

The Impact of Victim Impact Statements

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Abstract

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Victim impact statements (VIS) are testimonies that convey the emotional, physical, and financial harm that victims have suffered as the result of a crime. This study sheds light on this victims' experiences with the justice system, and consists of two studies designed to explore the impact of victim impact statements. Study 1 examined 1332 sentencing rulings to discover the relationship between VIS and sentencing. Overall, VIS do not contribute to longer custodial sentences. However, VIS are more likely to be submitted in cases where the crime is more severe. Study 2 of this thesis was a content analysis of 82 Canadian VIS. Overall, victims find the process of writing and submitting VIS to be retraumatizing and difficult. They most commonly discuss the long-lasting emotional impacts of crime. These findings have implications for victims, victim service workers, legal professionals, and others in our justice system.

Keywords: victim impact statements, sentencing, victims, criminal justice system, Canada, archival research, content analysis, mixed-methods

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For the past two years, I have read about the experience of victimization, and how fundamentally it can change your experiences in the future. For many, those experiences shake you to your core, and can be described as nothing short of debilitating. For others, the lucky few, they come out the other side as stronger, wiser, and more empathetic to others. Throughout writing this thesis, I've had many highs and many lows. During this degree I've had some of my proudest moments, and thanks to a global pandemic, also some of my worst. Despite all of this, I would like to think I came out the other side as a better person than I was before.

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Chapter 1: The Impact of Victim Impact Statements

The Canadian Victims' Bill of Rights (CVBR; 2015) states that all crime victims are legally entitled to submit a Victim Impact Statement to the courts during the sentencing and parole phases of a criminal trial. As explained in section 722 of the Canadian Criminal Code, Victim Impact Statements (VIS) are testimonies that describe the financial, physical, and emotional suffering the victim has experienced due to a crime. VIS are presented at sentencing hearings in Canada, after the offender has pled or been found guilty of the charge(s). Although VIS' exact goals are debated in the literature (Pemberton & Reynaers, 2011), VIS are generally considered a critical element in providing victims with a voice in court. Some have argued VIS prevent the courts from focusing wholly on the offender, while others propose that the goals associated with VIS submission are related to victims' emotional recovery. Most controversially, some authors have theorized that VIS could be a possible factor in sentence length determination, although that is yet to be empirically supported (Boppre & Miller, 2014; Davis and Smith 1994; Erez and Tontodonato 1990; Kleinstuber, Zaykowski, & McDonough, 2020; Lens, 2014; Roberts, 2009; Roberts & Edgar, 2003, 2006). The term "victim" refers to any individual who has suffered harm due to an offence (CVBR, 2015). "Harm" can refer to physical or emotional suffering, and property damage or economic loss. However, the CVBR does not explicitly outline what the goals of a VIS are.

There are several ways a victim might submit a VIS to the court. In Canada, victims first complete the provincial VIS form, which provides the victim instructions on what they should and should not include. When submitted to the court at sentencing, VIS are typically submitted in writing or are delivered orally during the hearing. Other options

include submitting a poem or drawing (Canadian Department of Justice, 2016; CVBR, 2015; Paternoster & Deise, 2011).

VIS presence in court settings has been the center of heated debates in the literature for decades (Chalmers et al., 2007; Erez & Tontodonato, 1990; Sanders et al., 2001; Phillips, 1997). There is a substantial lack of empirical literature in the field of VIS, although attention to this field is increasing (Boppre & Miller, 2014; Groen-huijsen & Pemberton, 2009; Lens, 2014; Mastrocinque, 2014). The literature that does exist is often limited in terms of external and ecological validity (Bornstein, 1999; Wiener et al., 2011). Research in this field typically utilizes mock jury designs and convenience-based sampling methods, limiting generalizability to real courtroom settings. Beyond that, there is a clear sparsity of Canadian-specific research available (Manikis, 2015). Many studies on VIS are focused on capital (death penalty) cases and are thus not applicable to Canadian contexts (e.g., Kleinstuber et al., 2020).

Although there is a need for a more systematic, evidence-based approach in many facets of the criminal justice system, the process by which a victim interacts with the court system is a vastly under-researched field. Roberts (2009) noted that the literature shows inconsistencies regarding the definition of "success" of a VIS (Walklate, 2002, as cited in Roberts, 2009). Roberts (2009) defined a successful VIS as "Victim Impact Statements are successful to the extent that they achieve some benefit for the victim, the offender, or the sentence, without interfering with consensual principles of sentencing" (p. 354).

The current project is composed of two studies designed to develop an evidence-based understanding of the various ways that Canadian VIS are having an impact. The

first study uses archival sentencing data to systematically analyze factors related to VIS submission and VIS effect on sentencing outcomes in Canadian court cases. This project allows us to make accurate, evidence-based conclusions about the real "impact" of VIS on sentencing.

The second study is a content analysis of disclosures of harm in Nova Scotian VIS. This study is aimed at better understanding the qualitative "impact" of a crime experienced by victims. By reviewing real VIS submitted to courts, I was interested in determining patterns related to emotional, physical, and economic harm and fears for security, suicide attempts, emotions, and the use of healthcare or social services. Finally, I was interested in gathering information about victim's perceptions of the VIS submission process – how does it feel to write and submit a statement? How was your experience interacting with the justice system?

Contextualizing Victim Impact Statements in the Canadian Legal System

It is essential to contextualize VIS research. A significant portion of the literature on VIS emerges from the United States. The legal, political, social, and economic landscapes are different across countries (and even within political boundaries), so study results or conclusions may not generalize to other areas. First, juries in Canada do not make sentencing decisions (Canadian Department of Justice, 2016). Juries are primarily responsible for a determination of guilt on the charges. Canadian juries are sometimes invited to provide a recommendation on sentencing (which does not need to be unanimous). These recommendations are made after the verdict has been decided, but before the sentencing hearing. At the sentencing hearing, the sentencing judge will consider jurors' recommendations. However, the recommendations are not binding, and

judges can (and do) deviate from juror recommendations (Canadian Department of Justice, 2016; *R. v. Hoeving*, 2007).

In the US, jurors are responsible for rendering a verdict. However, VIS research also often examines capital cases where juries decide guilt, but also whether the sentence is life in prison or the death penalty (Kleinstuber et al., 2020). The relevance of this line of research to a Canadian landscape is negligible. There is also a recent shift in many US jurisdictions to increase jury involvement in sentencing in non-death penalty cases. One such example is practice of Felony Jury Sentencing, which is a rather understudied practice in non-capital cases wherein a judge will provide a jury with a range of sentencing options (directed by statute), and then the jury decides what sentence the offender receives (King & Noble, 2004; Robinson, & Spellman, 2005).

Second, in Canada, VIS are presented at sentencing, not at trial (Canadian Department of Justice, 2017). In other words, before a VIS is submitted, an offender will have already been found (or have pleaded) guilty. Thus, VIS in Canada do not affect the finding of guilt (Canadian Department of Justice, 2017). This distinction is important because some past US research looks directly at VIS' impact on the trial phase, and at guilty verdicts (e.g., Boppre & Miller, 2014; Myers & Arbuthnot, 1999). Therefore, the extent to which many of those studies apply to Canadian contexts is unclear. In some ways, this issue is muddied by the fact that each US state has different protocols for when VIS are presented. Although VIS are most typically presented at sentencing (like in Canada), they are also considered by juries and judges in capital cases, and in some states, can even be presented after sentencing. The most interesting caveat is that no states currently allow VIS to be presented at trial. These studies on juries and trials are

applicable in the US to the extent that they still allow researchers to garner a better understanding of jury decision making. However, because VIS are not presented at trial (in either country) the generalizability of these studies is lacking.

As discussed in greater detail below, much of the literature in the field discusses VIS impact on juries. That is, they assess to what extent juries are influenced by the intense emotion and suffering that is often present in VIS (e.g., Schweitzer, & Nuñez, 2017; Wevodau et al., 2014). Given once again that juries in Canada do not make sentencing decisions and are not even required to attend the sentencing hearing, it is not clear whether these findings offer insight into the role of VIS in Canada. This is not to say the above-named research has no significance in Canadian contexts. Decisions are made by judges who are still people, and it is valuable to know how people in general can be influenced by the emotions and suffering present in VIS. Extrapolating, these findings can further our understanding of how judge's decisions might be influenced by VIS. Nonetheless, it would be beneficial to further our understanding of how VIS directly impact Canadian sentencing outcomes.

Therefore, further research is required to assess the impact of VIS in the Canadian judicial system. However, substantial, empirical Canadian research is lacking. Canadian studies on the justice system make valuable methodological, historical, and theoretical contributions to the global understanding of the intersection between psychology and law. Given the lack of Canadian research specifically on victim involvement in the justice system, it is integral that we expand our understanding of the dynamics of VIS in Canadian contexts. Much of the literature used to generate research questions in the current study is subject to problems with generalization across social and political

boundaries. However, the research discussed below nonetheless makes valid and critical theoretical and methodological contributions to the field and should be considered appropriately.

History of VIS

VIS have not always been a part of the judicial process. The process of submission of VIS has existed in the US and Canada since the mid to late-1980s (Canadian Resource Centre for Victims of Crime, 2015a). In the US, in 1987, the Supreme Court ruled that VIS were not admissible in death penalty cases (*Booth v. Maryland*, 1987). However, in 1991, *Payne v. Tennessee* overruled this decision and courts have since allowed VIS to be submitted in all cases, including capital cases (Kleinstuber et al., 2020). Although a victim has the right to submit a statement, the US does not currently have federal legislation requiring that these statements be considered in any capacity during sentencing. In fact, many states have laws that explicitly say that judges and juries are *not required* to consider those statements during the decision-making process (Erez & Tontodonato, 1990).

In Canada, VIS were first introduced in the 1988 CVBR (Bill C-89; Canadian House of Commons, 2020). These statements were developed in association with a handful of other programs designed to increase victim participation in the judicial system, including "victim-witness programs, social service referral programs, crisis intervention programs, victim advocacy programs and victim-offender mediation programs" (Young, 2001, p. 1., as cited in Canadian Department of Justice, 2015, p. 1).

Although the bill did not specifically outline the explicit goals of VIS, these statements signified a critical turning point for the victim's advocacy movements in the

1980s (Bandes, 1996; Canadian Resource Centre for Victims of Crime, 2015a; Mastrocinque, 2010). These statements could be delivered during the sentencing and parole phases of a criminal trial and are designed to provide the court with a unique perspective on the extent of harm suffered from a given crime. However, although the original bill stated that victims had the right to complete a VIS form, it was at the judge's discretion whether the statements were accepted as evidence in their court.

The CVBR was revised in 2015. This version remains current today (2021). This revision states that any victim has the right to submit a VIS and have it considered by the "appropriate authorities." The Bill does not elaborate on the extent of this consideration. It does not indicate whether that consideration is used in sentence determination. In other words, although legislation states that a VIS may be delivered, there are no rules dictating what judges and juries should actually do with these statements, or how they might be weighted in decision making (Schuster & Proppen, 2010). In 2020 there was a motion moved to revise the Bill again, although that process is ongoing, and no specific stipulations about the proposed revisions have been released (Office of the Federal Ombudsman for Victims of Crime, 2020).

Goals of VIS

The goals of VIS will vary depending on the victim (Lens et al., 2015; LePage, 2021; Mastrocinque, 2014; Meredith & Paquette, 2001; Orth, 2003). That is, each victim who contemplates preparing a VIS might have different goals in doing so, or multiple goals. The CVBR (2015) posits that VIS exist to integrate victims' rights into the legal system's considerations. Although there is no legislative definition of VIS' goals beyond what is explicitly stated in the CVBR, the Canadian Government has expressed that VIS

should not be used as a “means to seek revenge” (Canadian Department of Justice, 2015, p. 1). No further elaboration or statistics were provided regarding what “revenge” might entail, or how often acts of revenge via VIS might take place.

The three most commonly discussed goals of VIS in case law and academic literature are A) to influence sentencing (Edwards, 2001; Erez, & Rogers, 1995; Forsterlee et al., 2004; Lens, 2014; Roberts, 2009; Roberts & Edgar, 2006), B) to be a voice for victims in the judicial setting or to get them more involved in the judicial process (Arrigo & Williams, 2003; Smith et al., 1997) and C) to provide catharsis for the victim (Boppre & Miller, 2014; Paternoster & Deise, 2011; Meredith, & Paquette, 2001). I will begin with sentencing.

Do VIS Effect Sentencing?

As noted, VIS can be submitted at the sentencing phase in a trial. VIS can also be presented at parole hearings and at hearings for individuals found not criminally responsible on account of mental disorder (Canadian Resource Centre for Victims of Crime, 2015b) but such a discussion is beyond the scope of this paper. VIS offer unique insight into the experiences of the victim. Victim harm and victim testimony are a fundamental way of assessing the severity of an offence (Luginbuhl & Burkhead, 1995). Therefore, some authors have argued that one of the most relevant goals in submitting a VIS is to influence sentencing (Boppre & Miller, 2014; Gordon & Brodsky, 2007; Roberts & Edgar, 2003).

A full discussion of the evidence regarding whether or not VIS do influence sentencing can be found in sections below. However, it is necessary to consider that since the 1990s, some authors (legal scholars and social science researchers) have argued

against the use of VIS, claiming that VIS inappropriately impact sentencing (see Edwards, 2001; Hoyle et al., 1998; Sanders et al., 2001). Generally, these scholars have argued that if the emotional nature of these statements can sway sentencing outcomes, they might interfere with offenders' right to a fair trial, or disproportionately benefit some victims more than others. However, many other academics have claimed that when treated appropriately, victim impact evidence can make a productive contribution to a trial without becoming inappropriate (Luginbuhl & Burkhead, 1995).

Do VIS Give Victims a Voice?

Another commonly discussed goal of VIS submission is that the statements exist to give victims a voice in the judicial setting (de Mesmaecker, 2012; Manikis, 2015). They offer a chance for victims to become involved in the legal process. Some authors have claimed that VIS prevent the criminal justice system from becoming wholly focused on the defendant (Luginbuhl & Burkhead, 1995). These claims were supported by the judge in *R. v. Labbe* (2001), who stated VIS existed "to assure victims that the sentencing process includes them by ensuring they are not irrelevant and forgotten" (para 51, as cited in Canadian Department of Justice, 2015).

Submitting a VIS is one of the most commonly researched way of measuring victims' desire to have a voice in the justice system. Mastrocinque (2014) found that some victims submit a VIS as a means to learn more about the system and process. However, they also reported that in England and Wales, where their study was conducted, fewer than 7% of victims were offered the chance to submit a VIS. Mastrocinque stated that upon learning about the submission process and benefits, less than half of those victims chose to submit a statement. Notably, Canadian judicial process standards dictate

that victims *must* be offered the chance to submit a VIS before the sentencing can take place (Roberts & Manikis, 2011; s. 722 of the Criminal Code). However, a report by the Canadian Office of the Federal Ombudsman for Victims of Crime (2020) noted that only five jurisdictions in Canada report to Statistics Canada regarding the rate at which VIS are submitted, and therefore it is difficult to estimate their prevalence in criminal cases. This report also noted, “We also do not know how often victims complete statements only to have them sit in the Crown file, never to be presented at sentencing.” (p. 22). Moreover, it is unknown how many victims miss a submission deadline, or submit a VIS that is rejected due to inadmissible or prejudicial content.

Davis and Smith (1994) tested the hypothesis that VIS increase feelings of involvement or satisfaction with the justice process, but were unable to support that claim. They found that victims in their study who delivered VIS were no more satisfied with the justice system than victims who did not deliver VIS. More recently, a systematic review by Laxminarayan et al. (2013) found that most studies examining the relationship between victim satisfaction with the justice system and VIS submission found no significant relationship between the two, thus in line with the original conclusions from Davis and Smith years earlier. Finally, Lens (2014) found that there are certain victim characteristics (such as gender, marital status) that increase the likelihood of delivering a VIS. When considering whether or not victims have a voice in the justice system, it is important to consider which groups have the resources necessary to use those voices, and whose voices are most likely to be heard.

Do VIS Provide Catharsis?

The final alternative goal of VIS submission is related to catharsis for the victim (Lens et al., 2015; Schuster & Proppen, 2010). That is, by providing victims with a way to express the impact that the event(s) have had on them (be they physical, emotional, financial, or other), it creates a sense of relief for the victim.

The research is unclear about whether delivering a VIS provides real catharsis (Meredith & Paquette, 2001; Pemberton & Reynaers, 2011). Some researchers (Erez & Tontodonato, 1990) have speculated that for someone who has already undergone severe trauma, delivering a statement in a trial environment might perpetuate, worsen, or extend the experience of that trauma. Some research has demonstrated that victims who participate in the court process but do not receive their "desired sentencing outcome" are subject to further psychological distress than victims who do not participate (Edwards, 2001). Lens et al. (2015) found no evidence of direct therapeutic effects of delivering a VIS. They found that stable traits such as anger and anxiety were approximately the same before and after a trial. However, they did find that victims who demonstrated strong feelings of control regarding their recovery process were the most likely to show reductions on anger and anxiety after delivering a VIS. Finally, one study reported that more than half (59%) of victims who deliver a VIS orally report feelings of relief or satisfaction afterwards (Schuster & Proppen, 2010).

However, the direct cause of these positive emotions is unclear. Those positive emotions may be directly the result of delivering a statement, but many other possible trial-related factors could account for those positive feelings. Some researchers have speculated that the finding of reported positive emotions post-VIS delivery might be tied

directly to judicial response and acknowledgement of the harm done. That is, to have a figure of authority acknowledge that the victim has suffered greatly might provide a sense of relief in and of itself (Erez, 1999; Schuster & Propen, 2010). Therefore, VIS might act as a vehicle that victims may use to acquire this acknowledgement, and catharsis is truly achieved only after a judge has acknowledged the suffering that has taken place.

However, this finding exists in contrast to Canada-wide focus groups by Meredith & Paquette (2001), which found that many victims are unclear whether judges ever read their (written) statements at all, because they were never informed about whether the judge had received the statements. This finding has been reproduced in other Canadian reports (Canadian Department of Justice, 2004). Evidently, communication about the VIS process is an integral but often missed component of submission. Additionally, Lens et al. (2015) were unable to find evidence that delivering a VIS increased feeling of control which is related to healing. They found the opposite result: victims who choose to submit VIS reported feeling less control over their recovery process. Those victims also showed higher levels of anxiety overall.

According to Erez and Tontodonato (1990), victims who are most likely to participate in the judicial process are those for whom victimization is personal and has resulted in high levels of trauma and pain. For these victims, catharsis would certainly be a logical goal of VIS submission. This claim is supported by Lens et al.'s (2013) finding that victims who experience symptoms of psychological distress are the most likely to submit a VIS.

Roberts and Edgar (2006) estimate that between 7% and 13% of crime victims submit a VIS. Moreover, one study found that fewer than 18% of victims attend

sentencing hearings, and only 9% of victims are willing to make oral statements during a trial (McLeod, 1987 as cited in Myers & Green, 2004). Davis and Smith (1994) also found that fewer than half of victims in their study expressed interest in participating in the judicial system at all. Therefore, the existing research on victims who submit VIS reflects only a small percentage of crime victims. Notably, over the last 20 years, those estimates could likely have changed. However, it is also the case that many of the barriers which prevent victims from completing the submission, including administrative red tape and emotional difficulties, persist (Canadian Department of Justice, 2004).

A Need for Ecologically Valid Empirical Research

A substantial amount of the literature on VIS has involved opinion-based debates about the use of VIS in court (Erez & Rogers, 1995; Kleinstuber et al., 2020; Phillips, 1997). Some authors have questioned VIS' appropriateness in the judicial context (Hoyle et al., 1998; Joh, 2000; Phillips, 1997; Roach, 1999). As noted, the primary argument dominating the literature against the use of VIS is that victim evidence brings too many emotions into court and therefore interferes with due process (Sanders et al., 2001). However, this has been widely disputed in the literature, and research has yielded mixed results (Bandes & Salerno, 2014; Nuñez et al., 2017).

Another commonly raised issue against VIS is the concern that victim evidence can become disproportionately weighted if the victim has power or resources (Luginbuhl & Burkhead, 1995; Phillips, 1997). This problem suggests that some victims receive more "judicial weight" and attention than victims of lower socioeconomic status. However, in a study on "victim idealness," (a concept derived from Christie's [1986] theoretical framework of victim demographic characteristics), Kleinstuber et al. (2020)

concluded that the influence of victim characteristics on sentencing are not "caused or exacerbated by victim impact evidence" (p. 104). Instead, the authors suggested differences related to pre-existing biases on behalf of the jury. It is unknown to what extent these biases would extend to a Canadian judiciary.

Most contemporary researchers nonetheless appear to support the use of VIS (Chalmers, 2007; de Mesmaecker, 2012; Roberts, 2009). VIS have been cited as a 'win' for victim's advocacy movements (Mastrocinque, 2010), and the literature in the field has become much more rigorous and empirical. However, research continues to yield mixed results. For instance, some research has found that VIS presence increases the likelihood of death penalty verdicts with mock juries (Luginbuhl & Burkhead, 1995; Nuñez et al., 2017; Myers & Arbuthnot, 1999). However, other research has been unable to find differences in verdicts or sentencing outcomes based on VIS (See McGowarn & Myers, 2004).

Further demonstrating that VIS research often yields mixed results, Myers et al's (2002) study on mock jurors found that VIS-present conditions yielded longer sentencing outcomes than no-VIS conditions, but only in conditions where the level of suffering/harm experienced was high. Low harm conditions showed no effect of VIS. Authors concluded VIS with content that expressed high amounts of harm and suffering is associated with harsher sentences. They also claimed that the content of VIS appears more critical than the method of delivery (oral vs written).

Mock Juries

The above studies are examples of typical research conducted on VIS which utilize mock jury designs (e.g. McGowarn, & Myers, 2004; Myers et al., 2002; Nuñez et

al., 2017; Paternoster & Deise, 2011). Mock jury methodology is often used because psycho-legal research can be otherwise challenging to conduct. To compensate, mock jury studies will often use university or community samples and create written vignettes or videotaped trials. A limitation of course, is that the settings are artificial contexts in which people react to abridged sets of facts, which are often delivered by actors, and render decisions based on those contexts.

Lack of time for deliberation poses a threat because, in real courtrooms, juries and judges are given time to consider their decisions fully. Therefore, the overall brevity of many mock jury designs is a significant limitation that should not be overlooked (Bornstein, 1999; McGowarn & Myers, 2004). Myers and Arbuthnot (1999) found that when mock-jury participants were allowed to deliberate, those who had been given victim impact evidence were more than twice as likely to recommend death penalty sentences than those who did not receive victim impact evidence. However, when participants were asked to make quick decisions, the authors found no significant effect of VIS.

Therefore, although mock jury designs are a common way to conduct VIS research, they generally demonstrate limited ecological validity and generalizability outside laboratories and into real courtrooms (Bornstein, 1999; Kleinstuber et al., 2020; Wiener et al., 2011). Many of these studies may not generalize to Canadian contexts because they are focused primarily on the implications for juries, who do not determine sentencing in Canada. There is a definite need for ecologically valid research designs, such as archival and case study research. Roberts (2009) notes that a systematic, cross-jurisdictional review of VIS and sentencing has never been conducted in Canada. Englebrecht and Chavez (2014) noted that more empirical research is needed so as to better understand

what victims say in their victim impact statements, and what influence those statements are having in the justice system. This thesis hopes to address that gap.

Chapter 2: Study 1. Victim Impact Statements in Canada: An Archival Analysis of Sentencing Outcomes

Legal evidence comes in many forms (e.g., gruesome crime scene photos, eyewitness accounts, expert testimony), and the delivery of VIS at sentencing is one such form of evidence. Relatedly, just as the admissibility of other types of evidence have been scrutinized by scientists and legal professionals alike, the fact remains that VIS can pose as a potential impacting factor on sentence. As such, there is a justified need to examine the relationship between VIS submission and sentencing outcomes. Although the previous chapter provided an introductory look at the history and goals of VIS, as well as the general state of research in this field, this chapter focuses specifically on the impact that VIS are having in the justice system.

Sentencing in a Canadian Landscape

It is important to touch on the principles of sentencing in Canada as outlined in section 718 of the Canadian Criminal Code (CCC). There are several factors that judges must take into consideration when applying a sentence to a convicted offender, although no one factor supersedes any other (*R. v. Nasogaluak*, 2010). The CCC clearly states “A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.” (s. 718.1). Moreover, although each case is different, sentences will be impacted by relevant aggravating or mitigating circumstances. Examples of aggravating circumstances include, but are not limited to: offences motivated by bias, prejudice, race or hate; offences against an intimate partner; offences against children, offences which abuse a position of authority over the victim; offences associated with criminal or terrorist organizations; offences committed while the offender

was currently on parole or probation; offences against vulnerable persons; offences against officers of the law or legal professionals; and offences against animals.

Conversely, examples of mitigating factors might include, but are not limited to: lack of a prior criminal record; offences perpetrated by a minor; past circumstances of the offenders' life or childhood; mental or physical illness; expressions of remorse; and instances where there has been a breach of the offenders' rights and freedoms.

Additionally, there are several other considerations that the judge must be cognizant of while sentencing. First, a sentence for any given offence must be similar to sentences given to offenders who have committed similar offences. Second, in instances with multiple consecutive sentences, the combined sentence must be fair and just – as such, concurrent sentences may be applied. Third, if alternative sanctioning is possible and appropriate, less restrictive punishments (such as probation instead of incarceration) is possible. Fourth, all sanctions must be consistent with the extent of the harm suffered to victims or the community. Fifth, there are particular circumstances relevant to indigenous offenders that might be considered as mitigating sentences (see *R. v. Gladue*, 1999). Finally, based on the Kienapple Principle (see *R. v. Kienapple*, 1974), an accused cannot be convicted of multiple offences that arise out of the same act (or same set of facts) and so many convictions are often stayed at sentencing (Nicol, 2020).

VIS and Canadian Sentencing

Section 718.1 of the CCC notes that sentences should be influenced by “evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation” In essence, VIS are thus a vehicle by which a judge can obtain that information. Thus, section 722 of the

CCC stipulates that VIS may be submitted to the court for the purposes of informing sentencing (see Nicol, 2020). As noted, these statements can be submitted in writing, delivered orally, or even submitted as a photograph. Victims also have the option to read their VIS openly or behind a screen in court. Regarding how VIS are to be used, 722.8 specifies: “In considering the statement, the court shall take into account the portions of the statement that it considers relevant to the determination referred to in subsection (1) and disregard any other portion.” This sets the precedent for VIS to be amended or redacted by the crown or defence in order to meet admissibility criteria.

Notably, there are also many instances whereby a judge might be provided with information about the status of a victim without a VIS. Some examples of this are when a victim provides testimony during a trial (e.g., *R. v. MacLean*, 2018), or when the impact on children is relayed by their guardians (*R. v. S.J.P.*, 2016), other relevant evidence is submitted by the crown (*R. v Richards*, 2016).

Research on Sentencing Outcomes

As mentioned, a considerable amount of VIS literature comes out of the US, and is focused on the outcomes in death penalty cases (Georges et al., 2013; Kleinstuber et al., 2020; Luginbuhl & Burkhead, 1995; Myers & Greene, 2004; Nuñez et al., 2015; Nuñez et al., 2017). However, given that Canada does not have the death penalty, it is crucial to expand our understanding of other sentencing implications related to VIS. It is reasonable to expect that VIS might have direct implications for all sentencing outcomes, such as incarceration time, time on probation, parole, and ancillary orders. Ancillary orders, also referred to as sentencing conditions, refer to any additional “condition” that a judge might apply to a sentence, such as a ban on drugs or alcohol, restrictions on where

that person can go or live, or the requirement to register as a sex offender. There is thus reason to believe that VIS might directly impact custodial sentences or sentencing conditions.

The Canadian Department of Justice has published several studies and reports concerning VIS in the past. Meredith & Paquette (2001) reported on the results of a multi-site focus-group study that focused on the use of VIS in six regions across Canada (Vancouver, Regina, Toronto, St. John's, Newfoundland, Halifax, and Charlottetown). These focus groups, which took place between March and September, 2000, asked participants about their knowledge and experience with VIS. Discussion questions included what their experiences were like regarding timing and process, the goals of VIS, components and content of the VIS, the experience of being questioned by the counsel about their statement, and more. Specific to sentencing, researchers found that many victims believed that informing sentencing was a primary goal of VIS submission – moreover, they specifically indicated they expected their statement to affect the sentence in some capacity. However, researchers were unable to make conclusions one way or another about whether that was really the case.

Following that, Roberts and Edgar (2006) published a report regarding the relationship between VIS and sentencing in Canada. This report examined judges' perceptions of VIS across several provinces in Canada. Consistently across the country, judges report VIS as mostly useful during sentencing in terms of assessing harm, particularly in violent crimes. However, VIS are entered in only a small percentage of cases, and even less frequently do victims opt for an oral presentation of their statement. Judges stated that they often refer to the VIS in their decisions for sentence, and overall,

it appears to be the case that VIS *inform* the sentencing decision. This outcome is notably different than *impacting* the sentencing decision, which was not reported as an outcome or purpose of VIS.

In a related vein, a comprehensive survey by the Canadian Department of Justice (2004) asked victims and justice professionals about an array of issues including VIS. Judges who participated in this national survey reported that they too use VIS during their sentencing decisions, but explicitly and conclusively noted that VIS cannot and do not impact the sentence. Crown attorneys surveyed agreed with this claim. Of course, these three studies were all self-report and survey based.

I now turn to another line of research that used experimental methodologies. Myers and Arbuthnot (1999) found that (mock) jurors rated victim impact evidence as having little impact on their verdicts, but VIS significantly impacted their sentencing judgements. This finding is important given that in the literature, when researchers limit themselves to looking at verdicts, they have often been unable to find significant results of VIS (such as McGowarn & Myers, 2004). Most of the jury-based literature on sentencing outcomes is primarily concerned with the length of time in prison an offender is to serve. That is to say, “How long is this individual going to be incarcerated?” However, there is little empirical evidence available that looks directly at judges’ decisions regarding this relationship. This lack of research is likely a function of how difficult it can be to access and study judges, and is critical because it limits our abilities to comprehensively understand judicial decision making. The empirical evidence that does exist remains mixed (Myers, Lynn, & Arbuthnot, 2002). However, it has been

speculated that victim impact evidence is predictive of longer sentencing outcomes (Wevodau et al., 2014).

Davis and Smith (1994) examined the literature and noted that any difference VIS make in terms of sentence length has been small. Erez and Tontodonato (1990) found no effect on sentencing for written VIS but noted that victim presence in court during a trial appeared to be associated with significantly longer sentencing outcomes. However, over the years, more recent and more rigorous research has also supported these claims. Wevodau et al. (2014) used a vignette-based study with jury-eligible community members, and concluded VIS presence was a predictor of longer sentence length.

Most VIS research on sentencing is interested in the implications for incarceration time. However, there is almost no research looking at probation, parole, or ancillary orders, all of which are also critical parts of judicial decision making and can have major implications for the offender and possibly the victim. When a judge sentences an offender, the offender might receive an incarceration sentence as described above. However, they might also receive a community sentence or probation. Erez and Tontodonato (1990) used data from 500 Ohio felony cases from 1985 to 1988, and found that the presence of a written VIS did not make an impact on the length of a sentence, but did have an influence over sentencing type, such that cases with a VIS were more likely to be associated with incarceration as an outcome. This finding is critical for several reasons, most notably that it opens the door to further research interested in analyzing the difference between incarceration and probation, as well as laying the groundwork for future archival based studies to examine these relationships, such as the current project.

Furthermore, when a sentence is imposed that will be served in full or in part within the community (e.g., probation, conditional discharge), the judge will also impose *sentencing conditions*. These are ancillary orders and will vary from case to case. For instance, in sexual assault cases, a judge will impose a sentencing condition that the offender must become listed on the sex offender registry. A “driving under the influence” case may result in a ban on operating all motor vehicles. The conditions imposed on a sentence go above and beyond the actual sentence. There is sparse academic or legal literature that discusses to what extent ancillary orders might be influenced by VIS. Schuster and Proppen (2010) conducted in-person interviews with 22 Minnesota state judges. Several judges acknowledged the importance of VIS. One judge explicitly stated that he had added conditions to sentences based on a VIS. He noted that a restitution fee was added upon learning about some financial troubles a family was having. The authors noted another judge added restitution for counselling. These are examples in which the presence of a VIS can explicitly impact sentencing conditions. However, the researchers acknowledged several limitations to their study, most notably that their sample was specific to their region and thus they were limited in terms of generalizability. Furthermore, these are the results of a single, quite unique study in the literature, and further exploration is thus warranted.

Finally, parole is an entirely separate category of judicial decision making. Current literature on parole is primarily concerned with parole release decisions (Hail-Jares, 2019). Similar to sentencings, VIS are often presented at parole hearings by victims or family members of victims with the goal of conveying to the judge how their life has been impacted by the offence. The format is identical: VIS can either be presented orally

in court, or in writing. Like most other VIS research, findings related to parole outcomes are mixed (Buglar, 2016). Some researchers have found that VIS input at parole release hearings generally decreases the likelihood of release (Morgan & Smith, 2005; Parsonage et al., 1992; Smith et al., 1997). Conversely, other research has found that VIS do not predict release outcomes (Caplan, 2010a; Caplan, 2010b). However, and most relevant to the current study, there is virtually no research looking at parole eligibility, which is an integral part of the original sentencing decision in some cases (Roberts, 2009). Parole eligibility differs from parole release decisions, because the latter is awarded at parole hearings, several months or years into the offender's sentence, whereas parole eligibility is the initial sentence awarded by the judge regarding how many years it will be before the offender is eligible to apply for parole. When an offender receives full parole, most offenders are eligible to apply at 7 years or 1/3 of their sentence, or whichever is first (Parole Board of Canada & Correctional Services of Canada, 2010). Offenders sentenced for first degree murder will automatically receive a life sentence and are not eligible to apply for parole for 25 years (Government of Canada, 2021).

Factors related to VIS

Caplan (2010) noted that many possible factors might directly moderate the relationship between VIS and judicial outcomes. McGowarn and Myers (2004) speculated that some examples of moderators might include gender (of the judge, offender, and victim), or other victim and offender characteristics such as age or number of victims. Myers et al., (2002) also found a significant moderating effect of perceived suffering/harm, such that jurors tend to apply harsher sentences in cases where they perceive greater suffering for the victim than cases where they perceived less suffering.

Those authors also speculated about (although they have not found evidence for) the effect of jury affect, victim affect, and perceived victim credibility.

One particularly critical moderator is the type of crime committed. The type of crime is directly relevant because it can influence both the likelihood of submission of a VIS (Lens, 2014) and the sentencing outcome. Victims who experience psychological distress are the most likely to express an interest in participating in the judicial process and are the most likely to submit a VIS (Lens et al., 2013). This finding is relevant because the severity of a crime will directly impact the level of suffering experienced. Further, Lens et al. (2014) researched how emotionality is perceived differently based on crime type. They found that a highly emotional VIS is seen as more credible when the individual is a victim of a severe or violent crime than when it was not severe. As noted above, differences in perceived victim credibility are likely to contribute to a possible effect on sentencing outcomes (Myers, Lynn, & Arbuthnot, 2002). There is limited research available examining the factors related to VIS submission. One publication from the Government of Canada stated:

“Research has shown that VIS are more likely to be submitted when:

- the offence is serious, involving personal injury or great or unexpected financial loss;
- the victim wishes to communicate a message to the offender;
- the victim received the VIS form early after victimization and had intensive or repeated contact with victim services personnel or the prosecutor;
- victims have a clear and realistic expectation of the purpose of the VIS;
- victims have more positive attitudes towards the criminal justice system; and
- the Crown is particularly motivated to enter a VIS at the sentencing hearing.” (Roberts, 2008, pp. 4)

The type of crime, particularly crime severity, has been directly linked to an overall difference in the likelihood of submitting a VIS. Specifically, victims of more

severe crimes (e.g. sexual assault, family members of murder victims) are more likely to submit a statement than victims of less severe crimes (Roberts & Edgar, 2006). Lens et al. (2013) found the same effect, such that victims of more severe crimes (specifically attempted murder, hostage taking, robbery or other offence resulting in bodily harm) were most likely to result in a VIS being submitted. Along with the type of crime committed, they also found that the presence of post-traumatic stress symptoms, and more time since victimization were all positively associated with a higher likelihood of VIS submission. Because their study did not directly address sentencing outcomes concerning these variables, further research looking at the type of crime is justified.

Another variable relevant to the likelihood of submitting a VIS is the victims' relationship with the offender. This area is a vastly under-researched factor in the literature. Erez and Tontodonato (1990) claimed that victims who exercise their rights to participate in the judicial process are more likely to know the offender. They noted that the "violation of trust" between the perpetrator and the victim is a defining motivation for victims to submit a statement. However, there is no empirical evidence to support these hypotheses, and thus a systematic examination of this dynamic is warranted. Other more recent research in Europe (Lens, 2014) used a binary (yes or no) method of classifying whether the victim knew the offender in any capacity. They found that cases where the victim knew the offender were associated with higher likelihood of submission. This finding opens the doors to more in-depth exploration of these variables, such as the effect of different kinds of relationships on submission likelihood.

