

**HIDALGO COUNTY CRIMINAL DISTRICT  
ATTORNEY'S OFFICE**

**RICARDO RODRIGUEZ, JR.**

**VICTIMS UNIT**



**VICTIM ASSISTANCE PROGRAM  
RULES, REGULATIONS AND  
POLICY HANDBOOK**



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Greetings,

These Victim Assistance Program Rules, Regulations, and Policy Handbook are published by the Hidalgo County Criminal District Attorney's Office Victims Unit, (HCDA-VU) for guidance of its personnel. This handbook will be used to coordinate support services and information to crime victims and their families in compliance with the Texas Code of Criminal Procedure Chapter 56. The HCDA-VU staff will require a high level of confidentiality and will follow this policy handbook to comply with the state statues in victim service delivery. Since it is impossible to cover every conceivable incident that a staff member of this Victims Unit may encounter during day -to- day activities, this handbook shall serve as a guide to be used by staff in providing ethical and professional services.

The rules, regulations and policies of this handbook are designed and intended to provide a basis for the orderly and disciplined performance of the HCDA-VU staff. The handbook will promote knowledge of what is generally and specifically expected of Victims Unit personnel. This should result in a greater degree of self-assurance by all personnel especially when utilizing this handbook for its intended purposes.

Respectfully,

Rosie Martinez  
Hidalgo County Criminal District Attorney's Office  
Victims Unit Program Director

# **TABLE OF CONTENTS**

## **I. ELIGIBILITY**

- A. ELIGIBILITY CRITERIA
- B. RULE §379.604 FEDERAL AND STATE LAWS REGARDING ELIGIBILITY
- C. RULE §379.608 ACCESS TO SERVICES WITH LIMITED ENGLISH PROFICIENCY (LEP)
- D. LEP PROCEDURES
- E. RULE §379.605 GENDER
- F. MENTAL HEALTH ISSUES
- G. SUBSTANCE ABUSE ISSUES

## **II. ORIENTATION FOR VICTIM SERVICES**

- A. EXPLANATION OF SERVICES AVAILABLE “PROGRAM PROCEDURES & CONSENT FOR SERVICES”

## **III. INTAKE PROCESS**

- A. CRISIS RESPONSE SHEET
- B. INTAKE FORMS
- C. CONFIDENTIALITY STATEMENT
- D. AUTHORIZATION TO EXCHANGE INFORMATION

## **IV. SERVICE DELIVERY GUIDELINES**

- A. INFORMATION & REFERRAL

## **V. TERMINATION OF SERVICES**

- A. RULE §379.605 DENIAL OF SERVICES
- B. RULE §37.607 ELIGIBILITY OF PREVIOUSLY INVOLUNTARILY TERMINATED FOR NONRESIDENTS
- C. RULE §379.612 TERMINATION OF SERVICES

## **VI. SAFETY AND SECURITY PROCEDURES**

- A. RULE §379.504 SECURITY POLICIES AND PROCEDURES
- B. INTRUDERS /CRIMINAL TRESPASS
- C. SAFETY IN COURTHOUSE

- D. PERSONAL SAFETY PLANNING
- E. .SAFETY PROCEDURES IN OFFICE

## **VII. RECORD MANAGEMENT**

- A. RECORD KEEPING

## **VIII. APPENDIX**

- A. POLICIES

- 1. HCDA-VU ELIGIBILITY POLICY
- 2. HCDA-VU TERMINATION POLICY & GRIEVANCE PROCEDURES

- B. FORMS ENGLISH

- 1. CRISIS RESPONSE SHEET
- 2. INTAKE FORM
- 3. CRIME INFORMATION
- 4. MEDICAL INFORMATION
- 5. PRESCRIPTION INFORMATION
- 6. PROGRAM PROCEDURES AND CONSENT FOR SERVICES
- 7. AUTHORIZATION TO EXCHANGE INFORMATION
- 8. CONFIDENTIALITY STATEMENT
- 9. PERSONAL SAFETY PLAN
- 10. VICTIMS UNIT PROGRAM BROCHURE
- 11. CLIENT SATISFACTION SURVEY

- C. FORMS SPANISH

- 1. FORMULARIO DE DATOS
- 2. DECLARACIÓN PARA LA VICTIMA Y CONSENTIMIENTO PARA SERVICIOS
- 3. DECLARACIÓN SOBRE LA CONFIDENCIALIDAD
- 4. PLAN DE SEGURIDAD PERSONAL
- 5. UNIDAD DE VICTIMAS PROGRAM BROCHURE
- 6. ENCUESTA DE SERVICIO AL CLIENTE

## **I. ELIGIBILITY**

***A. ELIGIBILITY CRITERIA***

The HIDALGO COUNTY DISTRICT ATTORNEYS OFFICE -VICTIMS UNIT (HCDA-VU) will screen victims and provide supportive services to victims of violent crimes and will base the eligibility on the individual's status as a victim, without regard to:

1. Income,
2. Whether the individual contributes, donates, or pays for these services;
3. Gender; and/or sexual orientation
4. Special Circumstances: victims named in criminal case filed with the Hidalgo County Criminal District Attorney's Office.

