

**VOICES OF VICTIMS: THE EXPERIENCE OF PREPARING A VICTIM
IMPACT STATEMENT FOR USE IN COURT, AS DESCRIBED BY
ADOLESCENT SEXUAL ABUSE SURVIVORS**

by

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**A thesis submitted in conformity with the requirements
for the degree of Doctor of Education
Graduate Department of Adult Education, Community
Development and Counselling Psychology
Ontario Institute for Studies in Education
of the University of Toronto**

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ABSTRACT

I set out to explore, with adolescent female victims of sexual abuse, their experiences of preparing a victim impact statement for inclusion in court at the time of their offenders' sentencing.

My chosen methodology in the area of qualitative research was a narrative approach. I conducted in-depth interviews following 12 guiding open-ended questions with four young women who were interested in sharing these experiences with me. From a detailed transcript of each of these interviews, I constructed my interpretation of each participant's story or experience using their words. I met with each young woman again for clarity and feedback regarding what I had written. Their rich stories and my analysis of this data are represented here.

Successive reading and careful examination of these stories yielded valuable insight into the thoughts and feelings of the narrators. Several themes emerged during this process. I have organized these themes under four headings: Preparing a Victim Impact Statement; Going Through the Court Process; Delivering a Victim Impact Statement; and Outcomes of

the Experience. Understanding the various themes helps the reader to come closer to and make meaning of the experiences of these four young women.

Without exception, the participants wished for their experiences to be shared in order to support and inform other survivors through the difficult court process. The completion and publication of this thesis is a significant step toward achieving this goal. Another outcome of this research is the production of a booklet entitled We're Not Victims: We're Survivors that compiles excerpts from each participant's story including insight and suggestions for others. The tabbed pamphlet format is intended to be very user-friendly and is designed as a tool that helping professionals can easily distribute. Copies of this booklet can be requested by contacting E-Mail patandles@king.igs.net.

ACKNOWLEDGEMENTS

I have several people I wish to thank for their contributions to my completion of this thesis. I begin by thanking the four participants who so generously shared their stories with me. I admire their courage, strength, and desire to help others.

I am grateful to my parents for giving me the gift of a secure and happy childhood that has inspired me to focus on child abuse prevention in my professional and academic life.

I thank my committee members, Solvega Mieztis and Marvin Zuker for their time and input as the research progressed.

My supervisor, Ardra Cole, was a fantastic consultant and guide as I conducted the research. Her confidence in me was encouraging and her feedback invaluable. I appreciate her wisdom and support through this journey.

To my husband, Patrick, I owe enormous thanks for his unending patience, love, and friendship from the beginning. I celebrate this accomplishment with him.

Finally, I dedicate this work to my newborn son, Connor, who is ten weeks old at the time of printing. He was not even conceived at the start of this journey, yet is central to it, for he is now the centre of my life. With this thesis complete, and my son in my arms, I have never felt more committed to the empowerment and protection of children.

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CHAPTER 1

INTRODUCTION

I set out to explore, with adolescent female victims of sexual abuse, their experiences of preparing a victim impact statement for inclusion in court at the time of their offenders' sentencing.

The issue of child sexual abuse is one that has begun to receive increased attention in the past decade. Schools and community groups have employed numerous initiatives in an effort to raise awareness of this, the most heinous violation of children.

Following disclosure of abuse, child victims begin the journey down the long and winding road through the child welfare and criminal justice systems. Many recent studies (eg. Avery, 1984; Goodman, 1992; Henry, 1994; Sas, 1991; Tedesco & Schnell, 1987) examine the extent to which these systems can potentially pose further harm for children, a phenomenon referred to as "system-induced trauma" (Sas, 1991). Recent research also examines factors that can alleviate stress for child victims and make the court experience better for them (Henry, 1994; Sas, 1993; Schmolka, 1992).

Victims of crime often feel neglected as they participate in the criminal justice system (Ministry of the Attorney General, 1994). With the proclamation of Bill C-89 in October, 1988, it became permissible to introduce **victim impact statements** into court sentencing proceedings. This bill, An Act to Amend the Criminal Code (Victims of Crime), followed recommendations of two previous reports; the Federal-Provincial Task Force for Victims of Crime (1983) and the Canadian Sentencing Commission (1987) (Giliberti, 1990).

It is intended that a victim impact statement be an “opportunity for you (the victim) to tell the court how a criminal offence has affected you and the people close to you” (Ministry of the Attorney General, 1994). This definition is taken from a Victim Impact Statement Information guide produced and distributed by the Ministry of the Attorney General (see Appendix A). The information guide is accompanied by a victim impact statement form (see Appendix B) and given to victims of crime by the police, crown attorneys, victim-witness counsellors, and social workers. The purpose of the victim impact statement is “to educate the court and, in particular the judge, about the impact of the crime on the victim and, in some cases, on the victim’s family...(it) goes beyond the physical or financial ramifications and addresses the emotional and social repercussions as well” (Sas, 1994).

Melanie’s Victim Impact Statement: An Example

A victim impact statement is like a letter to the court, primarily the judge, to inform him or her about the full impact a crime has had on a victim. With the permission of one of my participants, Melanie, I include her statement as an example.

The night of the attack is a night I won’t ever forget. I got robbed of my privacy. (The accused) was a man I trusted for a long time, but he changed that night, and I can’t trust him now. I can’t trust a lot of people I know, especially boys, because of what (he) did to me. As a teenager I like sleeping over at friends’ houses. Now when I sleep over somewhere I get really uncomfortable because I’m scared I will get sexually abused again.

Five minutes or so after (he) sexually abused me, I went downstairs and woke my friend up. I told her what (he) had done and she went upstairs to where (her mom) was sleeping and told

her to go downstairs, that I needed to talk to her. When she came downstairs I told what happened and she told me I was lying and I wanted to ruin her life. I felt like it wasn't her life that was ruined. It was mine. I was the one who had to suffer the pain, not her. When she said she didn't believe me, I felt that no one would believe me.

When I arrived at the hospital, I was scared and confused, but relieved at the same time knowing that I was away from (him). When I was on top of the table when the doctor was examining me I was very uncomfortable and felt it all over again. When I was taking off my clothes I was crying because I didn't want anyone to see my body, especially the same body (he) had seen but was not supposed to see. I felt all those people in the waiting room looking at me funny. I felt I had done something wrong.

That night when (he) sexually abused me (he) did something that almost made me puke. It was almost the most disgusting thing that happened. (He) gave me a hickey on the side of my throat and said it was like a trademark so I would know he was in the room that night. He really disgusted me and the people around me who know about it, especially my family.

I have a lot of people in my family who are angry: my uncles, my aunts, my sister and brother, but I think most angry of all is my mother. Our relationship has gotten kind of grungy. I know she felt like killing someone, but, of course, she didn't. I was feeling kind of confused and scared and my mom didn't know how to help me. Our relationship has suffered from this.

I am getting counselling for drugs and alcohol. It makes me feel a lot better because I get (him) out of my mind. Whenever I think about (him) I feel like getting high or drunk, so whenever I don't think about him, I don't have the urge of drugs and alcohol. I hadn't used drugs before the night (he) sexually abused me.

This is a part of my feelings that I would like to share about how (he) made me feel. He made me feel like I was a tramp. He made me feel like it was my fault. He made me feel like I was useless and helpless. I felt I could never get my life back to normal. Now I have scars all over wherever he touched me.

Background To The Research

Intern Program

In order to increase my personal experience in the area of victim impact statements, as well as to contribute to a wonderful organization, I acted as an "intern" for two support groups with the Metropolitan Toronto Special Committee on Child Abuse (MSCCA). In January, 1995, I was a co-leader for a four-session adult support persons' group, primarily made up of parents and guardians of children who would soon be testifying in court regarding an experience of child abuse. In March, 1995, I was the co-leader of a four-session support group designed to prepare pre-adolescent boys for their role in giving testimony in an upcoming court case. Three sessions of each group operated from the MSCCA office, with one session each month operating out of Old City Hall where a courtroom has been designed to accommodate child witnesses. This room, "J-court", has a bright, cheery waiting room filled with toys and has easy access to the witness stand via a side door, which eliminates the necessity for children to walk past the accused from the rear of the courtroom. A screen is available should it be allowed during the child's testimony. If permitted by the court, this screen is placed in such a way as to block the witness' view of the accused. Professionals who have experience in working with child witnesses (judges, crown attorneys, victim-witness coordinators, police officers) all help to make the experience of being a child witness more comfortable in this courtroom.

During the evening group session at Old City Hall, each child has an opportunity to play the various roles of the people in court such as the judge, the court clerk, the court

recorder, and the witness. In the latter role each participant is asked a number of questions by two volunteer crown attorneys. They take turns questioning each witness about an event the child has selected to write a paragraph about for this purpose. Usually the event is a birthday party, a special day at school, or an outing with a best friend. The event is never in any way related to their abuse experience.

Many children report that this evening is their favourite part of the program for a variety of reasons. Some like the opportunity to play the different roles and dress up in the judge's robe, while others gain confidence in having a practice run at testifying. For the parents, it provides an opportunity to explore their own feelings regarding having their child take the stand. For me, I could not shake the horror I felt watching each tiny, innocent face as a childhood event was recounted in detail, knowing full well that on each respective court date, they would be sharing details so traumatic, they would make most adults ill. There was nothing any of us could do to spare them of this. We therefore do the only thing within our power, and that is to attempt to prepare them for it.

On the fourth and final evening all the groups reconvene at the MSCCA site to debrief and wrap up the program. The option for completing a victim impact statement is shared with participants. Children are given a bracelet that can serve as a reminder of what they learned in group as well as something they can wear to court to provide them with some moral support.

As "research has shown that child witnesses who are prepared for the experience and shielded from system stressors give fuller and clearer evidence" (Sas, 1993, p. 2), I am

pleased to have been a part of this process aimed at assisting child victims and their families become informed, empowered, and subsequently a little more comfortable with the court process.

Child Witness Preparation Program

One of the group leaders from the support program was hired as a co-ordinator for a new program in Brampton called the Child Witness Preparation Program (CWPP). I was fortunate to be hired among the first group of facilitators and acted as a group leader bi-monthly from June, 1995 to June, 1996. This program followed a similar model to that of MSCCA and provided me with additional, extremely valuable experience in supporting and learning from child witnesses.

Personal Connections With The Research Topic

In preparation for the research, it was helpful to examine my own history and its subsequent connection to my topic. I have not been sexually abused personally; however, I sadly have been close to dozens of people who have. Perhaps even more relevant is the fact that I experienced the other extreme: safety, nurturance, and protection as a child. To me there is nothing more horrifying than sexual violation of a child, especially by someone in a position of trust. It not only horrifies me, it motivates me to do all in my power to ensure that the voices of these children are heard, especially by adults in the justice system—a system

which has the potential to further traumatize these youngsters once they have disclosed. This research is an attempt to give children a voice.

Professional Links

As a professional social worker I have had involvement with many children and adolescents who have sadly been sexually abused by an adult in their life. My job as school social worker requires that I act as a counsellor and consultant in relation to a wide variety of topics, therefore my selection of a research focus was quite a challenge. One component of my job is to support children through the court process, make referrals, and, on occasion, to assist in understanding their choice to use the victim impact statement. I also have been employed as a group leader in facilitating sessions with child witnesses in order to prepare them for their role in court. Although I do not consider myself to be an expert in the field of child sexual abuse and the use of victim impact statements in court, I do, however, wish to become more specialized in my career, and find this area to be the most intriguing to me. I continue to be motivated to experience and learn all I can in relation to the topic and the methodological approach that allow me to best explore it.

Stories In My Professional Life

In my role as school social worker I use stories in many ways. When I introduced myself to my school this year I read a story at an assembly rather than give a talk about my role. I chose one of the books I use in counselling called, Alexander and the Terrible,

Horrible, No Good, Very Bad Day (Viorst, 1972). I believe that I got the message across as to what I do and in a much more memorable way by using a story than by simply talking.

In my office I have a large green book-mobile that holds a wide range of therapeutic stories. Children have options when they come to see me. They can:

1. Tell me their story (about the problem or worry)
2. Write their story down to share later
3. Draw about their story
4. Choose a book from my shelf to read together. I have stories on a wide range of topics: children who witness wife assault; live with alcoholics; have been sexually, physically, or emotionally abused; have cancer, etc.

It made sense to me therefore to use a story-based or narrative approach to researching the topic.

Personal Experience With Victim Impact Statements

In preparation for the research, I did an exercise called the Kolb Cycle (Hunt, 1992) during which one is guided through a reflective exercise intended at identifying one's experienced knowledge in relation to a phenomenon. To initiate the activity I placed myself back in my mind to a positive experience with my phenomenon. I remembered a courtroom situation from the winter of 1992. Two brothers from one of my schools had been sexually abused by their maternal grandfather and his girlfriend. I had worked with both boys for over a year at the time of sentencing, and had helped prepare victim impact statements for the

youngest boy and his mother. The older boy had been residing in a treatment facility for several months and had a statement prepared by his primary therapist.

I recall easily how nervous everyone was, including me. It was especially difficult for my student since facing the accused is never easy, particularly when he is your grandfather. My most powerful memory of that day is the incredible energy and strength derived from the victim impact statements being read. The crown attorney read the statement I prepared with my student at which time my student literally sat up tall and raised his head, perhaps in pride. He had been heard. He was empowered. His mother then took the stand to deliver her own statement, and subsequently to confront her father for the first time. Defence counsel did not cross examine her.

The mother attributes much of her emotional growth in recent years to having had that experience. We all cried and embraced when the 18-month sentence was announced. (We were warned not to expect any more than that.) We were not rejoicing the sentence, for that in itself was no victory, but the process that had concluded with the voices of the courageous victims being heard loud and clear. I felt proud to be a part of that. This recall experience was an important part of my preparation for the research because it provided me with a starting point for identifying my personal knowledge and experience with the topic.

Overview Of Thesis

Studies Informing The Work

The literature review, Chapter 2, includes some general information about child sexual abuse and system-induced trauma to victims. I provide more specific detail regarding research on the use of victim impact statements in court and court experiences for children. I have attempted to incorporate Canadian data as much as possible.

Two major studies that have informed my work are documents studying court support and system-induced trauma in relation to child victims of sexual abuse. These studies were conducted under the direction of Dr. Louise Sas who has generously provided me with consultation time. Dr. James Anthony Henry's dissertation, entitled, Societal System Intervention Trauma to Child Sexual Abuse Victims Following Disclosure (University of Michigan, 1994) also contributed greatly to my knowledge and understanding of children's court experiences. I have also obtained valuable information regarding victim impact statements from the research department at the Department of Justice Canada.

Organizational Overview

In Chapter 3, I present an overview of the research methodology, including my reasons for selecting a qualitative approach, namely narrative methodology, and an outline of ethical considerations that contributed to my plan for this exciting and important exploration. I detail the research procedures as well as the steps taken in analyzing the data. I present the experiences as relayed to me by the four participants in four separate narratives

in Chapter 4. I include these stories in the voices of the participants. Chapter 5 contains the analysis of this data and the many themes that emerged in the process. The implications for further research are represented in Chapter 6.

All references to “court preparation” in this text relate to supporting and informing victims and their families regarding the court process. **It in no way implies assistance with testimony.** The first rule of both of the court preparation programs I refer to is that the children may not discuss their evidence at any time.

A product of the research of which I am particularly proud is discussed in the implications chapter. This booklet entitled, We’re Not Victims: We’re Survivors is a compilation of messages from the participants to others who are going through the court process. (Its cover is represented in Appendix C.) It is the intention of myself and the participants that this work be distributed by helping professionals as a supportive and informative tool for other survivors.

CHAPTER 2

LITERATURE REVIEW

In this section I intend to highlight recent literature in the area of child sexual abuse, court experience for child victims, and the use of victim impact statements in such cases. This is the result of a lengthy, intensive literature search involving contact with educational and criminology libraries, the Departments of Justice in Canada and the United States of America, the Ministry of the Attorney General in Ontario, several victim-witness assistance program co-ordinators, reputable clinics and programs aimed at assisting child victims in Hamilton, Toronto, and London, Ontario, the National Clearing-house on Family Violence, and many dedicated helping professionals in the field of social work and child welfare. I have attempted, where possible, to focus on recent Canadian data.

Child Sexual Abuse

- * one in four females and one in eight males in North America are sexually abused before the age of 18
- * in well over 90% of reported cases of sexual abuse the offenders are male
- * strangers commit only 10% of child sexual abuse offences
- * over 33% of offenders are family members or relatives of their victims (MSCCA, 1993).

These statistics are in line with those reported in many current studies (Badgley, 1984; Finkelhor, 1984; and Russell, 1986). Finkelhor (1986) states that "even the lowest rates

indicate that child sexual abuse is far from an uncommon experience, the higher reported rates would point to a problem of epidemic proportions" (p.19). To put this in a framework familiar to most educational professionals,

Current estimates are that one out of three girls and one out of seven boys will be sexually abused before the age of 18. That means that in the average elementary school there are probably three or four children who have been sexually abused within the last week and four to five times that number who are recovering from previous abuse (Stewart, 1994, p. 50).

Short Term Difficulties

It is evident that this traumatic experience occurs in the lives of an overwhelming number of children, commencing for many a struggle with a wide range of social and emotional problems, both short- and long-term. "In the short term child victims may suffer a range of effects, including rage, shame, fear, depression, suicidal tendencies, loss of self-esteem, and confidence and destruction of the very fabric of their lives" (Stewart, 1994, p. 50). A study conducted in the United States compared 369 child victims of sexual abuse with 318 children who had not been abused found that children from the former group were "significantly more likely to demonstrate the following:

1. poor self-esteem
2. aggressive behaviours
3. fearfulness
4. conscientiousness
5. concentration problems
6. withdrawal
7. acting out
8. need to please others" (Whitcomb, 1992, p. 19).

Delayed Disclosure

It is acknowledged in the literature that many children are victims of sexual abuse, and can subsequently experience these symptoms, for many months and years before feeling safe and secure enough to disclose their plight to anyone. Research conducted by Conte and Berliner (1981) reported that disclosure of sexual abuse within 48 hours only occurred in 16% of the 83 cases they studied. "In cases of incest, secrecy is such a powerful dynamic that many years are likely to separate the act from its disclosure" (de Young, 1982, p. 220).

The notion of delayed disclosure was not recognized within the law itself until recently with the introduction of Bill C-15 which will be discussed in detail in the next section. It is a widely recognized dynamic in the literature, in particular of intra-familial child sexual abuse. "Sexual abuse within families tends to go on for five to ten years before the child discloses" (Halliday-Sumner, 1991, p. 15). One of the main reasons children do not disclose is out of fear that no one will believe them, a fear instilled often by the abusive family member. Until recently, it was not uncommon for a disclosure to be disbelieved, and this certainly continues to occur in some circumstances.

I do not wish to examine the notion of false allegations in great detail as there is a great deal of evidence to support that this does not occur with great frequency. I wish to note two references with which I concur:

Children reporting sexual abuse should be presumed to be telling the truth and bear no responsibility for their involvement, regardless of time or circumstances....experience clearly demonstrates that children do not lie about sexual abuse. In fact, false denials of sexual abuse are infinitely more common than false reports (MSCCA, 1982, pp. 1-2).

It was similarly noted by Linda Halliday-Sumner (1991) that "research on reported cases of sexual assault shows that only 1.5 to 5% of the cases had no basis to substantiate the allegations. This is equal to any other crime" (p. 15).

Once a child has disclosed the abuse, a whole host of new stressors present themselves in addition to the trauma of the abuse experience itself. In the next section I will explore the notion of "system-induced trauma" and what current literature is saying about the experiences of children as victims and witnesses within the court system.

Child Sexual Abuse And "The System"

In addition to the difficulties related to the abuse itself, it is widely believed that victims experience further trauma once they disclose abuse and mandatorily enter into the child welfare and criminal justice systems:

It has been demonstrated in a number of studies (Avery, 1984; Runyan et al, 1988; Tedesco & Schnell, 1987; and Weiss & Berg, 1982) that the overall court process can lead to the secondary victimization of children. System stressors combined with the emotional sequelae related to the abuse itself result in a high level of stress in children... (Sas, 1993, p. 167).

This is an excerpt from an article authored by Dr. Louise Sas who is a clinical psychologist with the London Family Court Clinic (LFCC). She was the principal investigator of two major studies informing my work. The first of these studies intended to evaluate two specific approaches to preparing child victims of sexual abuse for court. The approach for this inquiry was quantitative. One hundred and forty-four (144) children who were referred to the clinic

were assigned randomly to either a single information session and tour of court, or to a five-session educational and stress-reduction program in addition to the tour. The latter model also provided two consultations to the crown attorney for each case. The first of these was verbal, regarding the child's needs and ability to testify. The second of these was in writing in the form of a victim impact statement, "focused on issues surrounding the impact of the sexual abuse on the child and his/her family and was made available to the presiding judge" (Sas, 1991, p. 1). I will discuss victim impact statements further in the next section. Psychological tests were also administered prior to and following court.

The second study conducted by the LFCC was entitled Three Years After the Verdict, and incorporated both qualitative and quantitative data. Sixty-one (61) of the children and 73 parents of children from the original study participated in this follow-up study aimed at exploring their recollections of "how their victimization was discovered by the authorities, their impressions of the criminal justice process (from charging to sentencing), what it was like to testify, and their experiences and life events since the court case ended" (Sas, 1993, p. xv). Psychological tests were given again at this time.

Among the findings were reflections from the children regarding police involvement upon disclosure. Over 50% of the children did not wish for police involvement and 63% reported being unaware that this would be necessary. Twenty percent of the participants (all female) wished they had not disclosed at this point. Sas (1993) reported identifying a "host of pressures" upon disclosure for the children, rather than relief (p. xvi).

Participants were also asked to reflect on the waiting period prior to court. Almost 50% reported some contact with their alleged offender, 25% reported being pressured not to provide testimony in court and almost all victims of intrafamilial abuse stated they had experienced repercussions from the disclosure during the waiting time (Sas, 1993, p. xvi).

Sas (1993) and her fellow researchers included considerable qualitative data, "wherever possible," in an effort to provide "a glimpse into the minds of these children as they struggled with burdens and decisions that would tax most adults" (p. xii). This aspect of the study provides compelling, rich data that allows the reader to better understand the experiences of the participants. Examples of this data can be found in the section, "Qualitative Data Regarding The Court Experience".

System Stressors

The potential factors and chain of events following disclosure of abuse are outlined in Table 1. This table has been adapted from Judge Ronald Reinstein's diagram, *The Criminal Court Process From Abuse to Adjudication: A Model of Psychological Effect*, in which he connects each list with the category "Effects Upon The Child's Psychosocial Development," namely trust and mistrust; autonomy and shame, doubt; and initiative and guilt (Reinstein, 1990, p. 3). For the children and adolescents seen at the LFCC, "disclosure...brought forth a host of added pressures, at a time when their capacity to cope with more stress was already well over the limit" (Sas, 1991, p. 7).

