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THE SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE
RESTITUTION POLICY

Purpose

The procedures listed below are intended to create a coordinated response between Victim Service Division (VSD) and assigned Assistant District Attorneys (ADA) to support a victim's rights to timely response to request/order restitution.

Scope

This Restitution Policy applies to forms related to restitution orders for charged cases, probation cases, collaborative courts, or where a victim of a violent crime has requested restitution and those forms related to restitution orders. But this policy does not include misdemeanor cases (with the exception of domestic violence, violent crimes, residential burglaries).

Policy & Procedure

Request for Restitution

The SFDA Intake Unit Paralegal Staff will mail the Restitution Request Form to the victim, except for cases at the Juvenile Justice Center (JJC). The Advocate also sends an outreach letter to the victim, which also has the Restitution Request Form attached.

The victim will then complete the request form and mail it back to SFDA at 350 Rhode Island, returning it to the Advocate and/or assigned ADA.

- If the form is returned by mail, please drop the form into the VSD mailbox.

Gather Information & Complete Order for Restitution Form

The ADA will alert the court and defense counsel of the defense's duty to complete the CR-115 form from the Judicial Council.

The Advocate informs the assigned ADA of restitution request form and asks the victim about any other known expenses. The Advocate uses the information provided by the victim to complete the ORDER FOR RESTITUTION FORM, including the assigned ADA's information.

- An ORDER FOR RESTITUTION FORM includes:

- The Judicial Council CR-110/111 and CR-110 forms; or
- The modified form to be used for Collaborative Courts or diversion.

The Advocate then returns the ORDER FOR RESTITUTION FORM by uploading the form in the eProsecutor (ePro) File Cabinet, UNSIGNED, and assigns an ePro Task to the assigned ADA for review and signature BEFORE Sentencing.

For a case involving the *Adult Probation Department (APD)*, the probation restitution aide or assigned probation officer completes the ORDER FOR RESTITUTION FORM for inclusion in pre-sentencing report. Probation department may contact VSD for support on restitution amount and/or connection to assigned ADA.

For *Collaborative Courts*, the ADA will assign the advocate an ePro Task labeled “Restitution” to alert the advocate to complete ORDER FOR RESTITUTION FORM as early as possible (2 to 3 months before graduation is recommended), at minimum one week before the court date. TIMELINE EXCEPTION: ORDER FOR RESTITUTION FORM must be completed before dismissal. This is IMPORTANT because once the case is dismissed the courts no longer have jurisdiction to issue a restitution order. Follow restitution policy process as outlined.

For the *Juvenile Justice Center*, speak with the Managing Attorney for the restitution process.

If the case resolves by way of *Pre-trial Diversion*, the assigned ADA shall contact the assigned Advocate, the direct victim(s), and the Victim Services Restitution Specialist. Contact must occur before dismissal to ensure that all restitution, both direct and CalVCB, are considered in the disposition. Otherwise, once diversion is completed and/or any sealing order is imposed, the court no longer has jurisdiction to issue a restitution order.

For Pre-trial Diversion, like Collaborative Courts, use the ORDER FOR RESTITUTION FORM modified for diversion cases.

Review, Certification, and Filing of Order for Restitution Form

The ADA will review the ORDER FOR RESTITUTION FORM for accuracy and make edits as applicable before signing.

The assigned ADA shall request on the record that the court order the defendant to create a restitution collections account with the Superior Court Comprehensive Collections Unit (CCU), located at 850 Bryant, Room 101, Window 10.

- This does not apply to state prison sentences because California Department of Corrections (CDCR) handles collection for inmates.

The ADA will print eight (8) copies of the ORDER FOR RESTITUTION (1 original [for court’s docket], 2 courtesy copies for the court, and one for each of the following: the District

Attorney's Office, Defense Counsel, the victim, VSD, and APD). Be mindful that each defendant and each victim will require a separate set of copies.

The ADA will then obtain five (5) certified copies at sentencing court date to be distributed to: the District Attorney's Office, Defense Counsel, the victim, VSD, and APD.

If the victim is in court, the ADA will provide victim certified copy of ORDER FOR RESTITUTION FORM. If the victim is not in court, ADA will provide certified copy to VSD by placing in VSD mailbox located at 350 Rhode Island.

The Admin Advocate will scan the certified copy of ORDER FOR RESTITUTION FORM into criminal case file in ePro Filing Cabinet and place a hard copy in the "Restitution" tray in the Records Room.

Update to Victim

The Advocate will mail the certified copy to the victim and/or coordinate arrangements for receipt of copy, if not already received. The Advocate will contact the victim to confirm address for receipt of restitution and educate on Restitution collection process (provide Restitution guide).

Collection of Restitution

For *felony, probation, or diversion cases*, the Advocate emails CCU (at Collections@sftc.org) with victim's confirmed address and a copy of the CR-110, CR-111, and CR-115 (the latter if available).

The Advocate will also assist victims in recording the ORDER FOR RESTITUTION FORMS in the county where the defendant resides or has ties.

If there is a state prison commitment to *CDCR*, the Advocate downloads and completes the 1707 Form from its Victim Rights Survivor's Services webpage (see addendum for form link).

The Advocate can assist in completing the 1707 form if needed and the victim sends to CDCR directly per instructions on form. Consider cc: to the victim on communication to CDCR.

Non-violent Crimes

If a restitution request is received by VSD, the Admin Advocate will upload restitution request to ePro and send e-mail to assigned ADA or paralegal for follow-up.

Complete restitution forms should be dropped in the Records Room for filing.

Exceptions

If contact with the victim is unsuccessful, the Advocacy Supervisor will handle, unless LexisNexis search does not yield results; in that case, the matter should be referred to DAI.

Forms

1707 CDCR form and instructions: [Request for Victim Services 1707 REV 6-16 Final \(ca.gov\)](#)

ORDER FOR RESTITUTION FORM used in collaborative court:

<https://sfgov1.sharepoint.com/:b:/s/DAT/Restorative-Justice/EczeDwVZlgxGn4rYYmz1JHoBOul5WVIYtsnxgii6jUctDw?e=66MbhY>.

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