**Information to Provide to Victims Related to Victim Impact Statements[[1]](#footnote-2)**

* The purpose and use of the victim impact statement in the youth court program, the victim’s option for exercising or declining his or her right to submit or update a victim impact statement, and specific guidelines concerning confidentiality of victim impact statements.
* Eligibility requirements for submission of victim impact statements (i.e., victim only, family members, designated victim representative).
* How the victim impact statement should be submitted or options for submission (e.g., written, oral, audio, video, other electronic means).
* How the victim impact statement will be reviewed and utilized by the youth court (i.e., by staff, provided to youth prosecuting attorney, read during the court hearing).
* The date and time of the youth court hearing, as well as the right to attend the proceeding.
* Information on how victim testimony during youth court hearings will be solicited (e.g., victim testifies in youth court with respondent and respondent’s family present).
* A specified time frame for returning the completed victim impact statement.
* Instructions for submitting the victim impact statement to the youth court program (i.e., full contact information).
* Information for requesting assistance in completing the victim impact statement (i.e., name and phone number of contact person).
* The importance of notifying youth court staff of changes in address and instructions for doing so.

**Additional Considerations to Keep In Mind When Designing Forms For Written Victim Impact Statements[[2]](#footnote-3)**

* *Form Design:*Victim impact statement forms should be easy to read and understand. They should use clear, concise language in both their instructions and questions. The layout and graphic appearance should be pleasing to the eye, and there should be sufficient space for victims’ responses. Additionally, the forms should demonstrate appropriate sensitivity to victims by showing support and sympathy, and by avoiding impersonal or “bureaucratic” language.
* *Introduction to the Victim Impact Statement:* The victim impact statement form should be introduced to the victim in a manner that makes clear what its purposes are and how it will be used. Information should be provided as to why the victim would want to complete it and indicate that he or she has a choice to submit or not submit a statement for review.
* *Instructions for Completion and Submission:* A victim impact statement form should include instructions that provide useful information on (1) how to complete the statement; (2) the type of information that is useful for the youth court process; and (3) how and to whom the form should be submitted once it has been completed. These instructions may appear on the form itself or in an introductory letter. A contact name and phone number to call for assistance in completing the statement also should be provided. Self-addressed envelopes also are helpful.
* *Confidentiality of the Statement:*The victim impact statement form should make clear who will have access to the statement—including youth court staff and volunteers. Victims must be assured of their safety from the respondent and respondent’s family and should not be compelled to reveal any unnecessary identifying information such as their address or phone number, or they should be able to have this information protected from respondents and their youth court defense attorneys.
* *Order of Impact Questions:* Victim impact statements should seek information from the victim on a number of aspects of his or her life: emotional state, social and family relationships, concerns for safety and security, physical condition, and financial status and costs associated with the crime. The statement should not ask narrowly focused, specific questions regarding the impact of crime. Instead it should ask open-ended questions that allow victims to write about these issues. This allows victims to identify what is important.
* *Emotional Impact:* The order in which the “impact” questions are asked is important to victims. The victim impact statement form should first ask for the emotional impact on the victim before eliciting information on the physical or financial impact. Some victims find it insulting that the youth court would primarily focus on the financial impact, as opposed to the emotional impact of the crime.
* *Physical Impact:* The victim impact statement form should seek information about the physical injuries the victim may have suffered as a result of the crime (if applicable). Victims should have space to describe the type and degree of injury, how long the injury lasted or is expected to last, the amount of pain and/or modifications to their lifestyle that have resulted from the crime, and any medical treatment required to date, as well as any that might be anticipated.
* *Financial Impact:* Regardless of whether the youth court allows for restitution to be ordered by the youth court program, the program should still include a place on the impact statement for the victim to describe the financial impact of the crime. If the youth court itself does not order restitution, then the youth court should explain to the victim what agency will address their restitution needs (e.g., probation department) and let them know that the youth court is collecting this information on the impact statement for informational purposes only.

If the youth court does allow restitution to be ordered, then when seeking financial impact from victims, victim impact statement form should seek detailed information about the cost of the crime. Victims should be given the opportunity to list medical costs (e.g. hospitals, doctors, and drugs), counseling costs, lost income from work, or expenses incurred in tasks performed by the victim, (e.g., replacing stolen, damaged or lost property), and any other costs related to the crime. Victims also should be asked to provide information on the portion of the costs covered by insurance, crime victim compensation, or any other source. The victim impact statement form should clearly and readily allow for a calculation of restitution to the victim.

