The
VICTIM'S INFORMER
TEXAS CRIME VICTIM CLEARINGHOUSE SEPTEMBER/OCTOBER 2016 VOL. 21, NO. 3

CHANGE

By Angie McCown, Director
TDCJ Victim Services Division

As we begin Fiscal Year 2017, change is in the air. This issue of The Informer announces the retirement of Executive Director Brad Livingston and the hiring of the new Executive Director Bryan Collier. In addition, this issue talks about the launch of a new in-person Texas Victim Assistance Academy. There are changes ahead on the national political horizon, and there will likely be some change as a result of the upcoming 85th Texas Legislative Session.

Some people struggle with change while others welcome it and feel energized by it. In anticipation of all this change and potentially more, I would like to share some of my favorite quotes on change.

A small group of thoughtful people could change the world. Indeed, it's the only thing that ever has. - Margaret Mead

I alone cannot change the world, but I can cast a stone across the waters to create many ripples.
- Mother Teresa

Incredible change happens in your life when you decide to take control of what you do have power over instead of craving control over what you don't. - Steve Maraboli, Life, the Truth, and Being Free

When people are ready to, they change. They never do it before then, and sometimes they die before they get around to it. You can't make them change if they don't want to, just like when they do want to, you can't stop them. - Andy Warhol

Angie McCown

Everyone thinks of changing the world, but no one thinks of changing himself. - Leo Tolstoy

What I like most about change is that it's a synonym for "hope". If you are taking a risk, what you are really saying is, "I believe in tomorrow and I will be part of it."
– Linda Ellerbee

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The

VICTIM'S INFORMER

SPOTLIGHT ON

Texas Council On FAMILY VIOLENCE

By: Danielle Ohlemacher, Membership Coordinator, TCFV

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) is proud to provide you with an email notification service. Email notifications may be retrieved directly from your computer, mobile device, or wherever internet access is available. Email notifications are time sensitive and notify you of changes in an offender's status. Being a current Victim Notification System (VNS) registrant will not automatically register you for this email service.

To register, contact the TDCJ VSD at 800-848-4284 or visit our website at www.tdcj.texas.gov and complete the victim email notification form. You continue to have the option to receive notifications by letter, email, or both. We would like to encourage all victim service providers who utilize the VNS to elect to receive email notifications only whenever possible.

About Texas Council on Family Violence:
The Texas Council on Family Violence (TCFV) promotes safe and healthy relationships by supporting service providers, facilitating strategic prevention efforts, and creating opportunities for freedom from domestic violence. Since 1978, the TCFV has been a nationally recognized leader in the efforts to end family violence through partnerships, advocacy and direct services for women, children and men.

The TCFV is one of the largest domestic violence coalitions in the nation, with a membership comprised of family violence service providers, supportive organizations, survivors of domestic violence, businesses, communities of faith and other concerned citizens. As a membership-focused organization, the TCFV is firmly committed to serving its members, communities in Texas and thousands of victims of domestic violence and their families.
We host an array of dynamic signature conferences, summits, training events, webinars and prevention efforts throughout the year to support the capacity building of member programs and enhance community responses to family violence throughout the state. The TCFV also serves as the unified voice before the Texas Legislature on behalf of family violence survivors and service providers to support laws that assist victims and survivors.

TCFV Staff on Go Purple Day in 2015.
To **"Go Purple"** celebrates the progress of our movement and recognizes the work still ahead to reaching our shared vision of a Texas free from violence.

TCFV's three major focus areas:
Support to Service Providers
The TCFV educates and trains victim advocates, criminal justice personnel, health care providers, faith communities, businesses,

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EXECUTIVE DIRECTOR RETIRES

Printed April 15, 2016. Reprinted September 2, 2016 with permission.[1]

Brad Livingston, the Executive Director of the Texas Department of Criminal Justice (TDCJ), announced Friday afternoon to the Texas Board of Criminal Justice (TBCJ) his decision to retire after leading the agency for nearly 12 years. Livingston is one of the longest tenured Executive Directors in the history of the TDCJ. He will step down in August 2016.

"I am honored and humbled to have served Texas in this position during such an important time. While this role has its challenges, I had the opportunity to work with some of the most talented criminal justice staff in the nation. These are the unsung heroes who perform demanding, often dangerous, and always critical functions for the state of Texas," Livingston said. "I will always be grateful for the opportunity to lead such a remarkable agency."

Livingston joined the TDCJ in October 1997 as the Deputy Director of the Financial Services Division. He was appointed Chief Financial Officer in June 2001 and assumed broad responsibility for the agency's day-to-day business, fiscal, and administrative operations. Livingston was named interim Executive Director in November 2004 and was then formally appointed the Executive Director by the TBCJ in July 2005. Before joining the TDCJ, Livingston served in the Governor's Office of Budget and Planning and with the Legislative Budget Board.

"Brad epitomizes what it truly means to be a leader, and he has made a profound, positive impact on this department. There's hardly an area within the TDCJ that has not been affected by his leadership," said TBCJ Chairman Dale Wainwright. "He never backed away from a challenge but addressed them head on. His legacy reflecting exemplary service to the people of the state will be felt for many years to come."

Livingston worked closely with the TBCJ, the Legislature, and the Governor's Office to strengthen and improve the criminal justice system.

During his 12 year tenure as Executive Director, the offender population has declined from 156,000 to 147,000 and the state was able to close three prisons. Treatment alternatives to incarceration both in parole and probation have been significantly increased. The number of offenders in administrative segregation has been reduced by nearly 50 percent. A new system-wide risk assessment was implemented to help community supervision, prison, reentry, and parole staff improve case management

Brad Livingston

services for individual offenders. Entry level correctional officer salaries have increased by 57 percent since 2004. The nine-member TBCJ is appointed by the Governor to oversee the TDCJ and is responsible for hiring the Executive Director. With Livingston's announcement, Chairman Wainwright stated "the board will initiate the process of appointing an Executive Director in the near future."

The TDCJ has more than 38,000 employees and a total operating budget of more than $3 billion. The agency is responsible for the care and custody of nearly 147,000 offenders, the supervision of more than 87,000 individuals released from prison on parole or mandatory supervision, as well as the broad oversight of adult probation departments that provide direct supervision to 245,000 individuals on community supervision.

