

# ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE



## *Community Education Services*

(714) 834-3600

[www.ocgov.com/da/](http://www.ocgov.com/da/)

### **Inside You Will Find Useful Information About:**

- The District Attorney's Office***
- Community Service Programs (CSP, Inc.)***
- Domestic Violence***
- Sexual Assault/Rape***
- Child Abuse***
- Elder Abuse***
- Consumer Fraud***
- Myths and Questions About the Criminal Justice System***
- Anatomy of a Criminal Prosecution***
- Community Resources***

**Government and Community Relations**

*People and Government United for Progress ...*

# Table of Contents

The Office of The District Attorney	3
Meet your District Attorney	4
The purpose of this booklet	7
Community Service Programs (CSP, Inc.)	8
Domestic Violence	10
Domestic Violence Assistance	11
Sexual Assault/Rape	12
Department of Child Support Services	15
Child Abuse	16
Elder Abuse	18
Consumer Fraud	20
Questions and Myths about the Criminal Justice System	24
Anatomy of a Criminal Prosecution	26
Community Resources	28



**REPORT IT !**  
**For an emergency call 911**  
**To file a report call your**  
**local police department**

## Government and Community Relations Community Education Services (714) 834-3600

The Office of the District Attorney is the largest law firm based in Orange County. The Office represents the People of the State of California in some civil and in all criminal proceedings, and serves the court and criminal justice system, children in need of financial support, and the Orange County Grand Jury.

**The Mission of the Office of the District Attorney of Orange County**

**is to enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner.**

The attorneys of the office work with investigative law enforcement personnel and legal clerical support to prosecute approximately 15,000 adults for felony crimes and 55,000 for misdemeanor offenses. Another 10,000 juvenile petitions for wardship are processed by juvenile and gang prosecutors. Office personnel are located in six Justice Centers (Central, Harbor, North, South, West and Juvenile) throughout the County.

The office also employs Administrative Services staff to handle financial services, facilities management, human resources and information systems support needs.

## Meet Your District Attorney Tony Rackauckas



Born in East Los Angeles, District Attorney Tony Rackauckas was the second born of six children (3 sisters, and 2 brothers) and the second generation on his mother's side to be born and raised in the United States. His maternal grandparents, Alejandro and Carolina Limón, immigrated to the U.S. from Hermosillo, Sonora, Mexico around 1921, and settled in Texas looking for a new life and to start a family. Alejandro Limón was a hard-working man who provided for his family and instilled a strong work ethic in his children.

The voters of Orange County elected Mr. Rackauckas as District Attorney in 1998. Prior to his election, Tony served as Superior Court Judge and Deputy District Attorney. He has served the citizens of Orange County since 1972.

Upon taking office in 1999, one of Tony's first priorities was to increase communication between the District Attorney's Office and Orange County's immigrant community. To facilitate this communication, Tony established an outreach program. The overall goals of the program are to create linkages with immigrant communities in order to provide information and education about services available to victims and witnesses of crime, and to develop solutions to crime and safety issues using cultural forces and resources that already exist within these immigrant communities.

In the past two years, the Orange County District Attorney's outreach program has effectively begun to reach out to the Hispanic community. The cornerstone of this effort was the creation of a Hispanic Advisory Commission, currently comprised of 26 community leaders and criminal justice professionals. The Commission provides leadership and direction in developing strategies for problem solving, public safety, and quality-of-life issues.

To increase direct interaction between the prosecutor's office and the community, District Attorney staff and volunteers operate an Hispanic Outreach and Education Booth at major community events such as the Cinco de Mayo Festival, Fiestas Patrias and Mexican Independence Day which attract large immigrant crowds. The active involvement and participation of District Attorney Tony Rackauckas with the Hispanic Advisory Commission, volunteer efforts, and outreach booth greatly enhances the program's credibility and effectiveness by allowing the community to be "heard." Most importantly, Mr. Rackauckas wants to send the message that the criminal justice system can work for everyone.

## Government and Community Relations Community Education Services (714) 834-3600

*"I am extremely proud of my family. It is my hope that over time, through this outreach project, social and cultural barriers will be broken down which will enable Latino immigrants to have a more positive perception of the criminal justice system. I believe immigrants should feel safe in their new community and trusting of their new government."*



**Tony Rackauckas**  
District Attorney



"I whole-heartedly endorse the District Attorney's Hispanic outreach project and will do all that I can to further their efforts to communicate with, educate and include our community."

**Loretta Sanchez**  
Congresswoman,  
46th Congressional District



"I am thrilled about this project and look forward to working with the District Attorney's Office in building a bridge between the Justice System and our Latino community."

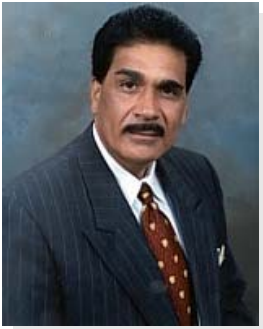
**Lou Correa**  
California State Legislature,  
69th Assembly District

## Government and Community Relations Community Education Services (714) 834-3600



**Gaddi H. Vasquez**  
Community Leader

"I am very encouraged and will do all that I can to further the District Attorney's Hispanic outreach project. When we begin to see each other as people, and not just 'The Government' or 'Hispanics', we will improve the quality of law enforcement, increase public safety, and live better, more productive lives."



