



OFFICE OF THE
DISTRICT ATTORNEY
EL DORADO COUNTY, CALIFORNIA
VERN PIERSON, DISTRICT ATTORNEY

August 4, 2008

The Honorable James R. Wagoner
Presiding Judge
El Dorado County Grand Jury
495 Main Street
Placerville, California 95667

**RE: RESPONSE TO GRAND JURY REPORT
VICTIM RESTITUTION**

The Honorable James R. Wagoner:

This office has received a Report by the 2007-2008 Grand Jury addressing Victim Restitution (GJ 07-014) which includes Grand Jury Findings and Recommendations. A prevailing concern voiced by the Grand Jury is that crime victims are not receiving restitution amounts owed to them due to a lack of information on actual losses.

Senior-level management in the prior administration of the District Attorney's office did not make restitution a priority in case dispositions. Unfortunately, it appears that the prior administration viewed the establishment and collection of restitution to be the responsibility of the Probation Department and/or the Courts. Due to this failure by leadership, most cases were resolved without any determination of actual restitution owed. This caused a chain of events which resulted in a failure of enforcement of restitution in most cases.

After being sworn into office in January, 2007, the current District Attorney recognized that a determination of loss to crime victims was not sought on a regular basis before a case was resolved. Therefore, in October, 2007, the District Attorney implemented a Restitution Policy. As part of that policy, a victim restitution letter and claim form were also created to assist crime

Please Reply To:

✘ 515 Main Street
Placerville, CA 95667
(530) 621-6472
Fax (530) 621-1280

☐ 1360 Johnson Blvd. Ste. 105
South Lake Tahoe, CA 96151
(530) 573-3100
Fax (530) 544-6413

WEB SITE:

www.co.el-dorado.ca.us/eldoda

victims. The letter explains how to complete the form, where to return it and includes a phone number to the District Attorney Victim/Witness Program for further assistance. This letter along with the claim form are sent out at the same time the District Attorney files charges in a case where there is a victim. When the office receives the claim form back from a crime victim, it is placed in the case file and used to establish restitution amounts when the case is resolved. Further, it is now the policy of the District Attorney to ensure that, when practical, restitution is specified at entry of plea or sentencing.

While significant changes have recently been made in identifying specific losses to crime victims, the District Attorney recognizes that the issue is not completely resolved. Therefore, the District Attorney's Office will continue with its efforts to contact crime victims early on in case proceedings in order to effectively and accurately identify restitution amounts. Additionally, the District Attorney will work diligently to create a comprehensive county program which ensures crime victims receive appropriate restitution.

Sincerely,

EL DORADO COUNTY
DISTRICT ATTORNEY



VERN R. PIERSON
District Attorney

VRP:nva

Attachments

cc: El Dorado County Board of Supervisors

✓El Dorado County Grand Jury

**DISTRICT ATTORNEY RESPONSE
TO SPECIFIC FINDINGS**

1. The District Attorney agrees with this finding.
2. The District Attorney agrees with this finding.
3. The District Attorney agrees with this finding in part. As explained in the above narrative, the Grand Jury's findings correctly recognize a historic shortcoming of the District Attorney. However, with the change in administration, this problem has largely been corrected.
4. The District Attorney agrees with this finding.
5. The District Attorney agrees with this finding.
6. The District Attorney agrees with this finding.
7. The District Attorney agrees with this finding in part. As explained in the above narrative, the Grand Jury's findings correctly recognize a historic shortcoming of the District Attorney. However, with the change in administration, this problem has largely been corrected.
8. The District Attorney agrees with this finding.
9. The District Attorney disagrees with this finding.

