



# **Accommodating Justice**

Victim Impact Statements in the Sentencing Process

**TRACEY BOOTH**



THE FEDERATION PRESS

# Accommodating Justice Statements Sentencing Process

**Shlomo Giora Shoham, Ori Beck, Martin  
Kett**



## **Accommodating Justice Statements Sentencing Process:**

The Use of Victim Impact Statements in Sentencing for Sexual Offences Rhiannon Davies, Lorana Bartels, 2021-03-17

Drawing on extensive research from Australia this book examines the experiences of sexual offence victims who submit a victim impact statement. Victim impact statements are used in sentencing to outline the harm caused to victims. There has been little research on the impact statement experiences of sexual offence victims. This book fills this gap examining the perspectives of six adult female victims and 15 justice professionals in Australia. This is supplemented by analysis of 100 sentencing remarks revealing how courts use such statements in practice. This book examines victims' experiences of preparing and submitting statements, justice professionals' experiences of working with victims to submit statements, and the judicial use of impact statements in sentencing. It identifies an overarching lack of clarity around the purpose of impact statements which affects the information that can be included and the way they can be used by the court. It consequently explores issues associated with balancing the expressive and instrumental purposes of such statements and the challenges in communication between professionals and victims of crime. The findings highlight several issues with the operation of impact statement regimes. Based on these findings, the book makes recommendations to clarify such regimes to improve communication between justice professionals and victims of crime and to enhance the therapeutic goals of such statements. An accessible and compelling read, this book is essential reading for all those engaged with victimology, sentencing, and sexual violence.

Accommodating Justice Tracey Booth, 2015-12-21. 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      *Adversarial Justice and Victims' Rights* Mary Iliadis, 2020-04-30 *Adversarial Justice and Victims Rights* explores the extent to which reforms that offer victims enhanced rights to information and participation across England and Wales Ireland and South Australia can address sexual assault victims procedural and substantive justice concerns The rights status and treatment of sexual assault victims has emerged as a significant 21st century concern occupying the forefront of legal commentary on international policy agendas Informed by the voices of 26 high level criminal justice professionals legal stakeholders and victim support workers and a quantitative dataset this book considers whether legal representation can address some of the problems of the prosecution process for sexual assault victims in Victoria and indeed in other adversarial jurisdictions that employ similar legislative frameworks While acknowledging the value of victim focused reforms the book contends that cultural changes to the ways in which sexual assault victims are perceived and treated are necessary in order to improve victims experiences of the legal process Reconceptualising the role of sexual assault victims from witnesses to participants will also increase the likelihood that victims rights and interests will be considered alongside those of the state and the accused Situating its findings within broader debates about the role rights and treatment of sexual assault victims in adversarial justice systems the book outlines prospects for the transfer of policy and practice between jurisdictions *Adversarial Justice and Victims Rights* will be of great interest to academic and policy stakeholders engaged in criminology law and socio legal studies as well as students researching sexual violence and victims access to justice      *Handbook of Victims and Victimology* Sandra Walklate, 2017-07-14 This second edition of the *Handbook of Victims and Victimology* presents a comprehensively revised and updated set of essays bringing together internationally recognised scholars and practitioners to offer substantial research informed overviews within their specialist fields of investigation This handbook is divided into five parts with each part addressing a different theme within victimology Part I offers a scene setting exploration of new developments in the field enduring issues that remain relatively unchanged and the gaps and traps within the contemporary victimological agenda Part II examines of the complex dimensions to victim experiences as structured by gender age ethnicity sexuality and intersectionality Part III reflects on the problems and possibilities of formulating policy responses in the light of the changing appreciation of the nature and extent of victimhood Part IV focused on the value of a comparative lens and the problems and possibilities of victim policies when seen through this lens explored along three geographical axes Europe Australia and Asia Part V considers other ways of thinking about who counts as a victim and what counts as victimhood and extends the boundaries of the victimological imagination outward Building on the success of the previous edition this book provides an international focus on cutting edge issues in the field of victimology Including brand new chapters on intersectionality child victims sexuality hate crime and crimes of the powerful this handbook is essential reading for students and academics

studying victims and victimology and an essential reference tool for those working within the victim support environment

**Judging and Emotion** Sharyn Roach Anleu, Kathy Mack, 2021-02-03 Judging and Emotion investigates how judicial officers understand experience display manage and deploy emotions in their everyday work in light of their fundamental commitment to impartiality Judging and Emotion challenges the conventional assumption that emotion is inherently unpredictable stressful or a personal quality inconsistent with impartiality Extensive empirical research with Australian judicial officers demonstrates the ways emotion emotional capacities and emotion work are integral to judicial practice Judging and Emotion articulates a broader conception of emotion as a social practice emerging from interaction and demonstrates how judicial officers undertake emotion work and use emotion as a resource to achieve impartiality A key insight is that institutional requirements including conceptions of impartiality as dispassion do not completely determine the emotion dimensions of judicial work Through their everyday work judicial officers construct and maintain the boundaries of an impartial judicial role which necessarily incorporates emotion and emotion work Building on a growing interest in emotion in law and social sciences this book will be of considerable importance to socio legal scholars sociologists the judiciary legal practitioners and all users of the courts

