

# **Victim Impact Statement Program**

## **GUIDELINES MANUAL**

**For criminal justice system  
personnel in Saskatchewan**

Victims Services Branch

August 2015

(Sections C & D rev. January 2018)

# Saskatchewan

This Victim Impact Statement (VIS) Program Guidelines Manual has been prepared in consultation with representatives of all sectors of justice services in Saskatchewan.

The manual is intended to provide clear guidelines regarding the responsibilities of justice personnel. The intent is to ensure that victims of crime receive the information and assistance they require to make informed decisions about their participation in the VIS Program.

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This manual is also available on the Government of Saskatchewan website at [www.saskatchewan.ca/victimsservices](http://www.saskatchewan.ca/victimsservices) under the heading "Victims Impact Statement and Restitution"



**Saskatchewan Ministry of Justice  
Victims Services Program**

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**Victim Impact Statement  
PROGRAM GUIDELINES MANUAL**

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## **A. The Victim Impact Statement Program**

### **1. WHAT IS A VICTIM IMPACT STATEMENT (VIS)?**

A Victim Impact Statement (VIS) is one of the most effective means to communicate the “voice of the victim” in the criminal justice system. It is to be prepared in writing or online on the Saskatchewan Ministry of Justice VIS form and signed, in accordance with the program approved by the Lieutenant Governor in Council.

A VIS provides victims with an opportunity to let the sentencing court or review board know how the offence has affected their lives. The effects may include physical, emotional and/or financial impacts. By working together, justice personnel will ensure the success of the program, thereby enhancing services to victims.

### **2. HISTORY**

Victim Impact Statements are not new to Saskatchewan. They have been presented in courtrooms in the past in a number of different formats, both formal and informal. Section 722 of the *Criminal Code* has historically provided that a VIS could be prepared and filed with the sentencing court. Saskatchewan viewed that as a permissive and not a mandatory section.

In the late 1980s, a VIS pilot project was set up in four sites across the country, which included Toronto, Winnipeg, Calgary and the Battlefords. The results showed that only about 30% of victims were actually completing a VIS.

Based on the findings of that study, combined with the previously mentioned permissive interpretation of Section 722, Saskatchewan had not set up a formal VIS Program. That changed in 1999.

After broad consultation, the Federal Standing Committee on Justice and Human Rights identified important needs for victims. As a result, in their report entitled "Victims Rights, A Voice, Not a Veto," a number of recommended amendments to the *Criminal Code* were proposed.

The Federal Government responded by introducing Bill C-79, "The Victims Bill". Bill C-79 (Chapter Statutes of Canada, 1999) received Royal Assent June 17, 1999. The Federal Government proclaimed the bill into law on December 1, 1999. Saskatchewan's Minister of Justice, the Honourable Chris Axworthy, announced the new VIS Program on December 1, 1999.

Subsequent Amendments to the *Criminal Code* through Bill C-79 included:

- Amendments to the arrest and release provision requiring that a victim's and/or witness' security be considered in determining the timing of an accused or offender's release;
- Expanding the publication ban provision during trial and preliminary applications before the court;
- Victims surcharge provisions related to federal offences will be automatic and mandatory in all cases, regardless of the sentence imposed, unless waived by the court;
- Ensuring that the safety and security of victims/witnesses is considered when making decisions about pretrial detention;
- Ensuring victims know in advance that a person receiving a life sentence can apply for a reduction in the period of parole ineligibility (the faint hope hearing process); and
- Expanding the use of victim impact information. All sentencing judges are required to inquire as to whether the victim has been advised of the VIS Program and the process for completing the statement. The judge can adjourn court for this purpose.



*Criminal Code* amendments specifically pertaining to the VIS Program include:

- 722.2 (1) “. . . The court shall inquire of the prosecutor or a victim of the offence . . . whether the victim or victims have been advised of the opportunity to prepare a statement . . . .”
- 722.2 (2) “. . . the court may adjourn the proceedings to permit the victim to prepare a statement . . . .”

The Saskatchewan VIS Program underwent further changes when Bill C-32 (*Canadian Victims Bill of Rights*) came into force on July 23, 2015. Bill C-32 covers victims of offences under the *Criminal Code*, the *Youth Justice Act*, the *Crimes Against Humanity and War Crimes Act*, and some offences under the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*.

