



Oregon Department of Justice
Ellen F. Rosenblum, Attorney General

**Crime Victims' Compensation Program
Recovery Section**

Rebecca Shaw – Compensation/Revenue Manager



Department of Justice – Crime Victim and Survivor Services Division

Oregon Crime Victims' Compensation Program (CVCP) recovers compensation payments from defendants and claimants through:

Restitution

Subrogation

Civil/Insurance Settlements



Pursuant to ORS 137.106:

Restitution to victims; objections by defendant; disclosure to defendant. (1)(a)

When a person is convicted of a crime, or a violation as described in ORS 153.008, that has resulted in economic damages, the district attorney shall investigate and present to the court, at the time of sentencing or within 90 days after entry of the judgment, evidence of the nature and amount of the damages.***



Pursuant to ORS 137.103 (4)

“Victim” means:

(a) The person or decedent against whom the defendant committed the criminal offense, if the court determines that the person or decedent has suffered or did suffer economic damages as a result of the offense.

(c) The Criminal Injuries Compensation Account, if it has expended moneys on behalf of a victim described in paragraph (a) of this subsection.

Criminal Injuries Compensation Account = CVCP



ORS 147.345 (2)(a)

On behalf of the state, the Department of Justice may bring suit against an assailant to recover the amount of compensation paid to an applicant or recipient of an award made pursuant to ORS 147.005 to 147.367 as a result of the assailant's commission of a compensable crime***



Subrogation

CVCP works closely with the victim's attorney to ensure that, if a settlement is reached, CVCP is reimbursed in full.

Pursuant to **147.292**: Immediately after a judgment has been rendered in favor of an applicant or recipient or a settlement or compromise has been agreed upon, all parties bound by the judgment, settlement or compromise shall provide written notice to the Department of Justice of the amount of the judgment, settlement or compromise. ***



ORS 147.345

State subrogated to rights accruing to beneficiary: suit by state against assailant; disposition of proceeds; settlement.

(3) Any settlement of a right or right of action against the assailant or any other person or entity by the victim or the dependent of the victim based on a compensable crime must be approved by the Department of Justice if the department has made an award to the victim or the dependent of the victim. If the settlement is not approved by the department, the department may void the settlement.





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Restitution

Sara Harbarger

Staff Attorney

Ordering Restitution

“If as a result of the defendant’s conduct, the Restitution Fund has provided assistance to or on behalf of a victim or derivative victim, the amount of assistance provided shall be presumed to be a direct result of the defendant’s criminal conduct and shall be included in the amount of the restitution ordered.”

Penal Code section 1202.4, subd. (f)(4)(A)

Criminal Restitution Compacts

- Criminal Restitution Compact (CRC) Specialists are county employees paid by CalVCB to track criminal cases to ensure that restitution is ordered to CalVCB.
- CRC Specialists in 23 counties and 1 city.
- CRC Liaisons at CalVCB Headquarters

Restitution Pilot Project

The goal of this project is to create relationships in 35 counties between CalVCB and District Attorney's Offices, Probation Departments, and Victim Witness Advocates in order to impose CalVCB's restitution orders at the time of sentencing.

Collection of Restitution

In any case in which a defendant is ordered to pay restitution, the restitution order is deemed a money judgment and shall be fully enforceable as a civil judgment.

Penal Code section 1214, subd. (b)

CA Dept. of Corrections and Rehabilitation

- Authorized to deduct up to 50 percent from an inmate's trust account (except minimum of \$300)
- 10 percent fee is added for collection costs
- Collects both orders and fines
- Sheriff's Departments can garnish the county prison inmate trust accounts using the same methods

Probate

- Attorneys or other estate representatives are required to notify CalVCB when an heir is incarcerated or was previously incarcerated.
- CalVCB will file a declaration with the superior court if there are outstanding restitution orders or fines.
- The estate shall reimburse CalVCB before the heir.

Liens

CalVCB provides compensation to claimants and recovers these benefits through the following sources:

- insurance settlements
- workers' compensation matters
- civil lawsuits

Franchise Tax Board

- Collects outstanding debts for courts, counties, CA Dept. of Corrections and rehabilitation, and state agencies.
- Deducts 15 percent from collected amounts.
- CalVCB offsets the 15 percent fee so there is no loss to the victim.

Contact Information

- Sara Harbarger, 916-491-3610
Sara.Harbarger@victims.ca.gov



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