

**An Evaluation of The Manitoba Victim Impact Statement Program**

**by**

**Leigh Haldenby**

**A Thesis submitted to the Faculty of Graduate Studies of**

**The University of Manitoba**

**in partial fulfillment of the requirements of the degree of**

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## ABSTRACT

While victim impact statement programs are not new, little has been done in terms of evaluating these programs, The Manitoba Victim Impact Statement Program is no exception. The aim of this exploratory study was to examine the characteristics of victim who complete a victim impact statement. Using both a database of victim information compiled by Manitoba Justice prosecutions division as well as a telephone survey with victims, this study shows that sex, age, area of the province and domestic violence status all influence a victim's decision to complete a victim impact statement. The study also identifies areas for future research and points to areas where the criminal justice system needs to target its approach and change its approach to ensure victims are able to get the best possible benefits from The Manitoba Victim Impact Statement Program.

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## Chapter 1: An Introduction

A neglected aspect of our criminal justice system has been the impact of crime on victims. In our adversarial court process, victims are often considered the forgotten voice. Until recently, they have had no formally recognized role in the trial and no real mechanism to voice their concerns and feelings about how the crime committed against them has had an impact on their lives. Under the adversarial system, victims have no power over how a case is prosecuted and are rarely consulted on the decision to dismiss, reduce, stay or plea negotiate a charge. If they are recognized in the court proceeding, it is often in the secondary role of Crown witness.

Over the past four decades, despite the reluctance of participation by legal professionals, the criminal justice system has begun to acknowledge the important role victim input can play in a criminal case. One of the initiatives the criminal justice system has introduced to acknowledge the value of victim input is the victim impact statement program. Victim impact statement programs allow victims the opportunity to participate in the court system by informing the court, in their own words, of the physical, emotional and financial impact a crime has had on them. Manitoba introduced its victim impact statement program in the fall of 1998. The primary purpose of the Manitoba Victim Impact Statement Program is to give anyone who is the victim of a crime, an opportunity to tell the court how being a victim has affected them [sic] and those around them [sic] (Manitoba Justice, 1998: 4).

We often see accounts of crime victims in media interviews. In these accounts, victims often share how what has happened to them has affected them. This is especially true when the victim is a survivor of homicide.

In February 2003, the body of 20 year old Trevor "TJ" Wiebe was found frozen in a field near Ste. Agathe, Manitoba. An autopsy later revealed the young man had died of exposure after having been stabbed and beaten unconscious. Three adult males and a male young offender were charged with first degree murder. In March 2005, the first of the four accused stood trial and was found guilty of second degree murder by a jury of his peers. On March 23<sup>rd</sup>, 2005 at the sentencing hearing Floyd and Karen Wiebe, the parents of TJ Wiebe, read victim impact statements. "My heart physically hurts so much I'm amazed it still beats" Karen Wiebe told the packed courtroom" (Winnipeg Free Press, March 24, 2005 p. A9). "I shall not be able to dance at TJ's wedding" said the elder Wiebe. Nor, he said, will he get the chance to spoil TJ's grandchildren" (Winnipeg Free Press, March 24, 2005 p. A9).

The accused was later sentenced to life in prison with no chance of parole for at least 15 years. The young offender is currently on trial, at the time of writing and the two other adult offenders are scheduled to stand trial in early 2006.

In the case of Trevor "TJ" Wiebe, the victim's family greatly benefited from being able to share their feelings through a victim impact statement. Many other victims have had equally positive experiences. Other than media accounts however and the rare off-hand comments made to victim services workers or Crown attorneys, there is no other source to tell us how victims feel about The Manitoba Victim Impact Statement Program and whether or not they find it valuable.

Since the inception of the Manitoba Victim Impact Statement Program and victim impact statement programs in general, there has been little work done in terms of evaluating their effectiveness. The original intent of this research project was to examine victim satisfaction with the victim impact statement program and determine if the program had an effect on a victim's overall level of satisfaction with the court system. Due to a low number of potential respondents, the researcher was unable to examine this research question. Instead, as the body of research surrounding victim impact statements is so new, the researcher converted the proposed research project on victim satisfaction with the justice system into an exploratory, descriptive project on victims who submit victim impact statements. The revised research question then became: What are the characteristics of a victim who completes a victim impact statement versus the characteristics of a victim who does not? The researcher looked at the following characteristics of victims: age, sex, area of the province, and type of crime.

Chapter 2 discusses how and why victim impact statement programs were conceptualized. The chapter will outline how Canada came to introduce victim impact statements into the *Criminal Code* (Canada) and will outline the history of The Manitoba Victim Impact Statement Program. It will also examine some studies that have been used to evaluate victim impact statement programs in Canada and around the world and will discuss why it is believed such programs are of benefit to victims.

Chapter 3 will outline the methodology for the entire research project. It will outline the construction of the survey instrument used in this research, discuss sampling

method and data collection. It will also discuss in further detail the revised research question as well as the data analysis plan.

Chapter 4 outlines the results of the research and Chapter 5 outlines the recommendations of the researcher based on the findings as well as the overall conclusions about the study.

## **Chapter 2: Victim Impact Statements: A Policy and Literature Overview**

Victim impact statements have been used by courts periodically since 1986. It was not until 1988 however until victim impact statements were legislatively permitted in Canadian courts. Even then, each province was able to decide whether or not they were going to create a program that would allow victims to complete a victim impact statements according to the guidelines set out in the *Criminal Code* (Canada). It was not until 1998 that Manitoba decided to create a victim impact statement program. This chapter will outline The Manitoba Victim Impact Statement Program. It will also outline how and why victim impact statements came to be and will give guidance using the methodology and findings of three research studies on victim impact statement programs and a study of a victim offender mediation program on how to evaluate The Manitoba Victim Impact Statement Program. A program theory on The Manitoba Victim Impact Statement Program is also presented based on the findings and methodology of the research projects examined.

### ***Victim Impact Statements: A Canadian History***

Although victim impact statements have been used periodically by the court since 1986, prior to 1988, there was no legislative authority permitting the introduction of a victim impact statement in court. In 1988, *Bill C-89: An Act to Amend the Criminal Code (Victims of Crime)* was introduced to permit victim impact statements to be heard at the time of sentencing. Section 735 (1.1) was added to the *Criminal Code* (Canada) and read as follows:

For the purpose of determining the sentence to be imposed on an offender or whether the offender should be discharged pursuant to section 736 in respect of any offence, the court **may** consider a statement, prepared in accordance with subsection (1.2), of a victim of the offence describing the harm done to, or loss suffered by, the victim arising from the commission of the offence (emphasis added).

Note the use of the word may in Section 735 (1.1). While judges were allowed to consider a victim impact statement under this section, they were able to use their discretion in deciding whether or not to consider victim impact in a sentencing decision.

Additional subsections under Section 735 stated that the statement had to be made in writing and in accordance with procedures established by the province in which the court was located. The province of Manitoba chose not to develop procedures for a victim impact statement program at this time.

In September of 1996, the *Criminal Code* (Canada) was amended again. *Bill C-41* introduced section 722, which replaced section 735 of the *Criminal Code* (Canada). Section 722 is very similar to section 735. The major difference is a wording change from **may** to **shall** in terms of the court considering any victim impact statement that had been submitted. This change forced the court to consider all admissible victim impact statements submitted. In order to be considered admissible, according to section 722 of the *Criminal Code* (Canada), a victim impact statement must have the following features:

1. The statement is to be prepared in writing.
2. The statement is to be in the form and in accordance with procedures established by a program designated for that purpose by the province.

3. The statement is to be authored by a person meeting the definition of a victim (s. 722(4)1) of the Criminal Code (Canada).
4. The statement is to describe the harm done to, or loss suffered by the victim arising from the commission of the offence (not criticisms of the offender, assertions as to the facts of the offence, or recommendations as to the severity of the punishment).
5. The statement is to be filed with the court.
6. The clerk of the court is to provide a copy of the statement to the judge, the prosecution and the defence (s. 722.1 of the Criminal Code (Canada)).

According to the *Criminal Code* (Canada), each province implements its own victim impact statement program. Victim impact statement programs are administered by the provinces according to the guidelines they set out for the program with orders in council.

The most recent amendments to the *Criminal Code* (Canada) relating to victim impact statements took place in December of 1999. With the passing of *Bill C-79*, it became mandatory that a victim be allowed to read his or her victim impact statement aloud in court or present his or her statement in any other manner the court considered appropriate. *Bill C-79* also required that the judge in a case ask the prosecutor if a victim was advised of his or her right to fill out a victim impact statement and allowed

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<sup>1</sup>According to Section 722(4) of the *Criminal Code* (Canada) a victim in relation to an offence means a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of the offence. In a case where the person to whom harm was done or who suffered physical or emotional loss is dead or otherwise incapable of making a statement, victim may mean a spouse or any relative of that person, anyone who is in custody of that person or is responsible for the care or support of that person or any dependant of that person. Case law (*R. v. Curtis*) further limits this definition to refer to the direct victim of a crime.

that judge the option to adjourn the court proceeding in order to give the victim the opportunity to fill out a victim impact statement. The most recent version of Section 722 of the *Criminal Code* (Canada) is outlined in Appendix A.

### ***Manitoba's Victim Impact Statement Program***

According to the *Criminal Code* (Canada), each province is in charge of creating and implementing a victim impact statement program according to the guidelines set out under section 722. All provinces and territories in Canada, with the possible exception of Nunavut, have an official victim impact statement program. It appears all provinces have similarly structured programs. The main difference in each program is where a victim submits a completed victim impact statement. Manitoba introduced its victim impact statement program in 1998.

In accordance with Section 722 (2) [of the *Criminal Code* (Canada)] an order in council provides Manitoba Justice the authority to establish the form and procedures respecting a statement referred to in section 722(1) of the *Criminal Code* (Canada) (Manitoba Justice, 1998: 6). With the signing of the order in council by the Lieutenant Governor of the province of Manitoba in October of 1998, the Manitoba Victim Impact Statement Program began. In a news release made on September 21, 1998, then Justice Minister Vic Toews heralded the program as being another avenue for a victim to use to ensure their [sic] voice is heard as part of the criminal justice system's efforts to hold offenders accountable. This program...provide[s] for a more responsive legal system. This government is leading the fight against crime, and that



includes...ensuring [victims] feelings are made known to the courts (Manitoba Government News Release, September 21, 1998).

Based on the criteria outlined in section 722 of the *Criminal Code* (Canada) that victim impact statements are to describe the harm done to, or loss suffered by, the victim as a result of a criminal offence, the primary objective of the Manitoba Victim Impact Statement Program, as outlined in the *Victim Impact Statement Program Policies and Procedures Manual*, is to give direct crime victims an opportunity to tell the court how being a victim has affected them and/or their relationships with others.

Victims are first advised of their right to submit a victim impact statement via an incident card handed to them by the police. Everyone who is a victim of a crime in the province of Manitoba is supposed to be handed a police incident card with a crime report number on it. On the back of this card is a sentence advising them of their right to complete a victim impact statement. Victims can obtain information about the Manitoba Victim Impact Statement Program through a fact sheet (see Appendix B) provided to them by the police, a Prosecutions Crime Victim Rights Unit (where applicable), Victim Services Unit (where applicable) or other agency responsible for specific target groups (e.g., Women's Advocacy Program, Child Victim Support Program or Older Victim Services). Contact with the victim is to occur as soon as possible after a charge has been made.

Once a victim has been informed of the Manitoba Victim Impact Statement Program, it is his or her responsibility to obtain a victim impact statement form (Appendix C). As victim impact statements do not come into play until after a charge is laid (which may be well after the crime occurred) and since The Manitoba Victim

Impact Statement is an optional program, victims are generally not offered a victim impact statement form unless they ask for one. Victims can obtain victim impact statement forms from most community police offices, Crown attorneys offices, Prosecutions Crime Victim Rights Units and specified victim services offices. In Winnipeg, victims can also obtain a copy of the victim impact statement form from the Victim/Witness Assistance office or a Crime Victims Rights Worker. In most rural areas serviced by the R.C.M.P., the investigating officer, during the initial investigation of the crime will provide the victim impact statement form to the victim. However, the victim impact statement forms will also be available in each R.C.M.P. detachment.

Any individual who has been the victim of a crime in Manitoba has the right to complete a victim impact statement form. Special efforts are made to provide victims who do not live in Manitoba with copies of the victim impact statement fact sheet and form as soon as the incident is reported or immediately upon opening an investigation into the case.

Currently the procedure the victim follows after he or she has completed a Victim Impact Statement is to forward it to the nearest Crown office. Once the statement is submitted, Crown attorneys read each statement and, if necessary, edit the content to ensure that it complies with Victim Impact Statement Program guidelines. Disclosure of the edited victim impact statement to the defence occurs as soon as possible after it has been reviewed. The original edited statement is held on the Crown file with two copies until there is a finding of guilt.

Upon a finding of guilt, the Crown attorney's office provides the original and

one of the copies of the statement to the Clerk of the Court who provides a copy of the statement to the Judge prior to sentencing and places the original statement on the court file.

During the sentencing phase of a trial, a judge must weigh a number of sentencing principles when making a sentencing decision. These sentencing principles can be found in section 718 of the *Criminal Code* (Canada). Among these principles is the requirement that a judge take into consideration any victim impact statement made by the victim or victims. The problem with these sentencing principles is that the *Criminal Code* (Canada) does not specify how much weight a judge should place on each of the individual principles when determining a sentence for a particular offender. As this is the case, it becomes difficult if not impossible to measure the influence a victim impact statement has on a sentencing decision.

Because of a recent process change in how the Manitoba Victim Impact Statement Program is administered, it also becomes difficult to study a victim impact statement program that is in transition. To better serve the needs of victims, the province has hired Crime Victims Rights Workers to assist victims in completing victim impact statement forms and to take a more proactive approach in informing victims about the Manitoba Victim Impact Statement Program. Manitoba's *Victims' Bill of Rights* which was proclaimed in August of 2001 also modifies the Manitoba Victim Impact Statement Program by making it mandatory that victims of certain offences are given copies of all victim impact statement material, without having to request it. These offences include: murder; manslaughter; aggravated sexual assault; sexual assault with a weapon; infanticide, criminal negligence causing death; impaired

operation of a vehicle cause death; dangerous operation of a vehicle cause death; aggravated assault; assaulting a peace officer or public officer; discharging a firearm with intent; and, attempted murder. For these reasons, studying the current processes and outcomes is unfair to the program at this time. Such a study would be more appropriate after the program has gone through its growing pains stage.

There is one process and outcome that will remain constant despite the program's transitional status. Recall that the primary objective of the Manitoba Victim Impact Statement Program is to give anyone who has been a victim of a crime the opportunity to present his or her views to the court. Implied in this objective is the goal of the program to ensure that victims are aware of and are satisfied with their opportunity to participate in the court system by presenting their views to the court. In other words, the program objective can still be evaluated by looking at a victim's satisfaction level with the court system given their opportunity to participate in that system. As such, this evaluation will examine the program's objective by looking at victim satisfaction and possible factors that influence a victim's decision to complete a victim impact statement.