Bill C-32 *Criminal Code* amendments specific to VIS's include:

- 672.49 (14) “A victim of the offence may prepare and file with the court or review board a written statement describing the physical or emotional harm, property damage or economic loss suffered by the victim as the result of the commission of the offence and the impact of the offence on the victim...”
- 722 (2) “As soon as feasible after a finding of guilty and in any event before imposing sentence, the court shall inquire of the prosecutor if reasonable steps have been taken to provide the victim with an opportunity to prepare a statement...”
- 722 (3) “On application of the prosecutor or a victim or on its own motion, the court may adjourn the proceedings to permit the victim to prepare a statement...if the court is satisfied that the adjournment would not interfere with the proper administration of justice.”
- 722 (5) “The court shall, on the request of a victim permit the victim to present the statement by...
  - (a) reading it in the presence and close proximity of any support person of the victim’s choice;
  - (b) reading it outside the court room or behind a screen or other device that would allow the victim not to see the offender...”

- 722 (6) “During the presentation  
(a) the victim may have with them a photograph of themselves taken before the commission of the offence if it would not, in the opinion of the court, disrupt the proceedings; or  
(b) if the statement is presented by someone acting on the victim’s behalf, that individual may have with them a photograph of the victim taken before the commission of the offence if it would not, in the opinion of the court, disrupt the proceedings.”
- 722 (7) “The victim shall not present the statement outside the court room unless arrangements are made for the offender and the judge or justice to watch the presentation by means of closed-circuit television or otherwise and the offender is permitted to communicate with counsel while watching the presentation.”
- 722 (8) “In considering the statement, the court shall take into account the portions of the statement that it considers relevant...and disregard any other portion.”

### **3. SASKATCHEWAN’S PROVINCIAL VIS PROGRAM**

#### **a. Legislative authority**

In accordance with Section 722 of the *Criminal Code*, an Order in Council provides Saskatchewan Ministry of Justice the authority and outlines the procedures for the VIS Program.

#### **b. Goals**

The intent of Saskatchewan's provincial VIS Program is to ensure that:

- Victims of offences and alleged offences wishing to should be given a real opportunity to complete a VIS.
- Victims of offences and alleged offences should be made aware of the potential consequences of their choice; and
- Victims of offences and alleged offences should be able to receive assistance in preparing their VIS.

### **c. Definition of a Victim**

For the purposes of the administration of the Saskatchewan VIS Program, and in accordance with the Bill C-32 (*Canadian Victims Bill of Rights*), following is the definition of “victim:”

**“Victim means a person against whom an offence has been committed, or is alleged to have been committed, who has suffered physical or emotional harm, property damage or economic loss as a result of the commission of the offence and includes a person who has suffered physical or emotional harm, property damage or economic loss as the result of the commission on an offence against any other person.**

This definition is intended to assist justice personnel in identifying persons to whom the VIS Program would apply.

### **d. Development of Saskatchewan's VIS Program**

- **VIS Working Group**

Saskatchewan Justice identified and coordinated a VIS Working Group for the development of the program in 1999. The process was collaborative. Representatives from many areas of the criminal justice system were involved.

The representatives that worked on the project were from:

- a. The three major urban police forces;
- b. The RCMP;
- c. Front line Victim Services;
- d. Social Services; and
- e. Saskatchewan Justice – Law Enforcement Services; Policy Planning and Evaluation; Victims Services Branch; Public Prosecutions; Court Services; and Corrections.

The VIS Working Group worked for several months on developing a VIS Program that would:

- Meet the needs of victims;
- Reduce the risk of further court delays relating to VIS; and
- Be relatively simple to administer.

- **VIS Implementation Team**

To ensure that those who would be involved in delivering the VIS Program were provided the necessary information and resources, a VIS Implementation Team was formed. The four implementation team members were seconded from community-based Victims Services funded agencies. During the first seven months that the VIS Program was in place, the VIS Implementation Team worked with communities to:

- Deliver training on the VIS Program;
- Answer questions;
- Provide expertise; and
- Address issues as they arose.

- **Bill C-32**

A similar collaborative model was used to implement changes to the VIS program in 2015, as a result of Bill C-32 (*Canadian Victims Bill of Rights*). Saskatchewan Ministry of Justice oversaw the implementation and continually monitors the VIS Program to ensure the intent of the legislation is followed.

