

## **AFTER THE ORDER OF RESTITUTION**

The United States District Court for the Northern District of California ordered a defendant to pay restitution to you. The purpose of this notice is to advise you regarding your rights and obligations in connection with the Court's restitution order. The Court's restitution order, on your behalf, in most cases was made pursuant to the Mandatory Victims Restitution Act of 1996. The statutory provisions pertaining to restitution are found in Title 18 of the United States Code, in particular 18 U.S.C. Sections 3663, 3663A and 3664.

### **HOW ARE PAYMENTS MADE and WHEN CAN I EXPECT PAYMENT?**

While getting a restitution order for your loss is important, please note that the restitution process takes time. You most likely will not receive immediate full payment of restitution. If/when the defendant pays, you will usually receive several small payments over a long period of time.

The Clerk of the United States District Court for the Northern District of California processes and disburses the monies to you (and any other restitution victims). Restitution payments are sent from the defendant to the Finance Department in the Clerk's Office. Please refrain from calling the Clerk's Office about the status of restitution until at least 3 months after the defendant's sentencing. This allows time for the defendant to begin making payments, if any, and for the Clerk's Office to process the distribution to victims. For defendants serving an in-custody sentence, restitution payments may be in small amounts and/or delayed given the nature of imprisonment. The Clerk's Office cannot predict when defendants will make payments. Once money is received from a defendant, the Clerk's Office disburses payments to victims monthly on a pro rata basis, which means each payment is divided among the victims in proportion to their losses. Payments will only be made to those victims whose pro-rated share is at least \$25.

**It is your responsibility to make sure the Clerk's Office always has your correct contact information is up to date. If your mailing address changes, please complete, and submit the Victim Address Change form to the Clerk's Office. If your name changes, please complete and submit a Victim Name Change form to the Clerk's Office. See website below for forms. The Clerk's Office does not update information based on updates made in VNS.** Business and corporate restitution victims must ensure that the Clerk's Office has the current mailing address, telephone number, the relevant claim or account number, and a contact person. If the Clerk's Office does not have your correct mailing address, your share of payments from the defendant will be transferred to unclaimed funds. In communicating with the Clerk's Office, you must use this address and telephone number, and you must refer to the Court's criminal case number (your case number is on the letter in this envelope):

**U.S. District Court Clerk's Office Attn: Finance Department  
450 Golden Gate Avenue, 16th Floor San Francisco, CA 94102  
Telephone: 415-522-4621**

**Email:** [CAND\\_Finance@cand.uscourts.gov](mailto:CAND_Finance@cand.uscourts.gov)

**Website:** <https://www.cand.uscourts.gov/about/clerks-office/finance/>

**FAQ's Website:** <https://www.cand.uscourts.gov/about/clerks-office/finance/finance-unit-frequently-asked-questions/>

## **IS RESTITUTION REFLECTED ON THE DEFENDANTS' FINANCIAL RECORD?**

The Court's restitution order, on your behalf, also acts as a lien in favor of the United States against all property owned by the defendant. The United States Attorney's Office will cause judgment lien notices to be recorded in all counties where we are aware the defendant owns or may own property.

The United States is allowed to enforce restitution orders on behalf of restitution victims. A restitution order, contained in a Judgment Order, is enforceable for a minimum of twenty (20) years. Enforcement of the restitution order will be limited by the defendant's economic circumstances.

For various reasons, collection of Court-ordered restitution in criminal cases is often difficult. If you have any information that will assist our efforts to collect your restitution, please contact our Financial Litigation Program. Information about a defendant's assets, income, and employment can be very helpful in collecting money from an unwilling defendant. If you have questions and/or wish to provide information to assist our collection efforts on your behalf, please contact the Financial Litigation Unit, U.S. Attorney's Office, Northern District of California, at 415/436-6970.

The United States Attorney's Office will enforce the restitution imposed by the Judgment Order in a Criminal Case, as attorneys for the United States of America. While this enforcement benefits you as a victim of a crime, neither the United States Attorney's Office nor the Department of Justice, nor any employee thereof, is your attorney. The United States Attorney's Office will not seek your consent to any action it may undertake to pursue enforcement of the restitution order. You may wish to consult with a private attorney to obtain information about your ability to proceed against a defendant to recover losses or damages you sustained as a result of this crime.

## **WHAT IS AN ABSTRACT OF JUDGEMENT?**

You are entitled to request from the Clerk's office a document called an Abstract of Judgment. When properly recorded, pursuant to state law (such as in a County Clerk's Office in a county where the defendant owns property), the Abstract of Judgment can give you a lien in your own name against the defendant's property. You will then have similar legal rights as any other civil judgment lien creditor, and this means you can collect the money from the defendant yourself. You must bear the cost of recording the Abstract of Judgment. If you request an Abstract of Judgment from the Clerk's Office by mail, you must include a self-addressed, stamped envelope. We strongly encourage you to discuss the Court's restitution order and all enforcement mechanisms with your own attorney. If the restitution order does not cover all of your losses or if the restitution order is not due and payable in full immediately, or if the laws of your state provide you an effective means by which to enforce collection of the restitution civilly, your attorney can help you understand your options and, if necessary, formulate a plan for civil enforcement that will complement the government's efforts. **If you enforce a restitution order on your own behalf and collect money from the defendant, you must provide that information to this office and to the Clerk's office.**