



Reimagining Public Safety Task Force

## REIMAGINING PUBLIC SAFETY TASK FORCE MEETING

Thursday, December 2, 2021  
6:00 PM

District 1 - Margaret Fine	Youth Commission - Nina Thompson
District 2 - Sarah Abigail Ejigu	Police Review Commission - Nathan Mizell
District 3 - boona cheema	Mental Health Commission - Edward Opton
District 4 - Jamie Crook	Berkeley Community Safety Coalition - Jamaica Moon
District 5 - Dan Lindheim	Associated Students of U. California - Alecia Harger
District 6 - La Dell Dangerfield	At-Large - Vacant
District 7 - Barnali Ghosh	At-Large - Liza Lutzker
District 8 - Pamela Hyde	At-Large - Frances Ho
Mayor - Hector Malvido	

### PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Reimagining Public Safety Task Force will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/81983354907>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **(669) 900 9128** and Enter Meeting ID: **819 8335 4907**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

*Please be mindful that all other rules of procedure and decorum will apply for Commission meetings conducted by teleconference or videoconference.*

## AGENDA

### Preliminary Matters

1. Roll Call
2. Public Comment *(speakers will be limited to two minutes)*
3. Approval of Minutes  
*Draft minutes for the Commission's consideration and approval*
  - Meeting of November 18

**Discussion/Action Items**

*The public may comment on each item listed on the agenda. Public comments are limited to two minutes per speaker.*

- Research for Reimagining Community Safety - Dr. Nikki Jones, Professor of African American Studies at UC Berkeley
- Community Meeting Schedule and Final Report Update

**Subcommittee Reports**

*Each report should be limited to 15 minutes.*

- Policing, Budget & Alternatives to Policing – Members Opton, cheema, Ghosh, Dangerfield, Lindheim, Mizell, Harger, Hyde
- Improve and Reinvest – Members Ho, Lutzker, Fine, Malvido, Crook, Moon, Thompson, Ejigu
- Gender Based Violence – Members Ho, cheema, Ghosh

**Next Steps**

- Future Meeting Schedule

**Adjournment**

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

Any writings or documents provided to a majority of the Reimagining Public Safety Task Force regarding any item on this agenda are on file and available upon request by contacting the City Manager's Office attn: Reimagining Public Safety Task Force at [rpsf@cityofberkeley.info](mailto:rpsf@cityofberkeley.info), or may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Written communications addressed to the Reimagining Public Safety Task Force and submitted to the City Manager's Office by 5:00 p.m. the Friday before the meeting will be distributed to members of the Task Force in advance of the meeting. Communications to the Reimagining Public Safety Task Force are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the Reimagining Public Safety Task Force, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the task force. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary for further information.

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**COMMUNICATION ACCESS INFORMATION:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (V) or (510) 981-6347(TDD) at least three business days before the meeting date.

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**Reimagining Public Safety Task Force Contact Information:**

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# Gender-Based Violence Subcommittee Report

Reimagining Public Safety Task Force, City of Berkeley

November 2021



**“Gender-based violence is endemic in our communities. In the United States, about one in four women and nearly one in ten men reported being impacted by sexual violence, physical violence, and/or stalking by an intimate partner. Globally, one in three women across their lifetime are subjected to physical or sexual violence by an intimate partner or sexual violence from a non-partner.”<sup>1</sup>**

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<sup>1</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>

## Overview

This subcommittee formed to identify the needs of community members who often face the most barriers when seeking help and safety. Historically, intimate partner violence, also called “domestic violence” or “domestic abuse,” was treated as a personal problem or family dispute. This view dismissed the community’s role and obligation in addressing these issues. In the last few decades, federal and state laws have passed, including the Violence Against Women’s Act (VAWA), to recognize the role the government must play in preventing and intervening in gender-based crimes. In October of 2021, the first ever report was released by the Biden/Harris Administration on a national strategy to address gender equity and gender equality.

And change starts here, at the community level. The City of Berkeley (the City) is uniquely situated to address gender-based violence in innovative ways. Berkeley has been seen as a place of change and progress, home to students, thought leaders, and academic experts at UC Berkeley, as well as its proximity to experts who call the Bay Area home. This subcommittee offers a number of recommendations that fall squarely within the City’s reimagining priority areas, including domestic violence prevention, restorative justice programs, housing and homelessness services, and expanding partnerships and community organizations.”<sup>2</sup>

## Information Gathered

This subcommittee hosted two listening sessions for providers who serve domestic violence, human trafficking, and sexual abuse survivors. The first listening session, hosted in September of 2021, focused on alternative non-police responses—eight organizations were represented at this session. The second session was hosted in October of 2021 and focused on police response—three organizations were represented. It is important to note that this subcommittee did not host any listening sessions specifically for victims and survivors. Because of the COVID-19 pandemic, the subcommittee was not confident in its ability to provide a safe remote space. The subcommittee erred on the side of caution and instead hosted spaces for providers to share their ideas, on behalf of the clients they serve. This subcommittee strongly believes that any work done by the City in this area, must be done in partnership with providers, who can help facilitate direct feedback from victims and survivors in a safe and supportive way.

In addition, subcommittee members reached out to the Berkeley Police Department for information on existing policies, and training. Specific questions were sent by this subcommittee to the department. Those questions and the department’s responses are included at the end of this report (see Appendix). All information gathered from this subcommittee, along with the expertise of subcommittee members, form the basis for the recommendations provided below.

## Recommendations

All recommendations put forth by this task force should be centered around the needs of people in our community. This means that people in our community need options to choose from to

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<sup>2</sup> [cite City resolution]

address their well-being and safety. Victims and survivors of domestic violence, human trafficking and sexual abuse can experience a number of barriers in accessing help and justice. Providing a range of options will ensure that these barriers do not prevent someone from achieving safety.

Barriers include:

- Limited or no English proficiency
- Impact of trauma
- Systemic racism and colonization
- Discrimination based on gender identity or perceived gender identity
- Discrimination based on sexual orientation or perceived sexual orientation
- Lack of affordable housing and access to other basic needs
- Being unhoused
- Fear of immigration consequences
- Lack of behavioral health resources
- Stigma and victim blaming

## **Prevention and Intervention: Non-Police Response Recommendations**

Recognizing that some people will not look to the police for help, the City should provide alternative services for community members seeking help. The City should also invest in prevention efforts.

This subcommittee proposes the following to address prevention and non-police intervention and resources (estimated costs on page 8):

1. **Increase the capacity of community-based organizations** serving Berkeley residents, students, and employees by providing additional funding. The City should consider providing grants to various organizations. Funding should be flexible so providers can decide the best way to support victims and survivors. This would include using funds for housing, childcare, transportation, and other crucial resources.

Rationale: Providers report that existing resources are insufficient to meet the needs of Berkeley community members, especially for those who require more care and resources including people who are unhoused and people with complex mental health issues. A person seeking to leave an abusive relationship will likely need a range of services, including advocacy/case management; legal services for child custody, restraining order or other family law issue; and other support services like housing and childcare. To provide effective intervention in domestic violence cases, the City should fund long-term solutions. Solutions should include legal services, intensive case management to individuals with high needs, advocacy services in languages other than English, restorative justice programs, healing practices, and job training.

2. **Train and provide technical assistance to faith-based leaders** on domestic and family violence issues.

Rationale: Many people turn to faith-based leaders for help. These leaders, like others, need training to understand the complexities of domestic violence, identify effective tools to create safe spaces for those seeking help, learn about existing domestic violence resources to refer people to, and help change cultural norms that perpetuate domestic violence. In California, domestic violence agencies have partnered with faith-based leaders to address domestic violence in their communities. Examples include A Safe Place<sup>3</sup> in Oakland, and Korean Family Services in Los Angeles<sup>4</sup>. The latter has trained over 1700 faith leaders in the last 10 years.

3. **Provide services for people who cause harm.**

Rationale: While survivor-centered services are essential, services for the person causing harm are also crucial to stopping gender-based violence. The City should invest in programs that target people who cause harm, including men and boys, to provide services and prevention efforts.

4. **Prevention education for K-12 to provide, and coordinate prevention work**

Rationale: Breaking the cycle of violence requires changing cultural norms and practices that perpetuate violence and gender inequities. In addition to the recommendations related to intervention listed above, this subcommittee recommends additional funding for education for K-12 and to create peer-based models, when appropriate. Providers report that more education is needed to teach on toxic masculinity, consent, healthy relationships, and sex education, including sexual pleasure.

