

QUESTIONS AND ANSWERS

How long does the defendant have to pay restitution?

The defendant is expected to pay all restitution, fines and fees in full 60-90 days before the termination of probation. If this does not occur, the assigned probation officer or sentencing judge can take action against the defendant by requesting a probation violation hearing.

I have not received restitution in full and the defendant is no longer being supervised. How do I get the money?

It is possible that the outstanding restitution has been turned over to the Oregon Department of Revenue for collection. They will pursue collecting the outstanding restitution for one year. After that time, the case is turned over to a private collection agency.

How are payments sent to me?

The defendant makes payments through Clackamas County Circuit Court and the court then forwards payment to you. This allows the court to keep your contact information confidential as well as track payment activity. Each payment that is received by the court is split into two parts; half is applied toward restitution and the other half is applied toward court fines and fees.

CONTACT INFORMATION

District Attorney's Office **Victim Assistance Program**

708 Main Street
Oregon City, Oregon

24 Hour Crisis Line
(503) 655-8616

Clackamas County **Community Corrections**

1024 Main Street
Oregon City, OR 97045

Probation Officers
(503) 655-8603

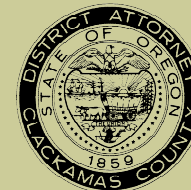
Post-Conviction
Victim Services
(503) 655-8776

Clackamas County
Circuit Court
Accounting Department
Restitution questions &
Change of Mailing Address
(503) 655-8453

VICTIM ASSISTANCE PROGRAM

A Victim's Guide to RESTITUTION

24 HOUR CRISIS LINE
503-655-8616



John S. Foote
District Attorney
Clackamas County

In a criminal trial a judge may order an offender to pay restitution (a sum of money to help cover the cost of the damage the offender caused) to the people they have harmed.

What is restitution?

Restitution is reimbursement paid to the victim by the defendant for losses incurred directly as a result of the crime. Restitution may include property damage or loss, medical expenses or wages lost due to personal injury.

Restitution can only be obtained if the defendant has been convicted. Restitution is ordered as part of the sentence imposed upon the defendant by the judge. The defendant has the entire period of probation or post-prison supervision to pay the restitution ordered.

How do I request restitution?

In order to request restitution, you must submit documentation of loss to verify that you have suffered a financial loss as a result of the crime. Without documentation, the DA's Office will be unable to successfully present your request to the judge.

How long do I have to submit my request for restitution?

The District Attorney's Office has enclosed a restitution form to assist you in listing your losses. The enclosed letter identifies the deadline to submit your request.

What if I cannot get all of my documentation together in time?

If you are unable to meet the specified deadline, you must contact the DA's Office to request additional time. If we have provided additional time to you, and restitution figures are unavailable at the time of sentencing, the Deputy District Attorney may ask the court for additional time to document losses. If restitution documentation has not been received by the given deadline, the judge also has discretion to dismiss any requests for restitution.

My bank or insurance company covered some or all loss for me. How do payments work then?

Your bank or insurance company will likely want to request restitution, even if you yourself have no loss. In the event they are also awarded restitution, your loss will be paid in full before the bank or insurance company begins to receive payment for their loss.

How is restitution ordered?

Once your request is received and complete, the documentation is provided to the defense attorney. The defense may agree to the amount or object to it. If the defense objects, a restitution hearing will be set and you will receive a subpoena to appear in front of the judge to testify regarding your losses. If the defense agrees to restitution or the judge finds in your favor at the restitution hearing, the defendant is required to pay back your losses through the Clerk of the Court.

Who monitors the restitution payments?

Restitution is considered a condition of probation or post-prison supervision. Restitution payments are not monitored or enforced by the Clackamas County District Attorney's Office.

If the defendant is on bench probation, restitution payments are monitored by the sentencing judge. Judges can be contacted by writing to Clackamas County Circuit Court at the address listed on the back of this brochure. If the defendant is on formal probation or post-prison supervision, restitution payments are monitored by the defendant's probation officer at Clackamas County Community Corrections (503-655-8603).

What if I am not receiving payments?

If after 60 days from sentencing you have not received restitution payments, contact the supervising judge or probation officer. Please include the name of the defendant and court case number when addressing concerns. include the name of the defendant and court case number when addressing concerns.

VICTIM RESOURCES

Crime Victims' Services Division

<http://www.doj.state.or.us/victims/compensation.shtml>

Oregon Department of Justice

<http://www.doj.state.or.us/crimev/comp.shtml>