

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

JUVENILE RESTITUTION PROCESS

Authority:

Michelle Scray Brown, Chief Probation Officer

Purpose:

The payment of restitution to crime victims is an essential component of the rehabilitation process for the juvenile and adult offenders. Restitution should be determined at an early stage in the criminal process, recommended as a term of probation or order of the Court, and enforced as an essential part of the supervision plan. Every effort will be made to collect restitution during the period of probation and offenders who willfully fail to pay will be promptly returned to Court.

Responsibilities:

I. All Juvenile Probation Officers (POs):

A. Investigations and Supervision Officers shall:

1. Send the victim letter and pamphlets (Att. A, B & D).
2. Save all documents written, generated and mailed to CE Documents.
3. Include copies of available documentation in the Probation file.
4. Recommend restitution in the amount requested and verified by the victim.
5. When a youth is being committed to DJJ, the restitution order and restitution fine will be included in the Ancillary section of the report and collected by the DJJ. A confidential memo will be included in the commitment documents.
6. Recommend the amount of the Restitution Fine as follows:
 - a. Misdemeanor: \$ 25-100
 - b. Felony: \$100 -1000
7. Complete and send a Financial Order to Central Collections after restitution is ordered (Att. C).
8. Make every effort to determine restitution. However, if this is not possible, "to be determined" shall be recommended to allow further efforts to contact the victim, or more time for the victim to provide detailed documentation for their loss.
9. If the victim has not responded within 30 days of disposition the assigned officer shall repeat efforts to contact victim(s) in order to establish loss.

B. Dismissing/Closing a Case:

1. Prior to dismissing a case, the assigned officer shall:
 - a. Send the Abstract of Judgment (CR-110/JV-790) (Att. D.) and a DA's Victim Restitution Unit pamphlet to the victim(s) (Att. E.).
 - b. Ensure the Abstract of Judgment clearly states where the victim is to sign.
 - c. Ensure the Abstract of Judgment signed by the victim is forwarded to the Judge of the Juvenile Court who made the restitution order, for their signature.
 - d. Ensure the Abstract of Judgment (CR-110/JV-790) has been signed by the Judge in order to proceed civilly. Juvenile Court will then process the CR-110/JV-790 and mail it to the victim with documentation to accompany their Abstract. The victim can then choose to exercise their option of proceeding civilly.
2. If restitution cannot be determined, the officer shall clearly articulate the efforts that have been made and include this information in the request for dismissal.

JUVENILE RESTITUTION PROCESS

Guidelines:

- A. Restitution shall be addressed prior to dismissing a case.
- B. Probation Officers in any juvenile unit shall continue to make efforts to contact the victim(s) and/or determine the exact amount of restitution requested by the victim(s) and modify the "to be determined" term following the process listed above.
- C. Pursuant to W & I Code 730.7, within 60 (sixty) days after restitution has been ordered notify each victim of the name and address of the minor and parent or guardian, the amount and any terms or conditions of restitution, sustained offenses, and the rebuttable presumption that the parent or guardian is jointly and severally liable with the minor for the amount of restitution so ordered by sending the CR-110 after a restitution order has been made.
- D. A more detailed description of what is required can be found in the juvenile workbook under "Restitution".

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

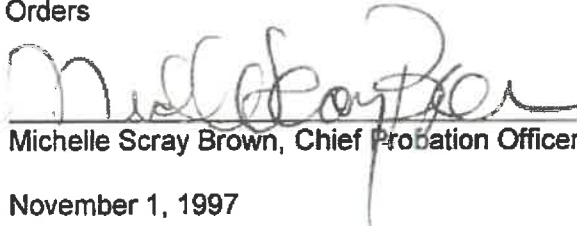
Foundation:

PC 1214(b) (2.)
W&I 730.6 and 730.7
W&I 742

Replaces:

Restitution Fines and Orders

Issued by:


Michelle Scray Brown, Chief Probation Officer

4-25-16
Date

Original Issue Date: November 1, 1997

Revised: July 6, 1999
Revised: April 25, 2016

Attachments: (Available in CE Documents)

Attachment A – Letter-Victim of Juvenile Crimes

Attachment B – Letter- Victim Restitution

Attachment C – Financial Order

Attachment D – Restitution-Abstract of Judgment:

- 1. Information letter to victim
- 2. Civil Collections
- 3. Order for Restitution and Abstract of Judgment (CR-110/JV-790)

Attachment E – Instructions- Order for Restitution and Abstract of Judgment (CR-112/JV-792)

(NOT available in CE) <http://www.courts.ca.gov/documents/cr112.pdf>

Attachment F – Victim Brochure, Spanish or English (NOT available in CE)



Date:

In Re:

JNET #: 0001243833

Subject: Victims of Juvenile Crimes

Dear Mr.

