

Relational Caring: The Use of the Victim Impact Statement by Sexually Assaulted Women

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The victim impact statement (VIS) is a written account of harms experienced as a result of crime. This study investigates VIS use by sexually assaulted women through interviews with Canadian victims, victim services workers, and feminist advocates ($N = 35$). Findings suggest that victims use the VIS to express relational caring. Relational caring is an ethic of care that prioritizes others through privileging the harms experienced by others because of witnessing the sexual assault or coping with the victim's postassault sequelae, protecting future or hypothetical victims, and promoting the interests of intimate partner offenders. Relational caring challenges traditional conceptions of victim agency and VIS use for instrumental purposes, as well as the targets and temporalities of sexual assault harms that are detailed in the statement. Relational caring has unique implications for victims who are mothers, especially those abused as minors, and for intimate partners. Legal, therapeutic, and social service consequences are discussed.

Keywords: sexual violence; intimate partner violence; sentencing; parole; victim services; victim input

The victim impact statement (VIS) as it is referred to in Canada and the United States is also known as the victim personal statement (VPS) in England and Wales (Erez & Roberts, 2007). It is a victim's written account to the court of the physical, psychological, and financial harms experienced as a result of an act for which a defendant has been found or has pled guilty. Of all reforms initiated by the victim's rights movement, the VIS is considered the most significant (Bandes, 2009). It is simultaneously and contradictorily praised as a tool of voice and empowerment for victims and the proceduralizing of opportunity for their vengeance and continued helplessness (Sheley, 2012).

Despite increasing interest in the particularities of the VIS, most examinations include sexually assaulted women as only one of several groups under consideration (e.g., Erez & Tontodonato, 1992; Lens, Pemberton, & Bogaerts, 2013; Leverick, Chalmers, & Duff, 2007). Yet differently crimed victims' experiences may vary throughout the criminal justice system, which may influence VIS motivation and use (Konradi & Burger, 2000). Only rarely has the VIS been examined exclusively in the context of sex crimes (Du Mont, Miller, & White, 2008; Konradi & Burger, 2000; Leichtentritt & Davidson-Arad, 2002, 2006; Miller, 2013; Regehr & Alaggia, 2006; Ruparelia, 2012; Walsh, 1986). Although important, these studies generally suffer from shortcomings that limit their usefulness

in understanding the lived experiences of sexually assaulted women such as the focus on statements written by professionals for sexually abused boys and girls (Leichtentritt & Davidson-Arad, 2002) or a failure to include empirical data to support their claims (Ruparelia, 2012).

Much remains unknown about the unique motivations, strategies, and experiences of sexually assaulted women who have completed a VIS. This article is designed to address these issues. It begins with a canvass of VIS research. It next discusses findings drawn from interviews with victims, victim services workers, and feminist advocates ($N = 35$) across Canada. It concludes with a discussion of the broader social, legal, and therapeutic implications of an ethic of care, which prompts victims to use the VIS to prioritize the harms and the needs of others.

THE VICTIM IMPACT STATEMENT

In Canada, where this study took place, the 1988 introduction of the VIS represented the first mention of the word “victim” in the Criminal Code (Wemmers, 2005). Following conviction and before sentencing, a Canadian victim is eligible to submit a VIS. It must be completed by the victim on a specific form obtained only from a provincial or territorial victim services office, although others such as victim services workers or social workers may provide limited assistance in its preparation (Du Mont et al., 2008). Although procedures for VIS submission vary slightly across the country, typically a victim services officer will, following a finding of guilt, obtain a completed VIS from the victim and forward it to the prosecutor who then provides copies to the judge and defense attorney. At this point, the victim may be cross-examined on the content of the VIS or may be permitted to read it aloud during the sentencing hearing.

Judges in adult and youth courts are required to ask whether a victim has been advised of the opportunity to prepare a VIS and to consider it during deliberations where one has been submitted. A victim also has the legislated right to have the VIS considered during a review hearing for an offender considered not criminally responsible on account of mental disorder and at a parole hearing for an offender serving more than 2 years (Corrections and Conditional Release Act, S.C. 1992; Criminal Code, R.S.C. 1985). In principle, this is how the VIS should operate. In practice, the failure of sentencing courts to make the required inquiry does not affect the validity of the proceedings (Barrett, 2008), and contrary to law, judges do not always open or read victims’ statements (Alberta Justice, 2006; Miller, 2013).

