

Victim Experiences with Restitution and Compensation

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Table of Contents

ACKNOWLEDGEMENTS.....	2
EXECUTIVE SUMMARY.....	3
INTRODUCTION.....	6
DEMOGRAPHICS.....	7
OVERVIEW OF RESTITUTION/COMPENSATION PROCESS.....	9
FINDINGS.....	11
1. EFFECTS OF CRIME - A TYPOLOGY OF HARMS.....	11
a. Health.....	11
b. Financial.....	12
c. Other harms.....	12
2. EXPERIENCES IN SEEKING RESTITUTION AND COMPENSATION.....	14
a. Communication.....	14
i. Feeling unheard.....	15
ii. Falling through the cracks.....	16
iii. Information mismatch.....	18
b. System issues.....	20
i. Eligibility and allowable costs.....	20
ii. Administrative burdens.....	22
iii. Multijurisdictional issues.....	24
c. Timing.....	26
3. OVERALL VIEW OF SYSTEM.....	27
4. VIEW OF ALTERNATIVES TO FINANCIAL RESTITUTION.....	29
a. Victim-focused.....	29
b. No alternatives.....	30
c. Rehabilitative.....	31
d. Community-oriented.....	32
e. Other/combo.....	32
f. Not sure/conditional.....	33
g. Punitive.....	33
CONCLUSION.....	34
APPENDIX 1: METHODOLOGY.....	37
APPENDIX 2: WORKS CITED.....	38

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Points of view or opinions in this report are those of the authors only.

EXECUTIVE SUMMARY

This report sheds light on the varied experiences of individuals who are victims of crime seeking restitution and compensation, with the goal of informing reform efforts to financial restitution. Financial restitution and other fees have been imposed through the legal system to help assist victims in recovering losses and paying for services they need because of the crime (e.g., counseling, medical treatment). Yet that goal has been hindered by the fact that restitution is just one of several monetary sanctions (e.g., counsel, stays in jail, supervision fees, fines based on offenses) that justice-involved people are assessed in the legal system. While payment of restitution is prioritized over the other types of monetary sanctions, the combined amount of all these sanctions can become so excessive that there is little chance that the people could ever pay it, tethering them further to the legal system. This is especially true for justice-involved youths who are too young to work. Another aspect pertains to the bureaucratic processing of restitution and compensation that can be confusing, frustrating, and sometimes ineffective in providing the funds to victims. The result for victims is that they still do not get the resources or justice that they seek from the people who committed the crimes, the legal system, or the state government.

Based on interviews with 94 victims in Arizona, this report offers a more nuanced view of what victims want and need in response to crimes done to them, recognizing that in some cases, restoration and repair may not always involve financial components. Those nuances are not easily reduced to one or two factors (e.g., the type of crime, gender, race, or age of the victim or person charged with the crime). Rather it is an interplay of individual and system-level factors related to the crime, the extent of the harm, communication with the legal actors, and the court process. For many, dissatisfaction and disappointment arose due to unmet expectations related to the case outcome and their pursuit of restitution and compensation. That is, they viewed the court as a place where they would find justice or some type of closure, including a ruling on awarded funds and sentencing they felt fit the weight of the crime. Yet that did not happen for several reasons, including:

- Uneven and confusing communication: Victims described having to parse through information from several different people and agencies or being passed along from person to person with their questions never getting answered completely.
- Lack of voice in court process: Victims did not feel included in the court process in substantive ways, from not being informed about court hearings in a timely manner to not knowing of a plea bargain before it was finalized.
- Frustrating bureaucratic procedures related to restitution and compensation: Victims were frustrated by the amount of documentation needed for restitution and compensation, especially in instances where that documentation was not easily obtained (e.g., receipts for stolen heirlooms or projected costs). Some also reported having to submit paperwork multiple times, after it got lost due to staffing changes or other bureaucratic issues.
- Delayed and insufficient receipt of restitution or compensation funds: In the cases where restitution or compensation was awarded, people described feeling exhausted by the process and still had not received any or all of the funds awarded to them by the court. Moreover, they felt the system didn't follow up in meaningful ways when the ordered restitution was not paid, treating it as an 'afterthought' compared to the court case.

Based on these findings, we offer five recommendations that address the uniqueness of everyone's experience and specific needs from the court and restitution process, while also acknowledging system constraints. To be clear, we are not recommending completely eliminating all financial restitution; rather, we are offering ways to think about the system that keeps that option among many to provide a more comprehensive and meaningful response to victims that is not dependent solely on the justice-involved person's paying that financial restitution.

1. Streamline the communication between the victims and the legal system

We recommend a more streamlined approach of communication between the system and the victims, ideally with the victims having one point of contact throughout the entire process. The contact could be the liaison across several agencies involved with the court case, sentencing, post-sentencing supervision, restitution, and compensation. That person would provide clear and detailed guidelines of what to expect from both the court case and restitution/compensation processes. Regarding restitution and compensation, this point person could schedule a meeting to specifically go over these processes before the victim submits the forms. In this meeting, the person would review the forms, eligible costs, odds of recouping said costs, and possible non-financial alternatives.

2. Offer multiple options including both financial and non-financial alternatives on restitution and compensation forms

This idea would involve revising the restitution and compensation forms so that the victims could consider possible non-financial forms of restitution or compensation *at the same time* they are asked to identify the financial costs related to the crime. The forms could ask victims if they would consider options such as restorative justice, community service, letters of apology, or the person's participation in educational/treatment programs as part of the 'restitution' order. In doing this, the system could perhaps maximize the compensation funds – distributing the financial amounts as needed while also providing other opportunities – as driven by the victim's input – for the person charged with the crime to take accountability and for the victim to be restored.

3. Revise timing for outreach, deadlines, and receipt of funds

The timing of restitution and compensation processes could also be reconsidered. Instead of sending victims a deluge of information right after the crime occurs and then asking for the restitution documentation and victim impact statements right before sentencing, the system could offer more regular and frequent points of contact, giving victims adequate time to prepare. Following Vermont's model, states could also consider establishing restitution funds in which the victim can receive funds upfront, with the people charged for the crimes paying back that amount into the fund (if they have the means to pay).

4. Simplify eligibility and application process for restitution and compensation.

The eligibility process could be more clearly delineated before people apply for these funds, with more flexibility in the guidelines for certain situations (e.g., a victim of domestic violence's self-defense actions being seen as 'contributing to the crime' or peoples' past fines making them ineligible for compensation). Those factors should not diminish the peoples' status as victims of these particular instances where harm occurred. The criteria for allowable costs also could be more malleable, with a less onerous process for reimbursement where the victims did not need to keep providing treatment plans that do not need updating from a therapeutic perspective.

