

You Can't Always Get What You Want: Victim Impact Statements & Offender Remorse

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INTRODUCTION

- Victim Impact Statements (VIS) are testimonies from victims that outline the psychological, physical, and financial impacts of a crime. VIS allow victims to have their voices heard in court.
- Although goals of submitting a VIS vary, some victims desire an apology from the offender (Jehle & Miller, 2006; LePage et al., 2020)
- In Canada, sentencing judges consider whether the offender has issued an apology and the extent to which offenders take responsibility for their actions. They must also consider whether the offender has expressed remorse.

CURRENT STUDY

- The purpose of this study was to examine the probability of offender remorse based on the presence of a VIS.
- To our knowledge, no previous research has examined the relationship between VIS presence and expressions of remorse. Are offenders more likely to express remorse, issue an apology, or accept responsibility for the offense when VIS are present rather than absent? Our study sought to examine these questions.

METHODS

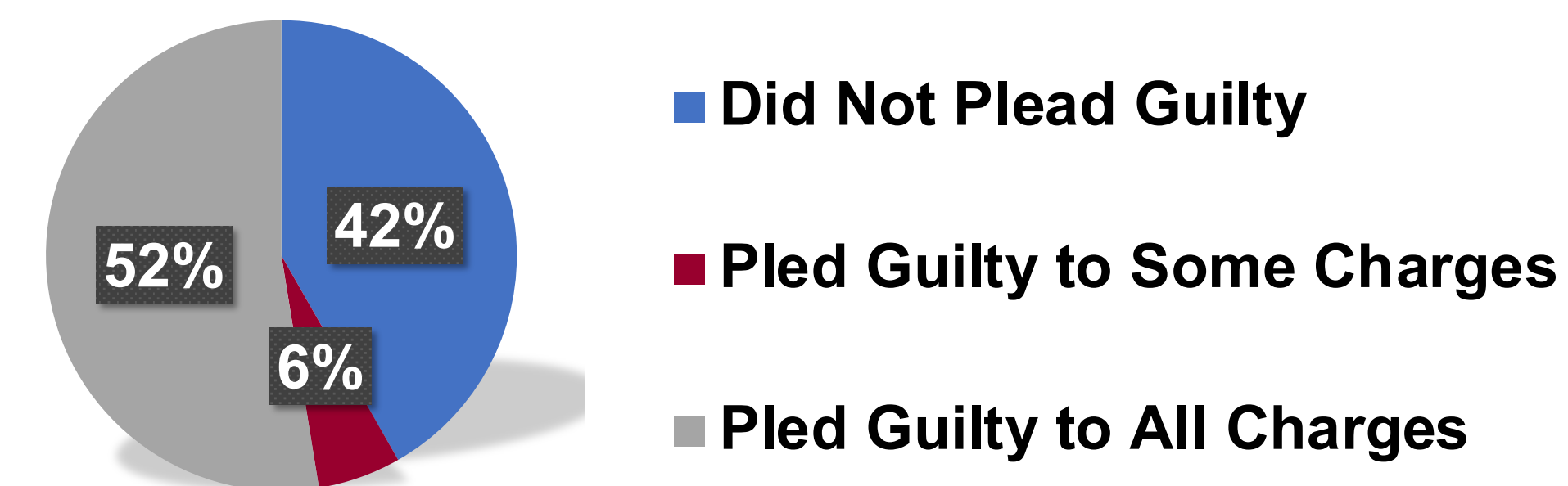
We examined sentencing and parole hearings from the Canadian Legal Information Institute (CanLII) from all 10 Canadian provinces and 3 territories from 2016 to 2018.

- "Impact Statement" was searched in CanLII, yielding 1332 sentencing and parole hearings.
- Appeals, NCRMD cases, civil suits, the local planning board, the education board, and any juvenile offenders (unless tried as an adult) were excluded from the data set.
- The predictor variable in this study was VIS presence, which was coded as either present or absent.
- The terms "apology", "remorse", and "responsibility" were searched for.
- Coding was systematic and guided by a rubric followed by trained coders.
- Each variable was coded as 'present' or 'absent' and if the sincerity was questioned, they were coded as 'questionable'.
- Outcome variables were coded as 'unspecified' if there was no mention of them in the ruling. These cases were excluded from each respective analysis.