Submission rates for the VIS remain quite low across all crime types. Statements appear in approximately 10%–23% of cases in Canada and between 15% and 30% internationally (Giliberti, 1990; Leverick et al., 2007; Roberts & Edgar, 2006; Sanders, 1999). A VIS author is most often female, vulnerable, a victim of violent crime or personal injury, victimized at home, harmed by a known or male offender, or has had the case proceed to trial versus plea bargain (Cole, 2003; Erez & Tontodonato, 1990; Lens et al., 2013; Meredith & Paquette, 2001). Fewer victims choose to verbally present than to submit written VISs or attend sentencing (Cole, 2003; Konradi & Burger, 2000). Those who read VISs aloud in court are most often White or hold higher occupational status (Konradi & Burger, 2000; Villmoare & Neto, 1987). Many victims expect the VIS to have an instrumental effect, that is, to influence the quantum and severity of the sentence (Erez, Roeger, & O’Connell, 1996). However, no evidence exists to suggest systemic instrumental influence

in Canada or internationally (Roberts, 2009). The disjuncture between instrumental beliefs and the reality of most case dispositions often causes victims considerable distress (Arrigo & Williams, 2003; Roberts, 2009).

The use of the VIS at parole is infrequent in Canada (Parole Board of Canada, 2011) and the United States (Caplan, 2010). Many victims are uninformed they may do so (Kilpatrick et al., 1989). In Canada, sexual assault victims or families of murder victims are the most likely to submit a VIS for parole board consideration (Department of Justice Canada, 2013). Unlike the clear absence of instrumental impact at sentencing, research is mixed on whether the presence of a written or verbally delivered VIS delays release from prison (Caplan, 2010).

VIS AND SEXUAL ASSAULT

The uniqueness of VISs written by women in the context of sex crimes has been suggested by the few published studies (Du Mont et al., 2008; Miller, 2013; Walsh, 1986) and reports of empirical findings (Du Mont, Forte, & Miller, 2004; Du Mont & Miller, 2004, 2007; Miller, 2005, 2007; Walberg-Hegan, 1997) that specifically focus on this victim population. Qualitative examinations of sexually assaulted women's broader participation in the criminal justice system (Konradi & Burger, 2000; Regehr & Alaggia, 2006) and some multicrime VIS studies (Rogers & Erez, 1999; Schuster & Proppen, 2006, 2010) also support this perspective.

Multiple authors have found that rape mythology—those highly codified and deeply embedded stereotypes of what may be deemed a “real rape” and who may be convincingly portrayed as a “real victim” (Du Mont, Miller, & Myhr, 2003)—has influenced to some degree how judges interpret or use the VIS. Rogers and Erez (1999) found judicial valuations of harms in Australia were dependent on whether the VIS author was “a prostitute compared to a respectable citizen” (p. 278) or whether her assault was seen as particularly egregious such as in a “grannie rape” (p. 271). Similarly, an American study (Schuster & Proppen, 2006, 2010) found that judges continued to evaluate VISs against notions of victim “complicity” and blameworthiness. Victims who were sexually assaulted by men they were dating, or who had been drinking prior to the assault, were considered less innocent of the assault than those victimized by strangers. In Canada, Ruparelia (2012) argued the VIS is “more likely to be used to discredit women's claims than validate them when it comes to sexual assault” (p. 665). In another study (Du Mont & Miller, 2007; Du Mont et al., 2008), the VIS-related guidance offered by Canadian sexual assault care social workers was influenced by concern with the justice system's continued acceptance of rape myths. Although social workers strongly believed that victims derived therapeutic benefits from narrating experiences of harm for court purposes, they were preoccupied with ensuring that victims did not submit angrily worded or overly detailed VISs, which might provoke judicial ire or cross-examination (Du Mont et al., 2008).

Feminists continue to be troubled by concerns that the potential risks of secondary trauma or legal jeopardy that VIS submission poses outweigh its possible therapeutic benefits (Du Mont & Miller, 2007; Miller, 2005; Regehr & Alaggia, 2006). Regehr and Alaggia (2006) cautioned that feminist therapists' recommendations to clients that the VIS is a possible conduit of emotional healing might be counterproductive because the legal system's primary consideration is with due process for offenders, not the needs of victims. Nevertheless, despite negative experiences such as defense challenges to the crime details

contained in the VIS, or distress upon learning that judges would not permit the VIS to be read aloud, sexually assaulted women indicated that they would still recommend the VIS to other victims (Miller, 2007).

Recently, Miller (2013) found that sexual assault victims were at risk of legal and emotional harm when their own statements were used against them in nonsentencing contexts. Several former intimate partner offenders submitted VISs prepared for trial court as a means of introducing in family court evidence of victims' psychological instability. Victims' evocative, narrative descriptions of post-sexual assault emotional sequelae prompted some family court judges to limit or revoke their custody rights. Nonetheless, Miller (2013) stopped short of cautioning against VIS use because victims also demonstrated success at leveraging their sentencing VISs in other proceedings, for example, at a human rights tribunal and in small claims court.

