

## Choosing Our Focus

*Angie McCown, Director  
TDCJ Victim Services Division*

“We cannot selectively numb our emotions. When we numb the painful emotions, we also numb the positive emotions.”

*Brene Brown*

Many tragic and challenging events have happened in the last few months. From communities impacted by hurricanes to communities impacted by mass violence, our collective experience as Texans has recently encompassed loss, grief, sadness, anger, fear, and heartache. Everyone processes these events differently, however it is not uncommon to completely numb out when everything becomes too overwhelming. This is a natural reaction and can temporarily serve as a good coping mechanism. However it is important to acknowledge the message in Brene Brown's quote, “When we numb

painful emotions, we also numb positive emotions.” We must be careful not to lose ourselves in numbness.

One technique for moving beyond numbness is to be mindful of where we are allowing our attention to go. If all of our focus is on tragedy we may not notice heroism, resilience, kindness, compassion, and perseverance. It is important to honor all parts of our experience and to recognize that we have the ability to choose where we focus our attention. During this holiday season and as we approach the New Year,



*Angie McCown*

my wish for you is peace and joy. However when there are challenges and tragedies in your path, I wish for you the ability to endure painful emotions, so that you can also experience positive emotions, and to practice mindfulness through choosing your focus.★

“I find hope in the darkest of days, and focus in the brightest. I do not judge the universe.”

*Dalai Lama*

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The

# VICTIM'S INFORMER

## National Stalking Awareness Month

*By: Julie Jespersion, Texas Crime Victim Clearinghouse*

Each January, the Stalking Resource Center of the National Center for Victims of Crime, in partnership with the Office on Violence Against Women and the United States Department of Justice, works to raise awareness about the realities of stalking with the National Stalking Awareness Month campaign.

### **History**

The National Stalking Awareness Month annual campaign began in response to a call from Debbie Riddle, the sister of a murdered stalking victim, in February 2003. Ms. Riddle had contacted the Stalking Resource Center seeking help after her sister, Peggy Klinke, had been brutally murdered two months earlier by a former boyfriend who had stalked her before killing her and then himself.<sup>1</sup>

Ms. Riddle wanted to turn the tragedy of her sister's death into a positive force for change. Her goal was to help improve law enforcement's response to

stalking, raise awareness about the crime of stalking and hopefully save lives.<sup>2</sup> Debbie Riddle's call to the Stalking Resource Center led to a congressional resolution on stalking that supported the creation of National Stalking Awareness Month. The following January, in 2004 the National Center for Victims of Crime launched the first observance of National Stalking Awareness Month and supported communities across the nation in planning events.<sup>3</sup>

In 2011, President Obama issued the first presidential proclamation on National Stalking Awareness Month. The proclamation recognized the millions of people that are affected by the crime, its often-devastating consequences, the difficulty of identifying and investigating the crime, and the federal government's strong commitment to combating stalking.<sup>4</sup>

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1- 4. Stalking Resource Center website. 2017. <http://victimsofcrime.org/our-programs/stalking-resource-center/resources/national-stalking-awareness-month>. Accessed 9/29/2017

*The Texas Department of Criminal Justice (TDCJ) Victim Services Division is proud to provide you with an e-mail notification service. E-mail notifications may be retrieved directly from your computer, mobile device, or wherever internet access is available. E-mail notifications are time sensitive and notify you of changes in an offender's status.*

*Being a current Victim Notification System registrant will not automatically register you for this e-mail service. To register, contact the Victim Services Division at 800-848-4284 or visit our website at [www.tdcj.texas.gov](http://www.tdcj.texas.gov) and complete the victim e-mail notification form. You continue to have the option to receive notifications by letter, e-mail, or both.*

*We would like to encourage all victim services providers who utilize the Victim Notification System to elect to receive e-mail notifications only, whenever possible.*

# January is NATIONAL STALKING AWARENESS MONTH

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January 2018 will mark the 14th anniversary of the observance of the National Stalking Awareness Month. Raising awareness and spreading the word is as important as ever. Research on stalking has shown that it continues to be a widespread problem in our country. Data published by the Centers for Disease Control (CDC) showed that 7.5 million people age 18 or older were stalked in a one-year period.<sup>5</sup>

An estimated 7.5 million men and women were stalked in the 12 months before taking the [CDC] survey.

## **Facts**

Stalking is linked to intimate partner violence and sexual assault and is known to have significant traumatic effects on its victims. A stalker can be someone you know well or not at all. However, most stalkers have dated or been involved with the people they stalk.<sup>6</sup>

While the legal definition of stalking varies from state to

Due to the enormous amount of personal information available through the Internet, a cyberstalker can easily locate private information about a potential victim with a few mouse clicks or key strokes.

state, the National Stalking Resource Center offers this general definition of stalking: “a course of conduct directed at a specific person that would cause a reasonable person to feel fear.” The following are additional facts provided from the *Stalking Fact Sheet* found on their website.

