

Evidence Preservation

Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. Even if no physical injuries are present, a SAFE exam is strongly recommended to maintain all legal options. If too much time has passed, a forensic nurse may not be able to perform an exam.

The preservation of all physical evidence, including clothing is paramount. Do not shower or wash since evidence would be lost. After the evidence is collected, it may be sent for analysis. Other options may be available through the non-investigative reporting guidelines.

UC SANTA CRUZ ADMINISTRATIVE REPORTING

Any victim has the choice of reporting to the Title IX Officer under UC Santa Cruz policy. UC Santa Cruz encourages anyone who has experienced sexual assault, dating violence, domestic violence, or stalking to report an offense as soon as possible after its occurrence, in order for appropriate and timely action to be taken. Confidential Victim Advocates, Campus Security Authorities, and others acting on a victim's behalf may also assist a victim with filing an administrative complaint.

When an administrative complaint is made, the Title IX Officer or designee conducts the investigation to determine whether a violation of policy occurred. For more information about administrative procedures, contact the Title IX Officer at (831) 459-2462.

NO CONTACT DIRECTIVE

No contact directives prohibit any and all means of communication or contact within a specified distance and may include coverage of an individual's residence, automobile, or other property. Any student, faculty or staff member or other person with a reasonable justification may request a no contact directive. No contact directives are not considered a sanction, but rather a lawful directive when issued by a university official. Such directives may be issued to students verbally or in writing by a university official, acting in the performance of their official duties. A no contact directive is appropriate when there is reason to believe that future contact will result in property damage, disruption, harassment, intimidation or threatening conduct, or physical abuse.

Contact a campus Confidential Victim Advocate, Student Conduct or the Title IX Officer for assistance with this process.

CIVIL REPORTING

Filing a Civil Suit

A victim may choose to file a civil suit against the defendant whether or not criminal charges have been filed. A civil suit gives a victim an opportunity to recover actual damages. This may include compensation for medical expenses, lost wages, pain, suffering, and emotional distress. Contact a Confidential Victim Advocate for assistance with this process.

Obtaining a Protective/Restraining Order

A victim may also choose to obtain a protective/restraining order. Protective orders are civil court orders to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault, or stalking by another individual. In California, a victim may obtain a domestic violence restraining order or a civil harassment restraining order. Contact a Confidential Victim Advocate for assistance with this process.

In some cases, the University may seek a protective/restraining order for an employee who has suffered unlawful violence or received a threat of violence in the workplace from any individual. If granted, the order may last up to three (3) years.

NON-REPORTING OPTIONS

Victims may contact CARE, Counseling and Psychological Services (CAPS), or Employee Assistance Program (EAP) for more information, emotional support, and/or individual and group counseling.

If the victim would like to seek support off campus, Monarch Services provides services to victims of sexual assault, dating violence, domestic violence and stalking in Santa Cruz County.

EMERGENCY NUMBERS

Emergency	911
VINE (Victim Notification)	(877) 331-8463
Monarch Services	(888) 900-4232
Suicide Prevention	(831) 458-5300
Youth Services	(831) 425-0771

LOCAL RESOURCES

Santa Cruz District Attorney's Office	(831) 454-2400
Dominican Santa Cruz Hospital	(831) 462-7700
Watsonville Community Hospital	(831) 724-4741
UCSC Confidential Advocate	(831) 459-2721
	(831) 459-1053
UCSC Title IX Officer	(831) 459-2462
Monarch Services	(888) 900-4232
UCSC Student Health	(831) 459-3772
Santa Cruz PD Victim Advocate	(831) 420-5827
County Mental Health Hotline	(800) 952-2335
Victim Witness Assistance	(831) 454-2010
Child Protective Services	(831) 454-4222
Adult Protective Services	(831) 454-4101
Survivors Healing Center	(831) 423-7601
UCSC Counseling Services	(831) 459-2628
UCSC Student Conduct	(831) 459-1738
UCSC Student Care Coordinator	(831) 459-3456