### ***Literature Review***

Victim initiatives and the acknowledgment of victim needs in legislation are a recent innovation in criminological research. The 1960s marked the first time the state really began to look at and acknowledge how crime affected the victim. During the late 1960s, increasing concerns about crime rates and frustration with law enforcement efforts to reduce crime began to emerge within the public sphere. In response to these

concerns, the state began to examine the problem of crime and its consequences. Through victimization surveys, it was found that as high as reported crime was, the actual crime rate was much higher. Many people were failing to report crimes to the police. Also, it was discovered that when victims did report crimes and arrests were made, some victims and other witnesses were hesitant or refused to cooperate in prosecuting the case because of the treatment they were afforded by the criminal justice system (Davis and Henley, 1990: 158). However, even with these problems clearly identified, it took nearly a decade of public pressure for the state to begin offering solutions.

In the early 1970s, attention to crime victims was virtually nonexistent. To combat this, public awareness campaigns were initiated by feminists, whose primary interest was to bring attention to the horrid treatment to which rape victims were subjected at the hands of the criminal justice system (Kelly, 1990: 173). Private citizens, typically those involved with grass-roots victim services programs who had themselves been crime victims in the past, also became instrumental in initiating public awareness campaigns (Davis and Henley, 1990: 159). These groups rallied to change popular and government attitudes regarding the issue of victimization.

The institutional responses of the day were often punitive to victims. Victims were sometimes blamed for their victimization, especially in cases involving sexual assault or domestic violence. Sometimes police refused to believe that a crime had even taken place. If the case did reach the court system, victims were often forced to incur the cost of child care and parking expenses in addition to their loss of wages from work just so they could attend the trial. Further, they were forced to wait in the

same waiting areas as the defendant's friends and family and were often inconvenienced by numerous adjournments. In essence, victims were re-victimized through their involvement in the criminal justice system.

In order to combat this treatment, lobby groups systematically set out to change how the general public viewed victimization. They used the media to publicize accounts of victimization in an effort to elicit sympathy for crime victims and to evoke public outrage surrounding the institutional response these victims often faced (Kelly 1990: 173). The purpose of raising public concern was to generate a response from politicians, who had both the means and the resources to do something about the situation. Once public support was secured, lobby groups were able to pressure politicians to take up the issue and demand expanded services and more sensitive treatment for victims. As a result of the lobbying efforts, state agencies began to provide funding for research and programming for crime victims.

Soon the state began to fund a variety of services to victims. Initially the victim service program efforts concentrated on economic and psychological difficulties arising from the crime. Activities on behalf of victims resulted in legislation which mandated rights of compensation from the state, restitution from the offender [and] support and counselling services (Erez and Sebba, 1999: 177).

Victim/witness programs were established to provide court orientation and support; law-enforcement based crisis intervention programs were created to provide support immediately following a crime; special victim-only waiting rooms were built; and victim compensation programs began to emerge as a way for victims to recuperate some of the losses they incurred.

As the process continued, concern for victims' rights expanded into areas beyond its initial focus and has centred more recently on victims' reintegration into the criminal justice process (Erez, 1991: 2). This shift in focus has resulted in a movement toward the integration of victim participation rights into the criminal justice process and a shift toward increased victim rights in general. Although the attitudinal changes produced as a result of lobbying were welcome, crime victims want more than sensitive treatment. They want the right to participate in the criminal justice system (Kelly, 1990: 173). The demands for increased victim participation are supported by research on victims' concerns and attitudes toward the criminal justice process. The most prominent concern emphasized in these studies was victims' frustration with, and alienation from the system (Erez and Tontodonato 1990; Knudten et al. 1976).

Victims' grievances stemmed more from the procedures of the criminal justice process, particularly the lack of involvement in the decision making process, than with the supposed injustice of outcome (Erez and Tontodonato, 1990: 452). Erez (1991) indicates that one of the most important grievances cited by victims is their lack of standing and voice in the proceeding. Advocates of the victims' rights movement argue that the victim deserves just as much of a right to participate in the criminal justice system as the offender does.

Victims, no less than defendants, are entitled to their day in court. Victims, no less than defendants, are entitled to have their views considered. A judge cannot evaluate the seriousness of a defendant's conduct without knowing how the crime has burdened the victim. A judge cannot reach an informed determination of the danger posed by a defendant without hearing from the person he has victimized (President's Task Force on Victims of Crime as cited in Wallace, 1998: 324-325).

Advocates argue that victim input will provide recognition of a victim's wish for party

status and individual dignity. It will also remind judges, juries and prosecutors that behind the state is a real person with an interest in how the case is resolved (Kelly 1987 as cited in Erez and Sebba 1999: 178).

The main stumbling block facing victims in achieving full participation in the court process has been that the court system is constructed around an adversarial model of justice. This model is based on the premise that crime is committed against the state and not against an individual victim. "The state is not just the arbiter in a trial between victim and offender; the state is the victim" (Walklate 2002: 149). As a result, attempts to provide victims with rights in the criminal justice process have met with resistance from the legal community. Critics of the adversarial model of justice argue that a criminal justice system which denies victims a chance to participate, fosters a sense of helplessness and lack of control. The adversarial model of justice relegates the victim to the role of observer, or at best the limited role of Crown witness. The plight of the victim is further compounded by the fact that most cases are resolved via plea bargain or guilty plea. When this occurs, the victim is not even given his or her day in court as a witness. Essentially, in an adversarial process, when guilty pleas and plea bargains occur, the victim is given no means of participating in the justice process at all and his or her voice is never heard.

Some of the more recent legislative reforms have acknowledged victims' frustration with the lack of opportunity for victim participation in the criminal justice process. One such reform is the Manitoba Victim Impact Statement Program. Victim impact statement programs are aimed at reducing a victim's frustration with and



alienation from a legal system in which he or she has neither a status nor a voice in the process. Victim impact statements were designed to provide victims with the right to provide input into the proceeding. This right to input was expected to reduce victim alienation and increase victim satisfaction (Erez 2000: 165). Victim impact statement programs allow victims the right to participate and serve as a recognition of a victim's wish for direct participation. This allows not only victims whose cases have proceeded to trial the opportunity to participate in the process but also allows those victims whose cases have been disposed of by guilty pleas the opportunity to participate.

Sentencing is one of the most important stages to crime victims because it provides an end to their long ordeal (Kelly, 1990: 178). At the time of sentencing, the function of the court is to determine an appropriate sentence for an offender who is found guilty. Victim impact statements are used to help the court fully understand the effects the crime had on the victim. A victim impact statement presents the victim's point of view to the judge during the sentencing phase of a trial. The gravity of an offence is one of the factors considered by the court when making a decision regarding the appropriateness of a particular sentence. Victim impact statements can assist in determining the gravity of an offence, as they provide information on the financial, physical and emotional impact a particular crime had on a victim.

A judge, when determining a sentence, considers what are called mitigating and aggravating factors. A mitigating factor is a factor that may result in a less severe sentence being meted out by a judge. If, for example, a victim did not report any effects in his or her victim impact statement, then a judge may interpret this as a

mitigating factor. An aggravating factor is a factor that may result in a more severe sentence being meted out by a judge. An example of an aggravating factor might be a negative consequence that a victim reports in his or her victim impact statement, such as the long term consequences of a physical injury. Victim impact statements may also speak to characteristics of a given victim which could be considered aggravating factors. Such characteristics may include if the victim was disabled, a child or elderly. Advocates of victim impact statements argue that crime affects each victim in an individual way. No two victims of the same crime will experience the exact same emotional, physical, or financial impact. Therefore, it is important that judges have access to all pertinent information prior to sentencing so that they can balance society's needs, the defendant's needs and the victim's needs. Proponents of victim impact statement programs argue that information on victim harm will enhance proportionality and accuracy in sentencing and increase fairness for victims by providing them the right to be heard by the court (Erez and Sebba, 1999: 179).

When victim impact statements are used in court, they allow the victim's voice to be heard and make the victim feel like he or she is part of the process. "Victim impact statements increase victims' willingness to co-operate with the criminal justice system; enhance victims' feeling of involvement and thereby improve victim satisfaction" (Walklate 2002: 151). Victim impact statements give the individual agency in the court process. Victim participation in the trial process can improve the victim's perception of the legitimacy of the process. Advocates of victims' rights have argued that the introduction of victim impact statements would make the criminal justice system more accountable to crime victims (Department of Justice Canada,

1990:1). “Studies of citizens who had contact with the police and courts confirm that input into the proceedings is associated with higher evaluation of justice and that representation or process control over has an effect above and beyond satisfaction with outcome” (Erez, Roeger and Morgen 1997: 41). Research has found that being heard, by directly speaking to the court, enhances the victim’s respect for the justice system (Kelly, 1990: 175).

Victim impact statements, in some cases, allow the victim to regain a sense of control over his or her life and may also alleviate some of the frustration which can arise when the victim perceives that he or she is ignored and uninvolved in the process (Kilpatrick as cited in Wallace, 1998: 326). 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 (Department of Justice Canada, 1990: 1). Erez (1999) tells us that properly administered victim impact statement schemes may be an effective way of helping victims overcome their sense of powerlessness and their feelings of an uncaring system. Victim involvement and the opportunity to voice concerns is necessary for satisfaction with justice, psychological healing and restoration (Erez, 1991: 3).

Many authors claim that victim satisfaction increases if a victim perceives that he or she has influenced the criminal justice process regardless if they have or not (Department of Justice Canada, 1990: 19, Kelly, 1990: 175). This further indicates the importance of exercising agency in the court process. A sense of participation can be more critical to victims’ satisfaction with the criminal justice system than how

severely the defendant was punished. Erez (1999) claims that research into adversarial legal systems suggests that even when victims thought their input was ignored or did not affect the outcome of their case, they still wished to participate in the process and provide input. However, in this particular work she makes no mention as to how a victim's level of satisfaction is affected by this.

There also exists a body of literature that argues that victim impact statement programs may in fact be harmful to victims. While filing and submitting a victim impact statement has been associated with increased victim satisfaction (Erez 1991, Kelly 1990, Department of Justice Canada 1990), some authors have argued that participatory rights may create expectations that are not or cannot be met (Fattah 1986, Ashworth 2000 as cited in Walklate 2002: 152). Victims who feel that their input has been ignored, may become embittered or resentful (Erez, 2000: 168). There are those who argue that filing a victim impact statement may heighten victims' expectations of the influence they have over the outcome and when they feel that their input has had no effect on sentence, their satisfaction with the sentence is decreased (Erez and Tontodonato forthcoming as cited in Erez, 1991: 6). This opinion raises an interesting point in terms of victim satisfaction with the criminal justice process in light of the large body of literature that has been examined legal professionals' opinions on the use of victim impact statements.

Erez (2000) insists that the most controversial and resisted victim oriented reform has been victim impact statement programs. They are, she says, the culmination of a long campaign to improve the treatment of crime victims by the criminal justice system. Erez's research shows that despite good intentions, the

program has been a failure. The experience of the past decade with victim input rights has shown that despite claims by victim advocates concerning the reform's potential to improve the system, as well as warnings by legal scholars and practitioners about the dangers of including a victim's voice in an adversarial justice system, the reform has had little effect on the criminal justice system and on victims' satisfaction with it (Erez, 2000: 166). "[Some] research suggest that there was little difference in levels of satisfaction experienced by victims, whether or not [a victim impact statement] was used in court" (Walklate 2002: 151).

Erez and Sebba (1999) put forth three major tensions that have arisen as a result of victim input rights that have not been resolved in ways that are conducive to the victim.

**1) Preservation of Traditional Conception of Adversarial Justice vs. Granting the**

**Victim Participatory Rights.** There has been great resistance from principal actors who feel that attempts to integrate victims formalizes a relationship that is felt to already exist in the limited relationship principal actors have with victims who are Crown witnesses or ought not exist, by giving victims more control over the court process, by giving them more of a voice.

**2)Accommodating Victim Rights vs. Ideology of Managerial Justice.** The court is concerned with productivity and puts a high premium on speed and efficiency.

Involving victims in the process decreased productivity and cost effectiveness.

**3) Providing Victims a Voice vs. Sentence Uniformity.** Victim input would

substitute the objective legal assessment of harms envisaged by the just deserts<sup>2</sup> model with subjective evaluations of seriousness by victims (Erez and Laster 1999). In other words, if greater victim input occurred, it is felt that there would be greater disparity between the sentences meted out, given how crime affects individual victims differently.

Not surprisingly, in light of the tensions presented above, in depth interviews with legal professionals reveal that overall reform has had little impact on court outcome and overall processes (Erez and Rogers 1999). However, at first glance, reform, it appears, has had some effect on sentencing decisions. The majority of those surveyed favoured considering victim impact statements in sentencing decisions and few believed that victim impact statements created or worsened managerial problems with the criminal justice process (Hillenbrand and Smith 1989 as cited in Erez, 2000: 170). Most judges and prosecutors thought that victim impact statements improved the quality of justice by influencing restitution awards or by having some impact on sentencing (Henley et al. 1994 as cited in Erez, 2000: 171). Yet despite their expressed sympathy for victims, these studies mostly paid lip service to victim input (Erez, 2000: 171).

The interviews also revealed strategies which legal professionals used to minimize victim input and the techniques of neutralization they invoke to discard victim impact statements and resist a meaningful implementation of the mandate to

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<sup>2</sup> The just deserts model uses a form of retributism to limit excessive punishment. In other words, a punishment in an individual case should never exceed the level that is appropriate for the crime committed.

consider them (Erez 2000: 170). If observed or made known to the victims, this could have a disastrous affect on their sense of satisfaction with the criminal justice process. Further, research shows that victim impact statements have not changed routine dispositions in the majority of criminal court cases. In fact, during interviews, concern arose around the issue of victim exaggeration of monetary loss, injury, or psychological harm and from the prospect of victim input being able to provide information which was not already available from the court file (Erez and Laster 1999). Interviews with legal professionals have shown that victim input through victim impact statements has not transformed victims into participants.

There has been relatively little research that has evaluated victim impact statement programs and examined how the ability to complete and submit a victim impact statement through these programs has affected a victim's level of satisfaction with the criminal justice process. The Manitoba Victim Impact Statement Program is no exception. This should not be surprising, as relatively few victim services programs are ever subjected to program evaluation studies, especially in terms of victim satisfaction with the program. The exception to this appears to be victim offender mediation programs which have had numerous evaluation studies conducted on them and which routinely measure victim satisfaction (Umbreit and Coates 1992, Umbreit 1990).

