

# Victim Impact Statements

Victims of crime and their families have the right to participate and to be heard in the criminal justice system through the use of Victim Impact Statements. A Victim Impact Statement provides the victim with an opportunity to address the court *prior to sentencing*.

This opportunity also allows victims to personalize the crime and express the impact it has had on them and their families. This process may also aid victims in their emotional recovery.

According to statute, the victim decides how the statement should be presented at the Sentencing Hearing. A Victim Impact Statement can be written or oral. The victim may choose to present the statement in written or letter form, or they may choose to speak at the hearing. The victim can also request that the prosecuting attorney or victim advocate read the statement during the hearing. The Victim Impact Statement should always be written out even if the victim chooses to testify at the hearing. This helps in case a victim becomes nervous or decides not to speak at the last minute.

A Victim Impact Statement grants the victim not only an opportunity to provide information for the judge to consider at sentencing, but also allows the victim to articulate the pain, anguish, and financial devastation the crime has caused on the victim and/or the victim's family.

## **What a Victim Impact Statement can or should include:**

- **A \*brief\* summary of the harm or trauma suffered by the victim as a result of the crime.** An effective statement is approximately 3-5 minutes in length.
- **A summary of the economic loss or damage suffered by the victim as a result of the crime.** Include requests for restitution for out-of-pocket expenses.
- **The victim's reactions or objections to the proposed sentence.** Jail, prison, home detention and work release, and community service can be addressed.
- **A concise statement of the outcome the victim would like and the reasons to support this opinion.** Executed time (jail, prison, home detention, work release), probation, programs, etc. Remember to be realistic. Consider what the law allows as well as any terms already outlined in a plea agreement.)
- **Information about the victim.** Their past accomplishments, hopes for the future, and how the crime has affected these activities.
- **The overall effect the crime has had on the victim and family.**

## **Consider the following facts when preparing your Victim Impact Statement:**

- Any physical pain or injuries incurred, and how long they lasted or are expected to last
- Any medical or dental treatment required and any potential surgery, on-going therapy, etc.;
- Emotional/psychological injuries suffered and prognosis for future treatment;
- Loss of ability to work and lost wages;
- Change in lifestyle -- ability to work, play, drive, forced relocation;
- Impact on other members of the family;
- Persisting pain and emotional trauma -- anxiety, nightmares, desperation; ongoing counseling
- Your feelings about people who commit crime;
- Effect of sudden death to remaining family members -- spouse, children, parents, siblings -- loss of hopes, dreams, companionship, financial security; and

**\*The Victim Impact Statement may be the victim's only opportunity to tell the judge about the crime\***