



SILICON VALLEY  
**FACES**



**Victim Witness  
Assistance Program**  
of Santa Clara County

**Kasey Halcón**  
**Director**

# Case Study



Law enforcement responds to a domestic disturbance. The officer enters the home and a woman is crying on the couch, cradling her toddler. She has obvious injury to her face and arms, including a possible broken wrist. She tells the officer her boyfriend attacked her, but the suspect had already left the scene.

Emergency crews respond and the victim is taken to the hospital and treated for her injuries. She is interviewed at the hospital, and later at the police department. The defendant, who is on probation for a related incident, is apprehended and charged with one count felony PC 273.5 and one count misdemeanor PC 273a(b).

Over a period of over one year, the victim testified at a preliminary hearing and a jury trial. The jury found the defendant guilty and the defendant was sentenced to 1 year county jail and felony probation with DV terms. At the time of sentencing, the victim read a Victim Impact Statement.

# VWAP Background



The California Victim Witness Assistance Program was established in 1977 and is funded through the fines and fees paid by convicted criminal offenders.

In the aftermath of crime, a victim may experience emotional, financial, and legal difficulties. These difficulties can lead to feelings of anger, helplessness, hopelessness, guilt and frustration.

Victim Witness Assistance Programs help crime victims and witnesses recover, emotionally and financially, from the trauma of a crime, thereby empowering crime victims to thrive.

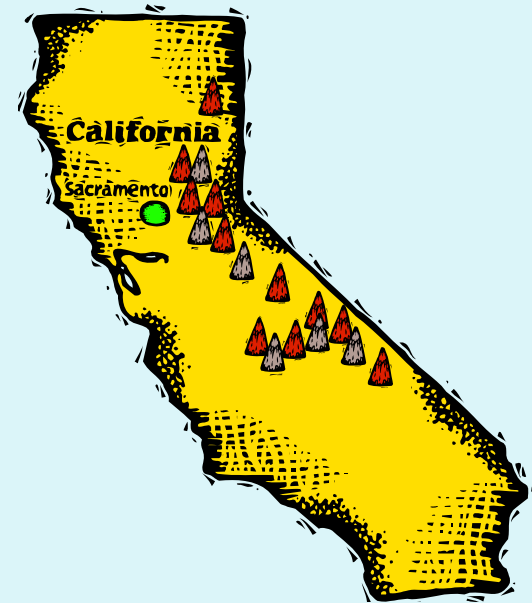
# California VWAP



CA VWAP as a part of the Office of Emergency Services, or Cal OES

There are 59 VWAP in California:

- 43 in District Attorney's Offices
- 13 in Probation Departments
- 2 in Community Based Organizations
  - Including Santa Clara Co.
- 1 in a the City Administration Office





# Santa Clara County VWAP

**Kasey Halcón,  
Director**

**Elisa Kuhl,  
Advocacy  
Supervisor**

**Saher Stephan,  
Compensation  
Supervisor**

**Victim  
Advocates (11)**

**Administrative  
Assistants (4)**

**Compensation  
Analysts (10)**

# Mandated Services



## Non-Court Specific

- Crisis Intervention
- Emergency Assistance
- Resources and Referral
- Property Return
- Creditor and Employer Intervention
- Funeral Arrangements
- Assistance with CalVCP

## Court Specific

- Orientation to Criminal Justice process
- Case Status Updates
- Court Escort/ Support
- Victim Impact Statements
- Restitution Assistance
- TRO Assistance in Family Court

# How is an Advocate assigned to a case?



- Intake Calls and Walk-ins
- Agency Referrals
  - Other Community-Based Programs and Law Enforcement
- Mailed in Cal VCP Applications
- District Attorney's Office
  - According to the CA Supreme court, Victim Witness Advocates are considered part of the prosecution team and therefore subject to Brady Laws and restrictions



# Marsy's Law

## Victims' Bill of Rights Act

Enacted in 2008, this amendment to the California Constitution broadened a victim's right to equal treatment under the law.

Upon request, victims are entitled to:

- Reasonable notice of and to reasonably confer with the prosecuting agency
- Be notified of and informed before any pretrial disposition of the case
- Reasonable notice of all public proceedings
- Be heard at any proceeding in which a right of the victim is at issue, including Victim Impact Statement



# Marsy's Law



## Benefits

- Protects and expands the legal rights of victims and allows for enforcement under the law
- Reestablished the victim as an important component of the criminal process
- Provides an accessible reference for law enforcement and DA

## Challenges

- Ambiguous rules regarding enforcement and remedy
- Creates a misleading sense of individual power in the criminal process
- Expanded legal definition of the term 'victim'
- Ongoing arguments about appropriateness and constitutionality

# Trauma Informed Care



## Philosophy

A victim's experience with past victimization can predict their response to future victimization; polyvictimization.

Trauma can negatively impact mental health, day-to-day functioning and social relationships.

A high percentage of victims will resort to negative coping

## Skills and Principles

Advocates center the conversation around the victim and they are encouraged to act as their own agent of transformation.

Advocates promote personal safety while offering victims clear choices and consequences.

Advocates display a moderated empathic response while educating victims on Safe coping skills and grounding techniques.

# California Victim Compensation Program



- Established in 1965, CalVCP assists victims in paying for certain types of crime related expenses.
- The program is paid for, in part, through fines and fees, restitution orders and penalty assessments levied on persons convicted of crimes and traffic offenses.
- Property damage/ loss is not a covered expense.

## Possible Reimbursement

- Medical/ Dental
- Mental Health Services
- Wage Loss
- Relocation
- Funeral/ Burial
- Crime Scene Clean-up
- Loss of Support for dependents, if a victim is killed or disabled as a result of the crime

# CalVCP Qualifying Crimes



- The crime must result in physical injury, threat of physical injury or death.
- For certain crimes against minors, emotional injury is sufficient.
- Covers victims of crime that occur in California or residents of California victimized out of the state or country.

## Qualifying Crimes

- Assault
- Child abuse (physical and sexual)
- Domestic Violence
- Rape and Sexual Assault
- Human Trafficking
- Elder Abuse
- Robbery
- Murder
- DUI, Hit and Run, Vehicular Manslaughter

# Cal VCP Eligibility

## Basic Eligibility Guidelines

- Documentation
- Apply within three years from the date of crime
- Cooperation
- Victim cannot have participated in or been involved in committing and/ or escalating the crime
- Victims currently in prison, on parole or felony pronation, can be eligible however expenses cannot be paid until they are off parole/ felony status

## Who is Eligible?

- Direct Victim
- Family members and loved ones, such as:
  - Spouse/ Domestic Partner
  - Sibling
  - Parent/ Guardian
  - Child
  - Grandparent
  - Grandchild
  - Person living in the same household as the victim at the time of the crime

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# Contact Information and Questions

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