

Chapter: Performance Evaluations and Personnel Records
Title: Crime Victims' Confidentiality

Effective Date: 12/1/11
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New

ACA Standard(s): N/A

(a) **Policy.**

An employee who suffers personal injury as a result of criminally injurious conduct may elect whether or not to allow public access to information held by the Texas Juvenile Justice Department (TJJD) that would identify or tend to identify the employee as a crime victim.

(b) **Definition.**

Criminally injurious conduct – is conduct that occurs or is attempted, and such conduct or attempted conduct poses a substantial threat of personal injury or death and is, or would be, punishable by fine, imprisonment, or death. This includes sex offenses, kidnapping, aggravated robbery, assaultive offenses, arson, homicide, and other violent crimes in which the victim suffers physical or emotional harm or death. The following motor-vehicle-related crimes are also covered: Failure to Stop and Render Aid, DWI, Manslaughter, Criminally Negligent Homicide, Aggravated Assault, Intoxication Manslaughter and Intoxication Assault.

(c) **Procedures.**

(1) **Election.**

- (A) To make an election to allow or not allow public access to crime victim information, the employee must:
- (i) complete and sign the Crime Victim's Election to Allow Public Access to Information form, HR-005; and
 - (ii) submit the signed form to the local Human Resources Administrator (HRA) or the records center specialist at central office human resources (for central office employees) within three years after the latest of the following dates:
 - (I) the date of the crime was committed;
 - (II) the date employment begins; or
 - (III) December 1, 2011 (date the HR-005 was first developed).
- (B) An employee may make an election regardless of whether the employee applied for benefits under the Crime Victims' Compensation Act.
- (C) If an employee does not submit a completed and signed HR-005, the employee's crime victim information is confidential until the third anniversary of the date the crime was committed. After that date, the information is no longer confidential.
- (D) In case of disability, impairment, or other incapacity of the employee, the guardian of the employee or former employee may make the election.

(2) **Release of Crime Victim Information.**

Prior to the release of information held by TJJD identifying any employee as a crime victim, the employee who is considering releasing the information must consult with the employee's local HRA to confirm that the information is public information based on:

- (A) the crime occurring at least three years before the release of the information and the employee did not make an election to maintain the confidentiality of the information; or
 - (B) an election by the employee to allow the information to be public information.
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