being a big consideration for getting released, only misbehaviour gets considered and is a reason to deny parole. However, is

the good behaviour still potentially disregarded if it is described in a LS? What if it is supported by an important figure who describes an offender's good behaviour, engagement in programs, and changes they have made?

Sanders (2023) interviewed incarcerated women in Michigan to investigate what women's experiences were going up for parole, where it was described that writing LS was a common way the women received help from people outside of the institution and that it was a strong method for showing change within the women since they were first incarcerated. Some of the women in the study also discussed having help from a representative who knew them (e.g. family member, friend, teacher, counselor, etc.) to show they were worthy of parole, again as these individuals would discuss the change in the woman since incarceration and advocate for their release. One woman discussed how she felt that what her father said positively impacted the decision; however, another's representative was a friend, who was also an attorney, which was described as having a negative impact since attorneys are not allowed to attend the hearings (Sanders, 2023).

Letters of Support at Parole Hearings

There have been a few studies on whether LS influence a parole decision. Most of the findings suggest that LS do not impact the decision. For example, Smith and colleagues (1997) found that written communication to the parole board supporting an offender's release had little effect, but it is unknown if this has to do with the letters themselves or the inability for the offender to have representation at the hearing.

Hail-Jares (2021) looked at non-victim correspondence in a study that investigated parole board decisions in Iowa. This correspondence could either be supporting or opposing parole and could be from a variety of different individuals. The average file contained about 4 letters, but

ranged from 1 to 67 letters, with a larger number of letters being quite rare. The correspondence provided in this study ranged in terms of support of release or opposing it; 73.4% of files included support and 19.4% had letters that opposed it (i.e., a letter of protest, which can be similar to VS in some ways). There was also a variety of authors for these letters, with almost half of the correspondence being by friends and family of the offender (44%), followed by 29.8% being judicial actors (e.g., judges, attorneys, etc.), 12.9% correctional officers, 3.6% parole officers, and victims at 2.8%. Having a letter from their counselor recommending release was found to increase the likelihood of an offender being granted parole by 115% (Hail-Jares, 2021). Also, Hail-Jares (2021) found that men with longer sentences were most likely to have received letters of support, compared to those with no letters. Overall, this study found that presence of any correspondence (support, opposition, or both), total volume of letters, presence of explicit support or explicit opposition, identity of author (e.g., number of unique authors, number of types of authors, from family/friends, from victims, from justice officials) were not statistically significant in influencing parole board decisions. Instead, the only factors that had an effect in the study were recommendation letters from correctional counsellors, risk assessment score, and race of the offender. Tubman-Carbone (2014) also suggests input, such as non-victim input, may not influence release decisions because it does not contain any unique information that is not available through other sources such as other parts of an offender's case file.

Incarcerated men have expressed mixed views on the impact of LS on parole decisions. In Hail-Jares (2015), when interviewing men who were incarcerated, she found that there were varying opinions by the inmates on whether the letters were helpful or not in their parole decision. One individual believed that they were the least important factor, because "your loved ones will forgive you for what you have done" (Hail-Jares, 2015). Some inmates in her study

stated that their correctional counselor informed them that the letters were not considered during the process, just noted that they were present. Other individuals mentioned that if they have a limited external support system or if their support system were also involved in crime, they believe that these LS will impact their chances of release (Hail-Jares, 2015).

Therefore, research conducted to date has not found that LS influence parole outcomes. However, there have been only a few studies, and more research is needed to confirm this.

Present Study

There has been minimal research, in general and more specifically, in Canada, that has investigated the impact of VS and LS on parole decisions. Within the limited studies in this field, VS and victim input may have an impact on whether an offender is granted or denied parole. Letters or documents from non-victims, such as the offender's loved ones, employer, individuals in their community, or someone in their support system, has been mainly ignored in previous research. Although LS may be submitted often, they appear to have little effect on the parole board's decision (e.g., Hail-Jares, 2021; Smith et al., 1997). The current study investigates parole decisions to determine if VS and LS play a role in parole decisions. Parole decision documents provide information on the reasons for the decision making and allow patterns to be observed and coded for (Lauzon, 2021).

The study investigates 6 research questions. These questions originally had control variables of type of crime and institutional behaviour; however, these had to be removed due to the limited information provided in the parole board decision documents. Type of crime and institutional behaviour were planned to be used as control variables due to the fact that they are some of the most influential factors in parole decisions (Caplan, 2007; Caplan, 2010a). These two variables were changed to security level (minimum, medium, maximum) as a control variable, as

it could perhaps encompass a similar impact, as offenders are assigned to security levels based on the nature of their crime(s) and their institutional behaviour among other factors (Government of Canada, 2024b).

The present study aimed to answer the following research questions:

1. After controlling for security level, is there a relationship between presence or absence of a VS and parole decisions (day parole: granted or denied; full parole: granted or denied)?
 - a. Currently, the literature is mixed on the topic of VS presence impacting parole eligibility; some evidence suggests that victim input leads to greater likelihood of parole being denied (e.g., McLeod, 1989; Parsonage et al., 1992; Smith et al., 1997). Hail-Jares (2015) only had a marginally significant finding that individuals who were denied parole were four times more likely to have a letter from a registered victim in their file. However, other research did not find victim input to be a significant predictor of parole release decisions (e.g., Caplan, 2010a; Tubman-Carbone, 2014). This research question was exploratory.
2. After controlling for security level, is there a relationship between the format of VS delivery (written or oral) and parole decisions (day parole: granted or denied; full parole: granted or denied)?
 - a. There is limited research in this area; however, Morgan and Smith (2005) found that VS that were orally delivered had a greater impact than a written VS. Despite this finding, to my knowledge there is no other empirical research on the subject, so this research question was exploratory.
3. After controlling for security level, is there a relationship between presence or absence of LS and parole decisions (day parole: granted or denied; full parole: granted or denied)?

- a. Research on whether LS for an offender impact being granted or denied parole has found it to have little effect. Smith and colleagues (1997) suggest that written communication to the parole board supporting release had minimal effect and Hail-Jares (2021) found that any non-victim correspondence was not significantly associated with parole being granted. Due to the limited research, this research question was exploratory.
4. After controlling for security level, is there a relationship between the format of the LS (written or oral) and parole decisions (day parole: granted or denied; full parole: granted or denied)?
 - a. To my knowledge, only Smith and colleagues have evaluated how different formats of delivery of LS. Smith and colleagues (1997) found that written communication supporting an offender's release had little effect; however, this effect may have been related to the inability for an offender to be represented at the parole hearing instead of being directly caused by the letter(s). Since my study is looking just at LS, the current research is the first of its kind and this question was exploratory.
5. After controlling for security level, how do VS and LS interact to affect parole decisions (day parole: granted or denied; full parole: granted or denied)?
 - a. To my knowledge, there has not been any empirical evidence conducted to date, investigating just VS and LS on parole decisions. Smith and colleagues (1997) compared victim-offender participation, which included letters and attending the hearing, and found in a bivariate analysis that being granted parole is more likely to occur if a victim cannot attend but an offender (or a representative for them)

can or if neither the victim or offender attend; however, that chance of parole being granted decreases if the victim attends but the offender does not. In an ordinary least squares regression, Smith et al. (1997) found that victim participation had a statistically significant negative impact on parole decisions (i.e., if the victim was present/had representation, the number of paroles that are granted decreases) and offender participation had a statistically significant positive relationship with parole decisions (i.e., if an offender or representative was present, the number of paroles granted increased). However, this research does not analyze these variables as just the input (i.e., letters, statements, documents, etc.). Thus, this research question was exploratory in nature.

6. After controlling for security level, how do VS and LS formats (written or oral) interact to affect parole decisions (day parole: granted or denied; full parole: granted or denied)?
 - a. There are no studies in the literature to my knowledge that compares the format of VS and LS and if they are associated with parole decisions. This research is the first to investigate this and was exploratory.

Method

For the second study in this thesis, PBC written parole decisions were examined. I first reached out to PBC and requested 5 cases in order to understand what information was provided in these written parole decisions and to see if my proposed research questions would be possible. After receiving these cases, I learned that some information is removed from the written parole decisions. To ensure confidentiality within the written parole decisions, PBC removes some of the information in the reports, such as the offender's name and institution, any dates, victim information, and details of their crime(s). I updated my codebook accordingly and asked PBC

about their removal of the confidential information, then proceeded with my request for cases. Originally, 300 day and/or full parole decisions from 2016 to 2022 were proposed and requested. However, due to resource constraints and the lengthy time PBC estimated it would take to provide these cases to me, a smaller sample size was obtained. Therefore, I collected 50 cases (along with the 5 requested prior, for a total of 55 cases) from the PBC to investigate which variables may influence decisions for day and full parole.

Data

The written parole decisions contain a great deal of information; each decision is for one offender and is between five to ten pages. The document includes information on the nature of the offence(s) committed, criminal history of the offender, psychological information (such as psychological or psychiatric reports), institutional behaviour, progress in programs, prior release history, release plan, statements from the victims, and letters of support for the offender. Throughout the written decision, excerpts or summaries of reports (i.e., criminal records, psychiatric reports, release plans, institutional reports, etc.) are included and referred to by the Board members to provide information relevant to their final decision. At the end of the document, a decision is made for day parole, full parole, or both and a summary of the decision is provided. Release conditions may be provided if the offender is granted day or full parole.

Numerous variables were coded for from the written parole decisions including security level, institutional behaviour, previous VIS (written or orally presented; number of VIS; content), VS (written or orally presented; number of VS; content), LS (written or orally presented; number of letters; content), granting or denying day and/or full parole, and conditions if granted parole (with a specific focus on if “no contact with victim(s)” is included). A full description of variables and the codebook used can be found in Appendix F.

Coding and IRR

A group of trained coders and I coded all of the PBC data collected. Training consisted of hosting zoom sessions, reviewing the codebook together, and completing practice cases as a group and individually. I coded all 55 cases in the dataset and a team of nine coders coded for 53 of those 55 cases. Interrater reliability using Cohen's Kappa on SPSS 27 for the following variables showed varying levels of agreement: security level ($\kappa = 1.00, p < .001$), VIS presence ($\kappa = .709, p < .001$), VS presence ($\kappa = .726, p < .001$), LS presence ($\kappa = .858, p < .001$), final decisions for full parole ($\kappa = .969, p < .001$), and final decisions for day parole ($\kappa = .892, p < .001$). Intraclass Correlation (ICC) estimates and their 95% confidence intervals were calculated based on a mean-rating ($k = 2$), absolute-agreement, 2-way mixed-effects model the following variables: for total number of VIS (ICC = .86, 95% CI [.76, .92]), total number of VS (ICC = .87, 95% CI [.78, .93]), total number of LS (ICC = .87, 95% CI [.78, .93]), VS oral (ICC = .92, 95% CI [.86, .95]), VS written (ICC = .56, 95% CI [.24, .74]), VS not specified (ICC = .00, 95% CI [-.71, .42]), LS oral (ICC = .89, 95% CI [.80, .93]), LS written (ICC = .77, 95% CI [.61, .87]), and LS not specified (ICC = -.05, 95% CI [-.85, .40]). For the variables VS not specified and LS not specified, the analysis did not produce a meaningful result due to the very minimal or lack of variability in the dataset.

After reviewing each case with a third party – my supervisor, Dr. Veronica Stinson – and I came to mutual agreement on any disagreements in the coding, the interrater reliability was computed again. The variables relating to delivery (e.g., VS read, LS written, etc.) were dichotomized into present/not present, as opposed to total number of each delivery method, for the analysis and were ran again for IRR using Kappa. These dichotomized variables, as well as the other variables stated above, were examined with Cohen's Kappa again, resulting in perfect

agreement for each ($\kappa = 1.00, p < .001$). LS not specified and the dichotomized version of this variable were unable to be computed; upon looking at the data, each case had the answer of 0, so there was no variability in the dataset to run IRR. Each of the variables were again computed using ICC estimates and their 95% confidence intervals based on a mean-rating ($k = 2$), absolute-agreement, 2-way mixed-effects model and resulted in absolute agreement (ICC = 1.00).

Results

Descriptives

In total, 55 written parole decision documents were collected. Security level of the prison was one piece of identifying information sometimes included in the documents. Many cases were in minimum security ($n = 14, 25.5\%$) and some were in medium ($n = 10, 18.2\%$) or maximum ($n = 4, 7.3\%$). The majority of the cases had an unknown security level/the document did not specify the offender's security level ($n = 27, 49.1\%$). Due to this, security level was ultimately removed as a control variable from the research questions. See Table 15 for descriptive statistics for all variables coded for.

Overall, for full parole decisions, half of the decisions resulted in full parole denial ($n = 28, 50.9\%$). The rest of the full parole decisions were granted ($n = 19, 34.5\%$) or it was not applied for ($n = 8, 14.5\%$). As for day parole, many of the decisions were granted ($n = 22, 40\%$). However, a similar number were denied ($n = 18, 32.7\%$). The rest either took no action ($n = 8, 14.5\%$), were currently on day parole ($n = 5, 9.1\%$), or it was not applied for ($n = 2, 3.6\%$). To analyze the research questions, the data was filtered for day parole or full parole, to ensure the variable was only included if the coding was granted or denied (ex. not "not applied for", "took no action", etc.). Descriptive statistics for the cases used while analyzing day parole and full parole can be found in Table 16.

Research Question One: VS and Parole Decisions

Research question one examined the relationship between VSs and parole decisions – both for day and full parole – and I conducted two chi-square tests of independence to do so. The results of Fisher’s exact test ($p = 1.00$) revealed a non-significant association between the presence of VSs and day parole decisions. Similarly, the results of Fisher’s exact test ($p = .485$) revealed a non-significant relationship between VS presence and full parole decisions. See Tables 17 and 18 for a full breakdown.

Research Question Two: VS format and Parole Decisions

The second research question explored whether there was a relationship between the format of a VS (written or oral) and parole decisions (day and full parole). Two chi-square tests of independence were planned on being used for this analysis; however, due to the low values in the variables in both day ($n = 6$) and full ($n = 7$) parole, these analyses were unable to be completed. See Tables 19 and 20 for the breakdown of delivery format across each final decision at both paroles.