- **Modelling the intent of the VIS Program**

The co-operative process of developing the VIS Program reflects the shared commitment of Saskatchewan Ministry of Justice and community agencies that victims have a voice in the criminal justice system.

The remainder of this VIS Program Guidelines Manual outlines the procedures used to ensure that victims are informed and assisted as appropriate if they wish to provide a VIS.

## **B. Victim Impact Statement - Statement on Restitution (VIS-SOR) form**

### **1. COMPLETING THE VIS-SOR FORM**

1. A Victim Impact Statement (VIS) is to be completed by the individual who has been identified as the victim of the offence.

In accordance with Bill C-32 (the *Canadian Victims Bill of Rights*), and for the purposes of the administration of the Saskatchewan VIS Program, the following definition of “victim” has been adopted:

**Victim means a person against whom an offence has been committed or is alleged to have been committed, who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of an offence and includes a person who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of an offence against any other person.**

This definition is intended to assist justice personnel in identifying persons to whom the VIS Program would apply.

2. Victim Impact Statements must be completed on the Saskatchewan Ministry of Justice VIS-SOR form available from the police, victim services program staff and on line.
3. Victims preparing a VIS for presentation to the Review Board or court in cases involving accused found not criminally responsible due to mental disorder or unfit to stand trial, must do so using the Saskatchewan Ministry of Justice VIS - Not Criminally Responsible (VIS-NCR) form available from the police and victim services.

4. Individuals preparing an impact statement on behalf of a community must do so using the Saskatchewan Ministry of Justice Community Impact Statement (CIS) available online.
5. Assistance in completing the Victim Impact Statement form may be provided. However, the VIS must be completed in the victim's own words, describing the harm done or the loss suffered as a result of the offence before the court or Review Board
6. The VIS form is to be signed by the victim.
7. Once the VIS form is completed by a victim, it is called a Victim Impact Statement (VIS).

## **2. ADMINISTRATIVE TASKS RE VIS FORMS**

1. Victim Impact Statement - Statement on Restitution (VIS-SOR) forms are provided by Saskatchewan Ministry of Justice and can be ordered as follows:
  - a. **RCMP** – through “F” Division Stores; available to RCMP in pad form;
  - b. **Municipal and military police services** – through Queen's Printer; available to police in pad form;
  - c. **Victims Services funded agencies** – through Saskatchewan Ministry of Justice Victims Services head office by using the Publications Request Form;
  - d. **Crown Prosecutors** – through Queen's Printer; and
  - e. **Corrections** – through Queen's Printer.
2. VIS-SOR and Community Impact Statement (CIS) forms are available online at:  
[www.saskatchewan.ca/victimsservices](http://www.saskatchewan.ca/victimsservices)
3. Victim Impact Statement - Not Criminally Responsible (VIS-NCR) forms are available from the police and victim services.

4. To ensure that a completed VIS can be placed on the correct file, all available identifying information should be recorded on the front of the VIS form in the space indicated, before giving the VIS form to a victim.

Identifying information includes:

- a. The date and location of the offence;
  - b. The investigating police service;
  - c. The police file number; and
  - d. Any other available identifying information (for example, name of the assigned prosecutor).
5. The VIS form should NOT be put on display in public areas. It should be given directly to victims only as defined above.

## **C. General justice personnel guidelines** (General guidelines for Police, Victims Services, Prosecutions, Corrections)

### **1. PROVINCIAL POLICY**

In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. GENERAL**

1. Section 722(2) of the *Criminal Code* requires a sentencing judge to ask the prosecutor whether reasonable steps have been taken to provide the victim with an opportunity to prepare and file a VIS. In accordance with Bill-C-32 (the *Canadian Victims Bill of Rights*), and for purposes of the administration of the Saskatchewan VIS Program, the following operational definition of “victim” has been adopted:

**Victim means a person against whom an offence has been committed, or is alleged to have been committed, who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence and includes a person who has suffered physical or emotional harm, property damage or economic loss as the result of an offence against any other person.**

This definition is intended to assist justice personnel in identifying persons to whom the VIS would apply.

