



Victim Services of Waterloo Region

Fact Sheet on Victim Impact Statements

*The following information is taken from
the Department of Justice Canada*

What are they?

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 one?

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.

Are Victim Impact Statements mandatory?

The preparation and submission of a victim impact statement is the victim's choice.

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.

What is the procedure to submit one?

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.



Victim Services of Waterloo Region

North: 45 Columbia St. E. Waterloo, ON
Central: 134 Frederick St. Kitchener, ON
South: 176 Hespeler Rd. Cambridge, ON
Email: victimservices@wrps.on.ca

Phone: 519-585-2363
Phone: 519-650-8500 ext. 4464

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.

Victim Impact Statements and the new Criminal Code

Recent changes to the victim impact statement provisions will:

- permit victims to read their statement out loud, if they want to do so; and
- require the judge to ask, before imposing sentence, whether the victim has been told about the opportunity to prepare a victim impact statement.

Can Victim Impact Statements be read or considered at Review Board or Section 745 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 written statement of the victim describing the harm done or loss suffered as a result of the crime.

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 745.6 of the *Criminal Code*. The *Criminal Code* provides that any information provided by

the victim's survivors at such hearings shall be considered. The new amendments will permit victims to provide this information orally, where they wish to do so.

To get more information...

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 you if you need information or other assistance.

For more information about Canada's justice system and links to victim service, visit our website:

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

Policy Centre for Victim Issues
Department of Justice
284 Wellington St.
Ottawa, ON
K1A 0H8

Fax: (613) 952-1110

Victim assistance available locally

If you are needing assistance, please call:

Victim Services of Waterloo Region

- 24 hour crisis assistance (519) 585-2363

Victim Witness Assistance Program (VWAP)

- assists during the court process (519) 741-3351

Waterloo Regional Police – Victim Services Unit

- available 8 a.m. – 6 p.m., Monday to Friday
(519) 743 - 7243



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