

# The VICTIM'S INFORMER

TEXAS CRIME VICTIM CLEARINGHOUSE

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## Texas Crime Victims Brace for Deep Cuts to Services

by Diane Jennings

Staff Writer

*Dallas Morning News*

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**C**RIME VICTIMS MAY BE among those who take the deepest cuts as Texas legislators try to eliminate an estimated \$27 billion shortfall.

Although the budget battle is just beginning, the consequences could be dire for state victim services as legislators scrutinize the \$3 billion Texas Department of Criminal Justice budget. The House appropriations bill does away with all funding and staffing for the \$2 million Victim Services Division. The Senate bill calls for cutting its budget almost in half.

"I guess until you're a victim and need the services, it's a ridiculous expense or a luxury," said Ric Nesbit, whose 16-year-old daughter was murdered in 1995. "But there are many aspects of the services that are very worthwhile."

Lawmakers are scrubbing every dollar as they face the difficult job of setting priorities. State leaders have pledged to cut spending rather than raise taxes.

Victim Services, with a staff of about

three dozen, is a small part of the corrections system, which oversees more than 150,000 inmates. But for crime victims such as Nesbit and his wife, Judy, Victim Services is a critical lifeline during a horrific time.

The division, which began in 1993 at a victim's request, has two purposes: to notify victims of changes in the status of offenders and to provide programs such as mediation between victims or their relatives and offenders.

Staffers do everything from keeping files on victim impact statements, which can later be used in parole hearings, to shepherding victims' families through the grueling process of witnessing an execution.

Eliminating or gutting the division "would be a tremendous blow," said the Rev. Sandra Lydick, executive director of the Crime Victims Council, a ministry of First United Methodist Church in Fort Worth. Her organization

works closely with Victim Services to reach out to victims confidentially. "I think it would be devastating to crime victims in our state," she said.

The Nesbits, who participate in grief recovery and victim impact programs, particularly like the telephone hotline that enables victims to check on the offender's status, such as where he is in the prison system and when he becomes eligible for parole. "We have used that over the years," Ric Nesbit said.

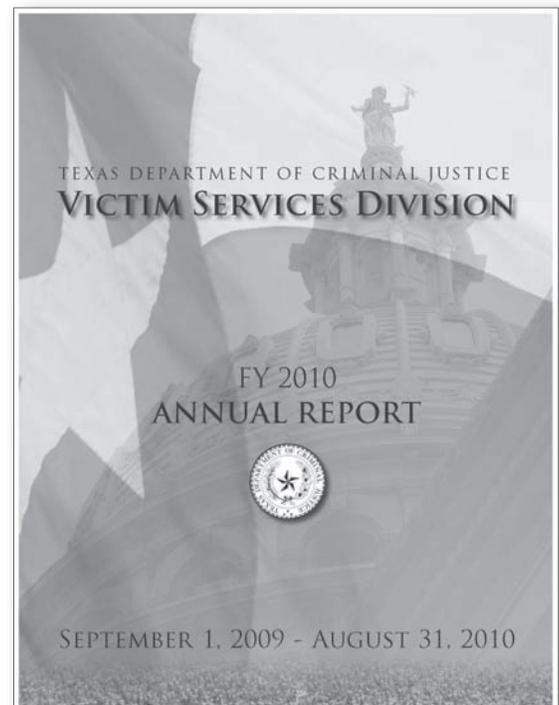
Their daughter was killed by two teenagers. Both received life sentences for capital murder and must serve 40 years before being eligible for parole.

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**NATIONAL CRIME VICTIMS' RIGHTS WEEK**  
APRIL 10-16, 2011

Want to know what the Victim Services Division did last year? Our Fiscal Year 2010 Annual Report is now available online. Go to [www.tdcj.state.tx.us](http://www.tdcj.state.tx.us); under Quick Links, click the Victim Services Division link and then the FY 2010 Annual Report link.



# A DAY IN THE LIFE OF ...

*Beginning with Volume 15, issue Number 4 of The Victim's Informer were the first two installments of an eight-part series entitled, "A Day in the Life of ..." There are so many people involved in the criminal justice process, but how many of us know what everyone's role is within the system? For this series, we decided to "shadow" a small group of participants in the process to learn and share with you what a typical day is like for them.*

*For the introductory pieces, Clearinghouse staff rode with a sergeant with the Austin Police Department as well as members of the APD Crisis Response Team.*

*The second set of articles in the series is in this issue and is about the typical day for a victim assistance coordinator and a prosecutor in a district attorney's office. The third set, June/July 2011, will be about a parole officer and a corrections officer. We will finish the series in the September/October 2011 issue highlighting the typical day of an incarcerated offender and a victim.*

*The series, of course, does not include everyone in the process; there are many others who play important roles in this complex system, too many for the Clearinghouse to "shadow." We will try to touch on how intertwined everyone's relationship in the process is and how dependent we are on our colleagues and counterparts.*

*During the year it will take to publish all the segments, if you find you are someone who works or is involved in the criminal justice process and would like to share your "typical" day, contact us about submitting an article about your role; we think it's important for everyone to have an idea about what others are doing.*

## Prosecutor

by Loree England

*TDCJ Victim Services Division*

A DAY IN THE LIFE of a prosecutor took me to the Williamson County District Attorney's office where I met with Assistant District Attorney, Trial Prosecutor Jennifer Earls. Ms. Earls prosecutes felony cases. A felony is any offense that is punishable by a sentence of death or confinement in prison or state jail. Felony offenses include murder, robbery, sexual assault, burglary and major drug and theft offenses.

Ms. Earls graduated from Texas A&M University in 1989 and earned her J.D. from University of Houston Law Center in 1994. She was board certified in criminal law by the Texas Board of Legal Specialization in 2003. This accomplished woman is a veteran of the criminal justice system with a combined total of 16 years experience in Smith County, Texas and Delaware County, Oklahoma.

Ms. Earls is one of two trial prosecutors who, along with Assistant District Attorney, Intake Prosecutor Travis McDonald, handle every criminal case that comes through the Williamson County 26th District Court. In 2010, these three attorneys prosecuted over 1500 cases or roughly 30 cases per week. Not all cases went to trial. McDonald screens new cases in the 26th District Court. Cases that are ranked 3rd degree or higher—meaning 2nd and 1st—are alphabetized and assigned accordingly to each attorney. Homicide cases can be assigned specially to any of the assistant district attorneys from any one of the three district courts in Williamson County. Mc-

Donald goes over each case's strengths and weaknesses and decides which should be offered for a plea agreement or which ones can be resolved with a pre-indictment offer. If a defendant does not take an offer, trial prosecutors must investigate, which may include interviewing a victim to get necessary information to the grand jury. These dedicated attorneys work for District Attorney John Bradley, who in 2007 was awarded the Danny Hill Award by the Texas Crime Victim Clearinghouse in recognition of being an outstanding prosecutor upholding victims' rights.

Being a trial prosecutor is a tough but rewarding job. In this profession, there is a great deal of pressure, and situations often arise at the last minute. Ms. Earls' days are long, usually starting at 5:00 a.m., and on average she works around 60 hours a week. However, after sixteen years, she pretty much knows what to expect and how to handle the pressure.

