

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

**SJR 399
Restitution**

**A BILL REFERRAL STUDY TO THE SENATE
RULES COMMITTEE AND THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA
RICHMOND
MAY 2002**

February 8, 2002

TO: The Honorable Mark Warner, Governor of Virginia

And

Members of the Virginia General Assembly

The 2001 General Assembly, through Senate Joint Resolution 399, by referral, requested the Virginia State Crime Commission to examine restitution for crime victims.

Enclosed for your review and consideration is the report which has been prepared in response to this request. The Commission received assistance from all affected agencies and gratefully acknowledge their input into this report.

Respectfully submitted,

Kenneth W. Stolle
Chairman

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I. Authority for Study

Section 30-156 of the *Code of Virginia* establishes the Virginia State Crime Commission and defines its purpose “. . .to study, report and make recommendations on all areas of public safety and protection.” Section 30-158(3) provides the Commission the power to “conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-156. . .and formulate its recommendations to the Governor and the General Assembly.”

The Family Violence Subcommittee, a standing subcommittee established under the Virginia State Crime Commission, received, by referral, Senate Joint Resolution 399 directing the Crime Commission to study restitution. The study resolution identified the following areas for analysis: (i) the offenses under which restitution may be ordered by the courts and whether this power should be broadened to cover all offenses not currently covered; and, (ii) the efficiency and effectiveness of procedures governing the manner by which the Commonwealth collects restitution payments and by which victims receive restitution payments. In fulfilling its legislative mandate, the Family Violence Subcommittee undertook the study.

II. Members Appointed to Serve

The following are members of the Family Violence Subcommittee, as well as the permanent advisory group members assigned to assist the Subcommittee members:

Family Violence Subcommittee Members

Senator Janet D. Howell, Chairperson
Mr. Michael L. Ball
Delegate Brian J. Moran
The Honorable William G. Petty
Senator Linda T. Puller, *Ex Officio*
Senator Kenneth W. Stolle

Advisory Group Members

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Kristi VanAudenhove & Ruth Micklem, Virginians Against Domestic Violence
Jeanine Woodruff, Virginians Aligned Against Sexual Assault
Nan McKenney, Family & Children's Trust Fund
Virginia Coalition for the Prevention of Elder Abuse

III. Executive Summary

The Family Violence Subcommittee held ten (10) focus groups randomly selected from across the Commonwealth involving over sixty (60) direct service providers as a critical aspect of the study activities. The focus groups yielded valuable information regarding the current system of restitution at all levels of court. The following are recommendations resulting from the focus groups, general research and interviews conducted in conjunction with the study.

Recommendation 1

The Supreme Court, working with the Criminal Injuries Compensation Fund and others, shall: (i) develop a central repository of restitution information; (ii) clarify the local agencies that may be able to collect restitution; and, (iii) clarify the methods used to enforce the collection of restitution.

There is no way of knowing how much restitution has been ordered or collected in Virginia because collection of such information is not required. In order to better assess how to improve Virginia's system of restitution, the total amount of money ordered and collected is necessary. Additionally, the Virginia Code is vague as to who may collect restitution within a locality. As a result, each of the focus groups reported that restitution is collected differently, often with differences between the particular courts within one locality. However, each locality reported "contentment" with their current system of restitution (specifically as to who was responsible for the collection of restitution, not enforcement of the order). Even so, some localities were unaware of all the methods available within the Code to aid in the enforcement of restitution orders. Hence, sweeping changes in the ordering and collection of restitution at this point in time may not be fiscally responsible or wise in terms of the effect those changes could have on the localities participating in the focus groups or the hundreds of remaining localities across the Commonwealth.

Recommendation 2

Mandate that judges shall order restitution at the time of sentencing.

This recommendation will be considered with Recommendation 1 once the Supreme Court also reviews a uniform order of restitution for the courts.

