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VICTIM IMPACT STATEMENT

What is a Victim Impact Statement?

“A victim impact statement is a written or oral account of the personal harm suffered by a victim of crime and of the victim’s family. The victim impact statement is most commonly used at the sentencing of a convicted criminal offender, and may include a description of the physical, financial, and emotional effects of the crime upon the victim.

“The purpose of the impact statement is to give crime victims a voice within the criminal justice process. It allows victims to participate in the sentencing process by explaining to both the court and the offender how the crime has affected them.

“A victim impact statement may be prepared by the victim of the crime, by someone on behalf of the victim, by the survivors of deceased victims, by the parent or guardian of a child victim, by a spouse, or by a dependent or close relative of a victim who is unable to make a victim impact statement.

“The preparation and submission of a victim impact statement is voluntary. Victims are not required to write a victim impact statement. The purpose of the victim impact statement is to inform the court of the impact of the crime on the victim’s life.

“The written victim impact statement will be shared with the offender and his or her attorney, and, therefore, the offender will see it. Once an impact statement has become part of the sentencing court record, it becomes public record.”ⁱ

What are my rights to attend a sentencing hearing?

“The victim of any crime, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died, have the right to attend all sentencing proceedings under this chapter and shall be given adequate notice by the probation officer [or the Trinity County District Attorney’s Office] of all sentencing proceedings concerning the person who committed the crime.

“The victim, or up to two of the victim’s parents or guardians if the victim is a minor, or the next of kin of the victim if the victim has died, have the right to appear, personally or by counsel, at the sentencing proceeding and to reasonably express his, her, or their views concerning the crime, the person responsible, and the need for restitution. The court in imposing sentence shall consider the statements of the victims, parents or guardians, and the next of kin made pursuant to this section and shall state on the record its conclusion concerning whether the person would pose a threat to public safety if granted probation.”ⁱⁱ

Who can speak, or submit a written statement, at a sentencing hearing?

The victim, minor victim's parents or guardian, or the next of kin if the victim has died.

Can the victim or the victim's next of kin make a virtual appearance at sentencing?

Yes. The views of the victim or victim's next of kin can be preserved electronically (audio or video) and replayed to the court. Such recordings are also useful for future parole hearings. [Note: there are some special requirements for audio/video recordings. Please contact the Victim Witness Coordinator for more details.]

Can the defendant's attorney cross-examine the victim again at a sentencing hearing?

No. The defendant does not have the right to cross-examine the victim (or the person making the victim impact statement). Under the law, victims have a right to speak to the judge directly and express their views.

If friends and family want to write to the judge about how the crime has affected the victim, will the court consider more than one letter?

Yes. The court may consider multiple letters from a victim's family and friends at sentencing.ⁱⁱⁱ

What if I cannot attend a hearing? May I send in my statement and still have it heard?

"The court may permit the victim of any crime, or his or her parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to file with the court a written, audiotaped, or videotaped statement, or statement stored on a CD-ROM, DVD, or any other recording medium acceptable to the court, expressing his or her views concerning the crime, the person responsible, and the need for restitution, in lieu of or in addition to the person personally appearing at the time of the judgment and sentence. The court shall consider the statements filed with the court prior to imposing judgment and sentence."^{iv} [Note: there are some special requirements for audio/video recordings. Please contact the Victim Witness Coordinator for more details.]

Sample elements of a Victim Impact Statement

The below is just an *example* of what could be included in a Victim Impact Statement. You may expand or reduce the amount of information presented. The general expectation is no more than four (4) pages in length. Please contact the Victim Witness Coordinator if you have additional questions.

1. Your name, defendant's name, court number.
2. How has this crime affected you and those close to you?
3. Feel free to discuss your feelings about what has happened and how it has affected your general well-being
4. Has this crime affected your relationship with any family members, friends, co-workers, and other people?
5. As a result of this crime, if you or others close to you have sought any type of victim services, such as counseling by either a licensed professional, member of the clergy or a community-sponsored support group, you may wish to mention this.

6. What physical injuries or symptoms have you or others close to you suffered as a result of this crime?
7. You may want to write about how long the injuries lasted, or how they are expected to last, and if you sought medical treatment for those injuries.
8. You may also want to discuss what changes you have experienced in your life as a result of the crime.
9. Has this crime affected your ability to perform your work, make a living, run a household, go to school or enjoy other activities you previously performed or enjoyed?
10. Anything else you feel the judge should know about the impact the crime has had on your life.

Who do I contact for assistance or more information?

The Trinity County District Attorney's Office has a '**Victim Witness Assistance Program**' that provides advocacy and support for the victims of crime in Trinity County. For more information you can contact the Victim Witness Assistance Program:

Website: <http://www.trinitycounty.org/index.aspx?page=120>

Physical Address:

Trinity County Courthouse
11 Court Street (corner of Court Street and Highway 299)
Weaverville CA

(Note: the front counter will be open for walk-up assistance only from 9:00 a.m. to 11:30 and from 1:30 p.m. to 4:00 p.m. Monday through Friday.)

Mailing Address:

Trinity County District Attorney
Attn: Victim Witness Assist. Program
P.O. Box 310
Weaverville CA 96093

Phone - direct to Victim Witness Assistance Program - 530.623.8357

Phone – Trinity County District Attorney's Office - 530.623.1304

FAX - 530.623.8346

email – Victim Witness Coordinator
dkessinger@trinitycounty.org

ⁱ <http://calvictimassistance.com/victim-impact-statements/>

ⁱⁱ California Penal Code, Section 1191.1

ⁱⁱⁱ Victim's Rights Manual – 2012, page 102; *California Crime Victims Assistance Association/California District Attorney's Association*

^{iv} Ibid.