CALIFORNIA STATEWIDE AND NATIONAL RESOURCES

California Attorney General's Victim Services
(877) 433-9069
www.ag.ca.gov/victimservices

California Department of Corrections and Rehabilitation,
Office of Victim & Survivor Rights & Services
(877) 256-0VSS (6877)
www.cdcr.ca.gov/victim_services

Rape, Abuse, Incest, National Network
(800) 656-HOPE, www.rainn.org

Victims of Crime Resource Center, Pacific/McGeorge
School of Law, (800) 842-8467 www.1800victims.org

National Center for Victims of Crime,
(800) FYI-CALL (394-2255) www.victimsofcrime.org

National Domestic Violence Hotline
(800) 799-SAFE (7233) www.ndvh.org



UNIVERSITY OF CALIFORNIA
SANTA CRUZ



MARSY'S CARD
AND
REPORTING
OPTIONS
SEXUAL ASSAULT
DATING VIOLENCE
DOMESTIC VIOLENCE
STALKING

Reporting options are available to anyone who is a victim of sexual assault, dating violence, domestic violence, and stalking. These options include criminal, civil, and administrative reporting as well as non-reporting. This handout provides a brief description of each option.

CONFIDENTIAL VICTIM ADVOCATES

Regardless of how many options a victim chooses, a Confidential Victim Advocate from the university or Monarch Services can provide free and confidential support, as well as an explanation of each reporting option in detail. Confidential Victim Advocates can:

- Explain all of a victim's rights and options, confidentially and anonymously.
- Accompany the victim throughout any reporting processes (should they choose to report), and assist with academic, housing, transportation, or employment accommodations.
- Be with a victim during a Sexual Assault Forensic Examination (SAFE), law enforcement or administrative interviews, phone calls, line-ups, or any other proceedings that involve criminal, civil or administrative reports. If a victim is in a situation without the advocate, they have the right to wait until the advocate is present before proceeding.
- Confidential Victim Advocates are available to assist a victim 24 hours a day, 7 days a week.
 - UC Santa Cruz Confidential Advocates are available during business hours.
 - Advocates from Monarch Services are available 24/7.

CRIMINAL REPORTING

Filing a Police Report

The UC Santa Cruz Police Department has primary law enforcement jurisdiction over the University of California, Santa Cruz and other affiliated properties (owned, leased or controlled) with the Regents of the University of California. Crimes may be reported confidentially to the UC Santa Cruz Police at (831) 459-2231 or by calling 911. If appropriate, the UC Santa Cruz Police Department may also assist a victim with filing a police report with other law enforcement agencies. For crimes that occur in the City of Santa Cruz, please contact the Santa Cruz Police Department at (831) 420-5800 or by calling 911. Confidential Victim Advocates, Campus Security Authorities, and others acting on a victim's behalf may also assist a victim with filing a police report.

The UC Santa Cruz Police Department strongly encourages the immediate reporting of crimes. However, it is a victim's choice to report a crime and may therefore decline to notify law enforcement authorities. If a victim chooses not to report the crime immediately, a report can still be made at a later date, as reporting to the police is an option at anytime.

Both Federal and State law require certain campus officials to immediately report crimes to the UC Santa Cruz Police Department and/or local law enforcement agencies. Unless the victim gives permission to provide identifying information, the official making the report to law enforcement must keep the identifying information confidential. The information about the crime is used to determine whether the issuance of a Timely Warning or an Emergency Notification to the community is necessary, and to assist in gathering required statistics.

Non-Investigative Reporting

A sexual assault victim has the option to have a Sexual Assault Forensic Exam (SAFE) (commonly referred to as an "evidence kit") without filing a police report. This is called a Non-Investigative Report (NIR). Because hospital staff are mandated reporters they will have to call law enforcement; however, after law enforcement arrives, the victim has the right to decline speaking to law enforcement. Some documentation may be completed by law enforcement in order to comply with legal requirements but this information will remain confidential.

Any evidence obtained during the examination will be collected and retained for a period of 24 months to allow a victim time to reconsider their options, including filing a police report. After 24 months, if the victim has not initiated contact with the appropriate law enforcement agency, the evidence may be destroyed.