Research Question Three: LS and Parole Decisions

Research question three examined if there was a relationship between LS and day and full parole decisions by using a chi-square test of independence. The results of Fisher’s exact test ($p = .09$) did not indicate a significant association between LS and day parole decisions. For full parole, there was also a non-significant association between the presence of LS and full parole decisions, $\chi^2(1, N = 47) = .184, p = .668, \phi = .06$. See Tables 21 and 22 for the distribution of LS presence over each parole decision.

Research Question Four: LS Format and Parole Decisions

The fourth research question looked at if there was a relationship between the format of LS (written or oral) and parole decisions, for day and full parole. Two chi-square tests of independence were planned on being used for this analysis; however, due to small cell sizes in the LS format variable in both day ($n = 13$) and full ($n = 12$) parole, these analyses were unable to be completed. See Tables 23 and 24 for the breakdown of delivery format across each final decision at both paroles.

Research Question Five: VS, LS, and Parole Decisions

Research question five aimed to explore the relationship of both VS and LS on day and full parole decisions using two loglinear analyses. For day parole, the likelihood ratio of this model was $\chi^2(0) = 0, p = 1.00$. However, upon further examination, none of the interactions were significant. This would suggest that VS and LS do not appear to be associated with day parole decisions. Similarly, for full parole decisions, the likelihood ratio of this model was $\chi^2(0) = 0, p = 1.00$. None of the interactions were significant, suggesting that VS and LS appear to not be associated with full parole decisions. See Tables 25 and 26 for the distribution of VS and LS across both parole decisions.

Research Question Six: VS Format, LS Format, and Parole Decisions

The final research question examined the relationship of both VS format (written or oral) and LS format (written or oral) on day and full parole decisions. Loglinear analyses were planned to be used to analyze the associations between VS delivery, LS delivery, and full and day parole decisions; however, due to small cell numbers, this was unable to be run. Tables 19, 20, 23, and 24 can be referred back to to see the distribution of LS and VS.

Discussion

The present study aimed to investigate if the presence of victim statements and letters of support impacted day and full parole decisions. Overall, this research found non-significant relationships for both LS and VS for both day and full parole decisions. The delivery format of LS and VS was not able to be analyzed in the current research.

The first research question focused on whether the presence or absence of VS impacted parole decisions. The two chi-square analyses, for day and full parole, revealed that the relationship between VS presence and parole decisions was non-significant. This supports past research such as Caplan (2010a), and Tubman-Carbone (2014), which suggest that victim input is not a significant predictor of release decisions. It is possible that the current results are impacted by the small sample size. The results of this study show a different result than some other research in the area (e.g., McLeod, 1989; Parsonage et al., 1992; Smith et al., 1997) that suggests that victim input leads to greater likelihood of parole being denied. These studies were done decades ago and in the United States so differences could be the result of the country of research or changes in legislation from the 1980s and 1990s. The dataset does depict how infrequently VS are presented, as they only appeared in 11 out of the total 55 cases; however, this is a much higher percentage (20%) than the percentage of all parole reviews from 2017 to 2018 (1.2%; Government of Canada, 2019).

The second research question explored if the format of delivery of VS impacted parole decisions; in order to do this, cases were excluded if they had a mixed delivery format (i.e., were only included if they *only* had oral VS or *only* had written VS). However, no conclusions were able to be drawn from these analyses due to low cell count. Future research should explore this research question with a larger sample size to see its potential effect on parole decisions as

Morgan and Smith (2005) did find that orally presented VS had a greater impact compared to written VS.

The third research question investigated if LS were associated with parole decisions. For both day and full parole, the analyses revealed non-significant results. Prior to this study, there has been very little research done on this topic. Smith and colleagues (1997) found communication to a parole board supporting release had minimal effect and Hail-Jares (2021) found that letters from non-victims were not statistically associated with the granting of parole. The current results support these findings as it did not find a significant relationship; however, more research is needed to continue to investigate if LS does not impact parole decisions.

The delivery format of LS and parole decisions were explored in research question four. As with research question two regarding VS, cases were excluded if they had a mixed delivery format (i.e., were only included if they *only* had LS that was orally presented or *only* had written LS). Again, due to small cell count, these analyses could not be completed, and future studies should continue to explore this question. Smith and colleagues (1997) found that written communication to the parole board supporting an offender's release only had a little effect but could have been affected by the inability for the offender to have representation at the hearing, so it is important so explore the delivery format of the letters alone to see if either format is associated with being granted parole as that could be an important factor to an offender who asked someone to provide them with an LS.

Finally, research questions five and six pertained to VS and LS with day and full parole decisions. Research question five used loglinear analyses and found no significant interactions between VS presence, LS presence, and both parole decisions. Although previous research has not investigated LS and VS together, other researchers have found little or no effect of LS (Hail-

Jares, 2021; Smith et al., 1997) or victim input on parole decisions (Caplan, 2010a). The present data is similar to these findings, as it also did not find a significant relationship. Smith and colleagues (1997) looked at offender and victim participation (including both letters and representation at the hearing) and their relationship to parole decisions. However, they did not analyze letters and representation separately as participation. They found that both victim and offender participation impacted parole decisions: when there was victim participation, it had a negative impact and the number of paroles granted decreased, and when there was offender participation, it had a positive impact, as the number of granted paroles increased. Since this is the first study to explore this question looking just at VS and LS – as some studies have looked at similar variables but included victim and offender participation – it should be continued to be studied in future research to confirm if no relationship is found when investing both variables together. Continuing to explore this area of research would be important for the offender to know if their LS are having the impact they may expect them to have, and for victims to know if their statements are playing a role in the parole decisions, if that is a goal they have.

The final research question that explored delivery format of VS and LS with day and full parole decisions was unable to be completed due to low cell count. Future research should explore this to see if the delivery format is one explanation as to why it may or may not have an impact on parole decisions. Overall, the present study did not find evidence of a relationship between VS, LS, and parole decisions; however, future research should continue to explore these variables and similar research questions.

Strengths

One strength of this study is the recency of the parole decisions; I requested decisions from 2016 to 2022. There has not been a lot of research done in this area, and many of those

studies have not been conducted within recent years. Using cases from the last several years can perhaps be a more accurate reflection of how decisions are currently being made, and incorporating any changes in laws, organizations, the government, society, and more into account.

Another strength of this study is the fact that real parole decisions were used for the analyses. Although many mock studies will use real examples as a basis for the documents they provide participants, having access to the PBC documents gives insight to the topics and rationales to the decisions, even if they are a concise version of the board members decisions. By using real decisions, it can provide us with some insight into the subject area in an ecologically valid way. There may also be differences between the ways that mock board members and real board members make their decisions; for example, Lindsey and Miller (2011) found that mock board members mentioned more factors that impacted their release decisions than real board members did, which they explain may be due to heuristics and the training of board members.

This study also helps to expand knowledge on Canadian parole board research, as well as expanding research on VS and LS, both which are limited. There is other Canadian research that utilizes parole board documents (ex. Hannah-Moffat, 2004); however, to my knowledge, no studies specifically look at VS or LS in these PBC documents. Any research about VS tends to be from the United States (e.g., Caplan, 2010a; McLeod, 1989) and while there is some research on LS, it is more focused on from the perspective of the person incarcerated (e.g. Hail-Jares, 2015; Sanders, 2023) or did not exclusively focus on LS (e.g., Caplan 2010b looked at positive and negative non-victim input, and Smith et al. 1997 had representation and letters combined for many analyses). The current research did not find a relationship between VS or LS and parole decisions; however, more research is needed to fully investigate and see if there is a relationship.

Limitations

One main limitation of this study was the small sample size. As previously mentioned, a smaller sample size of 55 cases, instead of the proposed 300, was used for this study. This made some of the planned analyses difficult to complete due to small cell sizes. Future studies should expand upon this with larger sample sizes and should also continue to be explored with Canadian data and Canadian PBC decisions.

Additionally, although there are many benefits to archival data, there are some constraints of the information in the document. Firstly, the PBC decisions accessed are a summary of the rationale for the decisions made by the board members. Thus, the document may not capture all of the reasons for the decision and potentially may not include every detail that occurred during the hearing.

Secondly, I used a conservative coding approach. In order to code the cases as consistently and accurately as possible, information needed to be explicitly stated. For example, it is possible that I may be underreporting the number of VS, because I only coded for if the document explicitly stated “victim statement”. An example of this is case 10, which stated that “at least one victim has expressed some concerns regarding your release”. Concerns regarding release is information that could be provided in a VS, but there was no discussion of VS in the document, so it is unclear if there was a VS (and just not explicitly stated) or if the victim expressed concerns just to the case management team. Similarly, another challenge in coding was the documents did not always specify the number of certain items, such as VIS, VS or LS. For example, Case 17, did not explicitly state that there were two VIS – the document describes how there were multiple VIS and then describes two. I interpreted this as two VIS and coded as such, but I may have undercounted the VIS, VS or LS, because I only coded those that were explicitly

described and could count. It is possible that in these written decisions, the PBC state that there are multiple and then only choose to discuss about a certain few, and not all. Despite this, there is still great value in knowing that there was the presence of VS or LS, even if the number was often unknown. This knowledge expands the literature, as studies on LS – especially using Canadian data – is minimal, and there is not a known statistic of how common or uncommon these are in parole cases. Therefore, this study can be a good starting point to inspire future studies in the area.

Similarly, in some cases there may be assistants in the hearings, who could have confusing descriptions of their roles and if/how they are providing support. An offender can have one assistant for the hearing according to subsection 140(7) of the *Corrections and Conditional Release Act* and the assistant can be anyone of the offender's choice such as a family member, friend, lawyer, community support, or other person, as long as the person's presence as an observer is allowed (e.g. there are no security related issues; Government of Canada, 2024a). For example, in Case 30, the assistant spoke on behalf of the offender – which is different than providing spoken support for the offender that could be coded for as a LS. Additionally, due to this inconsistent wording, there is likely an underestimate of support or LS that the board hears in the cases.

Finally, in order to access the parole board cases, PBC had to redact some information in order to share it with me; some of this information included details about the crime, names, dates, and institution names. Thus, I had to slightly edit my original research questions – where I had wished to use institutional behaviour and crime type as control variables – as I did not have this information. Despite this, the cases still provided a plethora of information that greatly benefitted

this study. Future research should seek out if it is possible to have unredacted versions of the documents, so variables such as crime type can be controlled for.

Future Directions

Future research should continue to explore this area in the field by expanding with a larger sample size and having unredacted versions of these documents. Exploring these research questions, or similar, using archival data can allow for a large sample that may be more difficult to obtain if one were using other data, such as interviewing board members or those who are incarcerated. Accessing the PBC files took many months. My original request for 300 cases was estimated to take over a year to redact the files of any identifying information, due to the PBC resources it required. Therefore, getting an estimated time frame from the PBC is important and a formal partnership with the PBC may facilitate the access to a larger sample of files.

Exploring the research questions posed in this study is important to be able to expand this specific area of literature and to explore it in a Canadian context. Victim statements have been studied over the past few decades, with mixed results in both whether they have an impact on parole decisions and whether board members think they have an impact. Additionally, most of this research has been done in the 1990s-2010s, which could potentially have an impact on the results as there may have been different legislation or rules for parole boards. As well, research on parole is done in Canada, however none to my knowledge has explored VS. Any research involving victim input in the parole process is valuable; however, there are often different processes, legislation, and various other differences between countries that could potentially account for differences in results. Also, since there is limited research in the area, we do not know much about how victims view this process (e.g. Do they see a purpose in submitting

another/updated VIS, do they think it will affect the outcome, did it provide them with any catharsis or just retraumatize them, why did they choose to submit a VS or why didn't they, etc.). There is also minimal research on LS. Similarly to VS, this area of the literature has not been explored, especially within a Canadian context. Some previous research (e.g., Hail-Jares, 2021; Smith et al., 1997) has found little or no effect of non-victim correspondence to the board. There are also other aspects of LS research that have not been explored, such as why individuals who provide LS do so, or of characteristics of the person providing LS, such as their role or position affects the impact on PBC decisions. Additionally, exploring LS while also looking at the crime type an offender is incarcerated for could be interesting as there may be differences in if/how many letters are written depending on how severe the crime or criminal record is, and perhaps they influence some crime types but not others.

Conclusion and Future Research

The two studies described in this paper explored the relationship between VIS/VS and support for the offender on two important outcomes: sentencing decisions and parole board decisions. The results from study one shed light on evidence that appears to influence judicial decision making. This study has important implications for victims and offenders. For victims, this study found that VIS did predict longer incarceration sentences, and oral VIS had longer incarceration time and shorter probation time compared to written VIS. As well, when there was no OCE present, sentences were over two years longer if VIS was present compared to absent. Therefore, if victims are deciding whether or not to provide a VIS, and are hoping their statement will inform the outcome of the sentencing, then this study would be of interest to them. For offenders, as well as the offenders' loved ones or their attorneys, this research would be informative as well. This study found that when OCE was present, there were lower incarceration sentences and when VIS and OCE are present, sentences are over a year shorter compared to when VIS is present but OCE is not. This points to the importance of OCE, and if the defence knows there is or is going to be VIS submitted, they may consider having OCE submitted as well. The data from study two did not find a relationship between LS, VS and parole decisions. This information could be reassuring to the public to know that other factors, such as institutional behaviour and crime type, are primary drivers for the decisions. For both victims and offenders, they may debate submitting anything then, if their primary goals for submissions are to influence parole board decisions.

This research is important as it touches upon two factors that can humanize the criminal justice process in two different ways. Roberts and Manikis (2010) state that oral VIS and the victim's presence can humanize the court experience. Whereas OCE and LS can humanize an

offender, as they often discuss the offender's good character or how much they have changed and grown. Input from victims and from those who support an offender provide vastly different information about the individuals involved; both inputs also emphasize some of the consequences in the criminal justice process, both for victims who have suffered and may continue to suffer from the crime, and offenders who receive a decision that may be, and likely is, life-altering.