Like other victim services programs, victim offender mediation programs emerged in the 1970s. Mediation is an alternative to the traditional court system in

which victims and offenders meet and attempt to generate a mutually acceptable agreement. As with victim impact statement programs, victim offender mediation programs allow the victim an opportunity to participate in the proceeding and have his or her voice heard. However, victim offender mediation programs differ from victim impact statement programs in that they take place outside the criminal justice system, force the offender to take responsibility for what has been done and to take action to make things right. While dissimilar in some fundamental ways to victim impact statement programs, it is of some benefit to examine how victim offender programs measure victim satisfaction.

Satisfaction was measured in mediation evaluations by asking victims whether they were satisfied with their experience, by asking victims whether they would participate in the program again or recommend it to other victims of crime and by asking victims what they found most satisfying about the process. Mediation programs have been able to reliably and validly measure victim satisfaction on these measures. Research has found that victim offender mediation results in high levels of client satisfaction and that the process of victim offender mediation has a more significant positive effect on crime victims when examining comparison groups of victims who went through the traditional court system (Umbreit and Coates 1992).

Only three studies have attempted to evaluate victim impact statement programs' effects on victim satisfaction with the criminal justice process. They are an evaluation study conducted by the Department of Justice Canada in 1990 which examined five different models of victim impact statement programs in five different provinces, one by Robert C. Davis and Barbara E. Smith in 1994 and one by Edna



Erez, Leigh Roeger and Frank Morgan in 1997.

The aim of the Department of Justice Canada pilot project was to find the best model to introduce victim impact statements into the criminal justice system and the model that would achieve the greatest amount of victim satisfaction with the criminal justice process. A number of factors were taken into consideration in order to examine the effectiveness of the program model in terms of preparing and presenting victim impact statements to court, and in order to examine the effects of participation in a victim impact statement program on victims' satisfaction with the criminal justice process. Interviews with victims captured information on their reasons for participating or not participating in the program, the extent to which they derived some benefit from the program, the degree of contact with various members of the justice system, the knowledge of charges laid, knowledge of case progress, attitudes towards various justice system members, satisfaction and dissatisfaction with process and the knowledge and degree of satisfaction of sentence or outcome of case. Of note, this evaluation was completed prior to victim impact statements being included in the *Criminal Code* (Canada). This means there was no authority permitting introducing of victim impact statements in court. Also of note, in each of the Canadian pilot cities, the procedures and practices of the programs were not static. As pilot programs, each of the programs evolved over time and the procedures and practices changed during the course of the pilot phase and as a result, the research adapted to these changes. The findings of the study of the four programs found that victim impact statement completion rates were higher when the victims were interviewed by dedicated workers who put the victim's thoughts into written form as opposed to the victim completing

his/her own victim impact statement. In Winnipeg, the interview method was used. The study also noted that except for sexual assault, there was no relation between offence type and victim impact statement completion rates. Also, at the time, victim impact statements were only being accepted for certain, not all, offences. In the case of Winnipeg, these offences were: assault causing bodily harm; assault with a weapon; assault; sexual assault and robbery. Other jurisdictions included theft, break and enter, homicides, etc. It appears the only incident types common among all four pilot cities were: sexual assault, assault and robbery. Findings also indicated age had an effect on completion of a victim impact statement. In the Winnipeg project, 31% of 18-20 year olds completed victim impact statements and 71% of victims aged 50+ completed victim impact statements.

According to the findings, all projects had problems in contacting a sizeable proportion of victims. In Winnipeg, N=127 out of a possible population of 374. The majority of non-compliance was due to an inability to contact respondents for an interview. Using the results from all four pilot programs, researchers found the reasons for completing victim impact statements fell under three categories<sup>1</sup>. 1. Victims wanted to ensure justice was done/wanted to influence the sentence (14-42%). 2. Victims had an altruistic reason for completing a victim impact statement (e.g., they felt it was their civic duty) (17-47%). 3. Victims felt their statement would have a deterrent effect (e.g., letting the offender know their act was not victimless) (20-35%). The studies all found a high level of satisfaction with the victim impact statement program, 86-95% of victims who participated in the program would do so again. However, victims who completed a victim impact statement were only slightly more

satisfied with the criminal justice system, their involvement with the criminal justice system and the outcome of the case.

Overall conclusions to the study included the finding that victims do not use victim impact statements as a retributive tool. Findings also indicated completing a victim impact statement does not lead to greater satisfaction with the system or an increased willingness to cooperate with the system in the future. The most important finding was that victims found completing a victim impact statement a positive experience and would complete a victim impact statement again. Victims want to be informed on the progress of their case and want information on how the system operates. This finding prompted a recommendation that victims be informed of services that would allow them to complete a victim impact statement, as the program appeared to help them to become satisfactorily involved in the process.

The second study (Davis and Smith 1994) evaluated a victim impact statement program in New York and examined victims' perceptions of involvement and satisfaction with the justice system. Using randomly assigned comparison groups, Davis and Smith interviewed victims and examined victims' opinions on issues such as whether they felt they had a chance to express concerns to the prosecutor, whether the prosecutor understood how the crime affected them as a result of their victim impact statements, whether they were treated respectfully by criminal justice personnel, whether they knew the disposition of their case and whether they were satisfied with the outcome and the handling of their case. Similar to the findings of the Department of Justice Canada study, Davis and Smith found there were no significantly greater feelings of involvement in the criminal justice system experienced

by the group of victims who had victim impact statements completed in their cases and that there was no greater feeling of victim satisfaction expressed by victims who had victim impact statements completed in their case. In fact, those who had victim impact statements completed and presented to the court, in the Davis and Smith study, reported the least positive responses. Based on their findings, Davis and Smith recommended victim allocution as a mechanism of promoting victim satisfaction. By allocution, they meant “allowing victims to make oral statements to the court at sentencing” (Davis and Smith, 1994: 11), a process already available to victims thanks to section 722(2.1) of the *Criminal Code* (Canada). Davis and Smith also recommend research to determine the proportion of victims who want to participate in the criminal justice system and ask what that participation might look like. Davis and Smith argue “until we understand what victims want, we cannot debate their proper role in the justice process intelligently” (Davis and Smith, 1994: 12).

The third study (Erez, Roeger and Morgen 1997) presents findings from a survey of felony crime victims in South Australia which examined whether or not victim impact statements have an effect on victim satisfaction with the justice system. The study examined all cases finalized in Supreme and District Court in South Australia, between January 1, 1990 and July 31, 1992, where an offender was convicted. A total of 847 victims were selected, 427 of which completed and returned a mail-out survey. The questionnaire comprised five broad sections including: demographic data; details of the offence; a measure of involvement; an evaluation of the victim impact statement and its administration and finally satisfaction with sentence.

Erez, Roeger and Morgan found that victims who completed a victim impact statement reported a slightly higher overall level of satisfaction with the criminal justice system than victims who did not complete a victim impact statement. However, these results were not found to be statistically significant. Rather, the variables they did find to have a statistically significant effect on satisfaction with the criminal justice system included the type of offence (personal v. property) and level of distress for victims who were not aware of the outcome of their court case and satisfaction with sentence for victims who were aware of the outcome of their court case. No other variables had a statistically significant effect on satisfaction with the criminal justice system.

The methodology, recommendations and conclusions of the three studies mentioned above greatly influenced the researcher's methodology as well the survey construction. Informed by the studies by the Department of Justice Canada victim impact statement pilot project, the victim impact study conducted by Davis and Smith in 1994 and the study conducted by Erez, Roeger and Morgen in 1997, the writer constructed the program theory present below.

### ***Program Theory***

Despite the findings of previous studies that victim impact statements do not increase overall satisfaction with the court system, the researcher reasoned The Manitoba Victim Impact Statement Program was different enough from the programs outlined in the studies above that she theorized participation in the criminal justice

system through The Manitoba Victim Impact Statement Program would increase a victim's level of overall satisfaction with the criminal justice system.

As evidenced by the literature, a number of authors support the notion that increased victim participation in the criminal justice process will result in increased overall level of satisfaction with the criminal justice system (Erez 1999, Wallace 1998, Kelly and Erez 1997, Erez 1991 and Department of Justice Canada 1990). The Manitoba Victim Impact Statement Program provides victims the opportunity to have their voices heard in the court system by submitting a written victim impact statement and , if they so choose, by reading that victim impact statement aloud in court, an action that is considered a form of participation in the criminal justice process. According to the program theory, this opportunity to participate results in an increased level of overall satisfaction with the court system.

In order to succeed in its overall goal of victim satisfaction with the court system, The Manitoba Victim Impact Statement Program must ensure that victims are informed of what a victim impact statement is, their right to complete one and how they may submit one if they choose to do so. In other words, victims must have an awareness of the existence of the program.

According to the program theory if a victim completes and submits a victim impact statement, an action equivalent to participation in the criminal justice system in the victim's mind, the assumption is that his or her statement will be considered by the judge. Continuing to follow the program theory, this in turn causes a victim's level of overall satisfaction with the court system to increase. The program theory for the evaluation is outlined schematically in Appendix D.

Based on the program theory, the researcher created a survey instrument aimed at measuring a victim's level of satisfaction with The Manitoba Victim Impact Statement Program as well as a victim's overall level of satisfaction with the criminal justice system.

## **Chapter 3: Methods**

The aim of this project was to evaluate The Manitoba Victim Impact Statement Program by examining victim satisfaction with the program and determining if this had an effect on victim's overall level of satisfaction with the court system. A survey instrument was constructed, a comparison group was found and the process of data collection was initiated. Because The Manitoba Victim Impact Statement Program is a government program, the researcher required special permission from the government and under *The Freedom of Information and Protection of Privacy Act* (FIPPA) in order to be able to conduct the project. This caused an eight month delay in data collection. Contact information for the control and experimental groups also became an issue when it was discovered the contact information for 77% of the potential respondents was incomplete, incorrect or out of date.

### ***Survey Construction***

#### ***Conceptualization of Variables***

The researcher conceptualized many of the variables primarily based on previous research studies. First, the researcher reasoned that in order to participate in The Manitoba Victim Impact Statement Program victims had to be aware of the program. Participation in the program involved not only becoming aware of the program, receiving information about the program and completing a victim impact statement form, but actually submitting the completed victim impact statement form to the Crown's office.

Depending on their personal views or previous involvement with the criminal justice system, the researcher theorized that simply submitting the completed victim



impact statement form to the Crown's office would not convince all victims that the judge was made aware of the contents of their statement. Asking victims if they felt the judge was made aware of their views would clarify this.

Overall level of satisfaction with the court system is something mentioned in every research study and is a concept that encompasses how the victim felt about her/his entire experience in the criminal justice system, including how s/he was treated by police and personnel in the criminal justice system (including attorneys, judges, victim services workers etc.). It also takes into consideration how the victim felt about the process from the time the accused was caught until the end of the trial, up to and including sentencing, if applicable.

How the victim was treated by criminal justice personnel means how the victim's concerns were addressed by various members of the criminal justice system. This encompasses whether or not the victim felt the person was knowledgeable, if this person was able to answer questions and if he/she was not, if s/he was able to refer the victim or, in other words, find someone who could. Treatment by criminal justice personnel also encompassed whether or not the victim felt he/she was understood and respected by personnel.

Other factors the research indicated may affect a victim's satisfaction were the victim's knowledge of the disposition, in other words, what happened to the offender. Was s/he found guilty? Not guilty? Not criminally responsible? Did the offender plead guilty? Was s/he found guilty? Was the case stayed?

Degree of contact with criminal justice personnel was also thought to potentially influence a victim's satisfaction. This means how much contact did the victim have with

the criminal justice system. Was he/she simply interviewed by police? Did s/he speak to the Crown? Victim services workers? If the victim did have contact, how often?

Other factors thought to have some influence on satisfaction were sex, ethnic background, level of education, employment status, marital status, relationship of the victim to the offender, whether the victim knew the offender before the crime and how, and, the victim's previous involvement with the criminal justice system, whether the victim had been a victim of a crime before and if so, how many times.

### *Operationalization of Concepts*

The transition from concepts to variables for this evaluation was straightforward. However, several antecedent (or exogenous variables), as highlighted in the literature (Department of Justice Canada 1990 and Davis and Smith 1994), were expected to have some effect on the dependent variable. As such, these were taken into consideration when devising a survey instrument for this evaluation.

The concepts central to the research were operationalized by creating corresponding questions in the survey instrument (Appendix E). The operationalization of the concepts found in the program theory took place as follows: The concept of **Victim Awareness** in the program theory was operationalized as knowledge of the existence of the Manitoba Victim Impact Statement Program (Q23). The concept of program participation was measured by the variable **Victim Impact Statement Submitted to the Crown** (Q23A and Q23A1). Only victims who recall their submission of a victim impact statement to the Crown's office will be deemed to have participated in the program. According to the literature, in certain cases the victim will not recall completing a victim impact statement (Kelly 1990, Davis and Smith 1994). If this is the case, a victim cannot be deemed to

have participated in the program, as they will not have experienced the hypothesized benefits of participation. The researcher found no such cases in the sample.

Additionally, only those who have had charges laid in their case will be deemed to have participated in the program. If the overall goal of the program is victim satisfaction with the court system, only those who have had charges laid in their case will have had any experience with the court system. For reasons explained later in the chapter, the researcher ended up using data collected by prosecutions. As prosecutions only accepts VIS where a charge has been laid, this was not a concern.

According to the program theory, there is an underlying assumption by the victim that once he or she has completed a victim impact statement, the judge will consider it during the sentencing phase of a trial. Since the victim impact statement allows the victim to have a voice in sentencing, the program theory posits that victim satisfaction with the court system will result. This assumption was measured by asking victims if they thought their views were made known to the judge (**Views made Known to Judge**) (Q18 and Q20)).

Finally, victim satisfaction was measured by looking at the variable **Overall Level of Satisfaction with the Court System** (Q9 and Q22), the dependent variable under investigation in this evaluation. Victim satisfaction was defined as the victim's opinion on how satisfied overall he or she felt with the court system. This concept of victim satisfaction was operationalized as victims' feelings regarding their willingness to engage the criminal justice system in the future (Q14), asking the victim if he or she felt that justice was done (Q21), and by asking victims who participated in the

Manitoba Victim Impact Statement Program whether they would be willing to recommend the program to others (Q28).

The variable **Victim Impact Statements Submitted to Crown** (Q23A and Q23A1) is the major independent variable. The key endogenous variables that were considered were derived from the concept **Treatment of Victim by Criminal Justice Personnel** (Q11 series) (Davis and Smith 1994). This was defined as the victim's opinion on how knowledgeable criminal justice personnel were; and, how well victims felt criminal justice personnel were able to address their questions and/or make an appropriate referral. This concept was measured by the variables **Knowledgeable Staff** (Q11\_3), **Effectiveness in Addressing Questions**(Q11\_4) and **Effectiveness in Making Appropriate Referrals** (Q11\_4a). **Criminal Justice Personnel** was defined as any employee of the criminal justice system. This included, but was not limited to, police officers, victim services workers, any employees or volunteers in the provincial Department of Justice as well as any members of the Manitoba Bar Association.

