



## INFORMATION / FACT SHEET

### VICTIM IMPACT STATEMENT (VIS)

#### What Is a Victim Impact Statement (VIS)?

A **Victim Impact Statement (VIS)** is an important document.

It gives you the opportunity to tell the offender and the court how the crime has affected (or is affecting) you.

The Judge or Magistrate can take this information into account when *Sentencing* the convicted person.

#### Who Can Submit a VIS?

If you are a victim of crime you are entitled to make a *VIS*.

A victim is any person who suffers harm as a result of the offence for which the offender has been convicted.

A victim is entitled to have any injury (physical or mental), loss or damage suffered as a result of the offence considered by the court.

If you are unsure if you are entitled to make a *VIS*, you can speak with the *Investigation Officer*, *Prosecutor* or *Witness Assistance Officer* (if one has been allocated to you)

#### Do I have to Provide a VIS?

Completing a *VIS* is voluntary process and it is entirely your choice to complete one or not.

Should you choose to complete a *VIS*, it is your responsibility to ensure that it is received by the DPP well in advance of the date that it is required.

*VIS* received by the DPP after the required date may not be accepted by the court.

#### What if the Victim is a Child?

A child who is a victim of crime is entitled to provide a *VIS*.

Most children will need some assistance when writing their *VIS*. This assistance can be provided by a trusted adult who they feel comfortable talking to, a counsellor or a *Witness Assistance Officer* at the *DPP*.

If a child chooses to submit a *VIS* they have the option to write a letter or poem, do a drawing, or express themselves in some other written work.

#### When Should I Complete a VIS?

Technically, you do not need to complete a *VIS* until an offender has either 1) *pleaded guilty to some or all of the offences involving you*, or 2) *been found guilty of some or all of the offences involving you by a Judge or Jury*.

However you may be asked to complete a *VIS* soon after an offence has occurred.

Some people choose not to complete a *VIS* until they know it is needed and can be used by the court. Where this is the case you should be aware that your *VIS* may be required quickly and on very short notice.

If a matter takes some time to reach the *Sentencing* stage you may be asked to update your *VIS* and provide more recent information about the effects of the crime on you

You should always keep a copy of your *VIS* for future reference and to assist you should any updates need to be made at a later time.

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## How Do I Prepare a VIS?

There are (2) two options for preparing a VIS.

1) You can either fill out the *Blue VIS Form* commonly provided by SAPOL.

Or

2) You may choose to write or type up your own VIS (refer to the *VIS Suggestions Information / Fact Sheet*).

Whichever option you choose, your VIS will need to indicate the name of the accused, your name and how you wish to have the VIS presented to the court.

\*\*Please refer to the example on the last page.

## What Information Should I Provide in My VIS

Please refer to the last page for a series of prompting questions to assist you explore the impact of the crime.

Note that these are ideas and suggestions only to get you started.

You do not need to write a response to all the questions listed below and you may want include something that is not listed here.

## What Information Should I Avoid in My VIS?

The VIS can only focus on the impact of the charges that the defendant has admitted to, or has been found guilty of.

Therefore it is not appropriate for the VIS to comment on facts or issues that the defendant has not admitted, or has not been found guilty of.

If you are unsure about what you can or cannot refer to in your VIS, we recommend that you speak with the *Investigating Officer, Witness Assistance Officer* (where one has been allocated to you) or the *DPP Prosecutor*.

## Can I Comment on Sentence?

The *Sentence* is ultimately a matter for the Judge to consider.

As a general rule, it is not appropriate for a victim to comment on the type or length of *Sentence* in a VIS.

However, there are occasions where a victim's view on a fair and appropriate sentence may be considered by the court.

Before making any comment about the type or length of the *Sentence* in a VIS, it is best you speak with the *Investigating Officer, Witness Assistance Officer* (where one has been allocated to you) or the *DPP Prosecutor* first.

## Who Sees My VIS?

Your VIS is a submission intended for the Judge to consider in *Sentencing*.

Once you have written your VIS, the original document needs to be provided to either the *Investigating Officer, Witness Assistance Officer* (if one has been allocated to you) or the *DPP Prosecutor* with conduct of the matter.

The defendant's lawyer must be provided with a copy of your VIS by the DPP Prosecutor.

The defendant also has a legal right to inspect a copy of your VIS, however they will not be given a copy as such.

## How Long Should My VIS Be?

There is no prescribed or ideal length for a VIS.

It is recommended that your VIS present a concise overview of the impact of the crime on you. It is not necessary to go into a detailed description of the impact because the courts are familiar with how these offences impact on victims.

However, you may feel that a detailed description of the impact of the crime on you is necessary for the Judge to have an appreciation of the impact on you.



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As a general rule, if your *VIS* is longer than (3) three pages in length it is important to consider whether there is any repetition and how long it will take to have your *VIS* read aloud in the court.

The *DPP Prosecutor* may also need to consider how many other *VIS* will be read aloud during the *Sentencing Submissions Hearing* and how much time has been allocated by the court to this hearing.

## When Will the DPP Require My *VIS*?

You will be advised of the time frame you have to complete your *VIS*.

