

VICTIM IMPACT STATEMENTS

WHAT VICTIMS HAVE TO SAY



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A Member of The Texas State University System*

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...from the director

When it comes to the agenda of the criminal justice system, a victim impact statement (VIS) provides valuable information that can be utilized for making informed decisions by justice officials. For instance, information on the emotional and psychological impact of crime on victims can be best expressed by only the victims themselves. No one knows better than the victim how the crime has affected his or her life. Even when a victim suffers no loss of limb or financial suffering, he or she may still have to undergo considerable emotional agony. Victim impact statements can capture such sufferings that often cannot be measured by objective criteria. Accurate and comprehensive information directly provided by a victim can help a judge render a better-informed disposition or restitution order. The VIS is also useful after an offender is sentenced to the Texas Department of Criminal Justice (TDCJ) or the Texas Youth Commission. The Victim Services Division of TDCJ then adds the victim to their Victim Notification System to inform that person of their offender's change of status. The VIS can help to determine if special conditions should be imposed on an offender. In the past and to some extent today, the criminal justice system has given disproportionate weight to offenders' rights while sometimes losing sight of victims' rights. By incorporating victim impact statements into justice proceedings, a sense of balance and equity can be established.

Glen Kercher
Crime Victims' Institute

Crime Victims' Institute Mission:

The mission of the Crime Victims' Institute is to

- conduct research to examine the impact of crime on victims of all ages in order to promote a better understanding of victimization
- improve services to victims
- assist victims of crime by giving them a voice
- inform victim-related policymaking at the state and local levels.



Executive Summary

Purpose of the study

This report evaluates the Texas crime victim impact statement (VIS). This study provides policy-makers with a statistical analysis from a sample of completed victim impact statements, a critical analysis of the administration and design of the current Texas VIS, and recommendations for improving the effectiveness of VISs.

Statistical analysis (233 victim impact statements reviewed)

- From the sample, the most frequent offenses reported in the VISs were sexual assault of a minor (27.9%), robbery (19.7%), aggravated assault (16.7), and murder (15%).
- 41.7% of the offenders were 25-40 years old, 38.9% of the offenders were 18-24, and 19.4% of the offenders were 41-69 (22 missing cases).
- 33.2% of the victims were 2-17 years old, 25% of the victims were 18-30, and 31.8% of the victims were 31-91 (10 missing cases).
- 96.4% of the offenders were male (10 missing cases).
- 57.9% of the victims were female.
- Due to the dearth of accurate information regarding race and ethnicity, no meaningful conclusions could be drawn from this aspect of the data. However, from the information that was available, 49% of offenders and 51% of victims were Hispanic (64 and 124 missing cases, respectively).
- 46.8% of the VISs were submitted by the victim, 39.9% were submitted by a parent or guardian, and 11.6% were submitted by a close relative.
- The crimes that caused the greatest amount of psycho-emotional stress were aggravated kidnapping, manslaughter, sexual assault of an adult, and murder.
- The majority of victims (62%) reported some type of economic loss as a result of victimization, and approximately one-third of victims stated that the victimization hindered their ability to make a living.
- The vast majority reported no income loss (75.5%), property loss/damage (84.1%), or hospital costs (82%).
- Approximately 25% of victims stated they applied for Victims' Compensation, and of those who applied, 3.9% stated they received aid from the Victims' Compensation Fund.

The Texas Code of Criminal Procedure 56.06(8)(c) and TCCP 56.08 mandates that the district or county attorney's office provide a VIS within 10 days of an indictment, thus setting a guideline for providing VISs to crime victims. Unfortunately, this state-mandated guideline is not always followed. Victims may be asked to submit an impact statement in the early stages of a criminal case, which may



VICTIM IMPACT STATEMENTS WHAT VICTIMS HAVE TO SAY

compel the victim to fill out the form before all necessary information is known. In contrast, victims are not invited to submit a VIS until a suspect has been indicted, which can prevent victims from filling out a VIS for years.

Conclusion

The statistics noted above do not accurately portray the true harm caused by victimization. Only a small percentage of VISs are returned by victims, and many of those that are returned lack vital information. An inadequate system for administering the VISs to victims, along with a number of difficulties in the design of the form may explain why very little meaningful information can be taken from these forms. The following are recommendations intended to improve the Texas victim impact statement.

- Procedures should be developed to ensure that state-mandated guidelines regarding when to ask a crime victim to submit a VIS are followed at the local level.
- Specific guidelines are needed in order to facilitate cooperation between law enforcement agencies, district attorneys' offices, courts, community supervision departments, and correctional facilities to ensure that victim rights are upheld.
- The VIS should contain a cover letter that explains its purposes and who will have access to the information.
- Specific instructions for completing the VIS should be given both verbally and in writing.
- The VIS should be printed in languages for non-English speaking people. Versions of the VIS are currently available in Spanish and Braille. Consideration should be given to making it available in other languages, such as Vietnamese.
- Questions regarding physical and emotional suffering should come before questions about financial suffering.
- Gender, age, and race/ethnicity of the offender should be requested on the form.
- The demographic section of the VIS should be shortened.
- More open-ended questions should be incorporated in the VIS.
- Information given in legal terms should be revised or eliminated.
- Consider including a question asking victims their opinion on the type of sentence they think is appropriate for the offender.
- Consider adding the following sentence to the VIS: "If a question makes you uncomfortable, you do not have to answer that question."
- Provide clear instructions to victims who complete the VIS that they may submit additional information as it becomes available.



Introduction

Personal and property crimes often exact a terrible toll on victims. Whether trying to cope with financial losses, personal injuries, psychological trauma, or the loss of a loved one, victims and their families often struggle to cope in the aftermath of a crime. In the past the primary focus of the criminal justice system has been to exact retribution against wrongdoers. As important as that is, the unfortunate reality is that in the process, the plight of victims was all too often overlooked. Over the past several decades increased attention has been paid to codifying victims' rights and restructuring the criminal justice process so that victims are afforded a greater voice in the justice process. One of the hallmarks of this effort has been the increased utilization of victim impact statements.

Origin

Victim impact statements can be traced back to English Common Law.ⁱ The first victim impact statement in this country was requested by a probation officer in Fresno, California, in 1976.ⁱⁱ The final report of the President's Task Force on Victims of Crimeⁱⁱⁱ recommended that judges allow for, and give appropriate weight at sentencing, to the input of victims of violent crimes. In 1982, Congress passed the Victim and Witness Protection Act that specifically called for introducing victim impact evidence at sentencing. Victim impact evidence is now allowed in felony cases in every state and by the federal government. They are also allowed in misdemeanor cases in Texas.

Purpose

A victim impact statement (VIS) refers to oral or written information provided by a crime victim or the victim's family concerning the impact of a crime on the persons involved. An individual making the statement may be a victim, guardian of a victim, or a close relative of an incapacitated or deceased victim. Most VISs are submitted in written form. However, in some jurisdictions impact statements can be made orally, through auditory recording or videotaping. The statement provides victims with a way to inform the sentencing judge of physical, psychological and financial harm inflicted by the crime. It can also facilitate healing from the trauma experienced by victims.

Uses

Victim impact statements are typically included in the presentence investigation report which is made available to the judge to assist in making a sentencing decision. If a pre-sentence investigation is not ordered, however, victims may not



VICTIM IMPACT STATEMENTS WHAT VICTIMS HAVE TO SAY

be afforded an opportunity to tell their stories. This may particularly be the case when plea agreements are reached. Crime victims in Texas have a right to provide pertinent information for a presentence investigation concerning the impact of the offense on the victim and his/her family. This information can be given by direct testimony, a written statement, or in any other manner prior to sentencing of the offender. Victims have a right to be informed about the uses of a VIS and the statement's purpose in the criminal justice system, to complete the VIS, and to have the VIS considered by the attorney representing the state and by a judge before sentencing (when a presentence investigation has been conducted). Victims should also be consulted before a plea bargain agreement is accepted, but this is not mandated in Texas at this time. The VIS is also to be considered by the Board of Pardons and Paroles before an offender is released on parole.