These studies are important first steps toward identifying the nature and extent of the uniqueness of the VIS in the context of sex crimes against women. Yet their rarity, combined with the methodological shortcomings of many of the studies including datedness of findings (Walsh, 1986) or the absence of the perspectives of adult authors of the VIS (Du Mont et al., 2008; Leichtentritt & Davidson-Arad, 2002; Walberg-Hegan, 1997) warrants further research.

METHODS

Data were collected during an exploratory study (2006–2009) on the use of VISs written by women who had been sexually assaulted in Canada. For the purposes of this article, data were restricted to qualitative interviews conducted with 35 participants ($N = 35$): victims ($n = 11$), victim services workers ($n = 20$), and feminist advocates ($n = 4$). Audiotaped, semistructured interviews each lasted 60–90 min in length. Two victims completed two interviews after recontacting the researcher to provide further details. Participants also shared VISs, trial transcripts, and policy and practice manuals.

Recruitment

The author's academic institution and two participating provincial government ministries responsible for victim services in Central and in Eastern Canada granted ethical and study approvals. Recruitment was guided by purposeful sampling (Patton, 1990) using criterion-based selection (Le Compte & Preissle, 1993) which identified victims and victim services staff as among those most likely to have VIS experience, and by theoretical sampling (Glaser & Strauss, 1967) which suggested that advocates could provide novel insight. Participants were required to communicate in fluent English. Victim inclusion criteria also included (a) adult woman, (b) sexually assaulted as a minor or adult, (c) VIS submission, and (d) case conclusion with neither ongoing nor pending appeal. Nonvictim inclusion criteria were (a) adult and experience either in (b) VIS support or (c) VIS policy, administration, or case law.

The author approached a national network of not-for-profit sexual assault crisis centers and two provincial ministries (Central Canada, Eastern Canada) responsible for victim services for assistance with the recruitment of victims. Citing policy directives and privacy laws, respectively, two declined. Only the Eastern Canada Ministry agreed to assist, and after applying study inclusion criteria, identified and contacted 11 victims who agreed to

the release of their information. Following researcher contact, 10 chose to participate in this study. One victim from Central Canada self-referred after she learned of the study through her colleague.

Both provincial ministries agreed to assist with staff recruitment. Managers advertised the study and forwarded the names of interested staff who fit study criteria. All those who expressed interest agreed to participate in the study (Eastern Canada, $n = 11$; Central Canada, $n = 9$). Four advocates in Western and Central Canada were recruited by the researcher through outreach to feminist organizations and snowball sampling (Warren, 2001).

All participants provided verbal informed consent. They were neither required to sign written consent forms nor provided with standard research disclosures, which could place interviews at risk of subpoena (Lowman & Palys, 1999; Palys & Lowman, 2000).

Participants

At interview, victims were 25–52 years of age, with an average of 41 years. All were White. Eight victims experienced penetrative (oral, anal, and/or vaginal) assaults; three experienced nonpenetrative assaults (fondling, grabbing). In eight cases, victims knew their offenders: three were current or previous partners, three were fathers or men who acted in that role, one was related by marriage, and one was the victim's employer. Three offenders were strangers. In three cases, children or siblings of victims witnessed or were within hearing distance while the sexual assaults took place.

Six victims were assaulted as adults in 2002 or more recently, and one was assaulted in the mid-1980s. Four victims were assaulted as minors during the late 1960s or the 1970s. Victims assaulted as adults reported to the police immediately or up to 1 month after the assault. Victims assaulted as minors reported to police 24–31 years after the assault. The time between police reporting and trial conclusions ranged from 4 months to 1.5 years for victims assaulted as adults and from 1 year to 5 years for those assaulted as minors.

Ten offenders were convicted of sexual offences; one was convicted of nonsexual assault. VISs described post-sexual assault harms from the time of the assaults to the sentencing hearings. Six victims also read aloud their VISs. An additional three victims desired to allocute but were prevented by the judge or not apprised of the opportunity at the time. Three of four eligible VISs were subsequently submitted to the federal parole board.

Twenty victim services workers who provided VIS information and assistance were interviewed. Eastern Canada staff ($n = 11$) ranged in age from 31 to 60 years, with an average of 46 years; one was a man, and the others were women. Staff had worked in victim services from 2.5 to 15 years, with an average of 9 years. Central Canada staff ($n = 9$) ranged in age from 27 to 51 years, with an average of 37 years; all were women. Staff had worked in victim services from 1 to 10 years, with an average of 5 years.

Four feminist advocates were interviewed. Advocates provided VIS-associated legal advice or frontline counseling to victimized women including those who had been sexually assaulted and those who had come in conflict with the law. All were women ranging from 48 to 61 years of age; one woman declined to provide the information. Employment in current position ranged from 2 months to 34 years.