IV. Study Goals & Objectives

With the assistance of the Subcommittee members and the advisory group members, the Family Violence Subcommittee identified the following focus areas:

- Enforcement of ordered restitution;
- Need for a statewide, centrally located repository of restitution information;
- Victim access to information;
- Lack of interagency communication;
- Responsibility for payments;
- Role of Probation Services;
- Role of Commonwealth's Attorneys; and
- Uniform collection of restitution payments.

V. Methodology

In addressing a large subject matter such as restitution, the staff of the Family Violence Subcommittee utilized various research methods for gathering information. Staff began by conducting a Code search and a literature review. With a general understanding of how restitution in Virginia developed and what the *Code* mandates, staff conducted ten (10) focus groups, and several formal and informal interviews. Each of these activities will be discussed briefly.

A. Code Search

Staff reviewed the *Virginia Code* for enabling statutes detailing how restitution is ordered, enforced and collected. The research also included examining which local agencies may collect restitution and whether there is specific language as to those agencies that may not collect restitution.

B. Literature Review

A literature review was conducted focusing on trends in restitution. Much of the literature reviewed flowed from an extensive comprehensive plan addressing victims' rights and services produced by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. The results of the literature review were used to identify trends that could be useful in the Commonwealth.

C. Focus Groups

Restitution, by its nature, requires the cooperation of several agencies in order to make it work. In order to better understand how restitution is collected in the State of Virginia and how effective that collection is, ten (10) focus groups from across the State were conducted. Crime Commission staff aided in

development of the random sampling of localities, as well as the development of the standard questionnaire used at each of the ten meetings. The localities were chosen based on the following:

- a mixture of urban, suburban and rural Court districts based on population;
- districts with a mixture of high, medium and low caseloads; and,
- a statewide geographic distribution (two (2) localities were chosen because they far exceeded the parameters detailed above for population and caseload; and
- one locality could not be organized and had no focus group conducted.¹

The focus groups consisted of agencies known to participate in the restitution process, as well as those agencies identified by the locality, that may not have been normally associated with the collection of restitution. These included:

- Clerk's Offices (Juvenile and Domestic Relations Court, General District Court and Circuit Court);
- Commonwealth's Attorneys;
- Judges (different courts);
- Probation & Parole;
- Community Corrections;
- Victim/Witness; and
- Others not initially identified, but part of the process in a particular locality.

Crime Commission staff developed and administered a standardized questionnaire to each focus group. Sessions lasted between one and two hours and responses were quantified. The Family Violence Subcommittee Project Director presented questions, attempting to clarify any vague issues and to ensure the group addressed the relevant topics presented.

The focus groups were all held in November 2001. Answers from each locality were recorded on the questionnaire by two Subcommittee staff members, as well as on tape for any later clarifications. The answers were analyzed upon completion.

VI. Background

National Policy

Restitution is one of society's earliest forms of victim assistance, dating back to the Code of Hammurabi in the 18th century B.C. The Code of

¹ Participating localities—Arlington, Brunswick, Buckingham, Fairfax, Hampton, Hanover, Manassas, Pulaski, Rockingham and Virginia Beach.

Hammurabi related restitution to “an eye for an eye,” while the Hebrew Law of Moses specifically provided for the payment of restitution circa 1688 B.C.² In the books of Exodus and Leviticus in the Bible, restitution to a victim included not only reimbursing the victim for losses, but also required a guilt offering. Later, in primitive England, a system of restitution developed that required restitution to be paid not only to the victim’s family, but also to the king for violating the king’s peace. In time, the king took the primary role in collecting restitution while the victim or the victim’s family took the secondary role in collection. The victim’s only recourse came from pursuing a civil action.³ As time evolved and the government assumed the responsibility of prosecuting crimes, those crimes were viewed as being committed against the state and not the victim. As a result, victim compensation was forgotten.⁴

Restitution in the United States began in the 1930s with the establishment of penal laws in some states that allowed restitution as part of suspended sentences and probation.⁵ California established the first compensation program in 1965. Other states soon followed. By 1982, thirty-six (36) states had established programs, including Virginia, which added the need to compensate victims to the *Virginia Code* in 1976. This was around the same time that federal funding became available to support states’ developing programs. Several groups developed policy statements in support of restitution, including the National Commission on Criminal Justice Standards and Goals, the Council of Judges of the National Council on Crime and Delinquency, the American Bar Association and the American Law Institute.⁶ Even so, restitution was slow to catch on as a viable and necessary option for crime victims until almost a decade later.