Because the victim impact statement is such an important means for victims to share their stories, it is important to construct a VIS form that can fully reflect the physical, emotional and financial impact of crime on victims. It would facilitate the collection of VIS statistics and assist in the standardization of information collected if all counties in Texas used the same VIS format. In actuality, a variety of VIS forms are used across the state, which hampers the efficient utilization of the information collected. In fact, not all counties use the latest version of the VIS developed by the Texas Crime Victim Clearinghouse. The procedures used to gather information from victims and the quality and quantity of that information is as diverse as the number of counties. Thus, VISs often fail to capture the full range of difficulties experienced by crime victims.

Failure to Make a Statement

Even though victims have a right to be heard in criminal prosecutions, they often fail to take full advantage of the information and closure that VISs offer. In the first place, a victim whose assailant has not been arrested is typically not invited to complete a VIS. Even if a victim was given the opportunity to submit a statement, he or she may see little value in going to the trouble of completing it, since it may never be used. Secondly, once a suspect is in custody, a victim may be reluctant to complete a VIS for fear of retaliation by the offender. Thirdly, victims may be of the opinion that judges and paroling authorities do not consider the VIS in making sentencing and parole decisions. In other words, many victims may not be sufficiently informed to appreciate the importance of submitting a VIS. Fourthly, some victims may choose not to complete a VIS because they are eager to put the experience behind them. Lastly, victims may find filling out forms to be very onerous. They may be required to complete multiple forms in connection with their victimization (e.g., police reports, medical forms, insurance claim forms, and crime victim compensation forms). Having to complete yet another form may be viewed by many victims as intrusive and not worth the effort. Moreover, the forms



may not be printed in the first language of some victims. Unless they are given assistance in filling out the forms, some victims may not understand what they are being asked to do.

Although the state of Texas has clearly endorsed a victim's right to submit a VIS, many victims have failed to exercise the right.^{iv} Statistics gathered by the Texas Crime Victim Clearinghouse in 2004 indicate that 82 percent of the counties in Texas submitted the state-mandated report that details the number of VISs given to crime victims and the return rate for those forms. In 2004, among the counties submitting the report, 99,666 VISs were distributed, but only 22 percent were returned to the district attorneys' offices.^v Needless to say, completed VISs provide only a partial picture of the types of criminal victimization that occur in this state and the impact of those crimes on victims. The criminal justice system shares responsibility for this.

Forms

Perhaps the greatest challenge in examining the effectiveness of the VIS is to look at the instruments used to collect this information. The instruments, forms, and cover letters used to obtain victim impact evidence may not be effective in eliciting victim participation and response^{vi}. In addition, they may not be effective in translating the real impact of crime on the lives of victims or their families. Ultimately, the VIS should provide the victim with a way to recount the extent of harm inflicted by the criminal act, to participate in determining appropriate sentences, and to promote psychological healing.

About This Study

The present study involved analyzing a sample of completed victim impact statements from the years 2003 to the early part of 2005 that were forwarded to the Victim Services Division of the Texas Department of Criminal Justice. Persons associated with the Crime Victims' Institute made a number of trips to the Texas Crime Victim Clearinghouse in Austin from the fall of 2003 to the spring of 2005. Victim impact statements were read and the pertinent information was placed in a data file for purposes of analysis. A total of 233 statements were reviewed. While these procedures may sound straightforward, the process of abstracting useful information was tedious and time consuming because there was no uniformity from county to county in the VIS forms used. The statements reviewed varied in their design, length, layout, and supporting materials.

From the 233 victim impact statements reviewed, detailed information was recorded pertaining to the offense, offender, victim, and physical, emotional and financial impact of crime on the victim or the family of the victim. No personal identifying information, such as names or addresses, about the victim or family member was recorded.



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

The data was analyzed in order to examine basic demographic characteristics of victims and offenders, the emotional, physical, and financial impact of crime on victims, issues pertaining to victim notification, and other factors. It was hoped that such an analysis might shed light on the extent to which VISs are meeting victims' needs and how they might be improved.

Analysis

Victim County of Residence

Among 233 cases reviewed, there were six cases in which the county of residence of the victim was not indicated. There were also ten cases with zip codes which do not originate from Texas. The final sample, therefore, was comprised of 217 cases. To examine the geographical distribution of victims in Texas who submitted VISs over the period of time reviewed for this study, victims' zip codes were matched with the respective city names. Then, the city names were matched with appropriate county names. It bears repeating that personal information that could have been used to identify a victim (e.g. address) was not collected except for the victims' zip codes. Table 1 shows the frequency distribution of counties where victims who completed impact statements reside. These figures only reflect cases in which the offender was incarcerated in the state prison system.

Table 1. County of Victim (N=217)

County	Frequency	County	Frequency	County	Frequency
Bell	3	Franklin	1	Nueces	1
Bexar	37	Galveston	6	Parker	2
Bowie	2	Gray	1	Pecos	1
Brazoria	1	Gregg	1	Potter	6
Callahan	6	Harris	15	Reeves	1
Cameron	5	Hays	1	Rockwall	1
Chambers	1	Hidalgo	1	Runnels	3
Collin	1	Howard	2	San Patricio	2
Concho	1	Hunt	1	Tarrant	29
Cooke	1	Jefferson	2	Taylor	3
Coryell	5	Johnson	2	Tom Green	6
Dallas	30	Karnes	1	Travis	1
Denton	3	Lamb	1	Van Zandt	1
Eastland	1	Lampasas	1	Walker	1
Ector	1	Lubbock	1	Wheeler	1
El Paso	8	McLennan	1	Williamson	4
Ellis	1	Medina	1	Wood	1
Erath	1	Midland	1	Young	1
Fort Bend	1	Montgomery	3	Total	217



It needs to be pointed out that the number of completed VISs for each county represents in many instances a small percentage of the number of VISs that are actually handed out. For example, based on statistics compiled by the Texas Clearinghouse for Crime Victims with just over 80 percent of the counties reporting for calendar year 2004, 91,666 VISs were distributed throughout the state, but only 19,903 of those were returned (21.7%). Only those counties that have Victims of Crime Act (VOCA) grants are required to report this information. Table 2 shows the number of VISs distributed in the four most populous counties in Texas and the number of forms completed in those counties. Given the relatively low return rate of VISs throughout the state suggests that something is happening after receipt of the forms that results in victims not completing them.

Table 2. Victim Impact Statement Semi-Annual Activity Report 2004

<i>County</i>	<i>Number of VISs Distributed</i>	<i>Number of VISs Completed</i>	<i>Rate of Return of VISs</i>
Bexar	5633	1130	20.06%
Dallas	6156	827	13.43%
Tarrant	6507	1189	18.27%
Harris	5894	1276	21.65%

Characteristics of Offense, Offender, and Victim

Table 3 shows the number (frequency) of offenses contained in the sample of 233 victim impact statements.