Future researchers should continue exploring the areas of statements from victims about the harm they have suffered and offender support. Public perceptions of statements from victims and offender support could be of interest, especially given high profile cases that have happened within recent years (e.g., Larry Nassar, Danny Masterson, Brock Turner). These cases garnered a great deal of media attention and opinions from the public. Public perception on OCE would be particularly intriguing as there has been some backlash over the years for individuals who have provided OCE (e.g., Those who wrote letters for Brock Turner or Danny Masterson). What is the public perception of OCE and supporting an offender? Was this backlash experienced by some people who supported Turner or Masterson influenced by the fact that they were supporting someone convicted of sexual offence? Are opinions on OCE harsher when there are VIS involved as opposed to cases when they are not? Additionally, exploring the goals or motivations behind statements from victims or providing support for the offender would be an avenue to explore. There is some research on the goals of VIS (e.g., Meredith & Paquette, 2001; Roberts & Manikis, 2011; Lens, 2015) and although VIS and VS are quite similar, can the goals of VIS be extended to VS as well? Barg (2017) suggests that in some cases, the goal of OCE is to overturn a predatory image of the offender. It is possible that this is true for some individuals, but what are the motivating factors behind others' decisions to provide OCE or LS? Do they believe that

their input will have an impact on the decision made by the judge or parole board? Overall, there is a vast amount of research that can and should be conducted in this area.

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Table 1*Descriptive Statistics*

Variable	<i>n</i>	%
Contact Sexual Offence Charges		
Present	615	30.9
Absent	1377	69.1
Non-Contact Sexual Offence Charges		
Present	194	9.7
Absent	1798	90.3
1 st Degree Murder Charges		
Present	30	1.5
Absent	1962	98.5
2 nd Degree Murder Charges		
Present	152	7.6
Absent	1840	92.4
Other Homicide Charges		
Present	304	15.3
Absent	1688	84.7
Assault Charges		
Present	569	28.6
Absent	1423	71.4
Kidnapping Charges ^a		
Present	121	6.1
Absent	1871	93.9
Theft Charges ^b		
Present	329	16.5
Absent	1663	83.5
Drug-Related Charges		
Present	45	2.3
Absent	1947	97.7
“Other” Charges		
Present	679	34.1
Absent	1313	65.9
VIS		
Present	1602	80.4
Absent	390	19.6
VIS Delivery Format		
Only Read	397	19.1
Only Written	467	23.4
Not present at all or both oral and written	1128	56.6
OCE		
Present	683	34.3
Absent	1309	65.7
OCE Delivery Format		
Only Read	8	0.4

Only Written	605	30.4
Not present at all or both oral and written	1379	69.2

Note. $N = 1992$.

^a Kidnapping, confinement and abduction charges.

^b Theft, robbery, and fraud charges.

Table 2*Descriptive Statistics for the Smaller Dataset Used in Research Questions One and Two*

Variable	<i>n</i>	%
Contact Sexual Offence Charges		
Present	216	32.7
Absent	444	67.3
Non-Contact Sexual Offence Charges		
Present	73	11.1
Absent	587	88.9
1 st Degree Murder Charges		
Present	12	1.8
Absent	648	98.2
2 nd Degree Murder Charges		
Present	54	8.2
Absent	606	91.8
Other Homicide Charges		
Present	89	13.5
Absent	571	86.5
Assault Charges		
Present	191	28.9
Absent	469	71.1
Kidnapping Charges ^a		
Present	42	6.4
Absent	618	93.6
Theft Charges ^b		
Present	106	16.1
Absent	554	83.9
Drug-Related Charges		
Present	21	3.2
Absent	639	96.8
“Other” Charges		
Present	210	31.8
Absent	450	68.2
VIS		
Present	532	80.6
Absent	128	19.4
VIS Delivery Format		
Only Read	192	29.1
Only Written	126	19.1
Not present at all or both oral and written	342	51.8

Note. *N* = 660^a Kidnapping, confinement and abduction charges.^b Theft, robbery, and fraud charges.

Table 3.

Multiple Hierarchical Regression Model 2 Results for Incarceration Sentence Length for VIS Presence and Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	1544.74	264.50	.21	5.84	1025.34	2064.14	<.001
Non-Contact Sexual Offences Charges	1339.20	328.35	.12	4.08	694.42	1983.98	<.001
1 st Degree Murder Charges	8792.46	781.40	.33	11.25	7258.04	10326.89	<.001
2 nd Degree Murder Charges	8181.37	416.65	.64	19.64	7363.2	8999.55	<.001
Other Homicide Offence Charges	2656.33	344.89	.26	7.70	1979.08	3333.59	<.001
Assault Charges	883.01	248.98	.12	3.55	394.09	1371.92	<.001
Kidnapping ^b Charges	2190.71	445.89	.15	4.91	1315.13	3066.29	<.001
Theft ^c Charges	1830.64	312.30	.19	5.86	1217.37	2443.90	<.001
Drug Related Charges	1597.77	562.55	.08	2.84	493.1	2702.44	.005
“Other” Charges	1017.56	232.45	.14	4.38	561.1	1474.02	<.001
VIS Presence	1172.67	254.78	.14	4.60	672.36	1672.97	<.001

Note. *N* = 651.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 4

Multiple Hierarchical Regression Model 2 Results for Probation Sentence Length for VIS Presence and Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-212.06	57.09	-.18	-3.72	-324.16	-99.95	<.001
Non-Contact Sexual Offences Charges	26.90	71.37	.02	.38	-113.25	167.05	.706
1 st Degree Murder Charges	-386.96	161.81	-.09	-2.39	-704.7	-69.23	.017
2 nd Degree Murder Charges	-526.33	88.14	-.26	-5.97	-699.42	-353.25	<.001
Other Homicide Offence Charges	-359.70	71.61	-.22	-5.02	-500.32	-219.08	<.001
Assault Charges	-25.77	52.75	-.02	-.49	-129.36	77.82	.625
Kidnapping ^b Charges	-77.04	92.13	-.03	-.84	-257.96	103.88	.403
Theft ^c Charges	-152.03	65.44	-.1	-2.32	-280.54	-23.53	.020
Drug Related Charges	78.34	121.87	.02	.64	-160.98	317.66	.521
“Other” Charges	-83.94	50.25	-.07	-1.67	-182.61	14.73	.095
VIS Presence	-62.97	55.12	-.04	-1.14	-171.21	45.28	.254

Note. *N* = 653.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 5

Multiple Hierarchical Regression Model 2 Results for Incarceration Sentence Length for VIS Delivery, Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	2104.50	350.62	.31	6.00	1414.49	2794.52	<.001
Non-Contact Sexual Offences Charges	1548.30	419.51	.16	3.69	722.72	2373.89	<.001
1 st Degree Murder Charges	9374.99	1682.32	.22	5.57	6064.21	12685.78	<.001
2 nd Degree Murder Charges	8970.66	559.33	.72	16.04	7869.91	10071.41	<.001
Other Homicide Offence Charges	3492.39	450.72	.37	7.75	2605.39	4379.39	<.001
Assault Charges	1499.02	343.32	.2	4.37	823.38	2174.67	<.001
Kidnapping ^b Charges	3550.28	707.89	.21	5.02	2157.17	4943.39	<.001
Theft ^c Charges	1951.89	483	.18	4.04	1001.36	2902.43	<.001
Drug Related Charges	1926.1	726.37	.11	2.65	496.61	3355.58	.008
“Other” Charges	975.17	319.31	.13	3.05	346.77	1603.58	.002
VIS Delivery Format	-1106.88	278.10	-.16	-3.98	-1654.18	-559.59	<.001

Note. *N* = 309.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 6

Multiple Hierarchical Regression Model 2 Results for Probation Sentence Length for VIS Delivery and Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-185.7	79.48	-.16	-2.34	-342.11	-29.28	.020
Non-Contact Sexual Offences Charges	109.38	95.58	.07	1.14	-78.71	297.47	.253
1 st Degree Murder Charges	-300.61	313.51	-.05	-.96	-917.54	316.32	.338
2 nd Degree Murder Charges	-519.55	122.28	-.25	-4.25	-760.17	-278.92	<.001
Other Homicide Offence Charges	-320.54	96.23	-.21	-3.33	-509.90	-131.17	<.001
Assault Charges	-73.03	75.50	-.06	-.97	-221.60	75.55	.334
Kidnapping ^b Charges	-160.35	144.45	-.07	-1.11	-444.6	123.91	.268
Theft ^c Charges	-119.42	104.29	-.07	-1.15	-324.64	85.79	.253
Drug Related Charges	354.87	166.92	.12	2.13	26.39	683.34	.034
“Other” Charges	-38.23	73.17	-.03	-.52	-182.23	105.76	.602
VIS Delivery Format	127.25	63.24	.11	2.01	2.81	251.69	.045

Note. *N* = 314.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 7

Multiple Hierarchical Regression Model 2 Results for Incarceration Sentence Length for OCE Presence, Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	1661.86	149.75	.24	11.1	1368.18	1955.54	<.001
Non-Contact Sexual Offences Charges	1677.12	188.8	.15	8.88	1306.85	2047.38	<.001
1 st Degree Murder Charges	7831.75	493.86	.26	15.86	6863.21	8800.29	<.001
2 nd Degree Murder Charges	8555.5	229.63	.69	37.26	8105.15	9005.84	<.001
Other Homicide Offence Charges	2766.45	177	.31	15.63	2419.32	3113.57	<.001
Assault Charges	777.8	138.08	.11	5.63	507.00	1048.59	<.001
Kidnapping ^b Charges	2001.83	236.54	.14	8.46	1537.93	2465.73	<.001
Theft ^c Charges	1585.8	167.24	.18	9.48	1257.81	1913.78	<.001
Drug Related Charges	1444.06	359.19	.07	4.02	739.63	2148.49	<.001
“Other” Charges	901.15	124.07	.13	7.26	657.84	1144.47	<.001
OCE Presence	-249.03	112.91	-.04	-2.21	-470.46	-27.6	.028

Note. *N* = 1969.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 8

Multiple Hierarchical Regression Model 2 Results for Probation Sentence Length for OCE Presence and Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-210.24	26.83	-.22	-7.84	-262.86	-157.61	<.001
Non-Contact Sexual Offences Charges	-30.23	34.13	-.02	-.89	-97.17	36.71	.376
1 st Degree Murder Charges	-403.73	79.63	-.11	-5.07	-559.89	-247.56	<.001
2 nd Degree Murder Charges	-481.75	40.6	-.29	-11.87	-561.37	-402.14	<.001
Other Homicide Offence Charges	-307.29	31.31	-.25	-9.82	-368.69	-245.9	<.001
Assault Charges	-28.94	24.60	-.03	-1.18	-77.19	19.31	.240
Kidnapping ^b Charges	-97.27	41.94	-.05	-2.32	-179.52	-15.01	.020
Theft ^c Charges	-149.36	29.61	-.12	-5.05	-207.43	-91.3	<.001
Drug Related Charges	-132.59	65.21	-.04	-2.03	-260.48	-4.7	.042
“Other” Charges	-81.39	22.25	-.09	-3.66	-125.02	-37.75	<.001
OCE Presence	4.64	20.28	.01	.23	-35.13	44.42	.819

Note. *N* = 1964.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 9

Multiple Hierarchical Regression Model 2 Results for Incarceration Sentence Length for OCE Delivery, Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	1480.72	265.65	.21	5.57	959.00	2002.44	<.001
Non-Contact Sexual Offences Charges	1858.15	346.31	.16	5.37	1178.01	2538.29	<.001
1 st Degree Murder Charges	9680.79	1181.38	.24	8.19	7360.6	12000.99	<.001
2 nd Degree Murder Charges	8857.42	395.93	.72	22.37	8079.82	9635.02	<.001
Other Homicide Offence Charges	2719.33	305.65	.31	8.9	2119.04	3319.62	<.001
Assault Charges	775.38	234.38	.11	3.31	315.07	1235.7	<.001
Kidnapping ^b Charges	2761.18	511.58	.16	5.4	1756.46	3765.89	<.001
Theft ^c Charges	1879.07	304.09	.21	6.18	1281.85	2476.29	<.001
Drug Related Charges	3410.44	652.02	.15	5.23	2129.9	4690.97	<.001
“Other” Charges	1136.65	221.1	.16	5.14	702.42	1570.88	<.001
OCE Delivery Format	371.72	825.90	.01	.45	-1250.33	1993.77	.653

Note. *N* = 606.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 10

Multiple Hierarchical Regression Model 2 Results for Probation Sentence Length for OCE Delivery and Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-237.34	47.36	-.24	-5.01	-330.36	-144.33	<.001
Non-Contact Sexual Offences Charges	-18.15	62.63	-.01	-.29	-141.15	104.84	.772
1 st Degree Murder Charges	-575.41	210.56	-.11	-2.73	-988.95	-161.88	.006
2 nd Degree Murder Charges	-469.35	69.77	-.28	-6.73	-606.37	-332.33	<.001
Other Homicide Offence Charges	-378.88	53.95	-.31	-7.02	-484.83	-272.93	<.001
Assault Charges	40.61	41.48	.04	.98	-40.85	122.07	.338
Kidnapping ^b Charges	-158.63	89.55	-.07	-1.77	-334.5	17.23	.077
Theft ^c Charges	-137.21	53.33	-.11	-2.57	-241.95	-32.46	.010
Drug Related Charges	-330.07	121.07	-.10	-2.73	-567.85	-92.3	.007
“Other” Charges	-166.97	39.3	-.18	-4.25	-244.15	-89.8	<.001
OCE Delivery Format	-158.64	147.23	-.04	-1.08	-447.80	130.51	.282