- 15 percent of women and six percent of men have experienced stalking victimization in which they felt fearful or believed that they or someone close to them would be harmed or killed;
- Individuals age 18 to 24 face the highest rates of stalking;
- 61 percent of female victims and 44 percent of male victims of stalking are stalked by a current or former intimate partner;
- 25 percent of female and 32 percent of male victims are

stalked by an acquaintance;

- Both women and men can be victims of stalking but women are more often victimized;
- Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men.

## **Technology and Stalking**

The use of technology in stalking continues to grow. The term cyberstalking refers “to the use of the Internet, e-mail, or other telecommunication technologies to harass or stalk another person”.<sup>7</sup>

Cell phones, tablets, and personal computers are just a few of the technological devices people use as tools for cyberstalking. Extensive research in the field reveals that the personal

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5. Breiding, Matthew J et. al., Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization - National Intimate Partner and Sexual Violence Survey, United States pp 7,12-13, 2011, <https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>. accessed 9/29/2017.

6. Baum, Katrina et al., Stalking Victimization in the United States pp 4, 6-10. 2009, <http://victimsofcrime.org/docs/src/baum-k-catalano-s-rand-m-rose-k-2009>. accessed 9/29/2017.

7. Trudy M. Gregorie. Cyberstalking: Dangers on the Information Superhighway. National Center for Victims of Crime, 2001

# January is NATIONAL STALKING AWARENESS MONTH

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information available through the Internet allows stalkers to easily locate private information about a potential victim.<sup>8</sup>

## **Safety Planning**

Protecting victim safety and preventing harm are the primary goals of any safety plan. Research indicates that there is not a specific behavioral profile that can predict what a stalker will do. Stalkers' behaviors can vary greatly and victims are often unsure how to respond to the stalker. Because of this, advocates stress the importance of tailoring the safety plan to the victim's individual situation. Specifically, they recommend evaluating "the factors that are causing or contributing to the risk of harm to the victim and her/his loved ones" when developing a safety plan.<sup>9</sup> To the right is a list of safety tips from the National Stalking Resource Center.

## **Stalking Safety Tips**

- If possible, have a phone nearby at all times, preferably one to which the stalker has never had access.
- Memorize emergency numbers, and make sure that 911 and helpful family or friends are on speed dial.
- Treat all threats, direct and indirect, as legitimate and inform law enforcement immediately.
- Vary routines, including changing routes to work, school, the grocery store, and other places regularly frequented. Limit time spent alone and try to shop at different stores and visit different bank branches.
- When out of the house or work environment, try not to travel alone and try to stay in public areas.
- Get a new, unlisted phone number. Leave the old number active and connected to an answering machine or voice mail. Have a friend, advocate, or law enforcement screen the calls, and save any messages from the stalker. These messages, particularly those that are explicitly abusive or threatening, can be critical evidence for law enforcement to build a stalking case against the offender.
- Do not interact with the person stalking or harassing you. Responding to stalker's actions may reinforce their behavior.
- Consider obtaining a protective order against the stalker. Some states offer stalking protective orders and other victims may be eligible for protective orders under their state's domestic violence statutes.
- Trust your instincts. If you're somewhere that doesn't feel safe, either find ways to make it safer, or leave.

Additional safety tips can be found here - <http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning> ★

*To get more information about:*

**Stalking Awareness Month** - <http://stalkingawarenessmonth.org/about>

**The Use of Technology to Stalk** - <http://victimsofcrime.org/our-programs/stalking-resource-center/stalking-information/the-use-of-technology-to-stalk>

**Stalking and Safety Planning** - <http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning>

8. The U.S. Department of Justice, *Cyberstalking: A New Challenge for Law Enforcement and Industry*. August 1999. Washington, D.C., Department of Justice, pp. 2, 6, and Trudy M. Gregorie, *Cyberstalking: Dangers on the Information Superhighway*. National Center for Victims of Crime, 2001

9. Stalking Resource Center of the National Center for Victims of Crime website. 2017. <http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning>. Accessed 9/29/2017

# Texas Department of Criminal Justice Victim Services Division Victim Impact Statement: County Observation Study

By: Julie Jespersen, Texas Crime Victim Clearinghouse

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) Texas Crime Victim Clearinghouse (TxCVC) is mandated to develop and revise the Victim Impact Statement (VIS), the VIS Recommended Processing Procedures and other VIS related documents with the help of the TDCJ Community Justice Assistance Division, the Texas Board of Pardons and Paroles and numerous state and local agencies. The TxCVC also collects VIS statistics from all Texas counties in accordance with the Texas Code of Criminal Procedure arts. 56.03-56.05. With reference toward meeting these mandates and the TxCVC's continuing goal of improving the rate of VISs that are received by the TDCJ, the TxCVC developed the *Victim Impact Statement: County Observation Study*.

## Identifying Counties

The TxCVC recognizes that Texas counties possess insight regarding effective procedures for processing VISs. In developing the study, the TxCVC was especially interested in the procedures and processes utilized by counties in the following areas:

- Informing crime victims of their right to complete a VIS, the purpose of the VIS and utilization of the VIS;
- Best practices in providing the VIS to victims of crime;
- Processing VISs returned by victims to the counties;
- Follow-up procedures; and
- Procedures to ensure the returned VISs are sent to the TDCJ upon conviction of the offender.