The final factor of consideration worth briefly touching on is the format of VIS submission. As noted, VIS are most often submitted in writing or read orally in court, or

can even be submitted as a drawing or poem. Some literature has examined differences between how written and oral statements are perceived, and the ways in which that can interplay with how VIS impact decision making. For instance, some research has found oral statements to be easier to understand and have a more significant emotional impact than written statements (Lachner, et al., 2017; Rocklage et al., 2018). However, research which directly examines the effect of oral versus written VIS on sentencing has, unsurprisingly, yielded mixed results. Myers et al. (2002) stated that the format of delivery appeared less important than the content of the VIS when influencing sentencing. Further, Smith et al. (1997) found no significant differences between written and oral statements in parole release recommendations, although they noted victims' physical presence in the courtroom was likely an influencing factor driving any effect of orally delivered statements. Lens (2014) and Lens et al. (2015) did not look explicitly at sentencing, but did find that victims who produced oral statements were more likely to experience feelings of procedural justice than victims who submitted written statements, but these victims also displayed higher levels of anxiety. Conversely, victims who made written statements displayed significantly higher levels of anger than victims who produced oral statements, or victims who did not submit VIS at all.

Present Study

This project utilized archival data to generate a comprehensive understanding of the role of VIS and related factors in sentencing. This research project is exploratory. To my knowledge this study is the first of its kind. I conducted this study with the following research questions in mind. These questions fall into two general lines of inquiry. First, I am interested in factors related to the likelihood of the submission of a VIS. This research

question is derived in part from Lens' (2014) findings out of Europe that certain types of crime (they looked specifically at stalking, violent crimes, sexual offences, and traffic offences) were associated with a higher likelihood of submission of VIS. Additionally, Lens (2014) also looked at whether having a relationship with the offender (on a yes or no scale) was associated with higher likelihood of submission, but was unable to find a significant relationship. However, this study hopes to expand on that original theory by examining several different types of relationships (thus expanding beyond the yes/no dichotomy presented by Lens). The first two research questions for the current study are modelled after those findings, and are thus:

1. *Are crime victims more likely to submit a VIS for some offences than others?*
2. *Is there an association between the nature of the victim/offender relationship and the likelihood of submitting a VIS?*

The second line of research questions pertains to sentencing outcomes. There are several ways that VIS could impact sentencing decisions. For instance, "sentencing decisions" involve incarceration and probationary sentences and sentencing conditions and, where applicable, parole eligibility. Therefore, there are several questions that examine VIS concerning sentencing:

3. *Is the length of sentence (incarceration or probation) affected by the presence or absence of a VIS?*
4. *Does controlling for the type of crime committed impact the effect of VIS on sentencing outcomes?*
5. *Are sentencing conditions affected by the presence or absence of a VIS?*

6. *When a life sentence is imposed, is parole eligibility affected by the presence or absence of a VIS?*
7. *Do the format of VIS delivery or number of VIS submitted impact sentence length?*

Method

Overview

The methodology for this project involved the coding and analysis of archival data. To create the dataset used for this study, a research team analyzed 1332 sentencings distributed across all Canadian provinces and territories. These sentencings were from 2016 through 2018, reflecting the years immediately following the changes made to the Canadian Victims Bill of Rights in 2015. This dataset was compiled by research assistants who used the Canadian Legal Information Institute (CanLII; <https://www.canlii.org/en/>) archives. CanLII is an online database that has been used and cited in a wide array of forensic, psychological, and legal contexts (Bruer et al., 2017; Rei-Anderson, Reynolds, Wood, & Wood, 2018; Wildeman, Dunn, & Onyemelukwe, 2013). It is a public archive that holds sentencing rulings from tens of thousands of Canadian cases in the past several decades. CanLII has demonstrated itself to be acceptably representative compared to other similar Canadian databases, such as LexisNexis, LexisAdvance, and QuickLaw (Lewis, M., Law Librarian, personal communication, February 19, 2020).

Procedure

The dataset was created by searching CanLII for any cases that mentioned the phrase “Impact Statement,” and then filtering by province and year. Cases were then coded for a considerable number of variables, which are discussed in detail below. Note that for New Brunswick and Quebec, the search terms “Declaration de victim” (French) and “Impact Statement” (English) were both used. Cases that were in French were translated during the coding process. In total there were 21 French cases which were translated (20 from Quebec, 1 from New Brunswick). French cases were handled by coders who were bilingual (anglophone, but who can read and write both English and French). This process was assisted by Google Chrome’s translation features but all data was also manually verified by the coder, and then also by the supervising graduate student, who was also bilingual. The final dataset was distributed as follows: British Columbia = 358 cases; Alberta = 130 cases; Saskatchewan = 59 cases; Manitoba = 30 cases; Ontario = 424 cases; Quebec = 33 cases; New Brunswick = 26 cases; Prince Edward Island = 4 cases; Nova Scotia = 75 cases; Newfoundland and Labrador = 100 cases; Northwest Territories = 41 cases; Yukon = 35 cases; Nunavut = 17 cases; with a final $N = 1332$.

Notably, CanLII searches will yield many types of cases from many specific courts and Queen’s courts, Supreme courts, and Provincial courts. Specifically, juvenile courts, the appeals courts, the landlord boards, the local planning boards, the tenants and housing boards, the education boards, and other miscellaneous boards were omitted from coding. These courts were omitted because many of them generally do not impose sentences or are not criminal courts and were thus not relevant to the sample. The omitted

courts that do impose sentences (e.g., appeals and juvenile) have unique sentencing decision-making criteria (Fiorillo, 2014; Williams, 1995) so they were excluded from this study. It is beyond this project's scope to consider VIS effect during appeals or juvenile court sentencing hearings. Finally, cases that resulted in "Not criminally responsible on account of mental disorder" were omitted given that those individuals were neither found guilty nor sentenced.

Coded Variables

This project involved the creation of a dataset made up of 87 distinct variables coded from information available on CanLII. Although a full description of every variable in the dataset is available in Appendix A, this discussion will only focus on the 36 variables actively being used for analysis in this thesis.

First, we coded for primary administrative information, including the citation, file number, CanLII link, year, date of offence, date of sentencing, and the province of sentencing. We also coded for whether the case was a "Dangerous Offender Designation" case, as well as whether there were multiple offenders in one case.

Next, the charges listed against the offender were coded – there was a variable that included the (copy and pasted) information about exactly how the judge worded the charges. Then, each case was coded for each of the following charges: a) total number of sexual offence charges (which was then broken down into contact offences and non-contact offences), b) total number of homicide-related charges (which was then broken down into first-degree murder, second-degree murder, and then other miscellaneous homicide charges), c) assault charges, d) kidnapping/confinement/abduction charges, e) theft/fraud/robbery charges, e) drug-related charges, and f) other charges. These

categories, along with the classifications described below, were chosen in part based on the organizational system used by the Canadian Criminal Code (<https://laws-lois.justice.gc.ca/eng/acts/c-46/>). However, these categories are generalized and are meant to encapsulate ranges of relevant crimes, and were created expressly for the purposes of this study. Below are examples of offences within each category and their associated criminal codes.

The category of Total Sexual Offence charges was meant to represent all crimes that were in any way related to sexual deviance. However, this was then broken down into A) contact sexual offences, which included but were not limited to, the following: sexual assault (cc 271), sexual assault with a weapon (cc 272 [1] a) sexual assault with physical assault (cc 272 [1] b, c), incest (cc 155 [1]), frotteurism (cc 271), and gross indecency (cc 161), [2]), and B) non-contact sexual offences, which included but was not limited to voyeurism (cc 162 [1]), invitation to sexual touching (cc 152), luring (cc 171 a, b, c), pornography and child pornography (cc 163.1 [1] [2] [3] [4]), prostitution and pimping (cc 286.1), human trafficking for sexual purposes (cc 279 [3]) (situation dependant), and public exposure (cc 173 [1]). The distinction between contact and non-contact sex offences was made necessary given the different sentencing outcomes associated with these types of crimes – for instance, sexual assault is typically associated with longer incarceration sentences than pornography. The classifications into one category or another (as well as for the other crime types below) was guided by the Canadian criminal code but was done expressly for the purpose of this study.

The total number of homicide-related offences category was meant to encapsulate crimes that resulted in someone's death. The VIS associated with these crimes were all

nonetheless focused on the loss of a loved one. However, given that there is a range of “intent” captured by this category, it was then broken down into A) first-degree murder (cc 231 [1]), B) second-degree murder (cc 231 [2]), and C) all other homicide related offences including, but not limited to manslaughter (cc 232 [1]), conspiracy to commit murder (cc 465 [1]), attempted murder (cc 239 [1]), negligence causing death (cc 220), dangerous/reckless driving causing death (cc 320), and break and enter with murder (cc 348). The distinction between first-degree murder, second-degree murder, and other homicides is vital because, for first-degree murder in Canada, there is an automatic sentence of life in prison with no parole for 25 years. For second degree murder, there is a minimum sentence of life in prison with no chance of parole for 10 years, but this can be extended to 25 years per charge, at the judge’s discretion. Finally, there is no minimum sentence for manslaughter (and is thus subject to variability; Criminal Code RSC, 1985). Therefore, only some of these instances can be influenced in any way by the presence of a VIS. For redundancy reasons in analysis, the “total number of sexual offences” and “total number of homicide-related charges” variables were not used to analyze this project.

The assault charges category represents the range of crimes that result in the injury or bodily harm of a person. Like the murder category, the range of “intent” associated with each of these crimes is unclear. However, injury or bodily harm, from the victims’ perspectives, could potentially yield similar patterns in the content (and, perhaps, influence) of VIS. Assault charges included, but were not limited to, the following: assault (cc 265 [1] a, b), discharging a weapon and causing bodily harm (cc 244 [1]), assault with a weapon (cc 267 a), elder or child abuse/endangerment/negligence (cc 218),

dangerous/impaired/reckless driving resulting in the bodily harm of a person (cc 320), break and enter with assault (cc 328), and other related crimes.

Kidnapping and related charges involved any crime that resulted in an individual being held without their consent. Kidnapping/confinement/abduction charges included, but were not limited to, the following: kidnapping (cc 279 [1]), unlawful confinement (cc 279 [2]), abduction (cc 279 [1]), abduction contrary to parental/custodial agreement (cc 282 and 283 [1]), and break and enter and forcible confinement (cc 348).

Theft, fraud, and robbery charges is a broad category that involved any crime related to the removal of one's items, including money. There were not enough instances of fraud or robbery, respectively, to warrant individual categories (relevant for future research to break apart further). Theft/fraud/robbery charges included, but were not limited to, the following: fraud (cc 380 [1]), theft (cc 322 [1]), robbery (cc 343), forgery/forging documents (cc 375), and extortion (cc 346 [1]).

Drug charges involved any charge associated with illicit substances. Drug-related charges included, but were not limited to, the following: drug trafficking (cc 5 [1]), possession of illegal substances (cc 2), and production of drugs (cc 7 [1]).

Finally, the "other" charges variable reflected all miscellaneous offences that did not occur enough in the dataset to warrant individual categories. These charges also did not appropriately fit within the context of the other existing groups. The variable that represented "other" charges included, but was not limited to, the following: property damage (cc 430 [1]), possession of a weapon (cc 88.1), leaving the scene of a crime (cc 320.16 [1] [2] [3]), escaping custody/being 'at large' (cc 145 [1]), obstructing justice (cc 139 [1] [2] [3]), breach of probation or refusing to comply with probation (cc 733 [1]),

mischievous (cc 430 [1]), interference with human remains (cc 182), dangerous/reckless driving (cc 320), impaired driving/driving while under the influence of substances/drugs/alcohol (cc 255 [3.1]), operating a motor vehicle without a licence (cc 320.18), harassment (cc 264 [1] [2] [3]), arson (cc 433 a), stalking (cc 264 [1] [2] [3]), breaking and entering with no additional crimes (cc 348 [1]), uttering threats (cc 264.1 [1]), wearing a disguise while in the commission of an offence (cc 351 [2]), use of a firearm while in the commission of an offence (cc 85 [1]), use of a fake firearm while in the commission of an offence (cc 85 [2]), and other miscellaneous crimes.

Offences were coded by the number of offences the offender had committed in each category, and then we also coded for the total number of offences. For instance, a case could be coded as having one sexual offence charge and four theft charges. Their total number of offences would be five. During analysis, the 'charges' variables were recoded into 'no charges' 'one charge' and 'two or more charges' of a given offence. This coding method also controlled for substantial variation in the number of offences.

We also coded victim and offender gender and age. However, many cases had missing information for these variables. The relationship between the victim and the offender were coded next. Past researchers have expressed the importance of classifying the relationship between a victim and their offender (e.g., Roy, & Marcellus, 2019; Ullman et al., 2006). Based on past research, ten categories were created, and each case was coded as one of the following options: 1) strangers, 2) immediate family (such as a parent, child, sibling, includes foster and step-parents), 3) sexual or romantic relationship (such as domestic partners, dating, sleeping together, boyfriend/girlfriend, husband/wife, common law, and off/on relationships), 4) friends or acquaintances (such as roommates,

neighbours, family friends, regular drug dealer or customer), 5) extended family (such as grandparent or aunt/uncle or cousin), 6) ex-partner (divorced, broke up, etc.), 7) professional relationship (they know each other through school/business/work or are coworkers), 8) position of authority (such as teacher, boss, coach, financial advisor, landlord, caretaker), 9) multiple victims in one case with multiple complex relationships, and finally, 10) the relationship was not specified in the CanLII report.

VIS-specific information was coded next. The coding consisted of recording the presence of VIS and the number of VIS submitted. Recall that the CanLII search criteria were that the cases needed to have mentioned the phrase “Impact statement.” Several cases also appeared in the search in which the judge stated something such as “there was no victim impact statement submitted in this case.” Therefore, those cases were coded as our comparison group. Finally, submission format was coded as either read aloud in court, submitted in writing, or format not specified.

The primary dependent variables of this research were sentencing outcomes. Sentencing was broken down into numeric variables – coders noted the length of the incarceration sentence and length of the probation sentence. “Length of time” was documented in days. “Incarcerated” refers to any sentences that were given using the phrases “jail,” “prison,” “incarceration,” “imprisonment,” and “in custody.” “Probation” sentences were coded as ones that used the phrases “in the community,” “on probation,” or “conditional discharge.” It is necessary to specifically address conditional sentences: in a conditional sentence of imprisonment, an offender will often serve their sentence in the community or under very stringent restrictions (such as house arrest). I carefully considered the logistics of these sentences in relation to the two categorizations used in

this dataset (incarceration or probation). Consequently, although I acknowledge conditional sentences are, in fact, custodial sentences, they were coded under ‘probation’ because of nature of the sentence. These offenders have (limited) access to the community/community services, and are not physically restricted to an institution. Their experience serving their sentence, as well as the optics as far as the victim is concerned, is fundamentally different than the experience of serving a sentence physically in a jail or prison. For this reason, out of necessity to classify these sentences as one or the other category, I chose probation.

There are also intermittent sentences, where the offender might serve their sentence out on weekends only, or some variation. In instances where the sentence was served in an institution (e.g., jail/prison), then those sentences were coded into the ‘incarceration’ category, given that those offenders are, even intermittently, physically in the building, and not in the community.

Offenders could receive either incarceration sentences, or probation sentences, or both. Absolute discharges were coded as zero for both. In cases with multiple charges, all sentences were added as consecutive (regardless of whether they were served consecutively or concurrently). In other words, we summed each of the sentences for each respective charge. Additionally, coders did not add “credit for time served” into the dataset. The sentence was coded this way so that all sentences were reflections of what the true sentence for every individual charge was. By consecutively adding the sentences for each charge, this was a precise way to depict sentencing as an outcome for each charge and case. It may not be a reflection of the actual time each offender served.

Additionally, the sentencing decisions were typically described in the CanLII files as however the judge “phrased” the sentence. For coding consistency purposes, “one month” was coded as 30 days. “One year” was coded as 365 days. “Life” was coded as 9125 days, which is equal to 25 years. This number was chosen because those receiving a life sentence are first eligible for parole at 25 years, and therefore this is the shortest custodial sentence possible that someone with a life sentence for 1st degree murder would serve. In cases with 2nd degree murder, the sentence was equal to that stipulated by the judge in the CanLII decision. Because we added all charges consecutively, some offenders who were sentenced for multiple charges all at once could have received a “length of their sentence” higher than 9125 days. Cases where the sentencing involves a decision about Dangerous Offender or Long-Term Offender Status, offenders will typically receive an indeterminate sentence, which is essentially supervision from Correctional Services Canada for the rest of their life (Section 753 of the Canadian Criminal Code). For the purposes of this study, that was treated effectively a life sentence and was coded as 9125 days. A long-term offender designation is different, and typically involves a sentence of at least two years followed by up to ten years of community supervision (Prosecution Services of British Columbia, 2019). Thus, like the issue with first- and second-degree homicide, it was important to measure this.

Next, coders noted whether the offender received a life sentence, which was binary as well as parole eligibility. The parole variable was coded as the exact amount of time in years that the judge stated that an offender had to wait before applying for parole (typically between 5 and 20 years).

Finally, sentencing conditions/ancillary orders (Sentencing Council, 2020) were coded. This involved coding for eleven separate variables. The first three were any fines, victim fine surcharges, or restitution orders awarded (coded as “amount of dollars”; Public Prosecution Service of Canada, 2017). Next, DNA order (pursuant to S. 487.051[1]), and Sex Offender Information Registry Act (SOIRA) orders (both as “yes” or “no”) were coded, as well as firearms and weapons prohibition (pursuant to S. 109) as “yes” or “no” as this order appears most often, and then “other prohibitions” were coded as “none,” “one,” or “more than one.” This variable might have included driving prohibitions, drugs or alcohol prohibitions, restrictions on internet use, employment restrictions, or other relevant prohibitions ordered by the judge. Non-communication or proximity orders (pursuant to S. 743.21 [1]; Criminal Code RSC, 1985), treatment/counselling orders, or orders to issue an apology to the victim were all coded respectively as binary (“yes” or “no”). Coders also noted any other standalone orders that might be relevant to the issue of victim impact statements. However, these were primarily forfeiture orders (such as for weapons, vehicles, or computers). As noted, all the aforementioned “sentencing” variables (incarceration, probation, parole, and ancillary orders) were used as dependent variables in the analysis.

Inter-Rater Reliability

Inter-rater reliability checks were conducted. Most of the variables, such as whether or not a VIS was present (yes or no), or the gender variables (male, female, not specified) were relatively easy to verify. Because sentencing is a key outcome variable and more error prone to do the arithmetic calculations often required (sum of sentences for multiple offenses), a second team of 6 research assistants coded this variable. For

clarification, these actions referred to as inter-rater reliability, but might also simply be considered quality checking. Coders in this project were not coding subjective, behavioural observations. Rather, they were coding based on verifiable documents and so any mistakes were fixable.

Nonetheless, inter-rater reliability analyses were conducted on both incarceration and probation sentencing outcomes. These research assistants coded a randomly selected 10% of the cases. The results revealed substantial agreement among coders for both incarceration sentence ($Kappa = 0.72, p < .001$) and probation sentence ($Kappa = 0.74, p < .001$).

Next, I then went through every incidence wherein the original coder and the second coder disagreed on the sentence. Out of the 133 cases recoded, there were a total of 39 cases with disagreement. Of these, 24 cases had disagreement regarding incarceration sentence, 8 cases had disagreement regarding probation, and the remaining 7 cases had disagreement regarding both types of sentence. This disagreement was typically due to a human error. All errors that were noticed during this process were fixed.

Data Analysis

The analysis for this project was done through the Statistical Package for the Social Sciences (SPSS) analysis software version 24. Given that this project had several research questions, a variety of data analysis methods were used. These methods included both parametric and non-parametric *t*-tests, regression (logistic and linear hierarchical), factorial ANOVA, MANOVA, and Chi-square tests of association.

Statistical assumptions were checked for all analyses. In several cases identified below, outliers were removed, and bootstrapping procedures (Preacher & Hayes, 2008) of 1000 samples were used to generate confidence intervals. In conjunction with robust or non-parametric tests where possible, bootstrapping procedures were used to account for any assumption violations that might have arisen.

Results

Overview

The results begin with a summary of the presence of VIS followed by descriptive information about key variables. Table 1 represents how many hearings were available in the CanLII archives (2016-2018) compared to how many had explicit mention of VIS presence. Notably, there appear to have been 1,070 cases in CanLII between 2016 and 2018 that had VIS submitted and discussed and were relevant to the sample used for this project (See methods for full exclusion criteria). There were also 262 cases in which the judge explicitly noted a VIS was not submitted. However, comparably, there were over ten thousand hearings (see the first column in Table 3) in which the submission of a VIS was not discussed or mentioned in any capacity. Therefore, it is impossible to know how prevalent VIS were in all cases. We know conclusively that VIS were included in at least 9.02% of the sentencing hearings available in CanLII.

Table 1

Number of Hearings Available in CanLII Compared to the Number of Sentencings that Mention VIS Presence

	Number of sentencing hearings	Number of sentencings hearings that contain VIS	Number of sentencing hearings that mention the absence of VIS
Total number of cases	11, 859	1,070	262

Note. Numbers are approximate reflections of all cases available on CanLII, restricted from 2016 to 2018 to reflect the range used in the current study.

Next, frequency information (number and percentages of cases) for applicable variables are presented in Table 2. Descriptive information (means, standard deviations, and ranges) for applicable variables are presented in Table 3.

Table 2

Frequency Information (Number and Percentages of Cases) for Archival Variables (N = 1332).

Variable	<i>n</i> (of cases)	% (of cases)
Judge Gender		
Male	862	65
Female	401	30
Not specified	69	5
Offender Gender		
Male	1180	89
Female	150	11
Gladue Report		
Report filed	162	12
Indigenous status but no report	96	7
Not mentioned/ Not Status	1074	81
Crime Type		
Contact sexual offence (e.g., sexual assault)	216	30
Non-Contact sexual offence (e.g., pornography)	121	9
1 st degree murder	18	1
2 nd degree murder	98	7
Other homicide (e.g., manslaughter)	215	16
Assault	378	28
Kidnapping/Abduction	79	6

Theft/Fraud/Robbery	223	17
Drug-related charge	24	2
Other (e.g., mischief, breach of probation)	469	35
Number of charges		
One charge	543	41
Two charges	289	22
Three or more charges	500	38
Received a life sentence?		
Yes	128	10
No	1204	90
Victim Gender		
At least one male victim	569	43
At least one female victim	801	60
Additional victims whose gender was not specified	170	13
VIS Information		
VIS Present	1070	80
No VIS Present	262	20
Community Impact Statement Present	34	3
VIS Format		
Had a VIS read in court	303	23
Had a VIS submitted in writing	435	32
Format of VIS submission not specified	468	35

Note. For crime type variables, numbers represent cases with at least one offence of that kind. Cases with no VIS present are ones in which the judge made a comment such as “there is no victim impact statement submitted,” prompting the case to come up in search results. Because the dataset was created with the explicit intention of focusing on cases with VIS submissions, the cases without VIS function as a comparison group.

Table 3

Descriptive Information for Archival Variables.

Variable	Mean (SD)	Minimum	Maximum
Offender Age	38.93 (14.35)	15	18
Number of Charges	3.21 (5.41)	1	113
Parole Eligibility	15.39 (11.53)	7	75
Number of Victims	2.00 (6.94)	1	201
Number of VIS	1.85 (2.84)	0	31

Note. Despite the age range, all the offenders in this dataset were tried as adults. For Parole eligibility, numbers are presented only for offenders who received a parole eligibility sentence (n = 122). For Number of Victims, numbers exclude cases where the total number of victims was not specified in the CanLII report. There were a total of 2427 victims and 2235 VIS. Excluding cases with unspecified information, the Number of Victims to Number of VIS

ratio was ~11:12. However, there were many cases with multiple victims and few VIS, or vice versa, and this ratio might be an underestimation.

Notably, VIS are not always submitted by the person initially identified as the “victim.” For instance, in a homicide case, the victim is deceased and cannot submit their own statement. Therefore, VIS may also be submitted by friends and family members and other loved ones of the victim. Therefore, there may be one identified victim, but several VIS. Finally, several of the analyses for this project considered the relationships between crime type and VIS. See Table 4 for a representation of how many cases of each crime type had a VIS present.

Table 4

Presence of VIS (Present or Absent) as a Function of Crime Type.

	Number of cases that contain VIS (%)	Number of cases that do not contain VIS (%)	Total number of cases with that crime type
Contact Sexual Offences	326 (82%)	73 (18%)	399
Non-Contact Sexual Offences	89 (74%)	32 (26%)	121
1 st -Degree Murder	17 (94%)	1 (6%)	18
2 nd -Degree Murder	95 (97%)	3 (3%)	98
Other Homicide charges	205 (95%)	10 (5%)	215
Assault	292 (77%)	86 (23%)	378
Kidnapping/Confinement	60 (76%)	19 (24%)	79
Theft/Fraud	163 (73%)	60 (27%)	223
Drug Charges	14 (58%)	10 (42%)	24
“Other” Charges	347 (74%)	122 (26%)	469

Note. Recall that most cases had more than one offence, and so there is some overlap and rows are not independent of each other. Additionally, percentages represent “percentage of cases with that crime type” and not “total percentage of cases.”

Regarding the analysis for this thesis, this study’s results are broken down into seven research questions. The first two questions (1 and 2) examine factors related to the

likelihood of VIS submission, and then the final five questions (3 through 7) look at factors related to sentencing outcomes.

Research Question 1: Are crime victims more likely to submit a VIS for some offences than others?

Logistic regression was chosen for this analysis over linear regression to accommodate a binary outcome variable (VIS presence). Further, logistic regression was chosen over log-linear modelling because of a failure to meet the statistical assumption of cell counts in the matrix style analysis. This analysis had ten predictor variables (each type of crime coded by the research team). These variables were recoded from “total number of charges” into binary variables, represented as “Was there a charge of this offence? Yes or no.” This coding method controlled for variance in the number of charges between offences and prevented outlier effects. It also prevented empty cells in the logistic regression model, thus accommodating that statistical assumption requirement. Regarding the goodness of fit, the Hosmer and Lemeshow test was non-significant ($\chi^2[8] = 11.70, p = .16$), indicating the model was a good fit.

The main findings were as follows: contact sexual offences (such as sexual assault), second-degree murder, and other homicide charges (such as manslaughter) were all significantly positively related to VIS presence. Specifically, contact sex offences ($Wald \chi^2 = 14.97, p = .005$) had an $Exp(B)$ of 1.73, indicating a case with a contact sex offence was 1.73 times (meaning nearly twice) as likely to have a VIS present than a case without a contact sex offence. Similarly, a case with a second-degree murder charge was approximately ten times as likely to have a VIS present than a case without a second-degree murder charge ($Wald \chi^2 = 7.92, p < .001, Exp(B) = 10.62$). Furthermore, a case

with other homicide charges such as manslaughter was approximately seven times as likely to have a VIS present than a case without a homicide charge ($Wald \chi^2 = 31.58, p < .001, Exp(B) = 7.40$). See Table 5 for the full results of all variables included in the analysis.

Table 5

Summary of Logistic Regression Analysis for Type of Crime on Presence of VIS.

<i>Predictor</i>	<i>Standardized Beta</i>	<i>Wald χ^2</i>	<i>p</i>	<i>Exp (B) Odd's Ratio</i>	<i>Upper 95% CI for Exp (B)</i>	<i>Lower 95% CI for Exp (B)</i>
Contact Sexual Offences	.55	7.92	<.001	1.78	1.18	2.55
Non-Contact Sexual Offences	-.25	1.15	.28	.78	.49	1.23
1 st -Degree Murder	1.70	2.62	.11	5.45	.70	42.45
2 nd -Degree Murder	2.36	14.98	<.001	10.62	3.21	35.12
Other Homicide charges	2.00	31.52	<.001	7.40	3.68	14.89
Assault	.18	1.03	.31	1.20	.84	1.71
Kidnapping/Confinement	-.01	.002	.97	.99	.57	1.73
Theft/Fraud	.03	.02	.88	1.03	.68	1.54
Drug Charges	-.76	3.03	.08	.47	.20	1.10
"Other" Charges	-.24	2.38	.12	.78	.58	1.07

Note. Standardized Beta Indicates whether the association to VIS presence was positive or negative. *Exp (B) Odd's Ratio* Indicates the unit increase likelihood of having a VIS submitted. Scores < 1.0 reflect a lower chance of VIS submission.

Research Question 2: Is there an association between the victim/offender relationship and the likelihood of submitting a VIS?

The analysis for this question was a Pearson Chi-Square test of association. The dependent variable was once again whether or not a VIS was submitted (yes or no) and the predictor variable was the offenders' relationship to the victim. Relationship to the victim was one variable with eight categories: strangers, immediate family, sexual or

romantic relationships, friends or acquaintances, extended family, ex-partner, professional or work relationship, and position of authority (e.g., coach or police officer). For a cleaner analysis, cases where multiple victims each had different relationships with the offender were excluded ($n = 120$). Additionally, cases where the relationship was not specified were also excluded ($n = 183$). This left a sample of 1029 cases. See Table 6 for cell descriptives for this analysis. The data met the assumption of cell size (0% of cases had an expected cell count of less than 5). The Chi-square analysis was significant ($\chi^2 = 17.01$; $p = .017$), indicating a significant difference between relationship types in predicting the likelihood of submission of VIS. The effect size for this particular analysis yielded a *Cramer's V*(7) = .13 ($p = .02$), which represents a significant medium effect size. To further examine differences between groups, standardized residuals were examined. Any groups with a standardized residual more extreme than the cut-off point of +/- 1.96 (Field, 2018) were significantly different from the other groups at the $p < .05$ level.

Table 6
Cell Descriptives for the Chi-Square Analysis of Relationship Type in the Prediction of VIS Presence (N = 1029).

Relationship Type	Was There a VIS Present			
	No VIS		Yes VIS	
	Count	Standardized Residual	Count	Standardized Residual
Strangers	55	.4	237	-.2
Immediate Family	16	-1.0	99	.5
Sexual or Romantic Partners	34	1.8	16	-.8
Friends or Acquaintances	43	-.2	205	.1
Extended Family	5	-2.0*	63	.9
Ex-Partner	11	1.5	29	-.7
Professional/Work Relationship	11	.8	37	-.4
Position of Authority	8	-1.6	70	.7

* $p < .05$

The first finding was that there were no relationships that indicated a significantly higher chance of submitting a VIS. In other words, all relationships were equally likely to fall in the “VIS Present” column. However, there were significant differences in cases where there was no VIS submitted. Specifically, cases where the offender was an extended family member to the victim (such as grandparent or uncle) were significantly less likely to have *no* VIS submitted (*Standardized Residual* = -2.0). In other words, if the offender is an extended family member, it is unlikely that a VIS will *not* be submitted. This relationship (extended family) was the only statistically significant relationship. However, several other relationships were nearing significance, as demonstrated by the standardized residuals in Table 6, many of which approached the cut-off point of +/- 1.96. Of course, these results are subject to issues with cell-size, because many groups had fewer than 30 cases.

Research question 3: Is sentence length (incarceration or probation) affected by the presence or absence of a VIS?

The predictor variable for this analysis was VIS presence (binary). The two dependent variables were a) length of time sentenced to be incarcerated and b) length of time sentenced to be on probation. Recall, an offender could receive one or the other or both types of sentence outcomes. The main analysis used to answer this research question was a MANOVA. This test was chosen over the alternative (two *t*-tests) because incarceration and probation were significantly negatively correlated (Pearson's $r = -.41, p < .00$).

The sentencing variables described were used as dependent variables for several research questions in this thesis and accordingly warrant thorough discussion of statistical assumptions, given the breadth of their importance. First, because the correlation between incarceration and probation was not greater than $\pm .80$ (Field, 2018), the data met the “no multicollinearity” assumption. The data also met the assumption of an adequate sample size ($n = 1332$) and independence of observations (a given case is either in the VIS present group or the VIS absent group).

Univariate outliers in the dependent variables were tested by creating z -scores on the dependent variables (incarceration and probation sentence times). Scores that fell more than 3.29 standard deviations away from the mean (equivalent to approximately 54 years) were considered outliers (Field, 2018) and were excluded from the analysis. This cut-off resulted in the exclusion of 30 cases from analysis, leaving a final sample of 1302 cases. Therefore, trimming statistical outliers is, in effect, a form of correcting those extraneous cases that arose due to the consecutive coding method. Analysis of normality plots confirmed the data appears much closer to normal after their removal.

A Mahalanobis Distance test was used to look for multivariate outliers (cases with an unusual combination of sentencing outcomes). Using Barnett and Lewis’ (1978) standard (as cited in Fields, 2018), results revealed no additional multivariate outliers (given that $N > 500$, only values > 25 are cause for concern, and this data yielded no values higher than 15 that had not previously been excluded). Regarding normality, analysis of histograms revealed that sentencing was positively skewed for both variables, indicating a floor effect of sentencing length. Univariate and multivariate non-normality was confirmed for both incarceration and probation with a visual inspection of individual

Q-Q plots and the matrix scatterplot, which checks for a multivariate linear relationship. Further, the Kolmogorov-Smirnov test for normality was significant ($p < .01$) for both variables, indicating non-normality.

Levene's test for equality of variances was significant for incarceration ($F = 44.86$, $p < .00$) but was not significant for probation ($F = 0.002$, $p = .96$). This finding indicates unequal variance between the VIS present and VIS not present conditions on incarceration sentence, but not probation sentence. Moreover, Box's test for equality of Covariance Matrices was significant ($M = 58.91$, $p < .001$). Thus, the observed covariance matrices of the dependant variables were not equal across groups. I acknowledge the statistical assumptions violated in this data. For this reason, bootstrapping procedures (1000 samples) were used for all analyses. I also interpreted Pillai's Trace results rather than the less robust Wilks' Lambda to accommodate these violations and uncertainty.

The results for this MANOVA indicates that there was a statistically significant difference between VIS present and VIS absent conditions on a combination of incarceration and probation sentencing outcomes ($F [2, 1299] = 13.21$, $p < .001$, $\eta_p^2 = .02$). Further examination of the between-subjects effects yielded significant findings for both incarceration ($F [1, 1300] = 25.14$, $p < .001$, $\eta_p^2 = .02$) and for probation ($F [1, 1300] = 9.52$, $p < .001$, $\eta_p^2 = .01$). This finding indicates that for both incarceration and probation, the levels of VIS presence (present or absent) were statistically different from each other.

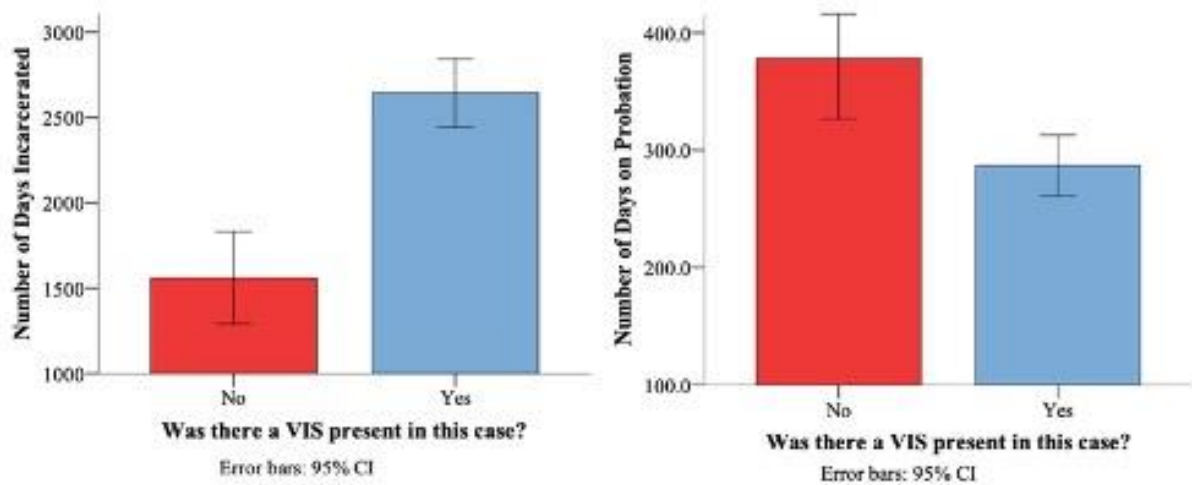
Of particular importance is the direction of the results. First, regarding the length of incarceration sentence (in days), cases where there was a VIS ($M = 2643.21$, $SD = 3291.02$) were associated with significantly longer incarceration sentences than when there was not a VIS ($M = 1560.20$, $SD = 2208.88$), $t(574.04) = -6.33$, $p < .00$,

Bootstrapped 95% *Cis* (-1403.20, -728.37) $d = 0.39$. Thus, cases with a VIS present were associated with longer incarceration sentences than cases without a VIS. This finding indicates a statistically small to medium effect of VIS on incarceration sentencing length, but equates to 2 additional years of sentence time, which is not inconsequential. Notably however, I acknowledge the limits of archival methodology preclude me from making causal claims, and wish to highlight the fact that I am only referencing relationships and associations in the data.