Other endogenous variables examined include **Knowledge of Disposition** (Q6 and Q6A) which was defined as the victim knowing if the charge was stayed, if the offender plead guilty, if the offender was found guilty, if the offender was found not criminally responsible or if the offender was found not guilty<sup>3</sup> and **Degree of Contact with Criminal Justice Personnel** (Q11J) (Department of Justice Canada 1990), which was defined as the number of contacts a victim made with various criminal justice personnel.

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<sup>3</sup> Knowledge of disposition will also include the victim's knowledge of the sentence an offender received and how he or she felt about the sentence.

Additionally, whether the victim felt he or she had a voice in the proceeding (if they wanted one) was examined. Victims were also asked the degree to which they felt they were a full participant in the court proceeding.

Exogenous variables were also examined. They included: **Sex of the Victim** (Q31), **Ethnic Background of the Victim** (Q33), **Level of Education of the Victim** (Q35), **Employment Status of the Victim** (Q36), **Marital Status of the Victim** (Q34), **Age of the Victim** (Q32), **Relationship of Victim to Offender** (Q5 and Q5A) and **Victim's Previous Involvement in the Justice System** (Q2, Q2A, Q2B and Q2C), which was defined as the number of times the victim had involvement with the criminal justice system as a victim (Department of Justice Canada 1990, Umbreit 1995).

### *Comparison Group*

A comparison group was needed to determine if participation in the Manitoba Victim Impact Statement Program increased a victim's level of satisfaction with the court system. It was necessary to compare victims who had participated in the Manitoba Victim Impact Statement Program to victims who had not participated in the program. Manitoba Justice had been tracking the number of victim impact statements submitted by victims since the inception of the program in 1998. According to the 2000-2001 Victim Services Annual report, there were approximately 400 victim impact statements submitted to the program each year. Within the city of Winnipeg alone, there are on average 60,000 crimes reported annually to the police that have at least

one victim (Winnipeg Police Service, 1999: 18). Given this number, it was anticipated finding a comparison group would not be difficult.

### *Method of Data Collection*

The proposed study was based on an analysis of quantitative data and open-ended questions involving a comparison group. Data were to be collected via a telephone survey with a sample of crime victims after a disposition had been reached in the case. The study intended to examine the Manitoba Victim Impact Statement Program in relation to satisfaction with the court process. In order to do so, victims had to have had experience with the court process. For a number of reasons a survey design was determined to be the most appropriate design for this evaluation. Face to face interviews were not practical for this research study for a couple of reasons. First, the population of interest was located all over the province of Manitoba and traveling costs were prohibitive. Second, even if the researcher was to limit her research to the city of Winnipeg, the researcher was the only interviewer and safety was a consideration. Last, arranging for respondents to travel to meet the interviewer in another location would have been to costly in terms of travel and may have biased the research findings since interviews would have had to be conducted at the Department of Justice, somewhere that may have evoked negative emotions and responses from respondents.

Telephone interviewing was chosen based on the sample population. First, based on the researcher's experience with victims involved in the criminal justice

system, victims of crime tend to be somewhat transient and change addresses a lot. Although the researcher had both addresses and telephone numbers for respondents available, she felt there may have been an issue with many of the addresses not being current and theorized even if a victim moved the chances of them keeping the same telephone number were fairly good. Second, in some instances mailing addresses were not complete for instance in certain instances apartment numbers and postal codes were missing from the addresses, this would likely have caused a number of surveys to be returned and never reach the intended recipient. Third, the survey contained multiple skip patterns and the researcher was concerned about respondents being able to follow the survey properly. As well, according to Floyd J. Fowler in his book *Survey Research Methods* (Sage Publications Inc., 1993), self-administered questionnaires should be limited to closed questions as “self-administered open answered often do not produce useful data” (Fowler 1993: 57). As this research project was exploratory, the researcher felt it was necessary to include open-ended questions. A telephone interview also allowed the interviewer to probe for clarity or if incomplete answers were given. Lastly, because the research question addressed opinions about experiences within the criminal justice system as well as specific aspects of a victim’s victimization experience, telephone interviewing and initiating semi-personal contact with respondents was hypothesized to increase response rates without unduly “traumatizing” the victim. According to Fowler, “telephone procedures lend an air of impersonality to the interview process that should help people report negative events or behaviours” (Fowler, 1993: 58)

The only concern that presented itself with using a telephone survey was that

some of the chosen respondents may not have telephones; however, this method was still thought to be more effective than a mail out survey in terms of response rate and considerably more cost effective than face to face interviewing. According to Fowler, "an advance letter can be mailed introducing the study and explaining the purpose. After that an interviewer can call and ask for cooperation. Under these circumstances, telephone and personal response rates do not differ significantly" (Fowler, 1994: 60). The researcher for this project forwarded a letter to all potential respondents prior to telephoning them to complete an interview.

### ***Sampling Method***

In September 2001, the researcher approached the director of the Manitoba Justice Public Safety Branch and indicated an interest in evaluating The Manitoba Victim Impact Statement Program as the thesis requirement for a Masters degree. The Public Safety Branch agreed to assist. Three months later, in December 2001, the thesis project was proposed. At the time, the project proposed evaluating the Manitoba Victim Impact Statement Program via telephone interviews with 250 victims; 125 victims who had submitted a victim impact statement to the Manitoba Victim Impact Statement Program and 125 victims who had not or did not recall submitting a victim impact statement to the program. The time frame examined was April 1, 1999 to March 31, 2000. During this time period, the Public Safety Branch was responsible for tracking victim impact statements and maintaining a database containing the names of victims who had submitted a victim impact statement to the Manitoba Victim Impact Statement Program in Winnipeg. In the initial project



proposal, the names, addresses and telephone numbers for a comparison group were to be collected from the Winnipeg Police Service by using a simple random sample matched by offence type. As the database maintained by the Public Safety Branch only contained the names and offence types, it was necessary to enlist the assistance of Prosecutions to obtain the contact information for respondents who had filled out victim impact statements. Because Prosecutions was being approached for this information, it was suggested they could also provide names, addresses and telephone numbers of victims who had not completed a victim impact statement as well. This prevented the researcher from having to approach a second agency (The Winnipeg Police Service) for information and allowed the researcher to verify rather than assume a case had been disposed of within the chosen time frame.

As the population of victims who had not submitted a victim impact statement was anticipated to be rather large, the sample obtained from Prosecutions for this group was to be matched by offence type, thus the researcher could look at the offence type of each selected case involving a victim impact statement respondent and match it up with a case of a victim who had not completed a victim impact statement. This would maximize the comparisons that could be made between the samples.

A simple random sample of 125 victims who had submitted a victim impact statement and where there had been a charge laid in the case was requested, in the hopes of being able to contact at least 100 by mail and by telephone. Similarly, a matched sample of 125 victims, in cases where a charge had been laid and who had not submitted a victim impact statement was requested from Prosecutions. Crown files contain information on the offence type, the name, address and telephone number

of the victim thus allowing the possibility of matching as well as providing necessary contact information for victims.

The researcher requested cases that had been disposed of within a year. In the researcher's experience working with victims, some crime victims tend to frequently change their place of permanent residence. As such, there was some concern the addresses and phone numbers for victims may not have been current after a year. The researcher attempted to oversample to ensure that enough victims with current addresses and telephone numbers were selected.

Obtaining access to Prosecutions' data was not simple. To gain access to victims' personal information on prosecution files, a request for a legal opinion from Civil Legal Services had to be made to ensure compliance with *The Freedom of Information Protection of Privacy Act* (FIPPA) of Manitoba. The researcher's position was unique in that she was both a University of Manitoba student and an employee of Manitoba Justice. Civil Legal Services was contacted one month after the proposal, in January 2002, and asked to provide a legal opinion on the researcher's obligations under FIPPA.

Receiving a legal opinion, despite many efforts to accelerate the process, took eight months to complete. Civil Legal Services' involvement did not conclude until September 2002. Without this opinion, it was impossible to move ahead with the project. Civil Legal Services advised in August 2002 that if the project was conducted "in-house" FIPPA would allow it to be done. The "in house" project scenario was

possible as the researcher was an employee of Manitoba Justice. Conducting the project "in house" ensured all personal information was retained "in house." An "in house" project meant the department owned the project, the data and any reports produced. As such, it was necessary to request permission from the department to submit the final report for the project, devoid of any identifying respondent information, as a thesis. This permission was granted on August 22, 2002. This change also required the approval of the University of Manitoba Psychology/Sociology Research Ethics Board. As the project was initially set up, the researcher was contacting respondents as a student first via an introductory letter then by telephone to administer the survey. As explained above, a student would not have access to the personal information necessary to conduct the project. Both the introductory letter and the survey were rewritten to present the researcher as a Manitoba Justice employee rather than a University of Manitoba student. Approval for the project with indicated changes was granted by the University of Manitoba Psychology/Sociology Ethics Board September 20, 2002, more than eight months after the project was initially proposed.

As a next step, the Assistant Deputy Minister (ADM) of Prosecutions was contacted to request access to prosecution files. The ADM of Prosecutions approved the request pending a review by the Director of Intake and other senior officials on October 22, 2002. After a two month delay, full permission was finally granted in December 2002.

On January 15, 2003, the researcher met with prosecution database administrators to request victim contact information. One of the concerns when

studying the victim population is their high rate of mobility. The time frame set out in the proposal was April 1, 1999 to March 31, 2000. Given the one year time delay between choosing this time frame and obtaining permission from Manitoba Justice to access victim contact information, the researcher decided to modify the time frame to March 12, 2002 to February 5, 2003. This new time frame was chosen in consultation with the database administrators based on the information available on the database and prosecution files. Of note, Manitoba's *Victim's Bill of Rights*, introduced in August 2001, modified The Manitoba Victim Impact Statement Program, by making it mandatory that victims of certain offences; murder; manslaughter; aggravated sexual assault; sexual assault with a weapon; infanticide; criminal negligence causing death; impaired operation of a vehicle cause death; dangerous operation of a vehicle cause death; aggravated assault; assaulting a peace officer or public officer; discharging a firearm with intent; and, attempted murder, are given copies of all victim impact statement material. This was expected to affect these victims knowledge of the program. In theory, all victims of these offences should have had knowledge of The Manitoba Victim Impact Statement Program. As well, with this new time period, all victims of the above listed offences would have fallen under the purview of Manitoba's *Victim's Bill of Rights*.

Contact information for victims was pulled from the Prosecutions Information System Management (PRISM), the database used by Prosecutions. PRISM has tracked contact information for victims since October 1999; however, it is only since September 2002 that PRISM has had the capability of tracking whether a victim completed a victim impact statement. As mentioned previously, the Victim/Witness

Assistance Program had responsibility for tracking victim impact statements during the April 1999 to March 2000 time frame. During March 2002 to February 2003, this responsibility fell to Prosecutions. Prior to PRISM having the capability of tracking whether or not a victim had filed a victim impact statement, this information was tracked on a spreadsheet by staff in Prosecutions. Using both the spreadsheet and the PRISM database information, it was possible to obtain the necessary information for the new time frame. It should be mentioned, in the proposal, the researcher intended to interview only respondents from Winnipeg, as the collection of victim impact statements collected by Victim/Witness Assistance was limited to the city of Winnipeg. PRISM is a province wide database.

It was discovered shortly after the request for information was placed that the spreadsheet used by Prosecutions became corrupted at some point and was missing information for the month of August 2002. As this was the only source for victim impact statement information, the researcher had no choice but to note this and proceed.

Using both the spreadsheet and the PRISM database, Prosecutions staff were able to pull victim contact information and charge information for victims who had completed a victim impact statement. Only cases that had been disposed of in the court between March 12, 2002 and February 5, 2003 and had an address and/or a telephone number recorded in the database were included. For ethical reasons, individuals under the age of 18 were removed from the sample. As well, survivors of homicide (family members of a deceased victim) were removed from the sample (PRISM, during the time frame selected, did not have the ability to track contact

information for these individuals). A total of 42 names were obtained. This number was far lower than anticipated. The proposal stated that 125 names would be randomly selected from a population of approximately 400. This population of 400 was based on the average number of victim impact statements submitted to the Victim/Witness Assistance office in year. Recall, Victim/Witness Assistance was responsible for collecting information on victim impact statements from 1998 to 2001. Prosecutions did not collect or record the same number of victim impact statements received. As revealed in an evaluation of Prosecutions conducted by Ernst and Young in August 2000, administration and workload issues plagued and may very well continue to plague the Crown's office. It is anticipated that this, coupled with the fact that between March 2002 and February 2003 the PRISM database had been upgraded and users were still learning how to use the upgraded system, played a role in the low number of victim impact statements recorded by Prosecutions staff. Because of this low number, the entire population of victims who had completed a victim impact statement was selected for the study.

A comparison group was also selected using data from Prosecutions. To ensure enough victims with contact information were available for comparison purposes, database administrators pulled charge and contact information for all cases where a file had been disposed of and where an address and/or telephone number was recorded on the system. The same ethical considerations were taken into account with the comparison group. This list of individuals was cross-referenced with the list of individuals who had completed a victim impact statement and the individuals who had completed a victim impact statement were removed. Approximately 100 names of

potential respondents remained. This second group was matched by offence type to the VIS group. When necessary, a random number table was used to select a match on offence type.

Although the sample size had significantly diminished (from 250 to 84), it was felt the sample was large enough and would yield enough data to complete a statistical analysis. Also, given how close the time frame was to the date the research would take place, it was reasoned the rate of mobility would not be as high and the addresses and telephone numbers had a better chance of being current.

### ***Data Collection***

Pilot testing began after the sample was selected. As the sample was so small, the researcher chose not to use any of the sample for pilot testing. Pilot testing was conducted on May 29, 2003 with 5 members of the Manitoba Organization of Victim Advocates (MOVA). MOVA is a non-government, non-profit corporation whose primary purpose is to offer support to crime victims and advocate change in the criminal justice system for victims. There was one drawback to asking MOVA to pilot test the survey. Its membership is primarily made up of homicide survivors, a group not represented in the sample. Nevertheless, they were the only available option for pilot testing the survey without using the sample. According to the results of the focus group, there was no need to modify the survey instrument.

After pilot testing was complete, introduction letters were sent to respondents. The introduction letter was sent in order to introduce respondents to the project and to reduce the chance of re-victimization. The introduction letter also included two

telephone numbers (one for Winnipeg and a toll free number) for respondents to call if they had questions about the project or to set up a time for an interview. A sample of the introduction letter can be found in Appendix F. In order to ensure a time lapse did not occur between the time an introduction letter was received and a phone call to the respondent was placed, the sample was divided into four groups of 20 (the last group was 24). Each group consisted of 10 victims who had completed a VIS and 10 victims who had not. The 10 victims from each group were chosen randomly. The first set of introduction letters were sent out June 17, 2003. Telephone requests for interviews began two weeks after. Subsequent mailings took place on June 30, July 14 and July 30. In cases where an address was not available but a telephone number was, the respondent was telephoned and an introduction letter was sent prior to an interview being conducted.