Therefore, the first phase of the study included identifying counties with high rates of success in processing VISs. The criteria used to identify counties for the study included:

- Counties with the five highest percentages of VIS forms returned to the county from victims;
- Counties with the five highest percentages of offenders that arrive to the TDCJ with a VIS included in the Penitentiary Packet;
- Counties that participate in the VIS revision process; and
- Counties with the highest



number of offenders that are sent to the TDCJ.

## Conducting the Study

In the second phase of the study, the TxCVC contacted the identified counties to invite them to participate in the study. Participation in the study involved a TxCVC staff member shadowing criminal justice and victim services professionals that routinely handle the processing of the VISs in each of the participating counties. TxCVC staff observed, discussed and documented effective policies and procedures.

The TxCVC then compiled the information gathered from the counties and analyzed the data to look for commonalities and outliers.

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# Texas Department of Criminal Justice Victim Services Division

## Victim Impact Statement: County Observation Study

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### **Reporting the Findings**

The last phase of the study included drafting a report of the findings and sharing the report with criminal justice and victim services professionals across the state. The following paragraphs share some of the general observations from the report.

Counties emphasized the importance of following written policies and procedures. 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. The Victim Assistance Coordinator (VAC) played a vital role in developing and/or modifying policies and procedures. In some instances, the VAC developed the policies and procedures, in conjunction with other county personnel who process the VIS form.

Many counties stated that networking and collaboration, working with other county personnel who handle the VIS form, VACs from other counties, and local and state agencies was the key to the development and evolution of policies, procedures and practices for handling the VIS.

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 for processing the VIS.

Many counties observed utilized the guidelines provided by the Texas District and County Attorneys Association (TDCAA) and the TDCJ VSD TxCVC VIS Recommended Processing Procedures as resources when developing policies and procedures.

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

Additionally, 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.

The importance of training was also highlighted by counties. Counties across each category reported the usefulness of training for all individuals who have a responsibility in processing the VIS form. 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 continued internal training of county personnel. ★

To view the full Victim Impact Statement: County Observation Study please visit our website at [http://www.tdcj.texas.gov/publications/victim\\_impact\\_statement.html](http://www.tdcj.texas.gov/publications/victim_impact_statement.html).

You can also view the pre-recorded VIS Observation Study webinar at <https://register.gotowebinar.com/register/908511448393162243>.

# Victim Impact Statement: Revisions and Training

By: Julie Jespersion, Texas Crime Victim Clearinghouse

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) reviews and revises the Victim Impact Statement (VIS) and related documents at each biennium in accordance with the Texas Code of Criminal Procedure (CCP) art. 56.03(h).

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. It is critical that criminal justice and victim services professionals are informed about legislative mandates and revisions regarding the VIS.

## **VIS Purpose**

The purpose of the VIS is threefold.

1. The VIS serves to provide information to crime victims concerning their rights, enumerated by arts. 56.01 and 56.021 of the CCP.
2. The VIS is designed to collect information about the impact of the offense. The VIS offers crime victims an opportunity to provide valuable victim

impact information, that only the victim can provide, concerning the economic, physical, and psychological impact of the crime. This information is considered by those who make sentencing and parole decisions.

3. The VIS is designed to collect information for notification purposes. The VIS form documents the crime victim's wishes regarding future notifications and collects the crime victim's name and contact information, for notification purposes. These notifications can include, but are not limited to, information regarding parole proceedings and when the offender is released from prison.

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 information regarding the impact of the crime.

## **VIS Revision**

After each legislative session, the TxCVC facilitates the process of revising the VIS. In Summer 2017 the VIS Revision Committee was comprised of victim services and criminal justice

professionals representing state and local agencies from across Texas including representatives from several district attorney's offices, community supervision and corrections departments (probation), the Office of the Attorney General, the TxBPP, the TDCJ CJAD, and the Texas Juvenile Justice Department.

The committee met several times to review and provide recommended revisions to the VIS, the Supplemental Page, the VIS Quarterly Activity Report, the VIS Recommended Processing Procedures, and the *It's Your Voice* brochure. We would like to extend our sincerest appreciation to members of the committee and thank them for their invaluable contributions.

The VIS documents have been updated and are now available on the TDCJ VSD website or by clicking this [link](#).

## **VIS Training**

After the revision of the VIS and related documents each biennium, the TxCVC creates a specialized training that incorporates changes made to the VIS, Recommended Processing Procedures, VIS reporting and the *It's Your Voice* brochure.

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# Victim Impact Statement: Revisions and Training

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The training entitled, “Victim Impact Statement: The Victim’s Voice in the Criminal Justice Process” focuses on the importance of the VIS at key stages of the criminal justice process. It discusses the legal responsibilities of the various agencies affected by VIS statutes and offers ideas for addressing gaps that may exist between agencies.

The VIS training is free and has been developed specifically for individuals and agencies who bear a legal responsibility regarding the handling of VISs. The target audience includes judges, prosecutors, victim assistance coordinators, district clerks, court coordinators, probation officers,

law enforcement personnel and sheriff’s department staff who assist victims, handle the VIS or assemble penitentiary packets.

