

# Understanding Restitution When You Are a Victim of a Crime

## What is Restitution and How Do I Get It?

Restitution is money ordered by the judge that the offender is to pay back to you for expenses you had as a result of the crime. For example: medical bills, stolen cash or property and/or insurance deductibles. The District Attorney's Office is responsible for giving you a form about these kinds of expenses before the trial date/guilty plea/sentencing in your case. This must be returned before the sentencing date. It is ordered when an offender is sentenced or at a separate hearing afterwards. The Judge makes the final decision on the amount of restitution ordered. It does not cover pain and suffering.

## Receiving Your Restitution While an Offender is in the DOC

### How does the money get from the inmate to the county?

- Act 84 of 1998 allows the Department of Corrections (DOC) to take 20% of any deposit from an offender's account. (Money sent by their family/friends/paycheck from their prison job)
- Inmates can earn \$.19-\$.51/hour for employment within the prison. (Some programs do not allow inmates to work).
- Inmates must pay a \$60 Crime Victims Compensation Fund fine per case before anything else will be deducted.
- The sentencing paperwork an inmate has should have the costs/fines/restitution on it. This information is entered into the Accounting system at the DOC.
- The DOC deducts money for one case at a time. If an inmate has numerous cases in one or more counties, it may take a while until you see a payment.
- After the DOC deducts the money from the inmate's account, it will send a check to the committing county. The county will verify the case number and amount of restitution, fines and court costs owed.

### How does the OVA help when the inmate is in the DOC?

OVA will work with Accounts and Records in the inmate's State Correctional Institution (SCI). If neither has the correct paperwork, OVA will contact the Clerk of Courts in the committing county to obtain it or the DA's Office to correct the error and have new paperwork sent. Once OVA receives the proper paperwork it is forwarded to Accounts and deductions can begin. This process can take several weeks or months.

### How does the money get from the inmate to the county?

- Notify OVA if you aren't receiving restitution payments and the inmate has been in state prison for at least 4 months.
- Know your case number (Ex. CP-00-CR-0000000-0000).
- Make sure the committing county's Clerk of Courts/Collections office and DA's Office have your updated contact information—every time your address changes.

## Receiving Your Restitution While an Offender is on State Parole

### How does the money get from the offender to the county?

- Paying restitution is a general condition of parole for all parolees.
- The offender is expected to set up a payment plan with the sentencing county, usually in the county's Clerk of Courts office.
- They may have more than one county to set up a payment plan with or make payments to.
- Amounts paid are based on the offender's ability to pay—if they are working and what their expenses are.
- Failure to make payments will not be an automatic violation and/or return to prison.

### How does OVA help when the offender is on parole?

- OVA can contact the supervising parole agent to get a status update on the offender if payments have not been received.
- OVA can provide the agent with the cases that have money owed and the website offenders can make payments to.

### What can you do to help?

- Notify OVA at **1-800-563-6399** if you aren't receiving restitution payments or if payments stopped after the offender was released from prison.
- Know your case number (Ex. CP-00-CR-0000000-0000).
- Make sure the committing county's Clerk of Courts/Collections office and DA's Office have your updated contact information—every time you change addresses.

## Receiving Restitution after it has arrived at the County

- Money from offenders always goes to the county first so the payment is documented.
- Each county has its own procedure for how long money is held before a check is issued and how the money is distributed among cases, for example:
  - Oldest case may be paid first
  - Cases with restitution may be paid first
  - Money may be split among all the cases
- By law, at least 50% of every payment made by the offender must go to restitution.
- Restitution checks are usually sent out once a month to crime victims from payments made the previous month by offenders.
- Many counties will hold payments until a monetary minimum is reached.

## The More You Know...

- Contact the Victims Compensation Assistance Program (VCAP) to see if you are eligible to file a claim. You can contact them at 1-800-233-2339 for more information and eligibility requirements.
- If you are interested in obtaining a civil attorney to collect money from the offender in civil court; you will want to seek private counsel. Contact the PA Bar Association for a referral at 1-800-932-0311. Know that restitution will come before any civil rewards.
- You can access the court case information, which includes restitution information by going to [www.ujportal.state.pa.us](http://www.ujportal.state.pa.us)