There is a myriad of responsibilities that come with being a trial prosecutor. A trial prosecutor may be responsible for the preparation and presentation of felony cases to the grand jury; handling cases indicted and other non-appellate matters; trying cases set for trial; and handling motions to adjudicate or revoke. Also, trial prosecutors may have the responsibility of reviewing the bond in felony cases and of seeking an agreed judgment against any defendant who has an asset forfeiture case pending in connection with a criminal case. Lastly, trial prosecutors have the responsibility

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# Victim Assistance Coordinator

by Lauren Reynolds

*TDCJ Victim Services Division, Texas Crime Victim Clearinghouse*

“O KAY, REMEMBER to breathe.” Victim advocate, Stacia Rogers, delivers that phrase to every victim who steps up to testify in the 399th District Court in Bexar County. I can only imagine that she must need to repeat it to herself every once in a while.

Assisting victims of crime throughout the duration of their cases in court can be hectic, unpredictable, emotional, and sometimes frustrating. It is also rewarding, genuine, invigorating and a tailored endeavor for a select few. I learned most people in this line of work feel they had a calling to it and, due to the sometimes draining nature of the subject, I was comforted to be surrounded by friendly smiles and contagious laughter when I spent a day in the life of a Victim Assistance Coordinator.

It was evolving into a very damp day, Wednesday, December 22, 2010, when I drove down to the Cadena-Reeves Justice Center in San Antonio, Texas. The clouds hung heavy and low and I ducked my head in response to the cloaking drizzle as I crossed the downtown streets and entered the courthouse. I was cleared through the metal detector and allowed to pass into the Justice Center where I met Cyndi Jahn, the Victim Services Coordinator. It was lovely to put a face to a name as Cyndi greeted me and led me to her office.

She had warned me that things were relatively quiet due to the upcoming holidays. However, a bond hearing had begun as soon as I arrived, so I followed Cyndi and got my first ever courtroom

experience. She whispered that if I were to get bored we could leave at any time, but I was too busy taking it all in. I had never been witness to any live criminal court proceeding, and this one was really keeping my attention: the defendant was a former San Antonio Spur charged with human trafficking. The hearing was due to his violations of the conditions set forth when he was released on bond in September. I got to watch the prosecutor cross-examine the defendant and question his pretrial services officer. The judge made her ruling and the court was adjourned. Cyndi told me that this is only the second case of domestic human trafficking filed with the Bexar County District Attorney’s (DA’s) Office.

Cyndi and I filed out of the courtroom and, once we arrived back in her corner office, she offered to take time to explain the office workings. As the DA’s Victim Services Coordinator, Cyndi is in charge of 41 paid advocates and approximately a dozen volunteers. This is quite the increase from the original seven advocates requested by the Bexar County DA in 1995, so they must be doing something right. As far as cases go, persons aged 10-16 charged with a crime go through the Juvenile Justice System. Persons aged 17 and older, depending on the offense and relationships of those involved, get their case assigned to one of three divisions within the DA’s office: the Family Justice Division, Criminal File Division or White Collar Crime Division.

The White Collar Crime Division handles embezzlement and fraud cases,

including elder fraud. Businesses and elderly persons are the main victims in this division. The Family Justice Division handles all cases involving children as victims, domestic violence and sexual assault. These include charges from assault to capital murder. Any case that isn’t assigned to the White Collar Crime or Family Justice Divisions, such as driving while intoxicated cases, drug cases, homicides, burglaries, go through the Criminal File Division.

These three divisions share the ten district and fifteen county courts located in Bexar County. Each division separates its staff into court trial teams consisting of one to three prosecutors, one investigator and one advocate. Occasionally a trial team will have a paid law student as well. These trial teams are responsible for all cases assigned to their division and court.

To sum up victim advocates, there is one in each of the ten district courts in both the Family Justice and Criminal Trial Divisions, as well as one in the DWI Task Force. The Family Justice Division also has two advocates assigned to handle the misdemeanor level cases, as well as one advocate assigned to the Interpersonal Violence Program (a special family violence intake program). Another advocate works at the Children’s Advocacy Center, and one more is assigned to the prosecutors assisting Child Protective Services (CPS) with removing children from neglectful and abusive homes. Nine advocates work in the Protective Order unit within

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## Birthdays Matter: *National Crime Victims' Rights Week April 10-16*

**Janice Harris Lord**  
*Texas Board of Criminal Justice Board Member*

**A**S WE CELEBRATE THE BIRTH of the Crime Victims' Movement during National Crime Victims' Rights Week April 10-16, I am very glad that the movement was born to restore balance to a criminal justice system that had become focused entirely on the rights of offenders. The first Crime Victims' Rights Week was initiated in 1975 by a Philadelphia district attorney during a time when pioneers in the field were breaking new ground with no research, no funding, and no statutes. What they lacked in resources, they made up for in their passion for justice and in their determination to fill a critical void in a society that was indifferent to the needs and concerns of crime victims. It took five more years, until 1980, for the first state, Wisconsin, to enact a Victims' Bill of Rights, and another year for the first National Crime Victims' Rights Week to be proclaimed by President Reagan in 1981.

Victims of crime in Texas, who today enjoy numerous statutory and constitutional rights, may find it hard to believe that back in 1980, when the President's Task Force on Victims of Crime issued its Final Report, the public believed that only the offender—and not the victim—was affected by parole decisions. Two revolutionary recommendations of the Report were, "Parole boards should notify victims of crime and their families in advance of parole hearings, if names and addresses have been previously provided by these individuals"; and "Parole boards should allow victims of crime, their families, or their representatives to attend parole hearings and make known the effect of the offender's crime on them." This was radical thinking just 30 short years ago. Today it is the law.

Three powerful words are inscribed on the Archives Building in Washington, D.C.: "Past is Prologue." This year's National Crime Victims' Rights Week theme is similar: "Reshaping the Future – Remembering the Past." During birthday dinners at my house, someone usually asks the celebrant, "Tell us about a few birthdays that you especially remember." Here are a few events that I remember as a pioneer in the Crime Victims' Rights Movement.

- I remember when Mothers Against Drunk Driving, one of the nation's most powerful advocacy organizations, was formed in 1980 after a 13-year-old girl, Cari Lightner, was

killed by a repeat offender drunk driver as she walked to a church carnival.

- I remember when the nation's first Victim Impact Panel was organized in Kings County, Washington in 1982.
- I remember the White House Rose Garden ceremony where President Reagan signed the National 21-drinking age into law in 1983.
- I remember when the National Victim Center (now the National Center for Victims of Crime) was formed in Fort Worth, Texas, in 1985.
- I remember the founding of the Victims Constitutional Amendment Network in 1987 and its ground-breaking commitment to seek constitutional rights for victims in the states and eventually in the United States Constitution.
- I remember when Victim Impact Statements were deemed constitutional by the U.S. Supreme Court in *Payne v. Tennessee* in 1991.
- I remember when the federal government enacted the Violence Against Women Act in 1994.
- I remember when the U.S. Department of Justice's Office for Victims of Crime published the landmark *New Directions for the Field* in 1998.

