

Section 4 Handout – Documenting Losses for Victim Restitution¹

To ensure accurate and complete restitution orders, victims are required to document their losses in writing for the court or paroling authority. It is important to provide victims with guidelines about the types of documentation that are needed to depict their out-of-pocket and projected expenses for the future.

Some considerations for guidelines that should be provided *in writing* to victims include, but are not limited to:

- Employer statements (letters or affidavits) that document unpaid time off from work the victim took as a result of injuries from the crime, or involvement in justice processes.
- Documentation of any workers compensation claims submitted and/or claims payments received by the victim.
- Copies of bills for services directly related to victims' financial recovery from the crime.
- Any receipts for items or services.
- Documentation that estimates the value of stolen property.
- Photos of valuables that were stolen.
- Copies of any documentation often provided by local law enforcement agencies (i.e. records of serial numbers, photos, etc.) that is intended to aid victims in the recovery of stolen property.
- Any law enforcement records that indicate the status of stolen property (i.e. property recovered, recovered but damaged, etc.)
- Copies of victims' applications to and/or copies of checks received from the state victim compensation fund.
- Copies of insurance claims and related correspondence between the victim and his/her insurance company, as well as copies of checks the victim may have received to cover losses.

¹ Reprinted with permission from Seymour, A. (1997) . "Victim Restitution," in *Promising Practices and Strategies for Victim Services in Corrections*. National Center for Victims of Crime and Office for Victims of Crime, U.S. Department of Justice: Washington, D.C.

Immediate Losses

During the pre-sentence investigation, victims should be asked to report information about their losses by completing or updating a financial worksheet, and providing documentation as described above.

The range of these losses can include the following:

Medical Care

- Emergency transportation to the hospital.
- Rape kit examinations that are not immediately paid by a third party.
- All expenses related to the hospital stay, including the room, laboratory tests, medications, x-rays, HIV testing in cases involving the exchange of bodily fluids, and medical supplies.
- Expenses for care provided by physicians—both inpatient and outpatient—medication and medical supplies.
- Fees for physical or occupational therapy.
- Replacement of eyeglasses, hearing aids, or other sensory aid items damaged, destroyed, or stolen from the victim.
- Rental and related costs for equipment used for victims' physical restoration (e.g., wheelchairs, wheelchair ramps, special beds, crutches, etc.).

Mental Health Services

- Fees for counseling or therapy for the victim and his/her family members.
- Any costs incurred as a result of the victim's participation in support or therapy groups.
- Expenses for medications that doctors may prescribe for victims to help ease their trauma following a crime.

Funeral Expenses

- Costs associated with burials, i.e. caskets, cemetery plots, memorial services, etc.
- Expenses for travel to plan and/or attend funerals.

Time Off From Work

- To repair damage following property crimes.
- To attend or participate in court or parole proceedings.
- To attend doctors' appointments for injuries or mental health needs directly resulting from the crime.

Other Expenses

- Crime scene cleanup.
- Costs of replacing locks, changing security devices, etc.
- Expenses related to child or elder care when victims have to testify in court.
- Relocation expenses.
- Fees incurred in changing banking or credit card accounts.

Projected Expenses

Victimization often results in injuries or losses that are long term in nature. While it is not possible to accurately document such projected expenses, it is possible to document expert opinions as to future financial obligations the victim might incur as a direct result of the crime.

Victims should be advised to seek documentation (a letter or affidavit) from professionals who are providing them with medical or mental health services that offers an estimate of the victims' future treatment needs, as well as related expenses. Such costs can include:

- Long-term medical treatment.
- Physical or occupational rehabilitation or therapy.
- Mental health counseling or therapy.
- Time that must be taken off from work to receive any of the above services.

The justice professional responsible for assessing victims' restitution needs should provide this documentation to the court or paroling authority.