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**In your
words**

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Preparing a
Victim Impact Statement



Government of South Australia
Victims of Crime SA

The Victim Impact Statement (VIS) is an opportunity to tell the court how the crime has affected you or your family. This might be the emotional impact, physical injuries or how much the crime cost you financially. You might also want to ask for restitution (a payment from the offender for damage or loss of property).

You have the right to tell the court how the crime has affected you.

Do I have to make a victim impact statement?

No. It is your choice.

If you want to make a victim impact statement you must let the investigating officer or prosecutor know as soon as possible.

Who can make a VIS?

Anyone who suffers harm as a result of the crime. The offender must be found guilty (or plead guilty) to the crime for you to be able to submit a VIS. If you are unsure, you can ask the investigating officer or prosecutor.

When should I complete my VIS?

This really depends on the type of crime you are a victim of.

Sometimes victims are asked to complete a VIS soon after a crime has happened.

Sometimes you will be asked to wait until an offender has pleaded guilty or been found guilty by a judge or jury.

When will the court hear my VIS?

A VIS is given to the court if the person has been found guilty or pleads guilty. The judge or magistrate will hear your VIS and consider it **before** they sentence the offender. Sometimes they will refer to what you said in their sentencing remarks.

In some cases, you may not have had a chance to write your VIS yet - especially if the offender pleads guilty unexpectedly. The prosecutor can ask the court to adjourn the sentencing proceedings to give you enough time to prepare your VIS. Speak with the prosecutor if you think you need more time to finish your VIS.

What if the victim is a child or cannot write a VIS?

Children can still make a victim impact statement. It should be in their own words, so sometimes they might write a letter, a poem, draw a picture or talk about the effects on them in another way.

If the victim cannot write a victim impact statement (because of age, disability, or another reason) a member of the victim's immediate family or trusted adult can help them.

How do I write a VIS?

It is important that your VIS is written in your own words (the way you talk and write).

You can use this victim impact statement form or use it as a guide to write or type your own. If you cannot write or there is some other reason why you can't do a VIS, you can ask for help.

An electronic copy of this form can be found at www.voc.sa.gov.au/vis.

Make sure you save this document to your computer. The VIS template is on page 5.

You should always keep a copy of your VIS.

What should I write about?

You should try to concentrate on how the crime has affected you.

Some of the impacts you might want to tell the court about include:

- > physical injuries, impact on your health or medical treatment
- > emotional impact and wellbeing
- > changes in your behaviour, attitudes or how you think about things
- > changes in your coping skills
- > changes in your social life or the impact on your relationships with others
- > financial loss
- > changes to housing, education or employment
- > any fears or worries for the future
- > cultural or spiritual concerns.

Where the crime has resulted in death, you might want to write about your deceased loved one - who that person was to you, the life they led, your relationship and how your life has changed.

I want to ask for restitution or offender paid compensation.

If you had property stolen you can ask for an order to have the property returned to you. This is called 'restitution'.

You can also ask the judge or magistrate to order the offender to pay you compensation for any damage, loss or expenses you incurred as a victim of crime. This could be things like an ambulance account or the cost of replacing stolen or damaged property. This is the **only** way to get compensation for property loss or property damage.

You should attach receipts or quotes that relate to the repair or replacement of your property.

It is up to the judge or magistrate whether they make an order for restitution or offender paid compensation. They are unlikely to order restitution if the offender does not have enough income or assets to pay you.

Some victims may be able to claim compensation from the government's Victims of Crime Fund. This includes close relatives of someone who has died as a result of a crime.

Compensation can be paid for:

- > physical and psychological injury
- > pain and suffering
- > financial losses (eg loss of earnings, treatment costs).

What should not be included in my VIS?

Don't include these things in your VIS - remember, you should focus on how the crime impacted **you and your life**.

- > any detailed description of the crime
- > anything offensive, threatening, intimidating or harassing
- > details of other crimes committed by the defendant
- > abuse of the offender
- > comments on the police, courts or justice system.

