

Traumatic Residue, Mediated Remembering and Video Evidence of Sexual Violence:

A Case Study

Abstract

This qualitative case study examines the impact of video evidence of violent crime in the tragic Canadian case of serial killers Paul Bernardo and Karla Homolka. Through in-depth interviews with those centrally involved in the case, interviews with criminal justice professionals currently working with video evidence of violent crime, and review of official documents and media reports, we explore the complex role video evidence played in this case and the legacy it continues to have in society, the justice system, and in the individual lives of those involved twenty-five years later. Two primary sources of harm arose in our analysis: critogenic harm related to the use of video evidence in the justice process; and harm arising from the media publicity surrounding the video evidence. Both of these sources of harm intensified the trauma for victims and their families, and contributed to distress and trauma reactions of criminal justice professionals and members of the jury. Given the global increase in the use of video-evidence in criminal justice processes, it is imperative that continuing harms to those involved in the process are considered and mitigated.

Traumatic Residue, Mediated Remembering and Video Evidence of Sexual Violence: A Case Study

In June 1991, 14-year-old Leslie Mahaffy was abducted, tortured and killed by Paul Bernardo and his then wife, Karla Homolka. Less than one year later, fifteen-year-old Kristen French was held captive over three days, tortured and then killed. Emblematic of the advent and accessibility of handheld recorders, Bernardo and Homolka video recorded the violent sexual assaults they committed on Leslie Mahaffy and Kristen French during their captivity. They also recorded their assaults on two other teenage girls whom they drugged into submission, Homolka's sister Tammy (who died by asphyxia while unconscious), and a victim known only as Jane Doe. These videos were later discovered and became central evidence in criminal court proceedings.

Twenty-five years after the Bernardo trial, with the ubiquity of technological devices that produce high quality video and audio recordings, violent crimes are increasingly digitally captured. Indeed, as in the case of Bernardo, the recording of crime has become an integral aspect of the process of committing the crimes themselves (Dodge, 2018; Henry & Powell, 2016; Sandberg & Ugelvik, 2017). Unsurprisingly, this digital content is also increasingly used as evidence in the criminal justice process (e.g. Brayne, Levy, & Newell, 2018; Dodge, 2018; Henry & Powell, 2016; Sandberg & Ugelvik, 2017; D. C. Spencer, Ricciardelli, Ballucci, & Walby, 2019). This raises a number of vexing problems for the criminal justice system that to this day remain unresolved.

Although it is widely recognized that the criminal justice system can re-victimize victims of violent offenses (C. Regehr & Alaggia, 2006; C. Regehr, Alaggia, Lambert, & Saini, 2008; D. Spencer, Dodge, Ricciardelli, & Ballucci, 2018), little attention has been paid to the multiple

Deleted: raises

Moved down [1]: In addition to considering the admissibility of digital evidence and the role it will play in the administration of justice, the justice system is forced to grapple with: 1) the impact of the use of video evidence in the judicial process on victims and survivors; 2) the impact of viewing the evidence on those involved in the justice system (including professionals and jurors); and 3) the role of media distributing video evidence for public consumption.

Formatted: Highlight

impacts that occur in cases where victimization has been video recorded and is entered into evidence in the court process. Moore and Singh (2018) contend that the images depicting victimization may act as a proxy for victim voices, silencing the survivor and removing their agency throughout the judicial process, as visual evidence can be seen as more reliable and credible than the living victim. Similarly, Dodge, Spencer, Ricciardelli, and Ballucci (2019) found that from a policing perspective, digital evidence in violent sexual offences might act as a “double edged sword”. That is, while such evidence has the potential to make an iron clad case against the accused in what has previously been presented as “he-said she-said” cases, the interpretation of digital evidence is subject to the same stereotyped assumptions of how victims of sexual assault “shall” behave; therefore, the evidence may also be used against the victim and their credibility. Further, research has recently focussed on the traumatic effects of having sexual images shared without the victim’s consent (McGlynn et al., 2019; Powell & Henry, 2019; K. Regehr & Ringrose, Forthcoming), symptoms and effect which parallel those of physical sexual assault (Bates, 2017) suggesting additional layers to victims’ trauma every time the images are viewed (Authors, 2021).

A growing body of research has examined secondary traumatic stress in other professions or roles within the justice system, including lawyers (Leclerc, Wemmers, & Brunet, 2020; Levin et al., 2011; Seamone, 2013), judges (Edwards & Miller, 2019; Polak, Bailey, & Bailey, 2019) and jurors (Haragi, Yamaguchi, Okuhara, & Kiuchi, 2020; Lonergan, Leclerc, Descamps, Pigeon, & Brunet, 2016). Importantly, almost no research has specifically addressed the impact of what might now be considered an overwhelming barrage of potentially traumatic, obscene and gruesome video evidence of violent crimes (Kimpel, 2021). Experimental evidence may however offer some insights into the possible consequences of viewing violent video evidence in the

course of justice processes. That is, research methods involving exposure to violent video material in the laboratory (Horowitz, 1969; Horowitz & Wilner, 1976; Lazarus, Speisman, Mordkoff, & Davison, 1962), which were originally developed to induce fear and trauma reactions for the purposes of investigation, have established that violent or gruesome films consistently generate physiological stress responses (e.g. changes in heart rate and salivary cortisol) and intrusive thoughts (e.g. flashbacks, intrusive memories) in the days and weeks following lab-based exposures (Arnaudova & Hagenaaers, 2017; James et al., 2016; Weidmann, Conradi, Gröger, Fehm, & Fydrich, 2009). Scenes depicting sexual violence and gross physical injury may be particularly effective at eliciting trauma-related symptoms (Arnaudova & Hagenaaers, 2017; Weidmann et al., 2009). But video evidence does not simply remain in the courtroom for viewing by those with roles in the justice system, it also inevitably is transmitted to the public via the media.

As Greer has identified, “the relationship between media images and popular consciousness is difficult to unpack” in that the media can orchestrate moral panic, and inform the political processes aimed at dealing with social crises (Greer, 2003). In the case of sex crimes, Greer concludes that the primary aim of media narratives is not to inform, but to shock. He quotes a UK Sunday editor as stating “First of all you have to shock, otherwise they’ll not be interested in reading it.” This “shock” occurs at the expense of the victim, whose intimate personal experience and horror become the focus of media coverage, and ultimately their behaviour and virtue become the subject of public discourse. The press coverage helps to determine whether the public views a victim as a “virgin or a vamp” through the media’s choice of vocabulary, the slant of their headlines, and what they choose to include or exclude (Benedict, 1993). Similarly, media bifurcate offenders into the categories of dangerous strangers or

respectable citizens, indirectly suggesting who was responsible for the victimization (Krajicek, 1998; Serisier, 2017). When victims and offenders fit into stereotyped categories, media can continue to capture public attention through a sensationalized and salacious “lens of fear” (Dowler, 2006; Krajicek, 1998).

The Current Study

The following paper is a case study examining the tragic Canadian case of serial killers Paul Bernardo and Karla Homolka that addresses a significant gap in the literature regarding the continuing impact of exposure to video evidence of violent crime on those involved in the criminal justice system (Kimpel, 2021). While the use of video evidence in the courts was not entirely novel at the time of Bernardo, for instance film was used in the International Military Tribunal at Nuremburg in 1945 (Pillay, 2005), and an 81-second home video was used in the 1992 trial of police officers into the death of US citizen Rodney King (Stuart, 2011), the quantity, quality and nature of video evidence in Bernardo was unprecedented.

In recent years, video evidence has become ubiquitous in the criminal justice system, bringing with it the potential to harm increasing numbers of individuals involved in criminal justice (Dodge et al., 2019; Kimpel, 2021). Through examining the long-term harms arising from the handling and use of video evidence in the Bernard trial, this case study offer insights and cautionary notes regarding the potential long-term consequences of current practices including: 1) the impact of the use of video evidence in the judicial process on victims and survivors; 2) the impact of viewing the evidence on those involved in the justice system (including professionals and jurors); and 3) the role of media distributing video evidence for public consumption. Using document review, in-depth interviews with those centrally involved in the case, and additional interviews with criminal justice professionals currently working with video evidence of violent

Formatted: Font: Bold, Italic

Formatted: Indent: First line: 0 cm

Deleted: that examines

Deleted: impact of video evidence of violent crime in the

Deleted: .

Formatted: Normal (Web)

Moved (insertion) [1]

Deleted: As the first instance in Canadian history in which video evidence was a critical and central component in the court proceedings, this case provides insights into the challenges, benefits, and long-term harms of video evidence in the justice system. In addition to considering the admissibility of digital evidence and the role it will play in the administration of justice (Dodge, 2018; Henry & Powell, 2016; Kimpel, 2021), the justice system is forced to grapple with: 1) the impact of the use of video evidence in the judicial process on victims and survivors; 2) the impact of viewing the evidence on those involved in the justice system (including professionals and jurors); and 3) the role of media distributing video evidence for public consumption.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Commented [CR1]: Any suggestions here would be welcome

Deleted: ¶
Through

crime, we explore the complex role video evidence played in the Bernardo trial and the legacy it continues to have in society, the justice system, and in the individual lives of those involved.

Deleted: case

Methods

This research adopted a qualitative case study approach (Merriam, 2010; Stake, 2005) to examine the long-term impact of video evidence of sexually violent crime in the criminal justice system. Case studies are defined as wholistic and in-depth analyses of persons, events, decisions, policies and institutions in natural, real-life contexts (Crowe et al., 2011; Hyett, Kenny, & Dickson-Swift, 2014; Simons, 2009; Thomas, 2011). They are seen to be exceptionally useful for understanding a particular experience, and for generating and testing new theories, in that they allow researchers to uncover a complex set of decisions and interactions, and examine the effect these decisions and interactions have over time (Crowe et al., 2011; Feagin, Orum, & Sjoberg, 1991). In the present case study, we seek to uncover how decisions made in the early 1990s continue to have significant impacts on the lives of those involved in the investigations and trials of Paul Bernardo and Karla Homolka.

