

VICTIM OF CRIME HANDBOOK

ENGLISH



PEACE REGIONAL
ictim SERVICES

780-624-6626

“Crossing the Cultural Divide”

Information for Immigrants and Refugees on Services for Victims of Crime

In Canada, everyone is protected by law and has certain rights, regardless of ethnicity, culture, race, gender or religion. For those who have been impacted by crime, programs and services are available to assist them. Some immigrants and refugees may not be aware of support systems and may face cultural and language barriers when they try to access relevant services. This handbook was developed to help break down barriers, reduce isolation and build relationships between immigrant and refugee communities and the system of support.

This handbook is also available in:

Amharic, Arabic, Chinese (simplified and traditional versions),
French, Kiswahili, Kurdish, Punjabi, Somali, Spanish,
Tigrigna, Vietnamese

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Why Read this Handbook?

This handbook is meant to help immigrants and refugees who are the victims of crime, as well as those who seek to assist them. It is also to help cross "the cultural divide" between immigrant and refugee communities and supportive programs and systems by providing information about services for victims. Because of language and cultural barriers, immigrant and refugee victims may not be aware of programs and may face additional challenges when involved in the criminal justice system. This handbook describes programs, services and opportunities to assist victims of crime.

A victim of crime is a person who suffers as a result of a crime. Anyone can become a victim of crime and there is nothing to be ashamed of. Crime is an act punishable by law because society considers it harmful.

In interacting with the justice system, a victim will encounter a number of professionals each step along the way. They include police, individuals in victim service programs, the defence lawyer, the Crown prosecutor, the judge and others. The following is a brief description of their roles in relation to the victim of crime:

1. The police are the most visible part of the criminal justice system in Canada. Because of prior experiences, some refugees and immigrants may be afraid to report a crime to the police. The police and the legal system are here to help and enforce laws. Laws are not set up as tools of oppression. **In Canada, the laws are set up to protect people.**
2. Police-based Victim Services Units; see page eight.
3. Community-based Victims Assistance Programs; see page eight.
4. Defence lawyers represent the accused.
5. Crown prosecutors are lawyers who represent the public. They are not the victim's lawyer but someone who proves the points of the case in court.

The Immigrant (Newcomer) Experience

No matter how long they have been in Canada, when you ask any immigrant or newly-arrived family to describe the first few days here, the family vividly remembers their first moments. These moments stay in their minds because it brings them back to a time of great uncertainty.

Families immigrate to Canada by choice or are compelled by circumstances. Many experience an astounding array of emotions when they first arrive in Canada. As families move from the initial first days of migration, they can often remember their losses and struggles.

In many cases, a family faces the challenge of daily survival; looking after basic needs for themselves and their children. Looking for a job is a priority but it is very difficult. They may learn that the credentials from their homeland are not recognized in Canada. Many new stressors emerge for the family. Understanding and showing empathy for immigrants and refugees can help to alleviate the many difficulties they experience. Ensuring that adequate resources are available for newcomers is helpful.

Victims of crime or tragedy who are new to Canada face additional pressures. They are likely to be in an unfamiliar environment and may face language and culture barriers when proceeding through the justice system.

The next section describes what to do if you become a victim of a crime, such as:

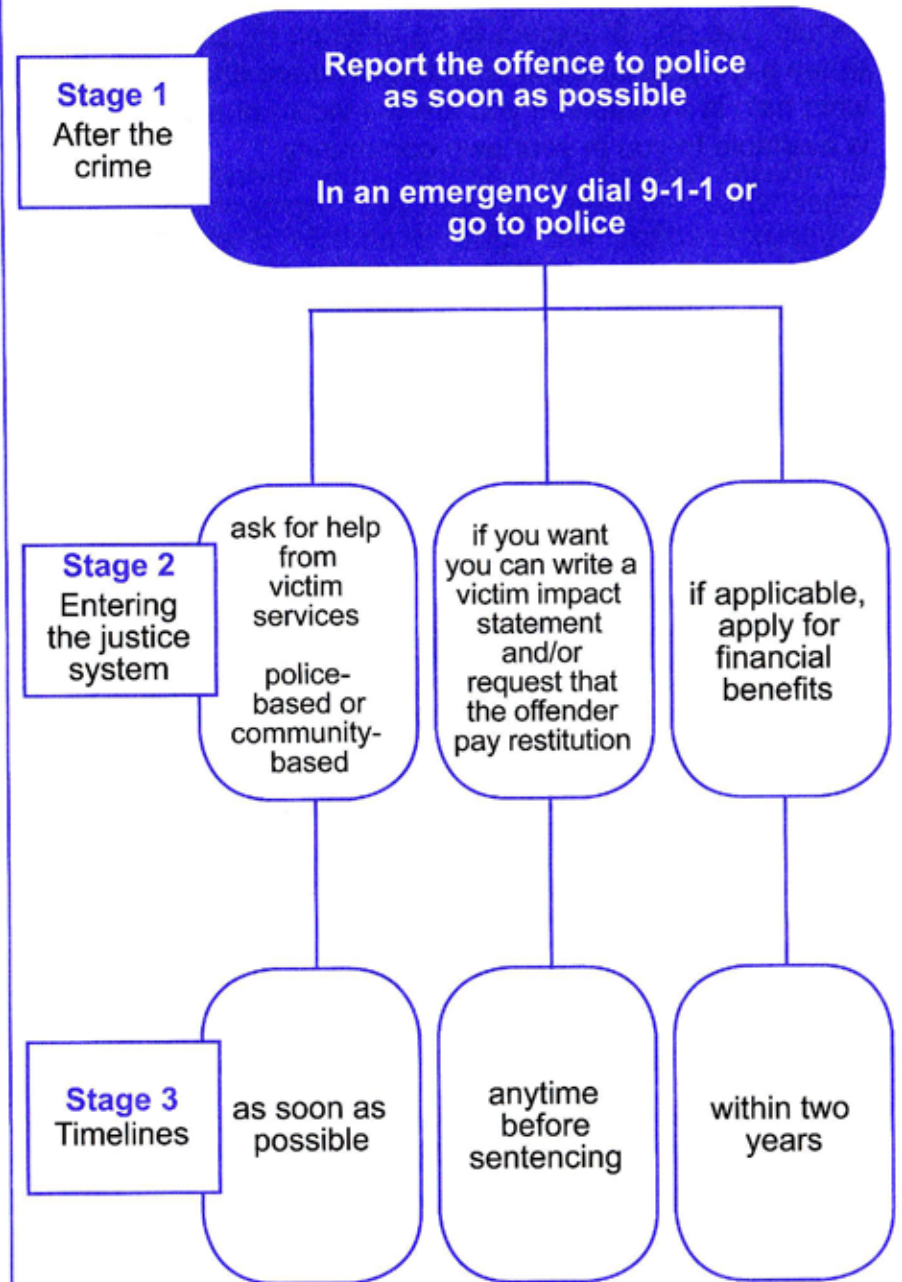
- If something is stolen from you.
- If you are threatened.
- If you are harassed or subjected to racial hate speech.
- If you are physically or sexually assaulted (even by your spouse or family members).

The above behaviours are wrong! If you are the victim of such behaviour, programs and services are available to help you.

After the Crime (Stage 1)

- In an emergency situation, dial 9-1-1 and give as much information about what happened as possible.
- In a non-emergency, go to your nearest police service or Royal Canadian Mounted Police (RCMP) detachment to report that a crime has taken place. You will be asked to provide a witness statement. Ask for your file number and the business card of the person helping you.
- You may ask for an interpreter. In larger communities you may be able to ask for a police member who speaks your language.
- If you would feel more comfortable, and if one is available, request a police member who is of a certain gender (male or female).
- Consider bringing someone you trust with you. You may need some interpretation or someone to listen with you and obtain information about the process.
- You may also request assistance from police-based or community-based victim services.
- In some police services, a domestic violence unit exists. This unit is made up of a police officer and social worker who assist in cases of domestic violence. Domestic violence refers to violent or criminal acts within the home, usually by family members who hurt other family members. Such behaviour is against the law in Canada.

Options After a Crime has been Committed



Entering the Justice System (Stage 2)

We often think of crime as something that happens to other people. We do not expect to be affected by crime ourselves. When a crime occurs that affects us, we are often unsure as to what help is available. If you are the victim of a crime, support is available to you in your own community.

VICTIMS OF CRIME ACT 2004 PRINCIPLES

The *Victims of Crime Act* is legislation or law in the province of Alberta that governs how victims of crime receive services and information. It also includes the following principals as to how victims should be treated:

Section 2(1) The following principles apply to the treatment of victims:

- (a) victims should be treated with courtesy, compassion and respect;
- (b) the privacy of victims should be considered and respected to the greatest extent possible;
- (c) all reasonable measures should be taken to minimize inconvenience to victims;
- (d) victims should promptly receive, in accordance with this Act and the regulations, financial benefits for the injuries that they have suffered;
- (e) the safety and security of victims should be considered at all stages of the criminal justice process, and appropriate measures the victims from intimidation and retaliation should be taken when necessary;
- (f) information should be provided to victims about the criminal justice system and the victim's role and opportunities to participate in criminal justice process;
- (g) information should be provided to the victims, in accordance with prevailing law, policies and procedures, about the status of the investigation, the scheduling, progress and final outcome of the proceedings and the status of the offender in the correctional system;
- (h) information should be provided to victims about victims assistance services, including the Victim Impact Statement Program, requesting restitution, means of obtaining financial reparation and other assistance and programs;
- (i) the views, concerns and representation of the victims are an important consideration in criminal justice processes and should considered in accordance with prevailing law, policies and procedures;
- (j) the needs, concerns and diversity of victims should be considered in the development and delivery of programs and services and in related education and training;
- (k) information should be provided to victims about available options to raise their concerns when they believe that these principles have not been followed.