**Jess J. Araujo, Esq.**  
Attorney, University Professor and Community Leader  
Author of the Bilingual Book  
"The Law and Your Legal Rights/La Ley y Sus Derechos Legales"

"For too long, our community has lived with little or no information and too much fear regarding important issues such as the adequacy of the resources which our judicial system offers to protect our personal and public safety. I am very proud of the District Attorney's efforts to close this gap through the innovative and proactive approach of the Hispanic Outreach Program. A well informed community is the catalyst for a progressive society."

## Purpose of This Booklet

This booklet was created by the Orange County District Attorney's Office, Government and Community Relations Unit in cooperation with the Hispanic/Vietnamese Advisory Commissions. The Purpose of this booklet is to inform the community on the various issues and bring a greater awareness of the resources and processes of the criminal justice system.



PEOPLE AND GOVERNMENT  
UNITED FOR PROGRESS...

### Editors

**Jose L. Morfin**

**Jose.Morfin@da.ocgov.com**

**(714) 347-8415**



**Jess J. Araujo**

**jessaraujo@jessaraujo.com**

This project was supported by Grant # 1999-DD-BX-003 0 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, Which also includes the Bureau of Justice Statistics, the National Institute of Justice, the office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the United States Department of Justice.

## Community Service Programs (714) 834-4350

CSP (Community Service Programs) Victim Assistance Programs provide services for victims and witnesses and encourages their cooperation during the investigation of the case and the prosecution of the offender. The following services are available for all victims of crime (elder abuse, domestic violence, child abuse, homicide, rape, theft or fraud, gang intimidation/violence):

### CRISIS INTERVENTION

Provides counseling and emotional/moral support after the crime.

### EMERGENCY ASSISTANCE

Offers the victims' immediate needs such as food, clothing, shelter and medical care.

### ORIENTATION OF THE CRIMINAL JUSTICE SYSTEM

The criminal justice system is explained and related to the victim's individual case. A CSP Victim specialist can accompany the victim to court.

### RESTITUTION ASSISTANCE

Assists victims with obtaining restitution from the convicted offenders through a court order.

### VICTIMS OF CRIME COMPENSATION (VCC)

Assists the victim with submitting a claim to the Victims Compensation and Government Claims Board for emotional, physical, medical and property loss related to the crime.

### TEMPORARY RESTRAINING ORDERS

Assists victims of domestic violence with obtaining a temporary restraining order to protect themselves and their children from the aggressor.

### OTHER SERVICES ARE PROVIDED AS NEEDED.

For more information about CSP Victim Assistance Programs, please call (714) 834-4350.

## Government and Community Relations Community Education Services (714) 834-3600

### Community Service Programs Victim/Witness Assistance Program Centers

<p><b>Laguna Beach Facility</b> <b>Harbor Justice Center</b> 30143 Crown Valley Pkwy. Laguna Niguel, CA 92677 Phone: (949) 249-5037</p>	<p><b>West Justice Center</b> 8141 13<sup>th</sup> Street Westminster, CA 92683 Phone: (714) 896-7188</p>
<p><b>Newport Beach Facility</b> <b>Harbor Justice Center</b> 4601 Jamboree Blvd. #103 Newport Beach CA 92660 Phone: (949) 476-4855</p>	<p><b>North Justice Center</b> 1275 North Berkeley Avenue Fullerton, CA 92832 Phone: (714) 773-4575</p>
<p><b>Lamoreaux Justice Center</b> <b>(Juvenile)</b> 341 The City Drive P.O. Box 14169 Orange CA 92868 Phone: (714) 935-7074</p>	<p><b>Central Justice Center</b> 700 Civic Center Drive Santa Ana, CA 92702 Phone: (714) 834-4350</p>

ADULTS MOLESTED AS CHILDREN: (714) 730-1217

INFO LINK O.C. FOR REFERRALS: (888) 600-4357

#### GANG ENFORCEMENT TEAM:

O.C. Sheriff North county :(714) 647-7090

CSP, GANG PREVENTION PROGRAMS: (949) 361-8218

CSP, GANG VICTIM SERVICES: (714) 935-7492

F.A.C.E.S.- Mediation: (714) 879-9616

YOUTH SUICIDE HOTLINE : 714-894-4242

CALIFORNIA YOUTH CRISIS: 800-843-5200

NEW HOPE CRISIS, 24 HRS, counseling & intervention  
714-639-4673, 800-570-4673 help line





## Domestic Violence (800) 548-2722

### *Domestic Violence shouldn't happen to anybody. Ever. Period.*

But it does—and when it does, there is help. Maybe you've lived with abuse, maybe experienced it just once, maybe you work or live next to someone who is being abused right now. Whoever you are, get help.

Domestic violence is a learned pattern of behaviors used by one person in a relationship to control the other person. The partners may be married or not married, gay or lesbian, living together, separated or dating.