The most significant action began with the federal government with the enactment of the Victim and Witness Protection Act (VWPA) of 1982. The VWPA required that judges order restitution in criminal cases or state the reason for not doing so on the record.⁷ The *Final Report* of the President’s Task Force on Victims of Crime reiterated the language of VWPA, spawning national research efforts on restitution. Two of the most important and influential studies were published in the 1980s—*Crime Victim Restitution: An Analysis of Approaches* published by the National Institute of Justice and *Guidelines Governing Restitution to Victims of Criminal Conduct* published in 1988 by the American Bar Association.⁸ The two (2) studies presented model restitution

² *New Directions from the Field: Victim’s Rights and Services for the 21st Century*. Office of Justice Programs, Office for Victims of Crime, U.S. Department of Justice (1998).

³ Frank, L.F. *The Collection of Restitution: An Often Overlooked Service to Crime Victims*, St. John’s Journal of Legal Commentary 8, 107-34 (1992), referencing J. Stark, & H. Goldstein, *The Rights of Crime Victims* (1985).

⁴ *Id.*, Frank.

⁵ *Id.* at 111.

⁶ See note 1 at 355.

⁷ *Id.* at 356.

⁸ *Id.*

approaches and emphasized the need for accountability on the part of the judicial system and the offender.

In the decade that followed passage of the Victim Witness Protection Act, every state passed statutes addressing restitution using the federal model as an example. However, states are continually amending and revising their laws to make restitution more effective, inclusive, etc.⁹ For example, some states are very restrictive in who may receive restitution, only allowing victims of violent crime or those involving property crimes to receive compensation. Other states are more progressive in their approaches, allowing family members, victims' estates, private entities, victim service agencies, compensation programs and private organizations that provide victim assistance all may seek restitution.¹⁰

Even so, despite these changes in restitution, there still remains a great deal of confusion around restitution and a great deal of work to be done in order to reach its full potential as an effective form of victim compensation. As is the subject of this study, many states other than Virginia are facing issues with the collection and enforcement of restitution. Efforts to consistently monitor offenders' timely payments have proven ineffective. The Bureau of Justice Statistics produced a study of recidivism of felons on probation in 1992. The Bureau found that of the thirty-two (32) counties surveyed, only half required restitution in at least one-third of all felony probation cases.¹¹ Additionally, only fifty-four percent (54%) of the amount of restitution ordered was paid.¹²

What is significant about these findings and a probable reason why states are continually studying and amending their laws on restitution is that "national research studies indicate that restitution is one of the most significant factors affecting the satisfaction of victims with the criminal justice process."¹³ A study by the American Bar Association in 1989 supported this assertion, stating that victims who were not satisfied with the criminal justice system often cited their lack of input into the decision on how much restitution could be imposed and the lack of information provided on the criminal justice process in general.¹⁴ Victims expressed the most satisfaction with the process when they felt they were included and informed, usually through communication with someone within the system, such as a victim-witness advocate.¹⁵

Still, restitution works well in some areas, while not in others. Some localities have established model programs. Most of these programs appear to

⁹ *Id.*

¹⁰ *Id.* at 357.

¹¹ Langan, P.A., and M.A. Cunniff, *Recidivism of Felons on Probation, 1986-89*, Washington, D.C.: U.S. Department of Justice, Bureau of Statistics, February 1992.

¹² Cohen, R., *Probation and Parole Violation in State Prison, 1991* (August 1995).

¹³ See note 1 at 357.

¹⁴ B. Smith et al., *Improving Enforcement of Court-Ordered Restitution*, American Bar Association, funded by the State Justice Institute, 1989.

¹⁵ *Id.*

embrace the coordinated interagency response as the basis for their programs' success.

