The Rights of Crime Victims

As defined in Texas Code of Criminal Procedure, Article 56, Subchapter A, Crime Victims' Rights, a victim of a violent crime is (1) someone who is the victim of an offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death because of the criminal conduct of another, (2) is the close relative (spouse, parent, brother, sister, or child) of a victim or (3) is the guardian of a victim. Victims are entitled to the following rights:

- The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts.
- The right to have the magistrate take your safety and that of your family into consideration when bail is being considered.
- The right, if you so request, to be informed of relevant court proceedings and of those court proceedings that have been canceled or rescheduled prior to the event and to be informed of appellate proceedings.
- If you so request, the right to information about procedures in the criminal investigation of your case by law enforcement officials and about general procedures in the criminal justice system, including plea bargaining, restitution, appeals, and parole, from the prosecutors office.
- The right to provide information to a probation department conducting a pre-sentence investigation on the impact of the crime.
- The right to receive information about the Texas Crime Victims' Compensation Fund, payment for a forensic examination for a victim of sexual assault and on request, referral to available social service agencies that may provide additional help.
- The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified of parole proceedings concerning the 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 violent crime, and if requested, to be notified of the defendant's release.
- The right to a separate and secure waiting area before and during court proceedings.
- The right to prompt return of any property that is no longer required as evidence.
- If you so request, the right to have the prosecutor notify your employer that the need for your testimony may involve your absence from work.
- The right to counseling, on request, regarding AIDS, and HIV infection and testing for AIDS and HIV related infections, if the offense is a sexual offense.
- The right to request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice.
- The right to complete a Victim Impact Statement, detailing the emotional, physical and financial impact that the crime has had on you and your family and to have that statement considered by the judge prior to sentencing and/or entry of a plea bargain and by the parole board prior to taking any parole action.
- The right to a forensic medical examination if the sexual assault is reported to law enforcement agency within 96 hours of the assault.
- The right to have the court consider the impact on the juvenile assault or sexual assault victim of a continuance requested by the DA or by the defense attorney.
- Additional rights of victims are available at www.tdcj.state.tx.us/victim/victim-billrights.htm

Victims Assistance Services

The Victim Assistance Program exists to provide assistance to crime victims and their families. Services provided include:

- ► Crisis counseling/short-term counseling
- ► Criminal justice support
  - criminal justice system information
  - status of case information
- ► Information and referral to local social service providers
- ► Notification and assistance in filing for Crime Victims' Compensation
- ► Advocacy
- ► Assistance with evidence return
- ► Training to law enforcement, community groups and other agencies

MEDICAL SERVICES

All Emergencies 911
Texas Health HEB 817/848-4000
Baylor Grapevine..... 817/481-1588
John Peter Smith Hospital 817/921-3431
Texas Health Fort Worth 817/250-2000
Cook Children's Hospital 682/885-4000

RESOURCES

6Stones/New Hope Center..... 817/868-7400
Alcoholics Anonymous 817/332-3533
Alliance for Children 817/427-3110
Area Agency on Aging 817/258-8081
ACH Child/Family Services 817/335-4673
Battered Women's Foundation 817/284-8464
Catholic Charities 817/534-0814
Child Support Enforcement 817/884-1475
Family Matters Counseling (24 hrs.) 817/255-2652
HEB Transit..... 817/399-7500
Information and Referral 211
Lawyer Referral Services 817/336-4101
Legal Aid of Northwest Texas..... 817/336-3943
MHMR/Crisis (24 hours)..... 817/335-3022
Mission Central 817/595-0011
Mosaic Family Svcs. (Multi-Cultural).. 214/821-5393
N.E.E.D East..... 817/280-0286
One Safe Place…… …..817/916-4323
Parenting Center…… 817/332-6348
Tarrant County Constable Pct 3..... 817/581-3610
Tarrant County District Attorney
Felony Cases 817-884-1400
Misdemeanor Family Violence..... 817-884-3535
Protective Orders 817/884-1623
Victim Assistance 817/884-2740
Women's Center of Tarrant County
Hotline/Rape Crisis (24 hours)..... 817/927-2737
Victim Services 817/927-4039
SafeHaven of Tarrant County
Toll Free (24 hours)..... 877/701-7233
FW Counseling Center 817/536-5496
ARL Resource Center 817/548-0583
Child/Senior Abuse Hotline (24 hours) . 800/252-5400
Crime Victims Compensation..... 800/983-9933
Domestic Violence Hotline 800/799-7233
General Legal Line 800/777-3247
Rape Abuse Incest Hotline 800/656-4673
Runaway Hotline 888/580-4357
VINE (toll free notification) 877/894-8463
Suicide and Crisis Center 866/672-5100
Texas Youth Hotline..... 800/989-6884
TDCJ Victim Services 800/848-4284