Note. *N* = 607.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 11

Multiple Hierarchical Regression Model 3 Results for Incarceration Sentence Length for VIS and OCE, Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	1623.95	149.35	.23	10.87	1331.06	1916.85	<.001
Non-Contact Sexual Offences Charges	1687.43	187.71	.15	8.99	1319.31	2055.56	<.001
1 st Degree Murder Charges	7687.82	491.86	.26	15.63	6723.19	8652.45	<.001
2 nd Degree Murder Charges	8429.71	229.97	.68	36.66	7978.71	8880.72	<.001
Other Homicide Offence Charges	2667.52	177.93	.29	14.99	2318.56	3016.47	<.001
Assault Charges	781.98	137.32	.11	5.69	512.66	1051.29	<.001
Kidnapping ^b Charges	2014.32	235.17	.15	8.57	1553.12	2475.52	<.001
Theft ^c Charges	1626.95	166.49	.18	9.77	1300.44	1953.47	<.001
Drug Related Charges	1532.78	357.78	.07	4.28	831.11	2234.45	<.001
“Other” Charges	922.25	123.41	.14	7.47	680.22	1164.28	<.001
OCE Presence	314.03	256.72	.05	1.22	-189.44	817.49	.221
VIS Presence	831.53	166.01	.10	5.01	505.96	1157.10	<.001
VIS*OCE Interaction	-709.97	285.14	-.1	-2.49	-1269.18	-150.76	.013

Note. *N* = 1969.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 12

Multiple Hierarchical Regression Model 3 Results for Probation Sentence Length for VIS and OCE, while Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-207.10	26.90	-.21	-7.7	-259.87	-154.34	<.001
Non-Contact Sexual Offences Charges	-31.26	34.11	-.02	-.92	-98.17	35.64	.360
1 st Degree Murder Charges	-394.92	79.69	-.11	-4.96	-551.21	-238.62	<.001
2 nd Degree Murder Charges	-472.48	40.85	-.28	-11.57	-552.59	-392.37	<.001
Other Homicide Offence Charges	-299.28	31.65	-.24	-9.46	-361.35	-237.22	<.001
Assault Charges	-29.08	24.6	-.03	-1.18	-77.32	19.16	.237
Kidnapping ^b Charges	-98.10	41.92	-.05	-2.34	-180.31	-15.89	.019
Theft ^c Charges	-152.26	29.63	-.13	-5.14	-210.37	-94.15	<.001
Drug Related Charges	-140.06	65.31	-.05	-2.15	-268.14	-11.97	.032
“Other” Charges	-83.18	22.26	-.09	-3.74	-126.82	-39.53	<.001
OCE Presence	-31.45	46.27	-.03	-.68	-122.19	59.3	.497
VIS Presence	-62.52	30.07	-.06	-2.08	-121.48	-3.55	.038
VIS*OCE Interaction	45.60	51.40	.05	.89	-55.21	146.41	.375

Note. *N* = 1964.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 13

Multiple Hierarchical Regression Model 3 Results for Incarceration Sentence Length for VIS and OCE Delivery, while Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	1545.58	330.34	.29	4.68	894.90	2196.25	<.001
Non-Contact Sexual Offences Charges	1776.13	430.18	.21	4.13	928.81	2623.44	<.001
2 nd Degree Murder Charges	8029.06	600.59	.69	13.37	6846.09	9212.04	<.001
Other Homicide Offence Charges	2136.22	427.43	.28	5	1294.31	2976.31	<.001
Assault Charges	1101.83	306.1	.19	3.60	498.91	1704.74	<.001
Kidnapping ^b Charges	1500.11	784.85	.09	1.91	-45.80	3046.02	.057
Theft ^c Charges	1890.24	441.25	.23	4.28	1021.12	2759.36	<.001
Drug Related Charges	2458.99	1140.12	.10	2.16	213.30	4704.68	.032
“Other” Charges	989.65	300.23	.17	3.3	398.3	1581.01	.001
VIS Delivery Format	304.77	1802.00	.06	.17	-3244.62	3854.16	.866
OCE Delivery Format	1000.35	1407.91	.05	.71	-1772.79	3773.49	.478
VIS Format*OCE Format	-1025.28	1818.97	-.19	-.56	-4608.09	2557.54	.574

Note. *N* = 258.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

° Theft, robbery, and fraud charges.

Table 14

Multiple Hierarchical Regression Model 3 Results for Probation Sentence Length for VIS and OCE Delivery, while Controlling for Crime Type

Predictor Variables	<i>B</i>	<i>SE B</i>	β	<i>t</i>	95% CI		<i>p</i>
					<i>LL</i>	<i>UL</i>	
Crime Types ^a							
Contact Sexual Offences Charges	-180.26	69.64	-.21	-2.59	-317.44	-43.08	.010
Non-Contact Sexual Offences Charges	57.58	92.61	.04	.62	-124.83	240	.535
2 nd Degree Murder Charges	-484.85	121.36	-.26	-4	-723.9	-245.80	<.001
Other Homicide Offence Charges	-295.30	88.87	-.24	-3.32	-470.34	-120.26	.001
Assault Charges	31.13	63.28	.03	.49	-93.52	155.78	.623
Kidnapping ^b Charges	-128.62	150.1	-.06	-.86	-424.27	167.04	.392
Theft ^c Charges	-126.37	89.67	-.1	-1.41	-303.01	50.26	.160
Drug Related Charges	-527.77	292.96	-.11	-1.80	-1104.81	49.28	.073
“Other” Charges	-110.92	62.68	-.12	-1.77	-234.39	12.54	.078
VIS Delivery Format	385.86	377.04	.45	1.02	-356.81	1128.53	.307
OCE Delivery Format	198.72	294.58	.06	.68	-381.52	778.95	.501
VIS Format*OCE Format	-315.69	380.70	-.37	-.83	-1065.58	434.2	.408

Note. *N* = 257.

^a Crime type variables are dichotomized.

^b Kidnapping, confinement and abduction charges.

^c Theft, robbery, and fraud charges.

Table 15*Descriptive Statistics*

Variable	<i>n</i>	%
Security Level		
Minimum	14	25.5
Medium	10	18.2
Maximum	4	7.3
Unknown	27	49.1
VIS		
Present	22	40
Absent	33	60
VS		
Present	11	20
Absent	44	80
Number of VS		
0	44	80
1	4	7.3
Unknown Number	7	12.7
VS Read		
None	49	89.1
One or More	6	10.9
VS Written		
None	52	94.5
One or More	3	5.5
VS Not Specified		
None	52	94.5
One or More	3	5.5
LS		
Present	16	29.1
Absent	39	70.9
Number of LS		
0	39	70.9
1	5	9.1
2	1	1.8
3	1	1.8
5	1	1.8
Unknown Number	8	14.5
Number of LS Read		
None	52	94.5
One or More	3	5.5
Number of LS Written		
None	40	72.7
One or More	15	27.3
Number of LS Not Specified		
None	55	100
Final Decision for Full Parole		

Granted	19	34.5
Denied	28	50.9
Not Applied for	8	14.5
Final Decision for Day Parole		
Granted	22	40
Denied	18	32.7
Currently on Day Parole	5	9.1
Took No Action	8	14.5
Not Applied For	2	3.6

Note. $N = 55$

Table 16*Descriptive Statistics Separated by Day and Full Parole^a*

Variable	Day Parole		Full Parole	
	<i>n</i>	%	<i>n</i>	%
Security Level				
Minimum	10	25	10	21.3
Medium	8	20	9	19.1
Maximum	4	10	4	8.5
Unknown	18	45	24	51.1
VIS				
Present	17	42.5	22	46.8
Absent	23	57.5	25	53.2
VS				
Present	9	22.5	11	23.4
Absent	31	77.5	36	76.6
Number of VS				
0	31	77.5	36	76.6
1	3	7.5	4	8.5
Unknown Number	6	15	7	14.9
VS Read				
None	35	87.5	41	87.2
One or More	5	12.5	6	12.8
VS Written				
None	37	92.5	44	93.6
One or More	3	7.5	3	6.4
VS Not Specified				
None	38	95	44	93.6
One or More	2	5	3	6.4
LS				
Present	13	32.5	14	29.8
Absent	27	67.5	33	70.2
Number of LS				
0	27	67.5	33	70.2
1	5	12.5	4	8.5
2	0	0	1	2.1
3	1	2.5	1	2.1
5	1	2.5	1	2.1
Unknown Number	6	15	7	14.9
LS Read				
None	39	97.5	44	93.6
One or More	1	2.5	3	6.4
LS Written				
None	28	70	34	72.3
One or More	12	30	13	27.7
LS Not Specified				
None	40	100	47	100

Final Decision				
Granted	22	55	19	40.4
Denied	18	45	28	59.6

Note. $N = 40$ for day parole and $N = 47$ for full parole.

^aData was filtered for each type of parole separately to only include cases that had chosen either “granted” or “denied” as their final decision.

Table 17*Breakdown of VS Presence Across Day Parole Decisions*

VS	Granted		Denied		Total
	<i>n</i>	%	<i>n</i>	%	
Present	5	55.6	4	44.4	9
Absent	17	54.8	14	45.2	31

Note. $N = 40, p = 1.00$

Table 18*Breakdown of VS Presence Across Full Parole Decisions*

VS	Granted		Denied		Total
	<i>n</i>	%	<i>n</i>	%	
Present	3	27.3	8	72.7	11
Absent	16	44.4	20	55.6	36

Note. $N = 47, p = .485$

Table 19*Descriptive Statistics for Delivery Format of VS for Day Parole*

Delivery Format of VS	Granted		Denied	
	<i>n</i>	%	<i>n</i>	%
Only Orally Delivered	2	50	2	50
Only Written	0	0	2	100

Note. $n = 6$

Table 20*Descriptive Statistics for Delivery Format of VS for Full Parole*

Delivery Format of VS	Granted		Denied	
	<i>n</i>	%	<i>n</i>	%
Only Orally Delivered	1	20	4	80
Only Written	0	0	2	100

Note. n = 7

Table 21*Breakdown of LS Presence Across Day Parole Decisions*

LS	Granted		Denied		Total
	<i>n</i>	%	<i>n</i>	%	
Present	10	76.9	3	23.1	13
Absent	12	44.4	15	55.6	27

Note. $N = 40, p = .090$

Table 22*Breakdown of LS Presence Across Full Parole Decisions*

LS	Granted		Denied		Total
	<i>n</i>	%	<i>n</i>	%	
Present	5	35.7	9	64.3	14
Absent	14	42.4	19	57.6	33

Note. $\chi^2(1, N = 47) = .184, p = .668, \phi = .06$

Table 23*Descriptive Statistics for Delivery Format of LS for Day Parole*

Delivery Format of LS	Granted		Denied	
	<i>n</i>	%	<i>n</i>	%
Only Orally Delivered	1	100	0	0
Only Written	9	75	3	25

Note. *n* = 13

Table 24*Descriptive Statistics for Delivery Format of LS for Full Parole*

Delivery Format of LS	Granted		Denied	
	<i>n</i>	%	<i>n</i>	%
Only Orally Delivered	0	0	1	100
Only Written	3	27.3	8	72.7

Note. *n* = 12

Table 25*Distribution of VS and LS Presence Across Day Parole Decisions*

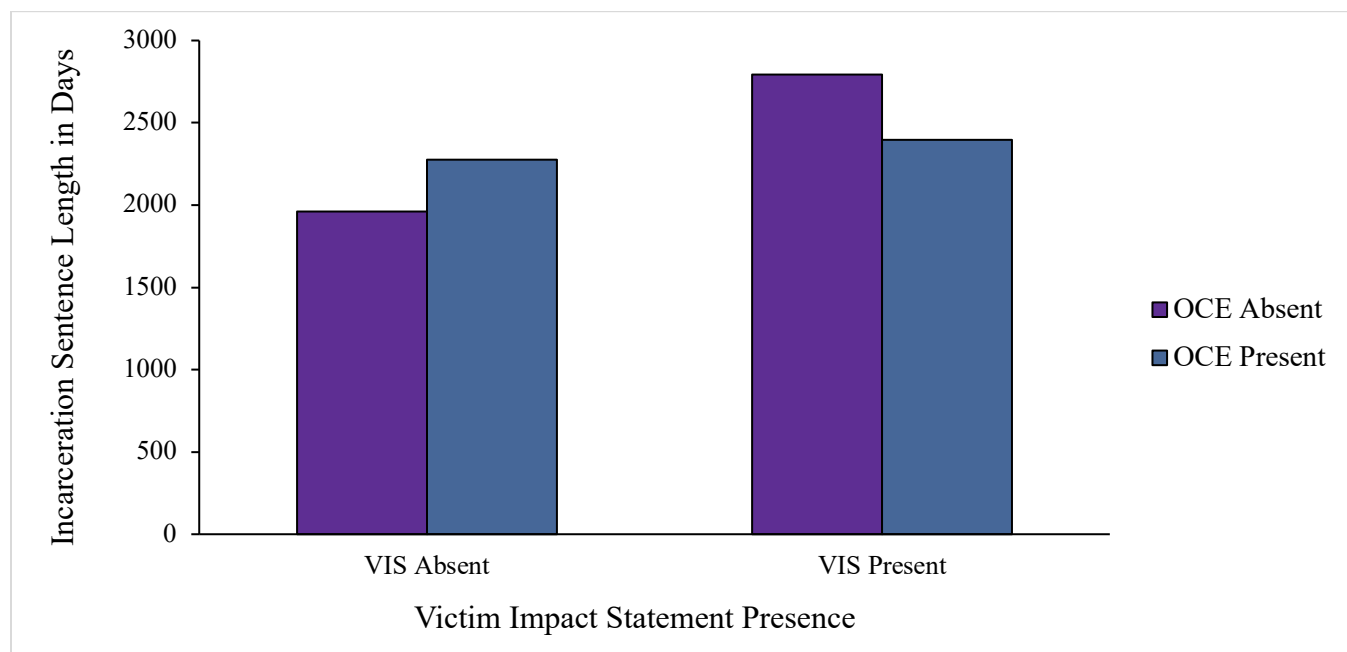
VS		Granted		Denied		Total
		<i>n</i>	%	<i>n</i>	%	
VS Present	LS Present	4	80	1	20	5
	LS Absent	1	25	3	75	4
VS Absent	LS Present	6	75	2	25	8
	LS Absent	11	47.8	12	52.2	23

Note. $N = 40$, $\chi^2(0) = 0$, $p = 1.00$

Table 26*Distribution of VS and LS Presence Across Full Parole Decisions*

VS		Granted		Denied		Total
		<i>n</i>	%	<i>n</i>	%	
VS Present	LS Present	1	20	4	80	5
	LS Absent	2	33.3	4	66.7	6
VS Absent	LS Present	4	44.4	5	55.6	9
	LS Absent	12	44.4	15	55.6	27

Note. $N = 47$, $\chi^2(0) = 0$, $p = 1.00$

Figure 1***Presence and Absence of VIS and OCE for Incarceration Sentence.***

Note. This figure shows the interaction between VIS and OCE on incarceration sentence length (in days). This figure displays that when VIS is absent there is a non-significant difference between incarceration sentences (314.03 days) when OCE is present compared to when it is absent. There is a significant difference in sentence when VIS is present, when OCE is absent the sentences are on average 395.94 days longer than when OCE is present. When OCE is absent, there is a significant difference in incarceration length, specifically 831.53 more days when VIS is present compared to absent. When OCE is present, the differences in sentences are non-significant, with there only being a difference of 121.56 days on average when VIS is present compared to absent.

