

VICTIMS' RIGHTS IN CANADA

COMMUNITY IMPACT STATEMENTS

What is a community impact statement?

A community impact statement is a written statement that describes the harm or loss that an offence has caused to a community. A person in the community presents the statement on behalf of the community. If a community chooses to submit a community impact statement, the Court must take it into account when it sentences an offender.

Community impact statements recognize that the effects of crime can be far-reaching. Sometimes the victim of an offence is more than one person – it is a community. The purpose of community impact statements is to allow the community to explain to the Court and the offender how the crime has affected the community.

Who can prepare a community impact statement?

Each community chooses someone to prepare the community impact statement. This can be any person from the community that has been harmed by an offence or who has knowledge of the harm caused to the community. For example, community organizations, cities, religious organizations, and Aboriginal bands have prepared community impact statements.

Are community impact statements new?

Canadian courts have accepted community impact statements for a wide variety of offences for some time. In 2011, the *Criminal Code* specifically approved their use for fraud offences.

Section 722.2 of the *Criminal Code*, which came into force on July 23, 2015, allows communities to prepare community impact statements for all offences. Section 722.2 indicates that community impact statements are appropriate sentencing aids for all offences in Canada.

Can a community representative read the community impact statement aloud?

If a community representative would like to read the community impact statement aloud at the sentencing hearing, the Court must allow it. The Court can also choose to allow a community to present its community impact statement in another way that it considers appropriate, such as a pre-recorded video.

A community representative can ask the Court to allow them to read their statement while a support person of their choice is nearby, or while they are behind a screen or outside the courtroom by closed-circuit television so that they do not have to see the offender. The Court must grant these requests.



RIGHT TO INFORMATION



RIGHT TO PROTECTION



RIGHT TO PARTICIPATION



RIGHT TO SEEK RESTITUTION



RIGHT TO MAKE A COMPLAINT



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What can be included in a community impact statement?

A community impact statement must be prepared using the standard community impact statement form used in all provinces and territories. The statement must say why the community representative is speaking for the community. The representative may describe how the offence has affected members of the community emotionally, physically and financially as well as any fears that community members may have for their safety or their family and friends' safety. The community representative may include a drawing, poem or letter to express how the offence has affected the community.

How is a community impact statement submitted?

Each province and territory has established their own procedure for submitting a victim impact statement which will also be followed for community impact statements. There may also be specific procedures for community impact statements. The community impact statement form may be obtained from the police, victim services or the prosecutor. Help filling out the form may be obtained from the victim/community impact statement program in a province or territory. The completed form can be given to victim services or to the prosecutor.

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

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>