

Are you a Victim of Crime?

Services For Victims of Crime



Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit charitable organization. Its goal is to provide the public with information on the law. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice and Public Safety.

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

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Introduction

As someone who has suffered physical or emotional harm, property damage, or economic loss as the result of an alleged or proven crime, victims are an important part of the criminal justice process. The ***Canadian Victims Bill of Rights*** sets out the rights of victims to information, participation, restitution, protection and to make a complaint. (See the booklet ***Are You a Victim of Crime? Know Your Rights***).

This booklet will explain the role that the **Department of Justice and Public Safety, Victim Services** plays in helping victims know their rights and access the following information and services as their cases move through the criminal justice process.

- I. Information on the Criminal Justice System
- II. Referrals for Counselling
- III. Court Preparation and Support
- IV. Financial Benefits and Remedies for Victims of Crime
- V. Assistance in Preparing an Impact Statement
- VI. Information on Sentencing Outcomes
- VII. Notification of Hearings and Offender Release
- VIII. Making a Complaint

I. Information on the Criminal Justice Process

Victim Services is available to help all victims of crime in New Brunswick. Knowing what might happen in court and afterwards can make the journey through the criminal justice system less frightening. Victim Services staff will explain your rights at various points in the criminal justice system. If your case does go to court, Victim Services can:

- Explain court procedures and your role in the court process.
- Answer your questions about courts, the role of various officials (judge, Crown prosecutor, defence counsel), and the accused.
- Advise you of how to ask for reimbursement for witness expenses if the court requires you to testify.
- Assign a caring court support person to listen to you, show you the courtroom ahead of time, go with you to court, and stand by to support you as you testify.
- Provide information on publication bans and testimonial aids as required.
- Provide information on when and how to prepare an impact statement.
- Provide information on sentencing outcomes.
- Explain how to register for offender release information if the accused is incarcerated.

Victim Services staff can also explain what information you are entitled to under the appropriate laws, such as the *Criminal Code*, the *Youth Criminal Justice Act*, and the *Canadian Victims Bill of Rights*.

As well, Victim Services can help victims of Intimate Partner Violence (IPV) with safety planning and applying for Emergency Intervention Orders.

Under the ***Intimate Partner Violence Intervention Act***, victims of IPV can apply for temporary remedies such as staying in the home while the abusive partner must move out, or temporary custody of the children. These civil remedies offer some safety and stability while victims explore more permanent solutions to intimate partner violence.



II. Referrals for Counselling

If you are having emotional difficulties or anxiety because of the crime and you do not feel you will be able to testify in court or move forward with your life, you may benefit from counselling. Victim Services can tell you about the following counselling services and who is eligible:

► Court Support Counselling

A crime can leave you feeling traumatized, anxious, or fearful, which can affect your ability to testify. The purpose of court support counselling is to help you give evidence in court. It usually begins once the trial date is set. Victim Services can refer you to see a registered therapist of your choice. During these sessions, therapists must not discuss the facts of the case with you since that might appear to influence your testimony.

► Short Term Counselling

If you are the victim of a violent crime, you may be eligible for additional short term counselling, which is a benefit under the **Compensation for Victims of Crime Program**. You can discuss your situation with Victim Services staff to find out if you qualify. The purpose of short term counselling is to help you deal with the emotional effects of being a victim of a violent crime so you can move forward with your life.

What you should know about Court support counselling and Short term counselling

- Victim Services must approve the counselling sessions.
- Counselling sessions must specifically address the effects of the crime.
- Before you can receive funding from Victim Services, you must first make use of any coverage available to you through insurance or an Employee Assistance Program.
- Victim Services will provide you with a list of registered therapists in your area and you may choose a therapist from this list. Victim Services will then make the referrals.
- Victim Services may pay the therapist directly for your counselling sessions.



III. Court Preparation and Support

Victim Services can help prepare you for going to court.

► Overview of Victim's Role, and Court Tour

Victim Services can explain what happens in court and the roles and responsibilities of the various officials involved in the criminal justice process. In addition, Victim Services can:

- explain what may be required of you when you testify,
- give you a tour of the courtroom before the trial,
- identify any special needs you may have if you are to be a witness (medical, need for interpreters, etc.).

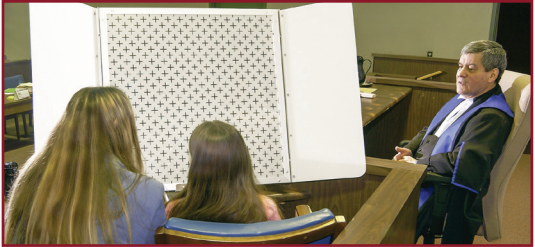


If you need to talk about your testimony

Victim Services Coordinators and volunteers are not lawyers or legal advisors for victims. If you want to talk about your specific evidence, they will arrange for you to meet with the Crown prosecutor assigned to your case.

