

TANJA HEITMAN
CHIEF PROBATION OFFICER

COUNTY OF SANTA BARBARA PROBATION DEPARTMENT

DAMON FLETCHER, CPA
ADMINISTRATIVE DEPUTY DIRECTOR



Administration & Adult Services ~ 117 E. Carrillo Street ~ Santa Barbara, CA 93101
(805) 882-3700 ~ Admin FAX (805) 882-3651 ~ Adult FAX (805) 882-3701

WWW.COUNTYOFSB.ORG/PROBATION

DATE: _____

Santa Barbara Juvenile Services
4500 Hollister Avenue
Santa Barbara, CA 93110
(805) 692-4840
FAX (805) 692-4841

Lompoc Adult
415 East Cypress Ave.
Lompoc, CA 93436
(805) 737-7800
FAX (805) 737-7811

Santa Maria Adult & Santa Maria
and Lompoc Juvenile Services
2121 South Centerpointe Parkway
Santa Maria, CA 93455
(805) 739-8500
Admin FAX (805) 739-8579
Adult FAX (805) 739-8601
Juvenile FAX (805) 739-8570

Offender Name: _____

Case No.: _____

Date of Offense: _____

Next Hearing Date/Time: _____

Courtroom: _____ Judge: _____

The Probation Officer is conducting an investigation into the above matter in which you are identified as a victim. The law provides victims the **right to make a statement, attend sentencing or disposition hearings, and to recover financial losses civilly and/or through restitution.**

Statements: Your statement to the Court may concern the crime, the offender, 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 wish to protect your privacy.**

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 offender, the 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 offender to pay you restitution to cover your losses. In general, restitution in criminal matters covers medical expenses, property loss, or property damage. Restitution may also cover wages or profits lost due to injury or to time spent assisting the police or District Attorney. All restitution claims must be directly related to the crime for which the offender was convicted/adjudicated unless otherwise ordered by the Court. The submission of this claim will in no way guarantee payment and, in fact, you are urged to exercise your legal rights through civil action. 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 offender. This would not include restitution paid to you for your deductible or other related expenses not covered by insurance. **If you wish to make a claim for restitution, please complete the attached “Claim For Restitution” form and return it to the undersigned Probation Officer within 10 days.** If you do not contact the Probation Officer within that time, it will be assumed that you do not wish to make a claim for restitution. **Please notify our office if you have a change of address so that any potential payments may be forwarded.**

Victim/Witness Program: This program provides a variety of services to victims of certain crimes, including financial assistance and recovery. If you have been the victim of a crime that meets the required definition, you or others may be eligible to receive payment from the California State Restitution Fund for the losses directly resulting from the crime. To learn about eligibility and receive an application to receive payments, call the Victims of Crime Program at (800) 777-9229 or call your local county Victim Witness Assistance Center.

Victims of Crime Website: www.CalVCP.ca.gov

Victim\Witness Assistance Center: Santa Barbara: 805-568-2400
Lompoc: 805-737-7910
Santa Maria: 805-346-7529

Victims Legal Resource Center: 1-800-VICTIMS

Disposition Notification: If you would like to receive disposition information, please contact the assigned Probation Officer.

If you are the victim of a crime committed by a juvenile, the following applies:

- **Attending Hearings:** Pursuant to §676.5 of the Welfare and Institutions Code (WIC), as a victim of a crime, you and up to two support persons of your choosing may attend juvenile court hearings. The next hearing date is listed above. If the offender's case does not go to disposition at this hearing, you may call the Probation Officer for the dates and times of future hearings. They are also usually announced at each court hearing.
- **Disposition/Restitution Notification:** Pursuant to §742(a) WIC, victims of crime may request to be informed by letter of the final disposition of their case and terms of any Juvenile Court order involving restitution. You also have the right to participate in a victim-offender conferencing program or victim impact class. If you would like to receive disposition information or to participate in victim-offender conferencing, please contact the assigned Probation Officer.

If you are the victim of a crime committed by an adult, the following applies:

•**Attending Hearings:** The next hearing is listed above. You have the right to be notified, upon request, of all public proceedings at which the defendant and prosecutor will be present, and the right to be present at the proceedings yourself. This letter is your notification of the next such proceeding, at which time the defendant may or may not be sentenced. If the defendant is not sentenced on the above date, you may call the Probation Officer and request to be notified of the dates and times of future hearings. Please note that the defendant receives credit against his/her 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.

•**Confidential Victim Notification Service:** VINE is an automated service that lets victims, family members of victims, or a witness who has testified against the offender track the custody status of an adult offender who is incarcerated. By calling 1-877-411-5588 or visiting www.vinelink.com, you can find the custody status of an adult offender 24 hours per day, 7 days per week.

·Appeal status information: Should the defendant in your matter be sentenced to State Prison, you may have the right to appeal information which can be accessed through the Victim Services Unit of the Attorney General's Office. The forms can be found at <https://oag.ca.gov/victimservices/notification>

Please contact this office with any questions you may have.

Phone: _____

Select:



SANTA BARBARA COUNTY PROBATION DEPARTMENT

117 E. Carrillo St. 2121 So. Centerpointe Pkwy. 415 E. Cypress Ave
Santa Barbara, CA 93101 Santa Maria, CA 93455 Lompoc, CA 93436

CLAIM FOR RESTITUTION
(Please Print the Following Information)

Claim Made By (Victim):

In The Case Of (Offender):

Approx. Date Of Loss: Case Number: Location:

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:

Four horizontal lines for listing losses, each ending with a dollar sign (\$).

(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 #

Amount Claimed:\$

The offender is required to reimburse a victim for the total amount of monetary loss incurred as a result of his/her illegal act. Sometimes, full or partial compensation has been made by your insurance company. The Probation Department will not reimburse an insurance company. If you claim the "Total Loss" as the "Amount Claimed," you will be responsible for reimbursing your insurance company.

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.



Joyce Dudley

Santa Barbara County District Attorney

THE VICTIMS' BILL OF RIGHTS ACT OF 2008

Marsy's Card and Resources

To provide victims with rights to justice and due process

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law by contacting the Local Victim Witness Assistance Program or the Attorney General's Victim Services Unit at 1-877-433-9069.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal. Const., art. 1 § 28(e).)

Local Resources

Santa Barbara County District Attorney's Victim-Witness Assistance Program: (805) 568-2400 South County / (805) 346-7529 North County.
www.countyofsb.org/da/.

Santa Barbara County Jail – Adult Inmate Information:
 (805) 681-4264. County inmate custody and release information.

Santa Barbara County Probation Department – Juvenile Custody Information: (805) 692-4840 Santa Barbara / (805) 739-8550 Santa Maria / (805) 737-7800 Lompoc. www.sbprobation.org.

Santa Barbara County Superior Court Website:
<http://www.sbcourts.org/pubcal/>. Information on active criminal cases. Requires the defendant's name and court case number.

California Department of Corrections and Rehabilitation:
 (877) 256-6877. State prison inmate status and release information and notice of parole procedures.
[Http://www.cdcr.ca.gov/Victim_Services/index.html](http://www.cdcr.ca.gov/Victim_Services/index.html).

Officer's Name:	<input type="text"/>	Telephone:	<input type="text"/>
Prosecutor's Name:	<input type="text"/>	Telephone:	<input type="text"/>
Offender's Name:	<input type="text"/>	Date of Birth:	<input type="text"/>
Police Report No.:	<input type="text"/>	Superior Court Case No.:	<input type="text"/>

Victims' Bill of Rights **"Marsy's Rights"**

California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family, or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request. (Cal. Const., art. I, §28(c)(1).)