



August 30, 2021

Contra Costa County
Measure X Funding Request
Delivered via Email and Personal Delivery

To the Measure X Board,

Attached please find the Program Narrative and Budget Proposal for funding consideration by the Measure X Board submitted on behalf of "getVOCAL for Victims". "getVOCALforVictims" is a non-profit 501(c)(3) organization committed to the representation of the underserved population of crime victims in Contra Costa County. We hope to participate in the work here in Contra Costa County in collaboration with the Measure X Board and the leaders of Contra Costa County to make our community a better place for all of our residents. Thank you for your consideration of our request.

Sincerely,

Mary Knox
President, Board of Directors
getVOCAL for Victims
victimcenteredtruthdriven@gmail.com



“getVOCAL for Victims” Budget Proposal

Requested Funding: \$2,000,000 per year

Fiscal Year: 2021-22

Tax Status: 501(c)(3)

“getVOCAL for Victims” is a 501(c)(3) nonprofit organization registered with the California Secretary of State. “getVOCAL for Victims” is requesting \$2,000,000.00 in annual funding. This funding will be used to accomplish the following goals:

Director

The director will manage the Measure X award, manage the “getVOCAL for Victims” project and manage the collection of statistical data. The director will work 40 hours per week and that work will be devoted to “getVOCAL for Victims” (getVOCAL). The director will accept cases and run conflicts checks, pair cases with pro-bono attorneys, and lead training and education efforts for those involved. The director will also be responsible to market the getVOCAL project to law firms, recruit attorneys, assign cases, and maintain training materials. We anticipate that participating pro-bono attorneys will vary in terms of the amount of time that they have to dedicate to cases depending on their other professional obligations, and their bandwidth will be assessed and considered in the assignment of each case to make sure that each individual victim’s needs are met.

The director will also manage partnerships with local police agencies, the District Attorney’s Office and local nonprofits (including the Family Justice Center, Community Violence Solutions, Pillars of Hope, Alliance to End Abuse, and Justice at Last). The director will head development and all fundraising efforts, including events and fostering relationships with donors. The director will be responsible for other marketing tasks, including management of social media platforms, publications, and any legislative efforts, including attending conferences like National Organization for Victim Assistance “NOVA,” Leave No Victim Behind, and the National Crime Center for Victims. Given the extent of these duties, this will be a full-time, salaried and benefited position.

getVOCAL Staff Attorney

The getVOCAL Staff Attorney will be tasked with emergency assistance, intervention between victims and law enforcement and the District Attorney's Office. The staff attorney will appear and have a caseload of referred getVOCAL cases, assist with overload cases, and make appearances when needed on behalf of pro bono attorneys. The Staff Attorney will be qualified to answer and assist pro bono attorneys on issues and questions that arise during criminal prosecutions. This attorney will participate in outreach and training presentations. The Staff Attorney will also assist the Director on the daily responsibilities of getVOCAL for Victims.

getVOCAL for Victims Staff Advocate Position

The getVOCAL for Victims Staff Advocate will be responsible for supporting victims throughout the criminal justice process. This person will advocate for victim's rights, manage referrals from the law enforcement community, the District Attorney's Office, and other community organizations. The advocate will provide direct services to victims and families, coordinate with other victim advocacy agencies and groups across the state and country, and participate in Multi-Disciplinary Meetings with other agencies in Contra Costa County. The advocate will assist with restitution and coordination with the Victim Compensation Board, assist in the preparation of victim impact statements, and work with the Victim Witness Programs in local agencies to support the much needed crisis intervention, education on victim's rights under Marsy's Law, and facilitate mental health referrals if needed.

getVOCAL Office Staff Admin/Paralegal

A clerk will provide the Director with assistance with scheduling and clerical support. This person will be responsible for answering the phone and emails to communicate with referral victims. The Staff employee will also assist with emergency referrals if needed. The daily responsibilities will include managing the calendar of the Director, Staff Attorney, requesting documents for cases, and be able to review documents. This position may need to order reports, process documents for restitution, submit and receive victim impact statements, and maintain the billing and payroll tasks for getVOCAL.

Office Space and Supplies

getVOCAL will require office space to conduct business, in addition space at the Family Justice Center, in order to meet with victims, volunteer attorneys and hold meetings with community partners. The office will require office furniture, computers, printers, phone and internet service, funding for our website and internet training platform and cloud storage for our "brief bank", as well as general office supplies.