Table 1

System Stressors

ABUSE	DISCOVERY	PRECOURT	INCOURT (DISCOVERY)
nature	reaction of adults	foster care	facing defendant
duration	removal of child	interviews	cross examination
relation	family stable	social agencies	retelling trauma
secret	police reaction	length of time	public atmosphere
age	social services	support	support
maturity		multiple court delays	preparation for court
			structure of court
			questioning
			bias and verdict

The court process can take considerable time to go through, as noted by Schmolka (1992) who found that Toronto courts had long delays. "One third of the cases took 7 to 12 months to complete, another third took from 12 to 30 months. A constant court backlog and frequent adjournments explained the delays, which were the longest at District Court level" (p. 87). This identifies one of the many factors considered to be stressors within the system. Another stressor is that of the public nature of the inquiry. Children are likely to be required to tell their abuse story many times to a variety of strangers in the various helping professions as the investigation proceeds. "Each interview adds to the negative consequences of the abuse and increases the likelihood of contamination of the child's evidence" (Hunter et al, 1990, p. 15). It is for this reason that many communities are developing co-ordinated

approaches to responding to child abuse. In addition to the many interviews, children find it stressful "having to retell embarrassing and frightening incidents in a public courtroom at an age where speaking publicly about oneself is difficult" (Sas, 1991, p.169). Other stressors within the system as outlined by Sas (1991) are:

- * Facing the accused
- * Understanding complex proceedings
- * Change of crown attorneys
- * Cross examination
- Exclusion of witnesses
- Apprehension and placement outside the home
- Lack of preparation for the role of witness (p. 170).

In the first of the LFCC studies, children were questioned about their fears of court.

The five most common responses from the study were:

- * Facing the accused in court
- * Being hurt by the accused in the courtroom or outside
- * Being up on the stand
- * Being sent to jail
- * Not understanding the questions/crying (Sas, 1991, p. 172).

Contributing to the child's pressures of the court experience is the fact that in many cases the child is the sole witness to the crime. "Prosecution of child sexual assault often rests largely on the child victim's testimony" (Berliner & Barbieri, 1984, p. 126). Once the child takes the stand to deliver his or her testimony, new pressures begin to mount. Defense attorneys, "in some cases do not differentiate children from adult witnesses" (Sas, 1991, p. 167). Dr. Sas (1991) quoted a defense attorney's advice in an excerpt from *Lawyer's Weekly*:

You have to go in there as defense counsel and whack the complainant hard at the preliminary...get all the medical evidence, get Childrens' Aid Society records-you've got to attack the complainant with all you've got so that he or she will say I'm not coming back in front of 12 good citizens to repeat this bullshit story I've just told the judge (Sas, 1991, p. 167; Schmitz, 1988).

It is evident that child victims endure considerable stress both outside as well as inside the courtroom. I have become particularly interested in studies involving qualitative research methods and/or adolescent female participants in this area. I find qualitative studies to be of particular interest because they include data presented in the voice of the participant. I believe this is most meaningful and brings the reader closer to the actual experience. One article that I found to be particularly interesting included excerpts from interviews with teens who had completed the court process as victims of sexual abuse. Some of the system stressors facing these young women were evident in their statements. One participant stated, "I knew that in other families, fathers restrict their girls, but not for the reasons for me...I mean, I was having sex with him...I was afraid...of what I'll do to my family. If I put him in jail, I'll be blamed for it. Everyone will break up" (Kreiger & Robbins, p. 420). This article explored the feelings and experiences of the girls at various points in the investigation process. One described contact with an investigating officer who asked, "Why did you wait so long to call us? Did you enjoy it?" (Kreiger & Robbins, p. 421). Another teen spoke of talking with her lawyer for the first time stating, "It's almost like they're accusing you of doing something wrong before you even get there." Upon meeting her, the attorney stated, "oh, so

you're the one" (Kreiger & Robbins, p. 421). Another of their participants talked about the sentence of probation and counselling that followed her father's guilty plea stating:

That just wasn't enough. I know what probation is. He's out there doing what he wants...oh, and counselling. He is supposed to go to counselling, Well, I go to counselling too. Shit, am I being punished? (Kreiger & Robbins, p. 423),

Of the many dozens of articles I have obtained on this topic, this one speaks to me the most because it contains the voices of the victims, sadly missing in many aspects of the literature.

Societal System Intervention

James Anthony Henry's (1994) doctoral research entitled Societal System Intervention Trauma to Child Sexual Abuse Victims Following Disclosure (University of Michigan) also explored the notion of trauma exacerbated by "the system" and suggested models of intervention to pose the least risk of trauma to the child (p. 7).

He interviewed ninety 10 to 16-year-old children who had been sexually abused by an adult who had been living in their home. He wished to explore, by administering two checklists and his own questionnaire, whether certain interventions would impact on the traumatic experience of a child who had been sexually abused. The checklists he used were the Trauma Symptom Checklist for Children and the Child Behaviour Checklist. His own questionnaire incorporated 72 questions, some open ended most closed. Henry (1994) felt that he had two significant findings. The first was that the greater number of interviews the

child experienced the greater their trauma (p. 88). The second of his hypotheses, “trusting a professional decreases the likelihood of trauma was statistically supported” (Henry, 1994, p. 97). Henry (1994) also found that “69% of the children felt better about themselves after they were finished testifying” (p. 103).

Facing The Accused

Congruent with the findings of Sas (1991), the most common source of stress cited by the children was facing the accused in court, “90% of the children who testified say that, ‘the perpetrator scared them and they didn’t want them in the room’” (Henry, 1994, p. 104). Henry (1994) asked the children what changes they would have made to the courtroom experience if they could, and 62% reported having the accused out of the courtroom to be of most importance (p. 104). Overwhelmingly, over 96% of the participants noted that having a support person present in the courtroom was important (Henry, 1994, p. 103). In Henry’s (1994) study he found that it was helpful for children to be kept informed about the court process and what to expect, “protecting children according to children in the sample, is not about withholding information, but rather alerting them to what is occurring so that they can have input into decisions and prepare themselves for what may happen” (p. 110). He also found that children responded favourably when asked about their counselling experience in terms of court support (Henry, 1994, p. 111). He attempted to explore with children primary reasons that would lead to an increase in their self-esteem as opposed to an increase in trauma. The top three reasons cited by the children were: (1) 34% say that being

told the experience was no fault of their own; (2) 25% stated "I learned to stand up for me"; and (3) 21% stated that having professional help "get my feelings out" (Henry, 1994, p. 116). Perhaps the most remarkable of Henry's findings was that 100% of the participants stated that they "supported the necessity of disclosure even after they had been through the system" (Henry, 1994, p. 118). This statistic was very surprising to me and is not in keeping with the findings of Sas (1993) or my own experience in supporting children through the system where children sometimes state due to trauma that they wished they had not told anyone.

System Supports: Bill C-15 & C-126

There has been a great deal of concern about the impact the court system has on child victims and many suggestions have been made as to how the courts can become more child friendly. Many child advocates have proposed extensive evidentiary and procedural revisions of the court process (King, Hunter & Runyan, p. 705).

In 1981 the Federal Government of Canada formed a committee, under the leadership of Robin F. Badgley, called the "Committee on Sexual Offences Against Children and Youth." For three years, members of this committee "investigated the incidence and prevalence of sexual offences against children and youths...(by conducting) extensive research, listen(ing) to witnesses from across the country and read(ing) hundreds of letters and briefs" (Schmolka, 1992, p. 1). In 1984 the committee's report described sexual abuse of children as a "largely hidden yet pervasive tragedy that has damaged the lives of tens of thousands of Canadian

children and youths...their needs remain unexpressed and unmet" (Schmolka, 1992, p.1).

Fifty-two recommendations were made by this group who believed strongly that:

Canadian children cannot fully enjoy the protections the law seeks to afford them unless they are allowed to speak effectively on their own behalf at legal proceedings arising from allegations of sexual abuse (Spencer & Flin, 1990, p. 307).

Bill C-15 was introduced by the Minister of Justice in 1986, a proposed law to amend the Criminal Code and Canada Evidence Act with regard to child victims. It was approved by Parliament in 1988. The four goals of this proposal were to:

1. To provide better protection to child sexual abuse victims and witnesses;
2. To increase the successful prosecution of child sexual abuse cases;
3. To improve the experience of child victims and witnesses;
4. To bring sentencing in line with the severity of the offence (Schmolka, 1992, p. 2).

The proposed Bill C-15 became law on January 1, 1988, making it "permissible for witnesses under the age of 18 to testify behind a screen or outside the courtroom via closed circuit television," allowing "the use of videotaped testimony," permitting children "to give unsworn testimony," eliminating the "requirement of corroboration," and abolishing "the recent-complaint rule" (Coolbear, 1992, p. 151). Bill C-126 was approved in 1993 recognizing the special needs of child witnesses:

Children under 14 are now permitted to have a neutral person accompany them to the witness stand, and children under 14 can no longer be cross-examined by an accused who chooses not to be represented by a defence counsel (Sas, 1996, p. 345).

Contained in this Bill is also an amendment to the Criminal Code of Canada directing judges “not to make assumptions about the reliability of evidence because of a witness’ age, and not to warn juries that children’s testimonies are frail, unreliable, or should be viewed with skepticism” (Sas, 1996, p. 343).

These are all important steps in supporting children through a stressful situation in order that they might give clear and thorough evidence. Three new offences were also added to the Criminal Code: “sexual interference, sexual exploitation, and invitation to sexual touching” (Schmolka, 1992, p. 2).

Has Bill C-15 Made A Difference?

In a 1993 study to evaluate the success of implementation of Bill C-15, The Canadian Department of Justice found that “more police charges of child sexual abuse were being filed...more cases involving younger complainants (4 to 9-year-olds) were being prosecuted, and that younger complainants are being allowed to testify in courts across the country” (Sas, 1996, p. 347). It was also found that screens, video taped testimony, and hearsay evidence were being used “sparingly” in Canadian courts with screens being used more often than video (Sas, 1996, p. 347).

Victims' Rights

The criminal justice system has made attempts in recent years to recognize and respond to the rights and needs of victims of crime, primarily because victims have demanded it. Compensation programs aimed at providing financial restitution and victim-witness assistance programs aimed at providing information and support have been available to victims for some time (McLeod, 1986, p. 501). The latter assists the individual in preparing to participate in court proceedings as required, but it was the introduction of victim impact statements that allowed a vehicle for victims to have a true voice in these proceedings.

The introduction of victim impact statements made victims feel like they were more a part of the system. They did not feel as isolated and alienated from the laws that were set up to protect them. It is an essential part of the healing process for some victims (Sullivan, 1994, p. 2).

Victim Impact Statements

Another recent directive of importance to all victims is the provision for the inclusion of a victim impact statement in court proceedings. In 1990 the United States "Victims of Child Abuse Act" (S. 3266) "amended Chapter 223 of title 18, U.S. Code, to add a new section in the Federal Rules of Criminal Procedure, "among them the direction for "victim impact statements from children, with assistance as needed from court-appointed guardians ad litem" (Whitcomb, 1992, p. 49). Similar to the situation in Canada, " in more than 7,000 communities throughout the United States, child victims are offered support from

victim/witness assistance programs...helping crime victims to prepare their victim impact statements (as part of their diverse role)" (Whitcomb, 1992, p. 125).

In Canada,

In 1983, the major impetus for reform came with the Federal Provincial Task Force on Victims of Crime that recommended that the Canadian Criminal Code be amended to permit the introduction of victim impact information to the court at the time of sentencing. In October, 1988, Bill C-89, An Act to Amend the Criminal Code (Victims of Crime) was proclaimed. Implementation of S. 735(1.1), however, continues to vary dramatically across the provinces (Sas, 1994, p. 3).

The idea behind a victim impact statement is to allow the extent to which harm has been done to be fully voiced in terms of physical, financial, social and emotional damage, information otherwise absent in many trials.

The Department of Justice Canada conducted evaluative studies of different implementation models in five cities across the country. The sites were Victoria (police-based model), Calgary (mail-out questionnaire), Winnipeg (court model), North Battleford (RCMP model), and Montreal (Crown model). A police-based mail-out Toronto study was also evaluated.

One criticism of the victim impact statement is that victims might see this as a way of seeking revenge and asking for severe punishment for their offender. At the LFCC one parent "intended to ask for castration" (Sas, 1993, p. 128); however this was not common in the results from the Department of Justice. They reported in the Victoria project that, "the majority of victims do not see the victim impact statement as a tool of retribution, but more

as an opportunity to explain their story" (Focus Consultants, 1990, p. xx). Of the 84 statements studied in this project, 97% contained emotional health information, yet only three included vengeful comments (Focus Consultants, 1990, p. xx).

In the summary report, victims are reported to have three main purposes for completing a victim impact statement:

1. Victims wished to see that justice was done;
2. Victims wished to fulfill their civic duty;
3. Victims wished to communicate that the crime was not victimless, and also to tell the full impact of the crime to the offender (Focus Consultants, 1990, p. 14).

Direct purposes of the victim impact statement as outlined in the Toronto Report are as follows:

1. To provide an instrument for victims to give information regarding the physical, financial, psychological, and social impacts of the offence on them and on their family;
2. To introduce this information concerning impacts to the court;
3. To provide direct input for victims to the sentencing process;
4. To assist the court in arriving at an "appropriate" sentence by improving both the accuracy and the justice of the sentencing decision (Campbell, 1990, p. 6).

They also outline some indirect benefits of the victim impact statement:

1. Reducing victims' sense of alienation from the criminal justice process by offering them a means of direct input about the effects of the offence;
2. Increasing victims' willingness to cooperate with the criminal justice system, especially by reporting crimes;
3. Increasing victims' feelings of involvement in the criminal justice process;
4. Increasing victims' satisfaction with the sentence handed down and with the criminal justice system in general (Campbell, 1990, p. 6).

The LFCC made, as one of its recommendations in the 1991 study, that "victim impact statements should, as much as possible, be offered as part of the crown attorney's case against an accused" (Sas, 1991, p. 16). In general this clinic assists clients by preparing a "third party victim impact statement" regarding the impact of the abuse on the child. This way the victim is protected from situations where, "very occasionally, the defence lawyer may wish to cross examine...about (the) statement" (Ministry of the Attorney General, 1994).

In many cases victims are encouraged, and choose, to complete their own statement regarding the impact of their abuse experience. Sullivan (1994) states that "the words must come from the victim" as it is a "chance for people...to tell the court in their own words how the crime has affected their lives" (p. 5). These are preferred by some legal professionals, in that "both judges and prosecutors ...indicated a strong preference for victim impact statements that were written and signed by the victims themselves rather than one prepared by a third party" in the Calgary project (Giliberti, 1990, p. 16). I have witnessed victims not only writing their own statement, but delivering it orally themselves in court. This adds a whole

new dimension to the information in that it is delivered in the victim's uninterrupted voice. "A written statement is much less impressive than oral evidence" (Spencer & Flin, 1990, p. 75). This, of course, is only appropriate in situations where it will not create additional trauma for the victim and where considered permissible by the court.

Canadians Against Violence Everywhere Advocating Its Termination (CAVEAT)

I had the honour of attending CAVEAT's annual Safety Net Conference aimed at producing recommendations for justice reform to be distributed to all governments. "Safety Net 1995 assembled over 150 experts in the areas of child protection, public safety, and justice reform, to develop concrete action plans for improving the safety of Canada's children" (CAVEAT Newsletter, 1996). It was a three-day conference, invitation only, assembling professional volunteers, victims, and parents all concerned with victims' rights.

Three of the nine working groups mentioned victim impact statements specifically in the 1995 recommendations to government. The working group in which I participated was entitled "Vulnerability of Youth in Society Today". We made the key recommendations that:

- Court preparation and support be available to all child witnesses and their family to ensure optimum consideration for their comfort. Child-friendly court rooms and child witness preparation programs were advocated.
- The onus be on the justice system to ensure child witnesses and their families are given an opportunity to fully understand their right to submit a victim impact statement to be considered by the court (Cheney, 1995, p. 6).

The working group “Court–Examining the Process” put forth the recommendations

that:

- The Criminal Code of Canada be amended to remove the discretion of the judge so that the victim will have the right to present a victim impact statement.
- The victim be given the option of presenting an oral impact statement in addition to a written impact statement, including in sentencing hearings for first degree murder.
- Every province develop a program to support a consistent use of victim impact statements in sentencing hearings for both adults and children (Cheney, 1995, p. 25).

The working group “Corrections/Parole–Examining the Process” made the recommendations that:

- An agreement be drawn for certain relevant documents to be obtained prior to a decision being rendered on any form of early release. Some of those documents are...victim impact statements (Cheney, 1995, p. 33).
- Victim impact statement submissions be non-discretionary and entered as an exhibit in all court proceedings and judicial reviews, such as s.745 of the Canadian Criminal Code.
- Victim impact statements be entered in the agreed statement of facts at all court levels, including plea bargaining.
- The offender only have access to victim impact statements at the discretion of the victim or secondarily, the family; and that all personal locators be removed prior to being shared with the offender.
- Police be responsible for, and ensure that, victims complete and submit victim impact statements if they wish. These victim impact

statements should be obtained as soon as possible both prior to and after sentencing (Cheney, 1995, p. 35).

I have been in contact with volunteers at CAVEAT on several occasions to obtain feedback regarding a document I developed with a colleague in Hamilton to assist children and adolescents in completing a victim impact statement (see Appendix D). The staff was most helpful in providing us with feedback and also sending me information regarding victim impact statements. One of the volunteers sent me a copy of a victim impact statement she submitted in the United States court following her husband's murder. She delivered it orally following the sentencing. She very eloquently spoke of the pain and loss experienced by herself and her young son. She described her own emotional turmoil as well as episodes of consoling her son. She shared this statement with legal professionals one of whom shares it with his students at a law school. With her permission I include it as Appendix E. One report sent to me by CAVEAT stated: "Preparation of a victim impact statement can be an important part of the victim's healing process" (Reddin, 1991, p. 34).

Judge's Reference To Victim Impact Statement

There appears to be some consensus that it is important to have acknowledgement from the judge that the statement has indeed been heard, partly because "victim impact statements can be an informative tool for the sentencing judge" (Sullivan, 1994, p. 4). But also because such reference "can be affirming for the victim while impressing upon the offender the seriousness of the offence" (Cheney, 1995, p. 34). In his article, "The Rights and

Needs of Victims of Crime: The Judge's Perspective," John Albrecht (1995) states that: "The judge may want to quote a phrase from the victim impact statement to show that he or she has read the statement and has taken it into account when sentencing" (p. 33). This certainly shows the victim that their thoughts and feelings are being considered by the court.

Use Of Victim Impact Statements In U.S.A.

There appears to be great diversity among the various states with respect to their reception of victim impact statements in court despite the fact that "every state allows some form of VIS at sentencing" (Infolink, 1995, p. 1). For example, in Missouri, "the victim has the right to be heard at the sentencing hearing..." whereas in Texas, "the victim may make an oral statement...only after the sentence has been imposed" (Albrecht, 1995, p. 33). In New Hampshire, the victim may only speak at sentencing of certain offences, and in Rhode Island the definition of "victim" is limited to those who have sustained injury or suffered personal loss (McLeod, 1986, p. 509). In Connecticut, a victim can only make reference to impact of crimes "for which the defendant is being sentenced" (McLeod, 1986, p. 511). Therefore, in a situation where the defendant has participated in plea bargaining and had some charges dropped, the victim would not be permitted to refer to any of those offences or subsequent harm endured. Other states have much broader parameters, such as in Minnesota where legislation "invites subjective commentary" from the victim including "damages or harm and any other problems" as well as "his views on the offense, the need for restitution and sentencing proposals" (McLeod, 1986, p. 511). In Nebraska and Indiana "statutes...mandate

that an attempt be made to contact the victim if the victim has not already submitted a statement” (McLeod, 1986, p. 512) to ensure that the opportunity to do so is fully understood by the victim. There appears to be little consensus among court interpretation of various state legislation with regard to victim impact statements.

Victim Impact Statement Use In Canada

Similarly, there has been considerable incongruence in Canadian courts regarding the inclusion of victim impact statements at sentencing. This likely stems from the wording of the Criminal Code which, until recently, stated that:

For the purpose of determining the sentence to be imposed on an offender or whether the offender should be discharged...the court may consider a statement of a victim of the offence... (Sullivan, 1994, p. 1).

This statement allowed for the inclusion of such a statement at the discretion of the judge. It did not provide parameters with regard to length of statement, method of delivery, or specifics regarding acceptable content.

An important Act noted by The Research Facility of the Ontario Legal Aid Plan, Law Society of Upper Canada (OLAP, LSUC) in a March, 1996 memorandum regarding victim impact statements contains these revisions (at that time pending), to the Criminal Code:

An Act to Amend the Criminal Code and other Acts in Consequence Thereof, S.C. 1995, c.22 (Bill C-41. Royal Assent July 13, 1995. Needs Proclamation)...(states) that a judge is now required to

consider such statements under s.722(1) (“shall consider”) (OLAP, LSUC, 1996, pp. 3-4).

This change in wording became law in September 1996, and will likely lead to an increased opportunity for victims to voice their feelings in court.

Verbal Victim Impact Statements

This report cites a number of Canadian cases involving victim impact statements at sentencing, the handling of which varies greatly. It is noted that “a trial judge may allow a person to read a victim impact statement into the record rather than just having the statement filed: Selig (1994), 134 N.S.R. (2d) 385, 383 A.P.R. 385, 25 W.C.B. (2d) 70 (N.S.C.A.)” (OLAP, LSUC, 1996, p. 10). This, however, is not always permitted when such a request is made. “Victim impact statements by way of oral testimony were held to be inadmissible on the basis of irrelevance, where the accused had been acquitted on a charge of murder and convicted only of break and enter” (Malloy, June 28, 1984, 12 W.C.B. 267, [1984] Ont. D. Crim. Sent. 7130-11 (Prov. Ct.) (OLAP, LSUC, 1996, p. 15). In this case the family members of the victim and the owner of the establishment were not permitted to address the court regarding the break and enter conviction. They are considered secondary victims, who are sometimes permitted to submit victim impact statements although not with great consistency.

Secondary Victims: French And Mahaffy

The Criminal Code identifies secondary victims as being permitted to submit a victim impact statement when the victim is “dead, ill or otherwise incapable of making a statement” (OLAP, LSUC, 1996, p. 5). In the highly publicized sentencing of Paul Bernardo for kidnapping, sexual assault, and the murder of two adolescent girls (Kristen French and Leslie Mahaffy), the sentencing judge allowed a video victim impact statement to be delivered by Debbie Mahaffy, mother of one of the victims, “expanding the medium victims can use to present impact statements” (Sullivan, 1995, p. 2). Another secondary victim, a brother of one of the murdered teens, was permitted to give an oral victim impact statement at the same sentencing. The 11-year-old boy, Ryan Mahaffy, spoke of “grotesque nightmares...seeing his parents lose their sense of humor, their lives consumed with sorrow and anger” (Jenish, 1995, p. 68). Kristen French’s mother also spoke as a secondary victim, describing for the court how “everywhere I go, everything I do, everything I see reminds me of Kristen...Paul Bernardo took Kristen away from us physically...thankfully he could not take her spirit, her courage, her soul” (Jenish, 1995, p. 68). Such glimpses into the grief and loss experienced by secondary victims can provide tremendous insight for the court into the impact of the crime for these individuals, as well as being “an essential part of the healing process” (Sullivan, 1994, p. 2) for those who share their statements.

Secondary Victims: Sexual Assault

In some cases involving child sexual abuse/assault, victim impact statements have been accepted from not only the victim but also from the parents of the child victims. In Green (1987), 63 Nfld. & P.E.I.R. 229, 194 A.P.R. 229 (Nfld. S.C.)

...the court considered statements from the 11-year-old victim's parents concerning the effect of the series of sexual assaults committed against their son. The parents detailed the change in the victim's behaviour...including his development of aggressive behaviour, lost friendships, and fallen school grades. The parents also expressed the anger, distress and trauma suffered by them as a result of the harm occasioned to their son and the increased burden on them to work with their son to overcome the effects of the offence on him (OLAP, 1996, p. 16).