During National Crime Victims' Rights Week this year, I hope you will remember these past "birthdays" but only to reflect on what they might mean for the future. So much remains to be done, and the public may need a bit of a booster shot in focusing on victim rights. The pioneers of the movement all agree that the victim's voice is central to who we are and what can still be accomplished. Sharon English, former Deputy Director of the California Youth Authority, often reminds us that the strength of the movement relies on "the power of the personal story." More than likely, a Crime Victims' Rights Week event—or more than one—will be held in your community. I hope you will not only participate by attending but will share your personal story of how rights were appropriately granted in your case—or not. Did you have the opportunity to present a Victim Impact Statement following the conviction of your offender? Are you taking advantage of your statutory right to be notified of parole hearings and other changes while your

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# Texas Board of Pardons & Paroles:

## *Answers to Common Questions*

**Jackie DeNoyelles**

*Texas Board of Pardons and Paroles Board Member*

**I**N AN EFFORT TO KEEP VICTIMS and victim service providers fully informed and well educated, we will run a series of answers to common questions about the parole process. Additional information, including the parole and mandatory supervision eligibility chart, can be found in the *Parole In Texas* handbook, available online at [www.tdcj.state.tx.us/bpp](http://www.tdcj.state.tx.us/bpp). Click on the Publications and Parole in Texas links.

### **Eligibility for Release and Good Conduct Time**

#### **Types of Release**

**Parole:** The release of an offender, by decision of a parole panel, to serve the remainder of his or her sentence under supervision in the community. Offenders may only be paroled if they receive approval from a parole panel and if they have served enough of their sentence to be eligible by law for parole. Parole is a privilege, not a right.

**Mandatory Supervision Release:** Certain offenders may accrue enough combined “calendar time” and “good time” to qualify by law for mandatory supervision release prior to completion of their entire sentence. Mandatory offenders, like parolees, are subject to conditions of release as determined by a parole panel and are obligated to complete the remaining portion of their sentences under Texas Department of Criminal Justice Parole Division supervision in the community.

**Direct Discharge:** Offenders who are not granted parole and who are not eligible for mandatory supervision release must remain in the prison system until they have served their entire court-ordered sentence and are discharged from state custody. No post-release supervision requirements can be imposed on such discharged offenders.

#### **What is the difference between parole and mandatory release?**

Parole is discretionary and always involves a decision on the part of a parole panel. Although an initial parole eligibility date may be reached months or even years before an offender’s mandatory supervision date, a parole panel is in no way obligated to approve parole at the time of initial or subsequent parole reviews.

Under the law in effect until August 31, 1996, release to mandatory supervision was automatic, with no parole panel

decision involved. All offenders serving time for offenses committed prior to August 31, 1996 and classified as eligible for mandatory supervision based on the nature of their offenses must be released on their “minimum expiration date,” when calendar time served and accrued “good time” add up to their entire sentence.

In 1995 the 74th Legislature gave the board authority to review and intervene in scheduled mandatory supervision releases for offenders with offenses committed on or after September 1, 1996. Specifically, a parole panel may block mandatory supervision releases on a case-by-case basis when it determines that an offender’s good conduct time does not accurately reflect the potential for rehabilitation and that the offender’s release would endanger the public. For more information about mandatory release and parole eligibility dates, see the Eligibility Chart in the *Parole in Texas* online handbook.

Parole and mandatory supervision are similar in that the Parole Division supervises both categories of offenders. They must report to parole officers, must abide by the same rules in the community, and are subject to arrest and re-incarceration if they violate the conditions of release.

#### **What is Medically Recommended Intensive Supervision (MRIS)?**

In 1991 the Texas Legislature authorized the early parole review of offenders who are mentally ill, mentally retarded, elderly, terminally ill, in long-term care, or physically handicapped. With approval from a parole panel, such offenders may be released to a MRIS program.

All MRIS applicants are carefully screened by the Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI) and, prior to release, a parole panel must determine that the offender is no longer a threat to public safety and poses no risk of committing future offenses due to his or her medical or psychiatric condition. An offender, other than an offender who is serving a sentence of death or an offender who has a reportable conviction or adjudication under Chapter 62, *Code of Criminal Procedure*, may be released on MRIS on a date designated by a parole panel, except that an offender with an instant offense that is an offense described in

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# Dr. Geraldine Nagy Receives APPA Walter Dunbar Award

from *Perspectives*, Volume 34, Number 4; Fall 2010

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**S**ERVING AS THE DIRECTOR of Travis County Adult Probation for the past five years, Dr. Geraldine Nagy has transformed her Department into an Evidence Based organization. She has a solid research background, earning her doctorate in psychology and teaching courses in organizational psychology, statistics and research design at Pacific Lutheran University. Dr. Nagy also spent much of her career as a hands-on practitioner, working with many different stakeholders to devise and put into practice more effective community corrections policies.

As the Director of Travis County Adult Probation, Dr. Nagy demonstrated her collaborative approach by creating a two-year plan to re-engineer the Department toward an Evidence Based Program and implementing it with the help of an independent criminal justice expert, her department administrators and field staff. Dr. Nagy also improved the way Travis County Adult Probation supervises their probationers and has

spent the majority of her career helping different types of offenders as well as educating the community on the benefits of probation. She has conducted support groups with high-risk girls and helped inmates suffering from mental illness through crisis counseling.

In balancing the many challenges and complexities of probation, Dr. Nagy has built an infrastructure of knowledge and made key administrative choices that have benefitted Travis County and the profession itself.

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## Walter Dunbar

Walter Dunbar was a key figure in the creation of the American Probation and Parole Association and, until his death in 1975, a member of the Board of Directors.

Walter Dunbar had devoted the major portion of his life to the correctional field. Born in Bakersfield, California, he commenced work in the correctional field at the California Institution for Men, Chino, California, in 1941. Ex-

cept for a four year tour of duty with the United States Navy, he remained with the California system of corrections until 1967 during which time he served as a personnel training officer, associate warden at San Quentin, deputy director of the Department of Correction and, finally, Director of the California Department of Correction.

## Walter Dunbar Memorial Award

This is the oldest APPA practitioner award. This award recognizes the significant contributions by a practicing professional or a retired practitioner in the field of probation and parole, and is presented in honor of one of APPA's most distinguished colleagues, the late Walter Dunbar. The recipient must have a national presence and influence and have provided a significant contribution to APPA.

*Perspectives* is the journal of the American Probation and Parole Association (APPA).

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# Victim Assistance Coordinator BULLETIN

FEBRUARY 2011

Beginning February 1, 2011, the Texas Crime Victim Clearinghouse will begin distributing monthly Victim Assistance Coordinator e-mail bulletins. The bulletins will have timely and important information for all VACs across Texas.

We will post information about issues impacting VACs and TDCJ Victim Services Division as well as information that VACs want to share with their colleagues.

We began collecting e-mail addresses some months ago, and we have many on hand. But we would like to have an e-mail address for every VAC in the state.