The most frequent offenses reported in the VISs were:

- sexual assault of minor
- robbery
- aggravated assault
- murder

Burglary, aggravated kidnapping, and injury to a child each constituted less than 5 percent of overall victimization. A cursory review of crime rates in this country as reported in either the Uniform Crime Reports^{vii} or the National Crime Victimization Survey^{viii} reveals a preponderance of property crimes. The disparity between the proportional distribution of the offenses shown in Table 1 and the rates of those crimes in the country as a whole underscores the fact that only a select group of crime victims submit VISs to criminal justice agencies. This holds true even when considering violent crimes alone. For example, the rate of sexual assault



Table 3: Type of Offense

<i>Offense</i>	<i>Number</i>	<i>Percent</i>
Murder	35	15
Robbery	46	19.7
Burglary	11	4.7
Sexual Assault of Minor	65	27.9
Sexual Assault of Adult	14	6
Aggravated Assault	39	16.7
Manslaughter	12	5.2
Attempted Murder	2	0.9
Injury to Child	4	1.7
Aggravated Kidnapping	5	2.1
Total	233	100.0

in the data used for this study is much larger than the rate of aggravated assault. That rate is not representative of the occurrence of such crimes across the country. This anomaly appears to have resulted partly from the fact that crime victims submitted VISs based on the severity of harm done rather than actual frequency of the offense. As the severity of victimization increases, the likelihood that a victim will submit a VIS also increases.

Table 4 shows the age distribution of offenders and victims. Offenders' ages were collapsed into three groups: young (18-24), middle (25-40) and old age (41-69). Because persons other than the victim sometimes completed victim impact statements, there were cases in which the person completing the form was unaware of the age of the offender. This resulted in 22 missing cases. Furthermore, most of the various VIS formats reviewed in this study did not contain a specific place that asked for the information on offender's age. Because a VIS becomes part of a presentence investigation report coupled with other documents that will most certainly list an offender's age, this omission may not be a major drawback. Nevertheless, information about an offender's age could certainly be important in assessing the ways in which a victim is affected by a crime.

Victims' ages were collapsed into three groups: young (2-17), middle (18-30) and old (31-91). Although there is a place on a VIS that asks for the victim's age, ten statements were missing this information.

Table 5 delineates gender composition of offenders and victims. Because information on an offender's gender was usually not given in a victim impact statement, gender was inferred from the name of the offender. Nevertheless, there were



Table 4: Age Distribution

<i>Offender's Age</i>	<i>Number</i>	<i>Percent</i>	<i>Victims' Age</i>	<i>Number</i>	<i>Percent</i>
18-24 years	82	38.9	2-17 years	74	33.2
25-40 years	88	41.7	18-30 years	78	35.0
41-69 years	41	19.4	31-91 years	71	31.8
Total	211	100		223	100

cases in which offender's name was not present, resulting in ten missing cases (N=223). An overwhelming majority of offenders were male (96.4%) among 233 cases. Only eight were female offenders. In contrast, more than half of the victims were females (57.9%). Because every VIS contains the victim's name and gender description, there was no missing data on this variable.

Table 5: Gender Distribution

<i>Gender</i>	<i>Offenders</i>	<i>Percent</i>	<i>Victims</i>	<i>Percent</i>
Male	215	96.4	98	42.1
Female	8	3.6	135	57.9
Total	223	100	233	100

The distribution of offenders' gender in the data does not correspond to that of national statistics. While the data from this study showed less than 4 percent of the crimes were committed by females, the Uniform Crime Reports in 2003^{ix} indicated that about 20 percent of violent crimes and 30 percent of property crimes were committed by female offenders. The significantly lower representation of female offenders in the data collected for this study seems to reflect the general fact that female crimes tend to inflict less harm on victims than do male crimes.

When it comes to the gender distribution of victims, studies of victimization consistently show higher victimization rates for males than for females. For example, the National Crime Victimization Survey in 2003^x showed that the victimization rate per 1,000 for males is 26.31, while that of females is 19. The higher percentage of female victims in the data collected for this study indicates that crimes committed against female victims are more likely to result in the submission of VISs. The disproportionate representation of crimes of sexual assault in the dataset seems to help explain the higher number of female victims compared to male victims.

Table 6 presents the breakdown of the race or ethnicity of offenders and victims. The different VIS formats used by counties across the state did not yield complete information on the race or ethnicity of offenders.



Table 6: Race/Ethnicity Distribution

	<i>Offenders</i>	<i>Percent</i>	<i>Victims</i>	<i>Percent</i>
White	53	31.4	44	40.4
Black	32	18.9	10	9.1
Hispanic	83	49.1	55	50.5
Other	1	0.6	0	0
Total	169	100	109	100

Only a few of the VISs provided race or ethnicity information for either the victim or the offender. Hispanic offenders and victims were often inferred from the surnames of the parties. This led to a disproportionate number of Hispanics (offenders, 49%; victims, 51%) in the data. The lack of information about race or ethnicity resulted in insufficient sample sizes (offenders, 169; victims, 109) for race or ethnicity. Interestingly enough, the current form of the VIS recommended by the Clearinghouse does not require race information for either the offender or the victim. This omission of race and ethnicity information may stem from concerns about extra-legal factors influencing decision-making by representatives of the criminal justice system.

Who Submits the Victim Impact Statement?

Table 7 shows information about, “Who submits the victim impact statement?” VISs were submitted by four different groups: victims, close relatives of the victim, parents or guardians of the victim, and others. Nearly one-half of VISs were submitted by the victim (47%); either a parent or guardian submitted another 40 percent. According to a further analysis on the 93 cases where a parent or guardian submitted a statement, the majority (51%) were related to sexually assaulted minor. Nineteen cases (20%) pertained to homicide victims.

Table 7: Who Submits the VIS?

<i>Submitter</i>	<i>Number</i>	<i>Percent</i>
Victim	109	46.8
Close Relative	27	11.6
Parent/Guardian	93	39.9
Other	4	1.7
Total	233	100.0



Psycho-emotional Impact of Crime

A VIS form provides the user with an opportunity to indicate the psychological and emotional impact of crime on victims or their families. To assess the psycho-emotional impact of crime, information on the following 14 items was gathered from the sample: loss of sleep, loss of concentration, fear of strangers, nightmares, fear of being alone, anger, loss of trust for anyone, anxiety, crying all the time, feeling family not as close, depression, wanting to be alone, feeling suicidal, being helpless. To capture the overall picture of the psychological and emotional impact of crime, a Psycho-emotional Impact Scale was constructed using all 14 items. To do this, those who stated they experienced any of the symptoms were assigned 1 for that item. Those who did not were given 0. Then, the scores for all of the items were summed. The value for the scale ranged from 0 to 14. Those who stated they had experienced all of the above symptoms scored 14, while those who had not experienced any of the symptoms were given a score of 0. The overall mean of the scale was 5.8.