Deleted: approach

Deleted: As the first instance in Canadian history in which video evidence was a critical and central component in the court proceedings, we utilize the tragic yet instrumental Canadian case of serial killers Paul Bernardo and Karla Homolka to provide insights into the challenges, benefits, and long-term harms of violent video evidence among criminal justice actors.

Moved (insertion) [2]

Deleted: .

Case studies involve deep and careful consideration of multiple factors that include: the nature of the case; the historical context; the physical setting; and institutional and political contextual factors (Stake, 1978). They have been referred to as a triangulated form of research, in that triangulation occurs in the data, the investigators, the theories employed, and the methodologies (Feagin et al., 1991). Rather than adopting a single method of research to inform the analysis, case study research is characterized by using “a palate of methods” and “analytical eclecticism” (Hyett et al., 2014; Stake, 1995; Thomas, 2011). Multiple sources of data are collected and analysed in a manner that draws together naturalistic, holistic, ethnographic, phenomenological and biographic research methods (Stake, 1995).

Deleted: They

Moved up [2]: . They are seen to be exceptionally useful for understanding a particular experience, and for generating and testing new theories, in that they allow researchers to uncover a complex set of decisions and interactions, and examine the effect these decisions and interactions have over time (Crowe et al., 2011; Feagin et al., 1991).

Deleted: Case study has

To this end, this research engaged in dialogues with police investigators, civilian digital analysts, legal professionals (court reporters, lawyers and judges), and forensic mental health professionals, using the long-interview method of data collection (McCracken, 1988) in support of thick description and credibility (Lietz & Zayas, 2010). In addition, the researchers engaged in the collection and review of multiple documents including court decisions, legal case notes, government reports and media reports. The proposal was approved by the Human Subjects Research Ethics Board at (University blinded for submission).

Six criminal justice professionals, who were directly and intensely involved with the Bernardo investigation and trial, participated in interviews ranging from 45-120 minutes in length. These included: an investigating police officer, two members of the legal defense team, a court reporter, a forensic mental health professional who consulted and testified on the case, and a government attorney. Follow up interviews were held with three of these individuals to further expand on themes. Thus, perspectives on the use and impact of video evidence in this case was gathered from those with different lenses on the system and those who dealt with the case at different stages in the process.

Ten additional professionals were interviewed to provide a broader context of the use and effects of video evidence at the present time. Six of these participants were members of large urban or national policing organizations, detectives or supervising senior officers with investigative experience and a civilian analyst; four additional participants were members of the legal profession including prosecuting attorneys and a judge. Years of practice of participants was significant, ranging from 4.5 years to over 50.

We note that some voices are absent from our interviews: those of the surviving victims, those of surviving family members, and those of members of the jury. Given the extreme levels

of violence and trauma, we believed it was unethical to reach out to them for the purposes of an academic inquiry. We have however included their voices in a mediated form, that is, through the recollections and impressions of those centrally involved in the case, through judicial decisions and comments arising from the trials, through reports arising from government inquiries into the case, and through newspaper reports.

Data Analysis

In the case study approach, the case is developed in a relationship between the researchers and the informants (Stake, 1978). Thus, further conversations between researchers, participants and other experts allowed for the clarification of concepts and integration into an emerging theory. Using approaches first identified by Stake (1978), the process of data analysis begins with deep engagement with allowing researchers to elicit themes from which meaning emerged, this is known as categorical aggregation (Creswell & Poth, 2016). Next researchers establish patterns and relationships between categories. Finally, they engage in naturalistic generalizations supported by thick and rich data, which allows the reader to make judgements regarding the extent to which findings should inform other cases. As an iterative and reflexive practice, coding is context dependent, never complete and never reaches a fixed endpoint (Braun & Clarke, 2021). Nevertheless, in this study we aimed to demonstrate saturation and conceptual rigor through our emergent conceptual model and theoretical explanations of the current data (Low, 2019).

Trustworthiness

Forms of trustworthiness in case analysis include prolonged engagement, triangulation, peer validation, and member checking (Lietz & Zayas, 2010; Loh, 2013). In this study this included: the researchers' prior experience in conducting research on technology-facilitated

sexual violence, traumatic stress, and criminal justice systems; engagement with the participants through the interview process and in follow up discussions; triangulation of data from various interviews with different professionals, media reports, and the relevant literature; discussions of emerging findings with other experts in the field; and checking emerging hypotheses from earlier interviews in subsequent ones.

Results

This case study provides a tragic and critical example of the immediate and lasting effects of video evidence of violent crime. The results section is presented in four thematic sections: the critical role and handling of video evidence in the justice process; the role of the media and the public; the role and impacts on victims and survivors; the impacts on individuals involved in the administration of justice.

In considering the data, it is important to underline the unique nature of the situation at the time it occurred. The advent of the camcorder in the 1980s and VHS cameras in the 1990s allowed the public, for the first time, to record all aspects of their lives. The newness of this technology in the 1990s, was palpable throughout our interviews. As one defense attorney, who was credited with being one of the most seasoned criminal lawyers at the time in Canada noted: “This was the very first time I had dealt with anything like this.” (LP201) Consequently, the criminal justice system struggled to determine the admissibility of the tapes as evidence in the trial, who in the justice system should be permitted to view them, whether the press and public could have access, and what should happen to the tapes at the end of the trial. ~~Yet, while novel at the time, video evidence has become ubiquitous in the criminal justice system and our findings reveal the potential long-term implications for those currently engaged in criminal justice processes involving video evidence.~~

Moved (insertion) [3]

Deleted: ¶

Moved up [3]: The results section is presented in four thematic sections: the critical role and handling of video evidence in the justice process; the role of the media and the public; the role and impacts on victims and survivors; the impacts on individuals involved in the administration of justice. ¶

The Critical Role and Handling of Video Evidence in the Justice Process

Let me be clear, everybody understood, this evidence was explosive, and many measures were taken to make sure they were confidential, and not seen by anybody. (LP202)

The Bernardo trial was the first time in Canadian legal history in which a major sexual assault and serial murder case rested on the existence of video evidence of the crime. A defense attorney describes the importance of the tapes for understanding the horrific nature of the crimes and the nature of the relationship and involvement of both Bernardo and Homolka.

Everyone was focussed on the tapes ... I couldn't imagine the case going ahead without the videos. (LP201)

Today, a quarter of a century later, violent and graphic digital content and evidence including text message conversations, and internet search histories, as well as video and audio evidence, is intensifying across all domains of policing and criminal justice (Brayne et al., 2018).

A prosecuting attorney indicated, "In today's world, 95% of the cases involve some form of video evidence. I think it is a rarity now to have a case that that doesn't have some small element of video evidence incorporated into it, so hundreds and hundreds of cases." (LP206). A judge further noted "there are cameras everywhere" and they "pick up all sorts of things that weren't anticipated", adding that video evidence is now "the mainstay of a lot of cases, particularly in some of the murder cases" (LP208). A police officer concurred:

[V]ideo that we gather as part of the investigation is so important in what we do, to the point where actually we're having difficulty in the courts where if we don't have it, it's viewed as not happening. (P101)

This increase in the availability of digital evidence has profound implications. In a recent qualitative analysis of 70 semi-structured interviews and two focus groups with Canadian sex

Moved (insertion) [4]

Deleted: video evidence is ubiquitous.

Moved up [4]: violent and graphic digital content and evidence including text message conversations, and internet search histories, as well as video and audio evidence, is intensifying across all domains of policing and criminal justice (Brayne et al., 2018).

Deleted: Thus,

crimes investigators, Dodge et al. (2019) found that many investigators felt overwhelmed, ill-equipped, and ill-prepared to deal with the rapid influx of digital evidence in sexual violence cases. Not only was the volume of evidence a considerable challenge, but lack of training and education for how to access, manage and handle the content was also problematic in understaffed and under-resourced contexts (Dodge et al., 2019). Thus, despite the fact that video evidence is now central to criminal justice processes, twenty-five years after Bernardo, the handling of video evidence is an issue that is far from resolved.

The unprecedented nature of video evidence at the time of the Bernardo case is apparent when we consider the manner in which the criminal justice system, and experienced professionals within it, struggled to determine what role this evidence should play in the administration of justice. The first issue that arose with respect to handling of video evidence was whether Bernardo's initial lawyer (Ken Murray), who had retrieved the tapes from Bernardo's house without the knowledge of police or the courts, was required to surrender them or whether they were privileged communication. A second issue surrounded access to the tapes during the trial preparation period. Participants in this project recall vividly the contents of the "critical tapes" which included sexual activities between Bernardo and Homolka, as well as the details of the offenses they committed. Who should have access to the tapes and to whom should they reveal the contents? Those we interviewed were clear about their obligations of confidentiality. Indeed, while participants in this study described issues surrounding the video evidence and their own reactions to it, they steadfastly remained committed to their obligations to the victims. Despite this, graphic details of the contents of the tapes and the horrifying assaults on teenage girls can continue to be found in the popular press and in academic articles (specific references intentionally missing).

This leads to the third issue, that is, to what degree did the media and ultimately the public have a right to access the video evidence. As in many other jurisdictions, the principle of an open court is foundational to Canadian common law. In the case of Homolka in 1993, Justice Kovacs “imposed a near-blanket publication ban on the proceedings” which included the public and the foreign press, concluding that right to a fair trial outweighed the right to freedom of the press. Of note, the judge apologized that he could not consider his “real concern for the psychological well-being of victims” and the “untold agony” that the discovery of the videos caused the victims’ families, but rather needed to confine his considerations to issues surrounding a fair trial for the other accused party, Bernardo (Cameron, 2013).

