

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
**VICTIM SERVICES DIVISION**

FY 2010  
**ANNUAL REPORT**



SEPTEMBER 1, 2009 - AUGUST 31, 2010



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# HISTORY

## 1993<sup>1</sup>

In May 1993, a Victim Services section was established in the Parole Division of the Texas Department of Criminal Justice.

The section's responsibility was to notify crime victims, whose offenders were incarcerated within TDCJ Correctional Institutions Division, about their offender's status. Throughout the years, the notification section has enhanced the confidential Victim Notification System (VNS) and its other notification services for crime victims, surviving family members, witnesses who testified at trial and concerned citizens. Some notifications are based on legislative mandates.

The Victim Offender Mediation/Dialogue (VOM/D) program was formed within the section in 1993 after a crime victim requested this service. In 2001, the 77th Legislative Session\* passed legislation providing victims of violent crime the opportunity to initiate a meeting with their offender(s) through this program.

The Texas Crime Victim Clearinghouse (TxCVC) was transferred from the Office of the Governor to the Victim Services section in 1996. Legislative mandates provide TxCVC with guidance regarding the Victim Impact Statement (VIS) and other services. The TxCVC serves as a central source of information for crime victims, victim advocates and criminal justice professionals.

In November 1997, the Victim Services section was elevated to division status, allowing the new division to more efficiently serve the needs of crime victims.

The Victim Impact Panel Program (VIPP) was established within the Victim Services Division in 1999 to provide victims of crime the opportunity to share details of their victimization with criminal justice professionals, students and offenders while also heightening victim sensitivity and awareness.

Victim services staff have provided trainings on victim issues from the beginning of the section's establishment. In the mid-1990's, full-time training positions were filled. The main purpose of the training program was to provide victim sensitivity training to criminal justice professionals and victim advocates. In 2004, the training section was reorganized and renamed the Victim Support and Community Education (VSCE) program. The program's role was enhanced with the addition of providing prison tours and assisting crime victims and support persons during the execution process.

In 2009, the Special Projects position was established to increase awareness, evaluate and enhance the Victim Services Division's services and programs through research and collaboration with internal and external entities. This position also serves as a point of contact for criminal justice professionals and victim advocates, and provides direct support and services to crime victims.

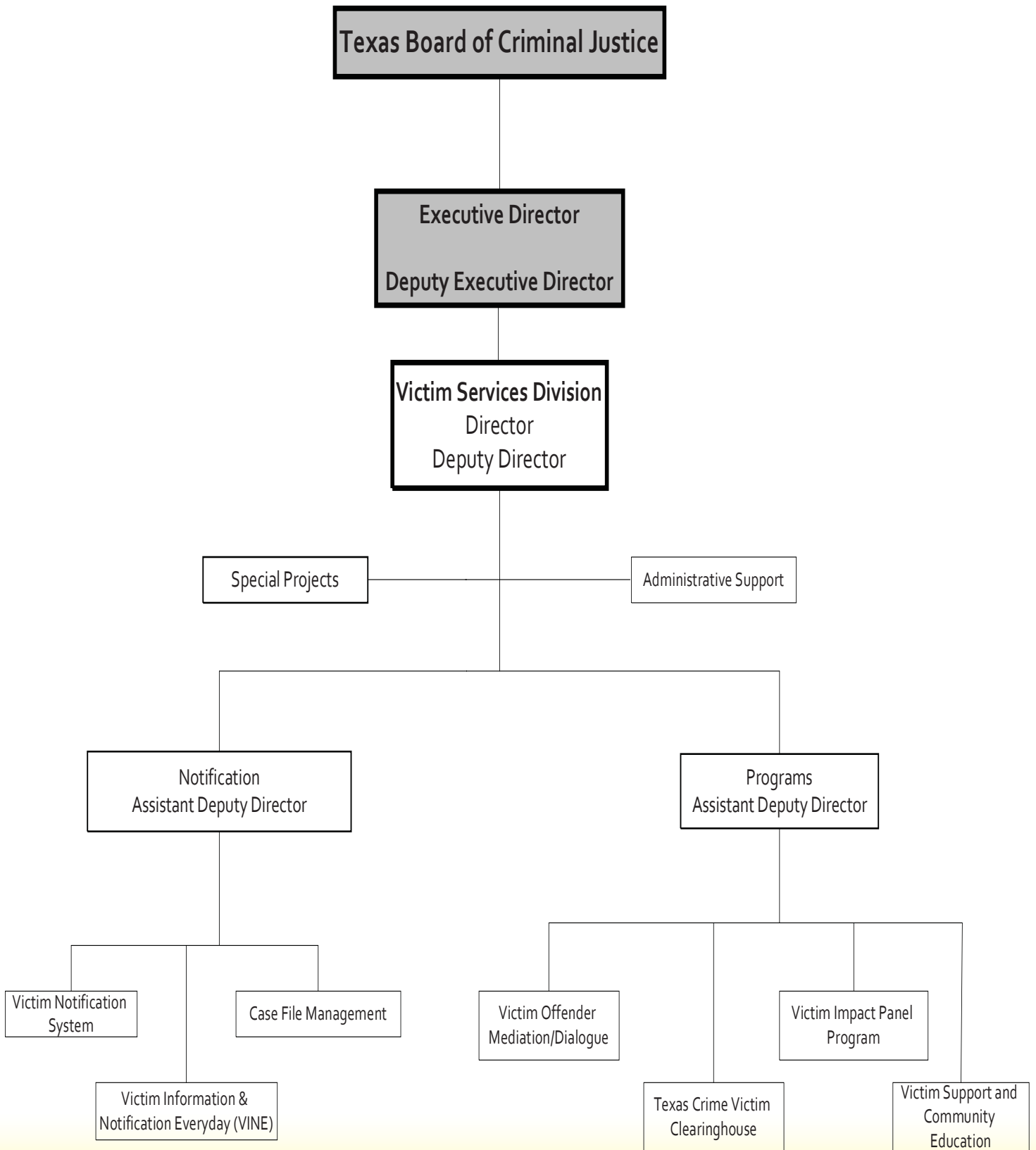
As of August 31, 2010, the Victim Services Division consists of 38 full-time employees located in Austin and Huntsville, Texas. The VSD staff are responsible for administrating and supporting the VSD programs and services to ensure crime victims, if they choose, are able to participate in the criminal justice system.

## 2010

1. Crime victims' rights were created by statute with the passage of House Bill 235 during the 69th Regular Session of the Texas Legislature, which included notification during the parole review process. Before the Victim Services section was established, designated staff were responsible for providing these notifications. We would like to recognize TDCJ staff who have assisted crime victims before and after the Victim Services section was established. We realize that all TDCJ staff, despite their job description, can and do positively impact crime victims who are seeking information and assistance.

\*The 71st Legislative Session was mistakenly noted in the previous VSD Annual Report.

# ORGANIZATIONAL CHART



## SUMMARY OF SERVICES

- A confidential Victim Notification System (VNS) that contains over 70 points of notification (automated letters) to registered crime victims, surviving family members, witnesses who testified at trial and concerned citizens;
- notification staff that are available Monday through Friday from 7:30 a.m. to 5:30 p.m. toll-free 800-848-4284;
- an automated toll-free telephone number allowing VNS registered crime victims, surviving family members, witnesses who testified at trial and concerned citizens to obtain limited offender information in English and Spanish 24 hours a day. This is provided through a partnership with Appriss, Inc. provider of the Victim Information and Notification Everyday (VINE);
- an automated telephone call notifying of an offender's release from incarceration to VNS registered crime victims, surviving family members, witnesses who testified at trial and concerned citizens, upon their request. This is provided through a partnership with Appriss, Inc. provider of VINE;
- assistance in processing protest letters and other information submitted by crime victims, surviving family members, witnesses who testified at trial and concerned citizens for review by the Texas Board of Pardons and Paroles (TxBPP);
- assistance for crime victims who request a meeting during their offender's parole review with the TxBPP;
- assistance in processing transmittals to the TxBPP, upon request from crime victims, to request special conditions be imposed on an offender's release or to request the TxBPP reconsider their previous favorable vote to release an offender;
- explanation of parole and mandatory supervision legislation;
- an opportunity for crime victims to initiate a mediation/dialogue with their offender(s);
- an online Victim Assistance Resource Directory that provides resources in each Texas county;
- production and distribution of quarterly newsletter regarding new and innovative victim services;
- production and distribution of publications regarding crime victims' rights and TDCJ VSD services;
- distribution of the revised Victim Impact Statement after each legislative session;
- a collection of Victim Impact Statement statistics from Texas counties;
- an opportunity for crime victims to participate on victim impact panels and speak about their victimization to criminal justice professionals, students and offenders;
- training for criminal justice professionals and victim advocates regarding crime victims' rights, victim sensitivity and the Victim Impact Statement;
- prison tours for victims, witnesses, surviving family members, concerned citizens and criminal justice professionals;
- assistance in preparing crime victims witnessing an execution, along with support during and after the execution for the witnesses and their support persons; and
- referral for restitution inquiries.



# NOTIFICATION SECTION

***Purpose:***

To notify crime victims, surviving family members, witnesses who testified at trial and concerned citizens of accurate and pertinent information in a timely manner.

***Applicable statutes:*****Texas Code of Criminal Procedures (TCCP)**

TCCP Art. 56.01

TCCP Art. 56.02(a)(6)

TCCP Art. 56.02(a)(7)

TCCP Art. 56.02 (a)(13)

TCCP Art. 21.31

TCCP Art. 42.09(8)(a)(4)

TCCP Art. 42.21

TCCP Art. 46.03(d)(8)

TCCP Art. 56.03

TCCP Art. 56.08(c)(2)

TCCP Art. 56.11

TCCP Art. 56.12

TCCP Art. 56.15

**Texas Government Code (TGC)**

TGC 508.117

TGC 508.153

TGC 508.190

TGC 508.191

TGC 508.313

TGC 552.1325

**Texas Family Code (TFC)**

TFC 85.025 (c)

**Texas Penal Code (TPC)**

TPC 38.111

# NOTIFICATION SECTION

## Definitions

### *Definitions applicable to the Notification Section:*

**Victim Notification System (VNS):** is a system that utilizes a confidential database to provide VNS registrants (crime victims, surviving family members, witnesses who testified at trial and concerned citizens) with written notifications regarding their offender(s). The system provides over 70 points of possible notification regarding several phases of an offender's incarceration and supervision if applicable, including the parole review process. Most notification letters are automatically generated, however some letters are manually created by VSD staff. Since each case is unique and the points of notification are typically driven by the status of the offender, VNS registrants may not receive each "point of notification" or letter.