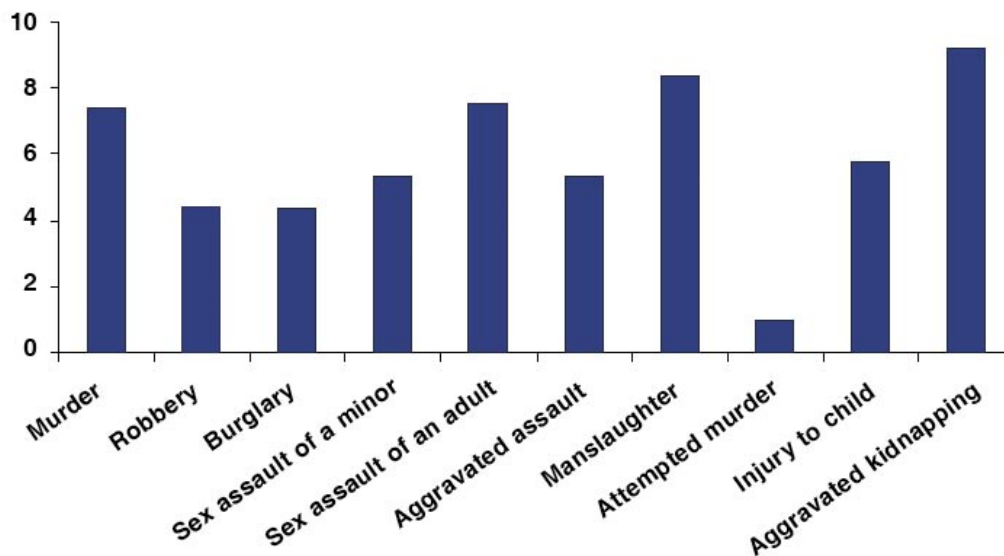


Figure 1: The Mean of Psycho-Emotional Scale by Offense

The victims or families of aggravated kidnapping scored the highest (9.2), followed by manslaughter (8.3), sexual assault of an adult (8.3), and murder (7.4). Interestingly, the mean score for sexual assault of a minor (5.3) was quite low compared to that for an adult. Keep in mind that in these cases the VIS was usually submitted by a family member or guardian. They may have misconstrued the intent of the questions about emotional impact to refer to them instead of the child. Also,



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

it was interesting to note that burglary and robbery scored identically in their psychological and emotional impact (4.4). The fact that the mean score for attempted murder was only 1 was also difficult to interpret. A tentative conclusion drawn from this finding might be that either the victim impact statement did not pick up the genuine psychological and emotional impact of the crime, or the victims or their families did not carefully enter the requested information on the VIS.

Despite the limitations in the data, additional analyses were conducted. First, an independent samples t-test was conducted to determine whether there was a significant difference in the Psycho-Emotional Scale mean scores between male victims and female victims. Table 8 shows the results of the test. The mean differ-

Table 8: T-test of Psycho-economic Scale Score by Gender (N=223)

<i>Male</i>		<i>Female</i>	
Mean	S.D	Mean	S.D
5.64	3.7	5.84	3.8

df=231, $t=.69$ $p>.05$

ence was not statistically significant ($p>.05$).

To examine the effect of victim's age on the psychological and emotional impact of crime, a one-way between-groups ANOVA test was conducted (see Table 9). Victim age was divided into three age groups: 0 through 17 (young), 18 through 30 (middle), and 31 through 91 (old). The mean difference among the age groups was not statistically significant ($p>.05$).

Table 9: ANOVA test of Psycho-economic Scale Score by Age (N=223)

<i>Age</i>	<i>Mean</i>	<i>S.D</i>
0 – 17	5.2	3.7
18 – 30	6.4	3.7
31 – 91	5.6	3.8

df=(2,220), $F=1.947$, $p>.05$

Finally, a two-way between-groups ANOVA test was conducted to determine whether gender and age of the victim affected psychological and emotional impact. In Figure 2, the mean changes on the Psycho-Emotional Scale for both males and females are plotted against age groups. The male victims' mean score change is generally consistent with the findings presented in Table 8; that is, the middle-aged group of victims suffered the most from psychological/emotional



symptoms, followed by the young and the old in sequence. Regarding female victims, however, a different outline appears. Figure 2 shows that the scale mean score keeps increasing with the age of the victim. For female victims, the older they are, the more psychological/emotional symptoms they report to suffer.

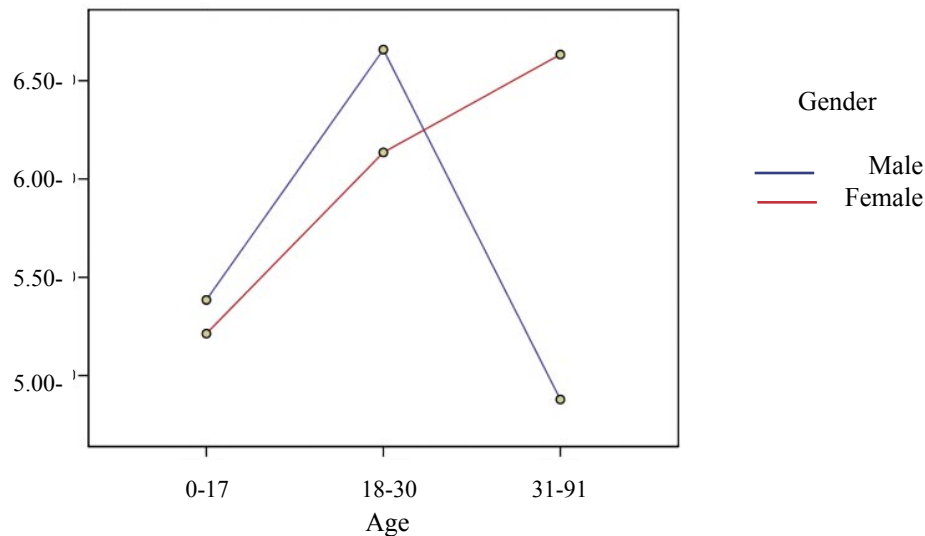


Figure 2: Psycho-emotional Scale Mean Score

As interesting as these results are, the different levels of psychological/emotional suffering experienced by men and women of different age groups was not statistically significant. Table 10 represents the results of the two-way between-groups ANOVA test. Main effects of both gender and age on psychological/emotional impact were not significant ($F = .4$ and 1.3 , respectively). The interaction effect (Gender*Age) was also not significant ($F = 1.9$).

Table 10: ANOVA Test of Psycho-emotional Scale Score by Age and Gender (N=223)

<i>Variable</i>	<i>F</i>	<i>Sig.</i>	<i>Eta Squared</i>
Gender	.4	.5	.002
Age	1.3	.3	.012
Gender*Age	1.9	.2	.017

Crime Victim Notification

One of the most fundamental rights of a crime victim is the right to be kept informed about the status of criminal cases related to his or her victimization. Notification plays an integral role in a victim’s participation in the criminal justice process. If victims are not adequately notified, their participation is limited, since they will not know the time and place of the criminal proceedings.



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

A victim impact statement requires a victim or his/her family to state whether they want to be notified of any court proceedings. In order to examine the effect of the type of offense on whether the victims want to be notified of court proceedings or not, a chi-square test was conducted. Table 11 illustrates the cross-tabulation of notification request by offense type. For this analysis, offenses were divided into two types: violent vs. sexual crimes. Burglary cases (n=11) were eliminated from the sample, yielding a sample size of 222. As is noted in Table 11, more than one-half of the victims of violent crime (53.1%) stated that they wanted to be notified of any court proceedings. In contrast, more than one-half of the sexual crime victims (53.2%) opted for not being notified. This difference, however, was not statistically significant.

Table 11: Chi-square Test of Notification Request by Type of Offense (N=222)

<i>Offense</i>	<i>Notification Request</i>			
	<i>Yes</i>		<i>No</i>	
	Number	Percent	Number	Percent
Violent Crime	76	53.1	67	46.9
Sexual Crime	37	46.8	42	53.2

$X^2=.578, df=1, p>.05$

To examine the effect of victims' ages on whether they wanted to be notified of court proceedings, another chi-square test was employed. The cross-tabulation in Table 12 shows that when crime victims are young, the victim or his/her family are not eager to be notified of the court proceedings (47.3%). That is in contrast to the desires of older victims. When the victim is middle aged, 56.4 percent want to be notified, compared to 52.1 percent of older victims. These differences, however, were not statistically significant.

