



VICTIM IMPACT *STATEMENT*

Information and form

Attorney-General's Department
Government of South Australia

Office use only

Name of the police officer in charge of the matter:

Contact Details: Tel: Mobile:

Mailing address on completion of the form:

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Name of convicted person:

Criminal charge(s):

Is this an Indictable Offence? **YES/NO** (circle whichever is appropriate)

If Yes, advise the victim that they may read their personal victim impact statement to the court during the sentencing process, or the court might ask someone to read the victim impact statement on the victim's behalf.

INFORMATION: Victim Impact Statements

What is the purpose of the victim impact statement?

A victim impact statement is an important document. It is your chance to express to the court and the offender how the crime has affected (or is affecting) you. Information on the effects of a crime can be taken into account when considering the sentencing of the convicted person.

You do not have to provide a victim impact statement if you do not want to. It is entirely your choice. If you do not want to make a victim impact statement, remember you can change your mind at any time prior to sentencing.

A victim impact statement might assist the court in ordering the convicted person to pay compensation. (You may also be entitled to Criminal Injuries Compensation, which is separate from this process. See the Information for Victims of Crime book if you require more information on Criminal Injuries Compensation.)

You may use the form attached to prepare your victim impact statement - or you may prefer to write a statement or a letter to the judge or magistrate.

Before deciding whether or not to submit a victim impact statement, what issues should I consider?

Who gets to see or hear your victim impact statement?

The prosecutor will give your written victim impact statement to the judge or magistrate, or the prosecutor might read from your statement. The court and the defence will receive a copy. The convicted person is entitled to know about the contents and read it, but is not usually allowed to keep a copy.

If you are the victim of an indictable offence (the meaning of which the investigating officer, a Police Victim Contact Officer or Witness Assistance Officer (DPP), or prosecutor can explain) you can ask to read your victim impact statement to the court, or you can ask that someone else be allowed to read out your statement. If you want to know more about reading your statement to a court, please ask the investigating police officer or prosecutor.

What happens to a victim impact statement after it has been used in the court?

If your statement is read out in the court, it can be reported in the media. If you have any concerns about this you should discuss this with the prosecutor.

If your statement is not read out, your victim impact statement goes on the court's file. Unless the court gives permission, a member of the public (including the media) may not inspect or obtain a copy of your written statement. Even if the court allows someone to inspect or copy all or part of your statement, the court can prohibit the publication or use of your statement.

How do I write a victim impact statement?

Anybody can help you with it, but it is important that the victim impact statement is written in your own words (the way you talk and write). You can write your own victim impact statement or use the form enclosed. You may like to use the questions in the form as a guide.

Please do not be discouraged if you feel that you are unable to complete the form. Whatever method you choose, help is always available. If you need help, the following people will be happy to assist you.

- The police officer in charge of the investigation
- Police Victim Contact Officers
- Victim Support Service
- Witness Assistance Service (Office of the Director of Public Prosecutions)
- Yarrow Place, Rape and Sexual Assault Service
- Child Protection Services (Women's and Children's Hospital or Flinders Medical Centre; and;
- Homicide Victims Support Group.

What information should I provide?

If you believe it is relevant, you can provide any of the following details:

- Details of the full effects of the crime including financial, social, emotional, psychological and physical harm done or suffered by you or your family.
- Where the crime has resulted in death, you may wish to write about your loved one who was killed - who that person was to you, the life they led, your relationship, and how your life has now changed. You may also include a photograph of the loved one and their date and place of birth.
- If you were injured, a description of those injuries and details of any physical effects the crime has had on you and your family.
- You may wish to comment about changes in lifestyle. For instance, how have your social commitments changed? How has the crime affected your employment? Have you had any changes in accommodation/education?
- You may wish to include details of the financial or economic impact of the crime, for example, lost wages, medical or other treatment expenses and transport costs. In the case of property damage, the cost of repairs/replacement.

- Outline any request for compensation you wish the court to consider. For more information, see the Information for Victims of Crime book, or speak to a Police Victim Contact Officer or Witness Assistance Officer (DPP). Note that you do not need to make a victim impact statement to claim criminal injuries compensation. This can be done separately and you should get legal advice.
- Any other information related to the offence that you consider important to be considered by the judge or magistrate during sentencing.

Some victims prefer to write poems or draw pictures rather than write a statement or letter, or some victims include a poem or picture with their statement or letter.

Finally, check your statement to make sure it is accurate. Although not common, you might be asked questions about the content of your statement by the judge, magistrate or other person such as the lawyer representing the convicted person.

Is there anything I should not include in my victim impact statement?

You should avoid:

- Any detailed description of the crime
- Any offensive language
- Abuse or vilification of the offender
- Comment on the police or the justice system
- Opinion on the sentence the court should give.

Concentrate on how the offence has affected you and your family.

What if the victim is a child?

A form is enclosed for children and young people. They may prefer to write a letter, or poem, do a drawing or express themselves in some other written work.

Who do I give the victim impact statement to?

Please refer to the front page of this document regarding the mailing address.

VICTIM IMPACT STATEMENT FORM

Please detach the signed form and mail it to the address shown on the front page.

Office use only

Police Incident Report No: Apprehension Report No:

Convicted person's name:

Name of victim: Date of birth:

Victim to fill out this part

Part A

Do you wish the prosecutor to inform the court of the effect of the crime on you? **YES/NO**

Do you wish the court to consider ordering the convicted person to pay compensation? **YES/NO**

If yes, what is the total amount of compensation you seek to claim? (please attach information to verify costs, eg estimates, accounts, receipts.)

Part B

If you are a victim of an indictable offence, you can ask to read your victim impact statement to the court, or you can ask for someone else to be allowed to read out that statement.

If you are entitled to give your victim impact statement verbally to the court:

Do you want to attend court and read it aloud yourself? **YES/NO**

or

Do you want someone else appointed by the court to read it aloud? **YES/NO**

Section 7 Criminal law (Sentencing) Act

Section 7A Criminal law (Sentencing) Act

I
(full name)

If necessary, please attach additional pages.

Non-physical trauma suffered as a result of the crime (shock, fear, grief, distress, embarrassment etc).

This image shows a full page of white paper with horizontal blue dotted lines. The lines are evenly spaced and run across the width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

[illegible]

This image shows a single sheet of white paper with horizontal blue dashed lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Did you have insurance to cover any of the costs?

YES/NO

Name of insurance company: Policy No:

Please explain what was covered by insurance and indicate any payments which you had to make (including insurance excess).

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Other relevant information

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To the best of my knowledge, this statement is true.

Victim's signature:

Date: / /

Victim Impact Statement for children and young people

Information for assisting children and young people to complete a victim impact statement.

Young children will need help to fill out their statement. The child should tell the judge or magistrate in their own words how they feel about what has happened to them. It is important that you do not tell the child specifically what to do or say. You could give a simple description about what feelings are; eg, sad, happy, angry etc. and ask the child to explain his or her own feelings about the crime. It is also acceptable for the child to draw a picture to help explain their feelings about what has happened. You should explain to the child what the victim impact statement will be used for and make sure that they understand that the offender will be given an opportunity to read or see their completed victim impact statement. If the child does not want to complete a statement, reassure them that this is OK and that this is their choice.

VICTIM IMPACT STATEMENT

What is your name?

How old are you?

If you go to school, what grade are you in?

Please write or draw anything you would like the judge or magistrate to know about how you feel because of what has happened to you. You may want to write about anything that has changed in your life or in your family. You can even tell a story or write a poem if you would like. You can add more paper if you run out of room. If you don't want to write or draw anything here, that's OK, it is your choice.

Your signature:

Date: / /

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