

Chapter 6: Testaments of Transformation

The VIS process is evolutionary, not one of restoration but of transformation, with the VIS necessitating a victim to accept the crime event and acknowledge and consider the depth of its impacts and, in doing so, consider their changed status. VISs are far more than ‘testaments of harm’ (Graham et al 2004:i), for as findings show, beyond the impact of the crime event, there is much for victims to contemplate, negotiate and evaluate in the decision to make, write and present a VIS. It is within those processes that lie opportunities for meaning-making and self-reformation.

This study has featured one of the largest broad-based samples of primary and family VOC to be interviewed in depth about their VIS experience to date and is one of the few independent VIS studies, unfunded by government agencies or victim support services, to report VOC and VSP understandings of the VIS. Participants’ candid responses have produced a rich picture of the experience of the VIS for VOC in NSW. Crimes against those interviewed were very serious, and when reviewing the findings it is important to remember the profound suffering caused to them—still endured by many—and their bravery in sharing their experiences.

This chapter presents the therapeutic benefits of the VIS, further findings of interest and concern, recommendations and potential for future research, and concludes with an appraisal of the study’s contribution to existing research.

6.1 Therapeutic benefits of the VIS

Findings confirm that the VIS is a useful therapeutic mechanism. It offers VOC the opportunity to reconstruct the traumatic story from their perspective, to assess their harms, and to make meaning of their suffering in order to restore their connections to those close to them and to the wider community through the experience of their story being heard and validated within a public, sanctioned forum (see Cattaneo Dunn & Chapman 2013; Daly 2014).

The novel finding in this regard is that VOC gain therapeutic effects not only from the participatory but also the self-reflective, validatory and empowering opportunities the VIS provides, despite levels of anger or psychological trauma remaining unaffected and despite dissatisfaction with other elements of their criminal justice experience or the sentence handed down. VIS satisfaction and its therapeutic benefits seem to occur in isolation from less-favourable legal experiences or ongoing psychological distress resultant from the crime event. This counters one of the policy intentions of the VIS—namely, that satisfaction derived from the participatory opportunity of making a VIS raises the victim’s satisfaction with criminal justice processes (Walklate 2012; Winick 2011). The data provide a more specific understanding that feeling better after making a VIS does not necessarily refer to an amelioration of levels of anger or mental anguish resultant from the crime. Lens et al 2015, in seeking to assess the therapeutic value of the VIS in relation to victim recovery and reduction in levels of psychological distress, were not able to attribute such direct benefits to the VIS and instead suggested the therapeutic benefits of the VIS may be less direct.

The VIS cannot compensate for losses experienced due to the crime nor for further (if only perceived) injustices of cross-examination or negotiation of charges or sentences discordant with the victim’s appraisal of their suffering. However, findings show that this does not negate the personal and positive effect of the VIS. Hoyle (2011:257) is perhaps right to argue that evidence indicating the VIS significantly reduces the victim’s distress and increases their satisfaction with the criminal process is ‘tenuous to say the least’. Findings suggest it would be foolhardy to assume that the VIS has the power to lessen the psychological distress and personal impacts resulting from serious personal or fatal crimes.

What positive therapeutic effects does the VIS provide? Although the findings support the therapeutic—though at times short-lived—benefit of catharsis noted in other studies (Erez, Kichling & Wemmers 2011; Graham et al 2004; Leverick, Chalmers & Duff 2007; VSA 2009), this is not the most important and lasting effect of a VIS. Analysis of the firsthand experiences of VOC confirms the novel

finding that the core therapeutic value of the VIS lies in the opportunity it provides for VOC to reframe their experience (Bowman 1999). By giving VOC the autonomy to choose how their experience is to be understood by a wider audience, the VIS is a vehicle through which the power—at least regarding the consequences of the victim's management of their experience—is returned to them. The VIS requires VOC to purposely challenge themselves to consider their crime experience and evaluate its impact. They fashion their understanding of not only what has happened to them but also what that means to them in the present through the perspective of their past and how they will make sense of it into their future. This process of making their own meaning of the injustices of their suffering is both therapeutic and transformative, allowing them to psychologically travel from victimisation to self-determination, from isolation to reconnection and from disempowerment to empowerment facilitated through the mechanism of the VIS. This intrinsic therapeutic benefit stands alone, disassociated from any disappointment with sentencing proceedings and sentence term. The results show this outcome as robust and lasting.