If you are a VAC and don't receive the February 2011 bulletin via e-mail, then we don't have your e-mail address, or we may have an incorrect address.

E-mail us at [tdcj.clearinghouse@tdcj.state.tx.us](mailto:tdcj.clearinghouse@tdcj.state.tx.us) or call us at either 800-848-4284 or 512-406-5931 to make sure we have your correct e-mail address.

Contact us today! We want to make sure you receive the bulletins!

**SAVE A TREE** and help us GO GREEN! Instead of receiving a physical copy of *The Victim's Informer*, access the publication at the TDCJ VSD website. Go to: [www.tdcj.state.tx.us/victim/victim-home.htm](http://www.tdcj.state.tx.us/victim/victim-home.htm); scroll down to the *Victim's Informer* newsletter link. See page 15 in this issue about being removed from our mailing list: we'll print and mail fewer newsletters and you'll be a Green Friend! We'll notify you when each new issue of the *Informer* has been posted to our website.

## **Budget Cuts; continued from front page**

Claudia Alexander, executive director of Victims Outreach in Dallas, a non-profit group that aids crime victims, said she knows that when it comes to budgeting, “everything is up for grabs” but that Victim Services provides “necessary services for victims of violent crime.

“Just the other day, I helped a woman who had been in a domestic violence situation. ... There had been more than one perpetrator,” Alexander said. “She knew that one was getting out, but she didn’t know where the other one was, what to expect. Did she have any rights? How could she find out? Did she have any option of protection because threats had been made?”

“So that’s one of the places I referred her,” she said.

Angie McCown, director of the Victim Services Division, said it offers “potential life-saving service.”

Jerry Madden, R-Plano, who has served on the House Corrections Committee, said that there’s “definitely a need” for Victim Services and that despite the zero funding level suggested in

the House appropriations bill, he doesn’t think it will be eliminated.

“I think part of the discussion was they were folding it someplace else,” he said.

Any effort to lessen the division’s visibility and reach doesn’t sit well with Judy Nesbit.

“It just seems it would make it more difficult for anybody that is a victim of a violent crime to find any information at all,” she said.

Supporters take heart in the knowledge that “zeroing out” the division wouldn’t be easy.

“Texas is one of the states ... that have amended their state constitution to allow for a victims’ rights amendment,” Ric Nesbit said.

Among other things, the amendment, adopted in 1989, guarantees “the right to information about the conviction, sentence, imprisonment and release of the accused.”

Janice Lord, a Texas Department of Criminal Justice board member and a veteran victims’ rights advocate, said

that it is too early to speculate on the budget but that she opposes eliminating or gutting the division.

“The Victim Services Division is indeed a crucial part of TDCJ services,” Lord said, pointing out that it was one of the first in the country and is often a model for offices in other states.

The division’s mission statement includes “assisting victims of crime,” she pointed out. “So it’s a pretty big deal for TDCJ.”

McCown said: “It would be difficult for the Texas Department of Criminal Justice to meet those [legislative] mandates if there was no Victim Services Division. ... My hope is that once there’s more in-depth consideration, there’ll be an understanding that those are services that are mandated by law, those are services that attempt to balance the scales of justice so that victims have some rights.”

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## **Questions; continued from page 5**

Section 3g, Article 42.12, *Code of Criminal Procedure*, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed.

For all potential MRIS offenders, TCOOMMI ensures that the parole plan provides intensive case management, appropriate supervision by specialized parole officers, and a suitable placement in the community. Services for this special population are provided via TCOOMMI contracts with the Department of Human Services and TCOOMMI/TDCJ local mental health and mental retardation centers.

### **What laws govern parole and mandatory supervision in Texas?**

Adult parole and mandatory supervision laws may be found in Chapter 508 of the *Texas Government Code*.

#### **What is Good Conduct Time?**

Good conduct time or “good time” is time credited to an offender for good behavior and for participating in work and self-improvement programs while incarcerated. For many—but not all—offenders, “good time” credits may be added to calendar time served in calculating their eligibility for parole or mandatory supervision. “Good time” does not otherwise affect an offender’s sentence.

Good conduct time is a privilege and not a right. In accordance with TDCJ’s institutional rules, prison officials may

award or take away “good time” based on an offender’s behavior. Prison officials keep all records on earned “good time.”

Neither the Parole Division nor the Board of Pardons and Paroles is involved in the awarding of “good time.” Offenders do not earn “good time” while on parole or mandatory supervision. Questions regarding an offender’s “good time” should be addressed to:

CLASSIFICATION & RECORDS OFFICE  
TDCJ CID  
P O BOX 99  
HUNTSVILLE, TX 77342-0099

# Early Termination of Certain Persons' Obligation to Register (Deregistration)

By Allison Taylor, Executive Director

Council on Sex Offender Treatment

During the 1980s and early 1990s, the extreme and rare sexual homicides of Jacob Wetterling, Polly Klaas, and Megan Kanka were catalysts for the majority of sex offender legislation. In 1994, following the 1989 abduction of an 11-year-old boy in Minnesota, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act established a national registry for sex offenders who committed sexual offenses against children or adults or violent offenses against children.

**F**OLLOWING THE INCEPTION of the Wetterling Act, several other pieces of legislation were enacted, including: 1) Megan's Law, 1996 (requiring community notification); 2) the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (heightening registration requirements for certain serious and repeat offenders); 3) the Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary of 1998 (basing registration on a range of offenses specified by state law); and 4) the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Act of 2000 (requiring colleges and universities to notify the campus community about registered sex offenders on campus.)

During the 79th Regular Session of the Texas Legislature (2005) two bills became law, impacting some individuals who are currently registered as sex offenders here in Texas. House Bill 867 amended Chapter 62, *Code of Criminal Procedure* by adding Subchapter I Art. 62.401-62.408 thereby creating a mechanism for some "low risk" sex offenders to seek relief from their duty to register.

The reasoning behind the legislation was due to the fact that the registry was growing by approximately 100 offenders every week. Additionally, the federal and state registry identified only the offense of conviction and not the nature of the offense or the risk level of the offender. By targeting the "highest risk" offenders, it would enhance public safety by providing a more accurate offend-

er status based on empirical research to the community and allow local law enforcement to focus their limited funds and resources on the offenders who pose the greatest risk for sexual and violent re-offense.

For example: Two offenders have been convicted on two counts of indecency with a child. Each must register for life and both may be determined by one actuarial assessment to be a high-risk offender and subject to community notification.

The first offender is a 48-year-old male who bound with duct tape, beat, and sexually assaulted a 4-year-old female and an 8-year-old male. The offender shows deviant arousal to children and sadism, multiple victims, psychopathy, multiple paraphilias, and etiological and predisposing factors. The second is a 19-year-old convicted of having "willing" sex, although not consensual by law, with his 16-year-old girlfriend. Upon completing a dynamic risk assessment, he has no deviant arousal to children or rape scenarios, no multiple victims, no psychopathy, and no etiological or predisposing factors. Are both predators? Are they both equally dangerous? Should we treat each offender equally under the law and mandate the same funds and resources to each?

