

Victim Impact Statements



What is a victim impact statement?

A victim impact statement is a written statement that you can prepare for the court if you have been affected by a crime. Your statement tells the court in your own words about the harm done to you by the crime. It is your chance to have a voice in the criminal justice system. The court will consider your victim impact statement, along with other information, when it sentences the offender.

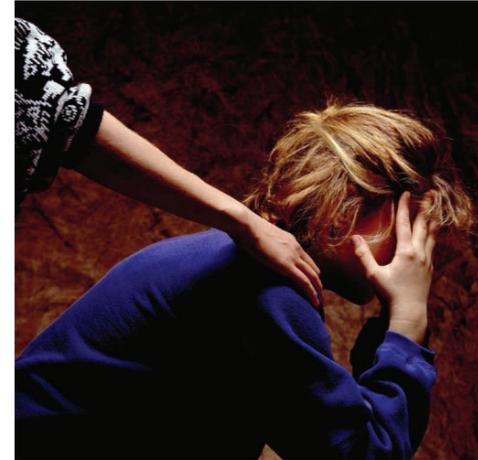
Who will tell me if I can prepare a victim impact statement?

When you report a crime to the police, an officer will give you a 'referral card'. This card has general information about services for victims of crime. If somebody is charged with a crime in the case, contact Victim Services about preparing a victim impact statement.

Who can make a victim impact statement?

A person to whom harm was done, or who suffered physical or emotional loss, because of the crime, can make a victim impact statement when the person charged with the crime is convicted. Where the direct victim is unable to make a statement because he or she is ill, deceased or incapable, others such as a relative or family member, may be able to make a victim impact statement. Generally, this includes:

- The parent or guardian of a child victim or disabled adult
- The spouse, common-law partner or any relative of the victim



In certain cases of fraud involving several victims in the same community, any of the victims can describe the losses suffered by their community in a form called a Community Impact Statement.

Do I have to make a victim impact statement?

Preparing a victim impact statement is voluntary.

What information can I put in the victim impact statement?

The information in your statement should accurately describe the harm done to you because of the crime. You can only refer to the impact of the crime for which the offender was just found guilty. You can give details of the physical, emotional, medical and financial effects of the crime on you. You can explain how it affected your relationship with others. Your statement is not the place to make complaints about the handling of the case or offer opinions on the offender's character or the justice system.

When can I give my victim impact statement to the court?

In New Brunswick, you may prepare a victim impact statement for the Court after the accused person pleads guilty or is found guilty, but before sentencing. Victim Services staff will file your completed statement with the court. If you make a victim impact statement, the judge will consider it when sentencing the accused.

A court or Review Board will also consider your written victim impact statement when dealing with an accused person found "not criminally responsible" because of a mental disorder.

Can I read my victim impact statement aloud to the court?

Yes. At your request, the judge will allow you to read your victim impact statement at the sentencing hearing. When you read it you cannot change it or add to it in any way. In some cases, for example if you are from out of town, the court may let you present the statement in any manner it considers appropriate such as videotape or audiotape. Your original victim impact statement must be filed with the court in writing even if you do plan to read it at the sentencing hearing. You do not have to read your written statement in court.

Can I ask the court to keep my victim impact statement confidential?

No. Once you file your victim impact statement with the court, copies are sent to the Crown prosecutor, the offender or the lawyer for the offender. At the sentencing hearing, which is open to the public, the judge may present information in the statement.

Criminal justice officials may consider your victim impact statement in other proceedings, such as when an offender requests parole or when a person found not criminally responsible is being considered for release from hospital after treatment.

Do I have to go to the sentencing hearing?

The court does not usually require you to attend the sentencing hearing. You can be present if you wish. However, if the judge presents information from your victim impact statement at the hearing, the offender's lawyer may wish to question you about it. The court will let you know if you are required to testify at the sentencing hearing.

What if I was not aware that I could prepare a victim impact statement?

Before handing out the sentence, the judge will ask whether you were told about the opportunity to prepare a victim impact statement. If you did not know, you can ask to prepare one. The Judge will adjourn the court so that you can do so.

Who can help me prepare a victim impact statement?

You can get information and assistance on how to prepare a Victim Impact Statement form from the New Brunswick Department of Public Safety, Victim Services. Victim Services staff can give you guidance and tell you what kind of information is appropriate and inappropriate to include in a statement. They will also file your completed statement with the court.

Here are some things to consider when preparing a statement:

- Did you have physical injuries from the crime? Were they temporary or permanent?
- Did you require medical or dental treatment?
- Do you have persistent pain? Will you require further treatments?
- Have you had expenses that are not covered by your insurance? For example, expenses to repair the damage or replace property lost in the crime.
- Have you lost your ability to work or lost wages because of the crime?
- Has the crime impacted on your relationship to other members of your family?
- Do you have emotional stress requiring counselling? Do you experience anxiety, depression, desperation, nightmares, sleep disorders?
- If the victim is dead, what effect has the death had on remaining family members?

For more information phone the Victim Services Office nearest you:

Bathurst.....	547-2924
Burton	357-4035
Campbellton	789-2388
Edmundston	735-2543
Fredericton	453-2768
Grand Falls	473-7706
Miramichi	627-4065
Moncton	856-2875
Richibucto	523-7150
Saint John	658-3742
Shediac.....	533-9100
Shippagan	726-2417
St. Stephen.....	466-7414
Tracadie-Sheila.....	394-3690
Woodstock	325-4422

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This pamphlet does not contain a complete statement of the law in this area and laws change from time to time. Anyone needing advice on his or her specific legal position should consult a lawyer.

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