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**VICTIM IMPACT STATEMENTS
IN CANADA**

VOLUME 7

A Summary of the Findings

Carolina Giliberti

1990

WD1990-11a

**Research and Statistics Division/
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de la statistique**

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This summary report is based on reports commissioned by the Department of Justice Canada.

It may therefore reflect views that do not necessarily represent those of the Department of Justice Canada.

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1.0 BACKGROUND

Over the past several years, the Government of Canada has been part of an international movement to provide increased recognition to the needs and concerns of victims of crime. Advocates of victims' rights have argued that the introduction of victim impact statements would make the criminal justice system more accountable to crime victims, and that increased victim involvement would reduce the sense of estrangement and powerlessness often felt by victims as a result of perceived procedural insensitivity to their needs and concerns. By providing victims with an opportunity to inform the court of the actual effect on them of a crime, it was hoped that their sense of alienation would be reduced and that they would be more willing to cooperate in the criminal justice process in the future.

The Canadian Experience

The impetus for developing victim impact statement programs in Canada followed the 1983 report of the Federal-Provincial Task Force on Justice for Victims of Crime. The task force recommended that:

"The Criminal Code be amended to permit the introduction of a victim impact statement to be considered at the time of sentencing"
(Recommendation 21).

The report of the Canadian Sentencing Commission (1987) also noted the importance of victim impact statements. Recognizing the extent to which victims have felt excluded and manipulated by the criminal justice system, the Commission recommended that:

"Where possible, prior to the acceptance of a plea negotiation, crown counsel be required to receive and consider a statement of the facts of the offence and its impact upon the victim"
(Recommendation 13.2).

In October 1988, Bill C-89, An Act to Amend the Criminal Code (Victims of Crime) was proclaimed. Included in this Act was a provision that permits the introduction of victim impact statements into the justice process at the time of sentencing.

In 1986, as part of the policy development process in the victims area, the Department of Justice Canada initiated the development and evaluation of a series of demonstration projects to test different models for implementing victim impact statement programs. Five projects were funded and evaluated through the Department of Justice, each with a deliberately different setting and context. These were a police-based model in Victoria, British Columbia; a mail-out questionnaire model in Calgary, Alberta; a court-based model in Winnipeg, Manitoba; an RCMP-based model in North Battleford, Saskatchewan; and a crown-based model in Montreal, Quebec. In addition, the Department evaluated a police-based mail-out questionnaire model in Toronto, Ontario. With the exception of the evaluation of the Montreal project, all the evaluations are now completed.

2.0 DESCRIPTIONS OF THE FIVE COMPLETED PROJECTS

The **Victoria Police Department Project** targeted victims of eight primary categories of crime, provided that a charge had been laid: sexual assault, nonsexual assault, robbery, residential breaking and entering, theft under \$1000, theft over \$1000, impaired driving cases where a victim had been identified, and homicide. Other minor categories such as wilful damage/mischief were added if they seemed significant and/or if they were included with one of the above targeted offences.

In the Victoria project, a police constable, supported by a clerk, had overall responsibility for contacting the victim and arranging for the preparation of the statement. Each morning the constable received a copy of the "Arrest and Court Docket Sheet". The constable identified those charges falling into the categories targeted by the program, obtained the relevant file from the records division, and opened a victim impact statement file. The constable then contacted the victim by phone to determine if he or she wished to complete a statement. (If the individual was a victim of a sexual assault or spouse abuse, a female constable would contact the victim and conduct any subsequent interviews.)

If the victim agreed to participate, an appointment was made for a personal interview. Following the interview, the constable prepared a victim impact statement based on the notes taken during the interview. Unless an update of the statement was completed, victims usually did not see or sign the prepared statement. This statement was then delivered by the court liaison officer to the crown office, and its use became a decision for the crown counsel handling the case.

The **North Battleford Victim Impact Statement Project** was staffed by a civilian coordinator and clerk who were employed specifically for their positions. They were based at RCMP quarters with direct access to police files. Eight broad categories of offences were targeted for inclusion in the project. Because the number of offences occurring in the eight categories exceeded the capacity of one coordinator, not all offences could be included in the program. As a result, the coordinator systematically selected a sample of incidents from each of the offence categories. The offences and their respective sample size were as follows:

- 1) assault -- every third assault occurrence (excluding spousal, sexual and child assaults) for which a victim could be identified;
- 2) spousal assault -- all spousal assault incidents;
- 3) child assault -- all child abuse incidents;
- 4) sexual assault -- all sexual assault incidents;
- 5) robbery -- all robberies for which a victim could be identified;
- 6) breaking and entering -- every third break and enter;

- 7) theft over \$1000 -- all offences in this category for which a victim could be identified;
- 8) motor vehicle theft -- every third motor vehicle theft for which a victim could be identified.

Victims in the above eight categories were asked to participate in the program, regardless of whether charges were laid in their cases.

Each morning the victim impact statement coordinator received a copy of the "Police Information Retrieval System" printout. The coordinator screened the offences and identified those eligible for inclusion in the program. The coordinator attempted to contact the victim and set up an interview as soon as possible by telephone or by personal visit. Interviews were conducted by the coordinator at the victim's home with the aid of an "offence-specific" victim impact statement questionnaire. Unlike all the other projects, which used only one statement form, the North Battleford project developed five different forms to be used for various offences. Following the interview, the victim was asked to sign the statement. The coordinator prepared a narrative summary, which was attached to the statement questionnaire, and both documents were then forwarded to the RCMP Court Liaison Officer or Youth Liaison Office and the Crown Prosecution Unit. Use or nonuse of the statement then became a decision for the prosecutor handling the case.