- New York City—Embracing the coordinated interagency response, New York City is in the process of developing a highly sophisticated electronic information and communications system to link all involved agencies, including batterer intervention programs, substance abuse programs and those responsible for restitution. The entire program will be based on a “court-based infrastructure.”¹⁶
- Westchester County, New York—In 1991, an Economics Sanctions Unit was established to handle restitution. All payments are received by the Unit where an accounting staff monitors the accounts. Additionally, probation officers receive special training on the collection of restitution. How these officers manage restitution is considered in their performance evaluations.¹⁷
- Quincy, Massachusetts—Offenders are given jobs with local businesses in order to repay restitution owed in the Earn-It Program. One-third of the offenders' minimum wage is kept by the offender, while two-thirds goes to pay victims. Juvenile offenders are required to perform community service instead of making monetary restitution.¹⁸ This program is being replicated in many other localities.
- New Jersey—A pilot program focused on using a consistent sanctioning policy towards those who violate their restitution order has produced immediate results. One judicial officer is responsible for hearing the bench warrants associated with the violations. Fines and community service are also included with restitution in this process. The program has been replicated in ten other New Jersey jurisdictions.¹⁹

Virginia's Restitution Policies & Issues

Passed in 1976, §19.2-368.1 of the *Code of Virginia* details Virginia's statutory mandate to compensate victims of crime. In doing so, the Workers' Compensation Commission was charged with the review and resolution of crime victim compensation with funds from the Criminal Injuries Compensation Fund. This section of the *Code* outlines the procedures for filing claims, assignment of claims, investigations, hearings, denials, etc. The Criminal Injuries Compensation Fund collects revenue from court costs and fines (§19.2-368.18). While crime victims may apply for restitution through the Criminal Injuries

¹⁶ See note 1 at 358.

¹⁷ *Id.*

¹⁸ *Id.*, referencing McGillis, D., *Crime Victim Restitution: An Analysis of Approaches*, 9.

¹⁹ See note 1 at 358.

Compensation Fund, usually through a local Victim/Witness Assistance Office, restitution is more often addressed in another area of the *Code*.

Section §19.2-305.1 of the *Code* authorizes the ordering of restitution to compensate victims for property damage or loss.²⁰ The current statutory language offers some discretion to the courts in ordering restitution, as well as discretion in how restitution is collected. Judges are not mandated to order clerk's offices to collect restitution, only that they "may" order clerk's offices to do so.²¹ As evidenced through the focus groups conducted across the State, several options as to which agencies may collect restitution have developed. Also, as a result, confusion exists as to what options are available in the enforcement of restitution. The *Code* sections that follow §19.2-305.1 address the myriad issues that surround the repayment of monies to a crime victim including the issue of awarding interest on a restitution order, suspended sentence revocation and probation and enforcement.

The actual ordering of restitution does not appear to be problematic in Virginia.²² The problems that do exist come when deciding how best to enforce it once the order is entered and a payment plan is created. More than one option exists for enforcement when a defendant fails to make timely payments. One option is to issue a show cause order and entering the remaining restitution amount as a judgment when the defendant appears. However, as one focus group participant pointed out, entering a judgment against a defendant removes the Commonwealth Attorney's ability to revoke a suspended sentence. That particular locality avoids judgments when it appears that the defendant has the means to make payments.

Another option is for the judge, at a show cause hearing, to work with the defendant when good cause may be shown for non-payment. As was also revealed in discussions with the focus groups, this alternative is usually offered when a defendant is making restitution through a probation and parole officer. There exists a greater likelihood that a probation and parole officer is familiar with this person's particular circumstances, and can provide mitigating evidence that may allow the defendant another opportunity for payment.

Probably the most severe option for restitution allows the judge to revoke a previously suspended sentence, usually with restitution as a condition of the suspension. However, as previously stated, the opinion of the victim may make a difference between whether a defendant receives another chance to make payments or goes to jail. Some victims may be determined to receive what is

²⁰ Other places in the *Code* address restitution, but are not related to crime victims. Those include damaging or destroying research farm products (§19.2-145.1); Medicaid fraud (§§32.1-321.3, 32.1-312 and 321.-313, 32.1-321.2) and tampering with or diverting service of metering devices of public services or utilities (§18.2-163).

