

# **Relational Caring, Harm Peddling, and Penitential Receipt:**

**Unique uses and consequences of  
the victim impact statement  
in the context of  
sexual assault victimization.**



**Karen-Lee Miller, MSW, PhD candidate  
University of Toronto  
SVRI Forum 2013: Evidence Into Action  
Bangkok, Thailand  
October 16, 2013**

# Victim Impact Statement (VIS)

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

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

**Provided after conviction but before sentencing; also at parole**

**May be cross-examined**

**May be read aloud**



# VIS Research

## Existing Research

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

## This Study

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

# VIS Harm Descriptions

**“flashbacks, debilitating obsessive fears and anxiety”**

**“I often wake up screaming”**

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

**“I turned to alcohol”**

**“I have been taking an anti-anxiety medication”**

**“I lost my two jobs”**

**“loss of appetite, and migraine headaches”**

**“broken nose is still sore”**

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



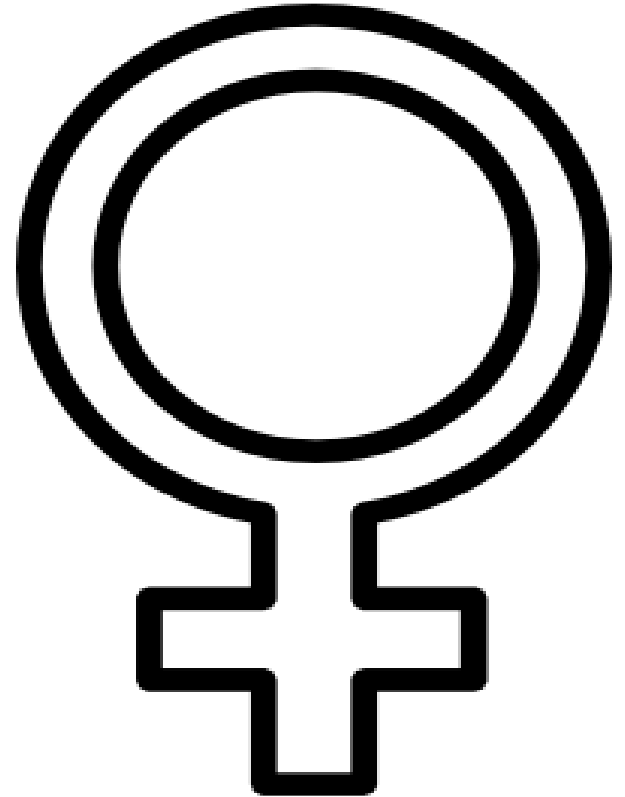
*"And what's the story behind the story?"*

# Findings

**Relational Caring**

**Harm Peddling**

**Penitential Receipt**



# Relational Caring



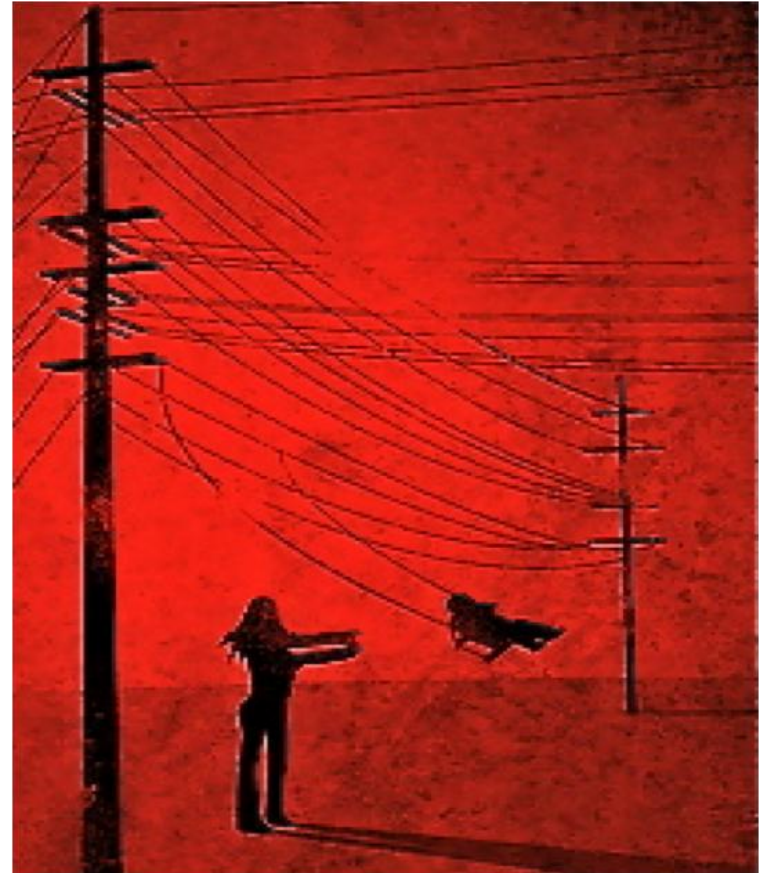
An ethic of care that prioritizes others through VIS use in order to:

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

# Privileging the Harms of Others

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

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





# Protection of Others

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

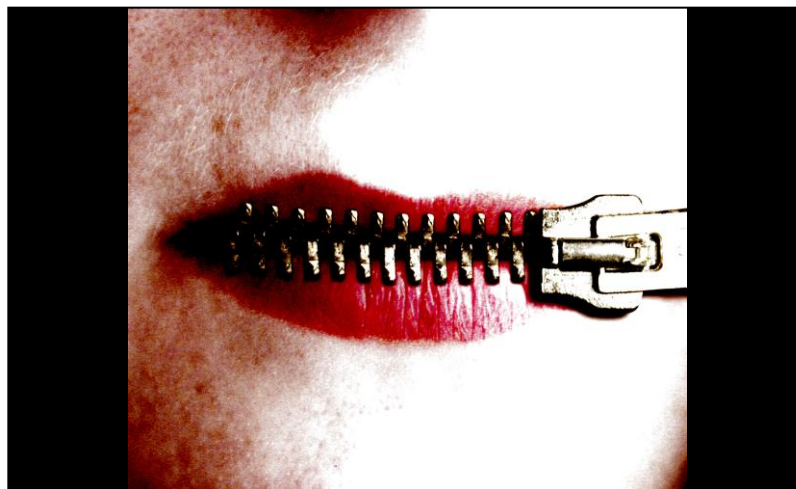
**“It was my responsibility as a woman to make sure that other women are safe... Being a mother and protecting my daughters, (the VIS) was a way I could help, and protect other people’s daughters.” (V)**



# Promoting the Intimate Partner Offender

10

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



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

# Harm Peddling

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

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

# Harm Peddling by Offenders

**“(Victim) put in that she now had PTSD. (Ex-intimate partner) used (VIS) against (victim) in family court as evidence she was an unfit mother, not capable of looking after their child.”  
(VSW)**



# Penitential Receipt

**Sexually assaulted women who were in conflict with the law often became overwrought when presented with the VIS.**

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

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



# Conclusions

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

# Publications

- **Miller, K.-L. (2013). Purposing and Repurposing Harms: The victim impact statement and sexual assault. *Qualitative Health Research*, 23, 1445-1448.**
- **Miller, K.-L. (2013, Forthcoming). Relational Caring: The use of the victim impact statement by sexually assaulted women. *Violence and Victims*.**
- **Du Mont, J., Miller, K.-L., & White, D. (2008). Social workers' perspectives on the victim impact statements in cases of sexual assault in Canada. *Women & Criminal Justice*, 18(3), 1-23.**
- **Miller, K.-L. (2007). Empowering victims: The use of the victim impact statement in the case of sexual assault in Nova Scotia. The perspectives of victims and victim services staff. Ottawa: Department of Justice Canada.**



## Acknowledgments

Department of Justice Canada (Grant 6152-15-97)

Canadian Institutes of Health Research (DA-CGS)

Ministry of Research and Innovation, Early Researcher Award  
Trainee Program (ER 10-07-064)

Lau Ardelean (artistic credit)