

RESTITUTION



INFORMATION
FOR VICTIMS OF CRIME
ABOUT THEIR RIGHTS
TO RESTITUTION

I've Suffered Losses. Now what?

Once the Court orders a presentence investigation on the case, the Adult Probation Department (APD) will reach out to you in order to get restitution established on your behalf.

- 1. Fill out the restitution questionnaire** that we send you as completely as possible. **Attach copies of any documents** you have that support your claim (receipts, bills, etc.). If you don't have receipts, make estimates.
- 2. Return the questionnaire** and supporting documents to us by the date we specify. It is very important that we receive your information as soon as possible. If we don't hear from you, we cannot request restitution on your behalf.
- 3. We will provide the Court** with information about your losses in time for the offender's sentencing hearing.
- 4. The Court will order restitution** at the sentencing hearing if the offender agrees to the amount. However, the offender has a **right to a restitution hearing** if he/she contests the amount.

If you've missed the sentencing date or want to modify your restitution order, contact us as soon as possible. We can help.

What is Restitution?

Restitution is **money that an offender owes to a victim**. Under California state law, **all victims of crime** who experience a financial loss as a result of the crime have the right to receive restitution from the offender.

The victim could be the person or business who was directly harmed; that person's immediate family member(s); or another person if the victim is a minor, deceased, or physically or psychologically incapacitated.

Restitution **can only be ordered by a judge**. The dollar amount will be based on the losses that the victim experienced due to the crime.

What Types of Losses Qualify?

- **Medical/dental costs**
- **Mental health counseling**
- **Possible future losses**
- **Wage/income loss**
- **Home security costs**
- **Home & vehicle retrofits if disabled**
- **Future financial losses to surviving spouse**
- **Travel costs (ex., to Court/hospital)**
- **Child support in homicide cases**
- **Emotional distress in child/dependent adult molestation cases**
- **Other losses that are related to the crime, even if not specified in the police report**
- **Interest**
- **Property loss**
- **Attorney fees**
- **Funeral costs**
- **Relocation**

How is Restitution Collected?

- The state's **California Department of Corrections and Rehabilitation (CDCR)** collects restitution from offenders who are in state prison, on parole, or on postrelease community supervision.
- A **county** agency (in San Francisco, the **Comprehensive Collections Unit**) collects restitution if the offender is sentenced locally (ex., county jail or probation). If the offender is later sent to state prison, CDCR will become responsible for collecting restitution.
- The offender may pay restitution in full or may make monthly payments.

How do I Get Compensated?

- The state or county agency responsible for collections **will send payments to you** as they are received from the offender. If there are multiple victims, the restitution payments will be divided among them.
- Once restitution is ordered, you can get a **Civil Court order to help enforce the restitution payment** at any time, including if the offender completes probation or parole before he/she has paid restitution in full. With a civil order, you can garnish the offender's wages, place a lien on his/her property, and take other enforcement actions. To do this, you may need a **certified copy of the restitution order** (form CR-110) and the **defendant's statement of financial assets** (form CR-115). Contact the probation officer or the San Francisco Superior Court Clerk's Office to get these forms.
- **Payment may take some time**; there is no guarantee that the defendant will have income and make the payments quickly.
- If an offender is not making payments but **you know that he/she has assets**, there are ways to hold the offender accountable. If the offender is still on probation, contact his/her probation officer for assistance. If the offender is in prison, on parole, or done with parole, contact the CDCR Office of Victim and Survivor Rights and Services.

Does a Restitution Order Expire?

No. A restitution order will only expire once it is paid in full. Even if the offender moves out of state or files for bankruptcy, the restitution debt will remain.

What if I Need Help Paying for My Losses Now?

The state's **California Victim Compensation Program (CalVCP)** can provide financial assistance to victims who are **physically injured** during a crime. CalVCP can help with medical, counseling, funeral/burial, income loss, and relocation expenses even before the offender is sentenced. CalVCP cannot cover property damage or theft. Assistance through CalVCP is a different process than collecting restitution from the offender.

Contact the DA's Victim Services Division or CalVCP to file a CalVCP application.

CALIFORNIA RESTITUTION LAWS

PC § 1202.4(a)(1): Victim's right to restitution

PC § 1202.46: Court retains jurisdiction over restitution

PC § 1202.4(i), 1214(b): Restitution enforceable as a civil judgment

PC § 1214: Restitution not dischargeable through bankruptcy

PC § 1214(b): Victim entitled to restitution order & defendant's financial disclosure

res-ti-tu-tion (res'ti tōō'shən, -tyōō'-), n. 1. the act of giving an equivalent or compensation for something previously taken or lost. 2. restoration to the original state or position. 3. restoration to the original position, esp. after elastic deformation. (s. of restitution- (s. of restitution-)) (ptp. restituted) —res'ti-tu-tion

HELPFUL TIPS FOR CLAIMING AND COLLECTING RESTITUTION

- ✓ Complete and return all restitution-related forms promptly.
- ✓ Keep copies of paperwork for your own records.
- ✓ Keep the offender's full name and Court number. This will make it easier to follow up later on.
- ✓ Know if the offender is in prison, on parole, or sentenced locally.
- ✓ If your phone number or address changes, notify the right agencies so that you continue to receive restitution payments. This may be the probation department if the offender is sentenced to county jail or probation, or CDCR if sentenced to state prison. Always notify your victim advocate, if you have one.

Agencies That Can Help

We know that restitution can be confusing. The agencies listed here are available to help you. Please note, however, that the Adult Probation Department cannot dispense legal advice.

San Francisco Adult Probation Department
(415) 553-1706 www.sfgov.org/adultprobation
San Francisco District Attorney's Office
(415) 553-1751 www.sfdistrictattorney.org Victim Services Division: (415) 553-9044
CDCR Office of Victim and Survivor Rights & Services
(877) 256-6877 www.cdcr.ca.gov/Victim_Services
California Victim Compensation Program
(800) 777-9229 www.calvcp.ca.gov
Comprehensive Collections Unit of the San Francisco Superior Court
(415) 551-0670

Additional Resources on Restitution

More detailed information is available here:

CaIVCP/CDCR Restitution Guide
English: www.vcgcb.ca.gov/docs/brochures/RestVictims.pdf
CaIVCP/CDCR Guía para Restitución
Español: www.vcgcb.ca.gov/docs/brochures/RestVictims_SP.pdf
Enforcing Restitution as a Civil Judgment
www.sdcca.org/files/enforcement_brochure.pdf
CaIVCP Publications
www.vcgcb.ca.gov/publications/calvcp_publications.aspx

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**Protecting the Community,
Serving Justice, and Changing Lives**

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