Next, regarding probationary sentences (in days), cases that had a VIS ($M = 286.81$, $SD = 429.28$) had significantly shorter probationary sentences than cases where there was no VIS ($M = 378.23$, $SD = 420.67$), $t(399.90) = -3.11$, $p = .002$, Bootstrapped 95% *Cis* (36.28, 149.73) $d = 0.22$. This finding, a difference of approximately 3 months, indicates a statistically small effect of VIS on probation sentencing length. This finding is interesting because it indicates opposite findings between incarceration and probation. See Figure 1 for a comparison. However, the caveat to these findings is that although these results suggest that VIS can influence sentencing outcomes, subsequent analyses (see Research Question 4) suggest that this relationship is driven by other variables (most notably, crime type).

Figure 1

Side by Side Comparison of Incarceration (Left) and Probation (Right).



Research Question 4: Does controlling for the type of crime committed impact the effect of VIS on sentencing outcomes?

This question builds on question 3. To examine whether VIS impact sentencing while controlling for crime type, I conducted a hierarchical linear regression. This allowed me to examine the effect of VIS above and beyond crime type. The model included crime type first and then I examined changes to the model once VIS has been added.

A hierarchical linear regression was chosen over a typical moderation analysis because there were 10 crime type variables, and crime types were not independent of each other. An offender might have committed numerous crimes from a range of categories. A moderation would have required running each crime type as a moderator individually, or creating a scale variable that was a sum of crime scores (thus losing the uniqueness of offence). Neither of these strategies made theoretical or practical sense in this context and would have gone beyond the scope of this study. However, the method

chosen (controlling for crime type) allows us to interpret the pressing question of “Do VIS still impact sentencing, even after controlling for crime type?”

Statistical assumptions for the hierarchical linear regression involved examining the dependent variable, which was total sentence length (the sum of incarceration and probation sentences). Tests for outliers involved the creation and examination of z -scores for scores greater than 3.29 (Field, 2018). This resulted in the exclusion of 16 cases from the dataset resulting in a final sample of 1316 for this research question.

The predictor variables were revised versions of the number of charges for each crime type. To account for variance in the number of crimes committed and empty cells and extreme outliers, recoded (binary) dummy variables were used for crime type, identical to research question 1. Multicollinearity was tested with Pearson’s correlation. No two crime types had a correlation large enough to be considered overlapping constructs (the largest correlation was .24). Further, no Variance Inflation Factor (VIF) values were higher than 1.73 (Field, 2018), and therefore the data did not violate the assumption of no multicollinearity. Finally, visual inspection of a scatterplot of standardized and predicted residuals indicates the data was appropriately homoscedastic, thus not violating the assumption.

As noted, the main analysis for this research question was a hierarchical linear regression looking at the effect of VIS on the sentencing outcome while controlling for the type of crime committed. Upon looking at the total sentence, the outcome was predicted by the crime type variables, ($F[11, 1303] = 99.71, p < 0.00, r^2 = .46$ *Adjusted* $r^2 = .45$), which indicates that the type of crime committed significantly predicted the length of sentence.

However, once crime type was controlled for, VIS presence did not significantly predict the total sentencing outcome. Looking at the change in the model after adding VIS: $F_{change} [1, 1304] = 3.07, p = .08$). This finding indicates that although significant differences were found in question 3, once I controlled for the variance in sentencing outcome accounted for by the type of crime(s), VIS was no longer significantly able to predict sentencing outcome. Please see Table 7 for full results.

This analysis was repeated looking at incarceration and probation sentences independently and yielded similar (non-significant) results. First for incarceration, results were non-significant: $F_{change} [1, 1304] = 3.25, p = .07$). Thus, having controlled for type of crime, the presence of VIS was not significantly associated with a longer incarceration sentence (contrary to the findings in research question 3). Results were similar for probation: $F_{change} [1, 1304] = .04, p = .83$). Thus, neither probation nor incarceration individually can be predicted by VIS presence after having controlled for crime type. Once again, recall the nature of the data precludes causal conclusions, and these findings only highlight the bilateral relationships between factors, not cause and effect.

Table 7

Hierarchical Regression Results for the Prediction of Total Sentence for VIS, Controlling for Crime Type(s).

Predictor Variable	Standardized Beta	<i>t</i>	<i>p</i>
Contact Sexual Offences	.21	7.39	<.001
Non-Contact Sexual Offences	.16	7.39	<.001
1 st Degree Murder	.21	9.95	<.001
2 nd Degree Murder	.68	29.50	<.001
Other homicide offences	.30	12.04	<.001
Assault Related Charges	.10	4.09	<.001
Kidnapping Related Charges	.16	7.63	<.001
Theft/Fraud Related Charges	.15	6.25	<.001
Drug-Related Charges	.06	2.70	<.001

“Other” Charges	.13	5.73	<.001
Presence of VIS*	.04	1.75	0.08

Note. Presence of VIS was entered in the second block of the hierarchical linear regression.

Research question 5: Are sentencing conditions affected by the presence or absence of a VIS?

Originally, sentencing conditions were coded as separate variables (e.g., “was there a weapons prohibition added to the sentence?”). To answer this research question, a variable was created that was a sum of all the individual sentencing conditions. This variable was scored from 0 to 12, with 0 indicating there were no ancillary orders added to the sentence, and 12 indicating that all possible ancillary orders had been added. The data showed an actual range of 0 to 9 (indicating that no offender received more than nine conditions).

Statistical assumptions checks were run on the total conditions variable. Levene’s test for equality of variances was not significant ($F = 2.74, p = .09$). Further, there were no outliers, and visual inspection of Q-Q plots appeared normal. However, the Kolmogorov-Smirnov test was significantly non-normal ($p < .01$). Therefore, bootstrapping procedures were used for the following analysis. The main analysis for this research question was an independent groups t -test. Sentencing conditions did not differ between cases where there was a VIS ($M = 3.52, SD = 1.76$) and cases where there was not a VIS ($M = 3.64, SD = 1.89$), $t(1328) = .96, p = .33$, Bootstrapped 95% Cis (-.13, .39) $d = 0.07$.

Research question 6: When a life sentence is imposed, is parole eligibility affected by the presence or absence of a VIS?

This research question examined parole eligibility as it relates to first- or second-degree murder charges because as noted above, the automatic sentence for a first-degree murder charge in Canada is life imprisonment without parole eligibility for 25 years. However, there is some variability and judicial discretion available with second degree murder. A comparison of parole eligibility decisions in first- and second-degree murder charges, in relation to VIS presence, was the goal of this analysis.

The data analysis plan for this research question was to filter the dataset for cases awarded a life sentence for either first- or second-degree murder, followed by a 2x2 factorial ANOVA on parole eligibility outcome with two levels of VIS (present or not) and two levels of murder (first or second). Cases with both first- and second-degree cases were excluded, allowing for an examination of each of these offences independently. Additionally, a fundamental statistical assumption for factorial analysis is independence of groups, and therefore including cases that had both first- and second-degree murder charges would violate this assumption.

However, there were only 128 cases in the dataset that received life sentences, and a further 41 were thus excluded for having multiple murder charges or only manslaughter related charges. Examination of the remaining cases ($n = 87$) revealed that there were not enough data to complete a 2x2 factorial ANOVA. Specifically, there were only 10 cases where the offender was charged exclusively with first-degree murder. All 10 of those cases had VIS present. This left 0 cases with a first-degree murder charge and no VIS, allowing for no comparison group. Further, there were 77 cases in the dataset where the

offender was charged exclusively with second-degree murder and received a life sentence, and 75 of them had VIS present. This left only 2 cases where the offender was charged with second-degree murder and no VIS present. See Table 8 for an example. Because there were several ‘cells’ with either zero or very few cases, the data violated the statistical assumptions required to run a 2x2 factorial (e.g., cell size, normality, homoscedasticity of error variances). Therefore, this analysis was not feasible.

Table 8

Frequencies for VIS Presence (Present or Absent) as a Function of Murder or Homicide Related Charges (N = 128).

	<i>Exclusively 1st-Degree Murder</i>	<i>Exclusively 2nd-Degree Murder</i>	<i>Exclusively Manslaughter</i>	<i>Combination of Homicide Charges</i>	Total
VIS Absent	0	2	0	6	8
VIS Present	10	75	5	30	120
Total	10	77	5	36	128

Note. The term “Exclusively” is used to denote that associated cases *only* had that type of murder charge. In other words, if a case had (for instance) both first-degree murder and a homicide charge, it would be sorted into the “combination” column. This was purposely so to be able to interpret the unique effects of each type of charge. However, the term “exclusively” does not exclude other types of charges, such as sexual offences or robbery, that might have happened concurrently. Exclusive in this instance only refers to exclusive to homicide-type offences.

However, I further attempted to examine parole eligibility as an outcome variable more generally (not filtered by crime type). As noted in Table 7, of 128 offenders who received life sentences (and were thus given parole eligibility sentences), only 8 of those cases did not have a VIS present. Comparably, there were 120 cases that did have a VIS present. Although these sample size differences were substantial, non-parametric tests were able to correct for issues related to heterogeneity. Specifically, Welch’s *t*-test is robust against issues related to lack of normality. This analysis directly looked at length

of parole eligibility as a function of VIS Presence. Levene's test of Homogeneity of Variances was significant ($p < .01$). Results from the non-parametric t -test found that there was no significant difference between cases where there was a VIS ($M = 17.10$, $SD = 15.03$) and cases where there was not a VIS ($M = 34.38$, $SD = 32.34$), Welch's $t(1, 7.20) = 2.25$, $p = .18$. This indicates that there was no effect of VIS presence on parole eligibility outcomes. Results were re-run after having removed all cases of first-degree murder. This was done because the automatic sentence for first degree murder is a life sentence with 25 years before parole is possible, and therefore no effect of VIS should be possible. However, even after removing first degree murder cases (where the sentence is automatic), there was no effect of VIS presence on parole eligibility.

Research question 7: Does the format of VIS delivery or number of VIS submitted impact sentence length?

The design of the analysis for this question was a 2x2 factorial ANOVA with two levels of VIS format (written and oral) and two levels of the number of VIS (one VIS or more than one VIS). Cases that had a combination of written and oral VIS ($n = 318$) and all cases where the format of delivery was not specified in the ruling ($n = 468$) were excluded from analysis. In other words, cases were only included if they had either written submissions or oral submissions, but not both. This resulted in the exclusion of 786 cases. Cases with no VIS present ($n = 262$) were also excluded given that those cases were not relevant to the research question.

Statistical assumptions checks began with outliers. Once again, the creation of z -scores on the Total Sentencing variable led us to exclude an additional 2 cases. Thus, the final sample for this analysis was 542 cases. The factorial for the two predictor variables,

created ‘cells,’ 1) one VIS and oral delivery, 2) one VIS and written delivery, 3) more than one VIS and oral delivery, and 4) more than one VIS and written delivery. See Table 9 for cell descriptives for this analysis.

Table 9

Cell Descriptives for the 2x2 ANOVA Looking at Sentence.

Number of VIS	Format of Delivery	<i>n</i>	<i>M</i>	<i>SD</i>
One VIS	Oral	112	2386.93	2381.81
	Written	216	1709.28	1919.10
More than one VIS	Oral	90	3880.06	3676.52
	Written	124	3165.11	3159.10

Note: Factorial ANOVA has two levels of VIS (One VIS or More than One VIS) and two levels of format (Oral or Written).

Regarding normality, analysis of histograms revealed that all cells were positively skewed, indicating systematic floor effects in all conditions. Visual inspection of Q-Q plots also revealed that all the cells in this analysis were non-normal. Non-normality was confirmed for all cells with the Kolmogorov-Smirnov test: all cells yielded $p < .001$. Finally, Levene’s test for equality of variances was significant: $F(3, 538) = 27.17, p < .001$. To account for the unequal variances throughout the cells, bootstrapping procedures (1000 samples) were used, and robust tests were used where applicable.

The main analysis for this study was a univariate General Linear Model factorial ANOVA designed to examine the effects of number and format of VIS on sentencing. Results yielded a significant main effect of number of VIS: $F(1, 538) = 37.10, p < .001, \eta_p^2 = 0.07$. This indicates a moderate effect of the number of VIS. These findings indicate

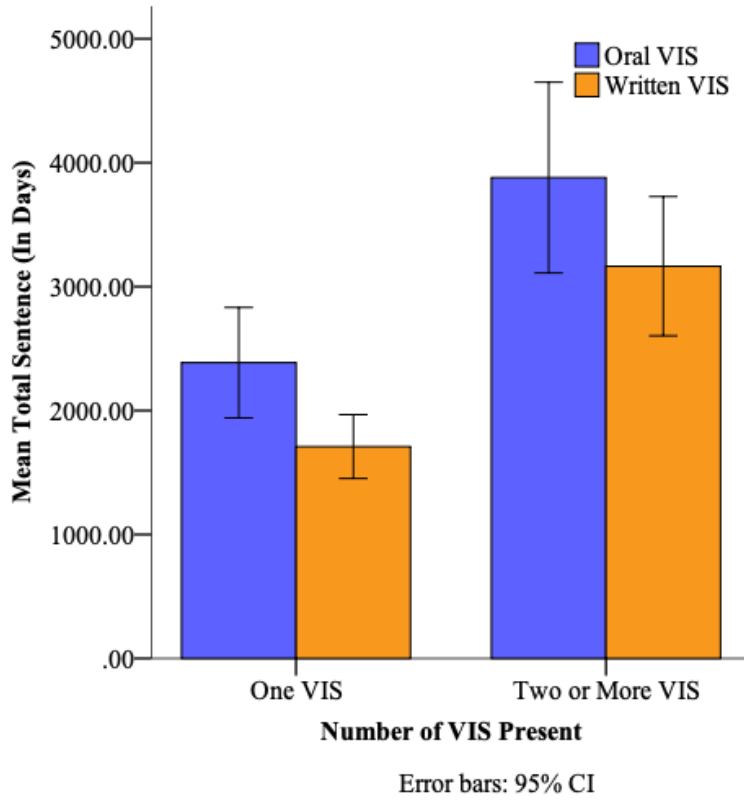
that cases with more than one VIS ($M = 3456.79$, $SD = 3396.50$) received significantly longer sentences than cases that only had one VIS ($M = 1940.68$, $SD = 2109.68$).

Results also yielded a significant main effect of format of VIS: $F(1, 538) = 8.27$, $p = .04$, $\eta_p^2 = 0.02$. This finding indicates a statistically small effect of VIS format. These findings indicate that cases with exclusively orally delivered VIS ($M = 3456.79$, $SD = 3396.50$) received significantly longer sentences than cases with exclusively written VIS ($M = 2240.24$, $SD = 2539.55$). Similar to research question 3, this indicates a difference of over 2 and a half years.

Interestingly, the interaction between number and format of VIS was not significant: $F(1, 538) = 0.006$, $p = .094$, $\eta_p^2 = 0.00$. Thus, there was no interaction, indicating that the number of VIS and the format of VIS contribute independently of each other to the total sentence. The *Adjusted R*² for the overall factorial ANOVA was .08. This indicates that only 8% of the total sentence variance was accounted for by the variables in this model. See Figure 2 for a visual representation of the main effects of the number and format of VIS.

Figure 2

Number of VIS (One or More Than One) and Format of VIS (Oral or Written) as a Function of the Total Sentence.



Discussion

The goal of this study was to provide an exploratory examination of an archival dataset containing VIS information from Canadian sentencing rulings. There is little empirical research on Canadian VIS and the relationship they have with sentencing outcomes. What research does exist is primarily based on mock jury or experimental lab studies which typically use university students as participants. This study was the first to examine Canadian archival data to understand VIS in the real world.

General overview

Although this study considered several key research questions regarding VIS in the justice system, there were some notable findings from this study, the value of which are relevant to both theory and practice. First (Q 1), VIS were most likely to be submitted in the most “severe” crimes – sexual offences and homicide. Second (Q 3), VIS presence is associated with longer incarceration sentences, as well as shorter probation sentences. Third (Q 4), once we control for what type of crime was committed, VIS were no longer able to predict sentencing outcome. Finally, (Q 7) cases with more than one VIS were associated with longer sentencing outcomes, and cases with oral VIS (read in court) were associated with longer sentencing outcomes than cases with VIS submitted in writing. Other key findings (Q 2) were that no specific victim-offender relationship is associated with a higher chance of VIS submission. Finally, (Q 5 and 6) VIS submission is not associated with differences in parole eligibility decisions or sentencing conditions/ancillary orders. The findings of this study highlight the complex relationship between VIS and crime severity. As demonstrated, crime severity clearly bears significant implications for the likelihood of submission, but also potentially the weight

of the impact of VIS, and how they are used and interpreted in sentencing. Any 'Impact' effects on sentencing that have been attributed to VIS presence in past research might actually be simply attributable to crime type/severity.

This study had seven separate research questions. While they all worked toward a common goal, each of these questions offered a unique insight into a different facet of how VIS are applied in the criminal justice system. The first two of the research questions were interested in factors associated with the likelihood of submission of a VIS in a criminal case. There is little research that examines factors related to the likelihood of submission. The other five questions examined different ways in which VIS might interact with sentencing outcomes. Below is a discussion of the findings, implications, and advised future research related to each question.

Research Question 1: Are crime victims more likely to submit a VIS for some offences than others?

This research question was modelled after Lens' (2014) findings that type of crime appeared to be associated with an increased likelihood of VIS submission. This research question was primarily interested in determining what sorts of crimes are most likely to result in a statement being submitted. Results indicate that cases with contact sexual offences (such as sexual assault, incest, and frotteurism), second-degree murder, and other homicide charges (such as manslaughter) were all more likely to have a VIS submitted than cases without those charges. Victims of contact sex offences were nearly twice as likely to submit a statement than cases without such an offence. Further, a case with second-degree murder was ten times as likely to have a statement submitted than

cases without one. Finally, a case with a charge such as a manslaughter is seven times as likely to have a statement submitted than a case without one.

Regarding the homicide cases, these findings are particularly interesting, given there were no significant differences found to be associated with first-degree murder charges. In other words, first-degree murder was not associated with a higher chance of VIS submission. However, as discussed in research question six, this finding might be a reflection of the nature of the data. There were no cases of first-degree murder in the dataset that did not have a VIS (that did not have other crimes). At face value, this outcome appears to be explicit evidence of a relationship between first-degree murder and VIS submission. Although the results from this study cannot provide evidence for a relationship of this sort, the results may have been influenced by a small sample size and low statistical power. Because all first-degree murder sentencing included VIS, there was no comparison group.

Next, one critical point of discussion is related to the outcome variable of “likelihood of submission.” This paper has defined “likelihood of submission” as whether or not a VIS was mentioned by the judge as present or absent during the sentencing phase of the trial. There are many timepoints when a victim can submit a VIS (at sentencing, at an appeal, or at parole). Additionally, it is impossible to be entirely sure that we have fully captured all VIS submissions. It is possible that victims submitted a VIS but it was not considered at sentencing (because it was submitted too late, because it was redacted, because it was not submitted correctly, or any other possible reason for why a victim might have submitted the statement but it did not reach the point of consideration during sentencing). Therefore, a limitation of our study is that we rely solely on that which is

discussed in the sentencing ruling itself. Ideally, to reflect the CVBR (2015) we would like to hope that submissions will always be discussed at sentencing, but some evidence (LePage, 2021) has suggested that there are cases where a victim's VIS submission does not make it through to the sentencing hearing. Therefore, in the context of the present study, "likelihood of submission" should be considered as "likelihood that there was a VIS submitted as evidence during the sentencing phase at trial, and mentioned by judge in his/her ruling." Finally, this study only looked at approximately 10% (See Table 1) of the available CanLII database.

Research question 1 has implications for both theory and research as well as advocacy. For instance, cases with crimes that are arguably the most "severe" were the most likely to have a VIS submitted. This finding could reflect the fact that perhaps, the consequences of these types of crimes are the most severe and personally violating or traumatic to the victim (Orth, 2002). This finding would support the claims made 30 years ago by Erez and Tontodonato (1990), who theorized that the victims most likely to submit a VIS are those for whom the suffering and emotional distress has been the most severe. This claim is interesting because it implies that victims of some crimes have less desire to submit a statement than for other crimes. For instance, allow us to compare a sexual assault charge to a pornography charge. Although both offences are categorized as "sexual offences," the nature and impact of these offences vary. In the case of pornography, there are often many victims, some of whom may be unidentifiable. Many child pornography charges involve images taken from the internet, and in some cases, the victim may never know about, have contact with, or meet the offender (Rogers, 2008). This difference does not diminish the profound violation and harm these victims may

suffer. However, there do seem to be clear implications for the likelihood of VIS submission based on these reasons.

Future research would benefit from a more in-depth analysis of what specific types of crimes within each category are related to the likelihood of submission of VIS. For instance, although this project used “Assault” as one category, the nature of the assault might also contribute to these outcomes. A domestic violence incident, for example, might theoretically be different from an assault resulting from a bar fight, each with different causes and related factors. These events are further differentiated by the relationship between the victim and the offender, the intimate nature of the assault, and other factors such as children or other people that increase complexity in a case. Any of these factors might impact a victim’s willingness to become involved in the justice system and produce a VIS. It would be possible to analyze this deeper by considering both the relationship between the victim and the offender and the type of crime simultaneously in an analysis, although that goes beyond the scope of the current project.

Furthermore, researchers should consider analyzing the motivating factors contributing to the decision to submit a statement. As discussed earlier, victims will have varying motivations and goals in the submission of a VIS. Some of these goals included: to impact sentencing, to have a voice in the process, to achieve catharsis, and to elicit a response from the judiciary or the offender. However, crime severity plays a role, which supports the idea that personal harm and suffering experienced is a possible driving mechanism that is influencing the likelihood of VIS submission. This is not to say victims of some crimes (such as theft) are not harmed, but these results demonstrate that they may be less motivated to submit VIS than victims of more severe crimes.

Looking specifically at catharsis and desire to have a voice in the legal setting, in the event of a highly traumatic or severe crime, the stakes for the victim are also relatively high. For instance, the victim of a theft will be impacted in the sense that they have lost their property and there might be considerable financial, and perhaps emotional impact. However, it is fair to acknowledge that the family member of a murder victim will have lost a person whom they loved, thus inciting what is potentially a greater amount of emotional harm, grief, and a number of other emotions (King, 2006). A possible explanation for these results is that victims in severe crimes are the most likely to need catharsis, and the submission of a VIS might be a way of seeking that. In severe crimes, the idea of giving victims a voice seems all the more important for victims' rights movements and advocacy.

On a more applied level, it is important to consider what other factors might contribute to a VIS being submitted in some cases, but not others. Perhaps the least cynical explanation is that prosecutors believe that victims truly deserve to have a voice in court, and particularly in high profile or high severity cases, feel additional pressure to facilitate that experience. Alternatively, some anecdotal evidence (discussions with lawyers and judges) has indicated that the crown attorney might feel increased pressure to have VIS submitted in high profile or highly consequential cases such as sexual assault or murder. For instance, it could be the case that when the offence is relatively minor (such as a probation breach or petty theft), there is little at stake for the crown attorney regarding the submission of a VIS. However, if there has been a sexual assault, the victim's presence in court or the submission of an emotional statement might be considered a legal strategy (LePage, 2021). In other words, prosecutors may encourage

victims to submit a VIS because they believe that a VIS might affect sentence length.

Anecdotal evidence from informal conversations with crown prosecutors supports this idea. However, this is speculative, and there is, to the best of my knowledge, no other empirical literature available to support this, and future research is warranted.

Nonetheless, this factor, encouragement on behalf of the crown attorney, could be why higher severity crimes (ones in which the stakes for the defendant are very high) are most likely to have a statement submitted. However, there are many other possible explanations. For instance, perhaps in higher stakes cases – highly consequential or high profile – prosecutors may encourage victims to submit VIS because not doing so could be reported by the media and contribute to negative publicity.

Research Question 2: Is there an association between the nature of the victim/offender relationship and the likelihood of submitting a VIS?

Recall that there were eight categories of relationships between the victim and the offender in this study: Strangers, immediate family (parents, siblings), extended family (grandparents, uncles, aunts), friends or acquaintances (also includes roommates, drug dealers), romantic or sexual partners, ex-partners, professional or work relationships (coworkers), and position of authority (teachers, police, bosses). Similar to Lens' (2014) findings which noted that previous relationship (yes or no) to the offender was not related to a higher chance of VIS submission, this study also found no victim/offender relationships that yield a higher chance of VIS submission. Victims can and will submit a statement for all relationship types, however, there is no one particular relationship type that is most likely to elicit a statement.

The only significant finding in this research question was that the crimes in which the offender was an extended family member to the victim (such as grandparent or aunt or uncle) were *negatively* associated with a *lower* chance of submission. Although this feels like a double negative, this relationship is not to be confused with having a higher chance of submission. In other words, in cases where the offender was an extended family member, it was very atypical for a statement not to be submitted. None of the other relationships were significantly predictive one way or another.

The issue at hand is sample size. The dataset used for this study had a total sample of 1332 cases. However, there were instances when the analysis was run on a condition with fewer than 15 or 20 cases. This finding of few cases is particularly true for the “No VIS” condition, which already only accounted for about 20% of the total dataset. Although not a violation of statistical assumptions, the smaller sample sizes indicate less statistical power and thus a more difficult time detecting patterns. It is also critical to acknowledge that non-parametric tests were used, which generally have less statistical power (less sensitivity) than parametric tests. Therefore, particularly given the medium effect size associated with the significant overall finding, there is a high risk of a Type II error in the findings.

Many possible future studies could follow these findings. For instance, it would be beneficial to interview crime victims to determine which relationships are the most important when making the decision to submit a VIS. This could extend to reaching out to individuals who have already submitted VIS, and exploring their relationships with the perpetrators in their cases (be they strangers, family members, or anything else).

Finally, future researchers should examine the interaction between crime type and relationship type in determining the likelihood of submission. Combining these two variables could give us a clearer understanding of which victims (in what contexts) are most likely to submit a statement. Although such an analysis goes beyond the scope of the current exploratory study, it would certainly be theoretically possible to examine both variables in combination.

A major limitation of this research question was a frequent lack of information regarding the relationship between the victim and the offender. There were many instances when the relationship was not stated in any capacity in the CanLII report. Although judges are not required to discuss victim offender relationships in their sentencing decisions, it is a limitation to the design of this question because having to omit the cases with no relationship specified caused a reduction in sample size.

Research Question 3: Is the length of sentence (incarceration or probation) affected by the presence or absence of a VIS?

This was the first of the second set of research questions, for which the goal was to determine how VIS presence influenced sentencing outcomes. Research question 3 is the “big” question that looks directly at the relationship between sentence length and VIS presence. Variations of this question has been discussed in the empirical literature for many years and is a key question of interest to social scientists, as well as the legal community, victims, offenders, and other stakeholders (Boppre & Miller, 2014; Chalmers, Duff, & Leverick, 2007; Davis and Smith 1994; Erez & Tontodonato 1990; Kleinstuber, Zaykowski, & McDonough, 2020; Lens, 2014; Phillips, 1997; Roberts, 2009; Roberts & Edgar, 2003, 2006; Sanders, Hoyle, Morgan, & Cape, 2001). Roberts &

Edgar (2006) noted that the ability to make causal inferences about the impact of VIS presence has historically been limited, because studies that compare cases with VIS present to VIS absent would require both a large sample as well as multivariate analyses controlling for many extraneous variables, which is a difficult feat. Consequently, the present study has been able to address at least some of these problems – the sample size is large and representative, and many (although not all possible) confounding variables were examined.

This study looked at incarceration time and probation time separately. The primary reason for dividing sentencing in this way is that incarceration and probation sentences have critical theoretical and practical differences, and many offenders received sentences for one, but not the other. Results found that VIS presence was associated with an increase in incarceration sentence length, but in fact, a decrease in probation sentence length. In some ways, this finding can be perceived as a narrative: VIS presence is associated with what could be perceived as a “harsher sentence” – less time on probation but more time in jail. Of course, one cannot know that one causes the other, and so this finding does not mean VIS presence *causes* a harsher sentence. One likely moderating factor might be crime severity. That is to say that VIS are most likely to be present in the most severe crimes (as discussed in research question 1), resulting in a longer sentence. However, this theory is discussed in greater detail below, in research question 4.

It is also important to discuss the magnitude of the difference. For incarceration, cases with a VIS were found to be associated with sentences nearly two years longer than cases with no VIS. When considering the implications of this, an additional two years inside a correctional facility can have a consequential impact on the offender’s life.

Moreover, this finding is a vastly meaningful difference in terms of not only sentence length, but also sentence type – any sentence longer than two years is a federal sentence, rather than provincial (prison rather than jail).

This difference may have implications for the types of services and programs available, and individual's experience while incarcerated, simply by virtue of which institution they are in. For instance, some research has found the type of institution leads to differences in mental health outcomes for inmates (James & Glaze, 2006).

Although an in-depth discussion of the differences between these governing bodies goes beyond the scope of this study, the point remains that submitting a VIS might be associated with the difference between a jail sentence of less than two years, versus a prison sentence over two years. For the probation sentence outcome, cases with a VIS were associated with 90 days less probation time than cases with a VIS. This difference is 3 months under the supervision of the correctional system, and represents a meaningful difference in outcome.

These opposite findings between incarceration and probation should not be ignored. While there is a substantial amount of research that examines incarceration as a dependent variable, I found no empirical research examining VIS' effects on probation. A recommendation for future researchers is to spend more time thinking about probation as different from incarceration and analyze them differently, as they seem to yield opposite patterns. Although these outcomes are very different, past studies in this field have, to the best of my knowledge, never asked participants to consider incarceration sentences and probation sentences separately. This lack of clarity could lead to outcomes cancelling each other out in other research designs. Future researchers are also encouraged to

address the apparent gap of VIS to probation research within the field. Probation is often used in addition to or in place of incarceration in cases where the offences are less “serious” – crimes like theft, minor assaults, or impaired driving. As noted in research question 1, there does not appear to be an association between these less severe crimes and VIS presence. However, VIS are still frequently submitted in cases with probationary sentences. Therefore, a more in-depth examination of the cause-and-effect relationship would be warranted in future research.

Finally, there is one possible data-specific explanation for the anomalous finding that VIS presence is associated with lower time on probation. The sentencing decisions contain the sentence and the reasons for the sentence. Typically, judges note the years of incarceration followed by the probation or parole stipulations (if any) and any ancillary orders. However, sometimes the sentencings excluded information about probation or parole, because they are released closer to the date of the offenders’ release. For this reason, some cases would be coded as many years incarcerated, but ‘zero’ under probation because it was not stated in the CanLII decision. This problem also extends into the cases with life sentences. Although judges will typically state the parole eligibility, they often do not provide probation stipulations, because they are determined closer to release. Therefore, those cases would have been coded as ‘zero’ for probation. Furthermore, because VIS are most often submitted in cases with very severe crimes (cases that would get years incarcerated and have a higher likelihood of having no probation decisions mentioned), it might be the case that this artifact of the data could be the reason for the finding regarding probation.

Research Question 4: Does controlling for the type of crime committed impact the effect of VIS on sentencing outcomes?

As noted, this research question acted as a follow-up to question 3. In the discussion of question 3, the issue was raised about the impact of crime type on sentencing. The results of this investigation found that when type of crime is controlled for, VIS presence can no longer predict sentence length. When separate analyses for incarceration and probation were run, this continued to be the case. In other words, crime type accounted for so much of the variance in sentencing outcome that VIS presence was no longer able to predict it. In some ways, this finding reflects that type of crime, within which is severity/seriousness, is a key predictor of custodial sentence. Arguably, this outcome is a logical and valid finding given that sentencing severity should be a defining feature of sentencing length, according to the Canadian sentencing guidelines.

However, the importance of the pattern of findings in question 3 coupled with these findings cannot be understated. As noted above, the past 30 years of VIS research have questioned the relationship between VIS and sentence. The fact that there is a relationship between VIS and incarceration, and then an opposite relationship between VIS and probation, has implications for practice and theory alike. For instance, in research, this finding is grounds for further exploratory research examining the specific extent of impact – under what conditions are we most likely to see a strong VIS-sentencing relationship, and when might we see a weaker VIS-sentencing relationship? What kinds of statements are most likely to impact sentencing? Why are they impacting sentencing, and what sorts of limitations or exceptions might we predict?

However, in some ways, the findings in question 4 discount the idea that VIS can influence sentencing outcomes (Boppre & Miller, 2014; Chalmers, Duff, & Leverick, 2007; Erez & Tontodonato, 1990; Mastrocinque, 2014; Erez & Rogers, 1999; Sanders, Hoyle, Morgan, & Cape, 2001; Paternoster & Deise, 2011; Phillips, 1997). It would be possible (and recommended) for future researchers to explore the dynamics of the VIS and sentencing relationship within each crime type instead of just controlling for it. For instance, future researchers could analyze differences in sentencing outcomes for highly traumatic crimes such as sexual assault or murder, differentiated from crimes such as theft or impaired driving.

A closer inspection of the dynamics within each crime type would provide better insight into our ability to make recommendations for when victims should submit a statement if they wish to impact sentencing. For instance, it is possible that VIS presence makes a difference in “severe” crimes, rather than “less severe” crimes (such as theft). Such an examination went beyond the scope of the current paper but is nonetheless a worthwhile field of study for future research, including future examinations of the current dataset.

Research Question 5: Are sentencing conditions affected by the presence or absence of a VIS?

There is no previous research examining the relationship between sentencing conditions and VIS. For this reason, this research question was entirely exploratory. To analyze the data, the decision was made to add all conditions together to create one variable that represented a sum of all possible conditions. However, no differences in the

number of sentencing conditions were found between cases with VIS as opposed to without VIS.

However, there are many other possible ways to examine sentencing conditions. For instance, several different ancillary orders and sentencing conditions might be applied in a given case. Some of them, such as DNA orders, or SOIRA orders in sexual assault cases, are given just as a default. However, other conditions, such as orders for an apology, orders for counselling, and non-communication orders, are highly dependent on the case's context. The possibilities could produce an entire study. Thus, one possible reason that no differences were found is perhaps adding them together caused a "washing out" of any effects. In other words, it could be that some sentencing conditions are negatively associated with VIS presence, and some are positively associated with VIS presence, or some predictors could have a stronger relationship with VIS than others. Future researchers should look specifically at fines and surcharges or analyze the type of crime related to VIS and conditions. For instance, it could be the case that, like many other research questions in this study, crime severity is a driving factor in sentence outcome that must be controlled for future analysis.

Research Question 6: When a life sentence is imposed, is parole eligibility affected by the presence or absence of a VIS?

This research question aimed to examine parole eligibility as a function of VIS, specifically as it relates to first- and second-degree murder charges. This specific analysis of the type of murder charge was important because the automatic parole eligibility sentence for a first-degree murder charge might vary from the decisions made in second-degree murder charge. Consequently, only second-degree cases can potentially be

impacted by VIS, but it was previously unclear whether that was the case. Additionally, there is no empirical research that looks at the relationship between VIS and parole eligibility. There does exist research on parole release decisions (when the offender is ready to be released back into the community, see Caplan, 2010a or Hail-Jares, 2019), but the original decisions made by the judge at the time of sentencing is an unexplored area.

However, analyzing this research question as originally planned was not possible. Less than 10% of the entire dataset met the criteria for analysis (had to be receiving a parole eligibility sentence). Fewer than 10 of the cases in this sample did not have a VIS present. To look at differences between 1st and 2nd degree murder, the sample needed to be pared down so much that the cell sizes would have been too small to analyze.

In some ways, this finding (very few murder cases without VIS present) is further evidence to support the claims from previous research questions that VIS are most typically submitted in cases with severe crimes. To build on that claim, cases receiving a life sentence are arguably those in which the crimes, or impact of the crimes, are the most severe. Murder cases (particularly 1st degree) are considered in Canadian Sentencing Guidelines to be exceptionally severe crimes, with good reason. As such, the finding that there are no 1st degree murder cases without a VIS is not surprising.

Despite this statistical restriction, further analyses were able to look at differences between VIS present and absent conditions in relation to parole eligibility outcomes, but without dividing by murder type. Results showed that there appears to be no difference in terms of parole eligibility decisions based on whether or not a VIS was submitted. This implies that although VIS are very common in these types of cases, the inclusion of one does not mean the offender will have a longer period of parole ineligibility. For victims

who seek a 'harsher' sentence (wherein the offender is in prison for longer), there is no evidence to support the claim that submitting a VIS will facilitate this outcome.

This research question warrants further examination in several ways. For instance, although seldom, it would be interesting to examine further the rare cases in which the crime(s) were severe enough to warrant a life sentence (typically for homicide), but no VIS was submitted. Specifically, in 2nd degree murder cases, where the case outcome is not set in stone as it is with 1st degree murder, what sort of factors would contribute to those situations where there is no VIS? Perhaps crown lawyers strongly encourage family members to submit VIS because they believe VIS contribute to longer sentences? Finally, if VIS are most common in these severe cases but are not associated with harshened sentences, more research is warranted exploring alternate reasons for why victims would feel compelled to submit a statement (such as catharsis, judicial involvement, or to elicit remorse or acknowledgement; Meredith & Paquette, 2001).

Research Question 7: Does the format of VIS delivery or number of VIS submitted impact sentence length?

This research question aimed to examine two variables that contributed to potential effects within the "VIS Present" group. These factors were considered together because this was the only research question that did not compare "VIS present" to "VIS absent" cases. Instead, this analysis only included cases that had a VIS submitted and then examined differences within that group. The interpretation of results in this question should also be made carefully. Because this study is looking at associations rather than cause and effect relationships, one cannot say that either of these factors causes a longer sentencing outcome. They are only associated with a longer sentencing outcome.