Judicial officers are allowed to disregard parts of a VIS they consider to be irrelevant material.

How long should my VIS be?

There is no set length for a victim impact statement but as a general rule your VIS should not be any longer than three pages.

Will my VIS be edited before being presented to the court?

No. While the prosecutor will review your completed VIS, they are not allowed to edit your words without talking to you first. If you have included inappropriate things (like those listed above) the prosecutor will recommend removing them, but it will ultimately be your choice. The courts cannot refuse to receive a VIS if it contains irrelevant or inflammatory material - but it can disregard that material.

Who will see my VIS?

The prosecutor, defence counsel, the offender and the judge or magistrate will see your victim impact statement before it can be presented to the court. The offender is entitled to read your victim impact statement but is rarely given a copy to keep.

How will my VIS be presented to the court?

You have different options for presenting your VIS:

- > You can attend court and read your VIS aloud.
- > Have someone you nominate read your VIS aloud.
- > You can have an officer of the court (for example, the prosecutor) read your VIS aloud.
- > You can submit your VIS to the court without it being read aloud.

Although not common, you might be asked questions about your statement by the judge, magistrate or another person such as the lawyer representing the offender.

Will the defendant be in court when my VIS is presented?

The law requires a defendant to be present in court when a VIS is read aloud. In some cases, this might be via audio-visual link (AVL). You should talk to the prosecutor if you would prefer the defendant to be physically in the courtroom rather than via AVL.

Can the media report on my VIS?

If your statement is read out in the court the media can report on it. If you do not want this to happen, you should talk to the prosecutor.

If your statement is not read out it will go on the court file. Members of the media or public can ask the judge or magistrate for permission to see a copy of your statement.

If you are a victim of a sexual assault, the media is not allowed to report any details that might reveal your identity, unless you consent.

Who do I give my VIS to?

You can give your VIS to the:

- > police investigating officer
- > police victim contact officer
- > prosecutor
- > Witness Assistance Officer (where one has been assigned to you).

If you are not sure who to give the form to you can contact Victims of Crime, South Australia.

Finishing my VIS

You can either print or email your completed VIS.

You can print the VIS, sign and date it and give it to the investigating officer.

You can email your completed VIS to the investigating officer. If you choose to email your VIS you should:

- > include your name and email address at the end of your VIS
- > attach your VIS to an email with the subject heading: Completed VIS - Your Name
- > consider attaching a read receipt.

If you do not know the name of the investigating officer, you can contact Victims of Crime SA on 7322 7007

Where can I get help?

For more information or help with making a VIS, please contact:

Victims of Crime, South Australia

Ph: 7322 7007

Email: victimsofcrime@sa.gov.au

You can also speak to the police officers involved in your case, a police Victim Contact Officer, Witness Assistance Officer or the prosecutor.

In your words

Victim Impact Statement Form

Cover sheet (your details are not provided to the offender)

This is an editable PDF - make sure you save this document to your computer so you don't lose anything.

Your name

Date of birth (dd/mm/yyyy)

Email

Name of offender

Criminal charge (if known)

Relationship to victim

Name of investigating officer

Please select one of the following

I want to attend court and read my victim impact statement aloud

I want a person nominated by me to read my victim impact statement aloud

I want an officer of the court to read my victim impact statement aloud

I want my victim impact statement submitted to the court without being read aloud

Please answer the following

I want to ask the court to consider ordering restitution / offender-paid compensation

Yes No

If yes, how much compensation would you like to request \$

(please attach information to verify costs e.g. replacement estimate, accounts or receipts)

Remember: The offender may be given a copy of your statement to read and will be there when your statement is read in court.

Under Section 14 of the *Sentencing Act 2017 Act*

I

(full name)

would like to tell the court how the crime has affected me/my family

To the best of my knowledge, this statement is true and accurate

Name

X

Signature

Date (dd/mm/yyyy)

You don't need to sign this form if you are sending it electronically.
You must sign it if you are printing it out to give to the investigating officer.