



Texas Department of Criminal Justice
Victim Services Division

Victim Impact Statement:
County Observation Study

2017

Introduction

Texas counties possess insight regarding effective procedures to ensure crime victims are informed of their right to complete a Victim Impact Statement (VIS), the purpose and utilization of the VIS, and best practices in processing the VIS to ensure that the victim's voice is heard throughout the criminal justice system. The Texas Crime Victim Clearinghouse (TxCVC) developed the VIS County Observation Study in order to identify effective practices and procedures implemented within Texas counties and to share the best practices with criminal justice professionals.

TxCVC staff identified counties with high rates of returns of VIS forms from crime victims, counties that forward a higher rate of VIS forms in Texas Department of Criminal Justice (TDCJ) Penitentiary Packets, counties that participate in the VIS revision process and counties with the highest number of offenders that are sent to the TDCJ. Participation in this observation study involved a TxCVC staff member shadowing identified criminal justice professionals in these counties that routinely handle the processing of the VISs in order to observe, discuss and document effective policies and procedures. This study is a compilation of the information and analysis of these findings. General Observations from the study begin on page 15 of this document. Recommendations from the field can be found on page 27.

Acknowledgments

The TDCJ Victim Services Division (VSD) TxCVC recognizes that the VIS County Observation Study could not have taken place without the collaborative efforts of individuals at organizations and agencies across Texas. The TxCVC would like to take this opportunity to recognize the contributions of the following organizations and agencies that made this project a success.

Bell County District Attorney's Office
Bexar County District Attorney's Office
Brazos County District Attorney's Office
Dallas County District Attorney's Office
El Paso County District Attorney's Office
Gregg County District Attorney's Office
Harris County District Attorney's Office
Harrison County District Attorney's Office
Kerr County District Attorney's Office
Lubbock County District Attorney's Office
Navarro County District Attorney's Office
Nueces County District Attorney's Office
Potter County District Attorney's Office
Randall County District Attorney's Office
Rockwall County District Attorney's Office
Tarrant County District Attorney's Office
Texas Board of Criminal Justice
Texas District and County Attorneys Association
Travis County District Attorney's Office
Williamson County District Attorney's Office
Williamson County Attorney's Office

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History and Purpose

Victim Impact Statement (VIS) Form

In 1985, the Texas Legislature passed crime victims' rights legislation that required the creation and utilization of the VIS form (Appendix A).¹

Prior to 1985, crime victims did not have the right to receive notifications from criminal justice professionals, including information about court proceedings, community supervision (probation), parole, release or discharge.

The VIS form is an important tool that connects crime victims to mandated rights and services throughout the criminal justice system. The VIS form serves three purposes²:

- provide a victim, guardian of a victim, or close relative of a deceased victim with a clear statement of their rights;
- collect the crime victim's contact information and notification preferences; and
- record and collect, from crime victims, the impact of the crime including the emotional and psychological impact, physical injury and economic loss.

The VIS form is an important tool that connects crime victims to mandated rights and services throughout the criminal justice system.

¹ Texas Code of Criminal Procedure art. 56.03

² Texas Code of Criminal Procedure arts. 56.01-56.021

Utilization: The VIS Form

Crime Victims

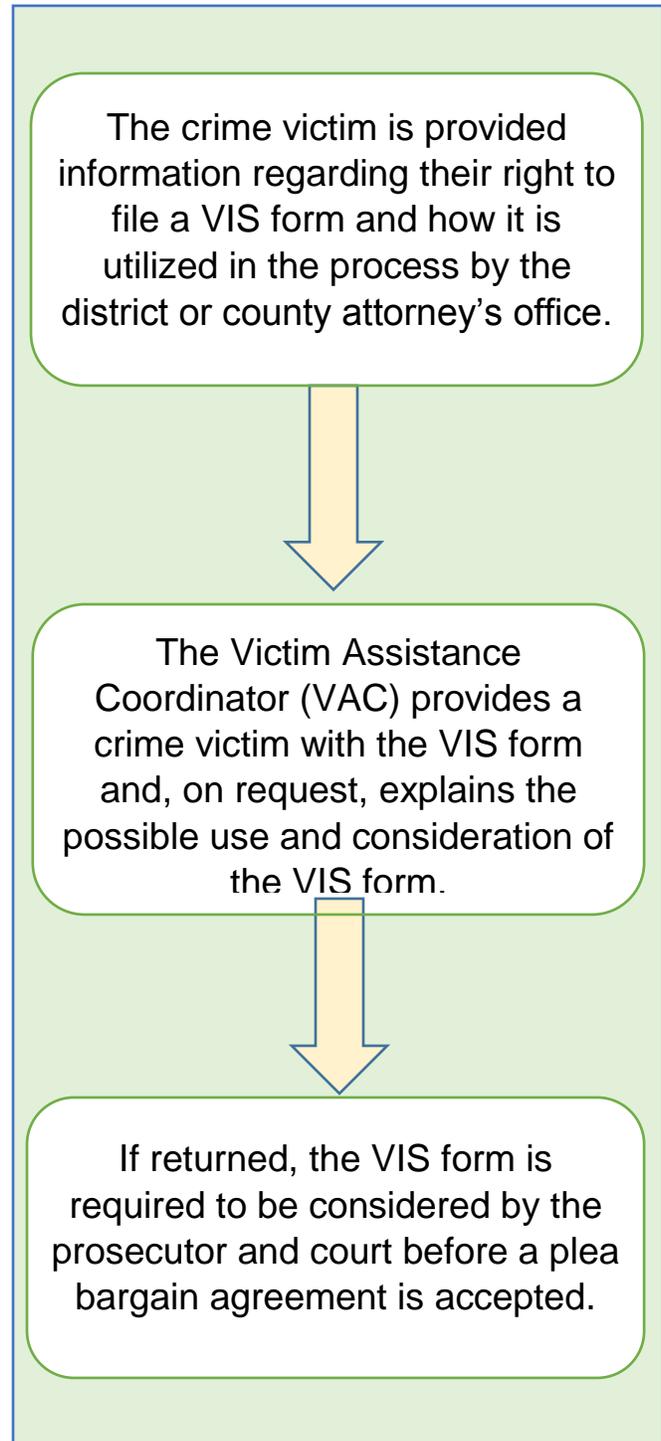
A crime victim, guardian of a victim, or close relative of a deceased victim and as defined by the Code of Criminal Procedure art. 56.01, has the right to:

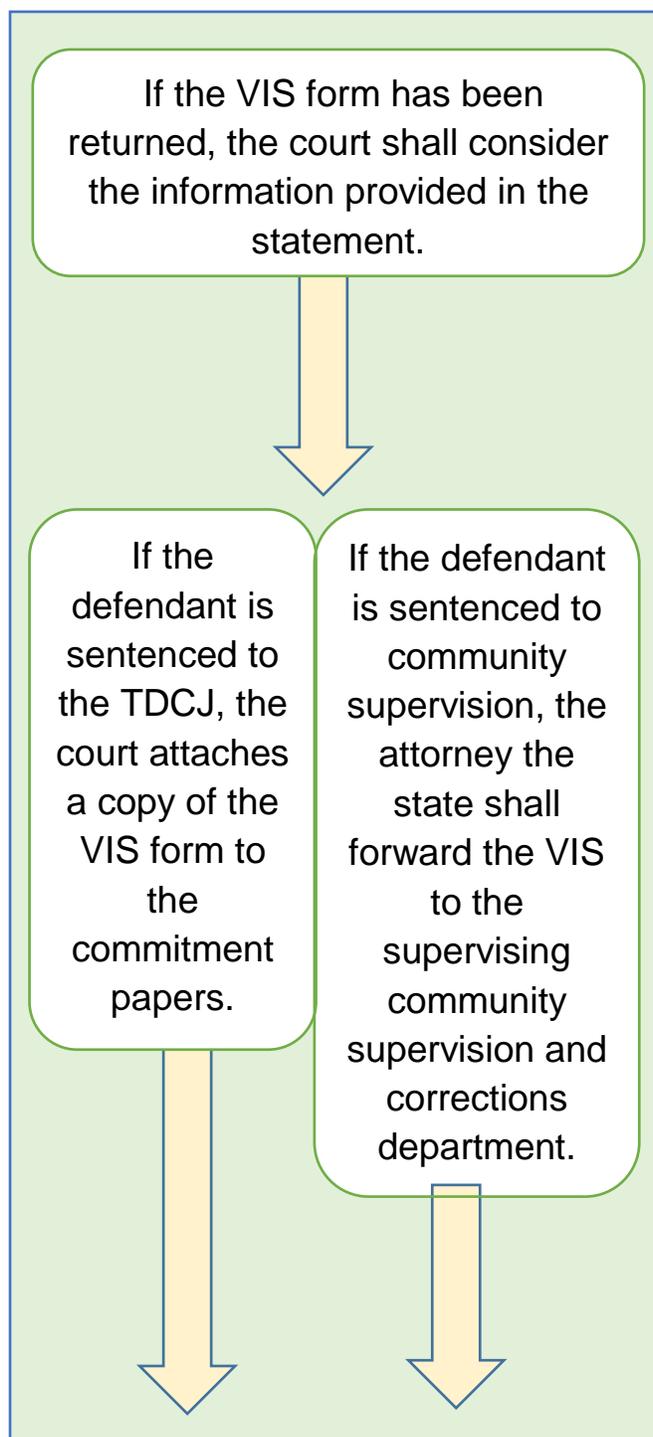
- be informed of the uses of a VIS and the statement's purpose in the criminal justice system;
- complete the VIS form;
- have the VIS form considered by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
- have the VIS form considered by the Texas Board of Pardons and Paroles (TxBPP) before an inmate is released on parole.

The prosecutor's office may provide crime victims who are not defined by statute with a VIS form. The VIS form should be processed the same way as the VIS form for statutory crime victims.