* *Notification of Respondent’s Final Disposition:* In programs that allow the victim to be notified of the respondent’s final disposition, the victim impact statement form should ask the victim if he or she would like to be notified of this information. The statement should **not** assume that all victims will want to be involved or notified.
* *Victim’s Opinion on Sentence:* In some programs, the victim is allowed to provide a perspective or opinion on the sentence/disposition the defendant should receive. If allowed, the victim impact statement should provide ample space for the victim to inform the youth court of his/her wishes with regards to the types of things they would like incorporated into the respondent’s sentence/disposition. It should not be portrayed, however, that there recommendations will automatically be incorporated within the disposition. Rather, it is a recommendation that they are making for the youth jurors or judge panels to consider when making their final recommendation.
* *Signature/Oath of Victim:* In general, a model victim impact statement form should burden the victim with as few requirements as possible regarding swearing accuracy of the statement and notarizing the victim’s signature. While such formalities may be requirements in some jurisdictions, those which have no such requirements should not compel the victim to seek a notary, and victims should not be compelled to swear to the emotional impact of the crime.

**Sample Cover Letter for Victim Impact Statements**

***This letter can be adapted to fit your program’s policies and procedures***

Dear Mr./Ms. ?:

We are writing to inform you that the person who *(briefly describe the nature of the offense that was committed against the victim)* has been referred to the *(name of youth court program)* for sentencing. The (name of your youth court program) is committed to helping crime victims and providing services and support to people in our community who have been hurt by crime. We are sorry that you were victimized, yet hope you will choose to participate in the youth court process. Your involvement and input – while not mandatory – are vital components to holding youth(s) accountable for the harm he/she caused.

One of your most important rights as a victim of crime is the opportunity to tell the youth court how you and your loved ones have been affected by the crime. Your completed “victim impact statement” ensures that your voice is heard as a part of the youth court process.

It is important for the youth court to understand the nature of the offense and its impact on you and your loved ones – emotionally, physically and financially. Your victim impact statement will also give the program valuable information that can be used to hold the offender accountable and help him or her understand the full effect of his/her actions.

I have enclosed a brochure which describes the youth court program and information sheet that provides tips for completing the victim impact statement. Any additional information you think is important for the youth court program to hear should be provided as an attachment to your victim impact statement.

*[include this paragraph if you allow victims to testify during hearings]* If you prefer, the *(name of program)* also allows victims to provide oral, videotaped, or audio taped testimony during youth court hearings. Your offender’s hearing has been scheduled for *(insert date and time and location)*. If you would like to attend the hearing and/or provide oral testimony, or if you would like to provide videotaped or audio taped testimony, please contact *(name)* by *(date)* to make the necessary arrangements. If you choose to testify during the youth court hearing, your offender and his/her family members will be present.

We are grateful for your support of the youth court process. If you have any questions about completing your victim impact statement or would like more information about the youth court program, please contact *(name)* at (*area code/telephone number).*

Sincerely,

(name)

(title)

Enclosures: Youth Court Brochure

 Victim Impact Statement

 Tip Sheet for Completing Your Victim Impact Statement

**Sample Victim Impact Statement for an Adult Victim\***

**Name:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date of Birth:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Case Number:** (program fills this information in prior to sending it to the victim)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please answer the following questions as they apply in your case.

1. Please describe how this offense has affected you and your family.
2. What was the emotional impact of this crime on you and your family?
3. What was the financial impact of this crime on you and your family? (*If your program will order restitution, then include information on your program’s requirements for documenting losses. If your program does not order restitution, make sure that you inform the victim of this and let him/her know that you are asking for this for informational purposes only.)*
4. What was the physical impact of this crime on you and your family? *(Include this question if it was a personal crime.)*
5. What concerns do you have, if any, about your safety and security?
6. What type of sentence/disposition would you like to see the offender receive?
7. If community service is recommended as part of the sentence/disposition, do you have favorite cause or charity that you’d like to recommend as a placement?
8. Is there any other information that you would like to share with the youth court program regarding the offense and how it affected you or your family?

Would you like to be notified about of the case? \_\_\_yes \_\_\_\_no

If yes, how would you prefer to be contacted? (*For confidentiality purposes, do not have the victim write the address, phone, email, or other contact information on this form. You should maintain that information in a separate location*.)

\_\_\_mail

\_\_\_phone

\_\_\_email

\* Allow as much space as possible for each question to allow the victim an opportunity to provide input.