1. TDCJ Website: Executive Director Announces His Retirement. https://www.tdcj.state.tx.us/documents/Executive_Director_Announces_His_Retirement.pdf

COLLIER NAMED EXECUTIVE DIRECTOR OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Printed June 24, 2016. Reprinted September 2, 2016 with permission.[1]

The Texas Department of Criminal Justice (TDCJ) has a new incoming Executive Director. Bryan Collier, the agency's Deputy Executive Director, was appointed to the top position by the Texas Board of Criminal Justice (TBCJ) during their scheduled meeting Friday afternoon in Austin. The nine-member board is appointed by the Governor to oversee the agency and is responsible for hiring the Executive Director. Collier will assume the new role August 1st.

"Bryan is a proven leader who stands ready to continue to fulfill the department's mission and commitment to public safety," said TDCJ Chairman Dale Wainwright. "He brings a wealth of knowledge and experience having served more than 31 years in various positions within the department. I'm confident he'll serve TDCJ and the state of Texas well in this new role."

Collier, 51, joined the TDCJ in 1985 as a clerk. He has held a wide variety of positions to include Correctional Officer, Parole Officer, Unit Supervisor, Program Administrator, and Parole Division Director. Collier has served as Deputy Executive Director since July 2007.

"I am honored and humbled by this appointment and the confidence shown in me by the Board of Criminal Justice," said Collier. "I look forward to the opportunity to serve the dedicated professionals employed by the Texas Department of Criminal Justice who do the important work of keeping our communities safe."

Collier has served on the American Correctional Association (ACA) Delegate Assembly, was previously recognized as one of the ACA's "Best in the Business," and is currently the Chair of the ACA Adult Corrections Committee. He is the past president of the Texas Correctional Association (TCA) and received the Dr. George J. Beto Hall of Honor award from the TCA in 2013. He has a Bachelor of Science Degree in Criminology and Corrections from Sam Houston State University.

Collier will replace Brad Livingston who announced his retirement earlier this year. Livingston has been one of the longest tenured Executive Directors in the history of the TDCJ.

Bryan Collier

The TDCJ has more than 38,000 employees and a total operating budget of more than $3 billion. The agency is responsible for the care and custody of nearly 147,000 offenders, the supervision of more than 87,000 individuals released from prison on parole or mandatory supervision, as well as the broad oversight of adult probation departments that provide direct supervision to nearly 245,000 individuals on community supervision.

1. TDCJ Website: Collier Named Executive Director of Texas Department of Criminal Justice. https://www.tdcj.state.tx.us/announcements/announce_Collier_named_executive_director.html

Texas Council On FAMILY VIOLENCE

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advocacy organizations, service providers and allied professionals in communities throughout Texas and the nation. We host hundreds of local, statewide and online trainings and answer thousands of technical assistance calls for family violence and battering intervention and prevention programs each year. We are committed to supporting every program in Texas with the expertise and materials they need to keep survivors safe and hold batterers accountable.

> In 2014, victims reported nearly 186,000 family violence incidents and more than 84,000 women, children and men sought domestic violence services at programs across the state.[1]

Public Policy

The TCFV Public Policy Team serves as a unified voice before the Texas Legislature on behalf of domestic violence victims by supporting the drafting and passage of laws that will assist victims and survivors. The TCFV is the leading advocate for programs on legislative, policy and administrative issues and works to ensure that Texas programs have the support and resources they need to serve their communities.

Prevention

The TCFV Prevention Team engages in long-term social change work towards the creation of a safe and healthy Texas. The TCFV supports the prevention efforts of educators, young people, and allied organizations through technical assistance, consultations, training, and online resources and provides a larger framework for communities across the state to engage in violence prevention.

Upcoming Signature Publications:

Honoring Texas Victims Report

This annual report pays tribute to the Texas women who lost their lives to family violence by memorializing their stories. The report also offers analysis of data drawn from these stories in order to help communities identify and analyze distinguishing characteristics of these cases and creates a safer Texas for all women, children and men.

Legislative Agenda

Each Legislative session, the TCFV promotes a legislative agenda to highlight the laws that will affect the efforts of the domestic violence movement in Texas. One of our main goals is to get more involvement in the community with legislative issues that can help end the disastrous effect of abuse.

Young Hearts Matter Campaign

This campaign is a statewide resource for adults working alongside youth to ensure that young people's relationships are based on mutual dignity and respect. In February, during National Teen Dating Violence Awareness and Prevention Month, the Young Hearts Matter campaign publishes a youth engagement toolkit, promotes a social media contest and recognizes the youth and adult activists who work to prevent dating violence in their communities.

1. TCFV website: http://tcfv.org/resource-center/learn-the-facts/ (Learn the Facts-Facts and Statistics).

Texas Council On FAMILY VIOLENCE

By: Danielle Ohlemacher, Membership Coordinator, TCFV

In October, Texas Council on Family Violence recognizes Domestic Violence Awareness Month and challenges Texas to Go Purple by striving for a state where no woman loses her life to domestic violence.

To "Go Purple" celebrates the progress of our movement and recognizes the work still ahead to reach our shared vision of a Texas free from violence. Purple is the color we use to represent each Texas county that has halted family violence murders in their community that year (see graph on page 8), the color of the postcards thousands of Texans sign in support of family violence funding, and the color we wear on Go Purple Day to symbolize our steadfast belief that everyone deserves to be safe from violence.

Shockingly, 39 percent of adults who sought shelter from an abusive situation were turned away due solely to lack of space in shelters.[1]

In 2014, 132 Texas women were killed by an intimate partner. Yet this stark and heartbreaking statistic is only the tip of the iceberg where Texas domestic violence is concerned. In that same year, victims reported nearly 186,000 family violence incidents and more than 84,000 women, children and men sought domestic violence services at programs across the state.

The biennial Texas Legislature convenes in 2017 and so now is a critical time to support domestic violence programs. Together, we can turn awareness into action and help every victim and survivor in our state gain access to life-changing and life-saving domestic violence services.