Cases with more than one VIS were associated with longer sentencing outcomes than cases with only one statement. There are many possible explanations for this finding. The first is the level of "impact" on the judge or justice. This is to say that perhaps when many statements are delivered, it could be that they are harder for the judge to ignore, or the level of emotional impact for each one accumulates, thus resulting in a longer sentence. For instance, in a murder trial, to have the victim's friend deliver a statement explaining the effect the loss has had on them might be very emotionally moving. However, to have the victim's friend, and mother, and grandfather, and sister, and cousin, all deliver statements would be a much longer, possibly more emotional event to witness. It is possible that even if one statement is not "moving" enough to impact a sentence, that several statements are "enough".

However, the alternative explanation is a function of crime severity. That is to say that more severe crimes, of course, will receive longer sentences. These crimes involve offences such as homicide, sexual offences, and possibly some assaults. However, as discussed above, there is a relationship between some of these more severe offences (contact sexual offences, second-degree homicide, manslaughter) and the likelihood of submission. Although this was not directly analyzed in the current study, a reasonable extension of these two findings is that more severe crimes might also be associated with more VIS being submitted. For instance, in a theft, one can imagine that the individual whose personal property was stolen would submit a statement. Although it depends on the situation, it is unlikely that many additional statements will also be submitted for one theft. However, in an instance where someone has died (by homicide, for example), many possible friends or family members could submit VIS.

Another example might be a sexual assault. In a case where a child is victimized, that child might not submit a statement, but rather the child's parents and possibly extended family would do so. Therefore, it is difficult to ascertain, given the current analyses, whether the finding that more statements are associated with a longer sentence is due to an extraneous factor such as crime severity. Future research would do well to take apart these relationships and examine crime severity as a possible mediating or moderating factor and examine the cause-and-effect relationships.

The final point of discussion surrounding the number of VIS is that this study used a dichotomous variable for this analysis (one VIS or more than one VIS). This method allowed for the analysis of the number of statements within the ANOVA model. However, another way to analyze this variable would be to leave it as a continuum. For instance, a case might have 1 statement or 2 statements, but as noted above, the maximum number of statements delivered in the dataset was 31. The sentencing effect of 31 statements may be quite different than the sentencing effect of 2 statements. Therefore, although this is outside the scope of the current study, future research would do well to assess the possibility of a ceiling effect - how many VIS is enough?

The other variable analyzed in this research question was the format of delivery. The CanLII sentencings typically had data on whether the statements were submitted in writing or delivered orally in court. There were also a great number of cases for which the format of delivery was not specified. As noted, a limitation of archival research is missing information. For this particular variable, missing information substantially affected sample size.

Nonetheless, cases with exclusively orally delivered statements (whereby the VIS is read aloud to the court by the victim or the proxy) received longer sentence lengths than cases with exclusively written statements (whereby the victim writes the statement and submits it to the court in that way). The word "exclusively" is used here because the current analysis only included cases that had either written submissions or oral submissions but not both. These criteria allowed us to cleanly dissect the differences in sentencing outcomes between the two formats. It would be possible in future studies to assess the impact of cases with both format types. However, to do so it would be necessary to disentangle the effect of number of VIS. The current project was particularly interested in the possibility of an interaction effect, which is why both variables were analyzed together. However, if one were to more deeply look at format, an examination of cases with both delivery types is certainly recommended.

Nonetheless, the finding that oral statements were associated with longer sentences than written statements is interesting. This outcome is a particularly valuable finding given that the difference between the two conditions is (similar to the findings in research question 3) greater than two and a half years. When considering that this "time" represents how long an offender is in custody, the difference between a written and oral VIS thus cannot be understated.

This finding is critical because, unlike all the other research questions in this study, it is unlikely that this difference is primarily a function of crime severity. That is to say that there were several very severe crimes that only had written statements and vice versa. Thus, the question becomes, what is the underlying factor driving the finding that oral statements are associated with longer sentences?

There is some evidence in the empirical literature that oral statements are easier to understand and have a more significant emotional impact than written statements (Lachner, Burkhart, & Nückles, 2017; Rocklage, Rucker, & Nordgren, 2018). Previous research specifically on oral versus written VIS have found notably mixed results (Lens et al., 2015; Lens, 2014; Smith, Watkins, & Morgan, 1997). For instance, this study yielded different results from a study by Myers et al (2002), which found no difference between oral and written statements.

This will have been the first Canadian study to demonstrate, using real-world data, that oral VIS appear to be associated with longer sentencing outcomes than written VIS. This finding could be due to the overall emotional nature of orally delivered VIS as opposed to written. That is to say that perhaps, listening to an oral statement is so emotion-inducing, or moving, that it results in a greater influence over sentencing outcomes than a written statement, which is just text.

This finding could also be due to the concept of victim involvement in court. In other words, orally delivered statements typically involve the victim to be physically present in court. However, written statements can be submitted in advance and do not require the victim to be present during the trial or sentencing. The relationship between victim involvement in the judicial process and sentencing outcome has been examined before with mixed results (de Mesmaecker, 2012). However, this finding might support the claim that cases with victims who appear more involved (physically present in court) might receive “harsher” sentencing outcomes. This aligns with the finding from Erez and Tontodonato’s (1990) study which found that victim presence in court during a trial

appeared to be associated with significantly longer sentencing outcomes, even though written VIS were not associated with any significant differences.

One limitation of this analysis is that this study was unable to control for proxy deliveries. For instance, it would have been helpful to assess differences between when the victim delivered the statement or if a lawyer read it on their behalf. This difference addresses the concept of direct versus indirect victims. Direct victims were first-hand impacted by crime (such as the direct victim of an assault or theft). Indirect victims are those who were close to someone who was the direct victim. For instance, in the case of a murder, a direct victim would be the individual who was killed. The indirect victim would be the family member or friend of the victim, who, in turn, submits a VIS. Another example of an indirect victim might be the parent of a child who was sexually assaulted. Although it was beyond the scope of the current study to control for this difference in the current analysis, it is strongly recommended that future researchers do so.

Next, it is also possible that the content of the VIS play a key role here. It went beyond the scope of this study to analyze the content of statements. It is possible that, for any number of reasons, the content of orally submitted statements differ in some way from written statements. It could be that those victims were in some way more motivated, or that those statements were just generally longer, more detailed, or more impactful. They might also be less constrained by redaction than written statements. Thus, future research needs to better explore the content of VIS and examine the various ways in which that might moderate the relationship between VIS format and sentencing outcome. To date, surprisingly little is known about what VIS say (Myers et al. 2018). Systematic content analysis of VIS is warranted to garner a stronger understanding of what victims

most commonly discuss in their statements, as well as the types of factors that impact the content. For instance, most research on VIS and sentencing operates on the premise that VIS aim to make sentences longer. However, it may be possible that some victims seek outcomes like catharsis, but do not wish to impact sentencing. This possibility could be reflected in VIS content.

Finally, future researchers examining VIS' format should be aware of other (less common) means of submission. For instance, some victims will submit a drawing or a poem in place of a written text. Although these instances were noted in our coding, they happened very seldom (an estimation is likely less than 10% of VIS, although it is difficult to be certain as it would require the judge to comment on it in order for this information to be present in our dataset), and this project could not analyze them compared to the oral/written formats, which happen more commonly. These submissions, drawings or poems, are worthy of a more qualitative examination to determine what sorts of factors in a case (likely related to who the victim is) will contribute to the decision to submit a statement in this way. It is also unclear what impact this submission format will have on the decision-making process.

Strengths

Before discussing the implications of these findings, it is integral to understand the impact that using an archival data set has on our ability to draw conclusions. Specifically, because this study did not use an experimental design, the variables have not been purposefully manipulated variables and therefore, one cannot draw cause and effect conclusions. However, archival methodologies have critical strengths that support their use in research. Archival research is appropriate for exploratory studies examining

relationships and associations between factors that have been suggested in the literature but never explored in applied settings. Therefore, the relationships and patterns identified in this study act as a reasonable justification for future experimental research in this field, aiming to dissect the cause-and-effect relationships between these identified factors.

This study is, to the best of my knowledge, the first of its kind in Canada. The findings discussed have implications for the field of VIS research moving forward. Although the current research is only one study, the sample used in this study warrants further discussion. Most notably, cases used in this study were from between 2016 and 2018. The 2016 starting point was chosen because it immediately follows the changes to the CVBR which were passed in 2015, which included changes to how VIS are used. Therefore, the years used in this study allow us to develop a better understanding of how VIS are used in the system today. Second, the data at hand is Canada-wide, and included cases from every single province and territory. Although some provinces (notably Ontario and British Columbia) had more cases than other provinces/territories (notably Prince Edward Island or Nunavut), these differences correspond to actual differences in population for these regions, indicating the sample is reflective of the Canadian population, per capita.

Second, the use of archival data is, in and of itself, a strength in many regards. As noted, most previous research in this field shows limited external and ecological validity (Bornstein, 1999; Wiener et al., 2011). Most past studies, Canadian or otherwise, use mock jury designs and convenience-based sampling methods. Although these methods bear practical benefits, there are many features of these designs that limit generalizability to real courtroom settings. This study answers the call for a more systematic, evidence-

based, and ecologically applicable approach to VIS research. Moreover, this data reflects the actual decisions made in the Canadian justice system in the past few years. These crimes, statements, and decisions are all real cases, at the root of which are real people. This study contributes to furthering our understanding of how the system is working and what factors interact with each other in the decision-making process.

Finally, it is important to emphasize the benefit of Canadian-specific research, which is generally lacking (Manikis, 2015). Many studies on VIS come out of the US and are focused on capital cases. Given the social and political differences between Canada and the US, and the fundamental ways in which our justice systems differ (including the process of VIS submission), Canadian research is necessary to provide insight into how decisions are being made in this country. Victim involvement seems to be a vastly understudied and misunderstood facet of research on the Canadian justice system, and it is therefore critical to expand our understanding of the role of VIS, and the impact VIS are having. Finally, even on a global level, Canadian studies make valuable methodological, historical, and theoretical contributions to the global understanding of the intersection between psychology and law. This study has contributed to better addressing these gaps in Canadian research.

Limitations

Of course, it is important to discuss the limitations of this archival study. For instance, although archival methodology is ideal for determining the extent of relationships between factors, it precludes one from making causal conclusions. Additionally, archival studies are subject to limitations based on the raw data's quality and quantity. The CanLII sentencing rulings database was used to generate the dataset.

While there was certainly an adequate sample size and substantial statistical power available, one critical issue with the CanLII files is a large amount of missing information. Many of the variables coded for had substantial proportions of "information not specified" codes. What this means is that, because this study uses real data, there are always missing pieces.

Secondly, this dataset is based entirely on what the judge included in the sentencing decision. If a factor was not mentioned, there is no way of knowing the extent to which it played a role in a given case. Judges in many cases discussed the VIS with great care and depth. Many of these judges explained what a VIS is, what it is meant to do, and how the role of the VIS was incorporated directly into the sentencing decision. Some examples include *R. v. C.C.* (2018), *R. v Morgan* (2016), *R. v. Ranspot*, (2017), and *R. v. Hoeving* (2007). However, most judges will reference the VIS but not discuss it in depth (e.g., *R. v. Dawe*, 2016; *R. v. Gallant*, 2017).

Another limitation of this study is the comparison group generated with cases that did not have a VIS present. As noted, this comparison group was created because many cases involved a direct quote from the judge along the lines of, "there is no victim impact statement in this case." The comparison group's limitation is that it is much smaller than the "VIS present" group. Approximately 20% of cases in the dataset did not have a statement present, meaning that every time analyses directly compared cases that had a VIS to cases that did not, the comparison group sizes were uneven. Uneven sample sizes can lead to unequal variances between groups and can drastically impact statistical power and Type 1 error rates (Rusticus & Lovato, 2014). Luckily, this problem is potentially offset by the large sample size (1332 cases Canada-wide).

Additionally, it is important to recall that there were many more cases that had VIS present than cases that did not have VIS. The presence of substantially different group sizes could indicate the presence of confounding variables – in this study, this outcome is potentially explained by whether or not the judge felt it necessary to announce when there was no VIS present in a case. Nonetheless, one cannot completely be sure. Although I considered many possible methods for expanding the comparison group, there appear no systematic, empirical alternative coding options. CanLII itself has tens of thousands of sentencing rulings. When generating the sample, our coders used systematic terms and guidelines about where to look for cases. To have done the opposite, and code all cases we found, without a specifier search term, would have been both unsystematic and impractical. Future researchers could therefore work towards developing alternative solutions to this problem, to build more specific search parameters or study targets. For instance, it would be worthwhile to focus in on specific types of crime, or specific victim-offender relationships.

Relatedly, it is important to discuss the limitations of the CanLII archives and the general lack of information about the incidence of VIS and how those limitations contributed to limitations within the current project. As noted above, there appear to be no empirical estimates of how often VIS are submitted in practice. Thus, it is not clear how many cases out of the total number of hearings typically contain VIS submissions. The CanLII database was used as an example of how such a prevalence rate might be measured. In Table 1, the total number of sentencing and parole hearings between 2016 and 2018 (excluding appeals, tribunals) that were available is 11,859 hearings. However, only a fraction of those hearings have any mention of whether or not a VIS was

submitted. Research assistants were able to code 1332 cases (1070 with VIS present and 262 that explicitly mention a VIS is not present). It is impossible to estimate how many of the original 11,859 cases had VIS submitted in the actual hearing but did not mention those submissions in the CanLII sentencing. Notably, according to the CVBR (2015), "A victim has the right to submit a victim impact statement, and to have it considered by the appropriate authorities." (pg. 1). Thus, judges can consider the VIS during their sentencing considerations (which was what happened in the cases we coded in the dataset). However, it is not a requirement that judges do so. That is, judges must consider the VIS, but are technically not obligated to write down their consideration in the sentencing ruling. It is certainly possible, as well, that many judges "considered" the VIS but did not document it in the CanLII sentencing. It may also be the case that many times, victims do not submit a VIS and judges omit this information in their ruling. Such instances were missed in this research because we could not classify the sentencing as including or excluding VIS. CanLII indicates there are nearly 10,000 sentencings that meet our inclusion criteria (year range) but were excluded in our data set because they exclude information regarding VIS. One cannot assume those cases did or did not have a statement submitted. This limitation notwithstanding, the results of the current investigation are an important first step in understanding just how often a VIS is submitted prior to sentencing in Canada, and suggest that VIS are present in at least 9.02% of cases. This problem further contributed to the issue around the small comparison group size. However, there was no systematic, reliable way to expand the comparison group within the scope of this study.

Future Research

The dataset created for this thesis is broad, and indeed, not every possible research question available within the data has been answered in the current set of analyses. Although some examples of future research studies have been discussed, there are still many more research questions that merit future analysis and discussion. Below are some examples.

First, gender is a factor that might moderate sentencing outcomes in several different ways. For instance, one past study examining gender and sentencing found that cases with female victims tend to receive longer sentences than cases with male victims (Curry et al., 2004). Despite this, existing research has yet to find support for a relationship between victim gender, VIS presence, and sentencing differences. However, the majority of this research has utilized mock jury paradigms (Forsterlee et al., 2004; Peace & Forrester, 2012), and so similar to the current study, there is an apparent need for more ecologically valid literature examining gender and VIS submission. Furthermore, gender of the victim, gender of the offender, and gender of the judge are all distinct fields of inquiry that remain understudied.

Another variable that warrants further analysis is the frequency of cases stated as "not having followed VIS instructions" or requiring redaction, as that is frequently mentioned in the CanLII reports. A qualitative examination of "regulation violating" VIS, coupled with an examination of how those instances are handled is warranted. For instance, it would be worthwhile to examine whether VIS that violate regulations are still accepted. Although the assumption is that those VIS will be redacted in part or perhaps in totality, there seem to be instances in which the statements slip by regardless, evidently a

function of the judge's discretion. However, once again, this idea is based on anecdotal evidence coupled with brief preliminary examinations of the commentaries available on CanLII on this issue.

Aggravating and mitigating factors are also important variables to consider. For instance, these sections are the only places we reliably find a discussion of the offenders' criminal history in the CanLII reports, which is a large determinant in sentencing (*R. v. Squires*, 2012). Aggravating factors are variables that might make the sentence longer. Many of these variables might also be intertwined with either the victim or the VIS directly. For instance, if an offender has a history of domestic violence, a VIS from the victim of that violence might be considered differently than in cases where the criminal history is not as strongly tied to the victim. There are also cases where the nature of the offence is, in itself, considered an aggravating factor. Some examples of this include: when a significant injury is caused to the victim, loss of childhood, if the victim is under 18, if there is a high frequency of offences, or if the nature of the offences can be considered egregious, such as acts against a child, or pregnancy/loss of pregnancy as the result of the offence. Given my discussion on how the most severe crimes are also the most likely to have VIS submitted, I can see an increasingly complex picture of how VIS relate to the legal process in cases where the crimes are categorized as severe, such as homicide.

Instances in which the offender was in a position of trust over the victim, such as a family member or employer, are also considered aggravating factors, or if the victim is specifically identified as being in a position of vulnerability (young, unarmed, asleep, intoxicated). Finally, significant age gaps, as well as crimes against domestic partners, are

also important variables. Although the current study can speak to these issues on some levels (given the analysis of likelihood of submission in relation to victim-offender relationship), there are clearly many areas that remain under-examined. Thus, future researchers might consider the relationship VIS have with any of these variables as currently, little to no other research exists in these fields.

Some mitigating factors also tie into the current discussion on VIS. For instance, expressions of remorse, the presence of family support, the age of the offender (depending on the case), mental health or addiction issues, and instances of self-defence are all mitigating factors (Government of Canada, 2021). These factors might affect sentencing outcomes. Relatedly, some critics (e.g., Hoyle et al., 1998) have expressed concern about how VIS might *increase* sentencing length. When looking at mitigating factors, one might consider mitigating factors as balancing out the presence of a VIS. In such a case, VIS might act as an aggravating factor (although there is no evidence to support such a claim).

Another variable that warrants further examination is that of direct versus indirect victims. Primary victims refer to those who experienced the crime first hand (like a domestic violence victim). Secondary victims are those who were impacted in a more peripheral way (like family members of a murder victim). Simply put, the bulk of the literature examines one group or the other, but never both, and there is no existent research that compares how these groups differ, and what contributing factors might influence their decision to submit a statement. For instance, secondary victims might feel a desire to speak on behalf of someone who cannot speak for themselves – although this is speculative. Further research is recommended.

Next, it is essential to recall that the current study was Canada-wide. Although there were cases from all ten provinces and all three territories, this project was unable to examine between-province differences in effects. VIS forms and protocols are provincial, meaning the process for submitting a VIS will be different depending on where one is within the country. The factors contributing to the decision to submit might be different regionally. There might also be regional differences between whether or not VIS will impact sentencing. Many regions, specifically the territories, Prince Edward Island, and New Brunswick, had fewer cases in the dataset than more populated regions, such as British Columbia or Ontario. In some cases (such as Prince Edward Island, with 4 cases in the dataset), these numbers were too small to run comparative analysis to look for regional differences. Nonetheless, should it be possible in the future to expand the dataset to include more cases from these regions, comparative analyses might be possible.

Another area that remains unexplored in this study but is better examined in study 2 of this thesis is VIS content. There are many ways in which the content of a statement might be influenced by factors such as format, crime type, victim/offender relationship, victim demographic characteristics, and other details of the case. Furthermore, any of those changes to content might have associated impacts on sentencing. To the best of my understanding, no research has examined this possibility.

Relatedly, another unexamined field of research in VIS literature pertains to offender character letters. During sentencing, simultaneous to the submission of VIS, it is common for loved ones, friends, family, or employers to submit character letters on behalf of the offender. There is scarce empirical research in this area but some evidence from law and academics has demonstrated that these letters may counteract the impact of

VIS (Sweeney, 2020). They often perpetuate myths and problematic or misleading information about the offender (Sweeney, 2020). Moreover, there are some cases, such as *R. v Burton*, (2017) where there have been reports of dozens of offender character letters yet few or no VIS submitted. The weight of these letters in contrast to the weight of VIS is, to date, unknown.

Finally, future researchers should also develop a clearer understanding of why a victim would choose not to submit a VIS. For instance, in the CanLII reports, there were many instances when the judge noted that there was no VIS submitted, but also explained why that might be the case. For example, one case with an elderly victim of fraud was unable to submit a statement due to her advanced Alzheimer's (*R. v. Llanto*, 2018). In another case, an assault against an immigrant woman from Pakistan, the judge stated, “she is fearful that by providing a victim impact statement, this might impact her negatively in her community.” (*R. v. Yousuf*, 2015). Finally, many cases simply state that the victim “declined to submit a statement,” but do not elaborate further. There is certainly much to unpack in this area, yet there is not enough academic research discussing these issues (LePage, 2021).

VIS have a complicated relationship with the judicial process. In examining both likelihood of submission and the impact of VIS on sentencing, it is clear that the severity of offences in a given case is a critical factor that should not be overlooked. Although some examples of research that has yet to be done have been provided, it is evident that archival research is a practical, applied way to understand better how VIS interact with other factors throughout the justice process. I hope that the findings highlighted in the

current archival study will act as an empirical justification for many experimental or quasi experimental studies in the future.

Chapter 3: Study 2. “I Find Myself Before This Court, Still Trying to Heal”: A Content Analysis of Victim Impact Statements

“The love of my life was horrifically murdered. I am haunted every day and night by the images, the words from court, the face of her murderer, the helplessness, the deceit, the horror. I am traumatized. My life has not been the same since. I do not see the world the same way that I used to. Fear is weaved into everything, sometimes paralyzing. My relationships have all been affected, as I operate now like a person who does not trust anyone, especially men. I have a deep sense of rage that interferes with my work, my physical health, my focus and my direction. My life has been thrown off track, from something full of adventure and opportunity to one of coping and survival. Anxiety, sleep disorders, hormone imbalances, triggers, constant aches and pains, explosions of rage... these are some of the realities of coping with the murder of my best friend. And none of those symptoms even come close to coping with the hole that is left in my life.”

Victim Impact Statements (VIS) are legal testimonies that describe the physical, emotional, and economic impact a crime has had on a victim. As demonstrated by the quote above, VIS provide a unique insight directly into the experiences and perspectives of crime victims who are navigating the road to recovery from trauma while fighting to be heard in the Canadian justice system. The present study aims to examine VIS to learn more about victims’ experiences of trauma and the trajectory of recovery.

VIS are a direct insight into the mental, physical, and economic consequences of crime for victims. VIS can also provide valuable insight into the ways in which victims use mental and physical services. Despite this, to my knowledge there has never been a systematic review of VIS in Canada (Roberts & Edgar, 2006), and to this day, very little is known or understood about victims’ perceptions of the VIS process (Office of the Federal Ombudsman for Victims of Crime, 2020).

This study is an exploratory content analysis of VIS using a sample drawn from Atlantic Canada. The objectives of this project are to garner insight into the perspectives of Canadian crime victims regarding their experiences with criminal injury. Although

provincial governments have produced templates and examples for victims to follow in producing their statements (Canadian Department of Justice, 2017), it is unclear whether, in practice, statements are following that format and discuss all the same points that are suggested. It is also unclear whether there are additional factors that are not requested by the judiciary but are commonly discussed because victims feel that they are relevant to the harm they suffered. By empirically evaluating the content of VIS, we can address a gap in Canadian literature to better understand what victims say in their VIS (Englebrecht & Chavez, 2014). This information is necessary for aiding in their recovery, and potentially improving services provided to victims of crime in this country.

The Impact of Crime on Victims

Given the nature of the current study, which examines the impact of crime as communicated through VIS, it is relevant to discuss the current state of knowledge about the impact of crime on victims. It comes as no surprise that the experience of victimization has been linked to many negative outcomes for health and wellbeing (Janssen et al., 2021; Krulichová, 2021; Mahuteau & Zhu, 2016). For many people, victimization is life-altering and can be emotionally, financially, and physically draining (Manikis, 2015). This effect is exacerbated for marginalized or vulnerable populations (Dembo et al., 2018; Hershberger & D'Augelli, 1995).

Some Canadians are disproportionately more likely to be victimized than others (Finkelhor et al., 2006). Women, for instance, are at a higher risk of victimization than men. That effect is heightened for sexual and gender minorities, ethnic minorities, children and elderly, and individuals who struggle with poverty (Canadian Centre for Justice Statistics, 2013). Other research demonstrates that increased risk of victimization

is associated with a myriad of health-related risk factors including low socio-economic status, chronic exposure to trauma, and mental and physical health problems (Schweitzer & Nuñez, 2017).

Janssen et al. (2021) used a representative sample of 2928 victims using random-effects modelling in a longitudinal study to examine the effects of victimization on overall wellbeing. They found that, in contrast to other negative life events such as illness or financial loss, the experience of victimization contributes to increased fear of crime and issues trusting other people. They also found that violent victimization contributed to worsened overall wellbeing than victimization via property crime. Moreover, individuals who were victimized in or near their homes experienced worse long-term outcomes than individuals who were victimized elsewhere. Although there are many complex ways in which a person can be impacted by crime, four commonly discussed domains of harm include emotional harm, physical harm, financial harm, and fears for security (Nova Scotia Victim Services, 2018; Russo & Roccato, 2010).

To begin, the risk of psychological harm after victimization, such as worsened mental health outcomes and suicidality, is long-established in the literature (Cornaglia et al., 2014; Johnston et al., 2018; Mahuteau & Zhu, 2016). Psychological harm can refer to many outcomes or combinations of outcomes, such as incidence of psychological distress, executive dysfunction, depression, anxiety, Post-Traumatic Stress Disorder (PTSD), chronic fatigue or tiredness, impaired ability to participate in social settings, cognitive impairment, other issues with mood and behaviour, or even suicidality (Cornaglia et al., 2014; Dembo et al., 2018). Emotional harm is often associated with

impairments in day-to-day life such as changes in lifestyle, social isolation, and impaired ability to work and study (Nova Scotia Victim Services, 2018).

Some research indicates that the extent of emotional harm suffered, and the length of time it takes to recover, can be exacerbated by certain offence-specific factors such as the relationship between the victim and the offender (Lens, 2014), personal vulnerability (Russo & Roccato, 2010), or the offender's deliberate intent to cause harm (Craig-Henderson & Sloan, 2003). This effect is heightened for vulnerable populations (e.g., people with disabilities, children or elderly, or sexual or gender minorities) who are more likely to experience extreme psychological distress following the experience of victimization (Dembo et al., 2018; Hershberger & D'Augelli, 1995).

Long-term psychological suffering is typically worse for victims of violent crimes as opposed to property or identity crimes (Buccioli & Zarri, 2020; Cornaglia et al., 2014; Dembo et al., 2018; Janssen et al., 2021). Moreover, psychological harm is typically perceived as worse by direct victims (people who were directly the victim of the offence) than indirect victims (people who were harmed vicariously through another person, such as family members of murder victims; Cornaglia et al., 2014; Lorenc et al., 2012; Paterson et al., 2019; Russo & Roccato, 2010). Finally, evidence also supports the claim that violent victimization (such as being the victim of abuse) is typically associated with greater long-term psychological distress than other traumatic life events, such as being fired, sustaining a serious illness, or the death of a loved one (Buccioli & Zarri, 2020).

Next, it is critical to recall that many types of victimization are associated with physical suffering or harm. The experience of violence, for instance, can often result in immediate serious physical injury, the need for hospitalization or surgery, or difficulty

moving. Additionally, previously existing physical or mental health conditions can be exacerbated by exposure to traumatic events. Physical and sexual trauma is also associated with an array of physical symptoms, including but not limited to sleep disturbances, sexual problems, cognitive problems, dissociation and flashbacks, and more (Clark et al., 2019; Tansill et al., 2012). In the long term, victimization has been associated with cardiovascular conditions, metabolic conditions, immune disease, neurological disorders, and various other medical disorders such as issues of the stomach and chest, muscular or bone disorders, and problems with the nervous system (Anderson et al., 2014; Tansill et al., 2012; Witte et al., 2015). Finally, secondary variables related to victimization, such as job insecurity, food insecurity, and housing instability can have severe consequences for physical health (Schweitzer & Nuñez, 2017). Some evidence indicates that fear of crime is a predictive moderating factor of decreased physical activity in individuals living in dangerous neighbourhoods. Individuals high in fear are less likely to engage in casual walks around their communities, or participate in organized sports (Janke et al., 2016). This indirect relationship is an example of the complex association between victimization, fear (which is discussed below), and impairment on physical health.

Research consistently indicates that victimization is associated with increased physical health risks (Tansill et al., 2012). For instance, one study (N = 1126 lesbian and straight women) examined the impact of childhood victimization on physical health risks later in life. They found that women who had sustained childhood sexual or physical abuse had a 44% higher chance of adverse physical health outcomes (such as cardiovascular, metabolic, or immune disease) than women who had not sustained

victimization in childhood (Anderson et al., 2014). Moreover, women who reported both childhood victimization as well as victimization in adulthood showed additional elevated risk of health problems later in life. Overall, authors concluded that victimization contributes to a greater risk of physical health problems and disease, such that the presence of adversity in life appears to exacerbate disease processes for those who were already at risk.

Next, it is relevant to cover the financial implications of victimization. Crime is associated with an array of direct and indirect costs to the victim, not all of which are recoverable via victim's compensation services (Johnston et al., 2018; Krulichová, 2021; McCollister et al., 2010). For example, there are instances when being the victim of a crime could mean trips to the emergency room, follow-up appointments, physiotherapy, mental and physical health evaluations, and time in court. Loved ones of murder victims are often left to cover the cost of funerals for individuals who were uninsured. Moreover, many victims find themselves in need of time off work in order to recover from the experience of trauma. Any cost of lost work time and other intangible costs to the victim are felt most by individuals who are already at an increased disadvantage due to low socio-economic status.

The financial burden associated with criminal victimization can be emotionally and physically devastating, and this is associated with a significant impact on subjective wellbeing and life satisfaction in the long-term (Kruulichová, 2021). On an economic level, the cost of victimization can vary but some estimates are as high as \$100,000.00 US. Notably, this cost tends to be greater for women than men (Johnston et al., 2018),

and the cost of recovering from a crime will invariably depend on the nature and impact of the crime.

Nonetheless, this finding is critical given that the extent of victim compensation is often limited or perceived as inadequate (Johnston et al., 2018). For instance, the maximum amount of compensation available to crime victims in the province of Nova Scotia is \$2,000 CAD and is to be used for counselling services exclusively (Canadian Resource Centre for Victims of Crime, 2021). Moreover, the province of Nova Scotia does not provide compensation to cover the costs of funeral expenses, travel costs to attend justice related proceedings, compensation for pain and suffering, costs of loss of earnings due to disability or death, or any other cost incurred as the result of a crime. These examples, and more, will all vary by province in Canada. For instance, out of the 13 provinces and territories, British Columbia, Manitoba, Saskatchewan, Quebec, and Prince Edward Island are the only provinces that provide support to children born out of rape (Canadian Resource Centre for Victims of Crime, 2021).

Finally, it is important to review the profound impact that victimization can have on an individual's sense of safety and security. Fear of crime is a complex trait with several demographic predictors. A recent meta-analysis (Collins, 2016) examined 114 studies and found that across research in the field, women are nearly always more afraid of crime than men. Moreover, several other demographic factors such as race, neighbourhood crime rate, socio-economic disadvantage, and satisfaction with local police services were among some of the most commonly identified predictors of fear of crime. Finally, and most relevant to this paper, they found a very robust positive relationship between victimization experience and fear of crime. This finding appears

consistent across geographic regions and has since been replicated in many contexts (Ejrnæs & Scherg, 2020).

In fact, a substantial amount of literature in victimology has examined the ways in which crime can impact a victim's sense of fear. Russo and Roccato (2010) used a longitudinal design with a sample of 1701 Italian crime victims. They examined the relationship between victimization and fear of crime, along with the moderating effects of a host of variables including direct versus indirect victimization, socio-economic location, coping skills, different kinds of fears, and singular versus repeated victimization. They concluded that the effect of recent and direct singular victimization is strongly associated with a heightened fear of crime. However, it is victims who experience repeated and direct victimization who show the strongest long-term experiences of fear of crime. Finally, they conclude that coping skills are an integral component in recovery from victimization as well as dealing with fear in the long term.

Although the finding that victimization is related to generalized fear and fear for safety is not surprising, it bears significant implications for long-term health and wellbeing. Research has consistently found that fear of crime, and particularly fear of crime that is exacerbated by victimization, is associated with negative outcomes for overall wellbeing, particularly for women (Lorenc et al., 2012; Sulemana, 2015). More specifically, living with a chronic fear of crime is associated with significantly worsened mental and physical health (Collins, 2015). Although a variety of moderating factors can exacerbate this relationship (Lorenc et al., 2012), this finding persists even when controlling for individual and system level factors related to social inequalities (Pearson & Breetzke, 2014). These findings have been replicated across the globe (Sulemana,

2015) and emphasize the need for greater supports for victims during the recovery process, particularly during the first 18 months post-offence (Russo & Roccatto, 2010).

Procedural Justice and The Importance of the Victims' Perspective

VIS provide unique insight into a marginalized and vulnerable group of Canadians whose health and wellness has been compromised. Clearly, the experience and consequences of victimization are individualized to each victim. However, there is both anecdotal and empirical evidence that at many levels in the judicial system, people (judges, juries, attorneys, to name a few) are making assumptions about victims' feelings and experiences. One study found that judges claimed they can guess how a victim feels, and what the impact of their trauma has been (Schuster & Proppen, 2010). However, the idea that authorities in the justice system are 'guessing' about victims' experiences is problematic. Specifically, when making decisions that will affect victims, victims' perspectives should be directly considered. This idea is integral in the establishment of procedural justice.

Procedural justice, in the context of the justice system, refers to the idea that processes should be perceived as 'fair' to those who participate in them. Justice systems benefit most, and operate most smoothly, when all those involved in the process cooperate and contribute in productive ways (Tyler, 2003). When participants feel the system is fair and just, they express greater satisfaction with the system as a whole and in turn, are more likely to participate in that system (Tyler, 1998). On a larger scale, procedural justice is associated with societal trust and confidence in these institutions, which, in turn, strengthens society (Tyler, 1998).

Procedural justice is associated with a range of positive outcomes for victims, including better mental health outcomes and an increased willingness to seek help and report future events to the police. In other words, victims are more likely to re-approach the justice system later on if they perceived their past experiences as helpful and fair (Calton, & Cattaneo, 2014; Vinod Kumar, 2018). Some research indicates procedural fairness is considered most important by victims of severe crimes, such as sexual assault (Laxminarayan, 2012).

Evidence supports the idea that perceptions of fairness in the justice system are important in ensuring active and ongoing participation from civilians (Tyler, 2003). Particularly in the case of VIS, which are designed to give victims a voice, it is critical that victims feel that those voices are heard, understood, and appreciated. VIS are arguably one of few ways that victims can be heard in the justice system (de Mesmaecker, 2012; Verdon-Jones & Tijerino, 2004) and procedural justice is, in some ways, a measure of victims' perceptions about whether or not victims are being heard (Laxminarayan, 2012).

Because victimization affects all people differently, it is inappropriate to assume that we already know how victims feel. VIS therefore provide a relatively standardized perspective into the experiences of trauma and recovery for crime victims (Canadian Resource Centre for Victims of Crime, 2016; Manikis, 2015). Yet, from an academic standpoint, these statements are underutilized: sparse attention has been paid to what victims are saying, what issues they are raising, and what systems are working best for them. Moreover, no efforts have been made to use these perceptions as grounds to make improvements in the Canadian justice system. This lack of attention threatens victims'

perceptions that the justice system is, in fact, fair. Suffice to say, victims are speaking, but who is listening?

Contextualizing Canadian Research

There are critical differences in procedures for how VIS are delivered in the US versus Canada. Although (to the best of my knowledge) no study has ever compared these regulations, it is important to note again that in Canada, VIS are provincially regulated, meaning the exact VIS form will differ by province. Similarly, US VIS regulations are also determined at the state level, and will greatly vary from state to state. The Victim Support Services website, (Victim Support Services, 2021) which operates out of Washington State and exists to help crime victims in the US, offers some nationally applicable guidelines. These include discussing: “How the crime impacted your family? What was the emotional impact of the crime on you and your family? What was the financial impact on you and your family? Do you have any recommendations to the court about disposition (sentencing) of this case? Is there anything else you would like to tell the court?” (Para 3). The inclusion of a recommendation for sentence is particularly interesting, given that in Canada, victims are explicitly prohibited from making sentence recommendations, with some specific exceptions (See Appendix B).

Another example of differences between VIS procedures in the US and Canada is that, generally speaking, many Canadian VIS prohibit the inclusion of comments regarding unproven allegations or offences for which the offender was not convicted, or other statements that are not directly related to the harm suffered. In contrast, the National Center for Victims of Crime (2011) in the US indicates that victims in the US are actually encouraged to provide their views on the offender, as well as requests for

restitution. Restitution in Canada is a separately handled process which is not included in the VIS form.