In cases where victims completed statements but the offenders were never apprehended, the statements remained on the program files and were closed only when the police files on the incidents were closed.

The **Winnipeg Victim Impact Statement Project** commenced in 1986 and was housed adjacent to the Criminal Prosecutions Division of the Manitoba Attorney General's Department. The project was staffed by one full-time victim impact worker, who relied on the Winnipeg Police Department Court Unit staff to isolate and forward eligible cases. Victims were eligible for inclusion in the program if the following criteria were met:

- 1) The offence was one of assault causing bodily harm, assault with a weapon, aggravated assault, sexual assault, or robbery (noncommercial).
- 2) The offender had been arrested and charged.
- 3) The offence took place in one of three of Winnipeg's six police districts.
- 4) The victim was at least 14 years of age and the offender was an adult.

Once eligible victims were identified, the worker attempted to contact each one to make an appointment to complete a statement. Interviews using an unstructured questionnaire were undertaken. At the conclusion of the interview, the victim was asked to read the worker's notes for accuracy, sign and date the questionnaire.

Following the interview, the worker prepared a concise narrative based on the questionnaire notes, to serve as the actual victim impact statement. Unlike all the other projects,

where the victim impact statement was given to the crown attorney (i.e., entered into the system) as soon as it was completed, the Winnipeg project introduced the statement only after a disposition of guilt and just prior to sentencing. More importantly, copies of the statement were given not only to the prosecutor but also to the defence counsel and the judge. This difference represents a departure from the philosophy of the other projects. In Winnipeg, the statement was considered to be the property of the victim. At all of the other sites, statements were the property of the court and used at the discretion of the crown attorney. Thus, if the crown attorney did not use the statement, the judge and defence counsel were unaware of its existence. In Winnipeg, the crown attorney still used discretion when deciding whether to refer to the statement during submission to sentence; however, in all cases the defence attorney and judge were aware of the existence of a statement at the time of sentencing.

For those cases where sentencing occurred as a continuation of the trial, the worker relied on the crown attorney to request the statement that was delivered immediately for distribution.

The **Calgary Victim Impact Statement Project** commenced in February 1986 and operated out of the Calgary Police Department, Community Services Section. The project was staffed by a full-time civilian coordinator and featured a mail-out/mail-back system that required victims to complete the statements themselves with no personal assistance from project staff.

Victims of the following categories of offences were eligible for inclusion in the program:

- 1) Assault -- in spousal assault cases telephone contact was made and agreement from the victim obtained before the statement was mailed out.
- 2) Homicides -- relatives of homicide victims and victims of attempted homicide were sent a statement.
- 3) Noncommercial robberies.
- 4) Residential break and enter.
- 5) Sexual assault -- if the victim was a minor, statements were sent to the parent or guardian. In the case of a sexual offence where a sexual assault had taken place, an investigating officer from the sex crimes unit was contacted for advice on whether to mail out a victim impact statement. In about 30 per cent of these cases, officers decided against having a questionnaire mailed out. In 10 per cent of the cases, investigating officers personally took the statement forms to the victim; statement forms were mailed in the remaining 60 per cent of cases.
- 6) Child abuse cases -- a member of the child abuse unit was consulted to determine the advisability of requesting a statement from a nonoffending parent or the child victim. If the officer suggested a statement be sent, the coordinator did so.

The Calgary Police Department computerized information system was programmed to automatically route copies of the targeted offence categories to the project office. On receipt of this information the coordinator mailed to victims a victim impact statement questionnaire and a

form letter explaining the purpose of the program, regardless of whether charges had been laid. At the request of police officers or crown prosecutors, victim impact questionnaires were also sent to victims of other offences, such as traffic and vehicle fatalities.

On the return of a completed and signed statement, a file was opened and case information obtained. Where charges had been laid and a court date established, the statement was sent to the crown attorney's office. Prosecutors were then free to use the statements at their own discretion.

In January 1987, the **Metropolitan Toronto Police Force** introduced its Victim Impact Statement Program. The victim impact statement was collected by means of a four-page form that was given by the investigating officer to victims of serious crimes. Completed forms were then returned to the officer. The distribution of victim impact statements was at the officers' discretion; they were instructed to make these forms available to selected victims of crimes. The police force standing order specified that if a crime has had a significant impact on a victim, the victim should be given the opportunity to complete a statement. Victims were informed that their participation was voluntary and that the form should be returned to the investigating officer at the Police Department within 10 days of receiving it.

Once returned, the victim impact statement was placed in a crown envelope containing the prosecutor's brief and was sent to the prosecutor's office to be introduced at the discretion of the prosecutor.

3.0 RESEARCH METHODOLOGY

The evaluation of each project covered three main areas:

- 1) An examination of the program operation and success in meeting its main objective (i.e., the preparation and presentation of the statements to court).
- 2) An examination of the effects of participation, in a victim impact statement program, on victims' satisfaction with the criminal justice process.
- 3) An examination of the effects of victim impact statements on the justice system (i.e., the effects on the administration of justice).

As previously indicated, each victim impact statement program had very different program objectives and each project evaluation was designed to address these specific objectives. Nonetheless, each site evaluation also included an examination of the problems and other issues that emerged as a result of the experimental nature of each project. The methodology and analysis, for components addressing problems and issues concerning the use of victim impact statements, were comparable across all sites.