Table 12: Chi-square Test of Notification Request by Age (N=223)

<i>Age</i>	<i>Notification Request</i>			
	<i>Yes</i>		<i>No</i>	
	Number	Percent	Number	Percent
0 – 17 (Young)	35	47.3	39	52.7
18 – 30 (Middle)	44	56.4	34	43.6
31 – 91 (Old)	37	52.1	34	47.9

$X^2= 1.264, df=2, p>.05$

Finally, the relationship between gender and wanting to be notified of court proceedings was evaluated. Table 13 indicates that slightly more male than female victims want to be notified. A chi-square test was not statistically significant.



Table 13: Chi-square Test of Notification Request by Gender (N=233)

<i>Gender</i>	<i>Notification Request</i>			
	<i>Yes</i>		<i>No</i>	
	Number	Percent	Number	Percent
Male	52	53.1	46	46.9
Female	68	50.4	67	49.6

$X^2 = .165, df=1, p>.05$

Financial Impact of Crime

Information concerning the financial impact of crime on victims was obtained from the VISs. Various questions were asked to gather information, such as whether the victim's ability to earn a living was impaired, whether there was any economic loss due to the crime, the amount of income loss, property loss, hospital costs, funeral costs, counseling fees, emergency transportation costs, crime scene clean up cost, and moving expenses. Table 14 shows the frequency and percentage of those who reported financial costs and those who did not.

Table 14: Financial Impact

<i>Type</i>	<i>Yes</i>		<i>No</i>	
	Number	Percent	Number	Percent
Impaired ability to earn a living	76	32.6	157	67.4
Any economic loss	144	61.8	89	38.2
Income loss	57	24.5	176	75.5
Property loss/damage	37	15.9	196	84.1
Hospital costs	42	18.0	191	82
Counseling fees	14	6.0	219	94
Emergency transportation fee	1	0.4	232	99.6
Funeral costs	32	13.7	201	86.3
Crime scene clean up costs	0	0	233	100
Moving expenses	0	0	233	100



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

About one-third of the crime victims reported that their ability to earn a living was impaired due to their victimization. The factor most related to such impairment was physical injury (40%). Those who stated that they have experienced any kind of economic loss due to the crime constituted the majority (62%) of the victims as opposed to those who did not (38%). A majority of victims stated that they did *not* experience property losses, medical or counseling fees, or other costs associated with their victimization. There was only one victim who reported an emergency transportation fee. Furthermore, no single victim from the sample reported crime scene clean up costs or moving expenses.

The Texas Crime Victims' Compensation Fund (CVCF) was established to help innocent victims and their families when they have no other means of paying for the financial costs of crime victimization. When crime victims meet the necessary qualifications, they are eligible for compensation from the fund for the above-mentioned costs. For example, victims of domestic violence or sexual assault are eligible for one time assistance with rental and moving expenses. Given that no victim reported moving expenses even though the VISs reviewed reflected a high percentage of cases of sexual assault, it may be that victims of this kind of crime do not fully recognize the existence of the fund and their eligibility for the compensation. It may also be the case that many victims completed the VIS shortly after the crime occurred and had not yet considered filing for Crime Victim Compensation monies.

Table 15 further illustrates the financial impact of crime in terms of income loss, property loss/damage, and hospital costs, based on four dollar categories: \$0, \$1 – 1,000, \$1,001 – 4,000, and \$4,001 – 60,000. The majority of those who reported financial impact on the above three dimensions stated that their financial loss was less than \$1,000. The second most common category was \$1,001 to 4,000. There were several victims who reported more than \$10,000 of financial impact. The largest financial damage incurred in any case was not higher than \$60,000, which is the statutory ceiling for CVCF payout.

Table 15: Financial Impact on Income, Property, and Hospital Costs (N=233)

<i>Cost</i>	<i>Income loss</i>		<i>Property loss/ damage</i>		<i>Hospital cost</i>	
	Number	Percent	Number	Percent	Number	Percent
\$0	176	75.5	196	84.1	191	82
\$0 – 1000	23	9.9	24	10.3	22	9.4
\$1001 – 4000	20	8.6	5	2.1	10	4.3
\$4001 – 10,000	7	3.0	4	1.7	6	2.6
\$10,000 – 60,000	7	3.0	4	1.7	4	1.7



As was noted above, an overwhelming majority of the victims who submitted VISs indicated that they did not suffer income loss, property loss/damage, or hospital costs. The relatively low amount of financial impact reported by crime victims in this sample does not seem to capture the real picture of crime victimization. For example, the data show that more than 95 percent of the cases were victims of a violent crime (see Table 3). Yet, Table 14 indicates that only 18 percent of crime victims spent money for any sort of hospital care. The probable conclusion to be drawn from these incongruent figures is that submitters of VISs did not fully report the financial impact of the crimes they experienced. It may be that submitters of VISs did not at that point realize the costs they were facing and did not fully understand the importance that the VIS could play in decision-making in criminal justice proceedings. If this is the case, it clearly circumvents one of the objectives of the VIS. The information on the impact of a crime reported in a VIS may well influence a judge's decision about restitution and compensation. If it is the case that victims lack understanding of the importance of VISs on criminal justice proceedings, this failing needs to be addressed by criminal justice officials and victim advocates.

Apart from the victims' lack of understanding about the significance of VISs, the less than fully accurate information in the data reviewed for this study may come from the timing of the VIS submission. In many cases, financial damage due to a crime becomes more apparent to victims and their families after a certain period of time. For example, if a victim was hospitalized, the extent of the hospital costs might not be known until some time after the victim's medical care is completed. Therefore, if victims were asked to submit the VISs shortly after the victimization occurred, the full financial impact of crime may not appear on the VISs. In order to obtain a more complete picture of the impact of victimization, a suitable time-lapse between the occurrence of the crime and the submission of VIS may be necessary.

Victims' Compensation

Texas courts collect court costs from convicted offenders for the Crime Victims' Compensation Fund. The fund is administered by the Crime Victims' Compensation Program of the Office of the Attorney General. Victims of violence or their families can apply for compensation when certain qualifications are met. Victims of violence or their families can benefit greatly from the compensation especially when they have no means to effectively go through the emotional, physical, and financial aftermath of crime.

Table 16 shows the number of victims who applied for crime victim compensation and the number that received assistance.

Despite the potential benefits of victims' compensation, only about a quarter of victims (n=59) stated they had actually applied for crime victims' compensation.



Table 16: Victims' Compensation (N=233)

<i>Applied</i>	<i>Compensation Applied</i>		<i>Compensation Received</i>	
	Number	Percent	Number	Percent
Yes	59	25.3	9	3.9
No	174	74.7	224	96.1

Given that the majority of crimes reported in the VIS sample were violent crimes, the 25.3 percent application percentage seems low. Again, the low application rate may be attributable to victims' ignorance about this resource. Also, it may be that victims were not ready to apply for the compensation by the time the VIS was submitted. The Texas Code of Criminal Procedure allows crime victims to file the application within three years from the date of the crime.

While a quarter of crime victims applied for victims' compensation, only 9 (3.9%) people received any compensation. It may be the case that many of those who applied for compensation were not eligible for benefits. Alternatively, it could be that the application was still being processed at the time the VIS was submitted. The Attorney General's Crime Victims' Compensation Program reviews the application within 45 days to determine the victims' eligibility. If a victim or claimant is not satisfied with the Program's decision, the victim or claimant can proceed to appeals.

Among the nine cases that received victims' compensation, seven cases were related to murder and two were related to manslaughter. Among the seven murder cases, three resulted in payments of \$975, \$4,300, and \$5,000, respectively, and four claimants received \$4,500. Victim families in the two manslaughter cases received \$1,847.