Student Health Services DOES NOT conduct SAFE/NIR Exams. These exams are done at Dominican Hospital or Watsonville Community Hospital. UC Santa Cruz students or employees who want to utilize the NIR option should contact a Confidential Victim Advocate on or off campus who can offer free and confidential assistance with this process.

MARSY'S LAW

The Victims' Bill of Rights Act of 2008

To provide victims with rights, justice, and due process

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law, a measure to provide all victims with rights and due process. The California Constitution, Article 1, Section 28, 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 Consideration 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 post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

9. Speedy Trial and Prompt Conclusion of the Case:

To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. Provision of Information to the Probation Department:

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. Receipt of Pre-Sentence Report:

To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. Information About Conviction, Sentence, Incarceration, Release, and Escape:

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. 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. The Prompt Return of Property:

To the prompt return of property when no longer needed as evidence.

15. Notice of Parole Procedures and Release on Parole:

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. Safety of Victim and Public are Factors in Parole

Release:

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. Information About These 16 Rights:

To be informed of the rights enumerated in paragraphs (1) through (16).



Santa Cruz Police Department Victim Services

The Santa Cruz Police Department provides services for victims of violent crime in the City of Santa Cruz. The advocate provides information about victims' rights and the criminal legal system and makes referrals to local agencies when appropriate. The advocate is available to attend interviews and court hearings with victims and acts as a liaison between the victim and the District Attorney's Office. The advocate works with the investigators assigned to the persons crime unit to ensure that all victims of violent crimes are treated with fairness and respect.

Victim Compensation Program

The Victim Compensation Program can help pay for medical and dental bills, relocation, mental health counseling, crime scene cleanup, funeral costs, and loss of income. For more information contact your local Victim Witness Assistance Center at (831) 454-2010 or the Victim Compensation and Government Claims Board at (800) 777-9229 or on line at www.victimcompensation.ca.gov

Sexual Assault

It is a crime for anyone to rape or sexually assault you, whether they are a stranger, boyfriend, a lover, a husband, a domestic partner or an acquaintance. You deserve help. If someone has sexually assaulted you and you want to report the crime, call 911. The evidence of the crime is on your body clothing, and the location of the assault.

In Santa Cruz County there is a program in which a nurse will examine you for physical injury and collect evidence in a sensitive manner. You have the right to have a sexual assault victim counselor present during the exam as well as a support person as long as the presence of those persons is not determined to be detrimental to the purpose of the exam. More evidence will be available if you do not shower, bathe, or wash your clothing/bedding or clean the location of the assault. Law enforcement will collect items and material, which may contain evidence for a possible criminal prosecution. You can call a crisis line to get more information and support whether or not you choose to report.

Domestic Violence

It is a crime for anyone to hit or hurt you. Domestic Violence can occur between people of any sexual orientation who are married, separated, dating, have dated, are living together, have lived together or have children together.

You Need to Know

Even when suspects are arrested, they may be released from jail at any time. If you feel that the suspect may return to hurt you or your family, ask the officer for an Emergency Protective Order, which will order the suspect to stay away for five court days. The officer can protect your name from public record. For information about shelter, filing a Domestic Violence Restraining Order or other services in the community, you may contact Monarch Services.

You have the right to request an order from superior court to file a petition requesting any of the following orders for relief; an order restraining the abuser from battering the victim and other family members, an order directing the abuser to leave the household, an order preventing the abuser from entering the residence, school, business, or place of employment of the victim, an order awarding the victim custody of a minor child or children, an order restraining the attacker from molesting or interfering with minor children in the custody of the victim, an order directing the party not granted custody to pay support of minor children if that party has a legal obligation to do so, an order directing the defendant to make specified debit payments coming due while the order is in effect, and/ or an order directing either or both parties to participate in counseling.

You may ask the district attorney to file a criminal complaint. Contact the Santa Cruz Police Victim Advocate at (831) 420-5827 or the Victim Witness Assistance Program at (831) 454-2010 for assistance. You also have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained, damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.