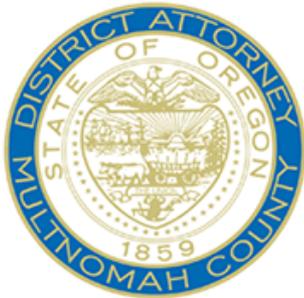


# Restitution



Our Shared Vision for Crime  
Victims in Multnomah County

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# Project Update



- Beginning July 1 the Board of County Commissioners voted to fund a full time staff member dedicated to restitution.
- The District Attorney matched that contribution with the funding of a half time attorney position.

# The Law



## Article 1. Sect 42

Victims have "the right to receive prompt restitution from the convicted criminal who caused the victim's loss or injury"

## ORS 137.106

When a person is convicted of a crime, that has resulted in economic damages, the District Attorney *shall* investigate and present to the court, prior to the time of sentencing, evidence of the nature and amount of the damages.



# MCDA Philosophy

The District Attorney's Office is committed to full implementation of Victims' Rights as embodied in Oregon law. A primary goal of the office is to make the criminal justice system more responsive to the victims of crime and to inform victims of the rights afforded to them, such as restitution. Ensuring that crime victim's losses are fully investigated and presented to the court is a priority for all of our Deputies in every case.

# Secretary of State Audit 2010



- Recommendations of the committee:
  - Establish clear procedures for getting restitution information from the victim to the DDA
  - Improve documentation and supervisory review to ensure compliance with procedures
  - Create “restitution rate expectations” that can be used annually to detect any unexplained fluctuations in data.

# Goals



1. Promptly Determine the Needs of the Crime Victim
2. Provide Easier Access to our Office
3. Obtain Complete and Accurate Restitution Information
4. Create Restitution Rate Expectations
5. Create Easily Accessible Legal Resources for Attorneys



# 1. Needs Promptly Met

## Then

- Manual Letters – sent out by individual Units per their own polices

## Now

- Two Automated Letters

## Our Goal

- Two Phone calls within the first two weeks after arraignment



## 2. Easier Access

### Then

- Complicated Forms
- Who can I contact for restitution questions?

### Our Goal

- Streamlined Forms
- The Restitution Envelope
- One Main point of contact for restitution questions



# 3. Complete Restitution

## Then

- ORS 137.106 allows for a 90 day set over for restitution hearings

## Our Goal

- Dramatically reduce unnecessary set overs
- Restitution determined before day of sentencing
- Consistent approach to plea negotiations



# 4. Restitution Rates

## Then

- Raw data is collected but rates are not tracked.

## Our Goal

- Create “restitution rates” per crime category
- Monitor changes in rates per year



# 5. Legal Reference Hub

## Then

- No central memo bank
- No dedicated attorney to handle restitution issues

## Now

- Legal Memos on current case law
- DDA who can handle complex restitution cases

## Our Goal

- In house expert attorney on restitution
- A legal reference bank



# Successes to Date

- State v. Kendall et al. “Auto Link Case”
  - Contacted over 70 crime victims
  - Created spreadsheet of all victims and losses
  - Final restitution figures determined months in advance of any possible trial date
    - Approximately \$410,000 in total restitution!



# Successes to Date

- State v. McLaughlin - May 25, 2011

The DA **shall** present *nature* and *amount* of restitution **before** sentencing.

- Restitution DDA created memo that was distributed in early July, to be used as legal argument for DDAs in court proceedings.
- Shared memo statewide with Department of Justice Task Force on Victims Rights Enforcement, Attorney Generals Office, National Crime Victims Law Institute, Oregon District Attorneys.



# Successes to Date

- State v. McConchie
  - Successfully defended a McLaughlin motion
  - Individualized victim attention, and some additional research revealed the true loss of the victim to be much higher than originally anticipated
  - Restitution Judgment went from \$7,500 to \$30,000



# Next Steps

- Office Wide Training
- Grant Writing
- Reforming Office Procedures to Attain Goals



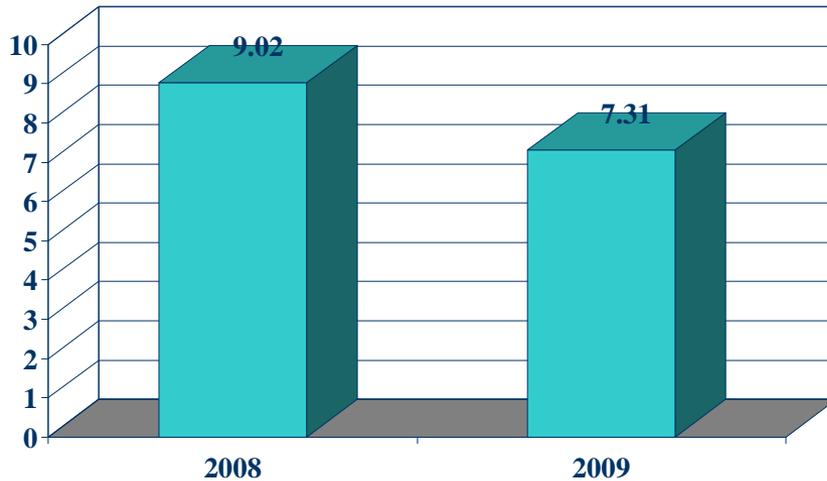
# Collaboration

- Memorandums of Understanding:
  - Multnomah County Circuit Courts
  - Department of Community Justice
  - National Crime Victims Law Institute



# The Bottom Line

## Restitution Ordered



## Restitution Collected