Providing the VIS Form to Crime Victims

Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the





offense a written notice regarding their right to file a VIS form with the office of the attorney representing the state (commonly referred to as the prosecutor) and the Texas Department of Criminal Justice (TDCJ).³

The Victim Assistance Coordinator (VAC) in the prosecutor’s office has the responsibility to provide a VIS form to crime victims and, on request, explain the possible use and consideration of the VIS at sentencing and any future parole hearing of the offender.⁴

Consideration of Returned VIS Forms

If returned, the VIS form shall be considered by the prosecutor and court before a plea bargain agreement is accepted.⁵ On request from the court, the attorney representing the state is required to make a copy of the VIS form available for consideration by the court sentencing the defendant.⁶

The court, prior to the imposition of the sentence in a criminal case, shall inquire as to whether a VIS form has been returned to the attorney representing the state and, if the VIS form has been returned, consider the information provided in the statement.⁷

³ Texas Code of Criminal Procedure art. 56.08(a)(7)
⁴ Texas Code of Criminal Procedure art. 56.03(c)
⁵ Texas Code of Criminal Procedure art. 56.02(a)(12)
⁶ Texas Code of Criminal Procedure art. 56.04(e)
⁷ Texas Code of Criminal Procedure art. 56.03(e)

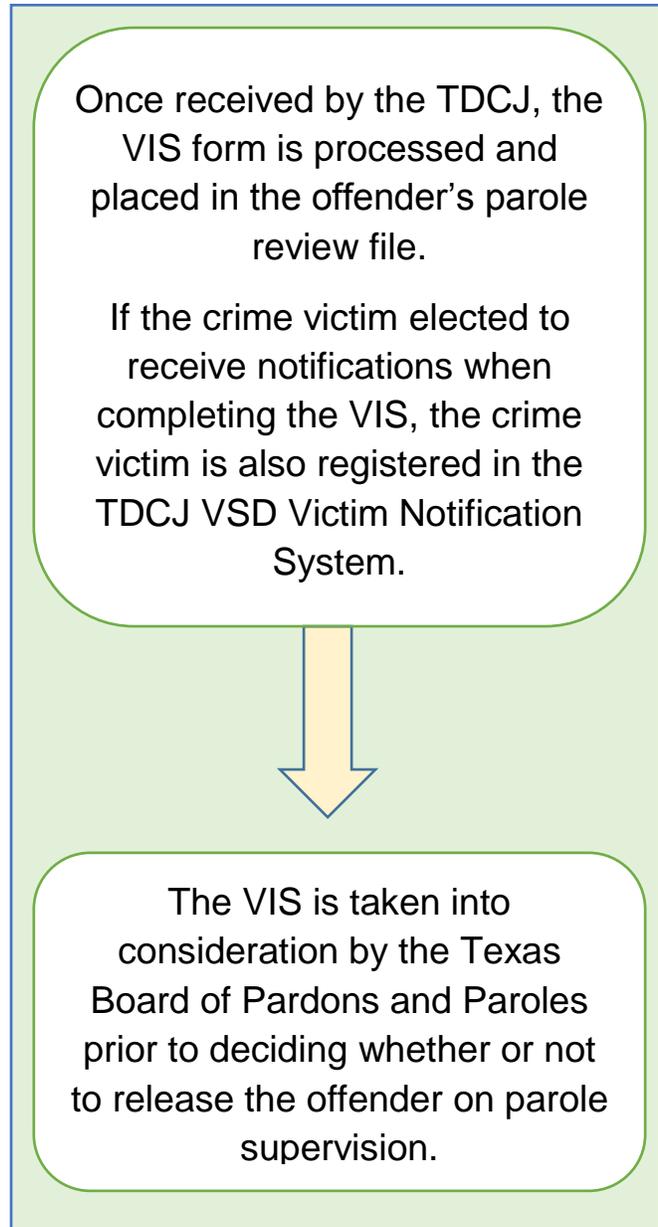
If the defendant is sentenced to community supervision, the attorney representing the state shall forward the VIS received in the case to the community supervision and corrections department (CSCD) supervising the defendant.⁸ The community supervision officer will have access to the VIS to “hear”, from the victim, the impact of the crime and to record and process the victim’s request for notifications regarding the defendant.

If the defendant is sentenced to the TDCJ Correctional Institutions Division (CID) (adult prison system), the court shall attach a copy of the VIS form to the commitment papers. The county that transfers a defendant to the TDCJ CID is required to provide a copy of the VIS form, if one has been prepared in the case, in the offender’s penitentiary packet.⁹ Once received by the TDCJ, the VIS form is processed by the TDCJ Victim Services Division (VSD).

If the crime victim elects to receive notifications when completing the VIS, the crime victim is registered in the TDCJ VSD Victim Notification System (VNS). The VNS is a confidential database that provides notifications regarding the offender’s status, including the parole review process.

The VIS form is then included in the offender’s parole review file. During the defendant’s parole review(s), the VIS is taken into consideration by the TxBPP prior to deciding whether or not to release the defendant on parole supervision.

As the illustration reflects, the VIS is a significant tool in the criminal justice system that crime victims utilize to share the impact of the crime with key decision makers, and connect



⁸ Texas Code of Criminal Procedure art. 56.03(e)

⁹ Texas Code of Criminal Procedure art. 42.09(Sec. 8)(a)(4)

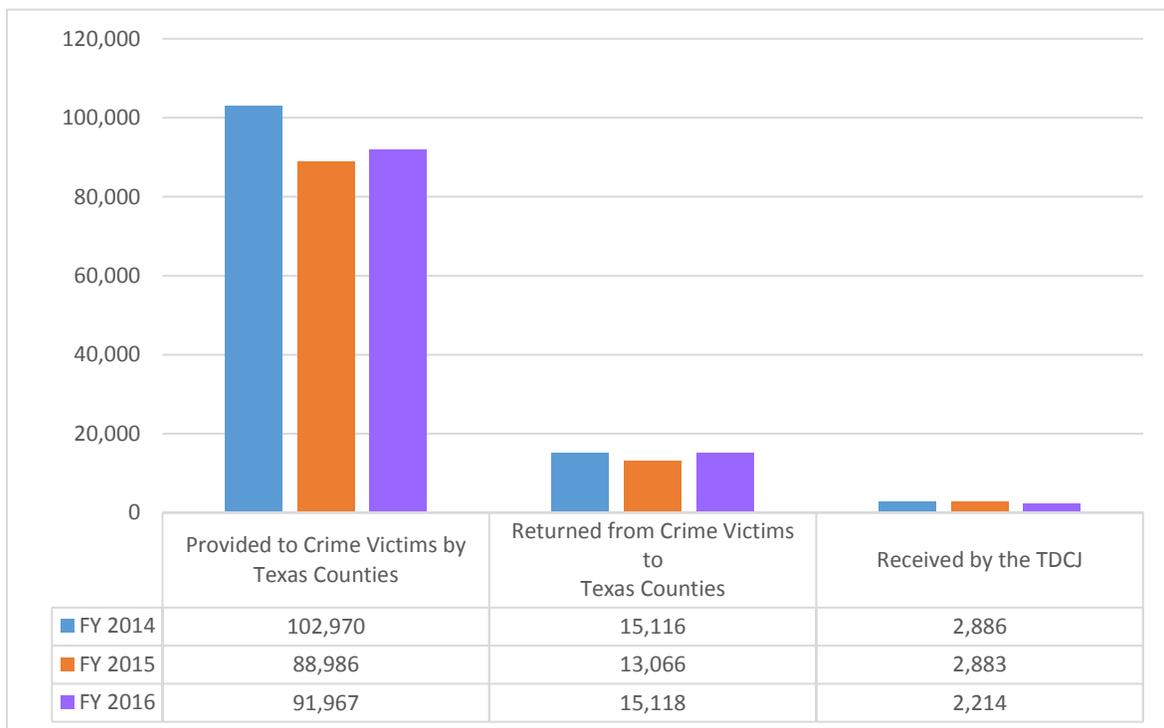
to mandated and other available services. Mandated services include notification and participation in the criminal justice process. Collaboration between criminal justice professionals is crucial to ensure the VIS form is handled appropriately.

If the VIS form does not follow the offender, the crime victim may not be afforded their rights and may not receive important notifications regarding the status of the offender, including release to parole supervision or when the offender discharges their sentence. The absence of notifications can be a safety concern for the crime victim and their family.

VIS Form Statistics

With the passage of crime victims’ rights and the creation of the VIS form in 1985, the Texas Legislature tasked the Texas Crime Victim Clearinghouse (TxCVC), along with the TxBPP and the TDCJ Criminal Justice Assistance Division (CJAD), with developing a survey plan to maintain statistics on the number and types of persons to whom state and local agencies provide VIS forms each year. The survey plan must be designed to protect the privacy of crime victims and to determine whether the selected agency or office is making a good faith effort to protect the rights of the persons served.¹⁰

The VIS Activity Report (Appendix B) is completed by each district and county attorney’s office who represent the 254 counties in Texas and submitted to the TxCVC quarterly. The reporting form collects information regarding how many VISs were provided to crime victims by the district or county attorney’s office and how many VISs were completed and returned to the district or county attorney’s office by crime victims. In addition, the TxCVC tracks how many VIS forms are received by the division each fiscal year. The TxCVC publishes the VIS statistics each fiscal year in the TDCJ VSD Annual Report, which is available online.



¹⁰ Texas Code of Criminal Procedure art. 56.05

Some crime victims express confusion between allocution (oral impact statement) and the VIS form. The allocution can be beneficial for crime victims, but it does not serve the same purpose as the VIS form. It does not collect the crime victim's notification preference and contact information and is not considered by the prosecutor and court prior to sentencing or acceptance of a plea bargain agreement, or by the TxBPP when considering an offender for release to parole supervision.

As the graph on page eight illustrates, there is a substantial difference between how many VISs are provided to crime victims by the district or county attorney's office and how many forms are returned by crime victims to the district or county attorney's office.

Through the routine collaboration between the TxCVC and district and county attorneys' offices, causes for the discrepancies, potential solutions, and improvements have been discussed. In the following paragraphs, there are some valid reasons that contribute to the number of VISs that are not returned by crime victims to the district or county attorneys' offices.

Impact of Violent Victimization

The impact of violent victimization can be evident in every facet of life - physical, psychological, financial, social, and spiritual. Many crime victims talk about their life before or after the crime. For some victims, participating in the criminal justice system while trying to cope and process the victimization can be overwhelming. Many crime victims choose not to participate in every aspect of the criminal justice system. Some victims may not realize the role of the VIS form and how it is utilized in the process. It is important we provide information about the VIS and its uses so that crime victims can make an informed decision.

Common Confusion

Crime victims have also expressed confusion between the allocution (also referred to as the oral victim impact statement) and the VIS form. Allocution is a crime victim's right to appear in person, after the

sentence is announced, to present to the court and to the defendant a statement of the crime victim's views about the offense, the defendant, and the effect of the offense on the victim.¹¹

The allocution can be beneficial for crime victims, but it does not serve the same purpose as the VIS form. The allocution will not collect the crime victim's notification preference and contact information, and it is not considered by the prosecutor and court prior to sentencing or acceptance of a plea bargain agreement, or by the TxBPP when considering an offender for release to parole supervision.

Disposition of the Case

There is also a substantial difference between the number of VIS forms returned by crime victims to the district and county attorneys' offices and the number of VIS forms received by the TDCJ VSD. Again, there are some valid reasons for the differences between these numbers and room for improvement. One reason that a VIS may not be sent to the TDCJ is that some criminal cases will be dismissed, and therefore the VIS form is not forwarded to the supervising entity. In addition, the TDCJ VSD would not receive the VIS form if the defendant was acquitted or received community supervision.

