

**RESTITUTION IS A REPAYMENT OF FINANCIAL LOSSES TO VICTIMS OF CRIME. THE DEFENDANT IS ORDERED BY THE COURT TO PAY RESTITUTION TO THE VICTIM(S), AS PART OF THE SENTENCE. THE DISTRICT ATTORNEY'S OFFICE DETERMINES RESTITUTION OWED TO THE VICTIM(S) BASED ON DOCUMENTED INFORMATION PROVIDED BY THE VICTIM(S).**

**THE DEFENDANT IS ORDERED TO PAY THE COURT DIRECTLY, AND THE COURT THEN ISSUES PAYMENT(S) TO THE VICTIM(S).**

**GENERAL INSTRUCTIONS REGARDING FILLING OUT YOUR RESTITUTION AFFIDAVIT OF LOSS.**

**THIS DOCUMENT IS SENT TO EACH VICTIM OF A CRIME, AND MUST BE RETURNED TO OUR OFFICE WITH ALL RELEVANT INFORMATION. A SELF-ADDRESSED RETURN ENVELOPE IS ENCLOSED WITH YOUR RESTITUTION DOCUMENTS. YOU MAY ATTACH AS MANY ADDITIONAL PAGES AS YOU NEED FOR YOUR CLAIM.**

- Restitution Affidavit of Loss is a legal document. Once you completed the form and attached as many documents as you need, it **MUST** be signed and dated. Please fill out your address and contact information, to enable us to contact you, if any clarification is required.
- Your restitution claim must be returned to our office within 3 weeks of receipt of your claim documents. Please contact our office, if you require an extension.
- If you do not wish to submit a restitution claim – please return the Restitution Affidavit of Loss, stipulating that you are not seeking restitution. Please make sure it is signed and dated.
- If you are making an insurance claim for your losses, please forward the attached insurance form to your insurance company promptly, to enable your insurance to submit to us their claim on your behalf. Failure to do so, will exclude you from collecting restitution for your insurance deductible.

**GENERAL PROPERTY DAMAGE/THEFT CLAIMS:**

**ALL CLAIMS MUST BE CONSISTENT WITH THE INFORMATION PROVIDED TO THE LAW ENFORCEMENT OFFICER AT THE TIME OF REPORTING THE CRIME. LOSSES NOT REPORTED, WILL NOT BE INCLUDED IN RESTITUTION. CLAIMS MUST BE ITEMIZED WITH SUPPORTING DOCUMENTS – THE COURT WILL NOT ORDER RESTITUTION WITHOUT DOCUMENTATION TO SUPPORT YOUR CLAIM.**

- If your damaged property was not repaired/replaced, you will need to submit **2 estimates** for the repairs/replacement
- If damages to your property were repaired/ replaced - you must submit receipts/invoices of payment.
- If your stolen property was recovered and is either in police custody (for evidence) or returned to you, please indicate this fact on your Restitution Affidavit of Loss.
- If your insurance covered your losses, please forward to your insurance company the enclosed RESTITUTION FORM. Please indicate on your Restitution Affidavit of Loss your insurance information (upper box)

## **FINANCIAL THEFT:**

- Please provide supporting documents for your losses – canceled checks, bank statements or any other relevant documents.
- If your financial losses were credited back to you, by your Bank or financial institution, please provide us with that information indicating the account number, which was compromised, since the Bank or the financial institution, is the victim(s) of the financial loss, and accordingly entitled to receive restitution for their losses.
- If all related theft documents were submitted already to Law Enforcement - please indicate this fact on your Restitution Affidavit of Loss.

