Tips for Writing an Effective Victim Impact Statement

(These recommendations were written by a victim of a violent crime to be used by other victims.)

Introduction

Throughout the criminal justice process the Court does not hear from the crime victim(s), unless of course they are subpoenaed to testify. Even if testimony is provided, the Court may not fully understand how the crime has affected the victim(s). This is why the Victim Impact Statement is so important. It provides victims of violent crimes with a voice to let the Court know, in their own words, how the defendant's actions affected them and continues to affect them. Depending on its content, the Victim Impact Statement can be a powerful and effective tool. For some victims, giving a Victim Impact Statement may further help them move forward in their healing journey.

The purpose of this document is to supply tips and/or guidelines in the preparation of a victim's impact statement. Two victims of violent crimes offered to draft this paper with the hope of helping other victims of violent crime.

Background

Victim Impact Statements are given in writing to the Court prior to the Sentencing Hearing. A Sentencing Hearing means the defendant either 1) was found guilty of their criminal act(s) at trial, 2) entered into a negotiated plea agreement, or 3) entered into a blind/open plea agreement. In a negotiated plea agreement, the prosecution and defense will agree on the charges to which the defendant will plead guilty to and on the recommended time to be served. In a blind/open plea agreement, the defense and prosecution agree on the charges the defendant will plead guilty to but do not agree on the recommended length of sentence. Under all three scenarios, the Court will decide the length of sentence to be served.

Victim Impact Statements become a part of the court records. In preparation for the Sentencing Hearing, the Judge will, amongst other things, review the Victim Impact Statements. Copies of the Victim Impact Statements are also provided to defense counsel.

At the Sentencing Hearing the victim(s) will have the choice to 1) read their victim impact statements, 2) have their victim impact statement read by another party or 3) choose not to have an oral presentation of their Victim Impact Statement. If the latter is chosen, the written statement is read privately by the prosecution and the judge. Though a copy is provided to defense counsel, as a victim, you do not know if it was shared with and/or read by the defendant.

At the Sentencing Hearing, oral presentations of the Victim Impact Statements are heard prior to the defendant's statement of allocution and both the prosecution and defense recommendations for sentencing.

Recommendations

- Your Victim Impact Statement should be truthful and speak from your heart.

  The statement can be an all-encompassing document which addresses how the defendant's actions and the trauma that followed affected your physical, emotional, financial, and spiritual well-being. It can detail how this crime has affected your social relationships with family, friends, co-workers,

and faith community while addressing problems experienced at work and/or school. Any loss or damage to property can also be covered in your statement.

- Consider creating a journal or some other means of recording your thoughts, feelings, and significant happenings from the time the crime occurred up to the Sentencing Hearing. It can take one, two or even more years from the time of the defendants 's arraignment to conviction. A journal will serve as a means to recall those items when it comes time to write your impact statement.

- When writing and reading an impact statement, your focus should be on telling the Court (not the defendant) how this crime affected you. The defendant is present at sentencing so if you are reading your statement, even though your comments are directed to the Court, you are indirectly addressing the defendant.

    - The trauma you have experienced along with progressing through the criminal justice process is stressful and can evoke many emotions, one of which is anger. If you are angry, do not direct your anger towards the Court. Alternatively, you can tell the Court how your anger has affected your emotional well-being.
    - Do not use any profanity and/or insulting language in your Victim Impact Statement.
    - Do not verbally abuse or provide your opinion about the defendant. Doing so, will reduce the effectiveness of your statement.

<u>It is important to stay on point and focused on how this crime has affected and harmed you.</u>

- Your Victim Impact Statement should not address a recommended sentence for the defendant. It is best to leave this to the prosecution as they will be presenting their recommendations to the Court.

  Prior to the sentencing hearing or a negotiated plea agreement, the prosecution should be seeking your input about the defendant's length of sentence. During your discussion with the prosecution, they may also outline the aggravating and mitigating factors which the Judge is likely to consider. Understand your Victim Impact Statement is also considered by the Judge before sentencing the defendant.

- Consider giving a draft of your Victim Impact Statement to both your Victim/Witness Coordinator and Prosecutor, asking them to review it and to give you open and honest feedback. Their experience with the Court along with having read and listened to many victim impact statements are a good source of feedback which can help guide you in writing the most effective Victim Impact Statement for your particular case.

- If you intend to read your statement at the Sentencing Hearing, practice reading it aloud in the days before the hearing. Consider increasing the font size of your statement as it will be easier to read in court. With practice, you may reduce some of the nervousness associated with presenting it in court, while also enhancing its emotional impact and effectiveness.