

New Directions from the Field:

Victims' Rights and Services for the 21st Century

Recommendations for Restitution

The recommendations below, which appear in the May 1998 *New Directions* Report, have been reformatted for replication and distribution.

Despite the passage of Federal and State laws, restitution remains one of the most underenforced victims' right within the criminal and juvenile justice systems. Evidence of this is apparent both in decisions to order restitution and in efforts to monitor, collect, and disperse restitution payments to victims. However, national research studies indicate that restitution is a significant factor affecting the satisfaction of victims with the criminal and juvenile justice process. The prevailing belief among victims, service providers, and justice professionals is that restitution is not a punishment or an alternative to fines, sanctions, or interventions with the offender, but a responsibility to hold offenders partially or fully accountable for the financial losses suffered by the victims of their crime. In an effort to further advance this belief, the following recommendations addressing restitution are set forth by the field:

1. Restitution orders should be mandatory and consistent nationwide. Full restitution should include all immediate and expected monetary costs of the crime to victims, including property loss, health and mental health costs, and, when appropriate, compensation for pain and suffering. When a victim cannot be identified to receive restitution, judges should consider ordering payment to national, State, or local victim assistance or compensation programs. Judges should review restitution orders periodically to assess whether the victim has incurred additional costs as a result of the crime and whether the offender is making timely payments. Restitution payment plans should include provisions for immediate payment of full restitution should the offender obtain additional financial assets.
2. A coordinated interagency response throughout the justice system is essential for the effective collection of restitution.
3. Restitution must be a priority for all criminal justice agencies if it is to be implemented successfully.
4. Victims should be informed as early as possible in the justice process of their right to receive restitution from the offender. They should be notified of the disposition of the case, advised of realistic expectations for payment, and provided with information about their rights when offenders fail to pay.
5. At the time of sentencing, courts should have sufficient information about both the victim and the offender to determine the amount of full restitution and a payment schedule.
6. The use of technology can greatly enhance the tracking and payment of restitution orders. Those responsible for monitoring restitution should automate their program.
7. Offenders should be held accountable for restitution payments; State legislation should make restitution payments a priority over other payments due from the offender, including fines, fees, and restitution to entities other than the crime victim; and restitution payments should be collected before fines or penalties.
8. Corrections agencies, including prisons, jails, probation departments, and paroling authorities, should designate one person to be responsible for victim inquiries and contact regarding restitution.
9. A probation or parole officer's proficiency in managing restitution cases should be a component of evaluating his or her job performance.
10. Failure to comply with a restitution order should result in an extended sentence of the offender's community supervision.
11. Civil remedies should be applied on a routine and consistent basis to assist crime victims in collecting restitution.

12. Victims should have the right to petition to amend the payment schedule for restitution, the amount of restitution ordered, and any failure to order restitution.
13. Before the court modifies a payment plan or makes other changes to a restitution order, it should notify the victim and give them an opportunity to be heard on the matter.