

## **ABOUT WRITING VICTIM IMPACT STATEMENTS**

A Victim Impact Statement is a written or oral statement presented to the court at the sentencing of the defendant. Many times victims, their family members, and friends of the victim participate in both written and verbal statements. More often than not, **numerous individuals write letters to the sentencing judge and only a few of those directly connected to the crime speak at sentencing**. Victim Impact Statements were created as an opportunity for the judge to hear how a criminal action has affected you and those that you love. Victim Impact Statements are not limited to the courts. Many times, probation or paroling agencies allow for an opportunity to present a statement as well.

**How long should a victim impact statement be?** Your Victim Impact Statement should take no more than 10 minutes of reading or listening time to make the greatest impression.

**Elements of a Statement:** Typically, a victim impact statement will contain the following:

- The physical, financial, psychological, and emotional impact of the crime.
- The harm done to family relationships by the crime, such as the loss of a parent or caregiver.
- Medical treatment or psychological services required by the victim because of the crime.
- The need for restitution.
- The victim's opinion of an appropriate sentence for the offender.

**How to Write a Statement:** Most states have victim impact statement forms for victims to complete. If the state does not have a form, focusing on the above questions is helpful. Also, all states have victim assistance programs, which anyone with questions about completing the statement can contact for help or clarification.

**Completing Your Statement:** Many people will read your statement, including the judge, attorneys, probation and parole officers, and prison treatment personnel. Here are some considerations:

- The answers should be written neatly or typed.
- Writing the answers first on a separate piece of paper will allow for errors to be fixed before transposing the information to the final form. Ask for additional forms if you make a mistake or decide to reword your answers.
- It is not mandatory that the answers fit into the space provided. Include additional sheets if necessary.
- Try to keep the answers concise, but write descriptively. You want to express the depth of how you feel—fear, trauma, and severe loss—and using descriptive words will help people identify with your experience.

**Here's what to put on the form:**

- How you felt while the crime was taking place and the emotional impact this crime has had on your life.
- The physical, psychological, and financial impact of the crime.
- Examples of how the crime has changed your life.
- Documented and itemized financial losses, major and minor, as a result of the crime: loss of work; moving expenses; cost of gas for trips to doctors' offices as a result of injuries during the crime; and future expenses.

**What to Avoid - Here's what you should not put on the form:**

- Do not include information that identifies your physical address, phone number, place of employment, or email address. The defendant will have access to your letter or the statement you read in court and could use the information to contact you in the future.
- Do not introduce new evidence not covered at the trial or repeat evidence already presented.
- Do not use derogatory or obscene language. To do so will diminish the impact of your statement.

- Do not describe any harm that you hope the offender will experience in prison.

**Reading the Statement in Court:** (1) If you do not feel that you can read your statement in court or you become too emotional to finish it, ask for an alternate or family representative to read it for you. If you want to show a picture or some other object while giving your statement, ask the court's permission first. (2) Write out your statement before speaking to the judge. Reading a statement can become very emotional, and it is easy to lose track of what you are saying. Having a written copy will help you cover all the points that you want to convey. (3) Focus on speaking only to the judge. If you want to speak directly to the defendant, ask the judge's permission to do so first. Directing your comments to the accused is not necessary. Anything you want to convey can be done by speaking directly to the judge.

**Avoiding Manipulation:** Do not let the defendant manipulate you into losing control. Many times criminals will purposely try to anger the victim during the statement so that they do not finish. They may snicker, laugh, make sarcastic faces, yawn loudly, or even make obscene gestures. Some criminals will even shout out derogatory comments about the victim. By staying focused on the judge, you can help keep the criminal from sabotaging your statement.

Do not express anger about the trial, the attorneys, the court, or the offender. This is your time to express the pain you have experienced and influence the sentence the defendant will receive. Anger, explosive outbursts, obscene language, or references to what kind of harm you hope the defendant will face in prison will diminish the impact of your statement.

Laws regarding victim impact statements vary from state to state. To find out the law in your state, contact the local prosecutor's office, the state attorney general's office, or a local law library.