Analyses

Verbatim transcribed interviews were analyzed inductively to focus on VIS-related conditions, interactions among actors, strategies and tactics, and consequences (Strauss, 1987). Using a qualitative analysis software (QSR International Pty Ltd., Doncaster, Australia),

preliminary codes were developed and applied, which were later condensed, investigated for interrelationships, and organized according to thematic content moving from lower order to higher order themes. For example, examination of victims' decision-making processes involving the details of VIS narratives revealed motivation aspects, which went beyond documenting personally experienced harms. These motivation aspects were next examined vis-à-vis interactions with others to reveal deliberate strategies including the protection of others and tactics such as information embeddedness. From the intersections among multiple practices, strategies, and consequences, an overarching ethic of care associated with VIS content, submission, and presentation was identified. This ethic of care was termed "relational caring" because it prioritized concern for others in a manner suggestive of protectiveness, care, and commitment, irrespective of whether the other individual was kin, stranger, or hypothetical.

FINDINGS

Participants are identified by their roles as victim (V), victim services worker (VSW), and advocate (A). Findings are drawn predominantly from interviews, with supporting evidence drawn from VISs where noted.

Relational Caring

Victim participants consistently demonstrated a strong moral sense of responsibility for the safety and emotional well-being of others and a desire to protect them from physical, psychological, or other harms. This behavior was also noted by advocates and victim services staff to occur among victims to whom they provided advice or assistance.

Relational caring was enacted through the VIS in three distinct ways: (a) at sentencing, by privileging or prioritizing the harms experienced by others as a result of witnessing the sexual assault and/or of coping with women's postassault sequelae; (b) at sentencing and parole, by protecting other women/future victims through VIS submission and verbal delivery; and (c) at sentencing, by promoting the interests of the intimate partner offender. Each of these components is individually discussed in the following texts.

Privileging Harms Experienced by Others. An intrinsic component of relational caring was victims' privileging or prioritizing the harms experienced by others as a direct consequence of the assault or of coping with victims' negative responses. Victims considered the individual and unique harms experienced by others to be an important consideration which the court should hear. In the following example, a victim describes how she wanted the court to know that her postassault reactions, including coming in conflict with the law as a juvenile, were experienced as significant emotional harms by her loved ones:

I wanted to write about how [multiple sexual assaults] affected not just me but the rest of my family. You know, by the time I was 13, I was running away from home. I was sent to [another province] to live with an uncle for a while. I was in a reformatory for a while. . . . It put strain on my whole family. . . . It's a domino effect. [Sexual assault] doesn't just stop with you; it affects others. (V)

Women who were mothers at the time of their sexual assaults were particularly concerned about articulating the negative postassault sequelae experienced by their children:

How did I want my life portrayed [in the VIS] as a result of this assault? . . . Like it affected me, but when I come home and cry in front of my kids, it affects my kids 'cause they see me upset. I can't explain to them what happened. At this age, they don't understand. (V)

Women who had been assaulted as children or adolescents reflected that despite the long lapse of time between the assault and their roles as mothers, their children often bore the brunt of postassault sequelae. One victim suggested that the full ramifications of the assault were only evident after she became a mother, and constituted ongoing harm to her relationship with her son:

To actually say [in the VIS], how [sexual assault] impacted my life would be much harder to write when you're young. Because for me, back then, it only affected that day, that couple of years. School was terrible, my grades were terrible . . . but that was just little stuff . . . Until you enter certain life experiences, you don't know how the rape affected you. . . . When you have your first child, it all comes up again . . . Then, when [son] started going through puberty, I was different towards him. If he walked around with his top off at [age] 13, which is so innocent, just to walk from the bedroom to the kitchen, it would really bother me . . . I was moody with him. (V)

All victim participants felt stymied by the rules explained to them by victim services staff regarding permissible VIS content at sentencing. These rules were adapted from policy directives derived from Canadian case law on the VIS (Roberts, 2009). They prohibited recommendations on sentence, pejorative or prejudicial commentary, and inclusion of details pertaining to crimes for which the defendant had not been found guilty. Several victims also believed that the rules restricted commentary to their own experiences and would not permit any mention of the harms experienced by their children as a result of victims' reactions:

[The VIS] is just how it impacts on *you* [emphasis added] which limits what you want to say. I found it really hard to put how it impacted [on] my family . . . but [assault] was stressful for [daughters] because they thought their mother was going to go bananas [crazy] afterwards. (V)

Victims dealt with their desire to include the effects on children by overtly or covertly embedding this information in their VISs. Some emphasized in their VIS the additional emotion work (Kontos, Miller, Colantonio, & Cott, 2014) or mothering work required to manage children distressed by news of the sexual assault. One victim wrote,