A telephone line dedicated to the project was set up in an office in the Public Safety Branch. The outgoing message on the telephone asked that a name, telephone number and an appropriate time to call be included in any message left. The hope was that respondents would call and leave a message indicating a convenient time for an interview and that some respondents who did not have a current telephone number on file would call and leave their current telephone number. Unfortunately this approach, of placing the onus on the respondent to respond, yielded only two calls to arrange interview times. This low response may also be attributed to the season. As the project took place in the summer, it is possible fewer people chose to respond to the request to set up an interview time, due to busy summer schedules and vacation time.

During the two week waiting period after the first mailing seven of the first 20



introduction letters were returned as undeliverable for a variety of reasons. This was of some concern; however, it was felt that this might be an anomaly. Concern was heightened when telephone calls were made and 14 of the first 20 telephone numbers were incorrect or out of service.

It should be noted that prior to sending out the introduction letters, every effort was made to generate as complete a list of contact information for respondents as possible. When an address and/or a telephone number was not available for a particular respondent, MTS fast finder Premium was used to attempt to locate this information. MTS fast finder Premium is a database of all MTS clients. Anyone who has a telephone is on this database. The database can be searched by name, address or telephone number. MTS fast finder Premium is updated every 12 months to ensure users have the most current information possible. The copy being used had an expiry date of January 15, 2004. This method yielded additional contact information in only four cases.

After two weeks of calling respondents from the first group of twenty, only two interviews had been conducted. By this time, the second mailing of twenty had taken place and six of the introduction letters from this second group of 20 were also returned as undeliverable. After all four mailings were complete, 28 or 33.3% of the 84 introduction letters were returned as undeliverable. In 10 or 11.9% of the cases there was no address listed on file. Likewise, 44 or 52.3% of the telephone numbers

of potential respondents were incorrect or out of service. This figure breaks down as follows: 13 or 15.5% of the cases there was no telephone number listed on file; in 12 or 14.3% of the cases the telephone number listed on the file was incorrect; in 17 or 20.2% of the cases the telephone number was out of service; in one case the respondent was deceased; and in one case the respondent could no longer be reached at that telephone number and did not leave a forwarding telephone number. In seven or 8.3% of the cases there was neither an address nor a telephone number listed on file. For each case where an address and/or telephone number was found to be incorrect or missing, MTS fast finder Premium was used to see if the contact information could be obtained. Canada 411 (411.ca) was also consulted for additional contact information. These efforts yielded only 2 additional telephone numbers.

After two mailings (40 respondents) and calls to the first 20 respondents, it was quickly determined the address and telephone number problem was not simply an anomaly. Given this new development, modification to the research design was necessary. At this time, interviews had been conducted with two respondents. On July 17, 2003 a conference call took place between the researcher, the researcher's advisor and the internal committee member to strategize how the thesis project could be salvaged. A two part strategy was devised. First, the survey instrument was modified to make all questions on the survey as open ended as possible. Clues to where elaboration would be most appropriate were taken from the two interviews completed. The researcher had noted and recorded when the two respondents had added additional information. These questions as well as some additional questions were modified. It was agreed interviewing would continue to take place with this modified

survey instrument

The second part of the strategy involved re-approaching the administrators of the PRISM database to see if they could provide additional victim information from their database. A meeting was set up between the database administrators and the researcher on July 18, 2003. Based on the information obtained at this meeting, a second written data request was made to the administrators. The researcher requested the following information for all victims in PRISM: victim name; date of birth; sex; number of court proceedings; court proceeding duration; investigating police agency; whether the case was related to domestic violence; whether the victim had completed a victim impact statement; as well as the number and type of crime(s) the offender was charged with. The data were delivered to the researcher on October 3, 2003, almost three months after it was first requested. The data were presented in three different files. The first file was a Microsoft Excel spreadsheet containing the information requested minus the charge information for all victims on the PRISM database. The second file was also a Microsoft Excel spreadsheet and contained all of the information requested minus the charge information for all victims who had completed a victim impact statement on the PRISM database. The third file was a Wordpad document containing charge information for every case recorded on the PRISM database. These files were merged into two separate SPSS 10.0 databases, one containing information on VIS victims, the other on non-VIS victims. Due to the sheer volume of information, both databases were reduced so that they contained only information on victims who fell within the study time frame (March 2002 to February 2003). The two SPSS 10.0 databases contain the following information: the victim's

date of birth, the victim's sex, the number of court proceedings that had taken place, the length of time the case appeared before the court, whether or not the case involved domestic violence, the police agency the crime(s) were reported to, the various charges associated with the incident and the number of counts for each charge.

It proved to be a wise decision to modify the survey instrument and to seek additional victim information. After all of the telephone numbers were called and verified, the original sample size of 84 respondents had been reduced to 28 or 33.3% of the original sample size. Of these 28 potential respondents, 16 interviews were conducted (10 with victims who had completed a VIS and six with victims who had not completed a VIS); nine of these 28 respondents (32.1%) had refused to complete the survey and 3 respondents (10.7%) were never able to be contacted despite numerous attempts.

### ***Revised Research Questions***

The original intent of this thesis project was to examine victim satisfaction with the Manitoba Victim Impact Statement Program by telephone interviewing victims who had used the Manitoba Victim Impact Statement Program and those who could have used the program but chose not to. Due to a low number of potential respondents (28) and an even lower number of actual respondents (16), it was no longer possible to draw any sort of conclusion on victim satisfaction with the court system between victims who had completed a VIS and those who had not. The research on victims who have completed a victim impact statement and their satisfaction with the court process is still very new. During an examination of the

literature, only three studies on victim impact statements and victim satisfaction could be located. They are an evaluation study conducted by the Department of Justice Canada in 1990 which examined five different models of victim impact statement programs in five different provinces, one by Robert C. Davis and Barbara E. Smith in 1994 and one by Edna Erez, Leigh Roeger and Frank Morgan in 1997. Since the body of research is still not very large, it was possible to convert the proposed research project on victim satisfaction with the justice system into an exploratory descriptive project on victims who submit victim impact statements.

The sample size did not allow generalized conclusions and comparisons to be drawn between VIS and non-VIS victims in terms of their satisfaction with the court process. However, Prosecutions data enabled the researcher to compare the characteristics of VIS and non-VIS victims using descriptive statistics. Using the results of the modified survey instrument, which included open-ended questions on topics related to victimization, the differences between VIS and non-VIS victims were highlighted.

**What are the characteristics of a victim who completes a victim impact statement compared to a victim who does not?**

This research question was examined by answering the following questions with the data from the prosecutions data and the survey:

1. Are males or females more likely to complete a victim impact statement?

*The data provided by prosecutions included the sex of the victim.*

2. Does age play a factor in who does or does not complete a victim impact statement?

*Age was also tracked by PRISM.*

3. Does the area of the province where the crime was committed play a factor in whether a victim completes a victim impact statement?

*PRISM tracked the police agency that dealt with the case. Recall, under **The Victims' Bill of Rights**, it is the responsibility of police to inform the victim of their right to complete a VIS. Survey results indicated whether the victim had ever heard of a VIS.*

4. What types of crimes are most likely to result in a victim completing a VIS?

*PRISM data provides the type as well as the count of each charge.*

5. Are victims where multiple charges and counts are registered more or less likely to complete a VIS?

*PRISM data contains information on both the type and number of counts for each charge.*

6. What proportion of crime victims are domestic violence victims? How does this compare with the number of domestic violence victims who have completed a victim impact statement?

*Again, PRISM captures this data.*

7. Is there a difference between males and females in terms of the types of crimes they submit a victim impact statement for?

*PRISM captures this data*

8. Does age play a factor in the types of crimes victim impact statements are submitted for?

*PRISM captures this data*

9. What percentage of crimes have multiple victims? Does having more than one

victim make it more or less likely for a victim to complete a victim impact statement?

*PRISM captures this data*

Using the modified survey, it is also possible to gain insight into the issues faced by the Manitoba victim population in general. The following questions can be answered for the general victim population:

1. How do victims find out what sentence the offender is given?
2. If victims choose not to attend court hearings, why do they not attend?
3. What causes victims to be dissatisfied with the court system?

### ***Data Analysis Plan***

SPSS 10.0 was used to run descriptive statistics on the data captured by PRISM. These include running frequencies on the age, sex, area of the province, type of crime and domestic violence variables. Using the frequency results for each of these variables and comparing the results between victims who completed a victim impact statement and victims who did not complete a victim impact statement allowed the researcher to determine if these variables had any impact on the decision to complete a victim impact statement. Crosstabulations were also be used to conduct a bivariate analysis to determine if age and sex affect whether victim impact statements are submitted for different types of crimes. The results of this analysis were enhanced by using the data collected by the survey instrument. The survey results enabled the researcher to delve deeper and provide possible reasons why the PRISM data revealed the results it did. The survey data also enabled the researcher to point out gaps in service and determine areas where additional research is needed.

## ***Advantages and Drawbacks***

The data analysis proposed is far from ideal. Ideally, the researcher would have preferred to have more information about the victims captured by the PRISM database and would have preferred that interviews could have been conducted with more than 16 of the 84 potential survey respondents. While the two SPSS databases created using the data captured by PRISM are large enough to conduct a quantitative analysis and draw generalizable conclusions from, they contain limited quantitative data about victims. The survey, on the other hand, contains a wide range of quantitative data on victims and a few open ended questions on their opinions; however, with information on only 16 respondents, it is impossible to draw conclusions that could be generalized to all victims. If the survey was designed qualitatively and interviews with the 16 respondents were conducted face to face, more could be said about the experiences each of these victims had with the criminal justice system. Used together, the data from the PRISM database and the data collected from the survey instrument allow the researcher to begin to describe the characteristics of a victim who completes a victim impact statement and begin to shed light on what influences victims to complete victim impact statements.

While delays and problems with contact information plagued this project and threatened its completion, relevant data about victims who complete victim impact statements was obtained. Victim impact statements are a relatively new phenomenon in the adversarial justice system. Because of this, little has been done in terms of evaluation on them. With the information gathered by this research project, a portrait of victims who complete a victim impact statement began to emerge and areas for



future research were highlighted.

What started out as a relatively simple research project aimed at evaluating The Manitoba Victim Impact Statement Program and determining if it had an effect on a victim's satisfaction with the court system became quite complex due to a nine month delay in being granted access to contact information for respondents then discovering that most of the contact information was out of date or no longer valid. These factors required the researcher to modify the scope of her research and concentrate not on whether The Manitoba Victim Impact Statement Program affected victim satisfaction with the court system but rather on the characteristics of a victim who completes and does not complete a victim impact statement. The revised research question allowed the researcher to ask whether factors such as age, sex, are of the province and type of crime influence whether or not a victim completed a victim impact statement. The following chapter will provide answers to these questions.

## Chapter 4: Data Analysis

In the data analysis section we will examine the findings from an analysis of the data on the PRISM database as well as the findings from the 16 victims who completed a telephone survey. In terms of the PRISM data, this will involve examining the demographic characteristics, such as age and sex, of victims who complete and do not complete victim impact statements. It will also examine other factors that may influence a victim to complete or not complete a victim impact statement such as the area of the province in which the crime occurred, the type of charge filed, cases where multiple charges or multiple victims are involved and cases involving domestic violence. With regard to the survey respondents, demographic data, such as age and sex, will be examined as well as other factors that may influence a victim to complete or not complete a victim impact statement. These include: the area of the province in which the victims live; the type of charge the offender faced; the victim's previous involvement in the criminal justice system as a victim as well as his or her satisfaction or dissatisfaction with that experience; the perceived level of seriousness of the offence; whether the victim knew the offender; the victim's satisfaction with the sentencing; attendance at court hearings; satisfaction with the court process, and finally, court delays and remands.

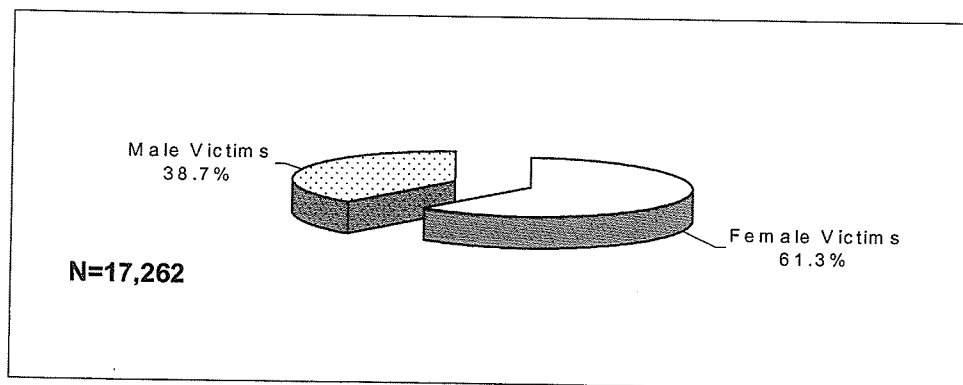
During the time period chosen, March 12, 2002 to February 5, 2003, there were a total of 17,262 victims recorded on the PRISM database. These were victims where charges were laid against an offender. Of those 17,262 victims, 112 or 0.65, percent had completed a victim impact statement; 17,150 or 99.5 percent had not. This number would tend to indicate that The Manitoba Victim Impact Statement Program is a failure.

If the aim of the program is to give direct crime victims an opportunity to tell the court how being a victim has affected them, then the program has failed 99.5% of victims in this regard. As the only mechanism to have their voices heard in court without being called as a witness, this number indicates that in 99.5% of cases the court did not hear from the victim. This number indicates that the province of Manitoba has not been successful in promoting or encouraging victims to complete a victim impact statement and that more needs to be done to ensure victims are aware of their right to have their voices heard.