Clearly, further research is required to assess the differences between US and Canadian VIS content. Empirical Canadian research is lacking. The methodological, historical, and theoretical contributions that Canadian research provides to the field of VIS cannot go understated. Furthermore, VIS provide a glimpse into the health and wellbeing of Canada's crime victims. An examination of VIS can shed light on recurring patterns and trends in victim experiences, which, in turn, might enhance our ability to improve services and resources available to a group of marginalized, vulnerable individuals in this country.

Research on VIS content

There is very little empirical research available about the patterns in the content of VIS, but there are a few qualitative studies in this area. For instance, Englebrecht and Chavez (2014) conducted thematic analyses on VIS from trial transcripts ($n = 60$) as well as interview data from criminal justice personnel and family members of homicide victims ($n = 67$). Researchers compared the data from both methods in order to extrapolate themes and patterns. This US study noted that their results were geographically limited to their location (New York). However, they found several common themes in VIS that are relevant to the current study. For instance, unsurprisingly, they noted that many victims discuss feelings of loss and grief. Furthermore, VIS often defended the reputation of the victim and described positive characteristics they had demonstrated in life. Authors also noted that many VIS give

statements directly towards the offender, primarily based on anger and confusion. Finally, authors noted that most VIS ask for justice for the victim.

Another study by Myers et al. (2018) took a more quantitative approach to a similar objective. They used 192 trial transcripts from death penalty and life sentence cases in the US. This research applied a more quantitative approach, using a directed (or deductive) content analysis method, wherein researchers had very specific goals and targets while coding (See Strijbos et al., 2006, or Hsieh & Shannon, 2005, for further reading). Using this approach, Myers et al. (2018) looked for specific information related to emotionality and emotional language, as well as VIS characteristics such as recommended punishments, victim characteristics, physical, emotional, and financial harm, and many more. The researchers scored VIS on whether or not these characteristics were present in the statement. They were then able to quantify these factors and compare their incidence in different types of VIS (question and answer format, free-narrative, and the reading of a prepared statement). Although this study had a limited sample size of 52 VIS, authors concluded that emotionality in VIS did not appear to be indicative of changes in sentencing outcome (which was dichotomous – life sentence or death penalty).

There is also literature available looking at the consequences of different kinds of VIS content. The content of a VIS might have implications for how it is perceived by judges and juries. Some research (most of which involved university students acting as mock jurors) has found that VIS with highly emotional content are associated with increased perceptions of truthfulness and credibility (Bollingmo et al., 2008; Kaufmann et al., 2003). These findings have also been replicated with police officers and trainees (Ask & Landström, 2010). However, this effect is strongly associated with (mock) juror

expectancies (DeSteno et al., 2004; Georges, Wiener, & Keller, 2013). For instance, Lens et al. (2014) examined mock jurors' expectancy about emotionality and emotional content. They found that highly emotional VIS were seen as more credible when the individual is a victim of a severe or violent crime than when the crime was not severe. Violations in expectancy are related to lowered sympathy for the victim. Of course, it is critical to recall that in Canada (unlike in the US), VIS are not heard by the jury; VIS are only presented at sentencing, to the judge. Therefore, it could be argued that research that looks at juries' perceptions of these statements is less applicable in Canadian contexts. However, the findings of the aforementioned research nonetheless relate to universal possibility that people assume they know what victims are feeling. Moreover, other research has found that judicial responses to VIS depend on what they expect the victim to say (Kaufmann et al., 2003).

There have been several other studies looking at emotional content in VIS. This research is relevant given that emotional content and emotionality in delivery have been found to lead to fluctuations in jury affect. Again, although in Canada VIS are only heard by judges (who are trained to render decisions based on evidence and law), judges are still human. Regardless of status, emotions have been found to influence one's ability to make decisions, develop sympathy and empathy, and perspective-take (McGowarn & Myers, 2004). For instance, some research has found that VIS focused on anger and vengeance lead to a greater increase in death penalty decisions than VIS that focus on sadness (Nuñez et al., 2015; Nuñez et al., 2017). However, other research has found that an angry VIS might have a negative effect on the jury and judges' perceptions of the victim (Schuster & Propen, 2010). Emotional content in VIS seems to be associated with

increased emotional reactions by juries. Georges, Wiener, and Keller (2013) found that frustration, disgust, and anger were the emotions most likely to increase over the course of a trial. They also found that anger was a strong predictor of sentencing outcome.

However, emotions and feelings are not the only critical kind of VIS content. For instance, VIS that strongly convey how significant a murder victim was to their family have been found to influence sentencing judgements (Mitchell et al., 2016). The same authors also found that VIS content that discussed the victims' character were unable to yield similar results. Other studies have compared the importance of considering factual harm-based VIS content (Myers et al., 2002; Wevodau et al., 2014). For instance, both Myers et al. (2002) and Bright and Goodman-Delahunty (2006) found that exposure to victim harm information increases negative affect in mock jurors, which has a positive relationship with harshness in decision-making. Harm based content is particularly relevant to the current study. Notably, past studies in the area have exclusively looked at psychological/emotional harm. However, in addition to emotional harm, the current study also examined physical harm, economic harm, and fears for security, none of which have been previously examined in the literature.

Present Study: Nova Scotian Victim Impact Statements

There is a need for more empirical research to understand what victims say in their victim impact statements (Englebrecht & Chavez, 2014). Researchers in the field have indicated that further applied studies are warranted (Pascoe & Manikis, 2020), and this study hopes to contribute to addressing this gap. In order to deliver a VIS in the province of Nova Scotia, victims must complete the Victim Impact Statement form and mail or deliver it to the appropriate agency. Notably, this might differ by jurisdiction. VIS

are provincially supervised, which means that VIS forms and delivery methods will differ between jurisdictions. However, despite different forms, provinces tend to have similar exclusionary criteria for VIS (LePage, 2021).

The current study used a sample of VIS from Nova Scotia (NS) in Atlantic Canada. To the best of our knowledge, there is no evidence that Nova Scotian VIS are in any way different or would lead to different content than VIS submitted in other parts of the country, although this theory has yet to be tested. A copy of the Nova Scotian VIS form is available in Appendix B of this thesis (which was accessed from the Nova Scotian Department of Justice Website on January 21, 2021). The NS form outlines several restrictions for what may *not* be included. Specifically, statements may not include: a) “any statement about the offence or the offender that is not relevant to the harm or loss you suffered,” b) “any unproven allegations,” c) “any comments about any offence for which the offender was not convicted,” d) “any complaint about any individual, other than the offender, who was involved in the investigation or prosecution of the offence,” or e) “except with the courts approval, an opinion about recommendation about the sentence.” In a separate section, the form states “The victim impact statement should not include facts about the case, comments/criticisms about the offender’s character, or expressions of vengeance.” (Nova Scotia Victim Services, 2018, pp. 1).

However, the NS form also offers guidelines about what one *can* write about. Most critical to the current analyses, the form outlines four different types of impact a victim may experience as the result of a crime: emotional impact, physical impact, economic impact, and fears for security. In their statement, a victim may write about as

many of these areas as they feel are appropriate to their situation. Several examples are given for each category, which are discussed below.

Finally, the NS VIS form also clearly states that all comments in victims' statements should be directed at the judge or justice, not to the offender. It then notes the following: "Inadmissible parts of the statement, as determined by the judge or justice, may be removed and not read into the court record" and "Your victim impact statement is not confidential. [...] once a victim impact statement has been given to the court, it becomes a public document. [...] The court may give a copy to the general public upon request." (Nova Scotia Victim Services, 2018, pp. 1). Notably, some exceptions include that of publications bans, the process for which is noted on the first page of the form (Appendix B). Modelled after the NS VIS form, the current study had several general research questions. As is the nature with qualitative research, these questions are open-ended and meant to allow room for a wide array of possible responses.

1. *What do VIS reveal about the emotional impact of crime?*
2. *What do VIS reveal about the physical impact of crime?*
3. *What do VIS reveal about the financial impact of crime?*
4. *What do VIS reveal about victims' fears for security (for themselves or loved ones)?*
5. *What emotions are most commonly discussed?*
6. *Do any statements violate the regulations surrounding VIS submission? If so, how?*
7. *What do VIS reveal about the use of social or health services?*

8. *What other common trends emerge? For example (but not exclusively), do victims talk about their experience with the courts/with writing and submitting their statements? Do victims state their goals in VIS submission? Do victims reference the offender specifically?*

Method

Sampling

The current study is a qualitative content analysis of VIS with a wide array of research questions. This study used VIS that were derived from a sample of sentencings in Nova Scotia which happened between 2016 and 2018. To generate the sample, I started with a dataset that was created for Study 1 of this thesis. This dataset was used for an archival analysis of sentencing outcomes. The cases in the dataset consist of 1332 sentencing hearings that took place across Canada between 2016-2018 and were published in the online database, www.canlii.org. A thorough, scientific coding of these cases produced a rich data set of sentencing information (e.g., file number, judicial information, victim and offender demographics, conviction information, sentencing length, VIS information, and number of ancillary orders). This study focuses on Nova Scotia sentencing hearings that contained VIS. This method of generating our sample based on a previously existing dataset was the most systematic option.

Of the 1332 cases in the Canada-wide dataset, 75 cases were from Nova Scotia, thus capturing about 5% of the dataset. Notably, Nova Scotia makes up about 2.6% of the total Canadian population (Statistics Canada, 2021), indicating the sample drawn for the current study was approximately representative. Of those 75 Nova Scotia cases, 23 cases

did not have a VIS submitted, so they were omitted from consideration. Of the 52 remaining Nova Scotian cases, only files located in Halifax were accessible for this study, thus resulting in the exclusion of a further 23 cases. The 29 case files remaining are normally housed in the Halifax prothonotary's office. However, 13 of those cases did not have VIS available for access – 3 cases had VIS that had been redacted, and 10 cases were being stored offsite (likely because they were under appeal). The result is a final sample of 16 Nova Scotian cases with a total of 82 VIS.

Analysis Strategy

To date, there is some similar research that has examined the content of VIS. In order to contextualize the current study, it is important to understand how this study's methodology is similar to, or different from, past research. As noted above, Myers et al. (2018) published a quantitative content analysis of VIS. They took a directed (or deductive) approach, wherein researchers had very specific goals and targets while coding (See Strijbos et al., 2006, or Hsieh & Shannon, 2005, for further reading). Using this approach, authors coded for specific information (e.g., emotional language, recommended punishments, victim characteristics) and then compared these factors across different formats of VIS delivery (question and answer versus free-narrative). The current project used similar theoretical justifications and reasoning for a content analysis of VIS as Myers et al. (2018), but used an inductive approach that is rooted in a modified version of grounded theory (Elo & Kyngäs, 2008; LaRossa, 2005; Vaismoradi et al., 2013). This approach is typically used for more generalized themes and trends in the material, and results will typically take a qualitative, as opposed to quantitative, form.

In addition, Englebrecht and Chavez (2014) used a qualitative approach, using comparative analysis based on Glaser's Constant Comparative Method of Analysis (1965). Researchers compared data from trial transcripts and interviews in order to extrapolate themes and patterns. Similar to Englebrecht and Chavez (2014), the current study used the same exploratory approach to look for themes and patterns in the data, but used only one source of data (the 82 VIS in our sample) to generate conclusions. The methods used in this study are based on recommendations in Soldaña's (2016) qualitative methods manual. Content analysis is a well-established method in qualitative research. However, with the exception of the studies discussed above, this methodology is relatively novel to the field of VIS, and can thus hopefully contribute unique insight on mental and physical health services for Canadian crime victims.

The Content of the Analysis

This study aimed to examine disclosures of physical, emotional, and financial suffering. Despite the exploratory approach taken with methodology, this research nonetheless has several key target topic areas in which to seek out research. Analysis for this study used NVivo 12 for Mac. Analysis for this study began by coding basic descriptive attributes (Gibbs, 2007). These attributes included: crime type, VIS format type (handwritten letter, typed letter, written into the VIS form, or poem), whether the VIS contained content (a letter or drawing) from a child, whether the VIS included a photo, whether the VIS included a poem, whether there was a note on the VIS that stated that it was read out loud in court by the victim or proxy (as opposed to submitted in written format), and finally, whether the VIS had any redacted content.

Next, I moved into general coding. The NS VIS form is broken down into several sections: emotional harm, physical harm, economic harm, and fears for security. The process began by coding for information related to these specific headings. This methodology is referred to as structural coding, which is coding that seeks out particular information related to a research question, which in this case is the act of searching for information related to these headings (see Twis et al., 2018, for an example). Finally, *in vivo coding* (typically done via the program NVivo; Saldaña, 2016), the final stage of coding, occurred by finding direct quotes and language from the VIS, and using that language to represent the overall themes and patterns that emerged throughout the statements. The overall goal of this qualitative content analysis was to organize large amounts of text (the 82 VIS in this sample) into more digestible (but still meaningful) units of analysis – patterns, themes, and general findings (Saldaña, 2016).

The NS VIS contain different types of information worth discussing. These are examples of the types of information coded for during the analysis. For instance, the examples in the NS VIS form for emotional harm are impacts on a) “your lifestyle and activities;” b) “your relationships with others such as your spouse, family, and friends;” c) “your ability to work, attend school or study;” and d) “your feelings, emotions, and reactions as they relate to the offence.” In addition to these, I also coded for any mention of mental disorders such as depression or anxiety, and mentions of issues like mood swings, or nightmares/trouble sleeping. Finally, given the emphasis on emotions in the literature, I coded for any mentions of anger, vengeance, sadness or depression, grief or loss, confusion or shock, frustration, and fear.

The examples of physical harm from the NS form include impact on: a) “ongoing physical pain, discomfort, illness, scarring, disfigurement, or physical limitation;” b) “hospitalization or surgery you have had because of the offence;” c) “treatment, physiotherapy or medication you have been prescribed;” d) the need for any further treatment or the expectation that you will receive further treatment;” and e) “any permanent or long-term disability.” In addition to these, I also coded whether these issues are specifically stated as temporary or permanent. Finally, I coded for any mentions of suicidal ideation or attempts.

The examples of economic harm in the NS form include impact on a) “the value of any property that was lost or damaged and the cost of repairs or replacement;” b) “any financial loss due to missed time from work;” c) “the cost of any medical expenses, therapy or counselling;” and d) “any costs or losses that are not covered by insurance.” In cases of murder, I also coded for instances where the victim mentioned the cost of a funeral for their loved one.

Lastly, the fears for security examples include fears for “your security or that of your family and friends,” specifically a) “concerns with respect to contact with the offender,” and b) “concerns with respect to contact between the offender and members of your family or close friends.”

I also coded for all instances where the victim mentioned social or health related services or programs. This might have included counselling, therapy, hospitalizations, physiotherapy, or victim safety-planning, legal aid, child-care, protective services, or others (Johnson, Sigler, & Crowley, 1994). I also coded for instances in which VIS violated any regulations about what cannot be included in a VIS. For instance, victims are

not allowed to make comments about any offence for which the offender was not convicted. They are also not allowed to make a recommendation about the sentence.

There is no empirical literature on how closely these regulations are enforced, but opinions on the matter are mixed (LePage, 2021). Therefore, I am interested in any cases wherein the victims' official statement is allowed onto the record even though it has violated a regulation.

Credibility and Researcher Reflexivity

Reflexivity in qualitative research is about acknowledging personal standpoint within an empirical setting, and reflecting on how this influences the researcher's interpretation of their findings (Thomas & Magilvy, 2011). This is critical to establishing the trustworthiness or qualitative rigor of an investigation. As such, it is important to briefly touch on the experiences and assumptions that I, the researcher, have brought with me into the study, and the techniques that were used to ensure the credibility, transferability, dependability, and confirmability of the results.

The design of this investigation was informed by the first study of this master's thesis about VIS. As such, I came into the study with some pre-existing assumptions about what VIS include, which I sought to examine. Furthermore, analysis was guided by the VIS form, and looked for specific types of examples laid out in that document. These expectations were reflected in the eight research questions established within the introduction section of the present study. Although the analysis was guided by these questions, the process itself was iterative. During analysis, many additional examples and stories emerged and, following Saldaña's (chapter 2, 2016) recommendations, the *In Vivo* analysis was guided by the content of the statements, to the best of my ability.

Coding started by expressly sorting and looking for examples I suspected or knew would be present – e.g., instances where one’s relationships with others were impaired by the crimes. After reading through all of the statements once, I began looking for sub-themes within those examples – for instance, that victims experience such difficulties forming and maintaining relationships post offence, that they begin to feel isolated and alone, even when surrounded by others. This is an example of a theme that emerged during investigation, but I would not have thought to predict during the initial design of the study. Analysis for this study took approximately one month, and so as time went on the themes became more nuanced and more detailed. Notes were taken throughout the analysis about what I thought the themes meant and symbolized. Additionally, reflections on research decisions, patterns within the materials, and the emotional impact of the statements’ content on myself were discussed with supervisors and with forensic psychology graduate student peers periodically throughout the coding process.

As an example of how reflection influenced this iterative process, I started coding with a node called “General discussion of the victim” which contained comments from homicide cases that referenced the individual that had been killed, but did not fit into another pre-existing note. Later in the analysis, I referred back to Myer’s et al.’s (2018) study and Englebrecht and Chavez’s (2014) study and found that both of those studies noted that victim’s frequently reference “victim’s character” in VIS. Following that, upon secondary review of the “General discussion of the victim” node, I found that indeed, VIS commonly discuss ‘victim’s character’. However, I also expressly looked for other types of content in that node, not previously mentioned by the aforementioned reference studies. There were also other types of content – for instance, that many victims

commonly discuss in detail their experience finding out their loved one had been killed (a theme not previously discussed in other literature). As a second example, during coding I noted that while some statements were written directly into the VIS form, others were written in freehand format (open-ended letters). Later, after reviewing notes, I went back and looked at the statements again, and found that statements written right into the VIS form seem to stay “on topic” (per se) more than freehand letters, the content of which sometimes deviated from the suggestions.

Therefore, although I strived to remain unbiased in the analysis of these statements, the results are guided by pre-existing expectations, but also other empirical work in the field. The goal was expressly to build upon other studies and to gather new knowledge not previously discussed about VIS content. However, the goal was also to stay as true to the content as possible. I acknowledge as a qualitative researcher that my results are a function of my standpoint as a researcher with pre-existing knowledge about VIS and how they work in the justice system in Canada.

Results

Overview

An important piece of information regarding VIS is that many (if not most) criminal cases will have more than one statement submitted. As noted in Study 1 of this thesis, the average number of VIS submitted is 1.85 (SD = 2.84). In the current sample, between those 16 cases, there were a total of 82 VIS submitted (ranging from 1 to 17 per case). Interestingly, the mean number of VIS per case in this sample is 5.13 (SD = 4.87). This number is notably higher than the population data from which this sample was cultivated.

A likely explanation for this outcome is related to the types of crimes accounted for by the cases in this sample. The majority of cases (12 out of 16, or 75%) had a homicide or murder charge. Only three cases (19%) had a sexual offence. A further two cases had an assault charge, and only one case had a theft charge. Notably, offenders could have more than one charge against them, and so the number of charges per case ranged from 1 to 7. Because most of the cases in this sample are murder or homicide, it is reasonable that so many had multiple statements presented. When the victim is deceased, family members and friends will often present statements in those cases.

Further analysis of the coded attributes of the sample revealed the following: All of the offenders in the data were male. Three of the VIS contained content (either a note or a drawing) from a child, the other 79 cases did not. Six VIS contained photos in addition to the statement. The addition of photos only happened in murder cases, and the photos were typically photos of the victim, either alone or with their family members. The other 76 VIS did not contain photos. Seven VIS contained poems – six statements included a written letter and then a poem, and one VIS was just the poem by itself.

Sixteen VIS were redacted in some way. Most often, this meant that some portion of the statement had been crossed out in black marker before being filed, rendering the text illegible. However, some of these statements ($n = 3$) were redacted in such a way that the text to be redacted was simply circled in pen with the word “redacted” (or some variant) written next to it. The text in these cases was therefore still readable, and the content of which is discussed in greater detail below.

Finally, regarding the format of delivery, the majority of VIS were submitted as typed letters ($n = 53$, 65%). The second most common form of submission was

handwritten letters ($n = 15$, 18%), followed by statements being written directly into the VIS form ($n = 3$, 16). A brief examination of the length of the VIS revealed that statements ranged from 17 words to 3714 words, with a mean of 674 words ($SD = 578.32$). This number includes poems.

Content Analysis

An important note about VIS is that they are publicly accessible documents that contain identifying information about the individuals who wrote them (and victims are informed of this when the statements are submitted and filed; Nova Scotia Victims Services, 2018). Per article 2.2 in the Tri-Council Policy Statement on the ethical conduct for research involving humans (TCPS2, 2018), this study was exempt from research ethics board review as well as informed consent process, because this study exclusively used publicly available documents accessed through a mechanism set out by legislation (Nova Scotia Prothonotary's Office) as opposed to living human participants (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council of Canada, 2018, p. 15). Therefore, consent was not sought from victims whose statements were analyzed in this study. In addition to ethics exception, there are several other reasons why consent was not sought. Most notably, many of these cases are several years old and it was unnecessary to cause victims further re-traumatization by stirring up these experiences. Moreover, seeking out these victims would require searching for their personal contact information which is not always provided with the statement. Such a search, if fruitful, might be perceived as invasive to many victims, and would have resulted in a biased sample in that I would only have used statements written by people I could find. With that in mind, I

have nonetheless purposely anonymized the quotes to follow in this document to protect the privacy and confidentiality of this vulnerable sample. Moreover, the study would not have benefited in any way by identifying victims in the results. These quotes are added for the purpose of enhancing scientific understanding and not to be used to attempt to identify these victims. Several of the following quotes have been slightly edited for grammar or spelling errors (for instance, when there is an extra 'space' before a comma, or two letters in a word are backwards). Finally, please note that some of the content below is quite graphic. Reader discretion is advised.

The first section of results deals with material that is explicitly asked for in the VIS form. Recall, this includes 1) emotional harm, 2) physical harm, 3) economic harm, and 4) fears for security. Results found that VIS discuss many of these examples directly, but we also found many additional types of examples in each domain.

Finally, for each theme or topic covered below, one example quote is used to substantiate the claim. However, given the exceptionally rich data that was available, many themes had supplemental examples available that touch on similar ideas but from different points of view. To improve readability, some of the supplemental examples are available in Appendix C of this thesis. Note that not every theme has supplemental examples, and also that the examples chosen might not represent the beliefs and experiences of all victims. Example quotes were only chosen for their ability to represent the theme at hand.

1. Emotional harm

Impact on your lifestyle and activities. Impact on one's lifestyle after experiencing a traumatic event was one of the most commonly discussed issues across all

VIS, regardless of type of crime. One assault victim commented: *“I am afraid to go out. Not trusting people. Paranoid, [my] lifestyle changed.”* A victim of sexual assault described the ways in which the impact of the crime permeates into all aspects of their life:

“Whether I’m awake or asleep I feel powerless to the flashes, they are like a movie that plays over in my mind. They can happen anytime of the day. I can be home alone, with a friend, at the grocery store, anywhere. They can be brought on by a sound or a smell even a simple word. If I’m told I’m beautiful, I have a feeling of being sick to my stomach. [The offender] has changed the meaning of that word for me [...] Part of me died that night and I’m still mourning [sic] the loss.”

Finally, family members in a murder case describe the long-lasting impact of losing a loved one:

“My whole life changed in a matter of seconds, in regards to lifestyle and activities, well I would say they were no longer a thing, I didn’t have a lifestyle anymore, I had what I felt was the opposite, I was at a loss for routine structure and even the motivation to do any more than the bare minimum. My activities and what not shifted from being active and productive to being consumed with pain and angst.”

Some victims expressed that even with the help of time after the offence, their lives are permanently impacted. While some commented that the loss of a loved one had permanently changed their way of living, others commented on the direct day to day impacts that lasted years after the event:

“It has been over five years and I still am not able to resume normal activities and responsibilities. I am unable to work, unable to be in crowds, unable to go out in the world. I know this is not normal but this is what the murder of my son [name] has done to me.”

Some statements commented on the changes that have happened around holidays and other celebrations:

“When the seasons change, when birthdays (particularly his) and other holidays come around, and the endless family celebrations and family gatherings. I have

diminished joy in living, not able to enjoy previously enjoyed activities or relationships. [...] These wonderful celebrations that are so much fun for families have taken on a new meaning or no meaning at all. Christmas, Mother's Day, Thanksgiving and Birthdays are all different now as I participate with little interest and excitement. Imagine going to the cemetery to celebrate and acknowledge your son's birthday."

Some victims even identified very specific activities that they used to enjoy, but no longer do. For instance: *"I used to love going for hikes, and being in nature. But the fear of stumbling upon [Victim's] body is all too real."*

Impact on your relationships with others such as your spouse, family, and friends. Many victims expressed that following the offence, their relationships with others became strained, and victims often distanced themselves from their loved ones. Many victims specifically highlighted the ways in which their relationships have changed:

"I have a fraction of the friends I had when my life included my sister. Some people stuck around and some literally crossed the street as I walked by. I have lost friends and relatives. No one is prepared to shoulder the enormous burden of supporting someone through this kind of trauma. My husband took on my burden like it was his own. He suffered and continues to suffer through this with me. He often kept his own pain silent to support mine."

One victim indicated that strain on family was the motivational reason for seeking professional mental health services:

"My relationship with my spouse has been so much of a strain on him, He so loving and caring, I was saying and doing things and accusing him of things he wasn't even doing. I can't believe it I did that to him. [...] I was getting mad at my husband for nothing, after 4 months he told me, please get help and take all the time you need. I love you and care."

Finally, some victims mentioned that the experience of a crime has changed the way they form new relationships. Some victims note they struggle to meet new people: *"I*

have lost my ability to make friends with new people.” Other victims note that their newly formed relationships are impacted in unexpected ways:

“Although I had wonderful people in my life and still do, I will forever have deep rooted emotional grief that is still taking a toll. Moving forward with new relationships I fear abandonment and loss on a whole different level.”

Impact on your ability to work, attend school, or study. One impact of crime on the victims appears to be the impairment to one’s ability to focus on their jobs, or go to work at all:

“It really affected my ability to work, I would find myself going through phases of anger and sadness and confusion etc. I would take extra-long breaks or call in sick to work as I am a nurse which means that I need to be giving my attention 100%. This is still happening to this day. [...] I couldn’t be around people, I couldn’t focus on being a nursing supervisor and making decisions which resulted in me missing work.”

Many victims commented on the severe impairment to their ability to learn and receive an education:

“The past 5 years have been very difficult for me because it not only affected my personal life but also my education. This tragedy left me unfocused in class my final year of high school, taking away multiple university options. Also, during my years in university, I was so unfocused and so depressed I almost failed out of university.”

The effect of stress. Many victims indicated the effect of stress of loss, stress of courts and legal process, and other stresses came up as a barrier to their recovery:

“A lot of stress. [...] I feel I need to keep strong for my family, even though sometimes I’m not emotionally or physically well. [I have] a lot of other stress in my life therefore hard to focus on getting better myself.”

Many victims stated they felt like the stress would never go away: *“The pain is inexplicable. I wondered often if we would all survive the mental, emotional, and physical stress.”* Additionally, victims from multiple cases commented that they could see the effects of stress impacting the lives of their elderly parents. Here is one example:

“When it comes to my 74 year old mother, I feel as if I’m watching a woman shrink away to skin and bones. I’m sure the stress and grief has stripped her of many good years of living. I often see her drifting off into a daydreaming state and I know she’s thinking about [Victim].”

Violated trust and long-term impact on one’s ability to trust others. The

experience of violated trust has profoundly impacted some people’s perceptions:

“What makes this crime more difficult is the fact that [Victim’s] life was taken by someone we all thought was his friend. Knowing the attack on [Victim’s] life seemed so cold and violent, breaches any trust and sympathy we may have had for [the offender].”

Some victims expressed that the experience of having one’s trust violated has changed the way they look at all of their relationships:

“As a husband, the effect this has had on my wife, and in turn, me is profound. She has not been the same since and is struggling with feelings of distrust since she learned that a person who cared so deeply for such a great friend, was able to commit the most horrifying of acts. This has impacted me as my wife is now sceptical of loving relationships in a way she has not before, including ours at times.”

Some victims commented on the long-term effects of violated trust.

“This wasn’t a stranger, or a random act of violence. [The offender] was a trusted friend, a person that I confided in. My circle of friends has always been small. I always thought it was better to have a few really close friends in your life that you can depend on instead of having acquaintances that you never really make any real connections to anyone. That’s how you build trust, true meaningful friendships. I don’t believe this anymore.”

One victim commented on the long-term effect of violated trust on children:

“They know bad things can and do happen, because it happened to their daddy. When they found out it was daddy’s friend, someone they knew, their trust in everyone was completely changed. His two little girls, so trusting and innocent, now saw the bad in everything. They will suffer from distrust in everyone they meet for the rest of their lives. Their lives will never be the same.”

Isolation. Many victims described feeling extremely isolated after the offences.

“I feel socially isolated because no one can identify with this trauma unless they have been through a similar experience. Most people don’t know what to say so

the usual response is to say nothing. This really hurts and pushes me further away from people. It makes healing very difficult.”

Some comments spoke to experience of dealing with grief and turmoil even with a support system in place:

“There are times when I feel the loving support of others, but other times when I sense detachment because talking about the grief of child murder is difficult and awkward for most people. This feeling of detachment from others leaves me emotionally numb.”

Some victims indicated that trauma and psychological disorders were directly responsible for their isolation:

“Over the last two years, anxiety and some depression have rendered me often unable to attend classes, work, and social gatherings; attempts usually resulted in panic attacks causing me to not be able to leave my apartment. [...] I became distance from a lot of previously close friends and unintentionally some family.”

Many victims indicated the reason for their isolation was because they did not want people to know how much they were struggling:

“I spend most days alone, this is now my reality. I live day to day, and the more I try to find the person I once was the more I withdraw from family and friends in fear they will see just how far I feel I have fallen.”

Mental disorders or mood issues that have arisen after the offence. It is not clear whether all of the disorders discussed in the VIS are associated with official diagnoses from clinicians, or if they are in part self-diagnosed. Nonetheless, the most commonly discussed psychological disorders that appear after an offence were Anxiety, Depression, and PTSD.

Anxiety. Although the occasional case of nervousness or agitation is common in most people, the VIS in this study described living with debilitating levels of clinical anxiety: *“My anxiety and depression got to the point where I couldn't handle it on my own. I wasn't able to give my full potential at work anymore. I couldn't bring myself to*

move passed what happened.” Several victims mentioned trying varying therapies, medications, and treatments to deal with the anxiety:

“I am irritable to almost every noise and touch. I have tried taking medication, attending therapy and little has helped me. This has been an ongoing process that lingers over my head and haunts me everyday to the point where I wake up in a constant state of anxiety.”

One of the commonly discussed side effects of anxiety was rumination about the offence, the offender, or the victim (if deceased). *“I spend hours ruminating, going over and over in my mind trying to fit pieces together, trying to make sense out of the senseless. How did this happen, why did this happen to my son?”* Some victims found themselves ruminating about the exceptional brutality of the offence(s):

“I slept extremely poorly for months and awoke most nights with images of his last possible moments swimming in my mind. Over time learning of his demise and how he was murdered did not ease my angst as details were made aware to us. I imagine his brutal death and possible disposal of his body often and still wake up several times a night thinking of it. The fact that we have been unable to recover his remains continues to haunt my imagination and I think of this many times daily.”

One individual, whose VIS was submitted in the form of a poem, touched on the concept of rumination in verse: *“Constantly thinking / never to be the same / the tears fall quickly / just hearing your name. / Silence is golden / yet not anymore. / Silence brings thoughts / I just can’t ignore.”*

Depression. Like anxiety, many victims reported clinical levels of depression.

“My days can be filled with depression which has required me to take medication and to seek counselling. There are moments when I experience so many different feelings that I truly don't know what I feel or what it is I am supposed to feel.”

One of the most commonly discussed side effects of depression was mood fluctuations, which leave victims feeling frightened and confused:

“As expected, upon news of her death, the lead up to the funeral and sometime after, waves of uncontrollable sadness, anger, despair and denial, left me unstable. Unstable and unable to go throughout my day. Feeling floods of extreme emotions such as anger; fighting every impulse to drive my car into oncoming traffic. Complete despair; my spouse finding me curled up in ball in the corner of the room, unable to speak. Denial; this can’t be happening.”

Post-Traumatic Stress Disorder (PTSD). Finally, PTSD was mentioned by many victims in their statements. Because PTSD is associated with a wide range of symptoms, every individual’s experience is different. One victim noted:

“Post-Traumatic Stress Syndrome, PTSD, is a crippling disease that most associate with the brutalities of war. The emotional impact of having [Victim] ripped from my life has given me a diagnoses that is associated by most with the brutality of war.”

Several victims described the experience of living with common symptoms such as fear, intrusive thoughts, and sleep issues.

“Along with the painful memories I also have flashes of intrusive thoughts which have been labelled as PTSD. This is what it is like to have PTSD in the situation of a homicide – you get inundated with images of the person who you were the closest to in the world being murdered. In these images the person who you loved the most on this entire planet pleading and fighting for her life. This is your new mental landscape. You go to bed at night wondering about how scared she was, how much it hurt, if she screamed for help and why oh why weren’t you there, visiting her so that you could have stopped it. It has been more than two years since I have been diagnosed with PTSD.”

The other common symptoms of PTSD, such as panic attacks and flashbacks, came up several times:

“Panic attacks also became too familiar. I was too anxious to see people and was at the doctor’s and counsellor’s office almost every week. Most days I was not able to get out of bed at all. [...] I was scared to walk anywhere by myself, in a city that I used to feel was fairly safe. Every time I saw a [Street Name] sign it was hard for me not to have a panic attack; most of the time I would tear up. Walking down [Street Name] around [University] campus also made me anxious and I did everything I could to avoid it.”

2. *Physical Harm*

Ongoing physical pain, discomfort, illness, scarring, disfigurement, or physical limitation. It is clear by the responses that physical harm as the result of a crime can manifest in a number of ways. For instance, an assault victim listed the physical harm they sustained during an offence:

“[I sustained] 2 broken vertebrae [and spent] Approx. 3 weeks in hospital. Fractured skull, ongoing physical pain, discomfort, bleeding from brain, physical limitation, fractured jaw, hospitalization, surgery, medication, waiting for physiotherapy, permanent disability”

In addition, some victims described the severe physical side effects of trauma and how the stress has impacted their ability to live day-to-day. Below are three examples from different cases:

“Physically this crime affected me in several ways. I literally could not function physically for two full weeks, even after those first weeks it took a long time for that feeling and restriction of normal life tasks to dissipate, I was barely able to perform simple tasks like brushing my hair, showering, house hold duties, holding a conversation. I slept, cried, slept, cried and didn’t get up much from my bed or my sofa. My family and friends would try to motivate me to get up and “try” to do little things like brushing my hair or eating a proper meal. The emotional pain was physically debilitating. I was tired and had no appetite. I couldn’t do any sort of physical activity for several months not only because I didn’t have the energy but I had no motivation.”

The need for further treatment. Several victims went as far as to provide contact information for their doctors, therapists, and counsellors. One victim provided an example of their ongoing experience with therapy: *“I’ve had to seek out a specialist doctor at an integrated medical clinic that is not covered by medical insurance as I knew I needed special help in dealing with this traumatic event.”*

Any permanent or long-term disability or impairment. Several individuals noted severe long-term changes to their physical capabilities. One victim of an assault noted:

“I used to work and be able to keep up but find it very difficult to keep up. I cannot do any heavy work. Construction, [my job,] is very physical and heavy activity. I used to be very active. [Now, I am] not as active as I use to be with my family.”

Another victim, someone who lost a spouse to murder, describes:

“Medically, I have suffered the experience of PTSD, this includes, but is not limited to: living in a state of extreme fear, anxiety, fear of men, inability to focus, cognitive processing difficulties, short term memory loss, difficulty accessing long term memory, irritability, depression, panic attacks, inability to rest or stay still, night terrors, not feeling safe/feeling constantly alarmed, needing medical aids to sleep/rest, and extreme fatigue. [...] Beyond PTSD, I have sustained migraines lasting for long periods, joint pain, digestive pain, pain in my chest and throat, jaw tension resulting in cracked teeth and endocrine function irregularities. It is impossible to be certain what the long-term effects of living with the trauma of losing her will be.”

Physical manifestations of stress, trauma, and mental illness that occurred as the result of an offence.

Cognitive impairment. Over a quarter of VIS noted that the trauma and stress of the offence had impacted their cognitive abilities, such as impaired memory, difficulties focusing, disorientation:

“Since [the crime] I have suffered memory loss: my short-term memory still fails me, leaving me frustrated and angry. Multitasking and following multiple directions are very frustrating and difficult. I experience disorientation and confusion as I can't think straight.”

Loss of Appetite or Unplanned Weight Loss. Although only occasional, some VIS contained reference to a change in diet, unintentional weight loss, and a loss of appetite. For instance, one victim noted: *“I've been starving myself a lot that I lost 40 pounds, because I'm stressed on the inside and out.”* Further, a victim in a different case

commented: *“[The offence] sent me into a state of depression where I had an unhealthy diet and returned to smoking cigarettes.”*

Sleep issues. More than a third of VIS noted that since the time of the offence, they have suffered from issues with sleep. Such issues include nightmares, sleep terrors, insomnia, night sweats, restlessness during sleep, an inability to feel rested, and a general reduction in the amount of sleep achieved.

