

Are you a Victim of Crime?

Impact Statement Program



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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What is the Impact Statement Program?

In April 2015, the *Canadian Victims Bill of Rights* came into effect, reinforcing the right of every victim of crime to have a voice in the criminal justice process. If you suffered harm because of a crime, you have the right to prepare an impact statement about how the crime affected you.

Victims can present their impact statements at the sentencing hearing or disposition hearing of the offender. If a victim makes an impact statement, the Judge or appropriate authorities must consider it in determining the sentence or disposition.



The Impact Statement Program ensures that victims learn about their right to have a voice and receive support if they choose to make a statement.



There are **three types** of impact statements:

1

Victim Impact Statements

Any victim of crime can make a victim impact statement if the offender is convicted or pleads guilty. To do so, the victim must fill out a form (called Form 34.2). This written statement tells the court, in the victim's own words, about the harm they suffered from the crime. The court will consider the impact statement, along with other information, when it sentences the offender.

2

Victim Impact Statements – Not Criminally Responsible

Victims can also describe the harm they have suffered as the result of a crime where the court finds the offender not criminally responsible due to a mental disorder (Form 48.2). A Review Board will consider the statement at the offender's disposition hearing.

3

Community Impact Statements

When a community has been affected by a crime the court may ask for a community impact statement. Although there may be several victims affected by the crime, the court will select one person to represent the collective experience of the victims who typically live in the same community (for instance, a religious, cultural, or business community).

This **community representative** would prepare a single statement called a **community impact statement** (Form 34.3) that summarizes the collective impact of the crime on the community. The representative may present the statement to the court.

A “community representative” means a publicly recognized leader and/or a representative of the community who was impacted by the offence committed by the offender.

What all Victims Should Know About Making Impact Statements

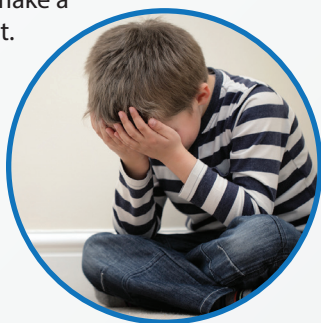
Who will tell me if I can prepare an impact statement?

Every victim of crime has the right to prepare an impact statement if the accused pleads guilty or the court finds them guilty (or not criminally responsible). Victim Services will normally reach out to victims before sentencing hearings to ask if they wish to submit an impact statement. Victim Services will provide you with an impact statement form.

Who can make an impact statement?

A person who suffers physical or emotional harm or economic loss because of a crime, can make an impact statement if the person charged with the crime pleads guilty or the court finds them guilty or not criminally responsible. If the direct victim is unable to make a statement because they are ill, deceased, or incapable, others, may be able to make a victim impact statement. Generally, this includes:

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




Do I have to prepare an impact statement?

No, preparing an impact statement is voluntary.

What information can I put in the impact statement?

An impact statement must describe only the crime's impact on you. The information in your statement should accurately describe how the crime harmed you. 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. The court may disregard any sections of an impact statement that it considers irrelevant.



Victims, or their representatives, are **responsible and accountable** for the contents of their impact statement including its truthfulness and accuracy.

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

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 an impact statement, the judge will consider it when sentencing the accused.

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

Can I read my impact statement aloud to the court?

Yes. At your request, the judge will let you read your impact statement at the sentencing hearing. However, you do not have to read it – it is your decision. Either way, Victim Services must file your original written impact statement with the court. When you read your statement aloud, you cannot change it or add to it in any way.



The judge may also let you read the statement from outside the courtroom, or from behind a screen.

What if I'm nervous about seeing the offender when I read my statement?

Victim Services can tell you about different ways the court can support you and protect your privacy. You can ask to read your impact statement in court with a support person standing by, such as a friend or family member.



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

No. Once you file your impact statement with the court, Victim Services will send copies to the Crown prosecutor and 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. As well, criminal justice officials may consider your impact statement in other proceedings, such as when an offender requests parole or when a person found not criminally responsible is considered for release from hospital after treatment.

Do I have to go to the sentencing or disposition 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 impact statement at the hearing, the offender's lawyer may wish to question you about it.

What if I didn't know I could make an impact statement?

Before handing out the sentence, the judge must ask the Crown prosecutor whether victims were given the opportunity to prepare an impact statement. If you did not know about this right, the judge can adjourn the court so that you can do so.



Can someone help me prepare an impact statement?

You can get information and assistance on how to prepare an impact statement from Victim Services staff. They 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.

What to consider when preparing an impact 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 not covered by your insurance? For example, expenses to repair 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 affected your relationship with other members of your family?
- Do you have emotional stress requiring counselling? Do you experience anxiety, depression, desperation, nightmares, sleep disorders?
- If you are the survivor of a deceased victim, what effect has the death had on you and remaining family members?



Victim Services Offices in New Brunswick

For more information services for victims of crime, contact the Victim Services 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