***B. RULE §379.604 FEDERAL AND STATE LAWS REGARDING ELIGIBILITY***

When determining eligibility for services, the HCDA-VU must comply with the following applicable state and federal laws and any amendments made to each of the laws.

1. Human Resources Code, Chapter 51
2. Title VI of the Civil Rights Acts of 1964 (Public Law 88-352)
3. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112)
4. Americans with Disabilities Act of 1990 (Public Law 101-336)
5. Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107)
6. Commission regulations regarding civil rights
7. Texas Health and Safety Code §85.113, relating to HIV/AIDS

***C. RULE §379.608 ACCESS TO SERVICES WITH LIMITED ENGLISH PROFICIENCY (LEP)***

The HCDA-VU must:

1. Serve people with limited English proficiency and take reasonable steps to assure meaningful access to the program; and
2. Have and follow written procedures for the access and delivery of services to people with limited English proficiency.

#### *D. LEP PROCEDURES*

- A. Identify LEP populations within your community
- B. Create a resource list of possible qualified interpreters and translators for LEP population(s) in your community. Interpreters and translators perform similar task but in different settings. Interpreters translate orally while translator interpret written text.
- C. At initial contact with the program, determine the LEP person's native language
- D. Ensure that everyone who is in contact with the client has information about the individual's specific language needs and knows how to access a qualified interpreter or the interpreter line.
- E. Contact qualified interpreter and review the importance of confidentiality and your agency's confidentiality policies.
- F. Ask each interpreter to sign confidentiality agreements as well as an agreement regarding services rendered.
- G. Inform client of your policies that outline providing access to services. In addition, tell the client that she/he has the right to have a qualified interpreter when/if they have to go to court.
- H. Try to make sure the client feels comfortable with the interpreter.
- I. With the help of a qualified interpreter, tell the LEP client how to contact the police and explain to her/him their legal rights as well as what to expect from a police response. Keep in mind that some clients may not feel comfortable working with the police and assist them with the process.
- J. Try to ensure that the information the interpreter provides is clear to the LEP client.
- K. Construct a plan for communication between advocates and the LEP client in the future.
- L. Work with the client on a safety plan that includes language including confidentiality agreements as mentioned above.
- M. Provide intake forms to the client in her/his own language including confidentiality agreement as mentioned above.
- N. Provide all written materials with the help of an interpreter.
- O. With the help of a qualified interpreter, ensure that the LEP client will be able to participate in the support group meetings by providing interpretations or by providing group meeting in his/her own language.
- P. With the help of an interpreter, tell the client about available resources to her/him and her/his children (such as food, clothing, referrals, legal advocacy services) and how to access those services.
- Q. If the client has children with her/him, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of service available.
- R. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.

*E. RULE §379.605 GENDER*

Both males and females can be victims of family violence and sexual assault; under this rule the HCDA-VU will serve any victim of family violence and sexual assault without regard to gender. This includes male victims who identify as transgendered, and teenaged sons of otherwise eligible clients.

*F. MENTAL HEALTH ISSUES*

1. HCDA-VU must provide services to victims without regards to their mental health status unless they exhibit behaviors that pose as a safety risk or threat.
2. The intake process will include a screening mechanism to determine id client needs assistance with mental health issues.
3. If client discloses Suicide Ideation and has a plan to commit suicide, the HCDA-VU program stall shall notify the appropriate authority to help client get a mental health evaluation.
4. If client discloses that she/he wants to harm herself/himself or harm others, confidentiality can be breached and HCDA-VU staff shall contact the appropriate law enforcement agency and make a report.
5. Referrals to mental health providers will be made to assist the victims.

*G. SUBSTANCE ABUSE ISSUES*

1. The intake process will include a screening mechanism to screen for possible substance abuse.
2. Appropriate referrals will be made for agencies that provide drug rehabilitation services and for medical attention.