In a report prepared for the Department of Justice entitled Victim Privacy and the Open Court Principle, with respect to the Bernardo trial, law professor Jamie Cameron observed, the “privacy and dignity interests of the victims and their survivors could scarcely have been more compelling” and “playing the tapes in open court could only be experienced by the families as a cruel and even barbaric act” (Cameron, 2013). The crown counsel in Bernardo’s trial did not seek to exclude the public but rather sought to balance the desire for an open court with the need to protect the privacy of victims, survivors, and their families, by suggesting that only the audio be played from the tapes for the open court, to which the trial judge agreed (Cameron, 2013; MacFarlane & Keating, 1999). The image portion would only be visible via screen to the judge, counsel, jurors and any necessary court administrators, while the audio would be available to all others. In this way, the court sought to protect victims and their surviving family members from what has been recognized as further victimization due to the “private, personal, sensitive and humiliating” nature of video evidence (Biber, 2013).

The approach did not, however, protect those exposed to the evidence, with or without video, from traumatic stress symptoms (Authors, in press). In his decision, Justice Patrick LeSage stated:

... I am satisfied that the *harm* that flows from the public display of this videotape far exceeds any benefit that will flow from the exposure of sexual assault and child pornography. When I refer to *harm*, I am not suggesting that individual members of the public need to be protected from the *harm* that may flow from viewing these videotapes.... By *harm*, I am referring to the injury that most likely will be occasioned upon the surviving members of these three young girls if the videos are played in open Court. *The families will suffer tremendous psychological, emotional and mental injury if the evidence, as the Crown described it ... is publicly displayed.* cited in (Cameron, 2013) (p 66)

A final issue regarding handling of the tapes surrounded the question of what should be done with the tapes once the trial was completed. Given that the publication ban would expire after the Bernardo trial and appeals were concluded, the families applied for orders to destroy the video evidence in order to protect their deceased daughters from the public violation of their privacy and dignity (Cameron, 2013). A police officer and an attorney in our study provided arguments against the destruction of the tapes, confident that the data could be safely stored, and fearing that as memories fade and public interest has moved on, a record of the horrific nature of the crimes and risk that Bernardo presents to the community may be lost. Yet, as Biber has noted, while strict rules may govern the collection, admission and interpretation of evidence at trial, archived evidence may continue to be accessed by artists, scholars, journalists or others who can potentially use it in ways that are insensitive or even dangerous. Referring to the

“cultural afterlife of criminal evidence” she provides chilling examples of the use of archived evidence in manners that reified violent, profane and violating transgressions (Biber, 2013). In the end, the Bernardo tapes were burned.

In the decades following Bernardo, challenges regarding handling and use of video evidence continue (Authors, in press). The investigation and prosecution of cases involving online child sexual abuse material and the impact on victims has received increasing attention in recent years (Martin, 2014; Martin & Alaggia, 2013; Slane, 2010, 2015; Slane et al., 2018; Zanobini, 2016). In addition, there is a growing recognition that victims are re-victimized each time images of sexual abuse are viewed (Slane, 2015), including by those working in the criminal justice system and victim support services (Slane et al., 2018). Consequently, the handling of digital evidence of child sexual abuse throughout the justice process, including the viewing, reproducing and distribution, is strictly controlled under existing child pornography laws (Zanobini, 2016). Similar rules are notably missing in digital evidence of sex crimes against adults. A judge in our study recounts the treatment of video evidence of violent crime against adults in a present-day courtroom:

There can be a distinction where a judge may say that people in the courtroom can see it but I'm not going to allow the video to be copied by the media so they can show it on their newscast...[But] I think nowadays we rely to a larger extent on the discretion of the media that even if they want a copy of something, they won't publish it... (LP208)

Video Evidence: The Role of the Media and the Public

And the media, it was every day... And that the public wanted to know everything about these people ... it was never like this before... And it wasn't only here in Canada, but it was in the world. (LP204)

The trial of Paul Bernardo received television and print media coverage that was unprecedented in Canada (Vidmar, 1999). Over the course of the four-month trial, media booths were set up along streets which were jammed with communications equipment. Long queues of people waited in line for hours, hoping to be admitted as spectators and directly witness some of the most disturbing evidence ever presented in a Canadian court; hawkers sold t-shirts proclaiming “hang Bernardo” (Cairns, 2020; Vidmar, 1999). A participant in our study recounts:

And that’s what’s so different nowadays is that before, we were in a capsule. We were really in a capsule. Someone did something, they were charged criminally, and they were tried within this ... it wasn’t a bubble, but it was limited as to what was accessed. And of course, the courts do have the right to order publication bans so that this material isn’t out there. But Bernardo changed all of that. People felt that they had a right to see what was there, what he did, what he captured. And they had no idea what they wanted to see. No idea. (LP204)

As Cameron notes in his review of victim privacy and open courts for the Department of Justice, “the media have a large role to play in controlling what issues the public is encouraged to see as important” (Cameron, 2013) (p 66). He adds:

the media promotes a culture of publicity which thrives on the details of private lives, whether the object of attention is a celebrity, a public figure, or an unlucky individual whose life has taken a turn which can be sensationalized for profit. There can be no doubt that the victims of crime are among those who are unwillingly thrown onto the public stage. (Cameron, 2013, p. 1)

In the case of Bernardo, “without the media making themselves the story-much of the debate of the ban would not have occurred.” (Cameron, 2013, p. 66) Riehle concurs, suggesting

that bans serve to sensationalize a case beyond reasonable proportions. But even at that time, publication bans were unenforceable - given that information was easily shared across borders (Riehle, 1996). Indeed, despite a publication ban in Canada, 14% of Canadians and 26% of people in Ontario, the province in which the trial was occurring, reported having obtained prohibited details of the Bernardo case from the American press (Young & Pritchard, 2006). Further, perhaps due to absence of full information, the press initially focussed on a fairy tale narrative, glorifying the couple as “Ken and Barbie Killers” and shaping the narrative regarding the involvement of Homolka in the crimes (Fullerton, 2006; Riehle, 1996).

In addition, by focusing on professionals working within the justice system, the press created new villains in the minds of the public. As a female member of the defense team recounts:

I was in the grocery store and my daughter was beside me...And this man...I can still see his face to this day. He walks up to me and he says, you're as much a scum as your client. And I looked at him, I grabbed onto my daughter's arm, and I grabbed onto the handle of the cart, and I said to him, I'm sorry? And he goes, you heard me. You're as much a scum as your client. I even had a reporter, when I was pregnant with my son, during our pretrial motions, he came up to me and he says, is that Bernardo's kid?
(LP204)

More disturbingly, was the manner in which even the mainstream media dealt with Jane Doe, who was 15 when she was befriended, groomed and ultimately drugged and sexually assaulted by Homolka and Bernardo (Brown, 1995). In a 1997 episode of the Canadian Broadcasting Corporation's (CBC), *Fifth Estate*, a brief video clip appears of Jane Doe lying on

the floor. While her face is obscured, her body and voice are not. Now, a quarter of a century after it aired, the episode remains easily found on the CBC website (specific location intentionally missing). A participant in this study recounts her continued shock about this:

How the media ever...obtained some of these videos that were ultimately put out there is beyond me...Was someone deciding, because she is still alive, it's okay to give this little snippet, but we're going to keep back all of this other? (LP204)

Several scholars have examined the non-consensual nature of the passing on, forwarding or sharing of private sexual images within the realm of contemporary culture (Döring, 2014; Krieger, 2019; McGlynn & Rackley, 2017). The impacts of these assaultive behaviours are “all-encompassing and pervasive, radically altering [victims’] everyday life experiences, relationships, activities, and causing harms which permeated their personal, professional, and digital social worlds” (McGlynn et al., 2019, p. 6). The continued availability of the footage on the site of the CBC in the case of Jane Doe can clearly be seen as the “cultural afterlife of criminal evidence” (Biber, 2013).

The Impact of Video Evidence on Victims and Survivors

the forever trauma on the victims [of digital evidence], and you can't measure that after it's been created, you can't measure it...Their families, their colleagues, their children...It's always going to be out there. And even if people can't see it, they know it's there. (P106)

Throughout the Bernardo trial and its aftermath, the victims and survivors have been relegated to secondary roles, which is consistent with the place of victims of violent crime in the Canadian justice system (C. Regehr & Alaggia, 2006). As noted by Justice LeSage:

Historically, there was a period when all crimes were personal to the victim. Over

the years, the criminal law evolved toward a recognition that crimes are transgressions of societal order and values. This evolution continued until we reached a point where the state interest appeared to be total and the individual victim was given little recognition. The **only** recognized interest, at that point, was the broader interest of the state. ("R v Bernardo," 1995)

A police officer in our study adds "the emotional, psychological impact of the victim is not significant unless the defence lawyer is trying to find an excuse why their client isn't convicted."
(P103)

To this end, the victim serves as a witness for the state. In seeking her witness statement, police showed the video of her sexual assault by Bernardo to Jane Doe. Given that she was drugged at the time of the assault, she was previously unaware that the assault had occurred (MacFarlane & Keating, 1999). The practice of showing victims of sexual violence video evidence of their assaults continues today as reported by police and crown attorneys in our study:

We have women who are intoxicated at the time of the sexual assault, have no memory of the sexual assault because they've ingested something else, a narcotic... We have a victim, we found her sexual assault on his phone. She has no memory of it. So, the ethical dilemma is when do you show this to them. Right now, we've decided not to show her.

(P101)

While it is well recognized by law enforcement and legal professionals that the criminal justice system can re-victimize survivors of violent sexual offenses (C. Regehr & Alaggia, 2006; D. Spencer et al., 2018), the addition of actually witnessing their own assaults adds another layer of trauma and victimization. Paralleling the findings of Moore and Singh (2018) with respect to victims of domestic violence, not surprisingly, participants in our study identified that the

process of viewing video evidence of their own victimization can result in significant distress and lead to the development or exacerbation of symptoms of PTSD for victims. Our field notes reflect participants' verbal and non-verbal expressions of concern for victims as they bore witness to their own victimization.

Others in the lives of the victims also suffer as a result of video evidence. Unable to influence the decision of the courts regarding the use of video evidence, during the course of the trial, family members in the Bernardo trial expressed their distress by standing and leaving the courtroom when the tapes were played. The result was an admonishment by the judge and jury, clearly delineating the limited role they were to play in the proceedings:

The jury sent a note to the judge saying, could you please ask the families not to march in and out of the courtroom whenever the tapes are played, we feel that we're being unduly influenced...So the judge said if you're going to stay, stay and if you're going to leave, leave, but don't do it in a way to influence the jury. (LP201)

Leslie Mahaffy's mother spoke at a victims' memorial conference in 1993 and shared her views on the publicity around her daughter's death.

