



CAMPUS SUMMER SERIES

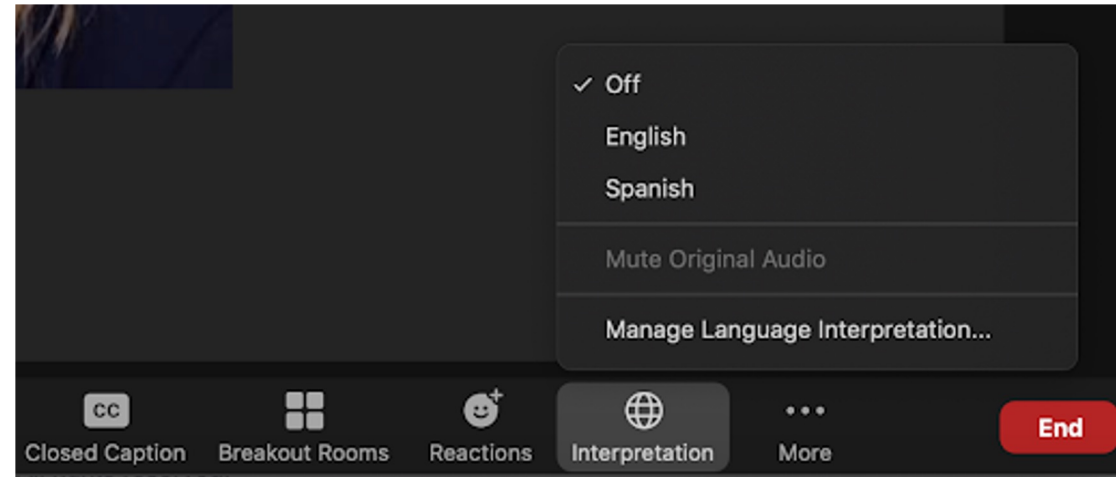
VALORUS 
Advancing Equity. Ending Sexual Violence.®

Survivor Rights & Campus Response to Gender-Based Violence

Wednesday, June 15, 2022 ▪ 10-11:30 AM PT/1-2:30 PM ET

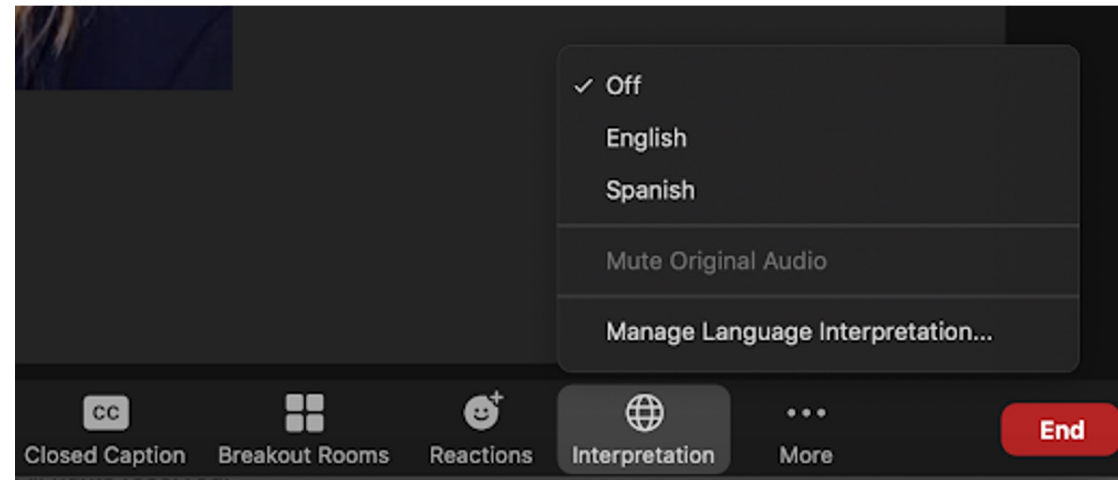
HOW TO JOIN AUDIO

- ▶ This web conference is offered in English with live Spanish interpretation.
- ▶ Spanish interpretation is only available when using Internet audio, “join audio by computer.”
- ▶ Those dialing in over the phone will only hear English.
- ▶ If you need to hear the Spanish interpretation, please join with computer audio only.



