



**San Joaquin County
Office of the Sheriff**
Steve Moore
Sheriff, Coroner, Public Administrator
(209) 468-4400
www.sjsheriff.org

THE VICTIM'S BILL OF RIGHTS ACT OF 2008

MARSY'S CARD AND RESOURCES

*To provide victims with rights to
justice and due process*

San Joaquin County District Attorney
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SHERIFF REPORT NUMBER:

SUPERIOR COURT CASE NUMBER:

Definition of Victim

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." (Cal. Const., art. I, 28(e).)

Victim Witness

The San Joaquin County Victim Witness Assistance Center can provide advocacy and specific information on local resources, the Victim Compensation Program, nonprofit victim's rights groups and support groups. To obtain information call (209) 4682500 or the Attorney General's Victim Services Unit 18774339069.

California Statewide and National Resources

California Attorney General's Victim Services Unit
1-877- 433-9069 www.ag.ca.gov/victimservices

California Department of Corrections and Rehabilitation,
Office of Victim and Survivor Rights and Services,
1-877-256-OVSS (6877)
www.cdcr.ca.gov/victim_services

Rape, Abuse, Incest, National Network 1-800-656-HOPE,
www.rainn.org

Victims of Crime Resource Center, Pacific/McGeorge
School of Law, 1-800-842-8467, 1-800-victims
www.1800victims.org

National Center for Victims of Crime 1-800-FYI-CALL,
1-800-394-2255 www.ncvc.org/national

National Domestic Violence Hotline
1-800-799-SAFE (7233) www.ndvh.org

Local Resources

**San Joaquin County District Attorney Crime Victim's
Assistance Division: (209) 468-2500**

To request notice and confer with the prosecuting agency regarding the charges filed; to be informed before any pretrial disposition of the case; information on the right to be heard at any court hearing assistance with restitution claims; assistance in obtaining domestic violence restraining orders and assistance in applying for Victims of Crime Compensation*

**San Joaquin County District Attorney Family Crimes
Unit Victim Line: (209) 468-8979**

Request case status; request criminal protective orders.

San Joaquin County District Attorney's Office:

(209) 468-2400 www.sjgov.org/DA/

General information; upcoming court dates.

San Joaquin County Jail: (209) 468-4565

Inmate custody & release information.

CA State Victim Notification Service

Vinelink: (877) 411-5588

TTY (866) 847-1298

www.vinelink.com

Register for telephonic notification of offender's release, transfer, or escape.

San Joaquin County Probation Department:

(209) 468-4100 (Adults)

(209) 468-4000 (Juvenile)

Provide information regarding the impact offender has had on victim prior to offender's sentencing.

California Department of Corrections &

Rehabilitation: (877) 256-6877

State prison inmate custody, release, escape and death information; notice of parole procedures.

Women's Center of San Joaquin: (209) 941-2611

Domestic violence emergency shelter and counseling; rape crisis counseling.

Dawn House: (209) 465-4878

Domestic violence emergency shelter; counseling.

***Victim Compensation and Government Claims**

Board: (800) 777-9229 or

www.victimcompensation.ca.gov

Help for victims(1) of: Assault, Drunk Driving, Sexual Assault, Child Abuse, Homicide, Vehicular Manslaughter, Domestic Violence, Robbery and Human Trafficking. *Helps pay for:* Medical and Dental Bills, Relocation, Mental Health Counseling, Crime Scene Cleanup, Funeral Costs, and Loss of Income.

(1) The definition of victim under the Victim Compensation Program may differ from the definition under the California Constitution.

Victim’s Bill of Rights

“Marsy’s Rights”

California Constitution, Article 1, Section 28(b)

In order to serve and protect a victim’s rights to justice and due process a victim shall be entitled to the following rights:

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 Consideration 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).

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 1, Section 28(c)(1))