

Making a Victim Impact Statement

here
for
you

A Victim Impact Statement is your opportunity to tell the court how the crime has personally impacted you, as a victim.

How is a Victim Impact Statement used?

If the defendant has pleaded guilty, or been found guilty, then the judge will consider your Victim Impact Statement before the sentencing. The judge will use your statement to understand how the crime has affected your life.

In the statement, you can say how the crime has affected you physically, emotionally, financially, socially (your relationships with others), and any other ways you have found difficult.

If the defendant is found not guilty, the judge will not be able to consider your Victim Impact Statement.

What difference does it make?

Your Victim Impact Statement can help influence the sentence that a judge gives the defendant. The judge will also consider formal reports about the defendant and sentences given in similar cases.

Most importantly, it can help empower you as it is your one formal opportunity to tell the court, and the defendant, how you've been affected by the crime.

Who will help me to prepare a Victim Impact Statement?

The police officer in charge of the case will. Police are available and trained to assist and support you with writing your Victim Impact Statement. If you feel unable to write a Victim Impact Statement, you can agree that police do this for you or with you.

Your Victim Support Worker or Court Victim Advisor can also help you to prepare or make your Victim Impact Statement.

For guidelines on preparing your statement visit www.victimsinfo.govt.nz

When do I need to submit my Victim Impact Statement?

This usually happens when criminal charges are being filed with the court (where possible). The police officer in charge of the case will make sure it's completed by the second appearance of the defendant in court, as this is when the defendant may enter a plea.

As the case progresses through court, you can make changes to your Victim Impact Statement to keep it up-to-date. The police prosecuting lawyer can organise this for you with the officer in charge of the case.

Do I have to make one?

No. It is your choice. The judge will still consider the effects of the crime on you, but they will only be able to base this on the information that's been provided in the case's evidence.

Can I say what I want?

Yes, but if you include information that falls outside the purpose of a Victim Impact Statement, the police officer in charge of the case will explain this and guide you on how to change it so it can be submitted to public court. If you choose not to make the needed changes, the police will inform you if the unsuitable sections have been removed.

CONTACT

Victim Support

Get Help: 0800 VICTIM (0800 842 846)
enquiries@victimsupport.org.nz
victimsupport.org.nz


Victim Support
Manaaki Tangata



How is it presented in a court?

A Victim Impact Statement is usually presented to the court in writing and you can get help to write this. (see above)

If the judge says you can, you can also choose to read your statement out loud to the court, or you could ask someone else to read it out for you.

Does the defendant get to hear what I say?

Yes.

Victim Impact Statements in the Youth Justice system

If the defendant is a young person, the impact of the crime on a victim is presented differently. The *Youth Justice Family Group Conferences (YJFGC)* page of our website has more information on how this happens. Go to the *Understanding the justice system* section on our website – www.victimsupport.org.nz, look under PRACTICAL INFORMATION.

When the case is over

When a court case ends, your Victim Impact Statement becomes part of the official court file. Any member of the public or a journalist can ask to read a court file, although the court might not always allow it. If media are present in court, they may report what you say.

If the judge speaks about your Victim Impact Statement at the sentencing hearing, then their comments can be made available to media to report on. Newspapers and other media are never allowed to name sexual violence victims or child victims and defendants in their news reports.

We're here for you

You are welcome to talk with your Victim Support Worker about any aspect of this process. You can call us 24/7 on **0800 842 846** to be connected with a Support Worker.



**Our service is
free, personal,
and confidential**

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