Due to the complexity of the criminal justice system and the required collaboration to ensure the VIS form is forwarded to the correct supervising entity, it is important for counties to establish processing procedures to ensure VIS forms are forwarded correctly.

¹¹ Texas Code of Criminal Procedure art. 42.03

Collaboration

The TDCJ VSD TxCVC routinely collaborates with Texas counties regarding the VIS form and post-conviction services. This collaboration includes the revision of the VIS form and related documents, training and technical assistance, and the VIS Observation Study. Collaboration among all criminal justice professionals is key to ensuring crime victims' rights are afforded.

VIS Revision Process

After every legislative session, the TDCJ VSD TxCVC, in collaboration with the TxBPP and the TDCJ CJAD, is tasked with revising the VIS form. In addition to the organizations listed above, the VIS Revision Committee consists of representatives from the Texas Juvenile Justice Department, law enforcement agencies, prosecutors' offices, CSCDs and crime victims. The goal of the committee is to update the VIS form to reflect any changes in legislative requirements and enhance the user-ability of the form. The VIS Revision Committee also updates the VIS Recommended Processing Procedures to make certain that the guidelines provide clear and easy-to-follow recommendations on how to process VIS forms to ensure they are received by the supervising entity.

Collaboration among all criminal justice professionals is key to ensuring crime victims' rights are afforded.

Training and Technical Assistance

The TDCJ VSD TxCVC offers a complimentary three hour training, Victim Impact Statements: The Victim's Voice in the Criminal Justice Process. This training is designed for victim assistance and criminal justice professionals with statutory responsibilities for the handling of the VIS forms. Attendees include VACs from district and county attorneys' offices, prosecutors, court coordinators, district clerks, judges, probation officers, personnel from law enforcement offices and sheriff's department personnel who prepare penitentiary packet documents.

The training is updated after every legislative session to include the new VIS form and address questions and ideas presented by district and county attorneys' offices and the VIS Revision Committee. The TDCJ VSD TxCVC staff, including regional staff, also provide technical assistance to Texas counties seeking to address VIS related questions or develop VIS related processing procedures within their county.

Enhanced Collaboration: Observation Study

The TxCVC coordinated with identified counties, to facilitate an observation study that allowed the TxCVC to meet with county personnel and observe their day-to-day activities related to the processing of VIS forms. The goal of the study was to identify effective practices and procedures implemented within Texas counties regarding the VIS form, and then share what was learned in this report.

Phase One: Identification of Counties

The TxCVC identified counties with the following criteria:

- **Category One (Appendix C)**
Utilizing the TDCJ VSD Fiscal Year (FY) 2015 Annual Report, the TxCVC identified counties that provided at least 50 VISs and had a 50% or higher rate of return of VIS during FY 2015.¹²
- **Category Two (Appendix D)**
The TxCVC examined statistics from data entered by the TDCJ Executive Services VIS Report, regarding the number of offenders who are received by the TDCJ CID. The TxCVC identified counties that had a higher rate of penitentiary packets that included VISs, for offenders whose offenses were eligible for a VIS.
- **Category Three (Appendix E)**
The TxCVC identified counties that previously participated in the VIS revision process.
- **Category Four (Appendix F)**
The TxCVC examined the FY 2015 Texas Department of Criminal Justice Statistical Report to identify counties that sent the highest number of offenders to the TDCJ.¹³

Note: Some counties were included in more than one category.

¹² 2015. Victim Services Division Fiscal Year 2015 Annual Report.
<http://www.tdcj.texas.gov/publications/index.html#victim>.

¹³ 2015. FY 2015 Texas Department of Criminal Justice Statistical Report.
http://www.tdcj.texas.gov/documents/Statistical_Report_FY2015.pdf.

Phase Two: Confirmation of Participation

The TxCVC staff contacted counties identified as being successful in processing the VIS as determined by the criteria above. TxCVC staff conducted telephonic interviews and arranged on-site visits.

Phase Three: Observation

The TxCVC staff traveled to designated counties across the state to meet with and observe the VAC(s), county clerks and other designated county personnel that routinely process the VIS forms. They recorded their observations on standardized observation forms.

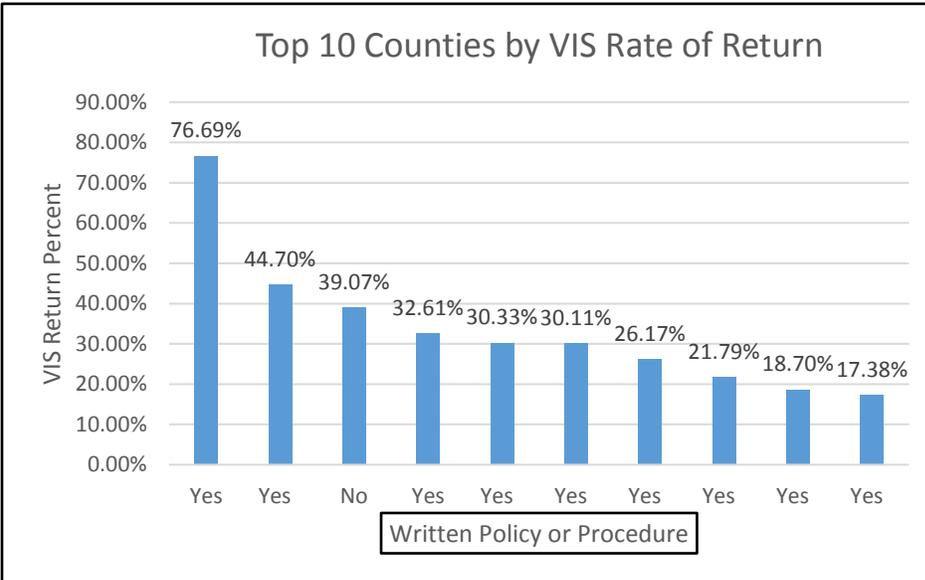
Phase Four: Compilation of Observations and Data Analysis

Once finalized, the forms were collected and the information was entered into a database. The data was compiled and analyzed by TxCVC staff. The observation study allowed the TxCVC to identify many consistencies and a few outliers among the identified counties.

General Observations

1. Importance of Developed Policies and Procedures

Across all four categories of counties, nine of the top ten counties had some form of written policies and procedures (See graph below).



The VAC plays a vital role in developing and/or modifying policies and procedures. In some instances, policies and procedures were established before the current VAC began their role within the county. In other instances, the VAC developed the policies and procedures, in conjunction with other county personnel who process the VIS form.

Important Observation:

Across all four categories, nine out of the top ten counties that had the highest percent of VISs returned to the county by victims of crime reported that they had developed written procedures or manuals.

Counties emphasized the importance of modifying and updating the policies and procedures on an ongoing basis. The most common reasons for modifying the policies and procedures were changes in legislative mandates, the utilization of technology and feedback from crime victims and criminal justice or victim services professionals.

Many counties observed utilized the Texas District and County Attorneys Association (TDCAA) and the TDCJ VSD TxCVC as resources when developing policies and

procedures. Resources specifically mentioned during the observations were the TDCJ VSD TxCVC VIS Recommended Processing Procedures (Appendix G) and guidelines provided by the TDCAA.

Counties reported the VIS Recommended Processing Procedures were helpful in establishing procedures within the respective county. In addition, counties across each category reported the usefulness of training for all individuals who have a responsibility in processing the VIS form.

2. Importance of Networking and Collaboration

Counties across all categories emphasized the importance of networking and collaboration. Working with other county personnel who handle the VIS form, VACs from other counties, and local and state agencies is the key to the development and evolution of policies, procedures and practices for handling the VIS.

One county emphasized the VIS process works because county personnel who handle the VIS form network with one another. The VAC explained that the established processing procedures are known by all the attorneys, judges and court personnel.

Another county included everyone who handles the VIS form in meetings when establishing policies and procedures. This fosters an environment where all county personnel are knowledgeable about the entire VIS process. Everyone knows where the VIS is located and how to process the VIS form.

The three counties with the highest rates of offenders that arrive to the TDCJ with VISs reported that they have a procedural manual for each VAC position.

Important Observation:

Communication between the local entities with VIS responsibilities has been the key to the development and evolution of policies, procedures and practices for handling the VIS.

3. Importance of Training

All counties that participated in the observation study discussed the importance of training. Many county personnel have attended a VIS related training held by the TDCJ VSD TxCVC or the TDCAA or both. In addition, counties discussed the importance of internal training of county personnel.

One county hosted a training that included prosecutors, judges and other court personnel. As a result of the training, judges now inquire if a VIS form has been returned and prosecutors know to offer the VIS to the judges when a VIS form has been returned.

Counties
emphasize the
importance of
training.

Providing the VIS Form to Crime Victims

While observing the counties, the TxCVC staff focused on:

- Identifying when and how VIS forms are provided to crime victims;
- Identifying follow-up procedures when crime victims do return a VIS form;
- Identifying follow-up procedures when crime victims do not return a VIS form; and
- Identifying follow-up procedures when a county is unsuccessful in contacting crime victims.

When and How to Provide the VIS Forms to Crime Victims

Many of the counties contact the victim pre-indictment, while some contact the victim post indictment.

Across all categories, VACs in many of the counties initiate contact with the crime victim via telephone or letter before indictment. In the initial communications, the VAC provides information regarding the VIS form and its purpose in the criminal justice system.

Counties utilize an intake list, charging report, grand jury report or indictment report to initiate the process of sending a VIS form to crime victims. Counties observed report different timeframes as to when they generate the notification that includes the VIS form to crime victims. This can be daily, weekly, biweekly or on an as needed basis.

Four of the top five counties, with the highest percentage of offenders that are sentenced to the TDCJ CID and have a VIS in the penitentiary packet, send the VIS form before indictment.

Counties that report sending the VIS pre-indictment and processing the mailing of the VISs daily have a significantly higher rate of return and higher percentage of offenders that arrive at the TDCJ with a VIS in the penitentiary packet.

Important Observation:

Counties that report sending the VIS pre-indictment *and* processing the mailing of the VISs daily, have a significantly higher rate of return and higher percentage of offenders that arrive at the TDCJ with a VIS in the penitentiary packet.

Many counties provide the VIS form in a hard copy that is sent to the victim by mail. Some counties will also provide the VIS form electronically, if requested.

Primarily, counties are providing crime victims a hard copy of the VIS form by mail. In several counties, the TxCVC staff observed that a fillable PDF VIS form is provided to a crime victim via e-mail, if requested. Those counties reported that some victims find it more convenient to complete the form electronically. Two counties expressed that having the capacity for victims to complete the form online might be easier for some crime victims to complete and return the form.

