

Restitution

Criminal restitution is a process by which offenders are held accountable for the financial losses they have caused to the victims of their crimes. The restitution payment is the sum of money paid by the offender to the victim to balance this monetary debt.

Without restitution, a victim may be financially devastated by the crime committed against them. A victim's financial losses can also contribute to their experience of trauma and frustration with the criminal and juvenile justice systems. On the other hand, receiving a restitution payment can make a victim feel that the justice system is working on their behalf to ensure they are justly compensated for their losses. Moreover, restitution, as a part of the sentence or a condition of community supervision, is an essential aspect of holding offenders accountable for their crimes.

Restitution is considered to be a "core" victim right which is crucial to help victims reconstruct their lives in the aftermath of a crime. In recent years, restitution has been made mandatory for persons convicted of federal crimes. Additionally, 29 states require a court to order restitution to the victim or to state on the record the reasons for failing to do so (*1996 Victims' Rights Sourcebook*, National Victim Center).

Goals

The goals of restitution are to:

- Provide remuneration to victims who suffer financial losses as a result of crime. Such losses may include out-of-pocket expenses for medical or mental health treatment, property loss or damage, sexual assault examinations, HIV testing, participation in justice processes, and funeral costs.
- Hold offenders accountable for their actions, specifically those that cause financial harm to victims.

Implementation

Appropriate restitution orders are based on information provided by victims to the court about out-of-pocket losses and information about offenders' financial status and earning capacity. Victim input is usually gathered through either victim impact statements or pre-sentence investigations. Victims often need assistance to prepare complete, accurate documentation of their immediate and projected financial losses resulting from the crime. Such assistance can be provided by victim advocates, prosecution staff, or probation/parole personnel. Justice agencies also need to conduct comprehensive assessments of convicted offenders' assets and ability to pay, both immediate and long-term.

The ordering, collecting, and disbursing of restitution require strong collaborative efforts among many justice agencies. Justice officials need to practice "due diligence" in seeking court- or parole-ordered restitution payments from offenders. Records of restitution judgements should be incorporated into offenders' case files at the court, probation, incarceration/detention, and parole stages of the criminal and juvenile justice processes. Victims should be advised of the types of remedies the system can pursue when offenders fail to comply with restitution orders, which include, but are not limited to, converting restitution orders to civil judgements, extending the terms of probation/parole until restitution is paid, asset forfeiture, garnishment or attachment, income withholding orders, revocation of the offender's driver's license, and revocation of probation/parole, in some cases.

Lessons Learned

A study involving 6,336 formal juvenile probation cases in Utah, conducted by the National Center for Juvenile Justice, found the use of restitution associated with significant reductions in recidivism among certain juvenile offenders. Juveniles agreeing to pay restitution as an informal disposition, as well as those formally ordered to pay restitution, returned to court significantly less often than juveniles who did not pay restitution (OJJDP, 1992).

Other studies have identified restitution as one of the most significant factors related to victim satisfaction with the criminal justice process (American Bar Association, *Improving Enforcement of Court-Ordered Restitution*, 1989).

For More Information

A bulletin entitled *Restitution Reform: A Coordinated Interagency Approach* is available from the Office for Victims of Crime Resource Center by calling 1-800-627-6872. You may also contact William Brantley at the Office for Victims of Crime, U.S. Department of Justice, at 202-307-5983.

This *Restorative Justice Fact Sheet* is presented by a partnership among the Office of Justice Programs, National Institute of Justice, Office for Victims of Crime, National Institute of Corrections, and Office of Juvenile Justice and Delinquency Prevention, all within the U.S. Department of Justice.