

YOUR RIGHT TO BE HEARD DURING THE PAROLE PROCESS

KRS 421.530 permits the submission of the VIS to the parole board when the offender becomes eligible for parole. The parole board uses the VIS to consider whether to release the defendant. KRS 439.340 mandates the parole board to notify victims of scheduled parole hearings. Victims have the right to participate in the parole process by providing more information in consideration of the release of the offender. The parole board prefers victims to submit a 2nd impact statement at this point.

The Kentucky Parole Board Victim Impact Statement can be found at the following link: <https://paroleboard.ky.gov/victims/Documents/VictimImpactStatement.pdf>

As long as contact information is correct and up to date, the parole board can keep the victim notified of the parole proceedings. Information may be updated by calling (800) 221 5991.

The parole board is very interested in each case. Attending a parole board hearing allows the parole board to put a face to the case. In addition to providing a written VIS, it is the victim's right to go before the board and provide a summary of the crime's long-term consequences on their life. If you cannot attend the hearing, you may send a letter discussing the impact of the crime.

Visit the **Parole Board Victim Services** website for more information: <https://justice.ky.gov/Pages/victim-services.aspx>

YOUR RIGHT TO BE HEARD AT SENTENCING

KRS 421.520 allows victims to provide a written victim impact statement, which contains the extent of the psychological, physical, and financial impacts, as well as the need for restitution due to the crime. In some instances, judges will allow victims to read their statement at sentencing. Victims should ask prosecutor or victim advocate if this is possible.

Helpful Tips

- Keep your contact information up to date. To update this information, call your victim advocate (or the prosecutor's office if a prosecutor-based advocate is not available) and the parole board. This ensures prompt notification regarding your case.
- Contact your victim advocate (or the prosecutor's office if a prosecutor-based advocate is not available) if you need assistance filling out your victim impact statement.
- Be specific in your statement, using examples of how this crime has changed your life or the life of your loved ones.
- Anonymously register through Victim Information Notification Everyday (V.I.N.E.) to be notified of the status of the offender. Call toll free 1-800-511-1670. For more information on V.I.N.E., visit: <https://corrections.ky.gov/victimservices/Pages/VINE.aspx>

For more information about the **Office of Victim's Advocacy**, visit: <https://ag.ky.gov/ova>

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Victim Impact Statement

OFFICE OF VICTIMS ADVOCACY
(502) 696-5312 or (800) 372-2551



Andy Beshear
ATTORNEY GENERAL

YOUR RIGHT AS A CRIME VICTIM TO PROVIDE A VICTIM IMPACT STATEMENT

KRS 421.500–421.575 – the Kentucky Crime Victim Bill of Rights of 1986 – was enacted to establish minimum conduct of criminal justice professionals with respect to crime victims and to communicate the intent of the General Assembly that victims of crime play an integral role in the criminal justice process. Among the specific rights provided to victims is the right to submit a written victim impact statement (VIS) after conviction but prior to or at sentencing and to the parole board when the defendant becomes eligible for parole. The VIS provides the victim a means to express the impact of the crime on their life. The impact statement is beneficial in many ways, including:

- Personalizes the crime committed against you.
- Aids the court and parole board in understanding the impact the crime has had on your life—psychologically, physically, and financially.
- Assists the court weighing all relevant factors prior to imposing a sentence.
- Assists the parole board in weighing all relevant factors in deciding whether parole should be granted.

In most jurisdictions, there will be a victim advocate to assist you throughout the criminal justice process generally and with the victim impact statement specifically. They work diligently to empower victims and ensure understanding of all proceedings related to their case. To locate a victim advocate in your jurisdiction, see the following link: https://ag.ky.gov/publications/AG_Publications/Victim-Advocate-Map.pdf

Who may present a victim impact statement?

KRS 421.520 permits any victim to prepare and submit a written victim impact statement describing the repercussions of the crime.

If the victim is a minor or legally incapacitated a parent, guardian, custodian or court-appointed special advocate is considered the “victim” for purposes of submitting the VIS. If the victim is deceased, a parent, adult child, sibling, or grandparent is considered the “victim” for purposes of preparing and submitting the VIS.

Is it mandatory to prepare a victim impact statement?

No. Your decision to prepare a victim impact statement is a voluntary and personal choice. The victim impact statement is your right, as a victim, to participate in the criminal justice system by describing how the crime has affected you.

Can a minor victim submit a victim impact statement?

In cases where the victim is a minor, the parent, guardian, custodian or court appointed special advocate may prepare and submit the VIS. In some jurisdictions, the court may allow the children themselves to describe what has happened to them. Sometimes this can be done using pictures.

How and when will my victim impact statement be used?

After a guilty plea or guilty verdict, and before sentencing, the victim should be notified by the prosecutor of the right to make a VIS. The completed VIS will be given either to the probation officer assigned to the case to be included in the presentence investigation (PSI) report or to the court directly if the defendant waives the PSI. The VIS will be considered by the court prior to imposing a sentence.

As the victim, you also have the right to submit a VIS to the Parole Board for consideration when the defendant becomes eligible for parole. The VIS will be considered by the Parole Board in deciding whether parole should be granted.

How do I prepare a victim impact statement?

Typically, a VIS is prepared on a form provided by a victim advocate. Submitting a VIS allows the victim to provide a perspective no one else can. Typical VIS forms ask for a detailed account of the psychological, physical, and financial impacts of the crime. Victims may also include any additional comments they wish to add such as expressing their fear, anger, and frustrations.

Most Commonwealth’s Attorneys’ offices have a victim advocate who can, among other things, assist you in preparing a victim impact statement for consideration at sentencing. If an advocate is not available locally to assist you, the Office of Victims Advocacy may be able to help. For more information call 502-696-5312 or see <https://ag.ky.gov/justice-for-victims/victim-impact-statements>.

For cases that are or soon will be before the Parole Board, the board has victim advocates who can provide information and answer your questions regarding victim impact statements and the parole process generally, including how you can participate. For more information see <https://justice.ky.gov/Pages/Victim-Services.aspx> or call (800) 221 5991.