**II. ORIENTATION FOR VICTIM SERVICES**

*A. EXPLANATION OF SERVICES "PROGRAM PROCEDURES & CONSENT FOR SERVICE FORM"*

All clients that have been seen in person will be given a signed copy of the "Program Procedures and Consent Form" and the original will be kept on client intake file. This form will contain the following information:

1. Welcome and introduction of services of the Hidalgo County District Attorney's Office - Victims Unit
2. Aims and Goals of the program
3. Setting, cancelling and rescheduling appointments
4. No charge or fees to receive services
5. How to file a complaint or grievance
6. Signing a Consent form to receive victim assistance

### III. INTAKE PROCESS

The HCDA-VU PROGRAM will have an intake process for all victims of crime that will include the following:

#### *A. CRISIS RESPONSE SHEET*

This sheet will be filled out for all calls for assistance. The sheet will document the initial form of contact and will serve to screen calls and make appropriate referrals. The form will be reviewed by the VAC and a follow-up contact will be required.

*Special Eligibility Circumstances:* if the victim calls to request services and does not reside in the eligible counties area, the victim shall be referred to the nearest agency that can provide victim services. Such referral shall be documented in with a crisis response sheet. This crisis response sheet shall represent that there is no intake forms or signatures of client and services **will not** be provided in person. Services were provided via phone, mail, fax or other electronic communication.

#### *B. INTAKE FORMS*

All applicable forms will be filled out and translated or read to client's native language, the HCDA-VU staff will follow the LEP Procedures to ensure that victims obtain information in their native language. The client will be explained and read the forms in their native language to ensure they understand what they are signing. The intake process will include the following forms:

1. Intake Form
2. Crime Information
3. Case Notes
4. Medical Information
5. Prescription Information
6. Program Procedures and Consent Form
7. Authorization to Exchange Information

8. Confidentiality Agreement
9. Service Sheet

### *C. CONFIDENTIALITY STATEMENT*

The HCDA-VU will follow policies to ensure the confidentiality of client. Client file/records and information are considered confidential under certain situations permitted by law. Issues discussed with victims certain situations are considered confidential, however, there are limits to the privilege of confidentiality. These situations include:

1. *SUSPECTED CHILD ABUSE*: Pursuant to the Tex. Fam. Code § 261.101. Persons Required to Report; Time to Report. (a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter. (b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under §21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by §261.001 or §261.401, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Tex. Penal Code §21.11. A professional may not delegate to or rely on another person to make the report.
2. *MANDATORY REPORT OF CHILD ABUSE* :Pursuant to the Tex. Fam. Code § 261.105 All reports received by a local or State law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the Department of Family and Protective Services or the designated agency. By Phone: 1-800-252-5400 or <https://www.txabusehotline.org>
3. *HARM TO SELF OR OTHERS*: disclosing information to any of the HCCDA -Victims Unit staff that you have suicide ideation and have a plan to commit or act against your life, or are in danger of harming yourself or others, will be reported to the appropriate local Mental Health Authority or call 911 if you are in immediate danger. Local Mental Health Center: [Tropical Texas Behavioral Health](#) Crisis Phone: 877-289-7199 Main Phone: 956-289-7000 Website: <http://www.ttbh.org/>

4. *SUBPOENAS*: If you're ordered by a court to release information as part of a criminal justice process. Pursuant to Tex. Code. Crim. Proc. Art. 24.01(a) A subpoena may summon one or more persons to appear:(1) before a court to testify in a criminal action at a specified term of the court or on a specified day; or(2) on a specified day:(A) before an examining court;(B) at a coroner's inquest;(C) before a grand jury;(D) at a habeas corpus hearing; or(E) in any other proceeding in which the person's testimony may be required in accordance with this code. Art. 24.01(b) The person named in the subpoena to summon the person whose appearance is sought must be:(1) a peace officer; or(2) at least 18 years old and, at the time the subpoena is issued, not a participant in the proceeding for which the appearance is sought.(c) A person who is not a peace officer may not be compelled to accept the duty to execute a subpoena, but if he agrees in writing to accept that duty and neglects or refuses to serve or return the subpoena, he may be punished in accordance with Article 2.16 of this code.(d) A court or clerk issuing a subpoena shall sign the subpoena and indicate on it the date it was issued, but the subpoena need not be under seal. If a witness refuses to obey a subpoena, he may be fined at the discretion of the court, as follows: In a felony case, not exceeding five hundred dollars; in a misdemeanor case, not exceeding one hundred dollars.
5. *APPLYING FOR CRIME VICTIMS COMPENSATION*: Pursuant to Tex Code Crim. Proc. Art. 56.36 APPLICATION. (a) An applicant for compensation under this subchapter must apply in writing on a form prescribed by the attorney general. (b) An application must be verified and must contain: (1) the date on which the criminally injurious conduct occurred; (2) a description of the nature and circumstances of the criminally injurious conduct; (3) a complete financial statement, including: (A) the cost of medical care or burial expenses and the loss of wages or support the claimant or victim has incurred or will incur; and (B) the extent to which the claimant or victim has been indemnified for those expenses from a collateral source; (4) if appropriate, a statement indicating the extent of a disability resulting from the injury incurred; (5) an authorization permitting the attorney general to verify the contents of the application; and (6) other information the attorney general requires.
6. *NATURAL DISASTER*: In natural disasters whereby protected records may become exposed.

