

**Office of the City Attorney
Los Angeles, California**

**MICHAEL N. FEUER
City Attorney**



**VICTIM
ASSISTANCE
PROGRAM**

**Central Office
201 N. Los Angeles St., Rm 301B
Los Angeles, CA 90012**

For service or information call:

TEL: (213) 978-2097

FAX: (213) 978-2179

TDD: (213) 978-8310

Crime victims may experience many problems and emotional trauma that require some assistance. The Los Angeles City Attorney's Office Victim Assistance Program was created to assure that services and support are made available to crime victims and witnesses.

WITNESS INFORMATION

If this is your first experience in court you may feel uncomfortable and nervous. However, as a victim or witness of a crime, your cooperation and active participation is very important to our system of criminal justice. This pamphlet was written to inform you of your rights and obligations.

COMMUNITY RESPONSIBILITY

Your role as a witness is vital and important, not only to yourself, but also to the overall justice system. Your patience and active participation may very well be the deciding factor in determining whether or not justice will be done. You may sometimes feel frustrated and discouraged during the court process, however, without you this system would fail. Therefore, the system depends on your patience and commitment to make it work and to make our community a safer place in which to live and work.

COURT PROCESS

Criminal matters are classified as either misdemeanor or felony cases. A felony is the more serious of the two and carries penalties of imprisonment for more than one year. The following court steps may not take place in each and every case.

ARRAIGNMENT-COURT

The person who has been arrested (called the defendant) will appear before the judge. The judge will advise him or her of the charges against him, his constitutional rights, and appoint an attorney if

he does not have one. A plea of guilty or not guilty may be taken at this time. If the defendant pleads guilty he may be sentenced. If the plea is not guilty, the case will proceed to the next stage. Your appearance at this stage in the court process is not required.

MOTIONS

At any stage of the proceedings there may be one or several legal motions made by either the defense attorney, the district attorney (in felony cases) or the city attorney (in misdemeanor cases). Some of these may require your attendance as a witness. You will be notified if you are needed.

PRELIMINARY HEARING

This hearing resembles a trial but is intended to determine only two facts: That a crime has been committed and that the person charged is likely to be responsible. In felony cases, your first appearance will usually be for the preliminary hearing. During this hearing a judge listens to the evidence and determines whether it is sufficient to require the defendant to go to trial. If there is sufficient evidence, the defendant will be "held to answer" and the case is transferred to the Superior Court for trial. If the judge decides that there is insufficient evidence to order the defendant to go to trial, the case will be dismissed. If additional evidence is found, the case may be refiled for prosecution and you may receive another subpoena.

TRIAL - FELONY

There are two kinds of trials- court trials and jury trials. In a court trial, the judge decides the facts and determines the defendant's guilt or innocence. In a jury trial, 12 people are chosen to decide if the defendant is guilty or not guilty. All 12 jurors must decide the defendant's guilt "beyond a reasonable doubt" in order to convict him or her. If all 12 jurors agree that the defendant is "not guilty," the

defendant is set free. If the jurors cannot all agree the judge may order a new trial and you may receive another subpoena.

TRIAL - MISDEMEANOR

In misdemeanor cases, your first court appearance will take place at the pretrial where a witness statement will be taken. There is no preliminary hearing. Your testimony will be required for the actual trial.

JUDGMENT AND SENTENCING

If the defendant is found guilty or pleads guilty, the judge sets a date for sentencing, where the court will determine the appropriate punishment as dictated by law. Although your attendance is not required, as a victim you have the right to attend this hearing. In felony cases you may make a statement to the court concerning the crime and the defendant. In some cases the judge may order restitution if you have incurred a financial loss as a result of the crime. Prior to the hearing the defendant may be referred to the Probation Department for them to conduct a study of the defendant's background and the crime involved in order to make a report and recommendation to the court. In the preparation of this report you may be contacted by a probation officer for information.

WHAT TO EXPECT IN COURT?

No one knows how long each court case may last. If you drive, we suggest that you park your car in a place that has no time limitations. If you have children, try to get child care. In the courtroom, you will testify. This means that you must tell the truth about what you saw, heard, or know about the crime or defendant.

There are no right or wrong answers - only truthful ones. After you have given your testimony, the judge may "excuse the witness" and you may leave the court house. It may also happen that you do

not have to testify on the day you come to court. The hearing may be continued to another day. Whenever possible you will be notified in advance that you need not come. If you have any questions, you may contact the Witness Coordinator at the listed phone number on your subpoena.

ASSISTANCE FOR CRIME VICTIMS

The Los Angeles City Attorney's Office Victim Assistance Program has been in existence since 1980. The program was developed in order to provide state mandated direct services for victims of crime.

- Assistance in filing for the State of California Victim Compensation Program
- Information and referral to locate public/private service agencies
- Crisis intervention & assistance in obtaining emergency assistance
- Case status or disposition information for both misdemeanor & felony cases
- Explanation of court procedures and court support if requested
- Support services for elderly, handicapped and child victims
- Notification to the family and/or employer of the victim if requested
- Follow-up contact to assure that services are being delivered
- Liaison with police agencies, California Highway Patrol and Sheriff Offices on cases in which there has been no arrest

VICTIM COMPENSATION PROGRAM

Under California law (Government Code Sections 13959-13969.3), program service is also available to help victims to file a State of California Victims of Crime Compensation Application for any out-of-pocket medical, wage loss, psychotherapy, loss of support, funeral /burial and job rehabilitation losses incurred due to their injuries

suffered from a crime. In order to be approved you must meet the State's eligibility requirements. You must also meet a three year filing deadline in order for your application to be accepted by the State. For more information on the eligibility and filing requirements you may contact either the Victim Assistance Program or the California Victim Compensation Program at (800) 777-9229.

Victims' Bill of Rights "Marsy's Law"

1. 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. 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.
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.
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). 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.

If you have any questions, you may call the Victim Assistance Program at:

Si tiene alguna pregunta usted puede llamar al Departamento de Víctimas de Crimen:

TEL: (213) 978-2097
TDD: (213) 978-8310

The City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend. For additional information, please contact: (213) 978-2097.

The Office of the Los Angeles City Attorney Victim Assistance Program has staff available to provide assistance to crime victims in the following branch offices:

Central Office (213) 978-2097	L.A.P.D.-N. Hollywood (818) 754-8421
Van Nuys Branch (818) 374-3333	L.A.P.D.-Northeast (323) 344-5709
L.A.P.D. -Harbor (310) 726-7786	LAPD-Olympic (213) 382-6654
L.A.P.D. - 77 th (323) 786-5413	L.A.P.D.-Wilshire (213) 922-8238
LAPD-Hollenbeck (323) 342-4103	LGBT Advocacy & Outreach Program (213) 978-2097
L.A.P.D.-Newton (323) 846-5374	

The City of Los Angeles is an equal opportunity employer and is committed to an active Equal Employment Opportunity Program (EEO). It is the stated policy of the City of Los Angeles that all employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, religion, ancestry, national origin, age (over 40), sex, sexual orientation, marital status, medical condition or physical disability.

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