5. **Invest in a centralized electronic notification/tracking system**

This idea comes directly from victims who expressed frustration with the multi-agency aspect of the restitution and compensation process and suggested a centralized on-line system where they can track court hearings, the person's status in jail or prison (if sentenced) or Probation, as well as restitution/compensation amounts ordered and received. To facilitate the communication between the victims and agencies, this system could have the contact information for the person/department in each agency associated with a specific step in the process (e.g., prosecutor for cases, probation for post-release, clerk's office for restitution payments) so they didn't have to spend hours tracking people down for basic information. In addition, people ordered to pay restitution could access the part of this electronic system only related to restitution. That way, they could keep track of the court ordered restitution amount, balance paid to date, and the outstanding balance.

We offer these recommendations, knowing they are ambitious in scope but also are grounded in the individual victims' experiences and desires. It is our hope that they inform and inspire jurisdictions' possible steps forward to make the legal system more responsive to the victims, while also not exacerbating the excessive legal debt imposed on people charged with the crimes who cannot afford to pay it back. In doing so, there is greater opportunity not just for the individuals charged with crime to take accountability but also for the legal system to take accountability regarding its responsibilities to the victims, justice-involved people, and the public in administering fair and equitable justice.

INTRODUCTION

The purpose of this study was to better understand individual victim experiences with restitution and compensation to inform reform efforts regarding financial restitution.¹ Restitution is the court-ordered financial amounts that people have to pay the victim for the harms caused by their actions; compensation refers to state-run programs funded by public monies and often, court-involved peoples' fines and fees. The rationale for both restitution and compensation is to help victims feel whole again, to assist them in recovering fiscal losses and paying for services they may need because of the crime (e.g., mental health counseling and medical treatment). However, financial restitution and/or compensation are not guaranteed or provided in a meaningful fashion, even in a state like Arizona, with a strong victim rights movement and established system of victim services. This situation arises for two reasons. One, restitution is just one of several monetary sanctions (e.g., counsel, stays in jail, supervision fees, fines based on offenses) that people are assessed in the legal system. While payment of restitution is prioritized over the other monetary sanctions,² the total amount of all these sanctions can become so excessive that there is little chance that the people could ever pay restitution, tethering them further to the legal system. This is especially true for justice-involved youths who are too young to work.³ Two, the bureaucratic processing of restitution and compensation can be confusing, frustrating, and sometimes ineffective in providing the funds to victims. The result for victims is that they still do not get the resources or justice that they seek from the people who committed the crimes, the legal system, or the state.

One path forward is to find alternatives to financial restitution that are amenable to victims. This report is one step towards that goal, identifying new approaches and alternatives to financial restitution grounded in a detailed understanding of victims' experiences and desires related to restitution. The report presents findings from interviews conducted between May 2022-February 2023 with 94 people who were victims of crimes committed by adults or youths in Arizona. Those interviews focused on asking how the victims have learned about, applied for, and received financial reimbursements by requesting restitution from the person who committed the crime or compensation through state funds. In doing so, we offer a more nuanced view of what victims want and need in response to crimes done to them, recognizing that in some cases, restoration for victims may not always involve financial components.⁴

The organization of the report is as follows. It first discusses the sample demographics and offers an overview of the restitution and compensation process. It then turns to our findings, presenting the array of the harms that victims reported experiencing due to the crime. Next, the report lays out several ways in which victims' actual experiences seeking restitution and/or compensation do not follow the process as designed. That gap grounds the victims' general opinion of the juvenile and criminal legal systems and their ideas for viable alternatives to financial restitution. We close with

¹ This report focuses on people who have been victims, versus corporations and third-party companies (e.g., insurance companies) who could claim restitution.

² See A.R.S 13-804 and 13-809.

³ It should be noted that people with court-ordered restitution are not necessarily opposed to paying it: previous research has found that youths in juvenile court (Paik and Packard 2019) did want to pay restitution to their victims for the damages caused by the offense (e.g., car repairs, broken windows in homes). Yet that willingness is often overshadowed by the significant cumulative amounts of all monetary sanctions as well as the lack of alternatives to 'work off' restitution if people cannot afford to pay. Moreover, unpaid restitution can sometimes prevent people from getting off probation or sealing their court records, making it even harder for them to work to pay restitution.

⁴ This report builds on two recent reports: *Reimagining Restitution* (Smith et al. 2022) that focused on the negative consequences for justice-involved youths and their families and the 2022 annual report by the California Committee on the Revision of the Penal Code where three of the ten recommendations pertained to victim restitution and rights.

some policy recommendations regarding the current restitution and compensation process. A detailed methodology is found in the appendix.

Some caveats must be noted before proceeding. One, while we recognize that the victims' experiences with the restitution and compensation process are intricately intertwined with the overall case processing in the court, we focus on the restitution and compensation aspects to identify areas where those facilitate or hinder their pursuit of justice and healing through the courts. Second, we also recognize how the COVID pandemic affected many victims' experiences both positively and negatively. Some said it made their experience easier because everything could be done virtually. However, others mentioned facing confusion and frustrations due to limited staff and resources because of the pandemic. Yet we do not directly address the COVID pandemic in our findings, given that many of our victims' cases preceded it, or the issues raised were not exclusively related to its impact on the court operations. Third, we recognize there could be a selection bias in who participated in the study. That is, those who had negative experiences in seeking restitution and compensation might be more likely to want to talk with us, compared to those who had smooth and positive ones. Yet as our findings will show, several participants shared positive opinions about at least some parts of the process (e.g., police helpful in investigating the crime; caring victim advocates). Moreover, victims recognized the broader system limitations related to funding, staffing, and the COVID pandemic, as well as the fact that the system cannot (nor necessarily should) fill the gaps if people cannot pay. Our goal in sharing these findings is not to critique these staff or agencies, but rather to shed light on what moments or aspects of the system added more stress and pain (however unintentionally) to victims.

Finally, regarding terminology, we avoid the use of 'offender' unless quoted directly by the participants due to the stigmatizing nature of that wording. However, we still refer to participants as 'victims,' when it cannot be avoided, recognizing that label is less stigmatizing.

DEMOGRAPHICS

The following table summarizes the demographics of the sample:

Table 1: Sample Demographics by Race, Age and Gender

Race/Ethnicity	N=94
African American	4%
Latinx	18%
Caucasian	69%
Other (e.g., Asian, American Indian)	2%
Multiracial	6%
Age	Range: 18-84; Mean: 49 years old
Gender	Male: 26%; Female: 74%

Table 2 lists the crimes the victim reported experiencing; those crimes are not the same as the offense with which their perpetrator was ultimately charged (if it was prosecuted in court). Some people also reported multiple crimes in the same incident, and one person reported two separate crimes for which she is seeking compensation and restitution; as such, the total number of crimes listed (107) exceeds the number of people interviewed.

