



Cara was funny, creative and beautiful. She told me she thought of me like a sister, that sometimes we would fight but hours later we would pick up where we left off. She meant so much to me.

It was difficult to create the Victim Impact Statement I gave to the judge to prepare for sentencing.

The process was hard, it brought up a lot of emotions. I needed to do it though, because I wanted to show how very important Cara was to so many people.

As you go through this process, I want you to know even if you are having a hard time, push through it. I felt better after presenting my statement to the court; it brought some measure of peace. My hope is that my Victim Impact Statement, as well as yours, will help people see the bigger picture. This crime impacts so many lives and the people we no longer have are greatly missed.

Kim

Kim's life was changed when her friend Cara was killed in a drunk driving crash in 2012.



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Section 1: Defining a Victim Impact Statement

Victim Impact Statements provide an opportunity for you to describe to the court the impact the crime has had on your life.

It may be the only opportunity you have to participate in the criminal justice process or to address the offender directly. A Victim Impact Statement isn't a perfect essay; it's about writing from your heart. It presents the true realities of victimization with those who haven't gone through it themselves and to the offender who has hurt you.

It's about writing from your heart.

Every victim's physical, emotional, and financial reaction is unique. The court is often bound by predetermined guidelines at sentencing. If discretion is allowed, however, it is important that the judge have access to as much information as you can provide about how your life has been negatively impacted by the offense committed against you or your loved one.

Impact statements may help the judge determine the offender's sentence or place an order for restitution. The court can order the offender to pay you for crime-related expenses.

Every victim's reaction is unique.

This money is called *restitution*. Some judges are reluctant to order restitution, especially when the offender is going to prison and may have limited opportunities to earn money. However, most state law requires a judge to listen to your request and to consider restitution if your request is reasonable.

It is also important to remember that members of the media often have substantial interest in crime victims. Victim Impact Statements and the stories they generate may help educate the public about the effects of crime. Therefore, the public could become more sensitive to victims because they are aware of the impact.

Many victims/survivors who write a Victim Impact Statement have said that it can be a very important part of their healing journey. Being able to write down and share what you have gone through may help you mentally and emotionally.

It's an important part of the healing journey.

Something else to keep in mind is that even if you choose not to prepare a Victim

Impact Statement the family of the offender is often allowed to participate by testifying on their loved one's behalf. If you choose not to provide this information, the balance of information could be weighted in favor of the defendant.

Your Right to Give a Victim Impact Statement

The right to present a written or oral statement in court addressing the impact of the crime on the people most affected is guaranteed in every state. This right is given by the Crime Victims' Rights Act. This right is stated as such: **The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.** This right allows you to give a Victim Impact Statement.

How these rights are interpreted by a state can affect how a Victim Impact Statement is delivered. States differ regarding who is allowed to give a Victim Impact Statement. Generally, injured victims/survivors and family members of someone who was injured or killed are often allowed to give a Victim Impact Statement.

Some states allow multiple people to deliver impact statements in person or via video and other states will only allow one person per family. All states allow submission of a written statement. Some states provide a form that guides you when developing your Victim Impact Statement, although in most states you are not required to use it.

Many forms do not allow enough space for you to fully express yourself and some instructions may be confusing. If you have been given a Victim Impact Statement form, ask your MADD Victim Advocate or prosecuting attorney if you are required to use it or if you may write your Victim Impact Statement using your own paper.

Use the questions below to help you determine your state's procedures when writing your Victim Impact Statement. You can ask your MADD Victim Advocate or prosecuting attorney to help you answer the questions. Circle the answers so that you can refresh your memory as the trial date approaches.

