Brenham Police Department

Victim Services

An Assistance Program for

Victims and Family Survivors

Of Violent Crimes

BRENHAM POLICE DEPARTMENT

Victim Service Program

1800 Longwood Drive

Brenham, Texas 77833

979-337-7340—Cindy Kras

Report Number

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

This brochure was provided to assist you in understanding the criminal justice process and obtaining services.

VICTIM ASSISTANCE SERVICES

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

• Crisis counseling/short-term counseling to victims and their families

• Criminal Justice Support – criminal justice system information – referral to assigned detective – status of case information – arrest notification – court accompaniment

• Information and referral to local social service providers

• Notification and assistance in filing for Crime Victims' Compensation

• Assistance with evidence return

• Personal advocacy

• Training for police officers, community groups and other agencies.

VICTIM INFORMATION and NOTIFICATION EVERYDAY (VINE)

Call VINE 24 hours a day for information on county jail status and court events. Make Texas VINE part of your safety plan.

The suspect/offender will not know you are registered with Texas VINE. However, do not depend only on Texas VINE, or any single program, for your protection. Toll free 877-894-8463.

RIGHTS OF CRIME VICTIMS

As defined in Article 56, Texas Code of Criminal procedure, a victim of a violent crime is someone who: (1) has suffered bodily injury or death as a result of criminally injurious conduct, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery; (2) is the close relative (spouse, parent, brother, sister, or adult child) of a deceased victim; or (3) is the guardian of a victim. As a victim of a violent crime, you have the following rights:

• receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

• have their safety considered by the magistrate setting bail;

• receive information, on request, of relevant court proceedings, including appellate proceedings, cancellations or rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public.

• be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the

Notes

Call the following for violence, shelters or social organizations if you need protection:

Brenham Police Department.....979-337-7337

Washington County District Attorney's Office.....979-277-6247

Washington County Attorney .....979-277-6200, ext 160

Phoebe's Home—Bryan, Texas.....979-823-2471

Faith Mission—Brenham, Texas.....979-830-1488

Scott & White Hospital– Brenham, Texas.....979-836-6173

MHMR Authority of Brazos Valley– Brenham, Texas.....979-830-0008

Dept. of Family and Protective Services...(http://www.dfps.state.tx.us/)
.....800-252-5400

211 Service.....866-211-4357

Scotty's House, Bryan, TX.....979-775-4695

• Provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;

• Information about the Texas Crime Victims' Compensation Fund and payment for medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;

• Information, on request, about parole procedures; notification of parole proceedings and of the inmate's release; and the right to participate in the parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;

• A separate or secure waiting area at all public court proceedings,

• Prompt return of any property that is no longer needed as evidence;

•Have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work;

• On request, the right to counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault;

• Request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;

• Be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole.

•A victim, guardian of a victim, or close relative of a deceased victim is entitled to be present at all public court proceedings, with the consent of the presiding judge.

•As a victim of sexual assault you have the following rights:

• The right to a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault. All medical examinations of sexual assault victims will be provided at no cost.

• Have an advocate or representative present during the forensic medical examination.

• To choose a pseudonym (a set of initials or a fictitious name to be used instead of a victim's name) to designate the victim in all public files and records.

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."*

CRIME VICTIMS' COMPENSATION

Code of Criminal Procedure, Texas Crime Victims'

Compensation Act, Chapter 56, Subchapter B

Purpose: To compensate residents of the United States who suffer personal injury or death as the result of a violent crime, including DWI, Failure to Stop and Render Aid, and certain other vehicular crimes.

Administered by: The Attorney General's Office, Crime victims' Compensation Division, Austin, Texas

Crime Victims' Compensation

P.O. Box 12198

Austin, TX 78711-2198

www.oag.state.tx.us (800) 983-9933

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;

• Certain funeral and burial expenses

• Reasonable costs associated with crime scene cleanup;

• Reasonable replacement costs for clothing or bedding taken as evidence or made unusable as a result of the criminal investigation.

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 to law enforcement within 72 hours of the commission of the crime unless there are justified extraordinary circumstances.

2. Claim must be filed within one year 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.

Do you feel lonely with secrets of abuse?

YOU ARE NOT ALONE.

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.

You've already made the first step by reading this brochure….call and get help today.

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DOMESTIC VIOLENCE

Safety Tips For You And Your Family

IF YOU ARE IN DANGER, CALL 911

or call your local police emergency number

To find out about help in your area, call:

National Domestic Violence Hotline:

1-800-799-SAFE

1-800-787-3224 (TTY)

Whether or not you feel able to leave an abuser, there are things you can do to make yourself and your family safer.

IN AN EMERGENCY

If you are at home and you are being threatened or attacked:

- **Stay away from the kitchen** (the abuser can find weapons, like knives, there)
- **Stay away from bathrooms,** closets or small spaces where the abuser can trap you.
- **Get to a room with a door** or window to escape
- **Get to a room with a phone** to call for help; lock the abuser outside if you can
- **Call 911** (or your local emergency number) **right away for help;** get the dispatcher's name
- Think about a neighbor or friend you can run to for help
- If a police officer comes, tell him/her what happened; **get his/her name & badge number**
- **Get medical help** if you are hurt
- **Take pictures** of bruises or injuries
- **Call a domestic violence program or shelter** (there is a listing at the end of this brochure); ask them to help you make a safety plan.

