

Staff Memorandum 2022-06
Crime Victims' Rights and Services
Updates on Staff Research and Preliminary Proposals

At its February 2022 meeting, the Committee heard from panelists about and discussed victims' rights and services. This memorandum presents brief research updates and three proposals for further discussion on those topics.

Summary Updates on Staff Research

The Committee directed staff to research a number of topics, as indicated below:

1. Research connecting victims' services to improvements in public safety

Trauma caused by being a crime victim or survivor can lead to substance abuse and mental health conditions, including depression and post-traumatic stress disorder, as well as loss of income, employment, and housing.¹ Research has shown that providing social and financial support to victims, especially in the immediate aftermath of victimization, can help people develop a sense of safety and security and more readily engage in mental health treatment to address their trauma.² And the intensive support services provided to victims through Trauma Recovery Centers — facilities that offer comprehensive mental health, advocacy, and case management services to victims of violent crime — have been found to result in increased reporting and cooperation with law enforcement.³

¹ Dean G. Kilpatrick and Ron Acierno, *Mental Health Needs of Crime Victims: Epidemiology and Outcomes*, *Journal of Traumatic Stress*, Vol. 16, No. 2 (2003); Lynn Langton and Jennifer Truman, *Socio-emotional Impact of Violent Crime*, U.S. Department of Justice, Bureau of Justice Statistics (2014); Vanessa G. Kelly et al., *Outreach, Engagement, and Practical Assistance: Essential Aspects of PTSD Care for Urban Victims of Violent Crime*, *Trauma Violence, & Abuse* 11(3), 144-156 (2010).

² Vanessa G. Kelly et al., *Outreach, Engagement, and Practical Assistance: Essential Aspects of PTSD Care for Urban Victims of Violent Crime*, *Trauma Violence, & Abuse* 11(3), 152 (2010). See also Stacey Wiggall and Alicia Boccellari, *Trauma Recovery Center Manual: A Model for Removing Barriers to Care and Transforming Services for Survivors of Violent Crime*, University of California, San Francisco Trauma Recovery Center (2017).

³ TRC clients were 44% more likely to cooperate with prosecutors and victims of sexual assault served by TRCs were 69% more likely to file a police report. National Alliance of Trauma Recovery Centers, *Trauma Recovery Centers: Addressing the Needs of Underserved Crime Survivors*, 14 (2020) (citing R. Okin and A. Boccellari, *Recommendations to the State of California Victim Compensation Program Based on Findings From the UCSF Trauma Recovery Center Demonstration Model Program*, 6 (2007)).

2. Navigating California's array of victims' services

California does not, as some states do,⁴ have a centralized victims' services agency. Instead, an array of agencies — including the California Victim Compensation Board, the California Department of Justice Victims' Services Unit, and the California Victims Resource Center — provide different services to victims. For example, the California Victims Resource Center, whose Director Mariam El-Menshawi was a witness for the Committee in February 2022, is a state-funded program created in the Penal Code⁵ that helps victims understand the rights and services available to them. The Center uses its website, mobile app, and 1-800 number to connect victims directly with attorneys and law students for consultations about the rights and services available to them.⁶

The various agencies that work to assist victims are listed on a “Marsy's card” — named after Marsy's law, a voter initiative from 2008 expanding victims' rights — which the Penal Code requires law enforcement and prosecutors to give to victims when they first contact them.⁷ The card also provides the contact information of 9 different organizations with minimal explanation of what they can assist victims with. (The Marsy's card is attached as Appendix A.)⁸

But the Marsy's card is not user-friendly: it uses the verbatim legalese from the state constitution to explain victims' rights and does not clearly explain how victims can assert these rights.⁹ A pending bill by Senator Skinner, SB 993, would create a “Victim Protections and Resources card,” that would supplement the current Marsy's card and would contain information about victims' rights and services in clearer language.¹⁰

⁴ See, e.g., Connecticut Office of the Victim Advocate, Minnesota Department of Public Safety, Crime Victim Justice Unit, Wisconsin Department of Justice, Crime Victims Rights Board.

⁵ Penal Code §§ 13897–13897.3.

⁶ This description was taken from the California Victims Resource Center website.

⁷ Penal Code § 679.026(c).