Follow-up Procedures: When VIS Form is returned by the Crime Victim

All counties observed reported utilizing the contact information on the Confidential Victim Information Sheet, which is a part of the VIS form, to contact victims regarding relevant court-related information and events.

Counties across all categories report utilizing the contact information included on the completed and returned VIS form to notify crime victims of important dates, to include: court hearings, information regarding plea bargains, trial dates, and other prosecution related information.

The majority of the counties report that the VAC makes contact by phone or e-mail with the victim after the VIS form is returned. Some counties report staff resources that enabled the VAC to follow-up with crime victims by either in-person or telephonic meetings. A few counties, with a larger population and caseload, discussed difficulty in meeting with each crime victim for all cases handled by the county. In those cases, the county discussed contacting crime victims only as needed to seek clarification or answer questions.

While the VAC is primarily the individual who contacts the victim, one county reported instructing the prosecutor to contact the victim after the VIS form is returned. Another county reported that the attorney is responsible for contacting the victim after indictment. This contact allows the prosecutor to speak with the victim to learn more about the impact of the crime, and to inquire about the victim's thoughts and feelings regarding the case.

Follow-up Procedures: VIS Form is Not Returned

All counties reported follow-up efforts to emphasize the importance of the VIS form.

Generally, follow-up procedures varied. However, procedures were similar when the crime victim was participating in the process and had not yet returned a VIS form.

Many counties call the victim or re-send the VIS form within a specified period of time, on average 10 to 14 days after the initial letter. One county sends a letter asking the crime victim to contact the county within five days to discuss services. Another attaches a VIS reminder sticker on notifications sent to the crime victim regarding court related information such as indictment, court hearing dates, etc.

Some counties check the file prior to in-person or telephone meetings with crime victims to determine if the VIS form was returned. If the form was not returned, they would discuss the purpose of the VIS and offer to assist the crime victim in completing the form.

In cases where trial or plea bargain hearing is approaching, the VAC will plan to meet with the victim to discuss the case and will include the VIS in the discussion. VACs will also discuss the VIS form when they discuss the allocution with the crime victim. In some instances, the crime victim completes the Confidential Victim Contact Information Sheet and attaches their allocution statement that addresses the impact of the crime.

Counties across each category reported follow-up efforts when a VIS form was returned to sender and/or a crime victim could not be contacted.

Counties from all categories reported follow-up procedures when efforts to contact the crime victim were unsuccessful. Similar to the follow-up procedures for crime victims who have not returned a VIS, the practices and efforts varied.

Many counties try to contact the victim with alternative methods of contact including telephone numbers or e-mail addresses. In addition, counties utilize legal service databases, search social networking sites and/or collaborate with county investigators to obtain current contact information for crime victims.

Important Observation:

Follow-up procedures reported when the VIS is not returned:

- Phone calls;
- Checking file before next in-person or telephone meetings;
- Explanation of form and offer to assist; and
- VIS reminder stickers on future mailings.

Important Observation:

Follow up procedures for unsuccessful contacts:

- Phone calls and e-mails;
- Collaboration with investigators;
- Use of legal software database; and
- Searching social media sites.

Follow-up practices were dependent on staff resources. Some counties, including those who handle a larger volume of cases, reported the importance, yet difficulty, in following-up with crime victims. These larger counties reported making every possible effort to identify current contact information for the victim but acknowledged there is not enough personnel to provide follow-up on every case.

Some counties use interns and volunteers to process undeliverable mail and to try to obtain current contact information. In addition, one county reported communicating with the prosecutors when the VAC was unable to contact the crime victim. In those instances, the prosecutor coordinated with the county investigator(s) to try to obtain current contact information for the crime victim.

Process When Receiving the VIS Form

While observing the counties, the TxCVC staff focused on:

- Identifying who is responsible for receiving the VIS form; and
- Identifying the process to confirm and document that a VIS was received.

Who is Responsible for Receiving the VIS Form

Across all categories, the VAC or victim administrative assistant is responsible for receiving and initially processing the VIS form.

The TxCVC staff observed counties in rural and urban areas. For district and county attorney's offices that were smaller in size, there usually was one position designated as the VAC. Larger offices included a team of VACs or positions that were described as legal or victim administrative assistants. All counties identified the VAC or victim administrative assistants as the position responsible for receiving and initially processing the VIS form.

Processing a Completed VIS Form

Counties developed processes and/or systems to identify when a VIS form is received.

While the utilization of technology varies, all observed counties have procedures and practices to document when a VIS is received.

In counties that utilize software systems or databases, the VAC records when the VIS is received, and in some instances, scan the VIS form into the system. In these instances, the district or county attorney's office personnel have access to view the data entered and the VIS form. One county has the capability to mark the electronic file with a flashing red exclamation mark. This prompts the prosecutor to view the VIS form under the respective tab. In another county, the VAC e-mails the prosecutor when the VIS is received and scanned into the system.

Counties that process paper files often utilize bright-color paper, tags and stickers on the outside and inside of the file to ensure the VIS is easily identified. Two counties prints the VIS form on green-colored paper.

Important Observation:

While the utilization of technology varies, all observed counties have procedures and practices to document the case file when a VIS is received.

Another places the VIS form in a bright pink envelope. In addition, counties report stamping the outside of the case file with messages, such as “Victim Impact Statement” and “Victim Notification Requested.” Another county utilizes tags that identify the VIS in the case file. The tag intentionally extends beyond the bottom of the other papers in the file.

Many observed counties implement practices to maintain the confidentiality of the victim contact information.

The Victim Confidential Information Sheet is a portion of the VIS form. Per statute, the contact information is confidential. Many observed counties report procedures or practices to ensure that the information is protected and kept confidential. Some counties label the VIS as “privileged” in their database to ensure it will not be included in discovery.

Many of the observed counties that process paper files, utilize a sealed envelope system. Once a VIS is received, the VAC makes an additional copy. One of the VIS forms, which includes the confidential information, is placed in a sealed envelope that is clearly marked. The VAC includes the sealed envelope in the case file so that it is readily available in order for the prosecutor to provide the VIS form to the court. Many counties place a copy of the original VIS form in a sealed envelope for the court to review, when applicable. One county also stamps the confidential page “CONFIDENTIAL.”

Many observed counties developed tracking forms or check lists to document the VIS form’s path.

Counties across all categories utilize tracking forms or check lists to document the path of the VIS form. One county utilizes a Victim Contact Form (Appendix H) printed on bright orange paper, which is attached to the envelope that contains the VIS form. The VAC records contacts with the victim and important dates, to include when the VIS was returned and made available to the prosecutor. Another county utilizes a tracking form (image to the right). These forms serve to document the path of the VIS form. The use of these forms will be discussed further in the next section.

DEPENDANT

CAUSE #
The Victim Impact Statement is in this envelope, and should be submitted to the JUDGE prior to sentencing the defendant. This envelope, containing the original V.I.S., then goes to the District Clerks Office to be forwarded to the TEXAS DEPARTMENT OF CORRECTIONS with the commitment papers. In the case of probation, the V.I.S. is to be returned to the Adult Probation Department by the District Clerk if it is still in the Court's file.
SIGN & DATE:

VICTIM COORDINATOR

ATTORNEY

JUDGE

DISTRICT CLERK

PROBATION DEPT./SHERIFF'S OFFICE
RETURN THIS FORM TO THE VICTIM COORDINATOR AT THE DISTRICT ATTORNEY'S OFFICE.

Forwarding the VIS Form

While observing the counties, the TxCVC staff focused on:

- Identifying practices that ensured the completed VIS forms were made available to the court;
- Identifying practices that ensured completed VIS forms were included in the offender's commitment papers/penitentiary packet (if the offender is sentenced to TDCJ CID) or forwarded to the CSCD (if the offender is sentenced to community supervision); and
- Identify checks and balances that ensured the VIS forms were processed appropriately.

Providing the VIS Form to the Court

Counties emphasized the importance of training and communication between the district attorney's office and court personnel.

As noted previously, the VAC processes the VIS form once the form is returned to the county. The VIS form is placed in a paper case file or scanned into an electronic system.

For many of the counties that utilize an electronic system, the prosecutor is able to print a copy of the VIS form to be provided to the court. In one county, the prosecutor is able to print the VIS form in the court room. For counties that utilize a paper case file system, the brightly colored paper and envelopes assist the prosecutor in identifying and locating submitted VIS forms. In one particular county, the VAC reviews the court docket and identifies cases where a VIS is returned and brings the VIS to court. Many counties discussed the importance of continuous communication between the prosecutor and the VAC during the prosecution of the case.

While the established procedures lay a solid foundation to identify and locate returned VIS forms, several counties emphasized the importance of ongoing communication between the prosecutor's office staff and the court to revise and update procedures as necessary. Several counties observed stress the importance of training. In one particular county, the VAC, district attorney, court and other county personnel received training regarding the VIS form. They report that this training resulted in all judges asking for returned VIS forms, and all prosecutors offering the VIS form to judges.

Another observed county reports that each judge states on the court record if the crime victim was notified of the plea bargain agreement, when applicable, and whether a VIS has been received. This information is recorded on the judgment (see below), which was modified within the past two years.

<p>A victim impact statement <input type="checkbox"/> has/ <input type="checkbox"/> has not been returned to the attorney representing the State.</p> <p>An attachment <input type="checkbox"/> is/ <input type="checkbox"/> is not incorporated in the judgment.</p>

Forwarding the VIS to the supervising entity

If the court sentences the defendant to imprisonment in the TDCJ, the court shall attach a copy of the VIS form to the commitment papers.¹⁴ In addition, the county that transfers the defendant to the TDCJ under Code of Criminal Procedure art. 42, shall deliver to the TDCJ a copy of the VIS, if one has been prepared in the case under Code of Criminal Procedure art. 56.03.¹⁵

Across all four categories, different entities prepared the offenders' commitment papers and penitentiary packets.

Across all categories, different entities are tasked with compiling and sending the penitentiary packet to the TDCJ CID, when an offender is sentenced to incarceration. In many counties, the clerk of the court or the court administrative assistant is responsible for assembling the commitment papers when an offender is sentenced to the TDCJ CID. In one county the file is sent to the county Sheriff's Office, whose TDCJ Liaison hand delivers the document to the TDCJ. In another county, the Sheriff's Office is tasked with compiling and delivering the penitentiary packet.

If an offender is sentenced to probation, the prosecutor is mandated to provide the VIS form to the CSCD. Across all categories, different individuals were tasked with providing the form to the CSCD. In some counties, the clerk of the court provided the VIS form to the CSCD's court liaison officer.

