

## VICTIM IMPACT STATEMENT PACKET

It is your right!

ATENCIÓN: Si Ud. requiere asistencia en español o tiene preguntas sobre este documento, favor de llamar al # \_\_\_\_\_.

### VICTIM IMPACT STATEMENT PURPOSE AND IMPORTANCE

This Victim Impact Statement (VIS) will be used throughout the criminal justice system (by the prosecutor, the judge, and the parole board) to better understand the emotional/psychological, physical, and financial impact of the crime.

## 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; and
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 Integrated Victim Services System (IVSS). *(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 IVSS, 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.

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**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](mailto: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 used in the Criminal Justice Process?

## PROSECUTION

The VIS is sent to victim by the prosecutor's office after the defendant is charged by indictment or information. The Victim Assistance Coordinator (VAC) has a duty to send the VIS and may assist with completing the VIS, upon request.

Victim completes and returns VIS to VAC.

Defendant is acquitted/charges are dropped.

If defendant is acquitted by reason of insanity the court clerk will notify victims if the defendant is discharged or released on outpatient care.

If submitted, VIS must be considered before sentence imposed in a trial or before entering into a plea agreement.\*

## POST-CONVICTION

Sentenced to County Jail

The district attorney or county attorney's office keeps the VIS.

Sentenced to Prison

VIS is sent to the TDCJ Correctional Institutions Division

VIS is forwarded to the TDCJ Victim Services Division and victim information is entered into the Integrated Victim Services System, if requested on the VIS. Then the victim will be notified of any change in the status of the offender.

Note: If the offender is sent back to the county on a shock probation, the TDCJ Victim Services Division collaborates with the TDCJ Community Justice Assistance Division to ensure the VIS is available to the community supervision (probation) department and prosecutor's office.

When the offender enters the parole review process, the VIS is included with the items reviewed by the Texas Board of Pardons and Paroles when making release decisions.

If released to supervision, the parole officer can contact the TDCJ Victim Services Division when supervising the releasee.

Sentenced to Community Supervision (Probation)

The prosecutor's office forwards the VIS to the appropriate community supervision department.

If probation is revoked and the defendant is sentenced to the TDCJ, the VIS should follow the offender into the TDCJ system. Refer to the path described under "Sentenced to Prison" in the center of this diagram.

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

Texas Department of Criminal Justice

# VICTIM SERVICES DIVISION



TEXAS DEPARTMENT OF CRIMINAL JUSTICE

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Austin, Texas 78757-6899

Toll-Free Hotline:  
**800-848-4284**

Fax:  
**512-452-0825**

E-mail:  
[victim.svc@tdcj.texas.gov](mailto:victim.svc@tdcj.texas.gov)

Website:  
[www.tdcj.texas.gov](http://www.tdcj.texas.gov)

Integrated Victim Services System  
(IVSS) Victim Portal:  
[www.ivss.tdcj.texas.gov](http://www.ivss.tdcj.texas.gov)

The mission of the Victim Services Division is to provide a central mechanism for crime victims to participate in the Criminal Justice System.

The goal of the Victim Services Division is to ensure that victims are not left behind at the crime scene but can be involved, if they desire, at any stage of the criminal justice process.

# VICTIM SERVICES DIVISION

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## IT'S YOUR VOICE

Information Regarding the Victim Impact Statement