How to "Go Purple":

- Support the Purple Postcard – Visit TCFV.org/PurplePostcard to show your support for domestic violence programs. Then share it with your friends and colleagues – let them know why these essential victim services are important to you;
- Go Purple Day – Participate in Go Purple Day by wearing purple on October 20, 2016. Talk to your friends and coworkers about healthy relationships and send us your Go Purple photos on Facebook and Twitter;
- Launch a campaign in your community. The TCFV's Go Purple Toolkit has everything you need to raise awareness in your community. Share the facts with handy infographics;
- Download the Go Purple posters, or plan a community event. Customize your own Domestic Violence Awareness

1. TCFV website: Texas Family Violence by the Numbers. http://2mg7g749lu2112sis323nkkn.wpengine.netdna-cdn.com/wp-content/uploads/2015/06/By-the-Numbers-One-day-Census.pdf

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Go Purple

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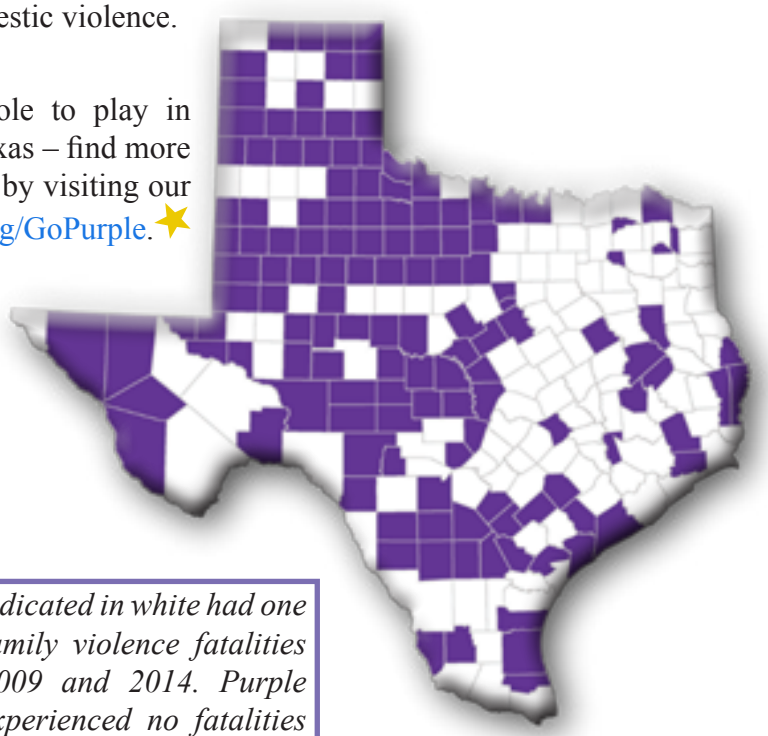
Month (DVAM) social media campaign with graphics, sample text, posting calendar, and the Go Purple profile image campaign;

- Connect with local programs. Texas is fortunate to have a significant network of effective and compassionate domestic violence service providers. Visit TCFV.org/Service-Directory to locate a program near you then connect, volunteer and partner with them to recognize DVAM and to strengthen victim services in your community; and
- Become a member of the TCFV. Our members provide essential knowledge of what is needed in their communities and have a crucial role in the movement to end family violence. Your membership and voice supports efforts to maintain essential funding for family violence services and promote laws that assist victims of domestic violence.

Everyone has a role to play in building a safer Texas – find more ideas to Go Purple by visiting our website at TCFV.org/GoPurple.



Counties indicated in white had one or more family violence fatalities between 2009 and 2014. Purple counties experienced no fatalities during that time.[2]

For more information about the TCFV and DVAM, visit TCFV.org and TCFV.org/GoPurple or contact Danielle Ohlemacher, Membership Coordinator, at 512-685-6353 or dohlemacher@tcfv.org.

2. TCFV website: Go Purple Poster. http://2mg7g749lu2112sis323nkkn.wpengine.netdna-cdn.com/wp-content/uploads/2015/07/Go_Purple_Poster_A_WEB.pdf

By Nancy Rodill, Executive Director - Texas, NCMEC

October is National Bullying Prevention Month and as summer is coming to an end and back-to-school is in full effect, this is a critical time to talk to kids about personal and online safety. For the complete Tips for Parents: Going Out Checklist, visit http://www.missingkids.com/en_US/publications/KidSmartz_Going_Out_Checklist.pdf.

- Remind your children to always CHECK FIRST with the adult in charge before they go anywhere or do anything and to CHECK IN regularly while gone.
- Encourage your children to always TAKE A FRIEND when going anywhere.
- Reassure your children that it is OK to SAY NO if something or someone makes them feel uncomfortable, scared or confused.
- Emphasize to your children that they can TELL A TRUSTED ADULT about any situation that might make them feel uncomfortable, scared or confused.

A study conducted by the National Center for Missing & Exploited Children shows that online harassment of youth ages 10 to 17 has increased in the last five years. This form of harassment is particularly disturbing for children because it is most often their peers who are harassing them. According to one victim, the difference between being bullied at school and being bullied on the Internet is that you cannot get away from it. Cyberbullying follows you, even after you get home from school.[1]

You are your child's best resource when it comes to staying safer online and in the real world. For more information about online safety, check out the parents' section of the NetSmartz Workshop.

NetSmartz Workshop is an award-winning program of the National Center for Missing and Exploited Children (NCMEC). It includes interactive, educational safety resources for children in grades K-12. Through age-appropriate activities, games, videos and safety presentations, NetSmartz prepares children to make smarter decisions when confronted with issues such as cyberbullying, inappropriate content, online exploitation, revealing too much information, sexting and scams. These resources are downloadable and free at www.netsmartz.org.

In addition, NCMEC's Texas Regional Office can provide internet and personal safety workshops to school districts, school staff, students and parents. To request a presentation, please contact NCMEC_Texas@ncmec.org.