**The ^AOxford Handbook of Law and Humanities** Simon Stern, Maksymilian Del Mar, Bernadette Meyler, 2019-12-17 How might law matter to the humanities How might the humanities matter to law In its approach to both of these questions The Oxford Handbook of Law and Humanities shows how rich a resource the law is for humanistic study as well as how and why the humanities are vital for understanding law Tackling questions of method key themes and concepts and a variety of genres and areas of the law this collection of essays by leading scholars from a variety of disciplines illuminates new questions and articulates an exciting new agenda for scholarship in law and humanities

**International Handbook of Penology and Criminal Justice** Shlomo Giora Shoham, Ori Beck, Martin Kett, 2007-10-08 At the outset of the twenty first century more than 9 million people are held in custody in over 200 countries around the world from the essay Prisons and Jails by Ron King The first comparative study of this increasingly integral social subject International Handbook of Penology and Criminal Justice provides a comprehensive and balanced review **Criminal Justice** Jay S. Albanese, 2000 **Reports on the Administration of Criminal Justice** Burma. Judicial Department, 1904

*Report on the Administration of Criminal Justice...* Burma. Judicial Department, 1908 Cases & Problems in Criminal Procedure Myron Moskovitz, 2000 **Criminal Procedure** Joshua Dressler, George Conner Thomas, 2006 This edition contains the very latest cases including more material on the increasingly discussed area of wrongful convictions In addition it covers the major changes in the law that have resulted from the Supreme Court's clarifications to the Fourth Amendment and the Miranda doctrine It also includes material from in the trenches designed to give students an idea of what life is like inside the squad car the interrogation room and the courtroom Publisher's website Criminal Procedures Marc Louis Miller, Ronald F. Wright, 1999 For the Criminal Procedure II course authors Miller and Wright present a tightly focused

volume that addresses all the traditional bail to jail topics Derived from their successful comprehensive criminal procedure casebook **CRIMINAL PROCEDURES Prosecution and Adjudication** takes a refreshing new approach To The subject Carefully edited for coherence and quality The book opens with the authors widely praised chapter on defense counsel followed by an examination of pretrial release and detention The authors consider discovery speedy trial issues and jury law before moving on to confrontation And The privilege against self incrimination appeals habeas corpus charging plea bargaining sentencing forfeiture A strong final chapter on race and punishment concludes the book Equally engaging for students and instructors **CRIMINAL PROCEDURES Prosecution and Adjudication** reflects the current redirection of criminal procedure away from federal constitutional adjudication and toward state courts legislatures and executive agencies includes both major U S Supreme Court cases and important state cases emphasizes the way the courts are handling criminal procedures through up to the minute materials illustrates key issues with provocative and interesting cases stimulates lively class discussion as it fosters deep understanding of adjudicative processes in the real world includes a detailed Teacher s Manual to help you gain maximum value from the text and adapt it to suit your individual needs **Crimes and Punishment** Martin R.

Gardner, Richard G. Singer, 2004 This unique casebook examines the underlying principles of criminal law punishment actus reus and mens rea It reflects the authors viewpoint that the purpose of criminal law is to reflect the moral standards of our society and to punish those who with culpability and awareness violate these moral norms Not a study of particular crimes per se the materials do focus on several crimes whose characteristics illuminate these basic foundations and principles of criminal law The law of homicide is examined to exemplify the problem of grading offenses for purposes of imposing punishment sometimes the ultimate penalty of death for certain homicides The crime of rape is investigated for essentially two reasons to illustrate the role historical social stereotypes in this case sexual ones play in the law and to examine the problems created in redefining legal doctrine when those stereotypes are seriously challenged and as a vehicle for examining special actus reus and mens rea issues arising through the presence of the factor of consent in the law of rape Finally the materials present several inchoate crimes in order to explore the role of harm within the criminal law and to provide a vehicle for studying differentiated mens rea elements for various actus reus elements of a given offense The book concludes with a look at accomplice liability and an examination of theories of defense The defense doctrines present a final opportunity to consider the actus reus and mens rea principles as they relate to the issue of appropriate employment of the punitive sanction A Teacher s Manual is available to professors **West's Military Justice Reporter** ,2001 *Justice in*

*Sentencing* Leonard Orland, Harold R. Tyler, 1974 Perspectives on Punishment Sarah Armstrong, Lesley McAra, 2006

ERRATUM The sentence on p 153 lines 5 7 should read if welfare expenditure had not risen but remained at its 1987 level the rise in imprisonment would have been 20 per cent greater than actually occurred i e from 75 in 1987 to 99 in 1998 No other part of the book is affected by this correction **Report of the Governor's Commission on Capital Punishment**

Illinois. Governor's Commission on Capital Punishment, 2002  
**Modern Criminal Procedure** Yale Kamisar, 1999

*Justice of the Peace & Local Government Law*, 1997

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