Certainly the crime of child sexual abuse impacts greatly on parents of the victims. As well, parents are in a particularly good position to comment on the impact the crime has had on their child, especially in cases involving younger children who may not be in a position to prepare their own statements. In my contact with potential participants for my research, I spoke with several parents who had completed a secondary victim impact statement for court, who offered to be interviewed themselves should I wish to include parents in my study. I discuss this further in my final chapter.

Although cases and circumstances vary and legislation seems vague,

insofar as any conclusions can be drawn...it appears that the courts are prepared to receive statements from primary (complainant) victims, deeming such statement to be relevant and appropriate evidence to consider on sentence in assessing the gravity of the offence (O'Keefe,

supra; Garrington, supra; Blackwater, supra; Atkins, supra; note also Landry & Hardy, supra) (OLAP, 1996, p.17).

Statements may be submitted in writing, perhaps permitted to be delivered verbally, and may come from primary and secondary victims in some cases. They may, however,

not necessarily carry (or deserve) any weight or sentence...defense counsel may...challenge the accuracy of the evidence and cross-examine the witness...and may argue that a VIS is inadmissible, in any form, because it is unfair, prejudicial, and irrelevant to the trial...Judge's task of imposing sentence (OLAP, 1996, p. 17).

Media Attention

Despite the uncertainty with which courts receive victim impact statements, several high profile cases involving sexual assault convictions have incorporated statements from the victims in sentencing and received much media attention.

At the recent sentencing of a man convicted of sexually abusing his stepdaughter 30 years ago, the victim's victim impact statement was read by the crown attorney and quoted by the judge. The following excerpts of the victim impact statement were reported in the Toronto Star:

Over the years I have felt like an egg that someone has taken a pin to and sucked the yolk out, just leaving the shell. I look, talk, act (and) feel like a human person, but in reality, I just exist.

Someone asked me recently what I would change if I could go back in time and change my future. I racked my brain thinking of all the possibilities, but could only think of one logical change...

I felt then, and feel now, that I would have been better off if I had never been born (Oakes, 1996, p. A20).

She described how her mother blamed her and asked her to leave home at 14 upon disclosure.

She went on to state:

From that day forward I had no mother, I spent over seven years injecting myself with whatever (illegal drug) I could get my hands on. (I suffer from) insomnia, nightmares, night terrors, night anxiety attacks and claustrophobia. I would have to say the sum of my emotions over the years has been anger, fear and sadness, although I have (also) experienced bouts of guilt and shame (Oakes, 1996, p. A20).

The judge commended this victim, saying she, “deserves great credit” and calling her victim impact statement words poignant, simple, touching and eloquent (Oakes, 1996, p. A20).

Project Guardian

At the conclusion of the large scale sexual assault investigation in London involving multiple child victims and prosecution of several offenders, the victims each submitted a written victim impact statement detailing how these horrendous crimes had affected their lives. Twenty-three people had been arrested and the two worst offenders, Thomas Jewell and Gary Gamlick, received harsh sentences of 15 and 10 years respectively. The case was referred to as “Project Guardian,” and I had the opportunity to talk with both the Chief of Police in London, Julian Fantino, and the Victim Witness Assistance Coordinator, Ruth Rutherford, regarding the use of victim impact statements at sentencing in this case. Most

victims wrote their own statement in their own words and some were assisted by Ms. Rutherford in putting their feelings on paper.

One victim wrote that his life had turned to “hell.” He stated: “My friends look at me differently...I have no life, no motivation...I’m very tired, I feel depressed, at times I have nightmares about what has happened.” Another victim wrote: “Every day I have the threat of death hanging over my head...when I heard (the accused) has AIDS, it changed my whole life...I’m scared, I have great difficulty in trusting anyone....” Included in another statement was “emotional injury...I can’t walk without some sort of weapon. .I cannot remember much of my childhood...I have difficulty with relationships and little interest in school...I have bad nerves.” Each of the statements included mainly emotional and social impact and provided great insight into the pain and devastation endured by the many victims in this case.

In her address to the court at the sentencing, Judge Deborah Livingstone made reference to the victim impact statements. She stated, “although you are not the parent or guardian of any of these boys, the victim impact information suggests that because of your age and generosity to them, many of the victims regarded you as a kind friend” (Murray, 1994, p. A3). She was speaking to Gary Gamlick and referring to his abuse of his position of trust with the 12 boys he admitted sexually violating. She went on to state that Thomas Jewell’s 12 victims described “continuing, perhaps life-long trauma” in their victim impact statements (Murray, 1994, p. A3). The London Free Press gave considerable coverage to the victim impact statements at the time of sentencing (February, 1994); however in one article a photocopy of a victim impact statement was printed, revealing the handwriting of one of the

victims. This may have caused considerable stress for the victim as handwriting is potentially identifying information. Every attempt was made, understandably, to conceal the victims' identities in this case.

Sentencing Of Paul Bernardo

As was previously stated, at the sentencing of Paul Bernardo, who was convicted in the sexual assault and murder of Kristen French and Leslie Mahaffy, members of both families were permitted to enter victim impact statements. On the same day, Bernardo's 13 sexual assault victims also submitted victim impact statements to the court; however, one victim told a reporter "We learned that we wouldn't be able to give our own statements in court. Part of the deal was that he would plead guilty, but he didn't want to hear us" (Landsberg, 1995, p. A1).

As part of a plea bargain on the charges of sexual assault, Bernardo reportedly requested that victims not be permitted to verbally deliver these statements at his sentencing. It was reported in the Toronto Star that;

Justice Patrick LeSage, in a dramatic and unforeseen move, thwarted Bernardo's last despicable effort to control others and read aloud from each of the victim impact statements that had been filed with the court...this was what they had all been waiting for. The chance to testify, to have a wider community hear them, suffer for them, grieve with them" (Landsberg, 1995, p. A11).

These statements, especially in cases involving a guilty plea, provide the court with a far deeper understanding of the breadth of the crimes committed and their subsequent physical and emotional harm done to the victims. The agreed upon statement of facts falls far short of this level of understanding without the voices of those impacted bringing the victims and their experiences to life.

Scott Burnside and Allan Cairns (1995), reporters for the Toronto Sun, observed that,

It is clear that the victims had for years yearned to have a voice in what happened to their attacker. Most had wished to look Bernardo in the eye; to tell him how he had ruined their lives; to give him a piece of the hell he had given them; to have their day in court just as he'd had his day in court (p. 50).

They recognized and emphasized the importance of the victim impact statement as a vehicle for victims to have their say. The following are excerpts from a few of the statements, now public record, as reported in the Toronto Sun:

A teenage girl was attacked on a quiet street and raped while a knife was run along her back. She wrote about the impact of this horrifying violation:

At barely 15 years of age I had definite life dreams. I attended an elite sports school for competitive figure skating. However, only a year and a half after the rape, my eight years of skating was completely lost. I no longer have the emotional stability or confidence to continue with competitive sports. In school I was no longer 'the girl who always smiled'. My academic level fell dramatically in (Grade 10). The rape caused too much emotional turmoil for me to even cope with what I thought was easy the year before. Prior to the rape I was not an overly emotional person, since then I have been overly emotional, insecure. I have an extremely difficult time trusting anyone.

Another victim was a university student who was attacked on the street and raped for 40 minutes at knifepoint while being forced to say demeaning things about herself. She wrote;

I still have nightmares of the attack, my personality has changed a great deal. I am withdrawn and depressed at times and have feelings of low self-esteem and of low self-confidence. At other times I have feelings of anger and frustrations for no apparent reason and direct these feelings toward my family and friends. This has caused problems in my relationships. In particular, I have difficulty in trusting men and have until recently been unable to have a relationship with a (man).

After my attacker was arrested it was difficult to concentrate (at) university...and therefore I have had to spend an extra year completing my degree. All the interviews and appointments I had to attend in preparation for court were extremely upsetting and intrusive on my daily life.

An 18-year-old was raped, beaten and threatened with death by Bernardo. She considered her victim impact statement to be of extreme importance to her, stating;

In one way he should have killed me because every day I die a little more inside and I realize that the only thing I get up for since Mr. Bernardo was arrested, is to be able to see him with my own eyes in court as I submit this statement. I need for all of you to see and hear me speak of this impact he has left on me: a letter just won't do (Cairns & Burnside, 1995, pp. 50-51).

The victims clearly had a voice at these proceedings as the judge read these and other passages describing their pain. Unfortunately, their voices were somewhat muted as they were not permitted to deliver the statements themselves as some would reportedly have preferred. At the very least, through their statements the victims are brought to life for the court, especially in situations of plea bargaining where there is no testimony heard. Their pain and the impact of the horrendous crimes cannot be ignored when these statements are shared.

As it was reported in the Toronto Star by Michelle Landsberg (1995) who was present at the sentencing,

Collectively, for a few difficult hours, we were all—all except Bernardo —part of an open-hearted human community, letting ourselves be vulnerable to the anguish that had been endured by so many...maybe now that the community, through the legal system...expressed its deep compassion for the victims, their lives can spring up, like crushed grass greening again, and grow to the light....All good people will be hoping that the healing can now begin (p. A11).

Where To Go From Here

It is evident from the research that there are many strategies that can and should be employed in order to facilitate the support of victims, especially child witnesses to ensure them an opportunity to provide full and clear evidence in court. It has been reported that this experience will be less stressful for child witnesses when:

the matter is heard soon after the charges are laid; the child is prepared for the court testimony by professionals; the child has to testify only once; the view of the accused is restricted for those children who so wish; there are support people present; the courtroom has few people in it; and, the terminology used in questioning is consistent with the child's level of intellectual development (Sas, 1993, p. 2).

It has also been stated that the inclusion of a victim impact statement in some form "leads to greater participation by victims in the criminal justice system...(and increases) the victims' feelings of satisfaction with the system and the role they have played in it" (Giliberti, 1990, p. 17).

Finklehor (1986) states that:

...it has become clear that people will not only report such histories, but also that they will do so in large numbers...having established that the task of asking about histories of sexual abuse is feasible, the next step is to refine what has been done, and push on to the next stage. In doing so social science is making available a powerful tool to aid in the understanding, prevention and treatment of a serious social problem (p. 54).

It is imperative that researchers look to child witnesses to tell them what the court experience is like for children and then to present the data in such a way that this information is shared with those who can make a difference. Through my examination of current literature it became clear to me that an area where research is lacking is qualitative inquiry into the court experiences of children.

Children's Voices

Perhaps the most important conclusion that Henry draws in his study, for me, is that it is important for adults to listen to children telling about their experiences. Henry (1994) concludes that, "Children can...tell us what they experienced and it becomes the responsibility of professionals to change and create new interventions based upon what has been heard" (p. 125). He believes, as I do, that it is important not only to ask children what they think about what they have experienced but also to truly listen to their responses. Henry (1994) cites Garbarino's book, What Children Can Tell Us! which supports the notion that "professionals must be willing to accept that children are the experts of their own experiences

and can assist in minimizing trauma to sexually abused children of the future” (p. 135). I agree with his philosophy and built upon this premise in my research.

Another of Henry’s beliefs is that through questioning children and listening to them about their experience and allowing them to in turn assist other children and victims enhances their own self-esteem. He states that, “Empowering child victims to solicitation of their perspectives bequeaths dignity and respect that only serve to reinforce self-worth for the child” (Henry, 1994, p. 130). I believe that my research also had such a benefit for my participants.

Qualitative Data Regarding The Court Experience

The London Family Court Clinic included some qualitative data in their second report, “Three Years After the Verdict.” I found this aspect of the data to be the most revealing in terms of exploring the recollections of these children regarding their previous court experiences. I will share a small sample of these insights in this section:

About waiting to testify...

(I remember) sitting in the chair, feeling sick and upset and not being able to eat and having daydreams that he (the defendant) would jump up and kill me in court.

I was scared. I couldn't think of anything except having to go in and see him (the defendant) (Sas, 1993, p. 108).

About the witness box...

It was terrifying, especially getting to the end and actually going up on the stand—fear builds up as you approach it.

It was embarrassing and scary. There was a whole audience there (Sas, 1993, p. 112).

About testifying...

All I remember is that it had to be the hardest thing in my life to do.

I got really scared because he (the defendant) was so close and I had to look at him and he gave me a very threatening look (Sas, 1993, p. 114).

The best thing about testifying...

That I finally got it all out of my system and said it in front of a judge.

Being able to look at (my stepfather) and get it out of my system and let him know I didn't appreciate what he'd done (Sas, 1993, p. 115).

The worst thing about testifying...

I wanted to tell those young people (a high school tour) what it was like and that they had no right to be there.

Having him there. And explaining what he did to me (Sas, 1993, p. 114).

Looking back, is there anything you wish you had done differently...?

I wish I'd done nothing, not disclose to anyone or if I'd been older, handle it alone. I just don't think court was the way to go.

No, not really. I told and then other people pushed me along (Sas, 1993, p. 166).

These remarks speak volumes to the pressures of the court experience for children.

Adolescent Female Victims

I focus my study on adolescent females. Karen Saywitz (1989) outlines ways in which early adolescents (12-14 years old) differ from younger children in their perceptions of the court process. This group demonstrated a "sense of societal role for the legal system" in her research. "They understood that decisions may, in fact, be based on inaccurate information, and that winning the case is not always synonymous with finding the truth" (p. 151). This can result in situations where "older children...may view court negatively as a result of their understanding that the judicial process is fallible" (Warren-Leubecker, et al, p.179). Adding to feelings of guilt and shame is the unfortunate possibility that "children over age 12 were thought to be viewed by jurors as accomplices to the sexual activity" (Wolfe, et al, p. 108). Added to the other system pressures, this places teenage girls at particular emotional risk as victims of sexual abuse. A study by Anderson, Bach and Griffith (1981) "reviewed clinical charts of 155 female adolescent sexual assault victims who had been treated at the Harborview Medical Center in Washington and reported psychosocial complications in 63% of them (Browne & Finklehor, 1986, p. 67).

Such effects can produce long-term mental health problems for these victims.

Finklehor reports the following concerning findings:

- * Women with very poor self-esteem were nearly 4 times as likely to report a history of child sexual abuse as were the other subjects. As might be expected, self-esteem problems among clinical samples of incest victims tended to be much greater (Finklehor, 1986, p. 156).

- * Victims of child sexual abuse also seem more likely to be abused by husbands or other adult partners (Finklehor, 1986, p. 158).
- Among Peter's (1985) sample of abuse victims in the community, women who were older at age of onset and older at the last abuse incident manifested more depression and more drug abuse (Finklehor, 1986, p. 171).

In the next section I will explain my chosen methodology for researching the experiences of adolescent female sexual abuse victims in preparing and submitting a victim impact statement for use in court.

CHAPTER 3

METHODOLOGY

My assumptions are that the child victim's voice is often muted in the legal process and I believe it is a voice that needs to be heard. My assumption is that children are not always fully prepared for the adult world of court, a situation that is still intimidating to me. I believe children have a right to receive support through a court preparation program.

I also agree with the statement, "victims need to be given a voice and listened to if they are to experience that restoration of power which is necessary for psychological wholeness" (Zehr & Umbreit, 1982, p. 77). There must also be tremendous psychological impact for those victims who are denied a voice in court in cases that do not proceed or where there is an acquittal.

I recently worked closely with an adolescent female who reported feeling devastated and defeated when her offender was acquitted and her victim impact statement was therefore never heard in court. Victims take a significant risk by completing such a personal statement and allowing themselves to be vulnerable.

The experiences of those who are denied an opportunity to share their statements is an area omitted from this study, but an important area for future exploration. I discuss this, and other potential topics in the implications chapter.

Based on my childhood, career experiences, and subsequent personal beliefs, I felt confident that the best methodological approach for me to work with is narrative. I wanted

to capture the stories of adolescent female victims of sexual abuse in relation to their court experiences, with particular focus on the preparation and inclusion of a victim impact statement. I set out with a vision of what one aspect of my completed project would look like, and I hope that the children who contributed their stories to the helping tool (see Appendix C) believe it will help others find strength in themselves, and also to heal.

I also believe that while there can be great power to a story, told or read, sometimes the greatest healing is in the “telling.” In terms of my research, I made the assumption that there would not only be benefit to the readers or receivers of the children’s stories, but also to the participants themselves in telling of their experiences to help an anticipated audience of both children and service providers. I am told that this has been the case.

Why Qualitative Research?

During the course of my doctoral studies I reviewed numerous articles, books and research documents as well as consulted with several professionals regarding my topic. The vast majority of work in the area of victim impact statements, and child sexual abuse in general, is quantitative.

In quantitative inquiries, researchers begin with hypotheses and theories, and perform a role, “to observe and measure, and care is taken to keep the researcher from ‘contaminating’ the data through personal involvement with the research subjects”(Glesne & Peshkin, 1992, p. 6).

A document I received from the Department of Justice Canada was prefaced with the following excerpt:

The nature of scientific and legal research requires that the accounts stress numbers, rates and procedures. But behind the dispassionate presentation of data and words is the unhappy reality of children's lives that have been sadly marked by the experiences of sexual abuse (Schmolka, 1992, preface).

The findings and outcomes of quantitative research "typically reduces data to numerical relationships and presents findings in a formal, disembodied fashion that follows a standardized form and style" (Glesne & Peshkin, 1992, p. 8). Henry's dissertation (UMI, 1994) incorporated largely quantitative data, however of his qualitative responses he stated "children's personal statements are powerful sources of information" (p. 48).

I decided to follow qualitative methodology in order to explore the reality of children's lives to which Glesne and Peshkin (1992) refer. I believe not only that this is possible, but also that it will provide rich, meaningful new insights into this phenomenon.

With a qualitative approach, the inquiry is "evolutionary, with a problem statement, a design, interview questions, and interpretations developing and changing along the way" (Glesne & Peshkin, 1992, p. 6). This approach is so open that no two studies can ever be the same. It involves the immersion of oneself into the "setting or lives of others...(using) multiple means to gather data" (Glesne & Peshkin, 1992, p. 7).

As "no jazz performance is exactly like another, even if played by the same musicians on the same occasion," (Oldfather & West, 1994, p. 22) such is the case with qualitative

research. I was intrigued by the possibilities this approach presented. No two studies can be even remotely the same due to the uniqueness of the individual participants and the stories they share.

Many professionals are finding that qualitative research is not only legitimate, it is providing for very unique and meaningful information to be shared that may have been lacking with some positivistic studies. A researcher whose participants were adult victims of sexual assault found that

...the qualitative data from the (unwanted sexual assault) study provide some useful insights into the idiosyncratic nature and impact of the sexual harassment experiences which lie behind the usual detailed statistical presentations of quantitative sexual harassment research (Caires, 1994, p. 199).

Choosing Narrative Methodology

As I have discussed briefly in the Introduction, stories have been powerful tools for informing, engaging, entertaining, and healing in both my personal and professional life. Clandinin and Connelly (1994) state that "people by nature lead storied lives and tell stories of those lives, whereas narrative researchers describe such lives, collect and tell stories of them, and write narratives of experience" (p. 9). This is precisely what I set out to do. I believe that through narrative methodology I have explored the experiences of my participants and then presented them in such a way that readers may also come to understand their stories. "Stories are the closest we can come to experience as we and others tell of our experience" (Clandinin & Connelly, 1994, p. 5). Van Manen (1990) offers several reasons that story is

very significant to study in human sciences, the first two and fourth of which resonated with me and my own experiences as I considered various epistemological approaches and finally became confident and comfortable with narrative.

- (1) story provides us with possible human experiences
- (2) story enables us to experience life situations, feelings, emotions and events that we would not normally experience...
- (4) story tends to appeal to us and involve us in a personal way (p. 70).

Stories derived through narrative methodology coupled with the subsequent thematic analysis provide the "meaning making" of the participants' experiences for which I strive. "Human Science research is concerned with meaning – to be human is to be concerned with meaning, to desire meaning" (Van Manen, 1990, p. 79).

Narrative Study

Embarking on a narrative study involves first selecting a topic of focus that one wishes to explore through the gathering of stories. One then sets criteria for and negotiates participation with a select number of individuals. Ethical consideration, informed consent, and rapport building are of paramount importance in initiating narrative inquiry as one embarks on lengthy personal interviews. It is important to develop a research plan including potential guiding questions that will shape the interviews. One attempts to come close to the experience being studied by reconstructing the narratives, the stories, of one's participants.

It is most helpful to share the data with the participants as the stories develop to check for clarity and ask for feedback.

Following collection of stories, the researcher begins the task of analysis, extracting themes in order to make meaning of the data. This process is discussed in greater detail later in the chapter.

Narrative inquiries strive, through the use of stories, to bring the researcher close to the phenomenon he or she has chosen to explore. I followed the advice offered by Siedman in using "primarily open-ended questions...(where) the goal is to have the participant reconstruct his or her experience within the topic under study" (Seidman, 1991, p. 9). These questions are listed later in this chapter.

Preliminary Study

I embarked on a preliminary study in order to have some first hand experience to assist in defining and refining my proposed methodology. I was connected with a potential pilot participant through the Social Work Department at the Board of Education for the City of Hamilton, where I am employed as a school social worker. A colleague approached one of her clients on my behalf to inquire as to her possible interest in participating in my study. This student fit the following criteria:

- * adolescent female
- * victim of sexual abuse
- * recent conclusion to court case
- * inclusion of a victim impact statement at sentencing
- * involved in counselling

* parent and child both willing to consent

I contracted to meet with this participant, who chose the pseudonym "Melanie," on three occasions.

Our first meeting was intended to be a time for me to introduce myself and the nature of my study, and for Melanie to have an opportunity to ask questions of me. I clarified issues of confidentiality and my legal duty to report any new disclosures of child abuse to child welfare authorities, facts of which she was previously aware. She inquired about the purpose of a preliminary study, and I informed her that she would be helping me to learn how to conduct my research. She seemed nervous and giddy at first but became more comfortable, expressed no concerns, and indicated that she would like to have her "story" included in my thesis or any helping booklet I might produce. This was my hope as well, and my committee approved.

My second session with Melanie was a wonderful experience. We spent 75 minutes exploring her experiences with preparing and delivering her own victim impact statement regarding the sexual abuse she experienced at the hands of a friend's stepfather. She presented as nervous and giddy at first again but became visibly more comfortable as the interview commenced. Her body language was more relaxed, she stopped giggling, and started to speak with me while looking at me. She expressed herself so eloquently, and without reservation, I was truly in awe of her strength. I am so very grateful for her generosity in sharing this very personal story with me. Her story is included as the initial participant, "Melanie" in the following chapter.

I learned a great deal from my interactions with her and make reference to specific aspects of how my research was informed by this experience in the following sections.

Ethical Considerations

Research in the area of child sexual abuse requires a great deal of ethical consideration. I looked to the literature, fellow classmates, my supervisor, and professionals in the field of social work for guidance and feedback regarding my proposed topic, as well as conducting my preliminary interviews with an adolescent female who recently delivered her victim impact statement at the sentencing of her abuser. All of this input has served to inform my proposed methodology and assist me in making ethical decisions.

Confidentiality

There appears to be consensus in all areas that "any research on child abuse is, by its very nature, fraught with ethical problems" (Finklehor, 1986, p. 219). Of paramount concern is the whole issue of confidentiality. Finklehor points out that there exists "a strong likelihood that it will uncover as yet unreported situations in which children have been abused or are in jeopardy" (Finklehor, 1986, p. 219).

