

What Can Delay Payments?

The offender may be unable to work for various reasons including being in jail or a treatment program. The offender may have other restitution obligations from previous offenses. There may be several other victims and high dollar amounts owed from offenses occurring at the same time or closely connected with your offense. Each victim may receive a percentage of the amount collected. Payments may also be alternately disbursed to victims, so each victim would not receive monthly payments even if the offender were making regular monthly payments to the court.

What If The Offender Does Not Pay?

If the offender fails to pay as ordered after a reasonable period of time and is on **probation**, you have a right to ask the probation officer (651) 438-8288 or prosecuting attorney (651) 438-4438 to schedule a probation review hearing in court. At the review hearing, the judge may:

- order the offender to pay all the restitution within the remaining time, *or*
- extend the offender's probation for an additional year to allow more time for payment, *or*
- send the offender to jail or prison (this may undo the restitution order), *or*
- allow the offender to complete the probation period without paying restitution; *or*
- enter a civil judgment against the offender for the remaining amount of restitution owed.

The probation officer **must** ask for a review hearing if restitution has not been paid 60 days before the end of the offender's probation.

If the offender is on **supervised release** from **prison** and fails to make payments, the supervised release may be revoked causing the offender to return to prison. You may contact the supervised release officer to discuss this. If you do not know the supervising officer, call the Department of Corrections at (651) 642-0322.

What Is Reparations?

Reparations is money available to assist injured victims with certain costs they have as a result of a crime such as medical care, counseling costs, lost wages, substitute child care, or funeral expenses. Not all victims are eligible for reparations. Property damage or loss is **not** covered. Claims must be filed within three years of the injury except cases involving domestic child abuse and certain other very limited exceptions. **VICTIMS OF VIOLENT CRIME SHOULD FILE A CLAIM FOR REPARATIONS EVEN IF THEY ARE ALSO REQUESTING RESTITUTION**, since there is no guarantee the offender will be able to pay restitution, and reparations may cover the losses quicker. **Both** financial options should be pursued at the same time, when eligible. The Dakota County Attorney's Victim/Witness Program (651-438-4488) will assist you with information and claim forms for reparations.

What Is The Difference Between Restitution And Reparations?

Restitution:

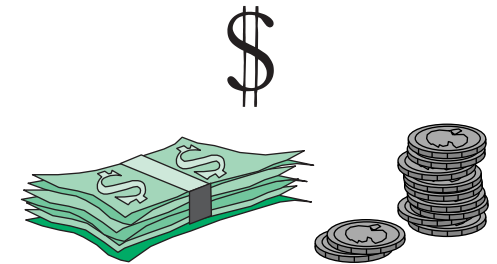
- financial assistance obtained from the offender
- only available if the offender is convicted of a crime and the judge orders it
- can be ordered for all expenses related to the crime, including property losses

Reparations:

- financial assistance from the government
- available for victims of violent crime regardless of whether the case is charged or the offender is found guilty
- only available for victims of crime reported to law enforcement
- does not cover property losses

Restitution for Crime Victims

Payments from the Offenders



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What Is Restitution?

Restitution is money an offender pays to the victim of a crime for the victim's actual out-of-pocket costs or losses. Restitution may be ordered in both adult criminal and juvenile delinquency cases at the sentencing (adult) or disposition (juvenile) hearings. It will also be required of offenders who participate in accountability programs outside of court.

How Do I Ask For Restitution?

You must send a written request for restitution on the form provided by the Dakota County Attorney's Office or Community Corrections.

Include:

- an itemized description of your losses;
- the cost for repair or replacement; and
- receipts, written estimates, insurance claim forms, or explanations for how you determined the costs. Do not send your originals.

Call the Dakota County Attorney's Victim/Witness Program at (651) 438-4470 if you need a form or assistance completing this form.

What *Can* Be Covered By Restitution?

You may ask for restitution for expenses you have that are a **direct** result of the offense. These may include, *but are not limited to*:

- medical bills
- counseling costs
- transportation
- lost wages
- repair or replacement of stolen property
- repair or replacement of damaged property.

What *Cannot* Be Covered By Restitution?

Payment for "pain and suffering" or "emotional distress" cannot be ordered by the criminal court. Victims who want compensation for this type of loss may wish to hire a civil attorney and should consider the offender's financial resources and ability to pay.

How Is The Amount Of Restitution Determined?

By law, the amount of restitution is based on your expenses as a result of the crime and the offender's ability to pay (income, resources and obligations).

At the sentencing/disposition hearing, the Judge may:

- order a specific amount of restitution to you; or
- order restitution to be determined by Community Corrections, or
- reserve the issue of restitution for a later date; or
- refuse to order restitution, stating reasons for the refusal.

If Corrections is determining the amount and you do not hear from them within 8 weeks of the sentencing or disposition, you should contact their Victim Restoration Program at (651) 554-6030 to make sure they have your correct address and completed Request for Restitution form.

What if I Disagree With The Amount Of Restitution Determined?

You may request a restitution hearing in court if you disagree with the amount of restitution that has been determined. Contact the County Attorney's Victim/Witness Program to ask that a hearing be scheduled. You may need to testify at the hearing to support your restitution claim. Offenders also may challenge the restitution determination and request a hearing at which you may need to appear.

How Quickly Will The Restitution Be Paid?

Restitution cannot be required until after the sentencing/disposition hearing. Few offenders have the ability to pay the full amount of restitution in one lump sum. **A court order for restitution does not guarantee payment by the offender.**

Offenders on Probation: The Dakota County Community Corrections officer assigned to supervise the offender will evaluate the offender's financial status and schedule an amount to be paid each month as a condition of probation. The payments are made to District Court, which will issue a check to you within 30 days of receiving the offender's payments.

Offenders who are at lower risk to re-offend may be assigned to the Probation Service Center rather than an individual probation officer. These offenders may not be required to make monthly payments but are expected to pay in full within their term of probation.

Offenders sentenced to Prison: The state Commissioner of Corrections has established rules for the payment of restitution from prison wages. The first \$100 earned is set aside to be given to the offender upon release for immediate living expenses. After that, 1/2 of all money earned is withheld for restitution. There are limited opportunities for prisoners to earn wages and the amounts earned may be very small. Certain other financial obligations such as cost of their keep and child support have priority by law to be paid before restitution. Restitution collected from prison wages is sent to the District Court where the case was prosecuted which will issue a check to the victims. The money is sent either quarterly or once a year in the fall.

The offender's restitution obligation will continue while they are on supervised release (previously called "parole"). Monthly payment amounts will be determined in the same manner as an offender on probation (described above).