

Manitoba Victim Impact Statement Overview

What is a Victim Impact Statement?

As a victim of crime, you have a right to submit a Victim Impact Statement to the court. It is your way to tell the court how the crime has affected you. The statement is your description of the emotional, physical and financial harm the crime has had on you.

Your statement will not be used in deciding guilt or innocence. However, the judge may consider it when sentencing a guilty party.

Who may make a Victim Impact Statement?

Any victim of crime may prepare a statement. If the victim is deceased or is incapable of providing a statement, a spouse, a relative or a guardian may do it. If the victim is a minor, the child's parent or legal guardian may complete a statement on their behalf. Business owners whose businesses have been affected by crime may also prepare a statement.

Someone else may help you write your statement, as long as only your **thoughts and feelings** are written down.

When should I write my Victim Impact Statement?

You should write and forward your statement to the Crown attorney's office after a **charge is laid**, but before sentencing.

What happens to my Victim Impact Statement after I submit it?

Once your statement has been submitted, the content of your statement will be reviewed. Your statement will then be disclosed. Disclosure means that the Crown attorney must forward a copy of your Victim Impact Statement to the offender and/or the offender's lawyer.

Upon a finding of guilt, but before sentencing, the Crown attorney will file your statement with the clerk of the court. At this time, the offender's lawyer may wish to and is allowed to cross-examine you on comments you have made in your Victim Impact Statement.

Do I have to make a Victim Impact Statement?

No. It is your choice whether or not to make a statement.

Will anyone else see my statement?

Yes. The Victim Impact Statement is not confidential. Once the statement is filed in open court it becomes a public document and may be entered as an exhibit. Discussions of the content of your statement may be presented and recorded on the court record.

Any request by the media or a member of the general public for an actual copy of your Victim Impact Statement will go before a judge who will decide if the request will be granted. The criminal justice personnel in charge of processing your statement will also know the content of it.

Can I add to my Victim Impact Statement?

Yes. You can submit a second impact statement that will be attached to your original statement. The original statement cannot be taken back or changed once it has been filed with the court.

You can keep notes about how the crime continues to affect you and include the information in your update.

Is there information that I should not put in my statement?

Yes. You should not comment on the details of the offence or say what sentence the judge should impose. You should not add any statements about offences for which the offender was not convicted or any unproven allegations. You should not criticize the offender, the judge, the Crown attorney or the defence lawyer. Such comments may cause the court to refuse your statement. Your statement is only about the effect the crime has had on you.

How will my statement be presented to the court?

The Crown attorney will file your Victim Impact Statement with the court. The court clerk will distribute your statement to the judge after the accused has been found guilty but before sentencing.

Can I read my statement in court?

Yes. You can tell the Crown attorney if you want to present your statement aloud to the court. You may bring a photo of the victim to court. When you read your statement, you cannot change or add to it in any way. In some situations, such as when you are unable to attend court, the judge may let you read your statement in another way that the court considers appropriate. This might include a video or audio recording.

Can a Victim Impact Statement be filed at other hearings?

Yes. Where an accused person is found not criminally responsible because of a mental disorder, a court or Review Board will deal with the accused. As a victim, you may file your statement with the court or Review Board.

The Parole Board of Canada can also consider a Victim Impact Statement at a parole hearing.

Where can I get a Victim Impact Statement form?

The forms are available on line at <https://www.gov.mb.ca/justice/vs/impact.html> or from a Victim Services Worker.

For more information, or help in preparing a Victim Impact Statement, please contact a Victim Services Worker at Manitoba Justice Victim Services.

Winnipeg 204-945-6851

Toll free 1-866-484-2846

PROSECUTIONS OFFICES

Send your completed Victim Impact Statement to the Manitoba Prosecution Service office in your area.

WINNIPEG

5th Floor – 405 Broadway
Winnipeg, MB R3C 3L6
Ph: 204-945-2852
Fax: 204-945-1260

THE PAS

300 – 3rd Street
The Pas, MB R9A 1M5
Ph: 204-627-8444
Fax: 204-623-5256

BRANDON

204 – 1104, Princess Ave.
Brandon, MB R7A 0P9
Ph: 204-726-6013
Fax: 204-726-6501

DAUPHIN

201 – 101 1st Ave NW
Dauphin, MB R7N 1G8
Ph: 204-622-2082
Fax: 204-638-4004

THOMPSON

Box 13 - 59 Elizabeth Drive
Thompson, MB R8N 1X4
Ph: 204-677-6766
Fax: 204-677-6516

PORTAGE LA PRAIRIE

200 – 25 Tupper Street N.
Portage La Prairie, MB
R1N 3K1
Ph: 204-239-3343
Fax: 204-239-3136