**VNS Registrants:** are crime victims, surviving family members, witnesses who testified at trial and concerned citizens.

**Victim Information and Notification Everyday (VINE):** Appriss, Inc. is the provider of VINE, which is an automated system that provides crime victims with telephone or e-mail notifications of an offender's custody status.

**Appriss Transfer Report:** Appriss, Inc. provides VSD with a weekly list of offenders who have been transferred from Texas county custody to TDCJ - Correctional Institutions Division (CID) along with requests from individuals to be added to the VNS.

**VINE/Call-Out feature:** allows VNS registrants, upon request through the VSD office, to receive telephone notification when an offender is being processed for release from TDCJ custody, either by direct discharge or on parole/mandatory supervision.

**VINE/Call-In feature:** allows VNS registrants to call into an automated telephone service to receive limited offender information 24-hours a day in English or Spanish.

**TDCJ - Correctional Institutions Division (CID):** is a division within TDCJ that is responsible for managing and operating the State's prison system for the confinement of adult felony offenders.

**TDCJ CID - Classification and Records Office (CRO):** is a department within TDCJ that schedules, receives and processes offenders for intake, release and transfers for TDCJ CID. CRO maintains offender records and serves as the principal storehouse for prison-sentenced offender records for TDCJ.

**Texas Board of Pardons and Paroles:** is a seven-member board with constitutional and statutory authority to approve or deny a parole release, to determine the rules and conditions of release, to revoke an offender's parole or mandatory supervision and to make executive clemency recommendations. In 1996, the Board was also given the authority to review and rescind scheduled mandatory supervision releases for offenders with offenses committed after August 31, 1996.

**TDCJ - Parole Division:** is a division within TDCJ that is responsible for the supervision of adult felony offenders released from prison on parole/mandatory supervision to complete their sentences in Texas communities.

# NOTIFICATION SECTION

## Victim Notification System (VNS) - Registrants

159,834

crime victims, surviving family members, witnesses who testified at trial and concerned citizens are registered on VNS, as of August 31, 2010.

7,483

VNS registrants were added to the VNS in Fiscal Year 2010

3,374 were added from a Victim Impact Statement<sup>1</sup>

4,109 were added by request (telephone, letter, e-mail) or from Appriss<sup>2</sup>.

1. Victim Impact Statements are received in the offender's penitentiary packet that is sent to TDCJ CID CRO from the county court clerk when an offender is sentenced to TDCJ CID. The TDCJ CID CRO forwards the Victim Impact Statements to TDCJ VSD. In some instances, we receive the VIS directly from the district or county attorney's office or the crime victim.  
2. Appriss refers crime victims to the VSD either by telephone or in the Appriss Transfer Report.

## NOTIFICATION SECTION

### VNS - Points of Notification

The VNS provides over 70 points of notification (letters) to registered crime victims, surviving family members, witnesses who testified at trial and concerned citizens. The following are examples of some points of notification (letters) automatically generated after an action for an offender has been recorded on the TDCJ mainframe server:

- when an offender is placed in the parole review process
- when an individual has been registered for a meeting with the Texas Board of Pardons and Paroles (TxBPP)
- after the offender's parole review process is complete and he/she has received a tentative favorable action (vote) for release
- after the offender's parole review process is complete and he/she was denied parole/mandatory supervision
- when the offender's release certificate is issued for parole/mandatory supervision
- when the offender is released to the custody of a law enforcement agency for a bench warrant
- when an offender has returned from a bench warrant and is now in TDCJ custody

In certain scenarios, "manually-created" letters<sup>3</sup> are required. The following are examples of some points of notification requiring VSD staff to generate the letters:

- when an offender escapes from TDCJ CID custody
- when an escapee is captured
- after protest information, submitted by crime victims, regarding an offender's release to supervision is referred to the TxBPP by the VSD staff and a decision has been made
- after crime victims' requests for special conditions of release have been referred to the TxBPP by the VSD staff and a decision has been made
- when an offender dies while incarcerated or on parole/mandatory supervision

**102,193** correspondence was sent in Fiscal Year 2010 (this includes e-mail)

**80,038** were automated letters

3. Letters are created manually by VSD staff either because the notification cannot be linked to an action recorded on the TDCJ mainframe server or the notification is deemed urgent. When notifications are deemed urgent, telephone notifications precede the creation of the manually created letter/notification.

## NOTIFICATION SECTION

### Telephone & Correspondence Received

VSD staff are available Monday - Friday 7:30 a.m. to 5:30 p.m. to provide information and assistance to crime victims, surviving family members, witnesses who testified at trial and concerned citizens. VSD staff can add registrants to the VNS, provide public information, explain parole/mandatory supervision laws and provide appropriate referrals.

The VSD has a Memorandum of Understanding with the Texas Advocacy Project for protective order referrals. Our phone representatives will refer crime victims who state they have a protective order against their offender/ respondent to the Texas Advocacy Project for assistance and information in extending their protective order for one year after the offender has been released from incarceration (Texas Family Code 85.025(c)).

The VSD staff can be reached by calling 800-848-4284 or [victim.svc@tdcj.texas.gov](mailto:victim.svc@tdcj.texas.gov).

#### Telephone Calls:

41,908 telephone calls were received in Fiscal Year 2010<sup>5</sup>

851 referrals to the Texas Advocacy Project were made by our phone representatives. These calls are in addition to the calls received in Fiscal Year 2010.

#### Correspondence:

53,103 correspondence<sup>6</sup> was received in Fiscal Year 2010

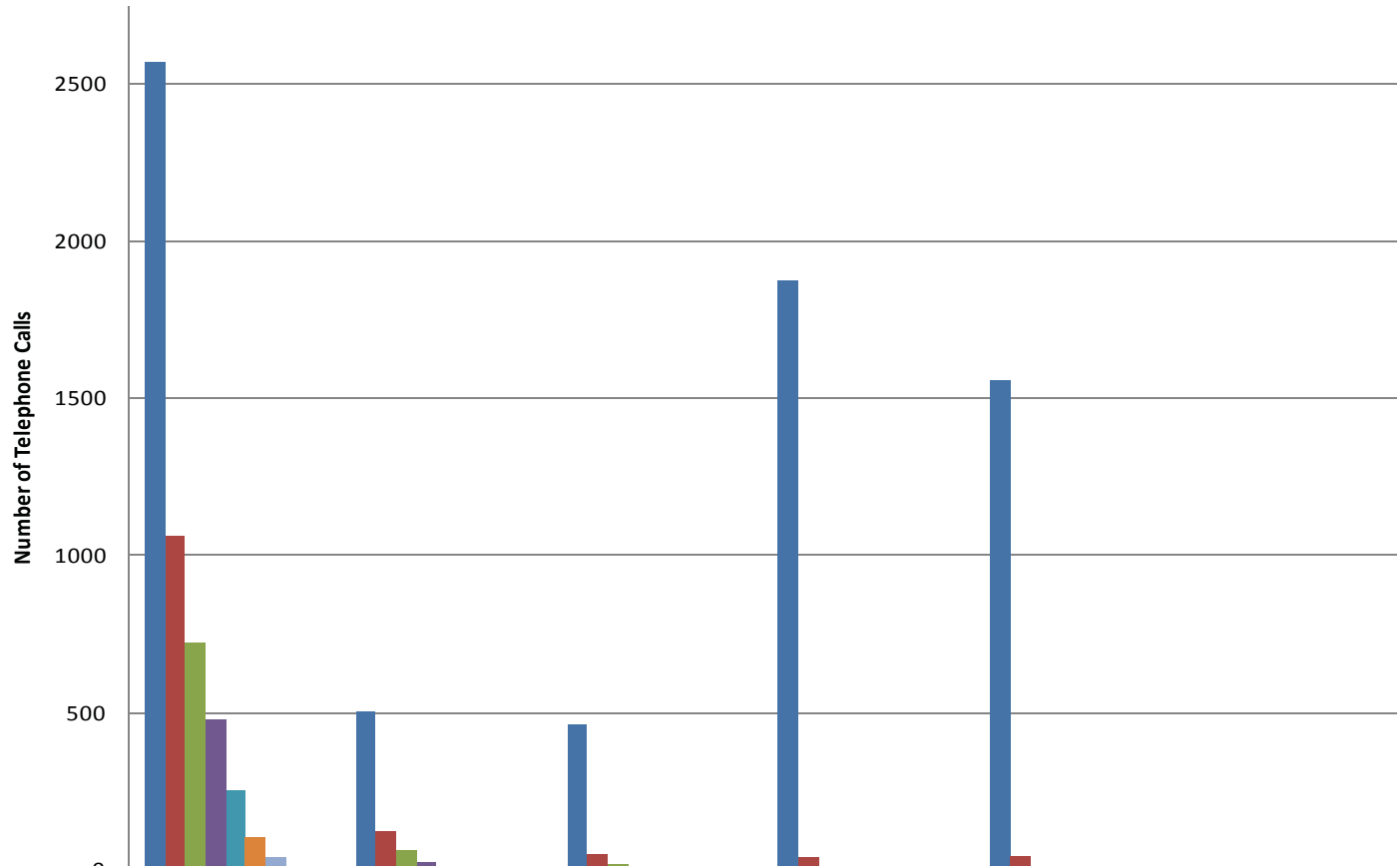
5. This reflects telephone calls received by the VSD for notification and program staff.

6. This reflects protest letters, emails and other correspondence received by the VSD for notification and program staff.

# NOTIFICATION SECTION

## *Length of Telephone Calls<sup>6</sup>*

### VSD Five-Month Survey for Toll-Free Number



	Victim	Concerned Citizen	CJ Professional	Offender's Family/Friend <sup>7</sup>	Miscellaneous	Media
Total 1 sec. - 5 min.	2568	504	460	1877	1557	4
Total 6 - 10 min.	1063	122	51	39	48	0
Total 11 - 15 min.	725	62	17	9	5	0
Total 16 - 20 min.	477	23	1	0	2	0
Total 21 - 25 min.	256	15	4	0	2	0
Total 26 - 30 min.	108	2	0	0	0	0
Total 31 - 45 min.	42	0	0	0	0	0
Total 46 - 60 min.	3	0	0	0	0	0
Total >1 hr. (60 min.)	1	0	0	0	0	0

6. This chart reflects the volume and length of telephone calls received and reported by notification staff on the VSD's toll-free telephone line 800-848-4284 during the five-month period of April - August 2010. This purpose of this survey was to highlight the length of time the phone representatives assist callers due to the nature of the calls and services provided by the Victim Services Division.

