



What information should not be included in a victim impact statement?

The prosecutor in your case is entitled to strike through and remove parts of your victim impact statement if it includes:

- details of the offence itself
- details of other crimes committed by the offender
- any medical diagnosis that does not have supporting documents from a medical practitioner
- anything that is factually incorrect
- your opinion of the personal characteristics of the offender
- comment on how the offender should be punished;
- offensive language

The prosecutor will determine whether your victim impact statement is suitable to be provided to the court. You should contact the prosecutor as soon as possible if you are worried that your victim impact statement will not be provided to the court.

Will I have to read my statement out in court?

No. The prosecutor usually gives your statement to the judge. The prosecutor may read out sections of your statement or draw the judge's attention to particular points.

If you wish to read your statement to the court, let the prosecutor know. The judge may allow you to read the statement to the court. Sometimes, however, the prosecutor decides that it would be best to just tell the court some details from your statement.

Who can support me while I write my statement?

Writing about your experience may be difficult. Victim Assist Queensland can help link you to an appropriate support person who can be with you to talk through any difficult emotions you may feel while writing your statement. They can be contacted on **1300 546 587**.



Further information

If you have any questions or need help, contact **Victim Assist Queensland on 1300 546 587** or the ODPP in your region.

Freecall

P: 1800 673 428

Brisbane

P: (07) 3035 1122

DPPVictimLiaisonSupervisor@justice.qld.gov.au

Beenleigh

P: (07) 3081 2300

ODPPVLOBeenleigh@justice.qld.gov.au

Cairns

P: (07) 4038 5731

ODPPVLOCairns@justice.qld.gov.au

Ipswich

P: (07) 3470 7419

ODPPVLOIpswich@justice.qld.gov.au

Maroochydore

P: (07) 5376 5200

ODPPVLOMaroochy@justice.qld.gov.au

Rockhampton

P: (07) 4921 6227

ODPPVLORockhampton@justice.qld.gov.au

Southport

P: (07) 5675 7000

ODPPVLOSouthport@justice.qld.gov.au

Toowoomba

P: (07) 4591 4758

ODPPVLOToowoomba@justice.qld.gov.au

Townsville

P: (07) 4781 8934

ODPPVLOTownsville@justice.qld.gov.au

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**Queensland
Government**



Office of the
Director of Public Prosecutions

Making a victim impact statement

Information for victims and their families

If you have been the victim of a crime, you have the right to tell the court about how the crime has affected you. You can do this in one of three ways:

- 1) Prosecutor's submissions.
- 2) Sworn evidence.
- 3) A victim impact statement.



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What is a victim impact statement?

A victim impact statement allows a victim to explain the effect a violent crime or sexual offence has had on them. It is in addition to the written and signed statement that the victim has given the police. Where the statement given to police describes the events surrounding the violent crime or sexual offence that has caused harm to the victim, a victim impact statement explains how that violent crime has affected the life of the victim.

Who can make a victim impact statement?

You can make a victim impact statement if you have suffered harm because:

- a violent crime or sexual offence has been committed against you;
- a violent crime or sexual offence has been committed against an immediate family member;
- you are a dependant of someone who has had a violent crime or sexual offence committed against them;
- you went to the aid of a victim of violent crime or sexual offence.

Why should I make one?

It will help the judge or magistrate understand how you have been affected by the crime. If the person accused of the crime is found guilty after trial or pleads guilty, the judge can consider the effects on you when passing sentence.

Having the impact of the crime described in court is a right guaranteed by law. It gives you a chance to take an active part in the criminal justice process.

Do I have to make a victim impact statement?

No, it's your choice. If you decide not to make one, you can still tell the prosecutor about how the crime has affected you.

When do I need to make a victim impact statement?

A victim impact statement is only used at a sentence hearing. It is important that the information contained in your statement is as current as possible when it is placed before the sentencing judge. For that reason, you may wish to prepare a victim impact statement closer to the time when the matter is to proceed to hearing.

You will need to provide our Office with your victim impact statement in a timely manner. You should discuss the exact timeframe with the prosecutor or your victim liaison officer if you are planning on writing a victim impact statement.

How do I make a victim impact statement?

You need to write down the details of what you have suffered as a result of the crime. Remember, you shouldn't describe how the crime happened – the prosecutor will do that. Stick to information about how the crime has affected your life.

It is important that the statement is in your own words, although someone else can assist you with writing it (e.g. Victim Assist Queensland). You must sign and date the statement once you have completed it. If you require any help with writing your statement, you should talk to a staff member of the ODPP.

Who will read or hear my statement?

Staff from the ODPP preparing the case, including the prosecutor, will read your statement. A copy of your victim impact statement must be given to the defence lawyers and will probably be read by the offender.

A copy of your victim impact statement will be given to the judge or magistrate and will be placed on the court file. Parts of your Victim Impact Statement may be read aloud during sentencing. This means that other people present in the court at that time will hear your statement. In rare cases, other parties (including the media) may request access to the court file under Right to Information legislation.

Will I have to go to court if I make a victim impact statement?

It is possible that the defence lawyer might cross-examine you or ask you questions in Court on the contents of your victim impact statement.

What information should I include?

Your victim impact statement should only include details of the impact the crime has had on you. Therefore, it should include details of any physical injury, emotional harm or other loss or damage you have suffered as a result of the crime.

- If you have been **physically injured** – describe the injuries, the pain you've suffered, the medical treatment you received at the time, any ongoing treatment and any long-term physical effects. You should attach a medical report if your victim impact statement refers to a physical injury.
- If you have suffered **emotional harm** – describe how you felt at the time of the offence and afterwards, and how your enjoyment of life, sense of well-being and relationships with other people have been affected. Include details of any counselling or therapy you have received as a result. You should attach a medical report if your victim impact statement refers to a diagnosed psychological condition (e.g. anxiety, PTSD).
- If you have suffered any **financial loss** – explain how this has happened, how your capacity to earn money has been reduced, or any additional expenses you have had, such as medical or counselling costs, or the cost of repairing damage to your property.

You may attach other documents, such as medical reports and receipts, if you think that they will support your statement.

Remember – anything you include must be truthful, accurate and relevant to the crime of which the accused has been found guilty. If the defence challenges any part of your victim impact statement, you may be required to go into the witness box to swear to the truth of your victim impact statement and you may be cross examined by the defence lawyer.

When you are satisfied with the statement, sign and date it and give it to your victim liaison officer or a lawyer from our Office.