## **Intervention: Police Response Recommendations**

The Yurok word for police translates into “they take people”<sup>5</sup> illustrating the deep distrust certain communities have not only with the police, but the police as an arm of the government that colonized, enslaved, and took their children. To move forward, this subcommittee recommends strengthening the relationships of those most impacted by police action and most in need of safe intervention. Specific actions that the Berkeley Police Department and the City should take include the following (estimated costs on pages 8–9):

1. **Provide City leadership to host regular meetings and coordinate services.** The City should create a forum for service providers, advocates, community members and response teams (police department, mental health crisis) to address issues related to domestic violence, human trafficking, and sexual abuse. This group should meet regularly. City

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<sup>3</sup> <https://www.asafeplace.org/>

<sup>4</sup> <https://www.kfamla.org/upage.aspx?pageid=u06>

<sup>5</sup> <https://www.theguardian.com/us-news/2020/sep/25/california-native-american-women-police-violence>

leadership should also participate in county-wide efforts, like the Family Violence Council in Alameda County<sup>6</sup>

Rationale: Having the City serve as lead will institutionalize these much-needed partnerships. These meetings would be especially important if a tiered response system is adopted by the City, as victims and survivors of crime will be captured in all tiers (e.g. domestic violence may be reported by a caller as a noise disturbance). During the first listening session, many of the providers noted that the listening session was the first time that they had been asked for their feedback. Establishing a forum would forge new and ongoing partnerships between the City and providers. For survivors of intimate partner violence, a coordinated community response serves as a protective factor against future violence.<sup>7</sup> Outreach should be done to ensure that BIPOC leaders are at the table.

2. **Coordinate with court and other local law enforcement to implement new firearm and ammunition surrender laws.** Countywide coordination will be needed to implement Senate Bill 320<sup>8</sup>, which would require law enforcement to act quickly to enforce firearm and ammunition restrictions for domestic violence restraining orders.

Rationale: Starting January 1, 2022, local courts will be required to notify law enforcement when the court has found that a person is in possession of a firearm or ammunition, in violation of a domestic violence restraining order. Law enforcement would have to take all necessary actions to obtain the identified firearms or ammunition.

3. **At least once a year, update the police department's domestic violence policies and victim resource materials,** in consultation with domestic violence and community providers.

Rationale: California law frequently changes in the area of domestic violence. For example, during the 2021-2022 state legislative cycle, at least five bills passed that change the law for domestic violence restraining orders, including SB 320 noted above. Updating these procedures regularly and in coordination with providers, will ensure that policies reflect current laws and address community-based concerns.

4. **Regular domestic violence and trauma-informed training for officers, dispatch and any community-based officer** who responds to 911 or non-emergency calls. These trainings should be designed in partnership with community-based providers so that the

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<sup>6</sup> The Family Violence Council is led by the Superior Court of Alameda County, for stakeholders to improve coordination and cooperation between the court and public and private agencies. This body meets at least four times a year. For more information: [http://www.alameda.courts.ca.gov/Resources/Documents/2020-04%20Family%20Violence%20Council\(1\).pdf](http://www.alameda.courts.ca.gov/Resources/Documents/2020-04%20Family%20Violence%20Council(1).pdf)

<sup>7</sup> <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html>

<sup>8</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB320](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB320)

information is tailored to local needs and issues. This training would be in addition to statewide training requirements through POST (Peace Officer Standards Training).

Rationale: Providers report that victims and survivors seeking help from police often feel unheard and further traumatized by the experience with police. Examples include allowing other family members to speak or translate for the victim, when family members may be related to the abuser. This recommendation is consistent with NICJR's recommendation that the department increase its use of local community members to provide training.

5. **Victim resources should be in plain language and translated** into multiple languages, including, but not limited to, Spanish, Chinese (simplified), Tagalog, Vietnamese and Korean.<sup>9</sup> Other languages that are spoken in Berkeley should also be included.

Rationale: Provides more access to people who have limited English proficiency, do not speak English, or have low literacy.

6. **Domestic violence should be screened** for in all 911 and non-emergency line calls and by the responding officer, including community-based officers (e.g. CERN). This would include collecting information regarding the alleged victim and alleged suspect's relationship to one another.

Rationale: This would lead to better data on the number of domestic violence cases the police and others respond to in the city. Noting the penal code or city ordinance section alone would not capture all domestic violence cases.

7. **A female officer (over a male officer)** should be provided to interview, examine, or take pictures of an alleged victim, at the alleged victim's request.

Rationale: This policy would acknowledge that some victims and survivors will feel uncomfortable with having a male officer examine or question them. This could result in the victim giving an incomplete statement (e.g. not disclosing sexual abuse or showing an injury) and further traumatize the victim.

8. **Police response to DV calls should be accompanied or coordinated with a DV advocate.** This could involve a victim advocate being present at the scene or a warm handoff to a victim advocate over the phone or immediately following a police response.

Rationale: This practice is especially important in cases where there is a high risk of lethality, language or cultural barriers that could lead to miscommunication or further traumatization, and high needs cases where victim or family members require a number of services to achieve stability. Having a victim advocate present will help ensure that victims are heard and not further traumatized. Providers report that advocates sometimes must act

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<sup>9</sup> These languages represent the top five languages spoken in the Bay Area and California. At a minimum, victim resources should be translated into these languages.



as a safe middle person between the victim and police, to ensure that the victim is not mistreated or further traumatized by the interaction with police. This feedback is consistent with information gathered from the community engagement process where black residents spoke of the need for a safety ambassador to act as a bridge between the community and police (see page 40 of Summary of Findings report from Bright Research Group).

## **Conclusion**

Investments by the City to address gender-based violence could have a profound impact on the community, not only in preventing further abuse, but in building a future in which all community members feel safe at home, and in their communities. While this report in no way represents a complete list of actions the City could take to address gender-based violence, the subcommittee believes that these recommendations represent a significant step in the right direction. Of course, more information and input is needed, especially to address the impact of structural racism on victims, survivors and those that cause harm, as well as the experiences of LGBTQ+ members of our community. Forging partnerships and building meaningful community engagement will help support a response that is centered around the needs of the people.

Special thanks to the people who show up every day for victims and survivors. And many thanks to the organizations and individuals who participated in the listening sessions. Your time and expertise were crucial to this process. We could not and cannot do this work without you all.

Subcommittee members (in alphabetical order):

boona cheema

Barnali Ghosh

Frances Ho

## Recommended Costs

### Prevention and Intervention: Non-police response

1. Increase the capacity of community-based organizations \$500,000

(Fund 3-4 organizations to provide the services and resources mentioned on page 2.)

2. Training and technical assistance for faith-based leaders \$50,000

(This amount would be used to hire consultants to provide training and resources or provide funding directly to a number of faith-based organizations to hire experts directly).

3. Services for people who cause harm \$150,000

(Fund 2-3 organizations to provide services to people who cause harm (see #3 on page 3).

4. Prevention education for K-12 to provide, and coordinate prevention work \$125,000

(Fund one full-time person to increase prevention education by developing curricula and coordinating with all schools in the Berkeley School District. This would include working with student groups from Berkeley High School to develop peer-based education.)

### Intervention: Police response

1. City leadership to work on gender-based violence issues, including leading a forum for community providers and members. In-kind from the City

2. Coordinate with court and other local law enforcement to implement new firearm and ammunition surrender laws In-kind from police department and the City

3. Update DV policies annually and as needed.	In-kind from police department
4. DV and trauma-informed training	\$5,000 for contracted speakers In-kind from police department
5. Translation of DV resource cards into multiple languages  (Cost to translate resource cards and other materials into at least five most common languages.)	\$15,000 ( <i>one-time investment with some funding needed to update resources</i> )
6. Screen for domestic violence for every call for help	In-kind from all responding agencies
7. Female officer available	In-kind from police department
8. Advocate to accompany DV call and provide crisis intervention	\$125,000 (two advocates at 0.5FTE)
<b>Total</b>	\$970,000

## Appendix

### Questions to Berkeley Police Department (BPD) from GBV subcommittee of Reimagining Public Safety Task Force

**1. When an alleged victim or suspect needs language assistance, who provides interpretation?**

BPD response: When an alleged victim or suspect needs language assistance, we first look to fellow officers for translation services. The Berkeley Police Department employs officers and other department personnel that speak many different languages - about 12 different languages are spoken. Berkeley Police Officers also use the AT&T “Language Line” for languages that are not spoken by fellow officers/Berkeley Police employees. When an exigency exists, officers also use family members and/or friends to translate, where appropriate.

