

Oifig an
Office of the



Stiúrthóra Ionchúiseamh Poiblí
Director of Public Prosecutions

Making a Victim Impact Statement

Plain English



Approved by NALA

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About this booklet

This booklet tries to answer the questions that people ask most often about making a Victim Impact Statement. It does not deal with every possible situation and it does not give you legal advice. If you need legal advice you should talk to a solicitor.

1. What is a Victim Impact Statement?

If you are the victim of a crime you may make a Victim Impact Statement. A Victim Impact Statement is an account in your own words of the effect that the crime has had on you. You may, for example, have suffered a physical injury, be affected emotionally or psychologically. You might also have lost out financially.

2. Why is it important?

The Statement helps the judge understand the impact the crime has had on you. The judge will

then take that into account when deciding what sentence to give the offender.

3. Who can make a Victim Impact Statement?

The following people can make a victim impact statement:

- the victim of the crime who has suffered harm, including physical, mental or emotional harm or financial loss, which was directly caused by the offence
- a family member of a victim who has died, is ill or is incapacitated because of the crime
- a victim who is less than 14 years of age or their parent or guardian
- a family member on behalf of a victim who has a mental disorder and who does not have the capacity to make a statement themselves

A parent, family member or guardian of the victim in the case,

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who has been convicted of the offence against the victim, cannot make a Victim Impact Statement on their behalf.

4. Is a Victim Impact Statement allowed in all criminal cases?

Yes. The law states that a Victim Impact Statement can be made in all cases where there is a victim of crime, once the offender is found guilty.

5. Do I have to make a Victim Impact Statement?

No. You can choose whether you want to make one or not. If you decide not to make a Victim Impact Statement, the judge will not take this to mean that the crime had no effect on you.

6. When do I make my Victim Impact Statement?

You make your Victim Impact Statement after the offender has been found guilty in court but

before the judge decides on the sentence.

7. What can I say in my Victim Impact Statement?

The Victim Impact Statement is your chance to tell the court how the crime has affected you. It may be helpful to consider:

- any physical or psychological injury you have suffered
- if you feel vulnerable or intimidated
- if you no longer feel safe
- the impact on your family and how that affects you
- how your quality of life has changed on a day-to-day basis
- any financial loss that you have suffered as a result of the crime.

You should not include your thoughts about the offender or tell the judge what sentence you think the offender deserves. This is because it is for the judge alone to decide on what sentence is appropriate.

8. Can I get someone to help me to make the Victim Impact Statement?

The Victim Impact Statement is your chance to say **in your own words** how the crime has affected you. It is important that nobody else influences what you say in your Statement or writes the Statement for you. The information in this booklet should help you to prepare your Statement.

9. How do I make a Victim Impact Statement?

There is no set form of Victim Impact Statement. It can be handwritten, typed, or given orally in court. If you write or type your Statement, you should then give it to the Gardaí. You can also keep a copy for yourself.

10. What happens to my Victim Impact Statement?

Once you give your Statement to the Gardaí it becomes part of the evidence in the case. This means

that your Victim Impact Statement can be seen by the prosecution team, the defence, the Gardaí, and the court. Copies of your Victim Impact Statement are not given to anyone else. However, details of the contents of your statement may be reported in the media, unless the judge restricts publication.

11. Can I be asked about my Victim Impact Statement?

Yes. If you make a written Victim Impact Statement the court or the defence may ask you questions about the content of the Statement to clarify certain points. If you are making an oral Victim Impact Statement, the court, the prosecution or the defence may also ask you questions about what you say.

12. Can the Court ask for a professional opinion about how the crime has affected me?

Yes. The court may request that you be assessed by a professional

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person, for example a psychologist. This would happen only in some cases, such as sexual offence cases. If the court made such a request in your case the Gardaí would explain the procedure to you. This professional person will meet with you to talk about the effect the crime has had on you. Then they write a **Victim Impact Report** for the court in which they give their opinion of the impact of the crime on your life. This is separate from the Victim Impact Statement that you make yourself.
