

MAKING A VICTIM IMPACT STATEMENT

This leaflet tries to answer the questions that people ask most often about making a Victim Impact Statement. It does not deal with every possible situation and it does not give you legal advice. If you need legal advice you should talk to a solicitor.

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An Garda Síochána
www.garda.ie

Victims of Crime Office
www.victimsofcrimeoffice.ie

Office of the Director of Public Prosecutions
www.dppireland.ie

1. WHAT IS A VICTIM IMPACT STATEMENT?

If you are the victim of a crime you may make a Victim Impact Statement in certain circumstances. A Victim Impact Statement is an account in your own words of the effect that the crime has had on you. You may, for example, have suffered a physical injury, be affected psychologically, or be at a loss financially.

2. WHY IS IT IMPORTANT?

The Statement helps the judge understand the impact the crime has had on you. The judge can then take that into account when deciding what sentence to give the offender.

3. WHO CAN MAKE A VICTIM IMPACT STATEMENT?

The following people can make a victim impact statement:

- the victim of the crime
- a family member of a victim who has died, is ill or is incapacitated because of the crime
- a victim who is less than 14 years of age or their parent or guardian
- a victim who has a mental disorder or a family member on their behalf

A parent, family member or guardian of the victim in the case, who has been convicted of the offence against the victim, cannot make a Victim Impact Statement on their behalf.

4. IS A VICTIM IMPACT STATEMENT ALLOWED IN ALL CRIMINAL CASES?

No. The law states that a Victim Impact Statement can be made in cases involving sexual offences or violent crime, once the offender is found guilty. Violent crime includes cases involving the threat of violence. A Victim Impact Statement may also be allowed in other cases if the judge thinks it appropriate, for example a fatal road traffic incident.

5. DO I HAVE TO MAKE A VICTIM IMPACT STATEMENT?

If you are entitled to make a Victim Impact Statement you can choose whether you want to make one or not. If you decide not to make a Victim Impact Statement, the judge will not take this to mean that the crime had no effect on you.

6. WHEN DO I MAKE MY VICTIM IMPACT STATEMENT?

You make your Victim Impact Statement after the offender has been found guilty in court but before the judge decides on the sentence.

7. WHAT CAN I SAY IN MY VICTIM IMPACT STATEMENT?

The Victim Impact Statement is your chance to tell the court how the crime has affected you. It may be helpful to consider:

- any physical or psychological injury you have suffered
- if you feel vulnerable or intimidated
- if you no longer feel safe

- the impact on your family
- how your quality of life has changed on a day-to-day basis
- any financial loss that you have suffered as a result of the crime

You should not include your thoughts or feelings about the offender or tell the judge what sentence you think the offender deserves.

8. CAN I GET SOMEONE TO HELP ME TO MAKE THE VICTIM IMPACT STATEMENT?

The Victim Impact Statement is your chance to say **in your own words** how the crime has affected you. It is important that nobody else influences what you say in your Statement or writes the Statement for you. The information in this leaflet should help you to prepare your Statement.

9. HOW DO I MAKE A VICTIM IMPACT STATEMENT?

There is no set form of Victim Impact Statement. You can write or type the Statement. When it is finished you should give it to the Gardaí. You can also keep a copy for yourself.

10. WHAT HAPPENS TO MY VICTIM IMPACT STATEMENT?

Once you give your Statement to the Gardaí it becomes part of the evidence in the case. This means that your Victim Impact Statement can be seen by the prosecution team, the defence, the Gardaí, and the court. Copies of your Victim Impact Statement are not given to anyone else. However, details of the contents of your statement may be reported in the media, unless the judge restricts publication.

11. CAN I BE ASKED ABOUT MY VICTIM IMPACT STATEMENT?

Yes. If you make a written Victim Impact Statement the court or the defence may ask you questions about the content of the Statement to clarify certain points. If you are making an oral Victim Impact Statement, the court, the prosecution or the defence may also ask you questions about what you say.

12. CAN THE COURT ASK FOR A PROFESSIONAL OPINION ABOUT HOW THE CRIME HAS AFFECTED ME?

Yes. The court may request that you be assessed by a professional person, for example a psychologist. This would happen only in some cases, such as sexual offence cases. If the court made such a request in your case the Gardaí would explain the procedure to you. This professional person will meet with you to talk about the effect the crime has had on you. Then they write a **Victim Impact Report** for the court in which they give their opinion of the impact of the crime on your life. This is separate from the Victim Impact Statement that you make yourself.

MORE INFORMATION

If you would like to know more about Victim Impact Statements you can look at section 4 of the Criminal Procedure Act 2010, as amended, which you can access on the Irish Statute Book website at www.irishstatutebook.ie.

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