“I could no longer sleep. I had night terrors for almost a year after, causing it to be difficult to focus on my studies for school. I was scared to sleep and I was scared that I may be killed. [...] I ended up being prescribed sleeping and anxiety medication to help calm my nerves.”

Some victims expressed that this interference with sleep was impacting their functioning: *“He could not sleep at night, experienced horrible nightmares, and generally was incapable of functioning daily as a business owner.”*

Issues with pregnancy and birth. One unpredicted finding in this analysis is that several women reported an influx in problems around pregnancy and birth post-offence.

For instance, one new mother said:

“My milk dried up due to stress. My nights were turned into crying instead of joy with my daughter. The days to follow anger, sadness, my family of five that should be happy with our baby is now wondering why their mom is sad and not doing the reading of stories at night, the happy words, funny dancing around the house, why mom is crying or doesn’t want to spend time [with them]. Still no milk for baby. Depression setting in, I have to get bottled milk.”

In another case, a different victim describes the trauma of her first year of motherhood:

“My sister was killed on [date] and my son was born on [date]. I had 6 weeks between her death and his birth. If I was actually able to fall asleep, I would be awoken 2-3 hours later by his crying. That crying would wake me up with a panic and thoughts would flood my head of my sister being murdered. Then I would nurse my son and put him back to sleep and three hours later it would start again.”

[...] I spent the first year after my sister was murdered in constant physical, psychological and emotional stress. Every time my son would wake the intrusive thoughts would happen again and again. Every three hours I was re-living my sister being stabbed to death in her sleep. Every time my son would wake me my heart would start to race. I spent the first year terrified. This terror spilled onto everything I did and the way I saw the world.”

Suicidal ideation or attempts. Suicide and suicidal ideation were not discussed commonly (only a handful of statements) but given the weight of these statements, the content of these comments deserves a special mention. One victim of sexual assault noted severe emotional turmoil and hospitalization as the result of the offence:

“I become a danger to myself and therefore the once loving caretaker becomes the patient. I have the unfortunate pleasure of knowing how it feels to have my arms and legs put into restraints. I remember the injections of chemical restraint that was used when the manual ones were unable to hold me. Waking up on the floor in a room striped of my clothes and more over striped of my humility. [...] I wanted to close my eyes and never have to open them again.”

Also noted in relation to suicidal ideation was self-injury:

“I have missed a lot of school as a result of this and my life has been put on hold. It was difficult to get my life back on track, I was constantly under emotional stress, and wanted to harm myself.”

3. Financial Harm

The value of lost property. Interestingly, no victim impact statements in this study mentioned lost property as an expense after a crime. This finding is likely due to the nature of the crimes represented in the dataset, which were primarily murder and sexual assault.

Any financial loss due to missed time from work. More than 30 victims (nearly half of the VIS) stated that they suffered financially as the result of the crime in that they had been forced to take time off or miss work. Several victims stated that the crime had directly impaired their ability to function day-to-day, including going to work: *“Getting*

up for work became a challenge, there were days I would call in sick because I couldn't pull myself out of bed.” Some of this missed work was due to court processes: *“Instead of using my vacation hours to travel to exotic location relaxing and unwinding with my wife, I've spent more of my vacation time frustrated and agitated attending the many court appearance/delays to ensure [Victim's] voice is heard.”* Others, particularly in homicide cases, reported taking time off work to act as supports for their family or loved ones, or to tend to other affairs.

“This past year I have sold my practice and work part time. [...] Throughout this period, I still had a business to keep going. I modified my patient schedule so that I would have time during each day to talk with the media, police or anyone who might have information. Due to these modifications, that year I lost \$60,000.00 in gross income. Because of that, the value of my business was decreased and I estimate that I lost at least \$20,000.00 in tax free revenue from the sale of my practice.”

Several victims noted that the funding and insurance money available to cover the cost of lost work is inadequate:

“When I had to take leave of absence for 5 months due to depression, grief and anxiety following [victim's] murder, I had to claim “sickness EI” to make ends meet which only provides 55% of regular wages. This was barely enough to live on during this extremely difficult period. Additionally, I had to take 3 days of “Time off in lieu of overtime” at work in order to emotionally support my friends who were witnesses at the trial.”

Finally, some victims noted that for financial reasons, they were forced to go back to work before they were emotionally ready to do so.

“In regards to my job, I was only able to take 2 full weeks off of work after the funeral. This was not because I wanted to or felt ready, it was because I had no choice, who else was going to pay my rent and bills? I was not only left alone to fend for myself but I had to somehow find a way to survive and support myself. I don't remember the first several months back to work, I do know I left early often or came in late. I remember continuously leaving clients going to cry in the bathroom mid appointments. Some days I just left when this would happen.”

The cost of any medical expenses, therapy, or counselling. Many victims mentioned that although funding for some counselling is available, and most medical costs are covered by insurance, many individuals are still forced to pay out of pocket for some medical or therapy costs. One victim of an assault, who sustained severe injuries and permanent disability, noted: “[A] massage [was] recommended but not covered therefore not able to get it.” Further, other victims offered comments such as: “[I have had to cover] costs in prescriptions for sleep and anxiety.”

The costs or losses that are not covered by insurance.

Relying on Others. Some victims stated they needed to rely on others, like friends, family, or employers, to accommodate the costs they could not cover:

“Without outside help, empathetic understanding, and a very fortunate employment situation for [year] I would be a detrimental place financially and physically for all this has taken on my life. It is only through my position as [title] in [year] that I was able to make employment accommodations to work around attending court.”

The need to move/relocate. As the result of an offence, many victims are forced to relocate or move, an experience which can be both costly and stressful.

“I made the decision to move back to [home province outside of Nova Scotia]. I quit my job, packed my stuff and a week later I was gone. I just couldn't do it any longer, I was afraid to be alone at night, I was afraid something was going to happen to me. [...] I had lived on my own for over seven years and when I moved back to [province], my anxiety was so bad I couldn't be alone at night. My sister had to move in with me and she lived with me for a year and a half before I was finally ready to live on my own again. What he did took away my independence. I was 24 years old and could no longer live alone.”

Loss of income from victim who was killed. Finally, victims in two different cases touched on the financial burden of losing a spouse or domestic partner:

“Not only was I dealing with the emotional and physical pain of losing [my spouse], I also in the midst of going through what I feel was hell on earth I also had to deal with the negative financial and economic loss of losing a spouse. We

shared bills 50/50 this was including a brand-new vehicle, rent and all household bills. [My spouse] did not have life insurance and we did not have accidental death insurance on our vehicle. I was left with 50% more bills and 50% less income at a state that I could barely function let alone support a life of 2 with just myself. I had to go back to work after several weeks because of this situation. I had no choice, lose everything when I already lost my every day? I didn't even get a proper or ample amount of time to properly grieve or mourn my loss. I had to worry about how will I pay my electric bill, how will I feed myself?"

4. Fears for Security

Fears for one's own safety. Fears for security and safety was an exceptionally common theme in the statements. For instance: *"I have lost my ability to feel safe. [...] I feel violated. I feel unsafe. [...] Im afraid to be alone. I'm constantly in fear for my safety."*

Many victims expressed that the experience of the crime has shaken their understanding of safety within their homes and communities, or has led them to believe that the world is not as safe as they once thought.

"Your home is somewhere where you're supposed to feel safe. My door was locked, I was safe, and I had no contact with him, yet he still proceeded to break into my home. [...] Unfortunately, I no longer view my home as somewhere safe even when the doors are locked. I never feel at peace while I'm home alone. You have taken away my belief that my home is a private and safe place. Not only does my home no longer feel safe or private, but neither does my body. He has taken that away from me. Forcibly entering into my home and forcibly entering his fingers into my body. What he did is repulsive. It seemed as if it was a way to make me feel more powerless than he ever made me feel."

One victim was discussing the media aftermath of a high-profile case. They commented that their fears about safety were not only rooted in fears of the offender, but also that they now experienced fear of the world on a grander scale, and how their sense of safety in the community has been fractured:

"I've dealt with PTSD, anxiety, trust issues. I watch my back constantly. We never feel safe. We've been threatened, fire bombed, verbally assaulted, all for loving [the victim] and pursuing justice. It will never end. This was where we grew up."

Our own community. And now it feels like my own personal hell. Everywhere I go its memories. Good + bad. The place where I once felt safe, no longer exists.”

Fears for the safety of loved ones (friends and family). Finally, the last section for victims to fill out (if they wish) on the NS VIS form is to describe their fears for safety, be it for themselves or for their loved ones. The most common type of case that these instances occurred in were homicide cases where the offender had the potential for parole. However, fear comes in many forms, and is not always limited to fear of one specific person:

“My beliefs and trust about the world being a safe place were shattered. I now worry that something might happen to someone else in my family, that I can not protect other loved ones just as I could not protect [Victim]. I live with these feelings of helplessness each and every day.”

Most of these comments came from the perspective of parents, worrying about the safety of their children.

“As a father, these events have made me realize that protecting the ones I love from domestic abuse is an extremely difficult task. My children will choose their own partners, and I fear I won’t be able to protect them from a similar fate. Frankly, if I spend too much time thinking about it, this fear becomes all consuming. Perhaps what I am mentioning sounds evident, but to me, that my children are not protected from a similar fate is unbearable.”

Finally, regarding the offender specifically, there were several comments that indicated that victims were fearful that having been involved in the conviction and sentencing process meant that their safety was compromised. *“The offender was a guest in our home in [date], both [my spouse] and I fear potential retaliation against us and our family after his release from prison.”* These fears were exacerbated for individuals who participated in the legal process as witnesses:

“Since the guilty verdict of [the offender], I have found myself to be extremely stressed and fearful for my personal security and safety should I come into

contact with him at any point in the future. [...] Some of my close friends were crown witnesses in the trial and I very much fear for their security as well, should the offender ever be released from prison and allowed to be free in public.”

5. Additional Themes in VIS Content

In addition to the four domains identified above, VIS also provided large amounts of information on other topics related to their experiences with post-offence suffering.

They are discussed below.

Comments about the brutality of the offence. One particularly glaring theme that arose across VIS (in more than half) was discussion of the overall brutality of the offence. That is, many victims were particularly distraught regarding the “cruelty” and “viciousness” of many of the crimes. To put it simply: *“The violent nature of her death haunts me.”* However, many victims raised points about the additional horror and upset that they experienced because of the specific brutalities:

“[Her] violent death has caused me to become a different person, a person that others do not recognize and often I do not even recognize. [...] The violence, the desecration and indignities to [Victim’s] body cause the horror that I feel every day. [...] I know that on that fateful day she felt pain and terror and it hurts to know that, as her mother, I was not there to protect her.”

Court experiences. Although it is not requested in the VIS form, more than a quarter of victims used their statements, in part, as an opportunity to describe their experience with the justice system, including sitting through trials. All of the victims of sexual assault described negative experiences with the justice system. One victim of intimate partner violence and sexual assault summarized her time during the court process, and described her experiences being vilified in court:

“[The offender] even specifically hired a female attorney for my questioning, I wonder why? I never gave up, I sat there, answered the questions which made me feel even more powerless. “When was the last time you and [the offender] were sexually intimate?” I recall his lawyer asking. I guess the world we live in you’re allowed to assault someone dependent on the last time you were sexually involved with them, as if that has any relevance at all. I dated him for years I know the difference between consensual touching and a violation of my own body. I had my memory and intelligence used against me as if I didn’t know right from wrong.”

Family members of murder victims expressed similar patterns of disenchantment and re-victimization.

“I was starting to slowly deal with [Victim] no longer being here. I was starting to sleep a little better and cry a little less. Then came the day I was served with a subpoena. This put m back to step one again, crying, sleepless nights, and anxiety. Next to reporting her missing this was one of the hardest days of my life, testifying at my best friend’s murder trial.”

Many victims indicated that having to re-tell their stories over and over was traumatizing:

“The series of events which have unfolded over the last two years have negatively affect my mental health in a serious way. The initial trauma, and being called to relive [the offence] publicly three times over the course of the last two years, not including the required various explanations to professors, friends, and family.”

Some victims explained how traumatic it could be to have the reputation of their deceased loved one questioned in open court:

“You [the offender] pursued an attack on [the victims] name and reputation. Shame on you. [Victim’s name] was the victim, and every day we walked into this courtroom she was victimized over and over again. We were constantly reminded of the accused’s rights, but what have we seen of the victim’s rights?”

Many statements touched on how difficult it can be to be a part of a court case that drags on for months or years:

“The months and years have been frustrating. The waiting for the guilty party to be found and punished is unbearable at times. [...] The young man responsible has been free to live his life for the past 5 years while all of us try and make sense of it. I need some comfort just knowing someone is facing the consequences for their actions.”

Many victims expressed mixed feelings about the justice process:

“Today, nearly four years on, I find myself here before this court, with a hole in my heart still, trying to heal, trying to continue my life’s journey, faced with yet more uncertainty. The uncertainty of what semblance of justice might come from this incomprehensible mess.”

On a different note, many other victims noted that they tried to use the court system to their advantage, and used every opportunity they could to have a voice: *“You, or your co accused will never have my forgiveness. I will be at every parole hearing and every court proceeding to ensure that my sister [the victim] has a voice. She will not be forgotten.”* Some victims commented that court took up a significant portion of their lives: *“I have organized my entire life around attending every court proceeding aside from the bail hearing. Whether it was a date set to schedule another date, I came to court.”*

Media experiences. Related but different from experiences with court are victims’ experience with media. All of the victims who touched on the impact of media in their case indicated they felt like the media worked against them, and caused more harm than good:

“We are victims of the news. The horrifying details of how my sister perished were written about, tweeted about, and gossiped about. I live in a town of [a small number of] people who read the news online. There was no where I could go in my home town to be anonymous while the month-long trial was salaciously reported. [...] To read about that nightmare and the details that haunt you daily and the details that terrorize your sleep in the media is soul crushing. To know that your parents are reading it about their youngest child. To know that friends and colleagues are reading the most intimate details of your own personal hell.”

In fact, several victims touched on the negative experiences of having gruesome details shared in media:

“I followed the trial closely, feeling intense shock and disgust at the grotesque details that emerged. I was horrified at the grisly images of my dear cousin that forcibly entered my mind. I needed to work hard at holding onto my own picture of my curly-headed cousin.”

Other victims mentioned that the portrayals of crime victims in media is inaccurate:

“This has affected my feelings toward media. I don’t trust in the media anymore. The media paints the picture they want you to see not the truth. When [Victim] was first killed I remember they found the picture where he looked the most “gangster” It was an old picture when the style was Baggy pants and long T-shirts. [Victim] was not a thug, [Victim] was a hard-working young man. I stopped watching the news and reading the paper after the death of [Victim]. I previously watched the news every night and read the paper pretty often.”

Experience preparing the VIS. Many victims described the process of actually producing the victim impact statement. The most common theme was that victims struggled to put their grief and pain into words.

“Two years later I would be slowly approaching a milestone birthday without her. Instead of planning my 40th with [Victim] I was forced to sit down at a computer to try to encapsulate how my life has been completely devastated through a victim impact statement.”

Other victims commented that producing a victim impact statement has caused them vicarious trauma or re-lived victimization:

“It was a pain like nothing I have ever felt before, interspersed by waves of numbing, desperate emptiness. Feelings I wouldn’t wish on my worst enemy. Feelings which have never left me to this day. They are only less frequent, less intense, and of a shorter duration. But they never leave me. Writing this statement has brought all of it back, making me relive the horror once again.”

Some victims, family members of murder victims, referenced or compared their statements to eulogies:

“This victim impact statement has been extremely hard for me to write - harder than writing a eulogy for [Victim’s] funeral. How do you explain the impact on you and your children of having a family member murdered in the prime of her life because she was in the wrong place at the wrong time?”

Some victims questioned the purpose of their statement: *“I honestly don’t even know what I’m supposed to be writing in this letter or if it will even help bring any sort of justice for [victim] or closure for my family.”* Other victims were more sure in their goals

with submission: *“I completed my Impact Statement to help with any sentencing of the offender.”*

Separately, some victims who were family members to murder victims questioned structure and content of the statement, such as:

“I find it very hard to write a victim impact statement without talking about the real victim’s loss – the real victim being [Victim]. Why isn’t there a portion of this statement that can be dedicated to talking about the life that [Victim] lost? The dreams that she did not have the chance to live? The people she no longer can hold, the music she can no longer dance to, the yoga she can no longer practice? There is only ONE victim of this crime and that is [Victim], the rest of us are casualties of the violence.”

Finally, on a positive note, one victim offered the following ‘thanks’: *“Thank you for giving me the chance to express how I feel and how this tragedy has impacted me. All we want is justice!!!”*

Desire for closure. Relevant to the discussion of victim’s goals, or what victims want or need, is the theme of a search for closure. *“This incident changed my life forever and I miss [Victim] every day. Give [Victim] the justice that he deserves and allow us to have a little bit of closure.”* Some victims commented that they feel like closure is unattainable: *“[The offender] still lives and has the option of one day functioning again in society. [...] Today is not closure for me, only the beginning of the next phase of a grief that has no end.”*

Many victims indicated that even after trial, they were still left with many questions and few answers:

“All I could think about was my best friend lying alone for days. What happened? Was she scared? Did she suffer? Did she cry for help? Did she know what was about to happen? Things that still haunt me to this day.”

This was particularly true from parents who lost children to murder:

“I am still left with many questions as to why this happened. I still question myself about why wasn’t I there to protect [Victim]. Isn’t this what every parent promised when they knew they were going to have a child? The guilt [that I was] not there to prevent this from ever happening, is mine to carry forever.”

Prayer or religion. One unexpected theme that came up in a handful of statements was the inclusion of comments related to religion, God, or prayer. *“I miss [Victim] dearly and pray to God that someday we will find him so I may begin to fill this emptiness I have inside.”* Some statements went so far as to make comments about praying for the offender:

[Offender’s name] I will pray for you! I will pray that you someday realize the impact of your actions so that you have to live with them. That one day it will hit you and you will realize and comprehend how many lives your evil has affected. I will pray that you understand there is no way for you to pay for what you have done. [...] I will pray for your family for they will forever be related to a murderer, they will forever bare the shame you choose not to accept. They will forever be scarred by what you have dragged them into, they are innocent and yet, they will always wear the cloak of your guilt.”

Comments to or about the offender. Relatedly, a significant number (approximately half) of statements made comments directly to or about the offender. *“The coldness and callousness that you showed towards murdering my sister, makes it near impossible to put into words how I feel or what I feel towards both of you.”* Other statements explicitly noted they were not focused on the offender at all, but rather the victim:

“When it comes to the accused, [offender’s name], I feel nothing, numbness, indifference. I basically couldn’t care less about him. In fact, his act of evilness is overshadowed by the many stories of people whose lives had changed in a positive way after meeting [Victim].”

Several comments about the offender expressed the “unfairness” of the situation:

“It is difficult to accept that [Victim’s] and [Victim’s] lives are no more and that [the offender] gets to live. No matter what, [the offender] will have holidays, special meals, he will still be able to breathe, think, and reminisce; these are things that [the victims] will never be able to do again. [...] There are many life events and milestones that they will never reach and celebrate together, or with their family. I’m left sad, bewildered, and angered because of what [the offender] has done.”

And several victims made comments about sentencing considerations: *“I sincerely hope that in rendering its sentence, the Honorable Court will appreciate how shocking and profoundly unsettling [the offenders] actions have been to me.”* Some victims spoke “to” the offender, asking that they spend their sentence thinking about their actions:

“You come to court with ridiculous and incredible explanations for your actions. I can only hope that your sentence will give you a lot of time to think about your actions on that day, your actions in the months you were silent before you were charged, and how you have acted since.”

Remorse. Finally, several victims made comments regarding their feelings about the offender’s remorse (or lack there of). For instance: *“I don’t expect honest remorse or regret.”* Further: *“We, the family have seen no remorse from the accused or his family. Not one ounce of remorse.”*

Some victims described realizing that the offender showed no remorse:

“This guy killed my cousin, a hardworking, college educated man who was out partying with friends. Someone that has harmed no one, and to read in the newspaper that he had the nerve to chuckle in the court room while my aunt cried during the court proceedings. Is unacceptable he has no remorse for what he has done clearly this is all a joke to him, but to us it’s a nightmare and we want him to realize just how serious this is.”

In some instances, this extended into comments about the offender’s willingness to take responsibility for their actions: *“I am afraid of the human that was capable of*

killing such a beautiful and bright woman. I am afraid of the human that takes no responsibility for doing so.”

Impact on loved ones. Another interesting and unexpected topic in VIS is the trend for victims to discuss the ways in which the crime has impacted other people in their lives. For instance, there are many occasions when the loved one of a murder victim will dedicate a section of their statement to talking about how the death has impacted other people in their lives.

“As devastated as [my spouse] and I were over our loss, the impact has been exacerbated a thousand-fold as we have watched the lives of our other two children disintegrate. [Victim] was the glue that kept [our other two children] together.”

Several statements discuss the impact of a death or crime on the parents of the victim:

“I can’t look at my dad and not think of the nightmares he has because I know what he saw when he walked into her house once the investigators were done their work. How can I not mention this in a letter? I sit with him and stare into his eyes and I know what his eyes have seen. His beloved baby girl’s blood soaked mattress. Blood on the walls. His baby, his little girl.”

Many victims discuss the impact on children:

“I have two children, they were 2 ½ and 9 ½ when this happened. My children had to go through things that no child should ever have to. They are just kids who loved their Aunt and they don’t understand it was all taken away from them. There have been numerous times when my daughter doesn’t want to go places because she tells us she’s afraid that the bad man who hurt her Aunt might get her. It breaks my heart that these thoughts are crossing the mind of my now 5-year-old daughter.”

Some murder victims had young children at the time of the offence. Building on the last point, many statements took the time to express the impact that losing a parent can have on a child:

“[Victim] was a wonderful mother to her son, [Child’s name]. He was three years old when she died. Having lost my father at a young age I know the effect it has on a child. The result is a great sense of sadness and the pain of loneliness and abandonment. [...] It has been two years since he has seen her and he still talks about how his Mommy made him laugh.”

This pattern of talking about other people in one’s VIS is not exclusive to murder cases. Victims of sexual assault also described the long-lasting impact on their family members:

“I am a person, a life, someone’s daughter, someone’s sister, and someone’s friend. [The offender] has not only hurt me, he has hurt my family. My family, who has watched me suffer, watched me question whether my life was worth living, watched me on and off medications trying to numb the pain he has caused me. They saw the light that used to shine bright within me slowly disappear.”

The experience of losing a child. One particularly emotionally driven topic were comments regarding the experience of losing a child. Many parents struggled to put their emotions and experiences into words.

“The loss of a child by natural causes is difficult enough; but when you never had a chance to say goodbye or to comfort your dying child, the grief is more intense and complicated. [...] The grief for a murdered child is a grief like no other. It is painful beyond words. It seems as though I am not living but only existing. This is not a grief that goes away, a grief that finds closure, a grief that allows you to recover. It is a grief that, from day to day, you learn to live with, to make a part of your daily life. [...] My heart cannot find rest. Everything has lost its colour since she was taken from us. I miss my daughter; in short, I feel as though I am nothing without her. No one realises until they lose a child what the pain is like. It never leaves. It is constantly there like a weight on your heart. There are no words to describe this pain.”

Social or health services used. One of the goals of this study was to look for comments regarding social or health services used. Because of the nature of the sample (mostly murder cases), most of the services identified in VIS were psychological or mental health services. Several victims went as far as to provide names, addresses, and appointment information.

Experiences with Counselling, therapy, or visits with a general physician.

Victims spoke about a range of medical services including doctors and clinicians: *“I was too anxious to see people and was at the doctor’s and counsellor’s office almost every week.”* Counselling and therapy were the most commonly cited sources of support.

Moreover, a prominent theme which emerged is that victims who reported needing these services needed them for months and often years: *“I have been in counselling for the past four and half years and every day is a struggle to survive.”* Many victims noted that despite many attempts, therapy was a difficult and sometimes unhelpful experience for them: *“I have spent dozens of hours in counsellor’s offices, trying to process what has happened. But this loss is incomprehensible. No matter how hard I try, part of my life simply refuses to make sense.”* However, other victims noted that their doctors were integral support systems which aided their recovery from trauma: *“Today is day one, the first day of my new story. With the help and support of my doctors, friends and family I’m becoming my own author again.”*

Hospitalizations. Some victims reported that the trauma, stress, and impact of the offences have resulted in hospitalizations:

“I have, since [his] disappearance and subsequent murder, had 8 medical tests including three biopsies to different locations and one surgery. Although none have proven malignant yet I continue to be monitored. It is my strong belief that the stress of [his] murder has contributed directly to these physical conditions.”

Medication. Many victims reported needing medications to help them recover from the trauma of an offence. Most commonly, victims spoke of medications for psychological disorders such as PTSD, Depression, or Anxiety: *“I have been on and off of anxiety medication since this happened with [Victim] and will probably continue the rest of my life.”* Other victims also commented on medications for sleep support: *“I*

ended up being prescribed sleeping and anxiety medication to help calm my nerves.”

Some victims commented that even medications were unable to support them in their recovery: *“Through various coping mechanisms, therapy, and attempts with various medications, I was unable to find much that aided me.”*

Physical therapy. Only one statement mentioned physical therapy, an assault victim who suffered severe physical injuries: *“2 broken vertebrae Approx. 3 weeks in hospital Fracture skull, ongoing physical pain, discomfort Bleeding from brain, physical limitation Fracture jaws, hospitalization, surgery, medication, waiting for physiotherapy, permanent disability.”*

Comments about inaccessibility of services. Very little information was offered about accessibility of services and which services victims had difficulties using. However, the two statements that did touch on this issue cited financial costs as reasons for why they were unable to use or continue using necessary services: *“Massage recommended but not covered [by insurance], therefore not able to get it”*

General discussion of the victim. Of all of the themes and patterns in the VIS, the single most common topic of discussion across VIS was a general discussion of the victim themselves. This finding is most relevant to cases with homicide, however overall, more than two-thirds of VIS described the victim’s character, qualities, or family significance.

Victim Character. The most common of all of these were general discussions of the victim’s character. Statements commonly touched on positive qualities the victim had:

“My brother was a wonderful person. Everything was all about his family. He was so caring and so kind. He always put a smile on everyone’s face. Just so

funny and happy. He was a ray of sunshine, we will never forget him and people will remember him for his funny way. Everybody loved him.”

Statements also commented on victim’s positive actions, hobbies, work life:

“[Victim] was not only a dedicated employee and manager, but he was also a good friend to everyone on our small [work] team of about 15 people at the time. When you were having computer issues – which can be quite often as we all know – [Victim] was there to talk you through it. He was never ever one to lose his cool. He gave you back your cool once you had lost it. In all aspects of his life, [Victim] was attentive to inclusion. He never wanted even a single person to feel they were somehow left out. [...] He knew the office cleaners by name and asked after their families. They mourned his death. Even the suppliers he dealt with over the phone from across the continent felt they were part of a big family, with [Victim] as the happy-go-lucky uncle.”

Many victims simply reflected on the overall citizenship of the victims who had been killed: *“My beautiful son has been taken from our family. [Victim] was a good son, a good brother, a great grandson. [...] [Victim] was a good member of the community of [location]. And [he was] a good citizen.”*

Victim Significance. Some statements discussed the victim’s significance to their family or friends:

“She was a daughter, sister, mother, granddaughter, aunt, niece, cousin and a friend to many. This is the hardest thing I’ve had to do, write about how [Victims] death has impacted our lives. When [victim] was born we had all kinds of thoughts, dreams and hopes for her future. This was not one of them.”

Other statements highlighted a victims’ significance in the community or workplace:

“[Victim] was a key employee [...] The abrupt loss of such a key employee endangered our business. It came at a time when we were expanding [...] and [Victim] was an enthusiastic participant in that effort. Losing him was an untimely shock to the system. We had to immediately piece together all of the threads of what [Victim] was working on, find other people to take over the work, and set to work reorganizing and re-hiring to keep the operation going on an even keel. There was also the impossibly difficult task of cleaning out the office of someone who has died, including all their kick knacks and mementos from life and work. This consumed more staff time than you can imagine, and we were unable

to use his office for many, many months. No one would move in. We were only able to make effective use of the space again after we knocked down a wall.”

Relationship to victim. Another commonly discussed topic was the writer of the VIS’ relationship to the murder victim. That is, statements spend a great deal of time explaining who the victim was to them, and why that had impacted them so much. For instance:

“When [Victim] and I met, it was love at first sight. From the very first day we spent in each other’s presence, it was obvious that we were soul mates. Her energy met mine and our humour was the same, we shared a similar view of the world and we both loved adventure above all else. In the early days of our friendship, I remember being overwhelmed with emotion by the very fact that I had found her. In a world full of people, I had just found my favourite of them all.”

This analysis demonstrated that in homicide cases, VIS are written by all sorts of relatives, family members, and others:

“I am [Victim’s] stepfather. I met her in 1994 when I was courting [Victim’s mother]. At 11 [Victim] was a quiet girl and somewhat retiring yet she had a mischievous twinkle in her eye. Over the years , I would discover that she had a great sense of humour.”

It is clear from the results of this analysis that people occupy several roles. One person could be a daughter, a mother, an aunt, and a cousin. As demonstrated, their loss impacted people in many different and complex ways:

“I met [Victim] through work and we quickly became friends. She was easy to like and fun to be around. I [worked in a position near her at work]. I always enjoyed seeing her on her first day back to work and we would use the time to catch up on what was happening since the last time we saw or talked to each other. Not being able to do this again with her has broken my heart.”

Finally, many victims touched on victim’s relationships with others who could not submit statements, such as children:

“[Victim] was not just my first born child who I cherished with all my heart. He was a brother, nephew, cousin and grandson. [Victim] was also a father to a

beautiful, smart six year old girl, who was abandoned by her mother when she was a infant. All she knows is her daddy, who was murdered for what reason? Now she has to grow-up without him. She will never be able to hug him, talk to him, see him and give him all her love. [Victim] will never be able to watch her grow-up and give her the love she deserves from her father. My son told everyone she was his pride and joy. His greatest accomplishment is her life. [Victim] loved her so much."

Things they are missing. Related to the above comment, several dozen statements touched on topics or experiences that homicide victims would now never get:

"[Victim] was a go getter when he decide to do something there was nothing stopping him. After graduating [victim] had many different jobs, which he mastered them all. [Victim] wanted more in life, and decided to return to school to take [course], he was head of his class. He and a partner were planning to open their own business. [Victim] was the young age of 26 when he was taken for us. With so much life to live."

Undeserving of Fate. Many of the VIS touched on the idea that the victim (typically the murder victims) were 'undeserving' of the fate that befell them. For instance: *"She deserved so much more than any of this."*

Shared Memories. Many victim's shared memories or stories they had of the victim.

"The evening prior to his killing, while I cooked us dinner, we had been planning our summer vacation to [location], of all places. He had always wanted to go. He loved nature, and being by the sea. [...] After dinner he suggested going up to the pub. I declined, as I wasn't feeling up to socializing, and decided to stay in. He grabbed his coat and said see you in a few, blew a kiss, and the door closed. That was the last time I saw him."

There were also some stories and memories shared by children. The following (unedited) quote comes from a young child's drawing and note:

"I remember when [Victim – the child's aunt] made me a daisy crown when we were at the camp. I am VERY sad that she is gone. I remember when we were at the beach and we Burried eachother in sand, I miss [Victim] alot!!! I remember when [Victim] came to my birthday Partyies. [Victim] was very Pretty. I wish [Victim] was back. [Victim] had alot of nice family and freinds. She made me laugh alot!!!! She was one of my favourit ants Ever."

Finding out about the offence. Many statements (more than half) touched on the trauma surrounding the experience of finding out that their loved one had passed:

“I remember the exact moment I learned about [Victims] death. Everything stood still and simultaneously moved around me too quickly to comprehend. The air was sucked from my lungs and it felt like gravity stopped holding me to this earth. I have never cried like that in my life.”

Many victims relayed the exact series of events surrounding learning about the crime:

“The lead officer said very bluntly, “[Victim] has been the victim of a homicide.” In that very instant, my vision blurred, my chest tightened, my breath left me. All I could hear was my heart racing in my ears, all I could feel were my legs giving out from under me as I reached for the counter, trying not to fall, and I crumbled to the floor. Any semblance of rational thought ceased, as I struggled to breathe and try to make myself wake up from the worst nightmare I had ever had. Telling myself to just hang on a bit longer, “surely you will wake soon!” But I did not wake, the nightmare continues. I have no actual clear recollection of anything that happened for several days after that, just guttural, physical pain.”

Relatedly, several victims added context about their experiences directly before the offence. Victims often noted that they included these pieces to help them remember the good things as well as the bad.

“‘Have fun, be safe and see you Saturday’ were the last words I said to [Victim] on [Date]. Never would I have thought that would be the last time I was going to see or speak to her. [...] We had plans that day. I texted her in the morning asking what time she wanted to meet up and if she wanted me to pick her up. She didn’t answer. [...] Monday, my nightmare became a reality.”

Finally, one particularly common trend was that most victims gave very specific dates. For instance, they relayed the specific calendar day, month, year that the victim died, or they found out they had lost someone.

Regulation Violation and Redacted Content. While reading the VIS, it became apparent that some of the victim’s statements had been edited and/or partially redacted at

some point during the process. Sometimes, ‘editing’ meant the addition of punctuation, or grammatical changes, or rewording. For instance, there were some typed letters that had pen-markings on them. Other times, entire sentences or even paragraphs are crossed out. Sometimes these chunks are redacted with black marker, rendering them entirely illegible. Other times, text was simply circled in pen with comments added, such as “excised by consent.” There is no indication when these changes were made, or by whom. That is, it is not clear if the victims themselves decided to omit sentences, or if for instance it was crown attorneys who made these changes.

Although there could be any number of reasons why comments such as these are removed from the text of a VIS, the most obvious reason is that there are regulations in what the VIS are allowed to say, and some of the content discussed in these sections violate those regulations. Recall, these are the types of comments that victims are not ‘allowed’ to make in their statements, based on the Nova Scotia form (p. 1):

- *Any statement about the offence or the offender that is not relevant to the harm or loss suffered.*
- *Unproven allegations.*
- *Comments about any offence for which the offender was not convicted.*
- *Any complaint about any individual, other than the offender, who was involved in the investigation or prosecution of the offence.*
- *Except with the court’s approval, an opinion or recommendation about the sentence.*

Cases showed inconsistency in the frequency of redacted comments. A total of 6 out of 16 cases had some information redacted from some statements, with a total of 13 statements (out of 82) being redacted in some way. Every VIS that had redacted content was in a murder case. As noted above, sometimes content was redacted entirely, and thus there is no way to know what the writer originally intended to say. Note, the examples in

this subsection are ALL of the examples available from the VIS in this study. For

instance:

“I sincerely hope that in rendering its sentence, the Honorable Court will appreciate how shocking and profoundly unsettling [the offender’s] actions have been to me. [REDACTED] he took everything away from family and close ones that want nothing more than their daughter, little sister or friend back. How can I protect my family from this type of violence?”

“This heartache has been extended and further suffering caused by the absolute violence of her death, [REDACTED]. These actions have worsened the effect of the loss of [Victim], and made it additionally difficult to relate with others and function normally in day to day living.”

However, others were edited in such a way that text was still legible. For instance, this entire quote was simply crossed out: *“The uncertainty of what semblance of justice might come from this incomprehensible mess. What will be done to ensure that this man will never again be given the opportunity for a repeat performance...”*

As was this:

“Now knowing since [year] [the offender] already had 67 convictions prior to the untimely death of my brother [Victim], puts a strong sense of fear and concern for the safety of me and my family. To have 67 convictions are unbelievable that a re-occurring offender is still free to offend. Where [the offender] has a long history of violent convictions, I implore that the criminal justice system actually does what is intended to do. Is keeping the criminals locked up and our community safe. Considering the violent nature of this crime and the simple fact that it seems [the offender] hasn’t learned from his prior convictions I ask that you sentence [the offender] to the maximum sentence allowable by law. Although this will never bring back my brother [Victim], it can help prevent another tragic crime from occurring by the hands of this criminal.”

And this:

“When it comes to the accused, [offenders name], I FEEL NOTHING, numbness, indifference. I basically couldn’t care less about him. In fact, his act of evilness is overshadowed by the many stories of people whose lives had changed in a positive way after meeting [Victim].”

Several of these examples of redacted content do touch on issues surrounding sentences, the offender, and extraneous allegations, which likely relate to their reason for being removed from the text. Notably however, with all of the quotes provided above, it is possible that any number of them were redacted later in in the justice process and the VIS obtained for this study did not have those edits.

An interesting phenomenon specific to the very last bullet point is that many statements referenced the offender's sentence without making recommendations for what it should be. For instance, *"Please think about my life and the safety of others when sentencing."* Further, several statements (all in different cases) skirted along the edge of sentence recommendation with the following comments without actually being redacted:

"Words fail and will forever fail in describing the brutality of this loss. Those who love her have been sentenced to traumatic grief for life, without parole."

"We who loved [the victim] face a life sentence with no possibility of parole."