The Crime Victim Assistance Program can assist you in applying for benefits from Crime Victims' Compensation (CVC). Upon request, we will provide you with the claim form, will send the claim form and required documentation to CVC, and notify service providers that a claim has been applied for and is pending, Please allow us to assist you in obtaining these benefits if you feel you may qualify.

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

INVESTIGATION AND PROSECUTION

Diagram 1 provides you with the investigation and prosecution process:

1. **Complaint & Affidavit:** Formal allegation and sworn statement by victims and witnesses as to what happened. Possibility that complaint may not be accepted and no further charges will by pursued by the State.

2. **Magistrate:** Official with limited judicial authority. Decides if there appears to be enough evidence (probable cause) to continue to detain an accused and/or set bond amount.

3. Grand Jury: Jury which decides if there appears to be enough evidence to indict (formally charge) the accused of a felony offense.

4. Indictment: Formal charging document handed down by the Grand Jury charging the accused with the offense.

5. No Bill: Decision that there is not enough evidence to make an indictment.

6. Arraignment: Defendant brought before court, advised of charges and rights, bail set if applicable (bail is an amount of money set by the court that if the defendant can pay it, enables the defendant to get out of jail while waiting to go to trial); and lawyer for the defendant is appointed, if applicable.

7. Pre-trial: A court hearing, taking place before the trial, to make certain decisions relating to the trial.

8. Pre-trial Supervision: In some instances the court may place the defendant under supervision of the Community Supervision and Corrections Department (adult probation department) or another appropriate agency while awaiting trial. Specific conditions are assigned which must be followed by the defendant.

9. Plea Bargain: An agreement between the prosecution and the defense as to what punishment will be entered against the accused. If the judge agrees with the arranged plea bargain, there is no trial.

10. Pre-Sentence: A pre-sentence investigation report (PSI) may be prepared before plea bargaining or before sentencing following a trial. The PSI provides information about the offender, the crime committed and the impact of the crime on the victim (s). You provide information to a community supervision officer about how the crime has affected you.

11. Victim Impact Statement: A Victim Impact Statement (VIS) can be made in person in front of a defendant after sentencing has been imposed in open court. This is your opportunity to speak to the defendant about the impact of what has happened to you. If the offender is later sent to prison and considered for parole, your VIS will be considered then too. Contact the prosecuting attorney.

12. Deferred Adjudication: A defendant may be placed under supervision and required to complete certain conditions and after met, the charges against the defendant are dismissed.

13. Parole: Early release from prison with supervision. Decision is made by parole board members.

14. Mandatory Release: Required early release from prison with supervision. Most sentences have a period of time that when served, the inmate must be released with supervision.

15. Community Supervision: Commonly referred to as probation. A defendant is required to complete certain conditions within a specified amount of time and if successfully completed a defendant will not have to serve any time in jail/prison. Failure to complete conditions can result in the defendant being sentenced to serve time in jail/prison. In some circumstances, a defendant can be ordered to serve a period of time in jail as a condition of being given community supervision.

PSEUDONYMS

A victim of sexual assault or family violence may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this article must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

A completed and returned pseudonym form is confidential and will not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court finding required by subsection (g) of this article is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

NOTICE TO ADULT VICTIMS OF

FAMILY VIOLENCE

It is a crime for any person to cause you 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:

1. If you, your child, or any other household resident has been injured; or

2. If you feel you are going to be in danger when the officer leaves or later.

3. You have the right to:

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

b. APPLY to a court for an order to protect you (*you should consult a legal aid office, prosecuting attorney, or a private attorney).* You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order. For example, the court can enter an order that:

(1). The abuser not commit further acts of violence; the abuser not threaten, harass, or contact you;

(2) Directs the abuser to leave your household; and

(3) Established temporary custody of the children and directs the abuser not to interfere with the children or property.

A violation of certain provisions of court-related protection such as (i.) and (ii.) above may be a felony.

What is a Magistrate's Order for Emergency

Protection?

If the abuser is arrested at the time of arraignment, the magistrate may grant an Order of Emergency Protection under his/her own motion or at the request of the victim, a guardian of the victim, a peace officer, or an attorney representing the State. The Order can be between 31 to 91 days and supersedes any other court order that may be in place. It will be mandatory that an Order be issued if there is serious bodily injury or if a weapon is used during the assault. Police can enforce a violation of this Order.

What is a Protective order?

You may obtain a Protective Order by filing an application with the County Attorney's office in the county in which you reside. If you are in the process of a divorce, your private attorney must assist you in obtaining a Protective Order. The Protective Order may be good for up to two years and supersedes any other court orders currently in place. Police can enforce a violation of this Order.

Will a Protective Order Prevent Family Violence?

A Protective Order can deter violence and provide police 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.

Most 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 brochure for further information about your options. No one deserves to be hurt.

To obtain a Protective Order from the District Attorney (of the county in which you reside) contact your local County Attorney Office.

Process:

You may apply for a protective order by going to the District Attorney's Office in the county which you reside or by going to Legal Aid in the County in which you reside. You must bring a valid ID and an address where the person the Order is against can be served.

You must be present for the court hearing. There is no application fee.