

NATIONAL CRIME VICTIMS' RIGHTS WEEK: Information and Resources from the California Attorney General's Office to Support and Empower Victims and Survivors



INTRODUCTION:

This year's theme for National Crime Victims' Rights Week is "rights, access, equity, for all victims." At the California Department of Justice (DOJ), these are core values in the work we do each and every day on behalf of the people of California. We are committed to expanding access to services and standing up for victims, survivors, and their families.

As part of the collective work to empower those impacted by crime, it is critical that service providers, members of the public, and all of our partners across the state know what resources are available to them statewide and at DOJ.

In this document, members of the public and partners across the state will learn more about:

- Work and resources offered by DOJ's Victims' Services Unit;
- Rights victims and their families are entitled to under California law;
- General resources available to victims in California; and
- California's appellate process and how victims can be supported throughout.

WHAT IS THE VICTIMS' SERVICES UNIT (VSU)?

The Victims' Services Unit (VSU) was created in 1999 to better serve crime victims and their families. Victims have rights and Attorney General Bonta is committed to ensuring those rights are protected. VSU offers support and information to victims and their families at every stage of the criminal process. The unit accomplishes this by advocating for victims, and by helping identify and close any gaps in services available to victims offered by all levels of government. The unit works in conjunction with victim service providers and frontline prosecutors all across the state.

VSU works to provide client-centered, trauma-informed, and culturally sensitive services to all crime victims, including underserved, at-risk, underrepresented, and vulnerable populations. Through the unit's services, victims can track the status of appeals, recusal cases, and other matters being handled by DOJ's prosecutors. VSU has a dedicated and well-trained team of advocates who provide appeal notifications to victims and their families. These updates allow victims and their families to exercise their rights to address the court or otherwise participate in parole, clemency, and execution proceedings.

VSU also supports service providers and members of the public in tracking the progress of sexual assault evidence kits as they are processed both at the state and local level through the Sexual Assault Forensic Evidence Tracking (SAFE-T database.) Importantly, VSU's advocates work to help victims and their families access available resources that are a critical part of the healing process, such as mental health services, safety net services, and assistance through the California Victim Compensation Board for related crime expenses.

VSU liaises with service providers, community-based organizations, faith-based organizations, and government agencies in all of California's 58 counties to assist victims and their families navigate the oftentimes complex criminal justice system. Connecting with local communities and sharing with them the services we provide is of the utmost importance. As a result, our team takes steps to participate in outreach, roundtables, and trainings in each of these counties wherever possible.



To receive more information on resources, notification of an appeal, or notification on a case the Attorney General's Office is prosecuting, please visit oag.ca.gov/victimservices, call VSU at (877) 433-9069, or email VSU at VictimServices@doj.ca.gov.

VICTIMS' RIGHTS UNDER MARSY'S LAW:

The California Constitution, Article 1, Section 28(b), confers certain key rights and protections to victims of crime and their families. Information on these rights is available on [DOJ's website](#) in nearly two dozen languages. These rights include:

- 1. Fairness and Respect** – To be treated with fairness and respect for their privacy and dignity, and to be free from intimidation, harassment, and abuse throughout the criminal or juvenile justice process.
- 2. Protection from the Defendant** – To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- 3. Victim Safety Considerations in Setting Bail and Release Conditions** – 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. The Prevention of the Disclosure of Confidential Information** – 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. Refusal to be the Interviewed by the Defense** – 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. Conference with the Prosecution and Notice of Pretrial Disposition** – 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. Notice of and Presence at Public Proceedings** – 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. Appearance at Court Proceedings and Expression of Views** – 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. Speedy Trial and Prompt Conclusion of the Case** – To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
- 10. Provision of Information to the Probation Department** – 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. Receipt of Pre-Sentence Report** – To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
- 12. Information About Conviction, Sentence, Incarceration, Release, and Escape** – 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. 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. The Prompt Return of Property** – To the prompt return of property when no longer needed as evidence.
- 15. Notice of Parole Procedures and Release on Parole** – 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. Safety of Victim and Public are Factors in Parole Release** – 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. Information About These 16 Rights (To be informed of these enumerated rights)** – To be informed of the rights enumerated in paragraphs (1) through (16).



WHAT RESOURCES ARE AVAILABLE TO VICTIMS?

Victim Compensation Board

- Can help victims pay for: mental health counseling, funeral costs, loss of income, crime scene cleanup, relocation, medical and dental bills.
- Call 1-800-777-9229
- Find them online at www.victims.ca.gov

CA Dept. of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services

- Provides information on offender release, restitution, parole conditions and parole hearings when the offender is incarcerated in prison.
- Call 1-877-256-6877
- Find them online at www.cdcr.ca.gov/victim_services

National Domestic Violence Hotline

- Call 1-800-799-7233
- Find them online at www.thehotline.org

Adult Protective Services County Information (Elder Abuse)

- 24-hour hotline numbers by county in California.
- Find them online at www.cdss.ca.gov/inforesources/County-APS-Offices

National Child Abuse Hotline

- Treatment and prevention of child abuse.
- Call 1-800-422-4453
- Find them online at www.childhelp.org

Rape, Abuse & Incest National Network

- Call 1-800-656-4673
- Find them online at www.rainn.org

The Victims of Crime Resource Center

- Find them online at <https://1800victims.org/> (Online Chat Available);
- Text or call 1-800-842-8467; or
- Email 1800VICTIMS@pacific.edu.