Table 2: List of Crimes

Crime	N =107
Car-related (theft, vandalism)	19
Domestic violence	15
Sexual assault (rape, molestation)	14
Assault	12
Theft (bikes, credit card/identity)	10
Burglary - home	9
Financial	7
Murder	7
Attempted murder	3
Armed robbery	2
DUI - hit by a vehicle	2
Kidnapping	2
Stalking	2
Property damage	2
Unsanctioned recording	1

The majority of victims (54%) knew who committed the crime against them. This was not only intimate partners involved in domestic violence but also neighbors, work colleagues, and other students in school. 20% of the victims said youths under 18 years old committed the crimes which mainly were car theft and school-related fights. Middle-class and white participants were more likely to report crimes of home burglary, murder, financial fraud, and identity theft.

Of the 94 victims, 64 said their criminal court case was completed; 50 (78%) said there was a plea bargain. Four additional court cases were still ongoing at the time of the interview. In terms of the sentence given, three victims didn't remember or know; in nineteen cases, the sentence was probation, and the rest included some jail or prison time. The median length of probation was 36 months, and for jail/prison, it was 60 months (the range for both sentences, if known, was two months-life). For the 19 cases in the juvenile legal system, 15 had a completed court case; the other four only had police reports. In terms of outcomes for 17 of those cases, six youth received Probation, five got diversion, two had community service, and four were unknown.⁵

In terms of restitution and compensation, Table 3 shows the number of people who requested, were awarded, and received those funds. It also shows the average amount requested, awarded, and received:

⁵ The other two victims were teachers in specialized schools who multiple situations of assault from their students who had significant emotional or behavioral issues. They only pressed charges against students in extreme situations to make sure they got additional therapy or help; most of them all got diversion.

Table 3: Summary of Restitution and Compensation

Restitution	Requested	62 (66%)
	Awarded	59 (95%)
	Received	43 (73%)
	Range/Average Amount Awarded	\$400-129,000; \$16,656
	Range/Average Amount Received	\$0-20,000; \$1,678
	% of Average Amount Awarded/Received	10%
Compensation	Requested	23 (24%)
	Received	18 (78%)
	Range/Average Amount Requested	\$124-30,000; \$8,748
	Range/Average Amount Received	\$214-30,000; \$8,238
	% of Average Amount Requested/Received	94%

As this table shows, more people requested restitution than compensation (66% versus 24%). Yet the percentage of people *receiving* compensation was slightly higher than those for restitution (78% versus 73%). Moreover, the average amounts and percentage of compensation received were higher than those of restitution (\$8,238 versus \$1,678; 94% versus 10% respectively).⁶

OVERVIEW of RESTITUTION/COMPENSATION PROCESS

Before turning to the interview findings, it would be helpful to provide a roadmap of how one might obtain restitution and compensation in Maricopa County.⁷ We outline each step separately as they entail different starting points, eligible costs, and state agencies/actors.

The process to request restitution could start immediately after the crime occurs. In Arizona, it requires an initial arrest and subsequent filing in court by the prosecution. The judge sets the restitution amount at the time of sentencing. The specific steps would be as follows:

1. Different agencies are notified of the crime and reach out to the victim, including:
 - a. Victim advocates from the Maricopa County Attorney's Office offer guidance about the overall process, including restitution.
 - b. In cases where a youth is arrested for crime, Juvenile Probation Victim Services Department sends a packet to the victim including information about their rights, restitution, and compensation.⁸

⁶ Regarding compensation, the official program rules say \$25,000 is the maximum per claim; however, one of our interviewees reported receiving \$30,000. However, the person was not exactly sure, stating, "I received the full amount of compensation. I think it was \$25,000 for health and \$5,000 for counseling." So it could be that person only got \$25,000 total.

⁷ This overview is based on informal interviews with Maricopa County Juvenile Probation Victim Services, Maricopa County Adult Probation Department, our interviews with the victims, and information gleaned from the various county agency websites involved with restitution and compensation.

⁸ Juvenile Probation Victim Services Unit works with victims going through the court process and who are placed on probation. For youth who go through Diversion, the probation officers assigned to Diversion can provide information about that process to victims.

- c. For cases involving adults arrested for a crime, the Presentence Division of the Adult Probation Department informs victims of the process as it works to gather information for the presentencing report.⁹
2. The victim fills out a form with receipts of damage and hospital bills (no limit to the amount) before the sentencing or disposition hearing.
3. At sentencing or disposition hearing, the judge orders the amount of expenses incurred and, in some cases, prospective costs for treatment.¹⁰
4. A person convicted of the crime pays the restitution (via Probation, Corrections if incarcerated, or directly to clerk's office)
5. The Clerk of Superior Court mails the check to the victim
 - a. The victim needs to maintain updated contact information with the clerk's office.
6. If restitution is not paid, person could be ordered back to court for a restitution hearing.
 - a. Victims also could file in civil court to place a lien on a person's assets.
 - b. If the person is a juvenile, the parent could be held responsible for the restitution amount.
7. If restitution is not completely paid before the termination of a person's probation, there are the following legal mechanisms:
 - a. In juvenile court, the case could be closed when the person ages out of system; the outstanding restitution could turn into a civil judgment.
 - b. For adults, the period of probation can be extended and/or outstanding restitution can be converted to a criminal restitution order, which is a civil judgment.¹¹

Compensation works slightly differently in that it is not necessarily tied to an arrest or court case; however, it does require at least a police report dated within 72 hours of the crime (unless there is a justifiable reason for the delay). It is a state fund operated by the Arizona Criminal Justice Commission run at the county level through the county attorney's offices. It is seen as the fund of last resort to cover medical costs, crime clean-up, lost wages, and counseling. The maximum amount a victim could request is \$25,000, with limits set in some categories (e.g., \$5,000 for mental health counseling, \$10,000 for funerals, \$2,000 for crime scene clean-up and \$2,000 for eligible transportation costs). The steps to apply are as follows:

1. Submit documentation within 2 years of crime to a review board in the county where the crime occurred.
 - a. Victim advocates from the Maricopa County Attorney's Office and victim compensation coordinators could advise the person about that process.
 - b. If requesting mental health treatment –the therapist needs to provide treatment plans on an ongoing basis (e.g., every three months) that require the compensation board's approval.
2. The board meets every 60 days to review and approve requests.
 - a. The victim could appeal the board's decision if the request is rejected.
3. The victim gets reimbursed for costs (or the compensation fund pays the provider directly)
4. If the court orders restitution, the person pays back the compensation fund for costs initially covered by compensation.

⁹ The Presentence Division primarily handles the pre-sentencing phase of the case. If there is a conviction and probation is part of the person's sentence, the supervising probation officer or the Adult Probation Department's Victim Services Unit could help answer questions for victims regarding the restitution process.

¹⁰ In juvenile court, there is a time limit on how long the person could ask the judge to reconsider the restitution amount – 30 days – unless otherwise specified at that disposition hearing.

