

VICTIM SERVICES

*VICTIM
IMPACT
STATEMENT
PROGRAM*

GUIDELINES FOR COMPLETION

Revised: October, 2005

INTRODUCTION

This brochure is for victims of criminal offences who may be interested in completing a Victim Impact Statement. This brochure provides helpful information to individuals who choose to participate in this program.

A VICTIM IMPACT STATEMENT IS:

- » A written statement prepared in the victim's own words describing the impact of a criminal offence on his/her life. A victim has the option of reading the statement in court.
- » A chance for the victim to participate in the sentencing process.
- » Used mainly for sentencing purposes, but can also be used by correctional authorities.
- » Usually involved in criminal court matters. However, a Victim Impact Statement can also be presented in a Review Board hearing held when an accused person is found by the court not to be criminally responsible by reason of mental disorder or is unfit to stand trial.

A VICTIM IS DEFINED AS:

A person who is directly harmed as a result of a criminal offence. If the victim has died, is ill or is incapable of preparing a Victim Impact Statement, a family member, guardian, caretaker or dependant may complete the statement on behalf of the victim.

HOW THE PROGRAM WORKS:

1. Your Victim Impact Statement is a chance for you to tell the court how a crime has affected you.
2. Victim Impact Statements **are strictly voluntary. You are free to choose whether or not you wish to complete one.**
3. The court shall inquire if you, the victim, have been notified of your right to complete a Victim Impact Statement.
4. You may be contacted by a Victim Services Coordinator or Victim Services Assistant whose role it is to determine if you wish to complete a Victim Impact Statement or you may contact Victim Services for assistance.
5. Write the Victim Impact Statement in your own words and sign it.
6. The Victim Impact Statement can be written in point or text form and can also vary in length. You must sign the enclosed "Declaration".
7. Your Victim Impact Statement should be restricted to a description of the emotional/psychological, physical and/or financial impact on your life.
8. Do not discuss the facts of the case, i.e., time, date, location, sequences of events. This is a job for the court. If you complete a Victim Impact Statement, your job is to tell how the crime has impacted and affected you.
9. You must remember to refer only to the offences for which the accused person has been charged.
10. You should not include opinion regarding the sentencing of the offender or the character of the offender. It is also not your job to provide reasons for the offender's behaviour.

VICTIM IMPACT STATEMENT

"DECLARATION"

THE PURPOSE OF THIS STATEMENT IS TO PROVIDE THE COURT WITH INFORMATION ON THE EXTENT AND SERIOUSNESS OF THE CRIME AS IT AFFECTS YOU, THE VICTIM.

I understand that the information contained herein will be presented to the court on my behalf, and shall be considered by the Judge at the time of sentencing the offender. It will be copied to the crown attorney and the offender or his/her defense counsel, and I could be cross-examined in court regarding the content. This statement may also be used by correctional authorities for case planning and release decision-making for the offender.

(Signature of Victim)

(Signature of Witness)

(Date)

(Date)

This statement is true to the best of my knowledge

AREAS TO CONSIDER

The following three areas are provided to help you think about how the offence may have impacted your life. Not all of these sections apply to everyone. Take some time to think about your situation.

1. Psychological/Emotional

Think about questions regarding how the incident may have affected you emotionally, psychologically and personally. How, if at all, has your life changed as a result of the offence? What are your feelings about what has happened? For example:

- changes in attitudes and feelings - (How do you feel about yourself? How do you feel about others? What is your outlook on life?);
- changes in behaviour - change of lifestyle, ways of coping (i.e., what helped you "get through" and survive), sleep patterns, eating and drinking patterns and habits, sexual behaviours;
- changes in relationships - including spouse, family, friends and work associates;
- any counselling sought/received.

2. Physical

Sometimes physical impacts can be overlooked when emotional impacts have been severe, but remember it is still important to include any physical impacts. Think about questions regarding how the incident may have affected you physically. For example:

- physical injuries you sustained as a result of the offence;
- any physical illness you developed related to the offence;
- a description of any treatment and/or therapy received;
- permanent disability, long term disability or ongoing physical discomfort.

3. Financial

Think about questions regarding how the incident may have affected your financial situation. For example:

- value and description of property - damaged, lost or destroyed;
- costs not covered by any insurance plan;
- financial loss due to time missed from work;
- medical, therapy and/or counselling expenses;
- lost educational or work opportunities resulting from the crime that have affected your financial position.

Sometimes when victims have to think about the impacts of an offence, it can be very difficult. If you feel like you want to talk to someone about your feelings, you can contact the nearest Victim Services Office.

For information and assistance with your Victim Impact Statement, you can contact a Victim Services Co-ordinator at the following locations:

St. John's
Phone: (709) 729-0900

Carbonear
Phone: (709) 945-3019/945-3046

Clarenville
Phone: (709) 466-5808

Gander
Phone: (709) 256-1028/256-1070

Grand Falls/Windsor
Phone: (709) 292-4544/292-4548

Corner Brook
Phone: (709) 637-2614

Stephenville
Phone: (709) 643-6588 /643-6618

Port Saunders
Phone: (709) 861-2147

Happy Valley-Goose Bay
Phone: (709) 896-0446/896-3251

Nain
Phone: (709) 922-2360

Marystown
Phone: (709) 279-3216

For more information regarding the Department of Justice, Victim Services please see:

www.gov.nl.ca/just

or e-mail at: victimservices@gov.nl.ca

11. Your Victim Impact Statement will be given to the judge, crown prosecutor, and defence counsel and will be seen by the offender.
12. Your Victim Impact Statement will be considered by the judge for sentencing purposes only after there has been a finding of guilt.
13. If you wish to complete a statement, please inform the Crown Prosecutor or Victim Services Co-ordinator .
14. If you wish to complete a Victim Impact Statement, you can obtain the guidelines and procedures through the Victim Services Regional Office in your area.
15. As the victim of the criminal offence, you are responsible for the completion of the Victim Impact Statement. You may complete the statement on your own or you may seek the help of Victim Services in your area.
16. You could be subject to cross-examination in court if the contents of the statement are disputed. This means you may be questioned in court about your statement.
17. Completed Victim Impact Statements are to be filed with the nearest Victim Services Coordinator, who will ensure the court receives your statement on time. Let the Coordinator know if you wish to submit your written statement only **or** if you would like to read it aloud in court.
18. Victim Impact Statements can also be used by correctional authorities or Review Boards in release decision-making and case planning for the offender.
19. When the court has considered a Victim Impact Statement, it is no longer confidential information and is part of the court file and is therefore considered public information.