Coalition to Abolish Slavery and Trafficking (CAST)

- Call 1-888-539-2373
- Find them online at <https://www.castla.org/>

National Human Trafficking Hotline

- Find them online at <https://humantraffickinghotline.org/> (Online Chat Available);
- Text 233-733 (Be Free); or
- Call 1-888-373-7888.

The California Relay Service:

- For speech impaired, deaf or hard-of-hearing callers: Dial 711. TTY/HCO/VCO to Voice for English: 1-800-735-2929 and for Spanish: 1-800-855-3000. Voice to TTY/VCO/HCO for English: 1-800-735-2922 and for Spanish: 1-800-855-3000. Speech to Speech – English and Spanish: 1-800-854-7784.



DEMYSTIFYING THE APPELLATE PROCESS

One of VSU's primary roles in supporting victims and their families in California is at the appellate stage of criminal cases. An appeal is when a defendant challenges the outcome of their trial. Usually this is because they believe a legal error occurred at their trial, meaning that a judge or one of the lawyers made a mistake. By taking an appeal, the defendant asks a reviewing court to find that an error occurred and overturn the verdict or sentence. Appellate Courts review the trial court record, which may include court transcripts and other evidence introduced at trial, to decide if any legal errors were made that contributed to the defendant's conviction, or affected his or her sentence. Both the Courts of Appeal and the California Supreme Court can change or modify a judgment. In very rare instances, cases can be appealed to the United States Supreme Court.

It is important for both members of the public and service providers to know that while most state appeals must be brought within 60 days of conviction, the appellate process can take years and, under certain circumstances, appeals can be filed at a later time. Accordingly, victims, survivors, and family members should consider reaching out to VSU or the California Department of Corrections and Rehabilitation to request to be made aware of such developments if they arise.

If a Court of Appeal finds that the proceedings were conducted correctly, the judgment is affirmed, which means that the conviction and sentence will not be changed. Even if a Court of Appeal finds that a legal error was made by the trial court, the judgment will only be reversed if the error was prejudicial, meaning the error was significant enough that there's a reasonable probability it made a difference in the outcome. Sometimes an appellate court will overturn one conviction in a multi-count case but affirm others. Appeals typically go through Courts of Appeal first, and if the defendant — who is often called the appellant in these instances — is dissatisfied with the decision of a Court of Appeal, they can then attempt to get their case heard before the California Supreme Court and possibly the U.S. Supreme Court.

In the event that a case is reversed, it can be sent back to the trial court for a new trial, a new sentencing hearing, or some other proceeding to correct the error. If a new trial or sentencing hearing is granted, crime victims and witnesses may have to come to court and testify or share a victim impact statement again.

FREQUENTLY ASKED QUESTIONS: VICTIMS' RIGHTS FOLLOWING A CONVICTION

How do I know when an individual will get out of prison?

If the person who committed the crime is in local jail, the Victim Witness Center in your county can assist you to complete forms to receive notification. If the person is in state prison, contact the California Department of Corrections and Rehabilitation's Office of Victim & Survivor Rights & Services at 1-877-256-6877 and/or victimservices@cdcr.ca.gov. Victims can also ask to be notified if the individual escapes or dies. In addition, members of the public may also consider using the [VINE system](#) as an additional tool for information on criminal cases and an individual's custody status.

What is parole?

Parole is a supervised program that takes place when a person convicted of a felony and sentenced to prison is released and re-integrated into the community to serve the remainder of his or her sentence. Sometimes parole release is automatic, whereas in some cases, the defendant will have a parole hearing to determine whether parole is appropriate. People who are sentenced to a life term (e.g., 15 years-to-life or 25 years-to-life) are given a Minimum Eligible Parole Date (MEPD). The incarcerated

individual has a parole hearing approximately 13 months before the MEPD. Victims can ask the Board of Parole Hearings (at 916-445-4072) or the Department of Corrections (at 1-877-256-6877) when an incarcerated individual's MEPD is.

Can I go to the parole hearing and can I make a statement?

If a victim wants to go to a parole hearing, they must ask the Board of Parole Hearings (BPH). To be notified of the hearing, victims must complete a form stating they want notification. This can be done through VSU, the Department of Corrections, or the BPH. Only victims, next of kin, and immediate family members can speak at parole hearings. Generally, the BPH will let two people speak. Those eligible to speak include a spouse, children, parents, brothers and sisters, grandchildren, and grandparents.

How can I protect myself when the person who committed a crime that impacted me or my family is released from custody?

The Department of Corrections may help victims depending on the type of case. Upon the victim's request, the Department of Corrections may place special conditions on the parolee such as out of county placement or stay away order protecting the victim and family members from any contact from the defendant. Parolees also must obey all laws, obtain permission before traveling more than 50 miles, notify parole agent of any change in job or residence and are prohibited from having firearms.