### **Sex of VIS Victims**

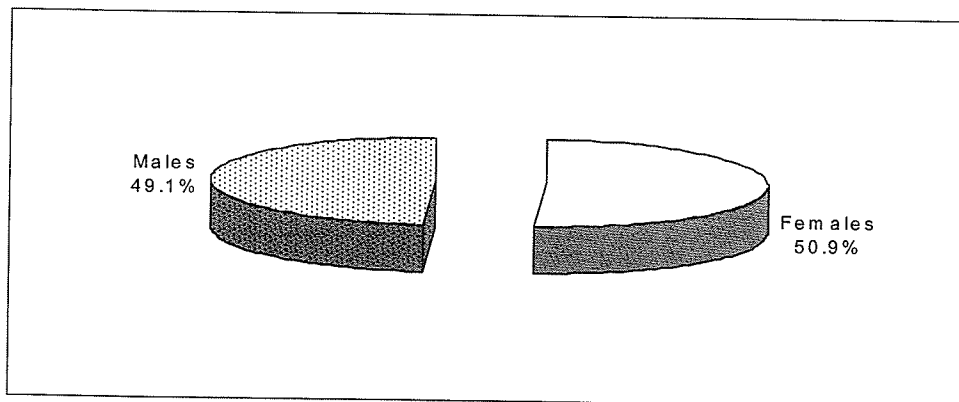
According to the 2002 Canadian Crime Statistics released by the Canadian Centre for Justice Statistics, the numbers of men and women who are victims of crime against the person are almost equal (Canadian Centre for Justice Statistics 2002: 60). Men are only slightly more likely to be victims (50.3%). In the United States, according to the FBI's Uniform Crime Reports, for violent offences, males have been victimized at higher rates than females, but the rates are getting closer ([www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)). The data collected by Prosecutions on PRISM contradicted this finding. During the time period chosen, there were more female crime victims (61.3%) recorded on PRISM than there were male crime victims (38.7%). This could be explained by the fact that the information the research found related only to violent offences whereas the PRISM data takes into consideration all offences. The other possibility is that the trend, which the FBI noted, of females being victimized at almost the same rate as males is no longer true for Manitoba.

**Figure 1: Sex of Total Victim Population as Recorded on PRISM**



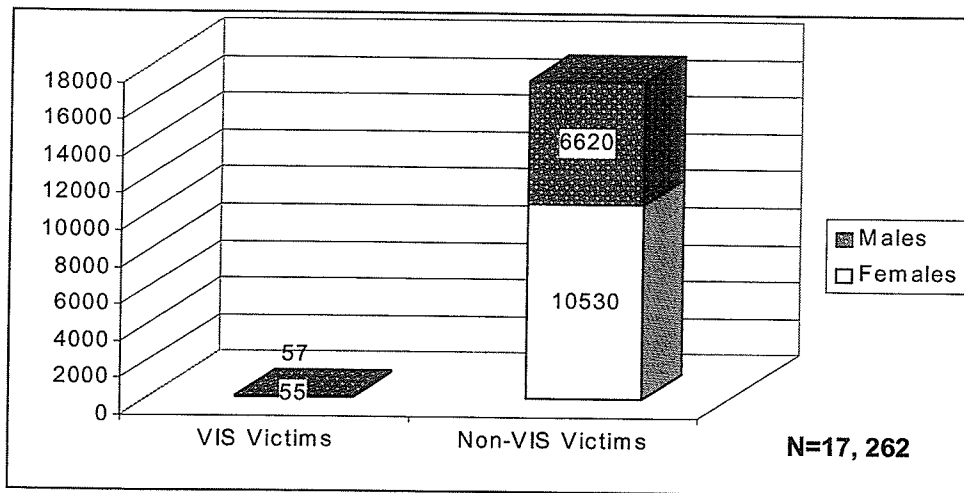
In the victim impact statement group, there were slightly more female victims (50.9%) who completed a victim impact statement than male victims who completed a victim impact statement (49.1%). This finding is somewhat surprising as we would expect a similar distribution for the victim impact statement group to that of the total victim population. In other words, we would have anticipated more women to have completed a victim impact statement and less men.

**Figure 2: Sex of VIS Victims**



When we look at the percentage of victims who complete victim impact statement as a percentage of the total number of crime victims, males (0.82%) are slightly more likely to complete a victim impact statement than females (0.54%). This is an even more surprising finding considering there are 22.6% more female crime victims than male victims recorded in PRISM.

**Figure 3: Sex of VIS vs. Non-VIS Victims**



It appears sex plays a factor in who completes a victim impact statement, as the percentage of males who complete victim impact statements is 10.4% higher than the percentage of men in the total victim population and the percentage of females who complete victim impact statements is 10.4% lower than the percentage of women in the

total victim population. A chi-square test confirms that sex is a statistically significant factor in identifying who completes a victim impact statement with  $p < 0.02$ .

### Age of a VIS Victims

The ages of the victims recorded in PRISM ranged from 3 months of age to 98 years of age. The youngest victim who completed a victim impact statement was 15 and the oldest was 84.

**Table 1: Age Ranges of Victim Population Recorded in PRISM**

Age Range	All victims Frequency	All Victims Percentage	VIS victims Frequency	VIS victims Percentage
0-17	2143	12.4%	8	7.1%
18-19	1060	6.2%	6	5.4%
20-29	5168	29.9%	32	28.6%
30-39	4401	25.5%	26	23.2%
40-49	2721	15.8%	28	25.0%
50-64	1355	7.8%	10	8.9%
65+	414	2.4%	2	1.8%
<b>Total</b>	<b>17,262</b>	<b>100.0%</b>	<b>112</b>	<b>100.0%</b>

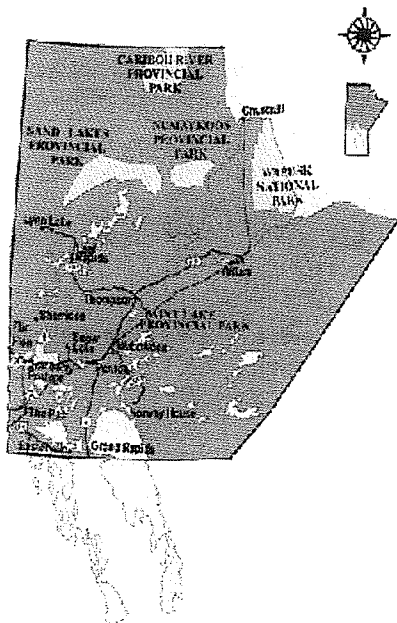
Twenty to twenty-nine year olds represented the greatest number of victims overall. They also had the greatest number of submissions to the Manitoba Victim Impact Statement Program (28.6%). When we consider the number of victims who submit victim impact statements as a percentage of the total number of victims in their age category, we find that 40-49 year olds are the most likely to submit victim impact statements. Only one percent of 40-49 year olds victims submitted a victim impact statement; however, this is 9.2% higher than the percentage of victims in the 40-49 age

category. The next most likely age group to complete a victim impact statement was 50-64 year olds (0.74%) followed by 20-29 year old at 0.63%. The age group least likely to fill out a victim impact statement was the 0-17 year old age group. Only 0.37% of the 0-17 year old victims submitted a victim impact statement; this is 5.3% lower than the percentage of victims in the 0-17 age category. An anova test revealed  $p=0.153$ , indicating that age does have a statistically significant an effect on whether a victim completes a VIS.

### Area of the Province

For ease of comparison, the researcher divided the province into eight geographical areas. The first is the **Northern Manitoba** region. All communities located above the 53<sup>rd</sup> parallel are included in this geographic area.

### Map 1: Northern Manitoba

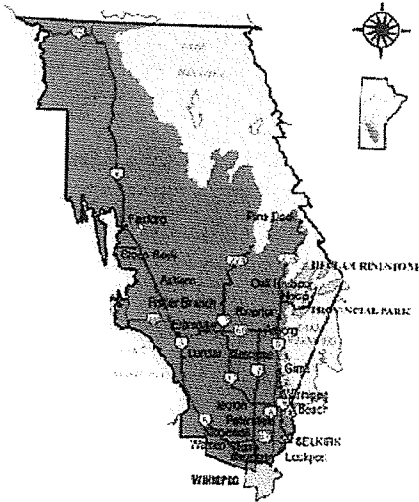


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The second is the **Interlake** area, which includes all communities that fall south

of the 53<sup>rd</sup> parallel and are located between Lake Manitoba and Lake Winnipeg to the city Winnipeg.

## Map 2: Interlake Region

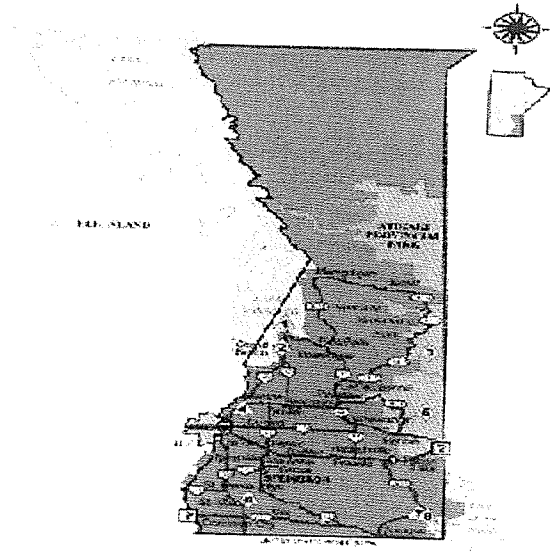


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Third is **Eastern Manitoba**. Any community that falls south of the 53<sup>rd</sup> parallel and to the east of Lake Winnipeg is included in this geographic area.



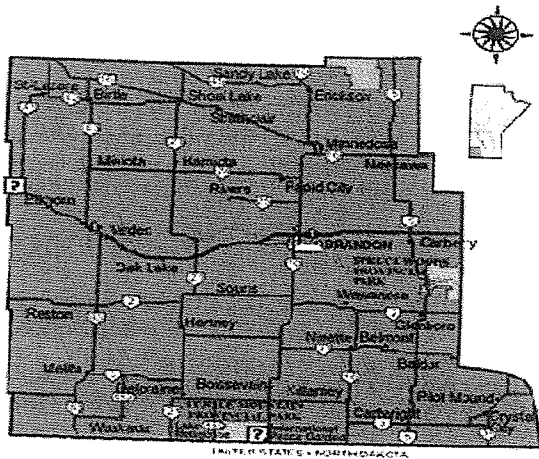
### Map 3: Eastern Manitoba



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Next is the **Western Manitoba** region. This region encompasses all communities in the south-west portion of the province. Its western-most border is the province of Saskatchewan. Its southern most border is the state of North Dakota. Its border to the north runs parallel to the southern most portion of Riding Mountain National Park and to the east its border is almost parallel to Crystal city.

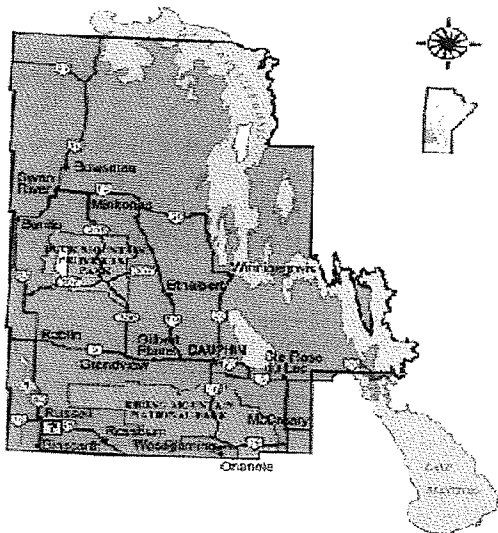
## Map 4: Western Manitoba



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The **Parkland** region makes up the remainder of the western boarder of the province beginning at the northern boarder of the Westman region and extending north until the Norman region. The eastern boarder follows Lake Winnipegosis.

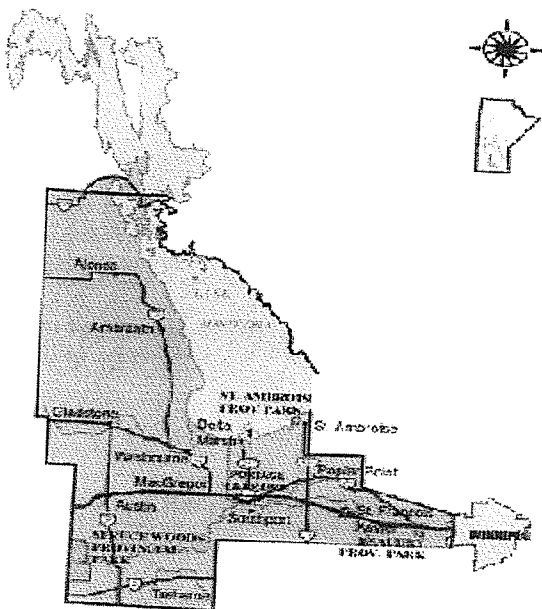
## Map 5: Parkland Region



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The **Central Plains** region encompasses the area west of Lake Manitoba to St. Rose du Lac, and south until Treherne.

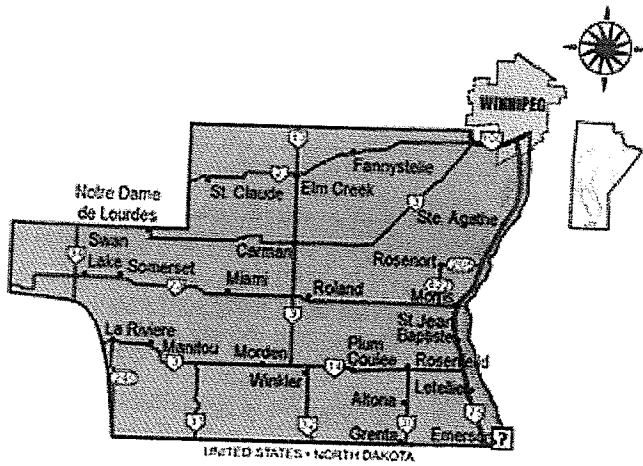
### Map 6: Central Plains Region



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Directly to the south west of Winnipeg is the **Pembina Valley** region.

