

Balancing Justice: The Role of Probation in Ensuring the Voices of Victims are Heard



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Objectives

- ✓ Victim Services mandates in probation.
- ✓ Confidentiality
- ✓ Victim Impact Statement (VIS)
- ✓ Restorative Justice
- ✓ Victim Sensitivity
- ✓ Communicating with Victims

“The best strategy remains...the power of the personal story. This field is nothing if it is not about people who are hurt and whose lives are devastated. And the strategy has been to let people know how crime affects victims and their families, and the “ripple effect” is has on...communities and doing it in a way that makes it real.”

-Anne Seymour

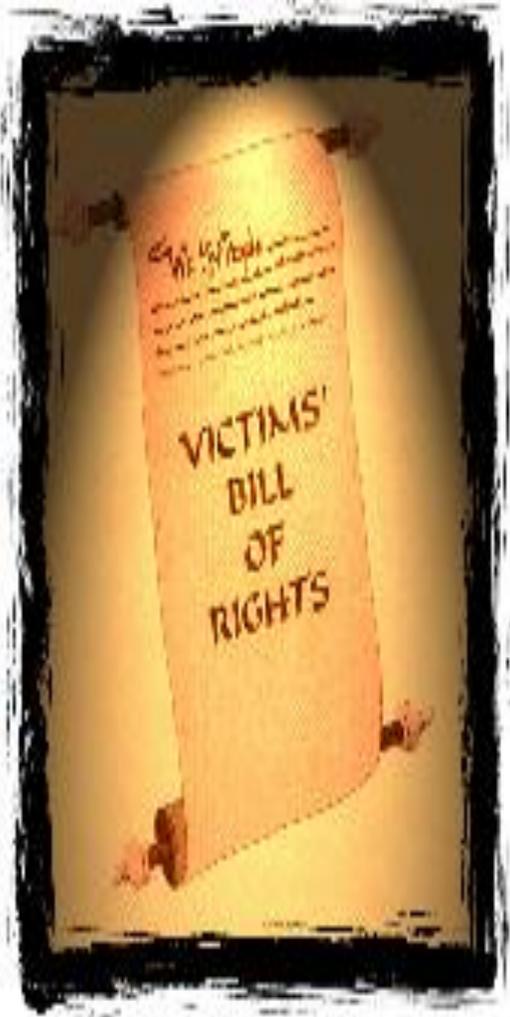
Co-founder, Justice Solutions



RIGHTS

Crime Victims' Rights

Six Fundamental Rights of Crime Victims



- Information
- Notification
- Heard (in the criminal justice process)
- Participating (in the criminal justice process)
- Protection
- Financial Remedies

Where are crime victims' rights found?

- Texas Constitution
- Chapter 56, Code of Criminal Procedure
- Section 508, Government Code
- Various other statutes



CJAD Standards



- 163.21(k) Victim Services
- 163.21(1) Training
- 163.21(k)(2) Policy and Procedures
- 163.21(k)(3) Other information

PSI

Gives victims the right to provide pertinent information to a probation department conducting a PSI report concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to the sentencing of an offender.



Confidentiality

You may **NOT** reveal
to the offender

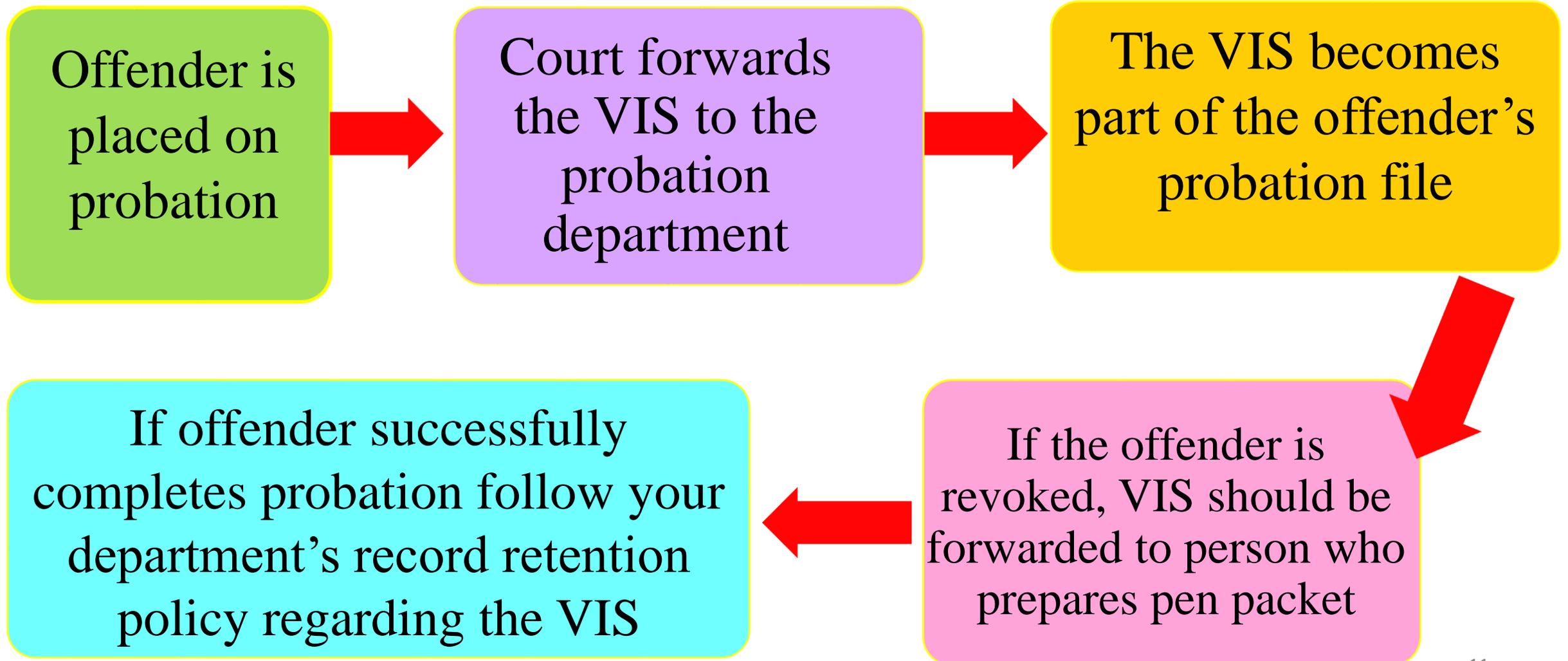
- Victim Impact Statements, including names and/or addresses of victims.
- Contents of correspondence.
- The fact that you are in contact with the victim.