As demonstrated by results presented in Chapter 4, in viewing victimhood in terms of loss, when VOC are preparing their VIS, they are required to acknowledge the full repercussions of the crime/s against them in order to contemplate the nature of their losses and associated grief. During this process of acknowledgement and assessment, VOC pass through early grief stages of *isolation*, *denial* and *anger*, into stages of *bargaining*—where a regaining of control is sought—and *acceptance* in order to survive into the future (Kübler-Ross 1969; Murray 2001). In other words, the VIS provides the mechanism through which the psychological process of 'grief work' is both enabled and required (see Neimeyer 2001).

The personal value of the VIS for VOC is further confirmed by the finding that while some participants described dissatisfaction with their sentencing and criminal justice experience, all would choose to make a VIS again.

Analysis of the data shows the VIS to be self-edifying. As Reissman (2008) points out, narratives are political, with the VIS understood by VOC as a

democratic measure adding equity to the sentencing process, whether that process ultimately appears to support or ignore their wishes. The opportunity for VOC to participate, or to choose not to participate, in the VIS process enhances their sense of civic inclusion, again in therapeutic terms validating their worth (Erez, Kichling & Wemmers 2011). Many participants described the lasting therapeutic benefit of empowerment in terms of having an opportunity to do something that fortified their sense of self (Cattaneo, Dunn & Chapman 2013). As VOC, they had been overpowered, but through the VIS they were able to stand in front of their offender, or present themselves to the court differently, redressing to some extent the power imbalance (Cattaneo & Goodman 2010).

It was interesting to note how keen some primary and family victims were to read me their VIS when interviewed, or to forward it to me. Many described the VIS as a document that gave comfort, they were proud of and treasured and at times re-read. VSP described some family victims reading their VIS to their loved one at the graveside, with the VIS not only providing the opportunity to symbolically reveal to the deceased how the impact of their loss was revealed to the court but also providing some with a format in which to channel, describe and present their grief to their loved one. Some posted their VIS on the internet on personal blogs, or gave their VIS to victim support agencies to use as they saw fit. As previously described, the VIS appears to facilitate reconnection to others, including the wider community. These findings are supported by Graham et al (2004:30) who noted that VIS makers described their VIS in terms of its 'public value' and were motivated by a sense of civic duty and altruistic aims.

6.2 Findings of interest and areas of concern

VOC and VSP responses suggest there is a high take-up rate for VIS in the NSW District Court and Supreme Court and a growing awareness of the opportunity to make a VIS in the Local Court. The timing of the VIS being post-conviction appears to aid take-up, the conviction providing some validation that the victim's victimisation is not in question.

However, while the therapeutic gains of VIS are evident in the findings, the VIS remains problematic. As VOC are heterogeneous, it is difficult for a generalist provision such as the VIS to serve all victims equally. Janoff-Bulman (1992), taking Lerner's 'just world' theory, suggests that for VOC, their understanding of a just world is challenged to the point where fundamental assumptions of justice are shattered, and the degree to which it is shattered is related to how just they thought the world was prior to their criminal victimisation (see Pemberton 2012; and Lens et al 2015). In arenas or within relationships where differing operating concepts of justice appropriate to circumstance collide and where value systems are challenged, there is a great potential for functionally maladaptive experiences to occur. Without processes sympathetic to the heterogeneity of individual justice values, there is most chance of missed understandings (Landany, Friedlander & Nelson 2005) and VOC retraumatisation.

