

VICTIM IMPACT STATEMENTS



OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Victims of crime have the right to participate and be heard in the criminal justice system through the use of victim impact statements. Victim impact statements provide victims with an opportunity to address the court at the sentencing or juvenile dispositional hearing to express the impact the crime has had on them and their families. Participating in the process may also aid victims in their emotional recovery.

THE VICTIM'S TURN

The victim impact statement may be the victim's only opportunity to tell the judge about the impact of the crime.

As a case moves through the criminal justice system, victims have little opportunity to communicate how the crime affected them to judges and other personnel. At the sentencing or juvenile dispositional proceeding, however, victims may share the personal and financial toll the crime has taken on them and provide input on the offender's sentence or the case disposition.

WHO CAN PRESENT A VICTIM IMPACT STATEMENT?

A crime victim has the right to present a victim impact statement to the court at the time of the sentencing or juvenile dispositional hearing. A crime victim is defined as a person who has suffered loss or harm as a result of a crime. A victim includes the family members, guardians, or the custodian of a minor, incompetent, incapacitated, or deceased person.

The court has the discretion to allow others connected to the victim to speak about the impact of the crime as well. If other family members or friends wish to do so, the prosecutor's office should be contacted in advance to address any time considerations or restrictions imposed by the court.

Communities also have the right to present an oral or written impact statement when they have been affected by a crime. This statement should describe

the adverse social or economic effects the offense has had on residents and businesses operating in the community where the offense occurred.

Offenders have the right to make a statement during the sentencing or juvenile dispositional hearing and to have others speak on their behalf. Statements made by the offender and others must be limited to factual issues relevant to sentencing and may not include personal commentary about the victim or the victim's supporters.

AT THE HEARING

The prosecutor's office, or in some instances, a probation or community corrections officer, notifies victims of the date, time, and place of the sentencing or juvenile dispositional proceeding. Court proceedings are often rescheduled, so victims should contact the prosecutor's office or court administrator the day before the hearing to confirm that the hearing is taking place.

On the day of the hearing, victims should arrive a few minutes early to locate the proper courtroom. It is common for hearing locations to change at the last minute.

After arriving, victims should check in with the clerk as well as the prosecutor or victim advocate and tell them they would like to present a victim impact statement. During the hearing, the judge will usually ask the prosecutor whether any victims wish to present statements before sentencing the offender.

Victim impact statements can be presented either orally or in writing, depending on the victim's

preference. Victims who do not wish to stand up in court and give their statement can request that the prosecutor or victim advocate read their statement for them.

When addressing the court, victims must direct their remarks to the judge, not the offender. They should also remember to speak loudly and clearly so that the judge and court reporter are able to hear the victim impact statement.

It is easy to become emotional when giving a victim impact statement, and some victims may find they are not able to complete it. Victims may want to consider having a back-up plan in place for this possibility, such as having the prosecutor or advocate ready to give the rest of the statement if necessary.

Judges are responsible for maintaining decorum and order in the courtroom. Although strong emotions are expected during victim impact statements, judges will step in if there are any threatening remarks, profanity, or inappropriate gestures.

LIMITS TO THE VICTIM IMPACT STATEMENT

The judge can set reasonable limitations on the time, length, and format of the victim impact statement. Victims should remember that a longer statement does not necessarily have a greater impact. In fact, a victim impact statement that is clear, concise, and avoids repetition will typically be better received by its audience.

Some courts will allow a victim impact statement to be presented in an alternate format, such as a display of photos or a videotape set to music. This might occur in a case where the victim is deceased or to show the victim before his or her life was changed by the crime. In addition, statements given by young children may take a different, more age-appropriate form. It is important to consult with the prosecutor's office in advance of the sentencing hearing if presentations other than just an oral or written statement are being considered for a victim impact statement. Court rules and time considerations may affect what may be presented during the hearing.

WHAT CAN BE INCLUDED IN A VICTIM IMPACT STATEMENT?

A victim impact statement can include:

- A summary of the physical and psychological harm or trauma the victim suffered as a result of the crime and any needed medical/dental interventions, whether one-time or ongoing.
- A summary of the financial loss or damages the victim suffered as a result of the crime, including lost wages or ability to work, and a request for restitution for any out-of-pocket expenses.
- The victim's reactions or objections to the proposed sentence or juvenile disposition, including jail/prison time, work release privileges, community service options, treatment programs, and/or conditions of probation.
- A statement of what outcome the victim would like and why.
- Highlights about the victim, including past accomplishments, hopes for the future, and how the crime has impacted these activities.
- Changes in lifestyle, such as ability to work, drive, or forced relocation.
- The effect of sudden death on family members, such as loss of hopes, dreams, love, companionship, and financial security.
- The overall effect the incident has had on the victim and his/her family.

A victim impact statement should not include profanity or threats to the offender or court personnel.

Victims who are having difficulty preparing their victim impact statement should consider asking for assistance from the prosecutor's office, an advocate, or a trusted person.

PREPARING THE VICTIM IMPACT STATEMENT

A victim impact statement can take the form of a letter or a typed or handwritten statement. The prosecutor's office will typically send out a victim impact statement form at the start of the case. In some instances, the form and information about the sentencing or juvenile dispositional proceeding will be sent at a later point in the case by the probation or community corrections officer.

It is important to complete the statement, keep a personal copy, and return it to the prosecutor as soon as possible. This is especially true in misdemeanor cases, which can be resolved fairly quickly. Victims can always revise their statements prior to sentencing or choose at a later time not to submit the statement.

The opportunity to give a victim impact statement is a fundamental crime victim right.

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