AN ASSISTANCE PROGRAM FOR CRIME VICTIMS AND THEIR FAMILIES

Hurst - Euless - Bedford

CITY OF HURST TEXAS
THE CITY OF EULESS
CITY OF BEDFORD TEXAS

Report Number _____ Officer Number _____

***NOTE**: Article 56 states: "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."*

NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

Family violence means the intentional use or threat of physical force by a member of a family or household against another member of the family or household. Family includes individuals related by blood or marriage and household means a unit composed of persons living together in the same dwelling, whether or not they are related. Dating violence means an act by an individual against another with whom the individual has or has had a dating relationship (a continuing relationship of a romantic or intimate nature) that is a threat of or is intended to result in bodily injury, assault or sexual assault.

It is a crime for any person to cause you any physical injury or harm even if that person is a member or former member of your family or household.

Please tell the investigating peace officer if you, your child, or any other household resident has been injured; or if you feel you are going to be in danger when the officer leaves or later.

You have the right to:

ASK the local prosecutor to file a criminal complaint against the person committing family violence; and

APPLY to a court for an order to protect you (you should consult a legal aid office, a prosecuting attorney, or a private attorney). If a family or household member assaults you and is arrested, you may request that a Magistrate's Order for Emergency Protection be issued. Please inform the investigating officer if you want an Order for Emergency Protection. You need not be present when the Order is issued. You cannot be charged a fee by a court in connection with filing, serving, or entering any type of Protective Order. For example, the court can enter an order that:

1. the abuser not commit further acts of violence;
2. the abuser not threaten, harass, or contact you at home, work or school;
3. directs the abuser to leave your household; and
4. establishes temporary custody of the children and directs the abuser not to interfere with the children or any property.
5. pets can be included in a protective order (not EPO)

A violation of certain provisions of court related protection (such as 1 and 2 above) may be a felony. Call the agencies listed in this brochure if you need protection.

What is a Magistrate's Emergency Protective Order?

When the abuser is arrested the magistrate may grant an Order of Emergency Protection. The Order may contain items 1-4 above, is in effect for 31 to 91 days and supersedes any other court order that may be in place. It is mandatory that an Order be issued if there is serious bodily injury or if a weapon is used during the assault. Law enforcement *can* enforce a violation of this Order.

What is a Protective Order?

A Protective Order is issued by a family court and may contain items 1-4 stated earlier. You may be able to obtain a Protective Order by filing an application in the county in which you or the offender resides. If you are in the process of a divorce, your private attorney can assist you in filing for a Protective Order. The Protective Order can be in effect for up to two years. Law enforcement *can* enforce a violation of this Order.

A Protective Order can deter violence and provide law enforcement and courts additional authority to intervene in family violence cases but it is not a shield that truly stops the next violent act from occurring. You must also take reasonable steps to protect yourself.

For information about obtaining a Protective Order from the District Attorney contact:

Tarrant County District Attorney Protective Order Unit
200 East Weatherford , 3rd floor
Ft. Worth, Texas 76196
817-884-1623 or
http://access.tarrantcounty.com/en/criminal-district-attorney/civil-division/protective-orders.html

There is no fee to the applicant for a protective order if the DA can represent you.