The provisions of House Bill 867, could not be implemented without the consideration of House Bill 2036. In amending Chapter 110, *Occupations Code*, the Legislature charged the Council on Sex Offender Treatment (Council)

with "developing, researching, implementing, and deploying dynamic risk assessment tools and protocols for the use of individuals licensed under this chapter for the purpose of determining a sex offender's risk to the community." Similarly, H.B. 867 required the Council by rule to "establish, develop, and/or adopt an individual risk assessment and/or a group of individual risk assessment tools and to evaluate persons using those tools." H.B. 867 could not be implemented immediately until the research had been completed to statistically support the assessment tool(s) utilized in determining a sex offender's risk to the community and the administrative rules promulgated. Thus, *Occupations Code* § 110.501, and Art. 62.403, *Code of Criminal Procedure*, were to be read in conjunction with each other regarding the issue of sex offender risk assessment tools and deregistration protocols in Texas.

In 2005 Texas had five specific penal code offenses which could potentially deregister under Art. 62.404. The offenses were Indecency with a Child (Section 21.11(a)(1); Promotion and Distribution of Child Pornography (Section 43.26); Burglary with Intent (Section 30.02); Sexual Performance of a Child (Section 43.25); and Compelling Prostitution of a Child under 17 (Section 43.05(a)(2)). These offenses required lifetime registration in Texas but only required ten-year registration under federal law. The legislature did not consider the

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**Prosecutor;** *continued from page 2*

of responding to law enforcement requests for assistance.

Ms. Earls starts her day early and hits the ground running. When I arrived at 8:30 a.m. she graciously met me in the waiting area, and we hurried off to her office. Today was docket day. The purpose of docket day is to advise the court whether the defendant elects to go to trial. She was in the process of going over the day's cases with her intern. Specifically, they were discussing a domestic violence case involving serious bodily injury or SBI. By docket day, Ms. Earls is thoroughly familiar with the facts of her cases and is able to make strategic decisions involving the cases. Court starts at 9:00 am.

As we began our swift hike towards the courtroom, we stopped to discuss a case with the investigator. A comprehensive investigation of the case usually takes place before the docket day. We speed-walked to the court room, through the court room, and into a back room where we briefly met with the defendant's attorney on a domestic violence case. If the defendant pleads guilty, or if there has been a negotiation involving the plea with the court, or if Ms. Earls indicates that the state will drop some of the charges due to lack of evidence, the pleas will be offered at the docket day. Otherwise, the case will be set for trial.

Ms. Earls has a good relationship with the local defense attorneys. She attributes this in large part to the hard work of her staff, mutual respect and professional courtesy. She said that they have a lot of very good quality defense attorneys in Williamson County and that collaboration efforts makes all of their work a little more efficient. She also works closely with the Williamson County Victim Assistance Coordinator discussing the status of cases, assisting with emergency protective orders,

and referring people who are in need of community resources or who are just overwhelmed. She sees this often in cases involving sexual assault of a child.

Next, we rushed back to the Judge's chamber. The Judge of the 26th Judicial District Court, as of January 1, 1993, is the Honorable Billy Ray Stubblefield. Judge Stubblefield hears civil cases as well as felony adult cases. We dashed back to the court room where Ms. Earls and several other individuals, twelve or more, surrounded a long rectangular table. The legal-minded persons gathered at the table included assistant district attorneys, legal assistants, interns, and others. On the table were three baskets filled with files. In one of these baskets is her morning caseload.

Although we were in a courtroom where one might expect some level of calm, there was a great deal of activity, noise, and commotion. The individuals at the table were whispering, talking, drinking coffee, smiling, shaking hands, and moving about. The courtroom is like their second office. Ms. Earls rolled up her sleeves and got down to business, going through files and consulting with other attorneys. She was constantly busy working her cases, flipping through files and papers, communicating with her assistant and intern. Her cell phone explodes with calls and texts from law enforcement officers and judges, defense attorneys, and other criminal justice professionals.

It was 9:00 a.m., and the bailiff, court reporter, and court administrator were in their places. The courtroom was filled with people. Everyone was asked to stand as the Judge entered the courtroom. Silence fell over the courtroom, but only for a moment. At 9:05 a.m. Judge Stubblefield began calling cases and verifying that all parties were in attendance. Cases involving possession of

a controlled substance and burglary are among the first to be called. The attorneys take turns approaching the bench. Some defendants plead guilty, other cases will move on to the grand jury. Trial prosecutors approach the bench and introduce state exhibits number 1 and number 2; the judge questions the defendant. All cases are different, and many must be rescheduled due to clients and defendants failing to show up. Sometimes a motion will need to be filed or there may be an issue of bond. Ms. Earls' first case finally was called. It was the domestic violence case. She approached the bench only to have the case rescheduled, since neither the victim nor the defendant showed up.

At noon, the judge called a lunch recess, and Ms. Earls planned to spend a portion of her lunch time attending a training session. We raced down the stairs and out of the building to attend the Williamson County Justice System Inaugural Mental Health Conference. This conference is for attorneys and law enforcement in Williamson County who work with clients with mental health concerns. Like all prosecutors, Ms. Earls must maintain her continuing legal education or CLEs.

At 1:30 p.m., we were back in the courtroom to hear more docket cases. She had a new basket full of afternoon cases, eight to be exact. Court resumed and she got back to work. The day ended with a case, though not hers, of a habitual drunk driver who showed up to court reeking of alcohol. Drug and alcohol tests were administered, and he eventually was taken to jail. Everyone began to leave the courtroom, and this time we actually walked at a normal pace back to the office to debrief.

As a trial prosecutor, Ms. Earls works mainly Monday through Friday. Tues-

*continued on page 15*

# Victim Services Coordinator in Law Enforcement

by Mike Jones

TDCJ Victim Services Division

Texas Crime Victim Clearinghouse

**R**OYA WILLIAMSON IS the Crime Victim Services Coordinator for the San Marcos Police Department (SMPD). If you don't already know, San Marcos, home of Texas State University with a student population of 32,000, is a city of around 55,000 just south of Austin on Interstate 35. It is one of a few law enforcement agencies of this size in Texas that has a full-time victim service coordinator on staff. Roya serves not only the population of the City of San Marcos, but the Texas State students who are not included in the census population but may be a victim of crime in the city. Although large law enforcement agencies in Texas may have at least one full-time victim service coordinator, many agencies, especially the size of SMPD and smaller, rely on a staff member designated as the victim liaison. Many of these agencies also rely on a team of trained victim advocate volunteers to perform crisis response duties.

I first met Roya in November 2010 when SMPD hosted the Texas Victim Services Association Region B Regional Training. After the training, I talked with her a little bit about her role with SMPD. I wanted to know more about how Roya's role as a victim services coordinator compares to the crisis re-

sponse counselors we shadowed for the article in the last *Victim's Informer* and the victim assistance coordinator in a district attorney's office we are writing about in this issue.

Like the crisis response counselors at the Austin Police Department, Roya and her crisis team volunteers provide 24-hour, on-scene crisis response support for SMPD. And like the Bexar County VACs you can read about in this issue's segment of "A Day in the Life of ...," Roya also provides an array of follow-up services for crime victims in San Marcos.