My daughters had to be told what occurred by phone. I had to find a way to be strong for them so that they wouldn't get too upset. This has been really hard on them . . . they feel angry and hurt, that he could have injured their Mother in such a manner. I'm trying to help them work out their emotions, but it is very hard to do when I haven't worked out mine yet. (VIS)

Others described the negative effects experienced by their families vis-à-vis victims' social roles as wives and mothers:

Through each new developmental stage, such as wife, mother, empty nest syndrome . . . I would again experience the impact of not having dealt with the rape and its destructiveness. (VIS)

Some mothers felt forced to leave out mention altogether of children, often to lingering regret:

I was led to believe that a [VIS] is, like, what impact it had on me and how I felt because I was the victim, not [toddler] . . . Because he was there [witnessed the assault], I was more concerned with him than I was with myself. I would have liked to have said more [in the VIS] about how it would impact my little one later on. But I was told [the VIS] is how I felt. So, what I wrote is mostly about me . . . But I think [the VIS] would have served a better purpose if he had had more part in it. (V)

Protecting Other Women/Future Victims. The protection of other women and future victims was a strong impetus for the written and verbal presentation of the VIS for most of the victims in this study as well as for many other victims as described by advocates and victim services workers. An advocate noted,

Sometimes, women pressure themselves to complete a statement because they feel they hadn't taken action during the process of their violation. And this is the way to fill that gap because they didn't fight back at the time . . . [Victims say] "I *need* [emphasis added] to do this for other women." (A)

Victims' protective practices toward others were perceived by victims and by victim services workers to originate from an essential nurturing female nature:

I just seen [the VIS] as something I needed to do. I had to do it. It was my responsibility as a woman to make sure that other women are safe. That's how I seen it. And being a mother and protecting my daughters, this was a way I could help and protect other people's daughters. (V)

For women who have female children, they write [the VIS] for them, I find. (VSW)

For many victims, the effectiveness of the VIS in facilitating their desire for the safety of others was linked to an instrumental understanding of the VIS. Participants reported that many victims believed that the VIS had an overall positive causal effect on imprisonment at the sentencing stage and that longer periods of incarceration would enable stronger protection for loved ones or potential victims. A victim commented,

[Offender] wouldn't have served time. He would have got a slap on the wrist and got away with it so that's why I made the [VIS]. To make sure he never touches a neighbor's kid or another child again, especially my sister. (V)

Several victims erroneously believed that the instructions which accompanied the VIS form specifically called for them to consider the needs of other or future victims. One victim used belief in this directive to help guide her VIS decision making:

It took me a long time to get my head around whether or not I wanted to [complete a VIS]. I didn't want to 'cause I'm a private person, and I was fine [after the sexual assault] . . . But I kept thinking, well, if not for yourself, is it good for anybody else? And the [the VIS] instructions did say that. The [instruction] form said, you know, "If this doesn't benefit you, it may benefit other people." I knew that in the back of my mind. So in the end, I did [the VIS] because I thought if it helps to keep him behind bars, or get him there, then I'll do it . . . You know, you've got to do what you've got to do. (V)

The responsibility of protecting others through use of the VIS was also extended to those who might be harmed or slighted professionally by the comments it contained. One victim edited her VIS to protect the police officers involved in the investigation:

What I did do [in the VIS], in addition to the [physical, psychological, and social] areas, I did write an extra piece . . . which went into some details about my experience of the police investigation, which I couldn't separate from what happened to me . . . Shortly before I was supposed to [verbally] deliver it, the [prosecutor] and one of the investigating officers took me aside . . . [They] did convince me to alter my VIS and to take [criticism of police] out. They said if I went ahead and said that, that would become the focus in the media, and all the good work they'd done would be for nothing . . . And I caved. (V)

When evaluating how the VIS might best assist in the protection of others, victims often believed it crucial that they read it aloud in open court. Verbal presentation of the

VIS meant that the attending public could hear their accounts of harm. Furthermore, these details could be then reported by the local media, which would widen the cast of the VIS's protective net in terms of potentially protecting others who might be at risk once the offender returned to the community:

To me [the VIS] was one of the key things to get things done. Yeah, 'cause it tells it like it was. [My sister and I] wanted to make sure everybody knew that this happened to us, and he's, you know, possible to do this to somebody else. So we wanted to prevent that from happening. We thought by reading [the VIS] in court, it was going to make a bigger difference to the community. (V)

Victims received positive reinforcement of their beliefs that reading aloud the VIS was an effective means of promoting the well-being and safety of other victims. In smaller communities, sentencing hearings were often well-attended by local residents. Attendees frequently approached victims afterward to commend them for their bravery and to comment that the VIS represented an important community service:

One of my math teachers was at [verbal presentation of the VIS] and I said, "Thank you Mr. [X] for coming." And then he said, "No, no, no. Don't you thank me. We're going to thank you because you brought this up. And now it's going to help the community for other people to come forward. The same thing is probably happening to them." (V)

Two victims, whose VISs were either read aloud by them or repeated in part by judges and subsequently quoted verbatim or summarized in local newspapers, believed that they had direct evidence of the helpfulness of their VISs for other victims. They believed that the media attention focused on their VISs, in particular their descriptions of lifelong self-blame for the abuse and how emotionally liberated they felt following conviction, had or were about to influence other victims to come forward:

From what I heard from someone else, another victim did [report sexual assault to police] after they heard my [VIS]. I'm going to help women—and I have—by doing this. (V)

Just to see the [newspaper] article and to see it separate from the court news and in larger headings so that it was more noticeable. I thought, there, now the people in the area know. They know who he is, and they know what he's done. There's no hiding it any more. That made me feel really good because I do believe there are other kids around here that he has molested . . . Also, the [relative of a suspected victim] . . . came to me and said she knows that something has to be said about him, and I don't think it's going to take too much longer before she says something [to police]. (V)

Relational caring was also implicated in decisions regarding VIS submission at parole hearings. At the parole stage, victims were crucially concerned with the safety of loved ones or of future or hypothetical victims. One victim explained that her fearfulness over her family's safety prompted her to forward her VIS to the parole board:

It's different if you're with a boyfriend and you break up and he assaults you and says, "Bang, I'm going to kill you." Well, okay, this is your mistake and your damage, and if he kills me, he kills me. But when he says he's going to kill your mother? And you know he means it? And he's capable of it? Well, then you think again, why should she have to die for my mistakes? So then, you've got to do what you can do. (V)

Relational caring was also involved in an evaluation of the risk to others should victims decline to submit a VIS to parole authorities. In the following exchange, an advocate

justified her advice on the implications of not submitting a VIS given the victim's protectiveness toward possible future victims:

[Victim] did want to see if there was any use in her being involved in the parole board [VIS] process in terms of protecting herself and other women whom her former partner might be a potential threat to in the future. She wanted some advice on what she should say, or whether she should even do [a VIS] . . . In my experience . . . the offender is evaluated by different standards than if there was no [VIS] submitted. I advised her, if she was truly concerned about him being a threat to other people besides her, that by not making a [VIS] that she needed to think about whether that would have an impact as well. (A)

Promoting the Intimate Partner Offender. In this study, three victims were sexually assaulted by current or previous common-law partners. Although none chose to deploy the VIS to promote and protect the interests of offenders, this practice was often described by victim services staff and advocates. Nonvictim participants commented on the frequency with which victims of sexual assault by husbands or boyfriends frequently undertook the VIS to publicize the offender's good character or to minimize the harms they experienced during and after the assault. The use of the VIS to promote the interests of intimate partner offenders often stemmed from victims' self-blame for their sexual assaults:

Victims feel that if they provided a [VIS] that accurately detailed the effects of the crime, it would be used as an excuse to put or keep [their partners] in jail. Women don't want to take that responsibility because they feel that somehow they have a partial responsibility for what happened. It's some of that whole notion of "blame the victim." (A)

Victim services workers noted that victims who were hoping that the VIS could assist their intimate partners were typically upfront with their intentions. Victims often requested information from victim services on how to better achieve this end:

I have had victims [of intimate partner sexual assault] where they are hoping that the [VIS] will lessen his sentence by telling the judge things to minimize the emotional impact. They actually will say that right out, you know. When I tell them, "You have a right to do a [VIS]," they'll say, "Will that help him? . . . If I put this in, will that help him so he won't get as much jail?" (VSW)

Victims have said to me that, "I would like to talk [in the VIS] about what sentence he gets because I didn't want this charge to proceed," or, "I did want him charged at first but now we're working on our relationship and [jail] is going to harm his employment." . . . Usually at that point, there is communication between them and the defense lawyer. (VSW)

Advocates and victim services workers understood that victims often had valid, complex, and multiple reasons for using the VIS to promote or to protect the offender:

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

[Victim is] feeling responsible for her baby. Because if [offender] is deported, then he's not here. [Baby is] not going to be able to see who dad is, even though he's an abuser. (A)

Despite this broader contextual understanding, however, most victim services staff experienced discomfort regarding victims leveraging of the VIS to persuade the courts to

be lenient toward abusive current or former intimate partners. This discomfort appeared most often resolved through the exclusive focus on their clients' status as victims:

The purpose of the [VIS] is not to get him a lighter sentence. But she's the victim and she has a right to do what she needs to do. I didn't walk in her shoes. Really, I don't like to see it used that way. But if somehow in her mind that helps, then it's still about her. (VSW)

DISCUSSION

Relational caring is an orientation toward the care and protection of others, which is not dependent on kinship or familiarity, and may include hypothetical or future others. It is enacted at multiple decision points related to the written and verbal submission of the VIS at sentencing and parole. Relational caring is a novel finding unique to VIS research. This study is the first to identify an externally focused care orientation as overwhelmingly guiding victims' motivations for, and constructions of, the VIS.