**2. If an alleged victim or suspect needs language assistance, is this noted in the police report, including the language spoken and who provided interpretation?**

BPD response: Berkeley Police officers document when an alleged victim or suspect requires language assistance in their police reports. The documentation also includes what language the victim or suspect speaks, and who provided the translation. The Domestic Violence supplemental report specifically asks the officer to document whether the victim/suspect has difficulty with English, and if so, what language is preferred. The report also has a field for the officer to input who provided translation.

**3. Are resources, like domestic violence pamphlets and resource cards, translated into different languages? If so, what languages?**

BPD response: The Berkeley Police Department stocks Victims of Crime Resource pamphlets and Marsy’s Rights cards in Spanish.

**4. If an alleged victim is unhoused and does not have a phone, how does the department contact the victim if follow-up is needed?**

BPD response: When an alleged victim is unhoused and does not have a phone, officers will try to obtain alternate means of communication for the

victim (e.g. email account, social media accounts, etc.). If the alleged victim does not have any means of contact, officers will try to obtain information about where the victim will be staying so that personal contact can be made by detective(s) conducting follow-up investigation. Patrol officers are often very knowledgeable about where specific victims live or areas they frequent. Officers are diligent about documenting various ways - unique to every victim - to contact them.

**5. Can you provide a copy of any pamphlet or brochure that is provided to an alleged domestic violence victim by responding officers?**

BPD response: [Pamphlet/brochures provided to DV victim] See attached.

**6. How often does the department update its domestic violence policies?**

BPD response: The Berkeley Police Department does not currently have a set revision schedule for updating its Domestic Violence policy and related policies. The Berkeley Police Department just migrated its policies to Lexipol. Policies are updated as revisions are needed. The DV policy was last updated October 5, 2018.

**7. Are domestic violence advocacy groups consulted when the department updates its internal domestic violence policies?**

BPD response: No, a domestic violence advocacy group was not consulted when the department updated its internal domestic violence policies. Per city protocol the domestic violence policy was written in conjunction with the Police Review Commission (now the Police Accountability Board). However, we are in weekly collaboration with our domestic violence advocate at the Family Justice Center. She helps coordinate all aspects of care and resource procurement for victims.

**8. Does the department use the relationship between the alleged victim and suspect to indicate that a case involves DV allegations? For example, in some cases the alleged violation per the penal code would not reveal that the case involves DV, but knowing that the**

**parties are married or in a dating relationship would (e.g. PC 422, false imprisonment, annoying or harassing phone calls).**

BPD response: Yes, the Berkeley Police Department uses the relationship between the alleged victim and suspect when investigating reports of criminal violations. The Department treats all reports of criminal activity seriously, however, those involving intimate partner violence are of particular concern due to the elevated emotional component and frequent volatility of such incidents. Domestic abuse/violence incidents tend to repeat and intensify in nature if the cycle of violence is not interrupted.

**9. What training do responding officers and specially assigned detectives receive in the areas of domestic violence, sexual assault and human trafficking? How often is this training provided? Please provide examples of topic areas and the provider of the training, if possible.**

BPD response: If the DV subcommittee is interested in topics that are trained for sexual assault and/or human trafficking we could work on this information in the future. Domestic Violence Related training topics for Officers and Detectives:

Academy POST Training:  
Domestic Violence related laws  
Batterer and victim characteristics  
Victim Protections  
Types of court orders  
Emergency Protective Orders  
Support Services for Victims  
Reporting and Documentation

POST ICI Domestic Violence Investigations:  
Search Warrants  
Stalking  
Strangulation  
DA Presentation  
Equality, power and control, abusive relationships  
Power and Control for Lesbian, gay, bisexual and Trans Relationships  
Abuse in Later life  
People with Disabilities in Partner Relationships

Impact on Children  
DV Injuries  
Officer Involved DV  
Lethality



**RECURSOS PARA VÍCTIMAS  
DE CRIMEN**



## RECURSOS PARA VICÍMAS DE CRIMEN

### Arresto Policial

El Departamento de Policía de Berkeley se compromete a proteger a las personas que sean víctimas de un crimen, incluyendo Violencia Doméstica. Los agentes policiales consideran la Violencia Doméstica como conducta delictuosa, cual se investigará como cualquier otro crimen. En los casos de delitos mayores o lesiones graves, el agente policial puede efectuar un arresto del sujeto en base al motivo fundado de que el sujeto cometió el delito.

### Arresto Ciudadano

Bajo ciertas circunstancias, los agentes policiales no pueden efectuar un arresto directamente, pero le deben pedir hacer el arresto ciudadano (excepto en los casos de Violencia Doméstica) al agente policial. Una persona particular puede arrestar a otra por un crimen cometido en su presencia. El agente pondrá bajo custodia al sospechoso cuando exista motivo fundado.

*ATENCIÓN: La persona sujeta a la acusación puede depositar una fianza o ser puestos en libertad con una citación. Las víctimas no deberán depender en el arresto como garantía de su propia seguridad.*

### Presentar Cargos

Usted tiene el derecho de pedirle al Fiscal que entable una denuncia. Al siguiente día hábil después de su denuncia a la policía, debe comunicarse con la División de Investigaciones al número escrito en su recibo del informe. Es muy importante que haga esto sin importar si el sospechoso haya sido arrestado.

En casos de Violencia Doméstica el Fiscal toma la decisión final para decidir si se presentan cargos o no en contra del agresor.

Usted tiene el derecho de que el Fiscal lo(a) escuche, y el derecho de pedirle al Fiscal que presente una denuncia penal.

Oficina de la Fiscalía del Condado de Alameda (510) 268-7500  
Defensor de Víctimas de Violencia Familiar (510) 268-7276  
de la Fiscalía

#### **INFORMACIÓN LEGAL**

##### **Programas de Asistencia para Víctimas**

La oficina de la Fiscalía del Condado de Alameda tiene personal que puede brindarle información y asistir a víctimas de crímenes.

Fiscalía del Condado de Alameda – Servicios para Víctimas y Testigos  
1401 Lakeside Dr., Ste. 802, Oakland, CA 94612  
(510) 272-6180

Centro Familiar de Justicia del Condado de Alameda  
470 27th St., Oakland, CA 94612 (510) 267-8800

La Oficina de la Fiscalía también tiene un Defensor de víctimas que le puede brindar información sobre el estado de casos penales. Se puede comunicar con la Oficina de la Fiscalía al (510) 268-7276.

##### **BPD – Violencia Doméstica y Agresión Sexual**

El Departamento de Policía de Berkeley tiene un equipo de Detectives y un Defensor de Víctimas que le puede brindar información sobre el proceso judicial y ofrecerle asistencia adicional.

Detective de Violencia Doméstica (510) 981-5736  
Defensor de Violencia Doméstica (24 horas) (510) 757-5123  
Detective de Agresión Sexual (510) 981-5735

##### **Información para Víctimas y Notificación Diaria (VINE por sus siglas en inglés)**

Para averiguar si un agresor está bajo custodia en el estado de California o para que se le notifique cuando un agresor es puesto en libertad, llame (877) 411-5588. Necesita un teléfono con teclado. También necesita saber el nombre de la persona que se encuentra bajo custodia.

Las víctimas no deberán de confiar en esto para garantizar su propia seguridad.

#### **Visa U**

La Ley Federal creó la Visa U para animar a víctimas de crímenes sin ciudadanía a cooperar con agencias del orden público proporcionándoles protección de deportación y un camino para obtener una Tarjeta de Residente Permanente. Puede encontrar más información en el sitio web del Departamento de Justicia de California Oficina de la Procuraduría [www.oag.ca.gov](http://www.oag.ca.gov) al igual que en el sitio de Servicios de Ciudadanía e Inmigración de los Estados Unidos (USCIS por sus siglas en inglés) [www.uscis.gov](http://www.uscis.gov). También puede pedir ayuda comunicándose con el Centro Familiar de Justicia del Condado de Alameda (510)267-8800.

