

WHAT IS THE VICTIM IMPACT STATEMENT?

The Victim Impact Statement (VIS) is designed to perform three purposes.

1. Provide information about your rights as a victim of a crime.
2. Provide an opportunity to explain how you and your family have been affected by this crime.
3. Collect contact information so that victim services and criminal justice professionals can provide you with notifications regarding the case, including information about court proceedings, probation, parole, offender release or discharge.

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.

WHAT THE VIS IS NOT

The written VIS is not the same as an allocution. An allocution refers to the right to make an oral statement to the court, after the sentence has been pronounced. Victims who want to exercise this right should contact the Victim Assistance Coordinator (VAC) who will notify the prosecutor handling the case.

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

PROSECUTION

The VIS will be sent to you, the victim, guardian of a victim or close relative of the victim, by the VAC in the prosecutor's office after the defendant has been charged by information or indictment. You may also request the VAC's assistance in completing the VIS. Close relatives of deceased victims and parents/guardians of victims may also exercise this right and submit a VIS. After completing the VIS, you should return it to the VAC, who will then submit the VIS to the prosecutor.

Some cases go to trial but others are resolved through a plea bargain. If you have submitted a VIS, the prosecutor must consider your VIS before entering into a plea agreement. The prosecutor may also use information from your VIS to determine how much restitution to request as part of a sentence.

Prior to the imposition of a sentence in a trial or prior to accepting a plea agreement, the judge must ask if a VIS has been submitted. If submitted, your VIS must be considered before imposing a sentence in a trial.

Your VIS, *excluding the Confidential Victim Contact Information* page, will become part of the defendant's file. If approved by the court, the VIS, *excluding the Confidential Victim Contact Information* page, may be seen by the defendant and defense attorney (who may then

introduce evidence or testimony in regard to its accuracy).

In some cases, recommendations for sentencing are forwarded to the judge on a form called a Pre-Sentence Investigation (PSI) report that is prepared by a probation officer. Sometimes, the probation officer will use information from the VIS to begin filling in the victim impact section of the PSI. Victims have the right to provide additional impact information to be included in this report. If you would like to provide information, ask the VAC at the prosecutor's office for contact information for the probation officer handling the case, if applicable.

POST-CONVICTION

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

Prison. If the defendant is sentenced to the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (adult prison system), the court shall attach the VIS to the offender's commitment papers. Once your VIS is received by the TDCJ, it will be forwarded to the TDCJ Victim Services Division and your preferences regarding notifications and prohibited contact will be entered into the system. (*Please note: minors cannot receive notifications from the*

TDCJ Victim Services Division. If the victim is a minor, the adult parent or guardian will be added to the notification system, if that information is included on the VIS.)

Parole. When the defendant becomes eligible for parole consideration, your completed VIS is one of the items the Texas Board of Pardons and Paroles (BPP) will consider prior to voting whether or not to release the offender.

You have the right to be informed of parole procedures; to participate in the parole process; and to provide information to be considered by the BPP prior to the vote regarding the discretionary release of the offender. You also have the right to be notified about parole proceedings and to be notified when the offender is released.