Sadly, my daughter died for two people's entertainment. Her death should not become anyone else's entertainment...What the police, judge and jury hear is one thing. The details do not have to be made public. To do so causes our family further pain and I feel the motive for publishing them is simply profit. (Careless, 1993)

In June 2021, Paul Bernardo applied for parole having served 26 years of his life sentence in a maximum-security prison. In a virtual hearing attended by media and others, Donna French described the enduring pain her family had suffered since the death of her daughter Kristen 25 years earlier.

"For those who say that time heals, they don't know the excruciating pain that comes from such a horrific loss," she told the panel. "Time doesn't heal the pain. The pain is a life sentence." (Rankin, 2021)

In a statement read by her lawyer Ted Danson, Debbie Mahaffy, mother of Leslie expressed that the hearing was another "exhumation, violation and loss".

"Thirty years have passed since Leslie was taken from us, but the memories of that horrendous time are just as vivid today as they were then. There is no escape for us from this horror," the statement said. (Rankin, 2021)

As an ultimate demonstration of the manner in which the press continues to fuel public interest in the case 25 years later, the CBC invited readers of the online story to watch the "gut-wrenching" family statements online (Rankin, 2021). In addition, however, through the use of a virtual hearing, Bernardo was able to capture the attention of the media and public once again.

As reported by one media outlet:

Like reading from a psychology textbook, he blamed his spree of violent sexual crimes on being "a male chauvinist pig" who viewed women, especially virgins, as sex objects meant to obey his every demand...Now he "sincerely" apologizes for putting their families through the "sickening and horrifying ordeal" of watching the videotapes he'd recorded of their rape and torture. (Mandel, 2021)

Impacts of Video Evidence on Individuals in the Criminal Justice System

now people are seeing it live and there's no guessing anymore. So, I think there's probably untold damage being done by it that nobody realizes (P101)

Largely as a result of the Bernardo case, an awareness has been created about the impact of video evidence of violent crime on jurors. As indicated by a participant in our study: "[the

jury] cannot leave the courtroom. They're stuck. If the judge rules they get to see it, they don't have a choice." (LP201) This issue is intensified by the fact that jurors are not prepared for what type of case they will sit on, or what they will inevitably see or hear, despite the fact that "everyone in the room, including the judge, knows exactly what's coming at them" (LP202). "The problem we face in Canada is that we have no voir dire of jurors... We do nothing to screen jurors for whether they are prepared to deal with this sort of thing" (LP201).

Tina Daenzer, a juror on the Bernardo trial, has become an advocate for jurors' rights and access to mental health services for jurors. With others, she is pushing for a new federal bill that is aimed at improving mental health supports for jury members serving in trials with disturbing evidence and seeking amendments to the Canadian Criminal Code that requires jury secrecy and can prevent them from seeking help and support (Graveland, 2020). Twenty-five years after Bernardo, she stands outside a Toronto courtroom and addresses the press: "I think of them every day over the last 25 years," she said about Bernardo's victims during a news conference, while trying to keep her composure. "At the heart of the Crown's case in 1995 were the graphic and brutal videos that greatly affected everyone in the courtroom, including myself." (Carter, 2020) "It was a life-changing experience," Daenzer said in an interview with The Canadian Press. "Those videos we had to watch in that courtroom were horrific. It was girls being raped, tortured, begging for their lives... I didn't just watch them once. We watched them over and over again. At night I would go home and replay them in my head." She continues, "To be honest, after 25 years I still would never go walk in a park by myself. I don't like to walk in the dark by myself. It's those little things that even after all this time changed my life dramatically." (Graveland, 2020) Other research confirms that members of the jury experience physical and psychological symptoms of distress (Kaplan & Winget, 1992), with those involved in lengthy trials that deal

with violent crimes against others experiencing the most profound level of symptoms (Robertson, Davies, & Nettleingham, 2009; Welsh, Robertson, Ireland, & Davies, 2020).

While jurors may command the sympathy of members of the public, all of whom might imagine themselves in their place, as demonstrated in the quote above regarding an encounter with an angry individual in a grocery store, attorneys, police and others in the court system often do not generate the same levels of support. In part this may be because they perform what has been referred to as “dirty work”. Originally proposed by Hughes (Hughes, 1962) the term dirty work refers to tasks that are necessary for the functioning of society, but nevertheless by virtue of the fact that that the individuals who perform these tasks work with stigmatized individuals or morally reprehensible individuals, they become tainted in the eyes of society (Huey & Broll, 2015; Wilson-Kovacs, Rappert, & Redfern, 2021).

In part, lack of sympathy from the public may also stem from the traditional bravado amongst criminal justice professionals, and organizational cultures that have not traditionally allowed for the expression of distress (C. Regehr & Bober, 2005). Recognition of occupational stress injuries that arise from certain work environments has increased recently both as a result of direct (C. Regehr & LeBlanc, 2017; Ricciardelli, Czarnuch, Afifi, Taillieu, & Carleton, 2020; Wagner et al., 2020) and indirect exposure to disturbing incidents (Greinacher, Derezza-Greeven, Herzog, & Nikendei, 2019; MacEachern, Dennis, Jackson, & Jindal-Snape, 2019; Pirelli, Formon, & Maloney, 2020). To this end, the DSM-5 now includes in its criteria for posttraumatic stress disorder (PTSD) indirect exposure to aversive details of the trauma in the course of professional duties with specific mention of first responders (American Psychiatric Association, 2013). Nevertheless, at the time of the Bernardo trial, there was little recognition

that professionals exposed to traumatic material on the job may experience symptoms of traumatic stress.

Criminal justice professionals in this study described the profound impact that exposure to video evidence in the Bernardo case had on themselves and their colleagues. Participants described relationship break-ups due to emotional distancing and anger; they described leaving careers in criminal law; and they described clinical depression and post-traumatic stress. As one participant indicated: “I had my blinders on. And I had my blinders on from day one, until that finished. I let go of my person, who I was. And it’s almost like I became a robot. I did my job.” (LP204). Another person stated:

I had nightmares for months on end, sporadically. I’d wake up with a jolt... I never had any counselling, I never even thought about it. It wasn’t until I became a champion for mental health in the workplace more broadly, especially amongst lawyers who have incredibly high rates of alcoholism, and self-abuse, and of addiction, and I was in a more management position to publicise the availability of mental health treatment, that I thought to myself, oh my god, that was not a good way to go about it. (LP202)

The video evidence had impacts on individuals that were different than they had experienced from previous exposures through verbal accounts or still autopsy photos. As a police officer described, “they play” back from an inventory that was created when initially examined through repeated viewing for critical details. “They play...there are a bunch that I can pretty much just turn my mind to quickly and I can go right back to them... I could tell you exactly what he was wearing. I can tell you exactly how long it is. I can tell you the colour of his shoes...” (P101). Another senior officer likens the imbedded images to physical “scars” from personally reliving the traumas, “I can still see the images and hear them. I don’t think that it

will ever go if it hasn't by now...I think those kind of scars will probably always be there...you relive it." (P106). In describing the unique effect of video evidence, one individual on the defense team related:

[Before] you had information, and it was in writing. It was witness statements. It was physical evidence that the police had collected. So, you were able to imagine in your mind what had occurred, and create, possibly, with the evidence, an alternative theory... You have that buffer. You're imagining from what you're reading what occurred... This [torture and murder video] left no possibility for alternative theory...it was there for you and you could not get rid of it...It was the sounds. The sounds, the voices, are what stayed with me the longest. The voices... (LP204)

A forensic mental health professional recalls that "[t]he worst thing for me was the audio. That's the stuff that really ... it was either the despair in their voice and sometimes the audio combined with the emotional distress was ... that I just couldn't tolerate, I just couldn't. So that sort of stuff I kind of avoid like the plague." (FMH301)

Thus, the advent of video evidence increases risk of trauma response in those individuals who must view it as part of the criminal justice process. For the most part, research on the real life impacts of exposure to video evidence of violent crime is almost non-existent (Kimpel, 2021), however, the participants in this study make it clear that the impacts are not only pervasive, but also long-lasting.

Discussion and Conclusions

The case of Paul Bernardo and Karla Homolka is a horrifying account of sexual violence and murder. Bernardo's reign of violence first struck fear in the community of Scarborough in the east end of Toronto, as police sought to find the perpetrator of 17 sexual assaults against

Deleted: Laboratory research confirms that exposure to violent imagery in films as part of research study, consistently generates physiological stress responses (e.g. changes in heart rate and salivary cortisol) and intrusive thoughts (e.g. flashbacks, intrusive memories) in the days and weeks following the lab-based exposures (Arnaudova & Hagenars, 2017; James et al., 2016; Weidmann et al., 2009). Scenes depicting sexual violence and gross physical injury may be particularly effective at eliciting trauma-related symptoms (Arnaudova & Hagenars, 2017; Weidmann et al., 2009). Not only can viewing these films produce intrusive thoughts, but listening to verbal accounts of the scenes alone will also produce intrusive mental images (Perez, Jones, Englert, & Sachau, 2010; Seamone, 2013), especially in those with a preference for visual processing (Krans, Näring, Speckens, & Becker, 2011).

Deleted: (Perez, Jones, Englert, & Sachau, 2010; Seamone, 2013), especially in those with a preference for visual processing (Krans, Näring, Speckens, & Becker, 2011).

Deleted: , especially in those with a preference for visual processing (Krans, Näring, Speckens, & Becker, 2011).

Deleted: (Krans, Näring, Speckens, & Becker, 2011).

Deleted: .

young women. Next, the abduction and murders over 100 km away of two teenage girls in 1991 and 1992, created terror in small communities west of the city. Yet, what galvanized national and international attention to the case, was the discovery and ultimately the content, of video tapes capturing the assaults on four teenage girls while they were anaesthetized, three of whom died at the hands of Bernardo and Homolka.

