

In addition to an award payable under Subsection (a), the attorney general may award an additional \$75,000 for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in total and permanent disability to the victim.

(2) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury, not to exceed \$500 weekly, if eligible,

(3) care of a child or dependent enabling a victim, a victim's spouse, or a legal guardian of the victim, but not all of them, to continue or engage in gainful employment. Weekly allowance is \$100 per child for day care.

(4) funeral and burial expense not to exceed \$4,500,

(5) loss of support to a dependent in the event of the death of the victim,

(6) reasonable and necessary cost of cleaning the crime scene up to \$750,

(7) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation up to \$750,

(8) emergency funds not to exceed \$1,500.

(9) one time payment of up to \$3,800 (\$1,800 for housing rental and \$2,000 for other relocation expenses) for a victim of domestic violence. A victim who is a victim of family violence or a victim of sexual assault who is assaulted in the victim's place of residence may receive a one time only assistance payment in an amount not to exceed: (a) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to moving of belongings, motor vehicle mileage expenses, and for out of state moves, transportation, lodging, and meals, and (b) \$1,800 to be used for housing rental expenses.

In order to qualify for Crime Victim Compensation;

(1) the crime must be reported within a reasonable period of time that does not impede the investigation and prosecution,

(2) the claim must be filed within three (3) years after the date the crime occurred,

(3) the victim and/or claimant must cooperate fully with law enforcement officials in the investigation and prosecution of the case,

(4) the victim must be the innocent victim of a violent crime.

The Crime Victim Compensation is the last source of financial assistance to pay.

The Victim Assistance Program will assist you in applying for and obtaining benefits from Crime Victims Compensation. We will submit the claim form and required documentation. We will also verify to service providers that a claim has been applied for and is pending. Please let us assist you in obtaining these benefits.

If you have questions, please call Smith County Crime Victim Services, in the Criminal District Attorney's office Monday through Friday, 903/590-1741.

You may call the Police Department for status on your case and information about victim's rights.

ANDREW ERBAUGH

903-531-1099

REFERRALS

2-1-1 TEXAS

211

CRIME VICTIMS ASSISTANCE

National Domestic Violence Hotline	1 800 / 799-7233
Governor's Crime Victim Clearinghouse	1 800 / 848-4284
East Texas Crisis Center	903-509-2526
Smith County District Attorney's Office	903-590-1720
Tyler Police Department	903-531-1090
Men's Domestic Violence Group	903-509-2526

CHILD ABUSE

Child/Elderly Abuse	1 800 / 252-5400
Department of Protective & Regulatory Services	1 800 / 252-5400
Tyler Police Department	903-531-1090
Child Advocacy Center	903-533-1880

SEXUAL ASSAULT

Rape/Incest Support Group	903-509-2526
East Texas Crisis Center	903-509-2526
Rape Abuse & Incest National Network	1 800 / 656-HOPE

SUICIDE

Andrews Center	903-597-1351
Behavioral Health Center	903-266-2200

COUNSELING

AIDS (His House)	903-592-0757
East Texas Crisis Center	903-509-2526
Andrews Center	903-597-1351
Parents Anonymous	903-597-1831
Career and Academic Counseling (TJC)	903-510-2200

FINANCIAL ASSISTANCE

P.A.T.H. (People Attempting To Help)	903-597-4044
Department of Human Services – Food Stamps	903-595-4841
Salvation Army	903-592-4361
Social Security	903-561-8632

LEGAL AID

Women's Legal Services	1 800 / 777-3247
Family Protective Orders	903-509-2526
Family Violence Legal Line	1 800 / 374-4673
East Texas Legal Services	903-595-4781
Lawyer Referral	1 800 / 252-9690
Smith County District Attorney's Office	903-590-1720

HOSPITAL / EMERGENCY / HEALTH CARE

Medical Center Hospital	903-597-0351
Trinity Mother Frances Hospital	903-593-8441

TYLER POLICE DEPARTMENT

CRIME VICTIMS INFORMATION

Open Newsletter to Tyler Citizens



Case Information

Case No. _____ Reporting Officer _____

Investigator Assigned _____

Dear Citizen:

Being a victim of a violent crime like assault, robbery, sexual assault, murder or family violence can be a very traumatic experience that no one should have to endure. Unfortunately, the facts are that many of us will eventually fall victim to some violent act.