3.1 Research Designs

In Victoria, the research design relied on a comparative control group using interviews with persons victimized prior to inception of the program. In Calgary, the evaluator developed a design that involved a comparison of cases within the total population of eligible victims. The Winnipeg project evaluation was based on a quasi-experimental analysis design, whereas the evaluation in North Battleford was a comparison of randomly selected victims of crime who may or may not have experienced the program intervention, or received a victim impact statement. Because of logistical problems in completing the criminal justice system research in Toronto, (there are more than twelve Police Divisions across Metropolitan Toronto) the study was a program review rather than an evaluation; thus, a control group design was inappropriate.

3.2 Data Sources

Many of the evaluation data did not exist in program documents. In addition to collecting information from police and court files, data were obtained primarily from interviews with victims, prosecutors, and other justice officials. To this end, interview schedules were developed for victims who participated in the program, victims who were eligible but failed to respond to the program, and victims in the control/comparison/ preprogram group. All research designs involved either face-to-face interviews (North Battleford) or telephone interviews (all other sites) with victims. As well, in all sites, criminal justice officials with victim impact statement experience were interviewed in person.

Interviews with victims were designed to capture information on their views and perceptions of the program with respect to the following:

- reasons for participating or not participating in the program;
- purpose of the program;
- type and accuracy of the information collected;
- extent to which victims felt that statements conveyed the actual impact of the crime to justice personnel;
- extent to which they derived some benefit from the program;
- extent to which the program may have exacerbated their victimization.

Interviews with victims also solicited demographic data and information on previous victimization.

The following indicators of victim perceptions on involvement with the processing of their case were also obtained:

- degree of contact with various members of the justice system;
- awareness of criminal injuries compensation program;
- knowledge of charges laid;
- attendance at court;
- knowledge of case progress;
- attitudes towards various justice system members;
- satisfaction and dissatisfaction with process; and
- knowledge and degree of satisfaction of sentence or outcome of case.

In an effort to obtain more reliable information on the use of the victim impact statement by crown attorneys, a checklist was developed that required crown attorneys to indicate their use of the victim impact statement as cases progressed through the court. Its main purpose was to capture limited data on the use of the victim impact statements prior to sentencing, and more detailed data on usage during sentencing. For ease of completion, the checklist was usually appended to all victim impact statement forms that were sent to crown attorneys.

Justice personnel interviews and the crown attorney checklist were intended to provide information on the extent to which:

- victim impact statements were used;
- victim impact statements contained new and useful information (e.g., similarity and/or difference in relation to police and presentence report information);
- victims were consulted;
- victims were cross-examined;
- victim impact statements were challenged;
- information in the victim impact statement was useful in recommending sentence;
- victim impact statements were used at other stages of court processing;
- justice personnel explained their support of victim impact statements;
- patterns or trends may have developed as a result of their usage;
- victim impact statement could be improved; and
- the means of introducing victim impact statements into the system could be improved.

4.0 RESEARCH RESULTS

The research results are grouped into three main areas: general operation of the program and the completion rates for different project models; the impact of completing the VIS on the victim, and the impact of introducing these statements to the criminal justice process.

To put the evaluation results in an appropriate context, a number of factors must be considered. First, the project evaluations were completed prior to the proclamation of legislation. Hence, there was no legislative authority permitting the introduction of these statements in court. Although judges could hear victim impact statements without this authority, statement usage in absence of legislation was perceived by some criminal justice officials to be problematic. As a result, although support for completion of the statements by victims was obtained by criminal justice officials, filing of statements in court was not always encouraged. Second, these projects were innovative demonstration projects that evolved over time. Procedures and practices changed during the project's course and as a result, the research adapted to these changes.

4.1 Program Operation

4.1.1 Completion Rates

The program model is a key issue in analyzing VIS completion rates. For example, are victims more likely to complete victim impact statements if they are personally interviewed or if they are sent a mail-out questionnaire? As Table 1 indicates, the rate of VIS completion is much greater when victims are personally interviewed. The rate of completion using a personal interview approach ranged from 35 to 52 per cent, as compared to 18 to 24 per cent using a mail-back approach. It is important to note, however, that although the VIS return rate is higher when victims are personally interviewed, the actual number of statements prepared is much lower than with the mail-out model.

Table 1 **Rate of Completion of Victim Impact Statements By Project**

	<u>Method of Delivery/ Preparation</u>	<u>No. of Eligible Victims</u>	<u>Completion Rate</u>	
			<u>(n)</u>	<u>%</u>
<u>Victoria</u> (18 months*)	Personal contact interviewer completes VIS	459	202	44
<u>North Battleford</u> (18 months*)	Personal contact Interviewer ompletes VIS	502	260	52
<u>Winnipeg</u>	Personal contact	901	320	35

(20 months*)	interviewer completes VIS			
<u>Calgary</u> (16 months*)	100% mail-out victim completes VIS and returns by mail	7035	1266	18
<u>Toronto</u> (14 months*)	Combination personal delivery and mail-out. Victim completes VIS	1766	421	24

* Length of evaluation phase

In Calgary, victims had the opportunity to participate regardless of whether charges were laid. If only the cases where charges were laid are considered, VIS return rate increased from 14 per cent to 30 per cent. These figures suggest that knowledge or anticipation of charges being laid was a strong motivator for participating in the program.

Except for the offence of sexual assault, there was no discernible trend in the relationship between offence type and VIS completion rates. Three sites reported their highest completion rates for sexual assault (Toronto - 34 per cent, Winnipeg - 55 per cent, North Battleford - 71 per cent). In Victoria and Calgary, however, the lowest rates of completion, (40 per cent and 15 per cent, respectively) were reported for the same offence.