#### **Visa T**

La Visa T le permite a víctimas de trata severa de personas permanecer en los EE.UU para ayudar a las autoridades con su investigación. Puede encontrar más información en el sitio web de Servicios de Ciudadanía e Inmigración de los Estados Unidos [www.uscis.gov](http://www.uscis.gov). También puede pedir ayuda comunicándose con el Centro Familiar de Justicia del Condado de Alameda (510)267-8800.

#### **INFORMACIÓN – ORDEN DE RESTRICCIÓN**

Si lo han amenazado, acosado o agredido, puede solicitar un Orden de Restricción. Si el agresor es o fue su esposo(a), pareja o con quien tiene hijos en común, puede solicitar una "Orden de Restricción por Violencia Doméstica." Si está casado(a) con el agresor, no tiene que obtener un divorcio para obtener una Orden de Restricción. Si el agresor es un vecino, amigo, o conocido, puede pedir una "Orden por Acoso Civil." Hay un cobro por una Orden de Restricción por Acoso Civil. Si usted es de bajos recursos, puede solicitar una exención de pago.

**Como solicitar.** Puede solicitar una Orden de Restricción en el:

1. René C. Davidson Courthouse, 1225 Fallon St., Oakland, CA
2. George E. McDonald Hall of Justice, 2233 Shoreline Dr., Alameda, CA
3. Hayward Hall of Justice at 24405 Amador St., Hayward, CA

Puede obtener los documentos e instrucciones detalladas en el Tribunal o en línea [www.courts.ca.gov](http://www.courts.ca.gov). El Defensor de víctima al (510) 757-5123 o Centro de Derecho de Violencia Familiar al (800) 947-8301 también puede asistirle a obtener una Orden de Restricción por Violencia Doméstica.

**Costo.** No hay costo para obtener una “Orden de Restricción por Violencia Doméstica.” Sí hay costo para obtener una “Orden por Acoso Civil.” Si usted es de bajos recursos, puede solicitar una exención de pago. No necesita un abogado para obtener una Orden de Restricción, pero sí es buena idea tener uno si tiene uno disponible

**¿Cuánto tiempo toma para obtener una Orden de Restricción?**

Es posible obtener una Orden de Restricción Temporal dentro de 24 horas, o puede tomar hasta una semana. Es importante comenzar temprano el proceso para obtener una Orden de Restricción a largo plazo. Si el agente policial le da una “Orden de Protección de Emergencia”, no espere hasta que se venza esta Orden antes de solicitar una Orden de Restricción a largo plazo.

**¿Qué hace una Orden de Restricción?**

1. Ordenar al acusado mantenerse a cierta distancia de usted, su familia, y/o miembros de su hogar.
2. Ordenar al acusado a mantenerse alejado de su casa, sitio de trabajo, casa de su familia, sitio de escuela/guardería de sus hijos, y si es necesario alguna otra dirección.
3. Ordenar al acusado a mudarse de su casa o departamento, aunque el nombre del acusado se encuentre en el contrato de alquiler o sea copropietario.
4. Que se le de custodia de sus hijos y exigir una orden de visitas.
5. Ordenar Manutención para sus hijos.
6. Ordenar al acusado que no acose, maltrate o se comunique con usted, su familia o miembros de su hogar.
7. Que se le dé uso de cierta propiedad.
8. El reembolso por la pérdida de ingresos y/o el gasto real causado directamente por la violencia como cobros médicos y daño a propiedad.
9. Ordenar al acusado que pague ciertas deudas.
10. Ordenar el acusado que cumpla con un programa de intervención para agresores de 52 semanas.

*ATENCIÓN: No se puede hacer cumplir una Orden de Restricción hasta que sea emplazada, que significa que se le ha notificado al acusado en persona, en el tribunal o por un agente policial que están sujetos a una restricción.*

**Guarde la Orden de Restricción consigo.**

Si usted obtuvo una Orden de Restricción la cual le prohíbe al agresor pegarle o acosarlo(a), y el agresor a sabiendas quebranta la Orden, pueden ser arrestados y en la mayoría de los casos encarcelados. A pesar de que el Departamento de Policía debe de tener su Orden de Restricción en el sistema de datos, es extremadamente importante que guarde una copia de su Orden de Restricción y Comprobante de Emplazamiento (Proof of Service) consigo en todo momento.

**¿Qué debe hacer si el acusado quebranta la Orden de Restricción?**

1. Llame a la Policía.
2. Pida que se prepare un informe formal, aunque se haya ido el acusado.
3. Si se le emplazó la Orden de Restricción al acusado y el(ella) sigue ahí cuando llegue la policía, pueden ser arrestados.
4. Comuníquese con la División de Investigaciones de BPD al próximo día hábil después de su denuncia policial para informarse sobre el procesamiento de su caso por el quebrantamiento de la Orden de Restricción.

**Demandando al agresor**

Usted puede tener el derecho a demandar al agresor en el tribunal civil aparte de presentar cargos penales. Si usted perdió ingresos, acumuló cobros médicos, tuvo daños de propiedad, u otras pérdidas debido al abuso, puede consultar con un abogado. Comuníquese con el Servicio de Recomendaciones de Abogados del Condado de Alameda (510) 302-2222.

**LESIONES**

Puede ser que encuentre más lesiones o el empeoramiento de lesiones después de que se haya ido la policía o de cuando tomaron su denuncia.

Por ejemplo, durante los días después de la agresión se pueden marcar más los moretes. Los Detectives le pueden pedir que se tome más fotos de sus lesiones.

#### **ESTRANGULACIÓN**

La estrangulación puede causar lesiones internas graves y se les sugiere a las víctimas que inmediatamente busquen atención médica. Infórmele al agente o al personal médico si el agresor lo(a) estranguló o trato de sofocarlo.

#### **INFORMACIÓN DE AGRESIÓN SEXUAL**

##### **Como Pedir Ayuda.**

La agresión sexual es un crimen grave y emocional. Puede implicar a alguien que usted conoce o a un desconocido. El denunciar una violación o agresión sexual a la policía puede ser una decisión difícil. Para recibir ayuda y orientación, llame al Centro de Crisis de Violaciones.

BAWAR (Bay Area Women Against Rape) –Mujeres contra la Violación  
470 27th St., Oakland, CA 94612 24 horas al día (510) 845-7273

Centro de Justicia Familiar del Condado de Alameda  
470 27th St., Oakland (510) 430-1298

RAINN (Rape, Abuse & Incest National Network)  
(Red Nacional de Violación, Abuso e Incesto) (800) 656-4673

#### **VÍCTIMAS DE AGRESIÓN SEXUAL: DERECHOS**

Esta información se le debe proporcionar por escrito a las víctimas de agresión sexual antes de la investigación.

Como víctima de agresión sexual tiene los siguientes derechos específicos a la agresión sexual:

No se le requiere participar en el sistema judicial ni de reportarlo a la policía.

Tiene el derecho de tener un terapeuta/defensor de víctimas y por lo menos a una persona de apoyo que usted escoja que esté presente durante la examinación médica forense, examinación física, o entrevista de investigación a raíz de la agresión sexual. Los Terapeutas/Defensores de víctimas de agresión sexual están inmediatamente disponibles 24 horas al día.

No se le obliga participar en una examinación médica física o probatoria.

Las pruebas forenses de agresión sexual serán examinadas y analizadas en el laboratorio a menos que la víctima pida que no se examinen las pruebas.

Las víctimas pueden recibir información sobre los resultados de análisis de todas las pruebas forenses de agresión sexual del hospital que está llevando a cabo el examen o del Departamento de Policía de Berkeley.

Tiene el derecho de pedir que el agente policial sea hombre o mujer cuando lo entrevisten.

Las pruebas de agresión sexual se deterioran con el tiempo. Con el paso del tiempo podría ser imposible recuperar pruebas biológicas. Las pruebas biológicas se deben de recopilar y preservarse lo antes posible.

Las pruebas forenses de agresión sexual se conservan por 20 años por lo menos. Si la víctima es menor de 18, se conservan hasta que la víctima cumpla 40 años.

Tiene disponible Ordenes de Restricción y Ordenes de Protección y también en este folleto se incluye información de cómo recibir ayuda y obtenerlas.