With this study, I sought to discover not only who made a VIS and what they experienced, but *why*, including a detailed picture of the motivations and barriers to making a VIS. Supporting Miller's (2014:798) findings that 'a VIS author is most often female, vulnerable, a victim of violent crime or personal injury, victimised at home, harmed by a known or male offender', more importantly, this study provides evidence for why this is the case. It challenges the notion of 'angry women' (see Erez, Kichling & Wemmers 2011), adding another perspective of VIS motivation beyond women expressing 'relational caring' (Miller 2014:802). Data from Miller's study of female SA victims in Canada suggest that these victims use their VIS in a way that prioritises the needs of relational others to include the protection of children and future or hypothetical victims, or to promote the interests of the intimate partner offender. While this was also a finding in this study, further analysis of the data suggest that some male VISs also expressed relational caring but differently from those of females. Importantly, data revealed that in certain circumstances both male and female VOC choose to minimise the content of their VIS in a complex expression of intrapersonal caring and self-protection.

Findings suggest that one of the reasons more women than men make a VIS is because the intrinsic risk to women's status of engaging with VIS processes is

less than for male victims. Further, it appears that cultural expectations for women to be more comfortable describing their hurts means females are less challenged by the notion of the VIS and more likely to identify as being victimised than as being a victim and therefore more readily seek victim supports. It could be argued that those investigating crimes, those employed in victim support and in the CJS and the VOC themselves perceive female victimhood as culturally normative and male victimhood as aberrant (see Zur 2012). This is not to say that women are victims but that their victimisation appears a more accepted notion and, therefore, there are social, cultural and systemic practices that more readily acknowledge their harms and support their needs. This normative understanding of female victimisation exists because females are disproportionately represented as the victims of personal crimes, whereas males, within those categories, are disproportionately represented as the perpetrators.

Data from this study regarding the reasons for some women being more likely than others are to want to make a VIS, and the risks for particular VOC when engaging with the VIS process, changes our previously generalised understandings of the VIS experience to something far more specific. For example, data show that gender and the nature of the relational role towards a deceased victim or offender can affect motivation, content and presentation of the VIS. The personal characteristics of the victim and the nature of the crime affect not only the level of support sought or provided but also VIS processes and interactions. Findings further support previous studies that found some VOC use the VIS strategically, with a view to achieving particular public and personal ends (re. female VIS see Miller 2014; Schuster & Proppen 2010).

6.2.1 Barriers affecting engagement with the VIS process

Issues that exclude or restrict VOC from expressing their harms to the court and the offender have been little explored within VIS studies (see de Mesmaecker 2012), although they have been raised as a concern within VIS academic discourse. Findings from this study suggest that the nature of the crime, relationship with the offender and issues of gender, literacy, culture, minority

status and personal self-worth can individually or collectively affect VOC access to, or successful engagement with, the VIS process (supported by Booth 2000). Findings show the decision to make, write and present a VIS is complex, highly sensitive to exterior mechanisms and relational forces, and emotionally—and for some, psychologically—challenging.

Findings show a disparity between the demographic of the VOC population and the VIS-making population, and suggest that the VIS is most utilised by those of the dominant culture and tends to favour VOC who are more articulate and least vulnerable or stigmatised (see Cassell 2009). In this study, most non-VIS makers were either not born in Australia or were from culturally and linguistically diverse backgrounds distinguishable, supporting previous studies by Konradi and Burger (2000) and Villmoare and Neto (1987) who found that those who read VIS aloud tend to be white and secure within their membership of the dominant culture. Findings of this study support early concerns that the VIS favours those least vulnerable and further suggests that VISs presented in cases of crimes understood socially as being beyond reproach, such as murder and child sexual assault, receive most judicial acknowledgement in sentencing proceedings.

