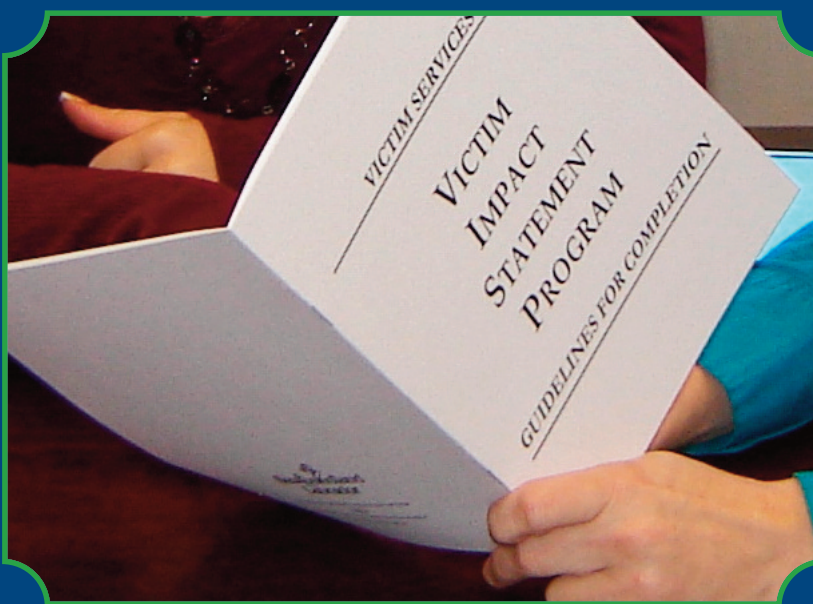


Victim Impact Statement Guidelines for Completion



Introduction

This booklet is for victims of crime who may be interested in completing a Victim Impact Statement (VIS). A VIS is a voluntary statement, prepared by a victim of an offense, which may be used for sentencing purposes in criminal matters. This booklet provides information to help individuals decide if they wish to complete a VIS and the guidelines for what may be included.

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 chance for the victim to participate in the sentencing process. A victim has the option of reading the VIS in court.
- Used mainly for sentencing purposes, but can also be used by correctional authorities for case planning and release decision-making regarding the offender.
- Usually completed in criminal court matters. However, a VIS can also be presented in a Review Board Hearing when an accused person is found to be not criminally responsible.

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 VIS, a family member, guardian, caretaker or dependant may complete the statement on behalf of the victim.

How Does the Program Work?

How will I know if I'm eligible to submit a VIS?

1. Before sentencing, the court shall inquire whether you (the victim) have been notified of the right to complete a VIS.
2. You may be contacted by a Victim Services Coordinator who will inquire whether you wish to complete a VIS, or you may contact Victim Services directly for assistance.

How do I prepare a VIS?

3. You may complete the VIS on your own or seek the help of Victim Services in your area. The VIS is your statement and the content should be your true thoughts (not someone else's) about how the crime has affected you.
4. A VIS can be written or typed in point or paragraph form and can vary in length. The Declaration Form (last page of this booklet) must be signed and submitted as part of the VIS. Please contact Victim Services if you have any questions.
5. In a VIS you can only describe the emotional/psychological, physical, and/or financial impacts on your life as a result of the offense(s) before the court. Do not discuss the details of the crime such as time, date, location, sequence of events or refer to any other crime.
6. Please do not include your opinion on the sentencing or the character of the offender or provide reasons for the offenders behaviour.

7. Please give your VIS to Victim Services in your area advising if you want to read your statement in court. If you read your VIS at sentencing, you may be asked questions about it.

What happens to a VIS once it is filed with the Court?

8. Copies of your VIS are given to the sentencing Judge, Crown Attorney and Defense Counsel only after there is a finding of guilt. Please note – the offender will have access to your VIS.
9. You could be cross-examined in Court on the content of your VIS. If you are required to testify, you may be questioned by Defense Counsel and/or the offender (if he/she is unrepresented), not only on your VIS, but on other topics deemed appropriate by the court. This happens infrequently. Please contact Victim Services if you have questions.
10. When a VIS is submitted to the court it becomes public information. The media may include all or part of the VIS in any news reports. If there is a publication ban, however, your identity and any content that may identify you would be protected.
11. A VIS may also be used by correctional authorities such as Probation, Custodial Institutions and Correctional Services of Canada, as well as Review Boards, for release decision-making and case planning for the offender.

Areas to Consider

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

1. Psychological/Emotional

Think about questions regarding how the incident(s) 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 behavior - change of lifestyle, ways of coping (i.e., what helped you "get through" and survive), sleep patterns, eating and drinking patterns and habits, sexual behaviors;
- changes in relationships - including spouse, family, friends and work associates;
- any counseling 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 received 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

Any person who has experienced a financial loss may request compensation; however, criminal courts consider whether the offender can afford to pay. If compensation is requested, receipts or written cost estimates must be provided. Receipts may be given to the police or attached to the VIS. Please consider the following when describing financial loss:

- indicate 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 counseling 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 want to talk to someone about your feelings, you can contact the nearest Victim Services Office. Support services are available.

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

St. John's 709.729.0900

Carbonear 709.945.3019
or 709.945.3046

Clareville 709.466.5808

Marystown 709.279.3216

Gander 709.256.1028
or 709.256.1070

Grand Falls-Windsor 709.292.4544
or 709.292.4548

Corner Brook 709.637.2603
or 709.637.2465

Stephenville 709.643.6588
or 709.643.6618

Port Saunders 709.861.2147

Happy Valley-Goose Bay 709.896.0446
or 709.896.3251

Nain 709.922.2360

If you have any questions, please email Victim Services at victimservices@gov.nl.ca or go online at www.justice.gov.nl.ca for further information.

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. I understand this document becomes public information once it is considered by the Court. 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.

Department of Justice
Corrections and Community Services Division
Victim Services