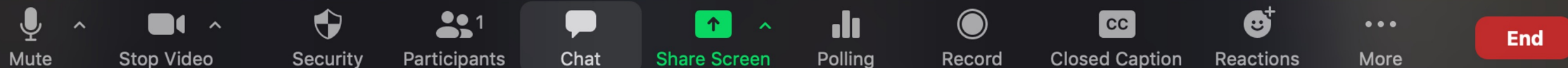
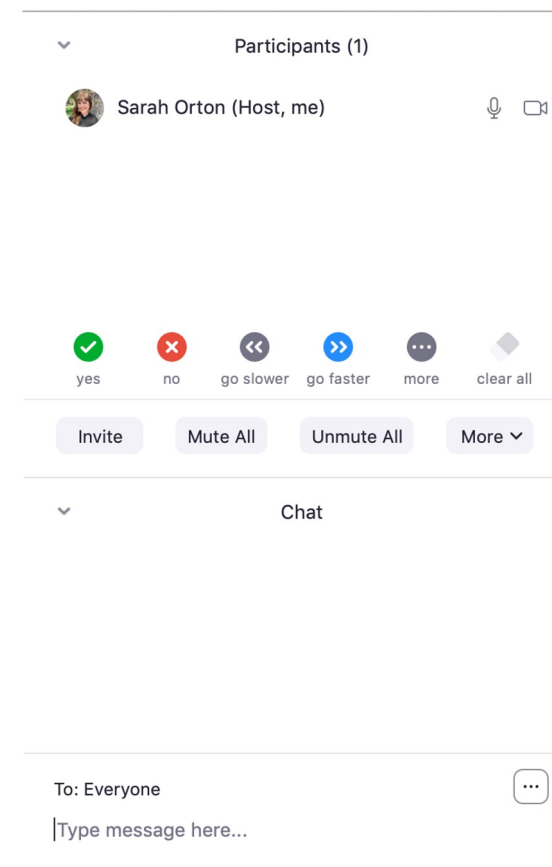
CÓMO UNIRSE AL AUDIO

- ▶ Esta conferencia web se ofrece en inglés con interpretación en vivo en español.
- ▶ La interpretación en español sólo está disponible cuando se utiliza el audio por Internet, "*join audio by computer*".
- ▶ Los que marquen por teléfono sólo escucharán el inglés.
- ▶ Si necesita escuchar la interpretación en español, por favor únase sólo con el audio por computadora.



How to Use Zoom

- ▶ Text chat
- ▶ PowerPoint Slides
- ▶ Polling Questions
- ▶ Phone
- ▶ Web Conference Guidelines (hand raising)



Meet Your Hosts



Ashleigh Klein-Jimenez

Director of Prevention, VALOR (she/her)



Priscilla Klassen

Project Coordinator, VALOR (she/her)



Imelda Talamantes

Latinx Services Coordinator, VALOR (she/her/ella)

CAMPUS SUMMER SERIES



RESTORATIVE JUSTICE:

Exploring Alternative Ways of Achieving
Justice for Sexual Assault Survivors on Campus

Wednesday, June 22, 2022 ▪ 10-11:30 AM PT/1-2:30 PM ET



CAMPUS SUMMER SERIES

VALORUS 
Advancing Equity. Ending Sexual Violence.®

ENGAGING CAMPUS ATHLETES IN SEXUAL
VIOLENCE PREVENTION & RESPONSE:

A Look at Resources and Policy

Thursday, June 30, 2022 ▪ 10-11:30 AM PT/1-2:30 PM ET

Meet Your Presenter



Emily Austin, JD

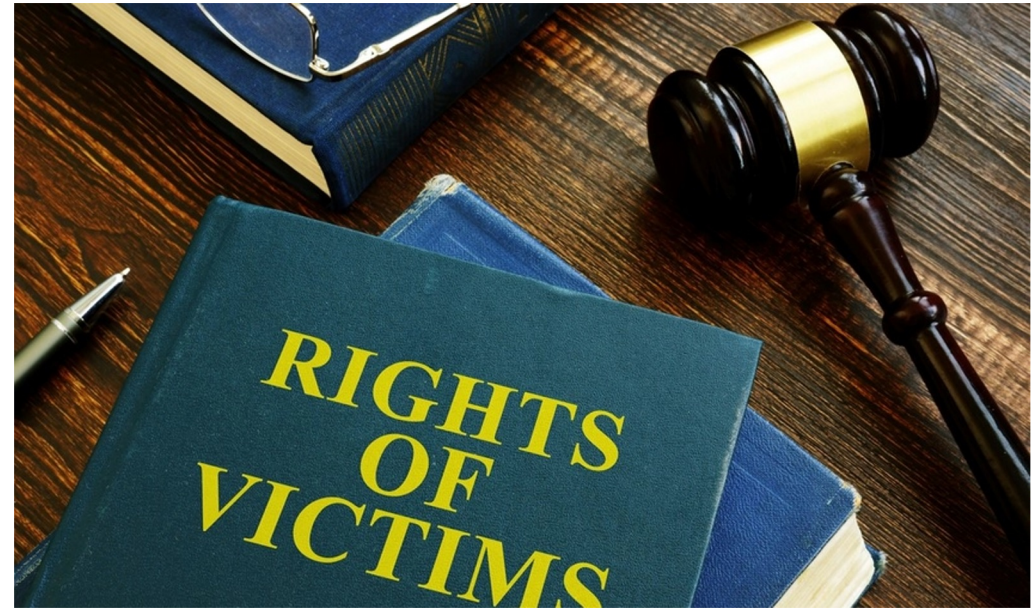
Legal Consultant, VALOR (she/her)
Pivot Advocacy, PC
www.pivotadvocacy.com

