



# VICTIM AND SURVIVOR RIGHTS AND SERVICES JUVENILE SERVICES



The California Department of Corrections & Rehabilitation (CDCR), Office of Victim and Survivor Rights and Services (OVSRS) offers a variety of services to assist victims of offenders who are under the jurisdiction of the CDCR Division of Juvenile Justice (DJJ). In addition to the extensive knowledge and experience of working with victims of crime, OVSRS also works closely with the courts, probation, and victim advocates. OVSRS encourages you to contact our office for important information regarding your rights and the services provided by CDCR.

## IMPORTANT INFORMATION

The length of stay in custody for a CDCR DJJ offender is determined by the severity of the committing offense and their progress towards parole readiness; however, the DJJ is authorized to house youth until the age of 21 or 23, depending upon their commitment offense. Offenders are released to county probation supervision, unless they are held for the maximum allowable time by law.

Offenders have annual case review hearings to assess their progress toward behavioral, education, and treatment goals. Projected discharge dates may change as a result of these hearings. Victims or victim's next of kin have a right to attend both types of hearings and present a victim impact statement or have it read on their behalf by a Victim Services Coordinator at the facility.

The DJJ also provides housing for youth under the age of 18 who have been sentenced to state prison. Youth sentenced to state prison may remain at DJJ until age 18, or if the youth can complete his or her sentence prior to age 21, the DJJ may house him or her until released to parole or probation.

## WHAT IS A VICTIM IMPACT STATEMENT?

Victim Impact Statements provide an opportunity for the Juvenile Parole Board Commissioners to understand how this crime has affected you, your family, and those close to you. Many victims have found it helpful to voice how their lives have been impacted by the crime committed against them physically, financially, emotionally and even spiritually.

It is your choice whether you make a victim impact statement however, no one knows better than you how the crime has changed your life. It is very important for you to assist the Commissioners in understanding all of the ways this crime has affected you and those close to you. Whether or not you choose to submit a victim impact statement is a decision made by you and your family. It is a voluntary right that you have as a victim of crime.

If you submitted a victim impact statement for court purposes and would like the statement on file with DJJ, please contact our office.

## WHAT ASSISTANCE IS AVAILABLE TO YOU?

- Advanced notification of annual case review and discharge hearings (**Welfare and Institutions Code § 1767**)
- Restitution collection (**Welfare and Institutions Code § 730.6**)
- Assistance with requesting probation conditions upon discharge
- Accompaniment to hearings
- Preparing victim impact statements
- Assistance with requests to stop an offender from harassing a victim, victim's immediate family members or witness through social media, contraband cell phones, letters or other means
- Explanation of your rights, California laws and CDCR/DJJ policies
- Provide travel reimbursement for victims, victims' family members (next of kin) to attend hearings through the Victims of Crime Act (VOCA) victims fund
- Facilitate restorative justice opportunities including the Victim Offender Dialogue (VOD) program

## HOW DO YOU REQUEST NOTIFICATION?

To request ongoing notification about the offender's release date, escape, discharge consideration hearing, annual case review hearing, and furlough status, you must complete the "Request for Offender Information" form. This form can be obtained from your local Victim/Witness Assistance Program, downloaded via the CDCR website or contacting our office directly. Under Penal Code Section 679.03(c), **your contact information will be kept confidential.**

You may also request notification of an offender's criminal appeal. Please call the State of California, Office of the Attorney General, Victim Services Unit at 1-877-433-9069.



## 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*.

## WHY IS RESTITUTION IMPORTANT?

Restitution may help you recover from any financial hardship you have 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 County Probation Department should contact you to obtain your loss information and request 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. 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 contact them to follow-up. 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, the judge 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.

The court may impose restitution; however, CDCR cannot collect restitution on your behalf unless the court order specifies a dollar amount and includes your name. To ensure restitution checks are

forwarded to you, we will need your current address. Contact our office to check on the status of your restitution order and payments.