What is a Temporary Ex Parte Order?

A Temporary Ex Parte Order is issued at the time an application for a Protective Order is completed. This Order may contain items 1-5 as stated earlier and is in effect for up to 20 days. This type of Order is only enforceable by police officers after the respondent has been served with the Order.

ONE STOP PLACE FOR VICTIMS

One Safe Place is the one-stop address for victims of family violence in Tarrant County. Several agencies are located in this facility at 777 W. Rosedale in Fort Worth 76104 (southwest corner of Rosedale and Hemphill).

What is a Restraining Order?

A Restraining Order is a civil order issued against a person to prevent them from engaging in certain behaviors, i.e. having contact with the complainant, going to certain places, etc. The Restraining Order is valid for the period specified on the Order and ***is not enforceable*** by law enforcement.

Are you blamed for the abuse you experience? Does your partner promise the abuse will never happen again, BUT it continues? Do you feel lonely with the secret of abuse?

Most violent relationships become more dangerous and more violent over time, not less violent. If you feel you are in danger, please contact one of the resources listed in this pamphlet for further information about your options.

No one deserves to be hurt.

If you require immediate medical treatment, the 911 operator will arrange emergency medical treatment or transportation, by ambulance, to the nearest receiving hospital.

Sexual Assault

All forensic examinations of sexual assault victims will be provided at no cost to the victim.

All costs for transportation and medical treatment are the responsibility of the victim.

You may be eligible for reimbursement of costs by applying for Crime Victims' Compensation.

If you are a victim of sexual assault, The Women's Center, 1723 Hemphill, Ft. Worth, Texas 76110, 817/927-2737, offers services including crisis intervention, individual and group counseling, support for significant others, support and accompaniment through the criminal justice process and education and prevention programs.

RAINN (Rape, Abuse, Incest National Network)
Online Hotline
http://www.rainn.org/

You may call the law enforcement agency's phone number for the status of the case and information about victims' rights.

Contact Information

Victims Assistance for:

Hurst Police Department
Euless Police Department
Bedford Police Department

Main #:..... 817-788-7197

Tarrant County District Attorney
Victims Assistance..... 817-884-2740

One Safe Place
Fort Worth, TX 817-916-4323

Crime Victims' Compensation

Crime Victims' Compensation is a division of the Attorney General's Office. The program reimburses innocent victims of violent crime for some out-of-pocket expenses they suffer as a result of the crime.

Crime Victims' Compensation is available to pay the amount of expense reasonably and necessarily incurred for:

- Medical, counseling, prescription and rehabilitative services
- Partial loss of earnings because of a disability resulting from personal injury
- Child care for minor children to enable a victim or spouse of a deceased victim to continue employment
- Funeral and burial expenses
- Reasonable costs associated with crime scene cleanup
- Reasonable replacement costs for clothing, bedding, or other property taken as evidence or rendered unusable as a result of the criminal investigation
- Loss of wages and travel reimbursement due to participation in, or attendance at, the investigation, prosecutorial and judicial process
- Relocation expenses for victims of family violence and certain victims of sexual assault.

Reimbursement for property damage or loss is not an eligible expense.

In order to qualify for Crime Victims' Compensation:

1. The crime must be reported within a reasonable period of time that does not impede the investigation and prosecution of the case.
2. A claim must be filed within three years unless good cause can be shown as to why the claim was not filed.
3. The victim must cooperate with law enforcement and prosecution efforts.
4. The victim must be the innocent victim of a violent crime who suffers personal injury.

Crime Victims' Compensation is the "payer of last resort".

This CVC application is available online at https://www.texasattorneygeneral.gov/cvs/crime-victim-forms-applications.

If you don't have access to a computer and printer, we will provide you with the application and send it and required documentation to CVC.

Please allow us to assist you in obtaining these benefits if you feel you may qualify.