Discussion

Accompanying the increased awareness of the experiences and needs of crime victims that has occurred in this country, corresponding attention by both academicians and practitioners has been given to the efficacy of the VIS. At the present time, the federal government and all 50 states employ some form of VIS to give victims a voice in criminal justice proceedings. Despite the lofty objectives of VISs, however, their usefulness and effectiveness in practice have often failed to live up to their promise. In Texas and other states, only a small percentage of crime victims submit VISs. As the analysis in this study has shown, the characteristics of victims and the kinds of crimes they have encountered are hardly representative of either the frequency of various kinds of crime or the victims left in their wake. Ascertaining the reasons for this is important if the justice system is to function as intended and if victims are to be empowered as a way to work through their experiences.



The VIS is intended to serve two important functions. First of all, it serves to provide the victim with a systematic way to recount the extent of harm inflicted by the criminal act. This can be therapeutic to victims and their families. It provides an entrance to criminal proceedings pertaining to sentencing and restitution and may thereby give victims a sense of justice having been served.

The VIS also serves the criminal justice system. Learning about the physical, emotional, and economic harm victims experience is important information for a court to consider when juxtaposed against a defendant's background. These two functions need not be in conflict. However, given that every state has provided constitutional and statutory rights for victims, the VIS can go a long way in providing victims with a voice and an influence in the disposition of criminal cases.

Coordination of Victim Services Among Criminal Justice Agencies

Given the dual purpose of VISs and the many branches that make up the criminal justice system, interagency cooperation is important in encouraging victim participation in criminal justice proceedings.

- *Specific procedures and guidelines for cooperation among these agencies in assisting victims are needed to help insure that victims' rights are protected.*

Law enforcement agencies. Many police agencies have embraced the idea of providing early help for victims. This is important in jurisdictions where no prosecutor-based victim assistance program exists. Where this is the case, police-based programs need to assume the role of helping victims throughout the entire criminal justice process (e.g., referrals, case updates, court date notification, and assistance in completing crime victim compensation applications). Equally important, however, is the role of police-based victim service programs for victims in cases where no offender is identified, arrested, or prosecuted. This can be the case for as much as 80 percent of reported crimes. Without police-based victim services programs, these victims may have little or no access to critically needed assistance. Recently, however, many of these programs have limited funds, or worse yet, are losing their funding. Therefore, victims may lose some of the mandated services to which they are entitled.

The effectiveness of police-based programs depends to a great extent on the training police officers get about victim issues. Without this many victims may not be treated with sensitivity and compassion and may not be referred to agency assistance programs. This can have repercussions for victim recovery and willingness to assist in criminal prosecutions.



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

Police victim services coordinators also have a role to play in relaying pertinent information about a case (e.g., intimidation of or threats toward a victim) to the prosecutor's office prior to any bail/bond proceeding.

District attorneys' offices. Victim services programs in prosecutors' offices play a central role in assisting victims and eliciting their participation in criminal prosecutions. Not only should VISs be distributed, but victims should be educated about the purposes and importance of submitting them. Once the forms have been distributed, victims may need

- prompting to complete them
- assistance in completing the forms
- assistance in making application for victim compensation funds
- assistance in documenting financial costs
- informed about the various ways in which VISs can be submitted:
 - written
 - oral testimony
 - audio recording
 - video recording
- transportation to court and parole hearings
- an advocate to accompany them at proceedings where they may have to confront their defendant.

Given this information at the outset may encourage victims to complete VISs and otherwise have an influence on criminal proceedings. Here again, however, many of these programs have limited funding or are losing their funding. Staffing shortages limit the services available to victims.

Victim service liaisons in prosecutors' offices need to forward pertinent victim information to prosecutors before plea negotiations are concluded. This information is also important when making bail/bond recommendations. The victim service liaison is also responsible for providing victim information to probation departments, so that it can be included in presentence reports.

Courts. No two victims experience the same emotional impact, physical injuries, or financial impact. If judges are to arrive at a just and fair penalty for a defendant, it is imperative that he or she have all pertinent information about a crime, including its effect on a victim. Toward that end, judges should be encouraged to order presentence investigations more often and to prompt probation departments to use all diligence in their attempts to contact the victim. If it is clear that this has not occurred, judges should consider postponing sentencing until such time as further attempts are made to contact the victim. Judges should postpone approving plea agreements until the victim is given the opportunity to provide input. This should occur regardless of whether the crime is a personal or property



offense. However, at the present time, victims do not have the statutory authority to participate in plea agreements.

Community supervision. Probation officers whose responsibility it is to complete presentence investigations should be educated about the importance of obtaining VISs from crime victims. They need to be proactive in seeking such information from police- or prosecutor-based victim assistance coordinators or from victims themselves about the impact of the crimes they have experienced. Procedures should be in place to insure that VISs are forwarded to correctional and paroling authorities for insertion in the inmate's agency file.

Correctional facilities. Correctional authorities need information about victims in order to notify them about escapes and other changes in the offender's status. Correctional authorities also have a responsibility to facilitate the attendance by victims at parole hearings within the institution. Obviously, for these things to occur, contact information with victims must be updated as needed. Victims need to understand the importance of keeping their contact information current for both correctional and parole authorities.

When to Request a Victim Impact Statement

An important issue in encouraging crime victims to submit VISs is the point at which that invitation is given. Crime victims in Texas are supposed to be given a victim impact form to complete within ten days of an indictment. If victims are asked to give a statement just before a finding or a plea of guilt, they may not have sufficient time to gather the needed financial information or to carefully consider the emotional and physical harms they have experienced. Moreover, since most criminal cases are settled through negotiated plea agreements, victims may not even be invited to provide input. On the other hand, if victims are asked to submit a VIS prior to a finding or a plea of guilt, they may not be able to fully assess the financial impact of the crime on themselves or their families. Procedures should be established that enable and encourage victims to submit information in stages, so that by the time the information is needed by the court, it is complete. Victims should be advised early in the process to save all financial records relating to their victimization. A potential difficulty in asking victims to submit a VIS early in the prosecutorial process is that it may be discoverable and lead to cross examination of the victim by the defense attorney.

Victim impact statements may not be requested until a suspect is in custody. However, an argument can be made that it is important for victims to submit statements even in those circumstances. A VIS submitted shortly after the crime occurred may more forcefully capture the ways the victim's life has been impacted. If a victim is asked to submit a VIS only after a suspect has been arrested, which



could be months or years from the time a crime is reported, he or she may be disinclined to do so because of a desire to move on with life. Even if a statement is submitted, it may lack some of the emotional impact that might have been evident in statements submitted shortly after the crime occurred. Victim assistance coordinators, who are already short-handed for the volume of work they perform, suggest that they have no authority or way to handle VISs submitted before an indictment is handed down.

Some victims may not be encouraged to complete a VIS when they are victims of a property crime and suffer no physical injuries. However, the impact of some property crimes may leave many victims emotionally and financially devastated. For example, an elderly person who is swindled out of personal savings may find herself unable to pay her bills. A victim who loses possessions of great personal or sentimental value due to theft or arson may be emotionally devastated. Without a victim impact statement in such cases, prosecutors and judges may not fully appreciate the harm victims have experienced.

Design of the Victim Impact Statement

The content, design, and wording of a VIS should be organized in a way that best chronicles the physical, psychological and financial harm experienced by a victim. This study analyzed the validity and reliability of VISs in Texas from the years 2003 to 2005.