What attendees will gain from the VIS 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.

The revised training will be launched in Spring 2018. If you would like to schedule a training for your area please contact the Texas Crime Victim Clearinghouse at [tdcj.clearinghouse@tdcj.texas.gov](mailto:tdcj.clearinghouse@tdcj.texas.gov)

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



*By: Julie Jespersen, Texas Crime Victim Clearinghouse*

The Tree of Angels ceremony is a meaningful Christmas program specifically held in memory and support of victims of violent crime. The first program was implemented in December 1991 by People Against Violent Crime (PAVC) in Austin.

The Tree of Angels program provides an opportunity for

communities 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.

Over the past 26 years the Tree of Angels has become a memorable tradition observed in many communities, providing comfort, hope, support and healing. The designated Tree of Angels week is December 4-10, 2017. On the following page are images from previously held Tree of Angels events around the state.

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# Tree of Angels

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If you are interested in hosting a Tree of Angels in your community, a *How-To-Guide* is available that provides information about establishing a Tree of Angels ceremony. Please note that the Tree of Angels is a registered trademark of PAVC. PAVC is committed to ensuring that the original meaning and purpose of the Tree of Angels continues. For this reason, PAVC asks that you complete the informational form on the website: [www.treeofangels.org](http://www.treeofangels.org) to receive the *How-To-Guide*. After the form is completed electronically and submitted back to the PAVC, you will receive instructions on how to download the *How-To-Guide*.

PAVC asks that you do not share the electronic document to avoid unauthorized use or distribution of the material. ★



*Licia Edwards, PAVC*  
 If you have any questions regarding the *How-To-Guide* or hosting a Tree of Angels in your community, please contact Licia Edwards at 512-837-PAVC or e-mail [pavc@peopleagainstviolentcrime.org](mailto:pavc@peopleagainstviolentcrime.org)



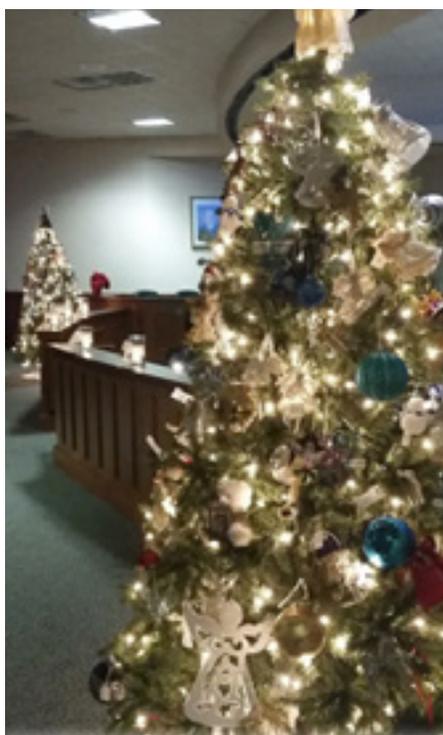
Cameron County



Tom Green County  
 Coalition Against Violence



Montgomery County



Galveston County



Dallas County

# NATIONAL DAY OF REMEMBRANCE 2017

By: Julie Jesperson, Texas Crime Victim Clearinghouse



Tragically, each year more than 14,000 persons are murdered nationwide. September 25<sup>th</sup> is recognized each year as a National Day of Remembrance for Murder Victims.

The date was originally selected by the founders of the National Organization of Parents Of Murdered Children (POMC) as it marked the anniversary of Lisa Hullinger's (their daughter) murder in 1978. In 2007, Congress designated September 25<sup>th</sup> as the National Day of Remembrance for Murder Victims. The National Day of Remembrance for Murder Victims provides survivors of homicide an opportunity to honor their loved ones and provides public awareness about the impact of violent crime on families.

The San Antonio chapter of POMC submitted the following tribute to survivors of homicide at a National Day of Remembrance event. The source information was written by a mother whose son had died too soon and presented at a meeting of The Compassionate Friends.

None of us asked nor did we want to belong to this club we are in. The dues to belong are way too high for any of us to want to pay. We weren't asked to join, but because we are in this club (of having our family members murdered) at least we have each other to lean on and to help us along the way.

### **1. Remember our Children**

The loss of children is a pain all bereaved parents share, and it is a degree of suffering that is impossible to grasp without experiencing it first-hand. Often, when we know someone else is experiencing grief, our discomfort keeps us from approaching it head-on. But we want the world to remember our child or children, no matter how young or old they were.

If you see something that reminds you of my child, tell me. If you are reminded at the holidays or on his/her birthday that I am missing my child, please tell me you remember them. When I speak their name or relive memories... relive them with me, don't shrink away. If you never met my child, don't be afraid to ask about them. One of our greatest joys is talking about our children.