¹¹ See A.R.S. 13-902

As you can see, staff in at least four different agencies (Probation, county attorney's office, Department of Corrections, Clerk of the Court) handle aspects of restitution and compensation at various points.¹² For restitution, the information about the process is provided right after the crime occurred but documentation is not required to be submitted until the sentencing phase. Compensation is a different process that can happen while the court case is ongoing (if there is one), and the person could appeal the board's decisions.

FINDINGS

The following section outlines the major findings that emerged from the interviews. They are organized in four sections: effects of crime, experiences in seeking restitution and compensation, general view of the juvenile and criminal legal systems, and views of alternatives to financial restitution. All names are pseudonyms chosen by the participants, with the available demographic information in parentheses (e.g., crime, self-reported age/race/gender of participant). If the person who committed the crime was a juvenile, that is also noted after the crime (e.g., assault-juvenile). All staff names mentioned are pseudonyms as well.

1. EFFECTS OF CRIME - A TYPOLOGY OF HARMS

This section outlines how people reported being harmed by the crime that happened to them. While many of these harms are to be expected (physical and emotional trauma, financial losses of broken/stolen property), some are less obvious yet equally salient for victims. It is important to see the entirety of these harms –in scope, scale, and duration - to better understand why a restitution or compensation process centered on financial amounts is not always helpful for victims.

a. Health

Several people documented the physical injuries and issues that arose from the crimes and the time to heal. Many participants described needing emergency care from their initial injuries. Others documented their ongoing and chronic physical health issues stemming from the crime, such as becoming paralyzed, traumatic brain injuries, and lost hearing.

Mo (domestic violence, White female¹³): He'd been hitting me; he'd been throwing me on the floor ... When they took pictures of me in the hospital, I had extensive bruising all over, both my legs, my arms, I had bruising everywhere. It wasn't just from that night.

Diane (assault – juvenile, 56-year-old White female): I didn't ask to be spit in the eye and go through testing and have to go to an ophthalmologist for a scratched cornea. I didn't ask to have to go, was it every three months? I don't know. For nine months, six months I had to go for blood tests.

Regarding mental health specifically, victims of all types of crimes reported feeling emotional distress, especially PTSD among those who suffered violent crimes. Consider the range of emotions captured in the following two excerpts:

Kelly (domestic violence, 48-year-old White female): I have found that all of this trauma has destroyed my short-term memory... Memory is a big problem because of the stress, the constant worry. And you get to the point where you're going over in your head, playing out scenarios. If this happens, what am I going to do? If that happens, what am I going to do? You get so stressed out that normal function isn't possible.

¹² In certain cases, there could be a fifth agency, the Arizona Attorney General's Office, who has their own victim services office with restitution advocates monitoring restitution if that office prosecuted the case.

¹³ Mo declined to share her age.

Dolly (identity theft, 28-year-old Latina): I was depressed for a while and stressed, especially with knowing how things are nowadays where it's hard to find people who have taken your identity and things like that...I thought from that point, my future that I've worked so hard for and for my daughter's came to an end, and there was no recovering that, and that devastated me.

b. Financial

Many interviewees experienced significant financial loss associated with replacing their stolen items and/or paying out of pocket for health care. Further, some paid several expenses upfront, including fees if they hired their lawyers and costs for items not covered by restitution or compensation. This led some interviewees to fall into debt, filing for bankruptcy, moving homes, making difficult financial decisions, or losing more money in expensive short-term solutions while awaiting the outcomes of their trials or investigations. Melchizedek, a 53-year-old White male who was a rape victim said, "I ended up just spiraling ... So, I ran up massive debt. If you let your student loan debt, you don't pay it for years, that compounding interest. So, I have \$80,000 in student loans; I have \$23,000 in debt from just credit cards right now...I think there was something else that I'm missing that puts it over \$110,000." This kind of financial stress exacerbated the other psychological, mental, or relational issues victims experienced. This was especially true of single mothers, participants of color, and immigrants in the sample, as described by Candy, a 55-year-old Latina whose car was stolen:

The car was missing longer than the amount of time that I had on my car insurance for a rental car...So it exceeded the time. I didn't have transportation. I had to use public transportation. So, there were those costs. When the Glendale Police found my car, they towed it to a tow yard or something, and I had to pay to get it out, which was like, "You're kidding me. I have to drive across town and pay you to give me my car?"

c. Other harms

Beyond the health and financial costs that are more easily translated into a restitution amount, people reported other impacts of the crime that are less tangible to harness in the same way. These impacts are related to the overall changes to their daily lives, impacts on the social mobility of their families, and changes to their relationships with their loved ones.

Many said they changed their routines of where they walked, shopped, socialized, and lived. They also reported an increased sense of insecurity, instability, and fear. Hannah, a 37-year-old White female who was a victim of armed robbery in parking lot, said, "It took me a while to walk through a parking lot by myself. It took me a while to even go back to that theater. I can tell you which tree it was under, which parking spot it was under."

In general, the change to daily life depended on the crime and if they themselves were the only victims or if their children or other family members were also victims. Paul, a 74-year-old White male whose house was burglarized over four years ago, explains the lingering fear for his family:

The effect of the robbery on us... really continues that way today. The alarm goes on, the perimeter goes on...I do watch who's driving by. Is someone walking I don't recognize? ... We can't quantify feeling of safety or not feeling safe... We have a lady come by a couple of days a week to help clean and tidy and do some laundry and ironing, and even she is just much more aware. I watch her many times when she's at work. You see a car go by the front and you see her look up. That's moving along. It's not somebody casing in the area ... You're just aware. It changes the way you think.

Some, such as Frida, had to relocate multiple times for their safety or because the consequences of the crime led to unstable or unreliable employment. Meanwhile parents, like Denise, with children who were victims of crimes felt afraid to let their children play independently.

Frida (domestic violence, 37-year-old Biracial female): every single job that I had, I had to keep quitting ... he [her abuser] started to stalk us. And so ... I had to step away ... for the protection of those children, just like my own...I had to change my social [security number] so we can have another veil of safety. So, when we moved and everything. That said, I had to erase over 20 years of job history.

Denise (daughter assaulted in school – juvenile, 52-year-old White female): I don't let her go many places by herself. So, we were having this huge discussion about it... Because it was like, sending her to school and like, "Okay. Good luck." She's having to watch her back. After the fight, she took her earrings out every day, at school, just in case somebody new wanted to jump her.

Long-term implications for victims and their families were numerous as well. Some talked about the economic impact on themselves but also their family members. Ally, a 49-year-old Latina who was hit by a drunk driver, says, "I am disabled for life. I imagine that everyone in my family's life was changed. Mainly from my mom. She was about to retire and move to Mexico...but since what happened to me happened to me, she still stayed here working."

