



# VICTIM IMPACT STATEMENT

## Information and form

### What is the purpose of a victim impact statement?

A victim impact statement (VIS) is an important opportunity for victims to communicate directly to the Judge or Magistrate about how the offence has affected them and their families. If you provide the court with a VIS, the Magistrate or Judge must consider your statement when deciding how the offender should be sentenced.

A VIS is a statement made to the court by or for a victim that contains details of any harm suffered by a victim because of the offence. It is provided to the court after a person is convicted or found guilty of the offence or the court has found the offence proved. The victim impact statement must be provided before the offender is sentenced. A VIS is different to the statement about what happened that a victim gives to police.

Making a victim impact statement is voluntary.

You may use this form to type or print and neatly hand write your victim impact statement. If you prefer, you can type a separate statement.

### How do I know if I am eligible to make a victim impact statement?

More than one person can make a victim impact statement for the offence about the impact on the victim. The following people may make a victim impact statement for the offence:

- (a) a victim of the offence;
- (b) a person who has parental responsibility for a victim of the offence;
- (c) a close family member of a victim of the offence;
- (d) a carer for a victim of the offence; or
- (e) a person with an intimate personal relationship with a victim of the offence.

Victim impact statements can only be made when the offence is punishable by imprisonment for longer than one year or for negligent driving causing grievous bodily harm.

If you are unsure about whether you are eligible to make a victim impact statement, speak to the prosecutor or the investigating police officer.

## **Who gets to see or hear your Victim Impact Statement?**

A copy of your victim impact statement will be provided to the prosecutor, the defendant and their lawyer if they have one. The Magistrate or Judge who is hearing the matter will also see the statement. If you decide that you would like to give an oral statement, or to have the statement read aloud, then whoever is present in the court will also hear your statement.

If you want the statement read aloud in court, you can read it, or request that someone else reads it. You may also have the option of reading out your statement via audiovisual link if eligible. You may be cross-examined (or asked questions) by the defence in relation to your VIS.

If you want to know more about reading your statement in court or cross-examination, please ask the Prosecutor or a witness assistant from the Office of the Director of Public Prosecutions.

Even if your victim impact statement is not read aloud in court, it will be placed on the court file. Court files can be viewed by media and members of the public. At times, the media may report information from a VIS.

## **How do I write a victim impact statement?**

Anybody can help you with it, but it is important that the victim impact statement is written in your own words (the way you talk and write). You can write your own victim impact statement or use the form enclosed. You may like to use the questions in the form as a guide. The electronic copy of this form that can be filled out on your computer can be found at [www.victimsupport.act.gov.au/information\\_guides](http://www.victimsupport.act.gov.au/information_guides).

Please do not be discouraged if you feel that you are unable to complete the form. Whatever method you choose, help is always available. If you need help, the following people will be happy to assist you:

|  |                          |
|--|--------------------------|
| Office of the Director of Public Prosecutions Witness Assistance Service | 6207 5399                |
| Victim Support ACT   | 1800 822 272 / 6205 2066 |
| ACT Policing Victims Liaison Officers                                    | 6245 7441                |
| Domestic Violence Crisis Service   | 6280 0900                |
| Canberra Rape Crisis Centre  | 6247 2525                |

## **What information should I provide?**

If you believe it is relevant, you can provide any of the following details:

- Any harm that you suffered as a result of the offence, including: physical injury, mental injury or emotional suffering (including grief), pregnancy, economic loss, or substantial impairment of rights accorded by law.
- Where the crime has resulted in death, you may wish to write about your deceased loved one - who that person was to you, the life they led, your relationship, and how your life has now changed.
- If you were injured, a description of the impact those injuries had on you.
- You may want to tell the court how your life has changed because of the crime and include the impact on your personal relationships, social life, employment and studies, on where you live and how safe you feel.
- 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.

Check your statement to make sure it is truthful. Although not common, you might be asked questions about the content of your statement by the Judge, Magistrate or another person such as the lawyer representing the convicted/guilty person.

## **Is there anything I should not include in my victim impact statement?**

- \* Any detailed description of the crime
- \* Anything offensive, threatening, intimidating or harassing
- \* Abuse or vilification of the offender
- \* Details or impacts of other crimes or offences you have experienced
- \* Opinion on the sentence the court should give.

Concentrate only on how the offence has affected you.

## **What if the victim is a child?**

A form is enclosed for children and young people. 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.

There is a section at the back of this form for use by a child or young person.

## **Who do I give the victim impact statement to?**

A completed statement can be given to the police officer (informant) investigating the case, the prosecutor or a witness assistant at the Office of the Director of Public Prosecutions. It must be given to them before the day of sentencing (about a week before is ideal)

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**ADULT VICTIM IMPACT STATEMENT**

**Name of the primary victim:**

**Name of the offender:**

**Name of the person making the statement  
(if different from the primary victim):**

**Nature and length of relationship with victim (if written by other than the primary victim)**

**Criminal Charges:**

**Court:**

**Date in court:**

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**The following pages can be used to describe the impacts of the crime. If necessary, please attach additional pages.**

## **ADULT VICTIM IMPACT STATEMENT**

**Non physical trauma suffered as a result of the crime. E.g. psychological / emotional (shock, fear, grief, distress, embarrassment etc) or financial.**

## **ADULT VICTIM IMPACT STATEMENT**

**Physical injuries suffered as a result of the crime (description of treatment sought or received; cost and any ongoing medical treatment; impairment to daily functioning).**

**Other relevant information**

## ADULT VICTIM IMPACT STATEMENT

**You can ask to read your victim impact statement to the court, or you can request for someone else to be allowed 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

**To the best of my knowledge, this statement is true.**

**Signed:**

**Date:**

**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 the above mentioned person making this victim impact statement.

**Signed:**

**Date:**

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# VICTIM IMPACT STATEMENT FOR CHILDREN AND YOUNG PEOPLE

## Information for assisting children and young people to complete a victim impact statement.

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

**This first section is to be filled out by the child or young person's support person**

**Name of the primary victim:**

**Name of the offender:**

**Criminal charges:**

**Court:**

**Date in Court:**

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## Victim Impact Statement

**This section can be filled out by the child or young person**

**What is your name?**

**How old are you?**

**If you go to school, what grade are you in?**

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

**Please write or draw anything you would like the Judge or Magistrate to know about how you feel because of what happened to you. You may want to write about anything that changed in your life or in your family. You can even tell a story or write a poem if you would like. 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.**

# VICTIM IMPACT STATEMENT FOR CHILDREN AND YOUNG PEOPLE