6.2.2 Editing the VIS and VIS influence on consistency of sentencing

Findings regarding the high incidence of VIS editing and conflicting perceptions of VIS influence on sentence suggest a focus on the functional/informative nature of VIS among some in the police, victim support, prosecution and defence. This appears to be coupled with an assumption that the unspoken aim of the VIS is to affect sentence, which VOC naturally assimilate. Despite being at odds with consistent research that suggests there is no evidence to show that VISs affect sentences (see Roberts & Manikis 2013), the consequence of this assumption is that VISs are often dealt with as if they *will* affect sentence. Thus, the VIS, promoted by some as a way to get the offender ‘more time’, is overly scrutinised and edited by others in victim support and in the ODPP to avoid objections to the VIS or to prevent a point on which the defence can launch an appeal or is edited by defence because of concerns about the

assumed influence of the VIS on sentence. This notion appears to be exacerbated by vagueness about what 'taking a VIS into account at sentencing' effectively means and what constitutes normal or reasonably foreseeable harm. It could be argued that a lack of insight or lack of care for the feelings of their victims is the very reason some offenders commit particular crimes. Such offenders show no capacity to understand or have no interest in the effect of their actions on the victim. In other words, what would be perceived as normal or foreseeable harm by the victim may be completely alien to the offender (e.g. see Stubbs 2007:173 on gendered perspectives of DV).

The subjective nature of the VIS does not mean that VOC choose to fashion their memories inaccurately. Memory is much more than a photofit of an experience. It is fashioned within a life narrative to determine meaning and provide reasons for events. As Kahneman and Riis (2005:286) argue, humans mainly live in the 'remembering self', which is relatively stable and permanent, rather than in the 'experiencing self', which is fleeting, further arguing that the human brain and sensory system is evolutionarily hardwired to prioritise the recording or memorising of unpleasant events to avoid repeating such experiences. In their clinical study of the memory-experience gap, defined as the 'discrepancy between the average of experienced emotions and the overall evaluation of the experience', Miron-Shatz, Stone and Kahneman (2009:885) found that 'separate processes are used for committing positive and negative events to memory', noting that 'especially when unpleasant emotions are involved, prudence is favoured over accuracy'.

Knowing this, it is not surprising that some in the CJS are concerned about the informative nature of the VIS being of influence. In the future, this is likely to be exacerbated by increased media coverage of the realities of victim impact and a wider understanding and acceptance of mental health problems and their origins. Notwithstanding ongoing academic research into the impacts of SA, familial violence, DV and child abuse, the extensive media coverage and literature generated by such investigations as the Board of Enquiry into the Protection of Aboriginal Children from Sexual Abuse (NT Government 2007), the Australian Royal Commission into Institutional Responses to Child Sexual

Abuse (actioned 2013, ongoing), and the Victorian Royal Commission into Family Violence (actioned 2015, ongoing) could be argued to be heightening individual, communal, criminal justice and political awareness of what would constitute reasonably foreseen or normal impacts suffered by victims of such crimes.

Further, that which individuals, communities, VOC and VSP understand as normal and foreseeable consequences of a crime are likely highly variable. For example, those who work exclusively with victims of SA have a specific and very different understanding of its consequential harms from those with no exposure to such victims. Arguably, various recent campaigns in Australia and internationally have not only increased general knowledge of crimes of DV, SA, familial, cultural and institutional child sexual and physical abuse but also raised awareness of their long-term individual psychological and intergenerational impacts.

The VIS is a subjective document. It is truthfully made, but it cannot necessarily be described as a representation of 'factually correct information' (Garkawe 2007:107). Rather, it is a constructed personal evaluation of facts, truly believed by the VIS author. As such, it can inform the court of the truth of the crime's impact as the victim understands it and experiences it, but caution must be taken in considering these understandings objectively, however tragic and devastating the circumstances. This study supports previous findings that VOC are disempowered and suffer secondary traumatisation when they feel they are not believed (Daly 2014; de Mesmaecker 2012; ten Boom & Kuijpers 2012). In terms of the VIS, VOC perceive challenges to its content as a challenge to the believability of their account of the crime's impact as they wish it to be understood. Findings show this can be highly distressing for VOC and therapeutically destructive. It could be argued that for each VIS to reach its full therapeutic potential it should be orally acknowledged and validated by the court in judicial summation. However, VOC also need to be made aware and reminded of the subjective nature of the truth of the impacts they present, which by the adversarial rules of justice must be viewed in conjunction with other truths to be considered, be they subjective truths within offender submissions or

other truths measurable or observable. If VOC, trying to make meaning of the purpose of their input at sentencing, are not comprehensively counselled regarding the very limited influence of their VIS on sentencing, their expectations of its practical impact on sentencing decisions are likely to be disappointed.

