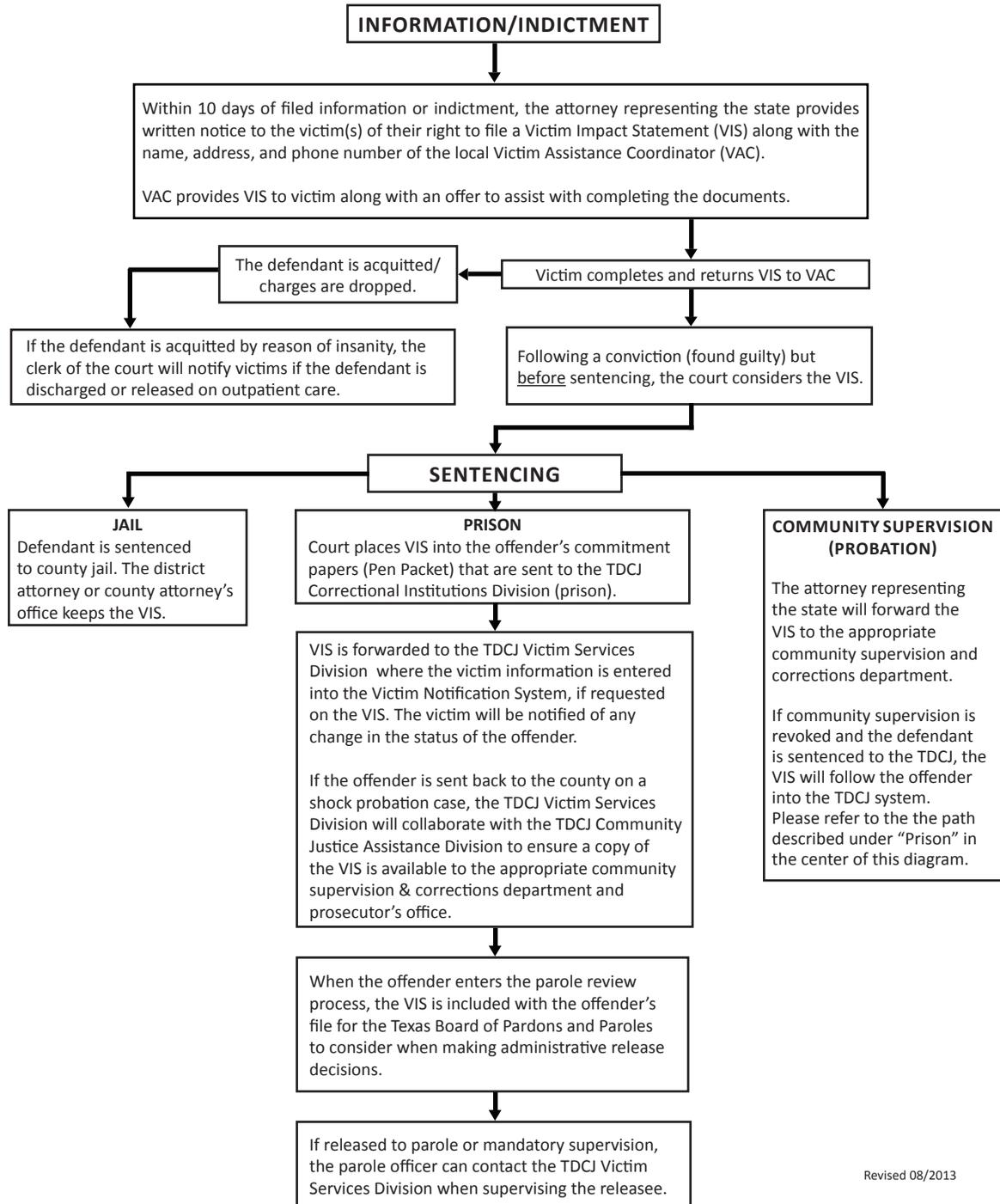


HOW IS THE VICTIM IMPACT STATEMENT USED IN THE CRIMINAL JUSTICE PROCESS?



INFORMATION REGARDING THE VICTIM IMPACT STATEMENT AND YOUR RIGHTS

IT'S YOUR VOICE



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Any changes made should be brought to the attention of the Texas Crime Victim Clearinghouse.



For more information about the Victim Impact Statement, please contact the Victim Assistance Coordinator in your prosecutor's office or the Texas Crime Victim Clearinghouse at 800-848-4284 or by email at tdcj.clearinghouse@tdcj.state.tx.us.

In regard to confidential information, please see the *Texas Government Code*, Section 552.1325 and the *Texas Code of Criminal Procedure*, Article 56.09.

TxCVC

TEXAS CRIME VICTIM
CLEARINGHOUSE

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
VICTIM SERVICES DIVISION

WHAT IS THE VICTIM IMPACT STATEMENT?