► Special Protections and Testimonial Aids

Victim Services can arrange for victims of crime, particularly children and other vulnerable victims, to apply to the court for special protections and testimonial aids, such as:



- Screens that prevent the victim from seeing people in the courtroom except the Judge;
- Closed Circuit TV that allows the victim to testify from a special room outside the courtroom;
- A support person who is allowed to stand by the victim;
- A publication ban, which is a court order preventing the public and media from reporting or broadcasting the name of a victim or witness;
- Appointment of a lawyer to cross-examine a victim in cases where an accused person is representing himself/herself.

These protections are mandatory for victims under the age of 18 years if requested. Other victims may ask for testimonial aids or publication bans and the Court may grant the request. To do so, the victim can ask the Crown prosecutor to make this application or the victim can apply to the Court directly.

Victim services can give you more information on special protections and testimonial aids. See the pamphlet ***“Vulnerable Victims of Crime”***.

IV. Financial Benefits and Remedies for Victims of Crime

► Compensation for Victims of Crime Program

If you have suffered personal injuries or losses as a direct result of a crime, you may be eligible for benefits under the **Compensation for Victims of Crime Program**. The benefits available may assist you with expenses not covered by other means, such as medical and dental costs, physiotherapy, funeral expenses, relocation, and childcare. There are maximum limits on each type of benefit, as well as an overall maximum award.

You should contact Victim Services as soon as possible. They can tell you if you qualify for Compensation. To be eligible, you must cooperate with the police. If the authorities lay charges, you must cooperate throughout the court process.

Victims who are **under 19 years of age** or who are **unable to apply on their own**, may have a parent or guardian apply on their behalf.

► Restitution

Restitution is a payment that a person convicted of a crime makes to a victim to cover financial losses that resulted from the crime. The *Canadian Victims Bill of Rights* provides victims of crime with the right to ask the court to consider making a restitution order if the court finds the accused guilty of the crime.

To ask for restitution, you must complete a **Statement on Restitution Form**. The police will give you this form along with a fact sheet explaining restitution.

Once you complete the form, you should give it to the police and include copies of any documents to support your claim for restitution, such as bills, receipts letters from employers, estimates, etc. The police will give the form to the Crown prosecutor.

Victim Services can explain how to request restitution from the offender and how to apply to the court.



► Other Benefits and Remedies

All victims are eligible for information and court support services from Victim Services. However, not all victims are eligible to apply for financial benefits under the Compensation for Victims of Crime Program. For example, victims of property crimes and driving offences do not qualify for crime compensation.

Nevertheless, victims may be eligible for other kinds of financial benefits or remedies depending on the specific circumstances of each case. Some possibilities that victims or survivors may wish to explore include:

- The *Fatal Accidents Act*
- Uninsured Automobile Fund
- Insurance Coverage (e.g. Blue Cross, Automobile Insurance, Employee Assistance Programs)
- Civil Actions

You may wish to discuss these options further with Victim Services.



V. Assistance in Preparing an Impact Statement

As a victim of crime, you have the right to participate in the **Impact Statement Program**. You can prepare an impact statement if:

- the court finds the accused guilty;
- the court finds the accused not criminally responsible by reason of mental disorder; or
- the court finds the accused guilty of a crime that affected your community.

If you wish, you may ask to read your impact statement aloud at the hearing. You may ask to have a support person sit nearby. You may also ask to read the statement behind a screen or by Closed Circuit TV. The judge must take your impact statement into account when sentencing.



An **impact statement** is a written statement that a person affected by a crime can prepare for the court to consider when sentencing an offender. A victim tells the court, in their own words, about the harm done by the crime. Victims may include pictures or drawings to help explain how the crime affected them.

Not only do you have the right to make and present an impact statement for consideration at the offender's sentencing, you also have the right to register to make and present an updated impact statement at Parole Board hearings.

In the case where the court finds someone **not criminally responsible**, the victim still has the right to prepare a written impact statement and register with Victim Services. You can indicate in your statement if you would like to read it aloud and/or update it at Review Board Hearings.

Victim Services can answer your questions and support you as you prepare an impact statement. For more information, see the pamphlet "*Impact Statement Program*".