6.2.3 Issues of clarity in VIS legislation and changes to allow family VIS to be considered in sentencing

Findings show that many VOC endure a level of deliberation, anguish and psychological risk in order to prepare and present their VIS, explaining why judicial response is so important and why eclectic, arbitrary or unexplained editing of the VIS can be distressing and traumatic. Findings suggest that lack of clear direction within the legislation regarding consideration of the VIS, idiosyncratic judicial VIS handling and the non-mandatory voluntary nature of VIS remain systemic issues of VIS process. Whether VISs affect the consistency of sentencing was not a focus of this study (see Roberts & Manikis 2013); however, findings show that VIS information and support provided to VOC is inconsistent, and the high level of editing reported and qualitative responses about the nature of editing suggests a general confusion regarding the intended aims and expected effects of the victim's voice within sentencing proceedings. As other studies suggest, the VIS embodies an uneasy dissonance between the legal goals of the sentencing hearing and the needs of VOC (Booth 2013a; Hoyle 2011; Kirchengast 2006). Although the VIS has become part of regular business within the Supreme Court and District Court, findings show no particular procedural protocols or guidelines regarding their court presentation (as supported by Booth 2013; VSA 2009).

Although data from this study suggest VISs are rarely cross-examined, in line with previous studies (see Booth 2001; Miller 2013), the potential threat is enough to make some VOC decide against making one. Data for this study were collected prior to the amendments to the NSW *Crimes (Sentencing Procedure) Act* in 2014, which now allows family VISs to be taken into account at sentencing. In submissions regarding such changes (see Roth 2011), many

expressed concerns that giving weight to VISs in death matters would make VIS cross-examination more frequent and more important (see Manikis & Roberts 2013), with the potential to retraumatise family victims (Law Society of NSW 2011; Legal Aid NSW 2011).

Despite fear of VIS cross-examination preventing some primary VOC from making a VIS (noted in Booth 2013a; Meredith & Paquette 2001; VSA 2009), there is little to allay such fears beyond evidence suggesting it is unlikely. Concerns regarding secondary traumatisation caused by VIS cross-examination are being more forcefully raised on behalf of family victims. Perhaps family victims, being secondary victims, are viewed differently from primary victims, not subject to protective measures that society uses in the creation of victim dissociation and victim blame described earlier (see Pemberton 2012). It appears society and the law are more likely to seek to protect secondary victims from trauma, as members of the in-group, while negating the need for such protection of primary victims because they are viewed as *other* and part of the out-group (see Lerner 1980). Study data (gathered prior to 2014 changes to legislation regarding family VIS) show family VOC, who understood their VIS could not be taken into account, did not fear their VIS being challenged. Perhaps current arguments posed on behalf of family VOC by lawmakers have more to do with the spectre of the political outcry if cross-examination of family VISs becomes more necessary and more prevalent due to their potential impact on sentencing.

Kirchengast (2008) argues that excluding the VISs of NSW family victims from consideration is non-therapeutic, as it does not allow their VIS the functionary role of informing the court. I would argue that consideration of family VISs places family VOC on the same footing as primary VOC, where the potential probative usefulness of the VIS demands that it is more rigorously scrutinised and edited prior to being accepted by the court. Although Booth (2013b) suggests family VISs are unlikely to be more routinely cross-examined if prosecutorial pre-presentation edits have occurred, based on findings of this study, I am not so optimistic. While VOC might accept cross-examination of fact within the trial process as necessary, data suggest cross-examination of the

perceived reality of their hurts may not be so logically understood. For this reason, over-zealous editing of family (as with primary) VISs has the potential to be psychologically damaging and antitherapeutic.