²¹ § 19.2-305.1(C).

²² One-hundred percent (100%) of the judges in the focus groups agreed that they order restitution in all cases where a crime victim can prove a loss. Support for ordering restitution appears to be consistent.

owed to them; others may not care about the money and wish that the defendant be incarcerated. Therefore, to whom the defendant is required to pay the money becomes important. Again, if the defendant is paying restitution through a Probation and Parole officer, then there is a greater likelihood that this officer is familiar with this person's particular circumstances, which may keep that probationer out of jail (or from having the order turned into a judgment). On the other hand, a defendant paying restitution through a clerk's office or a victim/witness office may not have the same familiarity with a clerk or a victim/witness advocate that would keep him/her out of jail.

There are concerns that victim/witness offices and their advocates should not play any role in restitution, other than helping a victim determine what has been lost. They then simply relay that information to the judge at the conclusion of a trial or when a plea agreement is entered. Virginia's victim/witness offices are primarily funded with federal Victims of Crime Act (VOCA) funds. This grant requires that advocates follow certain criteria in offering services to the *victims* and *witnesses* of crime, not a defendant.²³ Virginia's crime victim's rights laws also require that certain criteria be followed in providing services, again to the victims and not the defendants.²⁴ Collecting restitution effectively takes an advocate away from the fulfillment of those criteria and places victim/witness advocates in the precarious situation of dealing with **both** victims and defendants. Of even greater concern is that victim/witness offices are not bonded as are clerk's offices, and must be careful to serve only as "pass-throughs" in the collection of payments. Meaning, those offices should only be forwarding non-cash payments directly to the victims. However, the focus group meetings revealed that some localities actively use their victim/witness offices for the collection of restitution. One locality, in particular, boasts an extremely successful program run out of its victim/witness office.

VII. Focus Group Findings

The Family Violence Subcommittee staff conducted ten (10) focus groups across the State to address the issue of restitution. The focus groups were chosen as a "sampling" of localities based on their court caseloads—low, medium and high—and whether the locality is urban, suburban or rural. The selected sample assumed results would produce a generalized idea of how different types of localities across the Commonwealth deal with the issue of restitution. The focus groups were asked to include all possible participants in the restitution process, including clerks from all three courts (Juvenile and Domestic Relations, General District and Circuit), Commonwealth's Attorneys, judges from different courts, Probation and Parole, Community Corrections, Victim/Witness Assistance and others not mentioned but who are a part of a particular locality's process (e.g. the local jail or defense attorneys).

²³ Interview with Virginia Federal Grant Administrator, Virginia Department of Criminal Justice Services.

²⁴ Va. Code §19.2-11.01.

Each focus group met approximately one and a half (1.5) hours. Participants were all asked the same questions from a questionnaire prepared with the assistance of the Senior Policy Analyst/Methodologist in the Crime Commission. The focus areas included:

- Enforcement of ordered restitution;
- Need for a statewide, centrally located repository of restitution information;
- Victim access to information;
- Lack of inter-agency communication;
- Responsibility for payment;
- Role of Probation Services;
- Commonwealth's Attorney's role; and,
- Uniform collection of restitution payments.

A copy of the questionnaire is included in Appendix D. While the Project Director conducted the focus groups, another staff member recorded response information by hand and with a tape recorder in case clarifications were necessary at a later date.

The focus groups yielded the following outcomes:

- Each of the ten (10) localities handles restitution differently, often with each court handling restitution differently from another within the locality.
- Four (4) localities reported using their victim/witness offices to collect restitution for at least one level of court.
- Two (2) Commonwealth's Attorney's Offices collected restitution, but not through their victim/witness office.
- Seven (7) localities utilized their probation and parole offices to collect restitution.
- Seven (7) circuit court clerk's offices collected restitution for their locality. One office only handles large restitution amounts and another strictly limits the amount collected as they are attempting to utilize their Commonwealth's Attorney's office and their jail program to collect restitution.
- Two (2) general district court clerk's offices reported that they collect restitution.
- Two (2) juvenile and domestic relations courts collect restitution for their locality.
- Two (2) newly formed Community Corrections offices reported that they now collect restitution. One office serves as the enforcement arm, while the other only collects for a general district court.
- Two (2) localities reported that restitution programs are set up through the local jails.