¹⁴ Texas Code of Criminal Procedure art. 56.04(e)

¹⁵ Texas Code of Criminal Procedure art. 42.09(a)(4)

During the observations, many county personnel who handle and process the VIS forms were knowledgeable about each position's or entity's role in processing the VIS form and how the VIS form is processed within the respective county. For instance, many counties that utilized brightly colored paper, stamps or tracking forms would easily identify when a VIS was included in the file. In general, the counties reported communication was vital between all the individuals who bear a responsibility to process the VIS form.

Across all four categories, most counties utilized a VIS tracking form and the TDCJ Pen Packet Document Checklist.

Many counties observed utilized a tracking form similar to the form shown on page 23. One county reported each person responsible for processing the VIS form signs the form in the respective line. The sheriff's office returns the tracking form to the VAC once the penitentiary packet is completed. This serves as a confirmation that the VIS was processed.

Many counties also discussed that the TDCJ Pen Packet Document Checklist (Appendix I) is a helpful tool in assuring the VIS form, if returned, is included in the penitentiary packet. When completing the checklist, the entity responsible for compiling the documents will review the file or judgment to determine if a VIS was returned.

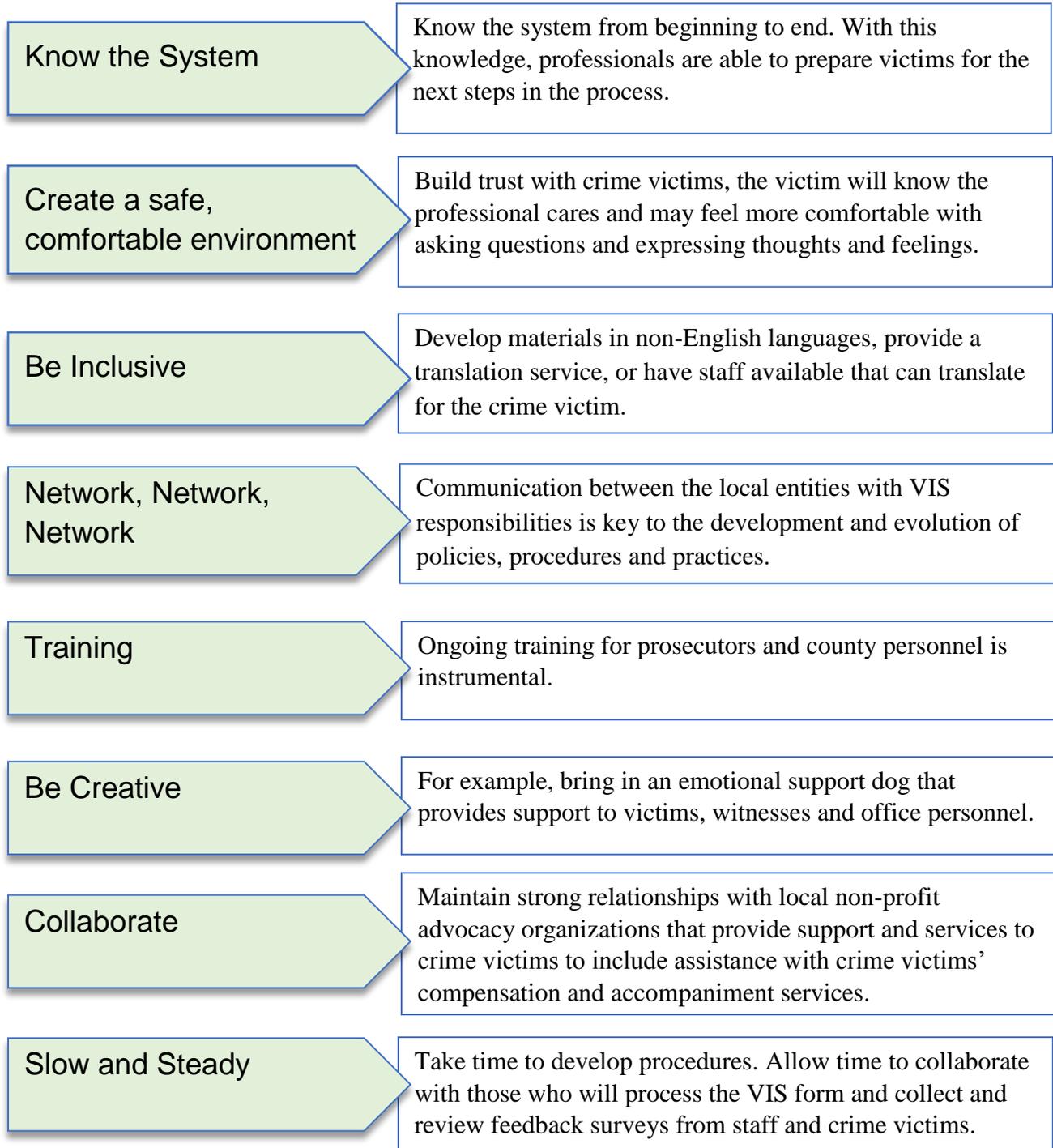
One county reported that the legal administrative assistant in the district attorney's office checks every penitentiary packet for a VIS form. If a VIS form is not included in the packet, the legal administrative assistant will contact the VAC to verify one was not returned.

**Important
Observation:**

Counties in all categories, with high percentages of offenders arriving at the TDCJ CID with a VIS, utilize a checklist when assembling the penitentiary packet documents.

Recommendations from the Field

During the observation the TxCVC asked the county personnel to share recommendations they would share with other professionals.



Appendices

Appendix A:

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.

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

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

***Return the
Victim Contact Information Sheet and the
Victim Impact Statement Form to the
county or district attorney's office
that is prosecuting your case.***

TO BE COMPLETED BY THE VICTIM ASSISTANCE COORDINATOR	
Victim Assistance Coordinator:	
Agency:	
Address:	
City:	Zip Code:
Work Phone:	Fax:
E-mail:	
Defendant(s) Name (Last, First MI)	Cause/Case #

REMOVE AND KEEP FOR YOUR RECORDS

VICTIM IMPACT STATEMENT PACKET

DETAILED DESCRIPTION OF HOW THE VICTIM IMPACT STATEMENT IS USED THROUGHOUT THE CRIMINAL JUSTICE PROCESS

- 1. CRIME VICTIMS' RIGHTS:** You have crime victim rights if you are a:
 - Victim,
 - Parent/Guardian of a victim, or
 - Close relative of a deceased victim
- 2. CONFIDENTIAL VICTIM CONTACT INFORMATION SHEET:**
 - Used by criminal justice professionals to contact you throughout the process.
 - Used to elect and exercise your rights to notification of court proceedings, probation, parole, release, and/or discharge.
 - Used by the Texas Department of Criminal Justice (TDCJ) to add adults who request notification from the TDCJ Victim Services Division, *Victim Notification System*, regarding the status of the offender while he/she is incarcerated in the TDCJ Correctional Institutions Division (prison) or on parole supervision.
 - By law, the confidential Victim Contact Information Sheet cannot be seen by the defendant or the defense attorney.

If any of your contact information changes, you must notify the following departments, as applicable, to make sure you are kept informed: **during the trial/prosecution phase**, contact your Victim Assistance Coordinator; if **the defendant is sentenced to adult probation**, contact the county's community supervision and corrections department (CSCD) - http://tdcj.state.tx.us/documents/CSCD_directory.pdf; or if **the defendant is convicted and sent to TDCJ (adult prison)**, contact the TDCJ Victim Services Division at 1-800-848-4284 or victim.svc@tdcj.texas.gov.

- 3. VICTIM IMPACT STATEMENT FORM:** Victims have the right to submit a Victim Impact Statement. The Victim Impact Statement is a written, detailed account of the emotional/psychological, physical, and financial impact the crime had on the victims and/or family members. This document can be used to explain your feelings such as loss, frustration, fear, and/or anger, as well as any physical or monetary damages due to the crime. Only you can provide this vital information.

KNOW HOW YOUR VICTIM IMPACT STATEMENT IS USED

Prosecutor:

- Considers your Victim Impact Statement before entering into a plea arrangement.
- Considers your Victim Impact Statement to determine the restitution amount (if applicable).

Judge:

- Considers your Victim Impact Statement before imposing a sentence; the Victim Impact Statement is not considered by a jury.
- Considers your Victim Impact Statement before a plea bargain agreement is accepted.

Defense:

- Your Victim Impact Statement, **excluding the confidential Victim Contact Information Sheet**, may be seen by the defendant and/or the defendant's attorney.
- In certain circumstances, the defendant or the defendant's attorney may comment on the Victim Impact Statement and, with approval of the court, introduce evidence or testimony in regards to its accuracy.

Community Supervision (Probation):

- Community Supervision officers have access to your Victim Impact Statement for notification purposes.

Texas Department of Criminal Justice:

- If the defendant is sentenced to prison, your Victim Impact Statement goes to the TDCJ Victim Services Division to provide adults requesting notification with information regarding the defendant. Adults can register for this service by completing the confidential "Victim Contact Information Sheet," which is a part of the attached Victim Impact Statement.

Board of Pardons and Paroles:

- The Parole Board will consider your Victim Impact Statement prior to voting whether or not to release the offender to parole supervision.





VICTIM IMPACT STATEMENT

CONFIDENTIAL

VICTIM CONTACT INFORMATION SHEET

This confidential Victim Contact Information Sheet will be used by criminal justice professionals to contact you throughout the process. This includes notifying you about court proceedings, community supervision (probation), and parole, release and/or discharge if the defendant is sent to prison.

You may choose to complete only this page for notification purposes.

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

TO BE COMPLETED BY THE VICTIM ASSISTANCE COORDINATOR

OFFENSE:			OFFENSE DATE:	
DEFENDANT(S) NAME (LAST, FIRST MI)	DPS State ID (SID)	DOB (mm/dd/yyyy)	Cause/Case #	Court #

SECTIONS 1 & 2 TO BE COMPLETED BY VICTIM, PARENT/GUARDIAN OR CLOSE RELATIVE

SECTION 1. NOTIFICATION / NO CONTACT

If you are an adult, do you want to be notified about:

- relevant court proceedings, or
- the defendant's status if the defendant:
 - is placed on community supervision (probation), or
 - is sentenced to prison (Texas Department of Criminal Justice, Correctional Institutions Division) or is considered for parole or release? YES NO

If the defendant is sent to prison, do you want the defendant to be prohibited from contacting you? YES NO

Do you have a protective order against the defendant? YES NO

IMPORTANT!

BEFORE RETURNING THE VICTIM CONTACT INFORMATION SHEET AND/OR VICTIM IMPACT STATEMENT FORM TO THE VICTIM ASSISTANCE COORDINATOR, BE SURE TO CHECK YOUR PREFERENCES IN SECTION 1 AND REVIEW AND SIGN THE FINAL DOCUMENT. IF YOU MOVE OR CHANGE ANY OF YOUR CONTACT INFORMATION, CONTACT YOUR VICTIM ASSISTANCE COORDINATOR, THE COMMUNITY SUPERVISOR (PROBATION), OR THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE VICTIM SERVICES DIVISION.

