

Victim Assistance

Your local Victim / Witness Assistance Center can provide advocacy and specific information on local resources, the Victim Compensation Program, non-profit victim's rights groups and support groups. To obtain information on the Victim Witness Assistance Center nearest to you, contact: **Attorney General's Victim Services Unit (877) 433-9069.**

Victim Compensation Program

The definition of victim under the Victim Compensation Program may differ from the definition under the California Constitution. The program may provide help for victims of:

- Assault
- Domestic Violence
- Sexual Assault
- Child Abuse
- Vehicular Manslaughter
- Homicide
- Drunk Driving
- Human Trafficking
- Robbery

What can the Victim Compensation Program help pay for?

- Medical and Dental Bills
- Relocation
- Mental health counseling
- Crime scene cleanup
- Funeral costs
- Loss of income

Qualifications for Compensation

A direct victim is someone who is physically injured, threatened with injury or dies as a direct result of a qualifying crime (Gov. Code, § 13951(g)). Other persons impacted by the crime may be eligible for compensation (Gov. Code, § 13951(c)). The crime must have occurred in California or to a California resident who becomes a victim while in another state or country. For crimes occurring out of state, the victim must apply to that state or country first (Gov. Code, § 13955(b)).

The Direct Victim and/or Applicant Must:

- Cooperate reasonably with law enforcement in the arrest and prosecution of the offender (Gov. Code, § 13956(b)).
- Cooperate with CalVCB staff and its representatives to verify the application (Gov. Code, § 13954 (b)).
- Seek reimbursement from other sources (i.e., health insurance or Medi-Cal) prior to a CalVCB payment (Gov. Code, § 13951(e)).
- Not be on parole, probation or post-release community supervision for a violent felony, incarcerated or required by law to register as a sex offender during the time the expenses were incurred.
- File the application within three years of the crime. Minor victims must file by their 24th birthday; if the crime was a sexual offense the application must be filed by the victim's 28th birthday. Good cause may allow for additional filing time (Gov. Code, § 13953).

Application Maximum

As of January 1, 2017, the maximum reimbursement per application is \$70,000. Prior to this, the maximum reimbursement per application was \$63,000. Depending on when the crime occurred, benefit limits may vary.

How do you apply?

- Download an application at victims.ca.gov and mail it to CalVCB, PO Box 3036, Sacramento CA 95812.
- Call 1-800-777-9229
- Contact the Contra Costa County District Attorney's Office at 925-957-8650

For more information contact:

Victim Compensation and Government Claims Board
(800) 777-9229
www.victimcompensation.gov

Local, State, and National Resources

The following are some of the resources available to victims and their families. This is not an exhaustive list. The Attorney General offers these references for information purposes only.

CA Attorney General's Victim Services Unit www.ag.ca.gov/victimservices	(877) 433-9069
California Dept. of Corrections and Rehabilitation Office of Victim & Survivor Rights & Services www.cdcr.ca.gov/victim_services	(877) 256-6877
Rape, Abuse, Incest, National Network www.rainn.org	(800) 656-4673
California Partnership to End Domestic Violence www.cpedv.org	(800) 524-4765
Victims of Crime Resource Center Pacific/McGeorge School of Law www.1800victims.org	(800) 842-8467
National Center for Victims of Crime www.victimsofcrime.org	(202) 467-8700
National Domestic Violence Hotline www.thehotline.org	(800) 799-7233

CASE NUMBER:

OFFICER NAME:

Information for Victims of Crime

Marsy's Law / Victim Compensation Program



The City of Oakley Police Department

3231 Main Street
Oakley, CA 94561

(925) 625-8855

"Building a Community Together"

Victim's Bill of Rights Act of 2008 Marsy's Law

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008. This was also known as Marsy's Law. This was a measure to provide all victims with specific rights and due process. This pamphlet is for informational purposes only and is an overview of some of the key sections of Marsy's Law. A full copy of the text of the Victim's Bill of Rights Act of 2008: Marsy's Law (Proposition 9) is available from the California Secretary of State on their website.

A "victim" is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term "victim" also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term "victim" does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim. (Cal. Const., art. I, § 28(e).)

Under Marsy's Law, a victim has the right to reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

Further, **upon request**, a victim has the right to be heard, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue. If you wish to be notified of court proceedings, contact our district attorney's office.

Marsy's Law provides the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or

the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - a. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - b. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - c. All monetary payments, monies, and property collected from any person who has been ordered to

- make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

Victim's Rights – A Time Line

You have the right to...

Before Charges are Filed

- Ask the prosecutor (DA) about the Defendant's arrest.

After DA files Charges

- Ask the prosecutor (DA) about the charges filed against the Defendant.

Arraignment

- Ask the prosecutor (DA) the time and place of the arraignment and any other hearing that the Defendant and DA have the right to go to.
- Keep your confidential information private.
- Refuse to meet with or speak to the defense, unless you want to.

Before the Trial

- Be told about and talk to the DA about any hearing before the trial.

Trial

- A speedy trial that ends without delay.
- Get your property returned promptly, when it is no longer needed as evidence.

Before Sentencing

- Tell a probation officer about the crime's impact on your life before sentencing;
- Speak to the Court at any hearing to decide the Defendant's sentence;
- Get a copy of the pre-sentence report;
- Have the court consider your, your family's, and the public's safety;
- Be told about the parole process; and
- Have the court make orders that protect you.

After Sentencing

- Ask for money (restitution) for your losses;
- Be told about the Defendant's scheduled release date and all parole hearings; and
- Ask the court for orders to protect you from harassment, abuse, or other harm.