⁸ A simpler version of the same concept is in Penal Code § 679.08. This section allows police officers to provide a “Victim's Rights Card” that says, “California law provides crime victims with important rights. If you are a victim of crime, you may be entitled to the assistance of a victim advocate who can answer many of the questions you might have about the criminal justice system.” The card provides a phone number to the local victim advocate agency. Police officers can only provide this card if the local city council or board of supervisors has adopted a resolution to do so.

⁹ State of California, Office of the Attorney General, *Pocket Sized Marsy's Card with Resources*.

¹⁰ See Section 16 of SB 993 (Skinner), which would create Penal Code § 679.027.

3. Enforcement of victims' rights

Violations of victims' rights do not have robust remedies in California.¹¹ Though Marsy's law requires courts to act promptly on victims' requests to enforce their rights,¹² the law also explicitly states that it does not create a cause of action against anyone.¹³

4. Notification to victims of anticipated release dates

Ralph Diaz, former Secretary of the California Department of Corrections and Rehabilitation and President of Stand Up for Victims, suggested to the Committee that crime victims be given clear information about credit earning and other systems that reduce how much time someone can spend behind bars. A pending bill by Senator Skinner, SB 993, would require the California Department of Corrections and Rehabilitation to give victims this type of information.¹⁴

¹¹ See, e.g., Douglas E. Beloof, *The Third Wave of Crime Victims' Rights: Standing, Remedy, and Review*, 2005 BYU L. Rev. 255, 268, 282–284 (2005); *People v. Hannon*, 5 Cal.App.5th 94, fn.7 (2016).

¹² Cal. Const., Art. I, Sec. 28(c)(1).

¹³ Cal. Const., Art. I, Sec. 28(c)(2).

¹⁴ The description of this bill is drawn from Section 16 of SB 993 (Skinner) which would add section 1170.04 to the Penal Code.

Victim Compensation Eligibility Updates

During the February 2022 Committee meeting, panelists explained that victim compensation eligibility rules can prevent compensation from reaching those who need it most. For example, compensation can be denied for not cooperating with law enforcement¹⁵ or if the victim is on probation or parole.¹⁶

Senator Skinner has since introduced SB 993 which would revise most of these eligibility requirements and track developments in other states:

SB 993 change to current law	Other states
Allow people on supervision (probation, parole, etc.) to be given victims compensation.	41 states do not have any restrictions based on felon status. ¹⁷
Remove the requirement that the crime be reported to police.	New Mexico and Illinois recently passed legislation allowing alternative reporting. ¹⁸
Allow compensation even if there was some involvement in the crime.	Ohio recently narrowed contributory misconduct exclusions. ¹⁹
Relax requirement that victim fully cooperate with law enforcement.	Federal law does not require states to deny compensation due to noncooperation. ²⁰ Illinois, Hawaii, and Vermont do not require cooperation. ²¹

In addition, Aswad Thomas, National Director of Crime Survivors for Safety and Justice, explained to the Committee that many crime victims simply do not have the money to pay for emergency expenses like funerals, medical bills, or relocation, and often get overwhelmed with the paperwork to obtain reimbursement from CalVCB. SB 993 would begin to address this issue by

¹⁵ Gov. Code § 13956(b). California has special rules for applications based on domestic violence, sexual assault, or human trafficking that specify that they shall not be denied solely because a police report was not made by the victim. Gov. Code § 13956(b)(2)–(4).

¹⁶ Gov. Code § 13956(c)(1).

¹⁷ In addition to California, Arkansas, Florida, Georgia, Mississippi, North Carolina, Rhode Island, and Washington have similar restrictions. Three states have recently passed laws eliminating similar restrictions. See Illinois HB 3653, 740 ILCS 45/2.5; Louisiana HB 85; Missouri SB 966.

¹⁸ In New Mexico, reports to medical or mental health providers can establish proof of a qualifying crime. HB 342 (2019). In Illinois, going to the hospital for medical care will meet the reporting requirement. HB 3653 (2020).

¹⁹ SB 36 (2021).

²⁰ See H.R.1652 — 117th Congress (2021–2022) (amending 34 U.S.C. § 20102(b)(2)).

²¹ See Illinois HB 3653; Hawaii HRS § 351-31; Vermont 80-001 Code Vt. R. 80-220-001-X.

creating a pilot program to provide grants to community-based organizations to distribute direct cash assistance to victims of violent crime.²²

Retail Theft Offenses Updates

Rachel Michelin, President and CEO of the California Retailers Association, told the Committee that retail theft not only causes retailers financial losses, but also puts their employees and customers at risk.