SECTION 2. CONFIDENTIAL VICTIM CONTACT INFORMATION (Please use black ink and print clearly)

Victim's Name:	Driver's License No. and State:	
Date of Birth:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name of Person Submitting this Statement:	Driver's License No. and State:	
Address:	Date of Birth:	
City:	State:	Zip:
Cell Phone:	Work Phone:	
Email Address:	Relationship to Victim:	
Please provide the contact information of someone not living with you who will know how to contact you.		
Full Name:		
Address:		
City:	State:	Zip:
Cell Phone:	Work Phone:	
Email Address:	Relationship to Victim:	



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VICTIM IMPACT STATEMENT FORM

TO BE COMPLETED BY THE VICTIM ASSISTANCE COORDINATOR				
OFFENSE:			OFFENSE DATE:	
DEFENDANT(s) NAME (LAST, FIRST MI)	DPS State ID (SID)	DOB (mm/dd/yyyy)	Cause/Case #	Court #

The Victim Impact Statement is a written, detailed account of the emotional/psychological, physical, and financial impact the crime had on the victims and/or family members. It may be used at each phase of the criminal justice process, from the prosecution of the offense, to sentencing to community supervision, or to incarceration in the Texas Department of Criminal Justice, Correctional Institutions Division, and through the parole review process. **Please do not relate any information about the crime itself; those facts are available in other reports.** Please answer only as many questions as you wish. If you need more space, attach any additional page(s) to the Victim Impact Statement Form.

TO BE COMPLETED BY THE VICTIM, PARENT/GUARDIAN OR CLOSE RELATIVE OF THE VICTIM
Victim's Name:

EMOTIONAL/PSYCHOLOGICAL IMPACT. Use this section to discuss your feelings about what has happened to you as a result of the crime and how it has affected your general well-being. Please check all the reactions you have experienced.

- Changes in sleep pattern Lack of concentration Fear of strangers Loss of security/control
- Nightmares Fear of being alone Anger Feelings of helplessness
- Difficulty trusting others Anxiety Cry more easily Fear of leaving home
- Change in appetite Job stress Family not as close Other
- Depression Want to be alone School stress
- Marital/Relationship problems

Has the victim or the victim's family sought counseling as a result of the crime? Yes No

How has the crime affected you, your family or those close to you? Please feel free to discuss your feelings, thoughts, and general well-being. (Please attach any additional page(s) if needed.)





VICTIM IMPACT STATEMENT FORM

PHYSICAL INJURY. Use this section to discuss any physical injuries suffered as a result of the crime. You may want to write about the extent of the injuries and how long the injuries lasted. (Please attach any additional page(s) if needed.)

Treated at _____ (medical centers / clinics / physicians' offices)

Hospitalized at _____ for ____ days

FINANCIAL LOSS.

Losses you have incurred as a result of the crime may include medical and dental care, emergency transportation, property loss or damages, loss of income from work, counseling, crime scene cleanup, moving or changing residence, funeral costs, and other costs of this nature.

You may want to begin keeping a log of your financial loss as soon as possible after the crime occurred to include any receipts and records you have. In the event of a conviction, the prosecutor or judge **may** use this information to determine if any restitution may be ordered or you may be contacted for more up-to-date information. PLEASE KEEP COPIES FOR YOUR OWN RECORDS.

Please provide a best estimate of your financial loss to date: _____ | \$ _____

Do you anticipate any future costs resulting from the crime? Yes No

Were any expenses covered by insurance or other sources? Yes No

Have you applied for Crime Victims' Compensation through the Attorney General's Office? Yes No

If you have not, you may apply at www.texasattorneygeneral.gov or call 1-800-983-9933.

The information in this Victim Impact Statement is true and correct to the best of my knowledge.

Print Name

Signature

Date

INFORMATION SUBMITTED BY: Victim Parent/Guardian Close Relative Other _____



VICTIM IMPACT STATEMENT

CRIME VICTIMS' RIGHTS

*Texas Code of Criminal Procedure

*Article 56.01 – DEFINITIONS

- (1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (2) "Guardian of victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- (2-a) "Sexual assault" means an offense under Section 21.02, 21.11 (a) (1), 22.011, or 22.021, Penal Code.
- (3) "Victim" means a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another.

*Article 56.02 - CRIME VICTIMS' RIGHTS

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- (3) the right, if requested, to be informed:
 - (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
 - (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
- (4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
- (5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- (6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when

requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole;

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.



REMOVE AND KEEP FOR YOUR RECORDS





VICTIM IMPACT STATEMENT

CRIME VICTIMS' RIGHTS

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

***Art. 56.021 - RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING**

(a) In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;

(2) if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;

(3) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(4) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(5) for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(6) to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

(b) A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3).

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. In addition to the rights enumerated in Article 56.02 and, if applicable, Subsection (a) of this article, a victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(1) the right to request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order under Article 7A.01 on behalf of the victim;

(2) the right to be informed:

(A) that the victim or the victim's parent or guardian, as applicable, may file an application for a protective order under Article 7A.01;

(B) of the court in which the application for a protective order may be filed; and

(C) that, on request of the victim or the victim's parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the court the information described by Subdivision (2) and, if the court has jurisdiction over applications for protective orders that are filed under Article 7A.01, the right to file an application for a protective order immediately following the defendant's conviction or placement on deferred adjudication community supervision; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (2).



REMOVE AND KEEP FOR YOUR RECORDS



Appendix B

VICTIM IMPACT STATEMENT ACTIVITY REPORT - 4th QUARTER / FY 2017 DUE September 15, 2017

THE FOLLOWING INFORMATION IS REQUIRED FROM ALL COUNTY AND DISTRICT ATTORNEYS THROUGHOUT THE STATE OF TEXAS. (CCP ART. 56.05)
PLEASE RETURN TO: TEXAS DEPARTMENT OF CRIMINAL JUSTICE, VICTIM SERVICES DIVISION, TEXAS CRIME VICTIM CLEARINGHOUSE,
8712 SHOAL CREEK BLVD., STE 265, AUSTIN, TX 78757-6899 FAX: 512-452-0825; EMAIL: TDCJ.CLEARINGHOUSE@TDCJ.TEXAS.GOV; PHONE: 512/406-5931

SECTION 1: CONTACT INFORMATION (To be completed by County and District Attorneys)

COUNTY: * _____ PERSON SUBMITTING INFORMATION : _____

ADDRESS: _____ CITY: _____ ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

COUNTY ATTORNEY** _____

DISTRICT ATTORNEY** _____

Check box when reporting for both County and District Attorney.

***Please provide information on ONE county per report. **Please ONLY provide the attorney's name for which you are reporting as indicated by the attached instructions.**

SECTION 2A: VICTIM IMPACT STATEMENTS (VIS) PROVIDED

How many Victim Impact Statements did your office provide to victims during the month?

SECTION 2B: TYPE OF OFFENSE (For each monthly total above, please provide a breakdown by Type of Offense. Provide ONLY offenses where a VIS was provided to the victim(s). If one VIS covering multiple offenses is provided to the victim, count the VIS in the most serious, applicable offense in Section 2B.)

	JUN 2017	JUL 2017	AUG 2017	TOTALS
Aggravated Assault				
Assault				
Homicide				
Injury to a Child, Elderly Individual, or Disabled Person				
Intoxication Assault/Intoxication Manslaughter				
Kidnapping				
Property Crimes				
Robbery				
Sexual Offenses Against a Child				
Sexual Offenses Against an Adult				
Trafficking of Persons				
Other				
TOTAL				

SECTION 3: VICTIM IMPACT STATEMENTS (VIS) RECEIVED

How many completed Victim Impact Statements did your office receive during the month?
(These totals will not coincide with the totals in Sections 2A and 2B above.)

	JUN 2017	JUL 2017	AUG 2017	TOTALS

COMMENTS: _____

Appendix C: Counties with Highest VIS Return Rates

Category 1. Counties with Highest VIS Return Rates Source: TDCJ VSD Annual Report for FY 2015		
County	VISs Provided to Victims	Rate of VISs Returned
J	156	72.4%
L	143	50.3%
F	174	50.0%
C	209	49.3%

Appendix D: Counties with Highest Number of Offenders Sent to the TDCJ with VISs

Category 2. Counties with Highest Number of Offenders Sent to the TDCJ with VISs Source: TDCJ Executive Services Report FY 2015 (Sept 2014 – August 2015)			
County	VISs	Offenders with offenses requiring a VIS	Percentage
Q	504	2,059	24.5%
H	186	4,428	4.2%
O	122	175	69.7%
S	108	1,131	9.5%
K	76	302	25.2%
A	70	342	20.5%
D	71	3,933	1.8%
N	53	446	11.9%
T	49	242	20.2%
B	50	2,383	21.0%
M	43	1,059	4.1%

Appendix E: Counties that Serve on the VIS Revision Committee

Category 3. Counties that Serve on the VIS Revision Committee			
Source: VIS Revision Committee Member List			
County	VISs County Provided to Victims in FY 2016	VISs Returned to the County by Victims in FY 2016	Rate of VISs Returned to County in FY 2016
A	1,779	215	12.0%
B	6,227	540	8.6%
F	276	90	32.6%
H	16,324	2,837	17.3%
I	227	31	13.6%
K	1,010	137	13.5%
P	107	28	26.1%

Appendix F: Counties that send the Highest Number of Offenders to the TDCJ

Category 4. Counties that Send the Highest Number of Offenders to the TDCJ			
Source: The TDCJ Statistical Report			
County	Number of receives FY 2014	Number of receives FY 2015	Number of receives FY 2016
H	13,500	10,625	11,504
D	7,490	5,150	6,690
Q	5,058	4,610	4,626
B	4,744	3,867	4,333
S	2,176	1,788	1,974
E	1,050	1,058	1,138

Appendix G: VICTIM IMPACT STATEMENT RECOMMENDED PROCESSING PROCEDURES

In accordance with state law, the Texas Crime Victim Clearinghouse along with other state agencies developed the *Victim Impact Statement (VIS)* to be used by law enforcement agencies, attorneys representing the state, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim and to provide the agencies, attorneys representing the state, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. **Art. 56.03(a)**.

The *VIS* Recommended Processing Procedures are developed to ensure that completed *VIS*s are submitted to the correct supervising entity. **Art. 56.04(d-1)**. These procedures can be implemented in whole or in part in any district or county attorney's office.

If at any time you should need clarification or assistance with these *VIS* Recommended Processing Procedures, please contact the Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) at 1-800-848-4284 or tdcj.clearinghouse@tdcj.texas.gov. If you would like to request *VIS* training, please contact the TDCJ VSD. We are here to assist you.

