**What is a Victim Impact Statement?**

A Victim Impact Statement is a written and/or oral statement presented to the court at the sentencing of the defendant. Victim Impact Statements were created as an opportunity for the judge to hear how a criminal action has affected you and those that you love.

**Why Write a Victim Impact Statement?**

The judge gets to hear your side of the story. This is usually the first time this occurs. Throughout the criminal justice process, the focus is on the offender. Hearing from those that are affected by the crime puts a face with an often forgotten victim.

You have a chance to tell the judge how you want sentencing to occur. More often than not, cases conclude by a plea offer. Many times the prosecutor and defense have agreed to a recommended amount of time. The judge is not bound by that agreement. You can make a difference in the amount of time an offender receives by speaking up. This is true in cases that go to trial as well.

You have the opportunity to address the court, and the offender by way of the court, about how the crime has affected you. Many find this helpful in the journey of victimization. Letting those know how they harmed you can be beneficial for emotional well-being.

The impact statement becomes part of the offender’s permanent file. It is a reminder of the harm they caused you.

**How to Write a Victim Impact Statement**

As you are preparing your impact statement, you may find using the following questions can guide you. The questions do not cover the totality of the impact of crime, but may be used as a starting point. Victim Impact statements are unique to you and people have various ways of expressing how crime has affected them.

Remember that writing about your feelings may be very painful, so be sure to pace yourself and don’t feel that you need to have it “perfect”. Be gentle with yourself and take as many breaks as you need.

If you are struggling to write your statement, imagine the Judge is sitting in front of you. What would you want to say to them? As the thoughts enter your mind, or you actually say them out loud, start writing. This can be your rough draft on which you will make edits and expand.

You may find the following questions can guide you:

* Did you suffer any physical injuries as a result of the crime?
* Did you receive any medical care as a result of your injuries?
* Have you and/or your family received counseling as a result of the crime?
* What was the emotional impact of the crime on you and your family? For example, has your view of yourself changed, do other people perceive you differently, how has your trust in others been affected, etc. The emotional impact may include how you felt in the immediate aftermath and/or since time has passed.
* What was the financial impact on you and your family?
* How has this affected your credit score, ability to purchase things, etc.?
* Have you had to invest a lot of time into untangling the mess/damage from these crimes?
* How has your life changed? For example, did you purchase a PO Box or credit monitoring? Did you change your routine/process regarding bills, mail, and other documents?
* Do you have any recommendations to the court about disposition (sentencing) of this case?
* Is there anything else you would like to tell the court?

**What should or shouldn’t I do/say when providing a written or verbal statement?**

* Do write simply and descriptively. Your goal is to help the court feel your trauma. While nobody can truly understand what you are feeling, you can help others identify with your trauma by using feeling evoking words and phrases. Using descriptive words can help people form an image of what you are saying.
* Don’t use unsuitable language, as it will diminish the effectiveness of your statement.
* Do keep any comments about punishment focused on the sentence itself. For example, use words such as high end of the guideline range, maximum sentence allowed under the law, etc.
* Don’t describe what you want to happen to the offender in prison. Please do not get descriptive about any harm you would like to see imposed (see statement above).
* Do address the judge when you speak. You may want to talk directly to the offender. If this is something you want to do, ask permission from the judge first. You can still say what you need regarding the offender through the judge.
* Don’t directly express your anger toward the court or the offender. Your goal is to express your hurt and your pain, not to blame. The blame has already been placed on the offender, so now is the time to talk about what YOU have been experiencing through your loss. Note: If you still feel you want/need to do this, there are ways it can be done that are more appropriate than others.
* Do write out your statement in advance. Presenting a statement is emotional. You may think you know what you want to say but when the time comes, your emotions could take over and your train of thought is lost. If this occurs, you can read directly from your statement.
* Do have an alternate person that can read your statement in case you cannot finish. This can be a family member or friend. The Victim Coordinator can also read your statement if that is your preference.

Pursuant to 18 U.S.C. §3553(a), the Court must consider the following factors in determining a sufficient sentence for the defendant:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed –

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant;

and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentence and the sentencing range established for –

(A) the applicable category of offense committed by the applicable of defendant as set forth in the guidelines-

(i) issued by the Sentencing Commission [. . .]

(ii)that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced […]

(5) and pertinent policy statement –

(A) issued by the sentencing commission […]

(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.

(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) the need to provide restitution to any victims of the offense.