7. VSD staff do receive calls from offenders' family or friends seeking information. Once our phone staff identifies a caller as an offender's family or friend, we notify them our services are for crime victims and refer them to the TDCJ Offender Information Line.

## NOTIFICATION SECTION

### *Appriss - Automated Telephone Notifications*

TDCJVSD has partnered with Appriss, provider of Victim Information and Notification Everyday (VINE), to enhance our notification system.

VNS registrants can obtain limited offender information in English and Spanish 24-hours a day, seven days a week with the Call-In feature.

VNS registrants can also request, through the VSD office, to receive the Call-Out feature, which calls a crime victim when their offender is being released from incarcerations either on parole/mandatory supervision or direct discharge. This automated notification service is in addition to our written notifications.

#### **The Call-In Feature:**

**12,746** telephone calls were received by the automated telephone system during Fiscal Year 2010

#### **The Call-Out Feature:**

**496** call-out notifications were sent in Fiscal Year 2010

# NOTIFICATION SECTION

## *Case File Management*

The Case File Management section provides notification, information and assistance to crime victims and works collaboratively with internal and external organizations, including the Texas Board of Pardons and Paroles (TxBPP). This includes assisting crime victims with complex cases by analyzing case files and processing transmittals to the TxBPP to impose special conditions on an offender's supervision, upon request from the crime victim.

This section is also responsible for offender's escape and recapture notifications.

### **The parole review process and collaboration with the TxBPP<sup>8</sup>:**

- Processing protest letters and other information submitted on behalf of crime victims to the TxBPP
- Notifying the TxBPP of crime victims who are requesting a meeting with a board member or commissioner
- Providing information and explanation of parole and mandatory supervision laws
- Processing transmittals to the TxBPP, upon request from the crime victim
- Notifies crime victims of the TxBPP's decision regarding their requests for special conditions

1,563 VNS registrants requested to meet with the TxBPP<sup>9</sup>

3,528 VNS registrants were notified of an upcoming meeting with the TxBPP

299 transmittals were processed for the TxBPP's review

### **Working with victims on complex cases:**

- Analyzing case files and collaborating with internal and external entities

2,007 case files were analyzed

8. All notification staff, including case file management staff, assist victims regarding the parole review process. This includes recording the victims request to meet with the TxBPP or notifying a victim of an upcoming TxBPP meeting. In addition, some VSD staff assist case file analysts with processing transmittals to the TxBPP, depending on the number of requests received by crime victims and staff availability.

9. Once a crime victim is registered on the VNS, they can request to meet with the TxBPP during their offender's parole review. This request may or may not be received in the same fiscal year as their offender's parole review and possible meeting with the TxBPP.



## PROGRAM SECTION

### *Purpose:*

Each TDCJ VSD Program is unique and offers a variety of services for crime victims, victim service providers and criminal justice professionals. Therefore, the purpose and statutes applicable to each program can be found with each program's section of this report.

### *Definitions of VSD's programs:*

**Victim Offender Mediation/Dialogue (VOM/D):** provides victims and surviving family members of violent crime an opportunity to initiate a meeting with their offender.

**Texas Crime Victim Clearinghouse (TxCVC):** serves as a central source of information for crime victims, criminal justice professionals and victim advocates. They are also mandated to revise the Victim Impact Statement (VIS) after each legislative session and collect VIS statistics from each district and county attorney's office.

**Victim Impact Panel Program (VIPP):** provides an opportunity for crime victims to tell their story of victimization with criminal justice professionals, students and offenders.

**Victim Support and Community Education (VSCE):** provides training on victim sensitivity and victim related issues. They also provide direct support for crime victims who are witnessing an execution and their support persons.

# PROGRAM SECTION

## Victim Offender Mediation/Dialogue (VOM/D) Program

**Purpose:**

Provides an opportunity for victims or surviving family members of violent crime to initiate an in-person meeting with their offender. Crime victims have expressed a sense of taking back control once they meet directly with their offender to describe the impact of their victimization and to receive answers to questions regarding the offense.

Crime victims initiate a VOM/D case. The offender has to be incarcerated, on parole/mandatory supervision or on community supervision (probation). The process is voluntary for the crime victim and offender. The VOM/D program is not intended to have any bearing on the participating offender’s status in the judicial, appellate or corrections systems. The mediator assigned the VOM/D case will meet with the crime victim and offender separately during the preparation phase. The mediation is scheduled when both participants and the mediator agree that they are ready to meet in-person.

Mediations are typically conducted at the facility where the offender is incarcerated or at the offender’s parole or probation office. Creative alternative mediations are also an option, and typically include a letter written by the victim.

**Applicable statutes:**

**Texas Code of Criminal Procedures (TCCP)**

TCCP Art. 56.01

TCCP 56.02(a)(12)

TCCP 56.13

**Texas Government Code (TGC)**

TGC 508.191

TGC 508.324

**Texas Civil Practice and Remedies Code (TCPRC)**

TCPRC 154.023 (c)

**Statistics:**

**43** mediations were conducted  
 29 person to person mediations  
 14 creative alternative mediations

**101** cases were initiated<sup>10</sup>

**6** volunteer VOM/D mediators were trained

10. Victims of violent crime can initiate a VOM/D case by contacting the VSD office. Some VOM/D cases are initiated in one fiscal year, but are not conducted until a later fiscal year due to the waiting list for assignment and VOM/D’s preparation phase.

# PROGRAM SECTION

## Texas Crime Victim Clearinghouse (TxCVC)

### **Purpose:**

The TxCVC serves as a central source of information for crime victims, victim service providers and criminal justice professionals. The TxCVC produces and distributes the *Victim's Informer* newsletter and other VSD informational brochures, maintains the online Resource Directory, collects the VIS Activity Report from District and County Attorney's Offices, provides training for the Victim Impact Statement, produces a training conference, and revises the Victim Impact Statement after each legislative session.

### **Applicable statutes:**

#### **Texas Code of Criminal Procedures (TCCP)**

TCCP Art. 56.01

TCCP Art. 56.03

TCCP Art. 56.02(a)(6)

TCCP Art. 56.05

TCCP Art. 56.02(a)(13)

TCCP Art. 56.14

TCCP Art. 42.09(8)(a)(4)

#### **Texas Government Code (TGC)**

TGC 508.313

TGC 552.1325

### **Informational Materials<sup>11</sup>:**

#### **Quarterly Newsletter:**

**The *Victim's Informer*:** provides information on new and innovative services

#### **List of Brochures:**

**Your Rights, Your Voice, Your Participation:** provides information on TDCJ VSD programs and services

**It's Your Voice:** provides information on the Victim Impact Statement and how it is used in the criminal justice system

**Texas Crime Victim Clearinghouse:** lists the crime victims' rights and referral information for national and Texas-based organizations

**Do You Know Your Additional Rights:** provides a summary of additional crime victims' rights

**Victim Assistance Resource Directory:** is an online resource that provides national, state and local resources (categorized by Texas county) for crime victims, victim advocates and criminal justice professionals

11. VSD's publications, current and past Victim's Informer newsletters, the VIS form and VIS Activity Report form are available online and in-print. Individuals can either download the document or submit an order form on the VSD website, [www.tdcj.texas.gov](http://www.tdcj.texas.gov). Individuals can update their information for or request to be added or removed from the Victim's Informer mailing list by using the the online form.

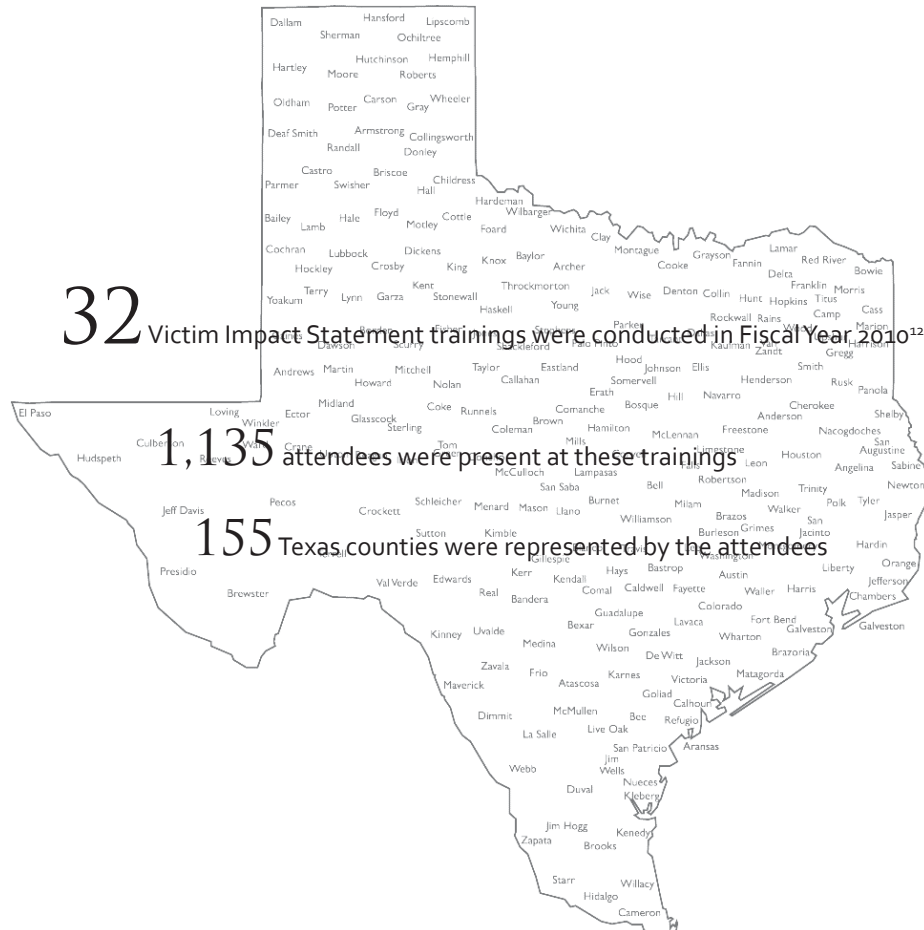
# PROGRAM SECTION

## TXCVC - Victim Impact Statement Training

**Purpose:**

Victim Impact Statements: The Victims' Voice in the Criminal Justice Process is a training designed for victim assistance and criminal justice professionals with statutory responsibilities for the handling of Victim Impact Statements. This includes victim assistance coordinators in district and county attorneys' offices, prosecutors, court coordinators, district clerks, judges, probation officers and law enforcement personnel.