### WHAT TYPE OF EXPENSES DOES RESTITUTION COVER?

- Medical expenses
- Funeral expenses
- Mental health counseling
- Wage and income loss if the victim was unable to work due to the crime
- Cost of repairing or replacing lost or damaged property
- Relocation expenses
- Insurance deductibles
- Home or vehicle modifications
- Possible future losses
- Attorney Fees
- Interest

In criminal law, restitution only covers direct economic loss as a result of the crime, and does not include damages for pain and suffering or emotional distress. These types of damages may be collected in civil court, under certain circumstances. The only exception to this rule of law is in cases of child sexual assault. In child sexual assault cases the court can order restitution for non-economic damages.

### HOW IS RESTITUTION COLLECTED AT THE DIVISION OF JUVENILE JUSTICE (DJJ)?

If the offender was committed to the jurisdiction of the CDCR DJJ, and the judge ordered restitution, there are three ways that DJJ can collect on your behalf.

- 1) The offender or his/her family can make voluntary payments to the CDCR DJJ at any time.
- 2) If the offender is employed within a Free Venture Program at DJJ, 20% of his/her wages will automatically go toward paying off the restitution debt.
- 3) DJJ is allowed to take up to 50% of an offender's trust account deposits to pay for the court ordered restitution. This includes deposits received from family, friends, and ward wages. Deposits that are excluded are Free Venture pay deposits and Social Security money deposits.

The DJJ will forward any restitution payments made, as they become available. Restitution checks are issued on a quarterly basis. Please

note: DJJ cannot collect restitution without a valid court order.

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.

Note - 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.

In California, parents and legal guardians of the offender can be held liable for the intentional criminal acts of their minor children. Even if the parents/legal guardian did nothing wrong, they may be liable for up to \$25,000 in damages. In cases of an injury or death caused by firearms, parents may be liable up to \$30,000. (See Cal Civil Code Sec 1714.1; Cal Civil Code Sec 1714.3)

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. You may also contact the Victims of Crime Resource Center at 1-800-VICTIMS for resources and advice regarding the civil process.

## FINANCIAL ASSISTANCE

Victims of violent crimes may be eligible for victim compensation from the California Victim Compensation Board (CalVCB). The CalVCB 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 modifications, home moving/relocation expenses, and home security installation or improvements.

The CalVCB may find you eligible for compensation whether or not 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 CalVCB, any restitution payments made from the offender will be forwarded to the CalVCB for repayment until the claim has been satisfied.

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

# RESOURCES FOR VICTIMS

## **Case Review Hearings:**

Board of Juvenile Hearings  
P.O. Box 588501  
Elk Grove, CA 95758  
(916) 683-7479  
Web: [www.cdcr.ca.gov/Juvenile\\_Justice](http://www.cdcr.ca.gov/Juvenile_Justice)

## **Financial assistance to crime victims:**

California Victim Compensation Board (CalVCB)  
P.O. Box 3036  
Sacramento, CA 95812  
1-800-777-9229  
Web: [www.victims.ca.gov](http://www.victims.ca.gov)  
Email: [info@victims.ca.gov](mailto:info@victims.ca.gov)

## **Appeals information:**

California Attorney General's Office  
Victim Services Unit  
P.O. Box 944255  
Sacramento, CA 94244-2550  
1-877-433-9069  
Web: [www.ag.ca.gov/victimservices/](http://www.ag.ca.gov/victimservices/)  
Email: [VictimServices@doj.ca.gov](mailto:VictimServices@doj.ca.gov)

## **Additional resources/assistance:**

Victims of Crime Resource Center  
McGeorge School of Law  
1-800-VICTIMS  
1-800-842-8467  
Web: [www.1800victims.org](http://www.1800victims.org)  
Email: [victims2@pacific.edu](mailto:victims2@pacific.edu)

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

**Call Toll Free 1-877-256-6877**

**Mailing Address:**

California Department of Corrections and Rehabilitation  
Office of Victim and Survivor Rights and Services  
P.O. Box 942883  
Sacramento, CA 94283

**Email Us:**

**[victimservices@cdcr.ca.gov](mailto:victimservices@cdcr.ca.gov)**

**Web:**

**[www.cdcr.ca.gov/victims](http://www.cdcr.ca.gov/victims)**