According to the Cyberbullying Research Center, on average, 26 percent of students say they have been the victim of cyberbullying at some point in their lives, and 16 percent admitted they have cyberbullied others. Cyberbullying might start with an online rumor, a photo, or a forwarded message—and can escalate quickly, sometimes to aggressive and cruel harassment.[2]

1. NCMEC website: What is Cyberbullying? http://www.netsmartz411.org/
2. NCMEC wehsite: New Video Aims to Stop Cyberbullying Before It Starts.Video released by the National Center for Missing & Exploited Children and Sprint shows teens how to resolve conflict before it escalates online. http://www.missingkids.com/News

NEW VICTIM IMPACT STATEMENT AND TECHNICAL ASSISTANCE TRAINING

By Julie Jesperson, Program Specialist, TDCJ VSD - Programs

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) Texas Crime Victim Clearinghouse (TxCVC), with the participation of the TDCJ Community Justice Assistance Division (CJAD) and the Texas Board of Pardons and Paroles (TxBPP) develops the Victim Impact Statement (VIS) in accordance with the Texas Code of Criminal Procedure art. 56.03.

VIS Training

The TxCVC is offering free, specialized training on the VIS.

This training, entitled "Victim Impact Statement: The Victim's Voice in the Criminal Justice Process," has been developed exclusively for those individuals and agencies who bear a legal responsibility regarding the handling of VISs. The target audience includes those who assist victims, handle the VIS or assemble penitentiary packets such as judges, prosecutors, victim assistance coordinators, district clerks, court coordinators, probation officers, and law enforcement personnel.

The training will focus on the importance of the VIS at key stages of the criminal justice process. It will include a discussion of the legal responsibilities of the various agencies affected by VIS laws and how to address gaps that may exist between agencies.

VIS Purpose

Victims of crime have a right to participate in the criminal justice process. In exercising their right to submit a VIS and have it considered by key decision makers in the criminal justice system, victims are provided a voice in several phases of the criminal justice system.

Impact of Crime

The VIS serves to provide information to crime victims concerning their rights, enumerated by the Code of Criminal Procedure arts. 56.01 and 56.021. The VIS is a valuable, detailed account of the emotional, economic, physical, and psychological impact of the crime that only the victim can provide. By law, this information is to be considered by those who make sentencing and parole decisions.

Notification

Additionally, the VIS is designed to collect the crime victim's name and contact information in order to facilitate notifications at different stages of the criminal justice system. Crime victims can also use the VIS to indicate their wishes regarding future notifications concerning parole information from the TDCJ.

Voice and Participation

The VIS is intended to follow the offender throughout the criminal justice system, enabling criminal justice and victim services professionals to contact crime victims throughout the process, and provide key decision makers with information regarding the impact of the crime.

VIS Revision

Pursuant to the Code of Criminal Procedure art. 56.03(h), the TxCVC, in collaboration with the TxBPP and the TDCJ CJAD, revise the VIS form, if needed. In 2015, the VIS Revision Committee also included victim advocates, victim assistance coordinators representing counties from across the state, and criminal justice professionals from many state agencies including the Office of the Attorney General, the Texas Juvenile Justice Department, the Texas Department of Public Safety and the TxBPP.

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NEW VICTIM IMPACT STATEMENT AND TECHNICAL ASSISTANCE TRAINING

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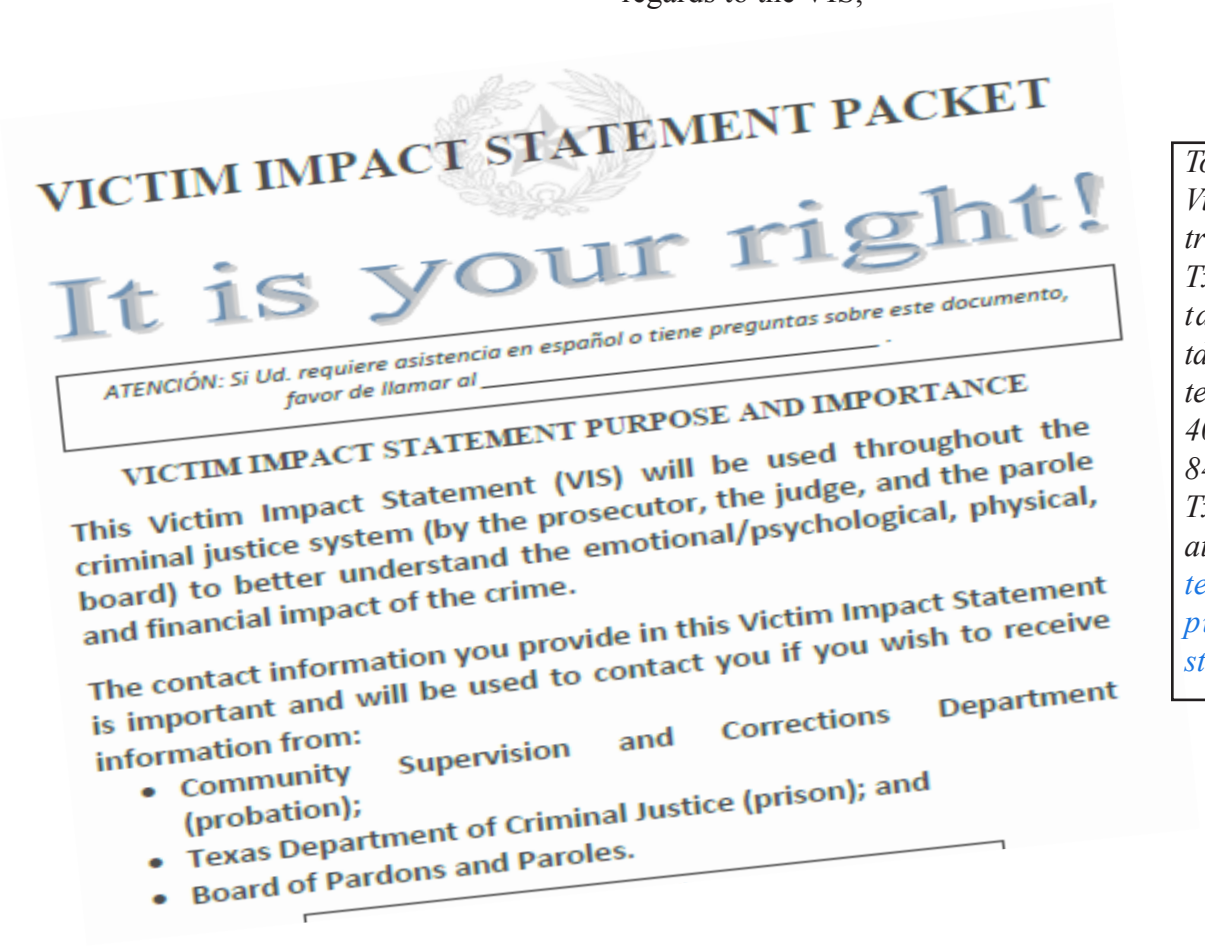
The committee met for several sessions during the summer of 2015 to review and update the VIS as well as the Supplemental Page, the VIS Quarterly Activity Report, the VIS Recommended Processing Procedures, and the *It's Your Voice* brochure. Updates to these documents are available on the TDCJ website or at the following link: http://www.tdcj.texas.gov/publications/pubs_victim_impact_statement.html

