



**TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY**



STANDARD OPERATING PROCEDURE

SUBJECT: Implementation of Crime Victim's Compensation Act		NO. OF PAGES: 4
REFERENCES: CCP Chapter 56 & Texas Crime Victim's Compensation Act	EFFECTIVE DATE: Jan. 1, 2009	REVIEW DATE: N/A
General Order 026	SPECIAL INSTRUCTIONS/SUPERSEDES: N/A	ISSUING AUTH.: CHIEF OF POLICE

PURPOSE: To establish policy for providing notice to persons believed eligible to apply for compensation under the provisions of the Crime Victim's Compensation Act.

Eligible victims of crime, or their dependents, within this jurisdiction will be given notice, either in person or by mail, of their possible eligibility for compensation under the provisions of this Act. They will be provided with the necessary application forms for filing under the Act. Victim/witness assistance information will be available from this agency on a 24-hour basis.

A. Liaison Officer:

1. A sergeant assigned to the criminal investigation unit is designated as liaison officer for this department for implementation of the Crime Victim Compensation Act.

B. Responsibilities of the Liaison Officer:

1. Consult with the victim's assistance coordinator in the office of the attorney representing the state to determine the most effective manner to perform the duties imposed on the liaison officer.
2. Ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, or close relatives of a deceased victim.

C. Duties of the Crime Victim's Liaison Officer:

1. Insure that the department complies with the laws pertaining to crime victims and witnesses as in Texas Code of Criminal Procedure, Chapter 56.
2. Inform the Crime Victim's Compensation Section of the Texas Attorney General's Office that they are the designated Crime Victim's Liaison Officer and furnish their full name, business address and telephone number.
3. Screen each crime report to insure that each victim of a criminal attack is aware of the victim assistance and related community services available within the area. If that information was not made available during the preliminary investigation, such notification may be made by mail.
4. Ensure a supplement report is completed when notification is made and keep necessary records on crime victimization as required by law.
5. Respond to all inquires from interested persons concerning victim assistance.
6. Biannually complete an analysis of victim/witness assistance needs within the University community.
7. Maintain a liaison with the Harris County Family Violence Task Force.
8. Ensure the confidentiality of victims/witnesses and their role in case development to the extent consistent with applicable laws.
9. In any case turned over to the district attorney's office for prosecution, attach to the offense

report a statement showing:

- a. The name and address of the victim.
- b. The name and address of the person who was notified and who was provided an application form, if other than the victim.
- c. The date and manner in which the person was notified.
- d. Victim impact statement, if applicable.

10. Respond to all inquiries from the Attorney General's Office, Industrial Accident Board concerning a victim's claim for benefits, or the District Attorney's Office concerning facts and circumstances of a crime.

11. Maintain a supply of application forms supplied by the Texas Industrial Accident Board.

12. When appropriate, notify the victim/witness of any arrests, the charges and the arrestee's custody status and any changes in this status.

D. Eligibility for Compensation:

1. To be eligible for compensation a victim / dependent must comply with the following requirements:

- a. Anyone who is a US resident and sustains a personal injury as a victim of a violent crime while going to the aid of another person or a peace officer; or while attempting to prevent a crime of violence.
- b. The surviving spouse, child or other dependent of a deceased victim.
- c. A dependent or immediate family member of a deceased victim who resides within the same household and who requires psychiatric care or counseling because of the crime. An immediate family member residing in the same household with a victim who is under 17 years of age and who requires psychiatric care or counseling.
- d. Anyone who legally assumes the obligations or voluntarily pays the medical or burial expenses of a deceased victim.

2. A victim is not eligible if the loss sustained is:

- a. Anyone injured in a motor vehicle accident, unless the driver was driving while intoxicated or failed to stop and render aid.
- b. The offender and/or accomplices, or when award would unjustly enrich the offender or accomplice.
- c. A victim whose own misconduct caused or contributed to the crime. (In such cases, benefits may be denied or reduced.)
- d. A victim who was incarcerated in a penal institute (as defined in Subdivision (26) Sec. 1.07, Penal Code) at the time of the offense.

E. Duties of Investigating Officer Taking Preliminary Report:

1. If the investigating officer believes a crime may fall under the provisions of the Act:

- a. The officer advises the victim, or dependent of the victim, of the basic provisions of the Act.
- b. The officer advises the victim, or other involved person, of the name and title of the department's crime victim liaison officer who will provide further information. The officer will provide the victim or other involved persons with the Victim Assistance Form. The officer will attach the return portion of the form to their written report.
- c. The officer makes entry at the end of the narrative section of preliminary report that "victims may be eligible for compensation under the crime victims compensation act." A copy of the report forwarded to CID will serve as the investigating officer's notification to the crime victim liaison officer.

2. Victim/Witness assistance services to be rendered during preliminary investigation.

- a. Give information to the victim/witness about applicable services (e.g. counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy.
- b. Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her.

- c. Inform victims/witnesses about the case number (if known by the agency) and subsequent steps in the processing of the case.
- d. Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

F. Follow-up Investigation:

1. If, in the opinion of the agency the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, re-contacting the victim/witness periodically to determine whether needs are being met.
2. If not an endangerment to the successful prosecution of the case, explaining to victim/witnesses the procedures involved in the prosecution of their case and their role in those procedures.
3. If feasible, schedule line-ups, interviews and other required appearances at the convenience of the victim/witness and, at the opinion of the agency, providing transportation.
4. If feasible, returning promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime) where permitted by law or rules of evidence.
5. If feasible, assigning a victim advocate to the victim/witness during follow-up investigation.

G. Training:

1. The crime victim liaison officer shall have on file a copy of the complete text of the Act for reference, clarification, and training.
2. Prepare and provide in service training on this Act for all departmental personnel, and maintain a record of personnel trained. Train new police officers who have not been trained concerning the act.
3. Changes in assigned crime victim's liaison officer will be reported to: Office of the Attorney General, Crime Victims Compensation Division, PO Box 12548, Austin, TX 78711.

APPROVED:

Roger Byars Date
Chief of Police

Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's Command Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008