

## ***Section 4 Handout: Resource Package on Victim Impact Statements<sup>1</sup>***

This document was developed in order to provide guidelines for courts and correctional agencies that are responsible for implementing victims' right to an impact statement. It includes:

- A resource package for victims on victim impact statements;
- A cover letter to accompany the resource package when provided to victims; and
- A handout on integrating issues around victim impact statements into offender casework.

This document should be revised, as needed, to reflect both state law and agency policies in your jurisdiction.

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<sup>1</sup> This Resource Package was developed by victim advocate Anne Seymour (Justice Solutions: Washington, D.C. 2001). Some of these resources have been adapted from "Victim Impact: A Victim's Right to Speak, a Nation's Responsibility to Listen" written by Janice Harris Lord and Ellen Alexander, and published by the National Victim Center and MADD in 1994. Special thanks are extended to Bob Wells, a Senior Instructor with the Behavioral Science Division of the Federal Law Enforcement Training Center, for his assistance in drafting and editing this document. Special thanks is also extended to the Honorable Ted Todd, Judge, Fifth Judicial District in Indiana for providing an overview of what courts consider in the adjudication of youthful offenders.

## **Sample Cover Letter for Victim Impact Statement**

*This letter can be adapted for criminal and juvenile courts, as well as for adult and juvenile paroling authorities.*

“Dear Mr./Ms. (**last name**):

(**Name of agency**) is committed to helping crime victims, and providing services and support to people in our community who have been hurt by crime. We are sorry that you were victimized, and are grateful for your participation in the criminal/juvenile justice process. Your involvement and input are vital to promoting individual and community safety, and to holding your offender accountable for the harm s/he has caused.

One of your most important rights as a victim of crime is the opportunity to tell the court how you and your loved ones have been affected by the crime. Your completed “victim impact statement” ensures that your voice is heard as part of the justice process.

It is important for the court to understand the nature of the offense, and its impact on you and your loved ones – emotionally, physically and financially. Your victim impact statement will also give the court valuable information that can be used to hold the offender accountable, and to promote safety for you and for our community.

I have enclosed a resource package that describes the process for completing the victim impact statement process. Any additional information you think is important for the court should be provided as an attachment to your victim impact statement.

We are grateful for your continuing support to the criminal/juvenile justice process. If you have any questions about completing your victim impact statement, or would like information about services for victims in our community, please contact (**name**) at (**area code/telephone number**).

Thank you very much.

Enclosures: Information on victim impact statements and *suggestions for completing your statement*

“Victim Impact Statement” Form

“Documenting Financial Losses” Checklist

## ***Victim Impact Statements***

### **1. What Is a Victim Impact Statement and How Is It Used?**

Victim impact statements provide an opportunity for your voice to be heard by our justice system. When completed, it is an important document that describes how the crime has affected you and your loved ones, and provides input into how the court can best hold the offender accountable for the harm s/he has caused.

As a crime victim, you have the opportunity to use this victim impact statement to describe how this crime affected you and others close to you. This statement has space for you to:

- Describe the crime and its physical, emotional, and financial effects on you and your loved ones;
- Discuss any concerns you may have about your safety and security;
- Address any changes in your life you may have experienced since the crime occurred;
- Offer suggestions for a resolution that is fair; and
- Provide information that will give the offender the opportunity to take responsibility for actions that caused you harm and loss.

If the defendant pleads guilty or is found guilty after trial, your impact statement will help the judge understand how this crime has affected you and those close to you.

### **2. Filling Out This Statement Is Voluntary**

*You do not have to fill out a victim impact statement.* However, it may be helpful to the judge when he or she decides what sentence the defendant should receive, and/or any money the defendant may have to reimburse you for expenses you have paid or owe because of this crime. If the judge orders the defendant to pay you restitution, there is no guarantee that the defendant will be able to pay the entire amount. However, a court order for the full amount of your losses is an important component for victims to pursue civil remedies for all of the financial losses associated with this crime. Whether or not you choose to submit a victim impact statement is a decision made by you and your family. It is a voluntary right that you have as a victim of crime.

### **3. Suggestions for Completing Your Victim Impact Statement**

The following suggestions and the attached victim impact statement form are offered only as a guide. Please answer as many questions as you wish. If you need more space, you can use additional pages and simply attach them to the form when you return it.

Only *you* know how to best describe the effects this crime has had on you and those close to you. We realize it may be difficult to describe in words how this crime has affected you, your family and friends. However, your input is vital to determining a sentence that is fair and just, and holding the offender accountable for the harm s/he caused you. The questions that follow are designed to help you and your family complete this important process.

