



Accommodating Justice: Victim Impact Statements in the Sentencing Process

Tracey Booth

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Prominent criminologist, David Garland, has argued that VISs have led us into 'unfamiliar territory where the ideological grounds are far from clear and the old assumptions an unreliable guide'. A victim impact statement (VIS) is a highly nuanced and individual narrative that can operate as both an informational device in the sentencing process and an expressive mechanism for crime victims. From the law perspective, VISs provide the court with details of harm caused by the offence and the consequences of the offending in order to further purposes of sentencing. As an expressive mechanism, VISs offer victims the opportunity and space to express their feelings, tell their personal story of the aftermath of crime, and be heard by the court, the offender, and the wider community. Though a well-established feature of contemporary sentencing hearings (at least in superior courts) VISs remain controversial in common law jurisdictions. The 'non-legal' nature of VISs has generated uncertainty in relation to the functioning of the sentencing hearing and concerns have been raised that VISs are: inconsistent with established legal values, detrimental to the offender's entitlement to a fair hearing, detrimental to victims' wellbeing, and harmful to the integrity of the legal proceedings. *Accommodating Justice: Victim Impact Statements in the Sentencing Process* explores the complex territory where VISs, the law and legal institutions intersect with a focus on the requirements of fairness, most particularly in the courtroom. And it does so from multiple perspectives: courts, offenders and victims. The book draws from a range of theoretical and doctrinal sources as well as empirical studies from Australia, Canada, the United States and the United Kingdom. An ethnographic study of the performance of VISs in homicide sentencing hearings in the NSW Supreme Court woven through most chapters provides an innovative and evidence-based approach to the issues.

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