



A Victim Impact Statement is a written or spoken statement that describes the impact of the crime on those affected by it, and the harm the victim suffered as a result. Such harm may include physical, psychological and emotional suffering, economic and other loss, and damage.

### Why are Victim Impact Statements created?

A Victim Impact Statement is given to the sentencing judge or magistrate before they sentence an offender. It helps them better understand the personal impact the crime has had on the victim/s when deciding what the appropriate penalty should be.

### How will my Victim Impact Statement be presented to the court?

If you decide to prepare a Victim Impact Statement, a copy will be provided to the defence lawyer and then presented to the court in one of the following ways:

- » read aloud by the victim
- » read aloud by someone else, such as the prosecutor or a family member
- » submitted to the judge or magistrate without being read aloud.

### Are there any special protections for presenting a Victim Impact Statement?

Some vulnerable victims of crime may be able to read their Victim Impact Statement aloud to the court with special protections in place. For example, they may be able to read it to the court:

- » via closed-circuit television
- » with a support person present
- » with people excluded from the courtroom.

You need to discuss any protections with the prosecutor before the court proceedings so arrangements can be made.

### Do I have to attend court to provide my Victim Impact Statement?

No. Unless you want to read your statement aloud to the court or have been told you may be cross-examined on it, you don't have to attend court to provide it.

### Who can create a Victim Impact Statement?

They are generally written by the victim of the offence. However, in certain circumstances it may be possible for another person, such as a family member, to write it on their behalf.

### Do I have to create a Victim Impact Statement?

No. A Victim Impact Statement is voluntary.

### Can children make a Victim Impact Statement?

Yes, children can make one and there is support to help them do this.

### How do I create a Victim Impact Statement?

A Victim Impact Statement may be written in a number of different ways.

- » you can use this form
- » as a typed or hand written letter
- » children may use drawings and poems.

There is no particular word length or limit for one.

## What can I include in my Victim Impact Statement?

A Victim Impact Statement must be truthful and accurate and include details of the harm a victim suffered.

Different types of offending will cause different types of harm in both the short and long term. You may refer to the following types of harm in your statement:

- » physical, psychological and emotional suffering
- » economic or other forms of loss
- » damage, for example to property.

## Formal Victim Impact Statement requirements

In addition to containing details of the personal impact and harm suffered, a Victim Impact Statement should also include:

- » the name of the victim
- » the full name and signature of the person who wrote the statement
- » the date the statement was completed and signed
- » a statement that acknowledges the offender is entitled to be shown a copy of the statement and consent for the statement to be tendered in the court proceedings
- » your preference as to how you would like the statement to be presented to the court.

## What should I avoid in my Victim Impact Statement?

A statement may not be read to the court or taken into account if:

- » it is offensive, threatening, intimidating or harassing
- » it expresses an opinion about the sentence
- » admitting it into evidence would not be in the interests of justice.

A Victim Impact Statement should also avoid:

- » descriptions of the actual crime committed (this will be provided to the court via the statements made to police or other prosecution documents)
- » any reference to the offender's behaviour that is not relevant to the current sentence proceedings.

*Things to be aware of:*

- » The defence lawyer and the offender are entitled to see the Victim Impact Statement before the sentencing hearing. This means the CDPP needs to receive any completed statement before any sentencing proceedings. If you are not sure about when your statement is needed, please contact the prosecutor, WAS officer, or police officer involved.
- » The defence lawyer may challenge the statement content and, while rare, it is possible the victim or person who wrote it may need to give evidence in relation to it. A judge would usually decide this.
- » The media may report on what is said in a Victim Impact Statement.

## What services can help me write a Victim Impact Statement?

There are a range of support services around Australia that can help you write a Victim Impact Statement. (See our FAQ on national support services.)

If the CDPP Witness Assistance Service is involved, ask your WAS officer for help.

Alternatively, you might like to contact the prosecutor or police officer involved with any questions or concerns regarding Victim Impact Statements.