### **Example of what you may wish to write about.**

Your Name

Case No.:

Your Loved One's Name

Defendant's Name(s)

1. (a) How has the loss of your loved one affected you and those close to you? Please feel free to **discuss** your feelings about what has happened and **how it has affected your general well-being**. (b) Has this crime affected your relationship with any family members, friends, co-workers, and other people? (c) As a result of this crime, if you or others close to you have sought any type of victim services, such as counseling by either a licensed professional, member of the clergy, or a community-sponsored support group, you may wish to mention this.

2. Has this crime affected your ability to perform your work, make a living, run a household, go to school, or enjoy any other activities you previously performed or enjoyed? If so, please explain how these activities have been affected by your loss.

3. Only if you feel comfortable in doing so should you use this space to tell the judge anything you would like him or her to know about your loved one and the kind of person he or she was. If you wish, you can write about any special memories you have of your loved one, times you shared together, what his or her hopes and dreams were, and any other information you would like to share with the judge.

**2010 Georgia Code**

**TITLE 17 - CRIMINAL PROCEDURE**

**CHAPTER 10 - SENTENCE AND PUNISHMENT**

**ARTICLE 1 - PROCEDURE FOR SENTENCING AND IMPOSITION OF PUNISHMENT**

**§ 17-10-1.1 - Judicial consideration of victim impact statement; form document; manner of rebuttal; effect of noncompliance; no creation of cause of action or right of appeal.**

O.C.G.A. 17-10-1.1 (2010) Judicial consideration of victim impact statement; form document; manner of rebuttal; effect of noncompliance; no creation of cause of action or right of appeal

(a) A prosecuting attorney bringing charges against a defendant shall notify, where practical, the alleged victim or, when the victim is no longer living, a member of the victim's family of his or her right to submit a victim impact form.

(b) (1) A victim impact form shall identify the victim of the offense and the perpetrator.

(2) A victim impact form may itemize any economic loss suffered by the victim as a result of the offense and may:

(A) Identify any physical injury suffered by the victim as a result of the offense along with its seriousness and permanence;

(B) Describe any change in the victim's personal welfare or familial relationships as a result of the offense; and

(C) Contain any other information related to the impact of the offense upon the victim or the victim's family that the victim wishes to include.

(c) The Prosecuting Attorneys' Council of Georgia shall establish forms which are designed to obtain the information specified by subsection (b) of this Code section. The Prosecuting Attorneys' Council of Georgia shall make copies of such form available to prosecuting attorneys in the state. It shall be the duty of the prosecuting attorney or his or her designee to make such forms available to crime victims.

(d) The victim may complete a victim impact form and submit such form to the appropriate prosecuting attorney charged with the prosecution of the case. If the victim is unable to do so because of such victim's mental, emotional, or physical incapacity, or because of such victim's age, the victim's attorney or a family member may complete the victim impact form on behalf of the victim.

(e)(1) If, prior to trial, the defendant engages in discussion with the prosecuting attorney for the purpose of reaching a plea agreement or other pretrial disposition of his or her case, the prosecuting attorney shall, upon the request of the defendant, provide the defendant with a copy of the victim impact form relating to the defendant's case within a reasonable time prior to such discussions.

(2) If the prosecuting attorney intends to present information from a victim impact form to the court at any hearing at which sentencing or a determination of restitution will be considered by the court, the prosecuting attorney shall furnish a copy of the victim impact form to the defendant not less than five days prior to any such hearing. The defendant shall have the right to rebut the information contained in the victim impact form.

(3) The court shall consider the victim impact form that is presented to the court prior to imposing a sentence or making a determination as to the amount of restitution.

(f) If for any reason a victim was not allowed an opportunity to make a written victim impact statement, the victim may submit a victim impact statement to the State Board of Pardons and Paroles in any case prior to consideration of parole.

(g) No sentence shall be invalidated because of failure to comply with the provisions of this Code section. This Code section shall not be construed to create any cause of action or any right of appeal on behalf of any person.

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