

**Services Available to Hate Crime Victims:**

- You have certain rights under the California Constitution’s Victim’s Bill of Rights. For example, you may be entitled to information about the prosecution of the perpetrator, and have the right to present a victim impact statement at the time of sentencing.
- You may be entitled to restitution for any loss, damage or injury that you may incur.
- You are also protected under the *Ralph and Bane Civil Rights Act* s. Under these laws, a court may award money to you. The court may require the person who has violated your rights to pay a civil penalty (\$25,000) to you, money to compensate you for the actual harm you have suffered, and/or an additional amount of money designed to punish.

Civil remedies provide protection for person threatened with violence and money damage to persons who have been harmed by violence or threats. These civil remedies are available even if criminal violations cannot be proven. The Department of Fair Employment and Housing (DFEH) enforces the California civil laws that prohibit hate violence.

**Resource Phone Numbers:**

Local Resources

Napa County District Attorney’s Office.....	253-4211
Napa County Probation Dept.....	253-4431
Napa County Child Protective Services.....	253-4261
Napa County Adult Protective Services.....	253-4398
Napa County Dept. of Corrections.....	253-4401
VINE PROGRAM.....	1-877-331-8463
( County inmate custody, release, & escape information.)	
Napa County Legal Assistance.....	259-1449
Napa County Victim/Witness Services.....	299-1414
Napa County Psychiatric Emergency (Crisis)	253-4711
Sexual Assault Victim Services.....	252-3687
Family Court Services (Visitation & Mediation)	299-1240
NEWS-Napa Emergency Women’s Services	252-3687
COPE-Child or Parent Emergency.....	252-1123
Family Service of the North Bay.....	255-0966

**State and National Resources:**

- CA Victim Compensation Board.....1-800-777-9229  
[www.victims.ca.gov](http://www.victims.ca.gov)
- CA Department of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services.....1-877-256-0VSS (6877), [www.cdcr.ca.gov/victim-services](http://www.cdcr.ca.gov/victim-services)
- CA Attorney General’s Victim Svc. Unit.....1-877-433-9069  
[www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)
- CA Department of Fair Employment and Housing (DFEH).....1-800-884-1684  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)
- Rape, Abuse, Incest, National Network.....1-800-656-HOPE (4673), [www.rainn.org](http://www.rainn.org)
- Victims of Crime Resource Center, Pacific/McGeorge School of Law.....1-800-VICTIMS (842-8467) [www.1800victims.org](http://www.1800victims.org)
- National Domestic Violence Hotline.....1-800-799-SAFE (7233), [www.thehotline.org](http://www.thehotline.org)

**Victim Notes:**

Date of Incident: \_\_\_\_\_

Deputy’s Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Prosecutor’s Name: \_\_\_\_\_

Court Case Number: \_\_\_\_\_

Napa County Sheriff’s Office  
 1535 Airport Boulevard  
 Napa, CA 94558  
[www.countyofnapa.org/Sheriff](http://www.countyofnapa.org/Sheriff)



***THE VICTIMS’ BILL OF RIGHTS ACT OF 2008 (Marsy’s Card) PLUS OTHER INFORMATION & RESOURCES***

**NAPA COUNTY SHERIFF’S OFFICE**  
 1535 Airport Blvd. Napa CA  
 (707) 253-4509

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and Local Witness Assistance Center information by contacting the Attorney General's Victim Services Unit.

#### Definition of Victim

A 'victim' 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).)

The California Constitution, Article 1, Section 28, 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 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 pre-trial 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

**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 the 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, § 28(c)(1).

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#### DOMESTIC VIOLENCE INFORMATION: (PC § 13701)

Domestic violence is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person whom the suspect has had a child or is having or has had a dating or engagement relationship, and is a crime.

Victims of domestic violence have the right to go to the Superior Court and file a petition requesting any of the following orders for relief:

- An order restraining the attacker from abusing the victim and other family members.
- An order directing the attacker to leave the household.
- An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
- An order awarding custody of or visitation with a minor child or children .
- An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
- An order directing the party not granted custody to pay support of minor children, if there is a legal obligation to do so.
- An order directing the defendant to make specified debt payments coming due while the order is in effect.
- An order directing one or both parties to participate in counseling.

Victims of domestic violence or abuse have the right to have a domestic violence advocate and a support person present at subsequent interviews with law enforcement that follow the initial contact or complaint. (PC § 679.05)

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#### HATE CRIME INFORMATION: (PC § 422.92)

A **hate crime** is a criminal act or attempted criminal act committed against a person or his or her property because of a their race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation, or position in a labor dispute.