

“THE REALITIES of RESTITUTION FOR VICTIMS of FEDERAL CRIMES”

Most crime victims are very concerned about how they can recover from their financial loss suffered as a result of a crime. This information is provided to you by the U.S. Attorney's Office for the District of Nevada. The following is meant to provide a brief overview for federal crime victims and restitution ordered by the court, the legal process involved, and the realities of actually receiving full restitution.

What you can do as a crime victim?

Provide all receipts or other verification of your loss where ever possible. It is important to obtain all records of all expenses or loss incurred as a result of the crime. This information will be used in determining what costs may be court ordered in the form of restitution to the victim if a defendant is convicted.

Ordering vs. Receiving Restitution

Under federal law, it is mandatory for a defendant to pay restitution when there is a loss to the victim. Unfortunately, as a practical matter, a defendant who has no money or potential to make money in the future, may be unlikely to ever make meaningful restitution to the victims of a crime. Court-ordered restitution is limited to specific losses and may not allow any monetary compensation for a victim's pain and suffering.

Restitution for Financial Loss

In most fraud cases, restitution may be ordered where victims of the convicted federal offense have suffered the loss of money, in such crimes as investor fraud, mortgage fraud, telemarketing scams, or offenses involving the misuse of bank accounts or credit cards. The court may order a defendant to pay an amount equal to each victim's actual loss, which is commonly the value of the principle or property which was fraudulently obtained.

How Does a Victim Begin Receiving Restitution?

The U. S. Attorney's Office, Financial Litigation Unit (FLU) is charged with enforcing orders of restitution, and monitors efforts in enforcing a Judgment if defendant's assets or income are identified.

The Financial Litigation Unit will pursue various means to enforce restitution, as its resources permit, on behalf of identified victims, for a time period of up to 20 years from the filing date of the defendant's Judgment, which includes the time period of the defendant's actual incarceration, or until the death of the defendant. In addition, once a defendant/inmate is released from prison, and is then under the supervision of the U.S. Probation Office, restitution will be monitored to insure appropriate restitution is paid, where possible.