

# Preparing a Victim Impact Statement

**A Victim Impact Statement is an opportunity for you to tell the court about the impact the crime has had on your life.**

A Victim Impact Statement is only given to a sentencing court if the defendant is found guilty after a trial or enters a plea of guilty and is being sentenced.

Providing a Victim Impact Statement is entirely voluntary – you don't have to do it if you don't want to. If you decide not to make a Victim Impact Statement, this does not mean the sentencing judge will think the offence caused little or no harm to you. People who are immediate family members of the victim of crime can also write a Victim Impact Statement if they wish to.

## How to set out a Victim Impact Statement

It's important that a Victim Impact Statement is in your own words, but someone else can help you write it. There are no rules about how long or short it should be, but usually it would not be longer than three pages and can be as short as one paragraph.

There is no set form or style. You can write it as if you're writing a letter to the sentencing judge to describe the effect of the crime on you and your life.

Most people prefer to type their Victim Impact Statement. If it is handwritten, you need to make sure the writing is neat and easy to read. Once completed, you must also sign and date the statement.

## What to include in your Victim Impact Statement

- You can talk about any physical injuries you have suffered and the effect they have had on your life. For example, this may include problems with movement, sleeping, or ongoing pain
- The emotional impact the crime has had on you and your family. This may include family relationships or changes within your work, study or social life
- You can talk about the financial impact of the crime including loss of wages, medical or counselling expenses etc.
- If the crime resulted in the death of a loved one, you may wish to talk about them and the life they led
- Any other information about the impact of the crime that you think is important and relevant.

## What not to include in your Victim Impact Statement

There are some things which can't be included in a Victim Impact Statement. All the information must be related only to the act of violence that the defendant is being sentenced for. It is important to distinguish between details of the crime itself and the impact the crime has had upon you.

The prosecutor in your case may *strike through* and remove parts of your Victim Impact Statement if they include:

- Details of the crime itself
- Details of other crimes committed by the defendant, whether known to the court or not
- Any medical conditions without supporting documents from a medical practitioner
- Anything that is factually incorrect
- Your opinion of the personal character of the defendant or what sentence they should receive
- Offensive or inappropriate language

## You can include other documents

You may include other documents as a part of your Victim Impact Statement such as medical statements, poems, photographs or drawings if they help you communicate the effects the crime has had on you.

## How to submit your Victim Impact Statement

Where to submit your Victim Impact Statement depends on where the case is being heard.

If the matter is being heard in the Magistrates Court, you may need to give your statement to the arresting officer with the Queensland Police Services (this may be the person who took your police statement, or another officer who has been in contact with you about this matter).

If the matter is being heard in either the District or Supreme Courts, you will need to give your statement to the Victim Liaison Officer at the Office of the Director of Public Prosecutions.

Victim Impact Statements need to be given to the correct court prior to sentencing. We encourage you to speak with the arresting officer or Victim Liaison Officer about when your Victim Impact Statement should be submitted.

## Who will see your Victim Impact Statement?

Your Victim Impact Statement and anything you send as part of it will be disclosed to the defence lawyer and the defendant. The defendant will probably read your VIS.

The lawyer appearing in court on behalf of the prosecution will read it, as will the magistrate or judge.

## Will your Victim Impact Statement be read in court?

A Victim Impact Statement is given to the Court as a written document. If received, the judge or magistrate will use your Victim Impact Statement to understand the impact the crime had on you and your family.

Sometimes one of the lawyers, the judge or the magistrate will refer to the contents of a Victim Impact Statement. This may simply be a comment that a Victim Impact Statement was submitted, or they may read parts of your Victim Impact Statement aloud in open court. If this happens, everyone present in court will hear it and these comments will also appear in the record of court proceedings.

If you would like your whole Victim Impact Statement to be read aloud to the Court, you can ask the lawyer representing the prosecution to read it aloud on your behalf. You can also request to read it aloud yourself, either in person or by video or phone link. You can someone with you for

support while you do this. If you are interested in these options, we encourage you to speak with the arresting officer or your Victim Liaison Officer as early as possible.

## Do you need to go to the sentencing hearing?

No, you are not required to attend the sentencing hearing if you don't want to. It's your choice.

Sometimes, sentencing may occur straight after the defendant is found guilty after a trial or enters a guilty plea, and sometimes the sentencing hearing may be adjourned to happen at a later date.

## What else does a judge or magistrate consider when sentencing?

In Queensland, the Penalties and Sentences Act (1992) states that the sentencing judge or magistrate must consider a number of factors when deciding an appropriate sentence.

Some of these include:

- Past convictions of the defendant
- The seriousness of the crime
- The minimum and maximum penalties
- Whether the defendant entered a timely guilty plea
- The defendants cooperation with authorities
- Issues around deterrence and community safety.

### Victim Assist Queensland

Email: [VictimAssist@justice.qld.gov.au](mailto:VictimAssist@justice.qld.gov.au)

Post: GPO Box 149, Brisbane, QLD 4001

Phone: 1300 546 587