In her day-to-day routine, Roya provides information and referral for protective order and family violence situations, for Crime Victims' Compensation and the Victim Impact Statement, and for court and prosecution procedures as well as community supervision and parole. She contacts victims in cases that didn't require an on-scene crisis response counselor and provides these victims with important information about their rights and what services are available to them. She works closely with the victim assistance team at the Hays County District Attorney's office to make sure that victims receive continued services into the indictment and prosecution phases. And she works

with the school resource officers with the San Marcos Consolidated School District.

During a typical day, Roya submits SMPD's requests for reimbursement from the Attorney General's Office for Sexual Assault Nurse Examiner (SANE) Program payments. She provides individual training for area victim assistance personnel and law enforcement as well as general training for her community. Roya serves on the Crisis Negotiation Team, a task force of members from SMPD and the Hays County Sheriff's Office. Currently she also is working on a project to create a family justice center for San Marcos and the Hays County area. (For information about this, go to [www.haysfriends.org](http://www.haysfriends.org).)

A chemical dependency counselor who holds a master's degree in psychology—and married to a law enforcement officer—Roya is well-suited for her role within the victim assistance community. Roya provides vital personal services for victims as they begin to cope with their difficult journey through the criminal justice system. She also assists her law enforcement team and other criminal justice professionals in the area as they perform their specific daily jobs.

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## Deregistration; *continued from page 8*

deregistration of other sexual offenses to avoid violating the Jacob Wetterling Act, which would cause the state to risk losing 10% of the annual federal grants it receives in the form of Edward Byrne Memorial funds.

Today, although all states have registration and notification laws, there is no standardization of these systems.

In July 2006 President George Bush signed into law the federal (House Resolution 4472) Sex Offender Registration and Notification Act (SORNA). The act is cited as the Adam Walsh Protection and Safety Act (AWA) of 2006. The AWA federal legislation was enacted to standardize registration and notification requirements across the country while providing greater offender

accountability and increased sanctions for non-compliance.

The AWA broadened sex offender registration nationally and impacted the above-referenced offenses from consideration for deregistration under Texas law. Under AWA, the length of registration is based solely on the offense of conviction. Offenses are clas-

*continued on next page*

# Media and the Right to Privacy

by Katherine Gaehring  
The Parris Foundation

AS A MOTHER and a licensed professional counselor for 10 years, it seems like common sense to me, but you tell me. Here's what happened.

My son, Parris, was murdered on Sunday evening October 26, 2008. He was sixteen. That evening we, his family, were not allowed to see Parris' body or receive any information from the medical examiner's office. Somehow, however, during the night a local television channel was able to get Parris' name, his age, a photo, and the name of the high school he attended. They broadcast this information on their early morning Monday news. The news program decided to broadcast Parris' death without receiving consent from me, his mother, despite Parris being a minor. Their decision to do so created panic within the community and additional trauma to us, Parris' family.

Broadcasting Parris' death on the early morning news prevented us from notifying his high school and his closest friends personally. His high school was not given the opportunity to prepare its staff and crisis counselors prior to the media broadcast. We were faced with seeing our loved one's murder broadcast on the television and Parris' friends calling and coming by the house frantic after seeing the news.

Texas *Code of Criminal Procedure (CCP)* Article 56.09 protects a victim's address and phone number from being included in court files. *CCP* Article 57.02(b) allows sexual assault victims to use pseudonyms in all public files and records including police summary reports and press releases. The existence of these crime victims' rights provides protec-



tion for victims. Unfortunately, the right to privacy for crime victims has been overlooked.

As a mental health professional, this gap in victim rights has me concerned about additional and unnecessary trauma for victims. As a mother of a minor who wasn't given the dignity of privacy after his murder, I wonder how the media can get away with such behavior.

When a juvenile commits a crime his or her identity is concealed, but

when a juvenile is a murder victim, his or her identity is broadcast without parental permission on the morning news. Privacy rights for crime victims seems like common sense to me, but who am I; just the mother of a murdered 16 year-old and credentialed mental health professional.

*Dr. Katherine Gaehring is a 2011 graduate of Sam Houston State University's Counselor Education program and Licensed Professional Counselor Supervisor (LPC-S) for the state of Texas. She serves as the Executive Director of the Parris Foundation. After her son Parris R. Gaehring was murdered, Dr. Gaehring founded the Parris Foundation to honor his memory and continue his legacy.*

*The mission of The Parris Foundation is to encourage and provide opportunities for youth and the community through scholarship, training, and educational enhancement that facilitate healthy life choices and community development. We accomplish this mission through advocating equal access, victim services, training, educational enhancement, and integrity.*

**Deregistration;** *continued from page 10* sified in three tiers. Tier I offenders are required to register for 15 years. Tier II offenders are required to register 25 years and Tier III offenders are required to register for life. The AWA only allows Tiered I offenders to potentially deregister after 10 years. Tiered II offenders under Texas law that require lifetime registration may potentially

deregister after the offender meets the minimum 25 year federal requirement.

Since the close of the 79th Legislative session, the Council, authorized under H.B. 2036, developed a protocol for the deregistration process that utilizes the five-year dynamic risk assessment and recidivism research to support risk assessment instruments for the implementation of the deregis-

tration evaluation.

First, it is very important to note that not all registered sex offenders are eligible to pursue deregistration at this time. The AWA and the amendments to Chapter 62, *Code of Criminal Procedure*, allow sex offenders who have been convicted or placed on deferred adjudication for the following offenses

*continued on page 14*

the Family Justice Center and serve approximately 4,000 families a year. Two of these nine are on a grant and do community protective orders; they go out into the community to assist people who are in shelters or safe-houses and afraid to leave. These two advocates alone assist approximately 700 victims a year.

The White Collar Crime Division includes two victim advocates. One handles specifically elder fraud and the second handles other victims of financial loss. An additional three victim advocates are assigned to work the Juvenile Division cases. Lastly, one advocate works in the Intake Division and handles all pre-indictment contact with victims. This contact is essential in homicide cases. Once a homicide case is assigned to a prosecutor, it can be days or even weeks before the prosecutor is able to review the file, and it may be months before any victim contact is made; therefore, the intake advocate will call the victim and initiate a relationship with the victim. The intake advocate also will explain the system, provide information and referrals as well as a Crime Victim Compensation application.

Once I was thoroughly overwhelmed by everything Cyndi Jahn is in charge of, she ushered me down the hall and introduced me to Stacia Rogers, the victim advocate for the 399th District Court in the Family Justice Division. Stacia has been an advocate with the DA's office for 15 years and is assigned to a trial team with two prosecutors and an investigator. She keeps a calendar for all three and uses it as grease to maintain the well-oiled trial team. One thing Stacia really stressed to me was that the DA's office has a no drop charge policy on domestic violence cases. Once charges have been filed, they will not be dropped without legal reason. This helps to relieve any influence and pressure placed on the victim by the defendant to drop

the charges.