Marketing Materials

getVOCAL will need brochures and materials to be distributed to victims to educate them about their constitutional rights and their access to “fee free” attorneys through getVOCAL. This will be a recurring cost involving design fees, translation fees and printing fees.

Translation Fees

Contra Costa County has a diverse population. Many victims of crime are not native English-speakers. The complexities of the criminal justice system are challenging even for native English-speakers. Access to translators must be available to every victim in the language that is best for the victim to provide truly meaningful victim representation. This will require contracts with translation services and translators in many different languages.

getVOCAL needs translation services to communicate with victims from diverse backgrounds while connecting them with volunteer attorneys. Volunteer attorneys will need a translator to effectively communicate with victims who are not primarily English-speaking in a confidential setting and to translate for victims in court.

Operational Costs

There will be operational costs that are continuous and necessary. This will include court filing fees incurred by volunteer attorneys, cell phone contracts, mileage reimbursement for employees, in-house attorney fees and CPA fees, and costs to attend victims’ rights conferences and legislative sessions, and necessary additional unforeseen costs (ex. COVID safety required expenses).



getVOCAL for Victims
Project Narrative

Historically, the criminal justice system has sought to balance the constitutional rights of criminal defendants versus the constitutional rights of victims of crime through the participation of the District Attorney and defense attorneys. In this system, the District Attorney's Office represents the People of the State of California. Criminal defendants are represented by court-appointed, fee-free attorneys to protect their constitutional rights. Victims of crime, who have guaranteed constitutional rights co-equal to those of the defendants, are the only party in the criminal justice process who do not have the right to fee-free legal representation. Unless a victim of crime has the financial means to hire an attorney to represent them, crime victims' constitutional rights in the criminal justice process become meaningless, potentially resulting in the miscarriage of justice for victims of crime and their families.

The State of California has protections in the law for victim's rights. In California, the voters enacted "Marsy's Law" in 2008. "Marsy's Law" amended the California State Constitution to create constitutional rights for victims and families of victims to be heard throughout the criminal justice system. Even with these rights, without an attorney to represent them, victims' voices are frequently not heard in the criminal justice process.

It is crucial that Contra Costa County leaders remedy this injustice by providing fee-free legal representation to victims of crime. "getVOCAL for Victims" will partner with the County to facilitate this long-needed protection for victims' constitutional rights and ensure that victims' voices are heard.

Proposed Solution

"getVOCAL for Victims" (getVOCAL) will provide fee-free legal representation to crime victims by partnering with volunteer attorneys to provide victims legal representation throughout a criminal prosecution. Recent legislation has vastly expanded the opportunities for criminal defendants to appear before the CDCR parole board and advocate for their release from prison. Crime victims have the constitutional right to speak at every parole hearing and to have representation with them at the hearing yet they have no access to fee-free legal representation. These changes in the law have created a significant increase in the need for victim legal representation in proceedings which have the potential to have a dramatic impact on victims of crime and their families. These recent changes in our laws have further exacerbated the gaping void in victim access to legal representation.

For victims of crime, the impact of the criminal justice system is not just about the outcome of the case. Each crime victim represents a life forever impacted by the crime itself and then by their experience in the complexities of the criminal justice system. A victim's constitutional right to be heard in the process begins by ensuring that cases are properly investigated by the police and evaluated in the filing process by the District Attorney. A victim's rights attorney who represents the victim from the time the crime is committed can ensure that the case is properly investigated and charged and reduce the trauma of the criminal justice process on the victim, thus reducing the risk that the victim is "revictimized" by the process that was designed to protect a crime victim.

Problem Statement

In the current system in Contra Costa County, crime victims have access to Victim Witness Advocates who work inside the District Attorney's Office and assist victims throughout the pendency of the prosecution. The advocates assist victims in obtaining counseling and services, they accompany victims to court, they assist victims compiling evidence for a restitution order and often provide a bridge between the prosecutor and the victim. However, Victim Witness Advocates are not lawyers and are not able to provide legal assistance to victims or to advocate for them in court or to file legal documents on their behalf. Prosecutors may have interests which are contrary to the interests of the victim. Consequently, providing an attorney who will appear for the victim in court and who works in collaboration with Victim Witness Advocates and the District Attorney will ensure that no victim is left unheard in the criminal justice system.

