

Victim Impact Statement

AN INFORMATION GUIDE

What is a Victim Impact Statement?

A Victim Impact Statement is a written description of how a crime has affected the victim.

A Victim Impact Statement does not include a description of the crime or how the crime occurred. That information should be included in your witness statement to the police because it relates to the trial. The Victim Impact Statement is used at sentencing if the accused is found guilty or pleads guilty.

Who may complete a Victim Impact Statement?

If you or a family member have suffered physical or mental injury, emotional trauma or significant economic loss because of an offence, you or that family member may complete a Victim Impact Statement.

If a victim is not able to complete a Victim Impact Statement, someone else, usually a family member, may complete the Statement on the victim's behalf. The reason the victim cannot complete the Statement must be explained and the name of the person completing the statement should be provided.

Do I have to complete a Victim Impact Statement?

No. Completing a Victim Impact Statement is your choice.

Information in a Victim Impact Statement is valuable to Crown counsel and to the Judge because it helps them fully understand how the crime has affected you.

How do I complete the Victim Impact Statement?

A Victim Impact Statement should be written in your own words. Describe how the crime affected you and your family. Avoid comments about the accused or about sentencing.

If you are concerned about contact with the accused, you should describe that concern in your Victim Impact Statement.

You may use all or some of the questions in the Victim Impact Statement Information Guide to assist you in preparing your Victim Impact Statement. You do not have to answer any question if it does not apply to you or if you do not wish to do so.

Crime can cause physical, emotional or financial harm. The degree of harm done to the victim is a factor which the judge may use in assessing how serious the offence is for the purpose of determining an appropriate sentence.

Can I include information about my financial loss?

Yes. Information about financial loss serves two purposes. For many offences, the amount of financial loss reflects the seriousness of the crime and can assist the judge in deciding an appropriate sentence, if the accused is convicted.

As well, information about the financial loss, depending on the circumstances and the type of case, may permit the judge to make an order that the offender repay the victim for those losses. The judge in a criminal case is more limited in making such orders than a judge in a civil law suit but can make restitution or probation orders that include losses such as:

- the amount of an insurance deductible;
- lost income;
- medical, counseling or treatment expenses not covered by insurance;
- expenses for moving, such as temporary housing, food, childcare and transportation, if the victim and the accused lived in the same household and the crime caused the victim to leave that household;
- the cost of any property that was damaged, lost, or destroyed and the cost of repairs or replacement.

Will I receive compensation for the financial impacts I describe in my Victim Impact Statement?

Giving information about the financial impact of the crime may lead to an order that the offender repay your losses, but such orders are not automatic.

If the offender does not pay the order, further court action may be required, either by you or by a probation officer, depending on the type of order.

Whether or not the Judge orders the offender to repay you does not affect your right to seek compensation through a civil lawsuit or to apply to the Crime Victim Assistance Program.

Information about starting a civil lawsuit and about the enforcement of restitution orders can be obtained at the Court Registry.

If you are injured (physically or psychologically) as a result of certain crimes, you may be eligible for benefits under the Crime Victim Assistance Act to assist with the costs resulting from the injury.

A Victim Services Worker or the Crime Victim Assistance Program will be able to provide you with the information and assistance in this matter.

For information about eligibility for the Crime Victim Assistance Program call **1-866-660-3888**.

How will my Victim Impact Statement be used?

Your completed Victim Impact Statement may be given to the Judge at the time of sentencing or Crown counsel may use the information you provide to tell the Judge about the impact of the crime on you.

Crown counsel must provide a copy of your statement to the defence counsel or the accused prior to sentencing.

The information in your Victim Impact Statement can also be used to assist the court at bail hearings, especially if you have indicated that you do not wish the accused to have contact with you.

If your statement is filed in court, it may later be used by a federal parole or a provincial probation officer or by the National or Provincial Parole Boards to help them decide conditions of the offender's release.

Can I update my Victim Impact Statement?

Yes. You can add further information about the effect of the crime on you by giving a signed update to Crown counsel.

Can someone help me with my Victim Impact Statement?

Yes. A victim service worker, friend or family member may assist you if you are having difficulty describing in writing how the crime has affected you.

If you have concerns about the statement reaching Crown counsel before the next court date, please call your local Crown counsel office listed in the Blue Pages of your telephone directory under: Government of British Columbia, Crown Counsel.

Where should I return my Victim Impact Statement?

When you have finished your Victim Impact Statement, sign each completed page, attach them to the cover page, date it and mail, fax or bring all the pages to your local Crown counsel office.

Victim Services

If you would like information about available victim services, please call:

VictimLink
Phone Toll-Free: 1-800-563-0808
Help and information 24 hours a day, 7 days a week for victims of crime.

[Telus Message Relay Centre: 604 875-0885]