

FINANCIAL SUPPORT FOR VICTIMS OF CRIME

A Quick Guide for Corrections and Community Supervision Officers

Introduction

Victims of crime frequently sustain financial losses as a result of the crimes committed against them. Addressing these losses through programs such as restitution and other means of monetary assistance is an important component not only of lessening the often burdensome financial impact of crime on victims, but also of helping to create a sense of confidence that the criminal justice system is fulfilling its obligation to protect public safety. However, victims are not always aware that such programs exist.

Given that they are often in direct contact with victims of crime, corrections, probation, and parole officers can play a key role in informing victims of the supports they are entitled to, and can provide victims with clear guidelines for how to pursue restitution, compensation, or other means of financial support. In the case of restitution—where victims are repaid directly by the person who committed the crime against them—repayment establishes a sense of accountability for the person who committed the crime by creating a concrete link between the offense and the harm caused to the victim.

While restitution can help ameliorate the financial impact of crime on victims, payments can be difficult to collect because the person who committed the crime may lack sufficient resources. Setting up realistic payment schedules and capping the percentage of assets that can be collected during a given period are therefore crucial steps for supervision officers to take in order to enable successful collection. Supervision officers should also consider prioritizing restitution over other legal financial obligations, such as fines or fees for supervision, electronic monitoring, or correctional health care.

How Restitution Works

Ordered by a criminal court after a person has been found guilty, restitution requires repayment to the victim for losses or expenses incurred as a direct result of the crime, such as stolen or damaged property, medical expenses for injuries, or lost wages. To receive restitution, the victim must be able to document these expenses and then share that information with courts, prosecutors, and probation officers. This documentation is then used to inform sentencing for the person who committed the crime, and judges have the discretion to determine the amount of restitution while taking into account that person's current and future ability to pay. While court-ordered restitution does not guarantee that the person ordered to pay will do so, it creates a means by which the state can pursue these payments on behalf of the victim.

If a person who owes restitution payments is incarcerated, those payments are usually drawn from prison work program wages or, in some states, through personal bank accounts, income tax refunds, lottery winnings, or money won from legal action against the prison. If a person is required to pay restitution as a condition of probation or parole, the community supervision officer is responsible for monitoring whether payments are being made¹ and can help to enforce timely payments from people under their supervision with regular follow-up. This may include addressing any excuses for noncompliance with pointed questions about what prevented them from making a payment and what they can do to ensure punctual payments in the future.² Additionally, stressing the importance of payment and accountability to the victim can help promote prosocial values to the person under supervision, which can be an important strategy in reducing the likelihood of recidivism. Victims can also help facilitate this process by notifying the probation or parole officer of nonpayment.

Despite best efforts, there will be times when a person is released or terminated from probation or parole regardless of whether he or she has paid restitution in full. If full payment has not been made after a person's sentence has ended, a victim can then pursue civil damages through litigation.

Restitution is a complicated process. For it to work properly, it requires coordination from courts, county clerks, prosecutors, corrections staff, supervision officers, defense attorneys, and victim advocates. While collecting and monitoring restitution can be a lengthy and sometimes frustrating task, corrections, probation, and parole officers are in a unique position to help victims recover financially and emotionally while also holding the people who commit crimes accountable for their actions.

“Nobody knows what it feels like to be a victim of crime until it happens to them. I was in a very dark place, angry at the world. ...People think that having insurance makes things okay, but it doesn't because I still had to pay an out-of-pocket deductible and pay for other things to repair the damages I incurred. ...I was tired with the emotional and financial roller coaster of being a victim.”

– Anonymous, via the Hawaii Restitution Project

“Collecting restitution may seem like tedious or challenging work for some folks. But ... for every [person] that owes restitution, there are one or more real life victims who experienced a loss and have been waiting for those payments, oftentimes for years.”

– Anonymous, via the Hawaii Restitution Project

“I collect restitution out of respect of what the court ordered, what the judge wanted. I want to see the whole sentence through.”

– Parole Officer IV Nova Akau, Hawaii Paroling Authority

“The elderly are really affected when restitution is not given. We have had many go without electricity or food or medicine in order to pay their rent because they did not have the money that was taken from them. Other victims have been evicted because their rent money was stolen. Some may find it surprising how many victims live from paycheck to paycheck and when it's taken, they can't survive; we've had people declare bankruptcy because they were unable to pay medical bills when restitution was not paid. ... [In one case,] a young man on a 'joy ride' shot out the windows of nearly 90 vehicles. He worked for five years and gave a large percentage of every check to the victims. The victims that received the money were surprised and, in the end, the defendant gained their respect because he kept at it for five years.”

