

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 460-007</b>
		<b>EFFECTIVE DATE: September 16, 2013</b>
	<b>SUBJECT: Crime Victims and Witness Assistance</b>	<b>REVISED DATE: February 13, 2022</b>

## **PURPOSE**

This directive aims to provide direction for providing crime victim or witness assistance. This directive applies to all Houston Independent School District Police Department personnel.

## **POLICY**

The HISD Police Department is committed to developing, implementing, and continuing appropriate victim/ witness services. Our goal is to create a good rapport between the school district law enforcement professionals and those persons within society who have been directly affected by crime. By achieving this goal, the HISD Police Department ensures that a witness or victim's interests are protected and treated with fairness, compassion, and dignity.

## **DEFINITIONS**

**Crime Victim Liaison:** A member of the HISD Police Department is designated to establish and maintain positive working relationships between the department and the Texas Attorney General's Office concerning victim/witness assistance programs.

**Eligible Victim:** A eligible person for compensation under the Texas Crime Victim' s Compensation Act, Code of Criminal Procedure, Chapter 56, Subchapter b.

**Victim Advocate:** A person authorized by the HISD Police Department to assist victims.

**Victim:** A person who suffers physical, financial, or emotional harm due to a felony or misdemeanor crime against persons. Also regarded as victims are the spouse, child, parent, or legal guardian of a minor victim; and a spouse, child, sibling, parent, or legal guardian of a homicide victim. ( The definition excludes any person involved in a crime as a perpetrator or accomplice.)

## **CHAIN OF COMMAND**

The chain of command for the Crime Victim Liaison is:

- a) Chief of Police
- b) Assistant Chief of Police
- c) Support Services Captain
- d) Criminal Investigative Division Sergeant

## **WITNESS RIGHTS**

Harming or threatening to harm a witness or prospective witness is prohibited by the Texas Penal Code §36 .06 . The Houston ISD Police Department is sensitive to the need for cooperative witnesses in the administration of justice. To that end, the department

shall provide witnesses with appropriate services and referrals for services to the best of its ability.

## **CRIME VICTIM COMPENSATION ACT**

The Code of Criminal Procedure (Chapter 56B, subchapter A) establishes a fund to be administered by the Attorney General Officer to compensate persons who suffer financial stress because of a physical injury resulting from certain violent crimes.

Under this program, victims of crime may be eligible to apply for compensation for their harm.

## **PERSONS ELIGIBLE TO MAKE AN APPLICATION**

- a) An innocent victim of crime who suffers a substantial threat of physical and emotional harm or death;
- b) A dependent of a victim;
- c) An authorized individual acting on behalf of a victim;
- d) An intervener who goes to the aid of a victim or police officer;
- e) A person who legally assumes the obligations or voluntarily pays certain expenses related to the crime on behalf of the victim;
- f) Immediate family or household members related by blood or marriage who require counseling as a result of a crime;
- g) A peace officer, firefighter, or an individual who must protect the public and who is injured in a crime.

## **BASIC REQUIREMENTS FOR ELIGIBILITY**

- a) The crime was committed within the State of Texas.
- b) The crime was reported to police within 72 hours after the crime was committed.
- c) The victim cooperated with the police throughout the investigation and prosecution.
- d) The claimant applied with the Crime Victim's Compensation Division within one year of the crime.
- e) The victim's behavior at the time of the incident was such that they did not bear a share of the responsibility for the incident.

## **AGENCY RESPONSIBILITY.**

- a) Ensure that each person who is eligible to make an application to the program is notified of its existence.
- b) Police officers are to make a notification at the time the incident is reported.
- c) The Victim Assistance Liaison will send all appropriate victims the necessary application forms by mail.
- d) Victim/witness information and referral information is available 24 hours per day through the HISD Police Department Emergency Number - 911 or (713) 892- 7777.
- e) Upon request, assist victims in completing application forms.

- f) The Crime Victim Liaison shall administer and coordinate the agency's role in victim/witness assistance.