### **2. Accept that you can't "fix" us**

An out of order death such as child loss breaks a person

(especially a parent) in a way that is not fixable or solvable – EVER! We will learn to pick up the pieces and move forward, but our lives will never be the same. Every grieving parent must find a way to continue to live with loss, and it is a solitary journey. We appreciate your support and hope you can be patient with us as we find our way. Please don't tell us it's time to get back to life, that it's been long enough or that time heals all wounds. We welcome your support and love, and we know sometimes it is hard to watch, but our sense of brokenness isn't going to go away. It is something to observe, recognize, and accept.

### **3. Know there are at least two days a year we need a time out**

We still count birthdays and fantasize what our child would be like if he/she were still living. Birthdays are especially hard for us. Our hearts ache to celebrate our child's arrival into this world, but we are left becoming intensely aware of the hole in our hearts instead. Some parents create rituals or have parties while others prefer solitude. Either way, we are likely going to need time to process the marking of another year without our child. Then there's the anniversary of the date our child became an angel. This is a remarkable process similar to a parent of a

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# NATIONAL DAY OF REMEMBRANCE 2017

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newborn, first counting the days, then the months, then the one year anniversary, marking the time on the other side of that crevasse in our lives. No matter how many years go by, the anniversary date of when our child died brings back deeply emotional memories and painful feelings (especially when murder is involved).

The days leading up to that day can feel like impending doom or like it's hard to breathe. We may or may not share with you what's happening. This is where the process of remembrance will help. If you have heard me speak of my child or supported me in remembering him/her, you will be able to put the pieces together and know when these tough days are approaching.

#### **4. Realize we struggle every day with happiness**

It's an ongoing battle to balance the pain and guilt of outliving your child with the desire to live in a way that honors them and their time on this earth. One mother said she remembered going on a family cruise 18 months after her son had died. On the first day, she stood at the back of the ship and bawled that she wasn't sharing the experience with him. Then she had to steady herself and recognize that she was also creating memories

with her surviving children and enjoying the time with them in the present moment.

As bereaved parents, we are constantly balancing holding grief in one hand and a happy life after loss in the other. You might observe this when you are with us at a wedding, graduation or other milestone celebration. Don't walk away – witness it with us and be part of our process.

#### **5. Accept the fact that our loss might make you uncomfortable**

Our loss is unnatural, out-of-order; it challenges your sense of safety. You may not know what to say or do, and you're afraid you might make us lose it. We've learned all of this as part of what we're learning about grief. We will never forget our child. In fact, our loss is always right under the surface of other emotions, even happiness. We would rather lose it because you spoke his/her name and remembered our child, than try and shield ourselves from the pain and live in denial.

Grief is the pendulum swing of love. The stronger and deeper the love the more grief will be created on the other side. Consider it a sacred opportunity to stand shoulder to shoulder with someone who has endured one of life's most frightening events.★

#### **“A Face in the Crowd”**

*I thought I saw you in  
the crowd,*

*They walked like you,  
their stance was proud.*

*Their hair the same  
their profile too,*

*I really thought it could  
be you.*

*Then I remembered you  
were gone,*

*My heart fell flat as I  
moved on.*

*I see your face wherever  
I go,*

*Guess I just thought that  
you should know.*

*Still hear your laugh,  
and see your smile*

*Though you've been  
gone for quite a while.*

*I miss you more than  
words can say,*

*Wish it had been you I  
saw today.*

--- unknown

*For more information about the National Day of Remembrance for Murder Victims or the national office for Parents Of Murdered Children you can go to the website found here - <http://www.pomc.com/>*

# Texas Crime Victim Clearinghouse Training Opportunities

## **Webinars:**

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) Texas Crime Victim Clearinghouse (TxCVC) hosts a webinar series. Webinar descriptions and registration information, as well as recordings and related documents for past webinars may be accessed on the TDCJ VSD website: <http://www.tdcj.texas.gov/divisions/vs/webinars.html>

## **Previous Webinar Highlights:**

### **Victim Offender Mediation Dialogue (VOMD) Program**

The VOMD Program provides an opportunity for victims or surviving family members of violent crime to initiate an in-person meeting with the offender responsible for their victimization. This webinar provides an informational overview of the VOMD program.

### **VIS Observation Study**

This webinar provides an informational overview of the

Victim Impact Statement: County Observation Study. The Victim Impact Statement (VIS) is an important tool that connects crime victims to mandated rights and services throughout the criminal justice system. The 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.

## **Upcoming Webinars:**

### **Effective Communication**

The webinar will provide tips and techniques for working with victims of crime to ensure they are treated with compassion and respect. The webinar will focus on communication that is victim sensitive both over the phone and in person.

### **Legislative Update**

This webinar will discuss changes to laws made during the 85th Legislative Session that affect

victims' rights and services. The presenters will also explain how these changes affect the way victim service providers do their work.

## **Texas Victim Assistance Training (TVAT) Online:**

The TVAT Online is a state-wide 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/prod/tvatonline/index.php>

## **Live Trainings:**

The 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](mailto:tdcj.clearinghouse@tdcj.texas.gov) or 512-406-5931.