As the first high profile case to hinge on video evidence, the Bernardo case created multiple challenges for the criminal justice system as it sought to determine whether and how video evidence could be used in the criminal justice process, who could have access to it in the process, how to address the traumatic reactions of those exposed, how to address the competing interests of victim privacy and public accountability of the judicial system, and what to do with the evidence once the justice process concluded. Twenty-five years later, with the ubiquitous nature of high-quality video and audio that now captures much of our daily existence, digital evidence serves as a cornerstone in the investigation and prosecution of violent crimes (Brayne et al., 2018; Dodge, 2018; Dodge et al., 2019; Henry & Powell, 2016). Despite this, many issues that first arose in the Bernardo case remain unresolved.

Arising from our analysis of the Bernardo case, and specifically the impact of video evidence, two primary sources of harm arose: those related to the use of video evidence in the justice process; and those arising from the publicity surrounding the case. Both of these sources intensified the trauma for victims and their families, and contributed to distress and trauma reactions of criminal justice professionals and members of the jury. These are summarized in Table 1. *Place Table 1 here.*

Gutheil and colleagues introduce the critogenic harm, that is, *“the intrinsic and often inescapable harms caused by the litigation process itself, even when the process is working*

Formatted: Font: Italic

exactly as it should” (Gutheil, Bursztajn, Brodsky, & Strasburger, 2000) (page 6). These harms include retraumatization and arrested healing, and excessive disclosure of personal information resulting in a sense of boundary violation or loss of privacy (Gutheil et al., 2000; Gutheil & Joo, 2017). In the current study, harms related to the justice process for victims included: the trauma of witnessing one’s own victimization as it occurs; re-victimization through repeated non-consensual sharing of graphic images (McGlynn et al., 2019; Powell & Henry, 2019; K. Regehr & Ringrose, Forthcoming); and disenfranchisement as the video evidence subsumes the role of victim, acting as their proxy and assuming their voice (Moore & Singh, 2018). For professionals and jury members, video evidence requires them to repeatedly watch in graphic detail violent acts committed against innocent victims, but given their duties of confidentiality and silence (“R v Pan; R v Sawyer,” 2001), and given the lack of understanding about the impact of watching video evidence of violent crime, they have been unable to share their experiences with others and seek assistance.

The Bernardo case also brought into stark relief the challenge of balancing the victim’s right to privacy with the principle of an open court as central to justice in a democratic society (McLachlin, 2003). This not only was reflected in multiple court rulings on public access to the video evidence (“R v Bernardo,” 1995), but also an inquiry into the subject by the Department of Justice following the case (Cameron, 2013). The media coverage in Bernardo was a clear example of the press sensationalizing crime and creating celebrities out of criminals. Through various court actions, the media sought access to intimate details of the victimization of both victims who survived their ordeal, and those who died. Their traumatic experiences have been immortalized and video evidence of one victim remains available on a mainstream public media site today. For families and victims, their pain and suffering is repeatedly displayed, as Debbie

Deleted: (Gutheil et al., 2000; Gutheil & Joo, 2017)H

Deleted: the manner in which

Mahaffy said, for the entertainment of others. For those involved in the system as professionals and jurors, repeated exposure through the media also serves to retrigger their trauma. In addition, they themselves become objects of press and subsequently public interest, but also disdain. In working with those whom society reviles as morally reprehensible, they also become targets of anger and disgust (Huey & Broll, 2015; Wilson-Kovacs et al., 2021). These impacts occurred at a time before social media and pervasive practices of sharing videos through public and private channels (Handyside & Ringrose, 2017; McGlynn et al., 2019; Powell & Henry, 2019) and the ways in which violent video inspire contemporary activist movements (Askanius, 2019; Ristovska, 2016). Though these new phenomena have the potential to contribute to social change, they also present the risk of significant harm for victims, survivors and to a lesser extent – to all who view them, A consequent, which seems largely unconsidered by researchers, media platforms and the general public alike. As such, future research must examine the impact of current criminal justice practices regarding the handling and viewing of video evidence given this new and continually evolving reality.

Katherine Biber’s (2013) incisive analysis regarding unintended uses of archived criminal evidence suggests a “jurisprudence of sensitivity”, That is, because the archived criminal evidence may be of a “private, personal, sensitive, or humiliating” nature, access to and thus its cultural afterlife needs to be guided by adequate justification and sensitivity to its continued effects. We suggest a jurisprudence of sensitivity is also necessary for the handling of such evidence throughout the justice process, prior to considering its cultural afterlife. That is, these videos do represent real events and possess “the unique tangibility of a real moment captured in material form” (Biber, 2013, p. 1040), necessitating exceptions to principles of open justice that

- Deleted: use of
- Deleted: as a
- Deleted: new form
- Deleted: of activism
- Deleted: This new reality creates exponential
- Deleted: s
- Deleted:
- Deleted: others involved in criminal justice
- Deleted: F

- Deleted: of the cultural afterlife
- Deleted: as an ethical way forward for anyone accessing this archived data, accessible as a matter of open justice
- Deleted: She suggests that

meaningfully acknowledge the sensitive and impactful information the videos contain and reveal with every playback.

- AG (Nova Scotia) v MacIntyre, 1 SCR 175, 183 (Supreme Court of Canada 1982).
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.). American Psychiatric Association.
- Arnaudova, I., & Hageaars, M. A. (2017). Lights... action: Comparison of trauma films for use in the trauma film paradigm. *Behaviour Research and Therapy*, 93, 67-77.
- Bates, S. (2017). Revenge porn and mental health: A qualitative analysis of the mental health effects of revenge porn on female survivors. *Feminist Criminology*, 12(1), 22-42.
- Ben-Ari, A., & Enosh, G. (2011). Processes of reflectivity: Knowledge construction in qualitative research. *Qualitative Social Work*, 10(2), 152-171.
- Benedict, H. (1993). *Virgin or vamp: How the press covers sex crimes*. Oxford University Press.
- Bentham, J. (1790). *Publicity in the Court of Justice*.
- Biber, K. (2013). IN CRIME'S ARCHIVE: The Cultural Afterlife of Criminal Evidence. *The British journal of criminology*, 53, 1033-1049.
- Birks, M., & Mills, J. (2015). *Grounded theory: A practical guide*. Sage.
- Brayne, S., Levy, K., & Newell, B. C. (2018). Visual data and the law. *Law & Social Inquiry*, 43(4), 1149-1163.
- Brown, B. (1995, August 9 1995). Teen Outlines Relationship with Bernardos. *The Buffalo News*.
https://buffalonews.com/news/teen-outlines-relationship-with-bernardos/article_9ad83a57-d507-5417-ad88-57cbe6dbbd59.html
- Cairns, J. (2020, July 13, 2020). Recounting the Bernardo Trial: First Person Exploits into the Unknown. *The Battleford News Optimist*. <https://www.newsoptimist.ca/features/first-person/recounting-the-bernardo-trial-1.24169440>
- Cameron, J. (2013). *Victim privacy and the open court principle*.
- Campbell, A. (1996). *Bernardo Investigation Review: Report of Justice Archie Campbell*. Q. Printer.

- Careless, S. (1993, July 27 1993). Battling society's cold curiosity Debbie Mahaffy speaks out for victim's rights. *The Interim*. <https://theinterim.com/issues/marriage-family/battling-society%E2%80%99s-cold-curiosity-debbie-mahaffy-speaks-out-for-victim%E2%80%99s-rights/>
- Carter, A. (2020, September 2 2020). 25 years after Bernardo verdict, jurors rally for increased pay and supports. *CBC News*. <https://www.cbc.ca/news/canada/toronto/bernardo-juror-verdict-supports-pay-1.5708187>
- Charmaz, K. (2008). Grounded theory as an emergent method. *Handbook of emergent methods*, 155, 172.
- Charmaz, K. (2014). *Constructing grounded theory*. Sage.
- Charmaz, K. (2017). Special invited paper: Continuities, contradictions, and critical inquiry in grounded theory. *International Journal of Qualitative Methods*, 16(1), 1609406917719350.
- Chun Tie, Y., Birks, M., & Francis, K. (2019). Grounded theory research: A design framework for novice researchers. *SAGE open medicine*, 7, 2050312118822927.
- Criminal Code of Canada, (1985). <http://laws.justice.gc.ca/en/C-46/>
- Dodge, A. (2018). The digital witness: The role of digital evidence in criminal justice responses to sexual violence. *Feminist Theory*, 19(3), 303-321.
- Dodge, A., Spencer, D., Ricciardelli, R., & Ballucci, D. (2019). "This isn't your father's police force": Digital evidence in sexual assault investigations. *Australian & New Zealand Journal of Criminology*, 52(4), 499-515.
- Döring, N. (2014). Consensual sexting among adolescents: Risk prevention through abstinence education or safer sexting? *Cyberpsychology: Journal of Psychosocial Research on Cyberspace*, 8(1).
- Dowler, K. (2006). Sex, lies, and videotape: The presentation of sex crime in local television news. *Journal of Criminal Justice*, 34(4), 383-392.
- Edwards, C. P., & Miller, M. K. (2019). An Assessment of Judges' Self-Reported Experiences of Secondary Traumatic Stress. *Juvenile and family court journal*, 70(2), 7-29.
- Fullerton, R. S. (2006). Representing the Reprehensible: Fairy Tales, News Stories & the Monstrous Karla Homolka. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 31(1), 91-99.

