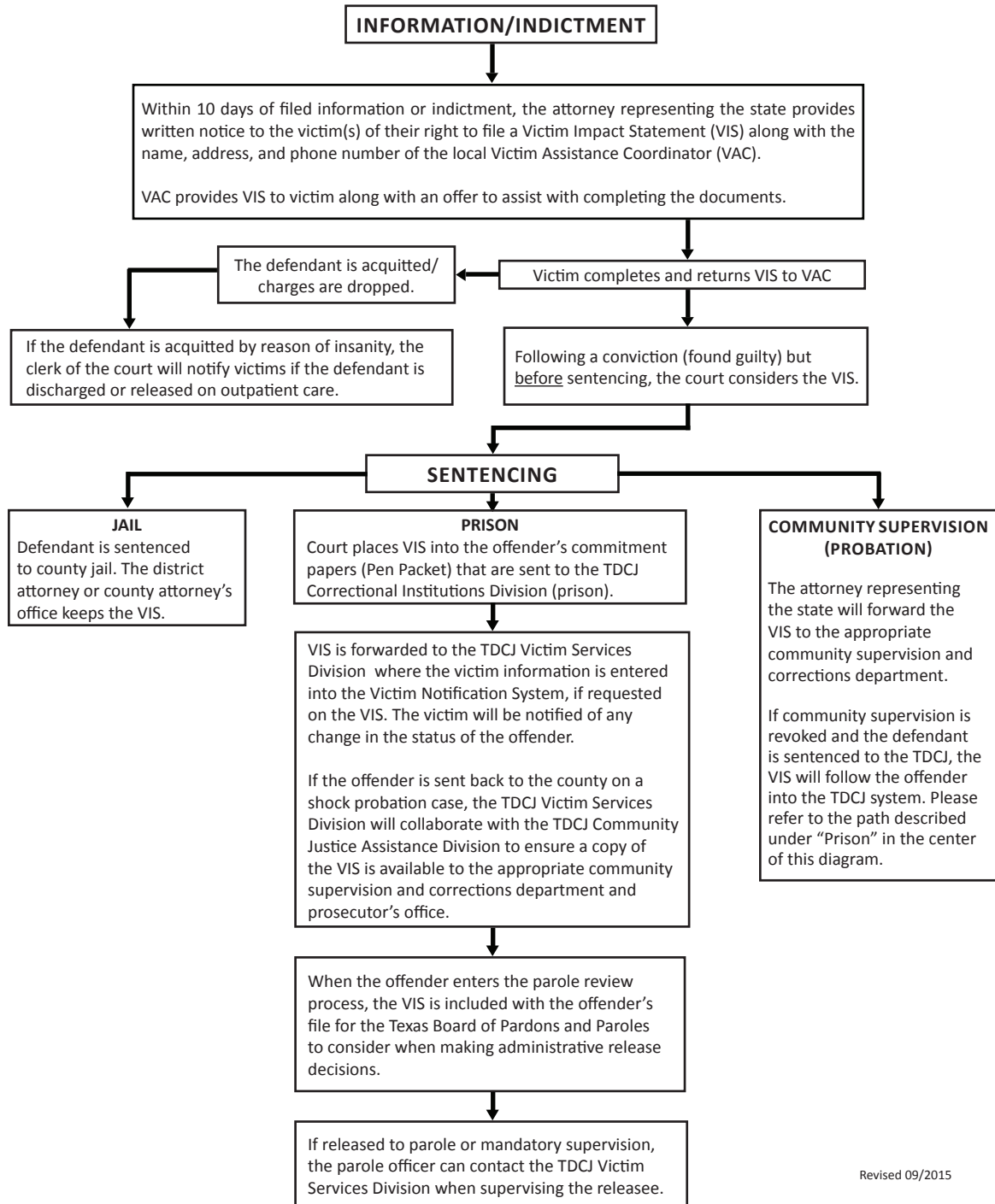


HOW IS THE VICTIM IMPACT STATEMENT USED IN THE CRIMINAL JUSTICE PROCESS?



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.texas.gov.

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 form can be used by crime victims to explain their feelings such as loss, frustration, fear, and/or anger. By submitting a VIS, the victim provides a perspective no one else can. If the VIS is not part of the defendant's file, key decision-makers in the system will not have heard from the people most affected by this crime: victims, guardians of victims and close relatives of deceased victims.

The VIS is also designed to collect information from victims who wish to be notified by criminal justice professionals throughout the process, including court proceedings, community supervision (probation), parole, release and/or discharge.

Please note that the VIS is not a legal document; it is not an affidavit and does not need to be notarized.

WHO PROVIDES A VIS TO A VICTIM?

After the defendant has been indicted, the Victim Assistance Coordinator (VAC) in the prosecutor's office has the responsibility to provide a VIS to victims, guardians of victims and/or close relatives of deceased victims.

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 completing the VIS, the victim should return it to the VAC, who will then send it to the prosecutor.

WHO WILL CONSIDER THE VIS?

DURING THE PROSECUTION PHASE

A case may not go to trial and may be settled through a plea bargain. However, the prosecutor must consider the 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 whether a VIS has been returned, and if one has been returned it must be considered before imposing a sentence. The judgment should reflect whether a VIS was returned to the attorney representing the state. The VIS, **excluding the confidential Victim Contact 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 the VIS to use for notification purposes.

If the defendant is sentenced to the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID) (adult prison system), the court is required to attach the VIS to the offender's commitment papers. Once received by TDCJ, the VIS will be processed to add the adult victim to the notification system, if requested, and included in the offender's parole review file.

THE PAROLE PROCESS

When the defendant becomes eligible for parole consideration, the VIS is one of the items the Board of Pardons and Paroles will consider prior to voting whether or not to release the offender. Victims have the right to be INFORMED of parole procedures; to PARTICIPATE in the parole process; and to PROVIDE INFORMATION to be considered by the Board of Pardons and Paroles prior to the discretionary release of the offender. Victims also have the right to be NOTIFIED about parole proceedings and to be NOTIFIED when the offender is released. One way to receive these notices from the TDCJ is to complete the VIS form and return it to your VAC.

If a victim wants to receive these notices, simply return the confidential Victim Contact Information Sheet of the VIS. Victims do not have to return a completed VIS to receive the notices. However, in not returning a completed VIS, the Board of Pardons and Paroles will not automatically be informed of the impact of the crime by the victim. To ensure notification after the defendant is sentenced to the TDCJ CID (adult prison system), victims should call the TDCJ Victim Services Division (VSD) at 800-848-4284.

HOW CAN YOUR VIS HELP YOU?

Victims who have completed the VIS felt it was beneficial to them, providing them a greater opportunity to participate in the criminal justice process. 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/or family members.

ADDITIONAL WAYS YOU MAY PROVIDE INFORMATION:

PRESENTENCE INVESTIGATION REPORT

In some cases, after the defendant's guilt is determined recommendations for sentencing are forwarded to the judge in a form called a presentence investigation report (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 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. Victims may offer information for the presentence investigation report in addition to a written VIS form. Victims, who want to provide information, should ask the VAC for contact information for the community supervision officer handling the case, if applicable.

ORAL STATEMENT TO THE COURT

Although different from a VIS form, victims have the right to make an oral statement to the court, called allocution, after the sentence has been pronounced. 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. Victims who want to exercise this right should contact the VAC, who will notify the prosecutor handling the case.