

ORANGE COUNTY
PROBATION DEPARTMENT
MISSION STATEMENT

As a public safety agency, the Orange County Probation Department serves the community using efficient and research supported corrections practices to:

- *Reduce Crime*
- *Assist the Courts in Managing Offenders*
- *Promote Lawful and Productive Lifestyles*
- *Assist Victims*

Victim Witness Assistance Program /
Waymakers

P. O. Box 1994
Santa Ana, CA 92702

1-949-250-4058

California Victim Compensation Board
(CalVCB)

P. O. Box 3036
Sacramento, CA 95812-3036

1-800-777-9229

<http://www.vcgb.ca.gov/victims/>

California Department of Corrections and
Rehabilitation

P.O. Box 942883
Sacramento, CA 94283-0001
1-877-256-6877 (toll free)
victimservices@cdcr.ca.gov

www.cdcr.ca.gov/victim_services/contact_ovsrs.html

Victim and Survivors Rights and Services

P. O. Box 942883
Sacramento, CA 94283-0001
1-888-562-5874 (toll free)

http://www.cdcr.ca.gov/victim_services/

Victims of Crime Resource Center

1-800-VICTIMS
<http://www.1800victims.org/>

**FOR FURTHER
INFORMATION CONTACT:**

**THE ORANGE COUNTY
PROBATION DEPARTMENT**

(714) 935-7411

<http://ocgov.com/gov/probation>

P. O. BOX 10260
SANTA ANA, CA 92711

**ASK FOR THE ASSIGNED
COLLECTION OFFICER IN THE
ADULT RESTITUTION UNIT**



**Daniel Hernandez
Chief Probation Officer**

ORANGE COUNTY
PROBATION DEPARTMENT



*Victim
Restitution*

*Assistance
for victims
of adult
offenders*

How can we help?

WHAT IS A RESTITUTION ORDER?

The California Constitution, Article 1 Section 28 (Marcy's Law) confers certain rights to victims of crime. Additionally, the California Penal Code Section 1202.4 states in part, "In every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court shall require that the defendant make restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or any other showing to the court."

The amount of restitution may be determined in one of two ways. First, the court, based on evidence presented at sentencing, may determine the amount or second, the court may order restitution to be paid as determined by Probation.

HOW IS THE AMOUNT OF RESTITUTION DETERMINED?

1. Upon our receipt of an order of the court directing the probationer to pay restitution as determined by Probation, we will initiate an investigation.
2. If you, as an individual, business or government entity, are determined to be a possible victim in a crime, you will receive a "Post-Dispositional" letter from the Probation Department. This is the form that will allow you to submit a claim for restitution against the convicted offender.
3. Upon receipt of your claim, the Collection Officer will review the claim for allowable and actual losses. You will receive either written notification of the determined amount of restitution or a written request for additional documentation in order to support and verify your claim.

*Note: Both the victim and the defendant are entitled to contest the amount of restitution determined; therefore, full documentation of your loss is required in the event of a court hearing.
4. The Department will set restitution for all verified losses.



HOW AND WHEN DO VICTIMS RECEIVE THEIR COMPENSATION?

- The Probation Department will enforce the restitution order on your behalf and pursue collections during the term of probation.
- The person convicted of the crime will pay restitution directly to the Probation Department.
- Once a Restitution Order is in place, when payments are made in cash or postal money orders, the money is disbursed to the victim within 30 days of the date it is received.
- When payments are made by check, credit card, cashier's check or money orders (other than postal money orders), the money is disbursed to the victims within 45 days from the date it is received.
- Victims receive checks in the mail from the Orange County Auditor-Controller. When two or more victims are involved in the same Restitution Order, or the defendant is responsible for multiple Restitution Orders, the disbursement will be prorated among all victims.
- The Probation Department will make every reasonable effort to collect any restitution due, in compliance with the Court's order but this does not guarantee payment.
- Unfortunately, the ability of some probationers to repay restitution sometimes falls short of the amount of restitution owed.
- Our authority to collect restitution on your behalf ceases when the order of probation terminates or expires.
- Victims are entitled to collect restitution concurrently with the Probation Department, and/or after probation supervision terminates as the Restitution Order does not expire or terminate until it has been paid in full.



- Contact the Court Clerk where the probationer was sentenced to request a CERTIFIED COPY of the restitution order. Please provide the Court Clerk with the probationer's name and the court docket number, which is available from the Collection Officer.
- The Probation Department cannot dispense legal advice. You may wish to consult an attorney regarding your rights and alternatives to collecting restitution.
- You will receive written notification when Probation supervision is terminated or interrupted.
- If the probationer is sentenced to state prison, the California Department of Corrections (CDCR) may be able to assist you in collecting restitution still owed you. The CDCR will require a completed application for assistance including a copy of your Restitution Order. The Probation Department will provide you with an application and any information that you require in order to complete the application as allowed by law.

THE PROBATION DEPARTMENT MAY TAKE ONE OR MORE OF THE FOLLOWING ACTIONS TO ENFORCE THE PAYMENT OF RESTITUTION

1. Restitution Order: a document filed with the court to have the determined amount of restitution stated in the court's records.
2. Abstract of Judgment (lien): to create a public record and create a claim or lien on real estate owned or later acquired by the debtor.
3. Writ of Execution: an order of the court to enforce a judgment by levying on real or personal property.
4. Garnishment: an order of the court directing a party (bank or employer) to withhold money to be paid to the Judgment Creditor (Victim).
5. Willful failure to pay restitution is a violation of probation.

NOTE:

The Probation Department has the authority to collect restitution on your behalf ONLY while the defendant is on formal probation.