

Victim's Bill of Rights Marsy's Law

The California Constitution, Article 1, Section 28, confers certain rights to victims of crime as they are defined in the law. 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 reasonable 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, upon request, at which the defendant and 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. 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. 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. 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 one through sixteen.

For more information on Marsy's Law, visit the Attorney General's website at: www.ag.ca.gov/victimservices

Domestic Violence Information

Penal Code section 13701 requires law enforcement agencies to supply in writing the following information to victims of domestic violence:

Important Note: Despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.

If you wish to file a criminal complaint and the suspect has NOT been arrested, contact the Fresno County District Attorney's office at **559-488-3141**. Please wait 2-3 days before telephoning to insure that they have received a report of your case.

The Fresno County District Attorney's interview hours are Monday through Friday 9:00 a.m. to 11:00 a.m. and 1:30 p.m. to 3:30 p.m. The District Attorney's address is: Fresno County Plaza, 19th Floor, 2220 Tulare Street, Suite 1000, Fresno CA 93721.

You have the right to immediately request that the officer who gives you this information issue an Emergency Protective Order for your protection and the protection of your family until you can seek court action described below.

You have the right to appear in Superior Court and file a petition requesting any of the following orders for relief:

1. An order restraining the attacker from abusing you and other family members.
2. An order directing the attacker to leave the household and give you exclusive use and possession of the residence.
3. An order preventing the attacker from entering your residence, school, business or place of employment.
4. An order directing that either or both parties participate in batter's domestic violence anger management counseling.
5. An order awarding you or the other parent custody or visitation with a minor child or children.
6. An order restraining the attacker from molesting or interfering with a minor child or children.
7. An order directing the party not granted custody to pay support of the minor child or children.
8. An order directing the defendant to make specific debt payments coming due while the order is in effect.

You also have the right to file a civil suit for losses suffered as a result of the abuse, including: medical expenses, loss of earnings, and other expenses for injuries sustained, damage to property, plus any other related expenses incurred by you or any agency that shelters you.

Sexual Assault Information

If you have been the victim of a sexual assault, the police will request your cooperation.

You may be asked:

1. Detailed questions about the crime by the officer and medical personnel.
2. TO allow a health care provider to collect physical evidence from you; (NOTE: It is important NOT to shower before a medical exam can be conducted)
3. To testify in court after the assailant is arrested.
4. If you are going to the hospital for a sexual assault examination, the officer will contact a Rape Counseling Service advocate to provide support for you during the hospital process unless you request that they not be notified.
5. Both domestic violence and sexual assault by a person known to you, including your spouse, are crimes and will be investigated.
6. The reporting officer will write a report that may be assigned to a detective for follow-up investigation.

Child Victims of Sexual Assault/Abuse:

Fact: one out of four girls and one out of seven boys will be sexually abused by the age of 18 years.

When a child tells you about a sexual assault and/or abuse:

1. Be reassuring and let your child know that you are glad she/he told.
2. Tell the child that you know it is not her/his fault.
3. Tell the child that you believe her/him.
4. Tell the child that you are sorry it happened.
5. Reassure the child that you will do your best to protect her/him.

For Further Assistance:

- **Victims of Crime Resource Center** 1-800-VICTIMS or 1-800-842-8467
- **Resource Center for Survivors**
259 W. Blackstone, Fresno CA 93701
Provides 24-hour crisis line, therapeutic counseling, court accompaniment, information and referrals for children & adults.
24-hour hotline: 559-222-RAPE (7273)
Office: 559-497-2900
Office hours: Mon-Fri 8am-5pm
- **Crime Victim/Witness Assistance Center**
Fresno County Plaza, 11th Floor 2220 Tulare Street, Suite 1126 Fresno, CA 93721 Phone#: 559-488-3425

Provides court advocacy, counseling referrals, emergency aid and application for Victims of Crime compensation funds.

- **Marjaree Mason Center**
1600 M Street, Fresno CA 93721
Provides 24-hour crisis line, emergency shelter, court advocacy, counseling for adults and children, and support groups.
24-hour hotline: 559-233-HELP (4357)
Office: 559-237-4706
Office hours: Mon-Thurs 8am-7pm; Fri 8am-5pm
- **University Medical Center – Children’s Health Center/Child Sexual Abuse Evaluation Program**
4460 E. Huntington Blvd, Fresno CA 93702
Provides medical services for child victims of sexual abuse.
Office: 559-453-5758 (call for appt)
Clinic hours: Mon-Fri 8am-4pm
- **VINE – Victim Information Notification Everyday**
Fresno County – allows you to check on an offender’s custody status and register to receive automatic notification when an inmate is released from the Fresno County Jail system.
24-hour hotline: 1-800-491-5170
- **Family Wellness Women’s Group, Clovis**
Support group meets Tuesday evenings 6:30-8:00pm at the Police & Fire Headquarters. For Info: 559-324-2445.

For help in filing a restraining order, contact one of the following agencies. The following agencies offer DV restraining orders for free to low income clients:

- **Family Law Facilitator’s Office:**
Low income is not required
559-497-6500
- **Centro La Familia:**
Help available in Spanish and English
559-237-2961
- **Marjaree Mason Center:**
559-237-4701
- **Central California Legal Services:**
559-441-1611

Clovis Police Department



Victim Information Guide

Case # _____

Date _____

Officer _____

Clovis Police Department
1233 Fifth Street
Clovis, CA 93612
559-324-2800

Fresno County District Attorney’s Office
559-488-3141
Domestic Violence Unit
559-457-7090