### EXAMPLES OF DOMESTIC VIOLENCE ARE:

- emotional abuse through mind games, name-calling, or put-downs
- isolation from family or friends
- economic abuse by withholding money or being prevented from getting or holding a job
- actual or threatened physical harm
- sexual assault/rape
- stalking
- intimidation

### THE VIOLENCE CAN BE CRIMINAL AND INCLUDES:

physical assault (hitting, pushing, shoving, etc.), sexual abuse (unwanted, forced sexual activity), and stalking. Although emotional, psychological and financial forms of abuse are not criminal behaviors, they are forms of domestic violence and can lead to criminal abuse.

The violence takes many forms and can happen all the time or once in a while. An important step to help yourself or someone you know in preventing or stopping violence is recognizing the warning signs.

Anyone can be a victim of domestic violence...young, old, rich, poor, black, white, professional, unemployed. There is no typical profile of domestic violence victims except that they are usually female. Children living in homes where a mother is abused are more likely to be abused themselves. Even if they are not, children who witness abuse are also victims.

## Government and Community Relations Community Education Services (714) 834-3600

If you are in an abusive situation, **REMEMBER**

**You are not alone.  
You are not to blame.  
And, you can get help.**

### STOP THE CYCLE !

#### Domestic Violence Hotline

Battered Women and Children: (323) 681-2626

#### Domestic Violence Hotline

Chicano Services Action Center: (800) 548-2722 Bilingual

**Domestic Violence Help line:** (800) 978-3600

#### Information on how to obtain a temporary restraining order:

24-Hour Recorded Information in English, Spanish and Vietnamese: (714) 973-0134

#### Shelter Hotlines:

**Shelter Resource Center:** (714) 435-9992

**Human Options-** Battered Women's Self Help Line  
(Spanish Speaking) (949) 854-3554

**Interval House** (Spanish Speaking): (714) 891-8121

**Laura's House** (Spanish Speaking): (949) 498-1511

**Women's Transitional Living Center** (Spanish Speaking): (714) 992-1931

**Safe House and Women Resource Center** (24-Hour Help Line)  
(Spanish Speaking) (800) 978-3600

**Info Link/** Information for Men, Women and Children in Orange County  
(Spanish Speaking) (949) 955-2255

**Legal Assistance/** Name of Lawyers and Information Services  
(Spanish Speaking) (949) 440-6747

**Counseling For Batterers** (men and women)  
(949) 679-9671/ (714) 935-7956 (Spanish speaking))

### IMMIGRATION

And if you're depending on your aggressor to petition for your permanent residency and he's abusing you, or he's threatening to stop the petition if you leave him, remember that under U.S. federal law battered immigrant women have the right to leave the abusive husband and continue the petition on your own. The staff at battered women's shelters and rape crisis centers can tell you how to do it.

# Sexual Assault (714)957-2737

Sexual assault is any unwanted sexual contact or sexual attention committed by force, threats, bribes, manipulation, pressure, tricks or violence. It includes rape and attempted rape, child molestation, incest and sexual harassment. It also includes the act of touching an unwilling person's intimate parts, such as genitalia, breast, buttocks, or the clothing covering the parts, or forcing an unwilling person to touch another's unwanted parts. Sexual assault is a terrifying and often brutal crime; assailants can be strangers, acquaintances, friends or family members. Victims and those who love them share the devastating effects.

## WHAT IS THE CRIME OF RAPE?

**Rape** is sexual intercourse obtained: (1) through "forcible compulsion," (2) through threat of "forcible compulsion," (3) when a person is unconscious or unaware that intercourse is occurring even though conscious, (4) when a mental disability renders a person incapable of consent, (5) when a person is less than 18 years of age even though consent is given, or (6) when the offender gets his victim drunk or high for the purpose of preventing resistance without the knowledge of the victim

A rape occurs every six minutes in the U.S., according to FBI research. **Rape is a crime of violence, anger and power. It is not motivated by sexual desire.** Rapists use sexual violence as a weapon to control, humiliate and hurt their victims. Anyone can become a victim, because victims are selected for their vulnerability and not their attractiveness, appearance or behavior. Sexual assault of any type is never the victim's fault. No one ever "asks for" or deserves to be sexually assaulted. Nor does anyone's behavior justify or excuse the crime. People have a right to be safe from a sexual violation at any time, any place and under any circumstance.

**FORCED SEXUAL INTERCOURSE (OR RAPE)** is defined as any coerced, manipulated or unwanted penetration (oral, anal, or vaginal) that occurs against one's will or without one's consent, including when one is unconscious, intoxicated or otherwise unable to give consent. Penetration, however slight, is sufficient; secretion of semen is not required. Penetration can be with a penis, finger(s) or object(s). Forced sexual intercourse (or rape) by a date, boyfriend, girlfriend, casual friend or acquaintance is as much a serious crime as stranger rape.

## Government and Community Relations Community Education Services (714) 834-3600

**"FORCIBLE COMPULSION"** is a "compulsion by use of physical, intellectual, moral, emotional, or psychological force, either expressed or implied," and does not require that the victim resist the offender.

