



# Victim Impact Statements (VIS)

The legal processes involved in proving the innocence or guilt of an alleged offender are not always focused on the impacts the crime has had on the victim(s). A Victim Impact Statement is a court document that helps address this. It is one of the things the judge refers to during the sentencing process. It records - in the words of the victim - the impact the crime has had on them. It is a living document that can be updated and must be less than 28 days old when submitted to the judge.

## What's included in a Victim Impact Statement?

A description of physical injuries, financial costs and emotional harm caused by the crime - both immediate and long term. It can cover things like;

- Physical injuries, any medical treatments required (and cost)
- Financial cost or loss such as time of work, loss or damage to property, insurance costs (loss of no-claims bonus)
- Emotional effects –such as feeling unsafe, angry, loss of trust, depression, mood swings, behaviour changes, strain on family members, stress

## Who reads it?

A VIS is submitted to the judge (after the prosecution has arranged this). It will be read by the judge, the prosecution and the offender. It is not usually read aloud in court, however occasionally the victim (or a nominated person) will read their VIS to the court – this is rare and usually only occurs in very serious cases such as homicide. If you want to read your VIS in Court, an application needs to be made to the Judge.

## Can I get help to write it?

Yes. It is the responsibility of the prosecution (Police or Crown prosecutor) to ensure a VIS is prepared. Each case is assigned an Officer in Charge (OC) by the Police and they will assist in the process. A Victim Support worker can help you (in consultation with the OC) or there are other specialist community agencies available to help you.

## Can I say whatever I like in a VIS?

It is important to remember that a VIS is a court document and anything you write can be challenged by defence lawyers. While it is up to you what you write, a judge can have parts of it omitted from being read in court. The Judge is likely to delete parts that for example, include inappropriate language such as swearing, accusations about the offender that refer to incidents other than the case before the court and explicit remarks as to

the length and nature the sentence should take. The Government is reviewing the scope and purpose of Victim Impact Statements as part of their review of the Victims' Rights Act. In the meantime, we advise people to stick to relaying how the incident has affected them rather than things like the length of sentence, personal comments about the offender or the legal process. The most powerful parts of a VIS say clearly how the offender has hurt you and your loved ones.

## What is the purpose of a Victim Impact Statement?

There are 3 main purposes:

### 1. Information

They provide the court with information regarding the financial, physical, emotional and social impacts that a crime has had on a victim. It may be kept on file from the first call of criminal proceedings- (but is not used until sentencing and must be less than 28 days old). The VIS provides the judge with additional information and they will sometimes refer to it during the proceedings as it may influence other decisions such as whether to remand the offender in custody. However the VIS is only one source of information among many that the judge will use to base his/her decision on.

### 2. Victim empowerment and healing

They give victims a voice which is a tangible sign that the effects the crime has had on them matters. Victim Impact statements often need updating; they can help victims identify how far they have come since the incident occurred.

### 3. Offender rehabilitation

Lack of "victim empathy" is an accepted factor in re-offending. A VIS may be a first step in aiding the rehabilitation of the offender and lessening the likelihood of re-offending as it confronts offenders with the effects of their actions on the victim. A principle of restorative justice is that offenders need to understand the harm they have caused and be encouraged to be accountable for their actions.