2. The definition of “victim” found in section 2 of the *Criminal Code* continues to govern the admissibility of VIS.



### 3. PROCEDURE

1. All justice personnel will ask victims that they work with whether the victims have been told that they can prepare a VIS. If a victim has not been told, a VIS form will be given to the victim together with information as to where to return the completed VIS.
2. To ensure that a completed VIS can be placed on the correct file, all available identifying information should be recorded on the front of the form in the space indicated, before giving the VIS form to a victim. Identifying information includes:
  - a. The date and location of the offence;
  - b. The investigating police service;
  - c. The police file number; and
  - d. Any other available identifying information (i.e. name of the assigned prosecutor).
3. Where assistance is requested, justice personnel will provide that assistance or refer the victim to an accessible resource for assistance. When helping the victim, justice personnel will refer to the attached VIS Information Guide (Section J of this manual).
4. Justice personnel who provide information or assistance to victims about the VIS Program will promptly tell the police or crown prosecutor (as appropriate in the circumstances):
  - a. The name of the person they worked with;
  - b. When they talked to the victim;
  - c. What assistance was given; and
  - d. Whether the victim indicated any intention to prepare a VIS.
5. It is expected that a completed VIS will generally be returned to the investigating police service or affiliated victim services program. However, in some cases they will be returned to other justice personnel.

All justice personnel have an obligation to ensure that a misdirected VIS is forwarded to the appropriate destination.

Consequently, upon receiving a completed VIS, justice personnel will:

- a. Record the date and place that the VIS was received;
  - b. Update the identifying information; and
  - c. Forward the original VIS, or a photocopied or electronic version of the signed original, with appropriate transmittal information, to the appropriate police service or crown prosecutor's office for filing.
6. If justice personnel are unable to identify the right police or Crown file, the VIS, with accompanying transmittal information, will be forwarded to:

Victims Services Branch  
Saskatchewan Ministry of Justice  
610 - 1874 Scarth Street  
REGINA SK S4P 4B3  
Phone (306) 787-3500

7. If a victim indicates a VIS was prepared and sent in but it cannot be located, justice personnel can request that Saskatchewan Ministry of Justice Victims Services search their records to see if the missing VIS was sent to them.

## **D. Police guidelines**

### **1. PROVINCIAL POLICY**

In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. GENERAL**

1. Section 722(2) of the *Criminal Code* requires a sentencing judge to ask the prosecutor whether reasonable steps have been taken to provide the victim with an opportunity to prepare and file a VIS. Police are generally the first, and may be the only contact a victim has with the criminal justice system. Whenever possible, the police should give the victim this information.

### **3. PROCEDURES**

#### **a. Direct Contact**

1. When police have direct contact with victims, police will:
  - a. Tell the victims they may prepare and file a VIS;
  - b. Write the police file number, the date and location of the offence, and the investigating police service in the appropriate space on a VIS form; and
  - c. Give the victim that VIS - Statement on Restitution (VIS-SOR) form.
2. In order that prosecutors can quickly access this information for court purposes, police will record on the front page of the police report, or in an equally conspicuous place:
  - a. The name of the person who was advised;
  - b. The date the advice was given;
  - c. If a VIS-SOR form was given to the victim; and
  - d. Whether the victim indicated an intention to complete a VIS.

3. When the victim is experiencing extreme emotional and/or physical trauma, (as in cases of serious sexual assault, child abuse or homicide) and where the case may not be dealt with by the court for a lengthy period of time, it may not be appropriate for police to tell a victim about the VIS Program at the time of first contact.

Where the police determine it is not appropriate to give information on the VIS Program at first contact, they will ensure that the advice is given at a later date.

In deciding when and how to do so, they may wish to consult with local victim services agencies and/or the prosecutor.

4. Where appropriate, the police may also provide individuals with VIS - Not Criminally Responsible (VIS-NCR) and/or Community Impact Statement (CIS) forms or refer individuals to the nearest victim services program to receive these forms.
5. When a victim requires assistance in completing a VIS:
  - a. Where a victims services program or another appropriate community resource is available, police will refer the victim to that program; or
  - b. Where no resources are available, police may be required to provide additional information or assistance. When providing assistance police will refer to the attached VIS Information Guide (See Section J of this manual).