There are two different types of offenses in this area: organized retail crime and shoplifting. Organized retail crime is large-scale commercial theft committed by groups of people who then resell the stolen goods for profit and is punished as a felony in the Penal Code.²³ Shoplifting of items valued at less than \$950 is typically prosecuted as a misdemeanor²⁴ and the most recent data suggests that California's shoplifting rate has declined in recent years.²⁵ Ms. Michelin expressed support for requirements on online resellers to help address organized retail theft and diversion programs for shoplifting.

Pending legislation addresses both issues:

- **SB 301 (Skinner):** This bill, which has the support of the California Retailers Association, would require online marketplaces to require high-volume sellers to provide contact information and other identifying information. The bill also requires online marketplaces to verify the information submitted and to suspend future sales when the seller has not provided the information. SB 301 is modeled on pending federal legislation that would also regulate online marketplaces.²⁶
- **AB 2294 (Jones Sawyer):** Among other things, AB 2294 would allow a local prosecutor or probation department to create a Repeat Theft Crimes Diversion program.²⁷ Once the program exists, every person who could be charged with repeat theft must be evaluated for the program. (Repeat theft is defined as two or more incidents in one year of theft from a vehicle or a store.)²⁸ The statute provides some guidance on what should make a person eligible for the program, including a willingness to engage

²² SB 993 (Skinner).

²³ Penal Code § 490.4.

²⁴ Penal Code § 490.2.

²⁵ California Department of Justice, Crime in California 2020, Table 11, Table 52 (34% decline in the shoplifting rate per 100,000 people from 2014 to 2020).

²⁶ See H.R. 5502 — 117th Congress (2021-2022) and S.936 — 117th Congress (2021-2022).

²⁷ The description of this program is drawn from Section 5 of AB 2294, which would create Penal Code § 1001.81.

²⁸ In addition to being cited or convicted for two of these offenses, the person must have also failed to appear in court or have continued to commit these types of offenses after release or conviction.

in community services or other mechanisms to repair the harm they caused, and the results of a risk-needs assessment. The bill does not limit how long such programs can last.

In addition to this pending legislation, Ms. Michelin indicated that her organization was interested in strengthening diversion programs by offering a job training program to people granted diversion on theft charges. This program — called RISE Up — teaches skills related to the retail industry.²⁹ Committee staff had continued discussions with Ms. Michelin about this plan and many details are still being developed. To date, it appears that RISE Up has only been offered as a job training program outside of the criminal legal system, and there is no data related to its impact on recidivism.³⁰

Preliminary Staff Proposals

After witness testimony at the February 2022 meeting, the Committee discussed several areas in which to make proposals to revise the Penal Code. Presented below are three preliminary proposals from staff for further discussion and analysis by the Committee.

1. Create a system for state-funded restitution payments to victims

Summary Staff Proposal

Allow the state to pay restitution orders to crime victims before collecting payments from people convicted of crimes.

Current Law

Crime victims have a constitutional right to recover restitution from the person convicted of the crime. Counties and state agencies, including the California Department of Corrections and Rehabilitation, collect money from people ordered to pay restitution and deliver payments to victims.

Background

Restitution and victim compensation are two means the state uses to repair the harm victims suffer as a result of their victimization. Restitution is the primary approach, as the state constitution gives victims the right to recover the full amount of their financial losses from the person convicted of the crime.³¹ California's victim compensation system supplements restitution by providing

²⁹ The RISE Up program teaches skills related to the retail industry, including customer service and sales, business operations, and logistics. National Retail Federation, *RISE UP: Building-Life Changing Careers*.

³⁰ A similar education and diversion program offered by the National Association for Shoplifting Prevention that appears to have had positive results. See National Association for Shoplifting Prevention, *Recidivism*.

³¹ Cal. Const. Art. I, Sec. 28(a)(13). See also Penal Code § 1202.4(f).

state-paid reimbursement for expenses related to victimization that are not paid by other sources like insurance. Under the current system, restitution is only available to victims if someone is convicted of a crime and a judge enters an order for direct restitution to the victim. Victim compensation is available even if the perpetrator is not identified or prosecuted.

