

Texas Department of Criminal Justice
Victim Services
Division

CRIME VICTIM
ASSISTANCE
STANDARDS

Developed to aid Law Enforcement Officers and Attorneys
Representing the State of Texas in performing duties imposed
by the *Code of Criminal Procedure Title 1,*
Chapter 56. Rights of Crime Victims

1/2011



LAW ENFORCEMENT OFFICERS

DUTY TO DESIGNATE A CRIME VICTIM LIAISON

Each local **law enforcement agency** has the duty to designate one person to serve as the agency's crime victim liaison. Each agency shall consult with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform the duties imposed under *Art. 56.04, CCP, Chapter 56. Art. 56.04(c)*

DUTY TO PROVIDE VICTIMS WRITTEN NOTICE

At the initial contact or at the earliest possible time after the initial contact between the victim of a reported crime and the **law enforcement agency** having the responsibility for investigating that crime, that agency has the duty to provide the victim a written notice containing:

- information about the availability of emergency and medical services, if applicable. *Art. 56.07(a)(1)*
- the name, address, and phone number of the law enforcement agency's victim assistance liaison. *Art. 56.07(a)(3)*
- the address, phone number, and name of the crime victim assistance coordinator of the office of the attorney representing the state. *Art. 56.07(a)(4)*
- the following statement: "You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights." *Art. 56.07(a)(5)*
- the rights of crime victims under *Art. 56.02, CCP, Chapter 56. Art. 56.07(a)(6)*

- that the victim has the right to receive information regarding compensation to victims of crime as provided by *Subchapter B, CCP, Chapter 56*, including information about:
 - » the costs that may be compensated under the Crime Victims' Compensation Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation. *Art. 56.07(a)(2)(A)*
 - » the payment for a medical examination for a victim of a sexual assault under *Art. 56.06, CCP, Chapter 56. Art. 56.07(a)(2)(B)*
 - » referral to available social service agencies that may offer additional assistance. *Art. 56.07(a)(2)(C)*

DUTY TO ENSURE VICTIMS ARE AFFORDED THEIR RIGHTS

Law enforcement agencies, sheriffs, and police have the duty to 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 the CCP, Chapter 56. Subchapter A. Art. 56.02*, and upon request, an explanation of those rights. *Art. 56.02(c)*

DUTY TO INFORM VICTIMS

The **crime victim liaison** has the duty to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations. *Art. 56.04(d) and Art. 56.02(a)(4)*

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Peace officers have the duty to inform a victim, guardian of a victim, or close relative of a deceased victim, when requested, concerning the defendant's right to bail and the procedures in criminal investigations. *Art. 56.02(a)(4)*

Law enforcement agencies, sheriffs, and police have the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, have the opportunity to complete a victim impact statement, 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 *Art. 56.02(a)(13)(A)* and *Art. 56.02(c)*, and have the victim impact statement considered by the Board of Pardons and Paroles before an inmate is released on parole. *Art. 56.02(a)(13)(B)* and *Art. 56.02(c)*

The **sheriff, police, and crime victim liaison** have the duty to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the right to receive information regarding compensation to victims of crime as provided by *Subchapter B, CCP, Chapter 56*, 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 *Art. 56.06, CCP, Chapter 56*, for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional

assistance. *Art. 56.04(d)* and *Art. 56.02(a)(6)* and *Art. 56.02(c)*

Each **local law enforcement agency** has the duty to inform a claimant or victim of criminally injurious conduct of the provisions of *Subchapter B, CCP, Chapter 56*, and make crime victim compensation application forms available. The attorney general shall provide application forms and all other documents that local law enforcement agencies may require to comply with *Art. 56.60*. The attorney general shall set standards to be followed by local law enforcement agencies for this purpose and may require them to file with the attorney general a description of the procedures adopted by each agency to comply. *Art. 56.60(b)*

DUTY TO NOTIFY VICTIMS

To the extent provided by *Art. 56.06* and *Art. 56.065, CCP, Chapter 56*, **law enforcement agencies** have the duty to notify a victim of a sexual assault of his or her right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility. *Art. 56.02(a)(14)*

If the sheriff has custody of the defendant in the case of a felony or a misdemeanor, it is the duty of the **sheriff** to notify the victim of the offense or a witness who testified against the defendant at the trial for the offense, other than a witness who testified in the course and scope of the witness's official or professional duties, whenever

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a defendant convicted of an offense described by *Art. 56, Subsection (c), CCP, Chapter 56*, completes the defendant's sentence and is released; or escapes from a correctional facility. *Art. 56.11(a) (1-2)*

DUTY TO REQUEST MEDICAL EXAMINATIONS

If a sexual assault victim reports the assault to a law enforcement agency within 96 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services (DFPS), has the duty to request a medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a medical examination under *Art. 56.06(a), CCP, Chapter 56*, only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault. *Art. 56.06(a)*

If a sexual assault victim does not report the assault within 96 hours of the assault, on receiving the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the DFPS, the **law enforcement agency** may request a medical examination of a victim of an alleged sexual assault as considered appropriate by the agency. *Art. 56.06(b)*

DUTY TO PAY VICTIMS' COSTS

A **law enforcement agency** that requests a medical examination of a sexual assault victim who has reported an alleged sexual assault for use in the investigation or prosecution of the offense has the duty to pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by *Section 420.003, Government Code. Art. 56.06(c)*

For a sexual assault victim who has reported the assault, a **law enforcement agency** may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the medical examination or manner in which it was performed. *Art. 56.06(d)*

It is the duty of the **Department of Public Safety** to pay the appropriate fees, as set by attorney general rule, for the forensic portion of the medical examination for sexual assault victim who has not reported the assault to a law enforcement agency and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred. The attorney general shall reimburse the department for fees paid under this subsection. *Art. 56.065(d)*

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DUTY TO PROVIDE PROTECTION

Law enforcement agencies have the duty to provide a victim, guardian of a victim, or close relative of a deceased victim adequate protection from harm and threats of harm arising from cooperation with prosecution efforts.

Art. 56.02(a)(1)

At the initial contact or at the earliest possible time after the initial contact between the victim of a reported crime and the **law enforcement agency** having the responsibility for investigating that crime, that agency has the duty to provide the victim, if the agency possesses the relevant information, a referral to a sexual assault program as defined by *Section 420.003, Government Code*, and a written description of the services provided by that program. A sexual assault program may provide a written description of its services to a law enforcement agency. *Art. 56.07(b)*

DUTY TO ENSURE VICTIMS RECEIVE COUNSELING

Law enforcement agencies, sheriffs, and police have the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim receive 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. Art. 56.02(a)(11) and Art. 56.02(c)

Upon approval of a program by the commissioners court, the **crime victim liaison** may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in a criminal trial involving graphic evidence or testimony and who requests the posttrial psychological counseling not later than the 180th day after the date on which the jury in the trial is dismissed. The crime victim liaison may provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims. *Art. 56.04(f)*

DUTY TO RETURN PROPERTY

Law enforcement agencies and crime victim liaisons have the duty to promptly return any property of the victim, guardian of a victim, or close relative of a deceased victim that is held by a law enforcement agency as evidence when the property is no longer required for that purpose. *Art. 56.02(a)(9)*

DUTY TO GIVE NOTICE

The **sheriff** supervising the defendant, as appropriate, has the duty to make a reasonable attempt to give any notice required by *Art. 56, Subsection (a) or (a-1), CCP, Chapter 56*, not later than the 30th day before the date the defendant completes the sentence and is released or ceases to be electronically monitored as a condition of release. *Art. 56.11(e)(1)(A)*

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The **sheriff** supervising the defendant, as appropriate shall make a reasonable attempt to give any notice required by *Art. 56, Subsection (a) or (a-1), CCP, Chapter 56*, immediately if the defendant escapes from the correctional facility; and may give any notice required by *Subsection (a) or (a-1)* by e-mail, if possible. *Art. 56.11(e)(1)(B)(2)*

DUTY TO DEVELOP PROCEDURES

The **Department of Public Safety** may develop procedures regarding the submission or collection of additional evidence of the alleged sexual assault other than through an examination as described by *Art. 56.065, CCP, Chapter 56. Art. 56.065(f)*

The **Department of Public Safety** has the duty to develop procedures for the transfer and preservation of evidence collected under *Art. 56.065, CCP, Chapter 56*, to a crime laboratory or other suitable location designated by the public safety director of the department. The receiving entity shall preserve the evidence until the earlier of the second anniversary of the date the evidence was collected or the date the victim or a legal representative of the victim signs a written consent to release the evidence. *Art. 56.065(g)(1-2)*

DUTY TO ADOPT RULES

The **Department of Public Safety** has the duty to adopt rules as necessary to implement *Art. 56.065, CCP, Chapter 56. Art. 56.065(i)*

DUTY TO DESIGNATE A VICTIM ASSISTANCE COORDINATOR

The **district attorney, criminal district attorney, or county attorney** who prosecutes criminal cases has the duty to designate a person to serve as victim assistance coordinator in that jurisdiction. *Art. 56.04(a)*

DUTY TO PROVIDE VICTIMS WRITTEN NOTICE

Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the **attorney representing the state** has the duty to give to each victim, guardian of a victim, or close relative of a deceased victim of the offense a written notice containing:

- a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal. *Art. 56.08(a)(1)*
 - » The brief general statement shall include a statement that the victim impact statement provided by the victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into the plea bargain agreement; and the judge before accepting the plea bargain is required under *Section 26.13(e)* to ask whether a victim impact statement has been returned to the attorney; and if a statement has been returned, for a copy of the statement. *Art. 56.08(e)(1)(2)(A-B)*
- notification of the rights and procedures under *Chapter 56, CCP, Art. 56.08(a)(2)*
- suggested steps the victim may take if the victim is subjected to threats or intimidation. *Art. 56.08(a)(3)*
- notification of the right to receive information regarding compensation to victims of crime as provided by *Subchapter B, CCP, Chapter 56*, including information about:
 - » the costs that may be compensated under *Subchapter B*, eligibility for compensation, and procedures for application for compensation under *Subchapter B, Chapter 56, CCP, Art. 56.08(a)(4)(A)*
 - » the payment for a medical examination for a victim of a sexual assault under *Art. 56.06, CCP, Chapter 56. Art. 56.08(a)(4)(B)*
 - » referral to available social service agencies that may offer additional assistance. *Art. 56.08(a)(4)(C)*
- the name, address, and phone number of the local victim assistance coordinator. *Art. 56.08(a)(5)*
- the case number and assigned court for the case. *Art. 56.08(a)(6)*
- the right to file a victim impact statement with the office of the attorney representing the state and the Texas Department of Criminal Justice (TDCJ). *Art. 56.08(a)(7)*
- notification of the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by *Section 508.117, Government Code*, to appear in person before a member of the Board of Pardons and Paroles as provided by *Section 508.153, Government Code. Art. 56.08(a)(8)*

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Not later than immediately following the conviction of a defendant described by *Art. 56.11, Subsection (c), CCP, Chapter 56*, the **attorney who represented the state** in the prosecution of the case has the duty to notify in writing a victim or witness described by *Art. 56.11, Subsection (a) CCP, Chapter 56*, of the victim's or witness's right to receive notice under *Art. 56.11, CCP, Chapter 56. Art. 56.11(g)*

DUTY TO ENSURE VICTIMS ARE AFFORDED THEIR RIGHTS

The **office of the attorney representing the state** has the duty to 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 the CCP, Chapter 56. Subchapter A. Art. 56.02*, and upon request, an explanation of those rights. *Art. 56.02(c)*

The **victim assistance coordinator** has the duty to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, and relatives by *Art. 56.02, CCP, Chapter 56*. The victim assistance coordinator has the duty to work closely with appropriate law enforcement agencies, prosecuting attorneys, the Board of Pardons and Paroles, and the judiciary in carrying out that duty. *Art. 56.04(b)*

DUTY TO INFORM VICTIMS

Attorneys representing the state of Texas have the duty to inform the victim, guardian of a victim, or close relative of a deceased victim,

if requested by the victim, of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event. *Art. 56.02(a)(3)(A)*

The **district attorney's office** has the duty to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the right to be informed, when requested, about the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process. *Art. 56.02(a)(4)*

The **office of the attorney representing the state** has the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, have the opportunity to complete a victim impact statement, 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 *Art. 56.02(a)(13)(A)* and *Art. 56.02(c)*, and have the victim impact statement considered by the Board of Pardons and Paroles before an inmate is released on parole. *Art. 56.02(a)(13)(B)* and *Art. 56.02(c)*

The **office of the attorney representing the state** has the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim receive information regarding compensation to victims of crime as provided by *Subchapter B, CCP, Chapter*

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56, 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 *Art. 56.06, CCP, Chapter 56*, for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance. *Art.56.02(a)(6)* and *Art. 56.02(c)*

DUTY TO CONSIDER VICTIM IMPACT STATEMENT

It is the **prosecutors** duty to use the victim impact statement to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim and to provide the agencies and other participants in the criminal justice system with information needed to contact the victim, guardian, or relative if needed at any stage of the prosecution of a person charged with the offense. *Art. 56.03(a)*

DUTY TO NOTIFY VICTIMS

If requested by the victim, the **attorney representing the state**, as far as reasonably practical, has the duty to give to the victim notice of any scheduled court proceedings, changes in that schedule, the filing of a request for continuance of a trial setting, and any plea agreements to be presented to the court. *Art. 56.08(b)*

Attorneys for the state of Texas have the duty to notify the employer of a victim, guardian of a

victim, or close relative of a deceased victim of the necessity of cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause. *Art. 56.02(a)(10)*

DUTY TO PAY COSTS

For a sexual assault victim who has reported the assault, a **prosecuting attorney's office** may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the medical examination or manner in which it was performed. *Art. 56.06(d)*

DUTY TO PROVIDE

The **office of the attorney representing the state** has the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim 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. *Art. 56.02(a)(8)* and *Art. 56.02(c)*

An **attorney representing the state** who receives information concerning a victim's current address and phone number has the duty to immediately provide that information to the community supervision and corrections department supervising the defendant, if the

defendant is placed on community supervision. *Art. 56.08(d)*

DUTY TO ENSURE VICTIMS RECEIVE COUNSELING

The **office of the attorney representing the state** has the duty to ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim receive 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. Art. 56.02(a)(11)* and *Art. 56.02(c)*

Upon approval of a program by the commissioners court, the **victim assistance coordinator** may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in a criminal trial involving graphic evidence or testimony and who requests the posttrial psychological counseling not later than the 180th day after the date on which the jury in the trial is dismissed. The victim assistance coordinator may provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims. *Art. 56.04(f)*

DUTY TO RETURN PROPERTY

Attorneys for the state of Texas have the duty to promptly return any property of the victim, guardian of a victim, or close relative of a deceased victim that is held by the attorney for the state as evidence when the property is no longer required for that purpose. *Art. 56.02(a)(9)*

DUTY TO CONSIDER THE VICTIM IMPACT STATEMENT

Attorneys for the state of Texas have the duty to consider a victim, guardian of a victim, or close relative of a deceased victim's victim impact statement before sentencing or before a plea bargain agreement is accepted. *Art. 56.02(a)(13)(A)*

DUTY TO SUBMIT VICTIM IMPACT STATEMENT REPORTS

At specified intervals, it is the duty of **state and local agencies** to submit, in a form prescribed for the reporting of the information, statistical data on the numbers and types of persons to whom the agency provides victim impact statements and any other information required. The form is designed to protect the privacy of persons afforded rights under *Chapter 56, CCP* and to determine whether the agency or office is making a good faith effort to protect the rights of the persons served. *Art. 56.05(b)*

DUTY TO SEND THE VICTIM IMPACT STATEMENT

The **victim assistance coordinator**, designated in *Art. 56.04(a), CCP, Chapter 56*, has the duty to send to a victim, guardian of a victim, or close relative of a deceased victim, a victim impact statement, a victims' information booklet, and an application for compensation under *Subchapter B, CCP, Chapter 56*, along with an offer to assist in completing those forms on request. *Art. 56.03(c)*

It is the duty of the **victim assistance coordinator** to send a copy of the victim impact statement to the court sentencing the defendant. *Art. 56.04(e)*

DUTY TO EXPLAIN THE VICTIM IMPACT STATEMENT

Upon a victim, guardian of a victim, or close relative of a deceased victim's request, the **victim assistance coordinator** has the duty to explain the possible use and consideration of the victim impact statement at sentencing and at future parole hearings of the offender. *Art. 56.03(c)*

ADDITIONAL RESOURCES

For a Texas Crime Victim Clearinghouse brochure listing crime victims' rights and to view the TDCJ Victim Services Division online Victim Assistance Resource Directory:
www.tdcj.state.tx.us/victim/victim-home.htm

To view the Texas Code of Criminal Procedure Chapter 56. Rights of Crime Victims Subchapter A. Crime Victims' Rights: www.statutes.legis.state.tx.us

For information on Crime Victims' Compensation: www.oag.state.tx.us



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