– Director Cindy L. Korf, Lincoln County, Nebraska, Victim-Witness Unit

OTHER MEANS OF FINANCIAL SUPPORT TO VICTIMS

Compensation

Every state operates a crime victim compensation program to help cover expenses and losses resulting from violent crimes or abuse, including mental health counseling, lost earnings due to crime-related injuries, and lost financial support for dependents of a deceased victim. Eligibility requirements vary slightly by jurisdiction, but in most cases victims must promptly report the crime, file a timely claim, and cooperate with the related investigation and prosecution. Any expenses not covered by the state through compensation are then eligible for coverage by restitution. Victims cannot receive restitution and compensation for the same damages.³

Key benefits of compensation programs:

- Cover expenses even in the absence of an arrest or prosecution for the crime⁴
- Provide payment quickly after eligibility is confirmed and the award amount is determined
- Are guaranteed to pay the full amount owed to the victim

“I am writing to express my great gratitude for the Victim Compensation program. Last year, in hard winter, I had to escape an abusive ex and I honestly do not know how I would have succeeded without help from Iowa. Knowing there would be financial help specifically gave me the courage to leave. Then the first check arrived on the exact day when I was down to \$7.46 and the rent was due and [I] thought I was going to have to go into credit card debt to make ends meet. Now I am settled in a new state, starting to feel normal again. This program didn’t remove the stings or the losses of the situation I was in before, but it certainly was [a] salve for them.”

– Anonymous, from a letter to the Iowa Compensation Program

Emergency Financial Assistance

Some states offer Emergency Financial Assistance (EFA) for people who are financially vulnerable. EFA can be accessed through organizations such as domestic violence shelters, sexual assault programs, and programs that work with victims of burglary or co-victims of homicide.

Key benefits of EFA:

- Helps provide quick payments when people are unable to cover immediate expenses related to crime, including emergency relocation, replacement locks and windows, and travel to funerals
- May be particularly helpful for people who are experiencing homelessness, or are at risk of becoming homeless

“A single mother of two responded to an ad for a rental duplex. She had saved enough for a place of her own after years of relying on friends for housing. She met with a man who purported to be the duplex owner and paid a down payment—which was all the money she had. When she went to move in the keys did not work and, upon further research, she discovered the person who had shown her the duplex was not the owner. Losing her savings led her to the brink of homelessness but she was able to access Crime Victims Advocacy Network services and received EFA for food, gas, and partial emergency housing. These EFA services were crucial in helping her to rebuild her life and keep her children safe.”

– Senior Victim Advocate Stanley J. Phillips, Thurston County, Washington,
Crime Victims Advocacy Network

Additional Resources

Supervision officers may consult the following resources in their efforts to improve the process of collecting restitution:

- American Probation and Parole Association, *Promising Victim Related Practices in Probation and Parole—Restitution and Other Legal Financial Obligations* (Lexington, KY: American Probation and Parole Association, 2012), <https://csgjusticecenter.org/wp-content/uploads/2013/10/Factsheet-4.pdf>.
- National Center for Victims of Crime, *Making Restitution Real: Five Case Studies on Improving Restitution Collection* (Washington, DC: National Center for Victims of Crime, 2011), <https://csgjusticecenter.org/wp-content/uploads/2011/11/2011-Natl-Center-for-Victims-of-Crime-report.pdf>.
- National Center for Victims of Crime, *Making Restitution Real Toolkit* (Washington, DC: National Center for Victims of Crime, 2011), <http://victimsofcrime.org/library/publications/restitution-and-compensation/restitution-toolkit/about-the-toolkit>.
- Rachel L. McLean and Michael D. Thompson, *Repaying Debts* (New York: The Council of State Governments Justice Center, 2007), https://csgjusticecenter.org/wp-content/uploads/2012/12/repaying_debts_full_report-2.pdf.
- “State Links,” National Association of Crime Victim Compensation Boards, accessed April 20, 2018, <http://www.nacvcb.org/index.asp?sid=6>.

Notes

1. “Restitution,” National Center for Victims of Crime, accessed April 20, 2018, <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/restitution>.
2. American Probation and Parole Association, *Promising Victim Related Practice in Probation and Parole: Participant Manual* (Lexington, KY: American Probation and Parole Association, 2013), <https://www.appa-net.org/eWeb/docs/APPA/pubs/PVRPPP-Participant.pdf>, 112.
3. “Crime Victim Compensation,” National Center for Victims of Crime, accessed April 20, 2018, <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/crime-victim-compensation>.
4. Ibid.

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