Relational caring conceptually bridges understandings of sexually assaulted victims' decision-making practices concerning the VIS with those involving other stages of their justice system involvement or other forms of postassault participation. Concerns regarding the safety of others has been identified as one of several reasons women choose to report a sexual assault (Hattem, 2000) and as sometimes informing their negotiations with prosecutors regarding plea arrangements (Konradi, 2007). In one study, more than a third of victims justified their involvement in sexual assault research by citing a desire to help other victims (Ahrens & Campbell, 2000). During such activities, acts of caring for others provided the means for some women to resolve the emotional impact of the rape event (Konradi, 2010). Victims reported personal or therapeutic benefits even when they experienced negative emotional reactions arising from various forms of rape crime narration (Edwards, Kearns, Calhoun, & Gidycz, 2009; Miller, 2007).

In this study, however, a difference was detected in terms of the degree to which care for others provided the impetus for decision making. It is argued here that the similarities between victims' concerns regarding impacts on loved ones, as well as their focus on the interests of intimate partner offenders and the needs of hypothetical victims, reveal an overarching ethic of care, which guided VIS submission and content. It is possible that this broader ethic of care has, to date, been compartmentalized by researchers into discrete activities by sexually assaulted women at other moments of criminal justice involvement, which has obscured its coherence. Or it may be that there is something fundamentally unique to the type of participation that the VIS invites that prompts sexual assault victims to overwhelmingly think of others during its undertaking. This is an important analytical distinction that requires further investigation.

Relational caring was first evinced in victims' privileging of the harms experienced by others as a direct consequence of witnessing the sexual assault or of secondarily responding to victims' postassault sequelae or coping mechanisms such as "go[ing] bananas," hard weeping in front of small children, or coming in conflict with the law. Such privileging effectively enabled women to broaden the definition of who may be considered a victim in relation to the consequences of assault. This is an important integrative strategy that belies a common misperception that the effects of sexual assault are of an intimate personal nature and do not inflict harm on others in the community (Ahrens & Campbell, 2000). Furthermore, victims with a lengthy passage of time between the assaults committed against them as minors and the writing of their VISs as adults were able to broaden

the definition of secondary harms. They included, even if sometimes covertly, the harms experienced by their own children. In so doing, they articulated a belief in a complex temporal link between the original sexual assault and their children's suffering, as well as additionally defined this as a contemporary source of their own distress. Until now, temporality has not been examined as an important feature influencing VIS details or the manner through which sexual assault harms are construed in relation to secondary victims. This identifies an important area for future investigation by VIS scholars.

Privileging the harms of others may also have other benefits. It may, for example, be an effective strategy for communicating with judges and gaining their approval. Schuster and Proven (2006) noted that judges were more "impressed" with VISs from sexual assault victims who were able to demonstrate that they could "think beyond the personal effects of crime" (p. 13). Certainly, victims in this study worded their VISs in anticipation of the potential for broader social significance through presentations in open court and subsequent reporting by local media. In turn, they also derived personal therapeutic benefit from the positive responses of community members, which included praise as well as indications of other victims coming forward.

Some victims erroneously believed the instructions on the VIS form suggested that they consider others' well-being when deciding to complete a VIS. Although this finding differs from the common emphasis on the link between unclear instructions and inappropriate VIS commentary found in other studies (see, e.g., Roberts, 2009), it does confirm that victim input is shaped by what they believe is required to comply with authorities. Victims struggled with whether or how to include their children's or families' harms given their interpretations of instructions. Elsewhere, information processing and cognitive impairment have been highlighted as concerns when working with traumatized women (McDonald, 2000, 2010). Together, these results highlight the importance of systemic improvements in print and verbal instructions on the VIS.

Relational caring was also expressed as desire to exploit the VIS's presumed instrumental potential to protect loved ones or future victims. Viewed this way, relational caring inverts traditional understandings of victims' engagement in instrumentalism as an expression of vengefulness (Arrigo & Williams, 2003). Instead, the attempt to use the VIS to ensure that others are protected through harsher sentences is an act of caring and often a brave and desperate one. Moreover, despite the general pattern of an absence of effect, victims may be correct in keeping alive hopes that the VIS will influence outcomes. In isolated instances, it has (Cassell & Erez, 2011; Cole, 2003).

