VICTIM SERVICES DIVISION

# How is the Victim Impact Statement used in the Criminal Justice Process?

## PROSECUTION

The prosecutor's office sends the VIS to the victim. It is the responsibility of the Victim Assistance Coordinator (VAC) to send the VIS and, upon request, assist victim with completing the VIS.

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. The victim will be notified of any change in the status of the offender.

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.

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


8712 Shoal Creek Blvd.
Suite 265
Austin, Texas 78757-6899

Toll-Free Hotline:
800-848-4284

Fax:
512-452-0825

E-mail:
victim.svc@tdcj.texas.gov

Website:
www.tdcj.texas.gov

Integrated Victim Services System
(IVSS) Victim Portal:
https://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.

11/2021

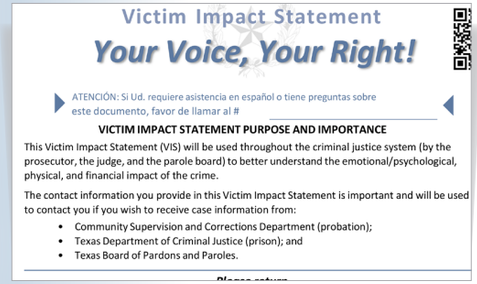
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

# VICTIM SERVICES DIVISION

## IT'S YOUR VOICE

Information Regarding the Victim Impact Statement

VICTIM SERVICES DIVISION



Victim Impact Statement

*Your Voice, 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.

The contact information you provide in this Victim Impact Statement is important and will be used to contact you if you wish to receive case information from:

- Community Supervision and Corrections Department (probation);
- Texas Department of Criminal Justice (prison); and
- Texas Board of Pardons and Paroles.

## 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 service 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 prosecutor'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, parent or guardian of a victim or close relative of the deceased 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. 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 agreement. 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 will become part of the prosecutor'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).

## 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 review 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.

**Clemency:** In cases where clemency applications are filed with Texas BPP, your completed VIS contains information the BPP considers prior to them voting whether or not to recommend clemency to the governor. Due to the lengthy appeals process in death penalty cases, if applicable, your VIS will ensure your voice is heard by the BPP when the clemency application is reviewed.

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 56A.101.**

TEXAS CRIME VICTIM CLEARINGHOUSE TXCVC TEXAS DEPARTMENT OF CRIMINAL JUSTICE