In my practice as a social worker I outline my legal responsibilities as an adult who must ensure the safety of children by reporting any suspicions or disclosures of child abuse to child welfare authorities. During the initial interview with my pilot participant I did the same thing and answered her ensuing questions about what suspicions, disclosures and child

abuse mean. I did not ask her to sign the consent form, or take it home until we had clarified exactly what my duty to report involves and the extent to which I could offer confidentiality. I also made it very clear to all participants that I would not be exploring the actual abuse experience with them. I was well aware of the repeated times they have had to share this information with a succession of strangers throughout the investigation and court processes. My intention was to explore the experience of preparing and submitting a victim impact statement regarding the abuse they suffered, and in turn their court experience, not the abuse incidents themselves.

Communication With Counsellors

I recognized that discussing the experience may in fact cause some pain for participants. In consulting with other researchers it was suggested to me that I ensure that my participants are aware of the availability of counselling in their community and preferably be actively involved in counselling. I decided not to ask for permission to communicate with counsellors as I felt this would be too intrusive to the young women. In one situation, a participant requested that I speak with her former counsellor regarding her desire to do volunteer work with their agency. I obtained her consent at that time.

Private Location

Another issue I considered was related to the location chosen as an interview site in that, "victims can be traumatized by research if, in the process of research, the fact of their

having been victims is revealed to people who were otherwise unaware" (Finklehor, 1986, p. 222). For example, if I were to interview a student at her school, and a staff member knew what my topic was, they would also then know that whoever I was interviewing had been a victim of sexual abuse. For this reason I discussed this issue with each potential participant and had each one select a site where both "privacy and safety" are assured as they are "of utmost importance" (Renzetti & Lee, 1993, p. 206). Each young woman was given several options as to interview location; namely, her school, her home, my office, her counsellor's office, or some neutral site.

No Stigma

Finklehor (1986) cautions that in research involving child abuse victims, "it is important that...research personnel be well trained not to convey stigmatizing attitudes toward victims" (p. 222). As a social worker with many years of experience in dealing with child abuse, I felt confident that I have the training, skills, and experience to interview without stigma. I shared openly and honestly my background and interest in this area, as with Bergen who studied survivors of marital rape, who

tried to establish an interpersonal relationship rather than act in an indifferent, disinterested, alienated (way) towards the 'research objects' as positivism requires (Mies, 1983, p. 122) (she) immediately explained her counselling experience and (her) interest in marital rape. This seemed to place most of the women at ease because they realized that (she) was genuinely interested in helping marital rape survivors, not just using their experiences for exploitive purposes (Renzetti & Lee, 1993, p. 207).

Self-disclosure can contribute then to legitimizing one's position, conveying respect as well as rapport building. Some of the participants asked me questions about my experiences with helping students through court and running groups for children who were required to testify in court. I shared my own feeling of anxiety when I receive a subpoena to appear in court as well.

Another caution by Finklehor (1986) is that "if investigators imply through questions or attitudes that sexual abuse should have serious long-term effects" (p. 222), children who may be coping well would be placed at risk. Through counselling practice I have developed a similar philosophy as I tend to focus on resiliency and coping strategies with clients, rather than emphasize a problem-model approach. I listed potential guiding questions, as "it is impossible to offer ready-made questions" (Van Manen, 1990, p.67) with an emergent design. These questions were useful for me in my pilot interview, and I asked colleagues to provide feedback for me in terms of their open-endedness. I changed the terminology of one question in follow-up to my pilot study as I was asking how "useful"the process had been for the child where I could have simply asked what it was like or what the purpose was. The list of guiding questions is provided later in the chapter.

Length Of Relationship

Although some authors suggest "dialogue...continue long after the publication of the research findings" (Magolda & Robinson, 1993, p.17) I chose to meet formally with my participants on three occasions only. Lucy Berliner (1983) asks, "What message does a child

take from being involved in two days of research because of an experience that lasted fifteen minutes?" (Finklehor, 1986, p. 223). I did not wish to create any role confusion between myself and any participant's primary counsellor by maintaining contact beyond the contracted relationship. The participants and I did maintain some contact by telephone and mail as I wanted to keep them informed regarding the progress of my booklet. Two of the young women were particularly keen on seeing the final product and telephoned me periodically for updates.

Participant Feedback

An issue raised by Yow (1994) is that of the inequality of power the research relationship during interviews. She suggests that researchers "give the narrator a chance to review the transcript...so that the meaning is correctly conveyed" (p.110). I felt this was critical in order that I ensure I appropriately represented each participant's story.

My plan for each third session was to review the narrative for clarity and feedback. I also wanted to ensure that the participants were comfortable with the content. As is stated by Riddell, one must attempt a "balancing of responsibility to those who the research is on, against the need to present the findings in an uncompromising way to a larger audience" (Riddell, 1989, p. 96). Each young woman I interviewed is referred to by a chosen pseudonym to protect anonymity; however with a small sample it is impossible to fully conceal identity; for example, from one of their parents reading the documents. I treated each case individually, and placed the needs and wishes of my participants ahead of all else.

Overview Of Design And Procedure

I outlined my plan of three meetings for the potential participants to consider. I intended for our first session to be an introductory meeting during which time we could share background information, build rapport and answer questions about the research. Our second meeting was intended to be the exploration of the participants' court experiences with particular emphasis on preparing and delivering a victim impact statement for court. I constructed narratives from these transcripts and reviewed them with the participants at a third and final meeting.

Participants

The participants were referred to me through a number of sources in the Hamilton community. I made contact with social work and legal professionals to request referrals. I provided a detailed overview of my proposed research methodology and my parameters for potential participants. I indicated that any potential participants must:

1. Be female
2. Be over twelve and under seventeen years of age
3. Have had recent closure to their court case
4. Be aware of follow-up counselling options
5. Have prepared a victim impact statement for court
6. Have parental support to participate, if under 16 years of age
7. Be willing to sign my consent form and have a parent sign it as well if under 16 years of age
8. Allow me to audiotape our main interview and possibly the follow-up session

Initially I made potential referral sources aware of the necessary criteria for participation in my research. Each time I was contacted with a potential referral I reviewed the list to ensure that the individual being referred met the criteria to the best of the referring person's knowledge. I then made my initial contact with each potential participant and reviewed my criteria with her. I anticipated that in-depth interviewing would yield considerable data and decided to limit the study to exploring experiences with three female teens who met this criteria as well as including my pilot data as a fourth participant.

Negotiating Participation

Once a potential participant was referred to me, I made my initial contact with her by telephone. If she was under 16 years of age I first spoke with her mother. My conversation included an overview of my research plan, my criteria for participation, and my willingness to answer any questions. I emphasized that during the initial meeting I intended to provide additional information in order that she may give informed consent should she decide to participate.

My consent form outlined the important issues as anonymity, confidentiality, right to withdraw at any time and the option to not answer any question (see Appendix F). Yow (1994) urges us to "assure the narrator that he or she is not obligated to answer all of the questions...(and) that you will not be offended if they decline to answer a question" (p. 59). This was especially important for me to emphasize given that my participants were children/teens and likely needed extra reassurance that this is acceptable.

Guiding Questions

The following were my guiding questions for the interviews, although "it is important for those who study personal experience to be open to a rich, sometimes seemingly endless range of possible events and stories, to be prepared to follow leads in many directions..." (Clandinin & Connelly, 1994, p. 8). This was confirmed for me in my interviews when I used all of the questions as guides, but mostly followed the flow of what each participant wished to share. This list of questions was developed as I reviewed the literature and discovered issues I wanted to explore further. I reviewed the list with social work colleagues for input.

1. How did you first become aware of victim impact statements? What did you think at the time?
2. How did you prepare your statement? Did you have any help? Did you want any help?
3. What was it like to prepare your statement?
4. What did you include in your statement? What did you leave out?
5. Who, if anyone, were you addressing in writing your statement?
6. How was your statement delivered in court? What was that like for you?
7. Who, if anyone, do you feel heard your statement? What makes you think that?
8. How did this experience compare to the whole court experience?
9. How did your family members react to your statement?

10. What was the best/worst thing about it?
11. What advice would you give to other victims who are considering writing a victim impact statement?
12. What would you say is the purpose of a victim impact statement in cases involving child sexual abuse?

The Interviews

Interviewing Melanie

My first participant, Melanie, was a 13-year-old girl in grade seven at a neighbouring school. She had been assisted through the court process by a colleague in my department and the victim-witness coordinator. Her case had recently concluded and she was participating in weekly counselling sessions at a community agency as well as receiving ongoing support from the school social worker. My colleague made the referral after speaking to both Melanie and her mother about my project, and introducing me briefly to Melanie. I was offered referral information, including the name, age, grade, and phone number of the participant as well as general background information regarding the accused and nature of the charges and conviction in the case. I then contacted Melanie's mother to introduce myself, gave an overview of my research, answered questions, and obtained consent to arrange my initial meeting with Melanie. As Melanie was 13 years of age at the time and I was conducting interviews in my office, I was required by the Board of Education to make the initial contact with the parent.

My conversation with Melanie's mother was approximately half an hour in length. She had been well informed of my intentions by my colleague and was willing to give consent immediately, however I felt it necessary to go into detail about my procedures and my anticipated product of my research. Melanie's mother had been the person who contacted the police following Melanie's disclosure to her on the evening of the assault. She was the third person to whom Melanie disclosed that night. She was involved in the entire investigation and court process and was quite willing to share her own experiences and perspective with me. She had noticed emotional and social changes in her daughter since the abuse occurred and throughout the process that followed. She offered to be interviewed as well should I have decided to speak with parents as part of my research.

Melanie chose to meet with me at my school office during the school day which I arranged through both of the principals without being required to breach confidentiality by sharing any details about my conversation with her. Melanie and her family had previously shared information about her court involvement with her principal. They were told that my principal was aware of the nature of my research, but not of any identifying information about Melanie. Melanie's choice was to have her school social worker bring her to my office and for the two of us to meet alone there. Her mother declined to attend as she wanted to respect Melanie's wishes.

Our initial meeting was approximately 30 minutes in length. I did not audiotape this session as it was intended to be an informal discussion about my research project in order that Melanie have enough information to make an informed decision about proceeding with

participation. I went over my own professional and some personal background such as my age, areas and progress of study, marital status, and family pets (I have photos on my desk), and various social work jobs I have held. I went into great detail about the outline of questions I intended to ask and emphasized that there would be no questions whatsoever regarding the abuse experience itself. I also went over the rules about confidentiality and my legal duty to report any disclosure of abuse to child welfare authorities. Melanie did not ask many questions. She was very pleasant and appeared to be nervous at first. She giggled several times during this meeting. At the conclusion of our interview Melanie decided to sign the consent form (that her mother had previously signed) and we arranged a time for our next meeting.

Melanie again chose to meet at my office for our subsequent interview. I proceeded to make the arrangements with her mother and the schools. This interview lasted just over an hour and was an audiotaped session. Melanie was again feeling giddy and perhaps nervous at the start. She began to relax once we started with the questions, perhaps because she was familiar with them from our first meeting. I was impressed by her insight and strong opinions with regard to what she had experienced and how she felt about it. In the following chapter is Melanie's story as relayed to me during this interview.

Interviewing Elanor

The second participant in my study was referred to me by the Victim Services coordinator at the police department. She is the same social worker who referred Melanie to

me, but was now working in a different capacity. She referred Elanor who had been involved in the same case as Melanie and had also presented a victim impact statement in court. Elanor was a 16 year old young woman who was sexually abused by her stepfather over a three year period.

I first contacted her by telephone and we had a very lengthy conversation at that time. She was well aware of my study from her conversation with the social worker at Victim Services. She had also telephoned Melanie to ask her what she thought about the experience. She reported to me that Melanie responded very favourably and indicated that she was “absolutely sure already” that she wished to participate. I outlined my intentions with Elanor and gave her several choices around times and locations for us to meet. She chose to have me visit her at her home after school and asked me to bring the consent form and tape recorder with me as she felt certain she would like to participate and hoped we could roll the first two meetings into one.

I met Elanor at her home. Her mother was at work but was aware of the meeting. As Elanor was over the age of 16, her mother was not required to sign the consent form. She had three friends over who were aware of our interview and very respectfully went downstairs for the entire 90 minute visit. We met in her brightly lit kitchen. Elanor’s mother arrived home at the conclusion of our interview and I was pleased to meet her as well.

Elanor moved into her own apartment shortly after our initial visit. She telephoned me right away to give me her new phone number and address and to arrange our follow-up

interview. I met with her for approximately 45 minutes one morning in her new apartment to review the transcript.

Interviewing Faith

My third participant, Faith, was referred to me by the Victim-Witness Co-ordinator in Hamilton. She was 16 years of age at the time of our interview. My initial contact with Faith was on the telephone and she was very willing to have me visit with her at her home. Her parents were aware of the project and her mother would be present at the time of our interview. Faith struck me as a very mature young woman. She indicated to me that she had given this possibility a great deal of thought since her conversation with the Victim-Witness Co-ordinator. She felt very strongly that she “wanted to help people” and believed that by participating in my research she would do just that. She was especially interested in the idea of the production of a booklet containing participant stories. She too stated on the telephone, “I’m sure right now that I want to do this.” I asked if she would like to meet to ask questions and think about it and she stated no I had “just answered all (her) questions” and she “didn’t need to think about it any longer.” I therefore made my way to her home after school one day the following week. We met in her kitchen and her mother joined us for an initial overview and consent signing. She then went into another room to offer Faith and me privacy to talk. Faith’s mother had also written a victim impact statement and offered to speak to me at any time should I wish to interview parents. She had contacted the police after learning of the

abuse. She, her husband, and Faith's grandmother had supported Faith through the entire process.

Interviewing Alley

My fourth and final participant was referred to me by one of the crown attorneys in Hamilton. Alley was a 13-year-old girl at the time of our first interview. The crown attorney requested that I make contact as soon as possible. I spoke initially with Alley's mother just prior to the sentencing date for Alley's offender. I spoke also to Alley at this time and she asked if I could come to her school to meet her. I contacted her school which is in a neighbouring Board of Education, and her principal let me know he would prefer we conducted our interview elsewhere. I was disappointed by his decision mostly because I like to go where my participant will feel most comfortable. Negotiating access to participants is certainly a much easier task in a community setting where one is known in a professional capacity. I let Alley and her mother know of the principal's decision and we made alternate arrangements to meet at Alley's home.

During my first visit, Alley and her mother both met with me at their kitchen table for approximately one hour. Alley's sister and grandfather were also home but not in the room with us. Alley's mother was extremely eager to talk about the case and her disappointment in the way it had been handled. Alley was quite pleasant and began to talk more as the hour went on. She spoke of "mixed feelings," about the court process and what was happening to her father. She had written a victim impact statement and the crown attorney had asked that she add to it if possible before the sentencing next week. I offered her one of the outlines

we developed in Hamilton and suggested I call her once the process was complete to determine her interest in meeting again. I called her on the specified date and she was interested in arranging another appointment. We decided to meet again at her home after school. Her mother indicated she would make alternative arrangements for her other two children.

This meeting with Alley was considerably more hectic than our previous session. Her sisters and grandfather were eating dinner in the kitchen (arrangements had not been made as previously planned with the mother), so we met in the living room. Alley's mom was in and out of the room, sometimes answering questions for Alley which appeared to be very annoying to her. She and her mother argued about details and at one point Alley stated in a very angry tone, "She's always reading my stuff." Alley's mother retorted that Alley also invaded her mother's privacy on occasion. The session continued and I managed to work through all of the questions.

I indicated to Alley's mother that it is sometimes helpful for me to speak to the adolescents on their own to ensure that I have documented their views fully. The family members in the kitchen were arguing also and I believe this was embarrassing to Alley. At several points during our discussion she appeared quite frustrated. I felt frustrated also, especially when I got home and realized that the initial several minutes of the interview had not recorded properly. I wrote down everything I could remember about Alley's responses to the first few questions and transcribed the rest of the tape immediately.

I thought a great deal about my disappointment with this interview and decided to contact Alley and her mother again to discuss my feelings about it. Both Alley and her mother understood my concerns and agreed to my proposal that I meet Alley on her own for our final interview. Alley decided that she would like to meet at McDonald's for dinner and a chance to go over the transcript in a more comfortable setting. She stated that she would feel more comfortable without the dictaphone recording our conversation.

Alley seemed much more relaxed and spirited during our third meeting. She was waiting for me when I arrived at her home. I spoke with her mother for a few minutes and then we proceeded to the restaurant where Alley selected a private booth for us to talk. We went over her transcript word for word paying particular attention to the beginning portion where I had to rely on memory to reconstruct her story. She confirmed my suspicion that she felt embarrassed and frustrated with the noise and arguing that had taken place during our previous visit. She stated also that she and her mother had a lot to work out in their relationship. Alley expressed an eagerness to receive a finished copy of the booklet for teens.

The Data And Their Interpretation

It was difficult to predict where my study would lead me both during and following interviews, as "the precise focus often does not become clear until the project is well under way" (Riddell, 1989, p. 96).

I collected considerable data during the interviews with the four participants. I transcribed each entire taped session verbatim, and then utilized their words to construct each

young woman's story. A form of these stories is contained in the following chapter. I collected this data over a one year period, therefore it was important for me to also take notes regarding my descriptions, perceptions, and insights with each interaction. This is what Glesne and Peshkin (1992) advise in suggesting researchers "consistently reflect on your data, work to organize them, and try to discover what they have to tell you." This is preliminary to extracting themes from the data which I did not engage in fully until all the interviews were complete.

Thematic Analysis

Van Manen (1990) describes analysis of data as "the process of recovering the theme or themes that are embodied and dramatized in the evolving meanings and imagery of the work (p. 78). My task was to organize and interact with all of my data to derive meaning from them. I then searched for connectedness between stories in terms of commonalities of themes. "We try to unearth something 'telling,' something 'meaningful,' something 'thematic' in the various experiential accounts—we work at mining meaning from them" (Van Manen, 1990, p. 86). There is no specific blueprint for carrying out this extraction of themes, however there exist certain concepts and procedures that make the process clearer.

Van Manen (1990) provides great guidance in terms of understanding themes in qualitative research.

Theme is the needfulness or desire to make sense
Theme is the sense we are able to make of something
Theme is the openness to something

Theme is the process of insightful invention, discovery, disclosure (p. 90).

As I worked through the transcripts of the participants' stories, I made notations in a "theme column" on the left hand side of the page. I wrote down anything I felt the data were trying to tell me in single words or phrases. This is "not a rule-bound process, but a free act of 'seeing meaning'" (Van Manen, 1990, p. 79).

I followed many of the steps outlined by Van Manen (1990), and Glesne and Peshkin (1992). In the preliminary stages I utilized a "selective or highlighting approach" (Van Manen, 1990, p. 94) to organize my thoughts regarding theme. I read and re-read my transcripts and stories, highlighting anything; words, phrases, or sentences, that appeared to be of thematic significance. I then made notes in the left margin without being concerned about any connections between the stories.

For example, in Alley's transcript, she stated, "I was hoping for him to get as long as he could get. I was thinking about all of the other kids he could have done it to." In the margin beside this statement I wrote the notation "others, responsibility" as a preliminary thought. I highlighted the second sentence as being particularly significant. This early organization contributed to later development of themes.

Organization

Glesne and Peshkin (1992) outline several steps to take in the process of thematic analysis in qualitative research. “Writing memos to yourself, developing analytic files, applying rudimentary coding schemes, and writing monthly reports will help you to learn from and manage the information you are receiving” (p. 128).

I wrote memos to myself in an ongoing journal early in the research process, and later on the transcripts themselves as previously described. I also used analytic files to store and organize my data as well as input from other professionals and committee members. Reviewing these sources was helpful as I began to record the development of themes.

As I worked through each of the stories, I began to develop coding schemes to help identify sections that related to one another and to specific themes. “As the process of naming and locating your data bits proceeds, your categories divide and subdivide (Glesne & Peshkin, 1992, p. 13). I found definite connections in meaning among the stories. I put “like-minded pieces together into data clumps” (Glesne & Peshkin, 1992, p. 133). For example, in relation to Alley’s previously mentioned statement regarding “other kids,” Faith had stated “she wished to ensure that it wouldn’t happen to any more innocent children.” I highlighted this statement in her transcript also and again wrote “others/responsibility” in the margin. This became my coding scheme for statements relating to protecting or considering other children. Melanie had stated, “I didn’t want it to happen to anyone else” and Elanor worried about the accused “hurting other kids.” All of these statements seemed very significant to me and after coding and categorizing them I was able to develop an

understanding of the underlying theme of feeling a “sense of responsibility” regarding the protecting of other children from the abuse. This “sorting” of the data initially seems an overwhelming task due to the volume of data collected, yet “it may help to think of the amount of film that goes into a good half-hour documentary” (Glesne & Peshkin, 1992, p. 131). This perspective was helpful when deciding how to edit the full transcripts to form the stories presented in this thesis and also when extracting themes.

Following countless readings of the stories, highlighting of significant elements, and coding and categorizing these pieces into data clumps, I examined this collection of sub-themes to determine how they fit logically with one another. I was able to develop four main themes, each containing several sub-themes of the research.

The next chapter contains the stories of the four participants in their own voices. The thematic analysis of this data is represented in the following chapter.

CHAPTER 4

FINDINGS

Once I had transcribed the interviews, I felt very strongly that my representation of this data must be in the voices of the participants themselves. During my feedback session with each of the young women, I presented her with a text of her story as told to me. I requested feedback and input to ensure accuracy and clarity in what I presented.

This chapter contains the four rich stories that were extracted from the interview sessions.

Voices Of Victims

Introducing Melanie

Telling someone. My name is Melanie. I was sexually abused by my best friend's father, and I told someone about it. The first person I told was his wife, but she didn't believe me. Then I told my friend and she got scared and asked me not to say anything. I had to because I knew what he did was wrong and I didn't want it to happen to anyone else. I went home and I told my mom. She called the police and I got real scared. What was going to happen? What if people didn't believe me like my friend's mom?

The investigation. I had to tell what happened to the police and a Children's Aid worker. I felt happy and safe most of the time I spent with them because most of the time they listened to me, and my brother was there. Sometimes they just shrugged their shoulders or sighed. Then I had to go to the hospital to be examined and tell what happened again. I

felt very uncomfortable there. When I walked in there, people were staring at me, asking "Why is she here?".

Introduction to victim impact statements. The first person to say anything about a victim impact statement to me was the police officer right at the beginning. He told my mom and I that we could write one if we wanted to. He said it should be about the impact of what happened to me. I didn't really understand what it was for. The next person who talked to me about maybe writing a victim impact statement was my school social worker, Anna. She helped me understand it. She said it was a paragraph or more about how the abuse affected my life, how my family thinks about it and how I feel about it. She made things much more clear. She said the judge would listen to how I felt about things in my statement if the accused was found guilty, or pleaded guilty, which he did.

What I included. I thought it sounded okay. When I decided to write one, Anna gave my paper and a pen and I wrote about what happened that night, and the way he made me feel. I wrote his name over and over so the court knew exactly who I was talking about. I included how all this has affected my life. I wrote about how it has affected my relationship with my mother and with my friend. I included how I felt when I told my friend's mom that night and she didn't believe me. She said I was lying and ruining her life. I wrote how I felt when she said I was a liar. I included how I felt in the hospital with all those people staring at me, asking, "why is she here?". When I walked in there I felt really uncomfortable. I wrote about how I go to counselling now and how I feel about my body after he touched it. Mostly I just wrote about the feelings I have about the whole thing.

Waiting for court. In the whole process, when I was waiting so long I felt like I was really left out. No one was contacting me and I thought I'd never hear from them again. Right from the beginning when I first told my friend's mom, I felt like I wasn't being heard. When I waited so long for court I felt forgotten.

Preparing for court. I met the crown attorney a week or two before the first court date. I visited court with Anna. We were at the courtroom and looked around and went to the lawyer's office. My friend was there and the same police officer was there too.

