

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
VICTIM IMPACT STATEMENTS

What is a Victim Impact Statement?

A Victim Impact Statement (VIS) is a written statement that contains details about the impact that a crime has had on a victim. It is provided to the sentencing Judge to assist them in determining a sentence for the offender. Where the impact of a crime on a victim is known to the court, the court must take this into account in sentencing along with a number of other relevant matters.

The content of a VIS may include accurate details of the personal injury, loss or damage suffered by a victim in both the short and long term as a direct result of the crime. Details of any emotional and psychological harm may be included and relevant medical reports and bills may be attached.

A VIS is generally written by the actual victim of the offence. However, in certain cases it may be possible for another person, such as a family member, to write the VIS in cases where the victim is unable to write their own. You will need to speak to the relevant Commonwealth Director of Public Prosecutions (CDPP) Case Officer to discuss any such alternatives.

The VIS should 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 conduct of the offender which is not relevant to the current sentence proceedings; abusive language directed toward the accused; and personal opinions in relation to the sentence.

Victim Impact Statements are purely voluntary. If you do not wish to make such a statement that is your decision.

When is a VIS presented to court?

The VIS is presented to the court *after* the offender has been found guilty or entered pleas of guilt to the court and *before* the sentence is handed down. Ideally, the VIS will be received by the CDPP at least one week prior to the sentencing proceedings to ensure that any content issues are addressed prior to the court hearing.

Format and Presentation

The VIS should be clearly typed or hand written, it should identify the author and include their signature and a date. Please turn over to view a suggested format that may be of assistance. The final format of your VIS may differ slightly if particular rules as to the format of the statement apply in your State or Territory. You should confirm the correct format with the CDPP Case Officer.

In some cases, it may be possible for the victim to read their statement aloud to the court. If you wish to read your VIS aloud to the court you should contact the CDPP Case Officer prior to the court hearing. The CDPP Case Officer will advise you whether it will be possible in your case to read your VIS aloud.

Some Things to Be Aware Of

The defence lawyer and the offender are entitled to view a copy of the VIS prior to the sentencing hearing. Defence may challenge the VIS content and, whilst rare, it is possible that the victim may be required to give evidence in relation to their VIS content. The media may also report upon the VIS content.

Assistance

If you require assistance creating a VIS or have any questions or concerns in relation to this area please do not hesitate to contact either the relevant CDPP Case Officer or the CDPP Witness Assistance Officer on **(02) 9321 1100**.

Victim Impact Statement

Matter: R v (*name of accused*)

Name of Victim:

To the Presiding Judge/Magistrate,

I wish to advise the court of the impact that this crime has had on me.

Emotional/Psychological/Physical Impact

.....
.....
.....
.....

Impact on Relationships

.....
.....
.....
.....

Financial Loss

.....
.....
.....
.....

Before/After Comparison

.....
.....
.....

Other

.....
.....
.....
.....

To the best of my ability the content of this statement is true and correct. I am aware that the defendant may be shown a copy of this statement. I consent to the tender of this statement in court proceedings.

Date:

Signature:

Name: