

MOTION BY SUPERVISOR KATHRYN BARGER

February 23, 2021

**Protecting Victims’ Rights and Strengthening Victim Services**

On November 4, 2008, the State of California approved Proposition 9, the Victims’ Bill of Rights Act of 2008: Marsy’s Law, which amended the California Constitution to provide additional rights to victims. As further defined by the California Constitution, a "victim" is a “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.”

Marsy’s Law prescribes 17 rights in the judicial process, including notification to victims and their families during all aspects of the justice process, victim safety considerations when assigning bail or conducting a parole review, and processes for claiming restitution. The purpose of these rights is to ensure victims and survivors are treated with respect and dignity in all phases of the criminal justice process.

In Los Angeles County, the District Attorney’s (DA) Office has historically committed to helping victims of crime and protecting their rights. The DA’s Bureau of Victim Services provides essential services to crime victims and witnesses, with victim

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services representatives who work in courthouses and police stations, providing an array of services to help victims become survivors. These include crisis intervention; emergency assistance; counseling referrals; court escort and orientation; restitution assistance; returning of property; assistance with employers; and case status notification.

Under the California Constitution, victims have the right to have their safety considered throughout the criminal justice process – a responsibility that rests with the District Attorney’s Office, among other criminal justice entities. The compassion and sensitivity by prosecutors for the needs of victims is paramount to victims’ healing and participation in the criminal justice process. Proposition 9 was approved by the voters to cement the protections for victims statewide and should remain a top priority for our county.

As stated in DA Gascón’s Special Directive 20-12, “supporting victims in their journey to becoming survivors is fundamental to community safety,” and, “the Los Angeles County District Attorney’s Office will pursue a system of parallel justice, where we not only seek legal prosecution of offenders, but also provide support services for victims in their evolution to becoming survivors.”

**I, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:**

1. Instruct County Counsel, in consultation with the Chief Executive Office, the District Attorney’s Office and the Sheriff’s Department, to provide a legal analysis of the Victims’ Bill of Rights Act of 2008 and any other victim-rights related California laws and a summary of the corresponding county policies and

procedures to adhere to said laws; the legal analysis should also consider the impact of pending court cases, if any, including In re Humphrey (Kenneth) on Habeas Corpus (S247278) on victims' rights;

2. Instruct the Chief Executive Office to work with the District Attorney's Office to conduct a thorough review of the existing resources available to victims such as the Unclaimed Restitution funds allocated to the DA's Bureau of Victims Services and resources from the State's Victims Compensation Board with an aim towards both increasing the number of victim advocates and exploring other ways to enhance the current capacity to provide trauma informed and multi-disciplinary services in a culturally competent and linguistically appropriate manner; and,

3. The above items should be provided in a single report to the Board in two weeks.

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January 26, 2021

Protecting and Strengthening Victims' Rights and Services - Categories Page

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