- ❑ One (1) locality reported that when a defendant has paid defense counsel, then the courts allow the defense counsel to collect restitution from their clients.
- ❑ Only two (2) localities maintained some type of local database on restitution. Even within these localities, the database was not utilized for every court.
- ❑ Three (3) localities were aware that the *Code* allows for the revocation of driver's licenses when a defendant fails to make timely restitution payments and utilize that enforcement option.
- ❑ Three (3) localities reported that no judge at any level orders interest on a restitution order. One reported that the judges made that decision because its sets up a defendant for failure when interest is included.
- ❑ Two (2) localities reported that they specifically require the judge to include interest in a restitution order. *The remaining localities did not report definite "rules" when it came to the ordering of interest.*
- ❑ Two (2) localities reported that they specifically require that restitution be paid first and court fines and costs later.
- ❑ On the flip side, three (3) localities reported that court costs and fines be paid first and then restitution. *The remaining localities did not report definite "rules" regarding which is to be paid first.*

VIII. Summary & Recommendations

One of the first issues the Subcommittee wished to address in its preliminary research, prior to the focus groups, was how much restitution was being ordered in the Commonwealth and how much is being collected. However, the research indicated that no state-level agency was responsible for the collection of restitution information. Hence, there is no way of knowing how much money the Commonwealth is dealing with as a whole and how well the enforcement of those payments is working. That lack of information was confirmed with the focus groups and soon developed into the first part of a three-part recommendation regarding restitution.

Only two of the localities maintain a formal, local record-keeping system. Even with these systems, the records were only kept for particular courts and not all the courts in the locality. With the help of the Supreme Court, who collects post-conviction information, it may be possible to develop a record-keeping system at the statewide level and help localities develop record-keeping systems compatible with the State. This could be the first step towards organization of the process, and serve as an introduction to uniformity of process. This uniformity, in turn, could aid in the development of increased inter-agency communication and, ultimately, a more victim-friendly inquiry process.

Recommendation 1A

The Supreme Court, working with the Criminal Injuries Compensation Fund and others, shall develop a central repository of restitution information.

Finding

Each of the ten localities handles restitution differently. Often, within a particular locality, each court handles the collection of restitution differently. The results were proof that localities had liberally interpreted §19.2-305.1(C) to mean that the judge, in his discretion, **may** order that the clerk's office receive restitution payments. Some localities allow clerk's offices to collect restitution, while others allow Probation and Parole to handle restitution, while still others allow the Victim/Witness Offices to handle restitution. Although this may seem problematic, when asked, each locality reported content with how their "system" of restitution is set up even though they may not be happy with their enforcement and collection rates. Each locality reported that additional state guidelines were not needed, although some responded that clarification of the process, particularly enforcement might be helpful. The issue of enforcement arose time and again with each locality. Virginia offers some options to non-payment, including revocation of a suspended sentence, the imposition of a judgment for the amount owed and suspension of driver's licenses similar to non-payment for child support. However, not all localities are aware of the driver's license suspension and not all embrace imposing a judgment upon a defendant because the right to revoke a suspended sentence is lost or because judges or Commonwealth's Attorneys prefer not to do so.

Recommendation 1B

The Supreme Court, working with the Criminal Injuries Compensation Fund and others, shall clarify the local agencies that may be able to collect restitution and clarify the methods used to enforce the collection of restitution.

Finding

Several localities expressed concern with restitution that was not ordered at the time of sentencing and trying to determine that amount post-conviction. Mandating that judges order restitution at the time of sentencing will eliminate the confusion of determining restitution once everything is over and help ensure that those victims who wish to have their concerns addressed through victim impact statements will have the opportunity to do so at sentencing.