At the February 2022 Committee meeting, panelists described how California's current systems are failing to meet the needs of crime victims. Dr. Gena Castro Rodriguez explained that crime victims often do not receive restitution payments and those payments that do come are often between \$2 and \$5 per month. Survey data confirms that the amount of restitution actually collected in the state is much less than what is ordered – counties reported collecting only 11% of what is ordered.³² This collection rate tracks data showing that only about 8% of ordered restitution is collected in the federal criminal system.³³

Restitution collection also comes with high administrative costs – survey data indicate that California counties reported spending \$.64 to collect each dollar of victim restitution.³⁴ National research shows that counties in several states spend, on average, at least \$.41 for every dollar collected in fines and fees.³⁵

California's approach to restitution is similar to most of the rest of the country. But Vermont is different: instead of the victim having to wait for the convicted person to pay restitution, a state Restitution Unit issues advance payment up to \$5,000.³⁶ Businesses and corporate victims are ineligible.³⁷ After making advance payments to victims, the Restitution Unit serves as a centralized collection agency to collect restitution from those convicted of crimes.³⁸ Using this model, the majority of crime victims in Vermont receive all of the restitution ordered to them.³⁹

³² The survey relied on public records requests to 15 counties that accounted for approximately 58% of California's population and asked for 10 years of data. The 11% estimate does not include amounts collected by the California Department of Corrections and Rehabilitation and the Franchise Tax Board. Delaney Green, *Victim Compensation in the Criminal-Legal System: Fiscal Data Summary*, Master's Thesis, University of California, Berkeley, 1 (2021).

³³ United States Government Accountability Office, *Federal Criminal Restitution: Most Debt is Outstanding and Oversight of Collections Could Be Improved* (2018) (from 2014 to 2016, federal judges ordered nearly \$34 billion in restitution but collected less than \$3 billion because of the defendants' inability to pay).

³⁴ Delaney Green, *Victim Compensation in the Criminal-Legal System: Fiscal Data Summary*, Master's Thesis, University of California, Berkeley, 1 (2021).

³⁵ Matthew Menendez, et al., *The Steep Costs of Criminal Justice Fees and Fines*, Brennan Center for Justice (2019).

³⁶ 13 V.S.A. § 5353. See also Judy Rex and Elaine Boyce, *The Vermont Model: A Victim-Centered Approach to Restitution*, Vermont Center for Crime Victim Services (2011).

³⁷ Rex and Boyce, *The Vermont Model* at 37.

³⁸ *Id.*

³⁹ *Id.* at 43.

In California, restitution orders amount to approximately \$200 million annually.⁴⁰ This amount includes restitution orders to corporations, insurance companies, and government agencies. If the state were to fund restitution orders, it could reduce costs by excluding these organizations from the direct payment scheme because these entities often have insurance or other sources to recover losses directly.⁴¹

Allowing the state to pay restitution orders would provide financial assistance to crime victims more quickly. Though victims have the right to recover restitution directly from the people convicted of the crime,⁴² they could waive that right in order to receive payment from the state. The slow and uncertain collection process would no longer impact victims.

As in Vermont, the state could then decide how to pursue payments from people convicted of crimes and would have flexibility not allowed under current law, such as considering a defendant's indigence and ability to pay restitution.⁴³ (Other states and the Model Penal Code allow a defendant's ability to pay to be considered by a court when setting a restitution amount.)⁴⁴ The state could also evaluate whether current collection practices — including garnishing wages, tax refunds, and prison accounts — are effective.

Staff Proposal

The Committee should consider recommending that the state adopt the Vermont model and make initial restitution payments to victims.

⁴⁰ Delaney Green, *Victim Compensation in the Criminal-Legal System: Fiscal Data Summary*, Master's Thesis, University of California, Berkeley, 3 (2021).

⁴¹ According to Committee panelist Delany Green, corporations, insurance companies, and government entities are already compensated for losses through collection of premiums and tax dollars, and state resources should be directed towards people who do not receive these benefits.

⁴² Cal. Const. Art. I, Sec. 28(a)(13)(A).

⁴³ Penal Code § 1202.4(g).

⁴⁴ See New York Penal Law § 65.10(2), Tex. Crim. Proc. Code, Art. 42.037(a), and Wash. Code § 9.94A.750(5); Model Penal Code: Sentencing (Am. Law Inst. Prepublication Draft, 2021), § 6.07 comment c.

