

Assistance to Crime Victims

Programs to support the underserved population of crime victims in Contra Costa County has been identified as a current service area gap in our criminal justice system. The following information was gathered from a proposal provided to the County by the non-profit "getVOCAL for Victims" (getVocal) and can serve as a program example to address this service gap.

Historically, the criminal justice system in the United States 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 who cannot afford their own legal representation are represented by court-appointed, fee-free attorneys to protect their constitutional rights. However, 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 may be overlooked.

In 2008, California voters enacted "Marsy's Law", which amended the California State Constitution to create constitutional rights for victims and families of victims to be heard throughout 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. With the lack of attorneys to represent them, victims' voices are frequently not heard in the criminal justice process.

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.

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. Furthermore, 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 would support efforts to ensure no victim is left unheard in the criminal justice system.

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 victim's rights attorney. The Court would also benefit as judges will know that the victim's constitutional rights are being protected at every stage of the proceeding. Ultimately, our community would benefit as victims are empowered throughout the criminal prosecution resulting in true justice for all parties involved in the process.

Recommendation

No Measure X funding is recommended for this program at this time.