7. *RELEASE OF INFORMATION BY VICTIM*: You may be asked to sign a Release of Information so that your Advocate may speak with other mental health professionals, social workers, or family members in an effort to provide victim assistance, and/or when you request a copy of your file.

Certain information will be kept confidential under the following terms:

1. If victim is enrolled in the Address Confidentiality Program with the Office of the Attorney General under Tex. Admin. Code § 61.1005;
2. If victim requested a Pseudonym Name under Tex. Code Crim. Proc. Art. 57B.02 Confidentiality of Identifying Information of Family Violence and Sexual Assault Victims;
3. Under Tex. Code Crim. Proc. Art. 56.09 Victims Right to Privacy: As far as reasonably practical the address of the victim may not be part of the court file except to identify the place of the crime. The phone number of the victim may not be a part of the court file; and
4. If there is a court ordered Ex-Parte or Final Protective Order that states that the address of the victim is confidential.

#### *D. AUTHORIZATION TO EXCHANGE INFORMATION*

Client will sign a release of information in order to release information in the victim file, information that is gathered during the INTAKE PROCESS and ONLY applies to files kept with the HCDA-VU. this does not apply to any other information used in the criminal justice files.

The HCDA-VU must provide the victim the following information:

1. The right to see their HCDA-VU file
2. The kind of information that is in the file
3. Who within the center has access to their HDCA-VU files?
4. The HCDA-VU policy and practices in confidentiality

5. Current confidentiality laws in Texas and the limits of confidentiality under law, including mandatory reporting abuse or suspected abuse of:

- a. Children
- b. The elderly
- c. People with disabilities

6. The HCDA-VU policy to responding to court orders or requests for information under the Public Information Act

7. The HCDA-VU policy to release information

8. When the records will be decoded and destroyed

9. What kind of information will remain in the file once a victim is terminated services

## IV. SERVICE DELIVERY

### *A. INFORMATION AND REFERRAL*

1. Information and referral will be given to all victims of family violence, sexual assault, survivors of homicide victims, stalking, teen dating violence, human trafficking and child abuse, who call or come in person requesting services.
2. Telephone contact: if a victim calls to request information and referral via telephone and she/he is a ***new client***, a crisis response service sheet will be documented. In addition, there shall be case notes documenting the referrals made.
3. Follow-Up contact will be made for all eligible victims to make sure they received the services they needed.
4. All communication methods, to include: telephone, fax, email, mail, or other electronic communication will be documented on clients file.
5. If it is an ***Initial Contact*** and the client has not been seen in person, and there are no client signatures on file. All efforts should be made to make contact with victim in person, in order to explain the policies and procedures of the HCDA-VU program. If the victim cannot be seen, such policies shall be explained to client via phone in the appropriate language. HCDA-VU staff will document that policies and procedures have been explained to client.
6. Special Circumstances: If a victim of a violent crime that does not meet the eligibility criteria for the HCDA-VU program AND requests assistance, HCDA-VU program staff will make all efforts to refer victim to a program that can provide the necessary services. Such efforts will be documented on a crisis response sheet and will be documented as "Other Victim" and/or "Not Eligible for Services" and where the victim was referred.

## **V.TERMINATION OF SERVICES**

### ***A. RULE §379.605 DENIAL OF SERVICES***

The HCDA-VU can deny services to an otherwise eligible victim of crime if they have specific behaviors that would make a victim ineligible. These behaviors:

1. Behaviors that threaten the safety and security of the HCDA-VU staff and other clients
2. The denial of services will apply equally to all people; and
3. Comply with the laws and regulations described in this rule.