The only other factor related to completion rates across more than one project was the age of the victim. Three projects (Winnipeg, Calgary and Toronto) looked at the relationship between age of the victim and VIS completion rate; all reported a significant relationship. For Winnipeg, the completion rate rose from 31 per cent for victims aged 18 to 20, to 71 per cent for victims aged 50 and over. Calgary reported a completion rate of 13 per cent in the 16 to 24 age group, and 29 per cent for victims aged 60 and over. Toronto noted that, of victims interviewed for the evaluation, more victims over the age of 30 (79 per cent) returned their statements than those under 30 (65 per cent).

Despite the number and variety of attempts to contact victims (e.g., telephone calls at different times of the day, sending letters, personal visits), all projects experienced difficulties in contacting a sizeable proportion of victims. In those projects where personal contact was made and an interview requested (Victoria, North Battleford, and Winnipeg) the rates of refusal and noncontact were reasonably consistent. As indicated in Table 2, the majority of "noncompletions" occurred because the victim could not be contacted. The reasons given by victims who refused to participate in the programs were consistent across all projects as well. The most common reason was that the victim regarded the offence as too minor to warrant a statement. Other reasons were that victims were too busy, they wanted to put the incident behind them, or they experienced language problems in completing the statement.

Table 2 Reasons for Noncompletion Rates of Statements in Victoria, North Battleford and Winnipeg Projects

	<u>No. Eligible Victims</u>	<u>Refusals</u>		<u>Noncontact</u>	
		<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Victoria	459	17	78	35	160
North Battleford	502	11	55	27	138
Winnipeg	901	16	144	38	342

Note: Refusal and noncontact rates are not known for Calgary and Toronto because of the manner in which contact was made. All victims received the VIS in the mail. It is important to note, however, that both projects experienced a very high noncompletion rate (Calgary - 82 per cent, Toronto - 76 per cent).

4.1.2 Profile of Participants

Although it was not possible to collect detailed information from all five projects on the profiles of victims who participated in the victim impact statement programs, there were sufficient data to establish that these victims did not share common characteristics across the project sites. In fact, the participant profiles possibly reflect the demographic characteristics of the community in which the project was located.

Measures of gender, age, income, employment status, educational level and marital status of participants were also obtained. The range for the gender of participants varied from 41 per cent female (North Battleford) to 52 per cent female (Victoria). The majority of participants (65 per cent and above) were employed and were high school graduates or had completed a higher level of education (60 per cent and above).

4.1.3 Victims' Motives for Completing a Victim Impact Statement

Using an open-ended questionnaire format, victims were also asked for their reasons for completing a statement, or what they expected to gain as a result of the statement. Although a variety of reasons and expectations were given, the responses were sufficiently similar to be broadly grouped into three categories. The responses captured in the first category expressed the view that victims wanted to ensure "justice was done": between 14 per cent to 42 per cent of the victims participated for this reason; they also wanted to influence the sentence given. The second category of views was more "altruistic": between 17 per cent to 47 per cent of the victims indicated that they agreed to participate because they thought that "it seemed like a good idea and that it was their civic duty". In the final category, responses were "deterrence" oriented. Victims wanted to impress upon the offender that their acts were not victimless: between 20 per cent to 35 per cent felt that they should participate because they "wanted to communicate the impact of the crime to the offender".

4.1.4 Difficulties Encountered in Completing the Statement

Victims were also asked if they experienced difficulty in completing the statement and if they had fears about their participation in the program. Whether victims experienced difficulties in completing the statements to any significant degree depended, as might be expected, on the method used to obtain the statement. In Winnipeg and North Battleford, statements were completed through personal interviews. Only a small group of participants (15 per cent and 9 per cent, respectively) reported initial difficulty in understanding the questions. They were, however, able to seek clarification from the interviewer and in most cases were satisfied with the explanation.

By contrast, significant numbers of participants in both the Calgary and Toronto programs, where victims were required to complete the statements themselves, reported greater difficulty. Twenty-seven per cent of participants in the Calgary program stated that they would have liked someone to assist them in completing the statement. The reasons given included wanting to ensure that "the statement was properly done". Also, there were problems with language and writing, particularly when expressing the emotional impact of the crime.

In Toronto, of those who completed or attempted to complete a statement, 26 per cent reported difficulties and 35 per cent reported they had sought assistance. Those seeking assistance sought it mostly from family members and friends. All victims who received assistance in completing a VIS returned their statements. For those reporting difficulties, the problems most frequently expressed concerned language and literacy (i.e., difficulties with the statement being in English only, difficulties understanding the questions and writing the answers). One in ten victims would have preferred the statement to have been written in another language. The personal reaction section was reported to be the most difficult to complete.

Across all sites, between 14 per cent and 28 per cent of victims participating in the VIS programs expressed fears about their participation. The types of fear experienced were consistent across all projects. The primary fear was that the offender, or the offender's friends, would seek revenge. Less frequently cited fears included apprehension about the court process, fear of reliving the incident while telling the story, and fear of the statement becoming public knowledge.

4.1.5 Personal Interview Versus Mail-out Model

Victims' views on the method of obtaining statements were sought in three of the five evaluations. Only those victims who had completed statements were asked for their views. It was expected that the results for each program would show a bias towards the respective methods used in the program. The reasons were two-fold: firstly, because participant victims could be expected to show a preference for the only method of obtaining statements they themselves had experienced; and secondly, because those

victims who had objected to the particular methods used, and thus did not participate, were not represented in the sample. The results are interesting because they show a clear preference for the personal interview method by victims participating in that type of program (Victoria and North Battleford), but a lesser preference for the mail-out method by participants in the Calgary mail-out program.

