

A Guide to the Victim  
Impact Statement following  
a Homicide Conviction



**AdVIC**   
*Advocates for Victims of Homicide*



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**DISCLAIMER NOTICE:**

The information available in this booklet is intended as a guide only. It does not purport to be, nor should it be relied upon as, advice.

## What is a Victim Impact Statement?

- A Victim Impact Statement (“VIS”) explains how a homicide has harmed the victim’s family. It describes the hurt and how the family feels following the unlawful killing.
- After conviction but prior to sentencing, a court may receive evidence concerning the effects (whether long-term or otherwise) of the offence on the family of the homicide victim. This can be taken into account by the Judge when deciding on the appropriate sentence.
- The VIS consists of written reports and oral statement and a family may include written reports from professionals such as Doctor/Counselors with their written victim impact statement.
- The victim’s family may also give an oral statement in court.

## Background

- Victim Impact Statements were introduced in Ireland by the Criminal Justice Act 1993. The Act only refers to living victims of crime and no provisions were made for the victims of homicide and their families.
- Since then some Judges have introduced a practice allowing some families of homicide to give a VIS following fatal assault, manslaughter convictions and more rarely murder convictions.
- As this practice had come under scrutiny over the recent past, Minister of Justice Dermot Ahern announced “The Justice for Victims Initiative” in June 2008. “The Criminal Procedure Bill 2009” was enacted in 2010 to expand the categories entitled to make a Victim Impact Statement to families of homicide victims.

# Why should my family make a Victim Impact Statement?

- Unless members of the victim's family are witnesses giving evidence in the case, the VIS is in many cases the only opportunity a family of a homicide victim will be given by the court to take part in the criminal case.
- It gives a family the opportunity to tell the court, the offender and his family, in the family's own words, what their loved one was really like and how they have been harmed by the homicide and the loss.
- It allows the family to speak up for their loved one.
- For many it marks the beginning of the healing process.
- It also reminds the court and judicial system that the victim was a real person; it brings humanity into the court case and gives families perhaps the only opportunity to address the offender and his/her family.
- If a relative feels that their loved one was unfairly portrayed at the trial and they wish to say something in response to this they should advise the prosecution team in advance. Note, there are some important limits on what can be said depending on what the evidence in the trial has been.

## Does every family have to write a Victim Impact Statement?

- No. Writing a VIS is entirely by choice.
- Family's members do not have to give a statement if they do not want to and they can also change their mind at any time before the sentencing hearing.

## Who can make a Victim Impact Statement?

- AdVIC recommends that relatives of the person, who died as a result of a crime, make a VIS following a homicide conviction.
- If it is the wish of a family, several members may submit a separate written VIS, with usually one person permitted to give an oral statement in court.
- However, if requested by the family, more than one family member may be allowed to make a verbal VIS and this should be discussed with the Family Liaison Officer ("FLO") in advance.

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

- Yes. Various people will have to be made aware of its contents before it is presented in court (see below).
- AdVIC recommends using the VIS template attached to make notes for the VIS.
- The VIS should be given to the family by the FLO and should be signed in the presence of the FLO when completed.
- Please note that your FLO may help you write your VIS if required.

## When is the Victim Impact Statement prepared?

- Victim impact evidence is only given if there is a conviction.
- In advance of the trial family members should consider what he/she would like to say in any statement that may be made. It should however only be finalised when all the evidence has been heard at the trial. When ready, AdVIC recommends that the statement is given to the FLO.
- Following a manslaughter conviction, the family will be required to have the VIS ready for the sentencing hearing. This usually takes place a few weeks after the end of the trial.
- Following a murder conviction, the family will need to have it ready before the last day of the trial.
- AdVIC recommends that families have the majority of work done on the VIS before the last day of the trial.



## Who gets to see the Victim Impact Statement?

- The VIS is not confidential. Once the statement is filed in open court it becomes a public document.
- The prosecution counsel, the offender and the offender's counsel will be given a copy of the VIS before it is presented to the court.
- Any matters contained therein which are deemed inappropriate may be removed, an example of which is if matters are mentioned about the investigation which had not been presented as evidence during trial.

## Presentation of the Victim Impact Statement in court

- The family can advise the prosecution lawyers during the pre-trial meeting that they want to present their statement orally to the court.
- When the accused is found guilty, prosecution counsel will request from the Judge for the family to make a VIS.
- The court clerk will distribute the statement to the Judge.
- A member or members of the family will have been nominated.
- When you give your statement you cannot change or add to what you have previously written.
- Note the family will have to have their statements ready to be collected from them a few days before the date set for sentencing.

- The jury may be present for the VIS when the conviction is murder, but when the conviction is manslaughter there will be no jury, as the statement will be given at the sentencing hearing.

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

- Yes, but in practice this does not occur.

## Can I comment on the sentence?

- Sentencing is a matter for the Judge alone. However the VIS may be taken into account by the Judge when determining the appropriate sentence.
- A family member should not comment on what they think is the appropriate sentence for the crime committed.
- They should be aware that when writing or reading their VIS that an appeal may follow the conviction and for this reason, AdvIC would recommend careful consideration in the statement made.

## What information should your family include?

- The family member may want to describe the personality/character of their loved one in order to bring some humanity into the court case.
- They may wish to describe the part he/she played in the family's life.
- They may wish to describe what they miss most about their loved one.
- They may wish to describe the emotional and psychological injuries suffered by the family since the loss of their loved one.
- They may wish to describe the impact this crime had on the people who knew their loved one.
- They may want to describe the pain and emotional trauma (e.g. anxiety, nightmares, desperation, trouble sleeping, difficulty concentrating etc.) suffered by the family.
- They may wish to describe the change in lifestyle (e.g. ability to work, play for young children, needing medical help, any counseling etc.) on their family.
- They may want to describe his/her achievement in life, no matter how trivial.
- They may wish to describe what their loved one's future plans were and how they were taken away.

## What information should your family not include?

- They may not be specific about the sentence they want the judge to impose on the offender.
- They should be extremely mindful of the term used to describe the conviction. For instance, if the conviction is manslaughter they may not refer to the crime as murder.
- They may not include information which has not been given in evidence during the trial and no venomous attack on the defendant is permitted.

# Sample Template

# Sample Template



We are Advocates (Ad) who campaign for greater rights for Victims (VIC) of Homicide, their families and friends. We bring together families bereaved by homicide including those affected by Murder, Manslaughter and Fatal Assault.

AdVIC is a national, non-profit registered charity (CHY16399) and is part funded by the commission for the support of the victims of crime. We were founded in 2005 by a group of families trying to cope with the unlawful violent killing of a family member. We at AdVIC understand the issues faced by families following the homicide of their loved ones, as all our members have suffered a similar tragedy.

AdVIC was formed to ensure that the rights of families of homicide victims are not ignored within the Criminal Justice System and to bring about a fairer, more balanced system for such families. We are not affiliated with any religious or political organisation, and hold no ideology beyond the right of victims and survivors to be treated with the dignity and respect they deserve.

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