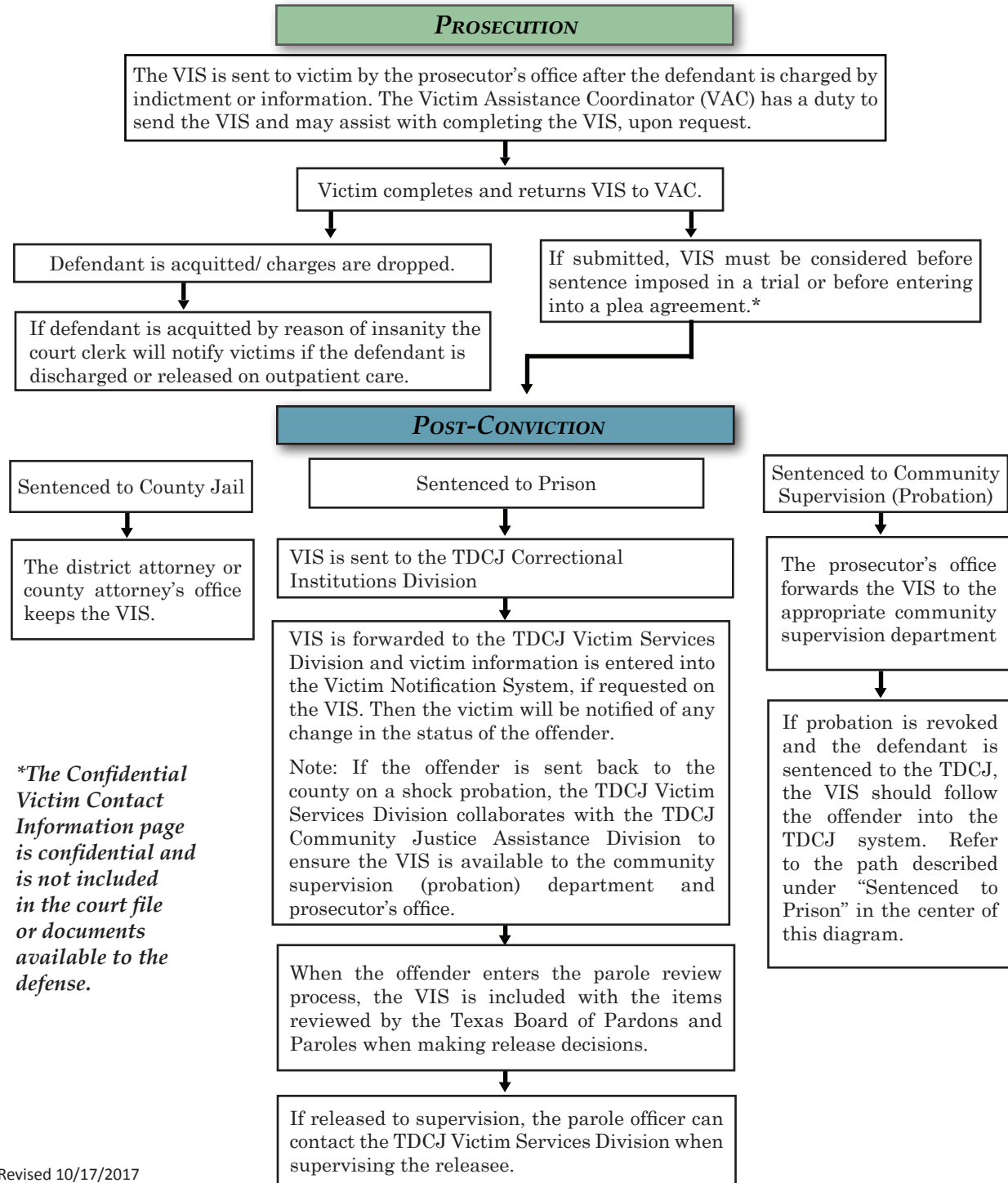
One way to receive these notices from the TDCJ is to complete the VIS form and return it to your VAC. Victims do not have to return a completed VIS to receive the notices. You may simply return the *Confidential Victim Contact Information* page of the VIS. However, in not returning a completed VIS, the BPP will not automatically be informed of the impact of the crime.

You can also call the TDCJ Victim Services Division at 800-848-4284 to request notifications regarding the defendant after the defendant is sentenced to the TDCJ.

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 e-mail at tdcj.clearinghouse@tdcj.texas.gov.

For more information about confidentiality, please see the Texas Government Code, Section 552.1325 and the Texas Code of Criminal Procedure, Article 56.09.

How is the Victim Impact Statement (VIS) Used in the Criminal Justice Process?



**The Confidential Victim Contact Information page is confidential and is not included in the court file or documents available to the defense.*

This brochure may be reproduced without written permission. It is also available on the Texas Department of Criminal Justice website at: www.tdcj.texas.gov.

IT'S YOUR VOICE

Information Regarding
The Victim Impact Statement

How Can Your Victim Impact Statement Help You?

Victims who have completed the VIS have reported feeling that it was beneficial to them because it provided an opportunity to participate in the criminal justice process. Some find strength in knowing that decision makers are informed about how the crime affected the victims and/or family members.



Texas Crime Victim
Clearinghouse
VICTIM SERVICES DIVISION
TEXAS DEPARTMENT OF CRIMINAL JUSTICE