**Statistics:**



12. The first VIS training was conducted in January 2010.

## PROGRAM SECTION

### TxCVC - Victim Impact Statement Statistics

The TxCVC is mandated by TCCP Art. 56.05 to develop a survey plan to maintain statistics on the numbers and types of persons who are provided victim impact statements during each year.

The following two pages provide definitions and explanations of the spreadsheet located on pages 23-30. This spreadsheet reflects the statistics reported on the VIS Activity Report for each Texas County for the Fiscal Year 2010 (Column A - E). The VSD may have received a report from the district or county attorney's office or both. If we did not receive a report, this will be indicated by the code NR.

The shaded portions of the spreadsheet reflects the total number of VIS's received by the TDCJ - Correctional Institutions Division (CID) - Classification and Records Office (CRO) (Column F) and VIS's that were directly sent to TDCJ VSD from district or county attorney's offices (Column G). These numbers are not derived from the VIS Activity Report.

#### **Definitions for the VIS Activity Report Spreadsheet:**

**Victim Impact Statement (VIS):** is a form used by a crime victim to record the emotional and psychological impact, physical injury and economic loss a crime has had on a victim and his or her family members. This form provides information to personnel in many stages of the criminal justice system, including the court system and the parole review process.

Victim Impact Statements are provided to victims as defined in the TCCP, Article 56.01. This includes misdemeanor or felony offenses by adult or juvenile offenders.

**Victim Impact Statement Activity Report:** is a statistical report used to collect information on the Victim Impact Statement required to be reported to TDCJ VSD under the TCCP, Article 56.05. A report is required from all district and county attorneys who represent the 254 counties in Texas and is submitted by the respective office's Victim Assistance Coordinator or the person assigned to those duties. The reports are collected on a quarterly basis to track Victim Impact Statement activity.

**TDCJ - Correctional Institutions Division (CID):** is a division within TDCJ that is responsible for managing and operating the State's prison system for the confinement of adult felony offenders.

**TDCJ CID - Classification and Records Office (CRO):** is a department within TDCJ that schedules, receives, and processes offenders for intake, release and transfers for TDCJ CID. CRO maintains offender records and serves as the principal storehouse for prison-sentenced offender records for TDCJ.

**Texas Youth Commission (TYC):** is the juvenile corrections agency for the state.

**Community Supervision and Corrections Department (CSCD):** is a department that supervises offenders who have been placed under community supervision (adult probation) by local courts. CSCDs are under the authority of judicial district courts but receive partial funding through TDCJ Community Justice Assistance Division.

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

### *Explanation of VIS Activity Report Spreadsheet:*

**Column A:** represents all 254 counties in Texas. The VSD may have received a VIS Activity Report from the county attorney's office, district attorney's office or both.

**Column B:** represents the number of VIS's provided to crime victims by the county attorney's office, district attorney's office or both during the Fiscal Year 2010 as reported on the VIS Activity Report.

**Column C:** represents the number of completed VIS's returned by the crime victim to the county attorney's office, district attorney's office or both during the Fiscal Year 2010 as reported on the VIS Activity Report.

**Column D:** represents the number of completed VIS that were then sent with the penitentiary packets to the TDCJ CID or TYC by the county attorney's office, district attorney's office or both for Fiscal Year 2010 as reported on the VIS Activity Report.

**Column E:** represents the number of completed VIS's sent to the local CSCD's by the county attorney's office, district attorney's office or both for Fiscal Year 2010 as reported on the VIS Activity Report.

**\*Column F:** represents the number of VIS's received by TDCJ CID CRO in Fiscal Year 2010, typically in an offender's penitentiary packet. This column is highlighted to reflect that these statistics are reported by TDCJ CID CRO and are not derived from the VIS Activity Report.

**\*Column G:** represents the number of VIS's received by TDCJ VSD from county attorney's offices, district attorney's offices or both in Fiscal Year 2010. This column is highlighted to reflect that these statistics are reported by TDCJ VSD and are not derived from the VIS Activity Report. These statistics may be included in the statistics for Column F. Some district attorney's offices have reported that they send a copy of the VIS directly to the VSD to ensure crime victims are afforded their rights.

**Non-Reported (NR):** is a code used to designate no VIS Activity Reports were received from the county attorney's office or district attorney's office.

\* Unlike Column A-E, which are statistics reported by the county attorney's office, district attorney's office or both, Column F and Column G are derived from statistics collected and reported by VSD staff. There are factors that may explain why Column F and Column G do not correlate with Column D. For example, Column D also represents VIS's forwarded to TYC.

\*\* A VIS Activity Report was received for the 34th Judicial District, which totaled the VIS statistics for Culberson, El Paso, and Hudspeth counties. The statistics for all three counties are reflected for El Paso county.

\*\*\* The VIS Activity Report received from Grimes county reflect VIS statistics for offenses committed by juveniles.

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

A	B	C	D	E	F	G
COUNTY	NUMBER OF VIS PROVIDED TO VICTIMS	NUMBER OF VIS RETURNED BY VICTIMS	NUMBER OF VIS SUBMITTED IN PEN PACKETS TO TDCJ CID OR TYC	NUMBER OF VIS SUBMITTED TO LOCAL CSCD	NUMBER OF VIS RECEIVED BY TDCJ CID CRO	NUMBER OF VIS RECEIVED BY TDCJ VSD
Anderson	345	93	4	5	0	4
Andrews	NR				1	0
Angelina	165	40	2	0	0	0
Aransas	35	1	0	1	1	0
Archer	3	1	0	0	0	0
Armstrong	NR				0	0
Atascosa	83	17	0	4	3	0
Austin	NR				0	0
Bailey	5	3	0	0	1	0
Bandera	16	0	0	0	0	0
Bastrop	144	29	0	0	0	0
Baylor	14	3	1	1	1	0
Bee	NR				0	0
Bell	483	36	0	0	0	61
Bexar	6,761	387	0	0	3	3
Blanco	3	0	0	0	0	0
Borden	1	0	0	0	0	0
Bosque	13	12	1	1	2	1
Bowie	425	28	6	1	2	1
Brazoria	843	79	0	25	0	0
Brazos	716	354	0	354	3	0
Brewster	2	0	0	0	0	0
Briscoe	0	0	0	0	0	0
Brooks	NR				0	0
Brown	201	52	14	13	24	1
Burleson	4	4	2	0	0	0
Burnet	107	24	2	2	4	0
Caldwell	262	84	26	8	27	10
Calhoun	NR				0	0
Callahan	18	1	0	0	1	0
Cameron	633	56	10	2	7	0
Camp	18	5	6	3	0	0
Carson	8	6	5	1	1	0
Cass	124	18	7	5	10	0
Castro	0	0	0	0	0	0

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

A	B	C	D	E	F	G
COUNTY	NUMBER OF VIS PROVIDED TO VICTIMS	NUMBER OF VIS RETURNED BY VICTIMS	NUMBER OF VIS SUBMITTED IN PEN PACKETS TO TDCJ CID OR TYC	NUMBER OF VIS SUBMITTED TO LOCAL CSCD	NUMBER OF VIS RECEIVED BY TDCJ CID CRO	NUMBER OF VIS RECEIVED BY TDCJ VSD
Chambers	58	12	2	1	3	0
Cherokee	0	0	0	0	0	0
Childress	4	2	1	0	0	1
Clay	9	1	0	0	0	0
Cochran	1	0	0	0	0	0
Coke	6	1	0	0	0	0
Coleman	7	2	0	0	0	0
Collin	961	134	33	85	23	0
Collingsworth	8	5	4	3	4	0
Colorado	81	24	114	55	0	0
Comal	107	29	5	0	6	1
Comanche	24	8	1	3	0	1
Concho	5	2	1	0	0	0
Cooke	46	12	3	0	3	0
Coryell	519	56	10	18	8	0
Cottle	0	0	0	0	0	0
Crane	29	0	0	0	0	0
Crockett	50	1	0	0	0	0
Crosby	9	3	1	1	0	0
Culberson**	Numbers reflected in El Paso county totals				0	0
Dallam	3	0	0	0	0	0
Dallas	11,389	1,608	483	0	355	144
Dawson	9	2	0	0	0	0
Deaf Smith	24	2	0	0	5	0
Delta	14	2	0	0	0	0
Denton	1,363	268	50	0	30	24
DeWitt	11	1	0	0	5	0
Dickens	0	0	0	0	0	0
Dimmit	14	1	0	0	0	0
Donley	5	4	5	0	3	0
Duval	6	2	0	1	1	0
Eastland	51	14	0	2	0	0
Ector	853	141	23	78	1	0
Edwards	4	1	1	0	0	0
El Paso**	10,503	1,460	83	719	18	0



# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

A	B	C	D	E	F	G
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Ellis	337	106	11	31	3	16
Erath	86	9	0	1	0	0
Falls	79	6	0	0	0	0
Fannin	71	40	29	30	2	0
Fayette	3	0	1	0	2	0
Fisher	5	3	1	2	0	0
Floyd	0	0	0	0	0	0
Foard	NR				0	0
Franklin	25	6	0	0	0	70
Freestone	NR				0	0
Frio	10	5	1	2	0	0
Ft. Bend	2,617	677	63	59	1	1
Gaines	7	3	0	0	0	0
Galveston	776	174	87	55	40	9
Garza	5	2	2	1	0	0
Gillespie	14	0	0	0	0	0
Glasscock	NR				0	0
Goliad	12	3	0	0	0	0
Gonzales	0	1	0	0	0	0
Gray	72	27	5	0	4	0
Grayson	278	49	49	49	1	0
Gregg	142	53	8	6	16	3
Grimes***	39	24	3	19	0	0
Guadalupe	756	229	0	29	5	1
Hale	141	30	5	9	3	1
Hall	2	0	6	0	6	0
Hamilton	4	4	2	1	0	0
Hansford	2	0	0	1	0	0
Hardeman	0	0	0	0	0	0
Hardin	198	12	8	3	29	22
Harris	19,285	2,207	0	0	163	10
Harrison	NR				0	0
Hartley	1	0	0	0	0	0
Haskell	7	2	1	2	1	0
Hays	378	56	0	3	9	0