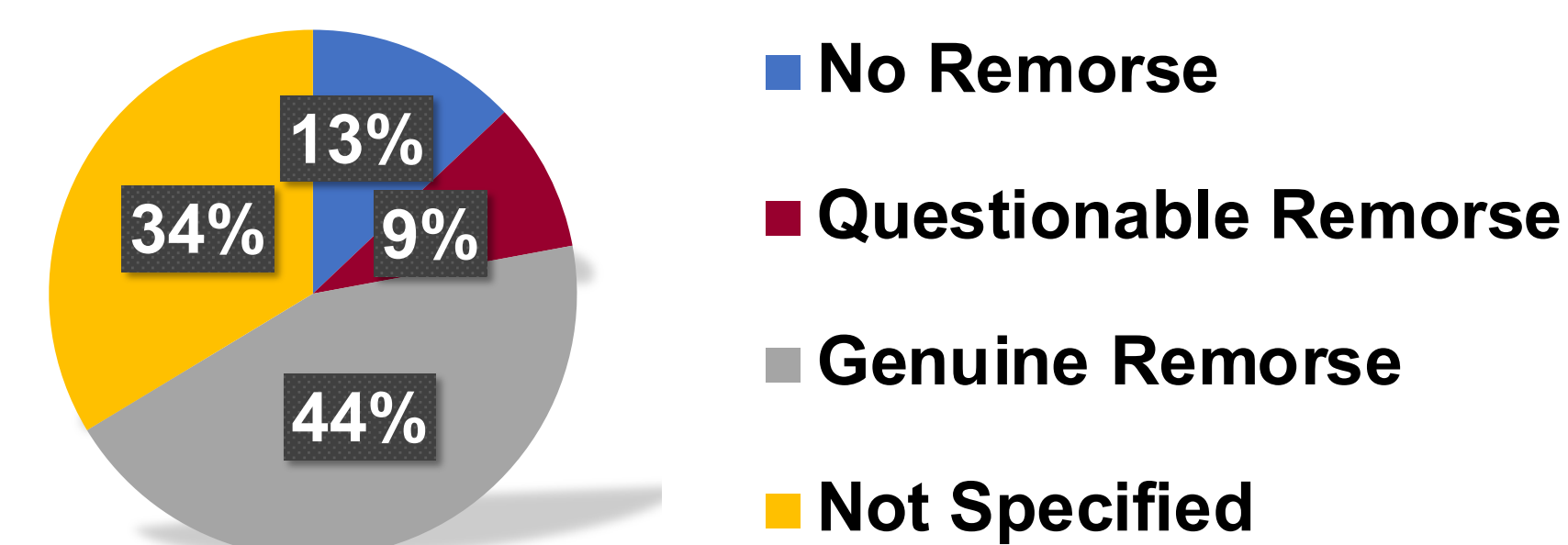
RESULTS

- The relationship between the presence of VIS and remorse was non-significant, $\chi^2(2) = 2.717, p = .257, n = 883$.
- The relationship between the presence of VIS and an apology was non-significant, $\chi^2(2) = 2.878, p = .237, n = 353$.
- The relationship between the presence of VIS and offender's responsibility was non-significant, $\chi^2(2) = 0.748, p = .688, n = 571$.
- Note: sample sizes differ due to eliminating all unspecified outcomes

