

**SANTA CLARA POLICE  
DEPARTMENT**  
Chief Michael J. Sellers

**Victim's Bill of Rights Act  
Sexual Assault Victim Information  
Domestic Violence Information**

Police Report Number	
Report Date	
Officer's Name	
Badge Number	

This pamphlet contains specific information from the Victims' Bill of Rights amendment to the California Constitution known as Marsy's Law. It also has resources and information for all crime victims including victims of domestic violence and sexual assault. Crime victims may obtain additional information regarding Marsy's Law and Local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

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."

**COMPENSATION TO CRIME VICTIMS**

Victims of criminal acts may qualify for payment from the Victim Witness Assistance Program to cover lost wages, medical, mental health, funeral/burial expenses and rehabilitation costs. Children who hear or see domestic violence incidents may qualify for mental health counseling costs. Victims may receive relocation expenses and may receive a payment to improve home security. Claims should be filed within 1 year of the date of the crime.

**LOCAL RESOURCES**

- o **Santa Clara Police Department (408) 615-4700**
- o **Santa Clara County Victim Witness Assistance Center (408) 295-2656**

The Center provides assistance to victims for: crisis intervention, emergency assistance, resource and referrals, follow-up and case status/disposition, application for the Victim Compensation Program, property return, court support/escort and restitution.

- o **Victim Compensation and Government Claims Board (800) 777-9229 [www.vcgcb.ca.gov](http://www.vcgcb.ca.gov)** The Victim Compensation Program (VCP) can help pay un-reimbursed expenses that result when a violent crime occurs. Victims of crime who have been injured or have been threatened with injury may be eligible for help from the VCP. The VCP may assist with the cost of medical and dental treatment, mental health services, funeral and burial expenses, home security, residential crime scene cleanup and emergency relocation.
- o **Santa Clara County District Attorney's Office, Main Branch Office (408) 299-7400 [www.santaclara-da.org](http://www.santaclara-da.org)** Victims' Rights and Prop 9 Report
- o **Santa Clara County Jail (800) 464-3568 [www.vinelink.com](http://www.vinelink.com)** Inmate release information
- o **Santa Clara County Victim Notification System (800) 464-3568** Information about an inmate's custody status and release from jail.
- o **Santa Clara County Probation Dept. (408) 278-5850** Juvenile Detention Division  
**(408) 435-2000** Adult Services Division
- o **Family Violence Center (408) 277-3700 [www.sjpd.org](http://www.sjpd.org)** San Jose Police Department website provides information relating to domestic violence, child and elder abuse, and other family-related abuse issues.
- o **Rape Crisis and Referral Center (408) 287-3000**
- o **Support Network for Battered Women (800) 572-2782**
- o **Next Door Solutions to Domestic Violence (408) 279-2962**
- o **Community Solutions (877) 363-7283**
- o **Family Court Clinic Information Center (408) 534-5709**
- o **Santa Clara County Superior Court (408) 808-6600 [www.sccsuperiorcourt.org](http://www.sccsuperiorcourt.org)** Information on the criminal justice system
- o **Calif. Dept. of Corrections & Rehabilitation (877) 256-6877 [www.cdcr.ca.gov](http://www.cdcr.ca.gov)** State prison inmate custody, release, escape and death information, notice of parole procedures

**SEXUAL ASSAULT INFORMATION**

Sexual assault perpetrated by a person known to the victim, a stranger or the spouse of the victim is a crime.

To assist the police department in the investigation, you are requested to:

- Provide complete details of the assault, name (if known) and description of the suspect(s), location in which the assault took place and all actions of the suspects.
- Submit to a medical examination by trained medical personnel, at no cost to you.
- Provide all clothing and other items which may contain physical evidence.
- Comply with reasonable requests by police which may help resolve the case.

**DOMESTIC VIOLENCE INFORMATION**

Victims of Domestic Violence have a right to request an emergency protective order at the scene of the incident, and can go to Superior Court and file a petition requesting any of the following orders related to the attacker:

- Restraining the attacker from abusing the victim and other family members.
- Directing the attacker to leave the household.
- Preventing the attacker from going to the school, work or residence of the victim.
- Awarding the victim or the other parent custody or visitation with a minor child or household pet.
- Restraining the attacker from molesting or interfering with the minor children or household pets.
- Directing the party not granted custody to pay support of minor children, and to make specific debt payments while the order is in effect.
- Directing either or both parties go to counseling.

Domestic Violence victims have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, other expenses for injuries sustained and for property damage. A victim has the right to have a domestic violence advocate and support person present at any follow-up interview by law enforcement.

The Superior Court (Family Division) is located at 170 Park Center Plaza, San Jose. The Family Court Clinic at the courthouse, as well as the domestic violence agencies in Santa Clara County can provide information on obtaining a restraining order.

## VICTIM'S BILL OF RIGHTS "MARSY'S RIGHTS"

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to 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).

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.

### **ADDITIONAL VICTIM INFORMATION**

If you are contacted after the incident by someone requesting additional information you should verify who that person is and what agency they work for.

Speaking to police and police detectives or someone from the District Attorneys Office is fine. You have **no** obligation to speak to anyone from the Public Defenders Office or private investigators working to defend the accused. If you are unsure who it is or if you should talk to them, please obtain their name and contact information, and then call the Santa Clara Police detective assigned to your case for guidance.

Although the person who attacked you may have been arrested, he or she may be released at any time. For information about an inmate's custody status, call the Santa Clara County Jail or Santa Clara County Victim Notification System.