Stacia's day might begin when a case is brought to their office and a pre-hearing date is set. This is automatically set upon arrest by a computer at 30, 60 and 90 days. During this time, pre-indictment pleas can occur and the defense attorney has the chance to talk to the prosecutor. If a pre-indictment plea is a possibility, Stacia will call the victim to discuss the case and the victim's preference on punishment. If the case does result in a plea agreement, she calls and lets the victim know. If the defendant does not accept the plea agreement and the grand jury indicts the defendant, Stacia really springs into action. She receives the case, creates a witness list and sends the victim(s) a letter introducing herself and what the charges are in the case. She separates confidential information from the file, which includes CPS records and victim contact information, and uses the remaining paperwork to make another file that can be viewed by the defense attorney. Stacia also creates court subpoenas served by the Sheriff's Department or a DA Investigator.

Currently, in the 399th District Court, 250 open cases are assigned to the Family Justice Division. Due to this enormous workload, time management, organization and multitasking are crucial for an advocate to do her job. Juggling that many cases may be a reason why Stacia claims to still learn new things every day. The timeframe for most cases spans from one to three years, so Stacia gets to know victims very well.

With the vast amount of cases and the nature of most, Stacia has learned to maintain her boundaries with her victims, believing that they have family and friends to cry with; her role is to give them the means to find strength and control. This is not to mean she is not empathetic; Stacia does not hold back on giving encouragement, especially to

kids. She shared her "armadillo story" with me as an example of the importance of creating relationships and the novel ways victim advocates give victims confidence and peace.

Stacia picked up two victims of a home invasion, a mother and child, from a hotel. She happened to have a stuffed armadillo on the dashboard of her vehicle. While driving, they discussed the case and court proceedings. Stacia knew from experience the little girl may need a source of comfort. Ironically the girl commented on the armadillo and Stacia then told her the stuffed animal was actually for her and that it had magic powers of protection. The young girl held it during her testimony and after stepping down so her mom could take the stand, she handed the armadillo to her mom declaring "here, he's really good."

Unexpected things, such as armadillos, can provide the self-confidence needed for victims to take the stand and testify. Two of the most important things Stacia requires of victims and witnesses are to tell the truth and breathe. Stacia tries to prepare victims for the worst, which is a 'not guilty' decision. Stacia has learned that to be a good advocate, you must be able to read people, sometimes in minutes, to know how to best serve victims.

Just as I was getting a real feel for a typical day, Stacia paused and told me it was time for the office holiday party. Intrigued, I followed her out into the foyer of the 5th floor where all the employees gathered, peering from the doorway and coiling into the elevator lobby. By the Christmas Tree stood four women, including two prosecutors on Stacia's trial team, and one man. The quintet then began to sing, a cappella, creative and humorously original renditions of several Christmas carols, which were rewarded with laughter and applause. The group

*continued on page 14*



# SPOTLIGHT on Victim Services Division

by Mike Jones

Texas Crime Victim Clearinghouse

**E**VERY ONCE in awhile, we like to let you know what's going on in the Victim Services Division. Here are a few things that have been happening lately.

After nearly 27 years with TDCJ, Linda "Warden" Starnes retired in February. After earning a bachelor of arts degree in political science from Radford University in Virginia, Linda and her family moved to Austin; she began working as a file clerk in the Parole Division in 1984. It didn't take long for her superiors to realize how hard of a worker she was, so the promotions began. First as a clerical supervisor then up to administrative assistant, she then promoted to become an analyst in the Review & Release Processing section.

In August 2000 Linda was hired as an analyst with the Victim Services Division. Her commitment and dedication as an analyst led to a promotion as a program supervisor, focusing on the VINE (Victim Information and Notification Everyday) system in the Notification Section. She has also been involved with the Bridges to Life program.

During her time at Victim Services, Linda has seen a large increase in the number of victims registered on our Victim Notification System and has worked tirelessly to make certain that each person receives the most accurate and updated information possible.

Mrs. Starnes arrives at work early each morning, stays late each evening,



*Linda and her daughter, Denise, at Linda's retirement party.*



*Above: This is not a posed photo! (Well maybe a little.) Linda Starnes, Program Supervisor, Victim Notification Section, diligent, dedicated, and hard at work, for now ...*

and is highly respected by all of us in the Victim Services Division. Mark Odom, Deputy Director of VSD, said, "Linda Starnes has always placed a high priority on loyalty and dedication. Moreover, she has the heart and commitment to serve crime victims. She has been a critical part of the success of our division's goal to involve victims in the criminal justice process."

## Other VSD News ...

Loree England was promoted to Program Supervisor III. She is now the Assistant Deputy Director over the Victim Services Division Notification Section. She replaces Mary Kuentsler, who is now our Senior Analyst. Mary supervises the Division analysts, Tammy Stockton and Liz Fikac. These three women act as liaisons between victims and the Board of Pardons and Paroles. Mary replaced Jack Hamilton who retired in August 2010. Jack plays golf ...

One project Loree and the Notifica-

tion Section have been working on is developing a new system to send notification letters to registrants by e-mail using the VINE system. Last fiscal year, Victim Services sent out 102,903 pieces of correspondence—e-mail and letters—to victims and concerned citizens. As of August 31, 2010, 159,834 victims and concerned citizens were registered on our notification data base. Notification staff are working with the TDCJ-Information Technology Division, the Office of the Attorney General of Texas, and Appriss, the vendor that operates VINE, to test automatic e-mail notices that will enhance much of the letter notification that currently is sent through the US Postal Service. The testing consists of checking the information on the e-mail to assure it is the correct type of notification regarding the offenders' parole status.

Lauren Reynolds, Administrative Assistant in the Clearinghouse, has been accepted into graduate school at Texas A&M University. She will be working on a master's degree in Natural Resource Development. Whoop!

Janice Sager and Kristi Heimann, Program Specialists in the Clearinghouse, have just about wrapped up a year long, intense schedule of statewide training on the Victim Impact Statement. During the past 12 months, they conducted 40 trainings which included around 1500 attendees. They recently have initiated a full schedule of "Round Table" meetings regarding the Victim Impact Statement and have conducted five such meetings in Hays, Newton, Pecos, Hood, and Waller Counties.

The Victim Impact Panel Program (VIPP) continues to coordinate and pro-

*continued on back page*

## **Deregistration;** *continued from page 11*

to pursue deregistration:

- Compelling prostitution
- Indecent exposure (two or more convictions)
- Unlawful restraint (victim under 17 years old)
- Indecency with a child by exposure
- Possession or promotion of child pornography
- Online solicitation of a minor
- Sexual performance of a child
- Indecency with a child (victim 13 to 17 years old)
- Any attempts, conspiracies, and solicitations of any of the above listed.

Thus individuals who have been convicted of other sex offenses like Aggravated Sexual Assault of a Child, Aggravated Sexual Assault, Aggravated Kidnapping with Intent (adult or victim under 17 years old), Burglary with Intent, Continuous Abuse of a Child, Sexual Assault, Prohibited Sexual Conduct, Indecency with a Child (victim under 13 years old), or any attempts, conspiracies of the latter are not eligible for deregistration at this time. This determination is mandated under current law which requires

the Council to determine the minimum required registration period under 42 U.S.C. Section 14071 (\*\*\*)Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program) for each reportable conviction or adjudication under this chapter, if the state is to receive the maximum amount of federal money available as described by the law.