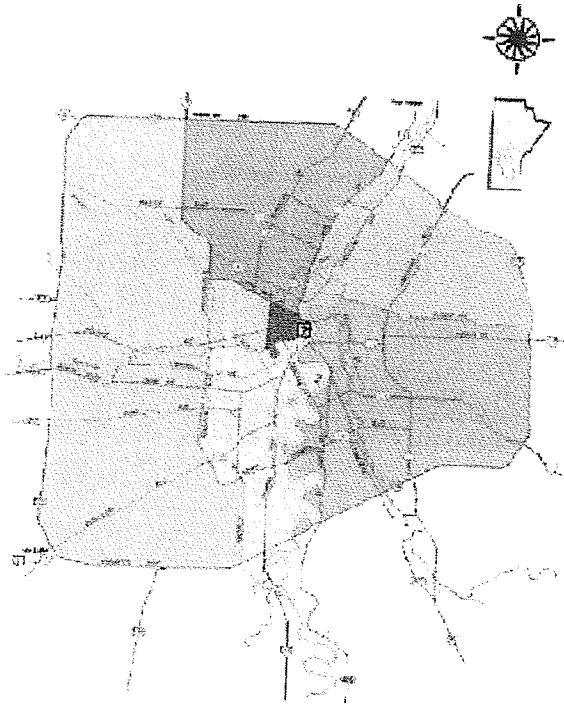
## Map 7: Pembina Valley Region



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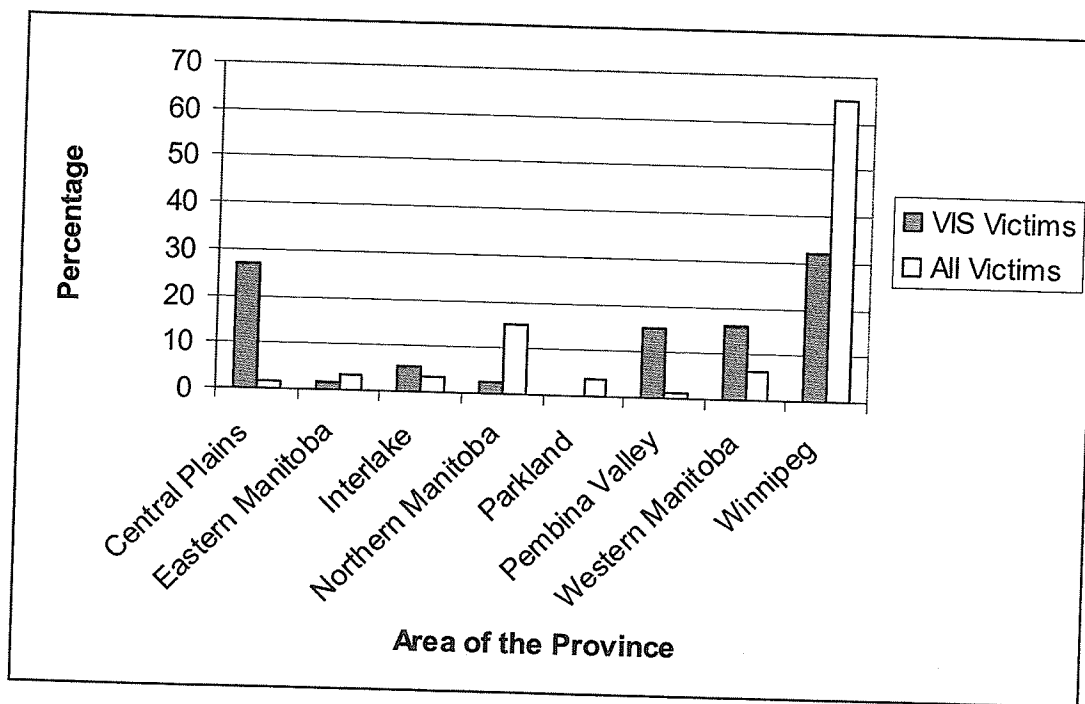
The final region is the **Winnipeg** region.

# Map 8: Winnipeg Region



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**Figure 4: Victim Impact Statement Submission by Area of the Province**



Data collected on the PRISM database was used to draw conclusions based on area of the province. It should be noted at the outset that PRISM is a flawed database in that not all areas of the province are inputting data in a consistent matter; however, PRISM is the best source of data on area of the province that is available at this time. Since the Winnipeg area is the most densely populated of all of the areas in the province, it comes as no surprise that most of the victim impact statements submitted (32.1%) as well as most crime victims (65.1%) originate from this area. This is still low however, as we would expect Winnipeg to account for 65% of victim impact statement submissions.

**Table 2: Number of Offences with Identifiable Victim by Area of the Province**

Area of the Province	All Victims Frequency	Percentage of all victims	VIS victims Frequency	Percentage of VIS victims
Central Plains	294	1.7%	30	26.8%
Eastern Manitoba	578	3.3%	2	1.8%
Interlake	583	3.4%	6	5.4%
Northern Manitoba	2,626	15.3%	3	2.7%
Parkland	680	3.9%	0	0.0%
Pembina Valley	203	1.2%	17	15.2%
Western Manitoba	1,059	6.1%	18	16.1%
Winnipeg	11,239	65.1%	36	32.0%
<b>Total</b>	<b>17,262</b>	<b>100.0%</b>	<b>112</b>	<b>100.0%</b>

The Central Plains area provided the highest percentage of victim impact statements proportional to the total number of victims recorded in that region at 10.2%. This region represented 26.8% of the total number of victim impact statements submitted. The percentage of victims who completed a victim impact statement in this area is 25.1% higher than the percentage of total victims from that area. This finding is interesting and significant. The researcher contacted the individual who was the victim services worker for the Central Plains area at the time of the study. She stated she was very proactive with victim impact statements. She mentioned that in the past victims in the area had been given much victim-related information without any sort of focus on a specific issue or program. This worker was proactive in making victims aware of the victim impact statement program and ensured this piece of information was provided to all victims of crime. This worker also provided a lot of one-on-one services to victims with respect to victim impact statements. She explained that the regional court office was very active with victim impact statements. This particular worker has worked in both the Norman service area and in Winnipeg and explained that the Crowns in the Central Plains area

also seemed to be more proactive in using victim impact statements. For example, often one of the two Crowns in the Central Plains area would ask if the victim had completed a victim impact statement. If they had not, the Crown would ask that the victim service worker assist the victim in completing one. There was no marked difference in the types of crimes being committed in the Central Plains area, the difference in the number of victims who completed victim impact statements rested solely on how victim impact statements were promoted in that area and the proactive approach the victim services worker, the court and the Crown took in ensuring victims had the opportunity to complete a victim impact statement if they chose to do so.

Pembina Valley was the area with the next highest number of victim impact statements submitted relative to the number of victims recorded in that area at 8.4% followed by Western Manitoba at 1.7%. The percentage of victims who complete a victim impact statement in the Pembina Valley and Western Manitoba regions are 14% and 10% higher than their corresponding percentage in the total victim population. Both of these service areas are made up of experienced victim services workers who have been serving their victims and service areas for a number of years.

The area of the province providing the lowest percentage of victim impact statements proportional to victim related offences was the Parkland region at 0%, followed by Norman at 0.1%. Both of these findings are somewhat surprising. The researcher suspects that if the Crown files in the Parkland region were to be examined, we would find that there were victim impact statements submitted during the time frame of the study. Recall, it is the responsibility of the Crown's office to record on PRISM the presence of a victim impact statement. The researcher suspects that with the



implementation of PRISM as a new computer system for regional court offices during the time frame examined, the administrative staff was already overwhelmed and simply was not able to input victim impact statements into the PRISM system. This explanation would of course have to be verified with further research.

From speaking to a victim service worker from northern Manitoba, the researcher learned that for many of the residents in northern Manitoba, English is not their first language. Many of these individuals do not want to complete a victim impact statement for fear of feeling stupid or inadequate with their English language skills, which may account for the lower percentage rate in the Northern region.

Based on the findings, we can conclude the area of the province in which the crime occurs does influence a victim's likelihood to complete a victim impact statement. This assertion was confirmed conducting an Anova significance test, indicated  $p=0.124$  which means that area of the province does have an effect on whether or not a victim completes a victim impact statement.

### **Types of Charges Resulting in a Victim Impact Statement**

Many offenders face multiple charges stemming from a single criminal incident. Therefore, in order to determine what charges were most likely to result in the completion of a victim impact statement, the researcher examined the most severe charge a particular offender faced. The researcher created an offence severity scale which is presented in Table 2. Possession of property obtained by crime was deemed the least severe offence by the researcher and given a value of 1. Murder/manslaughter was deemed the most severe by the researcher and given a value of 24.

**Table 3: Severity of Offence**

Offence	Designated Severity
Possession of Property Obtained by Crime	1
Possessing Controlled Drug or Substance	2
Other Motor Vehicle Offences	3
Theft Under \$5000.00	4
Cause Disturbance	5
Fraud	6
Mischief	7
Theft of a Credit Card	8
Break and Enter	9
Theft Over \$5000.00	10
Motor Vehicle Theft	11
Breach of a Court Order	12
Firearm Offences	13
Disguised with Intent	14
Criminal Harassment	15
Harassing Calls	16
Impaired Driving	17
Utter Threats	18
Robbery	19
Forcible Confinement	20
Offences re: Peace Officer	21
Assault	22
Sexual Assault	23
Murder/Manslaughter	24

Based on the severity chart above, each charge was recoded on SPSS and for each victim the most severe charge was selected. The results have been tabulated in Table 3.

**Table 4: Type of Charge Most Likely to Result in a Victim Impact Statement**

Type of charge	All Victims Frequency	Percentage of all Victims	VIS Victims Frequency	Percentage of VIS Victims
Assault	9,124	52.86%	74	66.06%
Breach of Undertaking/Court Order	2,149	12.45%	7	6.25%
Sexual Assault	746	4.32%	6	5.36%
Break and Enter	745	4.32%	3	2.68%
Robbery	719	4.16%	3	2.68%
Theft Over \$5,000	208	1.20%	3	2.68%

Forcible Confinement	56	0.32%	2	1.79%
Impaired Driving	126	0.73%	2	1.79%
Mischief	571	3.31%	2	1.79%
Offences re: a peace officer	297	1.72%	2	1.79%
Utter Threats	1,122	6.51%	2	1.79%
Fraud	243	1.41%	1	0.89%
Harassing Telephone Calls	41	0.24%	1	0.89%
Motor Vehicle Theft	199	1.15%	1	0.89%
Murder/Manslaughter <sup>1</sup> (excluding Motor Vehicle)	61	0.35%	1	0.89%
Theft of a Credit Card	69	0.40%	1	0.89%
Theft Under \$5,000	367	2.13%	1	0.89%
Causing a Disturbance <sup>2</sup>	3	0.02%	0	0.00%
Criminal Harassment	55	0.32%	0	0.00%
Firearm Offences	159	0.92%	0	0.00%
Other Motor Vehicle Offences <sup>3</sup>	49	0.28%	0	0.00%
Possessing Controlled Drug or Substance	6	0.03%	0	0.00%
Possession of Property Obtained by Crime	147	0.85%	0	0.00%
<b>Total</b>	<b>17,262</b>	<b>100.00%</b>	<b>112</b>	<b>100.00%</b>

<sup>1</sup>Murder/Manslaughter includes: 1<sup>st</sup> degree murder, 1<sup>st</sup> degree murder punishment, 2<sup>nd</sup> degree murder, 2<sup>nd</sup> degree murder punishment, manslaughter, manslaughter punishment and criminal negligence causing death

<sup>2</sup>Causing a disturbance includes: fighting in a public place, being intoxicated in a public place, and loitering in a public place

<sup>3</sup>Other motor vehicle offences includes: drive carelessly, disobey traffic devices, drive suspended, drive with invalid license and fail to remain at the scene of an accident

When viewed in terms of relative severity of all other charges, an assault charge is laid most frequently. Note that assault was designated as the third most severe offence on the researcher's severity scale. There was an assault present in 52.86% of cases involving a crime victim.

According to PRISM, which records all cases where charges have been laid and the case has or will go to court, 52.86% of offenders have an assault charge laid against them. This is quite high. The researcher consulted the Statistics Canada Juristat figures.

Statistics Canada collects data on all cases brought to adult criminal court from across the country. According to Statistics Canada, nationally an assault charge is laid in 19.8% of cases compared to Manitoba's 52.86% of cases (Canadian Centre for Justice Statistics 2002:60). Even Saskatchewan, which is often used as a provincial equivalent to Manitoba in terms of geographic and socio-economic characteristics and programming, had a percentage equal to the national percentage at 19.8%. Alberta had a percentage of 16.1%, while Ontario and Nova Scotia had recorded percentages of 21.7%. While these results are higher than those of the western provinces, they are still significantly lower than Manitoba. The Manitoba result warrants future research. Assault is also the charge most frequently laid in cases involving victims who complete victim impact statements. Two-thirds of all victims of assault complete a victim impact statement. Because there has been little research done on victim impact statements, there was no way to compare this result with the results from other jurisdictions. However, this result is unexpectedly high. The percentage of victims who complete a victim impact statement in assault cases is 13% higher than the percentage of assault victims in the total victim population. This could be due to a number of factors, possibly because an assault is an attack against the person as opposed to property and is a more personal crime. Other reasons could be the victim wanting the court and the offender to know of the lasting physical and financial effects this crime has had on him or her or that Manitoba somehow encourages more assault victims to file a victim impact statement.

Breach of a court order was the second most common offence laid in the total victim population (12.5%) and the second most common offence resulting in the completion of a victim impact statement (6.3%). Interestingly, the percentage of victims

who completed a victim impact statement when a breach was the most severe offence recorded was 6.2% lower than the percentage of victims in the total victim population who had a breach recorded as their most serious offence. A breach was considered a mid-range offence on the severity scale. In most cases when a breach of a court order charge is laid against offender and there is a victim associated with the case, the breach involved the offender contacting the victim when a court order specifically stated that was not allowed. In many cases, this no contact order is placed on an offender when he or she has committed a crime against the victim in the past and in order to keep the victim safe and the offender away from the victim, the court has made no contact part of the conditions by which the offender must abide.

### **Cases involving multiple charges**

The number of cases involving multiple charges varies greatly from case to case. Some involve only one charge while others involve many. In the time frame chosen, 8,409 or 48.71% of all cases with a victim had one charge. In the remaining 51.3% of the cases, there were at least two and up to 15 charges listed against an individual offender. When we look only at the victims who completed a victim impact statement and the offender is facing multiple charges, this percentage increases to 56.25%. Thus, when there are multiple charges (at least 2) laid against an offender, the victim in the case is slightly more likely to complete a victim impact statement.

**Table 5: Number of Charges Faced by Offenders of Crime Victims**

Number of Charges	All Victims Frequency	Percentage of All Victims	VIS Victims Frequency	Percentage of VIS Victims
1	8,409	48.71%	49	43.75%
2	4,734	27.44%	27	24.11%
3	2,302	13.33%	20	17.86%
4	1,056	6.13%	9	8.04%
5	438	2.54%	6	5.36%
6	168	0.97%	1	0.89%
7	94	0.55%	0	0.00%
8	39	0.23%	0	0.00%
9	6	0.03%	0	0.00%
10	5	0.03%	0	0.00%
11	3	0.02%	0	0.00%
12	4	0.02%	0	0.00%
15	4	0.02%	0	0.00%
<b>Total</b>	<b>17,262</b>	<b>100.00%</b>	<b>112</b>	<b>100.00%</b>

When there are multiple laid against an offender, most frequently there are two charges. This is true when looking at cases involving all victims and in cases involving victims who choose to complete a victim impact statement<sup>4</sup>.

### Cases Involving Domestic Violence

Of all the cases in the time frame examined, 42.2% or 7,285 cases were identified as having a domestic violence component to them.

**Table 6: Domestic Violence Involvement in Charges Laid**

Domestic Violence Victim	All Victims Frequency	Percentage of all victims	VIS Victim Frequency	VIS Victim Percentage
Yes	7,275	42.2%	32	28.6%
No	9,977	57.8%	80	71.4%
<b>Total</b>	<b>17,262</b>	<b>100.0%</b>	<b>112</b>	<b>100.0%</b>

<sup>4</sup> Due to problems associated with the compilation of the dataset, the researcher was unable to calculate a test of means.

