**VICTIM IMPACT STATEMENT**

**BOOKLET**

**ANSWERS TO YOUR QUESTIONS**

**AND A GUIDE TO HELP YOU PREPARE YOUR**

**VICTIM IMPACT STATEMENT**

This booklet will help to answer any questions you may have about the

Victim Impact Statement process. If you have any further questions or

want help in preparing your statement, please contact the

<< Victim Support Officer >>

Contact: <<insert name and contact details>>

 **WHAT IS A VICTIM IMPACT STATEMENT?**

A Victim Impact Statement is a written statement made by a victim of crime to explain to the court about the harm they have suffered because of the crime.

The Victim Impact Statement is given to the court after the offender is convicted of the crime or has pleaded guilty to the crime but before sentencing. It is different to the statement a person makes to the police at the time of a crime to report what took place.

A Victim Impact Statement gives the victim of a crime an important opportunity to tell the Judge or Magistrate how the crime has affected them and their families. It can help the victim to deal with their grief and trauma, and also help the court determine the penalty to be given to the offender. It is one of a number of factors a court can take into account when sentencing.

The Victim Impact Statement may be read out in court by the victim, a person representing the victim, or by the prosecution. Alternatively, the statement may be submitted in writing to the court but not read out.

Making a Victim Impact Statement is voluntary. You do not have to make a statement if you do not want to.

**WHO IS A VICTIM OF CRIME?**

A victim of crime is anyone who has suffered harm as a result of a crime. That harm could be:

* physical
* psychological
* emotional, or
* financial harm.

Harm can include grief, distress or trauma.

**WHO CAN MAKE A VICTIM IMPACT STATEMENT?**

A Victim Impact Statement can be made by:

* a victim of a crime
* a close family member of a victim
* a friend or carer for a victim, or
* another appropriate person.

While a person of any age can make a Victim Impact Statement, a statement can be prepared on behalf of someone else if, for example, the victim is:

* under 18 years of age
* ill
* has a physical or intellectual disability, or
* is deceased.

**WHEN CAN I MAKE A VICTIM IMPACT STATEMENT?**

You should make a Victim Impact Statement as soon as you are able and comfortable to write down or describe how the crime has affected you. You should let your *<<Victim Support Officer>>* know that you want to make a Victim Impact Statement and when you feel you are ready to do so.

**WHEN ARE VICTIM IMPACT STATEMENTS USED?**

The Victim Impact Statement is tendered to the court when an offender either pleads guilty to the crime or is found guilty of the crime. It is given to the court after the offender has been convicted and before the offender is sentenced.

The Judge or Magistrate can take the statement into account when determining the sentence.

The offender or their lawyer can also question the person who made the statement.

After court, the *<<Parole / Prisoner Review Board >>* can use the Victim Impact Statement to understand the impact of the crime on you and determine parole conditions for the offender.

**HOW MANY VICTIM IMPACT STATEMENTS CAN BE SUBMITTED TO COURT?**

There is no limit to the number of Victim Impact Statements that can be read in court. This is something for the Judge or Magistrate to decide on a case by case basis.

**WHO SEES MY VICTIM IMPACT STATEMENT?**

A copy of your Victim Impact Statement will be seen by:

* the prosecutor,
* the offender and their lawyer prior to sentencing, and
* the Judge or Magistrate.

If you decide that you would like to read the statement to the court or if you would like it read by someone else, then whoever is in court will hear your statement.

The written statement will become part of the official court file once the court case is over, so can be seen by any person who looks at the court file. This may include journalists reporting on the case.

If the offender is to be supervised by officers from *<<Correctional Services >>,* then those officers may receive a copy of your Victim Impact Statement.

**CAN I READ OUT MY VICTIM IMPACT STATEMENT IN COURT?**

Once the court has accepted the Victim Impact Statement, you or your representative may read out the statement before the court. The reading of a Victim Impact Statement is optional and voluntary.

If you wish to read out your Victim Impact Statement, or have the statement read to the court, you should notify the prosecutor who will apply to the Judge or Magistrate. You can ask to have the whole or only parts of the statement read out.

Generally, the Judge or Magistrate will decide from where in the court you may read out your statement. The Judge or Magistrate will accommodate your wishes as far as practicable.

**WHAT DO I INCLUDE IN A VICTIM IMPACT STATEMENT?**

The Victim Impact Statement is about the impact of the crime on the victim. It is the victim’s opportunity to have a voice – to tell the court the effect the crime has had on them. It allows a victim to participate in the criminal justice system.