Como víctima de un crimen, también tiene los derechos tal y como se describen al final de este folleto bajo **DECLARACIÓN DE DERECHOS DE LA VÍCTIMA SEGÚN LA LEY DE MARSY.**

**Si tiene la intención de denunciar una violación o agresión sexual a la policía:**

1. Ayuda preservar las pruebas. No se bañe, no use la ducha vaginal, no se cambie ni lave su ropa. Tampoco cambie nada en el lugar donde sucedió la agresión.
2. Comuníquese con la policía lo antes posible para que lo puedan llevar al hospital y preparar un informe.
3. Aunque la policía preparará un informe detallado, usted les puede pedir que su nombre no se incluya en la parte pública del informe.
4. Tiene el derecho de tener un Defensor y una persona que usted elija de apoyo durante su examen en el hospital y durante la interrogación policial.

#### **RECURSOS EN LA COMUNIDAD PARA VÍCTIMAS**

##### **Servicios de Emergencia.**

Los Terapeutas de Violencia Doméstica están disponibles 24 horas al día si necesita terapia profesional por situación de crisis, reubicarse de emergencia a un lugar seguro, buscar un plan de seguridad, o para obtener información sobre orden de restricción. Se puede comunicar con el equipo de respuesta móvil FVLC (Centro de Derecho de Violencia Familiar por sus siglas en inglés) al (800) 947-8301.

##### **Asistencia Legal**

Family Violence Law Center (FLVC)	(800) 947-8301 (510) 208-0255
Bay Area Legal Aid	(510) 250-5270
East Bay Community Law Center	(510) 548-4040
Alameda County Bar Association	(510) 302-2222
Legal Assistance for Seniors	(510) 832-3040
Asian Pacific Islander Legal Outreach	(510) 251-2846



### Refugios y Líneas Directas

A Safe Place	(510) 536-7233 (510) 836-2456
Building Futures w/Women & Children	(866) A-WAY-OUT (866) 292-9688
Safe Alternative to Violent Environments STAND	(510) 794-6055 (888) 215-5555
Tri-Valley Haven	(800) 884-8119
Marin Abused Women's Shelter	(415) 924-6616
Asian Women's Shelter	(877) 751-0880
EDEN (shelter referrals)	(510) 537-2552
National Domestic Violence Hotline	(800) 799-SAFE (800) 799-7233
Narika Hotline (South Asian Languages)	(800) 215-7308
Shimtuh Hotline (Korean Center East Bay)	(510) 547-2662
Deaf Hope	<a href="mailto:hotline@deaf-hope.org">hotline@deaf-hope.org</a>
Community United Against Violence (LGBTQ)	(415) 777-5500
Bay Area Crisis Nursery	(925) 685-8052

### Consejería para los Sobrevivientes

Ser víctima de un crimen puede ser extremadamente difícil y traumático. Es muy importante que obtenga el apoyo necesario para cuidarse. Las siguientes agencias proporcionan asesoría y asistencia.

Family Violence Law Center	(800) 947-8301
Clearwater Counseling	(510) 596-8137
A Safe Place	(510) 536-7233
Tri-Valley Haven	(800) 884-8119
SAVE	(510) 794-6055
Building Futures w/Women & Children	(866) 292-9688
La Clínica de la Raza (Español)	(510) 535-4170
Pacific Center for Human Growth (LGBTQ)	(510) 548-8283
Community United Against Violence (LBBTQ)	(415) 777-5500
Alameda Family Services	(510) 522-8363
Deaf Hope	<a href="mailto:hotline@deaf-hope.org">hotline@deaf-hope.org</a>
National Domestic Violence Hotline	(800) 799-7233

**Asesoría para Niños**

Family Violence Law Center	(800) 947-8301
Clearwater Counseling	(510) 596-8137
DOVES at Oakland Children's Hospital	(510) 428-3135
The Link to Children (TLC)	(510) 428-2028

**Asesoría para Agresores**

Alameda Community Recovery SVS	(510) 522-8363
John Hamel & Associates (Berkeley)	(925) 686-2921
Allen Temple Baptist Church	(510) 544-3914
Peace Creations	(510) 834-7088
Psychological Services Center	(510) 628-9065
West Oakland Health Council	(510) 465-1800

**JUNTA DE COMPENSACION PARA VICTIMAS DE CALIFORNIA**

El Estado de California le puede pagar a las víctimas de crimen o sus dependientes los gastos relacionados a actos criminales. Este Programa de Compensación para Víctimas de California le podría pagar los siguientes gastos:

- Tratamiento medico y dental
- Servicios de salud mental
- Reubicación por su seguridad
- Seguridad en el hogar
- Pérdida de ingresos

*ATENCIÓN: El Programa de Compensación para Víctimas de California no puede pagarle gastos por daños a la propiedad.*

Para obtener más información sobre este Programa o para obtener una solicitud por favor llame al:

**Programa de Compensación para Víctimas de California**

Estado de California	(800) 777-9229
Condado de Alameda	(510) 272-6180

**Programa para asistir a Víctimas/Testigos Fiscalía del Condado de Alameda**

1401 Lakeside Drive, Suite 802  
Oakland, CA 94612

(510) 272-6180

**Centro Familiar de Justicia de Condado de Alameda**

470 27th Street Oakland, CA 94612 (510) 267-8800

**DECLARACIÓN DE DERECHOS DE LA VÍCTIMA SEGÚN LA LEY DE MARSY.**

La Constitución de California, Artículo 1, Sección 28, confiere ciertos derechos a víctimas de crimen, según lo define la ley. Los derechos son:

**1. Justicia y Respeto**

A que se le trate con justicia y respeto a su privacidad y dignidad, no ser intimidado, acoso y abuso, durante todo el proceso penal o el proceso jurídico de menores.

**2. Protección del acusado**

A que se le proteja razonablemente del acusado y las personas que actúen en nombre del acusado.

**3. Consideración de la Seguridad de la Víctima para Fijar Fianza y Condiciones de Libertad**

A que se considere la seguridad de la víctima y de los familiares de la víctima al momento de fijarse el monto de la fianza y las condiciones de la liberación del acusado.

**4. Evitar la Divulgación de Información Confidencial**

A evitar la divulgación de información o registros confidenciales al acusado, al abogado del acusado o cualquier persona que actué a nombre del acusado, que se pudieran utilizar para ubicar u hostigar a la víctima o la familia de la víctima, o que divulgaran comunicaciones confidenciales llevadas a cabo durante el tratamiento médico o de consejería, o que de otra forma se consideren privilegiados o confidenciales ante la ley.

**5. Rechazar una entrevista por parte de la Defensa**

A reusarse a una entrevista, declaración o petición de revelación de pruebas de parte del acusado, del abogado del acusado o cualquier persona que

actúe en nombre del acusado, y a establecer condiciones razonables para llevar a cabo dicha entrevista en caso de que la víctima acepte.

**6. Consultar con la Agencia Acusadora y Notificación de la Resolución antes del Juicio**

A recibir aviso razonable y a consultar razonablemente con la agencia acusadora, por solicitud, en cuanto al arresto del acusado si el procurador lo conoce, los cargos presentados, la decisión de extraditar al acusado y, de ser solicitadas, a que se le notifique e informe antes de cualquier resolución previa a un juicio del caso.

**7. Notificación y Presencia en Procesos Judiciales**

A recibir aviso razonable de todos los procesos judiciales públicos, incluyendo los procesos judiciales de delincuencia, de ser solicitado, en los que el acusado y el procurador puedan estar presentes, y de todos los procesos judiciales de libertad condicional u otras liberaciones posteriores a la condena, y a estar presente en esos procesos judiciales.

**8. Presencia en Procesos Judiciales y Expresión de Opinión**

A que se la escuche, de ser solicitado, en cualquier procedimiento, incluidos procedimientos de delincuencia, que incluya una decisión de liberación tras el arresto, alegato, sentencia, decisión de liberación tras la condena, o cualquier procedimiento en el que esté en juego un derecho de la víctima.

**9. Juicio con celeridad y Conclusión Inmediata del Caso**

A un juicio sin demora y a una conclusión inmediata y final del caso y cualquier proceso relacionado tras la imposición de la condena.

**10. Proveer Información al Departamento de Libertad a Prueba**

A brindarle información a un oficial del departamento de libertad a prueba que realice una investigación previa a la imposición de pena sobre el impacto del crimen en la víctima y la familia de la víctima, y cualquier recomendación de la pena antes de su imposición al acusado.

