

Recovering Your Losses through the Civil Process

Restitution is independent of and may be awarded in addition to a civil judgment. "Pain and suffering" cannot be requested as restitution.

For more information about the civil process you may contact your own attorney, the Oregon State Bar Lawyer Referral Service or the Small Claims department in the Multnomah County Courthouse.

For more information about small claims there are clerks available to answer questions you may have and they are open Monday to Friday from 8:30am-5:00pm. The phone number is 503-988-3022.

Important Phone Numbers

**Multnomah County District Attorney
Victim's Assistance**
503-988-3222

**Multnomah County Adult Community Justice
Administration (to find out who the
Probation/Parole officer is)**
503-988-3701

Multnomah County Circuit Court Accounting
971-274-0560

**Multnomah County Circuit Court Criminal
Information**
971-274-0545

Multnomah County Court's Civil Info
(small claims court)
971-274-0540

Crime Victims' Compensation Program
503-378-5348
1-800-503-7983

Oregon State Bar Lawyer Referral Service
503-684-3763
(available 8 am-noon & 1pm-5pm)

RESTITUTION



MIKE SCHMIDT

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VICTIMS' ASSISTANCE PROGRAM

1200 SW 1st Avenue, Suite 5300
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503-988-3222
www.mcda.us

What is restitution?

Restitution means repayment of economic damages caused by a crime. Restitution is limited to out of pocket expense and cannot include “pain and suffering”. Restitution is determined at the time of sentencing and can be made part of the defendant's probation or post-prison supervision. Filing a claim for restitution does not prevent you from recovering damages from the defendant in a civil lawsuit or applying for Crime Victim's Compensation.

How do I let the DA's office know what my losses are?

A restitution information form will be mailed to you once your case is issued. Please completely fill out the form and mail it back.

What kind of documentation is needed?

Documentation to support your loss amounts will assist us in requesting restitution on your behalf. This could include receipts, estimates, bills, statements, or even itemizing what the loss was. Ask us if you are unsure.

What if I have insurance?

You can request to have your deductible amount be a part of restitution. If the insurance company pays you for your loss, they can add themselves as a victim and request that the defendant reimburse them for their losses as well. Any loss that was not covered by your insurance policy can be requested as restitution.

What can I request for restitution?

Victims of crime have the right to request restitution for expenses directly caused by the crime that have not been covered by insurance or Crime Victims Compensation. This could include medical bills, insurance deductibles, stolen or damaged property, and loss of wages. Remember that it is the court's decision what damages are appropriate for restitution.

What can I claim as lost wages?

If you have a job, but were unable to work as a result of the criminal act you may be able to recover the amount of money that you lost by missing work as restitution. If any of this time was covered by sick time or workers compensation you will likely not be able to recover for it.

What is the value of my property?

Under Oregon law you may recover as restitution the cost to replace or repair your property, whichever is less. The replacement value is how much your property was worth at the time it was damaged. This is almost always less than the cost of a brand new replacement.

What is a restitution hearing?

The State will likely request restitution on victim's behalf based on the information that is provided. The defendant has the right to contest the amount being requested. If the courts set a restitution hearing, you are expected to be present and possibly testify to the figures that you have provided. You will be notified if such a hearing is set.

How will I receive restitution payments?

A court order does not guarantee payment by the offender. If restitution is ordered the offender will be expected to make payments to Circuit Court Accounting, which will then forward the payment to you. Please keep in mind that the payments may be relatively small compared to your total loss amount.

What if I move?

It is your responsibility to keep the courts and DA's office informed of your current information. This will insure that subpoenas and other information reach you in a timely manner. While the case is open, you can contact the DA's office and update your information.

Once a case is closed you need to keep the court notified of your current address. You may contact Multnomah County Circuit Court Accounting at 503-988-3269 and reference your case number.

What if I don't receive payments?

When a judge orders restitution, it is made part of either the defendant's probation or parole. It is up to the supervising agency of the offender to make sure that he/she complies with all conditions. You are encouraged to keep the supervising agency informed if you are not receiving payments.

How do I find out who the supervising agency is?

The Multnomah County Adult and Community Justice administrative office can provide you with the name of the probation officer. They can be reached at 503-988-3701. Be ready to give them the offender's full name. If you are a victim, and you request it, you will be notified of parole/probation hearings or court cases relating to you. If the offender is not on formal probation you may contact the courts at 503-988-3957 and listen for the prompt.

What is Crime Victims Compensation?

If your case involved physical harm or death, you may be able to get financial help for counseling, medical or death related costs. For further information on eligibility you may contact the Crime Victims' Compensation Program directly at 1-800-503-7983.