## **MEDICAL EXPENSES:**

**IT IS IMPORTANT THAT YOU NOTIFY OUR OFFICE ASAP IF YOU ARE A VICTIM OF A VIOLENT CRIME AND ARE RECEIVING MEDICAL TREATMENT. MEDICAL TREATMENTS ARE TYPICALLY LONGER AND MORE EXTENSIVE, EARLY NOTIFICATION WILL ENABLE US TO BEGIN THE PROCESS OF BUILDING A RESTITUTION FILE AND SUBMIT YOUR RESTITUTION CLAIM TO THE COURT IN A TIMELY MANNER.**

- We need to know ASAP if you have medical insurance. If so, please complete the Restitution Affidavit of Loss – indicating the name of your insurer and your patient ID number.
- If you are a victim of a violent crime – please contact our office ASAP to enable you to request financial assistance from Crime Victim's Comp either for your medical out-of-pocket bills or your co-pays. **THIS IS A SEPARATE PROCESS AND OUR VICTIM ADVOCATES OR RESTITUTION COORDINATES WILL BE HAPPY TO DISCUSS THIS WITH YOU ON PERSONAL BASIS.**
- Please make sure that you keep all your bills, Explanation of Benefits (EOBs) and any other related payments, as you will need to submit those for your claim.
- Therapy/counseling bills will also be included in the above claims.

## **FREQUENTLY ASKED QUESTIONS**

- Q. What if my stolen property was given to me as a gift, and I don't have a receipt for its purchase? What if I no longer have a receipt for the purchase of my stolen property?
- A. You can go on line and look up the same or the most similar item, print it out and send it in. You may attach any notes of explanation. If you cannot find this item on line- please provide a financial value of the item(s) to the best of your ability. **YOU MUST ACCOMPANY YOUR CLAIM WITH THE RESTITUTION AFFIDAVIT OF LOSS – SIGNED AND DATED.** Bear in mind, that whatever amount you attribute to your lost item(s), you may have to testify to the validity of your claim in Court under oath in the event of a Restitution Hearing.
- Q. When will I begin receiving restitution from the Defendant?
- A. If the Defendant pleads guilty, or is found guilty at trial, the Court will order restitution as part of the overall sentence. The Defendant will meet with the Probation Collection Officer following the sentencing, and will be put on a payment plan for his restitution debt. The DA's office is **not**

involved in the collection process. Restitution is ordered by the Court, and collected by the Court. The Court issues payments to the victim(s) as the funds are collected.

Q. What if my medical treatments/counseling are on-going and I don't have a final amount for restitution?

A. Restitution is filed with the Court at the time of sentencing, or within 91 days following sentencing. All additional expenses can be claimed in a civil action against the Defendant.

Q. What if the Defendant is unemployed and cannot afford to make restitution payments?

A. Restitution is about the amount owed by the Defendant, not the amount the Defendant can afford or chooses to pay. Restitution is Court ordered and a payment plan is typically set up for collection of this debt.

Q. What if the Defendant's insurance fails or refuses to pay the agreed settlement?

A. You can submit a claim for restitution, which will be ordered by the Court, for the Defendant to pay back independent of his/her insurance. You have 91 days post-sentencing to submit your claim. In the event that this dead-line is missed, you then have the option to filing a civil action against the Defendant, to receive your settlement.

Q. Can I sue the Defendant for my pain and suffering, loss of income/future income and other expenses, which are not compensable under the criminal case?

A. Yes. The criminal case does not preclude you from filing a civil suit against the Defendant. If your civil settlement includes your medical expenses, and you received already compensation from Crime Victim's Comp – you are contractually obligated to pay back Crime Victim's Comp.

Q. Will I be notified about the Court proceedings as the case moves along?

A. You will be notified only if you are a victim of a violent crime. The Colorado Victim's Rights Act, obligates us to notify those victims of all proceedings every step of the way. If you are victim of a non-violent crime you can call our office's main number 303-441-3700 and ask to speak with a victim advocate to receive updates on the status of the case. You can also check our website <http://www.bouldercounty.org/departments/district-attorney/> for updates.

Q. Will my victim Impact Statement be accessible to the Defendant?

A. Under the rules of discovery all documents submitted to the District Attorney's Office are made available to the attorney representing the Defendant.

.