



Victim and Survivor Rights and Services

WHAT ARE YOUR RIGHTS AS A VICTIM?

Notification

The victim of crime, next of kin, parent or guardian of the minor victim, or witness may request to be notified of the release, death, or escape of their offender(s). Requests can be made by completing a "Request for Victim Services" form, or by registering with the automated notification system. You are responsible for keeping your contact information current so that you can receive notification information. Note: Information about victims (addresses, phone numbers, etc.) is kept confidential and will not be made available to the inmate.



California Automated
Victim Notification Service

1-877-411-5588
www.vinelink.com

Victim Input Into Special Conditions of Parole

You may request input into the following special conditions of parole:

That the parolee be required to live in another county or in another city within the committing county if you are clearly threatened; or if the inmate was convicted of a specific violent felony, you may request parole placement 35 miles from your actual residence.

Restrict the parolee's contact with you. Parolee contact with a victim without prior approval from the parole agent may be justification for revocation and return to custody.

If you are interested in requesting special conditions of parole, or need additional information, contact OVSRS. Please note that requests made for special conditions of parole will be considered by the CDCR Division of Adult Parole Operations (DAPO).

Victim Notification of Parole Suitability Hearings

When requested, the Board of Parole Hearings (BPH) will notify the victim/next of kin/immediate family member of the parole consideration hearing conducted for prisoners sentenced to life terms with the possibility of parole.

Requests may be made by calling the OVSRS. If you move you MUST notify OVSRS of your new address.

Upon receipt of the request, OVSRS will send you a Declaration form to complete and return stating that you are a victim/next of kin/immediate family member of the victim. Your request will be kept on file and you will be notified in writing 90 days prior to the inmate's scheduled parole suitability hearing.

A calendar of Parole Suitability Hearings can be found at:
http://www.cdcr.ca.gov/BOPH/hearing_schedule.html

A victim may request through the OVSRS to appear before the hearing panel and make a statement. If you can't attend the hearing but would like to make a statement, a representative may attend the hearing for you or you may submit a written statement to BPH to be read into the record, or an audiocassette or videocassette tape recording, which will be viewed by the commissioners conducting the hearing. Further information may be obtained by contacting the OVSRS toll free at 1-877-256-OVSS (6877).

RESTITUTION

The sentencing court can order the defendant to pay two different types of restitution: (1) restitution to the victim known as a direct order of restitution, and (2) restitution fines.

Restitution Fines

Restitution fines are considered an offender's debt to society for the offender's criminal behavior. In the State of California, the court must impose a restitution fine regardless of the crime committed or the sentence imposed. A fine is set at the discretion of the court. The court must order offenders who are sentenced to state prison to pay a fine between \$200 (minimum) and \$10,000 (maximum). The money collected for the restitution fine is transferred to The California Victim Compensation Program (CalVCP) and is used to assist victims of violent crimes who suffer out-of-pocket losses and who may be eligible to apply for financial reimbursement.

Direct Order of Restitution

The court can order a defendant to pay restitution to the victim. This type of restitution is referred to as a direct order. California Penal Code states that the court must award restitution to the victim(s) in the full amount of the economic loss, including but not limited to property damage, medical expenses, psychological counseling, lost wages and any other expenses related to the crime.

Collection From Inmates

Upon the offender's arrival at the CDCR, an inmate trust account is established to accommodate monetary deposits and/or withdrawals. It is also designed to track any and all obligations that an offender may have, such as restitution fines and direct orders. For those offenders who have both a fine and a direct order, the direct order obligation will be satisfied first. Any money deposited into the account will be garnished at 50 percent. This money is applied toward the offender's restitution obligations.

Collection From Offenders After Release From Prison

All unpaid restitution, including victims' direct orders, is immediately referred to the California Franchise Tax Board (FTB) upon release from prison.

WHAT HAPPENS TO SOMEONE ONCE CONVICTED OF A CRIME?