## DATE/ACQUAINTANCE RAPE

Acquaintance rape is forced, unwanted intercourse with a person you know. It is a violation of your body and trust. It is an act of violence. It can be with someone you have just met, or dated a few times, or even with someone to whom you are engaged.

It is possible to anticipate a dangerous situation with a date or an acquaintance. An acquaintance might try to use your familiarity in order to isolate you. There are three preliminary stages to a date rape:

**INTRUSION-** A predator will try to find a victim who will not put up much resistance. Invasion of a person's space physically or verbally is a type of strategy.

**DESENSITIZATION-** The predator continues with the invasive behavior. Once the victim does not protest, the victim has lowered her defense and has a high threshold for invasive behavior.

**ISOLATION-** The predator has somehow managed to get the victim alone, possibly because the victim did not foresee the attack.

## PROTECTING AGAINST ACQUAINTANCE RAPE

1. Know your sexual intentions and limits. You have the right to say "NO" to any unwanted sexual contact. If you are uncertain about what you want, ask the man to respect your feelings.
2. Communicate your limits firmly and directly. If you say no, say it like you mean it. Don't give mixed messages. Back up your words with a firm tone of voice and clear body language.
3. Remember that some people think that drinking heavily, dressing provocatively, or going to a man's room indicates a willingness to have sex. Be especially careful to communicate your limits and intentions clearly in such situations.
4. Listen to your gut feelings. If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.

# Sexual Assault (714) 957-2737

5. Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings and get out of the situation. It is better to have a few minutes of social awkwardness or embarrassment than the trauma of sexual assault.
6. Only attend large parties with friends you can trust. Agree to "look out" for one another. Try to leave with a group, rather than alone or with someone you don't know very well.
7. Recognize that the consumption of too much alcohol puts you at risk. You'll have a harder time dealing with a situation that gets out of hand, communicating your limits, and knowing how to handle yourself assertively.

**DRUGS AND ALCOHOL:** Drugs and alcohol are the number one factor that leads to date and acquaintance rape. Seventy-five to eighty percent of all date and acquaintance rapes involve drugs and alcohol.

1. Do not mix sexual decisions with drugs and alcohol. Your ability to make smart decisions is lessened when you are drunk or high. You may think you are being romantic when you are really forcing your date. If your date is not sober enough to give consent and you force them to have sex, it is rape.
2. Observe how your environment around you is changing, such as your being left at a party by your friends when you don't have a way to get home. React immediately.
3. Avoid secluded places. Go to a public place when you are getting to know someone new. Don't leave a party or go with someone you have just met. Avoid secluded areas such as: beaches, parks, apartments or the desert.

**\*\* Sexual Assault Assistance**  
North (714) 834-4317  
South (949) 752-1971

**\*\* Rape Crisis Hotline**  
(714) 957-2737  
(949) 831-9110

**\*\* Sexual Assault Crisis Services 24 hr. Hot Line**  
(714) 957-2737  
(949) 831-9110

**Rape/Sexual Abuse National Hotline**  
(800) 656-4673

**Rape/Sexual Abuse Victim of Crime Resource Center:** (800) 842-8467

**\*\* Spanish speaking staff are available.**

## Department of Child Support Services (888) 594-7600



The collection of child support has a profound effect on families. It provides necessities of life for the tens of thousands of children. Often the difference between new clothes, an adequate home or apartment, nutritional food, and/or participation in school activities is the timely receipt of child support. It makes a difference!

Some of the services provided by this Department are as follows:

- Locate missing parents
- Establish paternity (fatherhood)  
Paternity Opportunity Program (POP)
- Establish an order for medical insurance
- Enforcement of child support orders
- Collection and distribution of child support payments
- Community Outreach Program
  - ◇ Family Reunification Services
  - ◇ Public Outreach Workshops  
(Assistance with child support forms)

### Orange County Department of Child Support Services

1055 North Main Street, 1st Floor  
Santa Ana, CA 92701

#### Mailing Address:

P.O. Box 22099,  
Santa Ana, CA 92702-2099

#### Lobby Hours:

7 a.m. – 5 p.m.,  
Monday through Friday

#### Phone Number:

(714) 541-7600 or  
toll free at (888) 594-7600

#### Telephone Hours:

7 a.m. – 6 p.m.,  
Monday through Friday

#### E-mail:

[childsupport@css.ocgov.com](mailto:childsupport@css.ocgov.com)

#### Website:

[www.css.ocgov.com](http://www.css.ocgov.com)



# Child Abuse (800) 843-5200

Child abuse encompasses a spectrum of abusive actions from acts of commission to lack of action or omission. Abuse can start even before the birth of the child and can have adverse effects on the child. Examples include maternal drug abuse and failure to seek appropriate prenatal health care during pregnancy.

## THE ABUSE OR NEGLECT MAY BE ANY OF THE FOLLOWING:

**EMOTIONAL ABUSE:** (Also known as verbal abuse, mental abuse, and psychological maltreatment)

Includes acts or the failure to act by parents or caretakers that have caused or could cause serious behavioral, cognitive, emotional or mental disorders. This can include parents/caretakers using extreme and/or bizarre forms of punishment such as confinement in a closet or dark room, being tied to a chair for long periods of time or threatening/terrorizing a child. Less severe acts, but no less damaging, are belittling or rejecting treatment, using derogatory terms to describe the child, habitual scapegoating or blaming.

## **NEGLECT:**

The failure to provide for the child's basic needs. Neglect can be physical, educational, or emotional. **Physical neglect** can include **not** providing adequate food or clothing, appropriate medical care, supervision, or proper weather protection (heat or coats). It may include abandonment. **Educational neglect** includes failure to provide appropriate schooling or special educational needs and/or allowing excessive truancies. **Psychological neglect** includes the lack of any emotional support and love, never attending to the child, spousal abuse, drug and alcohol abuse including allowing the child to participate in drug and alcohol use.

## **PHYSICAL ABUSE:**

The inflicting of physical injury upon a child. This may include: burning, hitting, punching, shaking, kicking, beating, or otherwise harming a child. Although the parent or caretaker may not have intended to hurt the child, the injury is not an accident. It may, however, have been the result of over-discipline or physical punishment that is inappropriate to the child's age.

## Government and Community Relations Community Education Services (714) 834-3600

### **SEXUAL ABUSE:**

The inappropriate sexual behavior with a child. It includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation.

The effects of child abuse are severe and long lasting. Some examples of the consequences of abuse or neglect are listed below:

- An abused child may never be able to love and trust other people; may always have a poor self-image.
- Injuries inflicted in childhood may result in permanent crippling or deformity.
- Often abused children become teenagers or adults who act in criminal or other violent anti-social ways.
- Parents who habitually abuse their children may very well end up killing them.

We know that child abuse is a symptom that can be treated successfully or prevented by identifying and treating the problems behind abusive or neglectful behavior. But first, more people have to understand and care.

**Department of Children Services:** (714) 940-1000

**California Youth Crisis Line:** (800) 843-5200 24 hours

**Child Abuse Registry/Orange County:** (714) 940-1000 24 hours

**Missing Children Help Center:** (800) 872-5437 24 hours

**Missing & Exploited Children, O.C.:** (714) 508-0150

**Boys Town of Southern California:**

**Assistance for youth 8-17 years of age:** (714) 532-2399

**CSP, Youth Shelter:** 24 hour phone service for adolescents who need refuge (949) 494-4311

## Crimes Against the Elderly (800) 451-5155



If you are a senior citizen, this information about crimes that target the elderly should help you avoid becoming a victim. We suggest that you discuss this with family and friends.

If you have relatives or friends who are senior citizens, please review this information with them. You could help prevent physical pain, heartache, and loss of money.

**PHYSICAL ABUSE:** Any physical pain or injury which is willfully inflicted upon an elder by a person who has care or custody of, or who stands in a position of trust with that elder, constitutes physical abuse. This includes, but is not limited to, direct beatings, sexual assault, unreasonable physical restraint, and prolonged deprivation of food or water.

**FINANCIAL ABUSE:** Any theft or misuse of an elder's money or property by a person in a position of trust with an elder constitutes financial abuse.

**NEGLECT:** The failure of any person having the care or custody of an elder to provide that degree of care which a reasonable person in a like position would provide constitutes neglect. This includes, but is not limited to:

## Government and Community Relations Community Education Services (714) 834-3600

1. Failure to assist in personal hygiene or provide clothing for an elder.
2. Failure to provide medical care for the physical and mental health needs of an elder. **This does not include instances in which an elder refuses treatment.**
3. Failure to protect an elder from health and safety hazards.

**SELF-NEGLECT:** Failure to provide for self through inattention or dissipation. The identification of this type of case depends on assessing the elder's ability to choose a life-style versus a recent change in the elder's ability to manage.

**PSYCHOLOGICAL/EMOTIONAL ABUSE:** The willful infliction of mental suffering by a person in a position of trust with an elder constitutes psychological/emotional fear, humiliation, intimidation or isolation of an elder.

**ABANDONMENT:** Abandonment constitutes the desertion or willful forsaking of an elder by any person having the care and custody of that elder under circumstances in which a reasonable person would continue to provide care.

Adult Protective Services (800) 451-5155 is a County of Orange Social Services Agency which provides aid in circumstances involving elder abuse or abuse to handicapped dependent adults.

**Senior Information and Assistance:** (714) 567-7500.

# Consumer Fraud (800) 638-2772

Fraud costs consumers untold millions of dollars per year. The act of deceiving unsuspecting consumers can be easily committed, difficult to prosecute and very profitable for the perpetrator. Whether the financial loss is large or small, no one likes to be swindled or conned. The unwary can be easy marks, unaware that they have been defrauded or too ashamed to admit it when they discover that they are a victim of fraud.

The best way to reduce fraud is through increased awareness and prevention. It is easier to prevent a fraud than it is to fix it up after the fact. The greatest enemy to the perpetrator of fraud is the informed consumer.

Fraud can take many different forms. The only limit to the con artists is their creativity and imagination. The following descriptions are some of the more common consumer fraud schemes.

