

# VICTIM RIGHTS AND SERVICES

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## **Marsy's Law**

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 law amended the California Constitution to provide additional rights to victims of crimes. Law enforcement officers and prosecutors are required to afford victims a number of rights that include information on their case, reasonable protection from the perpetrator, and access to the criminal justice system. Officers provide a Marsy's Rights card to victims of crime.

The card contains specific sections of the Victims' Bill of Rights and a list of resources. 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.

## **Protective Orders**

The Southwestern Community College District complies with the California law in recognizing orders of protection including but not limited to; Emergency Protective Orders, Stay-Away Orders, Domestic Violence Restraining Orders, a Civil Harassment Restraining Orders, and Temporary Restraining Orders.

College Police will meet with the protected person and request a copy of the protective order. It will be entered into the law enforcement database. Police Officers will discuss the provisions of the order and provide resources and/or accommodations to the protected person with the intent of reducing the threat or potential harm to the person. These could include any of the following: law enforcement escorts, special parking arrangements, providing a temporary cellphone, changing classroom locations or allowing a student to complete assignments from home, etc. Any report of violations of the order will be promptly investigated and appropriate enforcement actions taken.

Victims or persons requesting a protective court order must apply directly to the Superior Court of California, County of San Diego. The Southwestern Community College District may issue an institutional, no contact order if deemed appropriate.

District staff members will work cooperatively with victims or protected persons to ensure their health and physical safety along with their work and academic status.

**Emergency Protective Order:** An emergency protective order is obtained by a Police Officer he or she believes a victim of domestic violence or a family or household member is in immediate and present danger of domestic violence.

**Stay Away Order:** A stay away order can be issued in a criminal case involving domestic violence where there is a likelihood of a threat or harassment of the victim by the defendant.

**Domestic Violence Restraining Order:** A restraining order is a court order issued to prevent the recurrence of acts of abuse by a batterer. Under the Domestic Violence Prevention Act, abuse is defined as any of the following:

1. Intentionally or recklessly causing or attempting to cause bodily injury.

2. Sexual assault.
3. Placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
4. Engaging in any behavior that has been or could be illegal such as molesting, attacking, striking, stalking, threatening, battering, harassing, destroying personal property, contacting the other by mail, telephone, or otherwise, disturbing the peace of the other party.

Information and how to apply for a Domestic Violence restraining order can be found at the San Diego County Superior Court ([http://www.sdcourt.ca.gov/portal/page/?\\_pageid=55,1524115&\\_dad=portal](http://www.sdcourt.ca.gov/portal/page/?_pageid=55,1524115&_dad=portal)) website.

**Civil Harassment Restraining Order:** Under California law (CCP §527.6), a person who has suffered harassment may seek a temporary restraining order and an injunction prohibiting harassment. Civil Harassment Restraining Orders differ from Family Law Domestic Violence Restraining Orders in that the person doing the harassing has no close family or domestic relationship with the victim.

You may seek protection if you are worried about your safety because you are being Stalked, Threatened, Harassed or Sexually Assaulted. Information on obtaining a Civil Harassment (<http://www.sdcourt.ca.gov/pls/portal/docs/PAGE/SDCOURT/GENERALINFORMATION/FORMS/CIVILFORMS/PKT002A.PDF>) restraining order can be accessed at the San Diego County Superior Court.

**Safe at Home Program:** The Safe at Home Program is an address confidentiality program where victims of crime can use a free P.O. Box instead of their home address to help them maintain their privacy when receiving first-class mail, opening a bank account, completing a confidential name change, filling out government documents, registering to vote, getting a driver's license, enrolling a child in school, and more.

Information on the Safe at Home Program can be found at <http://www.sos.ca.gov/registries/safe-home/>