

Abstract

This study, featuring one of the largest, broad-based samples of primary and family victims of crime (VOC) interviewed in-depth regarding the victim impact statement (VIS) process, aimed to address current gaps in VIS knowledge to include whether some sectors of the VOC community are better, or more poorly served by VIS process and why. Drawn from data collected from 66 VOC and 35 victim service professionals in NSW between 2010 and 2011, it further sought to uncover the exact therapeutic benefits of VIS and present a comprehensive picture of the NSW VIS process as experienced by VOC.

Providing insight into difficulties and challenges that VOC negotiate when considering making a VIS, it presents a firsthand understanding of the nature, challenges and risks of the VIS writing experience and novel data on the impact of legal processes such as VIS editing, and types of assistance VOC use and require.

Findings show the core therapeutic value of VIS is robust, standing alone, even where levels of anger or psychological trauma remain unaffected, and despite VOC dissatisfaction with other elements of their criminal justice experience or sentence handed down. However, findings also show that the nature of the crime, relationship with the offender, gender, literacy, culture, minority status and self-worth can individually or collectively impact VOC access and engagement with VIS process. The decision to make, write and present a VIS in court is complex; highly sensitive to exterior mechanisms, legal processes and relational forces; and emotionally, and for some, psychologically challenging. Provision of VIS information and support is variable, with high levels of editing and inconsistencies in editing rationale reported, suggesting some confusion regarding the intended purpose of VIS within sentencing proceedings.

In response, the study provides recommendations regarding VIS process, specifically designed resource tools and further research.