

Information Sheet

Making A Victim Impact Statement

If you have been a victim of a violent crime, you have the right to tell the court about how the crime has affected you. You can do this in one of three ways:

- **Prosecutor's submissions.** The prosecutor tells the court about the harm that has been done to you;
- **Sworn evidence.** The prosecutor calls you as a witness at the sentence hearing and tells you about how the crime has affected you;
- **A victim impact statement.**

What is a victim impact statement?

A victim impact statement explains how a violent crime has harmed the victim. It is a written statement signed by the victim and presented to the court when the offender is being sentenced.

Why should I make one?

The statement will help the judge understand how you have been affected by the crime. If the person accused of the crime is found guilty, the judge can consider the effects on you when passing sentence.

Having the impact of the crime described in court is a right guaranteed by law. It gives you a chance to take an active part in the criminal justice process.

Will I be awarded compensation if I make a victim impact statement?

Not necessarily. Sometimes the judge orders compensation when sentencing the person found guilty of the crime, but usually you have to make a claim for criminal compensation against the offender.

However, you should keep a copy of your victim impact statement, because you can use the information it contains to support your compensation claim.

(There is a brochure on compensation for victims of violent crime, which gives details on how to make a claim. It is available from the Victims of Crime Compensation Unit (VOCCU), Legal Aid Queensland. Phone: 1300 651 188).

Who can make a victim impact statement?

You can make a victim impact statement if you have suffered harm because:

- A violent crime has been committed against you;
- A violent crime has been committed against a member of your immediate family;
- You are a dependent of someone who has had a violent crime committed against them;
- You went to the aid of a victim of crime.

How do I make a victim impact statement?

You need to write down the details of what you have suffered as a result of the crime. Remember, you don't have to describe how the crime happened – the prosecutor will do that. Stick to information about how the crime has affected your life.

What information should I include?

Include details of any physical injury, emotional harm or other loss or damage you have suffered as a result of the crime.

- If you have been physically injured, describe the injuries, the pain you've suffered, the medical treatment you received at the time, any ongoing treatment and any long-term physical effects.
- If you have suffered emotional harm, describe how you felt at the time of the offence and afterwards, and how your enjoyment of life, sense of well-being and relationships with other people have been affected. Include details of any counselling or therapy you have received as a result.
- If you have suffered any financial loss, explain how this has happened – how your capacity to earn money has been reduced, for example, or any additional expenses you have had, such as medical or counselling costs, or the cost of repairing damage to your property.

You may attach other documents, such as medical reports and receipts, if you think that they will support your statement.

Remember: Anything you include must be truthful, accurate and relevant to the crime of which the accused has been found guilty.

When you are satisfied with the statement, sign it and give it to the lawyer from the Office of the Director of Public Prosecutions (ODPP).

If you require any help with writing your statement, you should talk to a staff member of the ODPP.

Should I tell the judge what I think the punishment should be?

No. It is not appropriate for you to comment on how the offender should be punished. The harm done to the victim is only one of many things the judge must consider when passing sentence.

Will I have to read my statement out in court?

No. The Crown prosecutor (the barrister who presents the case against the accused in court) usually gives your statement to the judge. The Crown prosecutor may read out sections of your statement or draw the judge's attention to particular points.

Sometimes, however, the Crown prosecutor decides that it would be best to just tell the court some details from your statement.

Will I have to go to court if I make a victim impact statement?

Not necessarily. However, the lawyer representing the accused in court may want to question you about your statement.

Who will see my statement?

Obviously staff from the ODPP preparing your case, including the Crown prosecutor, will read your statement. If a copy of your statement is given to the judge, it must also be given to the defence lawyers, and it will probably be read by the accused.

Do I have to make a victim impact statement?

No, it is your choice. If you decide not to make one, you can still tell the crown prosecutor about how the crime affected you.

If you have any questions or need help, contact the ODPP in your region.

Adapted from Queensland Government Department of Justice & Attorney-General fact sheet.