## **DEPARTMENTAL CRIME VICTIM'S LIAISON RESPONSIBILITIES**

- a) Ensures that the department complies with the laws pertaining to crime victims and witnesses as specified in the Code of Criminal Procedure.
- b) Informs the Crime Victim's Compensation Section of the Texas Attorneys General's Office that they are designated as the Crime Victim's Liaison and furnishes their full name, business address, and telephone number.
- c) Reviews applications and screens the report to ensure that each eligible victim of a violent crime is aware of victim assistance and related community services are available within the service area.
- d) If that information was not made available during the preliminary investigation, such notification may be made by mail.
- e) Ensures a notification is made on each crime report when notification is made.
- f) Makes available upon request, victim assistance, and related community service information for victims of non-violent crime.
- g) Responds to all inquiries from interested persons and the media concerning victim assistance.
- h) Maintains records on crime victimization as required by law.
- i) Completes an analysis of victim/witness assistance needs within the HISD Police Department service area at least once every three years. The analysis will include the following:
  - 1. The extent and major types of victimization.
  - 2. An inventory of service and information needs of victims/witnesses. (Both general and special victims)
  - 3. Victim assistance and related community services are available within the service area.
  - 4. Identification of all unfulfilled needs of victims/witnesses and selecting appropriate ones for the agency to meet.
- j) Maintains Liaison with other criminal justice and governmental agencies concerned with victim/witness needs and rights to facilitate effectively victim/witness assistance efforts.
- k) Provides appropriate notification and assistance to the next of kin in cases involving death, serious injury, or serious illness. Such notifications will be made in a timely and personal manner, and relevant Social Services information will be provided to the individual as needed.

## **COMMISSIONED OFFICERS**

Sworn personnel shall provide appropriate information to victims, witnesses, and families when responding to the following:

- a) Crimes against persons or other crimes where assistance or services may be appropriate;
- b) Family violence calls.
- c) Injury motor vehicle accidents involving DWI, Failure to stop and render aid, and intentional injury with a motor vehicle.

Appropriate information will include but is not limited to the following:

- a) Applicable services available;
- b) Suggestions of what to do if the suspect/s threatens or intimidates the victim/ witness;
- c) The incident/offense number;
- d) Telephone number where additional information can be directed or obtained and
- e) Subsequent steps in the processing of the case.

A Crime Victim's Compensation Application will be issued to all victims of violent crime. The provision of such information will be noted in the preliminary investigation report. A special notation will be made on the Cover Sheet, noting the issuance of a Crime Victim's Compensation Application.

### **TRAINING COORDINATOR:**

All new employees shall be informed of existing agency and community victim/ witness assistance programs through:

- a) Basic Training;
- b) New Employee Orientation;
- c) Organized training sessions; and
- d) Through field training.

At least once every two (2) years, all personnel shall receive in-service training on current victim/ witness assistance programs.

### **RECORDS**

All victim's records will be confidential, and files of victims/witnesses and their role in case development to the extent consistent with applicable law.

### **COMMUNITY RELATIONS FUNCTION**

Coordinates the department's efforts to periodically inform the public and the media of existing and new victim/ witness programs.

### **DISPATCH PERSONNEL RESPONSIBILITIES**

Provide information regarding victim/ witness assistance available through this department and the emergency contact number to any caller on a 24-hour basis.

Provide referral information regarding victim/ witness services offered by governmental and private agencies, within the department's service area, to any caller on a 24-hour basis.

## **CASE INVESTIGATORS RESPONSIBILITIES**

If the impact of the crime has been unusually severe, the victim/ witness will be re-contacted periodically to determine whether their appropriate needs are being met.

If not an endangerment to the criminal prosecution of the case, the assigned Criminal Investigator will explain the procedures involved in the prosecution of the case and the role of the victim/witness in those procedures.

When feasible, the scheduling of lineups, interviews, and other appearances will be at the convenience of the victim/witness.

Arrange for the prompt return of victim/ witness property taken as evidence and determined not essential to the case's prosecution.

In more severe cases and whenever feasible, a qualified victim advocate may be requested for the victim/witness during the follow-up investigation.

When possible, criminal investigators will notify victims/ witnesses of the suspect's arrest, charges, and custody status. Such notification will be made in a timely manner.

The role of the victim/ witness in case development will be as confidential as permitted by law.

## **SUPERVISORY PERSONNEL RESPONSIBILITIES**

Initiate appropriate assistance to the victim/ witness in those instances where the investigating officer believes that a victim or witness has specific credible reasons to fear intimidation or further victimization. Appropriate assistance will be determined by the following:

- a) Nature of the case
- b) Nature of the threat
- c) Resources available to our agency at that time

## **DEATH NOTIFICATION, SERIOUSLY INJURY, OR SERIOUSLY ILLNESS NOTIFICATION.**

Death notifications are normally the responsibility of law enforcement agencies having concurrent jurisdiction with the HISD Police Department or the Harris County Medical Examiner's Office. Responsibility has been ceded to these agencies through Memorandums of Understanding.

Any death notifications shall be made pursuant to Directive 420-009 Family Assistance.

If necessary, the next-of-kin of deceased, seriously injured, or seriously injured persons shall be notified in accordance with the family notification section of the HISD Police Department - Family Assistance Unit Manual.

Approved By   
Pedro Lopez Jr., Chief of Police