

Guidelines for Writing a Victim Impact Statement

General Guidelines for Impact Statements

- There are no "rules" as to the format. If being delivered in writing, it's generally done in the form of the letter (many jurisdictions may provide a generic form for your use, but some do not). If a statement is just being delivered orally in court, some individuals will speak from the heart without notes; some will prepare an outline. Many do both written and oral statements; this is the best way to impress upon the court the extent of your concern. However, there are judges who will only allow one or the other. Find out from your prosecutor or victim advocate what to expect in your case.
- Describe the ways the crime has impacted your life as well as the lives of your loved ones. Explain the psychological, emotional, or physical harm or trauma you have suffered. Explain the extent of any economic loss or property damage which resulted from the crime.
- Give your opinion as to an appropriate sentence, including your wishes regarding the defendant being ordered to pay restitution (restitution is a court order which directs defendants to pay victims back for any financial loss as a result of the crime - it generally does not compensate for pain and suffering). Be realistic - ask for a sentence which can be imposed in your jurisdiction; your statement will be more meaningful. The prosecutor or victim advocate working with you should be able to guide you in this respect. Finally, you may ask that your written statement be attached to the pre-sentence investigation report. This is important because the report is not just used for sentencing purposes, but follows the defendant into the prison system for use in determining classifications. It may also be utilized by the parole board in making decisions.
- Although there's usually no time limit imposed, it is a good idea to keep your statement short. Five minutes or less is a recommended time frame when delivering a statement in court. If being submitted in writing, keeping it to one page is also advised. Even the most compelling statement may lack impact if it's too long.
- Here are a few things to keep in mind. Many judges are strict about courtroom decorum; they will expect you to conduct yourself in a dignified manner and may be put off by extreme anger or vengeful comments. Even though they should understand why you would feel that way, they may not be accepting of such emotions. Also, many judges take the position that an impact statement must be addressed to the court, not the defendant (this makes sense since impact statements are intended to help the court in fashioning a sentence). It is usually permissible to make some comments to the defendant as long as most of the statement is being directed to the court. The bottom line - choosing to address the defendant instead of the court could result in you being interrupted to being told to stop without finishing your statement.

Suggestions for Completing Your Impact Statement

The following suggestions are offered only as a guide in filling out this form. Feel free to write in your own words how this crime has affected you and those close to you. Please answer as many questions as you wish. If a question makes you feel uncomfortable, you do not have to answer it.

The first part of the impact statement asks you two questions about:

- * The emotional impact of this crime on you and your family.
- * The effect of the crime on your ability to work or do any of the things you normally do, such as going to school, running a household, or any other activities you normally perform or enjoy.

If you would like to and feel comfortable in doing so, you may wish to write about what kind of person your loved one was and what he or she meant to you. You may wish to tell the judge some of your loved one's interest, hopes, dreams or you may wish to write something about the special memories you have of your loved one.

If you have paid or owe any money for bills because of this crime, please fill out the financial impact section of the statement. It is important to be as accurate and complete as you can when listing your costs because this information will be used by the prosecutor, probation officer and the judge to help them determine what restitution the defendant must pay to you. Some examples of expenses you may have paid or owe include medical bills or expenses; counseling costs; lost wages or loss of support; funeral expenses; crime scene cleanup; and, the repair or replacement of door locks and security devices. It is important to attach copies of any bills or other proof of any money you have spent or expect to spend in the future.

In addition to medical or counseling bills, you may want to include any time off from work that you were not paid for as a result of this crime. For example, if you took time off from work to go attend to your loved one's medical care or funeral arrangements, and your employer did not pay you for this time, you may want to ask the judge to think about these expenses when he or she decides if the defendant will owe you any restitution.

SAMPLE

The family of Chris Pervorse has been gravely traumatized both emotionally and physically, by this senseless, horrible act of violence. A permanent picture in our minds and hearts of the last moments of our son, brother and friend will never leave us/We will always wonder why Mr. Bell felt compelled to commit this crime. We have spells of uncontrollable crying, one of us has permanent shaking, we all have nightmares. Some so totally consumed with grief, they cannot face normal everyday activities with the ease and gaiety of times past. We speak to Chris daily, although one family member stays in complete denial of the truth and will not face or speak off it. It makes us live in a permanent fear for our own lives and families. Paranoia is an everyday reality. We have leaned too much about the workings of our legal system whether we were prepared to do so or not. The time goes very slowly as we wait for news and we cry once more. It is beyond our comprehension how a person could do this to another human being. Yet we must live in this hideous aftermath that has sentenced us for life. Time will not heal these wounds but perhaps ease the pain. Chris was a good person who loved God, life, his family and his music. We will never forget the James Bells of this world and the enormous suffering they cause. A lifetime in prison can only close one page in our book of life. He is a psychopath who should never be allowed out as he has no regard for human life.