6.2.4 Concern regarding lack of support for vulnerable, traumatised or culturally isolated victims when making a VIS

The study data suggest VOC are able to access support to make a VIS from a variety of sources, including from family, friends, police, WAS, the ODPP and specific victim support agencies. However, findings show that the sample mainly comprised English speakers who demonstrated reasonable literacy levels. VSP results suggest that having low literacy skills, a lack of English, or being from a culturally and linguistically diverse background can discourage VOC from making a VIS or seeking help to make one. Support is varied, with lower levels available to VOC wishing to make a VIS in rural areas. Inconsistencies are apparent in the advice and guidance provided to VOC regarding the VIS, which is troubling. While many VOC participants reported being not only satisfied but also sometimes humbled by the support they had received during their criminal justice process, data suggest levels of general support and specific VIS support can be affected by not only the nature of the crime but also the characteristics of the victim.

The need for support for those VOC who have difficulty encapsulating the impacts they have suffered and suffer for the purpose of writing the VIS and the potential risk to those unsupported, intimidated and highly traumatised who engage with the VIS process, while flagged as an issue of concern within the literature of victimisation and criminal justice processes (see Clark 2010; Herman 2005) has not been reported to any extent as a particular concern in VIS studies. Similarly, issues of shame for VOC who are required to reveal unpleasant, personal details regarding the consequences of the crime, or facets of their character or behaviour that they feel will be judged, or who are forced to operate outside their cultural norms of disclosure, has been little examined within VIS studies (de Mesmaecker 2012).

6.3 Recommendations and potential for future research

The VIS is an accepted part of the sentencing process in many jurisdictions within English-speaking countries, including the UK, the United States, Canada, Australia and New Zealand. While there is some variation in legislation (see Garkawe 2007; Manikis & Roberts 2011; VSA 2009), as Erez, Kichling and Wemmers (2011) suggest, it is unlikely a provision so vigorously fought for would be retracted. Indeed victims' movements continue to press for the extended influence of victim impact evidence and for consideration of victim harm at sentencing proceedings and parole hearings and in victim compensation claims.

For the VIS process to reap the most benefits for VOC, a delicate interplay of elements is required that moves beyond those of therapeutic and procedural justice into the realms of 'emotionally intelligent justice' (Sherman 2003), defined by King (2008:1098) as a communicative approach of techniques incorporating 'understanding, feelings and empathy' and the 'application of a broad definition of legal problems and outcomes'. Although VIS legislation is required to be generalist, the way in which the VIS is prepared and performed and the meanings VOC attach to it are individual, affected by relationships and processes encountered, namely interpersonal justice (see Laxminarayan & Pemberton 2014). Therefore, any therapeutic consequences involve not only psychological but also procedural interactions, with both reliant on the quality of those charged to interpersonally present and perform them.

At time of writing, no statistical data have been systematically gathered in NSW regarding the number of VISs made in the Local, District and Supreme Courts. Even if numbers were recorded, in terms of victim experience the statistics would be useless without context. It would be helpful if such statistics included eligibility, number presented, whether sentencing proceedings followed a trial or guilty plea, type of matter, gender of VIS author, gender of offender, whether the offender was known to the victim, whether the VIS was orally presented or handed up, whether the VIS had been edited and by whom within the court, and whether the VIS was referred to in summation. In tandem, it would be useful to

research the nature of VIS editing, using a content analysis of VIS from first draft to final presentation, to better understand whether VISs are edited in accordance with the legislation or based on personal assumptions of what might be inadmissible or inappropriate.