The DPP will require an original (signed and dated) copy of your finalised *VIS* well in advance of the *Sentencing Submissions* hearing date.

Whilst the DPP can assist you in drafting the content of your *VIS*, it is your responsibility to ensure that it is received by the DPP before the date that it is required.

Again, *VIS* received later than the required date may not be accepted by the Court.

## What If I Need Assistance?

Sometimes victims find it difficult to put into words how the crime has impacted on them.

In circumstances such as this you can seek the assistance of a *Counsellor*, *Victim Support Service Support Officer* or your *Witness Assistance Officer*.

## Can My *VIS* Be Opposed or Questioned?

Yes. The defendant and their legal counsel may object to information in your *VIS* that they do not consider to be appropriate or relevant to the impact of the crime.

In these circumstance the defendant's lawyer will inform the *DPP Prosecutor* of the areas in the *VIS* that are in dispute.

In circumstances where the DPP Prosecutor agrees that part(s) of the *VIS* need to be altered, they will consult with you about your willingness to make the alterations.

If you choose not to alter the content of your *VIS*, the lawyer for the defendant may dispute the *VIS* at the *Sentencing Submissions Hearing*; and the Judge will decide on whether parts of the *VIS* cannot be considered or read aloud in the court.

It is always best that any issues or dispute regarding the content of a *VIS* is resolved prior to this occurring.

## How can my *VIS* be presented to the Court?

You have four options for presenting your *VIS*.

1. *Reading your prepared *VIS* statement aloud.*
2. *Having a person nominated by you read your prepared *VIS* statement aloud*
3. *Having the DPP Prosecutor read your prepared *VIS* statement aloud.*
4. *Submitting your *VIS* to the court without it being read out.*

You will need to advise the *Investigating Officer*, *Witness Assistance Officer* (where one has been allocated to you) or the *DPP Prosecutor* of your preference.

## Will my *VIS* Have an Impact on the Sentence?

*Sentencing* is a complex process where many factors are taken into consideration.

It is not possible to say how and to what degree your *VIS* will impact on the final *Sentence* outcome.

However, your *VIS* provides the *Judge* with important information about the impact of the crime that only you can provide.

It is also common for the Judge to refer to the impact of the crime in their *Sentencing Remarks*.



# WITNESS ASSISTANCE SERVICE



## **What Happens to My VIS After it has Been Presented to the Court?**

Once presented or submitted to the court, your *VIS* will remain on the court file.

The *DPP* will normally keep a copy of your *VIS* on file should you need to access a copy of this in the future.

## **What If I Have Other Questions?**

If you have any further questions that are not covered in this information fact sheet, please speak with the *Investigation Officer, Witness Assistance Officer* (where one has been allocated to you, or *DPP Prosecutor*).

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UPDATED APRIL 2018



Government of South Australia  
Director of Public Prosecutions



## INFORMATION / FACT SHEET

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### VICTIM IMPACT STATEMENT (VIS) SUGGESTIONS

This list of questions may assist you in writing your *Victim Impact Statement (VIS)*.

Please note that these are ideas and suggestions only to get you started. You do not need to write a response to all the questions listed below and you may want include something that is not listed here.

In telling the court about the impact of the offences for you, refer to those questions only where you have something to say.

- What was life like before the event/incident?
- What is life like now?
- Has your view of the world changed?
- What has been the emotional impact for you (i.e. distressed, ashamed, worried, overwhelmed, angry, sad, embarrassed, degraded, confused, etc)?
- What has been the psychological impact for you (i.e. anxiety, depression, sadness, 'moody', stressed, needed counselling, feeling unsafe)?
- What has been the financial impact for you (could not go to work, stolen money, bills incurred)?
- How has this impacted on other people around you (i.e. partners, children, other family members, friends)?
- How has this impacted on your home-life and lifestyle?
- How has this impacted on work life or schooling?
- Has this had an impact on your hobbies, interests and enjoyment (i.e. I love swimming/driving/playing golf/drawing but I can not do these things anymore)?
- Has this had an impact on your personality or character (i.e. confidence, trust in people, social ability, etc)?
- What were your feelings at the time of the event (i.e. behaviours including sleeping changed, nightmares, anger, shock, not eating)?
- What are your feelings now?
- Do you have particular feelings towards the accused (i.e. angry, not understand, disappointed, hurt)?
- What has been your experience of grief?
- Do you carry issues of trust or betrayal?
- What has been the impact of attending court and / or the Criminal Justice system for you?
- Are there positive steps you have made or ways you have managed?
- Do you have worries or fears for the future?
- Are there comments or information you would like to direct to the accused (i.e. "You have hurt me", "Because of what you did ....", "I want you to know ....." )

UPDATED APRIL 2018



**TO THE PRESIDING JUDGE**

**In the Matter of R v** *(Defendant's Name)*

I **(Full Name)** request that the prosecutor present this *Victim Impact Statement* to the court on my behalf.

I am aware that the defendant may be given a copy of this statement to read.

I am making this statement to inform the court about how this crime has affected me.

Insert your text here

**SAMPLE ONLY**

This Statement is true to be best of my knowledge and belief

SIGNED: .....