Parents worried about their child's performance at school and their ability to develop or sustain healthy emotional or social relationships.

Jules (son videotaped in school bathroom – juvenile, 48-year-old White female): My son did not want to go to school. He went to school because he loves school and he loves learning..But he changed. Even now, a year later, he just does not seem as happy. And kids have come up to him at [his new] high school and said, "Hey, are you the kid on the video?" And so, it's now following him to another school... So, to him, I think it feels like how am I ever going to escape this? Because I will always be the kid on the video.

People's relationships also were impacted by the crime in a variety of ways. Victims of domestic violence felt that sides were chosen between them and the abuser; they also reported that their children felt resentful that their parents did not leave abusive situations sooner or neglected to protect them when they were the victims of sexual or verbal abuse. It also could lead to families being split up. Consider this excerpt with Lucy, whose ex-husband hit her in front of their 6-year-old son, leading her to have emergency surgery on her eye; she talks about the impact not just on that child but on her two stepchildren:

Lucy (domestic violence. 36-year-old White female): the other two [her stepchildren] were taken to grandma, maternal grandmothers... They never came back, and they now hate me... [in talking about their shared son who is still in her custody, along with her other son] [he] watched this domestic violence incident ...[his] siblings were taken out of my home. I mean, at six [years old], he had never known anything other than I live with my mom and my dad and my three other siblings. And now two of his siblings are ripped away, and ... DCS [child welfare] never set them up visits, never anything...[His] dad's gone. My sister, his aunt, moved in to be able to help take care of me and the kids, right? So, it's like all of these life changes that ... yeah, it's a lot. It's really a lot.

These relational issues are not only for domestic violence-related crimes. Consider these excerpts for other crimes:

Dorothy (father exposed her to pornography as a child, 37-year-old White female): I mean, the lifelong impact has been tremendous because I have lost my relationship with my father and my half-brother through him, as well as most of my relatives on that side of the family, like extended family as well. You know, so that's been very painful.

Lily (theft, 53-year-old White female): My kids stopped talking to me because I had gotten so wrapped up in finding this guy.

Jules (son videotaped in school bathroom-juvenile, 48-year-old White female): The entire thing just devastated my family is what I would say. There was just grief that was never there before, and there's a sadness... Sometimes, I feel like he needs to talk about it, but I don't want to talk to him about it too much because I don't want to keep re-victimizing him. Whenever I bring it up [to] him, I'm re-victimizing him, so I'm walking this tightrope of, "is my son okay?" ... I don't want to continue to cause trauma.

In sum, victims felt longstanding psychological and emotional impacts due to the crimes they experienced. Many described increased daily stress to meet basic financial and personal needs, typically struggling to maintain their routines at work and home. Some described feeling a loss of innocence and sense of independence for themselves and their children as well as a loss in trust in institutions and other people. All these effects impacted their daily lives, making it difficult to forge a newfound sense of stability.

2. EXPERIENCES IN SEEKING RESTITUTION AND COMPENSATION

This section documents the variety of ways that peoples' actual experiences with financial restitution and compensation do not necessarily match the ideal process nor address the entirety of the harms outlined in the earlier sections. This section outlines three main reasons: communication, system issues, and timing.

a. Communication

Communication issues were perhaps the most cited challenge for victims regarding their overall experience with the system and specific ones related to restitution and compensation. Some felt they got no or too little information. In other instances, victims described getting too much information all at once, which was more complicated to process for those who were in a heightened emotional state or dealing with physical effects of the crime. While their cases moved through the court process, several communicative pitfalls can and often do occur between the victims and system actors such as the police, prosecutors, and victim advocates that leave victims feeling alone, without information about their case and/or the person charged for the crime. The pitfalls could be broadly categorized in three ways: 1) feeling like a number as the legal actors 'go through the motions'; 2) falling through the cracks, and 3) information mismatch between the types of requests and modes/frequency of communication.

It should be noted that some victims did report having good communication with the legal system actors, even despite these pitfalls. Those situations were when they felt that the staff took the time to hear what they were saying and not judge them, as noted by these two excerpts:

Jennifer (domestic violence, 47-year-old White female): I think the victim advocates are amazing people... I think there needs to be some tweaks, but overall, I was very appreciative, and the victim's advocates, every one of them I talked to, I probably had three or four. They were very; the word that comes to mind is healing. ... They were just very sensitive and compassionate. There was no judgment.

Yvette (car hit by drunk driver, 52-year-old Black female): I thought they communicated well with us, I do... the police ... were amazing, which is how they even caught him. I mean, they were on it ... The communication with the court and the victim's advocate department, they were all great in communicating with us. So I will say that.

Yet even if communication was smooth regarding the case, that did not help victims if they felt the process to seek restitution was not recognizing their pain. Later in her interview, Yvette talks about how she didn't like two aspects of restitution: 1) what is allowed and 2) the way the court actors talk about restitution:

It [the form] was pretty self-explanatory. But they did leave contact information if I had any questions... I am filing for our \$500 deductible, because that's what I was informed is all I could file for. But I did say that I believe we should receive much more than this and that he [the drunk driver] should receive more time than he received. But since this is all I can file for, then that is what I'm filing for. So that's what I asked for \$500.

She talked in the interview about the fact that they had to replace their car, which was worth much more to them than what the insurance paid; to get a comparable car, she took a job that changed their family dynamics (she was staying at home to take care of the children before the accident). Moreover, it took two years after the court case before they started receiving restitution in incremental payments. She continues to discuss her objection to the way the court staff talk about restitution:

The way it was put to me, they were requesting that we get restitution. So it was in their hands if they felt like, or if they wanted to pay us for our deductible, we were at the mercy of the offender. That's how I felt...I don't know if that was the case or not, but that's how I felt. The wording is how I took it... They put that we are requesting for Mr. Lopez to pay us to pay us back restitution. And so it was like, we'll see what happens...

i. Feeling unheard

Regarding the first pitfall, many victims reported feeling ignored or unheard as the system actors went about their 'routine' work. These interactions made victims' needs appear secondary to the system's broader goals at all stages of the case, from initial victimization, through the court process, and during the post-sentencing phases. For example, in some cases of sexual assault or domestic violence, officers were mostly seen as unhelpful and simply "going through the motions" of reacting to and responding to a crime. It wasn't until cases were transferred to a detective that victims felt that they had a somewhat more improved experience in communicating with police.

Lisa (stalking and harassment, 43-year-old White female): "And so when the police showed up, it was a female cop, and she was very rude to me. Didn't really... She was very... Again, no emotion, no concern. She had an attitude. She was very rude to me ... So, the female cop came, just totally disregarded everything that me and my best friend had to say. And then just kind of laughed and ... she treated me like I was making it up ... That's how I felt. ... Like I wasn't a victim."

