

SERVICES FOR

*Victims
of Crime*



Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. Its goal is to provide New Brunswickers with information on the law.

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

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Introduction

As a victim of crime, you are an important part of the criminal justice process. The Department of Public Safety, Victim Services Program may assist you as your case proceeds through the criminal justice process by providing you with the following:

- information on the criminal justice system including extrajudicial processes (out-of court measures) and the court process;
- referrals for counselling to assist in dealing with the trauma of being victimized;
- court preparation and support
- information about possible financial benefits and remedies that may be available for victims of crime;
- assistance in preparing a Victim Impact Statement, if the accused is convicted;
- information on sentencing outcome, if the accused is convicted;
- victim notification of the offender's release, if the offender is incarcerated.

Information on the Criminal Justice Process

Victim Services are available to all victims of crime in New Brunswick. Depending on whether you are the victim of a young person or the victim of an adult, the criminal justice processes you are involved in may differ.

When the accused is a young person, the case may be handled outside the court system (extrajudicial measures) or in Youth Justice Court. Victim Services will explain how your case will be handled and what information you are entitled to under the *Youth Criminal Justice Act*.



If your case does go to Court, Victim Services will:

- Explain court procedures and your role in the court process
- Answer your questions about courts, the various officials (Judge, Crown Prosecutor, Defence) and the accused
- Advise you of the process for receiving reimbursement for witness expenses if you are required to testify
- Provide information on publication bans as required
- Provide information, if the accused is convicted, on making a ***Victim Impact Statement***
- Provide information on sentencing outcome and how to register for information on offender release, if the offender is incarcerated.

Referrals for Counselling

If you are having emotional difficulties because of the crime, or are experiencing anxiety and do not feel you will be able to testify in court, contact the Department of Public Safety, Victim Services where a referral may be made to a registered therapist of your choice. Victim Services may pay the therapist directly for the services provided to you, up to \$1000 for immediate *trauma counselling* and/or \$1000 for *short term counselling*.

TRAUMA COUNSELLING

A crime can leave you feeling traumatized, anxious and fearful, which can effect your ability to testify. Trauma counselling usually begins shortly after the crime and is available to assist you to be able to give evidence in court. During these sessions, therapists must not discuss the actual facts of the case with you as this might create difficulties in the Court case.



SHORT TERM COUNSELLING

The purpose of short term counselling is to help you deal with the emotional effects of being a victim of crime so you can move forward with your life. Short term counselling is a benefit under the Crime Compensation Program.

In either case, the counselling must deal specifically with the effects of the crime and the Department of Public Safety, Victim Services must approve the counselling sessions. Before receiving 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 will not pay for any missed or cancelled appointments.

Victims under the age of 19 years (minors) must have signed consent from their parent/legal guardian to access counselling services.

Court Preparation and Support

Going to court can be stressful, especially if you are uncertain what will be required of you. Victim Services can help prepare you for going to court. Victim Services Coordinators and/or 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.

Victim Services can explain what happens in court, the roles and responsibilities of the various officials involved in the criminal justice process, and what may be required of you when you testify. In addition, Victim Services can 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 problems, need for interpreters, etc.), and arrange to have screens in court in certain cases, particularly for child victims.

Remember, if you are subpoenaed, you must attend court to testify. You are responsible for getting to court and if you cannot get there, you must call the Crown Prosecutor or police to let them know. If someone threatens or bribes you about testifying, call the police or the Crown Prosecutor right away. This is a serious criminal offence. (For more information, see the pamphlet *Being a Witness*.)

ROLE OF THE MEDIA - PUBLICATION BANS

The media often reports court cases in the news. However, the Court recognizes

that in some cases, victims or witnesses may suffer significant harm or retaliation if their names are made public. In such cases, the Court can issue a

publication ban, which is a court order preventing the public and media

from reporting the name of a victim or witness.



As a victim, you may personally apply to the Court to request that the judge issue a ban on publication or ask the Crown Prosecutor to do this on your behalf.

Bans are automatically imposed to protect the identity of victims (regardless of their age) in sexual offence cases and witnesses of these offences who are under 18.

Victim Services can provide you with more information on publication bans.

Assistance Preparing a Victim Impact Statement

As a victim of crime, you have the right to prepare a *Victim Impact Statement* if the accused pleads guilty, or is found guilty. A *Victim Impact Statement* is a written description that you prepare for the Court, which explains in your own words, the physical, emotional, and financial effects the crime had on you. The judge will consider the statement at sentencing. (For more information, see the pamphlet *Victim Impact Statements*.)