**11. Recibir el Informe Previo a la condena**

A recibir, de ser solicitado, el informe previo a la condena disponible para el acusado, excepto aquellas partes que sean legalmente confidenciales.

**12. Información de la Condena, Pena, Encarcelación, Libertad, y Escape**

A recibir información, por solicitud, de la condena, la pena, el lugar y la hora de encarcelamiento u otra resolución del acusado, la fecha programada de liberación del acusado y la liberación o el escape del acusado de la custodia.

**13. Indemnización**

- A. Es la intención inequívoca del pueblo del estado de California que todas las personas que sufran pérdidas como resultado de actividad criminal tengan derecho a buscar y asegurar la indemnización de las personas condenadas por los crímenes que causaron la pérdida que han sufrido.
- B. La indemnización debe salir del malhechor condenado en todos los casos, sin importar la pena ni resolución impuesta, en los que una víctima de crimen sufra una pérdida.
- C. Todos los pagos monetarios, fondos y propiedad recaudada de cualquier persona que deba resarcir se aplicarán primero al pago de los montos ordenados como indemnización a la víctima.

**14. Devolución Rápida de Propiedad**

A la devolución rápida de la propiedad cuando ya no se necesite como pruebas.

**15. Aviso de Libertad Condicional y sus Procedimientos**

A estar informada sobre todos los procedimientos de libertad condicional, a participar en el proceso de libertad condicional, a brindarle información a la autoridad de libertad condicional para que se le tenga en cuenta antes de la libertad condicional del acusado, y a que se le notifique, si así lo solicita, sobre la libertad condicional u otra liberación del agresor.

**16. La Seguridad de la Víctima y de la Comunidad son Factores para la Libertad Condicional**

A que se tenga en cuenta la seguridad de la víctima, la familia de la víctima y el público general antes de que se tome cualquier decisión de libertad condicional u otra liberación tras la imposición de la condena.

**Información sobre estos 16 Derechos**

A que se le informe sobre los Derechos enumerados en los párrafos (1) al (16).

Para más información sobre la Ley de Marsy, visite el sitio web del Procurador General de Justicia al: [www.ag.ca.gov/victimservices](http://www.ag.ca.gov/victimservices).

Para obtener información sobre el Centro para Asistir a Víctimas/Testigos más cercano a usted, llame:

Attorney General's Victim Services Unit (877) 433-9069  
(Servicios para Víctimas del Procurador General de Justicia)

**Información Adicional para los Afiliados con la Universidad de California**

Si usted está afiliado con UC Berkeley se le está proporcionando con este guía de recursos indispensable por que recientemente tuvo un impacto por actividad criminal, o tal vez necesite recursos que la Universidad le puede brindar. La Universidad de California en Berkeley tiene muchos recursos disponibles para ayudarle durante un momento difícil. Nos comprometemos a dar atención a sus necesidades en colaboración con nuestros socios en la comunidad.

UCPD Berkeley  
Para más Información visite:  
<http://safetycounts.berkeley.edu>



**Reportar**

**Center for Student Conduct**

(510) 643-9069, <http://studentconduct.berkeley.edu>

**Office for the Prevention of Harassment and Discrimination**

(510) 643-7985, <http://ophd.berkeley.edu>

**University of California Police Department, Berkeley**

(510) 642-6760, <http://police.berkeley.edu>

**Apoyo**

**Gender Equity Resource Center**

Sexual Harassment/Sexual Assault Resource Specialist

(510) 643-5727, <http://geneq.berkeley.edu>

**University Health Services, Social Services**

(510) 642-6074, [socsrvs@uhs.berkeley.edu](mailto:socsrvs@uhs.berkeley.edu)

<http://uhs.berkeley.edu/students/counseling/socialservices.shtml>

**University Health Services, CARE Services**

(510) 643-7754, [careserv@uhs.berkeley.edu](mailto:careserv@uhs.berkeley.edu)  
<http://uhs.berkeley.edu/facstaff/care/>

**Ombudsperson for Students and Postdoctoral Appointees**

(510) 642-5754 for referral, <http://sa.berkeley.edu/ombuds>

**Ombuds Office for Faculty**

(510) 642-4226

**The Staff Ombuds Office**

(510) 642-7823

**Division of Student Affairs, Student Legal Services**

(510) 642-3916, <http://sa.berkeley.edu/legal>

**Student Advocate**

(510) 642-6912, <http://advocate.berkeley.edu>

**MEDICO**

**University Health Services, Urgent Care Clinic**

2222 Bancroft Way (The Tang Center)

(510) 643-7197 (advice after hours), [www.uhs.berkeley.edu](http://www.uhs.berkeley.edu)

Este material está disponible en formatos alternativos, de ser solicitados. Formatos alternativos incluye, formato audio, braille, de letra grande, texto electrónico, etc. Por favor comuníquese con los Especialistas de Servicios para los Discapacitados y permita que pasen de 7 a 10 días para producir el material en un formato alternativo.

Especialistas de Servicios para los Discapacitados

Correo Electronico: [ADA@cityofberkeley.info](mailto:ADA@cityofberkeley.info)

Teléfono: (510) 981-6418

TTY: (510) 981-6347

Revised February 2019 G:\p\_admin\DD DV\2019 Resources for Victims - Spanish



**NOTICE OF REPORT**  
Berkeley Police Department  
Tsukamoto Public Safety Building  
2100 Martin Luther King Jr. Way  
Berkeley, CA 94704  
(510)981-5900 VM#(510)981-5990  
[www.CityofBerkeley.info/police](http://www.CityofBerkeley.info/police)

Report number (Numero de Informe):

\_\_\_\_\_

Date(Fecha):

\_\_\_\_\_

Type of Report/Offense (Clase de Informe/Crimen):

\_\_\_\_\_

Officer's name(Nombre del Agente Policial):

\_\_\_\_\_

Badge #(Número de Placa):

\_\_\_\_\_

Officer's duty hours (Horario de turno del Agente):

\_\_\_\_\_

Days off (Días de descanso):

\_\_\_\_\_

Si tiene alguna pregunta sobre el estado de investigación de su caso, por favor comuníquese con el Departamento Policial indicado abajo. Debe de hacer sus preguntas de lunes a viernes, de 8:00am a 4:30pm.

Crimes Against Property (Crimen de Propiedad)	(510) 981-5737
Domestic Violence (Violencia Doméstica)	(510) 981-5736
Sex Crimes (Crimen Sexual)	(510) 981-5716
Youth Services (Servicios para Jóvenes)	(510) 981-5715
Homicide/Assault (Homicidio/Agresión)	(510) 981-5741
Robbery (Robo)	(510) 981-5742
Traffic (Tránsito)	(510) 981-5980



**RESOURCES FOR VICTIMS  
OF CRIME**

## RESOURCES FOR VICTIMS OF CRIME

### Officer Arrest

The Berkeley Police Department is committed to protecting persons who are victims of crime, including Domestic Violence. Officers shall consider Domestic Violence as criminal conduct, which shall be investigated as any other crime. In cases involving felonies or serious injuries, the officer may make an arrest on probable cause that the suspect committed the offense.

### Citizen's Arrest

In certain circumstances, officers cannot make an arrest directly, but must ask you to make a citizen's arrest (with the exception of Domestic Violence cases). A private person may arrest another for a public offense committed in their presence. The officer will take the suspect into custody in circumstances where probable cause exists.

*NOTE: Suspects may post bail or may be released on a citation. Victims should not rely on arrests as a guarantee of their personal safety.*

### Pressing Charges

You have the right to ask the District Attorney to file a criminal complaint. On the next work day after you have made a police report, you should contact the Investigations Division at the phone number listed on your report receipt. It is very important that you do this whether or not the suspect has been arrested.

In Domestic Violence cases, the ultimate decision as to whether a suspect is charged with a crime or not is made by the District Attorney.

You have the right to have your voice heard by the District Attorney, and the right to ask the District Attorney to file a criminal complaint.

Alameda County D.A.'s Office (510) 268-7500  
D.A.'s Domestic Violence Advocate (510) 268-7276

## **LEGAL INFORMATION**

### **Victim Assistance Programs**

The Alameda County D.A.'s Office has staff members who are able to provide information and assist victims of crime.