As their cases progressed, victims desired more communication, such as regular updates about their case status and being asked for their input on the case; instead, they felt those needs were dismissed in the pursuit of resolving the case. While there were several mentions of victim's advocates who are seen to be helpful, caring, and receptive to the needs of victims, many participants also explained that they either never spoke to their advocate during their case or had only spoken to an advocate one or two times. Some stated they felt like a lower priority to the prosecutor – feeling pressured to take the plea deal because their case wasn't as serious as other

crimes (sometimes as explicitly stated by the prosecutor). These next excerpts pertain to victims' experiences with victim advocates and prosecutors about the case and restitution in particular.

Trevor (son killed by reckless driver, 35-year-old White male): I have recordings with the prosecutor...you can hear the eagerness in my voice and my wife's voice, the sense of relief that we're talking to somebody and that they're explaining what happening. And then when they tell us we're not doing this, and I go, okay, well, that's weird. It was a letdown. We're like, eh, maybe she's getting this wrong, or something's going to come up, or she's just communicating this wrong... I always tell everybody, when you finally hear from the prosecutor, and you have this victim advocate, it's almost like you're a kid at an adoption center, and you finally get adopted, and you're so happy and overjoyed, and then they bring you home and turns out those people that adopted you are beating the shit out of you. Because that's literally how it felt with them.

Joseph (son murdered, 76-year-old White male): I went down to the district attorney's office a couple of times because we weren't getting anything, and I was like "Isn't that your job? Aren't you supposed to be getting restitution for me?" and it's another one of those government things, "Well, we're really busy, and you know how hard it is, and we have to do all this paperwork. If the guy's working, we have to contact their employer," ...I pretty much told him He owes me \$50,000, and he's supposed to pay it. Your job is not letting him off the hook. Then it's kind of like they give you that look, "You're telling me that I'm not doing my job?"... That's the kind of attitude I felt from that person that I was talking to. ... "You're going to inconvenience me to do my job?"

ii. *Falling through the cracks*

The second pitfall arose when victims felt passed from one staff person to the next, often at the expense of continuity in their case processing. Angel, an 18-year-old Latina whose car was stolen by a couple youths, talks about the ramifications for her case at the beginning as she was trying to get connected to someone to know what to do:

It was kind of awful. I don't know. It was very weird trying to get a hold of someone, because everyone was directing me to someone else... I felt like I was just calling all these phone numbers. And finally, I think... I forgot who I called. She was this really, really nice lady. And she was like, "I don't know why no one told you all of this information, but here you go." She gave me everything. She let me know what my court dates were. I didn't even know that there was going to be court dates coming up, and all that...I had to go and seek it [information] out.

When I asked her how she found out and if the police gave her the initial information, she responded, "I was just trying to Google everything online, and look for some answers on there." If Angel hadn't been persistent, she may not have known about the court hearings until it was too late. Returning to Diane from the earlier section on physical harms, she discusses how she delayed seeking medical care because she was trying to heed to the police officer's word about victim services contacting her the next day.

Diane (assault-juvenile, 56-year-old White female): That was where, for me, my frustration started right away because I knew that I wasn't bleeding, I wasn't injured, but I knew I needed to get checked out and I knew I was going to need to get some blood testing done. But the police officer said that I would be contacted by an advocate from victim services the next day, so I'm thinking, "Okay, great. They'll tell me what to do." Never contacted me. A week went by, never heard from anybody. So finally I'm like, "Well, I need to go," so I went to urgent care and that's basically when they said, "We need to get you tested for HIV and Hepatitis." So that's when it started... when I didn't hear from anybody, I started combing through the

paperwork and was trying to find a phone number for me to call. And I called one number, “Oh, no, that’s not us. You need to call this number. No, that’s not us. No, he’s not in the system. Call back in a week. Call back in a week. No, that name is not in our system. We don’t know what’s going on. We’ll contact you when it’s in the system.” This went on for a month... I got nothing from them. And I’m thinking to myself, I can’t believe that this is our justice system here. What would’ve happened if I was seriously injured? At least I’m healed and everything was fine.

Those moments also arose during staffing changes within one agency or across agencies at different points in the case. This led participants to lose contact with staff with whom they had built a relationship, leaving some of them feeling vulnerable. In addition, it led to information getting lost and victims feeling like they needed to keep chasing after the staff – repeating their needs and issues. That included restitution and compensation paperwork.

Hailey (car theft, 27-year-old White female): I remember having to fill the same thing out multiple times too. Somebody else would say, okay, and then this would be months later, it’d be “Okay, you need to fill this out... I remember getting so frustrated. And I was talking to a lady on the phone and I was like, “Look, I’ve already done this. I’ve done this at least three times already. I’ve done the online version, I’ve mailed it in, and I’ve mailed it in again... I keep talking to random people, and I don’t know what to do... the same lady that, she was actually just super sweet, but she was the same lady that was like, “Well, you’re probably not even going to get any money. What’s the point of doing all this work.”

Lisa (stalking and harassment, 43-year-old White female): The other prosecutor’s not here... during all that time [during the sentencing hearing] ... restitution wasn’t brought up. I don’t know how this works. I’m thinking at some point, they’re going to bring it up again, or they’re going to grant it to me. So, at the very, very end of sentencing ... I go, “What about restitution? What happened?” “Oh, well, you didn’t send us the paper.” “Yes, I did” ... She [substitute victim advocate] says, “I don’t have it.” ... It was very important to me, about the restitution. I know I sent it in ...But I feel like even if I were to send it to the victim advocate, wouldn’t the prosecutor even have it? Wouldn’t that be something that the prosecutor would have? ... It was so messed up... it was just everything was so unorganized, so confusing.

Another shift is when the victim’s court case closes, and Probation takes over communication from the victim advocates in the prosecutors’ office. This shift often felt jarring and sudden. Some participants described how the victim advocate would stop communicating with them, with little or no warning, and were “just disappearing.” Monique, a 35-year-old Latina whose daughter was a victim of indecent exposure on her school bus, explains how that felt to her: “Nobody really guided me on anything else... When I kept calling (the victim advocate) after the case was closed, she was acting rude towards me. So, I felt like, okay, you were nice at one point and now you’re rude. What are you? ... I was already dealing with a lot of emotions. And then for her to act like that to me, I was like, just whatever, I’ll just figure out myself.” Some participants’ interactions with parole and probation officers also were inconsistent and infrequent. While the victims generally reported that the probation officers were helpful with case-specific issues (e.g., violations of orders of protection), they were not necessarily as helpful regarding restitution and compensation.

