

## Other available remedies

Victims of violent crimes may be eligible for victim compensation from the Victim Compensation and Government Claims Board (VCGCB). The VCGCB provides financial assistance to those qualifying victims for losses resulting from a crime. Some losses covered include medical expenses, mental health treatment or counseling, wage or income loss, funeral and/or burial expenses, job retraining, home or vehicle renovation or retrofitting, home moving/relocation expenses, and home security installation or improvements.

One of the best features of the VCGCB is that you may be eligible for compensation whether the offender is arrested or prosecuted. However, if the court ordered the offender to pay restitution to you for your losses and you received assistance from the VCGCB, any restitution payments made from the offender will be forwarded to the VCGCB for repayment until the claim has been satisfied.

You may contact the VCGCB for additional eligibility information or contact your local Victim/Witness Assistance Center for assistance in filing an application.

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

**California Department of  
Corrections and Rehabilitation  
Office of Victim and Survivor Rights  
and Services  
Juvenile Services Unit**  
P.O. Box 942883  
Sacramento, CA 94283-0001  
(916) 262-0896  
(877) 256-OVSS (6877) toll-free  
[www.cdcr.ca.gov](http://www.cdcr.ca.gov)  
[ovssinet@cdcr.ca.gov](mailto:ovssinet@cdcr.ca.gov)

### Probation Department:

The phone number for your local Probation Department is listed under the *Government Pages* in your telephone directory.

## For financial assistance to Crime Victims:

**Victim Compensation and  
Government Claims Board**  
P.O. Box 3036  
Sacramento, CA 95812-3036  
1-800-777-9229  
[www.victimcompensation.ca.gov](http://www.victimcompensation.ca.gov)  
[info@vcgcb.ca.gov](mailto:info@vcgcb.ca.gov)

## For additional resources/assistance:

**Victims of Crime Resource Center  
McGeorge School of Law**  
3200 Fifth Avenue  
Sacramento, CA 95817  
(916) 739-7056  
(800) VICTIMS / (800) 842-8467  
[www.1800victims.org](http://www.1800victims.org)  
[victim2@pacific.edu](mailto:victim2@pacific.edu)

(Assistance with juvenile restitution orders)

**Office of the Attorney General  
Office of Victims' Services**  
P.O. Box 944255  
Sacramento, CA 95814  
(877) 433-9069 toll-free  
[www.ag.ca.gov/victimservices](http://www.ag.ca.gov/victimservices)  
[victimservices@doj.ca.gov](mailto:victimservices@doj.ca.gov)

**Victim/Witness Assistance Centers**  
(Call your local District Attorney's Office)

# California Department of Corrections and Rehabilitation

**Office of Victim and Survivor Rights and Services  
Juvenile Services Unit**



## Restitution Rights

*"I'm making restitution payments  
because I created financial  
hardship for the victims. "*

-Juvenile Offender

## What is restitution?

In every case where a victim suffers a loss as a result of a crime, and the person responsible for that crime is found guilty or convicted of that crime, the victim is entitled to receive reimbursement for the out-of-pocket expenses incurred directly from the responsible offender(s). This is called restitution. Your right to restitution is found in Article I, Section 28 of the California Constitution, *Victims Bill of Rights*.

## What type of expenses does restitution cover?

Restitution may include reimbursement for the cost of repairing or replacing lost or damaged property and for the following:



Restitution does not cover pain and suffering damages. Pain and suffering damages can be collected in civil court, under certain circumstances.

## Why is restitution important?

Restitution may help you recover from any financial hardship you've incurred as a result of the crime. Since restitution is paid by the offender who caused you harm, he/she will be held accountable for their criminal conduct.

## How is restitution determined?

If the adult or juvenile offender is convicted or found to have committed a misdemeanor or felony, the law requires the Probation Officer to prepare and submit a pre-sentence report on the offender.

The Probation Department should contact you to obtain your loss information and ask you to submit receipts or any other documentation relating to your out-of-pocket expenses.

The Probation Officer will then prepare a report to the court and include a recommendation of the amount the offender should be required to pay you. If the extent of your losses is unknown at that time, the Probation Officer will recommend that restitution be ordered at a later date once the amount has been determined.

If you are not contacted by the Probation Department, you should call the Probation Department and tell them you want to request restitution. If available, it would be helpful to have the offender's name, date of birth, and crime report number to help determine which Probation Officer is assigned to your case.

## When is restitution ordered?

A judge usually orders restitution at the disposition hearing when the offender is sentenced. After reviewing the Probation Officer's report and recommendations, he/she decides the amount of restitution the offender should pay.

If the losses are unknown at the time of sentencing, the judge may order restitution to be determined at a later date.

It is important that you contact the Probation Department as soon as you have your losses identified so an order can be obtained.

There may be statutes of limitations and therefore, it is important to submit your receipts as soon as possible.

## How is restitution collected at the Division of Juvenile Justice (DJJ)?

If the offender was committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ), and the judge ordered restitution, there are four ways that DJJ can collect on your behalf. **(Please note that DJJ cannot collect restitution without a valid court order.)**

- (1) The offender or his family can make voluntary payments at any time.
- (2) If the offender is employed within a Free Venture Program at DJJ, 15% of his/her wages will automatically go toward paying off their restitution.
- (3) DJJ is allowed to take up to 50% of an offender's trust account deposit to pay for the court ordered restitution. This includes deposits received from family, friends, and ward pay. Deposits that are excluded are Free Venture pay deposits and Social Security money deposits.
- (4) If the offender is on parole and employed, a payment plan will be established with the offender's parole agent to pay the restitution.

The DJJ will forward any restitution payments made, as they become available. Normally, restitution checks are issued on a quarterly basis if the amount collected has reached \$25 or more.

If the amount is less than \$25, the money may be held until the minimum level is met.

It is your responsibility to notify the Office of Victim and Survivor Rights and Services of any change in your address or change in your decision to receive restitution while the offender is under DJJ jurisdiction.



It is important to note that DJJ can only collect restitution from the offender while they are under the jurisdiction of DJJ.

## Once the offender is discharged from DJJ, how do I continue to collect restitution?

You may enforce your restitution order as a civil judgment if you wish to continue to receive restitution from the offender once he/she is discharged from DJJ. A civil judgment allows you to garnish an offender's wages or place a lien on any property or assets the offender may own. In some cases, you can obtain a civil judgment against the offender's parents or legal guardians if the offender was a minor when he/she committed the crime.

You may wish to hire an attorney to assist you in obtaining a civil judgment or pursue one on your own. If you cannot afford an attorney, contact your local bar association's pro bono office or legal aid society.