

Official Notice to
Adult Victims of Family Violence
And Adult Victims of Violent Crime

**RIGHTS OF
CRIME VICTIMS**

(Article 56.02 - Texas Code of Criminal Procedure)
Art. 56.02. CRIME VICTIMS' RIGHTS.

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

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

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

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

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

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

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

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

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

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

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

the offender and the offender's relatives and witnesses, before and during court proceedings;

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

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

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

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

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
(B) by the Board of Pardons and Paroles before an inmate is released on parole;

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

(14) if the offense is a capital felony, the right to:
(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;
(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and
(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

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

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 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.

Officer/# _____

Report # _____

**VICTIM
ASSISTANCE**

An Assistance Program for
Victims or Family Survivors of
Violent Crimes



**WEBSTER POLICE
DEPARTMENT**

217 Pennsylvania Avenue,
Webster, TX 77598

Phone: (281) 332-2426

Fax: (281) 338-2092

Crime Victim Compensation Act

Victims of violence and their families must deal with the emotional, physical, and financial aftermath of crime. The Texas Crime Victims' Compensation Fund helps victims and their families when they have no other means of paying for the financial cost of crime. The Fund is administered by the Crime Victims' Compensation Program of the Office of the Attorney General. The money in the Fund comes from people who break the law. If you are a victim of violent crime, you may be eligible for benefits. Please read the following information carefully before filling out the Crime Victims' Compensation application form.

A VICTIM OF A VIOLENT CRIME IS:

- 1) Someone who is a victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another.
- 2) The close relative (spouse, parent, adult brother or sister, or child) of a deceased victim; or the guardian of a victim.

These rights also apply to victims of juvenile crime, including victims who suffer property loss.

BASIC QUALIFICATION REQUIREMENTS:

To be eligible, the victim cannot share responsibility for the crime, and must report the crime to the appropriate law enforcement agency within a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution of the crime. The application must be filed within three years from the date of the crime. A claim may be denied or reduced if the victim does not cooperate with law enforcement and prosecution. The victim must be a United States resident with the crime occurring in Texas or a Texas resident who becomes a victim in a state or country without a compensation program; United States citizenship is not required.

WHO MAY QUALIFY?

- 1) An innocent victim of crime who suffers physical and/or emotional harm or death.
- 2) An authorized individual acting on behalf of a victim.
- 3) A person who legally assumes the obligations or voluntarily pays certain expenses related to the crime on behalf of the victim.
- 4) A dependent of a victim.
- 5) An immediate family or household members related by blood or marriage who require psychiatric care or counseling as a result of the crime.
- 6) An intervenor who goes to the aid of a victim or a peace officer.
- 7) A peace officer, fire fighter, or individual whose employment includes the duty of protecting the public.

WHAT CRIMES ARE COVERED?

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.

LIMITS ON COMPENSATION:

Claims may be approved for benefits up to a total of \$50,000. In the case of catastrophic injuries resulting in a total and permanent disability, victims may be eligible for an additional \$75,000 in benefits. A victim of domestic violence may receive a one-time assistance payment in an amount not to exceed \$2,000 for relocation expenses and \$1,800 for housing rental expenses.

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

The CVC Fund is regarded as "the payer of the last resort." Other sources, such as insurance, must be considered first.

CRIME VICTIM COMPENSATION:

Applications are available at Webster Police Department. If needed, the Crime Victim Liaison, through the Victim Assistance Program, will assist you in applying for and obtaining benefits from CVC. We will send the claim form and required documentation to CVC and notify service providers that a claim letter has been applied for and is pending. The completed CVC application has to be signed by the victim/claimant and mailed to the address at the end of the form. Webster Police Department will provide these services free of charge.

IT IS A CRIME:

For any person to cause you any physical injury or ham 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 believe you will be in danger after the officer(s) leave(s). You have a right to apply to a court for an order to protect you. Please inform the investigating officer if you want an emergency protection order. You need not be present when the order is issued. You cannot be charged a fee by a court in connection with filing or serving it. Violation of certain provisions of court-ordered protections may be a felony.

RESOURCE LIST

DIAL " 911 " for EMERGENCIES

CLEAR LAKE REGIONAL MEDICAL CENTER
(281) 332-2511

UTMB HEALTH CLEAR LAKE CAMPUS
HOSPITAL
(832) 632-6500

CRIME VICTIM COMPENSATION DIVISION
1 (800) 983-9933

BAY AREA TURNING POINT
(281) 286-2525
[victim services, shelters]

THE BRIDGE
(713) 473-2801
[victim services, shelters]

UNITED WAY OF GREATER HOUSTON
(BAY AREA)
(281) 282-6000
[information and referrals]

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

Webster Police Department

Crime Victim Liaison
217 Pennsylvania Ave, Webster TX 77598
(281) 332-2426
(281) 316-3733

Harris County District Attorney's Office

Victim – Witness Division
1201 Franklin St, Suite 600, Houston TX 77002
(713) 755-6655

* If you require immediate medical treatment, call 9-1-1 and arrangements for emergency medical treatment, or transportation by ambulance, to the nearest receiving hospital will be made.

* All cost for transportation and medical treatment are the responsibility of the victim. You may be eligible for reimbursement of costs, by applying for CVC.

* Medical examinations required by a law enforcement agency of sexual assault victims will be provided at no cost (Code of Criminal Procedure, article 56.06).