

# The Multifaceted Benefits of Victim Impact Statements (VIS)

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# My talk will address the following:

- How I got to be involved in research on victim participation in proceedings
- The dilemma in allowing victim impact statements (VIS) in adversarial proceedings
- Practices of using VISs around the world
- Debates about the merits (or concerns) of using VIS in criminal proceedings
- Research that challenged the arguments against the VIS
- The contribution of our (prof. Cassell and me) recent study on the sentencing of Larry Nassar
- Concluding thoughts

# VIS Practices Around the World

- Whether and how victim impact statements are delivered in a specific place is specified in a country's law.
- VIS are usually allowed in serious crimes, in felonies, not misdemeanors.
- Presentation of VIS ranges from written to oral presentations, or both, to delivering VIS via videos or other audio forms.
- Victims or survivors may use various means designed to highlight their point, for instance, a picture that conveys young age or innocence.
- In some countries, the right to submit victim input extends to criminal justice stages before and beyond sentencing -- in bail decisions, early release from prison or parole, or to influence the conditions of release.
- In some countries, the right is extended to all those who suffered harm, whether intended or unintended.
- This right is often part of a victim rights package that addresses victim notification of proceedings, victim protection inside and outside court, and restitution, without which the VIS can not be exercised.



# Extant Research on Victim Impact Statements

- Limited research on the **actual content** of Victim Impact Statements (VISs).
- The focus of extant research has been mostly on the statements' impact on sentencing outcomes, or on persons acting as juries/judges, **not on the victim.**
- Research has confirmed that, without a few exceptions that are justified, VISs do not cause sentences to be harsher



# Extant Research on VISs (Cont'd)

- Because crimes and victims vary extensively **it is difficult to describe what a “typical” VIS includes or excludes.**
- The significance of our recent (July 2024) study of the Larry Nassar’s victims (same crime, same perpetrator) **provides firm support for many open questions about the benefits of delivering VIS**



# The lessons from the study of Nassar sentencing

- VIS delivery has the potential **to satisfy victims' need *to speak and be heard***
- It documents the importance of **providing victims an opportunity to address the defendant.**
- It highlights the **judge's critical role** in handling the victims, **restoring their trust in the system, empowering them, and increasing their satisfaction with justice** (Therapeutic Jurisprudence concerns).
- **Judges (and other court participants) should be trained in victim-related concerns to maximize the benefits of sentencing hearings for victims**, who often find participation and delivering a VIS a difficult and demanding endeavor.

# The Benefits of Delivering VIS for victims:

1. It provides therapeutic benefits for the victims
2. It provides an opportunity to address the defendant
3. It provides opportunity to address any enablers of harm
4. It provides opportunity to address the judge and receive empowering response

*VISs benefits outweigh any disadvantages they may have*



# Responses to the broader debate about VIS: **Why have VIS?**



- To provide information to sentencing judge
- To provide therapeutic benefits for the victim
- To explain the crime's harm to the defendant
- To serve a public educative function
- To improve the perceived fairness of sentencing
- To improve justice/sentence outcomes





# Conclusion

We should strengthen crime victims' role in criminal justice processes, and ensure that victims have the opportunity to provide a VIS.

## Thank you!

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## Questions?