

The Juvenile Diversion Counseling Program's Restitution Policy

Victims and communities suffer harm when the law is broken. It is the juvenile 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 victims for their loss or injury caused by the juvenile's offending behavior. Restitution is a mandatory part of the Juvenile Diversion Counseling Program (JDCP), and this policy applies in every JDCP case.

Paying restitution is an acknowledgment of wrong-doing and an attempt to repair the injury victims have suffered. Restitution makes offenders 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, JDCP will determine whether someone was victimized by the juvenile participant's actions. If there is an identified victim, JDCP will ask for a completed victim impact statement. Victims will be asked to share how the juvenile participant'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 juvenile participants, their families, and other professionals involved in the case.

If a victim is seeking restitution, the JDCP victim advocate will work to collect documentation to support the restitution request and to ensure the request is reasonably related to the juvenile participant's actions. JDCP will not seek restitution without supporting documentation. Once the restitution amount has been determined, JDCP will provide the juvenile participants with a restitution agreement within two months of their acceptance into JDCP. In certain circumstances, victims' restitution-eligible expenses may be ongoing, such as when they are receiving medical treatment for an injury related to the incident. When this occurs and JDCP is unable to determine a final restitution amount within the first two months of diversion involvement, JDCP will inform the participant of the status of restitution and provide the restitution agreement as soon as possible. Supporting documentation may also be provided upon request. If a juvenile participant is unable to pay the full restitution amount immediately JDCP 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. JDCP will work with the juvenile participant to make the payment plan realistic and balanced with that goal. If the juvenile participant misses payments, JDCP reserves the right to add up to a \$25 late payment fee for each missed payment to the restitution owed.

If juvenile participants disagree with the restitution amount requested by the victims, they may ask for a review by the director of JDCP. If the disagreement continues, or if the juvenile participant refuses to pay restitution, the case will be returned to the district attorney to review for filing of charges in court.

Restitution may be paid with 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 JDCP victim advocate who will record the payment information and forward the payment to the victim. If there are

insufficient funds to cash a check, the participant submitting the check for restitution will be responsible for paying all bank fees incurred by the District Attorney's Office and may then be subject to an additional \$25 late payment fee. To avoid additional insufficient funds issues, future payments may be required to be paid in cash or by cashier's check.

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. Uncashed restitution checks will be annually reported to the Great Colorado Payback with the State Treasurer's Office as required by law. To learn more about the Great Colorado Payback please go to <https://colorado.findyourunclaimedproperty.com/app/reporting-guidelines>.

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 JDCP victim advocate will connect the victims with the district attorney's victim/witness specialist.