Alameda County DA - Victim Witness Services  
1401 Lakeside Dr., Ste. 802, Oakland, CA 94612  
(510) 272-6180

Alameda County Family Justice Center  
470 27th St., Oakland, CA 94612  
(510) 267-8800

The District Attorney's Office also has an Advocate that can provide information about the status of criminal cases. The District Attorney's Advocate can be reached at (510) 268-7276.

### **BPD - Domestic Violence and Sex Crimes**

The Berkeley Police Department has a team of Detectives and a Victim Advocate that can provide information on the criminal justice process and offer additional assistance.

Domestic Violence Detective	(510) 981-5736
Domestic Violence Advocate (24 hour)	(510) 757-5123
Sexual Assault Detective	(510) 981-5716

### **Victim Information & Notification Everyday (VINE)**

To find out if and where an offender is in custody in the State of California or to be notified when an offender is being released from custody, call (877) 411-5588. You need a touchtone telephone. You will also need to know the name of the person in-custody. Victims should not rely on this as a guarantee of their personal safety.

### **U Visas**

U Visas were created by Federal Law to encourage non-citizen crime victim cooperation with law enforcement by providing victims protection from deportation and a pathway to a green card. More

information can be found at the California DOJ's Office of the Attorney General website at [www.oag.ca.gov](http://www.oag.ca.gov) as well as the US Citizenship and Immigration Services website at [www.uscis.gov](http://www.uscis.gov). You can also contact the Alameda County Family Justice Center for assistance (510)267-8800.

#### **T Visas**

T Visas allow victims of severe forms of human trafficking to remain in the US to assist authorities in their investigation. More information can be found at the US Citizenship and Immigration Services website at [www.uscis.gov](http://www.uscis.gov). You can also contact the Alameda County Family Justice Center for assistance (510)267-8800.

#### **RESTRAINING ORDER INFORMATION**

If you have been threatened, harassed, abused, or assaulted, you can apply for a Restraining Order. If the offender is your current or former spouse, partner, or someone with whom you have a child, you can apply for a "Domestic Violence Restraining Order." If you are married to the offender, you do not have to get a divorce to get a Restraining Order. If the offender is a neighbor, friend, or acquaintance, you may request a "Civil Harassment Order." There is a fee for Civil Harassment Restraining Orders. If you are low-income, you can apply for a fee waiver.

**How to apply.** You can apply for Restraining Orders at the:

1. René C. Davidson Courthouse, 1225 Fallon St., Oakland, CA 94612
2. George E. McDonald Hall of Justice, 2233 Shoreline Dr., Alameda, CA
3. Hayward Hall of Justice at 24405 Amador St., Hayward, CA.

You can obtain the paperwork and detailed instructions at the Courthouse or online at [www.courts.ca.gov](http://www.courts.ca.gov). The Victim Advocate at (510) 830-3663 or the Family Violence Law Center at (800) 947-8301 may also be able to assist you in obtaining a Domestic Violence Restraining Order.

**Cost.** There is no fee for obtaining a "Domestic Violence Restraining Order." There is a fee for obtaining a "Civil Harassment Order." If you are low-income, you can apply for a fee waiver. You do not need an attorney to obtain a Restraining Order, but it is a good idea to have one if one is available to you.

**How long does it take to get a Restraining Order?**

It is possible to get a Temporary Restraining Order within 24-hours, or it may take as long as a week. It is important to start the process of obtaining a long-term Restraining Order early. If the police gave you an "Emergency Protective Order," do not wait until this Order expires before applying for a more long-term Restraining Order.

**What the Restraining Order can do?**

1. Order the defendant to stay a specified distance away from you, your family, and/or members of your household.
2. Order the defendant to stay away from your home, your workplace, your family's home, your children's school/childcare location, and other addresses if necessary.
3. Order the defendant to move out of your home or apartment even if the defendant's name is on the lease or he/she is a co-owner.
4. Give you custody of your children and mandate a visitation order.
5. Order child support.
6. Order the defendant not to contact, harass, or abuse you, your family, and members of your household.
7. Give you the use of certain property.
8. Reimburse you for lost earnings and/or actual expenses caused directly by the violence such as medical bills and property damage.
9. Order the defendant to pay certain debts.
10. Order the defendant to complete a 52-week Batterer's Intervention Counseling Program.

*NOTE: A Restraining Order is not enforceable until it has been served, meaning the defendant has been notified in person in court or by a police officer that they are restrained.*

**Keep your Restraining Order with you.**

If you have obtained a Restraining Order which stops the offender from beating or harassing you, and the offender knowingly violates the Order, they can be arrested and, in most cases, taken to jail. Even though the Police Department should have your Restraining Order in their computer system, it is extremely important that you keep a copy of your Restraining Order and Proof of Service with you at all times.

**What should you do if the defendant violates your Restraining Order?**

1. Call the Police.
2. Ask that a formal report be taken even if the defendant has left.
3. If the defendant has been served with the Restraining Order and is still there when the police arrive, they can be arrested by the police.
4. Contact the BPD Investigations Division the next work day after you have made a police report to follow-up regarding prosecution of your Restraining Order violation case.

**Suing the Offender**

You may have a right to sue the offender in civil court in addition to pressing criminal charges. If you have lost wages, accumulated medical bills, property damage, or other losses because of the abuse, you may contact a lawyer. For assistance in locating an attorney, contact the Alameda County Lawyer Referral Service at (510) 302-2222.

**INJURIES**

You may notice additional or worsening injuries after the police have taken your report and left. For example, bruising may be more pronounced in the days following an assault. Detectives may ask for additional photos to be taken of your injuries.

**STRANGULATION**

Strangulation may cause serious internal injuries and victims are highly encouraged to seek medical attention right away. Tell officers or medical personnel if the suspect strangled or attempted to suffocate you.

**SEXUAL ASSAULT INFORMATION**

**How to Get Help.**

Sexual assault is a serious and emotional crime. It can involve someone you know, or a stranger. Reporting a rape or sexual assault to the police can be a difficult decision. For assistance, call a Rape Crisis Center for help and guidance.

BAWAR (Bay Area Women Against Rape)      www.bawar.org  
470 27th St., Oakland, CA 94612      24 hour (510) 845-7273

Alameda County Family Justice Center  
470 27th St., Oakland      (510) 430-1298

RAINN (Rape, Abuse & Incest National Network)      (800) 656-4673

**SEXUAL ASSAULT VICTIMS: RIGHTS**

This information is to be provided to victims of sexual assault in writing before investigating further.

As a sexual assault victim you have the following rights specific to sexual assault:

You are not required to participate in the criminal justice system or to make a police report.

You have a right to have a sexual assault counselor/victim advocate and at least one support person of your choosing present at any initial medical evidentiary examination, physical examination, or investigative interview arising out of a sexual assault. Sexual assault counselors/advocates are available immediately 24 hours a day.

You are not required to participate in a medical evidentiary or physical examination.

You will not incur any out of pocket expenses for any forensic examinations.

Sexual assault forensic evidence will be sent to the lab to be tested and analyzed unless the victim requests the evidence not be tested.

Victims may request information about the results of analysis of any sexual assault forensic evidence from the hospital conducting the exam or the Berkeley Police Department.

You have the right to request to be interviewed by a male or female officer.



Sexual assault evidence deteriorates over time. Biological evidence may become impossible to recover as time passes. Biological evidence should be collected and preserved as soon as possible.

Sexual assault forensic evidence will be retained for at least 20 years, or if the victim is under 18, until the victim's 40<sup>th</sup> birthday.

Restraining Orders and Protective Orders are available to you and information on how to obtain them and get assistance is included in this pamphlet.

As a victim of crime, you also have the rights outlined at the end of the pamphlet in the **VICTIM'S BILL OF RIGHTS MARY'S LAW** section.

**If you intend to report a rape or sexual assault to the police:**

1. Help preserve the evidence. Do not bathe, douche, change or wash your clothes, or alter anything at the location of the assault.
2. Contact the police as soon as possible so they can take you to a hospital and make a report.
3. Although the police will take a detailed report, you can ask that your name not become a matter of public record.
4. You have the right to have an Advocate and a support person of your choice with you during the hospital exam and police questioning.