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

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Hemphill	7	6	1	3	1	0
Henderson	8	10	10	0	7	0
Hidalgo	NR				0	10
Hill	186	32	10	1	3	0
Hockley	39	1	0	0	0	0
Hood	66	2	0	0	0	0
Hopkins	29	7	3	4	0	5
Houston	54	10	2	2	6	0
Howard	13	5	3	0	8	0
Hudspeth**	Numbers reflected in El Paso county totals				0	0
Hunt	313	41	0	0	0	0
Hutchinson	62	18	0	0	0	0
Irion	6	4	0	0	0	0
Jack	15	3	0	0	0	0
Jackson	0	0	0	0	0	0
Jasper	83	25	15	4	4	0
Jeff Davis	NR				0	0
Jefferson	NR				0	0
Jim Hogg	NR				0	0
Jim Wells	NR				1	0
Johnson	277	73	13	24	23	0
Jones	18	7	0	1	2	0
Karnes	23	6	0	0	1	0
Kaufman	763	159	22	48	16	0
Kendall	67	21	1	3	0	0
Kenedy	0	0	0	0	0	0
Kent	0	0	0	0	0	0
Kerr	237	153	58	103	25	0
Kimble	0	0	0	0	0	0
King	0	0	0	0	0	0
Kinney	0	0	0	0	0	0
Kleberg	108	17	0	0	0	0
Knox	3	0	0	0	0	0
La Salle	5	2	1	2	12	0
Lamar	64	40	25	23	2	0

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

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Lamb	21	7	3	8	0	0
Lampasas	NR				0	0
Lavaca	26	4	0	0	0	0
Lee	3	0	0	0	0	0
Leon	61	15	5	0	5	0
Liberty	202	27	2	2	11	3
Limestone	96	37	13	25	10	0
Lipscomb	7	4	0	1	0	0
Live Oak	16	2	0	0	0	0
Llano	85	12	0	0	3	0
Loving	NR				0	0
Lubbock	1,207	157	31	17	26	0
Lynn	1	0	0	0	0	0
Madison	NR				0	0
Marion	0	0	0	0	40	3
Martin	2	0	0	0	0	0
Mason	0	0	0	0	8	1
Matagorda	34	6	2	0	0	0
Maverick	7	2	0	0	4	0
McCulloch	29	1	0	0	0	0
McLennan	494	45	0	0	0	1
McMullen	0	0	0	0	2	0
Medina	94	36	5	0	8	0
Menard	0	0	0	0	0	0
Midland	837	390	38	46	14	0
Milam	131	47	16	18	14	0
Mills	0	0	0	0	0	0
Mitchell	2	0	0	0	0	0
Montague	9	5	0	0	0	0
Montgomery	969	94	47	18	32	9
Moore	17	7	2	0	3	0
Morris	NR				0	0
Motley	0	0	0	0	0	0
Nacagdoches	234	97	91	201	11	0
Navarro	229	53	7	14	7	3

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

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Newton	12	1	0	0	0	0
Nolan	16	3	0	2	1	0
Nueces	3,378	449	74	220	37	68
Ochiltree	1	0	0	0	0	0
Oldham	0	0	0	0	0	0
Orange	18	4	0	18	0	0
Palo Pinto	52	14	7	6	9	2
Panola	NR				0	0
Parker	243	30	9	5	2	4
Parmer	12	2	0	1	0	0
Pecos	197	23	2	6	0	0
Polk	52	19	5	2	13	0
Potter	1,342	289	530	346	85	1
Presidio	0	0	0	0	0	0
Rains	NR				0	0
Randall	1,019	302	83	137	91	4
Reagan	21	9	0	1	0	0
Real	3	3	0	0	0	0
Red River	24	9	0	0	0	0
Reeves	0	0	0	0	0	0
Refugio	0	0	0	0	0	0
Roberts	9	2	0	0	4	0
Robertson	111	28	6	3	6	4
Rockwall	90	26	12	2	10	0
Runnels	19	3	0	0	1	2
Rusk	66	24	9	0	3	0
Sabine	8	4	0	0	0	0
San Augustine	4	2	0	0	0	0
San Jacinto	99	34	9	0	2	0
San Patricio	112	15	5	0	5	0
San Saba	11	2	0	0	0	0
Schleicher	3	1	0	0	0	0
Scurry	34	7	0	0	1	0
Shackelford	1	1	1	0	1	0
Shelby	3	2	0	0	0	0

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

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Sherman	0	0	0	0	0	0
Smith	885	187	95	74	0	0
Somervell	32	5	0	0	0	0
Starr	160	19	11	1	4	1
Stephens	12	0	0	0	0	0
Sterling	2	1	0	0	0	0
Stonewall	1	0	0	1	0	0
Sutton	20	7	0	3	0	0
Swisher	0	0	0	0	0	0
Tarrant	7,938	1,249	433	183	441	1
Taylor	386	79	36	23	29	2
Terrell	NR				0	0
Terry	20	0	0	0	0	0
Throckmorton	1	1	1	0	0	0
Titus	31	19	11	13	0	0
Tom Green	464	61	15	0	24	18
Travis	6,088	422	0	0	65	24
Trinity	67	21	2	4	3	0
Tyler	53	13	1	1	0	0
Upshur	62	13	0	0	5	0
Upton	39	7	0	2	0	0
Uvalde	103	23	3	4	0	0
Val Verde	0	0	0	0	0	0
Van Zandt	436	84	15	5	11	0
Victoria	134	41	25	16	14	19
Walker	24	5	3	5	2	15
Waller	291	62	0	0	0	0
Ward	1	1	0	0	0	0
Washington	36	6	1	1	4	2
Webb	255	10	0	0	0	0
Wharton	58	1	0	0	1	3
Wheeler	14	3	0	0	0	0
Wichita	499	273	1	0	0	0
Wilbarger	37	10	0	1	1	0
Willacy	29	2	0	1	0	0

# PROGRAM SECTION

## TXCVC - Victim Impact Statement Statistics

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Williamson	621	87	0	0	19	5
Wilson	30	13	6	2	5	1
Winkler	8	0	0	0	0	0
Wise	239	43	4	1	2	4
Wood	63	16	5	2	5	0
Yoakum	0	0	0	0	0	0
Young	51	1	0	0	0	0
Zapata	NR				0	0
Zavala	1	0	0	0	0	0
<b>TOTALS</b>	<b>96,367</b>	<b>14,642</b>	<b>3,034</b>	<b>3,355</b>	<b>2,056</b>	<b>600</b>

VSD staff worked with the TDCJ CID CRO to review 60,457 penitentiary packets for VIS's during the Fiscal Year 2010. Of those penitentiary packets, 24,254 were identified as violent offenses. Of those 24,254 violent offenses, only 1,590 Victim Impact Statements were found, equating to only 6.6%.

# PROGRAM SECTION

## Victim Impact Panel Program (VIPP)

**Purpose:**

Provides an opportunity for crime victims to share their story of victimization and the subsequent journey through the criminal justice system. Audience members include criminal justice professionals, students studying criminal justice or victimology and offenders.

By sharing details of their victimization and its long-term impact, crime victims have a forum to discuss their experience while also impacting the criminal justice system.

Victim sensitivity and awareness is heightened among audience members, and offender accountability is addressed. Many offenders have expressed remorse for their actions and report having a better understanding of the widespread negative results of criminal behavior after attending a Victim Impact Panel.

**Statistics:**

**52** Panels were conducted in the Fiscal Year 2010.

**108** panelists participated

**1,982** individuals attended

19 were new panelists

830 were criminal justice professionals or students

89 were existing panelists

1,152 were offenders

# PROGRAM SECTION

## Victim Support and Community Education (VSCE)

### **Purpose:**

The VSCE provides direct support for victims/surviving family members and their support persons when preparing them for and accompanying them to the execution of their offender. The VSCE also conducts prison tours for victims/survivors and criminal justice professionals. In addition to these services, the VSCE provides training on victim sensitivity and other victim services topics to an array of audiences.

### **Code and Statute :**

#### **Texas Code of Criminal Procedure (TCCP)**

TCCP Art. 56.01

TCCP Art. 56.02(a)(6)

TCCP Art. 56.32(a)(9)(J)

#### **Texas Administrative Code (TAC)**

TAC Rule 152.51

### **Statistics:**

**21** Executions were attended by victim witnesses, their support persons and VSD staff

**95** Victims witnessed the execution of their offender

**49** Support persons accompanied victim witnesses

**4** Prison tours were conducted

**29** Prison tour participants

**23** trainings were conducted with a total of **465** attendees

**134** attendees were TDCJ employees

**331** attendees were criminal justice professionals



## SPECIAL PROJECTS

### ***Purpose:***

To increase awareness of the VSD services and programs, evaluate and enhance the VSD's services and program through research and collaboration with internal and external entities, provide a point of contact for criminal justice professionals and victim advocates, and to provide direct support and services to crime victims.

### ***Collaboration and New Services Implemented:***

- County/region-based coalitions or task forces  
County/region-based coalitions or task forces consists of victim advocates and criminal justice professionals from an array of agencies and backgrounds. Even though these groups may have different agendas, they all strive for cohesive services for crime victims in their area. The purpose of collaborating with these groups is to increase awareness of VSD programs and services, to provide a point of contact for VSD, and to listen and learn from their feedback. The first meeting attended was in February 2010.

Presentations were conducted for 9 coalitions groups with a total of 117 attendees.

- Media request notification service for crime victims  
If a media representative contacts the TDCJ Public Information Office, we will notify the crime victim or surviving family member by telephone that an article or interview may be published or aired. This notification allows crime victims who are registered on the VNS to be informed of possible articles or broadcasts which may or may not include the offender's photo. This new service was implemented in February 2010.
- Office of the Inspector General (OIG)  
The VSD will begin providing victim services to TDCJ Staff who have been involved in an assaultive incident while on duty. To comply with the TCCP 56.07, OIG investigators will provide victims/TDCJ staff with a brochure listing the rights of crime victims and services available through our office. The Victim Support and Community Education program staff will provide direct victim services to these TDCJ staff. These services will be finalized and implemented in fiscal year 2011.
- Special Prosecution Unit (SPU) - Civil Division  
The SPU Civil Division handles the civil commitment proceedings for offenders. In the past VSD has assisted the SPU Civil Division by notifying crime victims registered on the VNS if their offender was being considered for civil commitment by the SPU. We are collaborating with the SPU - Civil Division to increase awareness of these proceedings, provide additional notifications to crime victims on the VNS, and to provide direct victim services to crime victims who may need accompaniment to their offender's civil commitment proceeding. These services will be finalized and implemented in Fiscal Year 2011.
- Texas Board of Pardons and Paroles (TxBPP)  
To enhance our services to crime victims, we are providing victim accompaniment to in-person board meetings between crime victims and the TxBPP, when requested by the crime victim. Our role is to provide support for crime victims. Due to staff availability, our staff may assist crime victims by discussing with them the parole review process before they meet with the TxBPP either by telephone or in-person.

