

WHAT IS THE DIFFERENCE BETWEEN RESTITUTION AND CRIME VICTIMS COMPENSATION?

Restitution is available only if the defendant is convicted of a crime and the court orders it. The defendant pays restitution.

Crime Victims Compensation refers to financial assistance through the State of Michigan for crime survivors who have suffered physical injury as a direct result of the crime. Crime Victim Compensation pays as a last resort – in other words, after all other options have been exhausted. Property loss or damage and pain and suffering are not covered under this program. Applications are available through the Prosecutor's Office's Victim/Witness Unit, Crime Victim Services Commission, State Police Posts and other agencies.

Claims for Crime Victims Compensation must be filed within one year of injury (some exceptions apply for child or sexual abuse cases). Only injury-related expenses caused by a crime are covered – such as funeral expenses, medical bills, loss of earnings, rehabilitation, and counseling. For more info, call 517-373-7373 or the Washtenaw County Prosecuting

Attorney's Victim/Witness Unit at 734-222-6650.

If you have suffered injury because of a crime and have out of pocket expenses, you should file a claim with Crime Victim Compensation Program. If the program pays your expenses and the defendant is ordered to pay restitution for the same expenses, she/he will be ordered to reimburse the Crime Victim Compensation Program for the amount paid.

Victims must keep their address current with the court so any collected restitution payments can be dispersed to them.



VICTIM / WITNESS UNIT
P.O. Box 8645
200 N. Main St., Suite 420
Ann Arbor, MI 48107
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RESTITUTION

"Returning to victims what is theirs"

A judge can order a defendant to pay money to crime victims to compensate for damages or losses related to a crime, or to return property or money to the crime survivor(s). Restitution is part of the defendant's sentence and can be ordered in both adult and juvenile cases following a conviction or a plea of guilty.

ELI SAVIT
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PROSECUTING ATTORNEY
734-222-6650

WHAT WILL RESTITUTION COVER?

Restitution may be requested to recover losses incurred by the victim as a result of the crime. Restitution should include **actual costs** or **reasonably** expected costs. The following are examples of expenses that may be returned through restitution.

Personal Injury: Medical/dental expenses, medications, physical therapy, occupational therapy, rehabilitation, ambulance services, psychological treatment.

Personal Property: Stolen cash or property, damaged property, repairs to property.

Lost Wages and Other Expenses: Lost wages, costs of homemaking, child care costs, cost of a lost tax deduction due to a dependent's death, funeral expenses.

If the entire amount of the victim's loss is unknown at the time of sentencing, talk to the assistant prosecutor or victim advocate.

Restitution does **not** include payment for pain and suffering or other non-economic damages.

HOW TO REQUEST RESTITUTION?

Restitution forms are available through the Washtenaw County Prosecuting Attorney's Office Victim/Witness Unit. Forms are mailed to victims when criminal charges are filed. If you have not received this information, please contact our office at 734-222-6650.

Victims should request restitution through the Prosecuting Attorney's Office as early in the criminal process as possible to help ensure that restitution will be considered as part of the sentence.

The restitution form should be returned to the Victim/Witness Office within 10 days. Any requests for restitution should be accompanied by copies of documentation to prove the loss. Documentation can include medical/dental bills, insurance payments receipts, estimates for stolen or damaged property, counseling bills, and proof of loss wages. Losses must be directly related to the crime to be eligible for restitution. Receipts and bills can be brought to court hearings or the Victim Witness Office. **DO NOT SEND ORIGINALS.**

RESTITUTION HEARINGS

A restitution hearing may occur if the defendant challenges the amount of restitution. If a restitution hearing occurs, the victim may be called to court to help prove the expenses. Bring copies of bills, receipts or other confirmation of loss.

There is no guarantee a defendant will pay court-ordered restitution, however, the court may impose sanctions upon a defendant for refusing to pay restitution as ordered. Failure to pay restitution should be reported to the defendant's probation officer and the Prosecuting Attorney's Office. If restitution payments are not made, victims have the right to ask the probation officer to schedule a hearing. The court will decide what action to take against the defendant.

An order of restitution remains effective until it is satisfied in full (even after the defendant's sentence has been completed).