- Glaser, B., & Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Aldine de Gruyter.
- Graveland, B. (2020, February 6 2020). 'Life-changing experience': Former jurors hopeful new bill will provide support. *CityNews*. <https://edmonton.citynews.ca/2020/02/06/life-changing-experience-former-jurors-hopeful-new-bill-will-provide-support/>
- Greer, C. (2003). Sex Crime and the Media: Press Representations in Northern Ireland. In P. Mason (Ed.), *Criminal Visions: Media Representations of Crime and Justice* (pp. 90-116). Willan Pub.
- Greinacher, A., Derezza-Greeven, C., Herzog, W., & Nikendei, C. (2019). Secondary traumatization in first responders: a systematic review. *European Journal of Psychotraumatology*, *10*(1), 1562840.
- Handyside, S., & Ringrose, J. (2017). Snapchat memory and youth digital sexual cultures: Mediated temporality, duration and affect. *Journal of Gender Studies*, *26*(3), 347-360.
- Haragi, M., Yamaguchi, R., Okuhara, T., & Kiuchi, T. (2020). Questionnaire survey of a mock jury on their impressions of medical-legal illustrations aimed at reducing trauma and PTSD of jurors. *Journal of Visual Communication in Medicine*, *43*(2), 67-75.
- Henry, N., & Powell, A. (2016). Sexual violence in the digital age: The scope and limits of criminal law. *Social & legal studies*, *25*(4), 397-418.
- Horowitz, M. (1969). Psychic trauma: Return of images after a stress film. *Archives of General Psychiatry*, *20*(5), 552-559.
- Horowitz, M., & Wilner, N. (1976). Stress films, emotion, and cognitive response. *Archives of General Psychiatry*, *33*(11), 1339-1344.
- Huey, L., & Broll, R. (2015). I don't find it sexy at all': criminal investigators' views of media glamorization of police 'dirty work. *Policing and society*, *25*(2), 236-247.
- Hughes, E. C. (1962). Good people and dirty work. *Social Problems*, *10*(1), 3-11.
- James, E. L., Lau-Zhu, A., Clark, I. A., Visser, R. M., Hagedaars, M. A., & Holmes, E. A. (2016). The trauma film paradigm as an experimental psychopathology model of psychological trauma: Intrusive memories and beyond. *Clinical Psychology Review*, *47*, 106-142.

- Kaplan, S. M., & Winget, C. (1992). The occupational hazards of jury duty. *Journal of the American Academy of Psychiatry and the Law Online*, 20(3), 325-333.
- Kimpel, A. (2021). Violent Videos: Criminal Defense in a Digital Age. *Georgia State University Law Review*, 37(2), 305-424.
- Krajicek, D. J. (1998). *Scooped!: Media miss real story on crime while chasing sex, sleaze, and celebrities*. Columbia University Press.
- Krans, J., Näring, G., Speckens, A., & Becker, E. S. (2011). Eyewitness or earwitness: The role of mental imagery in intrusion development. *International Journal of Cognitive Therapy*, 4(2), 154-164.
- Krieger, M. (2019). *Women's experiences of non-consensual use of their sexual images*.
- Lazarus, R. S., Speisman, J. C., Mordkoff, A. M., & Davison, L. A. (1962). A laboratory study of psychological stress produced by a motion picture film. *Psychological Monographs: General and Applied*, 76(34), 1.
- Leclerc, M.-E., Wemmers, J.-A., & Brunet, A. (2020). The unseen cost of justice: Post-traumatic stress symptoms in Canadian lawyers. *Psychology, Crime & Law*, 26(1), 1-21.
- Lietz, C. A., & Zayas, L. E. (2010). Evaluating qualitative research for social work practitioners. *Advances in Social Work*, 11(2), 188-202.
- Loh, J. (2013). Inquiry into issues of trustworthiness and quality in narrative studies: A perspective. *The qualitative report*, 18(33), 1.
- Loneragan, M., Leclerc, M.-È., Descamps, M., Pigeon, S., & Brunet, A. (2016). Prevalence and severity of trauma-and stressor-related symptoms among jurors: A review. *Journal of Criminal Justice*, 47, 51-61.
- MacEachern, A. D., Dennis, A. A., Jackson, S., & Jindal-Snape, D. (2019). Secondary traumatic stress: Prevalence and symptomology amongst detective officers investigating child protection cases. *Journal of Police and Criminal Psychology*, 34(2), 165-174.
- MacFarlane, B. A., & Keating, H. (1999). Horrific Video Tapes as Evidence: Balancing Open Court and Victims' Privacy. *Criminal Law Quarterly*, 41(4), 413-461.

- Mandel, M. (2021, June 22 2021). MANDEL: The farce of a Paul Bernardo parole hearing. *The Toronto Sun*. <https://torontosun.com/news/local-news/mandel-the-farce-of-a-paul-bernardo-parole-hearing>
- Martin, J. (2014). "It's Just an Image, Right?": Practitioners' Understanding of Child Sexual Abuse Images Online and Effects on Victims. *Child & Youth Services, 35*(2), 96-115. _____
- Martin, J., & Alaggia, R. (2013). Sexual abuse images in cyberspace: Expanding the ecology of the child. *Journal of child sexual abuse, 22*(4), 398-415. _____
- McCracken, G. (1988). *The Long Interview*. Sage Publications, Inc. _____
- McGlynn, C., & Rackley, E. (2017). Image-based sexual abuse. *Oxford Journal of Legal Studies, 37*(3), 534-561. _____
- McGlynn, C., Rackley, E., & Houghton, R. (2017). Beyond 'revenge porn': The continuum of image-based sexual abuse. *Feminist Legal Studies, 25*(1), 25-46. _____
- McGlynn, C., Rackley, E., Johnson, K., Henry, N., Flynn, A., Powell, A., Gavey, N., & Scott, A. (2019). Shattering lives and myths: a report on image-based sexual abuse. _____
- McLachlin, B. (2003). Courts, transparency and public confidence-to the better administration of justice [Edited version of the 2003 Deakin Law School Oration, delivered on 16 Apr 2003.]. *Deakin Law Review, 8*(1), 1-11. _____
- Moore, D., & Singh, R. (2018). Seeing crime, feeling crime: Visual evidence, emotions, and the prosecution of domestic violence. *Theoretical Criminology, 22*(1), 116-132. _____
- Perez, L. M., Jones, J., Englert, D. R., & Sachau, D. (2010). Secondary traumatic stress and burnout among law enforcement investigators exposed to disturbing media images. *Journal of Police and Criminal Psychology, 25*(2), 113-124. _____
- Pirelli, G., Formon, D. L., & Maloney, K. (2020). Preventing vicarious trauma (VT), compassion fatigue (CF), and burnout (BO) in forensic mental health: Forensic psychology as exemplar. *Professional Psychology: Research and Practice, 51*(5), 454. _____

- Polak, S., Bailey, R., & Bailey, E. (2019). Secondary traumatic stress in the courtroom: suggestions for preventing vicarious trauma resulting from child sexual abuse imagery. *Juvenile and family court journal*, 70(2), 69-75.
- Powell, A., & Henry, N. (2019). Technology-facilitated sexual violence victimization: Results from an online survey of Australian adults. *Journal of interpersonal violence*, 34(17), 3637-3665.
- R v Bernardo, 274/94 (Ontario Court of Justice 1995).
- R v Pan; R v Sawyer, Supreme Court of Canada (2001).
- Rankin, C. (2021, June 22 2021). Victims' families describe pain, grief before Paul Bernardo denied parole a 2nd time. *CBC News*. <https://www.cbc.ca/news/canada/hamilton/bernardo-parole-hearing-parents-mahaffy-french-1.6074962>
- Regehr, C., & Alaggia, R. (2006). Perspectives on Justice for Victims of Sexual Violence. *Victims and Offenders: A Journal of Evidence-Based Practice*, 1(1), 33-46.
- Regehr, C., Alaggia, R., Lambert, L., & Saini, M. (2008). Victims of sexual violence in the Canadian criminal courts. *Victims and Offenders*, 3(1), 99-113.
- Regehr, C., & Bober, T. (2005). *In the line of fire: Trauma in the emergency services*. Oxford University Press.
- Regehr, K., & Ringrose, J. (Forthcoming). Understanding Image Based Sexual Abuse: Changing the conceptual frame of “sexting” to help youth navigate harmful online practices. *Journal of social issues*.
- Ricciardelli, R., Czarnuch, S., Afifi, T., Taillieu, T., & Carleton, R. (2020). Public Safety Personnel’s interpretations of potentially traumatic events. *Occupational medicine*, 70(3), 155-161.
- Riehle, A. (1996). Canada's Barbie and Ken Murder Case: The Death Knell of Publication Bans. *Ind. Int'l & Comp. L. Rev.*, 7, 193.
- Robertson, N., Davies, G., & Nettleingham, A. (2009). Vicarious traumatising as a consequence of jury service. *The Howard Journal of Criminal Justice*, 48(1), 1-12.

- Sandberg, S., & Ugelvik, T. (2017). Why do offenders tape their crimes? Crime and punishment in the age of the selfie. *British Journal of Criminology*, 57(5), 1023-1040.
- Scott v Scott, UKHL2 (United Kingdom House of Lords 1913).
- Seamone, E. R. (2013). Sex crimes litigation as hazardous duty: Practical tools for trauma-exposed prosecutors, defense counsel, and paralegals. *Ohio St. J. Crim. L.*, 11, 487.
- Serisier, T. (2017). Sex crimes and the media. In *Oxford Research Encyclopedia of Criminology and Criminal Justice*.
- Slane, A. (2010). From scanning to sexting: The scope of protection of dignity-based privacy in Canadian child pornography law. *Osgoode Hall LJ*, 48, 543.
- Slane, A. (2015). Legal conceptions of harm related to sexual images online in the United States and Canada. *Child & Youth Services*, 36(4), 288-311.
- Slane, A., Martin, J., Rimer, J. R., Eke, A. W., Sinclair, R., Charles, G., & Quayle, E. (2018). Professionals' perspectives on viewing child sexual abuse images to improve response to victims. *Canadian Review of Sociology/Revue canadienne de sociologie*, 55(4), 579-596.
- Spencer, D., Dodge, A., Ricciardelli, R., & Ballucci, D. (2018). "I think it's re-victimizing victims almost every time": Police perceptions of criminal justice responses to sexual violence. *Critical criminology*, 26(2), 189-209.
- Spencer, D. C., Ricciardelli, R., Ballucci, D., & Walby, K. (2019). Cynicism, dirty work, and policing sex crimes. *Policing: An International Journal*.
- Vidmar, N. (1999). The Canadian criminal jury: Searching for a middle ground. *Law and Contemporary Problems*, 62(2), 141-172.
- Wagner, S. L., White, N., Fyfe, T., Matthews, L. R., Randall, C., Regehr, C., White, M., Alden, L. E., Buys, N., & Carey, M. G. (2020). Systematic review of posttraumatic stress disorder in police officers following routine work-related critical incident exposure. *American Journal of Industrial Medicine*, 63(7), 600-615.