**Sample** **Victim Impact Statement for Parents of Child Victims\***

**Name of parent or guardian**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name of child**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Case Number:** *(youth court program should fill in this information prior to sending the VIS to the victim)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Has your child been emotionally affected by this crime? If yes, you may wish to discuss how the crime may have affected your child's relationships with you, family members, and those close to you. If your child received any form of victim services such as counseling by either a licensed professional, member of the clergy or a community-support group, you may wish to mention this. Please use additional paper as necessary.

2. Was your child physically injured or hurt as a result of this crime? If yes, you may wish to write about the type of injuries your child had, what medical treatment your child received, and how long these injuries lasted or are expected to last. Please use additional paper as necessary.

3. Has this crime affected the way your child relates to his or her friends, either at school or in your neighborhood? Has this crime affected your child's school work in any way? Please use additional paper as necessary.

4. How has this crime affected you, your family and those close to your child? You may wish to write about changes that may have occurred in your family, in your ability to perform your work, make a living, run a household or enjoy any other activities you enjoyed before the crime. You may also wish to include any victim services or counseling that you and those close to your child have received. Please use additional paper as necessary.

5. What type of sentence/disposition would you like to see the offender receive?

6. If community service is recommended as part of the sentence/disposition, do you have favorite cause or charity that you’d like to recommend as a placement?

7. Is there any other information that you would like to share with the youth court program regarding the offense and how it affected you or your family?

\_\_\_Please check here if you would like to be notified about the outcome of this case.

\* Allow as much space as possible for each question to allow the victim an opportunity to provide input.

**Sample Victim Impact Statement for the School-Aged Child\***

What is your name?

How old are you?

What grade are you in?

1. Please write or draw anything you would like the youth court to know about how you feel because of what has happened to you. You may want to write about anything that has changed in your life or in your family. You can even tell a story or write a poem if you would like. You can add more paper if you run out of room.

2. Please write or draw anything you want the youth court to know that may be different at school, in your neighborhood or with your friends because of what has happened to you. You can add more paper if you run out of room.

\* Allow as much space as possible for each question to allow the victim an opportunity to provide input.

**Victim Advocate**

**Possible Responsibilities and Duties**

* Acts as a liaison between youth court and victim.
* Reviews case with the youth court coordinator to get appropriate background information on case.
* Contacts victim to explain youth court program after youth court coordinator receives permission from victim to be contacted.
* Reviews with victim their options for participating in the youth court process.
* Accompanies victim to any pre-hearing interviews with the prosecuting attorney.
* Assists victim with writing the victim impact statement (if requested by victim).
* Greets and accompanies victim to the youth court hearing.
* Explains to victim what will happen during the youth court hearing.
* Reads statement in youth court hearing at victim’s request.
* Advises victim of outcome of hearing (if requested).
* Checks to make sure the respondent has completed his/her obligation to youth court and advises victim of success or unsuccessful completion of respondent’s requirements.
* Provides coordinator with a record of information on actions taken by victim advocate in case.
* Communicates with youth court coordinator about any problems and progress of case.

**SOME “DO’S” AND “DON’TS”**

**OF COMMUNICATING WITH VICTIMS\***

**DO:**

1. Attempt foremost to communicate trust, support and confidence.
2. Calm and comfort victims. Ask “How are you doing?”
3. Allow victims time to tell what happened and describe how they are feeling in their own words.
4. Give victims back the control the offender took away by letting them decide when and where to talk.
5. Reassure them that their feelings are quite normal and natural, even though they may seem a bit unusual at the moment.
6. Let the victim know that any feelings of anger, distress, frustration, fear, etc. are *not* uncommon and are perfectly justifiable.
7. Be willing to *listen* to the victim share his or her experience if he or she wants to talk about the crime and its effects, and *validate* that experience with empathy and support.
8. Be alert for hidden meanings and messages not directly expressed by the victim, without making unwarranted assumptions.
9. Be encouraging, but not unrealistic.
10. Be alert for opportunities to stress the victim’s qualities and strengths (without being patronizing).
11. Accept the fact that you may never know whether a victim follows through with your recommendations.
12. Have an information and referral system – with names, addresses, telephone numbers, e-mails, and web sites/pages – to determine appropriate referrals.
13. Offer to make referral calls/contacts for further information and victim support (to ensure that a connection is actually made for the victim).
14. Ask for assistance from a supervisor if a call appears to be too difficult to handle yourself.
15. Recognize the mistakes will be made, and that increased communication skills come from learning from your mistake.
* Understand that many victims will have extreme difficulty reconstructing their lives after a violent crime, and that some may *never* recover from the tragedy.