"[Victim's name] was the victim, and every day we walked into this courtroom she was victimized over and over again. We were constantly reminded of the accused's rights, but what have we seen of the victim's rights? It is our family that has been given the Life Sentence with no chance of Parole. A life without our daughter [name]. We, as a family stand strong and united in our undying love for [victim]. It is our hope that the Courts will maintain and uphold Justice for our beloved daughter."

6. Emotions

Finally, given the controversial debates in the literature about emotions and the emotionality of VIS (Myers et al., 2018) it is relevant to briefly discuss the range of some of the emotions discussed in the statements. These are provided in order from most to least commonly discussed in the statements, with the exception of forgiveness, which is presented last, the reasoning for which explained below.

Grief or loss. Of all of the themes and factors analyzed in this study, grief and loss were by far the most prevalent themes. Nearly three quarters of statements touched on the feelings of grief and loss. When victims spoke of grief, they often spoke of a grief so profound and unending that it impaired their ability to live day-to-day: *“Words fail and will forever fail in describing the brutality of this loss. Those who love her have been sentenced to traumatic grief for life, without parole.”* “Loss” sometimes meant “I have lost something or someone that was important to me”:

“When I lost my sister, I lost everything, I lost my best friend, my soul mate and my business partner. I lost the person who meant more than anything to me in the world. [Victim] was a phenomenal person and my partner in life and the person I leaned on more than anything... we talked about travelling the world together and we did some of that – we had planned so much more. The loss I experienced is overwhelming I never thought I would have to experience a loss like this in my life. I never thought anyone would have to experience a loss like this in their lives and in fact when I experienced this loss.”

However, many victims also used the word “lost” to describe feeling lost in the world: *“I feel so lost, that I'm stuck in a never ending forest that I'm just running around in circles, trying to find my way out but I can't, because of this grief inside isn't allowing me to.”*

Sadness, depression, or despair. Next, sadness was a typical experience for victims. Sadness comes in many ways and is experienced differently by different people, but it was clear from the statements that this type of sadness was one that victims felt unprepared to deal with: *“[My spouse] and I rarely laugh. Even when we are with [our grandchildren], thoughts of [Our daughter, the victim] are never far away. Even our playtime with them is tinged with an underlying melancholy.”*

Anger. Many victims expressed anger or rage in their statements. Several victims were not sure how to handle these feelings. For instance:

“I was angry for so long, I was taking my anger out on family and friends when I shouldn't have, blaming them for things they didn't do. He broke me, He made me so angry, and I was so hurt, I was not equipped to deal with it, no one should be.”

Interestingly, one victim wanted to emphasize the lack of anger:

“I'm just so sad. I'm not angry, I'm really not angry, just so everyone knows I'm not angry at anybody, I am just so sad, I'm more sad than you can imagine... everything makes me sad and my heart is broken – it's broken. I just don't know how I am going to move forward in life.”

Fear. Fear came up many times. Comments about fear tend to occur in association with comments about fears for security, fears for oneself, fears for others, fears about the safety of the world, and fear of the offender specifically:

“I have deep paranoia that my life could just end out of the blue, from a sudden and senseless attack or other affliction. “Here today, gone tomorrow” is the overriding feeling of my life now, like anything positive could end suddenly and without warning.”

Confusion or shock. A high number of victim's used their VIS as a means to express their confusion about the event and the justice process, as well as to talk about the overall shock of being the victim of a crime: *“I had this feeling of emptiness, confusion, hate and terror rush over me all at once. Murder? We're from rural Nova Scotia. We don't have murders.”* Many victims expressed confusion in that they weren't sure which emotions they were feeling: *“There are moments when I experience so many different feelings that I truly don't know what I feel or what it is I am supposed to feel. [...] There are moments when I still feel shock and numbness.”*

Guilt, regret, or shame. Guilt is a complex emotion, particularly in a vulnerable population like crime victims. This complexity was demonstrated by the many different

ways in guilt was conceptualized in VIS. Many victims mentioned they felt guilty for not preventing the crime: *“I swore to protect her and I feel I failed. I feel guilt in not doing something different to help prevent [Victim] from the evil [Offender’s name].”* Others expressed guilt and shame over the impact that the crime has had on them:

“I had even been selected [for a promotion at work]. I was in the middle of our very first contract deliberations. I was so excited and proud. I had people depending on me. And now instead of looking back on that as a good memory I have this feeling of guilt because I had to walk away without being able to finish. [The offender] took that from me.”

Anxiety or nervousness. Although it was common to see victim’s discuss clinical anxiety, there were also many mentions of every day anxiety: *“I have experienced a lot of anxiety. Anxiety about leaving people, anxiety about whether I will see that person again, anxiety about death, anxiety about how short our lives really can be.”*

Helplessness or powerlessness. One interesting finding is that victims of sexual assault used the word “powerless” very often:

“I was ashamed of who I was because of how powerless I felt. [...] The feeling of powerlessness continued, and consumed my life.”

Family members of murder victims often used the words “hopelessness” and “helplessness”

“I have been told that the grief of a child is long lasting and complicated. Dealing with murdered child grief adds another layer of grief that is already difficult to navigate through. There are days where I feel a tremendous amount of hopelessness and helplessness.”

Tiredness or Emptiness. Tiredness was less commonly explicitly stated, although there were many instances when victims alluded to the feeling in less direct ways: *“I constantly worry about [relative] as his father is now despondent and emotionally drained. He has nothing more to give.”*

Frustration. Although the word frustration was used in only a handful of statements, victims were clear in their expressions: *“This has hurt me to the point where I’m so overwhelmed by sorrow and so much frustration that I could scream at the top of my lungs but I won’t be heard.”*

Betrayal. Betrayal only came up in a very small number of statements, all of which were cases wherein the victim knew the offender in advance of the crime. However, when betrayal was mentioned, it was explicitly clear that the nature of the crime was particularly personal and profoundly hurtful. For instance:

“I felt betrayed, frustrated and angry that someone I trusted and thought of as family had taken away two of the most influential and loving people in my life away. [...] My relationship with [the offender] went from thinking of him as an uncle and part of my family to hearing his name and just feeling disgusted and betrayed.”

Loneliness. Related to isolation, many victims reported that the crime had left them feeling lonely, or alone: *“Most days I feel so scared and alone.”* Further:

“When you lose someone in a family you can never be together in that family again without feeling like you want to rip off your skin and run away. I am as lonely with my family as I am without them.”

Loneliness was even conveyed through poem in one of the statements:

“Surrounded by family/ I still feel alone/ My heart is so empty/ this pain I must own”

Disgust. Disgust was mentioned very seldom, but in different contexts. For instance, some victims expressed disgust about the nature of the offence: *“I followed the trial closely, feeling intense shock and disgust at the grotesque details that emerged.”* Conversely, other victims expressed their disgust specifically towards the offender: *“My relationship with [The offender] went from thinking of him as an uncle and part of my family to hearing his name and just feeling disgusted and betrayed.”*

Worthlessness. Worthlessness was only mentioned once throughout all of the statements, by a victim of sexual assault:

“I did not have the energy or the desire to defend myself; I was trying to make sense of what had happened to me. My parents tried to defend me instead, with their various attempts in contacting the Dean to receive clarity on why a student like [the offender] can still remain on campus. His response, short, unsympathetic, “the incident did not happen on campus.” I continued to feel worthless.”

Denial. Across all 82 statements, ‘denial’ only came up once:

“As expected, upon news of her death, the lead up to the funeral and sometime after, waves of uncontrollable sadness, anger, despair and denial, left me unstable. Unstable and unable to go throughout my day [...] [I felt] denial - this can't be happening.”

Forgiveness. Finally, forgiveness is discussed last, as the nature of the comments about this emotion are different than other emotions. While the rest of the emotions discussed were mentioned in such a way that conveyed “I am feeling this emotion,” the vast majority of VIS that discussed “forgiveness” did so in an opposite way, such as “I will never forgive you.” For instance: *“As for forgiveness, that word is meaningless to me. [...] There will never be forgiveness from me for this senseless crime, and what has been taken from me.”* Above all, victims conveyed utter certainty in these words: *“There is one final thing I will say with absolute certainty: there will never, ever be forgiveness. May you reap what you have sown.”* Some statements approached forgiveness but could not bring themselves to offer it:

“From a young age I was always taught forgiveness and I have had 2 years to think about this moment, to think about whether we would ever actually know the truth about what happened to [Victim] that day and to find it in my heart to forgive you. Forgiveness isn't something I can offer you today. [...] You took a life, ruined many others and nothing you do and no time spent can give [Victim] back to us.”

However, there was one exception, one forgiving victim, who eloquently explained:

“It has taken me a long time to fully understand what it means to forgive. I always thought I could never forgive a person who would choose to take the life of someone I loved deeply, a person who would bring deep, lasting pain to her family and friends. But, after a lot of soul-searching, I realized that forgiveness is not about accepting or excusing those brutal acts. It is about letting go and preventing their behaviour from destroying my heart and my spirit. I must go on living - and I must learn to bear the grief. I have come to realize that nothing in life prepares us for the death of someone we love. Nothing!”

7. Overarching Themes

In addition, a few other themes stood out through the analyses as particularly meaningful, symbolic, or relevant.

Victimization and Trauma Require Long-Term Healing. The long-term impacts of crime are indisputable in many cases. Some victims comment on this fact, drawing specifically on the idea that their fundamental identity is often changed after a crime:

“I could honestly write a book about how I feel, or how this offence has made me feel and how it has forever changed the course of my life. When something so traumatic and sudden happens to you it’s like you are rewired how you think, my ability to be emotionally engaged or attached was a struggle to get back to, and did I ever fully get back to that? I highly doubt that. You adapt to your pain, it never goes away.”

Other victims, specifically those who lost a loved one to murder, comment on the permanence of their suffering. That is, once someone is gone, they are gone forever:

“When you lose someone in a family you can never be together in that family again without feeling like you want to rip off your skin and run away. I am as lonely with my family as I am without them. There is always the presence of the empty chair, the missing person in the photograph, the hole that threatens to swallow you. [...] The pain of that loss is harrowing.”

The need for a support system. Woven throughout all of the pain and despair discussed throughout these statements was a pattern of thankfulness for support systems.

Many victims gave thanks to doctors, parents, children, family, and other friends for being integral to their recovery.

“I don’t know what to do and no one can tell me what to do and I have the smartest most loving most supportive people supporting me ... I have the best support system anyone could imagine and the best of friends, leaders of industry and captains of love.”

You can’t change the past. Some victims took the time to acknowledge that, after all is said and done, there is nothing one can do to change the past. These words from a sexual assault victim emphasize this point:

“I can’t change that I didn’t fight or yell. I can’t change that I was unable to drive home. I can’t change the absolute fear I had to take the chance wake up [the offender’s] roommate. I could not comprehend what had just happened. I knew I wanted it over, I wanted to be safe. Would [the offender] physically attacked me if I started to fight and yell? I could barely make it down the hallway how was I going to get into my truck and drive? If I yelled for [the offender’s] roommate would he help me, or would I have two men to be scared of? These are questions that replay over and over in my mind. I think of them to the point that I will lose days before I realize that I haven’t slept or even move from the spot from when they chose to invade my thoughts. I know I did nothing wrong, nothing to bring on what [the offender] chose to do to me. But that does not help me when I’m trying to understand what he did. I know now I never will.”

With that said, many victims also pointed out that they felt unprepared to deal with the experiences inflicted on them:

“This isn’t something that me or anyone in my family could have ever prepared for. I don’t truly have the vocabulary to properly relay, explain or vocalize what these events have done to us or how they continue to haunt or thoughts everyday and will forever”

Trauma-Induced Psychological Disorders are Both Debilitating and Common.

Victims of crime in this study reported experiencing clinical levels of psychological distress at an alarming, but not unsurprising, rate.

“The experiences of PTSD, grief, pain and suffering are, at times, too much to even believe. Hearing my wife give birth to our son and knowing that her cries weren’t only for the pain of birth and that they were primal screams of loss and

pain of an equally deep and life altering nature, changed my life forever with hers.”

Victims Feel Isolated. In every sense of the word (physical, emotional, or spiritual), many victims noted they find themselves feeling alone in the aftermath of a trauma or loss: *“I have been left with a feeling of aloneness.”* Further:

“What he did, it me made me a person I could no longer recognize and a person my family and friends could no longer recognize. I was angry for so long, I was taking my anger out on family and friends when I shouldn't have, blaming them for things they didn't do. He broke me, He made me so angry, and I was so hurt, I was not equipped to deal with it, no one should be.”

Learning to Heal. Perhaps the most prominent theme throughout all of these many statements was that victims are trying to heal, but that is a difficult journey that requires trial and error. They are trying to recover, physically and mentally.

“What [the offender] did to my body was vile, but what he did to my mind and my soul has proven to be catastrophically devastating. It was like in one moment in time, [the offender] became the author of my life story. And I was only able to be a character. [The offender] gave me a new name, [Victim's full name] the rape victim. [The offender] added letters to the end of my name, [Victim's name] suffering with PTSD. I was the villain in the [Offender's name] story. [...] Today is day one, the first day of my new story. With the help and support of my doctors, friends and family I'm becoming my own author again.”

The Criminal Justice System is, in and of Itself, Traumatic. Although a bit more nuanced, this particular theme became clear through this analysis as victims describe many complex and overwhelming experiences with the justice system. From being ‘bluntly’ informed by police that a crime has taken place, to being vilified in the courtroom and in media, to the long-winded and seemingly unfair path to recovery afterwards, the criminal justice system is clearly not a system designed for victims of crime:

“Dealing with the court proceedings around [Victims] killing has left me feeling disenchanting; I had the misbelief that the judicial system provides remedy for the

victims, justice for [victim] and our family and friends. Only to discover that it is not what the goal of the judicial system is at all. I feel victimized by a senseless crime that killed [victim] and I felt victimized all through the judicial process.”

A very clear and overarching theme throughout these analyses is that this process is difficult for victims – this issue is complex, given that this process is intertwined with the intense emotions and trauma associated with the victimization itself. Victims indicated both that it is fear inducing to face the offender in court, but also that the trials and sentencing processes in and of themselves are frightening and stressful. This fear comes in the face of being forced into a situation they did not ask for, and they are not always sure how to respond:

“Despite the overwhelming feeling of terror surrounding the trial, I am grateful to have been present in the court room for the guilty verdict; to have heard each jury member state the word with certainty. Since that moment I have felt closer to a state of rest than I have since her death. However, the discussion of parole, provokes further pain and panic in my heart, and this is why I submit this statement.”

And finally, the justice system revictimizes victims over and over. Despite this, crime victims are expected to show up and participate in a process that hurts them. This victim of intimate partner violence explains:

“Everything [the offender] had ever done or said to me felt solidified in that courtroom, as if all this was my fault. There is nothing permissible about the things that [the offender] has done to me. I truly started to understand what it meant to be re-victimized. [...] I have done my job as a citizen; I finally got the courage after all those years to call the police. I showed up and tried to shed a light on the truth, but the tactics and questions being asked rarely had anything to do with the incident, it was just a way to discredit me.”

The Victim Impact Statement Process is Difficult but for Many, it is Worth it. In some ways, after the trauma of the justice process, the task of writing a VIS is in many ways another form of revictimization. It is emotionally trying, retraumatizing, and stressful. Nonetheless, many victims feel like submitting a statement is a necessary part

of being involved in the justice system. Moreover, it is the one genuine legal avenue available to them to make sure their voice is heard:

“There is no such thing as justice in this horrible story. And her loved ones will continue to suffer the trauma of her death every day for the rest of their lives. Even though I feel absolutely defeated and terrified by this process, I would do anything to honour her soul and her story. So I write this statement as a testament to her beautiful short life and to the wreckage her murder has left in mine.”

Discussion

Overview

Research indicates that exposure to traumatic events such as criminal victimization can lead to long-term negative impacts on overall wellbeing (Buccioli & Zarri, 2020). Victims of crime often report experiences of emotional, physical, and financial suffering, which can have adverse effects on their health (Janssen et al., 2021). The goal of the current study was to examine the impact of crime as communicated through VIS. In lieu of testing hypotheses, I opted to explore several research questions via an open-ended analysis strategy. This option allowed for a degree of flexibility given the ongoing COVID-19 pandemic and uncertainty regarding the accessibility of court files containing the VIS. Future research could use content analyses to test hypotheses. For instance, researchers could test the hypothesis that much of the content of VIS is prejudicial and not relevant to the sentencing judge for the purpose of examining the extent of harm suffered.

This study analyzed VIS for patterns and trends in content specifically relating to physical, psychological, and economic harm suffered, as well as other commonly discussed factors in VIS, such as fears for security, use of social and health services,

court and VIS submission experiences, and commonly mentioned emotions. This study also examined instances where statements violated any of the regulations that exist around VIS submission in Nova Scotia. Although the results yielded an exceptionally rich and profound insight into the thoughts and feelings of Nova Scotian crime victims, some common trends emerged across these statements that warrant some further discussion.

Psychological Impact

The victims in this sample were primarily from cases with homicide or sexual assault, crimes which bear substantial implications for mental health and psychological recovery (Wathen, 2012). Most VIS describe the events as having a permanent impact on their lives. Many victims discussed the crimes as “the worst day of my life” or stated they felt the event had changed them in a fundamental way. Victims often discussed changes in their ability to go out in public, attend work or school, and form and maintain relationships. Many victims expressed that they now avoid starting new relationships, meeting new people, or sustaining old relationships because they are afraid of losing people again. These changes were commonly described as long-lasting and persisted years after the offence(s). Most of these findings are consistent with previous research on the psychological impact of victimization (Cornaglia et al., 2014; Wathen, 2012). Strained interpersonal relationships have been reported by victims of a variety of types of offences (Button et al., 2014). Moreover, research has found that it is common for victims to experience a sense of isolation post offence (Craig-Henderson & Sloan, 2003; Cornaglia et al., 2014). Notably however, research indicates overcoming this isolation and building a support system is an integral component of recovery from trauma, a task which takes time and energy (Connolly & Gordon, 2015).

As demonstrated in the findings of this study and supported by previous research, support systems are integral to recovery from trauma (Rolls & Harper, 2016). Because of this, strain on relationships (and associated isolation from peers and loved ones) was described as a side-effect of victimization that prolonged healing time. This is exacerbated by the effects of stress and psychological disorders. Many victims report symptoms of severe and chronic psychological distress, but only some are able to find and maintain treatment for these concerns. Depression, anxiety, and PTSD were the most commonly reported disorders that victims experience. These particular disorders align with previous studies looking at psychological disorders in crime victims, which routinely find elevated levels of depression, anxiety, and fear in people who have experienced criminal victimization (Buccioli & Zarri, 2020, Mahuteau & Zhu, 2016).

Physical Harm

In addition to psychological trauma, many victims reported physical harm in their VIS. Physical harm was not limited to assault cases: victims of all crime types reported experiences with physical limitation and pain post-offence. It was common for victims to report that treatment (through doctors, counsellors, or other general physicians) was typically ongoing and that recovery from victimization could take months, or years, if at all. These findings align with past research, which has found that it is common for victims of trauma to report severe physical impairment or disorders after the fact (Wathen, 2012) and has stressed the need for treatment programs for victims and their loved ones (Currier et al., 2007; Zinzow et al., 2009). However, many victims reported that although they had attempted many treatment options, none had worked as effectively as they had hoped. One trend from recent literature which was not discussed in VIS is the

need for specialized treatments – for instance, research indicates that survivor support groups and psychoeducation both greatly improve outcomes for victims and others who have undergone significant trauma (Connolly & Gordon, 2015; Matthews et al., 2019). Individuals who live through traumatic events or who lose loved ones to traumatic events often show high comorbid rates between mood and panic disorders (Matthews et al., 2019). Moreover, as demonstrated in these results, the trauma sustained by victims often permeates all areas of their lives, and at times, causes victims significant physical limitations, such as cognitive impairment, issues with sleep, and a limited ability to perform basic tasks at home or work. There is a body of literature that shows that loved ones of murder victims often meet diagnostic criteria for ‘complicated grief syndrome’ which warrants specialized treatment (Jorowitz et al., 2003; Lichtenthal et al., 2004).

Some, although certainly not the majority, of VIS in this study identified attempted treatment methods. The most commonly mentioned were general counselling or therapy, family support, and medication. However, given the complex nature of trauma and PTSD in crime victims, it is possible the treatments used by victims are not appropriately targeting their needs. For example, there were no victims in this study that mentioned group therapy or psychoeducation. Although victims may be receiving these supports, that none of them felt it meaningful enough to mention in their statements is interesting, and could act as evidence that further services of this kind should be targeted at crime victims.

As noted, it was very common for victims to discuss physical manifestations of trauma and stress, such as cognitive impairment (memory loss, or trouble concentrating). Moreover, sleep issues, such as nightmares, insomnia, or sleep paralysis were widely

reported. This finding comes as no surprise as sleep disturbances are common in crime victims, particularly those who have sustained repeated offences (Clark et al., 2019; Murphy et al., 1999), or those who meet criteria for PTSD or complicated grief syndrome (Jorowitz et al., 2003). One unexpected but particularly concerning finding was that some victims reported problems with pregnancy and birth post-offence. This aligns with emerging research suggesting that pregnant women who live through trauma or who witness homicide experience difficulties with those pregnancies after the fact (Bindler et al., 2020; Wathen, 2012).

Finally, suicidality was discussed in only a few VIS, but some victims did express experiences with self-harm. This outcome also aligns with past findings in research. There is evidence that some crime victims will engage in self-harm as a form of redirected anger after an offence (Orth, & Maercker, 2009). Similarly, there have been reported cases of attempted suicide in individuals with PTSD (Panagioti et al., 2012). However, these episodes are infrequent and present most often in victims that are already vulnerable, such as criminalized adolescents, individuals with depression or other comorbid disorders (Panagioti et al., 2012), or LGBTQ+ youth (Hershberger & D'Augelli, 1995). In essence, although victimization is a predictor of problems with mental health associated with suicidality (Orth, & Maercker, 2009), it is not inevitable that victims of crime will become suicidal. This is evidenced by the sparse discussion of suicidality and self-harm in the present sample of VIS.

Financial Harm

Another facet of harm experienced by victims is financial suffering. Past research has indicated that victims of violent victimization in Canada often shoulder the costs of

medical expenses, pain and suffering and recovery costs, as well as lost wages (Hoddenbagh et al., 2014) The results of this study tapped into all of these areas. Moreover, the crime types in this study (homicide, sexual assault, and assault) have been identified as some of the most expensive crimes for victims to recover from (Hoddenbagh et al., 2014; Leung, 2004), further stressing the need for adequate support for these victims. Costs associated with pain and suffering are often complex and underestimated, and are also on the rise in Canada (Leung, 2004).

The most commonly reported financial issues were in relation to lost work: victims lost work both during the initial recovery after the crime, but also due to time being in court (for trials, sentencings, and other hearings). Although few victims spoke of the financial compensation offered to them, those who did indicated the funding was inadequate. Many other various costs arose that victims were forced to pay out of pocket, such as the cost of moving, some medical expenses, and covering lost income from victims who were killed. This finding comes as no surprise. As noted earlier, the maximum compensation allowed to victims in Nova Scotia is \$2,000, and this funding is exclusively for counselling purposes. Whereas Nova Scotia does not provide support for the aforementioned costs (Canadian Resource Centre for Victims of Crime, 2021), it is logical that victims would express their dissatisfaction with financial support in their statements, particularly since the inadequacy of victim compensation has been evaluated in previous literature (see Johnston et al., 2018; Leung, 2004). Interestingly, no victims discussed any financial harm due to loss of property. However, this is likely due to the nature of the sample, which was primarily made up of cases with homicides and sexual assaults. Previous research indicates that victims of fraud, theft, and identity crimes suffer

substantially on a financial level as well as psychological (Button et al., 2014; McCollister et al., 2010). Therefore, although the current study was unable to represent the voices of victims in those crimes, the existing body of literature in that field indicates those victims are equally worthy of support and services (Bindler et al., 2020; Green et al., 2020).

Fears for Security

An additional domain of harm analyzed in this study due to its inclusion on the Nova Scotia VIS form is victims' fears for security. Comments of this nature were frequent and quite heterogeneous: post-victimization, victims experienced new fear of society and people they had not previously known. They feared for both their own wellbeing and that of others. Places or people they had once trusted were no longer considered safe. Many victims specifically expressed fear for the safety of their families, should the offender be released. As noted in sections above, new or heightened fear (of crime, of the offender, or generalized fears) are common experiences for people who have been victimized (Collins, 2016; Ejrnæs & Scherg, 2020; Russo & Roccato, 2010). The findings in this study align with previous research examining this relationship. However, past research has found that living in fear for extended periods of time can have detrimental effects on physical and mental health (Lorenc et al., 2012). Recall, VIS in this study often expressed that the impact on their mental health, including fears for security, were often long-term. This bears meaningful implications for the relationship between long-term fear for security and mental (and physical) health for the victims whose statements were analyzed in this study. On a grander scale, this relationship speaks

to the critical need for support for victims in Nova Scotia to facilitate treatment of increased fears for security post-victimization.

Other Themes in VIS

Beyond these key points in the VIS form, many other common themes arose in these statements. Many victims remarked on the additional trauma of especially brutal or violent crimes. In fact, many victims noted that they find themselves dwelling or ruminating on the most brutal aspects of some of the offences. This is a logical finding, given that past research has noted that victims of violent crimes often show greater levels of psychological distress than victims of less violent crimes, such as fraud or identity crimes (Buccioli & Zarri, 2020; Cornaglia et al., 2014; Dembo et al., 2018).

It was also very common, in cases with homicides, for victims to speak specifically about the victims – this included comments about the victim’s character, and how they felt the victim was generally undeserving of the fate that befell them. Many statements discussed in great depth how significant the victim was to them, and discussed the many things they are now missing (e.g., raising children, getting married, growing old). Many statements commented on the rippling effects of this loss – the effect on children who now grow up without parents, or the effect in the community or society more generally. These findings bear particular significance given past research which indicates there is a risk of long-term negative impact on the mental and physical health of children who sustain trauma (Wathen, 2012). While these findings went above and beyond the research questions laid out for this study, they are not surprising. There is a rich body of literature that examines the profound impact of violent loss of loved ones and that effect on grief and bereavement. For years, researchers have noted the significant

psychological distress felt by so called ‘co-victims’ in homicide (Currier et al., 2007; Murphy et al., 1999; Rolls & Harper, 2016). As demonstrated in the current study, the experiences of co-victimization often metastasizes into severe impairment in day-to-day living, issues with emotions and psychiatric disorders, and impairment of professional, social, and academic abilities (Connolly & Gordon, 2015). Most importantly, homicide appears to consistently negatively alter the typical grieving process, particularly in parents of murdered children (Currier et al., 2007). That is, the experience of grief in the loved ones of a murder victim go above and beyond what might be considered ‘normal’ bereavement (Currier et al., 2007; Murphy et al., 1999). These co-victims are put through sudden and extremely negative experiences and are forced to deal with the criminal justice system for months or even years. This in turn postpones victim’s abilities to move on and start the journey of recovery and healing (Connolly & Gordon, 2015; Herman, 2003) and these ordeals were clearly reflected in their VIS.

Victims who commented on their experience with the court or justice system most often did so in a negative light. Many described the court process as re-traumatizing and at times, dehumanizing. Some victims went as far as to state that they felt like victim’s rights were not considered. Overall, it is clear that for a notable portion of the present sample the criminal justice process harmed the victims more than helped. Although not all victims feel terrorized by the justice system, enough victims indicated so in their statements to the point that those feelings became notable as a common trend, woven throughout their stories. This finding mirrors previous research, which has demonstrated that participation in the justice system can directly damage the fragile mental health of crime victims (Hermon, 2003). Victim participation in the justice system is often

encouraged by victim services, lawyers, and others in the legal system (Hermon, 2003; LePage, 2021). Historically, however, victim satisfaction with the justice system has been mixed (Laxminarayan et al., 2013) and is influenced by a multitude of experiences, including but not limited to the VIS submission process (Davis & Smith, 1994; de Mesmaecker, 2012; Gromet et al., 2012).

However, several victims mentioned they were grateful that VIS allowed them a chance to have a voice in the judicial process. Victims sometimes spoke of the actual experience of writing and submitting a statement, and described it as re-traumatizing in some ways but helpful to them in others. Many victims said they hoped the statement would contribute to sentencing, or that it would evoke remorse in the offender. Overall, it is inadvisable to make sweeping conclusions about whether or not the justice system and the VIS process is helpful or harmful. For many victims, the process certainly exacerbated their suffering, prolonged their healing time, and left them feeling re-traumatized. However, for others, the VIS process is just one piece of the puzzle and is an integral part of making sure their voice is heard in the justice system.

Recovery comes in many forms, and so an important facet of this project was to explore some of the social and health services used by victims as communicated through their VIS. The most commonly cited service was counselling/therapy. However, many victims stated they also required medication in order to recover. Financial barriers were cited as reasons why some services were not accessible. Previous evidence shows that health care use, including both mental and physical health care, is low among crime victims, particularly those whose victimization is not immediately life threatening (McCart & Smith, 2010). However, the current study and previous research finds that

when services are used, counselling and therapy are used by victims of nearly all types of crimes (Green et al., 2020). Of course, it is relevant to recall that victims are not expected to report whether or not they have used healthcare services (or name which ones) and so it is difficult to ascertain whether or not additional services were used, but simply not mentioned. For instance, no victims made any mention of legal or child care services, or victim safety planning. This is not to say victims did not use these services, it simply means they did not discuss using these services in their VIS. Moreover, as we know from research, the type, number, and duration of services needed (healthcare or social services) will vary depending on each victim's needs (Office of the Federal Ombudsman for Victims of Crime, 2020).

Emotions

Next, this project also sought to examine frequently discussed emotions in VIS. The most commonly discussed emotions were as follows: anger, anxiety/nervousness, betrayal, confusion/shock, disgust, tiredness/emptiness, fear, frustration, grief, loss, guilt/regret, loneliness, sadness/despair, and worthlessness. Notably, these are all negative emotions. It is well established that the most common complaint against the use of VIS in court is emotionality and the presence of negative emotions (for examples of such arguments, see Edwards, 2001; Hoyle et al., 1998; Sanders et al., 2001). Regardless of the effect of these emotions on decision-makers, it is clear based on these results that the emotions presented in statements are, overall, negative. Previous research has found that experiencing negative emotions, such as distress, anger, frustration, and violation is common for victims of offences (Button et al., 2014). And this makes sense – of all the 82 VIS examined in this study, none of them portrayed positive emotions. This was

unsurprising, because why would a victim take the time to write down all of the positive ways in which they have been impacted by a crime? Of course, the media might uncover exceptions to the trend found in this sample. However, a particular gap in research exists examining the different ways in which victims express these emotions. For instance, it is clear that victims in this sample used their VIS as a means to communicate how they were feeling. What is not clear is whether VIS are an appropriate place to express those emotions. That is to say, the VIS forms expressly ask victims to discuss the tangible ways in which they have been harmed by an offence. However, emotions, particularly long-lasting negative emotions as displayed in the statements, are examples of other forms of harm that are not always considered. When judges read or hear these statements, it is unclear what do they do with the knowledge that the victims are feeling frustrated, or alone.

Rule Breaking and Redactions

Another goal of this study was also to assess situations wherein VIS violated the regulations set out by the province (e.g., not to make recommendations for sentence, or to discuss offences the offender was not convicted of). This issue is complicated by inconsistencies with how these statements are treated in the justice system. Note, it is unclear how the materials used for this study were redacted later on in the process (or perhaps earlier, for instance, if a victim was asked to re-write their VIS before submission). However, it is unclear how closely all cases are expected to follow the same guidelines, and some of the content examined appears to violate admissibility rules (particularly regarding comments to or about the offender) but went un-redacted. Many statements contained sentences or even paragraphs that had been redacted. The

information that had been redacted but was still legible typically included such violations – statements about the offender’s character, the punishments he should face, and his criminal history. This finding regarding redaction indicates that clearly, a portion of the time, victims’ statements are being edited during the submission process.

However, there were some statements that appeared to ‘skirt around’ the regulations without fully violating them. For instance, although victims cannot make comments like “the offender should face life in prison without parole,” it was common to see comments like “the family of the victim faces life without [Victim] without parole” or “I hope the judge considers my suffering during sentencing.” This is interesting, because although it does not technically violate a rule. However, statements like this went unredacted, while other, bolder statements (which blatantly violated rules) were redacted. There is, to my knowledge, no existing empirical literature that examines variations in VIS submission process specifically. Moreover, there is also no literature that examines redactions of VIS. This could be for many reasons. For instance, the bulk of VIS literature comes out of the US. However, the submission rules for VIS in Canada are different than the US (Victim Support Services, 2021), and there are also regional variations. A systematic examination of process differences would prove challenging. Therefore, it is difficult to know how representative this study is to the broader Canadian landscape in terms of VIS submission rule following and redaction processes.

Final Themes

Finally, several large overarching themes were noted in this analysis. The first is that healing from victimization, for this sample of victims, is a long-term process. Moreover, victims face many obstacles to healing and recovery, including but not limited

to severe and chronic psychological distress and impairment. Victims suffer from debilitating side-effects of trauma and many report these experiences as life-altering. Healing (emotional, physical, spiritual, or otherwise) can take years or months, if ever. In order to facilitate this recovery, support systems (family, friends, doctors) are integral, given that isolation appears to be an exceptionally common experience after victimization. The need for support systems has been discussed in previous literature (e.g., Connolly & Gordon, 2015; Rolls & Harper, 2016). The presence of informal support systems (friends and family) is particularly critical given that it has been linked to increased willingness to seek out formal mental and physical healthcare services (McCart & Smith, 2010).

One of the most overarching themes across the current study is the finding that victims used their VIS as one method of informing the judiciary that they find the criminal justice system to be retraumatizing and exhausting. This ties back to the idea of procedural justice and victims' satisfaction with the justice process. Justice processes need to be perceived as 'fair' to those who participate in them (Tyler, 2003). Procedural fairness is considered most important by victims of highly severe crimes, such as sexual assault (Laxminarayan, 2012). In the context of this study, it is clear that victims find the justice system to be frustrating and distinctly unfair. Negative experiences with the system, and dissatisfaction with the process, are associated with more uncertainty and hesitation in the future (Calton, & Cattaneo, 2014; Vinod Kumar, 2018).

Because VIS are meant to be a platform for victims to have a voice, it is interesting that some victims chose to use that platform, in part, to express their discontentment with the system. What remains unclear is the extent to which those voices

are being heard, and more importantly, action is being taken to address those issues to improve the system and in turn, enhance satisfaction and perceptions of fairness (de Mesmaecker, 2012; Verdon-Jones & Tijerino, 2004).

The final, and arguably most important theme of this study, is that the process of writing, submitting, and delivering a victim impact statement is difficult. Victims express that one of the reasons they submit these statements is as a stepping stone to healing (catharsis and closure). The literature has been markedly mixed regarding whether or not VIS submission actually creates catharsis (Pemberton & Reynaers, 2011). However, victims in this study who *did* experience feelings of catharsis in relation to VIS submission demonstrate the heterogeneous nature of crime victims (Myers et al., 2018). Some victims do note that VIS submission helps, while others might experience relief after court is over, but that relief is unrelated to the actual VIS (Lens et al., 2015; Schuster & Proppen, 2010). It is impossible to paint all victims with the same brush. Many victims describe this process as frightening and re-traumatizing. Several victims compared the VIS process to that of writing a eulogy. Further, it was common for victims to explain that they simply yearned for closure and healing, but that they struggled to put their pain and experiences into words. Overall, the finding that victims find the VIS process to be difficult cannot go understated: if this process is one of the only forms of action victims have in the justice system, it is imperative that this process be accessible and victims receive the support they need in doing so. As noted earlier, while VIS literature has primarily sought to answer questions about impact and sentencing, there is effectively no research which examines the VIS submission processes – particularly the ways in which we can make the process better. There are many reasons for this, the most

notable being that the process differs regionally, but also case-by-case. Every victim will have a different experience in submission.

One important finding in this study is that there are certainly many different ways of writing a VIS. Many VIS were written directly into the NS form. These statements typically clearly addressed the questions asked (e.g., ‘discuss the emotional impact’). However, the majority of the statements analyzed were written as freehand letters. The extent to which they were immediately guided by the VIS form is unclear. Most of them touched on the same topics. However, most of these freehand letters (be they typed or handwritten) also introduced many other themes and factors. For instance, many statements focused on the harm at hand (e.g., ‘these are the ways in which I have suffered’). Moreover, in freehand letters it was common to see victims specifically address the offender (e.g., ”I can’t believe you did this to me”). Although there is existing research that examines the format of delivery (was the statement submitted in writing, or delivered orally, or both, or was it a poem, etc.), there is, to my knowledge, no existing research that has examined the tone and address of the statement (Lachner, et al., 2017; Rocklage et al., 2018). That is to say that no studies have examined differences in who the statement is addressed to, or the style in which it was written. Again, this might be attributable to regional differences in the submission process. This might also be related to the general ‘vagueness’ of the victims bill of rights (Office of the Federal Ombudsman for Victims of Crime, 2020) as well as the VIS forms (Nova Scotia Victim Services, 2018), which do not specify one particular method in which the statement must be written.