The Victim Impact Statement (VIS) is a detailed account of the emotional/psychological, physical, and financial impact of the crime on the victim and family members. This document can be used to explain your feelings such as loss, frustration, fear, and/or anger. Only **you** can provide this vital information. This is the **victim's** opportunity to relate the impact of the crime to key decision makers throughout the criminal justice system.

WHO CAN PROVIDE A VIS?

Texas law allows victims of sexual assault, kidnapping, aggravated robbery, trafficking of persons, injury to a child, elderly individual or disabled individual, or victims who have suffered personal injury as a result of the criminal conduct of another to submit a VIS. Close relatives of deceased victims and guardians of victims may also exercise this right and submit a VIS.

After the defendant has been indicted, the Victim Assistance Coordinator (VAC) in the prosecutor's office has the responsibility to provide a VIS form to victims and survivors. After completing the VIS, please return it to your VAC, who will then send it to the prosecutor. The prosecutor will then provide it to the court for consideration in making decisions about the defendant. Please note that the VIS is not a legal document; it is not an affidavit and does not need to be notarized.

WHO WILL CONSIDER THE VIS?

DURING THE TRIAL PHASE

A case may not go to trial and may be settled through a plea bargain. However, the prosecutor must consider your VIS

before entering into a plea agreement. The prosecutor may use information from your VIS to determine how much restitution to request as part of a sentence.

Prior to the imposition of a sentence or prior to accepting a plea agreement, the judge must inquire as to whether a VIS has been returned, and if one has been returned it must be considered before imposing a sentence. The judgement should reflect whether a VIS was returned to the attorney representing the state. Your VIS, **excluding the Confidential Information Sheet**, becomes a formal part of the court record and may be seen by the defendant and defense attorney. The defendant or defense attorney may comment on the VIS and, with approval of the court, introduce evidence or testimony in regard to its accuracy.

POST SENTENCING

If the defendant is sentenced to community supervision (probation), the community supervision officer will have access to your VIS to use for notification purposes.

If the defendant is incarcerated in a Texas Department of Criminal Justice (TDCJ) facility, your VIS goes with the defendant's court records to the TDCJ. When the defendant becomes eligible for parole consideration, your statement is one of the items the Board of Pardons and Paroles will consider prior to voting whether or not to release the offender.

THE PAROLE PROCESS

You have the right to be INFORMED of parole procedures; to PARTICIPATE in the parole process; to be NOTIFIED about parole proceedings; to PROVIDE INFORMATION to be considered by the Board of Pardons and Paroles prior to the discretionary release of

the offender; and to be NOTIFIED when the offender is released. One way to receive these notices from the Texas Department of Criminal Justice is to complete the VIS form and return it to your VAC.

If you want to receive these notices, simply return the Confidential Information Sheet of the VIS. You do not have to return a completed VIS to receive the notice; however, in not doing so, the Board of Pardons and Paroles will not automatically be informed as to how the crime impacted you. To ensure notification after the defendant is sentenced to the TDCJ, call the TDCJ Victim Services Division (VSD) at 800-848-4284 to verify that your contact information is correct.

HOW CAN YOUR VIS HELP YOU?

Those who have submitted a VIS feel that completing it was beneficial to them. While they may never know the exact impact of their words, they found strength in knowing that whatever the decision was, it was made by someone who was informed about how the crime affected the victims and survivors.

Victims and survivors who have completed the VIS felt it gave them a greater opportunity to participate in the criminal justice process.

ADDITIONAL WAYS YOU MAY PROVIDE VICTIM IMPACT INFORMATION:

PRESENTENCE INVESTIGATION REPORT

After the defendant's guilt is determined, in some cases recommendations for sentencing are forwarded to the judge in a form called a presentence investigation report (commonly referred to as a PSI). These reports are prepared by community supervision officers (commonly known as probation officers).

Sometimes in preparing a presentence investigation report, the community supervision officer will use information from the VIS to begin filling in the report's victim impact section. Victims and survivors have the right to provide additional impact information to be included in this report. This can be done in writing or in an interview with the community supervision officer. If you prefer to offer your victim impact information this way or do this in addition to a written VIS, ask the VAC to put you in touch with the community supervision officer handling the case.

ORAL STATEMENT TO THE COURT

After the sentence has been pronounced, victims and survivors have the right to make an oral statement to the court, called allocution. People who have exercised this "right to be heard" describe a sense of satisfaction at being able to tell the court, often in the presence of the defendant, what the consequences of the criminal act have been.

If you wish to exercise this right, please tell the VAC, who will notify the prosecutor handling the case.

By providing a VIS you supply a perspective no one else can. If the VIS is not part of the defendant's file, decision-makers in the system will not have heard from the people most affected by this crime: you, your family, and other loved ones.

Please note, the court is required to attach the VIS to the offender's commitment papers if the defendant is sentenced to the TDCJ. Once received, the VIS will be processed to add you to the notification system and will be available for the Board of Pardons and Paroles to be considered prior to reviewing the defendant for release to parole supervision.