Only 28.6% of cases involving victims who completed a victim impact statement are recorded as being domestic violence victims. Comparing the number of domestic violence victims in the entire victim population to the number of victims who completed a victim impact statement, we see that only 0.4% of them do so. The percentage of victims who complete a victim impact statement and are domestic violence victims is 13.6% lower than the percentage of domestic violence victims in the general victim population. A chi-square test revealed  $p < 0.01$ , indicating that being a domestic violence victim does affect whether a victim completes a victim statement. Being a domestic violence victim appears to make a victim less likely to complete a victim impact statement. One reason a domestic violence victim may be unwilling to complete a victim impact statement is due to the complex dynamics of family violence. In many cases the victim does not want to see charges pursued against his or her partner. A description of how the crime has affected him or her may mean a harsher sentence for the offender and many times victims wish to continue to have a relationship with the offender.

The researcher noted the number of cases involving domestic violence for both victim impact statement victims and the general victim population is surprisingly high. This phenomenon is worthy of further examination.

Domestic violence offences can vary greatly in terms of severity. A breach of a no contact order can be labeled a domestic violence offence as can an assault. Using the same severity of offence scale presented in Table 3 above, the researcher determined the most severe charge associated with an individual victim. This allows us to determine the types of charges that are resulting in such a high number of cases being identified as domestic violence. A case is identified as a domestic violence case in PRISM if the

crime involves two people in a family or intimate relationship. For example if a boyfriend breaks into a girlfriend's house and there has been a history of domestic violence, this charge will be classified as domestic violence.

**Table 7: Type of Charge Resulting in a Domestic Violence Designation**

Type of charge	All Victims Frequency	Percentage of all Victims	VIS Victims Frequency	Percentage of VIS Victims
Assault	5,086	69.88%	26	81.3%
Break and Enter	28	0.38%	0	0.0%
Breach of Undertaking/Court Order	1,329	18.25%	3	9.4%
Criminal Harassment	28	0.38%	0	0.0%
Firearm Offences	14	0.19%	0	0.0%
Forcible Confinement	13	0.18%	1	3.1%
Fraud	2	0.03%	0	0.0%
Harassing Telephone Calls	15	0.21%	1	3.1%
Impaired Driving	7	0.10%	1	3.1%
Mischief	37	0.52%	0	0.0%
Motor Vehicle Theft	3	0.04%	0	0.0%
Murder/Manslaughter <sup>1</sup> (excluding Motor Vehicle)	4	0.05%	0	0.0%
Offences re: a peace officer	27	0.37%	0	0.0%
Other Motor Vehicle Offences <sup>2</sup>	2	0.03%	0	0.0%
Possession of Property Obtained by Crime	2	0.03%	0	0.0%
Robbery	22	0.30%	0	0.0%
Sexual Assault	157	2.16%	0	0.0%
Theft of a Credit Card	2	0.03%	0	0.0%
Theft Over \$5,000	1	0.01%	0	0.0%
Theft Under \$5,000	7	0.10%	0	0.0%
Utter Threats	499	6.85%	0	0.0%
<b>Total</b>	<b>7,285</b>	<b>100.00%</b>	<b>32</b>	<b>100.0%</b>

<sup>1</sup>Murder/Manslaughter includes: 1<sup>st</sup> degree murder, 1<sup>st</sup> degree murder punishment, 2<sup>nd</sup> degree murder, 2<sup>nd</sup> degree murder punishment, manslaughter, manslaughter punishment and criminal negligence causing death  
<sup>2</sup>Other motor vehicle offences includes: drive carelessly, disobey traffic devices, drive suspended, drive with invalid license and fail to remain at the scene of an accident



For both the general victim population and victims who complete victim impact statements, the most common charge their offender is facing is assault, 69.88% and 81.3% respectively. The percentage of victims who complete a victim impact statement for the charge of assault is 11.4% higher than the percentage of victims in the general victim population whose offenders face an assault charge. The second most common charge a domestic violence offender faces is breach of a court order. This is the case in 9.4% of cases where a victim completes a victim impact statement and in 18.25% of cases involving the general victim population. This is a phenomenon that requires further study.

### **Type of Charge and the Sex of a Victim Impact Statement Victim**

In order to compare the sex of the victim and the type of charge that results in the completion of a victim impact statement, all of the cases involving a victim impact statement were examined. If the case involved multiple charges, then only the most serious was considered.

**Table 8: Type of Charge and the Sex of the Victim**

<b>Type of charge</b>	<b>VIS Victims Frequency</b>	<b>Male Victims</b>	<b>Female Victims</b>
Assault	74	39	35
Breach of Undertaking/Court Order	7	1	6
Sexual Assault	6	0	6
Break and Enter	3	2	1
Robbery	3	3	0
Theft Over \$5,000	3	2	1
Forcible Confinement	2	0	2
Impaired Driving	2	1	1
Mischief	2	1	1

Offences re: a peace officer	2	1	1
Utter Threats	2	1	1
Fraud	1	1	0
Harassing Telephone Calls	1	0	1
Motor Vehicle Theft	1	1	0
Murder/Manslaughter <sup>1</sup> (excluding Motor Vehicle)	1	0	1
Theft of a Credit Card	1	1	0
Theft Under \$5,000	1	1	0
<b>Total</b>	<b>112</b>	<b>55</b>	<b>57</b>

<sup>1</sup>Murder/Manslaughter includes: 1<sup>st</sup> degree murder, 1<sup>st</sup> degree murder punishment, 2<sup>nd</sup> degree murder, 2<sup>nd</sup> degree murder punishment, manslaughter, manslaughter punishment and criminal negligence causing death

Looking at the cases in this fashion, only a few differences were found in terms of sex and type of charge. The first difference involved charges of breach of an undertaking. Seven victims filed a victim impact statement for breach of an undertaking ; six of the seven were female. A similar trend was found with the charge of sexual assault. Six victims filed a victim impact statement for sexual assault; all six were female. The opposite was found with the three charges of robbery. All of the victims were male.

While the number of men and women who filed victim impact statements regarding assault charges is almost the same (N=39vs.N=35), once this charge is broken down into different types of assault, interesting trends begin to emerge. Five victims filed a victim impact statement for aggravated assault; all five were male. The charges of assault apply force intentionally without consent and assault cause bodily harm also showed an interesting trend. The charge of assault apply force intentionally without consent had twice as many female as male victims (N=24 vs. N=12) who completed a victim impact statement. The opposite trend can be observed in cases involving charges

of assault cause bodily harm, over twice as many males as females (N=13 vs. N=5) completed a victim impact statement.

In terms of the other charges recorded, there were equal numbers of males and females who had completed victim impact statements. In other words, neither males nor females were more or less likely to complete a victim impact statement in cases involving those other charges.

### **Type of Charge and the Age of a Victim Impact Statement Victim**

As with the type of charge and the sex of a victim impact statement victim, for comparison purposes, in all cases involving multiple charges only the most serious charge was considered when looking at what age group is most likely to fill out a victim impact statement for a certain charge.

**Table 9: Type of Charge and Age of the Victim**

<b>Age Range</b>	<b>Aggravated Assault</b>	<b>Assault Apply Force Without Consent</b>	<b>Assault Cause Bodily Harm</b>	<b>All Assault Charges</b>
0-17	0	2	0	2
18-19	0	3	0	3
20-29	3	11	11	29
30-39	2	9	2	19
40-49	0	10	4	19
50-64	0	1	0	1
65+	0	0	1	1
<b>Total</b>	<b>5</b>	<b>36</b>	<b>18</b>	<b>74</b>

A few interesting findings emerged in terms of the various types of assault. First, of the five aggravated assault charges recorded for victim impact statement victims, occur between the ages of 20-29 (3 cases) and 30-39 (2 cases). Second, of the 36 recorded charges of assault apply force intentionally without consent every age range except

65+has at least one or more victims who completed a victim impact statement. Third, of the 18 recorded charges of assault cause bodily harm, 11 of these were victims in the 20-29 age category. Finally, of all the charges laid for the various types of assault (78 in total), the majority fall within the 20-29 age category (29).

In the three cases involving the charge of fraud, all three victims who completed a victim impact statement fell in the 0-17 age category. Similarly, of all of the victims who completed a victim impact statement for a charge of failure to comply with a probation order, all three were between the ages of 40 and 49.

### **Victim Impact Statement Completion and Multiple Victims**

Just as the number of charges against an offender varies by case, so too does the number of victims. Between March 2002 to February 2003, 15,534 or 90.6% of cases with a victim associated with the file had only one victim listed. The remaining 1,728 or 9.4% had multiple victims. The number of cases involving multiple victims varies from a minimum of two victims listed to a maximum of 25 victims for an individual offender. Most commonly in cases involving multiple victims, there were two victims per offender. This was the case in 70.3% of all cases involving multiple victims.

In terms of victims who completed victim impact statements, there was a single victim in 100 or 89.3% of the cases. In the remaining 12 cases or in 10.7% of all cases, there were 2 victims.

It appears the presence of multiple victims does not influence a victim's decision to complete a victim impact statement<sup>5</sup>.

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<sup>5</sup> Due to problems associated with compilation of the dataset, the researcher was unable to conduct a chi-

## Summary of PRISM Data

An examination of PRISM data yielded a number of interesting findings. First, there were more female than male victims recorded on the PRISM database in Manitoba. In Canada, however, the opposite is true; there are more male than female crime victims. Second, the Central Plains region has the most victim impact statements recorded on PRISM relative to its population. Further investigation reveals this was the result of a very proactive victim services worker and two very proactive Crown attorneys in one region. Also interesting in terms of area of the province was that there were no victims recorded as having completed a victim impact statement in the Parkland region. This requires further investigation. Finally, and most surprising, was the number of victims identified as being domestic violence victims on PRISM. In the general victim population 42.2% of victims were identified as domestic violence victims and 28.6% where identified as domestic violence victims in the victim impact statement group. Further investigation of the PRISM data revealed that the most common charge laid against the offender of these victims was assault; the second most common charge was breach of a court order.

The PRISM data provided by prosecutions allowed the researcher to get a better idea about who is completing a victim impact statement. With the data obtained from the surveys completed by victims, the writer obtained a better idea of why victims chose to complete or not complete victim impact statements as well as how they felt about their experience in the criminal justice system.

### ***Findings from Surveys Conducted with Victim Impact Statement and Non-Victim Impact Statement Victims***

The researcher began the project with an original sample size of 84 respondents. By the time respondents with incorrect or out of service telephone numbers were eliminated from the pool of potential respondents only 28 respondents remained. With these 28 potential respondents, 16 interviews were conducted (10 with victims who had completed a VIS and six with victims who had not completed a VIS); nine of these 28 respondents (32.1%) had refused to complete the survey and 3 respondents (10.7%) were never able to be contacted despite numerous attempts.

With so few surveys conducted with victims, it is difficult to be able to draw any sort of meaningful conclusions about victims who decide to complete or not complete a victim impact statement; however, by reviewing the responses to certain questions on the survey some general patterns began to emerge.

#### **Sex of Respondent**

An equal number of males and females responded to the survey, 8 males and 8 females. A slightly higher number of males (6) than females (4) who had completed a victim impact statement responded to the survey. There were slightly more female (4) than male (2) victims who had not completed a victim impact statement who responded to the survey. This is similar to the composition of the PRISM group.

#### **Age of Respondent**

The age of the victim was calculated based on the age he or she was at the time the interview was conducted. Based on this age calculation, the youngest victim who

completed a telephone survey was 21 the oldest was 49. In this study, the average age of a victim who completed a victim impact statement was 33.2 years. The average age of the victims who completed the survey and did not complete a victim impact statement was 35.1 years. This also corresponds well with what we found in the PRISM database, where the average age of an individual who completed a victim impact statement was 34.5 years and the average age of a victim who did not complete a victim impact statement was 32.4 years.

### **Area of the Province where Respondent Resides**

Of those who completed a telephone survey, 13 came from Winnipeg. The other three victims came from three different rural areas. One of the three rural victims had completed a victim impact statement.

### **Socioeconomic Characteristics**

Of those surveyed, the majority (13) were employed (10) or students (3). All but five respondents were high school graduates. Interestingly, the majority of respondents who had completed a victim impact statement had some post secondary education (4) or were post secondary graduates (3). Also of interest, the majority of respondents (11) identified themselves as Caucasian. Two of the respondents identified themselves as Aboriginal and two other identified themselves as Métis. Finally, in terms of marital status, the majority of respondents (12), identified themselves as being single.

## **Current Involvement of the Respondent in the Criminal Justice System**

An overwhelming majority of the respondents who completed a survey (14) were currently involved in the criminal justice system because the crime committed against them was a crime against the person. As with the PRISM data, the majority of charges were charges of assault (4), assault cause bodily harm (3) or aggravated assault (4). Other crimes against the person included sexual assault, stalking and robbery. The remaining two charges involved crimes against property. One was a charge of vandalism, the other was a charge of theft under \$5000.00.

The composition of the group surveyed is similar to the average member of the PRISM group in terms of sex, age, the area of the province in which they reside, and the type of charge their offender is facing. This gives a bit more weight to the general characteristics we will be establishing for a victim who decides to complete a victim impact statement.

## **Previous Involvement in the Criminal Justice System**

The level of prior involvement in the criminal justice system varied greatly among the victims surveyed. Some victims had been previously involved in the justice system as victims as many as 10 times, while for others it was their first involvement. Most victims (10) had been previously involved in the criminal justice system as victims of prior crimes, while six had no previous involvement. Of the 10 victims who completed a victim impact statement, for 4 it was their first involvement in the criminal justice



system. Of the 6 victims who did not complete a victim impact statement, only 1 had not previously been a victim of a crime.

### **Satisfaction with Previous Involvement in the Criminal Justice System**

For victims who had previous involvement in the criminal justice system, most often the case involved crimes against the person (5 cases), followed by crimes against the person and property (3 cases) and finally crimes against property (2 cases). For those who had previous experience with the criminal justice system, all but two (one victim who did and one victim who did not complete a victim impact statement for the current charge) expressed being satisfied with the way they were previously treated by the criminal justice system. When the two respondents who were dissatisfied were asked why they were dissatisfied with their previous involvement with the justice system, the two victims responded: "The justice system is too lighthanded with offenders. The system leans towards changing the offender rather than punishing the offender." and "All the offender gets it a slap on the wrist. There are no victims rights."

### **Seriousness of the Offence Committed Against the Victim**

All those who were victims of a crime against the person felt the crime perpetrated against them was very serious (11) or serious (3). For the two victims who were victims of crimes against property, one felt the charge was somewhat serious, the other felt it was minor. Interestingly, although the majority of victims who did not complete a victim impact statement deemed the crime against them was very serious, they