

Purpose and Content of the Victim Impact Statement

- **To benefit and empower the victim by speaking on your own behalf or your loved one's behalf.**

*It is important to begin preparing a thoughtful statement early, use large font if you will be reading it yourself in court, and practice reading it out loud, if necessary. Don't be afraid of being emotional (take Kleenex if you think you might need it), visiting the courtroom in advance to familiarize yourself with the setting, asking about the order of events that will take place during the sentencing proceedings, requesting accommodations needed to exercise this right, and ensuring that the people you have chosen are available during and after your statement to provide support. If you were involved in the incident and you have a memory of it, describing it to the Court can be impactful. Include what you felt, how you feel about the future, and the impact the crime has had on you and your family. The statement should illustrate to the court and the defendant the fact that an **actual person** was harmed by the crime. Victim Impact Statements may be done orally in court (read by you or your representative), in written format, via technology to facilitate remote attendance if necessary, or via video, audio, or other electronic method. Discuss these parameters and any time restrictions with the prosecutor's office.*

- **To convey the crime's harm to the defendant and the court.**

By sharing the details of how the crime has impacted your life, the Victim Impact Statement requires the defendant to confront the human consequences of his/her actions. By discussing your emotional state, social and family relationships, your concerns for safety and security, your physical and psychological condition and the types and degrees of injuries you suffered, how long the injuries lasted or are expected to last, the amount of pain and modifications to your lifestyle you experienced as a result of the crime, any medical treatment (incurred and anticipated), you can help ensure that those in decision-making roles fully understand how the crime has affected you. The financial impact of the crime on your family and the community may also be addressed. Discuss how the crime has affected you financially through lost income from work, expenses incurred for tasks which you were previously able to do yourself, loss of property, ability to earn a living, loss of support, funeral bills, and estimates of future costs.

- **To improve the fairness of the sentencing proceeding.**

By sharing about how the crime has impacted your life and voicing your view on sentencing, you, as a victim, can play an essential role in the appropriate administration of justice. When you have the opportunity to confer with the prosecutor and understand the facts the court is likely to consider at sentencing, you have a greater opportunity to tailor your Victim Impact Statement to be relevant to the court, thus having the greatest likelihood of impacting the sentencing decision.

- **To provide information to the sentencing body (Judge or jury).**

The impact of the offense is an important consideration in determining the appropriateness of a plea agreement and sentencing. Request that the Judge or jury consider the full impact of the crime before deciding on legal consequences of the defendant's actions. Your statement can influence the court's decision and provide the court with your perspective and opinion on what sentence the defendant should receive.

Victim service professionals and advocates can help victims prepare a Victim Impact Statement. There may be parameters the prosecutor wants you to follow (for example, time limitations) and the prosecutor may wish to review your statement before you present it in court. Therefore, making contact with the prosecutor's office regarding your statement is strongly recommended.

Prosecutor's contact information is: _____

The Judge deciding the case is: _____

Many people may have access to your victim impact statement, such as the Judge, prosecutor, defendant, defendant's attorney and other criminal justice professionals. Who has access to your victim impact statement and whether it will become part of the court record will vary depending on the case type and practices in each county and jurisdiction. Check with the prosecutor if you have concerns regarding this issue. Do not reveal any unnecessary identifying information such as your address or phone number that you do not wish to be disclosed.

To ensure that the Victim Impact Statement follows the offender through his/her incarceration and is read by the Parole Board at each parole hearing, a copy of your Victim Impact Statement should also be sent to Dept. of Corrections via one of these options:

Department of Corrections

3400 Knipp Drive

Jefferson City, MO 65109

573-526-6516

Fax: 573-526-2574

Email: victims@doc.mo.gov

Include the offender's name and/or inmate number on your correspondence.

Section 557.041 RSMo. Plea bargain, sentencing, victim's right to appear or make statement — notice to victim.

557.041. 1. Prior to the acceptance of a plea bargain by the court with respect to any person who has pled guilty to an offense after initially being charged with a felony, the court shall allow the victim of such offense to submit a written statement or appear before the court personally or by counsel for the purpose of making a statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant.

2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant.

3. The prosecuting attorney shall inform the victim or shall inform a member of the immediate family of the victim if the victim is dead or otherwise is unable to make a statement as a result of the offense committed by the defendant of the right to make a statement pursuant to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that the court will hear the guilty plea or render sentence.

Plea Agreements: According to the Bureau of Justice Statistics, guilty pleas in 1996 accounted for 91% of felony convictions in state courts. This figure has been consistent since 1988. When victims are permitted to provide input into plea agreements, the right is typically granted at 2 stages of the criminal justice process:

When conferring with the prosecutor during plea bargaining; and,

When addressing the court, either orally or in writing, before the entry of the plea.

A victim may be given the opportunity to comment on the proposed plea at either or both of these stages, depending on the law. Consulting with the victim throughout plea bargain discussions allows the prosecutor to incorporate the victims' concerns before presenting a plea proposal to the court. This inclusion may enhance the probability that the plea agreement will meet with judicial approval.

The impact of the offense is also an important consideration in determining the appropriateness of a plea agreement, and the victim can offer the court a unique perspective on the impact of the crime through the use of a Victim Impact Statement. The Victim Impact Statement can influence the court's decision to accept or reject a plea. The prosecutor's office and victim service professionals can help victims prepare and submit impact statements that are useful to the prosecutor and the court throughout the plea bargaining process.