## **b. Telephone Contact**

1. Where the complaint is phoned in and there will be no face-to-face contact with the victim, the report taker will tell the caller:
  - a. That the victim may prepare and file a VIS;
  - b. Where the victim may obtain a VIS-SOR or VIS-NCR form; and
  - c. Where the victim may obtain further information and assistance in completing the VIS-SOR or VIS-NCR form.
2. The report taker will record on the front page of the police report, or in an equally conspicuous place:

- a. The date and the name of the person who was advised; and
  - b. Whether the victim indicated an intention to complete a VIS.
3. Report takers will refer individuals requesting VIS-NCR and/or CIS forms to the nearest police service or victim services program.

**c. Return, retention and forwarding of Victim Impact Statements**

1. Police will document the date they receive the completed VIS.
2. Police will identify the corresponding police file and place the original VIS, or a photocopied or electronic version of the signed original in it.
3. If police are unable to identify the corresponding police file, the VIS will be forwarded to:

Victims Services Branch  
Saskatchewan Ministry of Justice  
610 - 1874 Scarth Street  
REGINA SK S4P 4B3  
(306) 787-3500

4. Once a charge has been laid, police will forward the VIS to the prosecutor.
5. Where a charge has already been laid at the time the VIS is received, police will immediately forward the VIS, with accompanying follow-up report, directly to the prosecutor.
6. Police will document the date they forwarded the VIS to the prosecutor.
7. When they become aware of any special arrangements needed for the victim to be able to present the VIS to the court, police will immediately inform the prosecutor, e.g., translation services, support person, screen, audio-visual equipment.

8. Police may wish to make a copy of the VIS for retention in the police file.

**d. Disclosure of a VIS**

1. A VIS is subject to disclosure. The VIS will be disclosed by the Prosecutor, or where appropriate, by the prosecuting police service.

**e. Filing a VIS**

1. The Prosecutor, or where appropriate, the prosecuting police service, will file the VIS with the court or Review Board only after a finding of guilt is made, or where the accused is found not criminally responsible on account of mental disorder or unfit to stand trial.

## **E. Victim Services guidelines**

### **1. PROVINCIAL POLICY**

1. In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. PROCEDURE**

1. Victim services personnel will ask victims they contact whether the victims have been told that they may provide a VIS or a VIS - Not Criminally Responsible (VIS-NCR) to the court or Review Board.
2. If the victim requires a VIS or VIS-NCR form, victim services personnel will provide one and write the following information on the appropriate space on the form:
  - a. The police file number;
  - b. The date and location of the offence;
  - c. The investigating police service; and
  - d. Any other available identifying information (e.g., assigned prosecutor).
3. Victim services personnel will record on the front page of the client file, or in an equally conspicuous place:
  - a. The date and name of the victim who was told about the VIS;
  - b. Whether a VIS or VIS-NCR form was given to the victim; and
  - c. Whether the victim indicated an intention to complete a VIS.
4. When providing assistance to a victim in completing a VIS, victim services personnel will refer to the attached VIS Information Guide (see Section J of this manual).
5. Victim services personnel will identify complex or sensitive cases and provide support as necessary.

6. Upon receiving a completed VIS or VIS-NCR victim services personnel will;
  - a. Review the identifying information on the VIS and add any other identifying information;
  - b. Determine which police service investigated the crime;
  - c. Forward the VIS to that police service; and
  - d. Document the date the VIS was received by victim services and forwarded to the police.
  
7. When they become aware of same, victim services personnel will inform the prosecutor of any special arrangements needed for the victim to be able to present the VIS to the court (e.g., translation services, support person, screen, audio-visual equipment).
  
8. Victim services personnel will assist the prosecutor in contacting the victim to determine if the victim intends to complete a VIS.
  
9. If victim services personnel are unable to identify the corresponding police file, the VIS will be forwarded to:

Victims Services Branch  
Saskatchewan Ministry of Justice  
610 - 1874 Scarth Street  
REGINA SK S4P 4B3  
(306) 787-3500



## **F. Crown Prosecutors guidelines**

### **1. PROVINCIAL POLICY**

1. In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. GENERAL**

1. Section 722(2) of the *Criminal Code* requires a sentencing judge to ask the prosecutor whether reasonable steps have been taken to provide the victim with the opportunity to prepare and file a VIS. If there is no information that the victim was given the opportunity, on application of the prosecutor or a victim, or on its own motion, the court may adjourn the matter to allow the victim to be advised. Crown prosecutors must be in a position to answer the court's questions.