# APPENDIX A

## CRIME VICTIMS' BILL OF RIGHTS

The Texas Constitution provides crime victims with a Bill of Rights.

The rights that are in bold apply to the Texas Department of Criminal Justice Victim Services Division.

THE TEXAS CONSTITUTION

ARTICLE 1. BILL OF RIGHTS Section 30. RIGHTS OF CRIME VICTIMS.

- (a) A crime victim has the following rights:
  - (1) the right to be treated with fairness and with respect for the victim’s dignity and privacy throughout the criminal justice process; and**
  - (2) the right to be reasonably protected from the accused throughout the criminal justice process.**
- (b) On the request of a crime victim, the crime victim has the following rights:
  - (1) the right to notification of court proceedings;
  - (2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim’s testimony would be materially affected if the victim hears other testimony at the trial;
  - (3) the right to confer with a representative of the prosecutor’s office;
  - (4) the right to restitution; and**
  - (5) the right to information about the conviction, sentence, imprisonment, and release of the accused.**
- (c) The legislature may enact laws to define the term “victim” and to enforce these and other rights of crime victims.**
- (d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.
- (e) The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

(Added Nov. 7, 1989.)

# APPENDIX B

## CRIME VICTIMS' RIGHTS

The Texas Code of Criminal Procedure (TCCP) Article 56.01 and 56.02 provides the definition of a crime victim and lists crime victims' rights.

The rights that are in bold apply to the Texas Department of Criminal Justice Victim Services Division.

**TCCP Article 56.01 - DEFINITIONS**

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

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

(2-a) "Sexual assault" includes an offense under Section 21.02, Penal Code.

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

**TCCP Article 56.02 - CRIME VICTIMS' RIGHTS**

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

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

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

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

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

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

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

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

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

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

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

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

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

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

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

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

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

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

APPENDIX C

ADDITIONAL CRIME VICTIMS' RIGHTS  
&  
STATUTES THAT APPLY DIRECTLY TO  
TDCJ VSD PROGRAMS AND SERVICES

There are numerous additional crime victims' rights that can be found in the Texas Code of Criminal Procedure (TCCP), the Texas Government Code (TGC), and the Texas Family Code (TFC). For the purpose of this report, we have included additional rights that directly apply to TDCJ VSD program and services.

In addition to these codes, the Texas Administrative Code (TAC), the Texas Penal Code (TPC) and the Texas Civil Practice and Remedies Code (TCPRC) also include language that applies to TDCJ VSD programs and services.

**TEXAS CODE OF CRIMINAL PROCEDURE****Article 21.31. TESTING FOR AIDS AND CERTAIN OTHER DISEASES.**

(a) A person who is indicted for or who waives indictment for an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code, shall, at the direction of the court on the court's own motion or on the request of the victim of the alleged offense, undergo a standard diagnostic test approved by the United States Food and Drug Administration for human immunodeficiency virus (HIV) infection and other sexually transmitted diseases. If the person refuses to submit voluntarily to the test, the court shall require the person to submit to the test. On request of the victim of the alleged offense, the court shall order the defendant to undergo the test not later than 48 hours after an indictment for the offense is presented against the defendant or the defendant waives indictment. Except as provided by Subsection (b-1), the court may require a defendant previously required under this article to undergo a diagnostic test on indictment for an offense to undergo a subsequent test only after conviction of the offense. A person performing a test under this subsection shall make the test results available to the local health authority, and the local health authority shall be required to make the notification of the test results to the victim of the alleged offense and to the defendant.

(a-1) If the victim requests the testing of the defendant and a law enforcement agency is unable to locate the defendant during the 48-hour period allowed for that testing under Subsection (a), the running of the 48-hour period is tolled until the law enforcement agency locates the defendant and the defendant is present in the jurisdiction.

(b) The court shall order a person who is charged with an offense under Section 22.11, Penal Code, to undergo in the manner provided by Subsection (a) a diagnostic test designed to show or help show whether the person has HIV, hepatitis A, hepatitis B, tuberculosis, or any other disease designated as a reportable disease under Section 81.048, Health and Safety Code. The person charged with the offense shall pay the costs of testing under this subsection.

(b-1) If the results of a diagnostic test conducted under Subsection (a) or (b) are positive for HIV, the court shall order the defendant to undergo any necessary additional testing within a reasonable time after the test results are released.

(c) The state may not use the fact that a test was performed on a person under Subsection (a) or use the results of a test conducted under Subsection (a) in any criminal proceeding arising out of the alleged offense.

(d) Testing under this article shall be conducted in accordance with written infectious disease control protocols adopted by the Texas Board of Health that clearly establish procedural guidelines that provide criteria for testing and that respect the rights of the person accused and any victim of the alleged offense.

(e) This article does not permit a court to release a test result to anyone other than those authorized by law, and the provisions of Section 81.103(d), Health and Safety Code, may not be construed to allow that disclosure.

**Article 42.09(8)(a)(4). PEN PACKET.**

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(4) a copy of the victim impact statement, if one has been prepared in the case under Article 56.03;

**Article 42.21. NOTICE OF RELEASE OF FAMILY VIOLENCE OFFENDERS.**

(a) Before releasing a person convicted of a family violence offense, the entity holding the person shall make a reasonable attempt to give personal notice of the imminent release to the victim of the offense or to another person designated by the victim to receive the notice. An attempt by an entity to give notice to the victim or person designated by the victim at the victim's or person's last known telephone number or address, as shown on the records of the entity, constitutes a reasonable attempt to give notice under this subsection.

(b) An entity or an employee of an entity is not liable for damages arising from complying or failing to comply with Subsection (a) of this article.

(c) In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

**Art. 46.03(d)(8) INSANITY DEFENSE.**

(8) Victim Notification of Release. If the court issues an order under Subdivision (4) or (5) that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, shall provide name, address, and phone number information to the Texas Department of Criminal Justice victim services division to enable the division to notify the victim or the victim's guardian or close relative of the release. The victim services division shall notify any victim or guardian or close relative named in the victim impact statement or other information. Notwithstanding Article 56.03(f), the clerk of the court

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may inspect a victim impact statement for the purpose of notification under this subdivision.

**Article 56.03. VICTIM IMPACT STATEMENT.**

(a) The Texas Crime Victim Clearinghouse, with the participation of the community justice assistance division of the Texas Department of Criminal Justice and the Board of Pardons and Paroles, shall develop a form to be used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim and to provide the agencies, prosecutors, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. The Texas Crime Victim Clearinghouse, with the participation of the community justice assistance division of the Texas Department of Criminal Justice and the Board of Pardons and Paroles, shall also develop a victims' information booklet that provides a general explanation of the criminal justice system to victims of an offense, guardians of victims, and relatives of deceased victims.

(b) The victim impact statement must be in a form designed to inform a victim, guardian of a victim, or a close relative of a deceased victim with a clear statement of rights provided by Article 56.02 and to collect the following information:

- (1) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;
- (2) the address and telephone number of the victim, guardian, or relative through which the victim, guardian of a victim, or a close relative of a deceased victim, may be contacted;
- (3) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;
- (4) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, relative, or by a physician or counselor;
- (5) a statement of any psychological services requested as a result of the offense;
- (6) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;
- (7) a statement as to whether or not the victim, guardian, or relative wishes to be notified in the future of any parole hearing for the defendant and an explanation as to the procedures by which the victim, guardian, or relative may obtain information concerning the release of the defendant from the Texas Department of Criminal Justice; and
- (8) any other information, other than facts related to the commission of the offense, related to the impact of the offense on the victim, guardian, or relative.

(c) The victim assistance coordinator, designated in Article 56.04(a) of this code, shall send to a victim, guardian of a victim, or close relative of a deceased victim a victim impact statement, a victims' information booklet, and an application for compensation under Subchapter B, Chapter 56, along with an offer to assist in completing those forms on request. The victim assistance coordinator, on request, shall explain the possible use and consideration of the victim impact statement at sentencing and future parole hearing of the offender.

(d) If a victim, guardian of a victim, or close relative of a deceased victim states on the victim impact statement that he wishes to be notified of parole proceedings, the victim, guardian, or relative is responsible for notifying the Board of Pardons and Paroles of any change of address.

(e) Prior to the imposition of a sentence by the court in a criminal case, the court, if it has received a victim impact statement, shall consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or his counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision, the court shall forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant, along with the papers in the case.

(f) The court may not inspect a victim impact statement until after a finding of guilt or until deferred adjudication is ordered and the contents of the statement may not be disclosed to any person unless:

- (1) the defendant pleads guilty or nolo contendere or is convicted of the offense; or
- (2) the defendant in writing authorizes the court to inspect the statement.

(g) A victim impact statement is subject to discovery under Article 39.14 of this code before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material.

(h) Not later than December 1 of each odd-numbered year, the Texas Crime Victim Clearinghouse, with the participation of the community justice assistance division of the Texas Department of Criminal Justice and the Board of Pardons and Paroles, shall update the victim impact statement form and any other information provided by the commission to victims, guardians of victims, and relatives of deceased victims, if necessary, to reflect changes in law relating to criminal justice and the rights of victims and guardians and relatives of victims.

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(i) In addition to the information described by Subsections (b)(1)-(8), the victim impact statement must be in a form designed to collect information on whether, if the victim is a child, there is an existing court order granting to the defendant possession of or access to the victim. If information collected under this subsection indicates the defendant is granted access or possession under court order and the defendant is subsequently confined by the Texas Department of Criminal Justice as a result of the commission of the offense, the victim services office of the department shall contact the court issuing the order before the defendant is released from the department on parole or mandatory supervision.

**Article 56.05. REPORTS REQUIRED.**

(a) The Board of Pardons and Paroles, the community justice assistance division of the Texas Department of Criminal Justice, and the Texas Crime Victim Clearinghouse, designated as the planning body for the purposes of this article, shall develop a survey plan to maintain statistics on the numbers and types of persons to whom state and local agencies provide victim impact statements during each year.

(b) At intervals specified in the plan, the planning body may require any state or local agency to submit, in a form prescribed for the reporting of the information, statistical data on the numbers and types of persons to whom the agency provides victim impact statements and any other information required by the planning body. The form must be designed to protect the privacy of persons afforded rights under this chapter and to determine whether the selected agency or office is making a good faith effort to protect the rights of the persons served.