The therapeutic benefits of the VIS appear mainly intrinsic to the VOC. The VIS does not change how victims feel about what has happened to them; rather, it changes the way they feel about themselves in terms of their ability to manage the consequences of the crime and the outcomes of their criminal justice experience in the future. For this reason, measuring pre- and post-VIS levels of anger or anxiety (see Pemberton & Raynaers 2011), which are extrinsic reactive behaviours to the trauma of the crime and criminal justice experience, may not be helpful (see Lens et al 2015). Psychological measurement of empowerment, self-efficacy or self-determination pre- and post-VIS might be more fruitful (see Cattaneo, Dunn & Chapman 2013).

Understanding the powerful effects for VOC of a judicial reference to their VIS within summation (see Bell et al 2011), it is hoped that judges will be given further guidance regarding how this could be routinely done without affecting the rights of the offender. Similarly, while it is obvious that many working tirelessly to assist VOC within the CJS and in victim support are alert to their individual VIS needs, there are inconsistencies in support, information, access and advice illuminated by this research, which could further assist to form a model of VIS best practice.

Research has not been undertaken to assess the effect on the offender of hearing or reading the VIS. Considering that those working with offenders in prison suggest the VIS may have a latent impact on offenders, a qualitative study of offender reactions to VISs could prove enlightening.

A full outline of recommendations arising from the findings of the study regarding the VIS appears in Appendix 2. In addition, Appendix 3 provides resources I have designed based on the findings, intended for use by those supporting VOC through the VIS process. The first is a prompt sheet alerting

VSP to challenges that may make it more difficult for a particular VOC to make a VIS. This is intended to assist VSP to individualise their service provision in order to facilitate for VOC the most positive therapeutic experience from the VIS opportunity. The second is the practice model 'SLOW', which is intended to help VSP discuss the VIS with VOC in more detail, in order to ensure that their needs are best supported and that their expectations are thoroughly explored and managed if necessary.

6.4 Contribution to existing research

This thesis contributed to existing research by presenting a comprehensive picture of the VIS experience and process as experienced by VOC and as understood by VSP. This study is the first to present an independent in-depth analysis of the nature of therapeutic benefits of the VIS, describing not only *what* the benefits are but also *why* they occur. This study provides important insights into the difficulties and challenges that VOC negotiate when considering making a VIS, useful for victim support services and those in criminal justice to better understand the needs of VOC and to offer targeted support. Further, it presents a firsthand understanding of the nature, challenges and risks of the VIS writing experience and provides important data regarding the VIS process, including the types of assistance VOC use and require.

Providing a specific and nuanced picture of the VIS process and experience for a broad cross-section of victims of various serious crimes in NSW, the findings show that VIS motivation and use is complex and affected by specifics of the crime and the micro and macro characteristics and needs of the victim (supported by de Mesmaecker 2012; Lens et al 2015; ten Boom & Kuijpers 2012), further influenced by the processes and relationships VOC are required to negotiate en route to the final presentation of their VIS. It is hoped that the findings revealing the emotional challenges many VOC go through to prepare their VIS will inform those charged to vet them, hear them and acknowledge them. Understanding the importance to VOC of judicial acknowledgement, it is anticipated that this research may lead to a discourse within the judiciary regarding appropriate responses to VISs, while upholding the rights of the

offender. Findings show that the legislation regarding the VIS remains unclear, causing those supporting VOC to second guess what the judiciary might deem as appropriate content. As the VIS of family victims can now be considered in sentencing, a review of the guidelines for dealing with the VIS would be timely, to avoid family VOC being further traumatised by overzealous editing or by the mismanagement of their expectations regarding the influence of their VIS on sentencing. Overall, the findings suggest that VOC and VSP are confused about the duality between the functional use of VIS to the court and its therapeutic value to VOC, seemingly based on personal assumptions of what the consideration of a VIS actually means. It is hoped that these findings will lead to further targeted research, will contribute to current VIS discourse and will assist those who support VOC and those handling and responding to VISs within sentencing proceedings to better understand the systemic and process challenges that VISs present, the varied reasons behind VIS presentation and their therapeutic importance.