People in the criminal justice system are committed to honouring these principles.

Programs and Services

Police-based Victim Services Units

Victim Services Units are often located within police buildings. These units follow-up after the police visit and support the victim as their case goes through the criminal justice system.

Victim advocates work within the justice system and provide information, assistance, referrals and support. They can assist victims through the police investigation and any criminal proceedings that may result from the crime. Services may vary. For more information, contact your local police service or RCMP.

Community-based Victim Assistance Programs

These are specialized programs and projects that benefit victims during the justice process, usually run by community agencies. They may receive help from police in finding out how to best assist victims.

For a listing of police-based and community-based victim assistance programs and community resources visit: www.victims.alberta.ca or contact:

Alberta Solicitor General and Public Security, Victims Services

10th Floor, J.E. Brownlee Building
10365 – 97 Street, Edmonton, AB T5J 3W7
Telephone: 780-427-3460
Fax: 780-422-4213

Outside of Edmonton: dial 310-0000 (ask for Victims Services)

Contact your local Victim Assistance Program for a copy of the:

- Victim Impact Statement Form
- Financial Benefit Application Form
- Requesting Restitution Form

Victim Impact Statement Program

A Victim Impact Statement is a legal document the victim of a crime writes for the judge in a court case. You have the right to fill out a Victim Impact Statement describing how the crime has affected you and the people close to you. You do not have to write one — it is up to you. You may have someone help you prepare the statement, but this statement should show how you have been affected by the offence, and has to be **in your own words**. The purpose of the statement is to allow you to participate in the criminal justice system by explaining how the offence has affected your life and to assist the court and the offender to understand the impact of the crime on the victim.

TIPS:

- **Do not include** any information about the incident (crime) itself, comments or criticisms of the offender, or any recommendations about how long the sentence should be.
- If it makes it easier for you, write the statement in your own language. A Victim Impact Statement can be written in the **language of your choice** and will be translated by a court-appointed translator.
- If you cannot write the statement, then someone else can write it for you. If someone else is writing the statement then it must be written exactly as you would say the information. The person writing the statement must then sign the form and indicate their relationship to you.
- If the crime has affected other individuals close to you, for example family members, the person affected by the crime can also write a Victim Impact Statement.

Victim Impact Statement Program Continued...

REMEMBER:

- Keep a copy of your completed Victim Impact Statement. Your Victim Impact Statement can be updated if your situation changes.
- Return your completed Victim Impact Statement to the Clerk of the Court at the courthouse.
- The Victim Impact Statement is only one of many factors considered by the judge.
- It is important to know that a Victim Impact Statement is only opened in court if there is a **conviction** (if the accused is found guilty) and read at the time of sentencing. **Victims have an opportunity to read or have the Victim Impact Statement read at the time of sentencing.**
- If the accused is found guilty and sentenced to custody, your Victim Impact Statement will be forwarded to correctional authorities to consider in the offender's release decisions.
- The Victim Impact Statement is also forwarded to probation offices and the Alberta Review Board (for offenders who have been found "not criminally responsible" on account of mental disorder).

For more information:

Victim Impact Statement forms are available through your local police service, Victim Services Units, Victim Assistance Programs or by contacting:

Alberta Solicitor General and Public Security, Victims Services
10th Floor, J.E. Brownlee Building
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Requesting Restitution Program

Restitution is a way for the offender to repay you for the loss you have suffered. To apply for restitution you are required to complete a Request for Restitution form provided by the police. The completed form must be returned to the police as quickly as possible. The police will send your form to the crown prosecutor who will determine whether or not your application is made to the court.

Complete the Request for Restitution form as soon as possible after you have completed the witness statement.

The judge decides if restitution will be granted. Restitution can only be considered by the court when there is a conviction.

The judge may order restitution as a result of a crime that includes: damage, destruction, loss of property, bodily and psychological harm (loss of income or support), expenses incurred in moving out of the offender's house and losses incurred by unknowingly purchasing or lending money on stolen property.

