

Effects of Victim Impact Statements on Sentencing Outcomes

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Introduction

Victim impact statements (VIS) have become an essential component of the Canadian criminal justice system, allowing victims to participate in the judicial proceedings that follow a crime. These statements allow victims to express the personal impact of a crime, including emotional, psychological, and financial harm, at sentence hearings (Dufour et al., 2023). The research examines the effects of VIS on sentencing decisions in Canada and whether using it results in fairer or more inconsistent outcomes? How do judges, victims, and legal practitioners assess the influence of VIS on the equity and efficacy of sentencing.

Background

Victim Impact Statements were officially adopted into the Canadian criminal justice system in 1988, as part of a greater push to acknowledge victims' rights and voices in court proceedings. Prior to its integration, punishment was almost entirely based on legal issues such as the nature of the offense and the offender's background, overlooking the victim (Roberts & Edgar, 2006). This approach often left victims feeling excluded and emotionally neglected during the legal process. VIS were created to fix this gap by letting victims or their representatives to submit a statement expressing the emotional, psychological, and financial consequences of the crime on their lives.

Methods

The study investigates the impact of Victim Impact Statements (VIS) on Canadian criminal court sentences. It uses literature review and secondary data analysis to select relevant studies from 2000-2024. The study includes Canadian judges, prosecutors, defense attorneys, and victims in criminal cases with filed VIS. The study also examines judicial rulings and case records to understand how VIS affects sentence decisions. To find relevant sources, both the JIBC library and Google Scholar were used, and articles were selected based on inclusion and exclusion criteria.

Table 1. The table shows the inclusion and exclusion criteria used.

Inclusion Criteria	Exclusion Criteria
Criminal cases in Canada with submitted VIS	Non-criminal cases (e.g., civil, family law)
Canadian judges, prosecutors, defense attorneys, victims	Legal professionals outside Canada, Public
Offenses with variable sentencing outcomes	Sentences determined by plea bargains
Canada	Non-Canadian jurisdictions
Cases with publicly available VIS and sentencing records	Incomplete or inaccessible case records

Results/Findings

The literature research highlights numerous essential topics regarding the use and influence of Victim Impact Statements (VIS) within the Canadian legal system. Although VIS are valued for providing victims a voice in court, their efficacy in directly affecting sentencing remains debatable. Research indicates that while VIS can improve the sentencing process for victims and promote emotional closure, their effect on sentencing results can often be minimal (Dufour et al., 2023). Also, VIS are more common and substantial in significant crimes, particularly violent offenses, with 41% Manitoba judges responding that they are most useful in serious crimes, particularly violent offenses, and insignificant in lesser cases where their usage could affect resources and dilute their impact(Roberts & Edgar, 2006). Judges generally value proportionality, legal precedents, and other objective criteria above subjective victim experiences, hence reducing the influence of Victim Impact Statements on sentencing severity (Roberts & Edgar, 2006).

Research provide the therapeutic significance of VIS for victims. Many victims perceive the preparation and presentation of a VIS as empowering, enabling them to articulate their experiences, attain acknowledgment, and even promote emotional healing (Cole, 2003). However, certain victims experience re-traumatization, particularly when their words are overlooked or during cross-examination (Roberts & Manikis, 2010). Although VIS offer symbolic significance, caution is warranted in employing them exclusively as instruments for promoting more severe sentencing (Smith, 2012). Additionally, judges typically regard Victim Impact Statements as crucial in understanding the victim's experiences, however they practice prudence to mitigate emotional bias in their decisions (*R. v. Nomm* 2009, para. 14).

Discussion

This discussion highlights the role of Victim Impact Statements (VIS) in Canada's legal system, emphasizing the importance of balancing victims' emotional demands with judicial impartiality while accounting for both expressive and instrumental roles. VIS gives victims a formal voice in court, empowering them and adding therapeutic benefit through emotional expression. However, this expressive role might bring unintentional emotional bias in sentencing, particularly when multiple statements enhance the perceived harm, thus leading to unfair punishment. To address this, procedural guidelines and judicial training on managing emotional material in VIS may help to ensure justice and limit the danger of undue bias (Roberts & Edgar, 2006; Manikis, 2015).

The 2015 legislative reforms attempted to increase victim participation in court, however policy loopholes continue, resulting in inconsistent VIS quality and impact. Instrumentally, VIS assist judges in understanding the human impact of the crime; yet the lack of uniform guidelines for judging them can lead to disparity in punishment, leaving victims with unsatisfied expectations. Therefore, by improving VIS presentation and judicial methods would lead to improve consistency and decrease emotional involvement in sentencing decisions. Finally, the argument over punitive versus restorative justice viewpoints emphasizes VIS's dual role. The expressive function promotes victim participation and trauma-informed procedures, whereas the instrumental function clarifies harm severity, guiding proportional sentence (Roberts, 2008). Thus, integrating psychological care for victims and exploring restorative measures could help VIS play a larger role in the legal process.

Conclusions or Recommendations

In conclusion, Victim Impact Statements (VIS) indicate an important shift in the Canadian criminal justice system, providing victims with a legal path to express the personal consequences of crimes committed against them. Although VIS provide support to victims and yield therapeutic advantages, their impact on sentencing is varied and occasionally inconsistent. Research indicates that while victim impact statements offer significant insights into the emotional, psychological, and financial effects on victims, their influence on sentencing outcomes tends to be limited due to the judiciary's commitment to proportionality and established legal precedents. The variability in VIS application, especially in instances with multiple statements or differing crime types, indicates the need for clearer guidelines and enhanced judicial training to ensure fairness. Hence, the aim should be promoting legislative policies and integrating trauma-informed practices in VIS proceedings could improve the system's capacity to support victims while maintaining judicial impartiality.

References

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