Seventy-one per cent of Victoria participants and 85 per cent of North Battleford participants preferred to complete the statement through a personal interview, either face-to-face or by telephone, while 17 per cent and 6 per cent, respectively, stated a preference for a mail-out questionnaire. In Calgary, 52 per cent of participants felt the mail-out model was appropriate; however, a considerable percentage (40 per cent) claimed they would have preferred personal contact with project staff.

Victims in Victoria and Calgary who had chosen not to complete a statement were also asked for their preferences. In Calgary, over 50 per cent of the nonparticipants indicated they would have preferred direct contact, while 22 per cent said that the type of contact would have made no difference: they still would not have completed the VIS. More than 25 per cent of victims who refused to participate in the Victoria program said they would have participated if given a choice between a mailed questionnaire or telephone interview.

The results suggest that most victims would prefer to complete victim impact statements by personal interview, either face-to-face or by telephone. A significant minority did, however, voice a preference for a mail-out form, and should perhaps be given this option if refusing to take part in an interview-based program.

Prosecutors and judges were also asked for their preferred methods of obtaining statements in the Victoria and Calgary evaluations. As with the survey of victims, these groups preferred the methods being used in their particular program, although for different reasons. They tended to emphasize the quality and/or acceptability of the statements once prepared, rather than the advantages or disadvantages of the actual method of preparation.

In Victoria, where statements were prepared by police constables following a personal interview with the victim, there was a unanimous feeling among prosecutors that an interview-based system provided more useful victim information than a mail-out system. The same opinion prevailed among the judges who were interviewed.

By contrast, both judges and prosecutors involved with the mail-out/mail-back Calgary project indicated a strong preference for victim impact statements that were written and signed by the victims themselves rather than one prepared by a third party. (None of the judges interviewed had personal experience with victim impact statements but had formulated views on the statement format they would prefer). Judges felt that the use of a third party would introduce the possibility of error and distortion and the writer's perception of the impact on the victim. As well, prosecutors felt statements prepared by a third party could be subject to challenge in court.

4.2 Consequences of Completing a VIS for the Victim

Advocates of victim impact statements argue that, among other positive consequences, the statements lead to greater participation by victims in the criminal justice system. The statements also increase victims' feelings of satisfaction with the system and the role they have played in it.

4.2.1 Level of Satisfaction

The evaluation addressed the issue of "satisfaction" by asking participating and nonparticipating victims about their level of satisfaction with the program and with the criminal justice system in general. Participants in all projects reported a high level of satisfaction with the victim impact statement programs. Satisfaction levels over the five projects ranged from 68 per cent in Calgary to 83 per cent in North Battleford. In some respects these results were expected: it would have been surprising had respondents not demonstrated satisfaction with a program in which they chose to participate in, and agreed to be interviewed.

Contrary to expectations, there was no difference in satisfaction levels between victims whose statements were used in court and those whose statements were not. This held true over all projects, including North Battleford and Calgary, where one group of participants knew with certainty that their statements had not been used, as no charges were laid. It appeared that participants derived benefits from the program itself, and not necessarily from the formal use of the statement.

In the Victoria, North Battleford and Winnipeg evaluations, victims were asked to comment on which aspects of the program they considered to be the most helpful. Overall, the victims indicated that the most helpful function of their program was to be given the opportunity to talk with someone about the offence and its effects; the provision of useful information about the case; the opportunity to explain to the court the effects of the crime; and the opportunity to contact someone in the event of a problem arising.

Although these findings would suggest that the use of in-person interviews might be the most satisfactory method to the victim for completing statements, it is important to note that these questions were asked only of victims who participated in the three projects that utilized a personal interview model. Similar questions were not asked of victims who participated in the mail-out projects, and as a result, it is difficult to draw conclusions as to which program model best met the needs of victims. Nonetheless, in all five projects the majority of victims (range of 86 per cent to 95 per cent) would agree to participate in the program should the opportunity present itself again. This result also held true for those victims whose cases did not go to court.

4.2.2 Level of Criminal Justice Involvement

Another question addressed was whether program participants and nonparticipants differed in their level of participation in the criminal justice system. Measures used to determine victim participation included the number of victims voluntarily attending court or sentencing, and the victim's knowledge of the charge, verdict and sentence. A comparison of program participants and nonparticipants on these measures was completed in Victoria, North Battleford, Calgary and Winnipeg. Generally, there were no differences between program participants and nonparticipants in contacts with actors in the criminal justice system, and the number voluntarily attending court or sentencing. There was, however, a slight but consistent trend toward participants being better informed than nonparticipants about what was happening in their cases.

4.2.3 Satisfaction with Handling of Case

Victims in the Victoria, North Battleford, Calgary and Winnipeg evaluations were asked how satisfied they were with their overall experience and the handling of their cases by the criminal justice system. Table 3 indicates that levels of satisfaction were similar across projects, and between participants and nonparticipants. Although in three of the four evaluations more VIS participants than nonparticipants expressed satisfaction with their overall experience, the differences were not significant.

Table 3 Satisfaction with Whole Experience of Case: Comparison of VIS Participants and Nonparticipants

	<u>Participants</u> <u>% Satisfied</u>	<u>Nonparticipants</u> <u>% Satisfied</u>
Victoria	52	39
North Battleford	58	64
Winnipeg	59	48
Calgary	53	47

In North Battleford and Victoria, victims were asked to comment on the main factors that made them feel satisfied or dissatisfied with their cases. Sources of satisfaction were very similar between participant and nonparticipant groups and between projects. Responses most frequently centred on the police handling of the case, the treatment of the offender (an arrest made, appropriate sentence given) and the fairness and sensitivity shown the victim.

