

Aftermath of Crime

No one ever expects something like this to happen to them.

If you have been a victim of a crime, you may experience physical and emotional effects that are not only painful but may also be confusing and frightening.

Some victims of crime find the criminal justice system intimidating and frustrating.

Some victims of crime feel as if their privacy and sense of personal security have been taken from them. They may find themselves unable to trust others and afraid that the crime will recur. They may have difficulty sleeping and eating. They may experience anxiety and fear.

They may think there was something they could have done to prevent the incident.

You may experience some or all of these feelings in the days and weeks after the incident. All these feelings are natural and normal, and will usually pass in time.

You cannot be blamed when someone else breaks the law. It is not your fault.

Two ways you may be involved with the criminal justice system

Witness statement

After the crime has been reported, the police may ask you questions as part of their investigation. You may be asked to provide a "witness statement" that describes what happened and how the crime occurred.

If a charge is laid, you may have to attend court as a witness. The purpose is for you to describe what happened – what you saw, heard and experienced during the incident.

Victim Impact Statement

In addition to providing a witness statement to the police and attending court as a witness, as a victim of crime you have a further opportunity to participate in the criminal justice process. This opportunity is voluntary, and is for a different purpose.

You can choose to prepare a **Victim Impact Statement (VIS)** that explains how the crime has affected you and those close to you

What is a Victim Impact Statement?

Under provisions of the *Criminal Code of Canada* and the *Youth Criminal Justice Act*, a Victim Impact Statement allows you to express in writing to a Judge how being a victim of crime has affected you and those close to you.

The purpose of the Victim Impact Statement is to describe how the crime has affected you emotionally and physically and the effect it has had on your life. If charges are laid, and if the accused person is found guilty, your Victim Impact Statement will be considered by the Judge during sentencing.

Who may prepare a Victim Impact Statement?

Anyone who is a victim of a crime may prepare a Victim Impact Statement. In a case where the victim has died or is not capable of preparing a Victim Impact Statement, the Victim Impact Statement may be prepared by a spouse or relative.

Do I have to prepare a Victim Impact Statement?

No. Your Victim Impact Statement is voluntary. It provides you with an opportunity to participate in the criminal justice system by describing how the offence has affected you and those close to you.

Why should I prepare a Victim Impact Statement?

For yourself: The Victim Impact Statement provides you with an opportunity to describe how you have been affected by the crime.

For the Court: If a charge is laid and the accused person is found guilty, your Victim Impact Statement will be considered by the Judge at the time of sentencing. Your Victim Impact Statement will help the Court understand how the crime has affected you emotionally and physically, and the effect the crime has had on your life.

How and when will my Victim Impact Statement be used?

After a finding of guilt, and before sentencing
After a finding of guilt and before the offender is sentenced, your Victim Impact Statement will be provided to the Court. The Victim Impact Statement will be considered by the Judge at the time the offender is sentenced.

The Judge, the Crown prosecutor, the defence lawyer and the offender will receive copies of your Victim Impact Statement. At the sentencing hearing, you may be cross-examined on the contents of your Victim Impact Statement.

Please note that sentencing can occur at any time. For example, if an accused person pleads guilty, sentencing could occur on short notice. In order for a Victim Impact Statement to be considered in these circumstances, it should be at the courthouse as soon as possible.

After sentencing

If the offender is sentenced to probation or jail, your Victim Impact Statement will be provided to provincial or federal correctional authorities and the National Parole Board.

You may also be able to read your Victim Impact Statement at National Parole Board hearings. If you require further information, contact the National Parole Board toll-free at 1-888-616-5277.

If the accused person is found "Not criminally responsible on account of mental disorder," your Victim Impact Statement will be provided to the Alberta Review Board.

How do I prepare the Victim Impact Statement?

Victim Impact Statement forms are available from Police and Victim Service Units.

The Victim Impact Statement is to be written in your own words, and describe how you have been affected by the crime.

What is appropriate to include in a Victim Impact Statement?

- How the crime has affected you physically.
- How the crime has affected you emotionally.
- The effect the crime has had on your life.

What is NOT appropriate to include in a Victim Impact Statement?

A description of the crime or how the crime occurred. Do **NOT** include details of the crime, the time, date, location or sequence of events. This information will have been in the Witness Statement you gave to police. When your Victim Impact Statement is considered by the Court, the accused person will already have been found guilty.