2. Create a victims' right to restorative justice

Summary Staff Proposal

Create a victims' right to participate in restorative justice programs.

Current Law

The Penal Code references restorative justice but does not specify when it should be used and victims have no right to participate in it.

Background

Restorative justice is an alternative to the traditional criminal legal process that focuses on repairing the harm caused by crime through the use of direct conferencing between those who have been harmed, the responsible party, and the affected community.⁴⁵ The conferencing typically results in an agreement that requires the responsible party to make amends by completing an agreed-upon set of actions.⁴⁶ In the criminal legal context, restorative justice typically results in the dismissal of charges.

At the February 2022 Committee meeting, Thomas Morgan, a former sheriff's deputy who was shot in the neck while on duty, described the healing he and his wife were able to achieve through participation in a post-conviction restorative justice program. For Mr. Morgan, understanding more about the person who committed the offense and the circumstances that led to it helped to resolve years of untreated trauma.

While the restorative justice conference that Mr. Morgan participated in occurred years after the case was adjudicated, the Committee also heard testimony about the benefits of restorative justice programs that occur much earlier in the criminal legal process. Professor Steven Raphael presented research conducted by the California Policy Lab finding that the Make-It-Right restorative justice conferencing program in San Francisco significantly reduced the likelihood of rearrest among youth charged with serious offenses. And Yolo County District Attorney and President of the California District Attorneys Association Jeff Reisig told the Committee that the restorative justice program offered by his office resulted in a 37% reduction in recidivism and a 90% victim satisfaction rate.

Though restorative justice programs have shown promising results, California's Penal Code does not currently provide a clear path for using restorative justice to

⁴⁵ See, e.g., sujatha baliga, Sia Henry, Georgia Valentin, *Restorative Justice Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County*, Impact Justice, 8, Summer 2017.

⁴⁶ *Id.*

resolve adult criminal cases.⁴⁷ But a number of other states have laws that more clearly outline when and how restorative justice should be used in the criminal legal system.⁴⁸ Some states, including Colorado and Texas, give crime victims the right to be informed of, request, or participate in restorative justice programs.⁴⁹

At the February 2022 meeting, District Attorney Reisig urged the Committee to recommend creating a victims' right to participate in restorative justice and presented a draft of a bill that would create such a right.⁵⁰ Since then, Committee staff have conducted additional research and consulted with stakeholders throughout the state to develop a proposal that is similar to District Attorney Reisig's:⁵¹

- A restorative justice program is one developed and facilitated by a community-based organization that is independent from agencies within the criminal legal system.
- County supervisors, the presiding judge, or the District Attorney identify and approve acceptable programs in their jurisdiction.
- Restorative justice proceedings occur in a confidential setting and statements made by the accused person cannot be used in any other legal proceeding.
- Restorative justice is most effective for serious crimes and a wide variety of offenses should be eligible.
- Successful participation in the program, as defined by the community-based organization, results in the dismissal or non-filing of charges.

⁴⁷ For juvenile cases, Welfare and Institutions Code § 202(f) specifically authorizes restorative justice as an appropriate resolution of some cases. The Penal Code contains only general acknowledgement and encouragement of restorative justice programs. Penal Code §§ 17.5(a)(8)(E), 3450 (b)(8)(E); Penal Code § 1170(a)(1).

⁴⁸ For example, several states fund or direct agencies to direct restorative justice programs, and some states require victims to be informed of restorative justice programs when they are available. See, Shannon M. Silva and Carolyn G. Lambert, *Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine*, *Journal of Policy Practice*, 14:77–95 (2015).

⁴⁹ *Id.* See also, Colorado Revised Statute § 24-4.1-302.5(1)(1.5); Texas Code of Criminal Procedure Ann. § 56.02(a)(11).

⁵⁰ See Written Submission of Jeff Reisig to Committee on Revision of the Penal Code, February 23, 2022.

⁵¹ The key differences from the staff proposal and District Attorney Reisig's proposal are that Reisig's proposal envisions restorative justice programs operating solely under a prosecutor's office, with great discretion on which cases to accept, including any where the defendant demonstrates a predisposition to dangerous conduct.