Appendix A

	Victim Impact Statement	Victim Statement
When is the statement presented? Who provides the statement?	<ul style="list-style-type: none"> • At sentencing. • A direct or indirect victim. The CVBR (2015) defines a victim as “an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence”. This definition is expanded to include others who can exercise victim’s rights if the victim is dead or unable to act on their own behalf: victim’s spouse or spouse at time of death, individual who is or was (at time of death) cohabiting with the victim in a conjugal relationship of at least one year, a relative or dependant, or an individual who has in law or fact custody or responsible for the care/support of the victim or a dependent of the victim (CVBR, 2015). 	<ul style="list-style-type: none"> • At parole. • A direct or indirect victim. An adult (i.e., 18 years or older) who has been harmed by the crime can present a prepared statement at a parole hearing. If the victim is deceased, ill or unable to act, an individual may represent the victim if they are the spouse or conjugal partner of the victim, are a relative of the victim, have custody of or are responsible for a dependent of the victim (i.e., a child), and if they are registered as a victim with the PBC (Government of Canada, 2020).
Does it need to be considered during the decision?	<ul style="list-style-type: none"> • The <i>Criminal Code of Canada</i> (1985) requires require the court to consider a statement if it has been submitted. 	<ul style="list-style-type: none"> • Providing a statement is voluntary; however, it is necessary for parole board members to take the statement into consideration when making their decision (Canadian Resource Centre for Victims of Crime, 2014a, 2014b).
In what format can the statement be presented?	<ul style="list-style-type: none"> • A VIS can be a written statement that the judge reads, the statement can be 	<ul style="list-style-type: none"> • At parole, victims can use their VIS from sentencing, provide

What information does the statement contain?

orally presented by the victim or another individual (e.g., another family member, the Crown), orally presented outside of the courtroom or behind a screen that would not allow the victim to see the offender, or the statement can be presented in another manner such as a poem or drawing (CVBR, 2015; Department of Justice, 2016).

- VIS are statements prepared by victims that describe to the court any harm (physical, emotional, or financial) that they have suffered due to the offence that the offender is being sentenced for (CVBR, 2015; Department of Justice, 2016).

another statement, or include both (Victims and Survivors of Crime Week, 2015). The statement can be written, orally presented during the hearing if you attend, or presented via a video or audio recording (Government of Canada, 2019b).

- VS are statements that describe how the offender's crime has impacted their lives. In these statements, a victim can describe the harm (physical, emotional, financial, family/relationship harm) or loss they have endured as well as the ongoing impact of the offence and any safety concerns they may have. The victim is also able to comment on the potential release of the offender, ask for no contact, request limits on locations an offender can be allowed at, or to tell PBC that you do not want the offender to know your new name if it has been changed since the offence (CSC, 2019; Government of Canada, 2019b; Government of Canada, 2021). A VS is also meant to be directed towards the PBC members

What information should the statement not contain?

- The VIS must not contain irrelevant or impermissible information such as victim recommendations for the sentence or discuss impacts of an offence the offender has not plead or found guilty (*Criminal Code of Canada*, 1985; Government of Nova Scotia, 2021)

(Government of Canada, 2021). The information provided by victims helps the parole board members understand the seriousness of the offence and whether the offender recognizes the harm they have caused.

- The VS should not include personal information that can compromise the safety of the victim, their family, or others. It should not include information or photos that one does not wish to be seen by the offender or the general public. No disrespectful language or threats are allowed, and no music, images, other people, or other elements should be included in a video or audio recording of the statement. The offender should not be addressed directly with the VS (Government of Canada, 2019b).

How often are the statements presented?

- VIS are rarely submitted, estimated in only around 7-13% of all cases (Dufour, 2021; Lindsay, 2015; Roberts & Edgar, 2006; Victims and Survivors of Crime Week, 2015).

- In 2017 to 2018, there were 15,000 parole board reviews and there were only 328 presentations at 181 hearings (about 1.2% of all reviews; Government of Canada, 2019a). From 2019-2020, 1640 VS were received for

Does the statement have an impact on the decision?

- Currently, there is a debate of whether VIS leads to longer sentences; most recently, Dufour and colleagues (2023) found no evidence that VIS impacted sentencing outcomes when type of crime was controlled for. Kunst and colleagues (2021) also found no impact.

consideration for release decisions, which has increased from previous years. There have been 319 instances of victims presenting a statement at PBC hearings (Public Safety Canada, 2022).

- Currently, there is mixed results on whether or not VS impacts parole decisions. Some research, such as Smith and colleagues (1997) and Parsonage and colleagues (1992), found that victim input leads to greater likelihood that parole is denied. However, Caplan (2010a) found that victim input did not predict release decisions; Tubman-Carbone (2014) suggests this may be because there is not any new unique information presented with victim input.

Appendix B

Variable	Description
Specific Charges	The types of charges a defendant is charged with is broken down into 12 separate categories: total number of homicide-related charges; 1 st degree murder; 2 nd degree murder; all other homicide related offences; total number of sexual offence charges; contact sexual offence charges; non-contact sexual offence charges; other; kidnapping, confinement and abduction; theft/fraud/robbery; assault; and drug related charges. Total number of homicide-related charges and total number of sexual offence charges were not used in this study. See Appendix C for a further breakdown of each of the specific charges. Each of these charges were originally coded by the number of charges present in the case (ex. 1, 2, 3, 5, 10, etc.), however, it was dichotomized in order to run the analyses.
VIS?	Is there a victim impact statement present in the case 0 = no, 1 = yes.
Offender Character Information	Anything that is said about the offenders' character (i.e. a boss describing their work ethic, psychologist mentioning how they are doing in therapy, colleague describing how friendly they are, etc.). Copied and pasted directly from CanLII. This will then be broken down into whether or not offender character evidence is presented.
Number of Days Incarcerated	If the sentence says "jail", "prison", "incarcerated", "imprisonment" or "in custody", the months/years will be converted into days and added up. Concurrent and consecutive sentences are irrelevant in this coding, the entire sentence is added up regardless.
Number of Days on Probation	If the sentence says "in the community", "on probation", "conditional discharge" or "conditional sentence", the months/years will be converted into days and added up. Concurrent and consecutive sentences are irrelevant in this coding, the entire sentence is added up regardless.

Appendix C

Archival Victim Impact Project

Code Book and Term Dictionary

Fall 2019, Winter 2020, Spring 2020

Graduate Student Supervisor: Gena Dufour

Faculty Supervisors: Dr. Veronica Stinson and Dr. Meg Ternes

Gena.Dufour@smu.ca with questions, ideas, or concerns.

Research Assistants: Brandon Burgess, Martina Faitakis, Jacqueline Shaw

Note to coders:

The purpose of this project is to examine, in a scientifically rigorous way, the role that crime victims play during an offender's sentencing. Why are we doing this? We think it's important to look at actual court rulings – how judges determine sentencing on real cases – because we think it most closely captures the Canadian context. We believe we are the first to do tackle these questions in this way. Thank you for joining us!

The challenge is to “translate” or “code” what is in judges' rulings (or sentencings) into numbers or information that we can analyze so we can make comparisons. That's why we need your help!

This coding rule book and dictionary reflects an attempt at coding these sentencings in a systematic, consistent way. It's an evolving document, one that has been informed by our experience so far. We ask that you follow it so that we can all be on the same page and we can all be consistent about how we label or categorize a piece of information.

We think with your help, we can find out how and when victims express their voices at sentencing. Thank you!

Special thank-you to all the coders who have helped with this multi-year project. I LITERALLY could not have done this without you all:

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- Journey Giesbrecht
- Kyanna Gilks
- Krystal Lowe
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- Martina Faitakis
- Mehak Tekchandani
- Melissa Corbett
- Meylin Zink Yi
- Molly Stanley
- Nicole Hopper
- Prachi Gaba
- Rebecca Ryan
- Sam Thoms
- Sabrina Mamtaj

Note: the following types of cases should NOT be coded into the dataset:

- Appeals (where someone has already been sentenced and it is being appealed)
- Appeals court cases
- Traffic court/board
- Housing court/board
- Landlord court/board
- Juvenile court or cases where the offender is underage (unless they were tried as an adult)
- Local planning board
- Education board
- Cases where the offender was not found guilty: IE Not Criminally Responsible on Account of Mental Disorder, Unfit to stand trial, etc

Numeric Coding Values

Unless otherwise specified use these numeric coding values for all items:

No = 0

Yes = 1

Information not available/not specified/not known = “9999”

Category not applicable = “8888”

Citation: Found at top of document (e.g. R v Dufour, 2016 SBDB 4). Do not include appeal cases, only cases from Provincial Court or Queen’s Bench Court.

Year: year the case was coded under in CanLii. It is usually stated in the “Citation” For example, R. V. Dufour, 2016, the year entered would be “2016”

File #: Found at top of document following “File number:” (e.g. CR 753 of 2013)

CanLii Link: Copy and paste the web address of court case on CanLii

Province: In what province was the trial conducted.

Province Numeric Coded:

Code as follows:

0 = British Columbia

1 = Alberta

2 = Saskatchewan

3 = Manitoba

4 = Ontario

5 = Quebec

6 = New Brunswick

7 = PEI

8 = Nova Scotia
 9 = Newfoundland and Labrador
 10 = Northwest Territories
 11 = Yukon
 12 = Nunavut

Multiple offenders in one case? Sometimes, one canlii report will have the sentencing information for multiple people, because they were both involved in the crime(s). for instance, a sentence might have information for one offender, who committed a murder, and for a second offender, who helped. If this is the case, code as “1”. If this is not the case (it’s just a regular canlii file with one offender) code as “0”

Dangerous Offender Case?

Some of the cases in the dataset will be what are called “Dangerous Offender Status decisions” meaning the offender is not being sentenced for one particular crime, but rather the judge is deciding whether the offender will be awarded the status of “dangerous offender.” These cases will automatically receive life sentences.

0 = no, this is not a dangerous offender decision (most cases will be zero)
 1 = yes

Date of sentencing: On what day did sentencing take place. If sentencing is described as taking place over several days put range of dates. Date format day-month-year (e.g. 29-12-1996 or range 29-12-1996 to 30-12-1996)

Name of Judge: Google first name if necessary. If not known, do not guess, code “9999”

Gender of Judge: Google if necessary.

1 = male
 2 = female
 9999 = other or not specified

Name of Crown Counsel: Usually found either at the top or the bottom of the document. Will state: Crown Counsel and a name. Sometimes an initial and then a full last name. For example, G. Dufour.
 9999 = not specified

Name of Defense Counsel: Usually found either at the top or the bottom of the document Will state: Defense Counsel and a name. Sometimes an initial and then a full last name. For example, G. Dufour.
 9999 = not specified

Charges: What was the defendant charged with in the case. If multiple charges, state all of them. Code all charges laid, even if they weren’t found guilty for all of them. COPY AND PASTE FROM CANLII.

Charges Breakdown:

When coding for charges:

0 = No charges of this offense type

1 = One charge of this offense type

2 = Two *separate* charges of this offense type

3 = Three *separate* charges of this offense type

Etcetera

If there is an unknown amount of charges, or the judge does not specify how many counts the offender was charged with, or it is unclear how many counts the offender was charged with in any capacity code as “9999”

Example: If offender was charged with one count of assault and two counts of uttering threats, then code as the following:

Number of Sexual offense charges: 0

Number of Murder or murder-related charges: 0

Number of Assault charges: 1

Number of Theft/robbery/fraud charges: 0

Number of Kidnapping/confinement/abduction charges: 0

Number of Drug related charges: 0

Number of “Other” Charges: 2

Total number of charges: 3

The number is the corresponding criminal code number with each charge. Sometimes the judge will use the criminal code number instead of explicitly saying what the charge was. If it is not exactly the same, do not worry there are sometimes multiple variations of charges. If you are unsure, consult the criminal code (<https://laws-lois.justice.gc.ca/eng/acts/c-46/index.html>). If you are still unsure after that, contact Gena.