VI. Information on Sentencing Outcomes

After the court case has finished, Victim Services can give you information on:

- The sentencing outcome in the case, referred to as “the disposition of the case” (for example, the offender may have received an absolute or conditional discharge, probation, a conditional sentence, or incarceration).
- What it means for you if the offender receives some type of community supervision sentence (e.g. probation or a conditional sentence).
- The possibility of an appeal of the conviction and/or sentence, and when that might occur.



Victim Services
can explain
what happened and
what it means for you
as the victim.

VII. Notification of Hearings and Offender Release

After the trial, some victims do not want to know anything more about the offender. However, others do want access to information about the offender. Victim Services can explain your options for receiving information about the incarcerated offender.

Correctional officials **do not provide this information automatically** to victims or their families. You must register if you wish to receive this information. Once you register, it is your responsibility to provide current contact information in order to continue to receive notifications about the offender.

Offender sentenced to a period of incarceration of less than two years	Offender sentenced to incarceration for two years or more
In New Brunswick, you must register with Victim Services to get information on the release of an offender serving a sentence of two years less a day in a provincial correctional facility.	You must register with the Parole Board of Canada and/or the Correctional Service of Canada to get information on the release of an offender serving their sentence in a federal penitentiary.
Accused found Not Criminally Responsible (NCR)	
If the court found the accused not criminally responsible due to a mental disorder and you want to get information on the outcome of Review Board hearings, you can register with Victim Services. They will contact registered victims to share and explain the appropriate information.	

After registering, you may be entitled to the following types of information about the federal inmate and the provincial inmate:

- Notification of the offender's release from a federal penitentiary or provincial correctional facility. It is the responsibility of the Parole Board of Canada to provide information about offenders on parole to registered victims.
- The offender's release date on unescorted or escorted temporary absence, work release, parole, or statutory release from penitentiary or provincial institutions.
- Information on the destination of the offender's unescorted temporary releases, work releases, parole, or statutory releases from a federal penitentiary.
- Conditions relating to the federally incarcerated offender's unescorted temporary absence, work release, parole, or statutory release.

The information available may vary somewhat between federal and provincial authorities based upon the nature of each case.



► Parole Hearings

To attend a Parole Board hearing, you must:

- register with the Parole Board of Canada.
- request permission to attend a Parole hearing and/or submit an updated impact statement at the hearing.
- submit your updated statement in writing (Note: You may also read the statement in person at the Parole hearing or present it by audio tape or videotape).

Victims who register to attend hearings are eligible to receive funding from Justice Canada. Financial assistance is also available for a support person to accompany registered victims to attend or to provide child or dependent care to enable victims to attend.

► Review Board Hearings (for Mentally Disordered Accused)

The criminal justice system has special procedures for dealing with accused persons with mental disorders. To get information about Review Board hearings, the victim must register with Victim Services. Victims will continue to be notified of hearings and outcomes for as long as they wish to receive annual review information or until the Review Board has given the accused an absolute discharge. In addition to being notified of hearing dates, locations and outcomes, victims may also be informed of appropriate information about the accused.

For more information, see the booklet ***“What Victims Should Know About Not Criminally Responsible Accused”***.

VIII. Information on Making a Complaint

The *Victims Bill of Rights* provides victims of crime with the right to complain if they feel that their rights were denied or not respected. Each province has its own set of procedures regarding complaints against a provincial agency such as police, Crown prosecutors, and Victim Services. Victim Services can help you figure out where and how to make a complaint. See the booklet *Are you a Victim of Crime: Making a Complaint*.

Victim Services Offices in New Brunswick

For more information on services for victims of crime, contact the Victim Services office nearest you:

Bathurst	506-547-2924
Campbellton	506-789-2388
Edmundston	506-735-2543
Elsipogtog First Nation	506-523-4747
Fredericton	506-453-2768
Grand Falls	506-473-7706
Miramichi	506-627-4065
Moncton	506-856-2875
Saint John	506-658-3742
St. Stephen	506-466-7414
Tracadie-Sheila	506-394-3690
Woodstock	506-325-4422

Resources

Other publications that might be helpful to you include:

- *Directory of Services for Victims of Abuse*
- *Are you a Victim of Crime?*
 - *Know Your Rights*
 - *Making a Complaint*
 - *You can ask for No-Contact*
 - *Impact Statement Program*
 - *Restitution: Repairing Financial Harm*
- *Being a Witness*
- *Picture This... A Guide to the Criminal Justice System*
- *Vulnerable Victims of Crime: Making it Easier to Testify in Court*
- *What Victims of Crime Should Know About Not Criminally Responsible Accused*
- *You are not alone: Be supported through difficult times* - DVD and tips pamphlet for youth victims of crime, and an accompanying Parent's Guide