The officer read over our statements with us. It was shocking to read over my statement because I hadn't thought about the details of that night for a long time. It hurt me to read it because I didn't want to remember it all again. I cried reading it the first time.

We were getting ready because we thought we were going to have to testify. We didn't know he was going to plead guilty.

He ended up pleading guilty so I wanted to give them my victim impact statement. I had written it myself and practiced it with Anna. It was easy to practice with her because I knew her so well. I also rehearsed it with the crown attorney.

I thought it would be best for me to read my statement myself in court so they would know how serious I am about this and that it really affected me. It has to come from me.

The day of court. I held on to my statement until the day of sentencing. I was included in all the court dates. On the sentencing day the officer asked me again what I wanted to do with my statement. I said I could express my feelings better by reading what I wrote than having a lawyer read it for me. It was my choice. My friend and I both decided

to read ours in court instead of having the lawyer read it or just give it to the judge. It sounds better coming from me than my lawyer.

Before we got into the courtroom, I was just with my friends in a coffee shop. We were laughing and giggling, but feeling pretty nervous. I didn't know if people would make fun of me or get mad at me when I was reading my statement to the court. I thought he might get angry with me.

I was glad that I had rehearsed my statement with Anna because I felt pretty scared in court. My friend read her statement first. She said she blamed herself in the first place because her sister reported abuse before and her mom didn't believe her, so she thought no one would believe her if she told. The night it happened to me, it happened to her too, but she didn't want me to say anything. I had to because I didn't want it to happen to her again. She apologized to me and my mom and my family in her statement. She felt really hurt about it because she knew she could have said something sooner. She was feeling pretty guilty. I broke out crying when she was blaming herself for it.

Delivering the statement. Then it was my turn, and I was crying. I got up on the stand and, at first, I wasn't going to do it. The judge asked me if I still wanted to read it, and I said "no" at first. The crown attorney said it might be better for me to take a minute and read it myself because that is what I had decided to do. I was looking around and finally I decided to read it.

At first I was losing track of my paper because I was nervous. I was trying not to look at his eyes. I was trying just to look at my paper and say what I had to say. The words

came out pretty well, but I had some tears too. I saw my friend and he was crying: everyone was crying. People must have heard my feelings.

Who heard me? I think my friend's mom heard me; I wanted her to hear it. She needed to know how it made me feel. I wanted her to clue in.

I wanted my mom to hear me so she would understand.

I wanted my friends to hear me.

I think the judge heard me. I don't remember if he said anything about it when he read the sentence.

When I was writing it I really wanted:

- **my friend's mom** to hear me
- **him** to know that he ruined my life and I'm not the same as I was before
- * **the judge** to get an idea of who was affected, how wrong it is, and that I didn't deserve what I got.

Afterward: Reflecting on the experience. I was relieved when I was finished to know I did what I felt I had to do. Now I could get on with my life and think about the future. I could put the whole thing behind me now. I was glad that I did it and got through it all. If I had to do it over I would do a victim impact statement again. It was definitely better for me to be there that day. It was important for me to see what happened and be a part of it. It's better that I read my statement because I showed people how I really felt inside, and that it really happened. I was telling the truth.

Negatives. It was hard to write it all down at first because I didn't want to remember some things. It's also hard to go to court and know how you're supposed to do things. It's confusing. My school social worker really helped me to know what was going on in there, to understand it and to know I wasn't alone.

It's hard to start to read it out, but once you get started it's okay. It's scary at first. It's hard to have to face the accused, but I wanted him to hear what I had to say and know it was wrong and how it affected me. You have to speak with some strangers in court, but you don't have to look at them.

The defence lawyer can ask you questions about your statement. Mine didn't, but I still would have wanted to read it if he did.

Positives. I let people know that what happened was wrong. I couldn't turn it back so I had to look forward and do what I could to contribute. Putting together a victim impact statement helped me to figure out how everything felt to me. If I just wrote it, it would still help me, but to go to the next step of saying it in court felt even stronger and helped me more.

Reading your victim impact statement to yourself can help you to let you know it wasn't your fault and that it affected your life. It's a big thing, but you can move on and have a good life.

For me to read my victim impact statement in court helped my friend to know how I felt and how it affected me. She wasn't believed before so it helped her to know how seriously she would be listened to when she read her statement. She laughed at first because

she was so nervous and then she cried. It must have been a powerful thing to make her cry because she never cries.

My other friend wrote hers and gave it to the judge. She wanted to do it that way because the abuse affected her so much.

When I did mine I thought they can't just look at me like someone who doesn't exist. I'm here and I have feelings and I want to tell the court about them. I learned I was stronger than I thought I was by going through with delivering my statement. It's a good feeling because now I know I could do it again if I needed to.

Suggestions for others.

- * Know you are not alone
- * Look at things from a good point of view
- * Be brave
- * Have a support person who knows about court and victim impact statements help you learn about what is happening
- * Try to write a victim impact statement for yourself and say what you have to say
- * Include in your statement: how you feel about the situation, how you get along with other people now, how it makes you feel in life
- * Write a rough copy and then a good copy by yourself, and then decide what you want to do with it
- * You can keep it for yourself, give it to your lawyer to give to the judge at sentencing, have your lawyer read it in court at sentencing, or read it yourself in court.

- * Rehearse it with someone you trust and have support people in court if you're going to read it: It helps!

Introducing Elanor

Telling someone. My name is Elanor and I'm 16 years old. I was sexually abused for two years by my stepfather. At first I didn't want to go through the court thing at all. At first when they came to talk to me I said, "No, he never did anything to me, I love him he's my daddy." The police told me my family was worried that he did something to me. I broke down in tears. I just had to let it out. I couldn't hold it in anymore. I kept it inside for such a long time. When I said "no" before, I was asking myself "why didn't you just say yes, why didn't you tell the truth?" and I felt really bad because I lied when I said no. I could have done something right there but I didn't. I waited. I waited because for one, we're not very rich. As a matter of fact we're not very well off. We needed the money he was bringing in and I loved him. He had lived with us for seven years and I loved him to death. I didn't really think about what he did to me anymore. Then when they came and took him away I thought I have to do something now, but I can't, what if he gets off? I think he would come looking for me and my family, he knows where we live, and had a key to our house and everything. I don't know what he would do. I think he would lose it. He would get drunk before he would even have the nerve to come up here and I don't know what he would do. I know he would get into the house any way he could. Sometimes he would get violent.

The investigation. When I finally told, I spoke to a police officer and a social worker to make my statement. I just couldn't hold it in anymore. The investigation was too late for

them to check anything out because they couldn't really tell anything medical. I gave my statement to the police and the Children's Aid, then I started seeing the Children's Aid psychiatrist right away. I tried to call her today. My police officer was great and supportive. My crown attorney was great too. I guess I had the best!

Introduction to victim impact statement. The police officer told me I could do a victim impact statement for court. He explained I should write how the abuse affected my family life, my social life, and how it hurt me. I wrote the statement all by myself and basically wrote how it hurt me and my sister. It tore us apart. My whole family was totally ruined. I didn't want to be around people. I felt like saying get away to everyone. I was scared. I knew I had a choice but I wanted to write it because I wanted to get my feelings out. I wanted him to know how I felt, but I was scared to let him know. I loved him with all my heart, I still do, what he did to me was inexcusable. There's no excuse. I was afraid he might hurt me even more and keep hurting me. He ruined my life but I'm back on track and I'm doing better now. When I wrote my statement, I didn't want help. I felt I'd rather do it myself, I like doing things myself. It came from my heart and not someone else's and when I wrote it, it was exactly how I felt. Everything, everything was exact.

What I included. I wrote down how I felt, what it did to me, and the things he had done to me. I proofread it to my mom and she started crying, I felt bad. I included myself, my sister, my mom, and my friend. I wrote how I felt I could have prevented it from happening, but I couldn't do anything. I had no power at all. In my own way I felt if I could go back I would have totally changed everything. I blame myself for not telling someone

sooner, but there's nothing I could have done. After a while the abuse was like a dream, a nightmare. You don't care about yourself or give yourself as much respect as you deserve. I blamed it on me totally and I was down in the gutters. I stayed in my house all the time. I never did anything. I put it all in my victim impact statement. I got all of this put in there. I told them about how my grades totally went down. I never went to school. Nothing. My grades totally flopped. I wanted to be strong but I couldn't be.

Waiting for court. The wait for court didn't really take that long. It wasn't a rush and it wasn't too long. There was time to calm down and get used to what we were doing, to get used to court and everything, to adjust to everything. My schooling went right down. I dropped out. I didn't want to be around the people anymore. I became like a ball. I didn't want anyone to touch me, hug me, anything. It was like I used to curl up in a corner and cry because I felt so alone. It was really hard. I know I always had people, but I pushed them away, so it was a lot harder than I thought it would be. I'd just curl up and lie there. Sometimes I'd just stare at the ceiling, not even knowing why. The only friend I had was my bedroom. I felt safe there. The psychiatrist helped me get into a group for teens. The group helped me, but I don't like large crowds so I don't want to go back to a group. I'm still going to see a private counsellor now that it's all over. I'm just getting used to having friends over again. When I first went to counselling they thought I was crazy. I was shooting knives at school. I wanted to kill somebody. I went to a psychiatrist and never really told her what was wrong. I made up all these excuses, these stories. She thought I was fine. I put on a big show for her. I'm a con artist. I'm very good at it. I can hide my feelings. When he did

these things to me, it was like I wanted to cry, but I couldn't. I think there should be a program so that there's someone to talk to instead of the counsellor. They should have someone their own age who can go to the court with them and have transportation to go to the court so that that person can have someone to lean on. I would volunteer for that. I know that if they cried I could cry with them because I know what it's like. It's like the help you need. I've been dying to volunteer but I don't know where to start, I've never done anything like that before.

The day of court. On the day I was going to court I saw him walking in the street like he had no heart. I wanted to jump right out of the car and take my pen and keep stabbing him because it's all I had, but I would have used it and I would have killed him. He just sat there walking down the street as if nothing ever happened as if it didn't even affect him. That kills me. It still gets to me. It's unfair. Ten years ago maybe longer he would have been put in the chair for what he did. It's frustrating. On the day of court I felt very frightened, especially because there were some strangers in the courtroom. He entered a guilty plea so I attended court on the day of his sentencing to deliver my victim impact statement myself. When they called my name and said, "Elanor would like to come up and read her victim impact statement," my heart just jumped right up into my throat and back down. I said OK and got up. As I was walking all these people were staring at me, strangers. I thought to myself, "I have to do this." I got up there and I started shaking, my voice was shaking, I was slurring and I was stuttering, I started bawling my eyes out. It was hard, it was so hard, but I realized afterwards that it wasn't as hard as I thought it was, it was a lot easier because now

that I'd gotten it all out, it was better for me. I got it out and they knew how I felt. They knew what was inside me and now they should be able to decide. The judge and my family now they know what was done, what was wrong, why I was the way I was, why I did that, why I did this, you know. When I looked at him it hurt, it was like God I can't do this anymore, but I did it. I didn't stop going and I was told by so many people not to look at him, just keep focussed on something else. My sister, the people from group and my friends, they all told me not to look at him, and I tried not to. I gave my lawyer and the crown attorney their copy of my victim impact statement. The crown attorney said, "if you want to add anything go ahead, but try to stay calm and not leap over and kill him." The lawyer was great and supportive, I guess I got the best. I did a good job and I made the right decision to read my victim impact statement myself. I did it the proper way, I didn't rehearse it and I didn't get up there and say no I can't do this and sit down. I got up there and I read it and I finished it and I sat down. I made a great choice, the best choice. They got to see the pain, they were able to see me, the real me, not the character that I put on. They got to see the hurt. The judge would know the truth, sort of, without my statement, but he wouldn't know the way he knew it because of what I did, I think it was better that he heard my voice and saw the pain and honesty. I did not say one word of a lie in that statement and then he made the ruling and I don't think it was fair. He got two years in jail and three years probation. He's in a correctional centre in Brampton. I'm not supposed to even know where he is. It's not right. He abused three young ladies for his pleasure and he only got two years in jail. He'll get out in a year and a half, that's usually how it goes because he made a plea bargain. He's

not allowed near my family but he's allowed near the other family. He's not supposed to be alone with any children, but that's not going to stop anybody. If he wanted to do that to someone he'd just grab someone. It's not going to stop him. I'm worried about him getting out and hurting other kids. He's in a correctional centre, and nobody knows what goes on in there. The ruling scared me. I still have dreams about him coming back. I know he's going to. I have this major feeling and I get bad vibes even thinking about it.

Who heard me? The accused was crying. I wanted to say, "sorry, but it had to come out," but I didn't. I know he heard me. Even the bailiff heard me, you could see the pain inside of people, read their faces. You know that something's there, you know they're feeling a little something. It depends on the face. And my family, I had everybody crying. I know that the judge heard it, I know he was listening but I'm still stuck that the sentence wasn't a fair decision. The defence lawyer didn't ask me any questions, I just got up and read it, and sat down. I mean he could have if he wanted to, but it didn't bother me because I would answer honestly because I'd sworn on the Holy Bible. If you do a victim impact statement you feel better about yourself and people can see how you feel. You feel so much better that way. I just believe that you should do it and I would do my best to try to help convince someone else to do it. Having the lawyer read it, you can't see anything in that, all you hear is words, you can't see anything. But if you get up and read it, it's like you can see the truth. You can see where there is a lie and you can see where the truth is. That's what the judge can learn from that by seeing and hearing the victim at the same time. I thought about writing

a victim impact statement on paper, just words, and then I thought no, I've got to be prepared to read it.

Negatives. My only negatives were having strangers in the court which was frightening, but I got over it and having to face the accused. I felt great because I had faced something so frightening. And I'm still stuck on how I don't think the sentence was fair.

Positives. I feel so much better about myself now. I think that if I didn't get up and read my statement maybe the ruling would have been a lot different. It's a great feeling knowing I got up and I was strong enough to do that. You feel so strong like you can almost do anything and it makes you really happy, it doesn't drag you down. It doesn't make you feel like "I did this and now I'm going to cry about it now." Instead you feel "I did this so I can do this, and this, and this too." It helps with your confidence especially when you're insecure about yourself. It gives you some security. You think, "hey, I'm not as bad as I thought I was." We're a lot closer as a family now, my sister and I are best friends. The fact that we got through it all and made it through together has bonded us. You start sitting there and looking at your victim impact statement and you know what was wrong. You look at it and you say, "well I know how to fix it now." You look at it and say, "well I can go back to school, I know how to fix that, I feel confident, I can do this, I can do that"; that's what you really feel. You get the help you need.

Suggestions for others.

- * If you're being abused, tell someone and if they don't believe you tell someone else. Get the help you need, for it's going to keep happening and it'll hurt even more in the end. I know, I didn't say anything for three years.

- Don't run away from it, it doesn't hurt so much near the end. You still hurt but not as much as when the abuse was happening. You'll feel so much better about yourself and you won't disrespect yourself as much as you did. You'll love yourself. You can't love anybody else until you love yourself.
- * Don't look in the accused's eyes, it won't help. You think if I could look him straight in the eye I'm going to be stronger but it doesn't work, it doesn't make you stronger it makes you weaker. It makes you want to break down and cry because it hurt you so much.
- * Try to bring a friend to court. If you don't have a friend take someone you trust or request for someone at court like a counsellor or a police officer.
- * Ask for help if you need it.
- * Write your own statement. Do it. You don't have to get up and read it but I would suggest that you do because you feel so great. You feel extraordinary afterwards. You feel so much better, I mean it's the kind of thing you can't exactly explain, better, better, better, you start to heal. It helps for people to see the pain that you're in. You get out your feelings. It also helps you in the future because you learn to express yourself more.
- * Counselling helps. Group helps too. Ask for the help you need.
- * Write your victim impact statement in your own words, it's your feelings, your words, your ideas. Don't change it. I wrote my statement myself and read it over with my family. That helped. They understood. Read your statement over a few times but don't read it too much.

Introducing Faith

Telling someone. My name is Faith and I'm 16 years old. When I was 12, I was abused by a friend of the family at his home. When I was 14 years old I told someone about it and he was charged by the police. Eventually we went to court about it. The first person I told was my grandmother and she told my parents. Then behind my back my parents called the police. I was just so scared I didn't want to go to court, I didn't want anyone to know. My parents told me I had to go down to the police station and I kept saying, "I don't want to do that, why did you do that?" I guess I didn't want to go to court because after I gave my initial statement I kept saying, "I don't want to go to court, I don't want to go." But it wasn't up to me and I think that's really good that it's not up to the person because there are probably a lot of kids out there saying, "I don't want to go to court." So the decision really wasn't up to me, it was up to the police. They were charging him, not me.

The investigation. The first interview I had was with the detectives and a lady from Children's Aid to give my statement. That was positive because they were really nice to me and gave me a lot of support. They taped it on a cassette tape and wrote stuff down on paper too.

Introduction to a victim impact statement. I first heard about a victim impact statement when I went to court and the victim-witness co-ordinator showed me around. She mentioned that I could write a victim impact statement. I thought it might help with my case and that it would be good to write one because it's important for them to know your views and whether the criminal is getting what they deserve and how you feel the court handled the

case. I think it's important that they know how you feel about it. I mean the court system when I say they, the judge, the crown attorney. I remember being told I could write about how I felt that the accused should be treated, what penalty he should get, what it did to me and how it affected my life.

What I included. I just sat down and wrote on a piece of paper how it affected my life and what I thought the person should have got for what he did. I must have had a piece of paper or a form. I probably didn't like the way the form was laid out so I just wrote it on a piece of paper. I think you should put down what you want, what you feel and not just answer questions that they ask you. You need to put it in your own words, you know. I got support from my parents but they didn't give me help with it because they knew what I wanted to put down. My parents did one too and when we were all done we read each other's over and shared our thoughts, but not until everyone was done. I felt supported by my parents. I included what kind of impact the abuse had on my life and what it did to me. I talked about the stress and how it affected my life. I mentioned my social life and problems between me and my parents, how we weren't getting along after it happened. I mentioned my friends and how I was pushing them away. I never wanted to go outside and, most of all, I got scared around the opposite sex. I talked about my schooling and what it did to that. I was failing and the whole emotional part of it. I was just one big wreck. I think maybe you could include things like what the court process was like for you. I left nothing out, everything I wanted to put down I put down. I even mentioned the fact that I was getting counselling for it and getting help for myself. I guess I was mostly addressing it to the judge.

I didn't know for sure if they would be reading it in court or not, but they did and I was glad because the accused could hear it as well, so he heard everything I went through. I guess it's not just addressed to one certain person, it's addressed to everyone, to the whole court system, to hear my views. In a way I guess it was a potential way to let my parents know how I was feeling also. I was proud of it, I wanted them to read it, and I wanted them to say, "hey, good job." There wasn't really anything new for them to learn in it. They pretty much saw my whole attitude and everything.

Waiting time and preparing for court. The waiting time was really hard. I didn't know why there were so many adjournments, but I don't think it was right. The victim sits there waiting and wishing the whole thing could be over, and then they have to wait some more. I had a court visit with the victim-witness co-ordinator. She took me on a tour of the courtroom and that really helped me because I was imagining a huge courtroom full of people. It was actually a small courtroom and only my family and his were allowed in on the day of court. I learned where everyone would sit and what their jobs would be. I met my crown attorney on the same day. He was really helpful and gave me lots of time and attention. I felt believed by him and I didn't feel rushed. It's really good that they allow the courtroom to be sealed when someone's up on the stand and they're talking about what happened to them, as part of it is really embarrassing. It's not right for people you don't know to be in the room.

The day of court. When I first went to court and I saw the accused I kind of flipped out and didn't want to go up on the stand. I guess because I really wasn't prepared to see

him. I was nervous when I got up there. After a little while, after a couple of questions I felt okay. I just got really freaked out when I saw him. I guess I really wasn't prepared for that. That was the hardest thing about it, him being there. At first I asked for a screen so I'd be able to see him, but he wouldn't be able to see me because it was the thought of him looking at me I just didn't feel comfortable with. I didn't get to have one, but I didn't really have to worry about that because afterwards I just looked at him anyway and gave him a dirty look. My dad was sitting beside me when I was freaking out and I kept saying, "I don't want to go up, I don't want to go up." I was crying and kind of just frustrated. My dad said, "you'll do OK, you'll do OK" and I was called up right then. I was kind of forced into a position I didn't really have a choice. When I was up there I felt good about myself and I felt strong. You don't have to look at the accused, you can look at the judge or look at the crown attorney or the person who is asking you the questions. You can even look at the wall or something, you don't have to look at that person. I kind of got a kick out of when I did look at him because I thought I'm strong.

The first time I went to court I had to go on the stand and testify. Nothing much was said there except the facts about my story. I had questions from the crown and the accused's lawyer. The second time I went it was with the judge and jury. The accused decided to make a plea bargain and my victim impact statement was read afterwards. It was like a two-part thing. First of all, questions about what happened, and then the second time. The first time was questions about what happened, the facts, the second time was saying what I felt. When I went to testify the first time at the court I was really scared and really nervous, but after I

felt proud. Answering questions from the accused's lawyer was hard. He was asking a question trying to say that it was all my fault, that I was 12 years old and how come I just lay there and didn't do anything when I was being abused. And I told him because I was 12 years old and I was lying there in shock, I wasn't just going to get up and sock a 35-year-old man in the face. His wife was there too so what was I supposed to do? I felt proud of myself for having the courage to get up there, and if I didn't agree with something that he said, I said so. The judge supported me. I'm not shy. When you're on the stand you can say, "that's not what I said" if someone says something you don't agree with.

Hearing my victim impact statement. The crown attorney read my victim impact statement at the sentencing. I guess I felt different when my statement was read and someone else was reading it. I was hearing my own words. I was happy everyone got to hear what I thought about it. I think it's good that they cover all that just so that they know how the person, the victim is feeling and everything the person's going through. My view is that a lot of the offenders don't get the time that they deserve. The court needs to go over the victim suffers a lot. I think that for all the suffering they put the person through, they don't get the time they deserve. It's also important for them to go over what the person thinks about the time the accused should get. I think it is important to be descriptive of what of what you're feeling, what it did to your life, your social life, what it did to you mentally, emotionally, and physically if that be the case. To me there weren't any drawbacks to writing the victim impact statement. I think there are lots of benefits to it. People hear your side of the story and hear everything you put in there and what it did to you. If you are truthful and put everything in

the impact statement that's true, I don't think there is really a problem with answering a few questions if the defence decides they want to cross-examine you on it. So if the defence asks you, "did it affect your friends and your family and you found it extremely uncomfortable being around the opposite sex," I would have said, "yes." Everything I put in there is truthful so I wouldn't feel that it would be hard to answer any questions about it. I think it depends on what you are comfortable with when deciding how to deliver your statement. If you're comfortable reading it out yourself, great. I didn't have that option. I don't think anyone asked me if I wanted to read it out myself. I think that certainly if I read it out myself it would have been more clear because those were my words, and they would have been coming from my own mouth. I guess if a person isn't really comfortable reading it themselves, they could pick whoever they would like to read it. If someone gave me the option, I would have read it myself because it would have made a bigger impact. Someone else reading it, they're reading my words. If I'm reading it then they're my words and I'm reading it myself. I think also that it shows I have the courage to read what I'm feeling. I think it would make someone feel really proud to have the courage to stand up there and let everyone in on how they feel. I felt good because I wrote how I felt. I think the purpose of writing then is to let the court system and anyone who does read it know the impact of the abuse on your life and how the court system should go about sentencing. Most of mine was about what it did to me and the impact on my life, but I did put in what I thought he should get. My last line was that I'm not a victim, I'm a survivor. I wanted people to know that I wasn't going to put down at the end, "I'll never be the same again," you know, or "it really messed up my life so badly,"

even though it did. This person did it to me, I'm not going to mourn over it my whole life and I'm not going to consider myself a victim, I'm going to consider myself a survivor. I'm strong, I survived it, and I felt strong after writing it.