The protection of future victims through the use of the VIS at parole is suggestive of an integral preemptive aspect of relational caring. That is, it incorporates an ongoing subjective assessment of risk. For criminologists such as Roberts (2009), however, the change from using the VIS to catalogue harms at sentencing to presenting it before authorities who assess risk of reoffense is without merit because "there is no expressive function being served" (p. 384). Expressiveness is believed to occur when the victim expresses her perspective about the effects of the crime to the sentencing judge and offender (Roberts & Erez, 2010). However, this fails to recognize relational caring, in which the victim's object of VIS expression and communication concerns the ongoing protection of a vulnerable or at-risk other. It may be unrealistic, moreover, to expect victims who have expressed relational caring at other points of VIS involvement to simply cease at parole—particularly when some evidence of instrumentality exists (Caplan, 2010).

Several respondents suggested that the care impetus underpinning victims' approach to the VIS arises from an essential female nature. Certainly, feminist theory has grappled with

the problematic of gendered moral development and caring (Gilligan, 1982; Noddings, 1984); engaging further in this debate is beyond the scope of this article. Nevertheless, given the clear evidence identified here of relational caring, it behooves frontline service providers and justice personnel to ensure that victims are advised on how best to protect their own legal and social interests as they engage in activities designed to support and assist others. This is particularly crucial for those using the VIS to protect intimate partner offenders.

Sexual assault within the context of current or previous intimate relations adds a layer of complexity to our understanding of the VIS (Schuster & Proppen, 2006). This is acutely so in the cases of women who have chosen not to leave their abusers, because as Langstraat (2006) notes, they “do not ‘fit’ the category of innocence” (p. 272) often required of VIS narrators to be perceived as credible. Here, victim services staff and advocates actively mitigated against presumptions of victims’ “false consciousness” or internalized oppression as abused women (Littleton, 1989). Instead, they perceived a range of valid reasons why victims would use the VIS to protect their partners. Although this is suggestive of progressive change, ambivalence best described their acceptance of the practice. Staff often relied on notions of women as victims within a consumerist discourse that accords them satisfaction of a range of rights (Dubber, 2002). Yet, the failure to view victims as agential decision makers capable of seizing an opportunity to wield the VIS as a legal tool in a manner not envisioned by policymakers or frontline staff may lead to the further disempowerment of assaulted women. This is an important and contentious issue for further examination by those who provide services to victims.

The use of the VIS to leverage leniency has been noted elsewhere. Leverick et al. (2007) found that some victims used the VIS to indicate an absence of impact, whereas others expressed positive views or concern for the accused. In one study, similar tactics were found to be effective because the VIS led to greater leniency in compliance with victims’ wishes (Erez & Roeger, 1995). Canadian courts have signaled willingness, under certain circumstances, to consider probation or house arrest when informed through the VIS that incarcerating the offender would cause undue hardship to the victim (Roberts, 2009) or when the sexually assaulted partner victim wishes it (Balfour & Du Mont, 2012). Thus, it may be hypothesized that the courts are fueling the paradox of the use of the VIS to encourage the punishment, as well as the protection, of intimate offenders.

Although protection of intimate partners through the VIS was a dominant theme in staff and advocate interviews, victims did not raise it. It is possible that this is a consequence of recruitment method. Because victim services managers selected almost all victims, they may have shared their staff’s ambivalence surrounding the practice of using the VIS to support offending intimate partners and chose not to include such victims. Another possible interpretation is that the victims in this study who were sexually assaulted by current or former intimate partners suffered such egregious assaults (i.e., weapon use, drug facilitation, presence of children) that the protection of others became paramount. This deserves further study, particularly given the paucity of research on intimate partner sexual assault (DeKeseredy, 2007).

Relational caring challenges the ongoing perception that the victims of violent crime, and sexual violence victims in particular, are more likely to use the VIS to “heap abuse upon the defendant or (utter) a wish for severe punishment” (Lens et al., 2013, p. 492) because of feelings of hostility, revenge, and retaliation. Such conceptions tiredly recycle stereotypes regarding the general nature of sexual assault complainants, which legislative and victims’ rights reforms have failed, to date, to remediate (Barrett, 2008; Shaffer, 2012). At the same time, however, caution must be sounded against interpreting relational caring

vis-à-vis the criminal justice system's tendency to insist on, or efforts of well-intended advocates and victim services staff to assist with, the portrayal of sexual assault victims as "nice, good victims," in VIS narratives (Du Mont et al., 2008, p. 11). Although relational caring is an ethic of care in which the concern for and responsibility of others is prioritized and enacted through the VIS, it is not a passive approach. Consequently, it should be recognized for the ways in which it enables novel, strategic outcomes which challenge traditional conceptions of victim agency, and presumptions regarding the targets and temporalities of the harms of sexual assault.

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