

- **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. Consider telling the Court if it was difficult to prepare your Statement and why. Statements may be done orally in court (read by you or your representative), in typed or 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. Always have a Statement available in typed or written format so that it may be placed in the offender's file to be read by the Parole Board at parole hearings.*

- **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 can identify with the impact the crime has had on 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 by providing the Judge with information about how your life has been affected by the crime. It may be the only chance you have to address the Judge and the offender face-to-face. Often the offender's family is allowed to testify on the offender's behalf. If you choose not to provide a statement, the balance of information could be weighted in favor of the defendant.*

- **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 and whether restitution is owed to the victim.*

Typically, the Victim Impact Statement is presented after the defendant has been found guilty or has pled guilty to the crime but before sentencing. Victim service professionals and advocates can help 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 highly 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, prison officials, and probation/parole officers. 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. If it does become part of the official court record, unless sealed by the judge, it can be accessed by anyone. Check with the prosecutor if you have concerns regarding this issue office and avoid submitting your Victim Impact Statement too early so as not to allow the defense attorney a lot of time to create a defense. If you have hired a civil attorney that is representing you in a civil case, it may be beneficial for your civil attorney to review your Victim Impact Statement before sending it to the prosecutor. 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 Department 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](mailto:victims@doc.mo.gov)**

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

**Section 217.762 Presentence investigation, required, when - victim impact statement, prepared when, contents.**

1. Prior to sentencing any defendant convicted of a felony which resulted in serious physical injury or death to the victim, a presentence investigation shall be conducted by the division of probation and parole to be considered by the court, unless the court orders otherwise.
2. The presentence investigation shall include a victim impact statement if the defendant caused physical, psychological, or economic injury to the victim.
3. If the court does not order a presentence investigation, the prosecuting attorney may prepare a victim impact statement to be submitted to the court. The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim.
4. A victim impact statement shall:
  - (1) Identify the victim of the offense;
  - (2) itemize any economic loss suffered by the victim as a result of the offense;
  - (3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence;
  - (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense;
  - (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and (6) Contain any other information related to the impact of the offense upon the victim that the court requires.

**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 victim's 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 bargain process.