

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. The Victim Impact Statement is used at sentencing if the accused is found guilty or pleads guilty.

Crime can cause physical or emotional harm, property damage or economic loss. 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.

A Victim Impact Statement must be prepared in writing using the form prescribed in the Criminal Code (Form 34.2). This form is available on the Ministry of Justice [internet \(www.ag.gov.bc.ca/prosecution-service/info-sheets/victim_impact_statements.htm\)](http://www.ag.gov.bc.ca/prosecution-service/info-sheets/victim_impact_statements.htm) and available in several languages.

Who may complete a Victim Impact Statement?

If you have suffered physical or emotional harm, property damage or economic loss because of an offence, you may complete a Victim Impact Statement.

If you are not able to complete a Victim Impact Statement, someone else, usually a family member, may complete the statement on your 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. You must not include comments regarding the accused, descriptions of the facts of the offence (do not relate what happened), or your thoughts on the sentence that should be imposed without the court's approval.

You may also include in your Victim Impact Statement a picture you have drawn, or a poem or letter you have written, if it will help you express the impact that the offence has had on you.

Crown Counsel is responsible for reviewing a Victim Impact Statement to ensure that it does not include any inappropriate comments.

If you have concerns for the safety of yourself, and/or your family or friends and wish to have no-contact with the accused, you should describe that concern in your Victim Impact Statement. **If you have immediate safety concerns with respect to the accused, and/or he/she is contacting you in breach of no-contact orders, you should report this to the police immediately.**

You may fill out all or some portions of the 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. You may attach additional pages if you need more space.

Can I update my Victim Impact Statement?

Yes, you can. You will need to complete another Victim Impact Statement form to add further information about the effect of the crime on you and provide it to Crown Counsel, which will also be disclosed to the accused and defence 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. To find your local Crown Counsel office, contact Service BC at 1-800-663-7867 or by accessing the BC Government Directory at <http://dir.gov.bc.ca/>.

Can I include information about my economic loss?

Yes, you may include information about how the offence has affected you financially. Information about economic loss serves two purposes. For many offences, the amount of economic 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 economic loss, depending on the circumstances and the type of case, **may** be used by the judge to make an order that the accused 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 a Restitution Order or order restitution as a condition on a probation or conditional sentence order that address losses such as:

- the value of any property that was lost, damaged or destroyed and the cost of repairs or replacement;
- financial loss due to missed time from work (example, lost income);
- the costs of any medical, counseling or treatment expenses not covered by insurance;
- any costs or losses that are not covered by insurance, including the amount of an insurance deductible;
- 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; and
- the amount of money lost due to fraud or theft.

What is a Statement on Restitution?

A Statement on Restitution (Form 34.1) is the form that you need to fill out to indicate whether you are seeking restitution and sets out your losses and damages. As part of a sentence, a judge can consider making a Restitution Order, which requires an offender to pay restitution to a victim and allows a victim to file and enforce the order in civil court if the restitution is not paid. Information included in a Victim Impact Statement is NOT an application for a Restitution Order. You should complete a separate Statement on Restitution (Form 34.1) to make an application for a Restitution Order. This form is available on the Ministry of Justice [internet \(www.ag.gov.bc.ca/prosecution-service/info-sheets/victim_impact_statements.htm\)](http://www.ag.gov.bc.ca/prosecution-service/info-sheets/victim_impact_statements.htm) and available in several languages.

Will I receive compensation for the financial impacts I describe in my Victim Impact Statement and apply for in my Statement on Restitution?

Giving information about the financial impact of the crime **may** lead to an order that the accused repay your losses or damages either as a condition on a probation or conditional sentence order or in a Restitution Order, but such orders are not automatic. The amount of your losses or damages must be readily ascertainable (can easily be determined) by the court and you are responsible for providing the court with all necessary

Victim Impact Statement and Statement on Restitution: Information Guide

documents, including bills, receipts and estimates in support of the claim. If any of these documents have personal information that you do not want others to know, such as your address or credit card numbers, you should delete that information before attaching the document. If the accused 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 accused 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. You may wish to consult with a lawyer. You may also contact the Ministry of Justice Restitution Program at Toll Free: 1-844-660-4898 or email: Restitution@gov.bc.ca.

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 Service Worker will be able to provide you with information about eligibility for the Crime Victim Assistance Program or you may call the Crime Victim Assistance Program at 1-866-660-3888.

How will my Victim Impact Statement be used?

Your completed Victim Impact Statement will 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. You may attend the sentencing hearing and request to present your Victim Impact Statement in person at the hearing. Please let your victim service worker or Crown Counsel know as soon as possible if you would like to request this and if so, whether you would like to read your statement or have Crown Counsel read it for you.

If you would like to present your Victim Impact Statement by reading it, you can ask to read it in the presence of a support person, or in a way that would avoid you having to see the offender, such as outside the courtroom by closed circuit TV, or behind a screen. If you would like to read your statement using one of these accommodations, you should let Crown Counsel know as far in advance of the sentencing date as possible to discuss these options. Please talk to your victim services worker about supports, including travel assistance, that may be available to you to assist in attending the sentencing hearing.

During the presentation of the Victim Impact Statement, you may also bring with you a photo of yourself taken before the offence, if that would be of some assistance to you and, if in the opinion of the judge, it would not disrupt the proceedings. If the Victim Impact Statement is being presented by someone other than the victim (e.g. if the matter involved a fatality), that individual may have with him or her a photograph of the victim taken before the offence, again if in the opinion of the judge this would not disrupt the proceedings.

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

The defence counsel or accused may see your Victim Impact Statement before trial, and you may be cross-examined with respect to the contents.

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

When and where should I return my Victim Impact Statement?

When you have finished your Victim Impact Statement and/or your Statement on Restitution, sign it and attach it to the cover page, date it and mail, fax or bring all the pages to your local Crown Counsel office. It is important to give your Victim Impact Statement to Crown Counsel as soon as possible so they have it before an accused is sentenced.

Victim Services

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

VictimLink BC

Call toll-free: 1-800-563-0808

Call TTY: 604-875-0885

Call collect: use Telus Relay Service: 711

Text: 604-836-6381

Email: VictimLinkBC@bc211.ca

www.victimlinkbc.ca