

VICTIMS' RIGHTS IN CANADA

VICTIM IMPACT STATEMENT

What is a victim impact statement?

A victim impact statement is a written statement that describes the physical or emotional harm, property damage, or economic loss that the victim of an offence has suffered. The Court must take the statement into account when sentencing an offender.

The victim impact statement gives victims of crime a voice in the criminal justice system. It allows victims to explain to the Court and the offender, in their own words, how the crime has affected them.

A victim's right!

The *Canadian Victims Bill of Rights* came into force on July 23, 2015. This Act gives every victim the right to present a victim impact statement and to have the Court or Review Board take it into account when sentencing an accused person or when making other decisions about a person found not criminally responsible. These rights are part of a victim's right to participation.

Who can prepare a victim impact statement?

Any person who has been physically or emotionally harmed, or whose property has been damaged, or who has lost money as a result of an offence committed against them or another person, may prepare a victim impact statement. This can include the direct victim as well as a person who is affected by a crime committed against another person, such as a family member or loved one.

A victim impact statement can be prepared by someone acting on the victim's behalf including the survivors of deceased victims, the parent or guardian of a child victim, or a spouse, dependant or relative of a victim who is incapable of making a statement.

Can a victim read his or her victim impact statement aloud?

If a victim would like to read his or her victim impact statement aloud at the sentencing hearing, the Court must allow it. The Court can also choose to allow the victim to present the victim impact statement in another way, such as a pre-recorded video.

A victim can also ask to read his or her statement:

- while a support person he or she has chosen is nearby;
- while he or she is behind a screen; or
- outside the courtroom by closed-circuit television so that he or she does not have to see the offender.

What can be included in a victim impact statement?

The victim impact statement must be prepared on the standard victim impact statement form which is used in all provinces and territories. It may describe how the offence has affected the victim emotionally, physically and economically as well as any fears the victim has for his or her safety or that of family and friends. The victim may include a drawing, poem or letter to express how the offence has affected the victim.



RIGHT TO INFORMATION



RIGHT TO PROTECTION



RIGHT TO PARTICIPATION



RIGHT TO SEEK RESTITUTION



RIGHT TO MAKE A COMPLAINT



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The victim can bring a photograph of him or herself taken before the offence while the victim presents his or her victim impact statement, as long as the Court does not think it will disrupt the proceedings. If someone acting on the victim's behalf presents the victim impact statement, that person may show a picture of the victim taken before the offence during their presentation, as long as the Court does not think it will disrupt the proceedings.

How can a victim impact statement be submitted?

Each province and territory has its own procedure for submitting a victim impact statement. Either the police, victim services or the prosecutor may give the victim impact statement form to the victim. The victim may get help in filling out the form through the victim impact statement program in a province or territory. The victim should return the completed form to victim services, the prosecutor or the clerk of the Court.

Before deciding on an offender's sentence, the Court must ask whether the victim has been given the opportunity to prepare a victim impact statement. The Court can adjourn the sentencing proceedings to allow the victim to prepare a victim impact statement.

The offender or their lawyer receives a copy of the completed victim impact statement form and may cross-examine the victim about the statement.

Can victim impact statements be presented at other hearings?

When the accused person is found not criminally responsible on account of mental disorder, the Court or Review Board decides the correct course of action for them. The *Criminal Code* says that the Court or Review Board must take the victim impact statement into account at such hearings. Victims have the right to be told about such hearings and may read their statement aloud. Victims may use the victim impact statement form in the *Criminal Code* or use the form created by the province or territory where the hearing is taking place.

Survivors of homicide victims can present another type of victim impact statement. This is needed when an offender who is sentenced to life applies to reduce the length of time he or she has to wait for parole under section 745 of the *Criminal Code*. The *Criminal Code* says that the Court will take into account any information the victim's survivors provide at these hearings. Victims may read their statement aloud if they wish.

Victims may also present victim statements, either aloud or in writing, at Parole Board of Canada hearings. Find out more about making a statement at a Parole Board hearing here by visiting Canada.ca/victims.

Where is more information available?

If you or someone you know has been a victim of crime, there is help. All provinces and territories offer services for victims of crime. They can help you if you need information or other assistance. The Victim Services Directory can help you to find victim services near you:

<http://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>