### **3. PROCEDURES**

1. The prosecutor will be responsible for determining whether the victim has been advised that he or she may prepare and file a VIS. Generally that information will be on the court file.
2. The prosecutor may consult with police and local victims services, as appropriate, to determine whether the victim has been advised of the VIS Program and whether the victim intends to complete the VIS.
3. The prosecutor will ask victims they contact whether or not they have been told that they may provide a VIS to the court. If they have not, the prosecutor will provide the victim with a VIS form.

4. Where appropriate, the prosecutor may also provide individuals with a VIS - Not Criminally Responsible (VIS-NCR) form or refer them to the nearest police service or victim services program.

Individuals asking about providing a Community Impact Statement (CIS) may be referred to [www.saskatchewan.ca/victimsservices](http://www.saskatchewan.ca/victimsservices) for the online form or referred to the nearest police service or victim services.

5. When victims request assistance in completing a VIS they will be referred to the local victim services program or to another appropriate community resource. Prosecutors will refer to the attached VIS Information Guide (see Section J of this manual) when providing assistance to victims.

6. The prosecutor, or when appropriate the prosecuting police service, will ensure that the appropriate disclosure of the VIS is made.

A VIS will be filed with the court or Review Board by the prosecutor or prosecuting police service only after a finding of guilt has been made or where the accused is found not criminally responsible on account of mental disorder or unfit to stand trial.

7. Section 722(5) states that, on request, victims may be permitted to present their VIS by:
  - a) reading it;
  - b) reading it in the presence and close proximity of a support person of the victim's choice;
  - c) reading it outside the court room or behind a screen or other device that would allow the victim not to see the offender; or
  - d) presenting it in any other manner that the court considers appropriate.

The victim shall not present the VIS outside the court room unless arrangements are made for the offender and the judge or justice to watch the presentation by means

of closed-circuit television or otherwise and the offender is permitted to communicate with counsel while watching the presentation.

8. The Prosecutor will advise Court Services as soon as possible if special arrangements are required to introduce the VIS to the court (e.g., translation services, support person, screen or audio/video equipment).

## **G. Clerk of the Court guidelines**

### **1. PROVINCIAL POLICY**

1. In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. PROCEDURES**

1. The prosecutor will file a VIS after a finding of guilt has been made.
2. If someone other than the prosecutor seeks to file a VIS, the clerk will refuse to accept the VIS for filing and will direct that person to the local crown prosecutor's office.
3. Where an individual other than the prosecutor provides a completed VIS-Statement on Restitution (VIS-SOR), the VIS and SOR forms will be separated. The clerk will add the SOR to the appropriate court file or files (in cases involving more than one accused). The VIS portion will not be accepted. The individual will be directed to the local crown prosecutor's office to submit the VIS.
4. The VIS will be filed with the court clerk at the time of sentencing.

## **H. Community Corrections and Young Offenders Services staff guidelines**

### **1. PROVINCIAL POLICY**

1. In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

### **2. GENERAL**

1. Where staff have a copy of a VIS that has been filed with the court, staff will consider the VIS in making case management decisions.
2. Staff will consider any VIS when preparing reports for the court.

### **3. PROCEDURES**

1. Community corrections/young offenders services staff will develop a protocol or agreement with Court Services for the provision of copies of any VIS that has been considered by a sentencing court.
2. When preparing a PSR/PDR the author of the report will contact the assigned prosecutor to determine if a VIS will be filed with the court. Where a VIS is to be filed, a copy of the report should be obtained. The existence of a VIS does not preclude reference in the PSR/PDR to victim impact information.
3. Where appropriate, authors of a PSR/PDR will tell victims they contact that victims may prepare and file a VIS.
4. If the victim indicates that he or she wishes to provide a VIS, that information will be communicated to the prosecutor and the victim referred to the prosecutor for further information. The victim will be told to give the completed VIS to the prosecutor.

# **I. Institutional Correctional and Young Offenders Services staff guidelines**

## **1. PROVINCIAL POLICY**

1. In accordance with the requirements of the *Criminal Code*, victims will be told that they may prepare and file a Victim Impact Statement (VIS).

## **2. GENERAL**

1. Where staff have a copy of a VIS that has been filed with the court, staff will consider the VIS in making case management decisions.