If charges are:	Then put it under:
Anything that results or is related to the death of a person	Total number of Homicide-related charges
All of the crimes in the three categories below	
First degree murder- 231 (1)	1 st Degree Murder
Second degree murder- 231 (2)	2 nd Degree Murder

Manslaughter- 232 (1) Manslaughter with a firearm Intent/ Conspiracy to commit murder- 465 (1) Attempted murder- 239 (1) Negligence causing death- 220 Dangerous/impaired/reckless/etc driving resulting in the death of a person-320 Break and enter with a murder-348	All other Homicide related offences
Anything that is sexual in any way All of the crimes in the two categories below	Total number of Sexual Offence charges
CONTACT based sexual offences Sexual Assault- 271 Sexual assault with a weapon- 272 (1) Sexual assault causing bodily harm- 272 (1) b Sexual assault with physical assault- 272 (1) c Sexual acts/interferences etc- 151 Incest- 155 (1) Frotteurism- (counts as sexual assault) Gross indecency (offender fellates or performs cunnilingus on victim)- 161 Break and enter with a sexual assault-348 Sexual Exploitation-153 (1) a b	Contact sexual offence charges
NON-CONTACT based sexual offences Invitation to sexual touching- 152 Voyeurism- 162 (1) Luring-171 (a) (b) (c) Public exposure/Indecent Act- 173 (1) (2) Pornography or pornography related charges (including child porn)- 163.1 (1) (2) (3) (4) Prostitution related crimes (including pimping)- 286.1 Conspiracy to commit sexual assault-490 (1) e Human Trafficking * (check with Gena) -279	Non-contact sexual offence charges
Property damage- 430 (1) Possession of a weapon- 88.1 Leaving the scene of a crime-320.16 Escaping custody/being “at large”- 145 (1) Obstructing justice- 139 (1) (2) (3) Breach of probation/refusing to comply with probation etc- 733.1 (1) Mischief- 430 (1) Interference with human remains- 182 Dangerous/reckless driving- 320 Impaired driving/driving while under the influence of substances/drugs/alcohol- 255 (3.1)	Other

<p>Dangerous/reckless driving – but ONLY if it does not result in the death or injury of a person. Operating a motor vehicle without a licence-320.18 Harassment- 264 (1) (2) (3) Arson-433 a Stalking- 264 (1) (2) (3) Breaking and entering- 348 (1) Uttering threats- 264.1 (1) Uttering threats with a weapon or firearm- 264.1 (1) Wearing a disguise-351(2) Break and enter with no additional crimes-348 Use of a firearm during the commission of an offense-85 (1) Use of a fake firearm during the commission of an offense-85(2)</p>	
<p>Kidnapping- 279 (1) Unlawful confinement- 279 (2) Abduction- same as kidnapping Abduction contrary to parental/custodial agreement- 282 and 283 (1) Break and enter and forcible confinement-348</p>	Kidnapping, confinement and abduction
<p>Fraud- 380 (1) Theft- 322 (1) Robbery- 343 Forgery/forging documents- 375 Extortion- 346 (1)</p>	Theft/fraud/robbery
<p>Anything that results in the bodily harm of a person</p> <p>Assault- 265 (1) Assault causing bodily harm- 267 (b) Discharging a weapon and causing bodily harm- 244 (1) Assault with a weapon- 267 (a) Aggravated assault- 268 (1) Elder abuse/child abuse/child endangerment/negligence- 218 Dangerous/impaired/reckless/etc driving resulting in the injury/bodily harm/assault of a person-320 Break and enter with assault-328</p>	Assault

<p>Any charge that is related to drugs, alcohol, or illegal substances. Related to Controlled Drugs and Substances Act</p> <p>Drug trafficking- 5 (1) Possession of illegal substances- 2 Production of drugs- 7 (1)</p>	Drug related charges
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*Some offenses may look like they fit into more than one category – DO NOT DOUBLE CODE.

If a case like this comes up, bring it to Gena (flag it under needs supervisor attention) to help you decide where to code it.

If the case is AT ALL (even a little bit) unclear, bring it to Gena.

If you cannot understand the context or information the previous coder has left in a cell, use the link provided to go back into the CanLii file to read more details about the case before making a coding decision.

Total Number of Charges: The total number of charges. NOTE: this might not necessarily reflect the sum of the other columns (some of them are double coded as applicable). Total number of charges should ONLY BE the exact number of charges laid against the offender.

Date of offence: Date that the offence occurred. If the offense occurred over a number of days or on multiple occasions over a long period time, specify the time frame. Date format day-month-year (e.g. 29-12-1996 or range 29-12-1996 to 30-12-1996)

Offender age at Time of Offence: Age of the offender when the crime occurred. If the crime occurred over a long period of time, specify the age range during which the offence occurred (e.g. “12 to 16” or “9999 to 43”). If not specified code “9999”

Offender age at Time of Sentencing: If not specified code “9999”

****NOTE: Age at time of Sentencing should ALWAYS be higher than age at time of offense.

Offender gender: “1” = male, “2” = female, “9999” = Not specified or other

Victim Age at time of Offence: The age of the victim when the offense occurred. If the crime occurred over a long period of time, specify the age range during which the offence occurred (e.g. “12 to 16” or “9999 to 43”). If age at offence is not specified code “9999” If multiple victims, code “7777.” If multiple victims who are ALL children, code “6666.” If information is available, please add a comment in “notes”

Victim Age at time of Sentencing: If absent, code “9999.” If multiple victims, code “7777.” If multiple victims who are ALL children, code “6666.” If information is available, please add a comment in “notes.” If deceased (ie, the crime was a murder), code “5555”

***NOTE: Age at time of Sentencing should ALWAYS be higher than age at time of offense.

Victim Gender: “1” = Male “2” = Female “9999” = Not specified

Offender’s relationship to the victim: How is the offender related to the victim? (i.e. soccer coach, boss, stranger, neighbor, etc.) If multiple relationships stated (i.e. boss and father) write all of them verbatim.

Offender’s relationship to the victim: Numeric Coded: Code as follows:

0 = Strangers

1 = Immediate family (parent, child, sibling, includes foster, and step parents)

2 = In some sort of sexual or romantic relationship (domestic partners, dating, sleeping together, boyfriend/girlfriend, husband/wife etc, common law. This includes off/on relationships)

3 = Friends or acquaintances (like roommates, neighbors, family friends, regular drug dealer or customer)

4 = Extended family (such as grandparent or aunt/uncle or cousin etc)

5 = Ex-partner (divorced, broke up etc)

6 = Professional relationship – EXCEPT for boss (they know eachother through school/business/work or are coworkers)

7 = teacher or boss, or other misc position of authority (like a coach, financial advisor, landlord, caretaker)

8 = Miscellaneous (check with Gena first)

9999 = no relationship is specified

7777 = multiple victims in one case with multiple relationships to offender*

Number of victims – There are several related columns for this topic:

- **Total Number of Victims:** How many victims are directly impacted by the offense. Note this does not mean “how many victim impact statements” but how many identified victims. This should always be a number. If not specified, code as “9999”. In the case of a murder, there might be one deceased victim, but many more who were directly effected by the crime. All those people count.
- **Number of Victims (Gender):** This is a gender breakdown of the total victims column. Male, Female, and Not Specified. Should always be a number, either 0 or higher. If not specified (IE, there is clearly victims noted for any given category but the number isn’t stated) code as “9999”

Victim Impact Statement (VIS) variables

VIS?: Is there a victim impact statement present in the case 0 = no, 1 = yes

Total number of VIS: How many VIS were given in this case? State the number. If not specified (EG, it says some were given but there were a lot of victims and it doesn't say how many), code as "9999." If none were given, code as "0."

VIS Gender Variables:

- **Female VIS:** How many female written VIS are present, broken down by how each one is used in court (i.e. was it read in court, written but not delivered, or not specified). If none are given, code "0." If some are given but the number is not specified, code "9999"
- **Male VIS:** How many male written VIS are present, broken down by how each one is used in court (i.e. was it read in court, written but not delivered, or not specified). If none are given, code "0." If some are given but the number is not specified, code "9999"
- **Not-Specified VIS:** How many VIS written by a non-specified gender are present, broken down by how each one is used in court (i.e. was it read in court, written but not delivered, or not specified). If none are given, code "0." If some are given but the number is not specified, code "9999"

VIS COMMENTS (poem, drawing, etc.): ANYTHING related to how the VIS is delivered in court (submitted/filed/read/ read by someone other than the victim), also includes whether statement was a community impact statement, or other form of peripheral impact statement. Exception: if the VIS is read by someone other than the victim, put that in "read by someone other than victim." If no VIS was present in this file, code "8888" (meaning not applicable)

VIS Information: Copy and paste all information presented on VIS itself (e.g. what it says, what the implications are). Paraphrasing is not recommended, as the information in court document is already paraphrased from how it was originally.

Direct or Indirect Victim?: Was the impact statement submitted by the direct victim of the crime, or the indirect victim? This project defines "direct victim" as someone who was directly the victim of the offence and has submitted a statement accordingly. An "Indirect victim" is someone who is associated (ie family member, friend, boss etc) with the victim but has also submitted a statement. For example, imagine a sexual assault case. The victim is an 18 year old girl. The victim submits a VIS. She is the direct victim. The victim's mother also submits a VIS. She is the indirect victim. Another example would be in any homicide case, the victim has died and so cannot submit a statement. However, many indirect victims might also submit statements (ie friends, family members).

To code,

0 = direct victim(s)

1 = indirect victim (s)
 2 = multiple statements submitted, some from direct and some from indirect.
 8888 = no VIS submitted in this case
 9999 = not clear/specified in CanLII report

Prepared by victim but read by someone else? Sometimes, a victim will write their own statement but have someone else (a family member, their lawyer, etc) read it out loud in court. If this has happened:

0 = no
 1 = yes
 8888 = No VIS submitted in this case
 9999 = not specified or unclear
 (only code 9999 if you have evidence be believe this this might have happened but you aren't sure. If it says it was read, most of the time that means it was read by the victim themselves).

Reasons for no VIS: If there is no VIS, what is the reason for the absence (e.g. Victim declined, victim deceased)? If not specified, code "9999" If there is a VIS present, code "8888" (meaning not applicable)

Impact on Victim with no VIS: VIS was not submitted, but impact on victim was read in court (i.e. judge mentions the effect that the crime has had on the victim, or someone mentions physical, financial, emotional impact, etc.). If you are certain no information is provided code "9999" for "not specified" If there IS a VIS present, code "8888" meaning "Not Applicable." If you are not sure, please leave it blank.

Community impact statement: Control and search for "community impact statement" in the CanLii file. If it does not come up, or it states that none were given, code as "0." If it states there was a community impact statement, code as "1"

Aggravating factors: Ctrl F "Aggravating Factors" copy and paste all information given regarding aggravating factors

Mitigating factors: Ctrl F "Mitigating Factors" copy and paste all information given regarding aggravating factors

The following four variables can typically be found under "aggravating" and "mitigating" factors in the CANLII case. Do NOT just use the content from the dataset, always go back to the CANLII case directly. It might help to use the following search terms in the canlii case (click "find in document" or the little pencil icon): "remorse," "apology," "sorry," and "responsibility"

Guilty Plea: This will typically be the first sentence (ish) in the CANLII report. If the case says "found" guilty, that means they DID NOT PLEAD GUILTY. (Remember, there are

too options for offenders. They either plead guilty and are sentenced, or they plead not guilty, then the judge/jury finds them guilty or innocent, and if they are found guilty, they are then sentenced).

0 = No guilty plea/ "found guilty" for all charges (this is what we assume to be the case in instances where it doesnt say anything about how they plead)

1 = plead guilty for SOME of the charges, found guilty for others

2 = plead guilty to all (this includes cases where there was only one charge)

EXAMPLES:

"the offender was found guilty for manslaughter and assault: > code as 0

"The offender plead guilty to 4 of the 6 crimes, and was found guilty for the other 2" > code as 1

"the offender plead guilty to all 40 charges" > code as 2

"the offender was charged with assault and plead guilty" > code as 2

no comment about whether the offender plead guilty > code as 0

Presence of remorse? Defined as deep regret or guilt that has being portrayed. This will usually be found in the judges comments about how the judge feels about the offender (often in mit factors). Note: "The offender feels sorry" is evidence of remorse. "the offender said sorry" is an apology.

0 = there is a statement by the judge that literally says the offender is NOT showing remorse

1 = Maybe remorse: Code as 1 If there is ANY doubt that the remorse isn't genuine. (Only use if there is **evidence** it's not genuine: IE – the judge says "the offender displays remorse but it doesn't seem like he means it." you cannot just "guess" or "assume" that it feels insinsere, we have to go by wha the judge literally says).

2 = Definite remorse (If the judge says the remorse is genuine and believable OR if it doesn't say whether it's genuine or not, just says that remorse is present, then we can assume it's fine)

9999 = not specified (there is No comment about the offenders remorse)

EXAMPLES:

"The offender has not shown any remorse for the crimes he has committed" >code as 0

"The offender isn't even sorry for what he's done" > code as 0

"The offender has shown remorse for some offences, but does not appear remorseful for all the crimes he has committed" > code as 1

"The crown has stated that the offenders remorse comes off as insincere" > code as 1

"The offender has shown remorse and it feels sincere, he clearly feels very regretful of his actions" >code as 2

"The offender feels sorry for what he's done" > code as 2

Presence of apology? – Please also check for the word “sorry” etc! Note: “The offender feels sorry” is evidence of remorse. “the offender said sorry” is an apology.

0 = there is a statement by the judge that literally says the offender did NOT provide an apology

1 = Apology given but a not a believable/good one. Code as 1 if there is any doubt raised by the judge or lawyers etc that the apology is not genuine. (Only use if there is **evidence** it's not genuine: IE – the judge says “the offender apologized but he didn't really seem like he meant it” or the lawyer makes a comment about how its not genuine or something to that effect.).

2 = Good apology (If the judge says the apology is genuine and believable OR If the canlii report doesn't say whether it's genuine or not, just says that an apology is present, we can assume it was good and genuine).

9999 = not specified (there is No comment about the offenders apology)

EXAMPLES:

"He did not offer an apology" > code as 0

"He hasn't said sorry" > code as 0

"He apologized but the apology came off as insincere" > code as 1

"He apologized and the crown have stated that they feel the apology was insincere" > code as 1

"the offender apologized to his wife" > code as 2

"The offender said sorry to the victim" > code as 2

"His apology seemed genuine and sincere" > code as 2

Responsibility of actions: Have they taken responsibility for the offence and is it mentioned in canlii (not just pleaded guilty). This might refer to “post-offence” behavior or things like that.

0 = there is a statement by the judge that says the offender is not taking responsibility for their actions

1 = the judge states that the offender is taking partial responsibility, but maybe still has more to do, or “They haven’t taken full responsibility.” Do not count if it’s solely because of guilty plea.

2 = judge states they have taken full responsibility for their actions. Do not count if it’s solely because of guilty plea.

