

A Guide to the Victim Impact Statement

NRS 176.015 (3) Rights of victim.

3. *After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:*
 - (a) *Appear personally, by counsel or by personal representative; and*
 - (b) *Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.*

What is a Victim Impact Statement?

A Victim Impact Statement explains how a crime has harmed the victim. There are two ways in which a victim can present a Victim Impact Statement.

1. The Department of Parole and Probation prepares a Pre-Sentence Investigation Report (PSI) to present to the court once the offender has entered a plea of guilty or has been found guilty by a jury. The PSI is an investigation into the history of the person convicted to determine if there are extenuating circumstances which should mitigate the sentence, or a history of criminal behavior to increase the harshness of the sentence. It may include a written statement signed by the victim. The judge will review this PSI and any statement prior to sentencing.
2. The victim may decide to present the Victim Impact Statement in person to the judge immediately before sentencing is pronounced in open court. It can be a written statement to be handed to the judge, it can be a written statement to be read into the record by the victim or someone on his/her behalf, or it may also be an oral sworn statement presented by the victim.

Who can make a Victim Impact Statement?

- If you have been harmed because of a crime you can make a Victim Impact Statement.
- If a person dies as a result of a crime, a relative can make a Victim Impact Statement.
- If you are financially or psychologically dependent on the person who dies you can make a Victim Impact Statement.
- If you decide to present a written statement, different from the one presented in the PSI, you can read the Victim Impact Statement yourself or the Deputy District Attorney or a Victim Advocate can read it for you. The statement can also be submitted to the Judge without being read in open court.

Does the Victim Impact Statement have to be in writing?

No. The Victim Impact Statement is **usually** in writing. You may be able to tell the judge what effect the crime had on you without using a written statement. If the statement is in writing it must be signed and we recommend it be notarized.

What information should I include?

You should include details of any physical injury, psychological or emotional harm or other loss or damage you have suffered as a result of the crime.

- If you have been physically injured describe the injuries, the pain you have suffered, the medical treatment you received at the time, any ongoing treatment and any long-term physical effects.
- If you have suffered emotional harm describe how you felt at the time of the offense, how you felt afterwards and if your enjoyment of life and relationships with other people has been affected. Include details of any counseling or therapy you have received.
- If you have suffered financial loss explain how this happened. Include details of how your ability to earn money has been reduced, any expenses you have had such as medical or counseling costs or the cost of repairing damage to your property. It is recommended that you provide proof of all such losses by receipt to the Division of Parole and Probation.
- You are allowed to comment on what sentence you would like the judge to impose in relation to the offender.

Anything you include must be truthful, accurate and relevant to the crime for which the offender has been found guilty.

You do not need to explain how the crime happened. The judge will already know that. Focus on information about how the crime has affected your life.

Who gets to see the Victim Impact Statement?

The prosecutor and the offender's lawyer will receive a copy of the Victim Impact Statement in the PSI before the sentencing. If the victim wishes to present another written statement to the court at sentencing, it is recommended that the prosecutor and offender's lawyer receive a copy prior to this being presented to the judge at sentencing.

Can the offender's lawyer ask me questions on my Victim Impact Statement?

Yes. If you prepared the Victim Impact Statement you can be asked questions in court on the contents. This is uncommon but it can occur.

Who can help to prepare a Victim Impact Statement?

Usually victims prepare their own statements. Help is available from the Victim Witness Assistance Center. You can call 328-3210 for assistance. If you decide not to make a Victim Impact Statement you can still tell the prosecutor about how the crime has affected you.

More Information

For more information or assistance with interpretation on Victim Impact Statements, please call the Victim Witness Assistance Center at 328-3210 or 1-800-866-3210 or e-mail DA-VWACAdvocates@washoecounty.us.