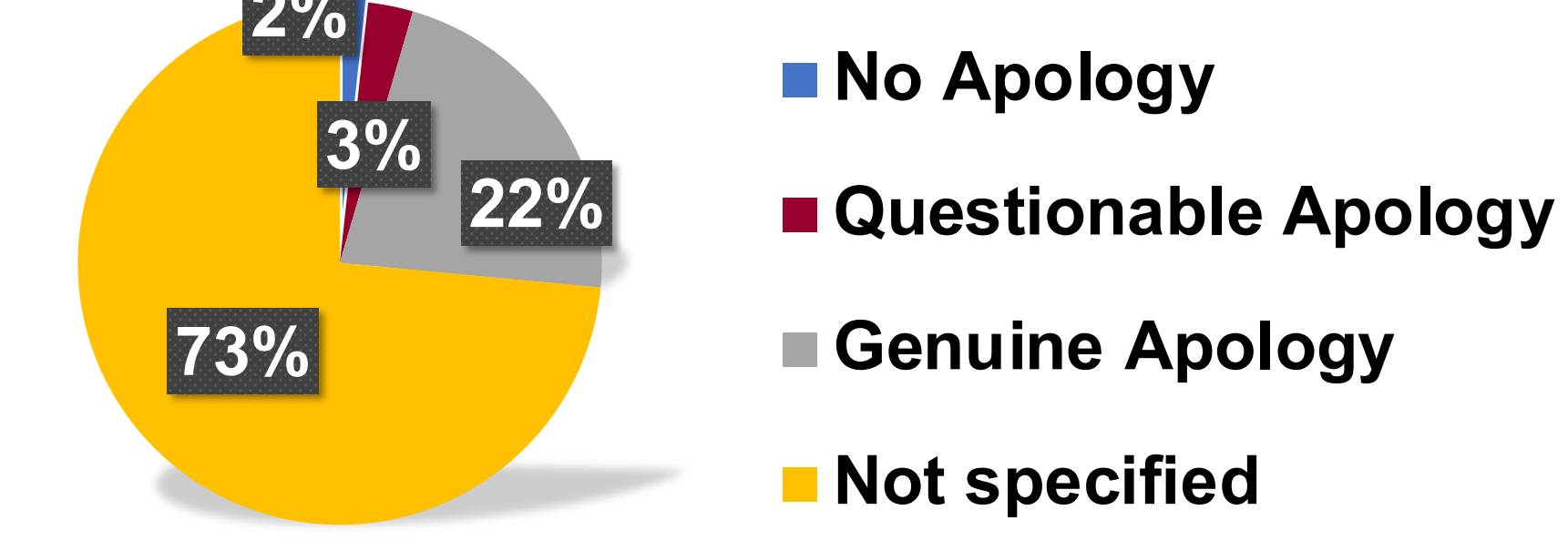
Guilty Plea



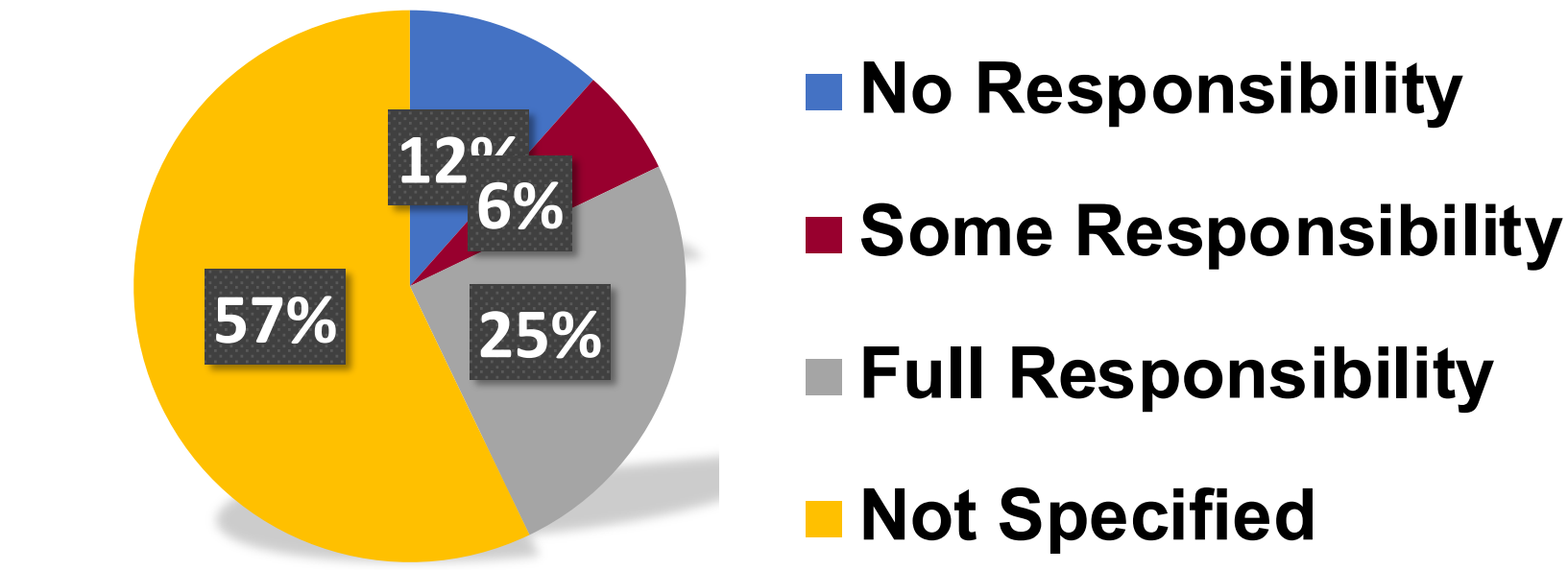
Presence of Remorse



Presence of Apology

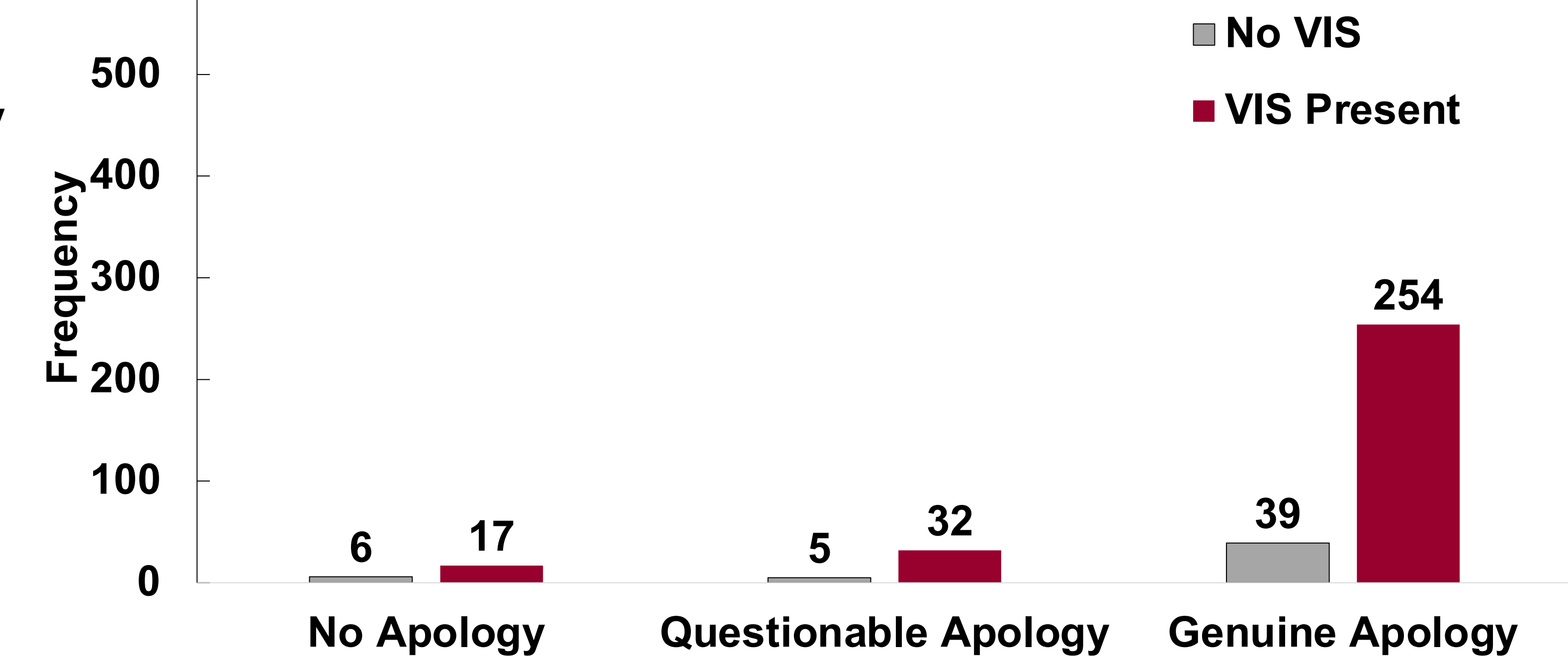


Responsibility of Actions

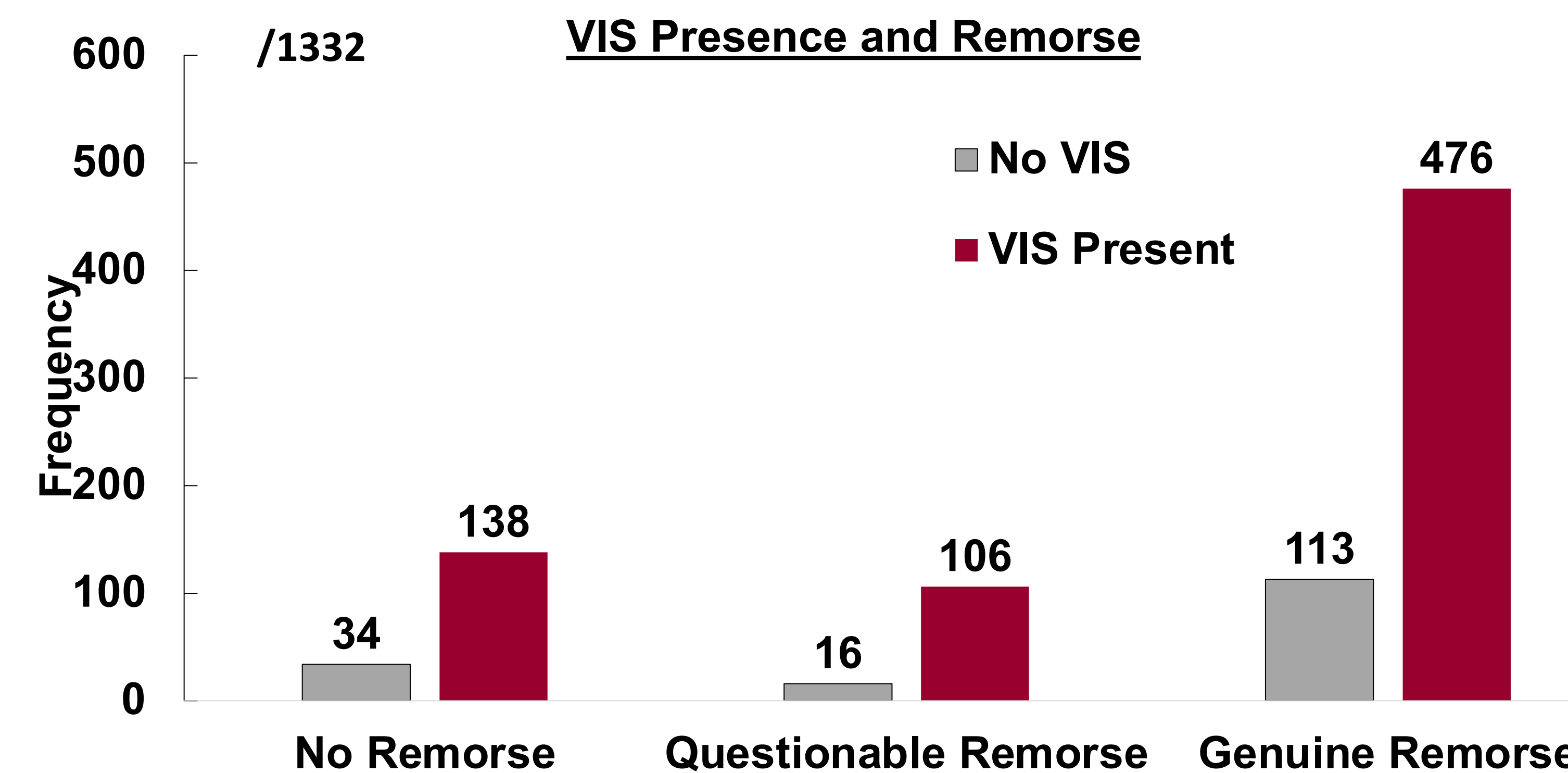


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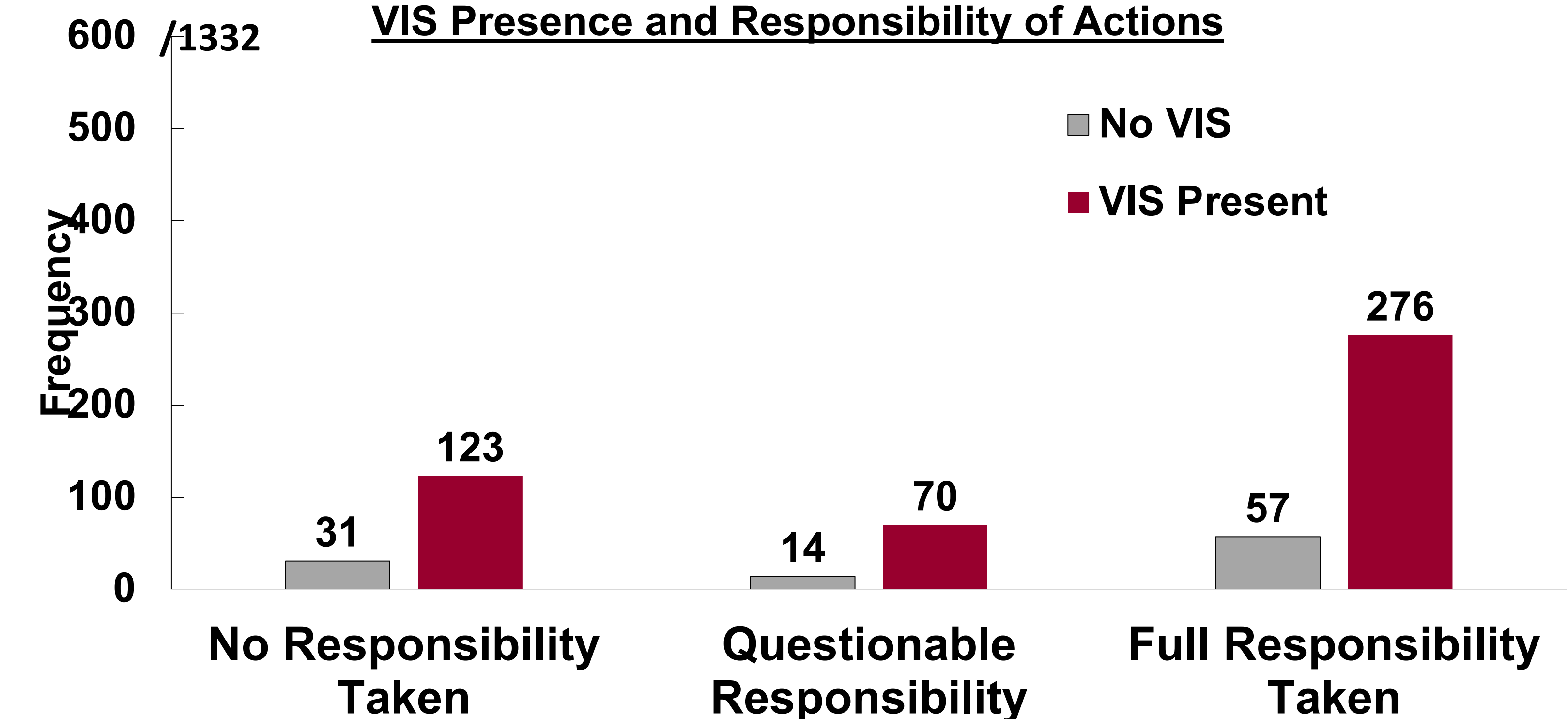
VIS Presence and Apology



VIS Presence and Remorse



VIS Presence and Responsibility of Actions



DISCUSSION

- We found no significant associations; there is no evidence that submitting a victim impact statement will result in an expression of remorse, an apology, or for the offender take responsibility for their actions.
- Sentencing judges are required to consider whether offenders have expressed remorse. Despite this, 34% of cases did not mention remorse at all.
- Judges are not required to mention apologies or the acceptance of responsibility. They often do regardless, but less frequently than remorse.

Implications

- Some crime victims might submit a VIS knowing that their statement may not increase their chance of receiving an apology, an expression of remorse, or an expression of responsibility from the offender.
- Victims should consider other goals or motivations in statement submission. For instance, they might still submit a statement to have a voice in court, to have their harm acknowledged, or to achieve a cathartic outcome.

FUTURE RESEARCH

In addition to the finding that VIS do not increase likelihood of remorse, apology, or responsibility, we also note that judges often acknowledge when these expressions are suspect or questionable.

- We wonder what effect these judicial evaluations of these outcomes as questionable have on victims. Do victims who hear the judge's skepticism feel satisfied with the trial process or sentencing outcome?
- There are many factors that may influence an offenders' ability to express the three outcome variables (e.g., anxiety, addictions); future research should explore the role of these factors on the expressions that are purportedly considered at sentencing.