



**DIRECTOR  
OF PUBLIC  
PROSECUTIONS**  
NORTHERN TERRITORY

# **Victim Impact Statements**

**A guide to the Victim Impact Statement Scheme**

## **What is a Victim Impact Statement?**

A Victim Impact Statement explains how a crime has harmed the victim. It is usually a written statement signed by the victim and presented to the judge or magistrate in court before the offender is sentenced.

## **Why should I make a Victim Impact Statement?**

Your Victim Impact Statement will help the judge or magistrate understand how you have been harmed by the crime. It is your right to have the impact of the crime described to the judge or magistrate in court. It gives you a chance to take part in the criminal justice system.

## **Who can make a Victim Impact Statement?**

If you have been harmed because of a crime you can make a Victim Impact Statement.

If a person dies as a result of a crime, a relative can make a Victim Impact Statement. A relative includes a spouse or de facto partner of the person, or a relative according to Aboriginal tradition or contemporary social practice.

If you are financially or psychologically dependent on the person who dies you can make a Victim Impact Statement.

You can make the Victim Impact Statement yourself or a counsellor, psychologist or psychiatrist can prepare the statement on your behalf.

## **Does the Victim Impact Statement have to be in writing?**

No. The Victim Impact Statement is **usually** in writing. You may be able to tell the judge or magistrate in court what effect the crime had on you. If the statement is in writing it must be signed. If you made the statement you must sign the statement. If someone else prepared the statement for you then that person must sign the statement.

## **Who presents the Victim Impact Statement in court?**

The Victim Impact Statement is **usually** presented to the judge or magistrate in court by the prosecutor. The court may allow another person to present the statement.

## **When is the Victim Impact Statement prepared?**

The statement can be prepared any time before the court date.

## **What information should I include?**

You should include details of any physical injury, psychological or 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 have suffered, the medical treatment you received at the time, any ongoing treatment and any long term physical effects.
- If you have suffered emotional harm describe how you felt at the time of the offence, how you felt afterwards and if your enjoyment of life and relationships with other people have been affected. Include details of any counselling or therapy you have received.
- If you have suffered financial loss explain how this has happened. Include details of how your ability to earn money has been reduced, any 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.

*Anything you include must be truthful, accurate and relevant to the crime for which the offender has been found guilty.*

You do not need to explain how the crime happened. The judge or magistrate in court will already know that. Only include information about how the crime has affected your life.

### **Who gets to see the Victim Impact Statement?**

The prosecutor, the offender and the offender's lawyer must be given a copy of the Victim Impact Statement before it is presented to the judge or magistrate.

### **Can I be cross-examined on the Victim Impact Statement?**

Yes. If you prepared the Victim Impact Statement you can be cross-examined (asked questions in court) on the contents by the offender's lawyer.

### **Can I comment on Sentence?**

Yes. You are allowed to comment on what order you would like the judge or magistrate to make in relation to the offender.

### **Who can help to prepare the Victim Impact Statement?**

Usually victims prepare their own statements. Help is available from the police or the Witness Assistance Service. You can also have assistance from a counsellor, psychologist or psychiatrist.

### **Do I have to make a Victim Impact Statement?**

**No.** It is your choice. A Victim Impact Statement can only be presented to the judge or magistrate in court when the victim agrees.

If you decide not to make a Victim Impact Statement you can still tell the prosecutor about how the crime has affected you. The prosecutor will give a victim report to the court.

## Victim Reports

If you do not consent to a Victim Impact Statement the prosecutor must present information to the court about the effect of the crime on you. This is called a victim report.

The prosecutor does not have to present a victim report when the victim cannot be found and there are no details of the harm suffered by the victim available and the information is already before the court.

## More Information

For more information on Victim Impact Statements contact:

Witness Assistance Service

- ➔ Darwin (08) 8935 7500
- ➔ Alice Springs (08) 8951 5800
- ➔ Katherine (08) 8973 8813
- ➔ **FREE CALL 1800 659 449**

## Interpreter Services

Interpreter services help people who have difficulty with English.

- ➔ For help with an Aboriginal language phone (08) 89357500
- ➔ For help with other languages phone: (08) 8999 7566