Overview

1. Introductions
2. What are Victims' Rights?
3. Why do we need Victims' Rights?
4. California Constitution / Marsy's Law
5. Rights for Sexual Assault Survivors
6. Rights for Domestic Violence Survivors
7. Trauma-informed access to information for survivors

What Are Victims' Rights?

- Provide for protections for victims of crime
- Written into law
- Often require posting or notice



Why Have Victims' Rights?

- To provide additional protections
- To build trust between law enforcement and victims/witnesses
- To restore hope
- To improve transparency and accountability
- To empower survivors



"It is important that victims feel empowered to exercise their rights and speak about their experiences. Only this way can we expect to have real and meaningful change within a criminal justice system that puts victims first."

KATE WALLACE
CEO, Victim Support Scotland

POLL

Who has heard of Marasy's Law
before today?

California Constitution Marsy's Law



Components of Marsy's Law

- (1) To be treated with fairness and respect for his or her privacy and dignity, 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.



Components of Marsy's Law

- (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.



Components of Marsy's 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).



Marsy's Law Card



**EVERY VICTIM.
AT FIRST CONTACT.**

Your officers are required by law
to distribute victim information at
first contact to all crime victims.

**Office of Justice Programs
Helping You Help Victims**

With victim information cards.
With materials.
With training.

ojp.dps.mn.gov
651-201-7310



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

POLL

Who has heard of sexual
assault victims bill of rights
(AB 1312 Card) before today?

Sexual Assault Victim's Rights



**EVERY VICTIM.
AT FIRST CONTACT.**

Your officers are required by law
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first contact to **all** crime victims.

**Office of Justice Programs
Helping You Help Victims**

With victim information cards.
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ojp.dps.mn.gov
651-201-7310


DEPARTMENT OF PUBLIC SAFETY
OFFICE OF JUSTICE PROGRAMS

- Right to ask questions of the police, nurses and attorneys
- Right to be treated with respect
- Right to have a victim advocate present for any contacts related to the case
- Right of a sexual assault victim not to be charged for the cost of medical examination for the purpose of gathering evidence
- Requirement of hospitals to use proper rape investigation protocols when examining sexual assault victims
- Right to free pregnancy and venereal disease test for sexual assault victims at county hospitals

Sexual Assault Victim's Rights

- Right to receive victim assistance information regarding state compensation to sexual assault victims at county hospitals
- Right to have crisis center notified before medical examination
- Right to have sexual assault victim counselor and support person present during examination
 - Right to have a victim advocate accompany the victim to the witness stand during court hearings
 - Right to be anonymous throughout the court proceedings
 - Prohibits law enforcement from disclosing sexual assault victim's name and address
 - Right to learn custody status of the defendant prior to conviction
 - Right to notification of release or escape from prison or jail after conviction, upon request



Sexual Assault Victim's Rights



- Law enforcement agencies develop a card
- Explains in clear language rights of sexual assault victims
- Is accessible to each provider of medical evidence or physical examinations from sexual assault

Sample Card

You have the right to seek:

CIVIL PROTECTION ORDER

More information on the process here:

<http://www.courts.ca.gov/1260.htm>

and/or an

EMERGENCY PROTECTIVE ORDER

To help keep you safe.