The above named minor(s) will appear before the Rancho Cucamonga Juvenile Court located at 900 E. Gilbert Street, San Bernardino, CA 92415 on _____ at _____ AM. As the victim in the case, you have the right to appear at this and all other hearings on the matter, if you choose to do so. If you choose not to appear at this hearing, you may receive information regarding future hearings by contacting the San Bernardino County Office of the Juvenile District Attorney at (909) 387-6979, or the San Bernardino County Probation Department's Rancho Cucamonga Office at (909) 945-4000. When contacting either the Juvenile District Attorney or the Probation Department, please identify the matter using the case name(s) and number(s) provided above. If your appearance at any hearing is required, you will receive a subpoena issued by the Court.

Prior to the conclusion of the Court proceedings, if the Court finds the allegations to be true regarding the offense in which you were victimized, a probation officer will contact you regarding any statement you wish to make and to clarify issues of restitution. Sections 730.6 and 730.7 of the Welfare and Institutions Code require that you be reimbursed in full for any economic loss caused by the minor(s). The Court's order becomes a civil judgment that can be enforced by you under the provision of Penal Code Section 1214. A certified copy of the order can be obtained by calling the Court Clerk at Rancho Cucamonga (909) 285-3651. The information provided to you regarding the above named minor(s) is **confidential and cannot be disclosed or disseminated by you or your family. Improper disclosure may result in criminal prosecution and a fine of up to \$500.**

In addition to the above, a copy of a brochure prepared by the Judicial Council of California containing information that may be applicable to your case is enclosed for your information.

Sincerely,

encl./



TO PROTECT THE COMMUNITY ...

TRACY REECE
Chief Probation Officer

Defendant: _____ Case No.: _____
Date of Offense: _____ Next Hearing Date: _____ Time: _____
Courtroom: _____ Judge: _____

The Probation Officer is conducting an investigation in the above-listed case, and you are mentioned as a victim. The law provides victims the right to make a statement, the right to attend sentencing hearings, and the right to recover losses through the Civil Court.

•Statements: Your statement to the Court may concern the crime, the defendant, and the need for restitution. This statement can be made in person, through an attorney, in writing, on audiotape, or on videotape. (If made by audio or videotape, a transcript must be provided with the tape and submitted to the Court for its record.) Statements become part of the public record. It is suggested that you do not include information such as your address or phone number if you want to protect your privacy.

•Attending Hearings: The next hearing is listed above. If the defendant is not sentenced at this hearing, you may call the Probation Officer for the dates and times of future hearings. Unless directed by the District Attorney or the Court, you are not required to attend.

•Civil Recovery: If you wish to recover losses through the Civil Courts, you must take the initiative to file the appropriate papers. As part of its proceedings against the defendant, the Criminal Court may order payment of restitution as described below. (Restitution does not affect your right to Civil recovery.)

•Restitution: At your request, the Court may order the defendant to pay you restitution to cover your losses. Please note that pursuant to 1202.4 PC, if your insurance company has paid you for your losses, you may be required to negotiate repayment to them of monies you receive from the defendant. This would not include restitution paid to you for your deductible or other related expenses not covered by insurance.

- Please contact the undersigned Probation Officer and submit the attached claim for restitution (if any) by ____! Failure to do so may cause a significant delay in the order of restitution!
□ If you do not contact the Probation Officer by this date, it will be assumed you have no claim for restitution and do not wish to make a statement for the Court.

•Victim/Witness Program: This program provides a variety of services to the victims of certain crimes, including financial assistance and recovery. Call the District Attorney for further information.

Finally, please note that the defendant receives credit against his sentence for all time spent in custody prior to sentencing, plus good conduct and work-time credits. On the date of sentencing the defendant will have total custody credits of ____ days. This must be taken into account when calculating the defendant's date of release.