### ***B. RULE §37.607 ELIGIBILITY OF PREVIOUSLY INVOLUNTARILY TERMINATED FOR NONRESIDENTS***

The HCDA-VU will take into consideration the safety of a victim for whom services were previously involuntarily terminated and who is currently requesting services.

### ***C. RULE §379.612 TERMINATION OF SERVICES***

The HCDA-VU may terminate services if:

1. Client requests that services be terminated
2. Client is exhibiting behaviors that threatens the safety and security of the HCDA-VU staff and other clients
3. There is a conflict of interest with client because we have already served the spouse, cohabiting adult, or partner of client.
4. There is no funding for program and program has ended. If this occurs, victim shall be referred to the nearest agency that can provide the services
5. Client does not meet eligibility criteria imposed by state or federal guidelines.

## **VI. SAFETY AND SECURITY PROCEDURES**

### ***A. RULE §379.504 SECURITY POLICIES AND PROCEDURES***

The HIDALGO COUNTY DISTRICT ATTORNEYS OFFICE- VICTIMS UNIT has and procedures to promote the safety and security of victims, employees, and volunteers. This policies and procedures must address:

1. Intruders/Criminal Trespass in the Victims Unit Offices
2. Safety In the Courthouse
3. Personal Safety Planning
4. Safety Procedures in Office

### ***B. INTRUDERS/CRIMINAL TRESPASS***

1. Alert the police immediately, decide whether you rely on emergency phone calls or whether you use a panic button /alarm system. Keep in mind that such an alarm system may alert the intruder that the police have been summoned.
2. Do not open the door or allow entrance to the facility
3. Do not confirm or deny the presence of any victim.
4. Provide a “safe room” for the victims to go to until the police arrive. Ideally, this room will lock from the inside, have a phone available.

### ***C. SAFETY IN THE COURTHOUSE***

If you any questions on this safety plan to follow in the Hidalgo County Courthouse please contact the safety officer with the Hidalgo County Sheriff’s Office located in at 100 Closner Blvd Edinburg, TX 78573.

### ***D. PERSONAL SAFETY PLANNING***

Victims will be explained and given a copy of a safety plan. A written Personal Safety Plan will be provided in English or Spanish

### *E. SAFETY PROCEDURES IN OFFICE*

In case of an emergency situation that involves any Staff, Volunteer or Victim please follow the procedures below:

1. The HCDA-VU will follow the safety plan of the Hidalgo County Sheriff's Office at all times and for all safety issues
2. If a Staff, Volunteer or victim has a medical emergency, please call 911 immediately. The address of the facility is 100 E. Cano Edinburg TX 78539.
3. If Staff, Volunteer or Victim is in danger of harm or fears for his/her safety; you can ask for a deputy of the HCSO to provide an escort. Notify the authorities at victim's request.
4. Always be aware of your surroundings and of any strangers in building, try and stay close to the exit doors. Learn your nearest exits and safety procedures. When exiting the building stay in well lighted areas and look around the parking lot for any suspicious activity.
5. If you any questions in regards to safety plan for assaults, bomb threats, threatening telephone calls, power outages, evacuation, and natural disasters: please contact the Safety Office with the Hidalgo County Sheriff's Office .

## **VII. RECORD MANAGEMENT**

### *A. RECORD KEEPING*

1. A client's file/records may contain personal identifying information, crime information, court/trial information, dates of services, and notes describing the type of service. Your records will not be released without your written consent, unless an exception outlined in the Confidentiality Section. Client file/records are locked and kept under the custody and control of the HCDA Victims Unit.

## **VIII.APPENDIX**

### *A. POLICIES*

1. HCDA-VU Eligibility Policy
2. HCDA-VU Termination Policy & Grievance Procedures

### *B. FORMS ENGLISH*

1. Crisis Response Sheet
2. Intake form
3. Crime Information
4. Medical Information
5. Prescription Information
6. Program Procedures and Consent for Services
7. Authorization to Exchange Information
8. Confidentiality Statement
9. Personal Safety Plan
10. Victims Unit Program Brochure
11. Client Satisfaction Survey

### *C. FORMS SPANISH*

1. Formulario De Datos
2. Declaración Para La Victima y Consentimiento Para Servicios
3. Declaración sobre la confidencialidad
4. Plan de Seguridad Personal
5. Unidad de victimas program brochure
6. Encuesta de servicio al cliente

This Victim Assistance Program Rules, Regulations, and Policy Handbook shall take effect as of, \_\_\_\_\_, and can be amended or modified as necessary with the approval of the Hidalgo County Criminal District Attorney's Office. This Handbook shall be reviewed every two (2) years.