- Weidmann, A., Conradi, A., Gröger, K., Fehm, L., & Fydrich, T. (2009). Using stressful films to analyze risk factors for PTSD in analogue experimental studies—which film works best? *Anxiety, Stress, & Coping*, 22(5), 549-569.
- Welsh, E., Robertson, N., Ireland, L., & Davies, G. (2020). The Impact of Jury Service on Scottish Jurors' Health and Well-Being. *The Howard Journal of Crime and Justice*, 59(1), 3-16.
- Wilson, E. (2020). *Medical Malpractice and Jury Secrecy: It is time to lift the veil on causation?*
https://www.cba.org/Sections/Health-Law/Resources/Resources/2020/Winner-of-the-2020Health-Law-Student-Essay-Contest#_edn125
- Wilson-Kovacs, D., Rappert, B., & Redfern, L. (2021). Dirty Work? Policing Online Indecency in Digital Forensics. *The British Journal of Criminology*.
- Young, M. L., & Pritchard, D. (2006). Cross-Border Crime Stories: American media, Canadian law, and murder in the internet age. *American Review of Canadian Studies*, 36(3), 407-426.
- Zanobini, A. (2016). Protecting victims: limiting discovery of child pornography in California. *Geo. J. Legal Ethics*, 29, 1461.

Table 1: Harms arising from video evidence

	<u>Critogenic harms related to the Justice Process</u>	<u>Harms arising from Media and Public Attention</u>
<u>Victims and Survivors</u>	<u>Witnessing one's own victimization through video evidence</u> <u>Video subsuming the role of the victim in the system</u> <u>Re-victimization through non-consensual sharing</u>	<u>Sensationalizing crime / criminals as celebrities</u> <u>Violation through sharing of images and intimate details</u> <u>Traumatic experience is immortalized</u>
<u>Criminal Justice Professionals and Jurors</u>	<u>Repeated exposure to graphic violence</u> <u>Isolation due to the duty to remain silent</u>	<u>No respite from the case / repeated exposure</u> <u>Vilified / Guilt by association</u>

References

- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.). Arlington, VA: American Psychiatric Association.
- Arnaudova, I., & Hagenars, M. A. (2017). Lights... action: Comparison of trauma films for use in the trauma film paradigm. *Behaviour Research and Therapy*, *93*, 67-77.
- Askanius, T. (2019). Video activism as technology, text, testimony—or practices? In *Citizen Media and Practice* (pp. 136-151): Routledge.
- Bates, S. (2017). Revenge porn and mental health: A qualitative analysis of the mental health effects of revenge porn on female survivors. *Feminist Criminology*, *12*(1), 22-42.
- Benedict, H. (1993). *Virgin or vamp: How the press covers sex crimes*: Oxford University Press.
- Biber, K. (2013). IN CRIME'S ARCHIVE: The Cultural Afterlife of Criminal Evidence. *The British journal of criminology*, *53*, 1033-1049.
- Braun, V., & Clarke, V. (2021). To saturate or not to saturate? Questioning data saturation as a useful concept for thematic analysis and sample-size rationales. *Qualitative research in sport, exercise and health*, *13*(2), 201-216.
- Brayne, S., Levy, K., & Newell, B. C. (2018). Visual data and the law. *Law & Social Inquiry*, *43*(4), 1149-1163.
- Brown, B. (1995, August 9 1995). Teen Outlines Relationship with Bernardos. *The Buffalo News*. Retrieved from https://buffalonews.com/news/teen-outlines-relationship-with-bernardos/article_9ad83a57-d507-5417-ad88-57cbe6dbbd59.html
- Cairns, J. (2020, July 13, 2020). Recounting the Bernardo Trial: First Person Exploits into the Unknown. *The Battleford News Optimist*. Retrieved from <https://www.newsoptimist.ca/features/first-person/recounting-the-bernardo-trial-1.24169440>
- Cameron, J. (2013). *Victim privacy and the open court principle*. Retrieved from Ottawa:
- Careless, S. (1993, July 27 1993). Battling society's cold curiosity Debbie Mahaffy speaks out for victim's rights. *The Interim*. Retrieved from <https://theinterim.com/issues/marriage-family/battling-society%E2%80%99s-cold-curiosity-debbie-mahaffy-speaks-out-for-victim%E2%80%99s-rights/>
- Carter, A. (2020, September 2 2020). 25 years after Bernardo verdict, jurors rally for increased pay and supports. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/toronto/bernardo-juror-verdict-supports-pay-1.5708187>
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*: Sage publications.
- Crowe, S., Cresswell, K., Robertson, A., Huby, G., Avery, A., & Sheikh, A. (2011). The case study approach. *BMC medical research methodology*, *11*(1), 1-9.
- Dodge, A. (2018). The digital witness: The role of digital evidence in criminal justice responses to sexual violence. *Feminist Theory*, *19*(3), 303-321.
- Dodge, A., Spencer, D., Ricciardelli, R., & Ballucci, D. (2019). "This isn't your father's police force": Digital evidence in sexual assault investigations. *Australian & New Zealand Journal of Criminology*, *52*(4), 499-515.
- Döring, N. (2014). Consensual sexting among adolescents: Risk prevention through abstinence education or safer sexting? *Cyberpsychology: Journal of Psychosocial Research on Cyberspace*, *8*(1).
- Dowler, K. (2006). Sex, lies, and videotape: The presentation of sex crime in local television news. *Journal of Criminal Justice*, *34*(4), 383-392.
- Edwards, C. P., & Miller, M. K. (2019). An Assessment of Judges' Self-Reported Experiences of Secondary Traumatic Stress. *Juvenile and family court journal*, *70*(2), 7-29.
- Feagin, J. R., Orum, A. M., & Sjoberg, G. (1991). *A case for the case study*: UNC Press Books.
- Fullerton, R. S. (2006). Representing the Reprehensible: Fairy Tales, News Stories & the Monstrous Karla Homolka. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, *31*(1), 91-99.

- Graveland, B. (2020, February 6 2020). 'Life-changing experience': Former jurors hopeful new bill will provide support. *CityNews*. Retrieved from <https://edmonton.citynews.ca/2020/02/06/life-changing-experience-former-jurors-hopeful-new-bill-will-provide-support/>
- Greer, C. (2003). Sex Crime and the Media: Press Representations in Northern Ireland. In P. Mason (Ed.), *Criminal Visions: Media Representations of Crime and Justice* (pp. 90-116). Devon UK: Willan Pub.
- Greinacher, A., Derezza-Greeven, C., Herzog, W., & Nikendei, C. (2019). Secondary traumatization in first responders: a systematic review. *European Journal of Psychotraumatology*, *10*(1), 1562840.
- Gutheil, T. G., Bursztajn, H., Brodsky, A., & Strasburger, L. H. (2000). Preventing "critogenic" harms: Minimizing emotional injury from civil litigation. *The Journal of Psychiatry & Law*, *28*(1), 5-18.
- Gutheil, T. G., & Joo, K. Y. (2017). Critogenic Harms in Criminal Law. *Crim. Just.*, *32*, 18.
- Handyside, S., & Ringrose, J. (2017). Snapchat memory and youth digital sexual cultures: Mediated temporality, duration and affect. *Journal of Gender Studies*, *26*(3), 347-360.
- Haragi, M., Yamaguchi, R., Okuhara, T., & Kiuchi, T. (2020). Questionnaire survey of a mock jury on their impressions of medical-legal illustrations aimed at reducing trauma and PTSD of jurors. *Journal of Visual Communication in Medicine*, *43*(2), 67-75.
- Henry, N., & Powell, A. (2016). Sexual violence in the digital age: The scope and limits of criminal law. *Social & legal studies*, *25*(4), 397-418.
- Horowitz, M. (1969). Psychic trauma: Return of images after a stress film. *Archives of General Psychiatry*, *20*(5), 552-559.
- Horowitz, M., & Wilner, N. (1976). Stress films, emotion, and cognitive response. *Archives of General Psychiatry*, *33*(11), 1339-1344.
- Huey, L., & Broll, R. (2015). I don't find it sexy at all': criminal investigators' views of media glamorization of police 'dirty work. *Policing and society*, *25*(2), 236-247.
- Hughes, E. C. (1962). Good people and dirty work. *Social Problems*, *10*(1), 3-11.
- Hyett, N., Kenny, A., & Dickson-Swift, V. (2014). Methodology or method? A critical review of qualitative case study reports. *International journal of qualitative studies on health and well-being*, *9*(1), 23606.
- James, E. L., Lau-Zhu, A., Clark, I. A., Visser, R. M., Hagenaars, M. A., & Holmes, E. A. (2016). The trauma film paradigm as an experimental psychopathology model of psychological trauma: Intrusive memories and beyond. *Clinical Psychology Review*, *47*, 106-142.
- Kaplan, S. M., & Winget, C. (1992). The occupational hazards of jury duty. *Journal of the American Academy of Psychiatry and the Law Online*, *20*(3), 325-333.
- Kimpel, A. (2021). Violent Videos: Criminal Defense in a Digital Age. *Georgia State University Law Review*, *37*(2), 305-424.
- Krajicek, D. J. (1998). *Scooped!: Media miss real story on crime while chasing sex, sleaze, and celebrities*: Columbia University Press.
- Krieger, M. (2019). Women's experiences of non-consensual use of their sexual images.
- Lazarus, R. S., Speisman, J. C., Mordkoff, A. M., & Davison, L. A. (1962). A laboratory study of psychological stress produced by a motion picture film. *Psychological Monographs: General and Applied*, *76*(34), 1.
- Leclerc, M.-E., Wemmers, J.-A., & Brunet, A. (2020). The unseen cost of justice: Post-traumatic stress symptoms in Canadian lawyers. *Psychology, Crime & Law*, *26*(1), 1-21.
- Levin, A. P., Albert, L., Besser, A., Smith, D., Zelenski, A., Rosenkranz, S., & Neria, Y. (2011). Secondary traumatic stress in attorneys and their administrative support staff working with trauma-exposed clients. *The Journal of nervous and mental disease*, *199*(12), 946-955.
- Lietz, C. A., & Zayas, L. E. (2010). Evaluating qualitative research for social work practitioners. *Advances in Social Work*, *11*(2), 188-202.
- Loh, J. (2013). Inquiry into issues of trustworthiness and quality in narrative studies: A perspective. *The qualitative report*, *18*(33), 1.

