

FOR IMMEDIATE RELEASE

Contact: Marc Kessler, 651-690-0897

Marna Anderson, WATCH, 612-341-2747

Mary Lay Schuster, University of Minnesota, 651-636-5703

Do victim impact statements make a difference in the courtroom? WATCH examines outcomes in study released today.

MINNEAPOLIS (July 31, 2006) — Do victim impact statements make a difference in the criminal justice process? In most instances, yes, said Marna Anderson, executive director of WATCH, a court-monitoring organization dedicated to improving the justice system.

But she said they can become an even more effective tool if both victims and judges have a better understanding of the purpose and limitations of impact statements, according to the results of a study released today by WATCH.

The study was conducted jointly by WATCH and the University of Minnesota's Department of Rhetoric. It is believed to be the first to examine the effectiveness of impact statements since Minnesota granted victims the right in 1988.

"Legal protection have long existed for the accused, and numerous studies have been conducted on how the criminal justice system addresses defendant rights," said Anderson. "Only in the past two decades have victims' rights been recognized and institutionalized. We thought it was important to examine this aspect of the justice system to see how it works and whether any improvements could be made."

"As we observe National Night Out, our study helps focus on the victims of violent crime," she added.

The WATCH study found that victim impact statements rarely affect the outcome of a sentence. In the majority of cases, sentences are negotiated as part of a plea agreement. And in felony cases, judges are restricted by legislated sentencing guidelines. Nevertheless, the study found that, in certain cases, impact statements directly affect the sentence handed down by a judge.

Furthermore, impact statements offer the court important information about the nature of the relationship between the victim and defendant, and determine what a judge may include in a no-contact order and whether to require treatment for the defendant. In many cases, an impact statement raises the defendant's awareness of the nature of the harm he has caused.

For victims, impact statements provide a forum to fully and independently address the court, and by extension, the community. This public component validates victims' experience and can help bring closure to a painful chapter in their lives, particularly if the presiding judge acknowledges the statement in a thoughtful manner.

The study also identified features of a persuasive impact statement. They include A balance of emotion, reason, and insight that the court deems appropriate; an articulate presentation; a realistic understanding of how the criminal justice system works; and reasonable expectations for the sentencing outcome.

The two-year study was based on extensive interviews with 22 Hennepin County judges and 15 victim advocates in Hennepin and Ramsey County, according to University Professor Mary Lay Schuster, the

lead researcher and co-author of the final report. It also relied on the detailed observations of 89 sentencing hearings attended by the researchers and WATCH volunteers.

The study focused on domestic violence and sexual assault cases, the type of cases WATCH has identified as important to its mission. But Schuster said the findings apply to any hearing where an impact statement is presented.

A copy of the report and more information about WATCH are available at www.watchmn.org.