Education. Given the educational, socio-economic, and cultural diversity of crime victims, many may not complete VISs because they find the task daunting. There are several ways to address this. The first is educational. Victims need clear instructions about the uses and importance of VISs throughout criminal justice proceedings. Many written impact statement forms provide insufficient explanation about the purpose of the form, how it is used, and confidentiality issues (i.e., who will have access to the information). Some victims may be reluctant to complete a VIS out of fear that the defendant or his family will find out where he or she lives and retaliate against them. Providing victims with this information could be done by attaching a cover letter that introduces the VIS form.

- *A cover letter should be attached to the VIS that explains its purposes and uses and who will have access to the information.*

Instructions. In addition to this introduction to the process, victims need specific instructions on how to complete and submit the form. Instructions should be carefully crafted to be easily comprehended by a person with minimal education. They should explain a victim's right to submit a statement and the importance of doing so. They need to know that their participation is voluntary. Clarification about the intent of the questions on the form should be given to victims, along



with examples. Victims should be informed about the importance of keeping track of and documenting financial costs. The importance of chronicling the emotional impact on a victim and on that person's family should also be emphasized. Instructions should be provided both verbally and in written form. This is particularly important for victims who have difficulty reading or comprehending what they read. Such victims should also be offered assistance in completing the forms, if needed.

- *Provide specific instructions both verbally and in written form on how to complete the VIS.*

Alternate formats. Another way to gain participation from victims is to offer them alternative ways to complete a VIS. Oral statements given to victim services coordinators who then complete the forms may be more palatable to some victims than having to complete the forms themselves. Alternatively, victims might be offered the opportunity to make an impact statement via an audio or video recording. This should be done with persons who speak the same language as the victim and are trained in appropriate interview techniques. The drawback to audio or video recordings is that they may not yield complete financial cost information. If victims attempt to complete a written statement, they may need help in doing so. This is particularly important for very elderly victims and for those with little education or whose primary language is not English.

- *Provide victims with alternative formats for completing a VIS.*

Appearance and language. The forms on which VISs are printed should be formal in appearance, while not being intimidating. The font used should be large enough for easy reading. The form should be free of legal language that the average person does not understand.

- *Simplify the language used on the VIS.*

It may be useful to have different forms depending on the case in question. Victims might complete a form designed specifically for their needs. Families of victims might be provided with a slightly different form. This would help clarify if the impact described pertains to the victim or to family members. Forms for children should be simpler and employ more graphics. These forms should be developed so that they are completed along with the help of another adult (e.g., parent, adult family member, victim services provider). Forms should also be available in the languages that are prevalent in the locale, whether that is German, Spanish or Vietnamese.

- *Consider developing a different form for families of victims to complete.*
- *Consider developing forms printed in the language of other major ethnic groups.*



Order of the questions. Some VIS forms ask victims to report the financial cost of crime before asking for information about emotional and physical costs. To ask questions about financial costs before inquiring about personal suffering may primarily serve criminal justice purposes instead of victim needs. Asking victims about their personal suffering first may communicate caring and encourage victims to complete the forms.

- *Design the VIS so that the victim is asked about personal suffering before being asked about financial impact.*

Question format. The most effective VIS may be one that asks victims open-ended questions about their experiences, and then enables them to provide a relatively free narrative of their experiences. This is as opposed to asking a long list of closed-ended questions. Sufficient space should be provided on the forms to enable victims to provide this information. In some cases this information could be audio recorded and later transcribed onto the form. This would facilitate reading the statement by others.

In some jurisdictions, the victim is asked to give an opinion about the sentence the defendant should receive. Where this is allowed, space should be provided on the VIS for this opinion to be expressed.

Texas Victim Impact Forms

The following critiques and suggestions for the Texas VIS form are based on an examination of ten VISs currently implemented in the United States (6), Australia (3), and Canada (1).

A major concern arising from the data collected for this study relates to its validity. The purpose of a VIS is to capture the nature and extent of harm inflicted by a crime. For the VIS to be valid, it should measure what it intends to measure. Nevertheless, the data gathered from the VIS sample reviewed for this study raise questions about its validity. The portrayal of offenses based on information from VISs was far from representative. Race and gender information on both victim and offender are often incomplete, and the financial impact of crime appears to be grossly underestimated.

- *Consideration should be given to asking victims to identify the gender, approximate age, and race/ethnicity of the perpetrator.*

In addition to the overall validity of VISs, the underestimation of financial impact of crime represented in the sample of VISs reviewed for this study warrants an elaboration. Crime victims may be reluctant to give a full account of financial suffering on the VIS if they do not have clear, concise instructions on how the information will be utilized and what kinds of costs to consider. It seems this may be one of the many reasons why only a few victims under the current study reported



financial loss on the VIS. Improving the usefulness of VISs may require providing victims with clearer instructions about how to calculate the costs of victimization. The current VIS used in Texas states in the introduction that the information will be used in determining a judge's restitution orders. However, the analysis from this study shows that a majority of crime victims did not report relevant or complete financial costs.

The Texas VIS is composed of three parts totaling seven pages: Confidential Victim Information sheet, Victim Impact Statement, and Victim Impact Statement Supplemental. Given the two primary purposes of a VIS, these forms should avoid the appearance of setting a priority on criminal justice issues rather than victim issues. For example, the victim information sheet which constitutes the first two pages of the statement requests victims to fill in demographic and personal information for solely identification purposes, which on face value seems to be serving the purpose of system efficiency. When statements from other states and other countries were compared, however, the Texas statement appears to allot more space than any of the other statements for this type of information. The statements used by other jurisdictions often allot a paragraph or a half page for demographic information.

- *Consider shortening the demographic section of the VIS.*

Any VIS should be easy to read. The font of the Texas statement seems small and may make reading difficult for some victims. Further, the Texas forms contain more words on each page than is true for many of the other forms reviewed. The reason for this may be the use of fewer open-ended questions than is the case for other statements. Many of the questions in the statement require victims to provide relatively brief or specific information or to check boxes. Other comparison statements asked more open-ended questions than is true in the Texas statement. It is true that the Texas statement provides an entire page for victims' open-ended narration on the impact of crime. Nonetheless, because it is located on the last page as an attachment, it may convey the impression that such information is not of central significance. Consideration might be given to including open-ended questions in the body of the VIS.

- *Incorporate open-ended questions throughout the VIS instead of attaching a page at the end.*

To assist with victim healing and to encourage participation, the Texas VIS should incorporate sympathetic and understanding language. The appearance of bureaucratic and legal language on a VIS may detract from the purpose of assisting victims in telling their stories. The first paragraph of the fifth page of the Texas statement is an example of language that seems ill-suited to conveying support and encouragement to victims. This information after being reworded might be better placed in a cover letter.



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

- ***Consider eliminating unnecessary information provided in legal terms from the VIS.***

In a similar vein, the first paragraph of (page 6) the VIS Supplemental, warrants further refinement. The one sentence paragraph composed of four lines is difficult to read and comprehend. This separate page titled Victim Impact Statement Supplemental requires general case-related information for the purpose of notifying a child victim about the release of the offender from custody. It is also used in addressing child custody issues. Yet, this separate section seems redundant in some ways with the previous page (5), which already requests information about various kinds of notification.

- ***Consideration might be given to combining information requested in the Supplemental with information on the previous page (5).***

As mentioned above, the order of the information requested on a VIS is important in encouraging victims to complete the form. A consensus seems to be building that emotional impact should be addressed first, followed by physical and financial impact. If the statement asks victims to report financial impacts first, many victims may see the exercise as unnecessary. In the 233 VISs reviewed in this study, there were many victims who suffered no physical or financial damage, but underwent heart wrenching emotional and psychological sufferings. Asking victims to discuss emotional impact first may be more immediately relevant to what victims need to discuss.