Victim Impact Statement (VIS)

Gives victims the right to be informed of the uses of a VIS and the statement's purpose in the criminal justice system, to complete the VIS, and to have the VIS considered by:

- Prosecutor
- Judge
- Board and Pardons and Paroles

VIS Process in Probation



Probation is critical in the VIS process!

If an offender is revoked, and the VIS in his file is NOT included in the pen packet...

**The victim will not receive proper notification
of the offender's status while incarcerated in TDCJ!**



Restorative Justice

- Empower crime victims in the criminal justice process.
- Restore personal and community relationships severed by crime.
- Reduce recidivism by conveying to offenders the impact of their crime on others.
- Repair harm to society.



Impact of Criminal Victimization

- Violates a person's basic world view.
- Deprives victims of choices, trust, safety, power, and control.
- Shatters assumptions about safety, vulnerability, and control.

Victims are Impacted...

- Physically
- Financially
- Cognitively
- Socially
- Spiritually
- Emotionally
- Psychologically

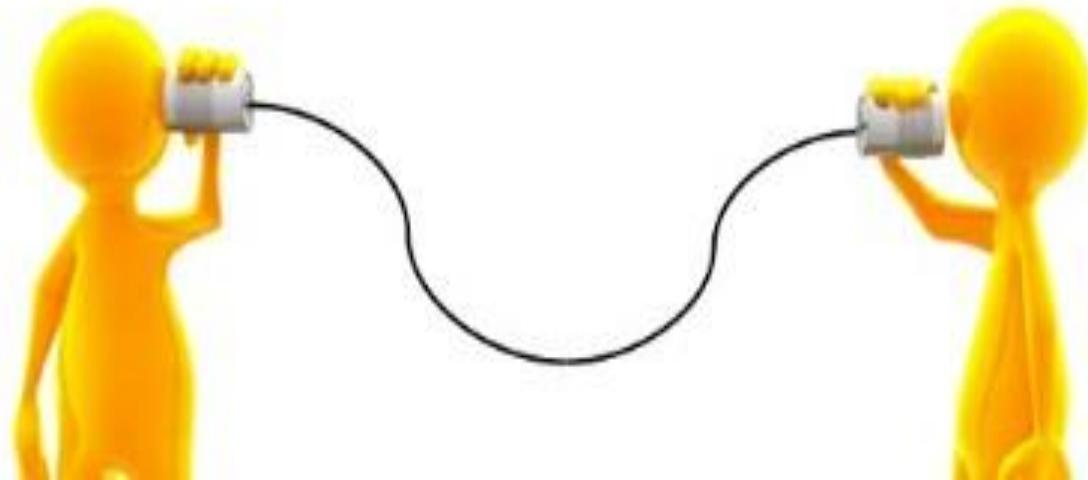


Triggers and Reactions

- Seeing the offender or a photo of the offender.
- Offender being released from custody.
- Sensing something similar to the trauma.
- Anniversaries of the event.
- Holidays and significant life events.
- Media coverage of similar events.
- Hearings, trials, and appeals.



Effectively Communicating with Victims



Keep in mind...

Communication with victims is different than communication with offenders.



Offenders = *Critical* Listening

Victims = *Empathic* Listening

Effective Communication “Do’s”

- Allow silence.
- Listen without judgement.
- Be a good listener.
- Be aware of personal bias.
- Always practice victim sensitivity.
- Identify victim needs.



- Assist victim with exercising their rights.
- Avoid using acronyms.
- Explain what probation is.
- Answer questions if you are able to.
- Return phone calls and follow-up.
- Make referrals to local resources.

Tips for Communicating with a Victim that is Upset

- Validate feelings and express concern.
- Use a calm voice.
- Do not react to provocative remarks, even those directed at you.
- Never make any promises.

Remember...



- Every victim is unique.
- Never make assumptions regarding how a victim will react.
- A victim's reaction to victimization will be influenced by many factors.



Never forget...

What you do in your day-to-day jobs makes a big difference in people's lives, and in the community.



Thank You

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