(ask a law enforcement officer)

You have the right to request

FINANCIAL ASSISTANCE

For covering the costs arising from your assault (through Victim Compensation in California), and the process for applying can be found here:

<http://victims.ca.gov/victims/howtoapply.aspx>

You have the right to have a

**24-HOUR CONFIDENTIAL
SEXUAL ASSAULT COUNSELOR
(victim advocate)**

and at least

**ONE OTHER PERSON
OF YOUR CHOOSING**

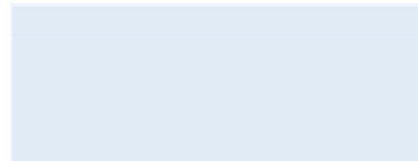
present during any exam
or investigative interview

Any questions related to your rights as a survivor of sexual assault can be answered by your rape crisis center confidential advocate.

Advocates are trained in support services, local referrals, and law enforcement and other government processes.



You have the right to contact
your local rape crisis center, at:



For more information and support.
Rape crisis centers have confidential
advocates that keep conversations **private**.

Law Enforcement ☐ Medical Provider ☐
can be contacted at:



YOUR RIGHTS

Your Rights as a Survivor
of Sexual Assault

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Sample Card

You are **never required** to participate in the criminal justice system or receive a physical exam in order to keep your rights.

You get to choose whether you get an exam, whether and how you report the assault, and how much you participate in the process.

You have the right to contact your local rape crisis center, at:



For more information and support. Rape crisis centers have confidential advocates that keep conversations **private**.

This card is an outline your rights and resources and may not include all the rights/options that may be available to you. Under California law (Cal. Penal Code § 680.2) any law enforcement officer or medical provider must provide you with a card that clearly spells out your rights. If you have further questions, please contact your rape crisis center, medical provider, and/or law enforcement officer.

You have the right to ask for the status and results of the analysis of **all evidence** related to your assault.

Ask the law enforcement officer for a **tracking number** and steps to get follow up information.

You have the right to know that DNA and other types of evidence can degrade/break down overtime due to exposure to heat, water, and other materials.

In general, DNA evidence on the body last from 12 hours to 7 days.

You have the right to be informed of the following:

- Whether or not the evidence is analyzed within 18 months of your assault.
- Whether or not a DNA profile of your assailant was developed from the evidence.
- Whether or not the DNA profile of your assailant has been entered into the law enforcement database.
- Whether or not the DNA profile of your assailant matches a DNA profile contained in the law enforcement database.

If the evidence related to your assault will be tested, it should be transported to the lab and analyzed within

24 MONTHS

The evidence related to your assault must be kept for

20 YEARS,

or for victims under age 18 at the time of the offense, until your

40TH BIRTHDAY

You have the right to request in writing and receive a

FREE COPY OF THE INITIAL CRIME REPORT

related to your assault.

If your assailant is convicted and required to register as a sex offender, you have the right to

REQUEST THEIR SEX OFFENDER REGISTRY INFORMATION

from the prosecutor.

Domestic Violence Victim's Rights

- Expanded definitions of domestic violence to protect former spouses and cohabitants
- Authorization of law enforcement to take temporary custody of any firearm at the scene of domestic violence
- The right to have law enforcement agencies prepare written reports for all domestic violence calls
- The right to have law enforcement serve the offender with a restraining order at the scene of a domestic violence incident or anytime the offender is in custody
- Address confidentiality for victims of domestic violence and stalking programs (administered by the Secretary of State's office)
- Right to have a support person in court throughout appearance including mediation
- Right to have a domestic violence counselor and support person present at interviews with law enforcement, prosecutors, or defense attorneys



Domestic Violence Victim's Rights

- Right to be heard at bail reduction hearings
- Prohibits an employer from discharging, discriminating, or retaliating against a victim of domestic violence who takes time off to appear in court, attend counseling, make shelter arrangements, or undertake procedures for his or her safety
- Prohibits an inmate convicted of stalking to be released within 35 miles of the victim's residence or place of employment
- Right to learn the current custody status of defendants prior to conviction
- Right to notification of release or escape from after conviction, upon request
- Requires a legal presumption that giving custody to a perpetrator of domestic violence is detrimental to a child



Use the Text Chat feature
to answer the question.

Trauma-informed access to rights

How can we promote trauma-
informed access to victim's rights?



Trauma-informed Access to Rights

- MEANINGFUL notice is empowerment
 - In correct language
 - Literacy levels
 - Timely
- Promotes choice
- Promotes survivor's voice
- Holds law enforcement accountable
- Increases transparency
- Promotes justice
- Can promote healing for some survivors





Emily Austin, JD

www.pivotadvocacy.com

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Valor.US

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