

FREQUENTLY ASKED QUESTIONS: VICTIM IMPACT STATEMENTS

Q: What is a victim impact statement (VIS)? A VIS explains how the crime has affected you physically, emotionally, financially and socially. This is different to the statement you made to the Police at the time of the attacks. A VIS:

- tells the Court about how the offence has affected you
- helps the Court understand your views about the offending
- tells the offender how their offending has affected you.

The information will be considered by the judge when sentencing the offender.

Your Police Family Liaison Officer will have contacted you about completing a VIS.

Q: Can I make a victim impact statement (VIS)? If you are a victim in this case, you can make a VIS. 'Victim' in New Zealand law (Victims' Rights Act 2002) is:

- a person against whom an offence is committed
- a person who suffers physical injury as a result of an offence
- a person who suffers loss of, or damage to, property as a result of an offence
- a parent or legal guardian of a child or young person who is a victim
- a member of the immediate family of a person who died.

Q: Do I have to make a victim impact statement (VIS)? No - it is a personal choice.

Q: How do I make a victim impact statement (VIS)? You can write your own VIS, or you can be helped to do this. There are guidelines to follow about what can and can't be included.

Q: What form should my victim impact statement (VIS) be in? There are guidelines and a format, as well as some flexibility. You can discuss this with the Police, your Court Victim Advisor or your Victim Support worker. Your VIS must be signed by you, or on your behalf by the Police Officer in Charge of the case.

Q: Does my victim impact statement (VIS) have to be in writing? No. You can provide your VIS in another way (for example, by recording it). A VIS can also include photographs or drawings if they help the court to understand how the offence has affected you. For example, young children may draw pictures to accompany a parent or guardian's VIS.

Q: Is there interpreter support to make and share my victim impact statement (VIS)? Yes. Interpreter support is available.

Q: What information can I include in my victim impact statement (VIS)?

- any physical injury or emotional harm you have suffered as a result of the offence
- any loss of, or damage to, property as a result of the offence
- any other effects of the offence on you
- any other information that is consistent with the purpose of a VIS.

Q: What information cannot be included in my victim impact statement (VIS)?

- what you think the sentence should be
- information that you know is false
- threats against the offender or their family
- content that is abusive.

Your comments should focus on how the offence affected you.

Q: Can I update my victim impact statement (VIS) later? Yes. You can make changes to your VIS to ensure it stays up-to-date. You may be asked if you want to update your VIS before the sentencing. Police will let you know the timeframes for this.

Q: Does my victim impact statement (VIS) affect the offender's sentence? The judge will consider all relevant information when deciding on the most appropriate sentence. This includes all VIS.

Q: Will the offender see my victim impact statement (VIS)? The offender can ask to see a copy of VIS. Under New Zealand law, offenders are entitled to see any information that may affect their sentence. The offender cannot keep your VIS.

Q: Can I read my victim impact statement (VIS) in court? You may wish to read your VIS in court, or have another person read it for you. The Judge will decide whether you can read your VIS. Your Police Family Liaison Officer may have already talked to you about this. Talk to your Police Family Liaison Officer or Court Victim Adviser if you want to read your VIS in court.

Q: What if I don't want to / can't read my victim impact statement (VIS) in the courtroom? There are other ways to present your VIS. These may include pre-recording or reading from another room. Talk to your Police Family Liaison Officer or Court Victim Adviser.

Q: What happens to my victim impact statement (VIS) after the sentencing? VIS are kept on the court and police file. The offender cannot keep a copy.