However, many more of them also focused on the victim personally (e.g., ‘she didn’t deserve to die, she was a good person’). Further, many VIS simply described the general character and citizenship of the victim. Some victims compare the process of writing a VIS to the experience of writing a eulogy. Many statements pointed out that victims often have children or family that have suffered. Some statements touched on the significance of the victim in their family, or their workplace. Finally, some victims expressly noted that they felt like talking about the victim was important for their healing and recovery, and that it was important to ‘remember good times.’ Overall, the idea that VIS focus on the victim, as opposed to the author of the VIS, is interesting. Relatedly, another finding was that some statements in murder cases discussed the ways in which the “true” victim (the murder victim) would never have the chance to submit their own statement, and that there is no real possibility for the justice system to fully quantify the loss of a life. Although family members and loved ones made clear efforts to represent the voice of the deceased, once someone has died, they can no longer speak for themselves.

While no other research exists on Canadian VIS content, these findings do generally align with findings from Englebrecht and Chavez (2014) and Myers et al. (2018). For instance, Englebrecht and Chavez (2014), whose study focused on VIS provided in homicide cases, also found that many victims focused their VIS on explicitly talking about the homicide victim. In their study, they noted that VIS often defended the reputation of the victim and described positive characteristics they had demonstrated in life. Authors also noted that many VIS give statements directly towards the offender, primarily based on anger and confusion. There are clear places of overlap in the findings

between that study and the current project. Similarly, the study by Myers et al. (2018) also looked at homicide cases and found that many statements took a free-narrative approach, and focused primarily on negative emotions and discussions of the victim.

However, questions remain unanswered by science about the implications for this type of content. What are judges meant to do with this type of content? It is not explained in any legal documents how to weight this type of discussion. Moreover, this finding lends to the question, are some victims (those who have strong character, or victims who have children, or victims who have resources at their disposal or any other strength), worth more than other victims? Is that how those comments are meant to be interpreted? If not, what goal do they serve? Why are such comments included in VIS, and do they differ in any functional way from comments that describe harm suffered (e.g., ‘I have to pay for medication now’)?

Strengths

This study is, to my knowledge, the first content analysis of a sample of Canadian VIS. This qualitative study not only used real victims’ words (indicating strong ecological validity), but also examined a large ($n = 82$) sample of VIS from cases involving murder, sexual assault, and physical assault. This study was modelled in part on the results of similar content analysis studies of VIS, such as those by Englebrecht and Chavez (2014) and Myers et al. (2018). A notable difference between these studies and the current study is that these studies both used exclusively VIS from homicide/murder cases. While many of the statements in this study were from murder cases, several of them were from assault or sexual assault cases. The difference between primary VIS (statements delivered by the primary victim of the offence, such as in sexual assault

cases) and secondary VIS (statements delivered by friends or family of a victim, such as in homicide cases) is notable. Victims of assault and sexual assault were able to provide first-hand descriptions of their experiences and the fallout. Conversely, through ‘co-victims’ (loved ones of homicide victims), we see different kinds of experiences, such as descriptions of the events leading up to the offence or learning that a crime has taken place. For instance, one victim described in great detail the experience of waking up one morning to find police at his door, who then “bluntly” informed him that his spouse had been killed. It is clear that victims in different circumstances can provide researchers with different kinds of insight and these differences should not go undervalued. For instance, while sexual violence victims talk about the horror of having their reputation questioned in court and how that impacts them afterwards, the mother of a murder victim could equally speak about having their (deceased) child’s reputation questioned in court. These are different perspectives on the same harmful, yet common, practice in the Canadian legal system, and this practice will clearly impact victims in different ways.

Another strength of this study is the use of qualitative methodology. With the exception of the few studies previously described, content analysis is a relatively novel methodology in this field. Qualitative research benefits from an enormous depth and nuance not available through quantitative methods. This study is able to present rich and detailed data in ways not previously possible. For the first time, we are granted insight to the thoughts and feelings of a vulnerable group of Canadians about their experiences as victims submitting VIS in our justice system. It is also integral to acknowledge that the statements analyzed in this study are the same statements submitted to the Nova Scotia courts as evidence. For years, research has debated the appropriateness of VIS in court

(Luginbuhl & Burkhead, 1995) but very few studies have taken the time to systematically and empirically learn more about what VIS have to say.

Limitations

The trade-off of qualitative research is that the study is of course, limited in generalizability. The sample included 16 cases (82 statements) from Nova Scotia. Although there is no reason to believe that Nova Scotian VIS are any different than VIS from any other province in Canada (LePage, 2021) the sample itself, including the content of the statements, might be a reflection of the region in which they were from. Notably, the majority of the VIS examined in this study were those submitted in homicide cases. This bias in the sample reflects limited external validity and generalizability to other crime types. Moreover, although not all of the VIS were from homicide cases, the other crimes reflected in this sample were sexual and physical assault, all of which can be considered more severe than, for instance, petty theft, probation breaches, or mischief. As found in study 1 of this thesis, it is much more common for VIS to be submitted in more severe crimes than the less severe ones. It is obviously possible that VIS from theft cases or other crimes of that nature might depict different emotions, different longer-term outcomes, and overall different VIS content than the statements analyzed in the current study. The issue of crime severity also bears implications for the ‘impact’ on sentencing, as I have discussed in study 1. Any ‘Impact’ VIS have, regardless of content, might change based on severity of crime in a given case. Moreover, although we used a previously existing dataset to generate the sample of VIS obtained for this study, I recognize that there might be other statements out there that were not accessible to this

study. This bias – the limited availability of some statements – could be related to differences in findings from a different sample drawn using different methods.

Next, the method of analysis used (*in Vivo* analysis) was guided by the VIS form and also by previous research in this area. However, a reasonable limitation is that it might be the case that some information was missed while coding – for instance, although I used thorough coding methods and looked at the data in many possible ways to extrapolate themes, a possibility is that a secondary coder could have found additional themes (or missed ones that I have found). This is not to say the methods used were not systematic – merely that different researchers will approach data in different ways.

Implications and Future Research

This research has implications for victims service agencies, (such as the Halifax Regional Police Victim Services and/or Department of Justice Victim Services). However, it also has applications for counselling and clinical psychology services for crime victims, and general mental health treatment for trauma and victimization. It is clear that victims find the process of writing and submitting a statement to be emotionally difficult. Although this was not explicitly discussed in any statements, this could pose as a barrier for victims of some crimes to participate in the process. Given that some estimates about the prevalence of VIS submission range between 7% and 13% (Roberts & Edgar, 2006; Study 1 of this thesis), it is vital to better understand some of the barriers preventing victims from submitting these statements. Follow-up research should aim to better understand what components of the VIS submission process act as a barrier to participation. However, it is also critical to acknowledge that many victims also reported feeling dissatisfied with the entirety of the justice process (everything from initial contact

with police, to extended court proceedings, to long-term stress in the aftermath) and this could impact participation in a greater capacity than just negative experiences in VIS production.

The current study only scratches the surface of victims research in Canada. Further studies should work to better understanding victims' perceptions of the justice process (see LePage, 2021). Although this study sought to answer the question of "what is actually said in the VIS?" I am not able to make assumptions about how victims feel about the process in general and what changes they feel are necessary.

Next, it is important to better understand the effect these statements are having in the justice system. Although these statements are said to be considered by judges (CVBR, 2015), it is unclear how much attention and weight they receive in the decision-making process. A follow-up study could then directly compare the results to a study such as this one ("what does VIS have to say") to judges' comments about VIS in their sentencing decisions or in interviews.

Future research might also explore victims' goals for delivering VIS. The goals of VIS will vary depending on the victim (Lens et al., 2015; LePage, 2021; Mastrocinque, 2014; Orth, 2003). A longitudinal study exploring victims' experiences, opinions, and goals throughout their journey through the criminal justice system might be informative. In particular, understanding victims' goals for delivering a VIS, examining the content of their VIS, and discovering how the sentencing judge referenced or used the VIS might shed light on whether victims' goals are satisfied.

Additional research might also examine court transcripts to explore whether the testimony delivered in court matches the content of VIS forms. Anecdotal evidence

obtained from observing sentences suggests that some victims “go off script” and deliver VIS that seemed to deviate significantly from the constraints of the VIS form. This idea is further supported by the finding in this study that victims who wrote their VIS directly into the VIS form seemed to stay on topic much more than VIS written as free-hand letters, which often deviate to discuss issues unrelated to harm, such as the victim’s character. How do courts deal with these situations where victims express their voices freely? What is the impact of these VIS on judicial decision-making?

Although anyone can be the victim of a crime, research demonstrates that increased risk of victimization is associated with a myriad of risk-associated factors including low socio-economic status, chronic exposure to trauma, and mental and physical health problems (Connolly & Gordon, 2015; Cornaglia et al., 2014; Janssen et al., 2021; Krulichová, 2021; Russo & Roccato, 2010). Just as the archival study (study 1) on sentencing outcomes is the first of its kind in Nova Scotia, perhaps Canada, here has never been a systematic analysis of victim impact statements themselves. These statements provide unique insight into a marginalized and vulnerable group of Nova Scotians whose health and wellness has been compromised.

For many people, crime victimization is life-altering and can be emotionally, financially, and physically draining. This effect is only exacerbated for marginalized, vulnerable populations (Manikis, 2015). For example, there are instances when being the victim of a crime could mean trips to the emergency room, follow-up appointments, physiotherapy, mental and physical health evaluations, and time in court. Any cost of lost work time other intangible costs to the victim are felt most by victims who are already at an increased disadvantage due to low socio-economic status. Additionally, if the crime

involves physical harm, any previously existing health conditions might be exacerbated. Similarly, psychological harm might exacerbate previously existing mental health conditions. VIS provide a glimpse into the health and wellbeing of Canada's crime victims (Canadian Resource Centre for Victims of Crime; 2016). This study has shed light on recurring patterns and trends in victim experiences.

Chapter 4: General Discussion

The CVBR (2015) states that all crime victims are legally entitled to submit a VIS to the court, with the goal of conveying the emotional, physical, and financial harm they have suffered as the result of a crime. VIS research began more than 30 years ago (Erez & Tontodonato, 1990) and to this day, the goals and effects of VIS are debated in literature, and victims' role in the judicial process remains controversial (Pascoe & Manikis, 2020; Pemberton & Reynaers, 2011). Nonetheless, VIS are cited as a critical element in providing victims with a voice. Some argued that VIS could, given their emotional nature, influence sentence length. However, clear evidence has yet to concretely support this claim (Boppre & Miller, 2014; Kleinstuber, Zaykowski, & McDonough, 2020; Lens, 2014).

Given the complexities that are associated with studying the justice system, the existing empirical literature on VIS is, by and large, primarily made up of mock jury designs which use convenience-based sampling methods. These studies are, in many cases, limited in terms of external and ecological validity (Bornstein, 1999; Wiener et al., 2011). Moreover, much of the research on VIS is focused on the dynamic between VIS and sentencing outcomes in death penalty cases in the US (Myers & Greene, 2004). This trend is unfavorable for Canadian researchers, given the limited generalizability of much of the existing empirical research. The process by which a victim interacts with the Canadian criminal justice system is a vastly under-researched and inconsistent field of study. Although VIS are only one part of this process, the current study hoped to shed light on this paramount facet of victim advocacy.

The goals of this thesis were twofold: First, I sought to understand some of the ways in which victim impact statements interact with the justice system. What does the submission process entail? Who submits these statements? Most importantly, do VIS impact sentencing length? In the simplest of terms, if a victim submits a statement, will the offender be in jail longer than cases where no statement was submitted? Second, I sought to better understand the content of these statements. If VIS exist to give victims a voice, what is that voice saying? What do victims want or need, and how do they express that to the court?

The current project is composed of two studies designed to develop an evidence-based understanding of the various ways that Canadian VIS are having an impact. Study 1 was a quantitative examination of archival sentencing data. The goal of this study was to answer questions related to the relationship between VIS and sentencing. Results found that cases with particularly severe crimes, such as murder and contact sexual offences, were the most likely to have a statement submitted. Moreover, results found that VIS are only associated with longer sentences in particular conditions. More specifically, VIS are associated with longer incarceration sentences but shorter probation sentences. However, once I controlled for crime type, it was found that VIS no longer predicts sentencing outcome at all. In other words, VIS do not make sentences longer; instead, VIS are more likely to be submitted in cases where the sentence is already going to be longer (because the crime is more severe). To the best of my understanding, the unveiling of this relationship is novel to the field of VIS research. This gap is partially due to the lack of archive-based designs in based research, but also a consequence of limited study scope in the past; the current study had not only a sample of real sentencing decisions from which

to draw conclusions, but more to the point, the sample was sizable and far-reaching – 1332 cases from across Canada with a wide array of crime types.

However, the results of study 1 also found no relationship between VIS presence and sentencing conditions, as well as no relationship between VIS presence and parole eligibility – relationships no previous Canada research had been able to examine. Finally, I found that cases with more than one VIS were associated with longer sentences than cases with just one statement. This finding is possibly another by-product of crime type. However, I also found that cases with orally delivered statements were associated with longer sentences than cases with VIS only submitted in writing.

Study 2 of this thesis was a qualitative content analysis of a sample of Nova Scotian VIS. This study is aimed at better understanding the qualitative "impact" of a crime experienced by victims. This study provided some insight into the thoughts and experiences of real people. Once again, in contrast to limited external validity of much of the research in the field of VIS (particularly VIS in Canada), this study provides a rich, detailed perspective while maintaining scientific rigor.

Results from this study found that overall, victims find the process of writing and submitting VIS to be retraumatizing and difficult. Many victims in this sample describe symptoms of severe and chronic psychological distress, often spanning years. Victims report that the experience of victimization shakes their day-to-day life and often impacts their ability to work, study, interact with others, and even sleep. Recovery from trauma often requires external help from support systems, mental health professionals, and medication. Victims who spoke about economic impact sometimes noted that the financial assistance provided is inadequate to support their recovery needs. Family

members of murder victims typically designate sections of their victim impact statement to talking about their lost loved one. They commonly comment on the victim's character and citizenship, and express that their loved one was undeserving of the fate they experienced. VIS submitted in some cases touched on the added trauma of long and drawn out court processes and the barriers that poses for their recovery. Victims frequently express their disenchantment with the criminal justice system.

These studies complement each other in complex ways. Victim impact statements are meant to give victims a voice. It does not appear to be the case that VIS make sentences longer, and it is unclear the extent to which writing and submitting a VIS acts as a form of catharsis or healing, although victims express that they hope it will help. Despite years of research, the goals of delivering a VIS are unclear and the results of this study serve to inform future victims' decisions about why they are submitting a statement.

Finally, this thesis, which includes both quantitative and qualitative methodology, contributes to the general state of understanding of how VIS make an "impact" to the Canadian justice system. However, so much additional research is necessary. What are victim's goals in submitting VIS, and are they being met? Is the system adequately set up to help victims achieve their desired goals?

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APPENDIX A: ARCHIVAL CODEBOOK

**Archival Victim Impact Project
Code Book and Term Dictionary**

Fall 2019 - Summer 2021

Graduate Student Supervisor: Gena Dufour

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

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

Thanks to those who helped put this codebook together:
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:

Abigayle Winters	Katherine Heim
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Bridget Dooley	Martina Faitakis
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Brooke Wilson	Melissa Corbett
Caleigh Penny	Meylin Zink Yi
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Jilliane Singer	Prachi Gaba
Jennifer McArthur	Rebecca Ryan
Jess Rector	Sam Thoms
John Hillier	Sabrina Mamtaj
Journey Giesbrecht	Sundus Saqib
Kaitlyn Jobe	

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 All of the crimes in the three categories below	Total number of Homicide-related charges

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

<p>NON-CONTACT based sexual offences</p> <p>Invitation to sexual touching- 152</p> <p>Voyeurism- 162 (1)</p> <p>Luring-171 (a) (b) (c)</p> <p>Public exposure/Indecent Act- 173 (1) (2)</p> <p>Pornography or pornography related charges (including child porn)- 163.1 (1) (2) (3) (4)</p> <p>Prostitution related crimes (including pimping)- 286.1</p> <p>Conspiracy to commit sexual assault-490 (1) e</p> <p>Human Trafficking * (check with Gena) -279</p>	<p>Non-contact sexual offence charges</p>
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<p>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) 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>Other</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>	<p>Kidnapping, confinement and abduction</p>

<p>Fraud- 380 (1) Theft- 322 (1) Robbery- 343 Forgery/forging documents- 375 Extortion- 346 (1)</p>	<p>Theft/fraud/robbery</p>
<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>	<p>Assault</p>
<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>	<p>Drug related charges</p>

*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 to believe 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 doesn't 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 insincere, 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 lawers 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 ARENT 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 	<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

	<p>punishable by summary conviction</p> <ul style="list-style-type: none"> - \$200 in the case of an offence punishable by indictment 	<p>not have to pay it), code as '7777'</p>
<p>Restitution order</p>	<p>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.</p>	<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	<p>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</p>	<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	<p>order pursuant to S. 487.051(1)</p> <p>Always applied for primary designated offences and sometimes for secondary designated offences (at the judge's discretion)</p>	<p>0 = no (not present) 1 = yes (present)</p>
SOIRA Order	<p>SOIRA (Sexual Offender Information Registry Act) order</p> <p>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</p> <p>Used for all sexual-related offences and other offences that were committed "with the intent to commit a further sexual-related offence"</p>	<p>0 = no (not present) 1 = yes (present)</p>

Firearms and weapons prohibition	<p>pursuant to s. 109</p> <p>10-year period for first offence</p> <p>Lifetime prohibition for subsequent offence</p> <p>i.e. prohibited from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, and explosive substances</p>	<p>0 = no (not present)</p> <p>1 = yes (present)</p>
Other prohibition	<p>Might include prohibition from</p> <ul style="list-style-type: none"> - Driving - drugs or alcohol, - Use of internet/digital networks - Employment restrictions 	<p>0 = none present</p> <p>1 = one present</p> <p>2 = more than one present</p>

<p>Non-Communication or proximity Orders</p>	<p>Pursuant to s. 743.21 (1)</p> <p>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.</p> <p>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</p> <p>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</p>	<p>0 = no (not present) 1 = yes (present)</p>
<p>Treatment/Counselling Order</p>	<p>Offender must attend, participate in and successfully complete any intake, assessment, counselling or program as directed by the probation officer with programs relating to anger management, alcohol and drug abuse</p>	<p>0 = no (not present) 1 = yes (present)</p>
<p>Order for Apology</p>	<p>If the judge orders the offender to issue an apology to the community or the individual</p>	<p>0 = no 1 = yes</p>

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
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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.

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APPENDIX B: NOVA SCOTIA VICTIM IMPACT STATEMENT FORM

Victim Impact Statement

Case Identification

Name of the Victim (PLEASE PRINT/TYPE):

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

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

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

Your statement must not include:

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

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

Emotional Impact

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

- your lifestyle and activities;
- your relationships with others such as your spouse, family and friends;

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- your ability to work, attend school or study; and
 - your feelings, emotions and reactions as they relate to the offence.
-
-
-
-

Physical Impact

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

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

Economic Impact

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

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

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

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Fears for Security

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

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

Drawing, Poem or Letter

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

I would like to present my statement in court.

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

Dated this _____ day of _____, 20____, at

Signature of declarant

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

Dated this _____ day of _____ 20____, at

Signature of declarant

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

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APPENDIX C: SUPPLEMENTARY EXAMPLES FOR STUDY 2

Theme	Quote
Emotional Harm	
Impact on lifestyle	<i>“Before [Victim] died I enjoyed many activities with a positive attitude but now there are days when it is a huge struggle to enjoy what I used to find so pleasurable. My spark and zest for living have dimmed.”</i>
Permanent Impact	<i>“Over time, we have processed the grief, and we can remember [Victim] with fond nostalgia – we keep a large picture and several mementos in the office – but when we gather to celebrate our working family, it is never quite the same. There is an empty chair, an echo of laughter but the laughter is missing.”</i>
Impacted ability to enjoy the holidays	<i>“We do not get to celebrate our wedding anniversaries as we should, because they are a grim reminder of [Victim’s] death. Instead of celebrating we grieve. [...] My wife and I used to socialize with our family and friends attending almost every party and celebration, dancing and enjoying the festivities, but... when [Victim] was killed it also killed the joy in our home; it changed us forever. We do not go out to parties, weddings and dances; the invitations still arrive at the door, but we cannot face the crowds. We are not the same people we were before [Victim] was killed. [...] Family functions, Christmas, birthdays-times [Victim] lived for, no longer bring joy, but cause more grief.</i>
Impaired interest in special activities	<i>“I used to enjoy volunteering my time to many causes, but I find myself less and less enthused to dedicate my energy to such causes and I seem to need most of my energy to get through the day.”</i>
Impacted on ability to work	<i>“During this time, I was not able to focus at work – I work a high-risk job in industrial construction so this was also a dangerous few</i>

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days. I did mention what was going on to my co-workers and I'm sure I was visibly distraught."

- Impact on ability to study *"I could no longer sleep. I had night terrors for almost a year after, causing it to be difficult to focus on my studies for school. [...] I took a crime and punishment class in my last year of school; it was hard to go to these lectures as the subject matter would trigger me back to [Victim's] murder. [...] My GPA suffered greatly and I ended up having to quit my job in order to bring my GPA back up to what it was before."*
- Impact of stress *"I went from never having experienced a panic attack before, to having over 100. Zero to 100. The only way I could describe what was happening to me was that my brain was breaking, and I was afraid I would never be fixed. Triggered by violence in films or television, yoga, certain music, crowded public places or even nothing at all. The feeling like the world around me was caving in is indescribable."*
- Impact on elderly parents *"I have been taking my mother to hospital + Dr. at least once every month for the past 7 months. She so stressed mentally. She just giving up on life."*
- Violated trust *"When I found out that [Offender] had murdered them, I felt stupid for worrying about him. I felt betrayed, frustrated and angry that someone I trusted and thought of as family had taken away two of the most influential and loving people in my life away."*
- Isolation *"I withdrew from friends, I shut down social media. Seeing [the offenders] face and reading the comments would break my heart over and over again."*
- "I rarely spoke to my family and friends and was too afraid to reveal all of the awful things [the offender] would do and say to me. [...] I*

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left my friends [...] I had a hard time being social, being in relationships and would repeatedly lock myself in the bathroom and cry. I didn't want my family or friends to know I was still hurting; I wanted everyone to think I had moved on. Suppressing all that anguish only made matters worse."

Anxiety

"Medication for PTSD, including depression + anxiety, as well as panic attacks have become our unfortunate norm. Permanently traumatized by such a horrific event."

Medication and therapy for anxiety

"With time and professional therapy, I have worked through some of the anxiety, but the worry has not gone completely. I know there will still be times when the awful images haunt me, and I will never escape the knowledge of what was done."

Rumination and overthinking

"With vivid visions of what my mind made up as [Victim's] last moments replaying in my mind, over and over. Night mares, night sweats, feelings of being out of control, and being scared for my own sanity."

Rumination specifically about the offence

"At night, when my restless thinking is at its worst, I often think of her lifeless body and feel the need to do something to protect her from this fate, even though I know it is too late, I feel desperate to make it not so."

Mood fluctuations

"Emotions- it ranges from anger to happiness, from I'm on top of the world to I want to crawl in a hole and never come out."

Panic attacks and PTSD

"I constantly suffered from panic attacks and flashbacks from past incidences that night."

Physical Harm

Day-to-day impairment

"I have a deep sense of rage that interferes with my work, my physical health, my focus and my direction. [...] Anxiety, sleep disorders, hormone imbalances, triggers, constant aches and pains, explosions of rage..."

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these are some of the realities of coping with the murder of my best friend."

"He took away my ability to control my body. Sometimes I shake so badly all I can do is lay down and pray for it to pass. My heart beats so fast and hard it feels like I'm having a heart attack, I can hear pounding in my ears as I try to go to sleep. [...] [The offender] took away my ability, my right to feel comfortable in my own skin, to be comfortable in my own mind."

Cognitive impairment

"People say to me: "Oh you are so strong." No, I am not! I still have issues with short-term memory loss and my ability to focus and concentrate has been compromised. I sometimes find that I second-guess myself or second-guess my decisions. There are days when I simply feel confused."

Sleep issues

"To this day, it is difficult to enjoy sleep as I am always tired, never enjoying a full and restful sleep"

"Since [his] death I have difficulty sleeping at night, many nights I wake up and cannot get back to sleep for hours; this effects my performance during the day."

Self-injury

"Attempts at self-harm became a routine part of my life."

Financial Harm

Financial loss from missed work

"I had to take a leave of absence from my job for 5 months largely due to depression and grief resulting from her murder."

Missed work because of court

"I missed so much time from work because of this. My mom is not working. I'm a part-time cashier, I had gotten so much stuff like bills behind to the point of getting them disconnected. All my money goes from travelling back and forth [to court]."

Lost work to attend to family affairs

"I took 1-1 1/2 weeks off initially to help settle things down in [the city]. I am a contractor so

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this of course came with loss of revenue not only to me but to the company, roughly to the tune of \$3k to myself and \$15k to the company.”

The inadequacy of insurance

“Cannot work therefore not enough money to provide for myself and family, and not getting enough from Income Assistance. No cell phone, so not able to be reached for appts etc. Cannot work therefore always behind on bills, vicious cycle.”

The cost of medical expenses

“I can’t put a price on how the offence has affected me emotionally, but the financial cost of continued counselling and medication is in the thousands. I’ve had to seek out a specialist doctor at an integrated medical clinic that is not covered by medical insurance as I knew I needed special help in dealing with this traumatic event.”

The need to rely on others financially

“Cannot work (unemployed). I lived with mother for three month and she provided financial support. [I am] on disability.”

The need to move or relocate

“I ended up leaving [City] and going back home to [another province] in order to get my mental and physical health under control.”

Loss of income from deceased loved one

“The financial burdens of [my partner] and my’s domestic situation, were becoming too much on my own. We shared all living expenses, and I was left with double the financial obligations. So, only three months on, I was forced to move from the space we shared for all those years. With his family in [Region], this meant that I had to deal with going through all of his things, way before I was even close to being ready to do so. The trauma of that process set my healing process back yet again.”

Fears for security

Fears for one’s own safety

“I was scared to sleep and I was scared that I may be killed. [...] I was scared to tell people my address. [...] I was scared to walk

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	<i>anywhere by myself, in a city that I used to feel was fairly safe.”</i>
Fears for the safety of loved ones	<i>“As I mentioned earlier, I’m scared. What of? Lots of things, like when my mom goes out for even 5 minutes, I’m worried something will happen to her and, I’m afraid to lose someone close to me that I truly care about.”</i>
Fears for children’s safety	<i>“I have a sick, empty feeling inside and when I think of this ever happening to one of my own sons, I feel nauseated.”</i>

 Additional Themes in VIS Content

The brutality of the offence	<i>“How does one begin to express the impact of losing loved ones in such a violent way? [...] Their brutal murders will never leave me and there is a gap, a hole, where they used to be in my life.”</i>
The trauma of court and accusations	<i>“And then after the worst of the details of [victims] death were revealed publicly we still had to endure another nightmare – the portrayal of [victim] by the accused. [...] And though I am grateful to the Crown and their presentation of the case and the jury for coming to the judgement that they did, the damage done by the words of the accused can never be undone.”</i>
Stress of long trials	<i>“I was tortured with the looming court case.”</i> <i>“To go through this for years is torture. Every court date, to the anniversary of his death, to birthdays, those are the hardest. On the hardest days, of all the emotions come back. We are forced to relive this nightmare all over again. More anger and pain builds up, which is hard to cope with.”</i>
The importance of participating in the justice process	<i>“I will be there at every parole meeting, every court appearance, fighting for you to stay in jail and pay for your cowardly actions. That is how I will make you pay for your betrayal.”</i>

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Experience preparing a VIS	<i>“My words will never be sufficient to describe this loss. [...] The pain that has resulted from losing [Victim] is unlike any I have ever experienced. It is a pain so entire, so complete, that it is capable of swallowing everything whole.”</i>
Comparing VIS to eulogies	<i>“On first blush it seems superfluous to ask the parent of a murdered child to write an impact statement. Everyone knows it is devastating... life altering... impossible to recover. [...] I thought I might use my daughter’s eulogy to help with the preparation of this statement. However, when I read it today, I find myself brought to my knees in convulsive tears... a sadness so overwhelming I cannot bear it... and this more than two years after her death.”</i>
Questioning the purpose and content of a VIS	<i>“I am supposed to express to you, in this statement, how my life has changed since [Victim] was killed. Except I can’t do that. I can’t just talk about me. This crime has affected my entire family so adversely that I can’t simply talk about one loss when I talk about impact. [Victim’s] entire family has been ripped apart by this death and devastated to the core. Our mom, our step father, our brother, our father, her brother-in-law, and her niece and nephew – these are the people who have been affected and whose lives have changed forever. We suffer every day with the grief that she is gone and the horror of why she is gone. I can’t look at my dad and not think of the nightmares he has because I know what he saw when he walked into her house once the investigators were done their work. How can I not mention this in a letter?”</i>
Extraneous questions left over	<i>“I didn’t understand then and I don’t understand to this day why this happened.”</i>
Prayer about the offender	<i>“I do believe that the only judgement day that truly matters is the one where you have to face our God above and finally pay for your actions.”</i>

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Comments to or about the offender	<i>“I don’t know if he wishes he could take it back, but you see that’s the thing with murder, you can’t take it back. It stays with you and will haunt you for the rest of your life, no matter how hard you try to deny it. Hate is a strong word. Forgiveness is another one. I hate what has been taken from her family, from her friends, her community. [...] As for forgiveness, that word is meaningless to me.”</i>
Offender’s lack of remorse	<i>“Unfortunately, this process consisted of me sitting down for hours being discredited while [the offender] and his father smirked at me. Right then I knew there was no remorse from him.”</i>
Offender’s inability to take responsibility for their actions	<i>“He chose to do all of these horrible things. It was his decision and is his responsibility to take ownership of these actions.”</i>
The ‘unfairness’ of the situation	<i>“[The offender] still lives and has the option of one day functioning again in society. [Victim] and [Victim] live only in our memories and hearts.”</i>
The effect on children who grow up without parents	<i>“[The children] lost their hero, their daddy. [...] They adored their father so much. [Victim] lived for his daughters, they were the most important people in his life. [...] The morning that our family had to tell them their dad was in heaven was absolutely heart breaking. [...] To hear their pain and sorrow was truly gut wrenching. They cried for days. Through the entire funeral, all that could be heard was the sobs and cries of two devastated little girls. [...] They know bad things can and do happen. Because it happened to their daddy.”</i>
The impact of crime on family members	<i>“My father, I watched a part of his soul die the day I said I didn’t want to fight anymore, I wanted to close my eyes and never have to open them again, I couldn’t be a [Victims last name] anymore. [I have] memories of my daughter watching me become that way and</i>

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- hearing her screams as I'm being taken away."*
- The experience of losing a child *"How do you put into words or explain how our life is forever changed by the death of our child. You can not even imagine unless you have been there yourself. The disbelief, the heartache, the emptiness, sorrow, night mares, tears and the sense of loss consume you."*
- "Death is always painful, but the pain is compounded considerably when your child has been murdered. My son is missing from our family. I miss him every hour of every day and now I am left with a legacy of hurt, frustration, resentment, confusion and anger. It is now more than five years and I still deal with many of my initial reactions. I have moments of depression and irritability and emotional terror; leaving me wondering if I am ever going to survive this dreadful nightmare which I am forced to confront every day."*
- Experiences with counselling or therapy *"With time and professional therapy, I have worked through some of the anxiety, but the worry has not gone completely. I know there will still be times when the awful images haunt me, and I will never escape the knowledge of what was done."*
- "I had to go to therapy, and try my hardest to let myself go but I couldn't open my heart up to some stranger."*
- Hospitalizations after trauma *"Within the last two years, my personal life has undergone a blitzkrieg of unimaginable of agony. The mental illnesses that [Victim] helped quell have come back to haunt me at full force. My physical body has been ravaged by depression and anxiety, leaving me tangibly weak to the point of near hospitalization in [date]."*
- Medication after trauma *"My days can be filled with depression which has required me to take medication and to seek counselling."*

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	<i>“Anti-depressants medication: citalopram 30 mg from [date]- present.”</i>
Victim Character	<i>“You will hear nothing but my love for [Victim] and how she impacted my life in a positive way. She was warm, brave and had a vision for the way the world should be. By that I mean she saw beauty in the future over everything else. She had a unique sense of humor that was timely, friendly and enlightening.”</i>
	<i>“She prided herself on neatness, cleanliness, and organization. She was always there to do my hair or make up for a special occasion, to pick out an outfit, or to help me re-organize a room in my home and make it look like new.”</i>
Victim Citizenship	<i>“[Victim] was a kind, beautiful and generous woman. Someone who inspired not only myself but others. She knew what she wanted in life and worked hard to achieve it. She never lost sight of her dreams. She never stopped caring about people. She strived every day to make a difference and she will never be forgotten by the lives she has touched.”</i>
Victim’s relationships	<i>“[Victim] and myself were first cousins, even still we come from a close family so he was more like a big brother to me. [Victim’s] passing was by far the most difficult thing I’ve had to deal with in my life.”</i>
Things victims are missing	<i>“You stole the opportunity for [Victim] to accomplish her dreams, to see her son grow up and live a full life. [...] She was constantly helping people and she had her whole life in front of her, [Victim] could have been or done anything she wanted.”</i>
Undeserving of fate	<i>“I hate what has been taken from her family, from her friends, her community. She lost her life, her liberty, her security, her freedom, her voice, her everything, basic rights that some don’t deserve to have. I hate to think that she</i>

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may have suffered, and that she was just thrown away like she was nothing. I hate thinking of her being out there all alone with no one being able to save her.”

Shared positive memories of the victim

“I remember within the 1st month of dating [Victim], she showed me a baby book that I think maybe her mother had put together - family photos from the time she was newborn up to her early teens. I was struck by it for two reasons - 1) she was an incredibly cute kid and her face (and bangs) had barely changed at all from the time she was a toddler 2) I could tell instantly from this book that her family cherished her immensely.”

“Sunday dinner they would come to my grandmothers and spend the day with everybody. For at least a year after, I’d look out the porch window fully expecting to see his car parked outside. You could always hear him laughing or messing around. The only time he was actually ever quiet was when he was eating!”

Finding out about the offence

“On [date] our family was brought to our knees as we were told [Victim] was taken from us. A piece of me died in that moment.”

The moments leading up to finding out about the offence

“In the early morning of [date], my sister and I woke up to the most devastating phone call, through the phone we heard screams “[Victim] is gone.” I’m screaming “What are you talking about?” “He’s dead, someone killed him.” those words are permanently etched in my brain. My heart sank I was crying uncontrollably “What happened? What happened?” I just could not wrap my head around what I was hearing.”

Additional context from before the offence

“A week before [Victim] was taken from us, we were celebrating his mom (my aunts) wedding. [...] I would never in my life think those would have been my last days spent with him. One week later I received a phone call [...] and heard the news that [Victim] was gone. My

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whole world stopped, I went into shock and disbelief. For me to call my younger cousins and break the news to the tore my heart apart.”

Emotions	
Grief	<i>“I couldn’t think. I couldn’t move. I couldn’t speak. I was completely immobilized by grief. [...] My words will never be sufficient to describe this loss.”</i>
Loss	<i>“The loss I feel is indescribable. I have lost one of the best human beings I have ever known. I feel sick to my stomach when I think of the pain [Victim] would have felt in her last moments of life. I feel such heartbreak when I think of how I will never see her face or hear her voice again.”</i>
Sadness	<i>“Like every birthday and every Christmas since her murder – everything that is supposed to bring me joy only brings sorrow. These special days are only cruel reminders that my life, our lives are changed forever for the worse.”</i>
Anger	<i>“I feel angry that this has happened. I feel angry that her life was stolen from her.”</i>
Guilt and shame	<i>“Then there is the responsibility that I feel for not having stopped this terrible tragedy from happening and all of the “what if’s” that I now live with.”</i>
Powerlessness	<i>“Nightmares don’t only happen at night. Whether I’m awake or asleep I feel powerless to the flashes. They are like a movie that plays over in my mind They can happen anytime of the day.”</i>
Helplessness	<i>“There are moments when I experience strong feelings of hopelessness about my future, strong feelings of helplessness and guilt for not being able to protect [Victim] from the cruelty of others.”</i>

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Tiredness/Emptiness	<i>"I felt empty and numb, as if my mind had completely left my head and I didn't know how to think or feel."</i>
Frustration	<i>"I am left with a legacy of hurt, frustration, resentment, confusion and Anger. It is now more than five years and I still deal with many of my initial reactions."</i>
Betrayal	<i>"[The offender's] betrayal was the last thing [Victim] knew."</i>
Forgiveness	<i>"I've been told time and time again in order to heal you must first forgive. One day you deserve to be forgiven as you are human too, but for me, forgiveness is not easily given."</i>
Overarching Themes	
Long Term Healing	<i>"I have attempted to not be defined by her death but, others warn "You will never be the same." They are correct."</i>
Feeling unprepared to deal with trauma	<i>"I've worked in health care providing care to cancer patients and have experience and training in death and dying, but nothing can prepare you for the loss of a child. The hardest thing I've ever done or will ever do in this life is tell [Victim's] mother and brother that [Victim] was gone."</i>
Reasons for VIS submission	<i>"Why submitted on behalf of victim: I feel this is the only way I can help [Victim] now in this horrific situation."</i>