- Will I be allowed to read my Victim Impact Statement at the sentencing of the convicted offender? Y / N
- Will I be allowed to put my statement on video or audio rather than appearing in court to present my statement? Y / N
- Will I be able to discuss the physical impact of the crime on my life and/or my loved one's life? Y / N
- Will I be able to discuss the mental and emotional impact of the crime on mine and/or my loved one's life? Y / N
- Will I be able to discuss the financial impact of the crime on mine and/or my loved one's life? Y / N
- Will I be able to ask the court to make the offender pay for the financial costs of the crime (restitution payments)? Y / N
- Will I be able to offer my opinion about what should happen to the offender? Y / N
- If the case is plea-bargained, will I be able to present my statement? Y / N
- If the offender goes to prison, will my written statement be placed in the offender's prison records? Y / N
- Will I be informed and afforded the right to prepare a revised statement when the offender comes up for parole or probation? Y / N

In addition to the questions above, ask your MADD Victim Advocate and/or prosecutor if they have other information about Victim Impact Statements to share with you.

When Does a Victim Impact Statement Happen?

Victim Impact Statements are not presented during the first part of a trial. The focus of the first part of a trial is to determine the facts of the case in an effort to determine guilt or innocence. The Victim Impact Statement is presented after a defendant has been found guilty or pleaded guilty to the crime during the sentencing portion of the justice process.

Concerns About Giving a Victim Impact Statement

You retain the right, *not* to prepare a written statement and *not* to speak or read a statement in court. Victims/Survivors choose to forego this right for several reasons. Many are reasonable concerns but do require additional consideration.

Cultural or Spiritual Concerns: Some faiths or cultures discourage participation in the criminal justice process. If this is an issue for you, explain it to the prosecutor. He/she will likely pursue the case in traditional fashion, but may grant your request to avoid active involvement.

My Statement Won't Matter: It is possible that the judge or jury may have decided how to sentence the offender before your statement is considered. However, keep in mind that judges often use the financial information in Victim Impact Statements when ordering the offender to pay restitution for all or some of the expenses related to the crime. A restitution order does not guarantee the offender will pay the amount ordered by the court, but it can be grounds for revoking probation or parole. It's also quite possible that your Victim Impact Statement will make an impression on the judge or the jury, but you won't know unless you present one.

I'm Not a Polished Writer or Speaker: Most attorneys are skilled at presenting eloquent statements. That's not your job. The goal of your Victim Impact Statement is to help the judge or jury identify with your loss. Your statement helps present you as an ordinary member of the community who did not deserve to be victimized by crime. A handwritten statement is more personal. If you misspell words or your grammar is incorrect, it doesn't detract from the important points you make about your loss or pain. Judges and juries make some of the same writing errors and are not likely to hold it against you. If you feel that you are unable to address the judge in person, you can provide your statement in written form or ask that someone else be allowed to read it in your place in court.

I Am Not Emotionally Ready to Deliver My Statement: You may have concerns or fears about your emotional state as you prepare your Victim Impact Statement or deliver it. These are normal feelings and something to consider. If you are struggling with writing your statement, have someone you are close to that is supportive help you put it together. This person(s) can act as a sounding board and provide emotional support. If you start writing your statement and your feelings are too strong,

Receive emotional support.

consider taking a break and coming back to it later. If you are worried that your emotions will be difficult to control in the courtroom, know that again, this is normal. See if someone can go with you to court to provide emotional support. Remember to take tissues and to take your time.

The Offender May Retaliate: This may be a reasonable concern, but it is less likely when you limit what you say to your personal reaction to the crime committed against you and/or your loved one. You will not be repeating evidence already presented in the fact-finding phase of the trial. You will simply state how the crime has affected you and/or your loved ones. People will be less likely to take issue with that perspective. If you are concerned about the offender retaliating, discuss your fears with your MADD Victim Advocate or prosecutor. Together you can decide if it is wise to prepare a statement.

Remember: Charges should be filed against any person making a threat against you. If you are concerned for your safety, call your prosecutor or the law enforcement agency where the crime was committed/reported. Steps can be taken to prevent any future threats or violence. This may include getting a protective order against the offender.

It's Your Choice: Whether you create a Victim Impact Statement or not is completely up to you. Your MADD Victim Advocate will respect and support your decision no matter what choice you make.

Section 2: Creating Your Victim Impact Statement

If you have decided to prepare a Victim Impact Statement, you will want to give it substantial thought before presenting your final version. Whether you are presenting your statement in written or oral form, you will probably want to tell the court much more about the crime's impact than court time will allow. Begin by writing down everything that comes to mind. You can go

Take all the time you need.

back later and choose the most important parts. Creating a Victim Impact Statement is a lot of work and is usually physically taxing and emotionally draining. Attempting to write about the impact of a crime can bring it all back again. Go slow and take all the time you need to reflect on what you want to say.