What You Will Gain From This Training:

- Increased knowledge of crime victims' rights;
- Increased knowledge of the important role the VIS plays at key stages of the criminal justice process;
- Increased knowledge and awareness of the statutory responsibilities of the various criminal justice entities with regards to the VIS;
- Familiarity with the revisions to the VIS forms and statistical reporting requirements; and
- Ideas for developing VIS standards in your community that will help to ensure victims' voices are heard at all stages of the criminal justice process.

Please join us for this important training. By working collectively, we can better ensure that the voices of victims in Texas are heard.


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.

To learn more about Victim Impact Statement training, contact the TxCVC via e-mail at tdcj.clearinghouse@tdcj.texas.gov or via telephone at 512-406-5931 or (800) 848-4284, or visit the TxCVC training page at http://www.tdcj.texas.gov/publications/pubs_victim_impact_statement.html

T V A T ACADEMY

By Julie Jesperson, Program Specialist, TDCJ VSD - Programs

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) and key stakeholders are excited to launch the Texas Victim Assistance Training (TVAT) Academy.

The TDCJ VSD Texas Crime Victim Clearinghouse (TxCVC) strives to continually serve as a central source of information and training for criminal justice and victim services professionals and others who provide direct services to crime victims. In furtherance of these goals, the TxCVC applied for and was awarded a grant from the Office of the Governor Criminal Justice Division to develop and host an in-person TVAT Academy.

The TxCVC is collaborating with key stakeholders with expertise in various victim services disciplines to assist in determining the training needs of the community. Stakeholders will review and offer insight in revising curriculum designed to provide foundational level training across multiple victim services disciplines. The curriculum will promote consistent and coordinated high-quality assistance to victims anywhere in the State of Texas.

The TVAT Academy will provide a four-day, comprehensive, practitioner-based education for persons who routinely work with victims of crime. The Academy is designed for professionals with less than three years' experience in the field.

The TVAT Academy will follow the continuum-of-service model which provides for accurate assessment of victim needs, victim service provider awareness of multidisciplinary issues, and seamless delivery from all victim service provider groups. Participants will follow a case, starting from the moment of victimization through the investigation and pre-trial, prosecution and trial, and the post-conviction phases. Additional topics will include ethics, crime victims' rights, the influence of cultural factors, and resiliency.

The TVAT Academy will provide an experiential format for learning, with case studies and real-life scenarios supplemented by student text readings. Group activities with short informative lectures have meaningful application to victim service providers in their day-to-day work experience. The TVAT Academy will have a diverse faculty of victim service practitioners who have expertise in various victim issues, and staff from other institutions that support victim intervention and restoration.

Benefits of Attendance:

- Acquisition of foundational skills necessary to serving people who have been victims of traumatic crime;
- Recognition of specialized victim service training and experience;
- Curriculum demonstrates commitment to victim-centered service delivery and professional development; and
- Networking opportunities with other professionals.

Individuals applying to the TVAT Academy will be required to provide verification of completion of the TVAT Online before attending the TVAT Academy. The TVAT Online provides four hours of baseline victim assistance training for free and is available any time online at https://www.tdcj.texas.gov/php/tvatonline/. More information regarding the in-person TVAT Academy is available online at https://www.tdcj.texas.gov/php/tvatacademy/index.php.

RESTITUTION

By Brooke Ellison,Manager, TDCJ VSD - Programs

I recently attended the National Association of Victim Assistance in Corrections conference. During this conference, victim services experts from corrections-based departments across the United States discussed and shared innovative services. One discussion centered on restitution – the significance of restitution for crime victims and how states are collecting and disbursing payments. Below is a summary of how restitution is ordered, collected and distributed to victims of crime. This information can assist criminal justice professionals, victim services professionals and crime victims in understanding the processes in Texas.

In the criminal justice system, the term "restitution" generally refers to a court-ordered payment by an offender to the victim.

For victims of crime, restitution can mean more than just a payment. By ordering restitution, crime victims may feel the system is validating and recognizing the financial impact of the offense. Financial losses incurred by crime victims can include, but are not limited to, 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.

Ordering restitution can also serve as one way to hold offenders accountable for the harm he/she has inflicted on the crime victim. By making restitution payments, offenders may be encouraged to think about how their actions harmed the victim(s). It can also be a way that an offender can show that he/she recognizes his/her actions were harmful and that the offender is trying – in one way – to be accountable for his/her choice to commit the offense and its wide-ranging impact.

How is Restitution Ordered?

The court sentencing a defendant convicted of an offense may order the defendant to make restitution to any victim of the offense or to the Crime Victims' Compensation Fund to the extent the fund has paid compensation to or on behalf of the victim. If the court does not order restitution or orders partial restitution, the court is required to state on the record the reason for not making the order or for the limited order (Code of Criminal Procedure art. 42.037(a)).

In the event the court orders restitution, the court will include the order on the judgment and sentence (Code of Criminal Procedure art. 42.01).

How Does the Court Determine to Order Restitution and How Much Restitution to Order?

The court, in determining whether to order restitution and the amount of restitution, is required to consider the amount of the loss sustained by any victim and the amount paid to or on behalf of the victim by the Crime Victims' Compensation fund as a result of the offense and other factors the court deems appropriate (Code of Criminal Procedure art. 42.037(c)). The Victim Impact Statement (VIS) form is one way a crime victim can provide the prosecutor and the court information about the financial impact of the crime.