Several factors were examined by one or more of the evaluations to assess what might account for overall case satisfaction in both the participant and nonparticipant groups. Two factors were identified in the evaluations in Victoria, Calgary and North Battleford. The first concerned the extent to which victims felt adequately informed

about the handling of their cases. Generally, victims who felt their information needs were met felt more satisfied with the overall handling of their cases. This was true for both VIS participant groups and nonparticipant groups.

The second factor was the use of victim impact statements by the court. Although the relationship between statement use and victim satisfaction was confused by whether victims were aware that their statements had been used, the Calgary evaluation found that when VIS participants **thought** the VIS was used by prosecutors, they were more likely (70 per cent as compared to 42 per cent) to indicate greater satisfaction with the handling of their cases. The actual use of the statement by the court, however, correlated poorly with the victim's perception of use (i.e., victims thought that the statement had been used in the court process when in fact it had not been). The Winnipeg evaluation found the major source of dissatisfaction among project participants was the nonuse of statements by the court.

There was less similarity between participants and nonparticipants concerning dissatisfaction. Using an open-ended questionnaire, victims in all sites were asked to give their main reasons for dissatisfaction. In Victoria, 6 per cent of VIS participants and 22 per cent of nonparticipants cited lack of information about their case as their main source of dissatisfaction. In North Battleford, the primary source of dissatisfaction for both participant and nonparticipant groups was the failure of the criminal justice system to meet their expectations. This reason, however, was cited more frequently by the participant group (41 per cent) than the nonparticipant group (28 per cent). This finding lends weight to the argument that victims given the opportunity to complete a statement may end up more disillusioned because their expectations have been heightened. This may also explain why the responses of North Battleford victims concerning satisfaction with the overall handling of their cases did not fit the trend exhibited by the other projects in Table 3.

4.2.4 Attitudes Towards Criminal Justice Officials

Measures of retrospective (prior to the offence) and current attitudes towards criminal justice system officials were compared between participants and nonparticipants in Calgary, Winnipeg, Victoria and North Battleford. (Previous involvement with the criminal justice system as a victim or offender was taken into consideration in data analysis). Overall, the VIS participant and nonparticipant groups remained very similar in their attitudes and attitude changes. A slight but consistent increase in positive attitudes towards actors in the criminal justice system (except towards defence counsel) was demonstrated by VIS participants. The major difference between VIS participant and nonparticipant groups was their attitudes towards the police. In Victoria and North Battleford, VIS participants reported a significantly more positive change of attitude towards the police than nonparticipants.

4.2.5 Reporting Future Incidents

A final measure of victims' attitudes towards the criminal justice system was evidenced by their willingness to report crime in the future. The findings indicated that the willingness to report future incidents varied by jurisdiction. Winnipeg, Calgary and North Battleford, found no differences between VIS participants and nonparticipants and their willingness to report future crime. In Victoria and Winnipeg, however, differences between the two groups were noted: VIS participants indicated they would be more willing to report crime in the future than did nonparticipants.

4.2.6 Attitudes Towards Sentences Imposed

Victims' attitudes towards sentencing were examined generally and in relation to their individual cases. It is noteworthy, across sites, that most victims held negative attitudes towards sentencing before and after their cases. They considered sentences both generally and in their own cases to be inappropriate or "too light" (e.g., probation was given when the victim thought that the offender should have been sent to prison). The Winnipeg and Victoria evaluations, however, did find VIS participants to be more supportive of court-imposed sentences than nonparticipants.

In North Battleford and Calgary, no differences in attitudes towards sentencing were found between participants and nonparticipants.

4.3 Impact of the Statement on the Administration of Justice

4.3.1 Use of Victim Impact Statements

A crucial element to ascertain when examining the impact of victim impact statements on the administration of justice is whether or not statements were used in the process. The researchers used the broadest definition of "use" possible. This included anything from referring to a statement in submission to sentence, to actually filing the statement as an exhibit in court.

Use of Statements at Sentencing

The "use" rate of completed statements by prosecutors is indicated in Table 4. When examining this table, two points should be noted. First, the findings of the Toronto evaluation have been shown separately and should not be compared to the other projects.

In Victoria, Calgary, Winnipeg and North Battleford the evaluators tracked individual cases through the system from the time the statement was prepared to the time of sentencing. In these sites the rate of "use" was calculated as a percentage of **all** eligible cases in the sample. In Toronto, the measure of "use" was based on interviews with 60 prosecutors who were asked to describe their **most recent case** in which a VIS had been completed.

Second, the number of cases in which the court process and a VIS was completed, and a prosecutor's checklist was made available, was substantially lower in all sites than

had been expected. The only mechanism that could be found to provide information on the use of the statement was to ask prosecutors to complete a "checklist" for each case in which a VIS was completed. Unfortunately there was a very low response rate from prosecutors. As a result, the sample of cases available for analysis was very small.

The stated intention of all projects was to provide the victim, through the medium of the victim impact statement, with a means of speaking independently and directly to the court at the time of sentencing. As Table 4 indicates, this goal was met in varying degrees across the five projects.

Table 4 Rate of Use of Victim Impact Statements - TABLE IS UNAVAILABLE

In Calgary and North Battleford, very few statements were used in court. For these projects, the use or nonuse of statements was at the discretion of the prosecutors. Statements were formally presented to the court only once in North Battleford and not at all in Calgary. Prosecutors used the statements in speaking to sentence in 38 per cent of cases in North Battleford and 18 per cent of cases in Calgary.

Statements were written by the victims in Calgary. Reasons given by Calgary prosecutors for not making use of the statements included the belief that the statements contained no new information, and that many statements were too vague or irrelevant to be used. Primary reasons for nonuse of the statements given by North Battleford prosecutors included doubts about the accuracy of the document; fear that victims would be called upon to testify to the contents of the statement in court; belief that the use of victim impact statements would add to the time and cost burden of the system; and a conviction that the victims' feelings should have no role to play in court decision-making.