Remember not to repeat evidence that has or will be presented in court. Your job is to tell the court how those facts affect you and/or your loved one now.

Your Victim Impact Statement will become an official part of the court record if it is written, and an oral statement will be transcribed into the court record in most states. Those with access to the file include the judge, prosecutor, defense attorney, prison officials, probation, and parole officers. In fact, the official court record is public information and can be accessed by anyone unless it is sealed by the judge for a specific reason. However, your address and phone number are not required on statements.

Tips for Preparing Your Statement

It is time to begin writing your rough draft. Here are some tips to help you:

- Write simply and descriptively. Your goal is to help the court feel your loss. Your words will help others in the court understand your experience.
- Write in short sentences and paragraphs. Leave space between paragraphs.
- Ask someone to check your statement draft for spelling and grammar before writing your final version.
- Prepare early (if possible) to avoid the stress of last minute writing after the conviction.
- Focus on what the crime means to you and/or your loved one physically, emotionally, financially, and spiritually.
- Write and speak from the heart about your pain.
- Keep the statement relatively short, reading it aloud should take no longer than 5 to 10 minutes. When the statement is short and simple it will help you keep the attention in the courtroom.
- You can write your statement by hand or type it.
- Consider including a photograph as part of your statement.
- You can find examples of Victim Impact Statements online or ask your MADD Victim Advocate. Reading other statements can give you a general idea of a good statement.
- Show respect to the court by addressing the judge as "Your Honor" and refrain from unsuitable language. It will diminish the effectiveness of your statement.
- Consider writing a couple of sentences about how difficult it is to prepare your statement and why.
- Only write things that you know are true. In most states, the defendant, through his or her attorney, can question or object to statements not believed to be factual. In a few states, the defense attorney can cross-examine the victim about what has been said in the statement. Ask your victim assistance provider if this is allowed in your state.

Things to Avoid:

- Try not to repeat evidence presented in the trial.
- Don't vent your anger toward the court or the offender. Your goal is to express your hurt and your pain, not to blame.
- Try not to focus on what you want to happen to the offender while in prison. If your state law allows you to express your wishes for the sentence, do so - but avoid being descriptive about the harm that you may wish imposed.
- Don't ask for a confession from the offender. The offender's attorneys will advise their client not to confess to the crime, even if they are found guilty. If you have an interest in meeting with the offender, it may be possible to arrange a meeting at a later time.
- Avoid copying another person's Victim Impact Statement.
 Examples may be helpful; however, someone else's story is not your story.

What to include in your Victim Impact Statement

As you consider how the crime has changed you and/or your

loved one's life, you may use the following questions to guide you. Remembering and writing about something so painful may be difficult for you. Pace yourself and don't feel that you have to complete your draft in one sitting. Be gentle with yourself and take as many breaks as you need.

Be gentle with yourself.



The Physical Impact of the Crime

When you or your loved one is injured

If you and/or a family member(s) were injured, describe the treatment and recovery process. Remember to include injuries that may have already healed.

- What preparations had to be made for your/their immediate care and your/their after care?
- What physical limitations do you/they live with now?
- Describe the physical pain involved in getting around and getting to the courthouse.
- How much do the physical injuries affect your/their energy level?
- How permanent are your/their injuries?
- How have these injuries affected your/their ability to work and ability to enjoy life?
- List things you/they can no longer do.

When a loved one is killed

If your loved was killed, describe all of the different ways the crash has impacted your body. How has the crash affected you physically?

- Do you experience more frequent headaches?
- Have you gained or lost significant weight?
- Have you developed stress-related illnesses since the death?
- Have you visited a doctor more frequently?
- Do you experience pain that you did not suffer before the death?