The VIS form is provided to crime victims by the victim assistance coordinator within the district or county attorney's office (Code of Criminal Procedure art. 56.03(c)). By submitting a VIS, the victim provides a perspective no one else can. The prosecutor and the judge are required to consider the VIS form before sentencing or before a plea bargain agreement is accepted (Code of Criminal Procedure art. 56.02(a)(12)).

Crime victims may want to or designate someone to begin keeping a log of his/her financial loss as soon as possible after the crime occurred to include any receipts and records. In the event of a conviction, the prosecutor or judge may use this information to determine if any restitution may

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RESTITUTION

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be ordered. It is also a good idea for crime victims to keep copies for his/her own records.

Who Collects and Disburses the Restitution Payments?

The entity supervising the offender is typically responsible for collecting and disbursing the restitution payments to the victims.

Community Supervision (Probation)

If the offender is placed on community supervision, the court is required to order the payment of restitution as a condition of community supervision (Code of Criminal Procedure art. 42.037(h)).

Crime victims may contact the community supervision and corrections department (CSCD) supervising the offender for assistance. For a list of the county CSCDs, please visit the Texas Department of Criminal Justice (TDCJ) Community Justice Assistance Division's website at http://tdcj.state.tx.us/divisions/cjad/cjad_locations.html.

Incarceration/Parole Supervision

Restitution fees are recorded and distributed by the TDCJ Business and Finance Division when an offender is incarcerated in the TDCJ Correctional Institutions Division (CID, adult prison system) or on parole/mandatory supervision.

To collect and disburse restitution payments, the TDCJ needs the name of the victim entitled to receive the restitution, the amount of restitution to be paid to the individual, any amount of the restitution that had already been paid by the offender, and current contact information for the victim.

Incarceration

The TDCJ can withdraw restitution from an inmate's trust fund account and disburse payments to the crime victim – if the TDCJ has a court order with the judgment and sentence. For more information on the process, the convicting court can view http://www.txcourts.gov/cip-tech-support/program-management/withdrawing-funds-from-inmate-accounts.aspx.

In collaboration with the Office of Court Administration, the sample forms are available for the court to order the withdrawal of restitution, http://www.txcourts.gov/cip-tech-support/program-management/withdrawing-funds-from-inmate-accounts/sample-forms.aspx.

Parole/Mandatory Supervision

When an offender becomes eligible for parole, the Texas Board of Pardons and Paroles (TxBPP), established by the Texas Constitution, decides which eligible offenders to release on parole, the conditions for parole and whether to revoke parole if conditions are not met. If the court ordered restitution in the judgment and sentence and the defendant is released on parole/mandatory supervision, the TxBPP is required to order the payment of restitution as a condition of parole/mandatory supervision (Code of Criminal Procedure art. 42.037). The TxBPP directs the offender to pay restitution to his supervising parole officer in the manner determined by the TDCJ Parole Division.

The TDCJ Parole Division supervises offenders released from prison on parole/mandatory supervision. Offenders on parole/mandatory supervision, who were ordered to pay restitution, are instructed to pay ten percent of his/her net income towards restitution, regardless of the amount of income or expenses.

What Happens if the Offender Does Not Pay the Restitution Payments?

The court may revoke community supervision and the TxBPP may revoke parole/mandatory supervision, if the defendant fails to comply with the restitution order.

In determining whether to revoke community supervision or parole/mandatory supervision, the court or TxBPP is required to consider: the offender's employment status; the offender's current and future

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RESTITUTION

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earning ability; the offender's current and future financial resources; the willfulness of the defendant's failure to pay; any other special circumstances that may affect the defendant's ability to pay; and the victim's financial resources or ability to pay expenses incurred by the victim as a result of the offense (Code of Criminal Procedure art. 42.037(h)).

If an offender is on community supervision, crime victims may contact the supervising CSCD for assistance. If the offender is incarcerated in TDCJ CID or on parole/mandatory supervision, crime victims may contact the TDCJ Victim Services Division (VSD) or the TDCJ Business and Finance Division Restitution and Fees Section for assistance.

The TDCJ VSD can be contacted at 800-848-4284 or victim.svc@tdcj.texas.gov. The TDCJ Business and Finance Division Restitution and Fees Section can be contacted at 936-437-8750.

What are Other Options to Recover from a Crime-Related Economic Loss?

Restitution Lien

A victim or the victim's attorney may file a lien on any interest in real property, any interest in tangible or intangible personal property, or any interest in a motor vehicle owned by the offender to secure payment of restitution. Detailed instructions about how to file a lien on a motor vehicle can be found in 43 Texas Administrative Code Rule § 217.103.

Crime Victims' Compensation

The Crime Victims' Compensation Fund is administered by the Office of the Attorney General of Texas. The fund reimburses certain out-of-pocket expenses to victims of violent crimes. Victims must have reported the crime to law enforcement, cooperated with the investigation and prosecution, and submitted an application/claim within three years. There are exceptions, so please visit the Office of the Attorney General's website for more information and assistance, https://texasattorneygeneral.gov/cvs/crime-victims-compensation.

I would like to thank the TDCJ Business and Finance Division section staff for their assistance with this article.

RESTITUTION FREQUENTLY ASKED QUESTIONS

By Brooke Ellison,Manager, TDCJ VSD - Programs

How are crime victims notified by TDCJ of a restitution order/collection?

Once an offender's penitentiary packet is received by the TDCJ, staff process the packet which includes the Judgment and Sentence document. In addition, the Judgment and Sentence document is also reviewed prior to an offender's release to parole/mandatory supervision. If restitution was ordered as part of the Judgment and Sentence, the TDCJ staff try to contact the individual to address any questions and obtain the information necessary to process the restitution payments.

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RESTITUTION FREQUENTLY ASKED QUESTIONS

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If the defendant/offender, sentenced to the TDCJ Correctional Institutions Division (adult prison system), has been ordered by the court to pay restitution to you for damages and/or lost property incurred by an offense, you should receive a notice.