Some victims have found it helpful to write a rough draft of their statement before completing

the final statement. If you should need any assistance in completing your victim impact statement, please feel free to contact my office for assistance at (**telephone number**).

If you would like to tell the court about the *emotional impact* of this crime, you may wish to consider:

- How this crime has affected your lifestyle or those close to you;
- How your feelings about yourself or your life have changed since the crime;
- How your ability to relate to others has changed; and
- Any counseling or other support you have obtained to help you cope.

If you or your family members were injured, you may wish to tell the court about the *physical impact* of this crime. You may wish to describe:

- The specific physical injuries you or members of your family suffered;
- How long your injuries lasted or how long they are expected to last;
- Any medical treatment you have received or expect to receive in the future; and
- How your physical injuries have affected your lifestyle (e.g., ability to work, enjoy recreational pursuits, etc.).

It is very important for the court to understand how this crime has affected your ability to earn a living and how it has affected you financially. 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 possible when listing your costs because this information will be used by the prosecutor, probation officer, and judge to help them determine what restitution the defendant must pay to you.

We have included a separate checklist to help you describe and document the types of financial losses you may have endured, or will be faced with in the future. It is important to be as complete as possible in describing your financial losses, as this information will be used by the probation department/parole authority and provided to the judge/parole authority for determining restitution. *Restitution* is the possible payment by the defendant to you for any financial losses you may have suffered as a result of this crime.

#### **4. Who Has Access to Your Victim Impact Statement?**

Your statement will become an official court document after it is given to the court, and will become part of the defendant's permanent file. The judge, prosecutor, and probation officer will read your statement. In addition, prison and parole officials may read your statement if the defendant is sentenced to a prison/detention term.

The defendant and the defendant's attorney will also be able to read what you have written. They may even be able to ask you questions about your statement in court. *However, the defendant will not be able to see your address and telephone number because you are not asked to put them on your statement.*

**Add in applicable jurisdictions:** You also have the right to speak to the judge at the time of sentencing. If you would like to do so, please contact our office immediately so we can

facilitate your oral statement to the court.

**Add in applicable jurisdictions:** You also have the right to give your victim impact statement in the form of an audio or video tape, or via teleconference if traveling to the sentencing hearing imposes an undue burden on you. If you would like to pursue any of these options, please contact our office immediately for further information and assistance.

**Add in applicable jurisdictions:** The information you provide in your victim impact statement can be utilized to help the offender understand how his/her criminal/delinquent actions have affected your life. While your personal contact information *will not be revealed*, the information you provide about victim impact – with your permission – may be integrated into offender casework to address personal accountability and victim empathy issues.

## 5. Crime Victim Compensation

If you are a victim of a crime involving violence or resulting in personal injury, you may be able to receive financial help from the Crime Victim Compensation Program. This program can pay you back for certain out-of-pocket expenses for physical or emotional injuries received as a direct result of a crime. These expenses may include medical bills, counseling costs, funeral bills, and lost wages and support. This is *not the same as restitution*. You may be able to receive money to help you with some of your medical bills even before you go to court.

You can file for benefits immediately following the crime even if no arrest has been made. If you would like more information about the possible benefits available, or how to apply for victim compensation, please contact our office for assistance, or contact the (**state victim compensation program**) directly at: (**address; telephone number; email; and Web Site**).

## 6. For Help With Your Victim Impact Statement

Please return your completed impact statement to our office within (#) days. If you have any questions while writing your impact statement or if you would like to speak to the judge at sentencing, please contact our office immediately so we can help set this up for you. If our office can help you in any way at all, contact us at: (**name of agency; address; telephone number; and/or email**). If you need more space to answer any of the following questions, or if you have additional information that is not addressed by these questions, please use as much paper as you need, and simply attach these sheets of paper to this impact statement.

## 7. Other Information That the Court Considers in Adjudication Decisions (for Juvenile Cases)

The following considerations are important to the court, and are all helpful in developing a profile of the youthful offender, and what may or may not be an appropriate disposition in a particular case:

- Victim impact statement;
- Nature of the offense and extent of the juvenile's involvement;
- Age of both the juvenile and the victim(s);

- Educational records of the juvenile;
- Work record of the juvenile;
- Juvenile's support system (e.g., family, close friends [both adult and peers], any religious affiliation, any other group affiliations, school, and work);
- Juvenile's health (e.g., mental health, physical health, substance use/abuse);
- Juvenile's attitude e.g., toward this offense and victim[s], and toward his/her community);  
and
- Juvenile's prior involvement with the juvenile justice system.