If the criminal court does not or cannot grant restitution or you are unsatisfied with the amount of restitution granted you may pursue the matter in civil court.

For more information:

Alberta Solicitor General and Public Security, Victims Services
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Outside of Edmonton: dial 310-0000 (ask for Victims Services)

The Victim Services Unit or the police officer investigating your case should provide you with a Request for Restitution form. If a Request for Restitution form is not given to you, please ask for one.

Financial Benefits Program

The Financial Benefits Program recognizes or acknowledges victims who were injured as a direct result of a **violent** crime in Alberta. The program provides money based on the severity of the victim's injuries. The benefit amount is set in regulation to the *Victims of Crime Act*.

The Financial Benefits Program does not pay compensation for costs or losses. For example, it does not cover property damage, medical expenses, funeral costs, loss of wages or pain and suffering. Victims may seek restitution or take civil action for the recovery of costs or losses from the offender.

You may be eligible for Financial Benefits if:

- You have suffered physical or emotional injury as a direct result of being the victim of a violent crime that occurred in Alberta.
- The crime was reported to police within a reasonable period of time and you cooperated with the investigation into the incident.
- The application for Financial Benefits is received no more than **two years** after the date of the incident.
- You authorize the Financial Benefits program to make inquiries and obtain the information necessary to make a decision on the application.

Financial Benefits Program Continued...

If the crime results in death, a surviving family member or any other person acting on behalf of the deceased may apply for a death benefit.

In the case of victims who are children or significantly incapacitated adults, a guardian or someone acting on the victim's behalf may apply.

Individuals who are not eligible for Financial Benefits include: someone who is charged and convicted of an offence as a result of the incident, secondary victims (family members or witnesses to the crime) and victims of motor vehicle or property offences such as impaired driving or break and enter.

Each application is different so the time it takes to provide a response can vary.

If you are not granted Financial Benefits and you wish to appeal, there is a review process. The Criminal Injuries Review Board is an appointed board with the authority to conduct independent reviews of Financial Benefits decisions.

For more information:

Application forms are available from the Financial Benefits Program 780-427-7217, through the local Victim Service Unit or through the Government of Alberta Website www.victims.alberta.ca

Outside of Edmonton: dial 310-0000 (ask for Victims Services)

Glossary of Terms

adjournment	to postpone or suspend proceedings for a specified time
appeal	procedure by which case is brought from lower to higher court (or committee) for revised ruling or rehearing
application	request; petition; a form used when asking for something
authorization	formal legal power (authority)
civil justice system	involves property, financial matters, contracts, personal injury and damages. Issues can arise between citizen vs. citizen. There are only 6 jurors
confidential	imported in confidence; secret; information not to be shared or made public
conviction	the act or process of being held responsible for a crime especially in a court of law
court-appointed translator	a person who will help you by telling you what is happening in your language of choice
crime	an act or omission of an act punishable by law
criminal justice system	the network of courts that deals with criminal law and enforcement
Crown prosecutor	one who practices law and represents the public
defence lawyer	one who practices law and represents the accused person or persons in court
emergency	an unforeseen combination of circumstances or the resulting state that calls for immediate action
evidence	a fact or body of facts on which a proof, belief, or judgment is based
file	to start (as a legal action) through proper paper work / formal procedure

Glossary of Terms Continued

guardian	someone who can legally manage the affairs of a minor or incompetent person
guilty	justly chargeable with or responsible for a grave breach of conduct or a crime
handbook	a small guidebook or manual
incident	an action likely to lead to grave consequences
impact	a significant or major effect
injury	an act that damages or hurts: violation of another's rights for which the law allows an action to recover damages
judge	a public official authorized to decide questions brought before a court
law	body of recognized rules of conduct and order
legislate	to perform the function of legislation; specifically to make or enact laws
offence	a wrong doing punishable by law
police	the government department charged with prevention, detection, and prosecution of public nuisances and crimes
programs	any prearranged plan or course
punish	to impose a penalty for a fault, offence, or violation
physical injury	inflicting physical discomfort or hardship: Inflicting pain or distress
regulation	an authoritative rule dealing with details or procedure
restitution	a making good of or giving an equivalent for some injury
sentence	how the judge decides to punish the offender
services	assistance or benefit afforded another

Glossary of Terms Continued

social worker	a support worker; someone who provides counseling, referrals and assistance
subpoena	written notice that tells you when and where to come to court
threat	an expression of intent to inflict injury, or damage
trial	the examination before a judge and/or jury where the facts or law involved in an issue are examined in order to determine the issue
victim	someone who is subjected to oppression, hardship, or mistreatment
victim services	programs or support offered to the person who was hurt by the crime
witness statement	oral or written testimony given by a person who was the victim of a crime

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