- ***Consideration might be given to re-arranging the order of the questions on the Texas VIS.***

Under the section on Victim's Physical Injury on the VIS form (page, 3), item 5 asks whether a victim's ability to earn a living has been affected. Considering that many victims, such as students, housewives, and the elderly, may not be employed at the time of victimization, the wording of the question seems too narrow. If this question was worded to obtain restitution-related information, the next page of the form asks the victim to estimate economic loss due to victimization. As such, it appears to be redundant. In light of this, consideration might be given to re-wording this question as follows: "Has the crime affected your ability to work or do any of the things you normally do, such as going to school, running a household, or any other activities you perform or enjoy?"

- ***Reword question 5 on page 3 to read, "Has the crime affected your ability to work or do any of the things you normally do, such as going to school, running a household, or any other activities you perform or enjoy?"***

On page 4 under the Statement of Psychological Impact, question 7 asks victims to check all of the psychological reactions caused by a violent crime. The



item starts with the statements, “A violent crime may cause emotional injuries as well as physical. The following list represents some reactions people have had after a violent crime.” This information ignores the realization that emotional injuries are also common among victims of economic crimes. Victims of economic crimes may skip over this section because they realize it doesn’t apply to their kind of victimization. This could also reduce a victim’s incentive to complete the VIS. Economic crimes can undermine a victim’s sense of security and control. Personal items taken during a theft or burglary can leave a victim with a profound sense of loss. Losses suffered from these crimes can make it difficult for some victims to pay their bills.

- *Consideration should be given to expanding this section of the VIS to include both personal and economic crimes.*

When family members or the guardians of victims complete the VIS, it is not clear when emotional symptoms are identified, if those symptoms relate to the victim or the family member. If this is confusing to a reader of the forms, it must surely be confusing for the person completing the form.

- *When a person other than the victim completes the VIS, consider clarifying whether the symptoms identified relate to the victim or the person completing the form.*

On page 5 of the Texas VIS form there is a section that asks victims to indicate whether they want to be notified of any of the following:

- 1. Any court proceedings*
- 2. Information about Texas Youth Commission procedures for parole release*
- 3. Information/notification of TYC proceedings for release to the community or parole*
- 4. Notification of a TYC offenders’ release to the community or adult parole*
- 5. Notification of a juvenile probated sentence*
- 6. Notification about TYC release to community supervision or transfer within TYC*
- 7. Notification of the defendant’s status and parole when an adult prison term is given and parole is being considered*

This section seems to contain too much information, most of which is too specific and sometimes overlapping. Also, there seems no apparent need to dif-



VICTIM IMPACT STATEMENTS
WHAT VICTIMS HAVE TO SAY

ferentiate between adult and juvenile offenders in seeking notification information. The long list of different, yet seemingly similar questions are likely to confuse crime victims. The general idea of this section is simply to ask victims whether or not they want various types of notification from related officials. In seeking the same information, the Vermont VIS adopts the following one-sentence question: “Would you like to be told about further developments in this case including parole, early release hearings, community placements, furloughs, changes in prison classification, and any actions taken by the parole or probation officer while the defendant is in jail or under probation supervision?” Victims are simply required to answer yes or no.

- *Consider revising the notification questions on the VIS to read, “Would you like to be told about further developments in this case including parole, early release hearings, community placements, furloughs, changes in prison classification, and any actions taken by the parole or probation officer while the defendant is in jail or under probation supervision?”*

A final suggestion is related to items 2 and 3 on page 3. Item 2 asks who is submitting the VIS. Victims who are submitting the form on their own behalf are directed to question 3. However, item 3 requests information on the causes of a victim’s disability or death. This question is most applicable in cases where someone other than the victim completes the form.

- *Consider re-arranging item 3 on page 3 as a sub-item under item 2.*

More than half of the VISs reviewed from across the United States and other countries ask victims what type of sentence they think the court should impose. The underlying assumption is that victims’ input can be incorporated into judges’ sentencing decisions, and by participating in the process, victims can have a sense of control and closure. Since the Texas statement does not incorporate this type of question, discussion might ensue on the merits of including it on the Texas form.

- *Consider adding a question to the VIS that asks the victim to give an opinion about the sentence that should be imposed on the defendant.*

Several comparison victim impact statements specifically articulate that victims have latitude to answer or not answer the questions on the statement. Usually such statements incorporate a sentence such as, “If a question makes you uncomfortable, you don’t have to answer that question.” Reliving an agonizing memory can be quite painful to crime victims. It is recommended, therefore, that the Texas statement incorporate such a sentence.

- *Consider adding the following sentence to the VIS: “If a question makes you uncomfortable, you do not have to answer that question.”*



Some comparison states allow victims to update the information in the statement at any reasonable time before sentencing. Also some states allow victims to submit a second statement with further details of injury or medical/psychological information. Such policies seem quite reasonable given that the full impact of crime may not be clearly manifested in the immediate aftermath of victimization.

- *Provide clear instructions to victims who complete the VIS that they may submit additional information as it becomes available.*

Recommendations for Legislative Changes

The implementation of many of the recommendations presented above hinges on:

1. adequate funding for victim assistance programs in law enforcement agencies and district attorney's offices,
 2. adequate training of victim services coordinators, and
 3. requiring every county in the state to use the most recent form of the VIS developed by the Victim Services Division of TDCJ. Addressing these issues will help insure that crime victims are provided with the help and services they need.
- *Consider legislation that addresses the funding problems for victim services coordinators in law enforcement and district attorney's offices.*
 - *Consider legislation that mandates training for victim services coordinators within a specified time after assuming those positions.*
 - *Consider legislation that requires counties to use the most recent edition of the VIS developed by the Crime Victims' Clearinghouse, Victim Services Division, TDCJ.*

Many crime victims in Texas want to be able to provide input about the effects of victimization before a plea agreement is reached. Presently, victims do not have this right.

- *Consider legislation that specifically provides for crime victims to provide written or oral testimony to the court prior to a negotiated plea agreement.*



Conclusion

Victims' voices in the justice process keep reminding the system of the fact that crime is not simply a violation of a more or less abstract law written by the state but also a concrete harm done to human beings. Victims must be key stakeholders rather than footnotes in the justice process. Victim impact statements provide such a forum for participation. The VIS enables crime victims to say, in their own words, how their lives were affected by the criminal offense. Research to date holds that victims' satisfaction with the criminal justice system does not rest on the harshness of punishment meted out on the offender. Rather, victims' satisfaction is positively related to the strength of legal protection for crime victims' rights and justice officials' willingness to hear victims' voices. Truly, a victim has a right to speak.

ⁱ Stevens, M. Victim Impact Statements Considered in Sentencing: Constitutional Concerns. 2 *Cal. Crim. L. Rev.* 3.

ⁱⁱ Alexander, E.K. and Lord, J.H. (1994). *Impact Statements: A Victim's Right to Speak, a Nation's Responsibility to Listen*. Sponsored by the U.S. Department of Justice, Office for Victims of Crime.

ⁱⁱⁱ *President's Task Force on Victims of Crime, Final Report* (1982).

^{iv} Texas Crime Victims' Clearinghouse, Texas Department of Criminal Justice – Victim Services Division (2004). Internal documents.

^v Clearinghouse *supra* note.

^{vi} Ellen, A. K. and Harris, L. J. (2004). *Impact Statements: A Victim's Right to Speak, a Nation's Responsibility to Listen*. National Victim Center.

^{vii} Crime 2003 *supra* note.

^{viii} Bureau of Justice Statistics. (2003). *Criminal victimization in the United States, (2003)*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

^{ix} Crime 2003 *supra* note.

^x Criminal victimization *supra* note.

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