

# VICTIM OF VIOLENT CRIME

*As a victim of a violent crime, you have rights and resources available to you. Carefully read this help sheet to fully understand what you should do if you become a victim and who can help.*

## What is domestic violence?

Domestic violence means abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had or is having a child or a dating or engagement relationship. Abuse means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable fear of imminent serious bodily injury to himself or herself or another (Penal Code Section 13700). In California, it is a crime for any person to threaten, beat, sexually assault or otherwise harm another person, whether or not they are married. **Domestic violence is a crime - Offenders will be prosecuted!**

## What about the police?

Law enforcement officers are committed to enforcing domestic violence laws. When they investigate domestic violence cases, they will often arrest and book the offender in jail. If they cannot, they will explain how the victim can make a private persons arrest. Offenders can bail or be released from jail at any time; if released, victims should be prepared to temporarily stay with friends, family or at a safe shelter.

## If you become a victim

- ✓ Call the police or sheriff and make a report.
- ✓ Get medical attention if you are injured; you may be injured more seriously than you realize .
- ✓ Seek assistance. Whether or not charges are filed against the offender, you should talk to a professional.
- ✓ Preserve evidence; evidence is proof of a crime, such as torn or bloody clothing, a weapon or photos of injuries.
- ✓ If you are afraid the offender will return and hurt you, contact an attorney or the Haven for assistance to obtain a Temporary Restraining Order (TRO). If necessary, ask police for an Emergency Protective Order (EPO).

## What are your rights as a victim?

- You have a right to make a police report and to request that the District Attorney's Office file a criminal complaint.
- You can seek a civil complaint by contacting any private attorney to sue for losses suffered as a result of the abuse, including medical expenses, loss of earnings and other expenses for injuries sustained and damage to property and any other related expenses incurred by the victim or any agency that shelters the victim.
- You can file a petition with the court requesting a TRO (the Haven can assist you).
- Police will assist victims in obtaining immediate medical attention, if needed.
- In cases where officers see traumatic injury to the victim, they may arrest the offender. If police cannot arrest the offender, police will explain how you can make a private person's arrest.

## Getting a court order

Even if the offender is arrested, a victim may request that the police obtain an Emergency Protective Order (EPO). Such an order restrains the suspect from contacting you, may require the suspect to move out of your residence, and it may determine temporary custody of minor children. EPOs are valid for only five court days or a maximum of seven calendar days. EPOs are helpful if the offender is released from jail before the victim is able to obtain a TRP.

A domestic violence victim may file a petition at the Superior Court Clerk's Office or may use the assistance of the Haven to obtain a TRO from the court. TROs may be granted when there has been past or present acts or threats of violence resulting in physical injury or substantial emotional distress. TROs can include:

- An order restraining the attacker from abusing the victim and other family members.
- An order directing the attacker to leave the household.
- An order preventing the attacker from entering a victim's residence, school, business or place of employment.
- An order awarding the victim or the other parent custody of or visitation with a minor child or children.
- An order restraining the offender from molesting or interfering with minor children in the custody of the victim.
- An order directing the party not granted custody to pay child support, if legally obligated to do so .
- An order directing that either or both parties participate in counseling.

## Haven Women's Center Services

You cannot stop the cycle of violence, only the abuser can do that, but there are places you can turn for help in Stanislaus County. Call the Haven for community resources including counseling services for you and your children, ongoing support, or a safe emergency shelter. The Haven will act as your advocate in cases of domestic violence; they can:

- Provide 24-hour crisis counseling, call 209-577-5980.
- Provide individual and group counseling sessions, call 209-523-1570.
- Provide safe temporary shelter for victims and their children, call 209-577-5980.