This newsletter will provide you with information on victim's rights, victim's compensation and victim recovery programs in our area. Please refer to the back cover for phone numbers you may find helpful.

FAMILY VIOLENCE

NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

It is a crime for any person to cause you any physical injury or harm, even if that person is a member or former member of your household. It is important that you tell the investigating peace officer if you, your child, or any other household resident has been injured, or if you feel you are going to be in danger after the officer leaves. If the offender or the offender's companions or family threatens or otherwise intimidates the victim or victim's family the Police Department should be contacted immediately.

You Have The Right To:

- (1) Ask to file charges against the person committing family violence at your local police department.
- (2) Be notified prior to the release from the county jail of a family violence suspect that was arrested for assault/family violence.
- (3) Request a Magistrate's 31-61day Order for Emergency Protection, and that you need not be present when the order is issued.
- (4) Apply to a court for a two (2) year Protective Order. You may apply for a protective order by going to any of the following locations:
 - a. East Texas Crisis Center
 - b. District Attorney's Office
 - c. A private attorney

You cannot be charged a fee by a court in connection with filing, serving or entering a protective order.

PROTECTIVE ORDER

The Court can enter the following order;

- (1) that the abuser not commit further acts of violence,
 - (2) that the abuser not threaten, harass or go to or near you at any time,
 - (3) directs the abuser to leave your household, and
 - (4) establishes temporary possession of the children and directs the abuser not to interfere with the children or any property.
- This Protective Order may be good for two (2) years. A VIOLATION OF CERTAIN PROVISIONS OF A

PROTECTIVE ORDER IS A CRIMINAL OFFENSE. The Police Department should be notified if any individual violates a Protective Order. If a Police Officer arrests a person in violation of a Protective Order not committed in his presence, or for any offense involving family violence, the victim must appear at the Police Department following the arrest to file charges. Failure to do so may result in the release of the offender without charges. Any person charged with an offense has a right to bail and is subject to speedy release. The Police Department has no control over this action. If the victim wishes to dismiss charges, they should contact the District Attorney's Office not the Police Department. The Police Department strongly discourages the dismissal of charges involving family violence.

RIGHTS OF CRIME VICTIMS

The victim of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual or disabled individual who has suffered bodily injury or death as a result of the criminal conduct of another, the guardian of a victim or the close relative of a deceased victim is entitled to the following rights:

- (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 of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event.
- (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 pre-sentencing 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, Chapter 56, including information related to the costs that may be compensated under that Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under the Act, the payment for a medical examination under Article 56.06 of this code 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 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 Act, 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 counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and 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 21.11 (a)(1), 22.011, or 22.021, Penal Code.

(12) The right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(13) The right to privacy, as far as is reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the crime. The phone number of the victim may not be part of the court file.

State law provides that a victim, guardian of a victim, or close relative of a deceased victim may complete a Victim Impact Statement and have it considered by the court in a criminal case prior to the imposition of a sentence and by the Board of Pardons and Paroles in the parole process.

Crime Victim Rights for Juveniles differ from Crime Victim Rights for Adults. Ask your local Crime Victim Liaison for information on Crime Victim Rights for Juveniles.

CRIME VICTIM COMPENSATION

Texas Code of Criminal Procedure – Chapter 56 Subchapter B

Purpose: To compensate a Texas or U.S. Resident who becomes a victim of crime in Texas and suffers personal injury or death as the result of a violent crime.

The program is administered by the Texas Attorney General's Office, Crime Victim's Compensation Division, Austin, Texas, 1-800-983-9933.

Crime victim compensation is available to pay the amount of expense reasonably and necessarily incurred as a result of personal injury or death for:

- (1) medical, hospital, nursing, psychiatric care or counseling, or physical therapy. Total recovery may not exceed \$50,000; exceptions of up to an additional \$75,000 may be made for some victims of crime.