(c) The Texas Crime Victim Clearinghouse shall develop crime victim assistance standards and distribute those standards to law enforcement officers and attorneys representing the state to aid those officers and prosecutors in performing duties imposed by this chapter.

**Article 56.08(c)(2). NOTIFICATION OF RIGHTS BY ATTORNEY REPRESENTING THE STATE.**

(c) A victim who receives a notice under Subsection (a) and who chooses to receive other notice under law about the same case must keep the following persons informed of the victim's current address and phone number:

- (1) the attorney representing the state; and
- (2) the Texas Department of Criminal Justice if after sentencing the defendant is confined in the department.

**Article 56.11. NOTIFICATION TO VICTIM OR WITNESS OF RELEASE OR ESCAPE OF DEFENDANT.**

(a) The Texas Department of Criminal Justice or the sheriff, whichever has custody of the defendant in the case of a felony, or the sheriff in the case of a misdemeanor, shall notify the victim of the offense or a witness who testified against the defendant at the trial for the offense, other than a witness who testified in the course and scope of the witness's official or professional duties, whenever a defendant convicted of an offense described by Subsection (c):

- (1) completes the defendant's sentence and is released; or
- (2) escapes from a correctional facility.

(a-1) The Texas Department of Criminal Justice, in the case of an inmate released on parole or to mandatory supervision following a term of imprisonment for an offense described by Subsection (c), or a community supervision and corrections department supervising a defendant, in the case of a defendant convicted of an offense described by Subsection (c) and subsequently released on community supervision, shall notify a victim or witness described by Subsection (a) whenever the inmate or defendant, if subject to electronic monitoring as a condition of release, ceases to be electronically monitored.

(b) If the Texas Department of Criminal Justice is required by Subsection (a) to give notice to a victim or witness, the department shall also give notice to local law enforcement officials in the county in which the victim or witness resides.

(c) This article applies to a defendant convicted of:

- (1) an offense under Title 5, Penal Code, that is punishable as a felony;
- (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or
- (3) an offense involving family violence, stalking, or violation of a protective order or magistrate's order.

(d) It is the responsibility of a victim or witness desiring notification of the defendant's release to provide the Texas Department of Criminal Justice, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the e-mail address, mailing address, and telephone number of the victim, witness, or other person through whom the victim or witness may be contacted and to notify the appropriate department or the sheriff of any change of address or telephone number of the victim, witness, or other person. Information obtained and maintained by the Texas Department of Criminal Justice, a sheriff, or a community supervision and corrections department under this subsection is privileged and confidential.

(e) The Texas Department of Criminal Justice, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate:

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- (1) shall make a reasonable attempt to give any notice required by Subsection (a) or (a-1):
  - (A) not later than the 30th day before the date the defendant completes the sentence and is released or ceases to be electronically monitored as a condition of release; or
  - (B) immediately if the defendant escapes from the correctional facility; and
- (2) may give any notice required by Subsection (a) or (a-1) by e-mail, if possible.
- (f) An attempt by the Texas Department of Criminal Justice, the sheriff, or the community supervision and corrections department supervising the defendant to give notice to a victim or witness at the victim's or witness's last known mailing address or, if notice via e-mail is possible, last known e-mail address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this article.
- (g) Not later than immediately following the conviction of a defendant described by Subsection (c), the attorney who represented the state in the prosecution of the case shall notify in writing a victim or witness described by Subsection (a) of the victim's or witness's right to receive notice under this article.
- (h) In this article:
  - (1) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.
  - (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

**Article 56.12. NOTIFICATION OF ESCAPE OR TRANSFER.**

- (a) The Texas Department of Criminal Justice shall immediately notify the victim of an offense, the victim's guardian, or the victim's close relative, if the victim is deceased, if the victim, victim's guardian, or victim's close relative has notified the department as provided by Subsection (b), whenever the defendant:
  - (1) escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or
  - (2) is transferred from the custody of a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies to the custody of a peace officer under a writ of attachment or a bench warrant.
- (a-1) The Texas Department of Criminal Justice shall immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is incarcerated, the witness's guardian, or the witness's close relative, if the witness is deceased, if the witness, witness's guardian, or witness's close relative has notified the department as provided by Subsection (b), whenever the defendant:
  - (1) escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or
  - (2) is transferred from the custody of a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies to the custody of a peace officer under a writ of attachment or a bench warrant.
- (b) It is the responsibility of the victim, witness, guardian, or close relative desiring notification of a defendant's escape or transfer from custody under a writ of attachment or bench warrant to notify the Texas Department of Criminal Justice of the desire for notification and any change of address.
- (c) In providing notice under Subsection (a)(2) or (a-1)(2), the department shall include the name, address, and telephone number of the peace officer receiving the defendant into custody. On returning the defendant to the custody of the department, the victim services division of the department shall notify the victim, witness, guardian, or close relative, as applicable, of that fact.
- (d) In this article, "witness's close relative" means a person who was the spouse of the deceased witness at the time of the witness's death or who is a parent or adult brother, sister, or child of the deceased witness.

**Article 56.13. VICTIM-OFFENDER MEDIATION.**

- The victim services division of the Texas Department of Criminal Justice shall:
  - (1) train volunteers to act as mediators between victims, guardians of victims, and close relatives of deceased victims and offenders whose criminal conduct caused bodily injury or death to victims; and
  - (2) provide mediation services through referral of a trained volunteer, if requested by a victim, guardian of a victim, or close relative of a deceased victim.

**Article 56.14. CLEARINGHOUSE ANNUAL CONFERENCE.**

- (a) The Texas Crime Victim Clearinghouse may conduct an annual conference to provide to participants in the criminal justice system training containing information on crime victims' rights.

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(b) The clearinghouse may charge fees to persons attending the conference described by Subsection (a).

**Article 56.15. COMPUTERIZED DATABASE; DEFENDANT RELEASE INFORMATION.**

The Texas Department of Criminal Justice shall:

- (1) create and maintain a computerized database containing the release information and release date of a defendant described by Article 56.11(c); and
- (2) allow a victim or witness entitled to notice under Article 56.11 or 56.12 to access via the Internet the computerized database maintained under Subdivision (1).

**Article 56.32(a)(9)(J). CRIME VICTIMS' COMPENSATION.**

(J) Reasonable and necessary costs of traveling to and from a place of execution for the purpose of witnessing the execution, including one night's lodging near the place at which the execution is conducted.

**TEXAS GOVERNMENT CODE**

**Section 508.117. VICTIM NOTIFICATION.**

(a) Before a parole panel considers for release on parole an inmate who is serving a sentence for an offense in which a person was a victim, the division, using the name and address provided on the victim impact statement, shall make a reasonable effort to notify:

- (1) the victim;
- (2) if the victim has a guardian, the guardian; or
- (3) if the victim is deceased, a close relative of the deceased victim.

(b) A victim, guardian of a victim, or close relative of a deceased victim who would have been entitled to notification of parole consideration by the division but failed to provide a victim impact statement containing the person's name and address may file with the division a written request for notification. After receiving the written request, the division shall grant to the person all privileges, including notification under this section, to which the person would have been entitled had the person submitted a completed victim impact statement.

(c) If the notice is sent to a guardian or close relative of a deceased victim, the notice must contain a request by the division that the guardian or relative inform other persons having an interest in the matter that the inmate is being considered for release on parole.

(d) The failure of the division to comply with notice requirements of this section is not a ground for revocation of parole.

(e) Before an inmate is released from the institutional division on parole or to mandatory supervision, the pardons and paroles division shall give notice of the release to a person entitled to notification of parole consideration for the inmate under Subsection (a) or (b).

(f) Except as necessary to comply with this section, the board or the department may not disclose to any person the name or address of a person entitled to notice under this section unless:

- (1) the person approves the disclosure; or
- (2) a court determines that there is good cause for disclosure and orders the board or the department to disclose the information.

(g) In this section:

(1) "Close relative of a deceased victim" means a person who was:

- (A) the spouse of the victim at the time of the victim's death;
- (B) a parent of the deceased victim;
- (C) an adult brother, sister, or child of the deceased victim; or
- (D) the nearest relative of the deceased victim by consanguinity, if the persons described by Paragraphs (A) through (C) are deceased or are incapacitated due to physical or mental illness or infirmity.

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

(2-a) "Sexual assault" includes an offense under Section 21.02, Penal Code.

(3) "Victim" means a person who:

- (A) is a victim of sexual assault, kidnapping, aggravated robbery, or felony stalking; or
- (B) has suffered bodily injury or death as the result of the criminal conduct of another.

**Section 508.153. STATEMENT OF VICTIM.**

(a) A parole panel considering for release on parole or mandatory supervision an inmate who is serving a sentence for an offense in which a person was a victim shall allow:

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- (1) the victim, a guardian of the victim, a close relative of the deceased victim, or a representative of the victim, the victim's guardian, or the victim's close relative to provide a written statement to the panel; and
  - (2) the victim, guardian of the victim, or close relative of the deceased victim to appear in person before the board members to present a statement of the person's views about:
    - (A) the offense;
    - (B) the inmate; and
    - (C) the effect of the offense on the victim.
- (b) If more than one person is entitled to appear in person before the board members or parole commissioners, only the person chosen by all persons entitled to appear as the persons' sole representative may appear.
- (c) The panel shall consider the statements and the information provided in a victim impact statement in determining whether to recommend an inmate for release on parole.
- (d) This section does not limit the number of persons who may provide written statements for or against the release of the inmate on parole.
- (e) In this section, "close relative of a deceased victim," "guardian of a victim," and "victim" have the meanings assigned by Section 508.117.

**Section 508.190. AVOIDING VICTIM OF STALKING OFFENSE.**

- (a) A parole panel shall require as a condition of parole or mandatory supervision that a releasee serving a sentence for an offense under Section 42.072, Penal Code, not:
- (1) communicate directly or indirectly with the victim;
  - (2) go to or near the residence, place of employment, or business of the victim; or
  - (3) go to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.
- (b) If a parole panel requires the prohibition contained in Subsection (a)(2) or (3) as a condition of parole or mandatory supervision, the parole panel shall specifically describe the prohibited locations and the minimum distances, if any, that the releasee must maintain from the locations.

**Section 508.191. NO CONTACT WITH VICTIM.**

- (a) If a parole panel releases a defendant on parole or to mandatory supervision, the panel shall require as a condition of parole or mandatory supervision that the defendant not intentionally or knowingly communicate directly or indirectly with a victim of the offense or intentionally or knowingly go near a residence, school, place of employment, or business of a victim. At any time after the defendant is released on parole or to mandatory supervision, a victim of the offense may petition the panel for a modification of the conditions of the defendant's parole or mandatory supervision allowing the defendant contact with the victim subject to reasonable restrictions.
- (b) Notwithstanding Subsection (a), a defendant may participate in victim-offender mediation authorized by Section 508.324 on the request of the victim or a guardian of the victim or a close relative of a deceased victim.
- (c) In this section, "victim" has the meaning assigned by Article 56.01(3), Code of Criminal Procedure.