The Emotional Impact of the Crime

- How do you feel emotionally when you wake up in the morning?
- What do you think about?
- How often do you cry? Describe the last time you cried.
- What do you think about when you go to bed at night?
- How difficult is it for you to sleep? How long do you sleep?
 Do you have nightmares?
- About how much of every day do you feel sad?
- Do you feel more tired than you did before the crime?
- Have you been diagnosed with depression, anxiety, post-traumatic stress disorder, or any other stress-related illness since the crime?
- Are you on any medications for those conditions?
- Have you considered suicide since the crime?
- Have you had difficulties with relationships since the crime?
- How has it affected your family life?
- Has your view of the world as a safe and fair place changed since the crime?
- Has your spirituality changed since the crime?
- Have you had difficulty completing day to day activities that are related to circumstances of the crime?

If you have children who have been impacted by this crime consider the following questions:

- How has your child been emotionally impacted by this crime?
- Has your child regressed developmentally as a result of this crime?
- How has your child's school performance changed?
- How has your child's relationship with family members and friends changed?
- Has your child required counseling? If so, how has it helped?
 If not, why not?

The Financial Impact of the Crime

It is also helpful to include some general statements about the financial impact of the crime on your family and/or you in the Victim Impact Statement. Until a drunk driving crash has happened to you, many people don't know the serious financial ramifications it can have.

- If a restitution order isn't a part of your impact statement, consider listing the amount you have spent on medical care, prescriptions, gas, automobile upkeep for trips to the doctor, rehabilitation, and counseling.
- Have you lost income as a result of the crime?
- Have you spent money on funeral costs?
- Have you had to change households because the crime was so upsetting?

Restitution

The court may provide you with a form to fill out to specifically list what should be included for restitution. This form may be provided by the prosecutor's office and can be stapled to your Victim Impact Statement. Below you will find examples of expenses that may be included in a restitution order.

- Emergency transportation to the hospital
- Hospital expenses
- Physician expenses
- Prescriptions
- Physical or occupational therapy
- Medical supplies (wheelchairs, ramps, special beds, over-the-counter medications, and treatment supplies)
- Replacement of personal health items destroyed such as eyeglasses, contact lenses, hearing aids
- Vehicular damage
- Replacement of property in damaged vehicle (luggage, etc.)
- Replacement of clothing and personal items
- Counseling expenses

- Lost wages while you were attended to by doctors, dentists, rehab, or other counselors
- Travel expenses to doctors, dentists, rehab, or other counselors
- Lost wages to attend court-related meetings, hearings, and a trial
- Crime scene clean-up
- · Repair of damage to the home during the crime
- Postage and long-distance phone calls to handle crime-related business
- · Crime-related child care
- · Crime-related elder care
- · Crime-related disability care
- Photocopying of necessary documents
- Notarizing of necessary documents
- Anticipated future physical health care
- · Anticipated future mental/emotional health care
- Anticipated future rehab or other therapy
- Anticipated loss of wages for future care
- Anticipated travel expenses for future care

Remember to only include expenses for which you have not been reimbursed by insurance, Crime Victim Compensation or other financial programs. You will need to provide proof of major expenses (usually through some type of receipt).

Sentencing Requests

What do you want to happen to the offender in regards to sentencing? You, as the victim of the crime, are **allowed to give input** on what you would like to see happen. If you want the offender to go to prison, ask your MADD Victim Advocate or prosecutor for the range of time that corresponds with each conviction. You should consider

What will make you feel safe?

recommending a number of years within that range. If you want the maximum sentence according to the law, you can say that. It's possible you may not want the offender to go to prison. You have the right to state that as well.

In addition to asking for a specific sentence, you may request that the court order the offender to do certain things in prison or while on *probation* (monitored by a community program *rather than* going to prison) or *parole* (monitored by a community program *after being released* from prison). Violation of the conditions of probation or parole can result in the offender going to, or back to prison. What would you like the court to do to help you feel safer when the offender returns to the community? Consider including requests in your Victim Impact Statement that will make you feel safer.