**COMMUNITY RESOURCES FOR VICTIMS**

**Emergency Services.**

Domestic Violence Counselors are available 24-hours a day if you are in need of crisis counseling, emergency relocation to a safe place, seeking safety planning, or restraining order information. You can contact the Family Violence Law Center's Mobile Response Team at (800) 947-8301.

### Legal Assistance

Family Violence Law Center	(800) 947-8301 (510) 208-0255
Bay Area Legal Aid	(510) 250-5270
East Bay Community Law Center	(510) 548-4040
Alameda County Bar Association	(510) 302-2222
Legal Assistance for Seniors	(510) 832-3040
Asian Pacific Islander Legal Outreach	(510) 251-2846

### Shelters and Hotlines

A Safe Place	(510) 536-7233 (510) 836-2456
Building Futures w/Women & Children	(866) A-WAY-OUT (866) 292-9688
Safe Alternative to Violent Environments	(510) 794-6055
STAND	(888) 215-5555
Tri-Valley Haven	(800) 884-8119
Marin Abused Women's Shelter	(415) 924-6616
Asian Women's Shelter	(877) 751-0880
EDEN (shelter referrals)	(510) 537-2552
National Domestic Violence Hotline	(800) 799-SAFE (800) 799-7233
Narika Hotline (South Asian Languages)	(800) 215-7308
Shimtuh Hotline (Korean Center East Bay)	(510) 547-2662
Deaf Hope	<a href="mailto:hotline@deaf-hope.org">hotline@deaf-hope.org</a>
Community United Against Violence (LGBTQ)	(415) 777-5500
Bay Area Crisis Nursery	(925) 685-8052

### Counseling for Survivors

Being the victim of a crime can be extremely traumatic and difficult. It is very important that you get the support that you need to take care of yourself. The following agencies provide counseling and assistance.

Family Violence Law Center	(800) 947-8301
Clearwater Counseling	(510) 596-8137
A Safe Place	(510) 536-7233

Tri-Valley Haven	(800) 884-8119
SAVE	(510) 794-6055
Building Futures w/Women & Children	(866) 292-9688
La Clinica de la Raza (Spanish)	(510) 535-4170
Pacific Center for Human Growth (LGBTQ)	(510) 548-8283
Community United Against Violence (LBBTQ)	(415) 777-5500
Alameda Family Services	(510) 522-8363
Deaf Hope	<a href="mailto:hotline@deaf-hope.org">hotline@deaf-hope.org</a>
National Domestic Violence Hotline	(800) 799-7233

**Counseling for Children**

Family Violence Law Center	(800) 947-8301
Clearwater Counseling	(510) 596-8137
DOVES at Oakland Children's Hospital	(510) 428-3135
The Link to Children (TLC)	(510) 428-2028

**Counseling for Offenders**

Alameda Community Recovery SVS	(510) 522-8363
John Hamel & Associates (Berkeley)	(925) 686-2921
Allen Temple Baptist Church	(510) 544-3914
Peace Creations	(510) 834-7088
Psychological Services Center	(510) 628-9065
West Oakland Health Council	(510) 465-1800

**STATE OF CALIFORNIA CRIME VICTIM COMPENSATION PROGRAM**

Victims of crime or their dependents may be paid by the State of California for expenses relating to the criminal act. California's Victim Compensation Program may pay for expenses such as:

- Medical and dental treatment
- Mental health counseling
- Relocation for your safety
- Home security
- Lost income

*NOTE: California Victim's Compensation Program cannot pay for property damages.*

For further information about this Program or to get an application, please contact:

**California Victim Compensation Program**

Statewide (800) 777-9229  
Alameda County (510) 272-6180

**Alameda Co. District Attorney's Victim/Witness Assistance Program**

1401 Lakeside Drive, Suite 802  
Oakland, CA 94612 (510) 272-6180

**Alameda County Family Justice Center**

470 27th Street Oakland, CA 94612 (510) 267-8800

**VICTIM'S BILL OF RIGHTS MARSY'S LAW**

The California Constitution, Article 1, Section 28, confers certain rights to victims of crime as they are defined in the law. 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 Considerations in Setting Bail & 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 on 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.

**Information about these 16 Rights**

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

For more information on Marsy's Law, visit the Attorney General's website at: [www.ag.ca.gov/victimservices](http://www.ag.ca.gov/victimservices).

To obtain information on the Victim Witness Assistance Center nearest to you, contact:

Attorney General's Victim Services Unit      (877) 433-9069

**Additional Information for University of California Affiliates**

If you are affiliated with UC Berkeley you are being provided with this valuable resource guide because you have been recently impacted by criminal activity, or may need resources the University can provide. The University of California, Berkeley has many resources available to assist you during what may be a difficult time. Please know we are committed to addressing your needs in conjunction with our community partners.

UCPD Berkeley

For more information visit:

<http://safetycounts.berkeley.edu>

<http://survivorsupport.berkeley.edu/>

CARE Confidential Advocates:



(510) 642-1988

**REPORT**

**Center for Student Conduct**

(510) 643-9069, <http://studentconduct.berkeley.edu>

**Office for the Prevention of Harassment and Discrimination**

(510) 643-7985, <http://ophd.berkeley.edu>

**University of California Police Department, Berkeley**

(510) 642-6760, <http://police.berkeley.edu>

**SUPPORT**

**Gender Equity Resource Center**

Sexual Harassment/Sexual Assault Resource Specialist

(510) 643-5727, <http://geneq.berkeley.edu>

**University Health Services, Social Services**

(510) 642-6074, [socsrvs@uhs.berkeley.edu](mailto:socsrvs@uhs.berkeley.edu)

<http://uhs.berkeley.edu/students/counseling/socialservices.shtml>



**University Health Services, CARE Services**

(510) 643-7754, [careserv@uhs.berkeley.edu](mailto:careserv@uhs.berkeley.edu)  
<http://uhs.berkeley.edu/facstaff/care/>

**Ombudsperson for Students and Postdoctoral Appointees**

(510) 642-5754 for referral, <http://sa.berkeley.edu/ombuds>

**Ombuds Office for Faculty**

(510) 642-4226

**The Staff Ombuds Office**

(510) 642-7823

**Division of Student Affairs, Student Legal Services**

(510) 642-3916, <http://sa.berkeley.edu/legal>

**Student Advocate**

(510) 642-6912, <http://advocate.berkeley.edu>

**MEDICAL**

**University Health Services, Urgent Care Clinic**

2222 Bancroft Way (The Tang Center)

(510) 643-7197 (advice after hours), [www.uhs.berkeley.edu](http://www.uhs.berkeley.edu)

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for productions of the material in an alternative format.

Disability Services Specialist

Email: [ADA@cityofberkeley.info](mailto:ADA@cityofberkeley.info)

Phone: (510) 981-6418

TTY: (510) 981-6347

Revised February 2019 G:\p\_admin\DD DV\2019 Resources for Victims Pamphlet

**NOTICE OF REPORT**  
Berkeley Police Department  
Tsukamoto Public Safety Building  
2100 Martin Luther King Jr. Way  
Berkeley, CA 94704  
(510)981-5900 VM#(510)981-5990  
[www.CityofBerkeley.info/police](http://www.CityofBerkeley.info/police)

Report number:

Date:

Type of Report/Offense:

Officer's name:

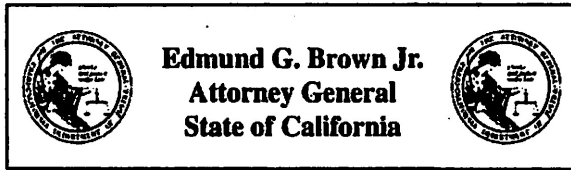
Badge #:

Officer's duty hours:

Days off:

If you have questions regarding the status of the investigation of your case, please contact the Police detail indicated below. Inquiries should be made Monday – Friday, 8:00am-4:30pm.

Crimes Against Property	(510) 981-5737
Domestic Violence	(510) 981-5736
Sex Crimes	(510) 981-5716
Youth Services	(510) 981-5715
Homicide/Assault	(510) 981-5741
Robbery	(510) 981-5742
Traffic	(510) 981-5980



**Edmund G. Brown Jr.**  
**Attorney General**  
**State of California**

**Victims' Bill of Rights**  
**Marsy's Law**

The California Constitution, Article 1, Section 28, confers certain rights to victims of crime as they are defined in the law. 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 Considerations 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).

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