The Victim Impact Statement must contain accurate information about the harm suffered as a result of the crime. That harm could be of a physical, emotional, psychological, or financial nature.

You may want to describe what your life was like before the crime and how your life has changed because of the crime due to:

* physical injuries, impact on health, medical treatment
* emotional impact and wellbeing
* psychological or mental health impact
* changes in behaviour, attitudes or how you think about things, how safe you feel
* changes in normal coping skills
* changes in social life or impact on relationships
* impact on financial or housing situation, education
* employment or ability to work, and
* anything else you think is important.

If the crime has resulted in the death of a person, you may like to talk about that person and the life they led.

You can also attach photos, drawings and medical reports to the statement.

There is no set length for a Victim Impact Statement and you can add to, amend or withdraw your statement at any time prior to the statement being given to the court.

**IS THERE ANYTHING I SHOULD NOT INCLUDE IN THE VICTIM IMPACT STATEMENT?**

The Victim Impact Statement must not contain:

* anything that is offensive, threatening, intimidating or harassing towards the offender
* what sentence you think the offender should get
* details of the crime as this information is in the police statement
* other crimes or facts relating to other events, or
* inaccurate or false information, as you must not mislead the court.

**WHAT DOES A VICTIM IMPACT STATEMENT LOOK LIKE?**

There is a section at the back of this booklet for your Victim Impact Statement. Make the statement in your own words – the way you speak or write. You can also attach photos, drawings and medical reports to the statement.

As well as containing details of the harm you have suffered as a result of the crime, your Victim Impact Statement must contain:

* your name
* your date of birth
* the offender’s name, and
* the offences involved.

If someone is writing the statement on your behalf, it must contain:

* the name of the person writing the statement, and
* a reference that you, the victim, do not object to the statement being given in court.

**WHAT IF THE VICTIM IS A CHILD?**

There is a section at the back of this booklet for a Victim Impact Statement for a child or young person. They may prefer to write a letter, a poem, draw a picture or express themselves in some other written work. If a child does not wish to make a victim impact statement, someone who has a close relationship with the child may make one that describes what they have observed the impact to be.

**WHO DO I GIVE THE VICTIM IMPACT STATEMENT TO?**

Give your statement to *<<insert details>>*. It must be given to them before the day of sentencing – a week before is ideal.

(Please refer to the guide at the end of this booklet).

**VICTIM IMPACT STATEMENT**

Your name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your date of birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nature and length of relationship with victim (if not the primary victim):

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Offender: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offence/s involved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­­­­­­­­­­

You can ask to read your Victim Impact Statement to the court or you can request for someone else to read out the statement.

Would you like your victim impact statement read aloud? YES NO

If yes, do you want to attend court and read it aloud yourself? YES NO

If you do not wish for the statement to be read aloud it will be handed up to the court.

I consent to the tender of this statement in court proceedings. YES

This statement is true and correct to the best of my knowledge and belief.

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Where the maker of this statement is not the primary victim (and the primary victim is able) they should consent to the victim impact statement being made:

I, the primary victim, do not object to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_making this impact statement.

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Non-physical trauma suffered because of the crime. For example, psychological / emotional (shock, fear, grief, distress, embarrassment etc) or financial:

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Physical injuries suffered as a result of the crime (description of treatment sought or received, cost, any ongoing treatment, impairment to daily functioning):

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Other relevant information

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Signature: Date:

*You can add attachments and more paper if you run out of room.*

**VICTIM IMPACT STATEMENT FOR CHILDREN AND YOUNG PEOPLE**

**Child / Young person’s details:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If at school, grade child or young person is in: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Support Person’s details:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nature and length of relationship with child or young person:

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Name of primary victim: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offender: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offence/s involved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Information for assisting children and young people complete a victim impact statement:**

Young children will need help to fill out their statement. A child should tell the Magistrate or Judge in their own words how they feel about what has happened to them. It is important you do not tell a child specifically what to do or say. You could give a simple description about what feelings are, eg. happy, sad, angry etc. and ask the child to explain his / her own feelings about the crime either in words or pictures.

You should explain to the child what the victim impact statement will be used for and make sure that they understand that the offender will be given an opportunity to read or see their completed victim impact statement. If the child does not want to complete a statement, reassure them that this is OK and that this is their choice.

**Please write or draw anything you would like the Magistrate or Judge to know about how you feel because of what happened to you. You may want to write about something that changed in your life or in your family. You can write a letter, tell a story, write a poem or draw a picture. You can add more paper if you run out of room.**

If you do not want to write or draw anything here, that’s OK, it is your choice.