## PYRAMID OR CHAIN REFERRAL SCHEMES



A pyramid or chain referral scheme is a marketing program based on convincing people to get others to market a particular product. The profit is earned primarily through investors enlisting new recruits who in turn enroll more recruits. The profit is not primarily made through the sale of the product itself. Recruits are required to purchase inventory to get started. In order to recoup their initial investment, new recruits are encouraged to sell new distributorships and there is little real concern given to selling the actual product or service to the public.

The attraction of the pyramid scheme is that it offers an unusually high rate of return on the initial investment. Investors are typically advised that they can get a full return on their money by getting two or more "new" investors to make an investment. The new investors must then get two or more new investors and so it goes, on and on. Promoters fail to tell or deliberately conceal that profit from this system becomes mathematically impossible for other than the initiators of the scheme. Similar pyramid schemes are also on the Internet.

## TELEMARKETING/BOILER ROOM OPERATIONS



Numerous employees are hired by a con artist as telephone solicitors to sell products or solicit donations for charitable organizations. The products are frequently of questionable value and the charities are fictitious or, they receive little or nothing. These schemes work well, as each victim consumer is taken for only a moderate amount and they do not usually pursue the issue. However the small-to-moderate individual amounts add up to thousands of dollars for the boiler room operator. Never buy anything over the phone unless you initiated the call. If a stranger calls you and asks you to buy anything or contribute say no thank you and hang up. Often people are afraid of appearing rude and end up getting convinced to buy because of the persistence of the caller. Hang up before that can happen.

## Government and Community Relations Community Education Services (714) 834-3600

### HOME IMPROVEMENT SCHEMES



Most home improvement contractors are legitimate and provide a useful service. A small percentage of these contractors are not so honest. Con artists practicing home improvement schemes often solicit contracts from home owners by going door to door and misrepresenting the necessity for repairs or the value of the home improvements. These operators will ask to be paid in cash, often in advance or with large deposits in advance. The contractual work is then often poorly done or not performed at all.

### BEFORE MAKING A COMMITMENT:

Check with the Better Business Bureau and the Contractors' State License Board regarding the honesty and reputation of the contractor; obtain other estimates from reputable contractors; never pay for the work in advance; pay after it has been completed and examined; if the person represents a utility company, ask for proper identification; carefully read all forms and contracts before signing; never let anyone rush you into signing a contract or handing over cash.

### INTERNET DOWNLOADS



National Consumers League's Internet Fraud Watch warns consumers that downloading certain programs on their computers for entertainment may cost them hundreds of dollars in unexpected telephone charges. That's because some programs are designed to disconnect the computer from the consumer's regular Internet service and reconnect it directly to the entertainment provider by dialing a phone number in Africa or in another country. They don't ask for a credit card and the reconnection is usually seamless.

### PRIZES/SWEEPSTAKES



A successful fraud pitch is "Congratulations, You've Won!" Don't believe it. If you have to pay to get the prize or pay to join a club you haven't really won anything. The odds of winning sweepstakes are extremely low and many are outright scams.

### WORK AT HOME

You may often see promises of making large sums of money working at home but first you have to buy a kit to get started. Promises of large returns are over stated and often the consumer ends up with the kit and little or no income.

### CHARITY SOLICITATIONS

Here is an area where you may never know that your money did not go to the charity you had intended to benefit. Before making a charity contribution ask for and review written financial reports of the charity to find out where your money is going. Some charities hire outside companies to do solicitations. Most people don't know that some of these outside solicitation companies keep up to 80% to 90% of the money donated, giving only a small percentage to the actual charity. If the charity does not provide you with written materials, reconsider donating. Take your time with all consumer decisions and do not make a decision based on emotion alone.

# Consumer Fraud (800) 638-2772

## IDENTITY THEFT

Some unscrupulous people will use your credit card to place unauthorized charges on it or even use your name and social security number to take out a loan that appears on your credit statement. These actions are called identity theft and may damage your credit. If this happens to you, even if the police cannot find the perpetrator, you can still clear your credit by filing a police report and sending it to the credit reporting agencies. [ Civil Code section 1785.16(k). ] The credit reporting agencies are:

**Experian** (888) 397-3742/ (900) 301-7196

**Trans Union:** (800) 680-7289

**Equifax:** (800) 525-6285

## AUTO REPAIRS



Sometimes auto repair centers make unnecessary or unauthorized repairs to your vehicle and you are charged for them. You are entitled to a written estimate for repair work with no additional charges unless you approve of the extra work. You can also request return of the replaced parts to see that the old part was removed from your car. If you have any problems, report them to the Bureau of Auto Repair at: [www.smogcheck.ca.gov/smogweb/default.asp](http://www.smogcheck.ca.gov/smogweb/default.asp). Better yet, check with The Bureau of Auto Repair first before taking your car to any particular shop.

## FRAUD AIMED AT MINORITIES



Con artists sometime focus on minority communities hoping to take advantage of language or cultural differences. Examples include bogus immigration specialists, bogus fees for acquiring forms, unfilled promises to transmit money overseas, unlicensed and uninsured money wire services. Check to see that the service you use is licensed and insured. The Notary Publics in the United States are not the same as Notary Publics in other countries. For example, in Mexico, a Notary Public is an appointed governmental position with many functions and authority. In the United States a Notary Public is a sworn witness to a signature.