The experience of Marion, a 54-year-old White female, perhaps best highlights the implications of these staffing changes on the victim’s sense of justice and resolution. Her father-in-law molested her two young daughters for years, and the ensuing counseling costs were significant. At the time of sentencing, the prosecutor requested \$1,600 in restitution which was the counseling costs incurred up until that point. But the judge left it open for future counseling costs. However, she has not heard

from the court about amending the restitution order, which the system now shows as being paid in full. She explains:

He had a lawyer in jail...who filed a motion to close the restitution because he had paid the \$1,600, and someone approved it. I don't know if it was the same judge or if it was a different judge, or I don't know. That's all he's had to pay, \$1,600. I can't get a hold of anybody who... I get an answering machine. I get email addresses, but nobody responds to my emails, and I never get a phone call back. When I call, like I said, when I call the victim's advocate, "Well, your case is closed. There's nothing more we can do for you." When I call the DA's office, "Well ...[she] isn't here anymore and your case is closed. There's no one here."

When asked if anyone contacted her about her father-in-law's motion to close restitution, she said:

No, we weren't. I contacted everyone after he was finally sent to prison, so you can let the prison system know that if he comes up for parole, you want to be notified. If he's released, you want to be notified. If something changes in the status of his case, you want to be notified. I thought, right there, I let you know I want to be notified. I've lived in the same house for 25 years. My phone number has not changed. My address has not changed, nothing has changed, or I definitely would let you know. I contacted Anna [the prosecutor] shortly after he was arrested and said, "I understand that I can put liens on his property. How do I go about doing this?" She said, "I can send you the paperwork, but I'm not going to do it. You have to do it all yourself." It's legal paperwork. I don't know how to read it. I don't know anything about doing that... Lana [her mother-in-law] has since sold the house. We got absolutely nothing because I don't know how to put a lien on somebody's property, plus he's paid the \$1,600 that was originally ordered. I can't get anybody's attention to get the rest of the bills paid.

She wanted to place a lien on her father-in-law's house, but no one helped her in time before the mother-in-law sold the property. Meanwhile, she did get some money from compensation but quickly reached the \$5,000 limit for counseling. She says:

We blew through that \$5,000 in no time, that took one year to blow through \$5,000. Nobody will help us there because we've used our \$5,000. That's all we get. That's [what] we will ever get. I've tried contacting the judge's clerk [but] can't get anywhere there. You need to contact the clerk of the courts. The clerk of the court says, "You need to make a motion." I'm not a lawyer. I don't know how to make a motion. That's what the prosecutor's office is supposed to do. The prosecutor's office says, "It's not an active case anymore."

iii. Information mismatch

The third and final pitfall would be instances of 'information mismatch.' At times, victims explained that they were unsure how much information they should be providing at what points; conversely, they were equally unclear about what information they should receive from the legal actors at various stages of the process. Others talked about getting a lot of information right when the crime occurred to have a long silence until right before the sentencing phase, with some like Mickey, saying that led them not looking at any of it in detail:

Mickey (bike theft, 55-year-old White female): At one point, I got a couple different things from different departments. I did get brochures...I didn't keep them... At one point, I was like, "I'm so confused by all the different parties that are sending things, and who's sending what and all of that." So sometimes I'd save it. Sometimes I wouldn't. I'd be like, "Do I need this information, or don't I need this?" ... There was a brochure, and I got it a couple times, but I never saved it... It was the generic brochure.

Moreover, the types of information provided did not seem to satisfy some victims either. In this next excerpt, My Voice Has Power, a 53-year-old Black female who was a victim of domestic violence, explains how the information given was not sufficient for victims, even ones like her who could do the additional research and outreach required:

So, you've giving me this paper to tell me about the restitution. What exactly does that mean? And then there's a paper that was just given out for supposedly resources for counseling and support, but no one [is] walking you through and explaining that these were in your area. So [I] just kind of got this piece of paper with these names and these numbers on them...we don't know if they take the patients or not. We don't know if they take people off a sliding pay scale. We don't know any of that. We're just giving you this piece of paper, have at it.

Audrey, a 50-year-old White mother of two young children whom a stranger kidnapped, adds another layer of complications to the information needed. Her children were non-verbal at the time of the crime, and the resources were not customized enough for her situation. She says,

I was immediately looking for counselors, and they didn't exist. Victims' advocacy and the police department gave me a list of counselors, but you call, and they're all for crimes with sex, sexual crimes, sexual molestation, rape, trafficking. Every time I called, I was like, "I'm looking for something that..." They're like, "Oh, we only deal with sex crime. Sorry." It was like, "I'm trying to get my kids help, and there's nothing out there."... Well, when they can talk, I got that answer a lot... "Well, when they can talk and they can express their ideas and feelings, then we can go with it." I'm like, "Okay, well, when they can do that, who knows how much damage is going to be done?"

Non-legal entities could help mitigate this information mismatch between victims and the legal system. Some interviewees mentioned hiring their own attorneys or seeking out non-profit victim's advocacy groups to bridge the communication gap between them and legal authorities, providing them with the needed information or support. One participant discussed the care and support an emergency room nurse provided to her after her sexual assault, even going so far as to assist her in filing a temporary protection order against the person responsible for the assault. Another participant discussed the essential role that church groups and her pastor had in helping her deal with the aftermath of the crime. Those positive moments with the outside actors put the peoples' experiences with the legal system in even more stark contrast:

Kelly (domestic violence, 48-year-old White female): (In discussing her hiring of outside help) "Because really the prosecutor's office wasn't doing anything. So, he [my attorney] was the one filing all the motions. He was the one doing everything...He was representing me and the kids where the prosecutor wasn't doing anything, because I got five or six different prosecutors in the process ... They did nothing. I never even met them. They never even interviewed me. I never met them, period. I never spoke to anybody.

In sum, most respondents expressed a lack of knowledge about how the justice system works and what to expect when they are a victim of a crime. There were long periods between communications from the various staff (e.g., victim advocate, prosecutor, probation, compensation), and many victims felt helpless, frustrated, angry, or depressed with the level of communication they received. Meanwhile, they navigated the maze of multiple agencies as they waited for the case outcome and/or a payment from restitution or compensation. Gender characterized many interactions with the system: particularly for sexual assault, people mentioned how the police might not believe the female victims while also seeing the male victims as 'weak.' Moreover, many felt the legal system actors were more concerned with following procedures and finalizing case outcomes, versus seeking out the victims' input before decisions were made.

b. System issues

Another major challenge for victims seeking restitution and compensation related to system-wide issues related to eligibility and allowable costs, administrative burdens, and multi-jurisdictional conflicts. These issues are not offense-specific and could potentially impact any of the victims who participated in this study.

i. Eligibility and allowable costs

There are several nuances to the eligibility and allowable costs for restitution and compensation. As stated in the first section, victims typically need at least a police report to request compensation and for restitution, an arrest and prosecution of the case. This affected Melchizedek's case as the police messed up the investigation. That meant he could not apply for restitution; as noted earlier, he has accrued over \$110,000 in debt due to the trauma from the crime and has no recourse to recoup those funds. Meanwhile, people who are undocumented also are not eligible for restitution, according to Patricia, a victim of domestic violence. She says, "They have told me that it is because I don't have papers, that I am not eligible, my child is, but I am not."

