



# A Guide to Victim Impact Statements



# Introduction

## ↘ **What is the Purpose of a VIS?**

Crime victims have the right to use Victim Impact Statements (VIS) to describe orally or in writing, to the court, the physical, emotional, and financial effects, as well as the life changes, the individual has experienced as a result of a crime.

No one knows better than you do how the crime may have changed your life. This is your opportunity to share this personal information with the judge in the hopes that it will have a strong impact on what sentence the defendant should receive and/or whether restitution should be ordered.

## ↘ **Who is a Victim?**

The definition of a victim may vary depending on the right afforded to that person and the type of crime committed. Generally, a victim is a person who suffers direct or threatened physical, emotional, or financial harm as a result of a felony crime. Each state also classifies “victims” for specific enumerated misdemeanors, such as domestic assault, stalking, violation of a protective order, etc.

## ↘ **How is a VIS presented?**

You may provide a VIS orally or in writing at the Sentencing Hearing. You can use the form from the prosecutor's office or use the questions in this guide to help write your own statement. Be prepared to give your VIS at the first hearing where you are subpoenaed as a witness. If the defendant pleads guilty, the court may want to hear from you that day.

Alternatively, you may simply want to be present at the Sentencing Hearing so the Judge can see you and know you have a vested interest in the outcome of the case.

## ↘ **To Whom is a VIS addressed?**

You don't have to know the Judge's name. Simply address a letter to “Honorable Judge” or an oral statement to "Your Honor."



# Areas to Address in a VIS

## Physical Injuries & Medical Treatment

Describe any physical injuries and medical treatment you sustained as a result of the crime.

## Psychological Effects & Treatment

Describe any psychological effects of the crime, including any mental health treatment already received and/or needed in the future.

- Have you suffered any anxiety or depression?
- Have you experienced nightmares, headaches, an inability to sleep, intrusive thoughts?
- How have your usual habits of eating and sleeping been affected?
- Are you experiencing anger because of the crime? If so, how is that anger presenting?
- Do you have a sense that control in your life has been taken away from you?
- Have you engaged in any unhealthy coping mechanisms?
- Have you experienced the “if onlys”? If so, in what way and how?
- Have you had or do you still have moments when you need to remind yourself to breathe?



# Areas to Address in a VIS Continued

## Life Changes

Describe any changes in your life as a result of the crime and any additional information you would like the court to consider about the impact this crime has had on your life. This can include changes in personal welfare, lifestyle, or family relationships.

- Has your level of trust in others changed?
- Has your ability to work changed? If so, how?
- Have your relationships with your family or loved ones changed as a result of the crime?
- Have you had to move or change jobs because of the crime? If so, how did that make you feel?
- How has your view regarding your safety changed?
- How is your “new” normal different from your “old” normal?
- Have you changed things in your life (avoid certain places, activities, etc.) that would otherwise cause you painful memories?

## Economic Loss / Restitution

Restitution is money the judge orders a defendant to pay to a victim for certain provable out-of-pocket expenses to make a victim whole for their loss. Describe how the crime has impacted you financially. **Submit copies of receipts and bills, and photos of property damage, in order to receive Restitution.** Types of loss may include:

- Medical/hospital costs to include past, current, and future costs.
- Mental health care costs to include past, current, and future costs.
- Property loss or damage as a result of the crime. This is any property that has not been and is not expected to be recovered, such as photos, sentimental items, personal documents.
- Expenses incurred for adding security measures to your home, such as security locks.
- Expenses for relocation, if you moved as a result of the crime.
- Damage to credit, personal finance, or identity theft.



# Best Practices

## ↘ Addressing a Judge

Remember, you are talking/writing to the judge about how the crime has affected you. Act as if your VIS may become an official court document. Your VIS should only contain information about how the crime has impacted you and/or your immediate family.

## ↘ Handling Strong Feelings

Anger should be handled delicately. It is okay to state that you feel angry about what has happened, however, this is not the forum to vent that anger. Avoid using profanity and name-calling.

Many victims have strong feelings about the appropriate sentence. The only person to make this decision is the judge, and, while it is appropriate to ask for a lenient or severe sentence, remember that the judge is bound by the Code of the State and must follow the law.

## ↘ Communicate

Communicate with the prosecutor and/or your assigned Victim/Witness Advocate in advance of the Sentencing Hearing so that they are aware of your anticipated VIS. This way, they will be able to work more collaboratively with you and in a more victim-centered way.

### Contact JCADA

If you need additional support drafting your VIS, please email [advocacy@jcada.org](mailto:advocacy@jcada.org) or call **1-877-885-2232** to leave a confidential message.