Additionally, the offender must meet the following federal and state requirements in order to qualify for a deregistration evaluation:

- The sex offender must not have been convicted of *any offense* for which *imprisonment for more than 1 year may be imposed* during the required registration period;
- The sex offender must not have been convicted of any sex offense including misdemeanors during the required registration period;
- The sex offender must have successfully completed sex offender treatment as defined in 22 Texas *Administrative Code*, Section 810.2(b) (29); and
- The sex offender must have successfully completed any periods of

supervised release, probation, and parole. Any revocation disqualifies the offender.

Thus, sex offenders who are currently on probation or parole are not eligible for deregistration until they have successfully completed their community supervision and have met all the requirements listed above.

Finally, the Council's duties and responsibilities in the administration of this program are to establish a protocol for deregistration, train deregistration evaluation specialists, and determine whether or not deregistration evaluations have been conducted according to the administrative rules and directives that define the process. An offender who undergoes a deregistration evaluation is not guaranteed that he or she will be relieved from the duty to register. The final decision whether or not to allow the sex offender to deregister is ultimately determined by the judge in the original court of jurisdiction.

Information on deregistration can be found at the following website: [www.dshs.state.tx.us/csot/csot\\_sodregis.shtm](http://www.dshs.state.tx.us/csot/csot_sodregis.shtm).

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## **VAC;** *continued from page 12*

then moved through the brown maze of hallways to a large feast. I was told to get in line and grab a plate! Once satisfied with my selections for lunch, Cyndi, Stacia and I traveled back to Stacia's office to eat and continue discussing the full spectrum of being an advocate.

A good advocate in the DA's office must be able to work not only with victims but also with his or her trial team. A trial docket occurs every Monday, and each district court has between 50 and 60 cases split between the three divisions. Stacia's job is to keep straight

who's who on her cases and make all the phone calls, which both prosecutors who stopped by confirmed are invaluable to them. A trustworthy advocate is a vital conduit between prosecutors and victims.

From Stacia's point of view, the hardest part of her job is keeping up with the victims. Due to the nature of the cases, some are wavering in their decisions, and contact information is usually difficult to obtain and maintain. Once Stacia does establish a relationship with a victim, she is able to make referrals to outside services, such as counseling or

housing, throughout the lengthy court process. During the trial, the advocate must corral all the witnesses, and Stacia admits timing is the hardest thing to prepare for during a trial. She tries very hard to keep witnesses from having to sit around and wait to testify. After a trial is complete and if the defendant is sentenced to TDCJ, advocates in the DA's office give victims the phone number to the TDCJ Victim Services Division and send copies of their Victim Impact Statements (VISs) to the court clerk. I asked how often oral vic-

*continued on next page*

**Prosecutor; continued from page 9**

days and Thursdays are docket days. Mondays and Wednesdays are for jury trials. Typically, she has six to ten active trials on her calendar. Fridays are used to review her cases, prepare for trials, and prepare cases for the grand jury. Any spare time she has is used to process paperwork, answer voice messages, make and respond to phone calls, respond to emails, and conduct investigations and interview victims and witnesses.

There are so many factors to consider with each case assigned to her. Whether or not a case goes to trial or results with a plea agreement, to Ms. Earls, her job is to see that the defendant is brought to justice.

**Birthdays; continued from page 4**

offender is in TDCJ? Are you meeting with an advocate to make plans for the time your offender is released from custody?

These are your rights—and I hope you will celebrate them during National Crime Victims’ Rights Week this year.

**VAC; continued from page 14**

tim impact statements are given in the 399th District Court. (In Texas, after the conviction and sentence are decided, victims may elect to make an oral impact statement, or allocution, to the defendant describing how the crime has affected them and their families.) Typically in Bexar County, victims more often elect to make oral impact statements when the defendant is not a family member.

After Cyndi explained all the details about the web of advocates in the Bexar County DA’s office and Stacia shared her role in it, I felt as though my teabag of knowledge needed to be steeped. All the individuals there do so much; I can only imagine a typical day involves an advocate tackling several cases in all stages of the criminal justice process. Most importantly, no matter the level of intensity or gravity, each day must end with laughter.

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Texas law requires that TDCJ Victim Services Division request readers to notify us annually, in writing, that they wish to continue receiving *The Victim’s Informer*.

Instead of receiving a physical copy of *The Victim’s Informer*, you may access the publication at the TDCJ VSD internet website. If you prefer to access *The Victim’s Informer* at the TDCJ VSD internet website, you must notify the TDCJ VSD of your preference. TDCJ VSD will remove you from the distribution list for *The Victim’s Informer* and notify you electronically each time the publication becomes available at the TDCJ VSD internet website and provide an electronic link to *The Victim’s Informer*.

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## The VICTIM'S INFORMER

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### Spotlight; continued from page 13

vide regularly scheduled victim impact panels at the 12 TDCJ Parole Division District Re-entry Centers or DRCs. (Look for an article about DRCs in an upcoming issue of the *Informer*.) The offenders assigned to this level of supervision are required to attend a victim impact panel prior to being transferred to a less intensively supervised parole case load. Each DRC can request a panel every quarter, which keeps the VIPP staff busy. In addition, VIPP staff, Sheri Sikes, Program Coordinator and Dot Foy, Program Specialist, also provide panels for outside agencies upon request. They recently have conducted panels or are currently coordinating panels for the Texas Department of Public Safety Training Academy; various juvenile probation departments, substance abuse treatment programs, and sex offender treatment programs; as well

as the Texas Youth Commission. Sheri and Dot also are designated as victim advocates on the state-mandated Risk Assessment Review Committee and the Multi-Disciplinary Team. These groups meet monthly in regards to the civil commitment of certain sex offenders in Texas. If you missed it, we ran an article about civil commitment of sex offenders in the Sept/Oct 2010 (Vol. 15, No. 3) issue of the *Informer*. That issue is available on our web site: [www.tdcj.state.tx.us/victim/victim-home.htm](http://www.tdcj.state.tx.us/victim/victim-home.htm); The *Informer* as well as all our printed publications are available online in pdf format.

Brooke Ellison, Special Projects, has just completed the Victim Services Division Fiscal Year (FY) 2010 Annual Report. The report is full of information and data regarding Victim Services Division activity during the last fiscal year, September

1, 2009 through August 31, 2010. As advertised on the front page of this issue of the *Informer*, the report can be found on our web site. (I'm especially fond of the cover!)

The Victim Support and Community Education (VSCE) Program facilitates the execution viewing process for victims. In FY 2010 Victim Services Division staff attended 21 executions, providing support to 95 victim witnesses and 49 support persons.

VSCE staff also provide training on crime victim rights for criminal justice professionals who require continuing education units in that area and for new parole officers during the Parole Officer Training Academy. There were 23 trainings conducted with a total of 465 attendees in Fiscal Year 2010.