## Texas Victim Assistance Training Online

T ★ V ★ A ★ T

### CALENDAR

The Texas Crime Victim Clearinghouse wishes to remind our readers that a calendar feature has been added for the Texas Victim Assistance Training (TVAT) Online. Criminal justice and victim service professionals can [view, search, and submit](https://www.tdcj.texas.gov/php/prod/vscalendar/) victim-related trainings and events on the TVAT Calendar webpage. <https://www.tdcj.texas.gov/php/prod/vscalendar/>

# Texas Victim Assistance Training

## T★V★A★T Academy

By: Julie Jespersion, Texas Crime Victim Clearinghouse



Attendees and faculty of the October 2017 TVAT Academy, image provided by the TDCJ Media Services

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (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, with funds awarded by a grant from the Office of the Governor Criminal Justice Division, hosted 45 students at the second Texas Victim Assistance Training (TVAT) Academy in October 2017.

The in-person TVAT Academy promotes consistent and coordinated high quality assistance to victims throughout the state of Texas. The three and a half-day curriculum is comprehensive, practitioner-based education for persons who routinely work with victims of crime and is designed for professionals with less than three years experience in the field.

The TVAT Academy areas of study include knowledge and understanding of crime victims' rights, ethics in victim services, stress management, compassion fatigue, crime victims assistance standards in criminal justice, principals and practices of the



Faculty presenting training at the October 2017 TVAT Academy, image provided by the TDCJ Media Services

victim services field, an overview of the criminal justice system, effective communication skills for working with victims of crime, victim advocacy with additional attention to the unique elements of specific crime types, the influence of cultural factors, victim restoration strategies and resiliency.

The TVAT Academy provides an experiential format for learning,



Attendees and faculty engaged in activities at the October 2017 TVAT Academy, images provided by the TDCJ Media Services

with case studies and scenarios. Group activities with informative lectures have meaningful application to victim services providers in their day-to-day work experience. The TVAT Academy has a diverse faculty of victim service practitioners who have expertise in various victim issues.

Attendee feedback indicates that attendees gained a better understanding of how a case moves throughout the criminal justice system beginning at the moment of victimization through the indictment, prosecution and the post-conviction phases. Attendees said, "This training has been so amazing and helpful." "All the topics really clarified so much for me." "It gave me the bigger picture of what we are working towards." ★

Stay tuned for information about the 2018 TVAT Academy. Information regarding the in-person TVAT Academy is available online at

<http://www.tdcj.texas.gov/php/prod/tvatacademy/index.html>.



# Legislative Update

By: Carol Ellis and Mary McCaffity, Texas Department of Criminal Justice Victim Services Division

During the Regular Session of the 85th Legislature, 6,631 bills were introduced and 1,211 passed (Texas Legislature Online Statistics Report). Of the bills that passed, many will impact the criminal justice system and the victim services field. Below is a summary of some of the bills that passed that directly address notification to victims of violent crimes, protective orders, the confidential nature of certain communications and information, and restitution.

## Notification

### House Bill (HB) 104

**Topic:** Notification to victims regarding a previous Texas Department of Criminal Justice (TDCJ) offender who had been convicted of an offense listed in the Code of Criminal Procedure Article 42A.054(a) or for which the judgment contains an affirmative finding of a deadly weapon and who is *again* indicted for one of these crimes

**Status:** Not later than November 1, 2017, the TDCJ is required to adopt a procedure to implement victim notifications about certain indictments on “violent crimes.”

This Act applies to cases in which the indictment is presented on or after December 1, 2017.

**Discussion:** HB 104 requires:

- the attorney representing the state to notify the TDCJ no later than the 10th day after the defendant is indicted on a subsequent offense, and
- the TDCJ make a reasonable effort to provide notification of the subsequent indictment

to the victim(s), guardian of a victim, or close relative of a deceased victim of any previous Article 42A.054(a) offense or an offense with an affirmative finding of a deadly weapon for which the offender was previously imprisoned in the TDCJ and released.

For a more detailed discussion of HB 104, please see the article on page 17 of this issue of *The Victim's Informer*.

## Protective Orders

### Senate Bill (SB) 257

**Topic:** Judicial Review and Duration of Certain Protective Orders (PO)

**Status:** The changes in law made by SB 257 apply only to a PO issued on or after September 1, 2017.

**Discussion:** SB 257 limits a person who is the subject of a family violence PO to only two attempts to modify or terminate the order, rather than an unlimited number

of attempts under previous law.

In proceedings to modify or terminate a sexual assault, stalking or trafficking PO, the Act exempts survivors from the requirement to prove a “continuing need” for their orders.

The Act also “applies the same rule for automatically extending POs that expire while the respondent is confined to orders issued on the basis of family violence, sexual assault or abuse, stalking, and human trafficking.”<sup>1</sup>

### SB 712

**Topic:** Duration of Family Violence Protective Orders

**Status:** The change in law made by SB 712 applies only to an application for a PO that is filed on or after September 1, 2017.

**Discussion:** This Act expands eligibility for obtaining a PO lasting longer than the standard two-year order to include victims whose abuse constitutes felony family violence, regardless of whether the offender has been

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1. Texas Association Against Sexual Assault (TAASA). (2017). TAASA 85th Legislative Session Update, “Eliminate Loopholes in Protective Order Modification Proceedings.” Retrieved from <http://taasa.org/wp-content/uploads/2017/08/85th-Legislative-Update-Booklet.pdf>.