The majority of crime victims come from economically disadvantaged, underserved communities and cannot afford to hire a victims' rights attorney to represent them. For those victims fortunate enough to have the means to hire an attorney, there are few attorneys who practice victims' rights law. getVOCAL has developed a training manual which covers every stage of the criminal process to train attorneys who volunteer their time to represent crime victims and provide them with legal resources. getVOCAL will work with private law firms to identify attorneys who are willing to work *pro bono* (free of charge) to represent crime victims. getVOCAL will collaborate with law schools to create clinics for law students to provide supervised victim representation and getVOCAL will work with the local bar association to connect practicing attorneys in the community with victim clients.

To give true meaning to crime victims' federal and state constitutional rights to be heard in the criminal justice process, crime victims must have access to effective legal representation to advocate on their behalf. While a victims' rights lawyer may not change the outcome of a criminal prosecution, access to one empowers a victim throughout the process and guarantees that their voices will be heard. This will allow the District Attorney to focus on the prosecution of the case with the knowledge that the victim's rights are being protected by the victims rights attorney. The Court will also benefit as judges will know that the victim's constitutional rights are being protected at every stage of the proceeding. Ultimately, our community will benefit as victims are empowered throughout the criminal prosecution resulting in true justice for all parties involved in the process.

Non-Profit Overview

getVOCAL is an established 501(c)(3) non-profit organization in Contra Costa County. getVOCAL has built relationships in our community with lawyers, judges, law enforcement and non-profit community partners who interact with victims on a daily basis to build a better Contra Costa. getVOCAL will expand the County's reach to victims by focusing on victim outreach in a way never done before in our County.

getVOCAL will engage in outreach to the diverse and under-served victim community in order to reach every victim and educate them about their constitutional rights, the emerging issues and changes in the criminal law and services available to crime victims. Information, education and access are the keys to addressing the issues facing victims in the criminal justice system. Through the continued training and education of all of our stakeholders and partners, getVOCAL will create an environment in the criminal justice system where the enforcement of victims' rights is the new normal in every criminal prosecution.

getVOCAL understands that victims' rights education needs to be continuing and on-going. Attorneys, judges, law enforcement officers, and employees of our community partners will eventually retire or move on to other projects or organizations. Consequently, getVOCAL has built an evidence-based training platform that is easily updated and replicated to ensure that volunteer attorneys have access to the most relevant and current legal resources, case law and a "brief bank" to assist them in their representation of victims. Every attorney who volunteers to represent crime victims through getVOCAL will undergo training on victims' rights, trauma-informed practices in their interactions with victims and the issues that arise in victims' rights representation. Through education and hands-on experience in the field of victims' rights advocacy in law schools, getVOCAL envisions a future where lawyers graduate from law school committed to volunteering to represent victims' rights regardless of the area of law they ultimately practice.

Project Design and Implementation

In the current COVID environment, getVOCAL has pivoted from providing in-person outreach and services to a hybrid model of on-line and in-person services to reach victims in both urban and rural areas throughout Contra Costa. In the ever-changing world of online resources and online teaching, getVOCAL has been innovating to increase the online assistance available to victims in a variety of forums to simplify the complexities involved in navigating the criminal justice system. This digital forum will be the backbone of getVOCAL's victim representation.

In addition to on-line resources for crime victims, getVOCAL will have an Executive Director (hereinafter "Director") who is an attorney in good standing with the California State Bar. The Director and other staff will be responsible for creating and maintaining the database of lawyers available to represent victims. Every victim request for representation will be directed to the Director who will conduct a legal conflicts check with regard to the parties involved in the case. The Director will maintain direct contact with the attorneys assigned to represent victims and will be available to advise the volunteer attorneys in questions of law and procedure. The

Director will be responsible for ensuring that all volunteer attorneys have completed the online training prior to representing a crime victim. The Director will also be responsible for ensuring that the online resources are updated on a timely basis.