9999 = not specified: there is no mention of taking responsibility OR if the only mention is because they plead guilty

EXAMPLES:

"the offender has not taken any responsibility for his actions" > code as 0

"The offender has taken some responsibility for his actions as demonstrated by his behaviour" > code as 1

"the offender has taken full responsibility for his actions as demonstrated by his post offence behaviour" > code as 2

"The offender has taken responsibility for his actions as demonstrated by the fact that he plead guilty" > code as 9999

(We AREN'T counting guilty plea as evidence for taking responsibility because we are coding that seperately. we are interested in OTHER indicators.

if the judge that the offender has taken partial/full responsibility but does not give a reason why, you can code as 1 or 2. If the only reason is guilty plea, it MUST be 9999.

Again, 0 is ONLY used if the judge EXPLICITLY says that the offender isnt taking responsibility.

Offender character information: Anything that is said about the offenders’ character (i.e. a boss describing their work ethic, psychologist mentioning how they are doing in therapy, colleague describing how friendly they are, etc.) Copy and paste verbatim.

Offender race/culture/ethnicity Information: copy and paste any notes or comments about the offenders race, ethnicity, or cultural considerations.

Gladue Report?: Was a gladue report filed in this case?

0 = no

1 = yes

2 = Court states that the offender is aboriginal/indigenous/metis/status but no report was explicitly filed

Joint Recommendation?: If crown and defense both argue for, support, or seek the same sentence. Will usually be clearly stated “Joint Recommendation” Or “joint submission”

0 = no
1 = yes

Publication Ban?

0 = “no”
1 = “yes”

If there is a publication ban, this will always be clearly stated near the top of the CanLii document

Sentence: How was the offender sentenced? Record as written and presented in the court document, copy and pasted. (e.g if stated “33 months in custody, 3 months on parole” paste exactly that.

Sentence Coded: We are interested in the total number of DAYS the offender is sentenced to.

Always double check your math to ensure you are not making any mathematical errors when coding.

If sentence says:	Then put it under:
Jail Prison Incarcerated Imprisonment In custody	Number of days incarcerated
In the community On probation Conditional discharge Conditional sentence* (Depends, you should check CanLii)	Number of days on probation
Absolute discharge	Zero in both

NOTE:

If sentence says:	Then code as:
“Month”	30 days
“Year”	365 days
“Life” or “Indeterminate”	9125 days (the same as 25 years)

DO NOT WRITE “DAYS” – just put the number

Example: “3 months and 24 days in prison”

- 3 times 30 is 90
- 90 days plus 24 = 114
- Code as “114” under “incarcerated” variable
- Code as “0” under probation variable

Example: “7 years in the community”

- 7 times 365 = 2555
- Code as “0” under “incarceration” variable
- Code as “2555” under “probation” variable

Example “four and a half years incarcerated for count 1, and 6 months probation for count 2”

- 4.5 times 365 = 1642.5
- 6 times 30 = 180
- Code as “1643” under “incarceration” variable
- Code as “180” under “probation” variable
- No decimals, round up to the next day

Example: “5 years in prison minus 503 days for time already served”

- 5 times 365 = 1825
- Code as “1825” under “incarcerated”
- It does not matter if they have already served some of it.
- Comments like “credit for time served” can be ignored.

Example: “For count 1, I sentence you to 2 years and 6 months in prison minus 87 days for time already served. For count 2, I sentence you to 7 years in prison, which will be served concurrently to the first sentence.”

- 2.5 times 365 = 912.5
- 7 times 365 = 2555
- 913 + 2555 = 3468
- Code as “3468” under “incarcerated”
- We are looking at the global sentence. Add up all the sentences together, even if they are being served concurrently (at the same time).

In other words, it DOES NOT MATTER if it says “concurrent” or “consecutive,” you still ADD UP the cases.

Sometimes, a judge will list all the charges and then at the bottom make a statement like “you will serve 145 days total.”

MAKE SURE YOU COUNT THE SENTENCES YOURSELF – don’t rely too much on that statement from the judge, because it might be treating the sentences concurrently.

Life Sentence?:

0 = “no”

1 = “yes”.

There should not be any “not specifieds” for this variable.

Parole ineligibility:

If the offender has a life sentence, a determination will be made about when that offender is eligible to apply for parole. This is typically 10, 15, or 20 years.

Code the number of years (Just write the number, don’t write the word “years”)

If the offender does NOT have a life sentence, this column does not apply. Code as “8888” (Not Applicable)

If the offender receives life in prison with NO eligibility for parole (they can NEVER apply), code as “4444”

Conditions of Sentence: Were any conditions placed on the offender as part of sentencing? (i.e. abstaining from alcohol, being required to report new relationships, geological restrictions, etc.). The following list are the variables we are most interested in coding for.

Ancillary Orders (broken down and coded): In addition to the sentence imposed, a judge will sometimes also impose other orders, known as ancillary orders. Some ancillary orders are aimed at redressing the harm caused by an offender, such as compensation orders. Others aim to prevent future re-offending or repeat victimization, including criminal behavior orders and exclusion orders. Below are 10 categories of Ancillary orders to code for in the dataset.

Ancillary Orders		
<i>Order Name (and associated variable/column)</i>	<i>What it means and Qualifications</i>	<i>How to code it</i>
Victim Fine Surcharge	<p>Victim surcharges are paid by the offender to the government. These surcharges are directed to the provision of victim services.</p> <p>30% of any fine that is imposed on the offender for the offence; or if no fine is imposed on the offender, then</p> <ul style="list-style-type: none"> - \$100 in the case of an offence punishable by summary conviction - \$200 in the case of an offence punishable by indictment 	<ul style="list-style-type: none"> - Enter the amount in dollars. - If not present in this case, code ‘8888’ - If a surcharge is given but the amount is not specified, code ‘9999’ - If a surcharge is given but then WAIVED (IE, the offender does not have to pay it), code as ‘7777’

Restitution order	Restitution orders are made by a criminal court for an offender to pay a victim of a crime a set amount which is related to the offence for which the offender has been found guilty. Restitution forms part of the sentence given to an offender.	<ul style="list-style-type: none"> - Enter the amount in dollars. - If not present in this case, code '8888' - If a restitution order is given but the amount is not specified, code '9999' - If a surcharge is given but then WAIVED (IE, the offender does not have to pay it), code as '7777'
Fine	Fines may form part of the sentence of an offender, but are paid by the offender to the government. These fines become part of the general revenues of the government	<ul style="list-style-type: none"> - Enter the amount in dollars. - If not present in this case, code '8888' - If a fine is given but the amount is not specified, code '9999' - If a surcharge is given but then WAIVED (IE, the offender does not have to pay it), code as '7777'
DNA Order	order pursuant to S. 487.051(1) Always applied for primary designated offences and sometimes for secondary designated offences (at the judge's discretion)	0 = no (not present) 1 = yes (present)
SOIRA Order	SOIRA (Sexual Offender Information Registry Act) order For 10 years, 20 years, or life depending on the maximum term of imprisonment for the offence, and the number of offences the offender has committed Used for all sexual-related offences and other offences that were committed "with the intent to commit a further sexual-related offence"	0 = no (not present) 1 = yes (present)

Firearms and weapons prohibition	pursuant to s. 109 10-year period for first offence Lifetime prohibition for subsequent offence i.e. prohibited from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, and explosive substances	0 = no (not present) 1 = yes (present)
Other prohibition	Might include prohibition from <ul style="list-style-type: none"> - Driving - drugs or alcohol, - Use of internet/digital networks - Employment restrictions 	0 = none present 1 = one present 2 = more than one present
Non-Communication or proximity Orders	Pursuant to s. 743.21 (1) No contact directly or indirectly with the victim or any member of the victims family. No coming within X distance to victim's place of residence, employment, or school. Used when the victim could be a witness for trial, the offence involves violence or threats against the victim, or the victim expresses reasonable concern about being contacted by the offender No attending public locations (IE park, swimming pool) where persons under age 16 may be present OR speaking to people under the age of 16	0 = no (not present) 1 = yes (present)
Treatment/Counselling Order	Offender must attend, participate in and successfully complete any intake, assessment, counselling or program as directed by the probation officer with programs	0 = no (not present) 1 = yes (present)

	relating to anger management, alcohol and drug abuse	
Order for Apology	If the judge orders the offender to issue an apology to the community or the individual	0 = no 1 = yes
Other (standalone orders)	There are many, MANY other possible orders. If you come across something you feel is VERY important AND is related to the victim/VIS (and might come up again), note it here.	In the “Coded” Column: Code as 0 if there are no other orders and 1 if there are any additional orders. In the “specify” column: Copy and paste from CanLII

Sources:

Ancillary orders: <https://www.sentencingcouncil.org.uk/about-sentencing/types-of-sentence/ancillary-orders/>

Victim fine surcharges, restitution orders, fines: <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p6/ch07.html?wbdisable=true>

Non-communication orders: https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html#sec743.21subsec1_smooth

Notes: Record any notes or thoughts that came up while coding the court document. These will likely stay with the case – Gena may not necessarily need to make revisions.

Needs supervisor attention (state reason): flag if there is an issue with this case that you would like Gena to look at to decide about how to code something, or if Gena needs to make a revision. Then, highlight the cell you need looked at.

File coder Initials: Original Coder Initials.

Appendix D

Archival Victim Impact Project

Code Book and Term Dictionary – Offender Character Evidence

Spring 2023

Graduate Student Supervisor: Kimberley Tirkalas

Faculty Supervisors: Dr. Veronica Stinson and Dr. Meg Ternes

Kimberley.tirkalas@smu.ca for any questions, ideas, or concerns.

Numeric Coding Values

Unless otherwise specified use these numeric coding values for all items:

No = 0

Yes = 1

Information not available/not specified/not known = “9999”

Archival ID: The unique number assigned to each case. Do not change this and if you are emailing Kim a question, refer to the archival ID number (as well as the citation or link).

Citation: Found at top of document (e.g. R v Dufour, 2016 SBDB 4).

CanLii Link: The web address of court case on CanLii

Offender character information: This was provided by previous coders – please do **NOT** delete anything from this. This was anything that is said about the offenders’ character (i.e., a boss describing their work ethic, psychologist mentioning how they are doing in therapy, colleague describing how friendly they are, etc.) Copied and pasted verbatim.

*Based on this information, use it to fill out the following columns:

OCE: Is offender character evidence (OCE) present in the case 0 = no, 1 = yes

This is often described as an offender character letter/character reference/letter that may be read or written for the court (similar to a Victim Impact Statement). If there is just a description of the offender but it does NOT describe that it came from a specific person/letter, do NOT include it as OCE present. We are not including things like *reports* or *evaluations* (such as from mental health professionals) but if there were letters written by these professionals, it would be included.

OCE may be referred to in a variety of ways such as “reference letter”/“letter of reference”, “character letter”, “character evidence”, some combination of those three terms, or “letter”/“letters of support”/“support letter”. If there is vague information discussed about the character of an offender but does not indicate where it came from (a letter, described by someone at the sentencing, etc.), do not include it as OCE. If you are unsure given the wording used, feel free to email Kim or highlight the column and leave a question/comment in the “Needs Supervisor Attention” column.

Total number of OCE: How many OCE were in this case? State the number. If not specified, code as “9999.” If none were given, code as “0.”

OCE Delivery:

This is how the OCE is delivered in court, either read in court (by the person who wrote it or by someone else who did not write it, such as a lawyer, judge or other individual), written and submitted, or not specified.

OCE Read: How many OCE are read/spoken out loud in court. If it is written that an individual “describes” the character (ex. “Chris describes Mr. X as x, y, z”), this does not necessarily mean it was read aloud in court. If none are read in court, code “0”. If some are given but the number is not specified, code “9999”.

OCE Written: How many written OCE are present. This could be described as character evidence being “submitted”, “filed” or “provided” (there may be other ways a judge describes it, but these tend to be the most common). If none are given, code “0”. If some are given but the number is not specified, code “9999”.

OCE Not Specified: How many OCE are present but not specified on their delivery method. If none are given, code “0”. If some are given but the number is not specified, code “9999”.

To code,

- 0 = No OCE for this form of presentation
- 1 = One OCE for this form of presentation
- 2 = Two *separate* OCE for this form of presentation
- Etc.

***After going through the information present in the “offender character information” column, please click on the CanLii link and search for (e.g., use control F): “**character**”, “**letter**”, “**reference**”, and “**support**”. Search for each of these words separately. This is to ensure nothing was missed by previous coders.

*In sentencing decisions, judges will often refer to other cases for justification for their decisions, please ensure that the information you are collecting on OCE when you search the case/control F is for the present case and not the reference cases (which may be presented similarly to this: “In *R. v. Fedan*, 2014 BCSC 2586...”). You will have to skim/read the surrounding context of the words you are searching for to ensure it is for the current case.

If you DO find something that was not included by previous coders (that is relevant to OCE), please leave it in the “Needs supervisor attention” column (copied and pasted verbatim, with the box highlighted for Kim to make note of) and use that information for the OCE columns as well.

*****If the “Offender Character Information” column is blank or has “9999” in it, please just search through the CanLii file with the key words, copy and paste any relevant OCE information in the “Needs Supervisor Attention Column” and code based off of that information. If there is no OCE information in the file, then code everything as 0.*****

Notes: Record any notes or thoughts that came up while coding the court document. These will likely stay with the case – Kim may not necessarily need to make revisions.

Needs supervisor attention (state reason): flag if there is an issue with this case that you would like Kim to look at to decide about how to code something, or if Kim needs to make a revision. Then, highlight the cell you need looked at.

Search CanLii File (yes/no): after searching the CanLii link for the 4 key words, type yes to indicate you have done this step. This is just a check in step to ensure searching for the key words is not missed.

File coder Initials: Original Coder Initials.

You can also email Kim with any questions that may come up, either general coding questions or specific (provide the archival ID number and link).