A list of items that a judge can order in court (not exhaustive):

- No alcohol or other drug use
- Submit to random alcohol or other drug testing
- Alcohol or other drug treatment
- · Pay for mandatory urinalysis
- Participate in Victim Awareness Classes in prison (if available)
- Attend Victim Impact Panels or classes if returned to the community (if available)
- Have no contact with the victim or the victim's family
- Pay full or partial restitution. Some victims require only a small amount paid every week to remind the offender of the crime.
- Place the victim's photo in the prison cell. Judges may not order this unless the victim requests.
- Restrictions on where the offender can live in the community
- Perform community service and/or make a donation to an agency that relates to the crime, such as Mothers Against Drunk Driving. In these cases, however, both the victim and the agency must agree to the community service placement before it is ordered.
- Electronic monitoring via an ankle bracelet
- Installation of an ignition interlock or in-car breathalyzer on automobiles

- Meet with the victim if both desire a meeting and after both have been professionally prepared
- Write weekly letters from prison describing prison life (to the victim's family or to the offender's own family or children)
- No Internet access

Refining Your Statement

After you have a rough draft, it's best to spend time cutting it down and refining it before you deliver it to the court. It is

usually difficult to find adequate words to describe what has happened to you. Nonetheless, words can be the most powerful tool you have in the courtroom, so try to make the best of them.

Your Victim Impact Statement should take no more than 10 minutes of reading or listening time to make the greatest Have your voice heard.

impression. Go over what you have drafted and underline or highlight the parts of each section that you think are most important in order to understand what you are going through. Now write a new draft keeping the tips in mind.

Helping Children Create Impact Statements

If a child was injured or had a family member injured or killed in a crash, consider also including a Victim Impact Statement from them as well as talking about it in your statement. You should do this only if your child indicates an interest in doing so.

If your child is unable to read, help him or her by asking questions and writing the statement for them. If your child can read and write and wants to participate, consider allowing them to answer these questions themselves in their own separate statements. They can also draw a picture to show how the crime has impacted them. Please do not tell the child what to write or draw.

- What is your name?
- How old are you?
- Do you go to school? If so, what is the name of your school?
 What grade are you in?
- How do you feel about what happened to you? Examples: Happy, Sad, Mad, Scared, Confused, Other
- What do you think should happen to the person who caused this crime?

Examples:

Go to jail, pay money to my family, get some help for his or her behavior, nothing, other

Presenting Combined Victim Impact Statements

In some counties or states only one person is allowed to present a Victim Impact Statement to the court. This decision often prevents others who have been impacted by the crime from having their voices heard. In these circumstances it may be possible for family or friends to combine multiple Victim Impact Statements together in one to fulfill both purposes.

Keep in mind that when combining statements, it may be longer than a traditional statement. However, you certainly want to keep it as brief and simple as possible. You may ask each family member to limit their statements to a few minutes each. You will also want to differentiate between individual statements by announcing whose statement you are reading on behalf of at the beginning of each separate statement.

Keep it brief and simple.

Community Impact Statements

Communities and neighborhoods, as well as individuals, can

be victims of crime. A known drunk and/or drugged driver with a reputation for unsafe driving can frighten an entire neighborhood. A neighborhood that prides itself on peace, safety, and quality of life for adults and children is violated by the anxiety caused by a drunk and/or drugged driver.

Community
Impact
Statements
focus on peace,
safety and
quality of life.

Concerned citizens may wish to band together to form a community watch in an effort to determine the offender's driving schedule. Knowing the habits of a drunk and/or drugged driver provides residents with information that may help keep their children and property safe. In these cases, prosecutors are adopting the notion of community prosecution that involves neighborhood or community Victim Impact Statements. Sometimes the prosecutor's office works with individuals and neighborhood associations to gather information for impact statements that are presented at the sentencing hearing. Residents are sent information regarding the offender's length of incarceration after sentencing.

Conducting a Community Impact Statement may have several benefits:

- It can allow the court to see the impacts the crime has made in a neighborhood; emotionally or possibly physically if there has been a crash.
- It can bring about awareness in the community about the efforts of law enforcement in the arena of substance impaired driving.
- It can encourage involvement of community members by allowing them to participate.
- It can provide support to a victim/survivor and their family.

A Community Impact Statement can be prepared in several ways. Citizens can come together to draft a statement; individuals can write statements that can be edited and combined into one statement signed by all; or many residents can write short impact statements that are stapled together and presented to the court as a packet. If members of the community want to present a Victim Impact Statement, it's important for them to contact the prosecuting attorney's office to find out if it is permissible.