## **3. PROCEDURES**

1. Institutional correctional/young offenders services staff will develop a protocol or agreement with Court Services for the provision of copies of any VIS that has been considered by a sentencing court.

## **J. Information Guide**

### **1. INFORMATION THAT MUST BE PROVIDED TO VICTIMS**

1. Only a victim can decide whether or not to complete a Victim Impact Statement (VIS).
2. The court will consider the VIS at the time of sentencing. VIS - Not Criminally Responsible (VIS-NCR) will be considered at Review Board hearings in cases where the accused is found not criminally responsible on account of mental disorder or unfit to stand trial.
3. The court or Review Board will take into account the portions of the VIS that it considers relevant and disregard the other portion.
4. Victims should be aware of the following regarding the VIS:
  - a. A copy will be given to the accused and the defence lawyer. This is called disclosure and is required by law.
  - b. The VIS will be filed with the court only after a finding of guilt is made.
  - c. Once a VIS is filed with the court it becomes a public document.
  - d. The VIS will be seen by many persons responsible for the administration of justice. For example, it may be referred to by:
    - i. The prosecutor when preparing for bail hearings and prior to sentencing;
    - ii. Probation staff when supervising probation orders: and/or
    - iii. Corrections staff when making decisions about the release of an offender from jail.
  - e. Victims who testify at a preliminary hearing, trial or sentencing hearing may be asked questions about their VIS.

5. The victim may update a VIS at any time prior to sentencing by contacting the police or prosecutor.
6. Victims may read their VIS in court, or present the VIS in any other manner that the court approves of including:
  - a) in the presence and close proximity of a support person of the victim's choice; or
  - b) outside the court room or behind a screen or other device that would allow the victim not to see the offender.

Victims may not present their VIS outside the courtroom unless arrangements are made for the offender and the judge or justice to watch the presentation by means of closed-circuit television or otherwise, and the offender is permitted to communicate with counsel while watching the presentation.

Court Services should be advised as soon as possible if special arrangements are required to introduce the VIS to the court (e.g., translation services, support person, screen or audio/video equipment).

7. A victim who wishes to give a VIS but who cannot provide a written statement in English or French should discuss this with the police, victim services or the prosecutor. In some cases, it may be possible for the statement to be recorded and presented in a different manner.

## **2. HOW TO COMPLETE A VIS**

1. A Victim Impact Statement (VIS) is about the victim and should describe how the crime has affected the victim.
2. A VIS must be completed in the victim's own words describing the physical and/or emotional harm, property damage and economic loss suffered as a result of the commission of the offence and the impact of the offence on the victim.
3. Victims should identify, in the VIS, their relationship to the offence and/or to other victim(s) of the offence.



4. Suggestions about the sentence should be included only with permission from the court.
5. A VIS may contain concerns about probation conditions. For example, it may be important to state whether the victim does or does not want contact with the accused.
6. With permission of the court, the victim may have with them a photograph of themselves (or the victim if someone is acting on behalf of the victim) taken before the commission of the offence when presenting their VIS.
7. A VIS should not contain complaints about the justice system and how the case was handled.
8. A VIS must be legible (readable).

### **3. COMMUNITY IMPACT STATEMENT (CIS)**

1. Individuals, on a community's behalf, may prepare and present a CIS describing the harm or loss suffered by the community as the result of the commission of the offence and the impact of the offence on the community.
2. The CIS will be filed with the court only after a finding of guilt is made.
3. The court will consider the CIS at the time of sentencing.
4. On request, the individual may be permitted to present the CIS by:
  - a) reading it;
  - b) reading it in the presence and close proximity of a support person of the victim's choice;
  - c) reading it outside the court room or behind a screen or other device that would allow the victim not to see the offender; or
  - d) presenting it in any other manner that the court considers appropriate.

The individual shall not present the CIS outside the courtroom unless arrangements are made for the offender and the judge or justice to watch the presentation by means of closed-circuit television or otherwise, and the offender is permitted to communicate with counsel while watching the presentation.

5. Court Services should be advised as soon as possible if special arrangements are required to introduce the VIS to the court.
6. Individuals should be aware of the following regarding the CIS:
  - a. The CIS is subject to disclosure;
  - b. The CIS will be filed with the court only after a finding of guilt is made and, once filed it becomes a public document; and
  - c. The CIS may be seen by many persons responsible for the administration of justice.