This document is based on statutes current through the Regular Session of the 84th Legislature in the *Code of Criminal Procedure Title 1, Chapter 56. Rights of Crime Victims, Subchapter A. Crime Victims' Rights*.

The TDCJ would like to thank members of the 2015 Victim Impact Statement Revision Committee and all other agencies and individuals—including the Board of Pardons and Paroles, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system—who provided support and assistance during the revision of the VIS Recommended Processing Procedures.

"Victim" means a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another. **Art. 56.01(3)**.

"Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim. **Art. 56.01(1)**.

"Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim. **Art. 56.01(2)**.

1. Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing **Art. 56.08(a)****
 - the right to file a *VIS* with the office of the attorney representing the state and the TDCJ **Art. 56.08(a)(7)**; and
 - a statement that the *VIS* provided by the victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into the plea bargain agreement **Art. 56.08(e)(1)**; and
 - a statement that the judge, before accepting the plea bargain agreement, is required under **Article 26.13(e)** to ask whether a *VIS* has been returned to the attorney; (and) if a *VIS* has been returned, for a copy of the statement; **Art. 56.08(e)(2)(A-B)**.

- ✓ **Recommendation:** The Texas Crime Victim Clearinghouse brochure titled, *It's Your Voice* can assist you with the above written notifications as the brochure contains some of the above required information that must be given to victims. This brochure is available to download at http://www.tdcj.texas.gov/documents/Its_Your_Voice.pdf or contact the TDCJ VSD at 1-800-848-4284 or tdcj.clearinghouse@tdcj.texas.gov to request copies.
2. The victim assistance coordinator (VAC) shall send to a victim, guardian of a victim, or close relative of a deceased victim a **VIS** along with an offer to assist in completing the **VIS** on request. **Art. 56.03(c)**.
- Available versions of the **VIS** include English, Spanish, Spanish with English subtext, Just for Kids (English and Spanish with English subtext), and Victims of Juvenile Offenders. These **VIS** versions are available to download at: http://www.tdcj.texas.gov/publications/pubs_victim_impact_statement.html.
 - ✓ **Recommendation:** Have packets prepared and ready to mail to victims. Include in the packet the **VIS**, a letter offering to assist the victim in completing the **VIS**, *It's Your Voice* brochure or brochure/document created by your agency that provides information regarding the **VIS**, and additional information as required by law.
 - ✓ **Recommendation:** Complete the box on the Cover Sheet, the Victim Contact Information Sheet, the Victim Impact Statement Form, and if applicable, the Supplemental Sheet before providing it to the victim.
 - ✓ **Recommendation:** Provide a self-addressed, stamped envelope.
3. The VAC, on request, shall explain to a victim, guardian of a victim, or close relative of a deceased victim the possible use and consideration of the **VIS** at sentencing and future parole hearings of the offender. **Art. 56.03(c)**.
- Explain to a victim, guardian of a victim, or close relative of a deceased victim that the **VIS** will be considered by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and that the **VIS** will be considered by the Board of Pardons and Paroles before an inmate is released on parole. **Art. 56.02(a)(12)(A-B)**.
 - ✓ **Recommendation:** Explain to the victim that by completing the Victim Contact Information Sheet portion of the **VIS**, he or she can elect to be notified of relevant court proceedings if the defendant is placed on community supervision or incarcerated in the TDCJ Correctional Institutions Division (CID). A victim may choose to complete only this portion of the **VIS**.
 - ✓ **Recommendation:** Explain to the victim, guardian of a victim, or close relative of a deceased victim that by completing the Victim Contact Information Sheet portion of the **VIS** he or she can elect to be notified if the offender is being considered for parole or release if the defendant is incarcerated in the TDCJ CID, and he or she can also elect that communications by the offender be restricted. A victim may choose to only complete this portion of the **VIS**.
 - ✓ **Recommendation:** Explain to the victim that by completing the Victim Contact Information Sheet portion of the **VIS** he or she can elect to be added, if the defendant is incarcerated in the TDCJ CID, to the TDCJ VSD Victim Notification System (VNS), which utilizes a confidential database to provide victims with over 80 points of possible notification regarding several phases of an offender's incarceration and supervision, including but not limited to escape, bench warrants, discharge, and release on parole or mandatory supervision. This is contingent on the TDCJ receiving the **VIS** in the offender's penitentiary packet. **Art. 42.09**.
 - ✓ **Recommendation:** Explain to the victim that the **VIS** is considered by the Board of Pardons and Paroles before an inmate is released on parole. This is contingent on the TDCJ receiving the **VIS** in the offender's

penitentiary packet (Art. 42.09), which will be processed to add the victim, if requested, to the TDCJ VSD VNS and be included in the offender's parole review file.

- ✓ **Recommendation:** Explain to the victim that by completing the Supplemental Form of the *VIS* he or she can provide important information to be used by the TDCJ VSD if the defendant in the case is incarcerated on the offense involving a child victim. If the defendant has a court order that grants him possession or access to the minor child, the TDCJ VSD will notify the appropriate court prior to the defendant's release on parole/mandatory supervision. **Art. 56.03(i).**
- ✓ **Recommendation:** Explain to the victim that the *VIS* is considered by the attorney representing the state to determine restitution amount, if requested.
- ✓ **Recommendation:** Offer additional assistance to help the victim complete the *VIS*, if necessary. (This could include assistance at (1) the initial meeting; (2) within 30 days; or (3) prior to a plea bargain agreement or trial.)

4. If the victim completes and returns the *VICTIM IMPACT STATEMENT*.

- On the inquiry by the court, the attorney representing the state shall make available a copy of the *VIS* for consideration by court sentencing the defendant. **Art. 56.04(e).**
- As far as reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the crime. The phone number of the victim may not be a part of the court file. **Art. 56.09.**
- A *VIS* is subject to discovery under Article 39.14 of this code (Code of Criminal Procedure) before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material. **Art. 56.03(g).**
- The court may not inspect a *VIS* until after a finding of guilt or until deferred adjudication is ordered and the contents of the statement may not be disclosed to any person unless the defendant pleads guilty or *nolo contendere* or is convicted of the offense; or the defendant in writing authorizes the court to inspect the *VIS*. **Art. 56.03(f)(1-2).**
- The victim has the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender. **Art. 56.02(a)(5).**
- Prior to the imposition of a sentence by the court in a criminal case, the court, shall, as applicable in the case, inquire as to whether a *VIS* has been returned to the attorney representing the state, and if the *VIS* has been returned to the attorney representing the state, shall consider the information provided in the *VIS*. **Art. 56.03(e).**
- A victim has the right to have the *VIS* considered by the attorney representing the state and the judge before sentencing or before a plea bargain is accepted. **Art. 56.02(a)(12)(A).**
- The *VIS* provided by the victim, will be considered by the attorney representing the state in entering into the plea bargain agreement. The judge, before accepting the plea bargain agreement, is required under Article 26.13(c) to ask whether a *VIS* has been returned to the attorney; (and) if a *VIS* has been returned, for a **copy** of the statement. **Art. 56.08(e)(1)(2)(A-B).**
- The judge will consider the *VIS* before sentencing or before a plea bargain agreement is accepted. **Art. 56.02(a)(12)(A).**

- Before sentencing the defendant, the court shall permit the defendant or the defendant’s counsel a reasonable time to read the statement, excluding the victim’s name, address, and telephone number, comment on the statement, and with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the *VIS*. **Art. 56.03(e)**.
 - ✓ **Recommendation:** Upon receipt of a completed *VIS*, the VAC should make one copy of the *VIS*:
 - The entire *VIS* should be sent to the prosecutor’s file, either by hardcopy or electronic version.
 - The copy of the *VIS* will be provided to the court. In the court copy the confidential Victim Contact Information Sheet **MUST** remain confidential. Separate the confidential Victim Contact Information Sheet from the *VIS* and place it in a sealed envelope stamped “CONFIDENTIAL.” Attach the envelope to the remainder of the *VIS* and designate it as the court’s copy. This should be routed to the prosecutor file for presentation to the judge at the appropriate time.
 - ✓ **Recommendation:** Remember, **ONLY** the “*VIS* Form” section of the *VIS* should be available for the defendant and his or her attorney to review if applicable. The “CONFIDENTIAL” envelope should never be provided to the defense, and should remain sealed throughout the prosecution.
5. If the court sentences the defendant to imprisonment in the TDCJ, the court shall attach the copy of the *VIS* to the commitment papers. **Art. 56.04(e)**.
- The judgment should reflect whether the *VIS* was returned to the attorney representing the state pursuant to Art. 56.03(e). **Art. 42.01 (Sec. 11)**.
 - A county that transfers a defendant to the TDCJ under this article (Art. 42) shall deliver to an officer designated by the department a copy of the *VIS*, if one has been prepared in the case under Art. 56.03. **Art. 42.09**.
 - Explain to a victim that the *VIS* will be considered by the Board of Pardons and Paroles before an inmate is released on parole **Art. 56.02(a)(12)(B)**. This is contingent on the TDCJ receiving the *VIS* in the offender’s penitentiary packet (Art. 42.09), which will be processed to add the victim, if requested, to the TDCJ VSD VNS and be included in the offender’s parole review file.
 - If the victim states on the *VIS* that he wishes to be notified of parole proceedings, the victim, guardian, or relative is responsible for notifying the Board of Pardons and Paroles of any change of address **Art. 56.03(d)**. This is contingent on the TDCJ receiving the *VIS* in the offender’s penitentiary packet (Art. 42.09), which will be processed to add the adult victim, if requested, to the TDCJ VSD VNS and be included in the offender’s parole review file. Explain to the victim that they can contact the TDCJ VSD to determine if the *VIS* was received and request to be registered on the TDCJ VSD VNS. Explain to the victim that if they do not provide notification regarding a change in their contact information, they will not be notified when the offender is in the parole review process, escapes or is released to supervision or direct discharge. They will also not be notified of when and how to submit protest materials for the Board of Pardons and Paroles to consider prior to releasing the offender on parole supervision.
 - The Supplemental Sheet of the *VIS* is designed to collect information, if the victim is a child, regarding whether there is an existing court order granting the defendant possession of or access to the victim. If information collected indicates the defendant is granted access or possession under court order and the defendant is subsequently confined by the TDCJ CID as a result of the commission of the offense, the victim services office of the department (TDCJ) shall contact the court issuing the order before the defendant is released from the department (TDCJ) on parole or mandatory supervision. **Art. 56.03(i)**. It is important that the victim fill out the custody court information completely in addition to the victim information and provide a copy of the court order, if available.

