



Episode 15 Study Guide

Exploring victims' rights and experiences in sentencing with Professor Tracey Booth

Background

- (1) Visit Professor Booth's [academic profile](#). What are her main areas of research?
- (2) What led to Professor Booth's interest in victims and the law?
- (3) According to Professor Booth, where do victims fit in the criminal justice system?

History of the role of victims in the criminal justice system

- (4) According to Professor Booth, how did the criminal justice system change in the 19th century? How did this change affect the role of victims?
- (5) How does Professor Booth explain the role of fairness in our criminal justice system?
- (6) According to Professor Booth how did
 - feminism in the 1960s and 1970s, and
 - victim activistshelp change the role of victims in sentencing?

Victim impact statements

- (7) When were victim impact statements introduced in New South Wales?
- (8) How were victim impact statements originally presented to the court? What changed in 2003?

- (9) What two classes of victims can give victim impact statements? How has this changed over time?
- (10) Describe the instrumental and expressive functions of a victim impact statement.
- (11) How have victim impact statements in homicide cases changed? According to Professor Booth, what difference has this made?

Trauma and the criminal justice system

- (12) According to Professor Booth, what is a “trauma-informed court”?
- (13) Professor Booth describes the experience of a mother who made a victim impact statement about her son’s murder. In Professor’s Booth’s view, how could this have been handled better?
- (14) What are some of the issues with the cross-examination of victims of violent crimes?
- (15) Professor Booth mentions the Netherlands has a civil, “inquisitorial” legal system. How is this different to our common law, “adversarial” system?
- (16) What changes to sentencing hearings would Professor Booth like to see?

Further resources and activities

- The United Nations and European Union declarations on protecting victims’ rights:
 - [1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#)
 - [2012 The Victims' Rights Directive](#)
- The [Sentencing Council's 2018 report](#) on victims' involvement in sentencing.
- These two sites have information on victim support:
 - [Office of the Director of Public Prosecutions Victims & Witnesses services](#)
 - [Victim Services at NSW Department of Communities and Justice.](#)
- The Judicial Commission’s [publication on trauma-informed courts](#) guides judges about trauma-informed practices.
- The HSC Legal Studies exam includes questions on victim impact statements. Visit the [Sentencing Council's website](#) to test your knowledge on this issue. Questions on victim impact statements are included in the 2011, 2014, 2015, 2018, 2019 and 2021 exam question examples on the Council's website.



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