

Victim Impact Statements
Prepared by the Canadian Resource Centre for Victims of Crime
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** Disclaimer: The information provided in this information paper is intended for educational purposes only. Please talk to your local victim services, police service or Crown Attorney's Office before implementing any intervention.*

Introduction

In the past, the victim was an overlooked entity of the justice process. Over the years, victims' advocates have fought diligently to improve the treatment that victims are afforded at the hands of the criminal justice system. The victims' movement has had many successes, perhaps the most significant being the Victim Impact Statement.

What is a victim impact statement?

A victim impact statement is a written account of the personal harm suffered by a victim of crime. The statement may include a description of the physical, financial and emotional effects of the crime.

The victim impact statement is intended to give crime victims a voice in the criminal justice process. It allows them to participate in the sentencing of an offender by explaining to the court, and the offender, how the crime has affected them.

Who can prepare a victim impact statement?

A victim, as defined by the *Criminal Code*, is someone to whom harm has been done or who has suffered physical or emotional loss as a result of an offence.

The statement may be prepared by the victim, by someone on behalf of the victim, by the survivors of deceased victims, by the parent or guardian of a child victim, by a spouse, or by a dependant or close relative of a victim who is unable to make the statement.

Why write a victim impact statement?

The preparation and submission of an impact statement is voluntary. No victim is required to write an impact statement. Should you choose to do so, the purpose of an impact statement is to inform the court of the impact of the crime on your life.

Although the decision to write an impact statement is voluntary, consideration of it by a judge is mandatory in Canada. Where a victim impact statement has been prepared, IT MUST BE TAKEN INTO CONSIDERATION BY THE SENTENCING JUDGE.

When will a victim impact statement be used?

An impact statement will not be used unless or until a criminal conviction has been rendered. It can also be used in the case of a plea bargain. Victims should discuss when to submit their statement with the Crown or the victim services provider.

The victim should note that the victim impact statement will be shared with the defence and therefore the offender will see it. Once an impact statement has been entered into

court, it becomes public record. The victim should be aware that the defence may question them about their statement, but that this is a rare occurrence.

What if I was not aware of my right to make an impact statement?

Judges are required by law to ask a Crown, before imposing a sentence, whether the victim has been informed of the opportunity to prepare a victim impact statement. Current law also provides for adjournments to give the victim time to prepare a statement or other evidence to the court about the impact of the crime, but this is the individual judge's decision.

Where do I get information about impact statements?

The provinces and territories distribute impact statement information through various agencies. In some provinces, the police give victims a victim impact statement form to complete. Other provinces refer the victim to a victim services agency that will provide them with information about the impact statement program in their area. In other areas, the Crown Attorney is responsible for providing victims with information about impact statements.

How do I write a victim impact statement?

Your statement should detail the effect of the crime on you and your family. It should not reiterate the facts of the case because this may give the defence an opportunity to challenge the facts as they have been presented. Do not recommend a sentence for the offender and avoid repeating any rumours or allegations about the offender.

The impact statement may be divided into three categories: financial, physical and emotional impact.

Financially, you should include all of the actual costs involved such as medical, funeral expenses, costs for therapy and loss of income. It is also appropriate to estimate future expenses.

Physically, account for all the injuries you or your family has suffered. Make the court aware of whether these injuries are temporary or permanent. It is appropriate to note any future medical problems that may arise as a result of the crime.

Emotionally, you should account for the distress that the crime has caused your life. Note depression, mood swings, or nightmares.

Criminal Code

The right of a victim to complete a Victim Impact Statement is legislated under Section 722 of the *Criminal Code of Canada*:

722. (1) For the purpose of determining the sentence to be imposed on an offender or whether the offender should be discharged pursuant to section 730 in respect of any offence, the court shall consider any statement that may have been prepared in

accordance with subsection (2) of a victim of the offence describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.

(2) A statement referred to in subsection (1) must be prepared in writing in the form and in accordance with the procedures established by a program designated for that purpose by the lieutenant governor in council of the province in which the court is exercising its jurisdiction; and filed with the court.

How does my statement get presented to the court?

Once your victim impact statement is filed, both the defence counsel and the sentencing judge receive copies of it. It is to be considered by the judge before imposing a sentence. If desired, victims may choose to read their impact statements out loud at the time of sentencing. It is advisable to discuss this with the Crown.

OTHER PROCEEDINGS

Sometimes, it is possible to present a version of an impact statement in a court or administrative proceeding of sorts. Three examples are:

Section 745.6 Hearings

Although section 745.6 of the *Criminal Code* was repealed on March 23, 2011, the Faint Hope is applicable to offenders who offended before March 23, 2011. Section 745.6 hearings are held to determine whether an offender sentenced to life in prison with no parole for 15 years may have his or her parole eligibility period reduced. Any information provided by the victim's survivors must be considered at such hearings. Victims may choose to present either an oral or written victim impact statements.

A verdict of "Not Criminally Responsible"

Written victim impact statements are to be considered by the court or Review Board in cases where the verdict of "not criminally responsible" on account of mental disorder has been rendered.

Parole Hearings

In Parole Board of Canada (PBC) hearings, statements submitted for consideration by the Board are referred to as "Victim Statements". Victim statements give parole board members insight into the continuing impact of the crime. Victims can also inform the board about any concerns they have for their safety or the safety of the community. You may also include for Board member consideration any special conditions on the release. Some victims request that the offender have no contact with them or their family. Visit the [Parole Board of Canada website](#) for more information or call 1-866-789- INFO (4636).