## KEEP THESE SIMPLE TIPS IN MIND:

1. Before buying from a business find out:
  - The age of the business.
  - Where it is located and for how long.
  - Consider buying from local businesses so if something goes wrong you can find them .
  - Who has done business there before and talk to them about their experiences.
  - Recommendations are a good bet.
  - If the business is home improvement, determine if any complaints have been filed with the BBB or the contractors' state license board .
  - Get estimates, take your time and comparison shop before buying.

# Government and Community Relations Community Education Services (714) 834-3600

2. Never buy anything over the phone unless you initiate the call. Just say no thank you and hang up.
3. Avoid participating in sweepstakes offers either through the mail or over the phone. Remember that if it sounds too good to be true, it is.
4. Before making a charity contribution, ask for and review written reports to find out the percentage that really goes to the actual charity.

## SMALL CLAIMS COURT

If you have been victimized and the claim is \$5,000.00 or less, you can sue in small claims court to try to recover your money. You do not need an attorney. Orange County provides free lectures on procedures and the things you need to know to proceed. Call the Small Claims Advisor to get more information. 714) 571-5277.

## BBB of the Southland

(909) 835-6064 Fax (909) 825-6246 Email: [info@la.bbb.org](mailto:info@la.bbb.org)  
Better Business Bureau: [www.bbbsouthland.org](http://www.bbbsouthland.org) [www.bbb.org](http://www.bbb.org)

## US Consumer Product Safety Commission

4330 East-West highway, Bethesda, Maryland 20814-4408

## Consumer Hotline:

(800) 638-2772 Hotline- TTY for the Hearing Impaired: (800) 638-2772

## Resource for Consumer Information from the Federal Government:

[www.consumer.gov](http://www.consumer.gov)

Federal Trade Commission: [www.ftc.gov](http://www.ftc.gov)

## Other possible sites

Secretary of State	<a href="http://www.ss.ca.gov">www.ss.ca.gov</a>
Contractors State license Board	<a href="http://www.cslb.ca.gov">www.cslb.ca.gov</a>
Department of Motor vehicles	<a href="http://www.dmv.ca.gov">www.dmv.ca.gov</a>
Department of Real Estate	<a href="http://www.dre.cahwnet.gov">www.dre.cahwnet.gov</a>
Medical Board	<a href="http://www.medbd.ca.gov">www.medbd.ca.gov</a>
Public Utilities Commission	<a href="http://www.cpuc.ca.gov">www.cpuc.ca.gov</a>
Dental Association	<a href="http://www.cda.org">www.cda.org</a>
<b>Small Claims</b>	
(800) 963-7717 Spanish	<a href="http://www.oc.ca.gov/superior">www.oc.ca.gov/superior</a>
(714) 571-5277	

**Legal Aid Hotline:** (800) 834-5001

**Dispute Resolution:** (949) 851-3168



## Questions and Myths About The Justice System

### “CAN THE POLICE EVICT ME FROM MY RESIDENCE IF I OWE MONEY?”

Only a Sheriff has the authority to evict a person from a dwelling. However, they do need a court order to do so. The tenant has the right to contest the order at a hearing.

“THE POLICE SHOULD OR MUST ORDER RESTITUTION FOR DAMAGES CAUSED BY AN ACCIDENT.”- In California, when there are injuries or great damages, the police makes a report and determines responsibility. It is not a function of the police to demand or determine restitution for damages. Those matters are handled in the judicial process.

“IF I SIGN A TRAFFIC CITATION, AM I ACCEPTING GUILT?”- In California, a person is innocent until proven guilty. When you sign a citation you are only agreeing to appear in court. If you refuse to sign a citation, you will be arrested.

“IF I GET PULLED OVER, SHOULD I GET OUT OF THE CAR?”- No. When you get pulled over you should remain in your car until told otherwise by they police officer. Follow all instructions carefully, for your safety and officer's.

“ARE WE CONSIDERED DANGEROUS INDIVIDUALS WHEN WE ARE HAND-CUFFED?”- Police procedures require that police officers handcuff a person at the point of arrest regardless of guilt or reason of arrest. This is for the safety of the officers and of the individual in custody. If there are not enough reasons to arrest the person, he or she is released.

“

“UNDER NO CIRCUMSTANCES CAN THE POLICE ENTER MY RESIDENCE WITHOUT MY PERMISSION OR A JUDICIAL ORDER.”- The Constitution of the United States prohibits an official from entering your home without the written and signed permission of a Judge “Search Warrant;” however, in California there is a “Hot Pursuit” law. This Law allows a Police Officer to follow someone into a building if the individual being followed is a crime suspect. In case of an emergency or suspicion that a crime is being committed, law enforcement has the right to enter a building without permission.

“THE POLICE TELL ME THAT THEY CAN'T ACT UNLESS THEY ARE WITNESSES TO THE CRIME.”-The law in California states that a police officer can't act on a misdemeanor unless they are witnesses to the crime; however, when a felony is committed an officer can take action when there is probable cause. If you are a witness to a crime, you can also ask to make a citizen's arrest.