CLAIM FOR RESTITUTION

(Please Print the Following Information)

Claim Made By (Victim):
In The Case Of (Defendant):
Case Number: _

Approx. Date Of Loss: ___/___/___

Please attach *copies* of documentation such as estimates for repair, pay stubs, bills, receipts, etc. to substantiate your claim. (You may be required to provide more detailed information at a later date.) Generally, restitution in criminal matters covers medical expenses, property loss/damage, lost wages/profits due to injury or time spent assisting the police or District Attorney, and losses directly attributable to the offense. Public agencies are entitled to the cost of emergency response in drunk-driving cases.

Itemized List of Losses:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

(Continue listing losses on reverse, if necessary)

Total Loss \$ _____

Amount paid by defendant(s) to date:\$ _____

Are any of your losses covered by insurance?..... Yes No

Amount of claim paid by insurance company\$ _____

Amount you were required to pay, including deductible\$ _____

Name of Insurance Co.: _____

Person Address: _____

Policy #: _____ Claim #: _____

SEND RESTITUTION PAYMENTS TO:

Name _____

Phone: _____

Address _____

Reference Number, if applicable: _____

Date Signed: _____

Claimant's Signature _____

Mail or deliver this completed form to the Probation Officer listed on the accompanying letter.

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TO PROTECT THE COMMUNITY ...

TRACY REECE
Chief Probation Officer

FINANCIAL ORDER

PIN: 3078146 Case No.
Probationer (last, first, middle):
Address: City: State-Zip
Mailing Address (if different):
Phone No. SSN
Probation Period: From to Offense
Arresting Agency and City Date of Offense
Employer Name: Phone No.
Address:

Employer Knows Does Not Know Case Type:

Table with 2 columns: Fee/Program Name and Payment/Amount details. Rows include: INVESTIGATION FEE, ATTORNEY FEES, SUPERVISION FEES, DRUG/ALCOHOL PROGRAM, GENERAL FINE, STATE RESTITUTION FINE, DOMESTIC VIOLENCE FUND, OTHER, and VICTIM RESTITUTION.

Table with 2 columns: Victim(s) Name, Address and Reference no. (if any) and Amount Ordered. Includes a section for co-participants with checkboxes for Joint & Severable and Other amount.

Table with 2 columns: Victim Name and Address, and Amount Ordered. Includes a section for co-participants with checkboxes for Joint & Severable and Other amount.

P.O. Signature

Caseload No.

Probation Officer: Phone Number:

Date Completed



SAN BERNARDINO COUNTY PROBATION DEPARTMENT

TO PROTECT THE COMMUNITY ...

TRACY REECE
Chief Probation Officer

Dear :

According to our records, you are the victim in this matter, and the Juvenile Court has previously ordered restitution to your financial losses.

During the minor's term of probation, Central Collections kept track of any payments that may have been made. At this time, the Juvenile Court has terminated wardship and Probation no longer has the jurisdiction to collect on your behalf.

However, pursuant to the law (W&I 730.6 & 730.7) you may pursue the matter through civil collection.

If you would like to pursue this matter, please sign page 1 of the enclosed *Abstract of Judgment/ CR111/JV791*, and mail them to:

San Bernardino County Probation
CLOSED

The Probation Officer will forward the forms to the Court Clerk who will then process these forms and return them to you with a certified copy of the Abstract of Judgment in the mail. If you choose you may then pursue various civil options. Those options are described in the attached document for enforcement of your judgment.

If you have any questions please don't hesitate to contact me.

CIVIL COLLECTION

The County of San Bernardino's Probation Department and District Attorney's Office no longer has jurisdiction over the minor offender in your case and therefore no longer has the authority to pursue collection of your restitution order.

However, the law states that a victim is entitled to enforce any unsatisfied portion of a restitution order (judgment) after the offender (debtor) is no longer on probation or parole. The following are some collection options you may wish to look into when considering pursuing collection of your restitution order:

❖ **REAL PROPERTY LIEN**

An Abstract of Judgment places a lien on any land, house, or other buildings the debtor owns in the county where the abstract is recorded. If property is sold, the debt will be paid out of the proceeds of the sale. An abstract will also place a lien on property the debtor may buy in the future.