Recommendation 2

Mandate that judges shall order restitution at the time of sentencing.

This mandate will be addressed once the Supreme Court examines whether to include the development of a uniform order of restitution for the courts.

Making any sweeping changes to allow for more statewide uniformity may be both premature and fiscally irresponsible. The most likely and obvious choice would be to place the collection of restitution squarely within the various clerk's offices. Then combining the restitution information they collect with the information they must already report to the Office of the Executive Secretary of the Supreme Court of Virginia, have those offices serve as their locality's central information repository. However, as heard repeatedly from the focus group participants, clerk's offices are facing serious financial crises. Any changes ordered may not be followed by the localities when taking into consideration there is a low probability that funds exist for additional training or personnel, and, if necessary, additional software. With localities showing content with their long-standing processes, many may be reluctant to embrace change, particularly when funding is such a critical issue. The question is then, how to best organize restitution without jeopardizing successful programs that do not utilize their clerk's offices.

For now, to allow the Supreme Court to determine how much money is being ordered and collected, and to clarify enforcement issues may be the way to improve the process without expending a great deal of funds that are not available. Once that information is collected, then the localities that need technical assistance may be helped and the issue of what changes may be necessary can be revisited.

IX. Acknowledgements

The Virginia State Crime Commission Family Violence Subcommittee extends its appreciation to the following agencies and individuals for their assistance and cooperation on this study.

Department of Criminal Justice Services

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SENATE JOINT RESOLUTION NO. 399

Offered January 10, 2001

Prefiled January 10, 2001

Directing the Virginia State Crime Commission to study restitution.

Patron-- Stolle

Referred to Committee on Rules

WHEREAS, restitution for crime victims is available under the Code in various, but not all, circumstances including crimes against persons, property crimes, consumer real estate violations, issuing bad checks, under the commercial code; and

WHEREAS, restitution is also available under the Criminal Injuries Compensation Fund administered by the Workers' Compensation Commission; and

WHEREAS, there is a need to determine under what offenses restitution may be ordered by the courts and whether this power should be broadened to cover all offenses not currently covered; and

WHEREAS, the procedures governing the manner by which the Commonwealth collects restitution payments and by which victims receive restitution payments should be examined to determine how efficient and effective these procedures are in compensating the victims of crime; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study restitution. Technical assistance shall be provided to the Commission by the Office of the Attorney General, the Virginia Supreme Court Executive Secretary's Office and the Workers' Compensation Commission, if such assistance is found necessary by the Commission.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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District Court Clerk

Frances Hedrick
JDR Court Clerk

Wendy Jones
Circuit Court Clerk's Office

Pulaski

Peggy Frank
Asst. Commonwealth's Attorney

Terri Powers
District Court Clerk

Rockingham

The Hon. Marsha Garst
Commonwealth's Attorney

Melanie Hollin
Circuit Court Clerk's Office

Ken McNett
Community Corrections

Wilhemina Parker
JDR Court Clerk's Office

Wilford Taylor
Circuit Court Judge

Clark Walden
Probation & Parole

Judy Ragsdale
District Court Clerk

Diane Sadler
Circuit Court Clerk's Office

Dave Mabie
Circuit Court Clerk

The Hon. John Notoriani
Commonwealth's Attorney

Bill Redmiles
Probation & Parole

Sandy Singleton
Circuit Court Clerk's Office

Jim Thompson
Probation & Parole

Julia Ritchie
JDR Court Clerk

Marvin Shiflett
Probation & Parole

Bonnie Simmons
District Court Clerk

John Paul
District Court Judge

Virginia Beach
The Hon. Harvey Bryant
Commonwealth's Attorney

Carol Buck
Probation & Parole

Corey Burdin
Victim/Witness Assistance

Michael Davy
District Court Clerk

J. Curtis Fruit
Circuit Court Clerk

Frederick Jenks
JDR Court Clerk

Beth Taylor
Victim/Witness Assistance

Margo White
District Court Clerk's Office