# Legislative Update

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charged or convicted of the offense.

## Confidentiality

### HB 3649

**Topic:** The Confidential Communications between Victim Advocates and Victims of Family Violence

**Status:** HB 3649 became effective on September 1, 2017.

**Discussion:** This Act creates a new confidentiality privilege that makes a written or oral communication between a family violence center advocate and a victim of family violence made in the course of advising, advocating for, counseling, or assisting the victim confidential and not subject to disclosure (with exceptions).

This Act creates a privilege that may be claimed by a victim or victim's attorney, a parent, guardian or conservator of a victim under 18, or an advocate or a family violence center on the victim's behalf.

Exceptions include disclosure:

- with another employee or volunteer of the same family violence center;
- for the purpose of seeking evidence that is admissible but only so long as the court first conducts an in camera

- review of the communication and determines that it is admissible;
- with other persons in the context of support groups or group counseling; or
- to make a required report regarding abuse of children, elderly or disabled persons;

This Act ensures that the Texas Rules of Evidence, and not the provisions of HB 3649, govern the disclosure of confidential information in civil and criminal cases by an expert witness who relies on facts or data from the communication to form the basis of their opinion. Also, a provision of the Act requires a family violence center that discloses confidential communications at the request of the victim to disclose the communication to all parties to a legal proceeding.

### SB 256

**Topic:** Address Confidentiality Program

**Status:** SB 256 became effective on May 19, 2017.

**Discussion:** SB 256 expands the type of victims who are eligible for the address confidentiality program to include:

- persons protected by a protective order based on family violence, sexual assault, stalking or human

trafficking;

- persons with an application pending for an order listed above; or
- persons with documentation of family violence, sexual assault or stalking sufficient to terminate a residential lease under the Property Code.

Furthermore, SB 256 modifies the steps necessary to apply for the address confidentiality program.

SB 256 specifies that the home address of any person eligible for a PO for family violence, sexual assault, trafficking, or stalking be classified as confidential within tax appraisal and voter registration records. A victim must contact their local appraisal district to request to be removed from the appraisal records or the county clerk to be removed from voter registration records.

### SB 843

**Topic:** Confidential Nature of Crime Victim Compensation Program Information

**Status:** SB 843 became effective on September 1, 2017.

**Discussion:** SB 843 exempts from required disclosure under the Public Information Act any information received, maintained,

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# Legislative Update

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or created by the Crime Victim Compensation (CVC) program, except: the Office of the Attorney General (OAG) may disclose the name of the crime victim or claimant and the amount of compensation awarded to that person after an award has been made.

SB 843 also provides that the CVC information is not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release.

However, this Act authorizes the CVC to disclose information:

- by court order for good cause shown if the information is not available from other sources;
- with consent of the claimant or victim;
- to an employee or other person under the direction of the OAG;
- to another CVC program;
- to a person authorized by

the OAG to receive the information to conduct an audit or to provide a review to determine the appropriateness of an award;

- to prevent, deter, or punish fraud related to the CVC program;
- to respond to a subpoena that is issued in a criminal proceeding where an application for compensation is requested by releasing only the victim's completed application form after redacting confidential information in accordance with the Public Information Act;
- in the event the OAG makes a determination that disclosure is necessary to enforce the CVC program.

Further, this Act adds that the release of a victim's completed application form does not affect the authority of the court to order the release or disclosure of additional information.

## Restitution

### **HB 1866**

**Topic:** Restitution and Public Disclosure of Certain Victim Information

**Status:** HB 1866 became effective on September 1, 2017.

**Discussion:** HB 1866 amends accounting procedures for unclaimed restitution payments. This Act permits information about unclaimed restitution payment to be published on the Internet, but exempts a victim's Social Security Number, driver's license number or state identification number from required public disclosure.

Only the city or county in which a victim resides will be made public in relation to unclaimed restitution payments. A victim's address will be exempt from required public disclosure. ★

### ***Additional resources to learn more about legislative changes impacting crime victims:***

- Texas Legislature Online: <http://www.capitol.state.tx.us/Home.aspx>
- Texas Constitution and Statute Page: <http://www.statutes.legis.state.tx.us>
- Texas District and County Attorneys Association (TDCAA) legislative update <http://www.tdcaa.com/legislative/index.asp>

# Legislative Update Addendum: House Bill 104

By: Mary McCaffity, Texas Department of Criminal Justice Victim Services Division

House Bill (HB 104), passed during the 85th Legislative session, creates a new notification to victims regarding specific former Texas Department of Criminal Justice (TDCJ) offenders. This new notification for crime victims requires collaboration between the TDCJ Victim Services Division (VSD) and district attorneys' offices throughout Texas.

