

The Diversion Counseling Program's Restitution Policy

Victims and communities suffer harm when the law is broken. It is the offender's obligation to repair this harm and one way to make amends is through restitution. Restitution is a sum of money paid to compensate a victim for their loss or injury caused by the offender's criminal behavior. Restitution is a mandatory part of The Diversion Counseling Program, and this policy applies in every Diversion case.

Paying restitution is an acknowledgment of wrong-doing and an attempt to repair the injury victims have suffered. Restitution makes the offender accountable for their actions directly to the people who were harmed, and makes victims whole through economic compensation for reasonably related losses. This may include property loss or damage, medical bills (including mental health), home and car repairs, and costs paid by the Victim's Compensation Board.

In every case, The Diversion Counseling Program will determine whether someone was victimized by the offender's actions. If there is an identified victim, Diversion will ask for a completed victim impact statement. Victims will be asked to share how the offender's behavior impacted them, what justice in the case looks like to them, and if they are seeking restitution. Victim impact statements are not confidential and may be shared with the offender and other professionals involved in the case.

If a victim is seeking restitution, the Diversion Counseling Program's victim advocate will work to collect documentation to support their restitution request and to ensure the request is reasonably related to the offender's actions. Diversion will not seek restitution without supporting documentation. Once the restitution amount has been determined, Diversion will provide the offender with a restitution agreement. Supporting documentation may also be provided upon request. Diversion will provide a restitution agreement if restitution is being requested within two months of the offender's acceptance into the Diversion Program. If the offender is unable to pay the restitution in full, Diversion will create a payment plan.

The goal of a restitution payment plan is to ensure the victim receives restitution in a timely manner and in full. Diversion will work with offenders to make the payment plan realistic and balanced with that goal. If the offender misses payments Diversion reserves the right to add up to a \$25 late payment fee for each missed payment to the restitution owed.

Restitution may be paid by cash, personal check, cashier's check or money order. All checks must be made out to the Office of the District Attorney-18th JD. Payments should be given to the Diversion victim advocate who will record the payment information and forward the payment to the victim.

Restitution checks will be mailed to victims at their last known address. It is crucial for victims to keep their contact information, including address, updated and current with the diversion victim advocate. All uncashed restitution checks will be annually reported to the Great Colorado Payback with the State Treasurer's Office.

If an offender disagrees with the restitution amount requested by the victim they may ask for a review by the director of Diversion. If the disagreement continues, or if the offender refuses to pay restitution, the case will be returned to the district attorney to review for filing of charges in court. Failure to pay restitution in full in a timely manner, including frequent missed payments, is also grounds for the case to be returned to the district attorney to review for filing of charges in court. If a case is returned to court the Diversion victim advocate will connect the victims with the district attorney's victim/witness specialist.