❖ **WAGE GARNISHMENT**

A Wage garnishment orders the debtor's employer to give you part of the debtor's wages until the debt is paid.

❖ **BANK LEVY**

A bank levy will take money from the debtor's bank account to pay the judgment. You will need the name, address and branch of the bank.

*You may also wish to seek legal advice from an attorney or legal service for further instruction on enforcement of your judgment.

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and Address)

Recording requested by and return to

TELEPHONE NO. FAX NO. (optional)

E-MAIL ADDRESS (Optional)

ATTORNEY FOR JUDGEMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNADINO:

STREET ADDRESS 900 E GILBERT ST

MAILING ADDRESS: 900 E GILBERT ST

CITY AND ZIP CODE: SAN BERNARDINO, CA 92415

BRANCH NAME Central Juvenile Court

FOR RECORDER'S USE ONLY

CASE NUMBER:

CASE NAME:

FOR COURT USE ONLY

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT

(Penal Code, §§ 1202.4(f), 1203.1(f), 1214; Welfare and Institutions Code, § 730.6(b) and (f))

ORDER FOR RESTITUTION

1. a. On (date) _____ defendant (name) _____ was convicted of a crime that entitles the victim to restitution.
 b. On (date): --WARD DATE-- _____ child (name) _____ was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution. Wardship is terminated.
 c. Parents or guardians jointly and severally liable (name each) _____ ;
 d. Co-offenders found jointly and severally liable (name each): _____
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
 - a. a hearing was conducted.
 - b. stipulated to the amount of restitution to be ordered
 - c. waived a hearing.
3. **THE COURT ORDERS** defendant/child to pay restitution to
 - a. the victim (name): _____ in the amount of: \$ --Amount Ordered minus Paid--
 - b. the State Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ _____
 - c. plus interest at 10 percent per year from the date of _____ loss or sentencing
 - d. plus attorney fees and collection costs in the sum of \$ _____
 - e. plus an administrative fee at 10 percent of the restitution owed (Pen. Code, § 1203.1(f))
4. The amount of restitution includes
 - a. value of property stolen or damaged
 - b. medical expenses
 - c. lost wages or profits
 - (1) incurred by victim due to injury
 - (2) of victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child
 - (3) incurred by victim due to time spent as a witness or in assisting police or prosecution
 - (4) of victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution
 - d. noneconomic losses (felony violations of Pen. Code, § 288 only)
 - e. other (specify): _____

Date:

JUDICIAL OFFICER

VICTIM TO RECEIVE CERTIFIED COPY FOR FILING WITH COUNTY RECORDER

CASE NAME:	CASE NUMBER:
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NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

THE VICTIM SHALL FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHENEVER AN ORDER TO PAY RESTITUTION IS SATISFIED, PURSUANT TO PENAL CODE SECTION 1214(d).

APPLICATION FOR ABSTRACT OF JUDGMENT

5. The judgment creditor assignee of record other (specify):
 applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

[

- b. Driver's license no. [last 4 digits] and state:
- c. Social security no. [last 4 digits]:
- d. Date of birth: 05/04/1987

- Unknown
- Unknown
- Unknown

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF APPLICATE OR ATTORNEY)
 ON INFORMATION AND BELIEF

ABSTRACT OF JUDGMENT

- 6. I certify that the following is a true and correct judgment entered in this action
- 7. Judgment creditor (name):
 whose address or whose attorney's address appears on this form above the court's name.
- 8. Judgment debtor (full name as it appears in judgment): JOHN DOE
- 9. Judgment entered on (date): ---DATE ORDERED?---
- 10. Total amount of judgment as entered or last renewed \$ ---BALANCE DUE (MATCH #3)---
- 11. A stay of enforcement was ordered on _____ and is effective until _____
 A stay of enforcement was not ordered.

This abstract of judgment issued on (date):

[SEAL]

Clerk, by _____ Deputy

NOTICE TO COUNTY RECORDER

THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURSUANT TO PENAL CODE SECTION 1202.4(i) AND (m), PENAL CODE SECTION 1214, AND WELFARE AND INSTITUTIONS CODE SECTION 730.6(i) AND (r), AND FUNCTIONS AS AN ABSTRACT OF JUDGMENT.