- Loneragan, M., Leclerc, M.-È., Descamps, M., Pigeon, S., & Brunet, A. (2016). Prevalence and severity of trauma-and stressor-related symptoms among jurors: A review. *Journal of Criminal Justice, 47*, 51-61.
- Low, J. (2019). A pragmatic definition of the concept of theoretical saturation. *Sociological Focus, 52*(2), 131-139.
- MacEachern, A. D., Dennis, A. A., Jackson, S., & Jindal-Snape, D. (2019). Secondary traumatic stress: Prevalence and symptomatology amongst detective officers investigating child protection cases. *Journal of Police and Criminal Psychology, 34*(2), 165-174.
- MacFarlane, B. A., & Keating, H. (1999). Horrific Video Tapes as Evidence: Balancing Open Court and Victims' Privacy. *Criminal Law Quarterly, 41*(4), 413-461.
- Mandel, M. (2021, June 22 2021). MANDEL: The farce of a Paul Bernardo parole hearing. *The Toronto Sun*. Retrieved from <https://torontosun.com/news/local-news/mandel-the-farce-of-a-paul-bernardo-parole-hearing>
- Martin, J. (2014). "It's Just an Image, Right?": Practitioners' Understanding of Child Sexual Abuse Images Online and Effects on Victims. *Child & Youth Services, 35*(2), 96-115.
- Martin, J., & Alaggia, R. (2013). Sexual abuse images in cyberspace: Expanding the ecology of the child. *Journal of child sexual abuse, 22*(4), 398-415.
- McCracken, G. (1988). *The Long Interview*. Newbury Park: Sage Publications, Inc.
- McGlynn, C., & Rackley, E. (2017). Image-based sexual abuse. *Oxford Journal of Legal Studies, 37*(3), 534-561.
- McGlynn, C., Rackley, E., Johnson, K., Henry, N., Flynn, A., Powell, A., . . . Scott, A. (2019). Shattering lives and myths: a report on image-based sexual abuse.
- McLachlin, B. (2003). Courts, transparency and public confidence-to the better administration of justice [Edited version of the 2003 Deakin Law School Oration, delivered on 16 Apr 2003.]. *Deakin Law Review, 8*(1), 1-11.
- Merriam, S. B. (2010). Qualitative case studies. In P. Peterson, E. Baker, & B. McGraw (Eds.), *International Encyclopedia of Education* (3rd ed., pp. 456-462). Oxford, UK: Academic Press.
- Moore, D., & Singh, R. (2018). Seeing crime, feeling crime: Visual evidence, emotions, and the prosecution of domestic violence. *Theoretical Criminology, 22*(1), 116-132.
- Pillay, S. (2005). Video as evidence. *Video for Change, 209-232*.
- Pirelli, G., Formon, D. L., & Maloney, K. (2020). Preventing vicarious trauma (VT), compassion fatigue (CF), and burnout (BO) in forensic mental health: Forensic psychology as exemplar. *Professional Psychology: Research and Practice, 51*(5), 454.
- Polak, S., Bailey, R., & Bailey, E. (2019). Secondary traumatic stress in the courtroom: suggestions for preventing vicarious trauma resulting from child sexual abuse imagery. *Juvenile and family court journal, 70*(2), 69-75.
- Powell, A., & Henry, N. (2019). Technology-facilitated sexual violence victimization: Results from an online survey of Australian adults. *Journal of interpersonal violence, 34*(17), 3637-3665.
- R v Bernardo, 274/94 (Ontario Court of Justice 1995).
- R v Pan; R v Sawyer, No. [2001] 2 SCR 344 (2001).
- Rankin, C. (2021, June 22 2021). Victims' families describe pain, grief before Paul Bernardo denied parole a 2nd time. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/hamilton/bernardo-parole-hearing-parents-mahaffy-french-1.6074962>
- Regehr, C., & Alaggia, R. (2006). Perspectives on Justice for Victims of Sexual Violence. *Victims and Offenders: A Journal of Evidence-Based Practice, 1*(1), 33-46.
- Regehr, C., Alaggia, R., Lambert, L., & Saini, M. (2008). Victims of sexual violence in the Canadian criminal courts. *Victims and Offenders, 3*(1), 99-113.
- Regehr, C., & Bober, T. (2005). *In the line of fire: Trauma in the emergency services*: Oxford University Press.

- Regehr, C., & LeBlanc, V. R. (2017). PTSD, Acute Stress, Performance and Decision-Making in Emergency Service Workers. *The journal of the American Academy of Psychiatry and the Law*, 45(2), 184.
- Regehr, K., & Ringrose, J. (Forthcoming). Understanding Image Based Sexual Abuse: Changing the conceptual frame of “sexting” to help youth navigate harmful online practices. *Journal of social issues*.
- Ricciardelli, R., Czarnuch, S., Affi, T., Taillieu, T., & Carleton, R. (2020). Public Safety Personnel’s interpretations of potentially traumatic events. *Occupational medicine*, 70(3), 155-161.
- Riehle, A. (1996). Canada’s Barbie and Ken Murder Case: The Death Knell of Publication Bans. *Ind. Int'l & Comp. L. Rev.*, 7, 193.
- Ristovska, S. (2016). Strategic witnessing in an age of video activism. *Media, Culture & Society*, 38(7), 1034-1047.
- Robertson, N., Davies, G., & Nettleingham, A. (2009). Vicarious traumatisation as a consequence of jury service. *The Howard Journal of Criminal Justice*, 48(1), 1-12.
- Sandberg, S., & Ugelvik, T. (2017). Why do offenders tape their crimes? Crime and punishment in the age of the selfie. *British Journal of Criminology*, 57(5), 1023-1040.
- Seamone, E. R. (2013). Sex crimes litigation as hazardous duty: Practical tools for trauma-exposed prosecutors, defense counsel, and paralegals. *Ohio St. J. Crim. L.*, 11, 487.
- Serisier, T. (2017). Sex crimes and the media. In *Oxford Research Encyclopedia of Criminology and Criminal Justice*.
- Simons, H. (2009). *Case study research in practice*: SAGE publications.
- Slane, A. (2010). From scanning to sexting: The scope of protection of dignity-based privacy in Canadian child pornography law. *Osgoode Hall LJ*, 48, 543.
- Slane, A. (2015). Legal conceptions of harm related to sexual images online in the United States and Canada. *Child & Youth Services*, 36(4), 288-311.
- Slane, A., Martin, J., Rimer, J. R., Eke, A. W., Sinclair, R., Charles, G., & Quayle, E. (2018). Professionals’ perspectives on viewing child sexual abuse images to improve response to victims. *Canadian Review of Sociology/Revue canadienne de sociologie*, 55(4), 579-596.
- Spencer, D., Dodge, A., Ricciardelli, R., & Ballucci, D. (2018). “I think it’s re-victimizing victims almost every time”: Police perceptions of criminal justice responses to sexual violence. *Critical criminology*, 26(2), 189-209.
- Spencer, D. C., Ricciardelli, R., Ballucci, D., & Walby, K. (2019). Cynicism, dirty work, and policing sex crimes. *Policing: An International Journal*.
- Stake, R. E. (1978). The case study method in social inquiry. *Educational researcher*, 7(2), 5-8.
- Stake, R. E. (1995). *The art of case study research*: sage.
- Stake, R. E. (2005). Qualitative case studies. In N. K. D’enzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 443-466). Thousand Oaks, CA: Sage.
- Stuart, F. (2011). Constructing police abuse after Rodney King: How skid row residents and the Los Angeles Police Department contest video evidence. *Law & Social Inquiry*, 36(2), 327-353.
- Thomas, G. (2011). A typology for the case study in social science following a review of definition, discourse, and structure. *Qualitative Inquiry*, 17(6), 511-521.
- Vidmar, N. (1999). The Canadian criminal jury: Searching for a middle ground. *Law and Contemporary Problems*, 62(2), 141-172.
- Wagner, S. L., White, N., Fyfe, T., Matthews, L. R., Randall, C., Regehr, C., . . . Carey, M. G. (2020). Systematic review of posttraumatic stress disorder in police officers following routine work-related critical incident exposure. *American Journal of Industrial Medicine*, 63(7), 600-615.
- Weidmann, A., Conradi, A., Gröger, K., Fehm, L., & Fydrich, T. (2009). Using stressful films to analyze risk factors for PTSD in analogue experimental studies—which film works best? *Anxiety, Stress, & Coping*, 22(5), 549-569.
- Welsh, E., Robertson, N., Ireland, L., & Davies, G. (2020). The Impact of Jury Service on Scottish Jurors’ Health and Well-Being. *The Howard Journal of Crime and Justice*, 59(1), 3-16.

- Wilson-Kovacs, D., Rappert, B., & Redfern, L. (2021). Dirty Work? Policing Online Indecency in Digital Forensics. *The British Journal of Criminology*.
- Young, M. L., & Pritchard, D. (2006). Cross-Border Crime Stories: American media, Canadian law, and murder in the internet age. *American Review of Canadian Studies*, 36(3), 407-426.
- Zanobini, A. (2016). Protecting victims: limiting discovery of child pornography in California. *Geo. J. Legal Ethics*, 29, 1461.