- ✓ **Recommendation:** The district clerk or designated person responsible for compiling the penitentiary packet should take the **VIS** Form and reattach it to the Victim Contact Information Sheet and attach the stapled documents to the offender's commitment papers to be included in the penitentiary packet that is sent to TDCJ CID.
- ✓ **Recommendation:** It is important for those who process the **VIS** to understand who is responsible for which steps and how the **VIS** is processed in their county. These individuals should review and operationalize the process to ensure the **VIS** is processed correctly.
- ✓ **Recommendation:** If the judgment and sentence form indicate a victim returned a **VIS** to the county but the **VIS** is not in the court file, contact the VAC to obtain a copy of the **VIS**.



If at any time it becomes apparent that a *VIS* has not been sent with the offender's commitment papers to the TDCJ CID, immediately forward a copy to the TDCJ VSD at:

*Mail: 8712 Shoal Creek Blvd. Suite 265 Austin, TX 78757-6899.
 Fax: 512.452.0825 or 512.452.1025.
 Email: victim.svc@tdcj.texas.gov.*



6. If the court sentences the defendant to a term of community supervision, the attorney representing the state shall forward **any** *VIS* received in the case to the CSCD supervising the defendant **Art. 56.03(e)**.
 - The judgment should reflect whether the *VIS* was returned to the attorney representing the state pursuant to Art. 56.03(e). **Art. 42.01 (Sec. 11)**.
 - ✓ **Recommendation:** The attorney representing the state should forward the **original** *VIS* to the CSCD. The attorney representing the state may keep a copy of the *VIS* for their records.
7. If probation is revoked and the offender is sentenced to the TDCJ.
 - The judgment should reflect whether the *VIS* was returned to the attorney representing the state pursuant to Art. 56.03(e). **Art. 42.01 (Sec. 11)**.
 - ✓ **Recommendation:** If the defendant's probation is revoked, the CSCD should forward the *VIS* to the district attorney's office. The district attorney should make a **copy** of the original *VIS* and give this copy to the court to attach to the offender's commitment papers. Refer to #5 of this document.
8. If the defendant receives shock probation.
 - ✓ **Recommendation:** Refer to #5 of this document. The *VIS* should follow steps for an offender sentenced to the TDCJ.
 - ✓ **Recommendation:** If the TDCJ VSD is notified that an offender is sent back to the county for a shock probation case, the TDCJ VSD should collaborate with the TDCJ Community Justice Assistance Division (CJAD) to ensure a copy of the *VIS* is available to the appropriate CSCD. The TDCJ CJAD will coordinate with the CSCD and/or the attorney representing the state's office.

9. If the defendant is sentenced to county jail.

- The judgment should reflect whether the *VIS* was returned to the attorney representing the state pursuant to Art. 56.03(e). *Art. 42.01 (Sec. 11)*.

✓ **Recommendation:** If the defendant is sentenced to county jail, the *VIS* should remain in the state's file; follow office procedure regarding records retention.

10. If the defendant is acquitted.

✓ **Recommendation:** If the defendant is acquitted, the *VIS* should remain in the state's file; follow office procedure regarding records retention.

11. If the defendant is acquitted by reason of insanity.

- When the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Art. 56.03 or other information made available to the court, shall notify the victim or the victim's guardian or close relative of the release. Notwithstanding Art. 56.03(f), the clerk of the court may inspect the *VIS* for the purpose of notification under this article (Art. 46C.003). Upon request by the clerk of the court, a VAC may provide the clerk with information or other assistance necessary for the clerk to comply with this article (Art. 46C.003). *Art. 46C.003*.

12. If the victim does **NOT** return the **VICTIM IMPACT STATEMENT**.

✓ **Recommendation:** Follow up with the victim to explain the purpose of the *VIS*.

- follow up with the victim and encourage the victim to complete the *VIS* throughout the prosecution by contacting the victim by phone, email, mail, or in person at regular intervals; place a *VIS* reminder sticker on all mailings to the victim;
- if the *VIS* is not returned within 30 days send a letter offering another *VIS*;
- if the *VIS* comes back non-deliverable due to a move and no forwarding address is known, contact the victim by phone and/or email;
- if the victim states he/she does not wish to fill out a *VIS*:
 - Explain to the victim that, if they wish, they can complete the Victim Contact Information Sheet portion of the *VIS*, which will be used to provide notifications by the attorney representing the state's office and either probation and/or the TDCJ VSD (depending on the conviction and sentence of the offender).
 - With that information, if the victim states he/she does not want to complete the form, make a notation in the file;
 - Inform the victim that they can submit the *VIS* form at any time, by contacting the Victim Assistance Coordinator or the TDCJ Victim Services Division.
 - Explain to the victim that, if the offender is convicted and sentenced to the TDCJ CID, the victim still has the right to contact the TDCJ VSD office if he/she wishes to request notifications regarding the offender. Notifications include, but are not limited to: when the offender is in the parole review process; when and how to submit protest materials for consideration by the Board of Pardons and Paroles; if the offender escapes; when the offender is recaptured; when an offender is transferred from the custody of the TDCJ to the custody of a peace officer under a writ of attachment or a bench warrant; and if and when the offender is released to supervision or direct discharge.

13. *VICTIM IMPACT STATEMENT* Reporting

- At quarterly intervals, state and local agencies are required to complete and submit the required TDCJ survey form (*VIS* Activity Report) prescribed for reporting statistical data and other information on the numbers and types of persons to whom your agency provides *VIS*s during each year. These forms are collected to determine whether an agency or office is making a good faith effort to protect the rights of the persons served *Art. 56.05(a-b)*. The *VIS* Activity Report is emailed or mailed to the agencies prior to the due date. The *VIS* Activity Report is available to download at www.tdcj.texas.gov/publications/pubs_victim_impact_statement.html or contact the TDCJ VSD at 1-800-848-4284 or tdcj.clearinghouse@tdcj.texas.gov to request a copy.
- ✓ **Recommendation:** A *VIS* tracking system may assist with completing the *VIS* Activity Reports. The *VIS* Activity Report includes sections to collect how many *VIS*s were provided each month and to whom, and how many were returned.
- ✓ **Recommendation:** In addition to the statistics collected in the mandated *VIS* Activity Report, it can be beneficial to begin tracking dates and persons responsible for *VIS* processing. Tracking points may include when the *VIS* was sent to and received from the victim. Additional tracking points may include when the *VIS* is given to the attorney representing the state, submitted to the judge, sent to the Community Supervision Corrections Department (CSCD) or when a copy of the *VIS* is attached to the commitment papers to be sent to the TDCJ CID. If the victim does not return the *VIS*, follow up attempts to encourage the victim to complete the *VIS* could be tracked as well.

Appendix H:

CAUSE NO. _____

THE STATE OF TEXAS

§
§
§
§
§

VICTIM'S CONTACT INFORMATION

VS.

CRIME VICTIM CONTACT FORM

Contact Attempted: 1. ___/___/___ 2. ___/___/___ 3. ___/___/___

Victim Packet mailed on: ___/___/___

Returned on: ___/___/___ OR Returned undeliverable on: ___/___/___

Contact made on: ___/___/___ By: _____

- Victim wishes to have:
- No contact concerning this case.
 - Notice for all hearings/settings/etc.
 - Notice for date of plea hearing.
 - Notification that Defendant has been sentenced.

Contact made on: ___/___/___ By: _____

Victim contacted concerning Plea Bargain Agreement

Offer made by: _____ (Assistant Criminal District Attorney)

NOTES: _____

NOTES: Jail credit will be allowed as required by law. If a Victim Impact Statement has been completed, a copy shall be submitted to the Court by the State's attorney prior to the Court's acceptance of this agreement. This agreement may be rescinded at any time if new offenses or bad acts (including bail jumping) are discovered after the offer is conveyed. This offer is not official until it has been communicated to the Victim.

Contact made on: ___/___/___ By: _____

Victim contacted concerning: Plea Setting Trial Setting

NOTES: _____

Contact made on: ___/___/___ By: _____

Victim contacted concerning Case Disposition

NOTES: _____

Appendix I:

TEXAS DEPARTMENT OF CRIMINAL JUSTICE PEN PACKET DOCUMENT CHECKLIST*

OFFENDER'S NAME: _____				
(Please Print)	Last	First	MI	
Gender: _____				
M / F	SID/DPS Number	CAUSE Number(s)		
_____	_____	_____	_____	_____
Court Number	County Name/ Number	Co. Offender/ SPN Number	TRN Number	FBI Number

OFFENDER TYPE AND HEALTH CARE NEEDS:

<input type="checkbox"/> SAFPF	<p>Indicate if the offender is regular or special needs (mark one): <input type="checkbox"/> Regular Needs <input type="checkbox"/> Special Needs* <i>If special needs, specify:</i> _____</p> <p>*See program exclusionary criteria on Definitions and Guidelines for Completing the TDCJ Pen Packet Document Checklist.</p>
<input type="checkbox"/> Prison <input type="checkbox"/> State Jail	<input type="checkbox"/> No Special Health Care Requirements <input type="checkbox"/> Requires Special Health Care, such as AIDS, dialysis, disabilities, infectious disease, oxygen, pregnancy, requires assistance with ADLs, wheelchair dependence, and other serious medical or mental health conditions. Call the TDCJ Office of Health Services Liaison at 936-437-3589 to coordinate intake.

REQUIRED DOCUMENTS FOR ALL OFFENDERS:

	REQUIRED DOCUMENTS FOR ALL OFFENDERS:	CHECK
1.	Standardized Felony Judgment Form: Official certified copy, including a judge's signature and the offender's thumbprint.	
2.	Criminal history information	
3.	A written report describing each offense for which the defendant is sentenced to the TDCJ	
4.	A copy of the indictment or waiver of indictment by information for each offense the defendant is sentenced to the TDCJ	
5.	Jail Conduct Report	

REQUIRED DOCUMENTS FOR ALL OFFENDERS (IF PREPARED OR APPLICABLE):

	REQUIRED DOCUMENTS FOR ALL OFFENDERS (IF PREPARED OR APPLICABLE):	CHECK
1.	Detainers, holds, or warrants	
2.	Pre- or post-sentence investigation report	
3.	Revocation report, including any amounts owed for restitution, fines, and court costs	
4.	Psychological or psychiatric evaluation	
5.	Client supervision plan	
6.	Texas Uniform Health Status Update (TUHSU): For SAFPF offenders with special needs, a copy of the TUHSU shall be provided to the TDCJ when this checklist is submitted for admissions scheduling. For all offenders, the TUHSU shall be delivered to the unit with the offender at the time of physical admission.	
7.	Victim impact statement	

I CERTIFY THAT ALL DOCUMENTS CHECKED ABOVE ARE ATTACHED:

Printed Name of Person Completing Checklist	Title	Contact Information for Person Completing Checklist (area code, phone number, extension)
Signature of Person Completing Checklist	_____/_____/_____ Date of Completion	

* Companion Definitions and Guidelines Available