Although there was also no formal presentation of statements in Victoria courts, prosecutors did use the statements in speaking to sentence in a majority (58 per cent) of cases (although in only 34 per cent of these cases made it known to the court the source of information was a victim impact statement). The evaluators noted considerable encouragement for the use of statements by crown attorneys in Victoria. This may account for the relatively high usage rate in comparison to other projects.

Winnipeg was the only project that formally established a procedure allowing for distribution of statements to the judge, defence counsel and crown prosecutor. Although procedures established in Winnipeg should have allowed for a 100 per cent presentation of statements to the court once a verdict of guilty had been reached, only 43 per cent of the statements were actually distributed. Nonintroduction of the remaining statements resulted from a mixture of program and court procedures, and prosecutor discretion. In some situations, crown attorneys simply would not introduce victim impact statements, in spite of departmental policy that dictated their introduction.

Although the measure of "use" of statements by prosecutors was somewhat different in the Toronto project, the findings indicated an encouraging level of use by prosecutors. Of the 40 statements reported that were formally presented to the court, two-thirds were entered as exhibits and the remaining one-third as crown submissions.

Characteristics of "Most" and "Least" Used Statements

The issue of "use" of the statements was further examined in North Battleford, Calgary, Victoria and Toronto. In these sites, the evaluators examined the extent to which there was a correlation between "use" of the statements and type of offence. They also examined what aspects of the statement were used by prosecutors. In North Battleford and Calgary, the type and seriousness of offence were not related to "use" of the statement by prosecutors. In Victoria, statements were least likely to be used in charges of breaking and entering and, in Toronto, in cases of property loss or damage.

With respect to the content of the statement, Toronto prosecutors were most likely to use information on the emotional impact of the crime. In North Battleford, prosecutors were least likely to use statements where the victim had explicitly requested that the offender be given a nonpunitive sentence (i.e., as requested by victims of spousal assault). Calgary prosecutors were more likely to use statements when they contained information not contained in police reports (i.e., new information).

Other Nonsentencing Uses for the Statement

It is argued that information contained in a victim impact statement could be used at points other than sentencing. Interestingly, the two projects that reported the least use of statements by prosecutors at the time of sentencing -- Calgary and North Battleford -- reported the highest level of use at points other than sentencing. Prosecutors in these projects used statements most frequently for background information. They also reported using them in up to 20 per cent of cases for negotiations with defense counsel, examination of victims and witnesses, and during summation of the case in court. Toronto and Victoria prosecutors reported infrequent "official" use of the statements at points other than sentencing in the court process. In Toronto, 23 per cent of prosecutors also said the VIS was useful in their preparation of the case.

However, use of victim impact statements for purposes other than sentencing was consistently below 25 per cent in all projects.

Content of the Statements

A recurring argument against the use of victim impact statements has been that they contain information already available in police records: that victim impact statements are merely a new "packaging" of existing information. Content analyses of the statements were undertaken in the Victoria, Calgary and Toronto evaluations. The most systematic comparison of content with police reports and presentence reports was completed in Winnipeg. In general, the comparison found no evidence to substantiate this argument. Presentence reports were found to be used infrequently (three per cent of the 466 cases) and seldom mentioned the victim. Police reports were found to contain

substantially less detail on the effects on the victim. Finally, victim impact statements were the only routine source of information on the emotional impact of the crime made available to the court.

The findings in Winnipeg were confirmed by the results of interviews with prosecutors in Calgary, North Battleford and Toronto. Prosecutors reported that the victim impact statement gave them information they did not otherwise have in 19 per cent of the Calgary evaluation cases, 41 per cent of the North Battleford cases and 30 per cent of the Toronto cases. In addition, 50 per cent of Toronto prosecutors reported the VIS did not duplicate information they already had.

Another major criticism by opponents of victim impact statements was that victims are vengeful and will use this mechanism to "get back" at the offender. There was little evidence to support this contention. In Winnipeg only one of the 81 victims interviewed commented in a manner that could be considered vengeful. In Victoria, a content analysis of completed victim impact statements found such comments in only three of 84 statements.

Calgary data on victims' views of the value of victim impact statements suggested that revenge and vindication did not feature highly in victims' minds when they decided to return the statements. Contents of the submitted victim impact statements supported this viewpoint.

Although the Toronto evaluation did not specifically analyze statements to determine if they contained vengeful comments, a number of interesting findings should be noted. First, a number of victims expressed a wish for the offender to receive a lengthy sentence and other related punishments; however, the comments were not couched in vengeful terms. Second, a number of sexual assault and wife assault victims who completed statements requested treatment for the offender, or used the statement to indicate that they would like to see the charges withdrawn.

4.3.2 Views of Prosecutors, Police and Judges

Views of Prosecutors

Prosecutors' opinions on the impact and usefulness of the statements varied considerably across evaluations. At one extreme, 93 per cent of the 60 interviewed prosecutors in Toronto believed that victim impact statements had a useful role in the system. They believed the statement enabled a victim to have greater say; provided more information; and helped prosecutors and judges understand the victim's point of view. Eighty-three per cent of the Toronto prosecutors found the statements useful in preparing their cases. At the other extreme, a number of prosecutors in one site perceived the statement to have no benefit on the criminal justice system aside from its use as a background document for the crown prosecutors' case. They remained convinced that the victim's feelings had no role to play in court decision making. These widely differing viewpoints are reflected in prosecutors use of statements at the time of sentencing.