Offences the accused may have been charged with or convicted of in the past, or since the incident in question.

Your opinions or criticisms about the accused person's character.

Your thoughts or recommendations as to the type of sentence or the severity of punishment the accused should receive.

If your Victim Impact Statement contains any of the above, the Court may not consider it.

What do I need to remember when I write my Victim Impact Statement?

The offender will read your Victim Impact Statement at the sentencing hearing. Do not include anything that you do not want the offender to know.

The Victim Impact Statement does not deal with financial loss. Please contact Victim Services for information about how to request restitution. If you have suffered injury as a result of the crime, please contact Victim Services for information about the Financial Benefits Program.

Sentencing can occur at any time. To ensure your Victim Impact Statement is available to the Court in time to be considered during sentencing, please deliver or mail it to a courthouse as soon as possible.

Can someone help me prepare my Victim Impact Statement?

Yes.

Victim Services can provide you with:

- ▶ Information about what kind of information is appropriate to include in your Victim Impact Statement
- ▶ Where to get assistance in actually writing your Victim Impact Statement; and
- ▶ Where to submit the Victim Impact Statement when it is completed.
- ▶ A friend or family member may be able to help you to write your Victim Impact Statement.

Does the Victim Impact Statement have to be written in English?

No. The Clerk of the Court will arrange to have your Victim Impact Statement translated. Please indicate the language the Victim Impact Statement is written in on the blue Victim Impact Statement envelope.

Will the offender see my Victim Impact Statement?

Yes. After a finding of guilt and before sentencing, your Victim Impact Statement will be provided to the defence lawyer and the offender, as well as the Judge and the Crown prosecutor.

For that reason, do not write anything in the Victim Impact Statement that you do not want the offender to read.

Can I read my Victim Impact Statement in court?

Yes. Please check the appropriate box on the blue Victim Impact Statement envelope indicating whether or not you wish to read your Victim Impact Statement aloud to the Court.

Do I have to read my Victim Impact Statement in court?

No. The Judge will consider your Victim Impact Statement whether or not it is read aloud in court.

Who will see or hear my Victim Impact Statement?

If the accused person is found guilty, your Victim Impact Statement will be opened and given to the Judge, the Crown prosecutor, the defence lawyer and offender before sentencing. The Judge will consider your Victim Impact Statement during sentencing.

If your Victim Impact Statement is read aloud in court, anyone who is in the courtroom will be able to hear it. After the Judge considers the Victim Impact Statement, it will become a matter of public record. Anyone including a media representative could apply to the Court to have a copy of it. A copy of the Victim Impact Statement would be available to them only if ordered by the Court.

If your Victim Impact Statement is not considered by the Judge (for example, if the accused person is found "not guilty"), the Victim Impact Statement will remain in the sealed envelope and nobody will see it.

How do I submit my Victim Impact Statement?

- 1 First, notify the Victim Services Unit that you intend to prepare a Victim Impact Statement. Victim Services can assist you, and will alert the Clerk of the Court to watch for your Victim Impact Statement.
- 2 Once you have completed your Victim Impact Statement, sign it and put it in the blue Victim Impact Statement envelope.
- 3 Seal the blue Victim Impact Statement envelope.
- 4 On the outside of the blue Victim Impact Statement envelope, check the box that indicates whether or not you wish to read your Victim Impact Statement in court.
- 5 Put the sealed blue Victim Impact Statement envelope inside the white return envelope that has a courthouse address pre-printed on it.
- 6 Deliver the white return envelope to the nearest courthouse location, or mail it to the address stamped on the envelope.

Please notify your Victim Services Unit if you have a change in address or phone number, so that Victim Services can contact you about any changes in court dates or locations.

Further Information

Alberta Solicitor General helps communities assist victims of crime.

For further information contact:

Alberta Solicitor General
Victims Programs
J. E. Brownlee Building
10365 – 97 Street NW 10th Floor North
Edmonton, Alberta T5J 3W7
Telephone: (780) 427-3460

In Alberta, call toll free through Service Alberta.
Phone 310-0000 and ask for (780)427-3460

Fax: (780) 422-4213

Web site: <http://www.solgen.gov.ab.ca/victim>

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