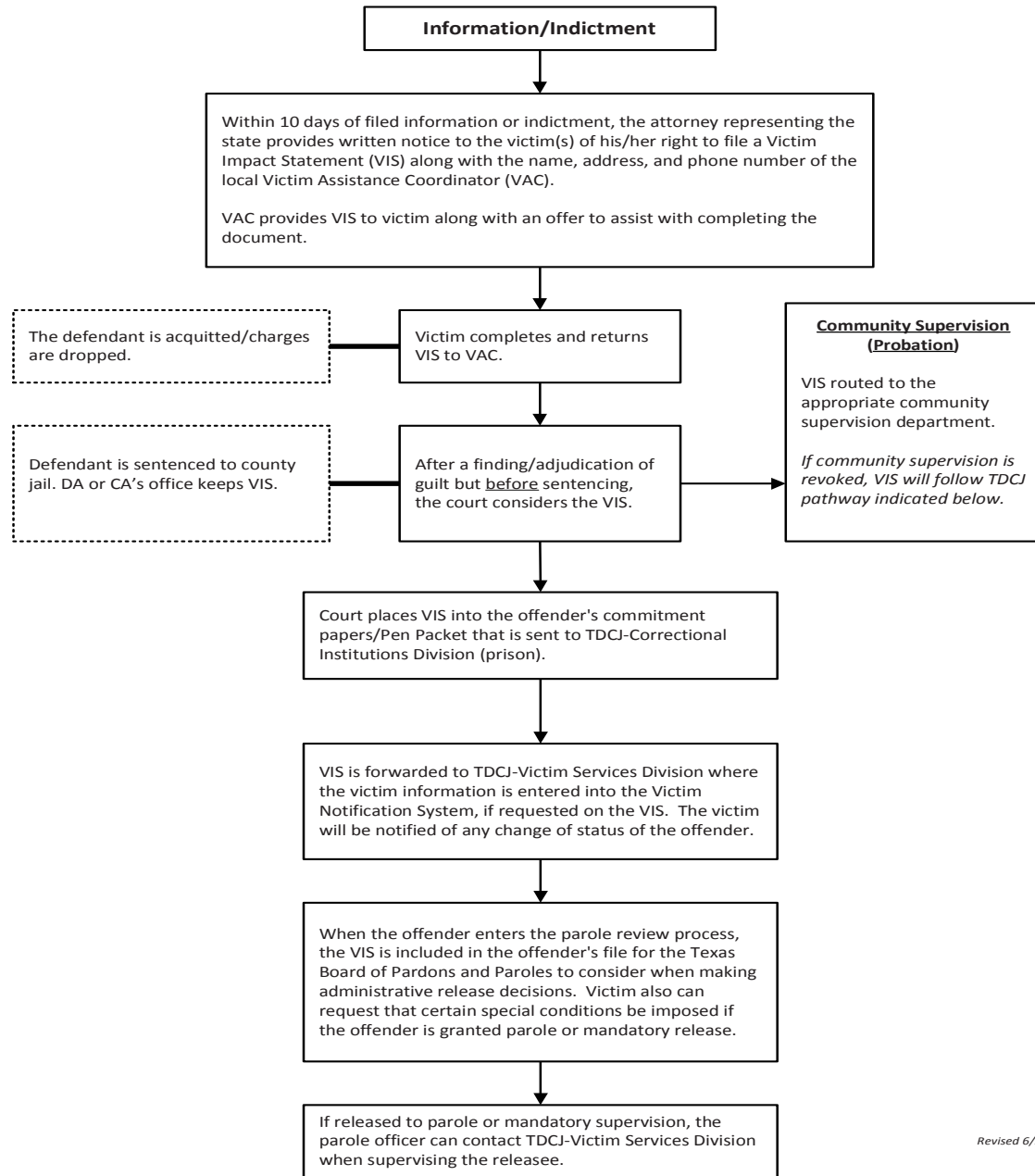


HOW IS THE VICTIM IMPACT STATEMENT USED IN THE CRIMINAL JUSTICE PROCESS?



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In December 1997 the Texas Crime Victim Clearinghouse produced the booklet, *IT'S YOUR TURN*. In October 2009 it was condensed to a brochure and renamed, "It's Your Voice." The brochure may be reproduced without written permission. It also can be found on the Texas Department of Criminal Justice website at: www.tdcj.state.tx.us

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



VICTIM IMPACT STATEMENT INFORMATION

IT'S YOUR VOICE



For more information about the Victim Impact Statement, contact the Victim Assistance Coordinator in your prosecutor's office or the Texas Crime Victim Clearinghouse at 800-848-4284 or 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.



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, physical, psychological, and financial impact the crime has had on the victim, family members, and other loved ones. 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 VICTIM IMPACT STATEMENT?

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 Victim Impact Statement. Close relatives of deceased victims and guardians of victims also can exercise this right.

After the defendant has been indicted, the Victim Assistance Coordinator (VAC) in the prosecutor's office has the responsibility to provide a Victim Impact Statement form to victims and survivors. After you complete the Victim Impact Statement, return it to the Victim Assistance Coordinator. He or she will send it to criminal justice professionals for consideration in making decisions about the defendant. Note: The Victim Impact Statement is not a legal document; it is not an affidavit and does not need to be notarized.

WHO WILL CONSIDER THE VICTIM IMPACT STATEMENT?

Many cases do not go to trial and are settled through plea bargains. However, the prosecutor must consider your Victim Impact Statement before entering into a plea agreement. He or she also may use information

from your VIS to determine how much restitution to request as part of a sentence.

Although the Victim Impact Statement is not considered by a jury, after the defendant has been found guilty or accepts a plea agreement, the judge must consider your Victim Impact Statement before imposing a sentence. Your Victim Impact Statement, excluding Section 2 of the Confidential Information Sheet, becomes a formal part of the court record and can be seen by the defendant and his/her attorney. The defendant or his/her attorney may comment on the Victim Impact Statement and, with approval of the court, introduce evidence or testimony in regards to its accuracy.

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

If the defendant is incarcerated in a TDCJ facility, your Victim Impact Statement goes with his or her court records to the Texas Department of Criminal Justice. 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.

AN IMPORTANT NOTE ABOUT YOUR VICTIM IMPACT STATEMENT:

You have the right to be INFORMED of parole procedures; to PARTICIPATE in the parole process; to be NOTIFIED about parole proceedings concerning the offender in your case; 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 Victim Impact Statement form and return it to your Victim Assistance Coordinator.

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

HOW CAN YOUR VICTIM IMPACT STATEMENT HELP YOU?

Those who have submitted a Victim Impact Statement 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 its victims and survivors.

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

ARE THERE OTHER WAYS TO PROVIDE VICTIM IMPACT INFORMATION?

YES. You have the right to provide victim impact information in two other ways:

1. *The Presentence Investigation Report:*

After the defendant's guilt is determined, recommendations for sentencing are forwarded to the judge in a form called a presentence investigation report (PSI). These reports are

prepared by community supervision officers (formerly known as probation officers).

Sometimes in preparing a presentence investigation report, the community supervision officer will use information from the Victim Impact Statement to begin filling in the report's section on victim impact. 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 Victim Impact Statement, ask the Victim Assistance Coordinator to put you in touch with the community supervision officer handling the case.

2. *Your "Right to be Heard" ... an 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. People who have exercised this "right to be heard" have described 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 this is a right you would like to exercise, tell the Victim Assistance Coordinator. He or she will notify the prosecutor handling the case.

By providing victim impact information you supply a perspective no one else can. If the Victim Impact Statement 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.