Negatives. The most negative thing was seeing him for the first time in court. The waiting time was really bad too. I was scared to be asked questions by the defence lawyer but I just answered truthfully and if I didn't agree with what he said, I said so. After the preliminary hearing, the crown attorney decided to accept the plea bargain with the accused and drop the charges against his wife. The sentence for my offender turned out to be 16 months. I felt his sentence was negative because I don't think he got what he deserved.

Positives. For me I felt positive about my preparation for court with the victim-witness co-ordinator, crown attorney, and the police officers. One of the positive parts was when my victim impact statement was read because it is important for them to know my feelings. I felt strong enough after writing it and hearing the crown attorney read it. The best thing was that when I was up on the stand I didn't have to be pressured, I was allowed to say what I had to say.

Suggestions for others.

- * Tour the court beforehand. What might be even more helpful would be if there were some volunteer teens who had been through it to give a tour and they could say, OK this is where I sat and this is what helped me. If you don't want to look at the person, that's where the accused sits, you can look at the wall that's what I did, and more or less you're kind of sharing your story and you're sharing what was helpful that you used in court. Normally a person who goes in there and shows people around a courtroom is someone who's trained to do it. They read about it and

that was their job. It would be better for a volunteer person who's been through a situation to help out, I think that would be better. I think it helped me too when I'm helping other people. I would volunteer for something like this because I've been through it, I know how the person feels. It would make me feel really good about myself if I could help someone ease get through it. I guess that's why I was so keen to do this project because I know someone's going to pick up that booklet, and maybe in some way it's going to help them too.

- * If you're not comfortable telling your story in front of strangers, you should ask the crown attorney about clearing the courtroom.
- * If you don't want to look at the accused, look at the wall, look at your parents, your family, look at the judge, the person who's talking to you, the crown attorney, the detectives, maybe someone in front of you, the court reporter, the door. Obviously you're going to know who is there, probably see him out of the corner of your eye, you can't really do anything about that. The most important thing to remember is you're the strong one and you don't have to look at him.
- * I have a 1930 penny and it's kind of like a good luck charm. I brought that with me and I thought it brought me good luck. I always carry it around now. When my cousin had to go to court for her case I gave her the penny to bring her good luck. I held it in my hand in court and just kept rubbing it. If you have a good luck charm you could bring it, even if it's a big teddy bear, anything you feel is going to bring you strength, bring it, if it makes you feel better, bring it.
- * Just be strong, you'll make it. You're not a victim you're a survivor.

Introducing Alley

Telling someone. My name is Alley. I am 13 years old. I was sexually abused by my father when I was 11. I lived with him at the time. I confronted him and his girlfriend about it and right away the police became involved. The next thing I knew my father was in jail. I went to live with my mom for about a month and then I was taken into foster care for a while. It was horrible, they treated me like a baby. I wasn't allowed to do anything, I had no freedom at all. Now I'm back living with my mom and court is finally over.

The investigation. My first interview was with the police officer and a Children's Aid worker. It was at the police station. I didn't really know what was going on. After that I still kept seeing a worker from the Children's Aid. Right now I don't care about counselling. I go because my mom is making me.

Introduction to victim impact statement. I first heard about the victim impact statement from the crown attorney. I found it hard and different to write a victim impact statement because I don't usually share my feelings, I keep to myself. I thought the judge should know how I feel and what life was going to be like for me so I wrote one.

What I included. I included how I felt about my father, how I loved my dad and hated what he did. I wrote what my school life is like now. I included how I got along with my friends and my family and how things changed. I wrote how hard it was to go to court and how hard the waiting was. I also talked about the fear I was feeling. I don't think I left anything out except that at one point I wrote that I thought I was rebellious now, but I took it out because I think most teenagers are rebellious.

Waiting time: Preparing for court. I found waiting for a court date to be really hard. We had a lot of delays. I had a court tour ahead of time and actually went to a couple of hearings with my Children's Aid worker. She took me to meet my crown attorney. At first I felt weird and uncomfortable there, but I was happy she was a woman and I liked her. I felt stressed a lot when I was waiting so I used to relax myself by listening to music.

Going to court: Testifying. I had to go to court a lot of times because, in my case, there was a preliminary hearing and a trial. I felt nervous and scared every time I went. It was weird. It was hard. I felt embarrassed. I couldn't really prepare myself. The night before court we stayed at somebody's house and the next day we went. I packed a bag and wore jeans. Walking into the courtroom was very hard because about 10 minutes before I was outside hyperventilating. I don't know how I got myself strong enough to testify. I just thought, "I can either let him get away with this and live in fear or get it out and tell the court what happened." I knew I had to get it out. There was no choice. I chose to get it out. When I was on the stand I looked at the crown attorney so I wouldn't have to look at him or the family. I looked at him at one point and I got mad. I looked at the police officer too and that was alright. The crown attorney got me to come into the courtroom and I was crying. The Children's Aid worker was in the courtroom to support me. She stood behind me and that helped. I would recommend it. It was harder to go to court on the days that I was testifying. The other days I had a choice of whether I wanted to go or not, but I decided to go to hear the other witnesses. You aren't allowed in the room unless you've already testified. I sat with the Children's Aid worker on those days and it helped me. I had some

delays to my case because there was a strike and another time the pre-sentence report wasn't done. The crown attorney phoned to tell us on those days so we didn't go. We had water and Kleenex on the stand but it didn't really help me because I didn't use it. I had asked for a break and they wouldn't give one to me at the preliminary hearing so I didn't bother to ask for one at the trial. It was harder at the preliminary hearing because it was the first time I had to go to court. When I finished testifying at the trial I felt great. I thought, it's over for me, it's done. I won't have to go up on the stand anymore. I was proud of myself and I felt pretty strong. I went to the sentencing because I wanted to hear for myself what he got. I was hoping for him to get as long as he could get. I was thinking about all of the other kids he could have done it to. At the sentencing I felt mean, cruel, and guilty. He got five years in jail. I thought he should have got double that amount, but I still felt sorry for him.

Delivering or submitting a victim impact statement. I liked being there for the sentencing and the victim impact statement. I think the judge should know how the victim feels and what life is like for me. It will help them with their sentencing. My crown attorney said my victim impact statement was good when she read it. When I wrote mine, my mom asked me the questions and I wrote down my feelings for myself. I don't know if my mom understood everything, I hadn't shared these feelings with her before. I don't like it when other people read my statement but my mom reads everything of mine. The other lawyer had a huge argument over my statement. I didn't care if he read it because I knew the judge read it. The accused, the judge, the defence lawyer, and the crown attorney all heard what I had to say. I knew the defence lawyer heard it because he had a copy and he stood up and argued

about it. I don't know what he thought about it, he might have liked it but he didn't want to show it. I know the accused read it because he was looking around and shaking his head at me. I felt awkward and kind of mean when he looked at me. I don't know, I just felt sorry for him. I love my dad but I hate what he did. The judge read some parts of my statement out loud and read the whole thing to himself. He talked about it when he talked to the court. I think everyone heard what I had to say. Sentencing day was hard for me because I saw my father walking out of the courtroom on his way to prison. The judge told me, "I know you're feeling guilty, but stand up and hold up your head high and you be proud." After the sentencing of my dad, my dad was taken away. I was crying so I couldn't really hear him. I felt supported by the judge. I know I did the right thing but it's still hard.

Who heard me? I wrote my statement to the judge and to the people in the courtroom, really to whoever was listening. The judge read some parts of my statement out loud. I know he heard what I had to say. He talked about my feelings about the accused. I know he read it because he talked about it when he talked to the court. I think everyone heard what I had to say.

Negatives. Some days I felt like there was nothing good about court. The worst thing was testifying and facing the accused. The waiting time was also very hard. I also lost a lot of family on my father's side.

Positives. The most positive thing about court for me is being there for the victim impact statement and sentencing. I felt proud and strong when I finished testifying. It felt great to be finished everything.

Suggestions for others.

- * Find a way to relax during the waiting time, like listening to music. I have one CD that really calms me down.
- * Share your feelings with someone you trust and get everything out of your system. Don't bottle it up.
- * Wear something comfortable to court. I wore jeans.
- * Have a support person stand by you in court if you're allowed.
- * Instead of waiting in the same spot as the accused and his family, try to find a spot by the crown attorney's office or the victim's room. Go there if you can and tell someone that's where you went to wait, like the crown attorney. Wait somewhere he isn't.
- * You should write your own statement in your own words so it will tell what you are feeling and not what other people think you're feeling. It is important for people in court to hear. It would be hard if you were cross-examined about it. I wanted the judge to hear mine. The defence and crown attorney should hear it and especially the accused because he or she is the one who did it to you, so they should know how you're feeling about them and the whole situation.
- * It is worth it to find strength in yourself: You can do it!

In the following chapter I outline my analysis of these powerful stories, extracting the various themes presented within them.

CHAPTER 5

ANALYSIS

My intention was to represent each participant's experience in story form as it was relayed to me. "Stories are the closest we can come to experience as we and others tell of our experience" (Clandinin & Connelly, 1993, p. 5). I did not focus specifically on the content of each victim impact statement itself. My focus of study was on the experience of writing and submitting a victim impact statement for inclusion in court at the time of an offender's sentencing.

It was suggested to me that as an interviewer I am like a photographer. My focal point was on the experience with a victim impact statement; however the lens has taken in other parts of the court experience considered important by the narrator. Each participant spoke of many aspects of court that had impact on their lives. My task was then to take these stories and through "successive reading" (Cairns, 1995, p. 195) elicit common patterns and themes.

Van Manen (1990) describes this kind of analysis as "the process of recovering the theme or themes that are embodied and dramatized in the evolving meanings and imaging of the work" (p. 78). Although each of the participants presented with a very unique personality and situational profile, many common themes were uncovered when I examined the stories separately and then together. I have organized these themes under four main headings: Preparing a Victim Impact Statement, The Court Process, Delivery of a Victim Impact Statement, and Outcomes of the Experience.

Preparing A Victim Impact Statement

Confusion Regarding A Victim Impact Statement

The first of these themes relates to the lack of clarity and the general confusion around understanding exactly what a victim impact statement is at the time of first introduction to it.

Melanie stated, “I didn’t really understand what it was for” when the police first told her about it. Her school social worker later made it “much more clear.” Part of the difficulty and confusion may stem from the timing of an individual’s first introduction to a victim impact statement. Very often the police distribute a victim impact statement form at the first contact during an investigation, a time when victims often feel very frightened, confused, and powerless. The theme of powerlessness will be discussed in a later section. Faith had a harder time recalling details of learning about a victim impact statement for the first time. She remembered using a plain piece of paper stating, “I probably didn’t like the way the form was laid out, so I just wrote it on a piece of paper.”

Alley stated that she also had great difficulty using the original victim impact statement form to write her statement. Remarks like these from children with whom I and others in Hamilton have worked, led to our development of a helping tool to assist victims in recording their thoughts and feelings for inclusion in court (see Appendix D). To develop this form we requested input from victims, social workers, child welfare professionals, group leaders, crown attorneys, judges, CAVEAT, and victim-witness programme co-ordinators. Susan Lee, supervisor of victim-witness assistance programmes through the Ministry of the Attorney General, approved the document. It is our intention to make the opportunity to

write and submit a victim impact statement clearer and available to all victims through distribution of this form.

Writing It Yourself

In reflecting on the experiences of compiling thought in a victim impact statement, the participants in my study overwhelmingly gave the message to “write it yourself, using your own words.”

Alley stated, “Write your own statement in your own words so it will tell what you are feeling and not what other people think you are feeling.” Elanor agreed with this perspective stating, “When I wrote my statement, I didn’t want help. I felt I’d rather do it myself...it came from my heart and not someone else’s and when I wrote it, it was exactly how I felt.” Both girls expressed a concern that someone else could misinterpret and misrepresent a victim’s feelings in a third party victim impact statement. Elanor suggested it should be “your feelings, your words, your ideas.” Faith was also in agreement, saying, “I think you should put down what you want, what you feel...you need to put it in your own words.” Melanie also said, “Try to write a victim impact statement for yourself and say what you have to say.” The message from all four young women was clearly that they believe a victim impact statement should be a direct statement from the victim using the victim’s own words in order to be most meaningful.

Feelings

Similarly, these young women clearly were stating that a victim impact statement should consist primarily of one's feelings regarding the abuse incident(s) and how it affected a victim's life in all aspects, namely social, emotional, family, friends, and school.

Melanie listed a variety of issues and relationships she included regarding the impact of the sexual abuse she experienced, summing it up stating, "I just wrote about the feelings I have about the whole thing." Faith described court as a "two part thing" explaining that your testimony is generally "the facts" and your victim impact statement covers "the feelings." (She also made repeated reference to including personal views on sentencing which will be discussed in a later segment subtitled "sentencing.") Elanor told me she wanted to write it because, "I wanted to get my feelings out." Alley also stated her victim impact statement mainly "included my feelings" about a long list of impacts her abuse experience caused. A victim impact statement is clearly viewed by these young women as a means of expressing feelings regarding the many facets of one's life that are impacted by an abuse experience, namely "school life," "grades," "relationships with friends, family, and the opposite sex," self-esteem, and feelings toward one's body, such as Melanie stating "how I feel about my body after he touched it." It is also clear that the participants felt there was a tremendous emotional impact as a result of the sexual abuse each experienced.

The Court Process

Powerlessness

The theme of powerlessness was very strong, both when reporting on the time of abuse and time of disclosure.

Faith explained her feelings of powerlessness in a statement made in reference to her belief that the defense lawyer was implying the abuse was her fault or that she had consented by “not doing anything.” She stated: “I was 12 years old and I was lying there in shock, I wasn’t just going to get up and sock a 35-year-old man in the face. His wife was there too, so what was I supposed to do?” Her statement is reflective of statements in Wolfe’s observations that “children over 12 were thought to be viewed by jurors as accomplices to the sexual activity” (Wolfe et al., p. 108). Although by legal definition a 12-year-old could never be considered to have “consented” to sexual activity with an adult, it is apparent that young women are still made to feel that way in some courts.

Elanor struggled with feelings of guilt about not disclosing right away and believing she somehow “could have prevented it from happening.” Delayed disclosure is very common in sexual abuse cases, so much so that allowance for time lapsed is considered under Bill C-15 with abolition of the recent complaint rule (Coolbear, 1992, p. 151). In Elanor’s case, the abuser was her stepfather constituting intrafamilial abuse. Sexual abuse in such cases “tends to go on for five to ten years before the child discloses” (Halliday-Sumner, 1991, p. 15). Elanor recognized where the power balance shifted in her circumstances, stating, “I couldn’t do anything. I had no power at all.”

The other point at which participants often reported a sense of powerlessness was at the time of disclosure. One got a sense from hearing their stories that once they told someone about the abuse, the situation completely left their hands and they began to feel very frightened at not having any control over what happened next.

Faith remembers feeling a great deal of anger toward her parents for contacting the police regarding the abuse. She reportedly kept saying, "I don't want to go to court...but the decision really wasn't up to me, it was up to the police. They were charging him, not me." She talked about feeling frightened by that at the time, but later decided that it was positive that it isn't left up to children to decide.

Melanie remembered that she "got real scared" when her mom called the police, asking herself "What was going to happen?" Alley remembers that once she disclosed, big changes began to occur very quickly. She said: "I didn't really know what was going on. The next thing I knew my dad was in jail overnight and my uncle was calling me names and telling me to get out of my own house." In Henry's (1994) study he concluded that "the children's voices in this study were emphatic that they need to know what is occurring within the social service and legal arenas" (p. 128). I would certainly agree with this finding in light of what the participants shared with me regarding their sense of powerlessness.

Sense Of Responsibility

The participants expressed a certain sense of responsibility to speak up in order to ensure that the abuse did not happen to anyone else.

Alley explained, “I was hoping for him to get as long as he could get (the sentence). I was thinking about all of the other kids he could have done it to.” Faith explained she made sure she put in her statement that she hoped her offender would “get the maximum penalty to ensure that it wouldn’t happen to any more innocent children.” Similarly, Melanie explains that she disclosed because she felt she “had to because I knew what he did was wrong and I didn’t want it to happen to anyone else.” Elanor expressed feeling “worried about him getting out (of jail) and coming around here or hurting other kids.” In addition to the theme of expressing concern for others, these participants all expressed a desire to help others who have been abused, which will be discussed in a subsequent segment.

Waiting Time

Congruent with the findings of many other studies (eg. Sas, 1991, 1993), the participants expressed frustration with the lengthy waiting time for court. Elanor was the only one who felt it “didn’t really take too long” and gave her “time to calm down and...get used to court and adjust to everything.” In contrast, Melanie, who was involved in the same court case as Elanor, stated: “When I was waiting so long I felt like I was really left out. No one was contacting me and I thought I’d never hear from them again...I felt like I wasn’t being heard...I felt forgotten.” Both Alley and Faith described waiting for court dates as “really hard.” Alley had many delays to her case resulting from a strike involving court workers and Faith “didn’t know why there were so many adjournments.” She describes the experience as “the victim sits there waiting and wishing the whole thing could be over, and then they have

to wait some more.” Recommendations have been made for courts to attempt to expedite cases involving child victims for this reason (Sas, 1991).

Strangers In Court

There was a strong theme in the stories that the presence of strangers in court represented a further violation to these young women and was a difficult part of the process.

Faith spoke of “imagining a huge courtroom full of people” before her court tour, but explained that on her court date the judge, acknowledging the stress involved with strangers present, allowed the clearing of strangers from the room.

Melanie spoke about the strangers at the hospital when she went for her medical examination. She imagined them asking themselves “Why is she here?” She also stated that “you have to speak in front of some strangers in court” as a negative aspect of the experience, but went on to say “but you don’t have to look at them.”

Elanor stated that “the only negative was the strangers in court. It was frightening, but I got over it. Then I felt great because I faced something so frightening.”

Strangers being present in court add to the anxiety of what is unknown about the day. It is difficult to prepare for, especially in anticipation of answering questions that may be embarrassing. I have had children in my court preparation groups ask me if classroom tours would be allowed in the courtroom when they testify. Unfortunately, I cannot give a definitive answer except to suggest they discuss it with their crown attorney who should

speak on their behalf to ensure it not be permitted. These situations, however, are unpredictable and much is left to the discretion of the presiding judge.

Facing The Accused

Several studies examining the potential trauma of the court experience for children cite facing the accused as among the most stressful aspects of court as reported by child witnesses (Sas, 1991, 1993; Henry, 1994). Overwhelmingly, this was a theme among the stories of my participants as well.

In Faith's case, a screen was requested on her behalf due to her discomfort with "the thought of him looking at me." She was not permitted to have a screen during her testimony, although she later reported that she eventually "felt okay...and felt stronger" once she was on the stand.

Alley found she needed to look at the crown attorney and the police officer so she "wouldn't have to look at him or his family." Melanie reported losing track of her paper and "trying not to look at his eyes" when delivering her statement.

Elanor made a suggestion for others based on her discomfort with facing the accused. She suggested, "Don't look in (the accused's) eyes, it won't help. You think, 'if I could look him straight in the eye I'm going to be stronger,' but it doesn't make you stronger. It only makes you weaker. It makes you want to break down and cry because it hurt you so much."

Although the fear of facing the accused contributed significantly to the anxiety each participant felt preparing for court, each found a way to handle that inevitable scenario and still do what was expected of her in court.

Participation

Fitting with the notion that a victim impact statement allows for greater victim participation and “feelings of involvement in the criminal justice process” (Campbell, 1990, p. 6), the participants spoke of feeling their statements were necessary at the time of sentencing and that they did make a difference. Elanor and Melanie had a more active role at sentencing as they both read their victim impact statement in court.

Elanor stated, “I think that if I didn’t get up and read my statement, maybe the ruling would have been a lot different.” After delivering it, she reported thinking, “they knew what was inside me and now they should be able to decide.” It is apparent that Elanor felt her statement contributed in the sentencing process.

Melanie’s reflections about that same day were: “It was definitely better for me to be there that day. It was important for me to see what happened and be a part of it. I couldn’t turn it back so I had to look forward and do what I could to contribute.” Alley and Faith also both expressed feeling that they had a participatory role at the sentencing. Faith decided to submit a victim impact statement because, “I thought it would help with my case and that it would be good to write one because it’s important for them to know your views...one of the positive parts was when my victim impact statement was read.” Alley remembered, “I

thought the judge should know how I feel and what life was going to be like for me, so I wrote one...I went to the sentencing because I wanted to hear for myself what he got.” They did not report feeling as satisfied with the respective sentences as with participation at sentencing.

Feeling The Sentence Was Unjust

The situations varied greatly with regard to judgement on sentences; however the responses from the young women were relatively similar. Each expressed disappointment in the various sentences, stating that the offenders did not get the time in jail that they deserved.

Melanie and Faith both experienced extrafamilial abuse and predictably expressed the most clearly their anger with the sentence. Melanie’s offender was sentenced to two years in prison and three years of probation. She felt this sentence was “too short” and that “he didn’t get what he deserved.” Faith expressed dismay with the crown attorney making a plea bargain with the accused in her case, a bargain that involved dropping the charges against his wife and a sentence of 16 months. She too stated, “I felt his sentence was negative because I don’t think he got what he deserved.” She made many references to believing he should get “the maximum” penalty and was clearly disappointed with this outcome.

Alley experienced intrafamilial abuse and, although she too had wished for harsher penalties, she also expressed some mixed feelings around seeing her father go to prison. She stated, “I was hoping for him to get as long as he could...he got five years. I thought he should have got double that amount, but I still felt sorry for him. I love my dad, and I hate

what he did.” When reflecting on all of the days she had to go to court, Alley said, “The sentencing day was harder because I saw him walking out of the courtroom on his way to prison.”

Elanor also expressed disappointment in her offender’s sentence, and spoke about fears of his release. She stated, “He abused three young ladies for his pleasure and he only got two years in jail. He’ll get out in a year and a half...he’s not supposed to be alone with any children, but that’s not going to stop anybody...the ruling scared me. I still have dreams about him coming back...I get bad vibes when thinking about it.”

In my experience working with children who are preparing for court, in most cases families are not satisfied with the sentences of sex offenders. The public in general seems increasingly to be making demands that such offenders be given harsher sentences and be required to serve their full sentence with no eligibility for early parole. If these recommendations are ever acted upon we may see an increase in victim satisfaction with sentencing.

Delivery Of A Victim Impact Statement

Delivering Or Hearing My Victim Impact Statement In Court

One of the most significant events as reported by the participants was the moment during which they either delivered or heard reference to their victim impact statement in court. Melanie and Elanor decided to deliver their own statements in court, a decision with which they were reportedly very pleased. Elanor felt it was important to read hers from the

stand because then “they got to see the pain, they were able to see me, the real me, not the character I put on. They got to see the hurt.” Similarly, Melanie stated, “It has to come from me...it’s better that I read my statement because I showed people how I really felt inside. They can’t just look at me like someone who doesn’t exist.” There is a real sense that, especially in cases such as this where there has been a guilty plea, a victim impact statement can bring the victim to life for the court and allow them to have a voice.