California Sentencing Laws

Most offenders are sentenced to California state prison for a set amount of time under the Determinate Sentencing Law (DSL). Once this time is served, the inmate is released. Those offenders convicted of the most serious crimes such as murder, attempted murder, and kidnapping for ransom can be sentenced under the Indeterminate Sentencing Law (ISL) and receive terms of life with the possibility of parole. Offenders sentenced to a life term with the possibility of parole cannot be released on parole until the BPH determines that they are ready to be returned to society.

What Happens After Sentencing?

Once sentenced, the inmate is sent to a reception center for processing and transferred to an institution. Processing includes computing a classification score based on such factors as length of sentence, stability, education, employment, and behavior during a prior incarceration.

The classification score determines the type of institution in which the inmate will be housed. This score may change over time based on individual's behavior and specific case factors. Because of this change, an inmate may be transferred to a different institution.

Note: Victims are not notified by CDCR when a transfer takes place.

What Happens To The Inmate While In The CDCR?

Education and vocational programs are available to inmates. These programs also qualify an inmate for work time credits and continued participation is dependent on the offender's good behavior.

What Happens When an Inmate is Released?

Effective October 1, 2011, when an inmate has completed his/her sentence, he/she is released to either state supervised parole or county-level supervision also known as post-release community supervision. The type of supervision is determined by the California Penal Code. The more serious and violent offenders and high-risk sex offenders are released to state parole and the non-serious, non-violent, and non high-risk sex offenders are released to county-level supervision.

Currently, the law requires that parolees be returned to the county that was the last legal residence of the offender prior to his or her incarceration. A parolee may be returned to another county if that would be in the best interests of the public. DAPO carefully reviews each case and makes such decisions on an individual basis.

Offenders released from prison to state supervised parole are assigned a Parole Agent, in the community where the offender will be living. CDCR parole offices are located throughout California. CDCR requires all parolees to follow conditions of parole, which may include such special conditions as no contact with the victim or victim's family or that the parolee may not be allowed within 35 miles of the victim's actual residence if the crime was a violent felony. Victims or witnesses may contact OVSRS to request special conditions of parole, which will be considered by DAPO prior to the inmate's release.

Offenders released from prison to county-level supervision will be supervised by a local law enforcement agency. CDCR no longer has jurisdiction over any person who is released from prison to county-level supervision.

How Does A Parolee Get Off of Parole?

Inmates sentenced under the DSL serve up to a maximum of five years on parole.

If paroled, offenders with life terms will remain on parole for life unless the BPH grants a discharge after five years for second degree murder and seven years for first degree murder.

Parole may be revoked if a parolee is found to be in violation of the conditions of parole or commits a new crime. The parole agent can recommend that the offender be returned to custody. A revocation hearing will be conducted by the parole hearing authority to determine if a violation has occurred, whether the violator will be returned to custody and if so, for how long. Violators can be returned to custody for up to 180 days at a time.

RESOURCES FOR VICTIMS

Parole Suitability Hearings for lifers:

Board of Parole Hearings
P.O. Box 4036
Sacramento, CA 95812
1-800-328-3500
Web: www.cdcr.ca.gov/BOPH

Financial assistance to crime victims:

California Victim Compensation Program (CalVCP)
P.O. Box 3036
Sacramento, CA 95812
1-800-777-9229
Web: www.victimcompensation.ca.gov
Email: info@vcgcb.ca.gov

Appeals information:

Office of Victims Services California Attorney General's
Office P.O. Box 944255
Sacramento, CA 94244-2550
Phone Toll-free: (877) 433-9069
Web: www.ag.ca.gov/victimservices/

Additional resources/assistance:

Victims of Crime Resource Center
McGeorge School of Law
1-800-VICTIMS
1-800-842-8467
Web: www.1800victims.org
Email: victims2@pacific.edu

For additional information and assistance on material covered in this brochure:

Call Toll Free 1-877-256-6877

Mailing Address:

California Department of Corrections and Rehabilitation
Office of Victim and Survivor Rights and Services
P.O. Box 942883
Sacramento, CA 94283

Email Us:

victimservices@cdcr.ca.gov

Web:

www.cdcr.ca.gov/victims

Automated Electronic Notification:

Toll Free 1-877-411-5588
TTY 1-866-847-1298
www.vinelink.com