## Government and Community Relations Community Education Services (714) 834-3600

### “CAN AN ATTORNEY ISSUE AN ARREST WARRANT?”

No. Arrest warrants can only be issued by a Judge.

“THE POLICE REFUSES TO ACT WHEN A PERSON IS A VICTIM OF FRAUD.” - In California, a violation of a written or verbal agreement is classified as a civil matter and not a criminal issue. If there is a dispute with a contract, an individual can go to court and sue for damages. In cases where there is criminal fraud, you can call the District Attorney's Office Fraud Unit.

“CAN MY EMPLOYER FIRE ME FOR FILING A VALID WORKER'S COMPENSATION CLAIM?”- No. If you are injured at work and file a worker's compensation claim, the law protects you against any type of retaliation from your employer or co-workers. In California, it is against the law to harass an employee for filing a valid worker's compensation claim. For info: (800)248-4100.

“MY HUSBAND BEATS ME AND TELLS ME THAT IF I LEAVE HIM HE WILL HAVE ME ARRESTED FOR HOME ABANDONMENT.”- In California, leaving your spouse is not a crime. If you are a victim of domestic violence, you can leave your partner without the fear of being arrested or returned to your home against your will.

“IF I AM ARRESTED FOR DOMESTIC VIOLENCE, CAN I BE RELEASED FROM CUSTODY IF MY SPOUSE DROPS THE CHARGES?”- Domestic violence is a crime. The police can arrest an individual for domestic violence with or without the spouse's consent. This means that your spouse did not press charges against you. The District Attorney's Office is responsible for filing charges. Once the charges have been filed, they will not be dismissed at your spouse's request.

“BUT HE IS A GOOD FATHER. I CAN'T REPORT HIM.”- The children who live in a home where domestic violence is present are affected as well. In about 50% of homes with domestic violence, children are present. These children are also in danger. Mothers often stay with a batterer because they believe it in the best interest of the children. However, children of battered mothers have a much higher risk of physical, sexual and emotional abuse.

“DOES A NOTARY PUBLIC HAVE THE SAME POWERS AS A “NOTARIO PUBLICO?” -No. In California, we only have **Notary Publics**. A Notary Public only has the authority to witness signatures. “*Notario Publico*” is used in other countries and is not the same in the United States.

“IS THERE A FEE TO RECEIVE IMMIGRATION FORMS?”- No. All INS forms are free. The only fees you pay are those required by the INS for the services you are requesting such as permanent residency, extensions, renewals, naturalization etc.

“DO I NEED AN ATTORNEY TO FILL OUT INS FORMS?”- No. Most forms can be





## Community Resources

Social Services Agency	(714) 704-8000 <a href="http://www.ocgov.com/ssa/">www.ocgov.com/ssa/</a>
Department of Child Support Services	714-541-7600 or 800-594-7600 TDD 714-347-4815 <a href="http://www.css.ocgov.com/">www.css.ocgov.com/</a>
Social Security Administration	800-772-1213 or TTY800-325-0778 <a href="http://www.ssa.gov">www.ssa.gov</a>
Orange County Sheriffs' Department	949-955-2255 or 888-600-4357 <a href="http://www.ocsd.org/">www.ocsd.org/</a>
Legal Aid Society & Community Legal Services	800-834-5001 or 714-571-5200
Family Law Facilitator	714-935-8304
Superior Court of California	714-834-2200 <a href="http://www.occourts.org">www.occourts.org</a>
California Courts Online Self-Help Center	<a href="http://www.courtinfo.ca.gov">www.courtinfo.ca.gov</a> <a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>
Probation Department	714-569-2000 <a href="http://www.ocgov.com/Probation/">www.ocgov.com/Probation/</a>
Health Care Agency	714-834-4722 <a href="http://www.ocgov.com/hca/">www.ocgov.com/hca/</a>
Small Claims Court	714-571-5277 <a href="http://www.occourts.org">www.occourts.org</a>
Board of Supervisors Clerk of the Board	(714) 834-2206 <a href="http://www.ocgov.com/cob/">www.ocgov.com/cob/</a>

## Community Resources

Human Relations Commission & Mediation Services	714-647-5360 <a href="http://www.ocgov.com/hcs/hrc/">www.ocgov.com/hcs/hrc/</a>
Domestic Violence Hotline	800-799-7233 or TDD 800-787-3224
Shelters for: Adults, Families & Teens	800-333-4636
Child Abuse Hotline	800-4-A-CHILD
Victim Witness Services	Santa Ana 714-834-4350
Community Services Program Inc.	949-250-0488 <a href="http://www.cspinc.org">www.cspinc.org</a>
Elder Abuse	714-825-3030
F.A.C.E.S. Anger Management/Parenting	714-935-7127
Human Options	949-854-0180 24 Hour Bilingual Hotline 949 854-3554 <a href="http://www.humanoptions.org/">www.humanoptions.org/</a>
Fair Housing	714/569-0823 800/698-FAIR <a href="http://www.fairhousingoc.org/">www.fairhousingoc.org/</a>
MOMS Resource	(800) 787-5858 <a href="http://www.oc-moms.org/">www.oc-moms.org/</a>