**DON’T:**

* Be judgmental or blame the victim for the crime that was committed against him or her
* Second guess" how the victim reacted to the crime, either at the time it was occurring or in the aftermath of a violent act.
* Avoid the victim, or avoid listening about his or her reaction to the crime. Listening about and validating those experiences and emotions are critical to a victim's reconstruction after a crime.
* Try to frame the victim's experience to any possibly similar experiences, including your own. It is *essential* to individualize each victim, each crime, and each victim's reaction to that crime.
* Be "over-helpful" by making decisions and choices for victims. Since no victim *chooses* to be victimized or has control over a violent act committed against him or her, the ability for victims to *regain control* over their lives, and *make decisions* affecting their lives, becomes very important.
* Be discouraged if you feel a call has been unsuccessful. You are not expected to “solve” most problems with a single phone call.
* Be afraid of silence. Use it constructively. Don’t talk more than the victim caller.
* Become flustered by the victim’s anxiety or urgency. One of the most important things is that you must remain calm, even in a crisis. Remember too that your anxiety can easily be transmitted over the telephone.
* Take sides” with a victim who has had difficult experiences with the criminal or juvenile justice system. Work to solve problems, and assure the victim that you will do your best to address their identified needs. Avoid “trash talk” about allied professionals at all costs!
* Become defensive or arrogant, or get into an argument with a victim.
* Expect to be a psychotherapist, nor to know all the “right” answers. Your job is to listen and assist the victim – to the degree possible – in handling his or her immediate issues.

**SOURCES:**

Kaufman-Yavitz, Louise. (N.D.). “Some Common Do’s and Don’t’s.” St. Louis, MO

Seymour, Anne. (1998). “Do’s and Don’t’s in Supporting Victims of Crime. Unpublished.

Stout, Ed. (N.D.). “Victim First Aid.” St. Louis, MO: Aid for Victims of Crime.

**GOOD THINGS TO SAY TO VICTIMS[[3]](#footnote-4)**

* How can I help you?
* What can I do for you?
* I’m sorry.
* What happened is not your fault.
* I believe you.
* Your case is important/unique.
* Are you safe?
* Do you have any concerns about your safety?
* Who else have you spoken to?
* Would you like a referral for further victim assistance?
* Can I make any calls for you?
* Do you need anything else?
* If you do, contact me at....
* I’m sorry to bother you.
* I know this is one more interruption in your life.
* If you have a serious problem or crisis, dial 911.
* You are not going crazy.
* I can’t imagine, but...
* I can’t possibly understand what you are going through, but I’m going to try and help you.
* I don’t know, but I’ll find out.
* How are you doing?
* Let’s see if we can figure out your most important needs right now.
* I’m glad you called.

**BAD THINGS TO SAY TO VICTIMS[[4]](#footnote-5)**

* I know how you feel.
* I understand what you’re going through.
* Why???
* Why were you....didn’t you...?
* Your case reminds me of another victim I dealt with...
* As a general rule of thumb...
* It’s God’s will (or any religious platitude).
* Move on, put it behind you.
* You need to get over it/ get on with your life.
* I can promise you that will happen for sure.
* If I were in your shoes....
* You’re so strong...
* You’re so lucky...
* At least you weren’t hurt.
* You should forgive.
* Time heals all wounds.
* Why didn’t you.....?
* It could be worse.
* What you need is.....
* Drunk driving “accident.”
* Get over it. Get on with your life.
* You’re not the only victim I’m trying to help.
* Offenders aren’t really bad people...
* The poor defendant had a really tough childhood....
* Nothing at all.
* Avoid using generalizations.
* Avoid comparisons with other victims or cases.
1. Adapted from Alexander, E.K. and Lord, J.H. (1994). *Impact Statements: A Victim’s Right to Speak, A Nation’s Responsibility to Listen.* Washington, DC: Office for Victims of Crime, U.S. Department of Justice. Available at <http://www.ojp.usdoj.gov/ovc/publications/infores/impact/welcome.html>. [↑](#footnote-ref-2)
2. Adapted from Alexander, E.K. and Lord, J.H. (1994). *Impact Statements: A Victim’s Right to Speak, A Nation’s Responsibility to Listen.* Washington, DC: Office for Victims of Crime, U.S. Department of Justice. Available at http://www.ojp.usdoj.gov/ovc/publications/infores/impact/welcome.html. [↑](#footnote-ref-3)
3. Seymour, A. (2002, July). *Communicating with Crime Victims*. Washington, DC: Justice Solutions [↑](#footnote-ref-4)
4. Seymour, A. (2002, July). *Communicating with Crime Victims*. Washington, DC: Justice Solutions. [↑](#footnote-ref-5)