In March, 2019, getVOCAL held a launch event to introduce the goals and objectives of getVOCAL to attorneys in our legal community in Contra Costa County, coincidentally, a day before the pandemic shut down our County. The purpose of the event was to solicit lawyers to provide representation to victims of crime.. Many attorneys came to the event and submitted Letters of Intent pledging to achieve getVOCAL's goal of representation for every victim in the criminal justice system. Since our launch, getVOCAL's attorney partners have appeared in court in Contra Costa County, in parole hearings and in court proceedings in San Francisco representing AAPI victims of crime.

getVOCAL has met with different advocacy groups in Contra Costa County to build relationships and begin referral partnerships. For example, Contra Costa has three Family Justice Centers located in the cities of Richmond, Concord and Antioch. These centers support many underserved victims of crime. The Centers' Executive Director has signed a letter of intent to partner with getVOCAL to offer space to meet with clients and also to refer victims to the program. getVOCAL's presence in the Family Justice Center to assist victims and to connect with other victim services will better serve the victim community throughout the criminal justice process, from investigation through post-sentencing representation.

getVOCAL also recognizes the need to increase education and advocacy in the larger legal community. This will include education to larger groups, including the defense bar, private attorneys, judges, and prosecutors. Community training courses will include understanding victims' rights and the need for victim representation in the criminal justice process. The resources and community connections that getVOCAL has built make it uniquely situated to provide training and education that incorporates presentations and testimonials from victims and victim's families directly. It is getVOCAL's mission to incorporate those victim stories into our trainings and informational materials to allow attorneys, law students and the community to hear directly from those who have been negatively impacted by the criminal justice system.

No one plans on being a victim and many go through life assuming that "it will never happen to me." Hearing the real and personal stories directly from victims and families of victims and how their lives have been forever impacted is the most influential way to have others understand the importance of the work getVOCAL seeks to do.

Yearlong Goals

By the end of the year, depending on the impact of COVID-19, getVOCAL plans to have the Director in place, hire a staff member, and have completed several rounds of marketing and outreach to lawyers in the community to expand the pool of volunteer lawyers committed to

the project. The initial training for all pro bono lawyers will be completed and the information will already have been distributed so that getVOCAL lawyers are ready to represent victims.

The Director will also have a system in place to conduct conflicts checks between victims and lawyers and have a database of lawyers created. The “brief bank” and access to it will be completed; however, it is envisioned that the “brief bank” will be a continual work in progress as new laws that impact victims are passed and new issues arise throughout the criminal justice system. The Director will monitor and quality check all information in the “brief bank” so it remains current and accurate.

Outreach to the many victim-based community organizations, law enforcement and community partners to provide them with getVOCAL informational materials and contact information will be on-going. Organizations such as the Family Justice Centers, Community Violence Solutions, Alliance to End Abuse, Pillars of Hope and Justice at Last are all non-profit organizations that have direct contact with victims. The Board Members of getVOCAL have pre-existing relationships with these organizations. As such, distribution of materials and collaboration with these organizations is a high priority to help connect victims in need of getVOCAL representation to a lawyer who can assist them.

getVOCAL will collect statistical data to demonstrate the quantity and quality of our work and commitment to our mission. We will divide the data into separate sections that will translate to the goals, objectives, and deliverables defined in Program Description above. getVOCAL will break down each case to include the type of crime, the representational needs of the victim and means by which the victim learned about getVOCAL. getVOCAL will also collect data regarding the socioeconomic and ethnic identity of the victims, where in the criminal justice process the criminal case was when the victim sought services and the victim demographics to ensure that getVOCAL is reaching all communities equally.

In addition to the information above, statistics will be collected within each of the attorney client relationships. For example, getVOCAL will track the number of appearances, motions written, changes of decision based on the representation, and hours spent by each attorney and/or law student. This information will be vital to support and prove that there is a need for this type of representation.

As early as the launch, getVOCAL started to track attorneys who were introduced to the organization. getVOCAL has a list of attorneys that have committed time (some have submitted letters of intent attached) and will continue to collect this data. getVOCAL will collect information regarding the law firms committed to

participating with getVOCAL, the attorneys that enroll and the number of attorneys from each law firm that contribute time.

Finally, getVOCAL will track outreach in the community including the conferences attended by getVOCAL representatives as attendees, speakers, or in other capacities; the training provided by the staff, director, or board members; and legislative meetings, communications, or efforts made by our staff, the director, or by one of the board members.