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. The maximum award is \$5000 and there are limits on each type of benefit.

You should apply as soon as possible since you have only *one year* to apply from the date of the crime. In the case of a sexual offence, you have *one year* to apply from the date you report the offence to the police.

Victim Services can tell you if you qualify for Compensation. To be eligible for Compensation, you must cooperate with the police. If charges are laid, you must cooperate throughout the court process. If the victim is under 19 years of age, or unable to apply, a parent or guardian may apply on his or her behalf.

OTHER BENEFITS AND REMEDIES

Victims of property crimes and driving offences ***are not*** eligible for benefits under the **Compensation for Victims of Crime Program**. However, you may be eligible to pursue other kinds of financial benefits or remedies depending on the specific circumstances of each case. Some possibilities that you, or survivors, may wish to explore include:

- **Restitution**
- **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.

Information on Sentencing Outcome

If you wish, after the court case has finished, Victim Services will explain what happened and what that means for you as the victim. They can give you information on:

- The sentencing outcome in the case, referred to as “the disposition of the case” (For example: absolute or conditional discharge, probation, conditional sentence, incarceration).
- If the offender is sentenced to some type of community supervision (such as probation or a conditional sentence), you will be told what it is and any specific conditions that may relate to you (such as no contact or keeping a certain distance from your home), and what to do if the offender violates a condition of the sentence specifically relating to you.
- The possibility of the offender appealing the conviction and/or sentence and when that will be known.

Victim Notification of Offender Release

Some victims do not want to know anything more about the offender after the trial. However, others do. Victim Services can explain your options for getting information about the offender. They can direct you to the appropriate correctional officials. The information available may vary somewhat between federal and provincial authorities and the nature of each case. Correctional officials do not provide this information automatically to victims or their families. You must make a written request. If you wish to have on-going information, you should make this known and provide current contact information.

In New Brunswick, an offender sentenced to incarceration for six months or more for a sexual offence, or one year or more for other offences, may serve the sentence in a federal penitentiary. To obtain information on these offenders, a victim is required to register with the National Parole Board.

After registering, you may be entitled to the following:

INCARCERATED OFFENDERS

- Notification of offender release from the National Parole Board which is responsible for providing information about offenders on parole, whether they were released from federal penitentiary or provincial correctional facilities.
- The date the offender is scheduled to be released on, unescorted or escorted temporary absence, work release, parole, or statutory release from penitentiary.
- Information on the destination of the offenders' unescorted temporary releases, work releases, parole, or statutory releases from federal penitentiary
- Conditions relating to the offenders unescorted temporary absence, work release, parole or statutory release.

Parole Hearings

Not only do you have the right to make and present a ***Victim Impact Statement*** for consideration at the offender's sentencing, you also have the right to make and present an updated ***Victim Impact Statement*** at National Parole Board Hearings.

To do this, you must:

- register with the National Parole Board
- request permission to attend a National Parole Board Hearing and/or submit an updated Victim Impact Statement at the hearing
- submit your updated statement in writing (Note: You may also read the statement in person at the National Parole Board Hearing or present it by audio tape or videotape)
- be responsible for covering your expenses to attend a National Parole Board Hearing.

MENTALLY DISORDERED OFFENDERS

The criminal justice system has special procedures for dealing with offenders with mental disorders. If the Court finds the accused person was *not criminally responsible by reason of a mental disorder*, you still have the right to prepare a written ***Victim Impact Statement*** for consideration.

If the Court makes this finding:

- It may hold a disposition hearing and you can submit a written ***Victim Impact Statement***, similar to that made for sentencing in courts.

- It may refer the case to Review Board for disposition. The Review Board, established under the Criminal Code, must make an initial placement decision about the offender within 45 days of receiving the case from the Court.
- The Criminal Code Review Board will consider your ***Victim Impact Statement*** as one factor it considers in determining the disposition (placement and treatment) in *not criminally responsible* cases.

Victim Services Offices in New Brunswick

For more information about the New Brunswick Department of Public Safety, Victim Services, contact the **Victim Services Office** nearest you:

Bathurst	547-2924
Bouctouche	743-7251
Burton	357-4035
Campbellton	789-2388
Edmundston	735-2543
Fredericton	453-2768
Grand Falls	473-7706
Miramichi	627-4065
Moncton	856-2875
Richibucto	523-7150
Saint John	658-3742
Shediac	533-9100
St. Stephen	466-7414
Tracadie-Sheila	394-3690
Woodstock	325-4422