Individuals may contact the TDCJ Business and Finance Division Restitution and Fees Section at 936-437-6163 or the TDCJ Victim Services Division (VSD) at 512-406-5900, 800-848-4284 or victim.svc@tdcj.texas.gov for assistance.

Does a crime victim have to supply his/her social security number?
An individual must provide a social security number, as required by the State of Texas Comptroller's Office, as a means of verifying identity and setting up a payee identification number before a payment may be issued.

A business must provide its Texas Identification Number, also known as the Employer Identification Number.

Can a crime victim request his/her payments be direct deposited?
Yes, there is an additional form to be completed for payments to be direct deposited. This form can be found on the State of Texas Comptroller's website at the following: http://comptroller.texas.gov/taxinfo/taxforms/74-227.pdf

What if a crime victim does not want to be paid the restitution?
The TDCJ will continue to collect court ordered restitution. If the TDCJ is unable to make payment to the victim or if the victim does not wish to collect restitution, after five years, any collected, undisbursed money in the account will be transferred to the State of Texas Crime Victims Auxiliary Fund.

How can a crime victim change the address to which restitution payments will be mailed?
He/she can send a request via U.S. mail or email including (1) the new mailing address, (2) the old mailing address, and (3) the TDCJ number associated with the restitution collection for verification. Sign and date the letter as authorization to update the account.

Email:
Restitution_ABS@tdcj.texas.gov

U.S. Mail:
Restitution and Fees Section
Accounting and Business Services
P.O. Box 4019
Huntsville, TX 77342

It is important to remember crime victims should also update their contact information with the TDCJ VSD, if they are registered on the Victim Notification System (VNS), to ensure they receive notifications regarding the offender's status. The TDCJ VSD VNS provides confidential notification regarding an offender's status, to include parole review and release notifications. To register or update contact information, please contact the TDCJ VSD at 512-406-5900, 800-848-4284 or victim.svc@tdcj.texas.gov.

What if the victim named in the Judgment and Sentence is now deceased?
Individuals can send a copy of the death certificate and contact information for the deceased's will executor. Upon confirmation, the account recipient will be changed appropriately.

TEXAS CRIME VICTIM CLEARINGHOUSE TRAINING OPPORTUNITIES

Webinar Highlights:
Victim Impact Statement: Recommended Processing Procedures
The TxCVC along with other state and local agencies developed the VIS and the VIS Recommended Processing Procedures. This webinar provides information regarding the VIS Recommended Processing Procedures developed by victim services and criminal justice professionals with the goal to help ensure that completed VISs are submitted to the correct supervising entity and to assist individuals that handle the VIS to meet the statutory mandates regarding the VIS processing.
To register and view this previously recorded webinar, please click here.

The Victim Impact Statement: The Victims' Voice in the Criminal Justice System
The Victim Impact Statement is key to ensuring victims are afforded their rights in the criminal justice system. This training discusses recent revisions to the Victim Impact Statement and offers valuable information for individuals working with crime victims and those handling Victim Impact Statements, including judges, prosecutors, victim assistance coordinators, district clerks, court coordinators, probation officers and law enforcement personnel who assist victims or assemble pen packets.
To register and view this previously recorded webinar, please click here.

In-Person Trainings:
The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) Texas Crime Victim Clearinghouse (TxCVC) staff provides training on a variety of topics, which can be tailored to the needs of the requestor. If you would like to host a training in your community, contact the TxCVC at tdcj.clearinghouse@tdcj.texas.gov or 512-406-5931.

Webinars:
The TDCJ VSD TxCVC hosts a webinar series. Recent webinars included Victim Services from a Victim's Perspective, Victim Impact Statement (VIS) Quarterly Reporting, Children's Advocacy Centers: Comprehensive Services for Families Impacted by Child Abuse, Protective Orders, and Post-Conviction Safety Planning. Webinar descriptions and registration information, as well as recordings and related documents for past webinars may be accessed on the TDCJ VSD website: http://tdcj.texas.gov/divisions/vs/victim_webinars.html

TVAT Online:
Texas Victim Assistance Training (TVAT) Online is a statewide online victim assistance training focused on victim-centered service delivery and professional development that enables new advocates to acquire baseline professional skills and competence. To register or obtain more information, visit: https://www.tdcj.texas.gov/php/tvatonline/

TVAT Academy:
The TVAT Academy will provide a three-and-a-half-day, in-person, foundational victim assistance training for victim assistance providers. More information regarding the in-person TVAT Academy is available online at https://www.tdcj.texas.gov/php/tvatacademy/index.php

Texas Victim Assistance Training Online

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CALENDAR

The Texas Crime Victim Clearinghouse wishes to remind our readers that a calendar feature is available on the Texas Victim Assistance Training (TVAT) Online.

Criminal justice and victim services professionals can view, search, and submit victim-related trainings and events on the TVAT Calendar webpage.
www.tdcj.state.tx.us/php/vscalendar/

THE TEXAS BOARD OF PARDONS AND PAROLES TODAY'S TEXAS BOARD OF PARDONS AND PAROLES

By Ed Robertson, Board Member
Texas Board of Pardons and Paroles

The Texas Board of Pardons and Paroles (TxBPP) is a state agency of Texas, with a central office in Austin. The Board was created by Constitutional Amendment in 1935 and is charged with determining which prisoners are to be released on parole or discretionary mandatory supervision and under what conditions of parole supervision. If a parolee violates a parole condition, the Board also decides whether or not to revoke the offender or apply other options. Additionally, the Board is responsible for issuing recommendations on clemency matters to the governor.

The Board is a separate agency from — but works closely with — the Texas Department of Criminal Justice (TDCJ), which has the responsibility for housing convicted felons, determining release and parole eligibility dates and supervising offenders on parole or mandatory supervision.

In making parole and clemency decisions, the Board seeks to preserve public safety while restoring human potential through the supervised reintegration of offenders into society.

Board Member and Parole Commissioner Responsibilities

Board Members are vested with the sole responsibility of promulgating policy relative to parole and mandatory supervision considerations, vote cases requiring the full Board vote, and vote clemency matters.

Board Members are appointed by the governor with the advice and consent of the Senate for six-year terms, while parole commissioners assist the Board with parole and revocation decisions. The 14 commissioners are appointed by the Presiding Chair.