There was a consensus among prosecutors in all five projects: the more specific and concrete the impact information, the more useful the statement. Statements that provided new information to the prosecutor were also valued. A number of prosecutors, particularly in Calgary and North Battleford, expressed concerns about the accuracy of the statements and their potential vengeful usage.

Views of Police

Views of the police were sought mainly in the Toronto and North Battleford evaluations. The Toronto program was police-based, with investigators being responsible for inviting the victim to complete a statement, and in many cases delivering and picking up the form. Toronto police did not see the program as imposing a significant burden on their workload; most agreed that its benefits outweighed any extra work involved. The most frequently mentioned concern was the small number of victims completing and returning the statements.

Another concern was that crown prosecutors were not using statements to the extent police believed they should. Almost every officer interviewed stressed that the statement's most important feature was that these were the victim's own words, not an interpretation by police or a crown attorney of the victim's situation. They believed that the submission of the VIS itself, not merely the presentation of a summary of the statement, was its only appropriate use.

Calgary police reported two positive features of the VIS program. First, the program was seen as a source of support for the victim (i.e., the coordinator frequently referred victims to agencies in the community that could offer further assistance if required). Second, the statement was regarded as an additional investigative tool that sometimes provided more information than was obtained through police investigation.

Views of Judges

Judges were interviewed in all but the Toronto project. It is interesting to note that in two evaluation sites, Victoria and Calgary, judges either had no experience with the statements (Calgary) or were surprised to learn that they had heard cases in which victim impact statements were available (Victoria). This is not surprising; prosecutors rarely informed the judge of the existence of a statement. In Victoria, for example, prosecutors indicated that they used a statement during submission to sentence in 66 per cent of their cases. They did not, however, indicate to the judge their source of information. Nonetheless, judges interviewed in Victoria were generally receptive to hearing impact information. Two of the four judges interviewed would have preferred knowing the source of information they were hearing, and would have liked to have received a copy of the statement before sentencing as a matter of course.

The Winnipeg VIS program policy provided for the automatic referral of the statements to judges after a guilty finding. Although prosecutor discretion did influence

referrals to a greater extent than had been expected, Winnipeg judges were able to comment on the usefulness of the statements with a degree of experience. The judges found the statements provided useful information and assisted them in considering an appropriate sentence.

Calgary judges acknowledged the need for more information regarding the impact of the crime on the victim. Nonetheless, they indicated they were wary of the statements' contents and their potential to introduce emotionalism and "untruths" into the system.

5.0 CONCLUSIONS

What have we learned from these evaluations? First, the findings dispel a number of myths: victims do not seem to use the statements as a retributive tool, and there is no evidence to suggest that the statements are vengeful in nature. These results are consistent with prior findings that suggest that victims are not punitive or vengeful (Erez and Tonotodonato, 1989). Second, completing a statement does not necessarily lead to greater satisfaction with the system, nor does it increase the victims' willingness to cooperate with the system in the future.

These results are also consistent with the findings of a recent study conducted in Ohio (Erez and Tonotodonato, 1989). Similar to the results of the current study, there was no detected difference, should victimization reoccur, between victims who completed a VIS and those who did not, and whether they would be willing to cooperate with the system. As well, the Ohio study findings suggest that filling out a statement is **not** necessarily related to an overall increase in satisfaction with the system but **is** related to increased satisfaction with the sentence. Ohio findings also suggest, however, that for some victims, asking them to complete a statement leads to raised expectations concerning their ability to influence the sentence. As a result, when victims feel their input has had no effect on the outcome, their satisfaction with the system decreases. As well, the statements do not duplicate already-existing information.

Third, supporters of the victim's right to complete a victim impact statement argue that victim participation is necessary for the victim's psychological well being, in that there is a reduction in their feelings of inequality relative to the offender. One of the most important findings from this research is that an overwhelming majority of victims found the experience of completing a statement to be a positive one and would participate again if victimized. Completing a statement appears to result in an increase in the victim's belief that the criminal justice system is interested in his or her views. The completing of a statement is viewed as a mechanism that ensures victims that the system is aware of their concerns.

Overall, however, the findings do not suggest that completing a statement, in and of itself, makes victims feel better about how the system is handling their case. Consistent with earlier research on the needs of victims of crime (Adams, 1985), victims want to be informed on the progress of their case and they want information on how the criminal justice system operates.

As well, we have learned a number of things that pertain to the best method for delivery of programs in this area. Briefly they are as follows:

- Victims indicated that they sometimes encountered difficulties in completing a statement sent to them in the mail (e.g., language problems). Especially in large urban centres, victims should be informed of services that could assist them in completing the statement if necessary.
- Although the mail-back approach is the most cost-effective method for delivering the program, efforts should be made to ensure that certain types of victims, such as victims of serious crimes, are given the option of completing the statement with the assistance of a specialized worker.

- One of the dangers in having a victim complete a statement is that an expectation is created regarding the use of information found in the statement. If the statement is not used, or if it is unclear to the victim whether it was used or not, victims are left feeling their input is of no use to the criminal justice process; they are even less satisfied with the system than had they not completed a statement. As a result, once a statement is obtained, every effort should be made to ensure that all parties involved in the processing of the case receive copies.

As indicated earlier in this report, these evaluations were completed prior to the recent legislative changes to the Criminal Code which, among other things, provide legislative authority to introduce victim impact statements in the sentencing process. Since very few statements were actually used in court, the findings that pertain to the impact of the statements and the victim are preliminary at best. It is best hoped that the recent legislative changes, coupled with these preliminary findings, will encourage criminal justice system officials to actively promote the use of these statements in the court process.

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