

# Victim Impact Statement

**Families bereaved by crime can make a written statement that tells the court how the crime affected them - physically, emotionally statement is different from any statement you may have already given separately to the police, Procurator Fiscal or defence agent.**

## **Family members who are eligible to make a victim impact statement**

The four relatives listed highest can make a victim impact statement. The eligible nearest relatives are

- Spouse
- Cohabitee
- Son or daughter or any person that the victim had parental rights or responsibilities for
- Father or mother or any person who had parental rights or responsibilities towards the victim
- Brother or sister
- Grandparent
- Grandchild
- Uncle or aunt
- Nephew or niece

## **Making a victim impact statement**

Victim impact statements will normally be given to the court if the accused pleads guilty or is found guilty after a trial and will be considered before the accused is sentenced.

A copy of any victim statement will be given to the defence at the same time. The accused will be allowed to read the victim statement.

The Judge must consider the victim impact statement and decide what weight should be given to it. The victim impact statement will not always have an effect on the sentence.

The statement will not be read out in court or released to the press.

You do not have to make a victim statement and this will not affect whether the accused is found guilty or not guilty. If you choose not to, information about the impact of the crime can still be brought out during the prosecution case.

## **Writing a victim impact statement**

If you are an eligible family member and you decide to make a victim impact statement, you should complete the statement form which came with the letter from the Procurator Fiscal. The letter will tell you the date you should return the completed form to the Procurator Fiscal by.

You can tell the court how the crime has affected your everyday life. For example you might want to include

- How the crime has affected you emotionally
- If the crime has affected you physically
- If you have lost any money or property as a direct result of the crime, or because you have been unable to work
- How your social life and personal relationships have suffered

It is very important that you think carefully about how your life was affected after the crime and are truthful to the best of your knowledge.

You may be questioned about the information that you give in your victim impact statement during or after the trial. Although you can refer to the crime, you should not describe what happened as the court will hear about this during the trial.

You should only describe how the crime has affected you and don't include any information about how the crime may have affected other people.

You should not include any views on the accused or what sentence you think he or she should receive.

If you or a member of your family is unable to complete the victim statement form personally, it is possible to do so by an alternative method. For example, by using a scribe. Victim Support Scotland can help to arrange the support you need to make your statement.