Faith was not given the option of reading her own statement; however, she states that if someone had asked her about it she, “would have read it myself because it would have made a bigger impact.” The crown attorney read Faith’s victim impact statement for the court and she stated, “I guess I felt different when my statement was read and someone else was reading it...I was happy everyone got to hear what I thought about it.”

In Alley’s case her victim impact statement was given to the judge by the crown attorney and “the other lawyer had a huge argument” about it. The judge did accept the statement and referred to it in his address to the court. Alley spoke rather ambivalently about it at times, yet identified the inclusion of her statement as a positive aspect of court. She said she did not care if the defense lawyer read it “because I knew the judge read it...he read some parts of my statement out loud.” As was discussed in the literature review, this action by the judge can be very validating for the victim in court.

Truth

The theme of “truth” ran through several of the stories when the participants reflected on their victim impact statement in court. The message was that a victim impact statement contained the whole truth including their feelings about what happened.

Elanor stated, “The judge would know the truth, sort of, without my statement, but he wouldn’t know the way he knew it because of what I did. I think it was better he heard my voice and saw the pain and honesty...if you get up and read it, it’s like you can see the truth.” Elanor somehow felt betrayed by the sentencing judge as she stated, “I did not say one word of a lie in that statement and then he made the ruling and I don’t think it was fair.” It would appear she may have taken the relatively short sentence personally and perhaps did not feel completely believed as a result. Melanie stated that by reading her victim impact statement herself she felt she showed the court “that it really happened...I was telling the truth.”

When considering whether it would be difficult to be cross-examined regarding a victim impact statement if delivered verbally, Faith stated, “everything I put in there is truthful, so I wouldn’t feel it would be hard to answer any questions about it.”

It is clear that these young women took the responsibility of accurately and honestly reporting the impact of their abuse and wanted very much to be heard.

The Accused Needs To Hear My Victim Impact Statement

Although facing the accused was reported as among the most stressful aspects of the court experience, the participants also reported that they felt the accused needed to hear the messages contained in their victim impact statement. For many victims, court is the first place they see their abuser post-disclosure, and it is often the first form of confrontation.

Faith stated she felt “glad” when her statement was read because “the accused could hear it as well so he heard everything that I went through, and by hearing it he knew that I wanted him to get the most time he could get.” It was important to Faith that not only the court, but also the accused hear her views on sentencing.

Alley agreed that the accused needs to hear the victim’s victim impact statement stating, “especially the accused because he or she is the one who did it to you, so they should know how you’re feeling about them and the whole situation.” She knew her father heard her statement because he looked at her and “shook his head.” This made Alley “feel sorry for him,” but she also reported feeling guilty herself.

Elanor knew her offender heard her statement as she reported, “The accused was crying.” She too had some mixed feelings stating, “I wanted to say, ‘Sorry, but it had to come out,’ but I didn’t. I know he heard me.”

Melanie also wanted the accused to hear her victim impact statement stating she “wanted him to know he ruined my life, and I’m not the same as I was before.” The victim impact statement clearly went beyond a vehicle for sharing the impact of abuse with the judge; it also served as a method for sending an important message to the accused.

Who Was Listening?

The young women referred to many people to whom they had written their statements as well as a variety of people within the courtroom they felt had listened to them when introduced in court.

Alley wrote hers “to the judge and to the people in the courtroom, really to whoever was listening.” She stated she “felt supported by the judge” who spoke to her when addressing the court, telling her “I know you’re feeling guilty, but stand up and hold your head up high and you be proud.”

Melanie had wanted her friend’s mom to hear her since she had originally not believed her allegations. She wanted the accused, the judge, her friends, and her mom to also hear about the impact on her life. She stated she wanted her friend’s mom “to clue in” and her mom “to understand.” Her victim impact statement as a message to the judge seemed secondary to it being a vehicle for her to express her feelings to friends and family.

Faith reported that she “was mostly addressing it to the judge...I was glad the accused could hear it as well, so he heard everything I went through...it’s addressed to everyone, to the whole court system, to hear my views. In a way I guess it was a potential way to let my parents know how I was feeling also.”

Elanor reported wanting “him (the accused) to hear how much he hurt me...my family to know how it affected me...and the judge to hear it....He was the only one giving the ruling.”

It is clear that although the intended audience, according to the Ministry of the Attorney General, is primarily the judge and the court, the broader audience including friends, family, and the accused has meaning for the victims.

Outcomes Of The Experience

Family Relationships Affected

Family relationships are no doubt affected in all cases of child sexual abuse. This was certainly a theme noted by the participants. In some cases reference was made to difficulties in the relationships resulting from the reporting and in others, an improvement or strengthening is noted. Although Faith reported having some problems in her relationship with her parents following disclosure of the abuse, she also reported that the victim impact statement provided a vehicle to bring them closer. She stated, "I felt supported by my parents...I wanted them to read it, and I wanted them to say, 'Hey, good job!'"

Melanie reported including in her victim impact statement how the abuse "has affected my relationship with my mother," implying it had been strained. Her mother had contacted the police in the very beginning. Melanie also mentions that when she delivered her victim impact statement, "I wanted my mom to hear me so she would understand."

Elanor reported that "my whole family was totally ruined." The accused was her mother's husband and both she and her sister, as well as Melanie, were his victims. In retrospect she felt that going through all of this brought her family "closer together." Elanor

also included her family in her remarks about delivering her victim impact statement. She believed her family had heard her and stated she “had everybody crying.”

In Alley’s case, she reported she “lost a lot of family on my father’s side” as a result of court. She had been moved from residing alone with her dad to living with her mother, grandfather, and two sisters. She told me during one visit, “I’m not an only child anymore” implying that she also lost a lot of her identity and the attention she was used to. She referred to an uncle “calling her names.” She reported that she “did not know if my mother understood everything...I hadn’t shared those feelings with her before. I don’t like it when other people read my statement, but my mom reads everything of mine.” Her relationship with her mother appeared strained and, at one point since the disclosure, had broken down to the point where Alley spent some time in a foster home. Cases involving intrafamilial abuse often involve divisiveness within the family, with the child feeling very much to blame and in the middle of it all.

Confidence/Strength

In addition to reporting consistently the enormous negative impact the abuse has had on their lives, the participants also all reported some positive aspects to the experience of addressing the court, through a victim impact statement or testimony. Each young woman spoke of feeling very nervous and scared; however, they spoke of increased confidence, as well, once they had addressed the court. The words “strong” and “strength” came up

repeatedly in their stories about their respective victim impact statements and of completing their testimony.

Melanie stated, "I learned I was stronger than I thought I was by going through with delivering my statement." She had decided to deliver her own statement from the witness stand as opposed to having the crown attorney or judge read it. She recounted, "If I just wrote it, it would still help me, but to go the next step of saying it in court felt even stronger, and helped me more."

When reflecting on her experience of delivering her own victim impact statement, Elanor stated, "I feel so much better about myself now...you feel so strong, like you can do almost anything. You feel extraordinary afterwards."

Faith was required to testify, an experience that was extremely difficult and upsetting at the outset; however, in reflecting on completing her testimony, she stated, "When I was up there, I felt good about myself and I felt strong. I felt proud of myself for having the courage to get up there."

Alley also reported great difficulty when required to testify to the point of "crying and hyperventilating when required to testify," however, she stated, "I was proud of myself and I felt pretty strong...it is worth it to find strength in yourself."

Desire To Help Others

In addition to all four young women being very eager to contribute their stories to this thesis and the We're Not Victims, We're Survivors booklet, some of the participants shared

other ideas they have for helping others. As was previously discussed, each of the young women expressed a concern for other potential victims to have been part of their motivation for disclosing or participating in the court process.

Faith thought it would be helpful to have “volunteer teens who have been through it” to provide court tours and information to those who are going through court. She stated it would be “sharing your story” to help support others. She went on to say she would like to volunteer for something like that and “it would make me feel really good about myself...to help someone else get through it.” She also stated, “I guess that’s why I was keen to do this (research) because I know someone’s going to pick up that booklet and maybe in some way it’s going to help them.”

Elanor had a similar suggestion to that of Faith’s stating, “I think there should be a program so that there’s someone to talk to...someone their own age who can go to the court with them...I would volunteer for that and if they cried, I could cry with them because I know what it’s like.” Elanor asked me to contact her previous group leader regarding her willingness to volunteer. I did this and arranged for them to speak directly about the possibility. Elanor has also called me several times over the past year to check on the progress of the book. She was very enthusiastic about participating in this project.

The message from all of the participants was that by helping others it would in some way also help them.

Resiliency

In learning of the experiences of these young women through their stories, a theme of their resilience really stands out. The theoretical framework that links most closely with my beliefs and practice is what is described in the literature as a focus on resiliency. In Yawney's program manual, Project Recovery, he describes the resiliency focus in this way: "In our interventions we strive to orient children towards successful or constructive coping strategies that act as protective factors as they face future danger or stress—and in doing this lay the grounds for considerable optimism" (Yawney, 1993, p. 21). I believe strongly in this focus, rather than a problem-model approach, in my work with children and adolescents. "In our important work of assisting children we not only want to respond to the problem, which is often seen as reducing the risk factors, we also strive to strengthen protective factors contributing to the children's health and well-being" (Yawney, 1993, p. 21).

The findings in this study demonstrate that the victim impact statement experience linked closely with an experience of resiliency in that there was a message that through preparing and sharing a victim impact statement, it is possible to begin to heal. Several references were made by the participants regarding looking to the future with a renewed optimism.

Elanor describes her experience by saying "you start sitting there and looking at your victim impact statement and you know what was wrong...you look at it and say 'well, I know how to fix it now.' It also helps you in future because you learn to express yourself more." She went on to explain how she is turning things around now, saying, "he ruined my life, but

I'm back on track now and I'm doing better...it's the kind of thing you can't explain (victim impact statement), it's better, better, better, you start to heal."

Melanie reported that "putting together a victim impact statement helped me to figure out how everything felt to me...it can help to let you know it wasn't your fault and that it affected your life...it's a big thing, but you can move on and have a good life."

Alley did not make references to the future. She did express relief that things were "finally all over."

Faith emphasized that "my last line (of my victim impact statement) was that I'm not a victim, I'm a survivor. I wanted people to know that I wasn't going to put down at the end 'I'll never be the same again, or it really messed up my life so badly, even though it did' ...I'm not going to mourn over it my whole life. I'm strong and I survived it."

The theme of putting court behind them and moving on, building on the strength the participants felt after completing the process was evident across the stories. I can only hope that by participating in this project, perhaps I contributed to this healthy direction.

CHAPTER 6

CONTRIBUTIONS AND IMPLICATIONS FOR FUTURE RESEARCH

The most important learning for me in conducting this research is that young victims of sexual abuse have important stories to tell, stories that can richly inform others as to what the court experience is like for them. These individuals should be listened to, especially by adult service providers who need to hear about victims' perceptions of the post-disclosure experience and all aspects of court.

I found the participants to be quite willing to share their stories and increasingly eager to bring those stories to a wider audience as our relationship developed. Certainly not all child victims would wish to participate in such sharing of personal stories, but those who do should be given the opportunity to have input. Who better to tell us what aspects of their experience were positive and negative? Who better to offer insights and suggestions than those who have had the experience first hand? I believe that if given the opportunity in a respectful manner that preserves dignity, then individuals will feel empowered to share their experiences and we will be provided with valuable input with which to make positive changes to meet victims' needs.

Contribution To The Literature

This work now joins a small, but significant, body of research exploring the experiences of children going through the justice system. While many recent studies have focused on the experiences of children as victims of crime required to testify in court, none

that I have encountered ask questions regarding the victim impact statement experience. I believe this focus to be of extreme importance in the research as the participants in this study refer to the victim impact statement experience as being transforming in nature. This study follows an exclusively qualitative methodology which is unique to the literature regarding children's court experience. The stories collected and represented here are therefore unique in the literature as well. I am hopeful that this work will inform many interested professionals and act as a springboard for further study.

Practical Contributions

A Helping Tool: A Public Forum For Stories

I originally stated in my proposal that the end result of my work might be the production of a booklet as a helping tool for other survivors of child sexual abuse; however, I was unable to firmly predict how this final product would look. It is difficult to predict where a study will lead as "the precise focus often does not become clear until the project is well under way" (Riddell, 1989, p. 96).

Although the four participants were very unique individuals with relatively dissimilar backgrounds, several themes emerged from their accounts of personal experiences with victim impact statements and court. This became especially clear to me when I began to compile quotes from each of them for the We're Not Victims; We're Survivors booklet. When I first presented the idea of producing some sort of helping tool compiling the ideas and experiences

of the participants, in her own way each of the young women expressed a great deal of interest.

Once my interviews were complete, it became clear to me that I needed to organize the messages of the young women into categories that reflected the content of the interviews. After much consideration I compiled the following list of headings under which to present highlights of the information provided by the participants in order to assist others:

- introduction and background information
- the investigation
- waiting time – preparing for court
- learning about and preparing a victim impact statement
- going to court – testifying
- delivering or submitting a victim impact statement
- positives and negatives of the court experience
- words of wisdom – suggestions

I assembled quotes from each interview that logically fit under each heading and arranged all the information into a pamphlet format. I then added a page listing resources in the Hamilton community to complete the package. Please see Appendix C to view the document cover page.

The participants expressed very keen support for the idea of creating a booklet. I felt a responsibility to compile their messages into a format that could easily reach the general public. Although each story in its entirety deserves attention, I intended to capture glimpses of each story in a more user-friendly format. Clandinin and Connelly (1990) state “the narrative form of research texts is crucial to those texts finding a place in public discourse” (p. 21). I intend to make the booklet available in the Hamilton-Westworth region through

school social workers, the Victim-Witness Assistance Programme, and the Alliance for Sexual Abuse Program. I requested input from these professionals and others before printing a final version. I had financial assistance from the Roxborough Park T-Ball Association, a group supporting many projects aimed at helping children in Hamilton's East End.

The risk identified by Clandinin and Connelly (1990) regarding the use of narrative methodology is "the Hollywood plot...where everything works out well in the end" (p. 10). I was conscious that I may be engaging in this "narrative smoothing" (Clandinin & Connelly, 1990, p. 10) when deciding which quote to include in this booklet and which to omit. I felt a responsibility to report accurate information in a tool intended to guide and support others following disclosure of sexual abuse. I therefore did not include quotes that I felt might be misleading or those that may not be helpful. For example, I did not include Elanor's comment that her offender "would have got the chair" for his crime "ten years ago." I also left out Faith's many references to using her victim impact statement to state that her offender should get "the maximum penalty" as that is not the expressed purpose of a victim impact statement by the Ministry of the Attorney General. "To acknowledge narrative smoothing is to open another door for the reader. It is a question of being as alert to the stories not told as to those that are" (Clandinin & Connelly, 1990, p. 10). I acknowledge this aspect of my summary informative booklet. I now outline implications of my study for future research.

Future Research

Many possibilities for future research projects became apparent to me as I worked through my interviews and the analysis of my data. I kept a running account of all of these research ideas as I progressed through my work, partly so that I could write this chapter with relative ease, but also to remind myself to maintain a constant focus on my original statement of intent when options to expand presented themselves.

Parents Of Victims/Secondary Victims

Perhaps the most common opportunity offered to me was to interview parents of the participants. Through my involvement with each participant, with the exception of Elanor, I had lengthy conversations with the girls' parents, each of whom presented as being very eager to talk about their own feelings regarding the court experience. In addition, I had contact with one potential participant who decided not to take part in my study, whose mother offered to be interviewed instead as she had submitted a victim impact statement as well.

During my time as an intern with the M.S.C.C.A. court preparation groups, I co-facilitated one series of "adult support persons" groups, comprised largely of parents of the child victims. It was immediately very clear to me that such resources are essential as the parents need support to deal with a whole host of issues in situations like these. Programs do exist to provide support for parents, but only in a few cities in Ontario. Potential for future research exists in interviewing parents who have had support and those who have not

to better understand the experience for parents, their needs, and how service providers can better support them so that they in turn can support their children.

Relationship To Abuser

One area in which the participants were quite dissimilar is their relationship to the accused in each case. Please note that the exact nature and duration of the abuse was not explored for ethical reasons (see Chapter 3); however, in some cases, some details were offered. Some studies have looked at victim trauma levels and a victim's relationship to the accused (Henry, 1994; Sas, 1991, 1993). In the two cases involving intrafamilial abuse, both girls repeatedly reported feeling guilt and shame as well as the conflicting emotions of both loving the perpetrator and hating his actions. The other two participants expressed much more uniform feelings regarding the situation. Further research could explore whether victims of intrafamilial and extrafamilial abuse have different needs in terms of support.

Parental Support

As stated in the literature review, support is considered a key factor in minimizing the trauma to victims as they proceed through the court process (Henry, 1994; Sas, 1993). When abuse is perpetrated by a father or stepfather one potential support person is automatically eliminated. In cases such as Alley's where her father was her custodial parent, disclosure of the abuse not only resulted in the immediate loss of her parent but also her home environment as she was removed from the home and placed with her mother, then placed in foster care for

one month and finally returned to her mother again. Such disruptions are most often seen in intrafamilial abuse cases and can be very stressful for the child.

Qualitative research examining decisions made regarding placement of these children would assist child welfare authorities in providing better informed case management. As well, talking with children about whether they value parental or adult support and making that information available to the public may help parents to better understand the needs of these children.

Feeling Left Out

The participants all reported that at some time they felt “left out” of the court process or did not understand what was happening. Melanie reported that she “thought I would never hear from them (the investigators) again.” It would be helpful to further research the points of confusion child and adolescent victims recall about their experiences and times during which they wished they had more information available to them. Exploring these points with interested participants could help to inform service providers regarding what children need to know about court and when they need to know it.

Court Preparation

In addition to having great potential to provide us with information, child and adolescent victims want and deserve information from service providers as they go through the court process in order to increase their understanding of the situation and decrease

anxiety. Court preparation programs such as the one at the LFCC studied by Sas (1991, 1993) and the two where I had involvement (MCSSA; CSWP) can provide such information to victims, but are not universally available. It would be a valuable exercise to take the time to speak with children and teens who have had the opportunity for court preparation, and those who have not, in order to come to understand what that experience provides for victims and what it means to them. This type of research would be very important in making proposals for funding to expand such programs if the findings supported their worth.

Counselling: Individual And Group

Children and adolescents who have disclosed sexual abuse will often be offered some form of therapeutic assistance in addition to any court preparation they may receive. Some participate in individual counselling with a social worker, psychologist, or psychiatrist. Some may choose group counselling if it is available in their community. Others participate in no counselling at all.

My participants had all either previously been involved in counselling or were actively participating at the time of our interviews. They spoke of this support with mixed reactions. Melanie and Faith spoke positively about individual counselling, whereas Elanor experienced both and preferred group counselling at the time of going through court. She felt she would prefer to continue with individual counselling once court was concluded. Alley stated she “did not care” about counselling and goes only because her “mother is making” her.

Future research could explore these experiences further with interested participants and possibly learn more about what contributes to a helpful/not helpful counselling relationship, and what makes group or individual counselling work for individuals.

Child Friendly Handling Of Cases

The handling of child abuse cases varies dramatically from city to city in terms of the length of trials, availability of support, co-ordination of resources, and reception to victim impact statements. In some cities such as Toronto, there is a designated courtroom designed to be child friendly where experienced crown attorneys seek justice (see Introduction chapter).

It would be extremely valuable to hear stories from children who have been involved in cases handled quickly with support in a setting designated child friendly, and also from those who have had a different court experience in other jurisdictions. We may learn what children perceive as being harmful and helpful by listening to their experiences. This information can be used to provide a rationale for expanding and revising services for children.

Courtroom Aids

As previously discussed, there exists a variety of support that may be utilized in court cases involving child witnesses, such as screens during testimony, taped or closed-circuit testimony, clearing the courtroom during a child's testimony, and support persons standing

near the witness. Two of my participants reported being denied assistance they requested. Faith was allowed a cleared courtroom but not a screen. Alley was allowed a support person but not a break. In addition, the defense counsel in her case “made a huge argument” about her submission of a victim impact statement. It would be interesting to explore with judges and counsel their perceptions as to why some requests are denied. It would also be helpful to talk with children in these cases regarding experiences both with and without courtroom aids to inform us as to any benefit or harm they perceive them to provide in their experience. The whole experience of testifying is one that should be explored with willing participants to try to come to understand what it is like for young victims in a variety of circumstances.

Oral vs. Written Victim Impact Statement

As was discussed in the literature review, there is great diversity in terms of the way in which victim impact statements are received in Canadian courts. Some requests to make verbal submissions are denied, some crown attorneys read statements on behalf of victims and, in some cases, judges receive written submissions and may or may not make reference to them in addressing the court.

The two participants who made oral submissions clearly had a different experience than the two who did not. Future research could explore further what these experiences are like for victims of all ages and what meaning delivering or submitting a victim impact statement has for them. It would be helpful to share findings with judges, court personnel,

and lawmakers so that informed decisions can be made regarding acceptance of a victim's chosen format for delivery.

Those Who Choose Not To Write A Victim Impact Statement

As my participants had definite reasons for choosing to prepare and submit a victim impact statement in court, many others have valid reasons for choosing not to. One might predict that vulnerability to potential cross-examination alone would be adequate reason for many individuals to choose not to submit one personally. Others may feel it is a further violation of their privacy, especially to share the emotional impact the abuse has had on them. This may be especially painful knowing that the accused and the defense attorney receive a copy of the victim impact statement. There may be many additional reasons that would be important to explore. This information would be helpful for those who distribute victim impact statement information to understand and to ensure victims are able to make fully informed and thoughtful decisions.

Those Who Had A Third Party Victim Impact Statement Submitted

As previously discussed in the literature review, third party victim impact statements are sometimes submitted regarding the perceived impact an abuse experience has had on a victim, and is usually written by a helping professional. This format may be considered more desirable for many reasons, such as the young age of the victim, illiteracy or other inability to complete a statement, or to protect the victim from potential cross-examination in court.

It would be interesting to speak with those who have had a third party victim impact statement prepared on their behalf to explore their perceptions and experiences.

Those Who Prepared A Victim Impact Statement But Did Not Have It Submitted Due To An Acquittal

In my search for potential participants I had contact with one adolescent female who prepared a detailed victim impact statement for her crown attorney, but did not have it submitted as her alleged offender was acquitted on the sexual abuse charges. She felt extremely disappointed that this statement was not shared. She had taken considerable time to prepare it and had reportedly hoped for both the judge and the accused (her brother) to hear it in court.

At present, most victims are introduced to a victim impact statement by a helping professional very soon after disclosure, when it is impossible to predict whether it will ever be used. A new area for exploration would be discussing with individuals whose statements were never heard whether the experience of writing a victim impact statement was still valuable or whether the disappointment made them regret having done so. This may assist professionals and family members to know whether more time is needed to reinforce with victims that a victim impact statement is only a potential submission for court. It may also provide information as to other forums or vehicles for expressing the impact of this crime, such as in therapy as opposed to court.

Impressions Of Court Personnel

I am often asked whether I think a victim impact statement has any bearing on sentencing in cases of child sexual abuse. I believe it is an avenue worth exploring in terms of the perceptions of judges as to the purpose and use of victim impact statements in these cases. It would also be interesting to speak with crown attorneys and defense lawyers regarding their experiences with cases involving a victim impact statement and what their perceptions of it were. Comparing the adult experiences with those of child victims would be interesting as well. It would also be worth noting whether the perceived purpose of a victim impact statement matched the expressed intended purpose as outlined by the Ministry of the Attorney General and Department of Justice Canada.

