



RESTITUTION AND VICTIMS OF CRIME

Restitution is the money the Court orders an offender to pay the victim for financial losses the victim suffered as a result of the offender's crime and incurred up to the time of sentencing. A restitution order is made by the Court as part of the sentence imposed on the offender for the crime they committed.



As soon as possible after the crime - The victim should start recording their financial losses as soon as possible after the crime.



Accused found guilty - If the accused has been found guilty of an offence, the next step is for the Court to decide on an appropriate sentence.



Sentencing hearing - Before sentencing the offender, the Court must ask if the victim of the crime has been given the chance to tell the prosecutor if they want restitution.

Court considers restitution - It is the victim's right to have the Court consider making a restitution order against the offender. The prosecutor or victim services can help the victim give the Court the information it needs to make this decision.

Sentencing decision: Restitution is ordered - When the Court orders an offender to pay restitution, the offender must pay the amount ordered in accordance with the Court Order.

Offender does not pay - If the offender fails to pay the restitution by the day the Court Order specifies or to make a regular payment required under the Court Order, the victim has the right to file the order in civil court to collect the money they are owed.

Civil Enforcement - If the victim chooses to enforce the order in civil court, they are responsible for filing the order. If the victim chooses not to take the order to civil court, the Court cannot enforce the order.

Sentencing decision: Restitution is not ordered - If the Court does not order restitution, there is nothing else the victim can do to get restitution from a criminal court. This would not however, prevent the victim from seeking damages through a civil trial.

Court gives reasons - If the prosecutor has told the Court that the victim is seeking restitution and the Court does not order restitution, the Court must include a statement in the record of the Court's reasons for not making an order for restitution.