



## Victim Impact Statement

### What is a victim impact statement?

A victim impact statement is a written statement that describes the harm or loss suffered by the victim of an offence. The court considers the statement when the offender is sentenced.

The victim impact statement is intended to give victims of crime a voice in the criminal justice system; it allows victims to participate in the sentencing of the offender by explaining to the court and the offender, in their own words, how the crime has affected them.

### Who can prepare a victim impact statement?

A “victim” as defined in the *Criminal Code* can prepare a victim impact statement: a person to whom harm has been done or who has suffered physical or emotional loss as a result of the offence.

In some cases, the victim prepares the victim impact statement. In other cases, it is prepared by someone else on behalf of the victim, following meetings with the victim to gather the information.

In addition, a victim impact statement can be prepared by the survivors of deceased victims, by the parent or guardian of a child victim, or by a spouse, dependant or close relative of a victim who is incapable of making a statement.

### Is the preparation of a victim impact statement optional?

The preparation and submission of a victim impact statement is the victim’s choice. The victim may also choose to read their victim impact statement aloud at the sentencing hearing if they wish.

However, consideration of the victim impact statement by the judge is mandatory. The *Criminal Code* is clear — where a victim impact statement has been prepared, the sentencing judge must consider the statement. The judge must also ask, before imposing sentence, whether the victim has been told about the opportunity to prepare a victim impact statement.





## What is the procedure for submitting a victim impact statement?

The forms used for the victim impact statement and the procedure for submitting the statement to the court vary slightly from province to province and in the territories.

In some areas of Canada, the police will give the victim a victim impact statement form to be filled out or will refer the victim to a victim services agency that will provide information about the victim impact statement program in that area. In other areas the Crown prosecutor is responsible for gathering victim impact information.

A copy of the victim impact statement is provided to the offender. The statement will be part of the information considered at the sentencing hearing. A victim may be questioned by the offender about the statement.

## Can victim impact statements be read or considered at Review Board Hearings, Section 745 Hearings or Parole Board Hearings?

Victim impact information is also considered in other proceedings. Where the accused person is found not criminally responsible on account of mental disorder, a court or Review Board will determine the appropriate disposition for the accused. The *Criminal Code* provides that the court or Review Board must consider the victim impact statement describing the harm done or loss suffered as a result of the crime. Amendments to the *Criminal Code* which came into effect in 2006 allow victims to read their victim impact statements aloud in appropriate circumstances.

Another type of victim impact statement is available for the survivors of homicide victims, who are themselves victims, where an offender sentenced to life makes an application for a reduction of the parole eligibility period under section 745 of the *Criminal Code*. The *Criminal Code* provides that **any** information provided by the victim's survivors at such hearings shall be considered. Victims may provide this information orally, where they wish to do so.

Victims may also present victim impact statements, either orally or in writing, at Parole Board Hearings.

## Where is more information available?

If you or someone you know have been a victim of crime, help is available. All provinces and territories have services for victims of crime. They can help if you need information or other assistance.

For more information about Canada's justice system and links to victim services, visit our Web site:

<http://canada.justice.gc.ca/victim>

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