When such a program is in place, a victim of a specified offense should have a right to be told about the existence and scope of the program by both the court and prosecutor and the choice to participate in it.

Staff Proposal

The Committee should consider recommending the establishment of a victims right to be informed of and participate in a restorative justice program that meets specified requirements around its scope and confidentiality and that has been approved by county supervisors, the District Attorney and/or the presiding judge.

3. Modernize civil compromise

Summary Staff Proposal

Modernize the scope of civil compromises to apply to some felony offenses and clarify the definition of “satisfaction” in current law.

Current Law

Some misdemeanor charges can be resolved through “civil compromise,” typically a cash payment from the defendant to the victim.

Background

A concept related to restorative justice already exists in the Penal Code — civil compromise. This law, dating back to 1872, allows courts to dismiss most misdemeanor cases if a victim “acknowledges that they have received satisfaction.”⁵² These “civil compromises” typically involve payment to the crime victim from the defendant for damage to property. And even when a victim acknowledges that they have received satisfaction, courts maintain the discretion to decide whether the case is appropriate for dismissal.⁵³

Research has shown that restorative justice is more effective for crimes that are considered more severe.⁵⁴ But modernizing civil compromise resolutions could produce some of the same benefits as a traditional restorative justice process by placing a victim in control of tailoring a resolution but without the time investment needed for a restorative justice resolution.

⁵² Penal Code §§ 1377–1379.

⁵³ Penal Code § 1378.

⁵⁴ Lindsey Pointer, *What is “Restorative Justice” and How Does it Impact Individuals Involved in Crime?*, Bureau of Justice Assistance, National Training and Assistance Center (2021).

Modernization can be accomplished in two ways:

- Allowing civil compromise for non-violent, non-sex offense felonies
- Clarifying the definition of “satisfaction” to more clearly allow additional resolutions, such as community service or other non-monetary resolutions acceptable to the victim.

Staff Proposal

The Committee should consider recommending that civil compromise laws be updated to allow non-violent, non-sex offense felonies to be eligible and clarifying the definition of “satisfaction.”

Conclusion

Staff looks forward to discussing with the Committee the research and proposals presented in this memorandum.

Respectfully submitted,

Thomas M. Nosewicz
Legal Director

Rick Owen
Senior Staff Counsel

Appendix A
Marsy's Card



California Attorney General's Office



Contact Name: _____

Phone No.: _____

Police Report / Case No.: _____

Notes: _____

Marsy's Card and Resources

The California Constitution, Article 1, Section 28(b), confers certain rights to victims of crime. Those rights include:

- 1. Fairness and Respect** – 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. 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 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 the rights enumerated in paragraphs (1) through (16).

Additional Resources

The Attorney General does not endorse, have any responsibility for, or exercise control over these organizations’ and agencies’ views, services, and information.

Victim Compensation Board – Can help victims pay for: mental health counseling, funeral costs, loss of income, crime scene cleanup, relocation, medical and dental bills. **1-800-777-9229** www.victims.ca.gov

CA Dept. of Corrections and Rehabilitation, OVSRS – Provides information on offender release, restitution, parole conditions and parole hearings when the offender is incarcerated in prison. **1-877-256-6877** www.cdcr.ca.gov/victim_services

McGeorge School of Law – Victims of Crime Resource Center - Provides resources for victims by their geographic area along with information on victims’ rights. **1-800-Victims (1-800-842-8467)** www.1800victims.org

National Domestic Violence Hotline – **1-800-799-7233** www.thehotline.org

Adult Protective Services County Information – (Elder abuse) 24 hour hotline numbers by county in California. www.cdss.ca.gov/inforesources/County-APS-Offices

National Child Abuse Hotline – Treatment and prevention of child abuse. **1-800-422-4453** www.childhelp.org

Rape, Abuse & Incest National Network – **1-800-656-4673** www.rainn.org

National Human Trafficking Resource Center Hotline – 24-hour hotline: **1-888-373-7888** www.humantraffickinghotline.org

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**.

Attorney General’s Victims’ Services Unit – Provides local victim/witness information, geographic resource information and appeal status to victims of crime. For more information, call **1-877-433-9069** or visit: www.oag.ca.gov/victimservices For local Human Trafficking information, visit: www.oag.ca.gov/human-trafficking

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).)

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request. (Cal. Const., art. I, § 28(c)(1).)