Victim Impact Statements at Parole Hearings

Most states allow Victim Impact Statements at parole hearings of offenders. Your original statement may not always be included in the convicted offender's corrections file even though the law states it should be. You will want to be sure it is filed, but you may also want to present an updated Victim Impact Statement when the offender comes up for parole.

To assure that you will be notified, keep the parole board updated with your current contact information. Some states have a system of notification called VINE, which stands for Victim Information and Notification Everyday. The system allows victims to find out the custody status of the offender. You can access the information online at www.vinelink.com. Call your MADD Victim Advocate or prosecutor's office if you have questions and to assure that you will be informed when the offender is eligible for parole.

Your revised statement should include new physical, emotional, or financial consequences of the crime since sentencing was imposed. It should also include any evidence of unwanted communication you have received from the offender or the offender's representatives. If parole hearings are conducted in a location far from where you live, a video or audiotaped statement may be prepared if allowed by state law.

Section 3: Presenting a Victim Impact Statement

Presenting Your Statement in Person

You may be given the opportunity to present your Victim Impact Statement orally at the sentencing of the offender which is sometimes referred to as Allocution.

Here are a few things to think about if you are appearing in court:

- Courtroom attire should reflect the seriousness of the business that transpires there. While it is not necessary to wear a business suit, clean, well-pressed clothing is expected.
- Women should wear dress pants, a dress or a skirt that is not too short and a blouse that is not designed with a low-cut neckline. Men should wear long pants and a solid color shirt. Soft colors are more effective than vivid colors. When in doubt, choose a conservative outfit.
- Avoid jewelry that could detract from your face.
- Hair should be clean. Facial hair should be neat and trimmed.
 Your goal is to have the members of the court focus on your face, not your attire.

Presenting Your Statement via Audio or Video

If you are not comfortable presenting in person or are unable to attend the sentencing, ask your prosecutor or MADD Victim Advocate if your statement may be recorded on audio or video. It may not be quite as effective as a Victim Impact Statement presented in person, but it may be a good option if it's not possible to be present.

Show your sincerity.

Your goal on video should be to make yourself appear as sincere as possible to the court.

- It is crucial that the tape be of excellent quality. Search for professional audio or videotaping studios and call to inquire about prices.
- Your presentation should not be long (no more than 5 to 10 minutes), and you should not have it edited.
 You may choose to record it several times before deciding on a final version.
- Quality lighting and skilled recording will make your presentation more effective.
- If the cost is prohibitive, call the journalism or radio and television department of a local college to inquire about a student-made tape. It's also possible your prosecutor has audio or videotape equipment in the office.
- If you choose to make a statement on videotape and your physical appearance has changed since the crime, you may want to hold a photo of yourself, of the way you looked before the crime.
- If your loved one was killed, you may want to hold his
 or her photo as you are recorded. The predominant image
 on the video, however, should be your face. This will
 enhance the ability of the court to witness the sincerity
 of your statement.

Consider following the same rules for dress and makeup as noted above. Women who wear make-up may want to wear slightly more colorful lipstick and blush to accommodate for bright lights.

Final Thoughts

If you are not yet **connected** with a MADD Victim Advocate it may be a good time to reach out to us. MADD Victim Advocates can help with a variety of services, including assisting you with your Victim Impact Statement. You can contact the MADD Help Line at 1.877.MADD.HELP or 1.877.623.3435 to speak with someone immediately or to be connected with your local MADD Victim Advocate.

MADD has created this booklet, as well as many other materials, to help you on your healing journey. We know that this may be one of the most difficult times in your life and we want to provide as much care and support as we can, you are not alone.

You Are Not Alone



Notes



24 Hour Victim Services Help Line **877.MADD.HELP**

MADD does not discriminate against individuals or groups, either in employment or in the delivery of services or benefits, on the basis of race, color, national origin, religion, sex, disability or age. If you believe that you have been the target of discrimination, you should file a complaint with the Office for Civil Rights as soon as possible.



