

Tarrant County College Police Department



VICTIM ASSISTANCE

An Assistance Program
for Victims and Family Survivors of
Violent Crimes



The Tarrant County College District Police Department Victim Assistance Unit exists to provide services to victims and their family members with the goal of lessening trauma experienced as a direct result of victimization.

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

- to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- to be informed:
 - ✦ by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
 - ✦ by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
- to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
- to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for

a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

- to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
- to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
- to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
- to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
- to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;
- to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;
- to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

- ✦ by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
- ✦ by the Board of Pardons and Paroles before an inmate is released on parole; and
- except as provided by Article 56.06(a), for a victim of a sexual assault, the right to a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault.
 - ✦ A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.
 - ✦ The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article and, on request, an explanation of those rights.
 - ✦ A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

Crime Victim Compensation

Who is eligible?

Victims of violence and their families must deal with the emotional, physical, and financial aftermath of crime. The Texas Crime Victim Compensation Fund helps victims and their families when they have no other means of paying for the financial cost of crime.

Who May Qualify (TCCP, Art.56.32.)

- an innocent victim of crime who suffers physical and/or emotional harm or death
- an authorized individual acting on behalf of a victim
- a person who legally assumes the obligations or voluntarily pays certain expenses related to the crime on behalf of the victim
- a dependent of a victim
- an immediate family member or household members related by blood or marriage who require psychiatric care or counseling as a result of the crime
- an intervening person who goes to the aid of the victim or a peace officer
- a peace officer, firefighter, or individual whose employment includes the duty of protecting the public

What Crimes Are Covered (TCCP, Art.56.32.(4))

Crimes involving “criminally injurious conduct,” which is defined as conduct that occurs or is attempted, poses a substantial threat of personal injury or death and is, or would be, punishable by fine, imprisonment or death. This includes sex offenses, kidnapping, aggravated robbery, assaultive offenses, arson, homicide and other violent crimes in which the victim suffers physical or emotional harm or death.

The following motor-vehicle-related crimes are also covered: Failure to Stop and Render Aid, DWI, Manslaughter, Criminally Negligent Homicide, Aggravated Assault, Intoxication Manslaughter and Intoxication Assault.

Who Is Not Eligible

Benefits may be reduced or denied if the behavior of the victim contributed to the crime.

Benefits shall be denied if the victim or claimant:

- knowingly or willingly participated in the crime
- is the offender or accomplice of the offender

- was incarcerated in a penal institution at the time of the crime
- knowingly or intentionally submits false or forged information to the attorney general

How can I apply?

Applications for Crime Victims' Compensation are available in the police department on TCC campuses. Applications are also available from prosecutors' offices, as well as some hospitals and medical centers.

You can get an application directly from the Crime Victims' Compensation Program in the Office of the Attorney General by calling 1-800-983-9933, or you can download the application, [www.oag.state.tx.us/AG_Publications/pdfs/cvcapplication.pdf] fill it out and mail it in.

Victims May need a Protective Order

What is a Protective Order?

A protective order is a civil court order issued to prevent continuing acts of family violence.

Family violence is basically defined as any act by one member of a family or household intended to physically harm another member, a serious threat of physical harm, or the abuse of a child.

Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not).

How Can a Protective Order Help?

A protective order may prohibit the offender from:

- committing further acts of family violence
- harassing or threatening the victim, either directly or indirectly by communicating the threat through another person
- going to or near a school or day-care center that a child protected under the order attends

In some situations, a protective order may also include orders to: prohibit transfer or disposal of property, establish possession and visitation of a child, pay child or spousal support for a period not to exceed one year, attend mandatory counseling, vacate the residence or other specified property, if certain conditions are met.

These additional provisions are not criminally enforceable. A person who violates them is not immediately arrested, but may be taken to civil court, found in contempt, fined and jailed.

Who is Eligible for a Protective Order?

If the court finds that family violence has occurred and is likely to occur again, a court shall render a protective order. To obtain a protective order, the victim and the offender must be (1) related by blood or marriage, (2) living together, or previously lived together, or (3) have a child together.

A person who has a divorce pending is eligible for a protective order. The protective order must be filed in the court in which the divorce is pending.

How Can I Get a Protective Order?

You can apply for a protective order through the district or county attorney, a private attorney, or through a legal aid service program. The application must be filed in the county in which you or the offender lives. There are no minimum time limits to establish residency, and protective orders are available in every county in Texas.

Who May File for a Protective Order?

1. An adult member of the family or household; or
2. Any adult for the protection of a child; or
3. A prosecuting attorney; or
4. The Department of Human and Regulatory Services.

The person who is the alleged victim of family violence is considered to be the “applicant.”

How Long Does it Take to Receive and How Long Does it Remain in Effect?

Unless a later date is requested by the applicant, the court shall set a hearing date no later than 14 days after the application is filed. If, however, the court finds from the information contained in the application that there is a clear and present danger of family violence, the court may immediately issue a temporary *ex parte* order. The temporary order is valid for up to 20 days. Final protective orders are effective for up to one year.

What Happens if the Protective Order is Violated?

Call the police immediately! Remember, protective orders do not offer complete protection. No piece of paper can protect you from all instances of violence.