This bill applies only to a defendant who previously served prison time for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding of a deadly weapon and was released from TDCJ (on parole, mandatory supervision or flat discharge), and who is again indicted for one of these crimes after December 1, 2017. HB 104 offenses include:

A. Code of Criminal Procedure Article 42A.054.

- (1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;
- (2) Section 19.02, Penal Code (Murder);
- (3) Section 19.03, Penal Code (Capital Murder);
- (4) Section 20.04, Penal Code (Aggravated Kidnapping);
- (5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 21.11(a)(1), Penal Code (Indecency with a Child);

(7) Section 22.011, Penal Code (Sexual Assault);

(8) Section 22.021, Penal Code (Aggravated Sexual Assault);

(9) Section 22.04(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if:

(A) the offense is punishable as a felony of the first degree; and

(B) the victim of the offense is a child;

(10) Section 29.03, Penal Code (Aggravated Robbery);

(11) Section 30.02, Penal Code (Burglary), if:

(A) the offense is punishable under Subsection (d) of that section; and

(B) the actor committed the offense with the intent to commit a felony under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(12) Section 43.05, Penal Code (Compelling Prostitution);

(13) Section 43.25, Penal Code (Sexual Performance by a Child); or

(14) Chapter 481, Health and Safety Code, for which punishment is increased

under:

(A) Section 481.140 of that code (Use of Child in Commission of Offense); or  
(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections; and/or

B. an offense for which the judgment contains an affirmative finding of a deadly weapon.

The attorney representing the state is required to notify the TDCJ VSD no later than the 10th day after the defendant is indicted on a subsequent offense as described above. TDCJ VSD created a form that is available on our website, [http://www.tdcj.texas.gov/ks\\_victim.html](http://www.tdcj.texas.gov/ks_victim.html), and can be submitted by email (preferred), fax or mail to provide this information about the indictment. Instructions for completing the form are also available on the website.

Required elements to be provided by the district attorney's office include contact information for

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# ***THE TEXAS BOARD OF PARDONS AND PAROLES:***

## ***Victim Services Liaison Program***

*By: Libby Hamilton, Program Supervisor*

As we mentioned in the last edition of *The Victim's Informer*, the Texas Board of Pardons and Paroles (BPP) started a new program in February that is working with the Texas Department of Criminal Justice Victim Services Division to assist victims of crime. BPP's two newest employees, Christine Wall and myself, are focusing on victims' interactions with the Board and the parole review process.

One of the Board's goals for the new program is to stay proactive and up to date with the most current practices in the field of victim services. Recently, I was able to utilize grant funds to attend the annual training event for the National Organization for Victim Assistance. This was a unique opportunity to share information with, and learn from, over 1,600 professionals from around the world.

Workshops including "Trauma Informed Victim Services", "Best Practices for Upholding Confidentiality", and "The Untold Story of Male Childhood Sexual Abuse" filled four educational days, in addition to speeches from Dr. David Wexler regarding myths of domestic violence, and Angela Rose of Promoting Awareness/Victim Empowerment.



Another important topic covered in several workshops was vicarious trauma, and the importance of self-care for those of us working in victim services. Attendees also had the unique experience of hearing first-hand from survivors of homicide, sexual assault, and domestic violence. Hearing a survivor's perspective can be the most valuable way to enhance our services.

Much of what Christine and I have accomplished in recent months is obtaining this same type of feedback and using it to improve the way Board employees interact with victims. We've seen a significant increase in the number of people we are able to assist since we first began in February. We thank the Board Chairman David Gutierrez for his continued support and dedication to those affected by crime in our state. ★

*For specific questions or concerns about interacting with the Texas Board of Pardons and Paroles, please contact Libby Hamilton (512) 406-5833 or Libby.Hamilton@tdcj.texas.gov.*

## 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](mailto: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 website. If you wish, we will notify you via e-mail each time *The Victim's Informer* becomes available on the TDCJ VSD website and provide an electronic link to *The Victim's Informer*. Send your e-mail address to: [tdcj.clearinghouse@tdcj.texas.gov](mailto:tdcj.clearinghouse@tdcj.texas.gov)

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# House Bill 104

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the representative completing the form and the following information about the defendant:

- Current Cause Number
- Indictment Charges
- Defendant's First, Middle and Last Names
- State Identification Number (SID) of the defendant

The TDCJ VSD must make a reasonable effort to provide notification of the subsequent indictment to the victim(s), guardian of a victim, or close relative of a deceased victim of any previous offense listed in the Code of Criminal Procedure Article 42A.054(a) or for which the judgment contains an affirmative finding of a deadly weapon and who is *again* indicted for one of these crimes.

The TDCJ is prohibited from disclosing to any person the name or address of a person entitled to notice except as necessary to comply with the Article unless the victim approves the disclosure or a court determines there is good cause and orders the Texas Board of Criminal Justice or TDCJ to make the disclosure.

The bill applies only to cases presented for indictment on or after December 1, 2017.

TDCJ VSD staff are available to assist with questions regarding the implementation of this bill in your agency. Please contact us at 512-406-5900 or [victim.svc@tdcj.texas.gov](mailto:victim.svc@tdcj.texas.gov) for assistance.★

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

**December 29, 2017**

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**April 2, 2018**

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**July 3, 2018**

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