## VICTIM IMPACT STATEMENT

*Allow as much space as is needed to complete the victim impact statement.*

1. Please describe how this offense has affected you and your family.
  
2. What was the *emotional impact* of this crime on you and your family?
  
3. What was the *financial impact* of this crime on you and your family?

***(NOTE: Add a question asking about “physical impact” for personal crimes.)***

4. What concerns do you have, in any, about your safety and security?
  
5. What do you want to happen now?
  
6. Would you like an opportunity to participate in victim/offender programming (such as mediation/dialogue or victim impact panels) that can help hold the offender accountable for his/her actions? ***(NOTE: Only utilize this question if such programs are in place, and ensure that the victim has written resources that fully describe such programs.)***
  
7. If community service is recommended as part of the disposition or sentence, do you have a favorite charity or cause you'd like to recommend as a placement?
  
8. Is there *any other information* you would like to share with the court regarding the offense, and how it affected you and your family?

\_\_\_\_\_ Please check here if you would like to be notified about the status and outcome of this case.

## Documenting Losses for Victim Restitution<sup>1</sup>

To ensure accurate and complete restitution orders, you are required to document your losses in writing for the court or paroling authority. The following considerations can help you document your out-of-pocket expenses and projected future expenses:

- Employer statements (letters or affidavits) that document unpaid time off from work you took as a result of injuries from the crime, or involvement in justice processes;
- Documentation of any workers compensation claims submitted and/or claims payments received;
- Copies of bills for services directly related to your financial recovery from the crime;
- Any receipts for items or services;
- Documentation that estimates the value of stolen property;
- Photos of valuables that were stolen;
- Copies of any documentation often provided by local law enforcement agencies (e.g., records of serial numbers, photos, etc.) that are intended to aid you in the recovery of stolen property;
- Any law enforcement records that indicate the status of your stolen property (e.g., property recovered, recovered but damaged, etc.);
- Copies of your applications to and/or copies of checks received from the state victim compensation fund; and
- Copies of insurance claims and related correspondence between you and your insurance company, as well as copies of any checks you have received to cover losses.

### **Immediate Losses**

During the pre-sentence investigation, you should be asked to report information about your losses by completing or updating a financial work sheet, and providing documentation as described above.

The range of these losses can include the following:

#### ***Medical Care***

- Emergency transportation to the hospital.
- Rape kit examinations that are not immediately paid by a third party.

- All expenses related to the hospital stay, including the room, laboratory tests, medications, X-rays, HIV testing in cases involving the exchange of bodily fluids, and medical supplies.
- Expenses for care provided by physicians (both inpatient and outpatient) medication and medical supplies.
- Fees for physical or occupational therapy.
- Replacement of eyeglasses, hearing aids, or other sensory aid items damaged, destroyed, or stolen.
- Rental and related costs for equipment used for any physical restoration, (e.g., wheelchairs, wheelchair ramps, special beds, crutches, etc.).

### ***Mental Health Services***

- Fees for counseling or therapy for you and your family members.
- Any costs incurred as a result of your participation in support or therapy groups.
- Expenses for medications that doctors may prescribe to help ease your trauma following the crime.

### ***Time Off From Work***

- To repair damage following property crimes.
- To attend or participate in court or parole proceedings.
- To attend doctors' appointments for injuries or mental health needs directly resulting from the crime.

### ***Other Expenses***

- Crime scene cleanup.
- Costs of replacing locks, changing security devices, etc.
- Expenses related to child or elder care when you have to testify in court.
- Relocation expenses.
- Fees incurred in changing banking or credit card accounts.

## Projected Expenses

Victimization often results in injuries or losses that are long term in nature. While it is not possible to accurately document such projected expenses, it is possible to document expert opinions as to future financial obligations you might incur as a direct result of the crime.

You should be advised to seek documentation (a letter or affidavit) from professionals who are providing you with medical or mental health services that offers an estimate of your future treatment needs, as well as related expenses. Such costs can include:

- Long-term medical treatment;
- Physical or occupational rehabilitation or therapy;
- Mental health counseling or therapy; and
- Time that must be taken off from work to receive any of the above services.

The justice professional responsible for assessing your restitution needs should provide this documentation to the court or paroling authority.

<sup>1</sup> Seymour, A. (1997). Helping Victims Document Their Losses. In National Center for Victims of Crime, *Promising Practices and Strategies for Victim Services in Corrections*. Washington, D.C.: U.S. Department of Justice, Office for Victims of Crime, 22 – 23.

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