Offender Review Process

As the offender's parole eligibility review date approaches, a parole panel (Board members and parole commissioners) reviews the offender's case. The offender may be interviewed by one of the panel members before the final panel vote. It is at the discretion of the individual parole panel member to determine which offenders are to be interviewed, with one exception: Board Directive 141.355 requires the lead voter to interview the offender if they have served 20 consecutive years or more, and have not been interviewed by a voting panel member during the last two parole interviews.

The panel is composed of at least one board member and any combination of board members and parole commissioners – two of the three panelists must vote for parole before it can be granted. A few categories of offenders may be paroled only upon a two-thirds-majority vote of the entire seven-member Board (see Senate Bill 45).

What Is Considered Before Granting parole?

Parole panel members look at many factors while reviewing a case. These include, but are not limited to: the circumstances and seriousness of the offense; prior prison commitments; adjustments during periods of supervision, probation or parole; relevant input from victims, family members and trial officials; adjustment and attitude in prison; the offender's release plan; and factors such as alcohol or drug use, violent or assaultive behavior, deviant sexual

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THE TEXAS BOARD OF PARDONS AND PAROLES TODAY'S TEXAS BOARD OF PARDONS AND PAROLES

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behavior, use of a weapon in an offense, institutional adjustment, and emotional stability. Based on the entirety of the available information, the parole panel then determines whether the offender deserves the privilege of parole. Victims and their families can contact the TDCJ Victim Services Division at 800-848-4284 or victim.svc@tdcj.texas.gov for: information regarding the parole review process; assistance in registering for notification, including notifications regarding the offender's status in the parole review process; assistance with requesting a meeting with the BPP; and assistance in processing protest materials and other information for the BPP's consideration.

The Board Offices are located at (please ensure the unit coincides with the correct Board Office):

AUSTIN BOARD OFFICE
4616 W. Howard Lane, Suite 200
Austin, TX 78728
T: 512-671-2532 • F: 512-671-2497

ANGLETON BOARD OFFICE
1212 N. Velasco, Suite 201
Angleton, TX 77515
T: 979-849-3031 • F: 979-849-8741

HUNTSVILLE BOARD OFFICE
1300 11th St., Suite 520
Huntsville, TX 77340
T: 936-291-2161 • F: 936-291-8367

SAN ANTONIO BOARD OFFICE
2902 N.E. Loop 410, Suite #206
San Antonio, TX 78218
T: 210-564-3721 • F: 210-564-3726

AMARILLO BOARD OFFICE
5809 S. Western, Suite 200
Amarillo, TX 79110
T: 806-359-7656 • F: 806-358-6455

GATESVILLE BOARD OFFICE
3408 S. State Hwy. 36
Gatesville, TX 76528
T: 254-865-8870 • F: 254-865-2629

PALESTINE BOARD OFFICE
133 E. Reagan Street
Palestine, TX 75801
T: 903-723-1068 • F: 903-723-1441

This article is provided by the Board of Pardons and Paroles; Board member Ed Robertson. Additional information about factors the Board considers, decision reasons and other topics is available on the Board of Pardons and Parole website: www.tdcj.state.tx.us/bpp/.

WE WANT TO HEAR FROM YOU !

OUR GOAL IS TO PRINT NEWS OF INTEREST FOR VICTIMS AND VICTIM ADVOCATES

The Victim's Informer newsletter is published quarterly. Articles, meeting notices, and other submissions should be sent to the TDCJ Victim Services Division, Texas Crime Victim Clearinghouse, 8712 Shoal Creek Blvd., Suite 265, Austin, Texas 78757-6899; faxed to 512-452-0825; or e-mailed to tdcj.clearinghouse@tdcj.texas.gov. If you would like to submit materials, the deadline dates for articles, meeting notices, and other submissions are identified in the box on this page. For questions or comments, please call us at 800-848-4284 or 512-406-5931.

Please Note:

You may access the publication at the TDCJ VSD internet website. If you wish, we will notify you via e-mail each time The Victim's Informer becomes available on the TDCJ VSD internet website and provide an electronic link to The Victim's Informer. Send your e-mail address to: tdcj.clearinghouse@tdcj.texas.gov

Angie McCown, Director
Texas Department of Criminal Justice
Victim Services Division
victim.svc@tdcj.texas.gov
8712 Shoal Creek Blvd., Suite 265
Austin, Texas 78757

Tree of Angels™

"The Tree of Angels has given me a place to honor my daughter's memory during the holiday season..."

The Tree of Angels (TOA) is a meaningful Christmas program held in memory and support of victims of violent crime. The TOA is an opportunity for your community to recognize that the holiday season is a difficult time for families and friends who have suffered the crushing impact of a violent crime. This special event honors and supports surviving victims and victims' families by making it possible for loved ones to bring an angel ornament to place on a Christmas tree. The first TOA program was implemented in December 1991 by People Against Violent Crime (PAVC) in Austin. Over the past 25 years the TOA has become a memorable tradition observed in many communities, providing comfort, hope, support and healing. This year the designated Tree of Angels week is December 4th - 10th.

Interested in hosting a "Tree of Angels" in your community?

A How-To-Guide is available electronically that provides information on how to establish a Tree of Angels ceremony in your community. The TOA is a registered trademark of the PAVC and we are extremely sensitive to ensuring that the original meaning and purpose of the TOA continues and is not distorted in any way. For this reason, PAVC asks that if your city or county is interested in receiving a copy of the How-To-Guide, please complete the informational form on the website: www.treeofangels.org. After the form is completed electronically and submitted back to the PAVC, you will receive instructions on how to download the How-To-Guide. We ask that you do not share the electronic document to avoid unauthorized use or distribution of the material.

Carol Tompkins, Vice Chair, People Against Violent Crime

If you have any questions regarding the How-To-Guide or hosting a Tree of Angels in your community, please contact Carol Tompkins at PAVC (512-837-PAVC) or e-mail carol@peopleagainstviolentcrime.org.

The Victim's Informer newsletter is published quarterly. If you would like to submit materials, the deadline dates for articles and other submissions are:

September 30, 2016

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January 23, 2017

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