Appendix E



Parole Board
of Canada

Commission des libérations
conditionnelles du Canada

PROTECTED **B** ONCE COMPLETED

REQUEST FOR REGISTRY OF DECISIONS FOR RESEARCH PURPOSES

PUT AWAY ON FILE
ADMINISTRATIVE OR OPERATIONAL FILE

▶ Original = Researchers folder

Name of Researcher (print)		Date of request (YYYY-MM-DD)	
Title		Organization Affiliation	
Address or 911 / Civic Address (Apartment or Suite; Street number; Street name)		Telephone number	
		Email Address	
City/Town	Province/Territory	Postal code	

GENERAL DESCRIPTION OF THE RESEARCH PROJECT

Please identify the nature and purpose of the research; the research question(s) to be addressed; the methodology to be used; and, the ultimate use of the research material and findings. If you have received ethics board approval for your project, please attach a copy to the request.

NATURE OF THE INFORMATION AND THE CLASSES OF DECISIONS FOR WHICH ACCESS IS SOUGHT

For additional information please contact:

Performance Measurement Section
Parole Board of Canada
410 Laurier Avenue West, Ottawa, ON K1A 0R1
email: PerformanceMeasurement.GEN-PBC-CLCC@csc-scc.gc.ca

FOR PAROLE BOARD OF CANADA OFFICE USE ONLY	
Please maintain a copy of the request for PBC records	
Name of Research Officer Assigned (print)	Date received by PBC (YYYY-MM-DD)
Outcome	

PRIVACY NOTICE STATEMENT

The information you provide on this form is collected under the *Corrections and Conditional Release Act* for the purpose of processing your request for access to the decision registry for research purposes. Failure to provide this personal information may result in your request being denied. You have the right to the correction of, access to and protection of, your personal information under the *Privacy Act*. Personal information collected through the processing of your application will be stored in the Conditional Release Openness and Accountability (Victims, Observers and Requests for Access to the Decision Registry) Personal Information Bank PBC PPU 015 and can be accessed and assessed for accuracy by sending a written request to the Access to Information and Privacy Coordinator, Parole Board of Canada, 410 Laurier Avenue West, Ottawa, ON K1A 0R1.
For more information contact [InfoSource](#).

PBC/CLCC 0039e (R-2017-12) (Word Version & PDF)
Voir PBC/CLCC 0039f pour la version française

Appendix F

Archival Project – PBC Decisions

Codebook and Term Dictionary

Winter-Spring 2023

Graduate Student Supervisor: Kimberley Tirkalas

Faculty Supervisor: Dr. Veronica Stinson

Codebook Written By: Kimberley Tirkalas*

kimberley.tirkalas@smu.ca with questions, ideas, or concerns.

*some sections are adapted from the archival victim impact codebook written by Gena Dufour

Numeric Coding Values

Unless otherwise specified use these numeric coding values for all items:

No = 0

Yes = 1

Information not available/not specified/not known = “9999”

Category not applicable = “8888”

There will be some information blocked out by PBC, if information is blocked out in a sentence/section you are copying and pasting into the excel file use “___” as a replacement for the parts that are blocked out.

Security Level of Prison:

Security level of prison: This is based on the level of risk the Correctional Service of Canada deems the offender to be. Prisons are either minimum, medium, or maximum security.

1 = minimum

2 = medium

3 = maximum

9999 = unknown

Institutional Behaviour/Charges

The document may describe the offender’s behaviour while they have been incarcerated or any additional charges that may be given. Include any information that the board describes about their institutional behaviour and institutional charges.

Institutional behaviour/charges: Copy and paste the institutional charges and related information (ex. If they mention their institutional behaviour) verbatim.

Previous Behaviour

Previous behaviour under community supervision: The offender may have been previously released, either on day parole, community supervision, conditional release, temporary absences or on bail. If there is any information on how the offender did, copy and paste the information here verbatim.

Prior Criminal Record

Whether the offender has a past criminal record or not will be mentioned in the document. Code “0” for no/they have no criminal record and “1” for yes/they have a record. It may be written that they have a “limited” record, this would still be coded as “1”.

****If they have a “limited” record according to the PBC, please leave a note for Kim in the “Notes” column.**

Prior Criminal Record: Did the offender have a prior criminal record? 0 = no, 1 = yes
This information may also be described along with information presented with the current offences they are serving, such as stating that at the time of the offence they were under community supervision for another offence or providing a description of the other offences.

Prior Criminal Record Information: Copy and paste any and all information relating to the offender's prior criminal record.

Risk Assessment

Offenders will have risk assessments on their file in order to assess the level of risk they pose to society. Sometimes there will be numerous assessments completed. These may describe their level of risk in terms of a number (which will be redacted by PBC; i.e., "a score of ___") or as a description (i.e., low risk, high risk, etc.).

Risk assessment: Copy and paste any and all information relating to all risk assessments conducted.

Examples of risk assessments may include, but are not limited to: Statistical Information on Recidivism scale, Spousal Assault Risk Assessment, Psychological Risk Assessment, Sexual Violence Risk-20/SVR-20, Level of Service Inventory-Revised/LSI-R, Static-99R, Stable 2007, Violence Risk Scale, etc. Do not include phallometric assessments.

Engagement in Programming

Offenders may engage in programs while they are incarcerated or out on parole (ex. If they are currently on day parole and applying for full parole); there are numerous programs that they may engage in for a variety of reasons such as a substance use program (e.g., Alcoholics Anonymous), emotions management, etc.

Engagement in Programming: Did they engage in at least one program. 0 = no, 1 = yes

Engagement in Programming Information: Copy and paste any and all information related to any programs that they attended.

The document may discuss programming the offender will/would engage in if released, **do not include this information.**

Indigenous Offenders

PBC may note specific information about Indigenous or Aboriginal offenders.

Indigenous offenders: Is the offender Indigenous? 0 = no, 1 = yes

Information about the Indigenous offender: Copy and paste any information PBC has included in their discussion of the offender being Indigenous. This may include information on the lasting impact of residential schools, discussions of substance abuse or mental health, etc.

Indigenous Programming: Did the offender engage in any Indigenous-specific programs or cultural activities (e.g., ceremonies, sweat lodges, etc.)? 0 = no, 1 = yes, 8888 = not applicable

Indigenous Programming Information: Copy and paste any information about the Indigenous-specific programs or cultural activities.

Victim Impact Statement (VIS)

***These variables are for *previous* VIS being presented (i.e., at the sentencing decision). At sentencing, a victim may choose to submit a VIS that describes the harm they suffered due to the offence.**

VIS: Is there a victim impact statement present in the case. 0 = no, 1 = yes

Total number of VIS: How many VIS were given in this case? State the number. If not specified (e.g., it says some were given but there were a lot of victims and it doesn't say how many), code as "9999." If none were given, code as "0."

VIS Information: Copy and paste any and all information about the VIS, such as any information about what was said, who presented one, etc.

VIS Presentation (written, read aloud, not specified):

***In the excel file, there will be separate columns for written VIS, VIS that was read aloud, or unspecified.**

Written = the VIS is written/typed out (ex. "the victim wrote a VIS"). If something is "filed", "in the case file", "submitted", or "received" it would be considered a written submission.
Read aloud = the VIS is read or orally presented (the person spoke, the VIS was read out loud, etc.). If it was "presented at the hearing", it would also be considered in this category.
Unspecified = there is no indication of how the VIS was provided (ex. It says, "there were 5 VIS" or "there was a VIS from the victim's mother", etc.).

To code,

- 0 = No VIS for this form of presentation
- 1 = One VIS for this form of presentation
- 2 = Two *separate* VIS for this form of presentation
- Etc.

9999 = not specified; there are VIS in this category but is unknown what specific number of VIS fall into this category

Victim Statement (VS)

***These variables are for *current* VS being presented (i.e., at the parole decision). This is different from the previous VIS. At parole hearings, a victim may choose to submit a VS that describes the continuing impact of the crime as well as any safety concerns they may have.**

VS: Is there a victim statement present in the case. 0 = no, 1 = yes

Total number of VS: How many VS were given in this case? State the number. If not specified (e.g., it says some were given but there were a lot of victims and it doesn't say how many), code as "9999." If none were given, code as "0."

VS Information: Copy and paste any and all information about the VS, such as any information about what was said, who presented it, etc.

VS Presentation (written, read aloud, not specified):

***In the excel file, there will be separate columns for written VS, VS that was read aloud, or unspecified.**

Written = the VS is written/typed out (ex. "the victim wrote a VS"). If something is "filed", "in the case file", "submitted", or "received" it would be considered a written submission.

Read aloud = the VS is read or orally presented (the person spoke, the VS was read out loud, etc.). If it was "presented at the hearing", it would also be considered in this category.

Unspecified = there is no indication of how the VS was provided (ex. It says, "there were 5 VS" or "there was a VS from the victim's mother", etc.).

To code,

0 = No VS for this form of presentation

1 = One VS for this form of presentation

2 = Two *separate* VS for this form of presentation

Etc.

9999 = not specified; there are VS in this category but is unknown what specific number of VS fall into this category

Letters of Support (LS)

An offender may receive letters of support during the parole hearing. This can be from individuals who know them, such as their friends, family, employers, community, etc.

These letters help to describe how the offender has changed or grown as well as the support system an offender has and how they would be supported upon release.

Offenders may also have assistants present at their hearings for various reasons. It may be described as they [the assistant] "spoke on behalf" of the offender – we do not code this as LS. Unless it is stated that this assistant spoke (for themselves, not on behalf the offender) or submitted a LS, we cannot code this as an LS. See case 30 for an example.

LS: Is there a letter of support present in the case. 0 = no, 1 = yes

Total number of LS: How many LS were given in this case? State the number. If not specified (e.g., it says some were given but it doesn't say how many or you are unable to add them up if they are listed), code as "9999." If none were given, code as "0."

LS Information: Copy and paste any and all information about the LS, such as any information about what was said, who presented it, etc.

LS Presentation (written, read aloud, not specified):

***In the excel file, there will be separate columns for written LS, LS that was read aloud, or unspecified.**

Written = the LS is written/typed out (ex. "the offender's sister wrote a letter of support"). If something is "filed", "in the case file", "submitted", or "received" it would be considered a written submission.

Read aloud = the LS is read or orally presented (the person spoke, the LS was read out loud, etc.). If it was "presented at the hearing", it would also be considered in this category.

Unspecified = there is no indication of how the LS was provided.

To code,

0 = No LS for this form of presentation

1 = One LS for this form of presentation

2 = Two *separate* LS for this form of presentation

Etc.

9999 = not specified; there are LS in this category but is unknown what specific number of LS fall into this category

Final Decisions

Full Parole:

0 = "denied"

1 = "granted".

8888 = not applicable, full parole was not applied for

7777 = took no action

Day Parole:

0 = "denied"

1 = "granted".

8888 = not applicable, day parole was not applied for

7777 = took no action

5555 = currently on day parole

*Not all cases will have applications for both day and full parole. If there is only one being applied for, put 8888 for the other. If both have been applied for and an offender has been accepted for one and "took no action" for another, use 7777 for the type of parole that has no action taken.

***Some cases may include a review of statutory release (when an offender is automatically released from custody to serve the last third of their sentence in the community). We are **not** coding for this or any conditions that may be changed in relation to statutory release. If this is apart of the case, leave a note for Kim in the “Notes” column.

Parole period (in months): we are interested in the *months* that an offender is granted parole. Enter in numbers. If not applicable, put “8888”.

For example, the document may state “day parole granted for six months.”

Conditions

Conditions: Were any conditions placed on the offender if they were granted parole? (i.e., abstaining from alcohol, being required to report new relationships, restrictions on contact victims, etc.). The following list are the variables we are most interested in coding for.

*There may be a table with the conditions at the beginning of the document and/or a numbered list at the end of the document describing conditions if they are granted parole.

***If conditions are changed for statutory release, do not code for them here.**

Conditions		
<i>Condition Name (and the associated variable/column)</i>	<i>What it means</i>	<i>How to code it</i>
Not to consume drugs	Not to consume, purchase or possess drugs other than prescribed medication taken as prescribed and over the counter drugs taken as recommended by the manufacturer.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Not to consume alcohol	Not to consume, purchase or possess alcohol.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Motor vehicle restriction	Not to own or operate a motor vehicle, occupy either front seat of the motor vehicle, and not to be in possession of any key or key fob for a motor vehicle.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Reporting relationships	Immediately report all sexual and non-sexual relationships and friendships with males and/or females [depending on the offender, it may say just males, just females, or both] and any changes to the status of the	0 = no (not present/not imposed) 1 = yes (present/imposed)

	relationship/friendship to the parole supervisor.	
No contact with victim(s)	No contact directly or indirectly with the victim or any member of the victims' family. In some situations, it may also mention that contact may only occur if necessary, such as for judicial procedures, mediation sessions or other requirements, and must not occur without prior written permission from the parole supervisor.	0 = no (not present/not imposed) 1 = yes (present/imposed)
No contact with victim(s) – geographic restrictions	Not allowed to enter certain areas [which will be listed and redacted] unless traveling for legal counsel, Indigenous events, residential treatment programming, etc.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Follow treatment plan – following treatment plan/program	Follow treatment plan/program to be arranged by the parole supervisor in certain areas (e.g., substance abuse, emotions management, etc.)	0 = no (not present/not imposed) 1 = yes (present/imposed)
Follow treatment plan – counselling Follow psychological counsel	Participating in counselling with a mental health professional and/or Elder to address various topics such as substance abuse, childhood trauma, grief, etc.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Do not enter drinking establishments	Not to enter establishments where the primary source of income is derived from the sale or consumption of alcohol.	0 = no (not present/not imposed) 1 = yes (present/imposed)
Other	There may be other conditions; if so, note it here.	In the “Coded” Column: Code as 0 if there are no other conditions and 1 if there are any additional conditions. In the “specify” column: Copy and paste from the document.

Notes: Record any notes or thoughts that came up while coding the parole document. These will likely stay with the case – Kim may not necessarily need to make revisions.

Needs supervisor attention (state reason): flag if there is an issue with this case that you would like Kim to look at to decide about how to code something, or if Kim needs to make a revision. Then, highlight the cell you need looked at.

File coder Initials: Original Coder Initials.

You can also email Kim with any questions that may come up, either general coding questions or specific (provide the archival ID number).