**DISTRICT ATTORNEY RESPONSE
TO SPECIFIC RECOMMENDATIONS**

1. This recommendation has been implemented in part. Over the last several months, the current District Attorney has conducted meetings with representatives of the Superior Court, El Dorado County Probation Department, El Dorado County Revenue and Recovery, El Dorado County Child Support Services, and the El Dorado County Sheriff. It should be noted that the present District Attorney Senior Management (District Attorney and Chief Assistant District Attorney) were previously experienced prosecutors in counties without this shortcoming.
2. This recommendation has been implemented in part. As stated in the above narrative, the District Attorney's current administration implemented a policy change in October of 2007, which implements the recommendation regarding early victim contact and restitution identification. However, use of the Sheriff's STAR volunteers has not been implemented and will require further analysis regarding feasibility.
3. This recommendation has been implemented.
4. This recommendation requires further analysis. Upon consultation with the Superior Court, it is believed this recommendation may violate Penal Code § 1201.3.
5. This recommendation has been submitted to the El Dorado County Sheriff.
6. This recommendation has been implemented in part. Over the last several months, the current District Attorney has conducted meetings with representatives of the Superior Court, El Dorado County Probation Department, El Dorado County Revenue and Recovery, El Dorado County Child Support Services, and the El Dorado County Sheriff. It should be noted that the present District Attorney Senior Management (District Attorney and Chief Assistant District Attorney) were previously experienced prosecutors in counties without this shortcoming. However, the District Attorney does not believe it would be feasible to integrate with the state at this time.



OFFICE OF THE
DISTRICT ATTORNEY
EL DORADO COUNTY, CALIFORNIA

VERN PIERSON, DISTRICT ATTORNEY

M E M O R A N D U M

TO : **All Attorney Staff**

FROM : **Vern Pierson, District Attorney**

DATE : **October 4, 2007**

SUBJECT : **Restitution Policy**

It appears that in many cases our office does not consistently have an amount of restitution owing to the victim(s) at the time of plea. This results only in a general order of restitution and at some later time a restitution hearing being set to determine the amount owing. In order to have the restitution amount at the time of plea, the following is effective immediately.

Upon the filing of any case where restitution is, or may become, an issue, the filing attorney shall note on the filing form that a restitution letter to the victim is needed. This request should be noted before the case goes to staff members for filing.

Once the filing form is received by staff members with this notation, a victim letter shall be prepared (see attached example), signed by the filing attorney and sent to the victim. The letter directs that a separate form (Restitution Claim Form) be returned to the Victim/Witness Program to the attention of Sue Meyer. Once Victim/Witness receives the claim form, it will be matched up with the file and brought to an attorney's attention so that information can be noted in the file and documentation supporting any loss can be discovered to defense counsel.

The attorney handling the case in court shall look in the file for such information. As part of a plea bargain in any case, attorneys shall request a stipulation from defense counsel regarding the claimed amount, if supported by the documentation received. It should be the unusual case (i.e. ongoing medical expenses) where a specific amount of restitution is not ordered. Additionally, at the time of plea, the attorney shall request an Order of Restitution for the claimed amount as part of the probationary terms. If defense counsel is not willing to stipulate to the restitution amount, a restitution hearing shall be set immediately.



OFFICE OF THE
DISTRICT ATTORNEY
EL DORADO COUNTY, CALIFORNIA

VERN PIERSON, DISTRICT ATTORNEY

<Insert Date>

Victim Name
Address

RE: People v. Defendant

Dear Mr./Ms. Victim:

Our office has filed charges in the above-referenced matter in which you are a named victim. Based on information we have received, it appears you may have incurred some monetary loss as a result of the crime. Please complete the enclosed Restitution Claim form. The amounts you submit on the enclosed form will be used by our office, in Court, to seek repayment for your losses. Therefore, please be accurate in completing the form.

On the form, you should include the amount of loss, the nature of the loss (i.e. vehicle damage, medical bills, loss of wages) and whether insurance has made any payments. Please attach all necessary documents that support the amount being claimed. Additionally, there is space on the form to write a description of your expenses/losses and how you arrived at the amount of loss being submitted. If you have on-going medical expenses, please indicate that information on the enclosed form, but still include your total current expenses. Once you have completed the enclosed form, please sign it and return to our office within thirty (30) days in the enclosed envelope.

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(530) 573-3100
Fax (530) 544-6413

If we do not receive a response within thirty (30) days, it may lead to the Court not being properly informed of your losses and may interfere with our ability to seek restitution on your behalf. Additionally, if you decide to exercise your option of civil recourse against the offender, please notify our office with that information immediately. If you have questions, please contact our Victim/Witness Assistance Program at (530)621-6414.

Sincerely,

WEB SITE:
www.co.el-dorado.ca.us/eldoda

Name
Deputy District Attorney

Enclosures