Younger Victims

At the outset of my study I was advised by several of the professionals with whom I consulted to really focus my research in terms of age and gender of my participants. I believed this to be important advice and therefore I limited my contacts to interviews with adolescent females. Opportunities to interview younger children were presented to me by my referral sources and I certainly felt intrigued by this possibility. My work with children in court preparation groups leads me to believe strongly that younger victims also have much to share regarding their experiences with court and victim impact statements. With the very young it is much more likely that a third party statement would be submitted. Ethical

considerations would have to be paramount in making research plans with a younger population, and the inclusion of parents would be much more probable and preferable.

The experience of younger child victims is certainly one worth exploring with very careful consideration.

Male Victims

Two of my referral sources contacted me to enquire whether I would consider a male participant for my study. I did consider expanding my participant profile, but after much discussion and thought decided to remain focussed on female participants.

Research indicates that one in eight males will be sexually assaulted by age 18, therefore I believe this is a population that it is important we hear from if we are going to adequately meet their needs.

Further study involving collection of stories and experiences from male victims is imperative.

Adult Experiences With A Victim Impact Statement

As was discussed in the literature review section regarding the Bernardo case, victim impact statements can be an important vehicle for adult victims to participate in the court process as well. Adult victims may feel better able to handle the possibility of cross-examination or may feel more strongly about preserving their privacy than child victims.

Certainly each individual would have a unique experience to share should they choose to, and research into these experiences could prove very valuable.

Conclusion

Although I feel my research has provided me with a wealth of knowledge and understanding about the experiences of the participants in preparing a victim impact statement, I also am left feeling that the research possibilities are endless. Further studies, especially those qualitative in nature can provide rich insight into the experiences of individuals with victim impact statements and the court process.

It is essential that once discovering this information researchers find a way of sharing it with the public so that we can learn from the work of others and put research data to maximum use. The significance of this research is two-fold. The findings are important to professionals working with child and adolescent sexual abuse survivors, especially those involved in the court process. Publication of this thesis is the start of disseminating this information to those who can put it to use.

I am told by the participants that the process was helpful to them and that they in turn believe the information will be helpful to other young people. I hope that this is what I have achieved in compiling the stories of my participants into the We're Not Victims, We're Survivors booklet. I will be forever grateful to the courageous young women who so generously shared their experiences with me. It is our hope that through distribution of the

booklet and publication of this thesis, their words will be inspiration to helping professionals and support to other survivors.

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Appendix A

Victim Impact Statement: An Information Guide

Victim Impact Statement

An Information Guide



What is a Victim Impact Statement?
A Victim Impact Statement is an opportunity for you to tell the court how a criminal offence has affected you and the people close to you.

Who may complete a Victim Impact Statement?
Anyone who is a victim of a crime may complete a Victim Impact Statement. If the victim has died or is not able to complete one, a family member may complete the Statement instead.

Why should I complete a Victim Impact Statement?
A common complaint about the Criminal Justice System is that the victim of an offence may feel neglected. The Victim Impact Statement gives you an opportunity to express your feelings about the loss you may have suffered as a result of the criminal offence.

How will my Victim Impact Statement be used?
The information that you provide in the Victim Impact Statement is useful for the Crown Attorney in understanding the full effect of the offence, in preparing the case, and deciding what to say to the judge about how the crime has affected you. A copy of the statement is given to the defence lawyer and may be seen by the accused. In some cases the Victim Impact Statement is filed with the court at the time of sentencing. If this happens, the judge will receive a copy of your Victim Impact Statement. You may be asked questions in court by the defence counsel about what you have said in your statement. Once your statement is in the

court file, it is part of the public record and may be seen by a Probation Officer or by the National Parole Board. For example, if the offender is put in jail, the Victim Impact Statement could be used to help determine conditions for the offender's release.

Do I have to complete a Victim Impact Statement?
No. Completing a Victim Impact Statement is voluntary. You may complete only part of the Statement. You may also feel that some of the sections are not important or you may feel uncomfortable about filling them out; you do not have to fill these in.

How do I complete the Victim Impact Statement?
The Victim Impact Statement is to be written in your own words. You may use extra pages for your Statement or complete only as much as you want. This information should be as accurate as possible, because it may be given to the judge. If you are making comments about financial loss or damage to property, you should attach receipts, if available.

Please remember that the Victim Impact Statement is about you, not the accused. Please avoid vengeful comments; instead concentrate on the impact on you and your family. Generally, suggestions about the penalty are not helpful since it is entirely up to the judge to make that decision. You may, however, wish to express any concerns you have about probation conditions. For example, it may be important for you to say whether you do or don't want contact with the accused.

May I ask someone to help me complete a Victim Impact Statement?
Yes. If you are having difficulty with your Victim Impact Statement (or if the victim is a child), a victim support group or family member may help. It is important to remember that this is your Statement and that it should be in your own words.

If I provide a Victim Impact Statement does this mean I will have to come to court?
Not usually. Your Victim Impact Statement may be filed in court and be used by the judge and Defence Lawyer. If your Victim Impact Statement is filed in court, very occasionally, the Defence Lawyer may wish to cross-examine you, that is, ask you questions about your Statement.

You may be asked to come to court to testify about the effect the crime has had on you. The Crown Attorney will make every effort to take into account your feelings about this matter.

Will I receive compensation for the financial impacts I describe in my Victim Impact Statement?
Providing information about the financial impact of a crime will not necessarily lead to compensation for you. Your lawyer, a victim support group or the Criminal Injuries Compensation Board office nearest you may be able to provide you with information and assist you in this matter.

Where should I return my Victim Impact Statement?
Your Statement should be returned as soon as possible to the police or the Crown Attorney responsible for the case.

May I update my Victim Impact Statement?
If you have new information about the effects of the offence, you may update your Victim Impact Statement by contacting the police or Crown Attorney responsible for the case. Updated information may also be useful for the National Parole Board in considering the release of the offender.

For further assistance, please contact:

- Women's Safety Response Team
1466 326-2200 TDD 1466 326-4012
- Victimised Women - Helpline
1466 861-0911 TDD 1466 916-0216
- Women - Safe Place
1466 861-0911
- Victim Support - Rape, Child Abuse, Elder Abuse
1466 326-2200
- Victim Support - Child Abuse
1466 326-2200
- Victim Support - Elder Abuse
1466 326-2200
- Victim Support - Child Abuse
1466 326-2200
- Victim Support - Elder Abuse
1466 326-2200
- Victim Support - Child Abuse
1466 326-2200
- Victim Support - Elder Abuse
1466 326-2200

Additional copies of this pamphlet may be obtained by contacting:

- Communications Branch
Ministry of the Attorney General
720 Bay Street
1st floor
Toronto ON M5G 2K1
(416) 326-2200

Appendix B
Victim Impact Statement Form



Original/Originale

Update/Mise à jour

Please return this form as soon as possible, upon request by police.
 Veuillez retourner la présente formule dès que possible sur demande de la police.

TO BE COMPLETED BY POLICE/À REMPLIR PAR LA POLICE

Date

Victim's Name/Nom de la victime

Family Name/Nom de famille

First Name/Prenom

Accused's Name/Nom de l'accusé

Family Name/Nom de famille

First Name/Prenom

D.O.B./Date de naissance

Investigating Officer/Agent enquêteur

Family Name, Rank, Badge Number / Nom de famille, grade, n° de matricule

Telephone

Local Services for Victims of Crime

(To be completed by local police agency before distribution) Any local instructions about delivery and returns of forms, as well as local victims' services (eg. counselling, women's crisis centres etc.), should be included here.

Services locaux à l'intention des victimes d'actes criminels

(à remplir par le corps policier local avant distribution). Toutes les consignes locales concernant la livraison et le retour des formules, ainsi que les services locaux aux victimes (consultations professionnelles, centres pour femmes en détresse, par exemple) devraient figurer ici.

(POLICE ADDRESS/DATE/ STAMP)(ADRESSE DE LA POLICE/DATE/TAMPON)

Name of Victim (please print)
Nom de la victime (en caractères d'imprimerie)

Name of Accused (please print)
Nom de l'accusé (en caractères d'imprimerie)

1. PERSONAL REACTION -

Please describe how this offence has affected you? (Please attach extra sheets, if needed)

1. RÉACTION PERSONNELLE -

Comment l'infraction vous a-t-elle affecté? (Vous pouvez utiliser d'autres feuilles au besoin.)

Name of Victim (please print)
Nom de la victime (en caractères d'imprimerie)

Name of Accused (please print)
Nom de l'accusé (en caractères d'imprimerie)

2. PHYSICAL INJURY –

Please list the injuries and the treatment you received, including any permanent disabilities. (Please attach extra sheets, if needed.)

2. PRÉJUDICE PHYSIQUE –

Veillez énumérer les blessures et les soins que vous avez reçus, y compris toute invalidité permanente). (Vous pouvez utiliser d'autres feuilles au besoin.)

.....
Signature of Victim/*Signature de la victime*

Name of Victim (please print)
Nom de la victime (en caractères d'imprimerie)

Name of Accused (please print)
Nom de l'accusé (en caractères d'imprimerie)

3. FINANCIAL IMPACT – Please list any financial loss you may have suffered as a result of this incident. For example, medical expenses not covered by insurance, lost wages, any property that was damaged, destroyed or lost and the value of that property. Please attach copies of all bills, receipts or estimates you may have. (Please attach extra sheets, if needed.)

3. CONSÉQUENCES FINANCIÈRES – Veuillez énumérer les pertes financières que vous auriez subies par suite de cet incident. Par exemple, frais de soins médicaux non couverts par l'assurance, perte de salaire, bien endommagé, détruit ou perdu et valeur de ce bien. Veuillez joindre les copies de factures, reçus ou estimations dont vous disposez. (Vous pouvez utiliser d'autres feuilles au besoin.)

OTHER COMMENTS –
(Please attach extra sheets, if needed)

AUTRES REMARQUES –
(Vous pouvez utiliser d'autres feuilles au besoin)

If you have completed this statement on behalf of the victim, please indicate why, and what your relationship is to the victim.

Si vous avez rempli la présente formule au nom de la victime, veuillez en indiquer la raison ainsi que votre lien avec la victime.

(PLEASE PRINT, EN CARACTÈRES D'IMPRIMERIE)

Family Name/Nom de famille

First Name/Prenom

Relationship/Lien avec la victime

Reason/Raison:

The statements I have made are true to the best of my knowledge

Autant que je sache, les déclarations que j'ai faites sont exactes

Date

19

(Signature of Victim or of Person Completing this Form)

(Signature de la victime ou de la personne qui remplit la formule)

Appendix C

We're Not Victims, We're Survivors Cover Page

"WE'RE NOT VICTIMS - WE'RE SURVIVORS"



**FOUR ADOLESCENT GIRLS REFLECT
ON THEIR EXPERIENCES OF
DISCLOSING SEXUAL ABUSE,
GOING THROUGH THE COURT PROCESS, AND
WRITING VICTIM IMPACT STATEMENTS FOR USE IN COURT
AT THE TIME OF THEIR OFFENDERS' SENTENCING**



Copyright, 1996

Overview

Introduction and Background Information

The Investigation

Waiting Time - Preparing For Court

Learning About And Preparing A Victim Impact Statement

Going To Court/Testifying

Delivering Or Submitting A Victim Impact Statement

Positives And Negatives Of The Court Experience

Words of Wisdom - Suggestions

Resources

Inserts

Appendix D

Victim Impact Statement Overview For Children

PREPARING A VICTIM IMPACT STATEMENT WHEN THE VICTIM IS A CHILD

To Child and Teen Victims

A victim impact statement is like a letter to the judge telling him/her how the abuse has affected your life. Your feelings are important to the judge. Your statement should be written in your own words about your own feelings.



If you think you need help putting your thoughts down on paper, ask an adult you trust to help you. Some adults you may wish to ask are:

- parent
- police officer
- victim-witness assistance staff
- social worker

This form gives examples of what some other children and teens have written about in their victim impact statements for court. You may not have had feelings about or problems in any of the areas listed on the back of this form. What you write must be an honest statement of your own feelings and experiences.

You will Need



- a pen or pencil
- some paper or the VIS form
- a comfortable place to write
- an adult you trust if you need help



Points to Remember

- Do not include rumours; stick to the facts.
- Ask your crown attorney when your victim impact statement should be handed in.
- The accused and defense attorney will receive a copy of your statement.
- Victims who hand in a victim impact statement that is heard in court may be cross examined on it.

To Child Advocates (parents/support persons)

If you are helping a child in writing his/her victim impact statement, please read the attached Information Sheet. It is important to determine who is the best person to complete the child's statement. If it cannot be the child, who can best write the statement (using the child's own ideas and words)?

Parents or family members can choose to write their own victim impact statement. Guidelines are available from your Victim-Witness Assistance Program or local police department.

*This form was created by:
Denyse Rodger, Coordinator, Hamilton Victim-Witness Assistance Programme,
Leslie Walberg-Hegan, School Social Worker, The Board of Education for the City of Hamilton,
with input from various professionals in the field of child sexual abuse.*



HAPPY



LONELY



EXCITED



CONFUSED



SAD

What Are Your Feelings?



ASHAMED

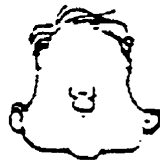
<p style="text-align: center;">The Offender</p> <p>How did you know him/her? How did you feel about him/her before the abuse? How do you feel about him/her now?</p>	<p style="text-align: center;">The Family</p> <p>Have there been any changes to your family? How would you describe your relationships?</p>
<p style="text-align: center;">Time of the Abuse</p> <p>What were your thoughts? How did you feel?</p>	<p style="text-align: center;">School</p> <p>Have there been any changes in school?</p> <ul style="list-style-type: none"> •grades •attendance •feelings •concentration •activities •relationships with children or teens, and teachers
<p style="text-align: center;">When You Told Someone</p> <p>How did you feel when you told someone? What was it like to talk about what happened? What was their reaction?</p>	<p style="text-align: center;">Court</p> <p>What was it like to wait for court? What were your feelings about court? What was testifying like? How do you feel about the verdict?</p>
<p style="text-align: center;">Seeing the Doctor</p> <p>What was that like for you?</p>	<p style="text-align: center;">Future</p> <p>What would you like to see happen in your future?</p>
<p style="text-align: center;">Daily Life</p> <p>What is life like now? Compare it to before the abuse? Have there been any changes in your sleeping, or eating habits. Has there been any change to your general mood? Has your daily routine changed? Do you have any worries? Have you had nightmares or fears?</p>	<p style="text-align: center;">Friends</p> <p>Have your friendships changed since the abuse?</p>



FRIGHTENED



ANGRY



SHY



SURPRISED



ANXIOUS



EMBARRASSED



HOPEFUL



RELIEVED



DEPRESSED



GUILTY



CONFIDENT

Appendix E

VICTIM IMPACT STATEMENT EXAMPLE

On November 1st, 1993, I answered the door to see two solemn-looking detectives standing there waiting to inform me that my husband Robert had been murdered.

Robert was murdered on a Monday and by Friday I was back in Canada to face his parents.

Within that week I learned that this wasn't a nightmare, it was reality. Being subjected with the press at my door, relatives coming down to comfort me, leaving new-found friends behind, having to tell my son who was four years old at the time that he would never see his dad again and accepting that reality myself are all things I never thought I would be dealing with in this lifetime.

The following week, upon my arrival home, I was to learn my mother had terminal cancer. I was feeling so empty and emotionally drained with thoughts of Robert, I found I couldn't give her the support she deserves.

This crime has taken its toll on us financially. I have been forced to go on welfare, finding it very hard to make ends meet. Moving expenses, funeral costs, airfares, etc. had to be taken care of by Robert's parents as well as them having to open their house to my son Scott and myself for the months until we were able to afford an apartment of our own. I am taking courses to upgrade as well as volunteering as I am not emotionally stable enough to be in a working environment at this time.

While living at my in-laws', I found it necessary to put on a front of strength, if not for their sake then for my son's. I found myself denying my emotions and feelings which in turn led to weight gain, anxiety attacks, many sleepless nights, and consequently depression. Counselling has been an immense help but the healing process will never end.

A sense of fear has taken over my life—the constant awareness of my surroundings to the point of carrying an alarm 24 hours a day, looking out of windows, listening at the door and being suspicious of everyone around me. Seeing a few teenagers at a mall is enough to trigger feelings of fear and anger, often causing me to leave immediately.

While I love and trust my son, I am concerned for his future. Without the advantages of growing up in a normal family atmosphere, he could have built-up anger which in turn could affect his adulthood in a very negative manner. I'm worried that having experienced this violation at such an early age he may choose to take the wrong path.

In my opinion, at 17 years of age you know the difference between right and wrong. If robbery was the only intent in this crime, why was a loaded gun involved? Why was a shot fired? Why not just a knock over the head? The excuse of panicking is feeble. I only hope my husband did not suffer.

I ask: If these men can murder at 17, what will they be capable of in the future? How many more lives will be ruined? How many widows and fatherless children will these men leave behind them? How many more children will be asking their mother or father, as my son Scott has asked me: "Did it hurt Daddy? Did he cry? I'm so sad Mommy, can I go to heaven to see Daddy for just one minute? Then I can see if he's happy and making everyone laugh like he made me. Please, Mommy, just for one minute, I promise I'll come right back." How many more children will suffer a lifetime of guilt in not remembering to give Daddy a hug before he left for work that day? I think enough tears have been shed by innocent children.

I know that my presence here will not bring back my husband but if I can save one family from going through the nightmare that our family has suffered, I know I've done my best and somehow I know my husband will know this also. Let him rest in peace.

For these reasons I ask that the court impose the maximum sentence.

Thank you for this opportunity to express myself.

Appendix F

CONSENT FORM

May, 1995

Dear

Thank you for your interest in my upcoming study in which I wish to explore the use of victim impact statements in court cases involving child victims of sexual abuse. This research is part of a doctoral program at the Ontario Institute for Studies in Education.

I have been a school social worker for five years, and part of my job involves being a support person for children and their families who are going through the court process. I know how hard it can be when children have to tell the story of the abuse over and over again to different helping professionals. My study is therefore only aimed at exploring experiences **after** telling someone about the abuse, **not the abuse itself**. I would like to hear about what it is like to write and share a victim impact statement, in particular.

If you decide to participate, I would like to meet with you at least three times. You can decide what times are the best for you and where you would feel most comfortable talking. The first time we meet I will explain more about this project and answer any questions you might have. After this meeting you can decide whether you want to participate, and if you do, you will sign this consent form. **You may, of course, withdraw your consent at any time. You may also "pass" on any question.**

The second time we meet will be for approximately 75-90 minutes. I would like to talk with you about your experiences with victim impact statements and court. I would like to tape this session, with your permission. This will help me when I put your story together after we have met.

The third time we meet I will share what I have written with you so that you can check to make sure it is accurate. I would appreciate any feedback from you at any time. My hope is to put together a booklet of stories to be used to help others who are going through the same thing. I will give you a copy of this booklet should it be produced.

You will be asked to choose an alternate name to protect your anonymity. I will keep all tapes and written work in a locked filing cabinet, and destroy all "raw data" after the project is complete. My supervisor and a typist will be the only other people to see the information in this form.

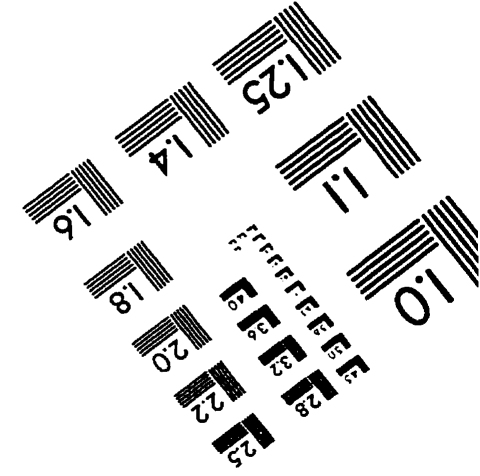
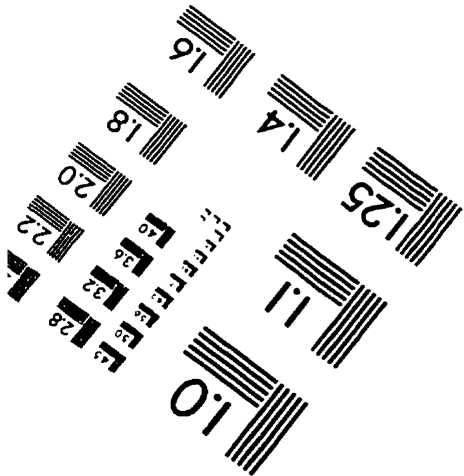
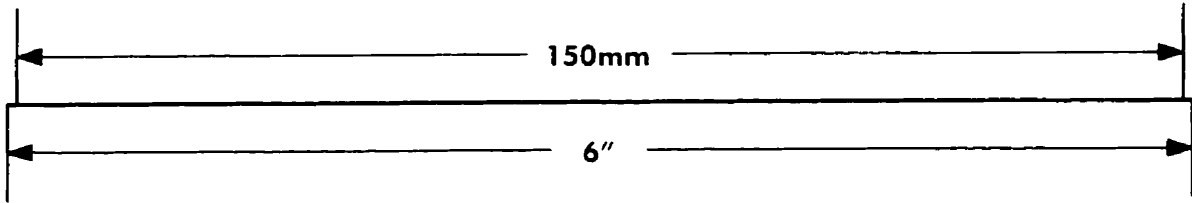
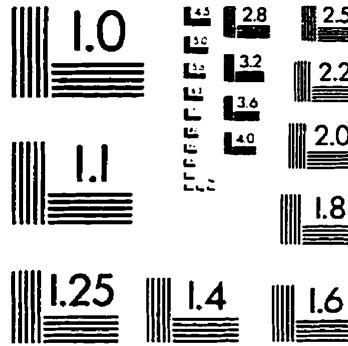
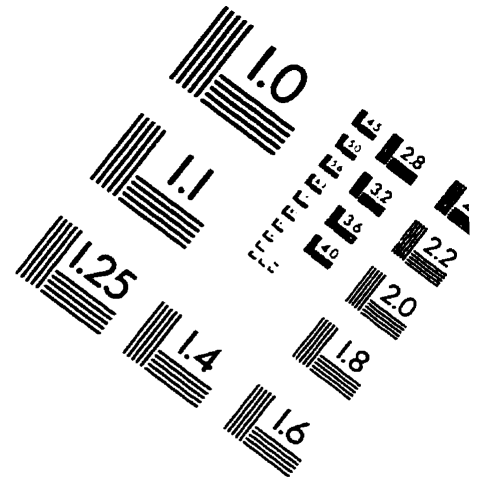
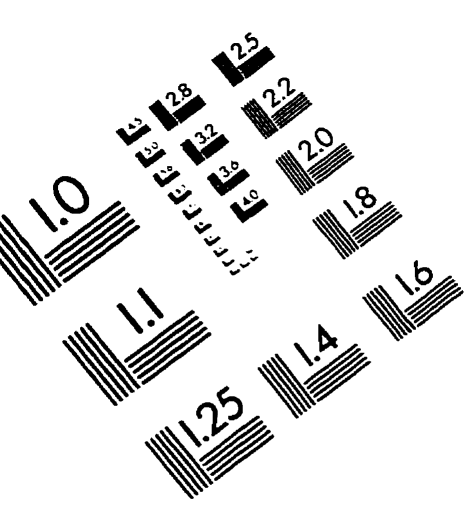
I would be pleased to answer any of your questions at any time. I can be reached at 549-6886,(am), and 549-3076,(pm) Thank you for considering participation in my study.

I, _____, agree to participate in this research and know I can **withdraw at any time.**

(Signature)

(Date)

IMAGE EVALUATION TEST TARGET (QA-3)



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