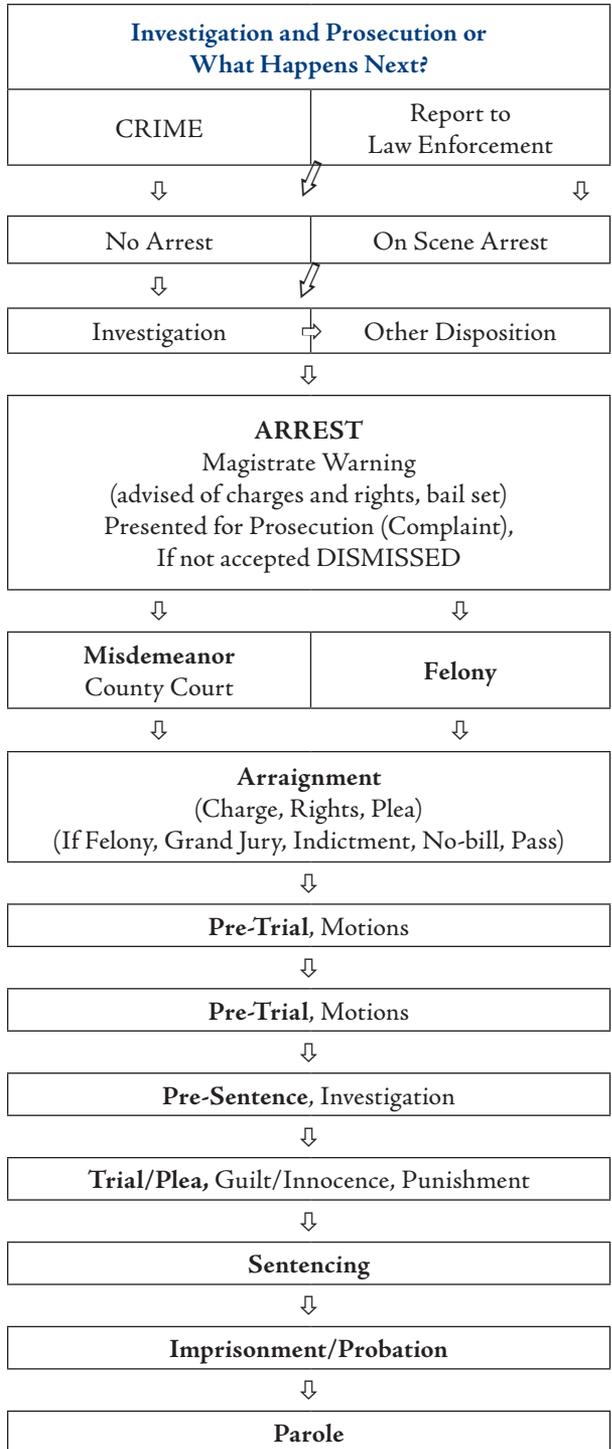
Law enforcement agencies are notified of all protective orders issued in their area, and they are required to maintain a list of those orders. If an offender violates the order and law enforcement is notified, officials will act to arrest the offender and seek to have charges filed. If a person violates the protective order in the presence of law enforcement, the offender must be arrested immediately. In cases involving the violation of a protective order, including an *ex parte* order, the offender may be punished for contempt of court by a fine of as much as \$500 or up to six months in jail or both. In cases of violation, excluding *ex parte* orders, the offender may be punished by a fine of as much as \$4,000 or jail for up to one year or both.

Tarrant County College

Victim Assistance Services

The Victim Assistance Unit of the Tarrant County College Police Department was formed to help victims and their families deal with the trauma of being a victim of crime. Our services include:

- Information and referrals to local community resources and social services.
- Explanation of the Criminal Justice System.
- Case status information and referral to assigned detective.
- Assistance with Crime Victims' Compensation applications.



Emergency Phone Numbers

| | |
|---|------------------------|
| TCC Emergency (all) | 817-515-8911 |
| Emergency | 911 |
| National Domestic Violence Hotline..... | 1-800-799-HOPE |
| RAINN (Rape Abuse & Incest National Network) | 1-800-656-HOPE |
| Safe Haven of Tarrant County – Arlington..... | 817-460-5566 |
| Safe Haven of Tarrant County – Fort Worth | 817-535-6464 |
| Women’s Center – Rape Crisis | 817-927-2737 |
| Salvation Army Emergency Shelter | 817-344-1800 Press “0” |
| The Bridge Emergency Youth Center..... | 817-877-4663 |
| Mental Health/Mental Retardation – Crisis Line..... | 817-335-3022 |
| Child Protective and Regulatory Services | 1-800-252-5400 |

Non-Emergency Phone Numbers

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| TCC Victim Assistance | 817-515-8911 |
| (ask for Victim Assistance Coordinator) | |
| United Way | 211 |
| Women’s Haven Counseling Center..... | 817-536-5496 |
| MEN’S Program – Arlington – Safe Haven | 817-548-0583 |
| District Attorney’s Office (Family Violence Unit)..... | 817-884-3535 |
| District Attorney’s Office (Protective Order Unit) | 817-884-1623 |
| FWPD Victim Assistance | 817-392-4390 |
| Legal Aid of Northwest Texas..... | 817-336-3943 |
| Attorney General Office (Child Support Enforcement)..... | 817-731-9811 |
| Arlington PD Victim Assistance | 817-459-5339 |
| Women’s Center | 817-927-4000 |
| Safe Haven Resource Center | 817-548-0583 |
| Hurst PD Victim Assistance..... | 817-788-7197 |

Tarrant County District Attorney’s Office
Victim Assistance
401 W. Belknap Street 5th Floor
Fort Worth, Texas 76196 • 817-884-2740