Relational Caring, Harm Peddling, and Penitential Receipt:

Unique uses and consequences of the victim impact statement in the context of sexual assault victimization.
Victim Impact Statement (VIS)

A victim’s written account of the physical, psychological, emotional, and financial impacts of the crime

Designed to rebalance a justice system believed to overlook the needs of victims

Provided after conviction but before sentencing; also at parole

May be cross-examined

May be read aloud
### Existing Research

- VIS + sexual assault (SA) rarely exclusively examined
- Judges influenced by rape myths
- Expectation of “typical harm” descriptions associated with SA (e.g. PTSD)

### This Study

- VIS + SA
- Qualitative interviews across Canada
- N=44: victims (11); victim services workers (20); prosecuting attorneys (2); parole board staff (2); policy makers (5); and victim and offender advocates (4)
VIS Harm Descriptions

“flashbacks, debilitating obsessive fears and anxiety”

“I lost my two jobs”

“I often wake up screaming”

“loss of appetite, and migraine headaches”

“I’m unable to have a healthy sex life”

“broken nose is still sore”

“I turned to alcohol”

“I couldn’t speak to anyone or look people in the eye”

“I have been taking an anti-anxiety medication”
“And what’s the story behind the story?”
Findings

Relational Caring

Harm Peddling

Penitential Receipt
Relational Caring

An ethic of care that prioritizes others through VIS use in order to:

- Privilege the harms of others
- Protect others
- Promote the interests of the intimate partner offender
Privileging the Harms of Others

Victims often used the VIS to detail the harms experienced by their loved ones.

“(Drug facilitated anal assault by intimate partner) has been really hard on (daughters)…they feel angry and hurt that he could have injured their Mother in this manner…I’m trying to help them work out their emotions…” (VIS)
Protection of Others

Victims often undertook the VIS in belief that it could influence sentence severity.

“It was my responsibility as a woman to make sure that other women are safe... Being a mother and protecting my daughters, (the VIS) was a way I could help, and protect other people’s daughters.” (V)
Promoting the Intimate Partner Offender

Victims who remained involved with their intimate partner offenders often used the VIS to downplay the harms they experienced, or to write positive things about the offender.

“They don’t want him to go to jail. Why? Because they love him. Because they’re afraid of him. Because he’s their paycheck. Because a jail sentence means he would be deported. Very good reasons.” (A)
Harm Peddling

- Re-use of the VIS in other environments
- Contrary to purpose for criminal court
- Undertaken by victims and offenders

“...I brought my VIS into the Human Rights Commission... I (also) brought (VIS) into civil court when (offender) tried to take my cars away (in lien of) borrowed money.” (V)
Harm Peddling by Offenders

“(Victim) put in that she now had PTSD. (Ex-intimate partner) used (VIS) against (victim) in family court as evidence she was an unfit mother, not capable of looking after their child.” (VSW)
Sexually assaulted women who were in conflict with the law often became overwrought when presented with the VIS.

“In all of the cases I would say the VIS has a profound effect on women offenders, more so than any of the men…” (A)

“(Incarcerated offender) was devastated (after reading the VIS) and was on suicide watch…She has not agreed to …start getting released, or to have her case reviewed. That’s a pretty severe impact of the VIS.” (A)
Conclusions

- SA victims are unique in why and for whom they undertake the VIS, and in how they respond
- Secondary benefits and legal harms may occur through harm peddling
- SA victims who are mothers involved in custody disputes, intimate partners of their offenders, and those in conflict with the law have particular therapeutic and legal support needs around the VIS
Publications


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