**Section 508.313. CONFIDENTIAL INFORMATION.**

- (a) All information obtained and maintained, including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:
- (1) an inmate of the institutional division subject to release on parole, release to mandatory supervision, or executive clemency;
  - (2) a releasee; or
  - (3) a person directly identified in any proposed plan of release for an inmate.
- (b) Statistical and general information relating to the parole and mandatory supervision system, including the names of releasees and data recorded relating to parole and mandatory supervision services, is not confidential or privileged and must be made available for public inspection at any reasonable time.
- (c) The department, on request or in the normal course of official business, shall provide information that is confidential and privileged under Subsection (a) to:
- (1) the governor;
  - (2) a member of the board or a parole commissioner;
  - (3) the Criminal Justice Policy Council in performing duties of the council under Section 413.017; or
  - (4) an eligible entity requesting information for a law enforcement, prosecutorial, correctional, clemency, or treatment purpose.

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(d) In this section, "eligible entity" means:

- (1) a government agency, including the office of a prosecuting attorney;
- (2) an organization with which the department contracts or an organization to which the department provides a grant; or
- (3) an organization to which inmates are referred for services by the department.

(e) This section does not apply to information relating to a sex offender that is authorized for release under Chapter 62, Code of Criminal Procedure.

(f) This section does not apply to information that is subject to required public disclosure under Section 552.029.

#### **Section 508.324. VICTIM-OFFENDER MEDIATION.**

If the pardons and paroles division receives notice from the victim services office of the department that a victim of the defendant, or the victim's guardian or close relative, wishes to participate in victim-offender mediation with a person released on parole or to mandatory supervision, the division shall cooperate and assist the person if the person chooses to participate in the mediation program provided by the office. The pardons and paroles division may not require the defendant to participate and may not reward the person for participation by modifying conditions of release or the person's level of supervision or by granting any other benefit to the person.

#### **Sec. 552.1325. CRIME VICTIM IMPACT STATEMENT: CERTAIN INFORMATION CONFIDENTIAL.**

(a) In this section:

- (1) "Crime victim" means a person who is a victim as defined by Article 56.32, Code of Criminal Procedure.
- (2) "Victim impact statement" means a victim impact statement under Article 56.03, Code of Criminal Procedure.

(b) The following information that is held by a governmental body or filed with a court and that is contained in a victim impact statement or was submitted for purposes of preparing a victim impact statement is confidential:

- (1) the name, social security number, address, and telephone number of a crime victim; and
- (2) any other information the disclosure of which would identify or tend to identify the crime victim.

### **TEXAS FAMILY CODE**

#### **Section 85.025(c). DURATION OF PROTECTIVE ORDER.**

(a) Except as provided by Subsection (b) or (c), an order under this subtitle is effective:

- (1) for the period stated in the order, not to exceed two years; or
- (2) if a period is not stated in the order, until the second anniversary of the date the order was issued.

(b) A person who is the subject of a protective order may file a motion not earlier than the first anniversary of the date on which the order was rendered requesting that the court review the protective order and determine whether there is a continuing need for the order. After a hearing on the motion, if the court finds there is a continuing need for the protective order, the protective order remains in effect until the date the order expires under this section. If the court finds there is no continuing need for the protective order, the court shall order that the protective order expires on a date set by the court.

(c) If a person who is the subject of a protective order is confined or imprisoned on the date the protective order would expire under Subsection (a), the period for which the order is effective is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.

### **TEXAS ADMINISTRATIVE CODE**

#### **Rule 152.21. AUTHORIZED WITNESSES TO THE EXECUTION OF AN OFFENDER SENTENCED TO DEATH.**

(a) Purpose. The purpose of this rule is to specify those persons who are authorized to witness the scheduled execution of an offender who has been sentenced to death.

(b) Victim Witnesses. Five (5) close relatives of the victim and a spiritual advisor may be victim witnesses. The total number of victim witnesses shall not exceed six (6), unless the provision under (b)(2)(C) of this rule applies, at which time the number of victim witnesses shall not exceed seven (7).

(1) "Close relative of the victim" means the following persons in relation to the victim for whose death an offender is sentenced to death:

- (A) The spouse of the victim at the time of the victim's death;
- (B) A parent or stepparent of the victim;
- (C) An adult brother, sister, child or stepchild of the victim (adult is defined as anyone 18 years of age or older); or
- (D) An individual who had a close relationship with the victim or has a close relationship with a relative of the victim,

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upon the recommendation of the Victim Services Division (VSD) and the approval of the Director of the Correctional Institutions Division (CID).

- (2) If there are fewer than five (5) close relatives of the victim, others may be permitted to attend the execution as follows:
  - (A) Close relatives of a victim for whose death the offender has been convicted but for whose death the offender is not sentenced to death;
  - (B) If there are still fewer than five (5) persons, close relatives of a victim for whose death the offender is unequivocally responsible, upon the recommendation of the VSD and approval of the Director of the CID; and
  - (C) If there are multiple victims involved relating to the offense for which the offender has been convicted and sentenced to death, the total number of witnesses shall be increased to six (6).
- (3) The spiritual advisor shall be a bona fide pastor or comparable official (e.g., minister, priest or rabbi) of the victim's close relatives' religion.

(c) Offender Witnesses. Individuals that may be offender witnesses are as follows:

- (1) Five (5) relatives or friends and a spiritual advisor, if requested by the condemned offender, are eligible to attend the execution of the condemned offender if:
  - (A) The condemned offender provides a list of witnesses and the name or type of spiritual advisor requested to attend the execution to the Classification and Records Department at least 14 days prior to the date of execution; and
  - (B) The witnesses and spiritual advisor requested by the offender are on the offender's approved Visitors List and the witnesses are 18 years of age or older.
- (2) If less than 14 days prior to the scheduled execution the condemned offender requests to change the names of previously submitted witnesses or requested spiritual advisor, the offender shall submit a request in writing to the Director of the CID who shall approve or disapprove the changes.
- (3) The spiritual advisor shall be a bona fide pastor or comparable official (e.g., minister, priest or rabbi) of the condemned offender's elected religion.

(d) Other Witnesses. The only persons other than those listed in subsection (b) and (c) above who are authorized to witness an execution are:

- (1) Texas Department of Criminal Justice (TDCJ) staff or law enforcement staff as deemed necessary by the Director of the CID;
- (2) Members of the Texas Board of Criminal Justice (TBCJ);
- (3) Inspector General or designee and the Office of the Inspector General (OIG) assigned staff as deemed necessary by the Inspector General;
- (4) TDCJ Chaplains;
- (5) Walker County Judge;
- (6) Walker County Sheriff;
- (7) Media pool representatives consisting of:
  - (A) One (1) reporter from the Huntsville Item;
  - (B) One (1) reporter from the Associated Press (AP);
  - (C) Three (3) additional print media and/or broadcast media representatives selected from rotating lists of applicants maintained by the TDCJ Public Information Office; and
- (8) Any other person as approved by the TDCJ Executive Director.

(e) Prohibition of Attendance. Any offender currently confined within the TDCJ is specifically denied authorization to witness the execution of an offender.

(f) Victim Notification.

- (1) The VSD shall maintain a list of scheduled executions and any subsequent updates regarding significant changes pertaining to the execution (e.g., dates, court rulings, etc.). The Executive Clemency Section of the Board of Pardons and Paroles (BPP) will provide a list of scheduled executions to the VSD in an expedient manner.
- (2) The VSD is responsible for notifying the victim(s) and/or close relatives of the victim of the scheduled execution date, time and location, upon request. It is the responsibility of the victim(s) and/or close relatives to notify the VSD of any subsequent address or telephone number changes and their intent to attend.
- (3) The relatives of the victim shall be identified and approved by the VSD.
- (4) It is the responsibility of the VSD to notify the Director of the CID, no later than five (5) days prior to the scheduled execution date, of the names and contact numbers for the victim's witnesses who plan to attend.
- (5) The VSD shall contact the relatives of the victim and provide information regarding the written procedures affecting their participation.

(g) Requirements for the Execution Chamber. The room provided for the execution shall be arranged so that:

*continued on following page*



*continued from previous page*

- (1) There is sight and sound separation between any offender witnesses and any victim witnesses; and
- (2) There is sound separation between the condemned offender and those in attendance, except arrangements shall be provided to allow those in attendance to hear the statements of the condemned offender.

**TEXAS PENAL CODE**

**Section 38.111. IMPROPER CONTACT WITH VICTIM.**

(a) A person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure, contacts by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family, if:

- (1) the victim was younger than 17 years of age at the time of the commission of the offense for which the person is confined; and
- (2) the director of the correctional facility has not, before the person makes contact with the victim:
  - (A) received written and dated consent to the contact from:
    - (i) a parent of the victim;
    - (ii) a legal guardian of the victim;
    - (iii) the victim, if the victim is 17 years of age or older at the time of giving the consent; or
    - (iv) a member of the victim's family who is 17 years of age or older; and
  - (B) provided the person with a copy of the consent.

(b) The person confined in a correctional facility may not give the written consent required under Subsection (a)(2)(A).

(c) It is an affirmative defense to prosecution under this section that the contact was:

- (1) indirect contact made through an attorney representing the person in custody; and
- (2) solely for the purpose of representing the person in a criminal proceeding.

(d) An offense under this section is a Class A misdemeanor unless the actor is confined in a correctional facility after being convicted of a felony described by Subsection (a), in which event the offense is a felony of the third degree.


**TEXAS CIVIL PRACTICE AND REMEDIES CODE**

**Section 154.023. MEDIATION.**

(a) Mediation is a forum in which an impartial person, the mediator, facilitates communication between parties to promote reconciliation, settlement, or understanding among them.

(b) A mediator may not impose his own judgment on the issues for that of the parties.

(c) Mediation includes victim-offender mediation by the Texas Department of Criminal Justice described in Article 56.13, Code of Criminal Procedure.



**Texas Department of Criminal Justice  
Victim Services Division**

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[www.tdcj.texas.gov](http://www.tdcj.texas.gov)**

The mission of Victim Services Division is to provide a central mechanism for crime victims to participate in the Criminal Justice System.