Moreover, victims with outstanding monetary sanctions (e.g., fines or tickets) cannot apply for compensation. The implications can be quite severe, particularly for victims from lower-income backgrounds who do not have the resources to cover those costs. Consider the case of Selena, a 32-year-old Latina whose ex shot her in the head in front of their children; she had to go back to work prematurely after brain surgery because she was denied compensation due to outstanding fines. She did not file for restitution because her ex did not have any money:

I received skull reconstructive surgery [in] April '22; they placed four plates and 10 screws in my head to protect my skull. I looked for financial assistance, any type of compensation...I was informed that victim's compensation would help me with these issues...When I filed for victim's compensation and put in my application, my application would not even be seen due to me having past fines. Unrelated history stopped my victim's compensation from being processed...I'm still paying on my fines with no help whatsoever. I was forced to start working 11 months after being shot in the head and four months after skull reconstructive surgery. My injury consists of a lot of healing, a lot of rest for recovery, and I have yet to receive any of that. Any of it. I should be healing. Like I said, I'm overly exhausted. I struggle every day. I never received any financial help whatsoever.

Similarly, in terms of allowable costs for compensation, there are limits to the different categories of expenses (e.g., medical care, therapy, crime clean-up). In terms of crime scene clean-up, these two women describe the challenges in getting reimbursed:

Rosie (house break-in, aggravated assault, 61-year-old White female): In terms of [the] cost of cleanup, there was no service available because the guy [who broke into the house and bled on her carpet after she shot him in self-defense] wasn't killed...If he was killed, then the city, I think it's the City of Mesa, has a program in place that they call in HAZMAT people, and they do the cleanup at their cost. But because the guy wasn't killed, I fell into a different bucket. The detectives tried and tried to find somebody to come and clean up, and there was no recourse. So, I was responsible for that cleanup.

Michelle (attempted rape, murder, theft, 41-year-old White female): Because I didn't have a professional company come in and clean the blood out of the carpet. We just went and bought cleaning supplies and stuff like that. They were like, "Well, we can't really pay for

that...if it was a professional carpet cleaning company and I had a bill and could submit it and all that [it would have been covered]. But if I went to the store and bought my stuff, and I scrubbed it, and my friend scrubbed it, it wasn't. Yeah.

Meanwhile, there are limitations in what types of therapy are covered and for whom. Crystal, a domestic violence survivor, says the compensation funds only cover traditional forms of counseling for her children, not the ones she believes to be most beneficial to them.

Crystal (domestic violence, 50-year-old Latina): It's called craniosacral therapy...it's for abuse to relieve the trauma from your body. ... the other one is hyperbaric oxygen therapy, where they put you inside of a capsule, and basically, what it does is calm down your brain and all your body, all the... Because the trauma is stored in your body. Your brain remembers that, but what people don't realize is that trauma is stored physically in your body. ... And some of the stuff in your body, and you go therapy mentally, and then everything is fine; it doesn't work that way. ... Even if I want to do something like that, none of that stuff is covered. Nothing that is alternative and considered like a non-scientific based, as they call it, but it's not [the] truth because there's a lot of scientists within there, so they won't cover.

Technically, it might have been possible for Michelle and Crystal's expenses to be reimbursed but only under certain conditions.¹⁴ If Michelle bought supplies that were used once for the cleanup, she could ask for up to \$500. Similarly, Crystal's preferred therapy could have been approved by the board but only if her child's doctor or counselor recommended it. For Crystal, that still takes the choice out of her hands as she would need an outside professional to legitimate her wishes.

Another issue with the allowable costs pertained to the economic loss caused by the crime. People who worked in the informal economy, were unemployed, or were independent contractors at the time of the crime had difficulty assessing what would be lost wages, as they did not have pay stubs or W-2 forms to present to the board. Going back to Michelle who was a victim of attempted rape and murder by her ex-boyfriend, she describes the challenges because of her work situation:

I'm an independent health coach. And so, they don't cover that because it's really hard to say what you would make or what you wouldn't make. So, if it is an hourly wage, and I was actually going to, I had an interview set up for a school photographer... They said since I wasn't already hired, they wouldn't cover those lost wages because I wasn't hired. And because I didn't have the job at the ... store anymore, they wouldn't cover that. And because it was a 1099 independent contractor, there was no way to say, "Well, this is what you made per hour, per day." And so, there was no way to do that."

Two other categories of costs were difficult to classify as eligible for compensation: certain health treatments and future costs. In terms of the former, some people faced challenges in getting treatments covered for issues that are determined not to be a result of the crime, even if the crime may have aggravated the existing ailment. For example, two participants brought up dental issues that were exacerbated by the physical assaults that they endured. Dorothy, a 37-year-old White female, said that she did not apply for reimbursement for therapy because it did not exclusively focus on the crime but rather her overall issues with her family that preceded and continued after the arrest of her father who exposed her to pornography. Future financial costs are equally problematic, as they require outside experts' estimates or proof that is hard to get:

¹⁴ Those conditions are laid out in the Crime Victim Services Victim Compensation Program Administration Desk Manual (2018), published by the Arizona Criminal Justice Commission which oversees the victim compensation funds in Arizona.

David (brother murdered, 59-year-old White male): We didn't do this in my brother's case, but... [you could] hire an economist or a life care planner, and you extrapolate out that, okay, William, my brother was making \$50,000 a year...He would've lived this amount, and you can get ... that ordered future lost wages, because there's children, there's spouses, whether they ever see it or not, is something different. Same with the life care planner, as somebody [who has] ... lost limbs, been shot, and what their medical needs are going to be reasonably, over their lifetime and holding the offender accountable to pay for that.

Dolly (identity theft, 28-year-old Latina): It was difficult only because the forms wanted a specific amount and proof for all those things. And it's hard to point those out, especially for something that affects someone's future. So having to pull receipts, having to pull pay stubs, and all these other details and put a dollar amount on it, it sucks. I understand it, but it sucks at the same time because the stress I went through of fearing that my future was doomed; you can't put a price on that. But to be like, "Well you went through that, but we need a dollar amount, we need specifics and proof." I don't think that was very fair.

ii. Administrative burdens

Victims also confront bureaucratic processes that resemble what Herd and Moynihan (2018) call "administrative burdens." While some (13%, n=12) did not seem to find these processes that onerous, all but one were victims of non-violent crimes such as theft (bike, luggage, car), home burglary, and embezzlement. The one victim of violent crime, Trevor, whose son was killed by a reckless driver, talked about being an organized person and that aiding his efforts in pursuing restitution in both civil and criminal courts. Yet, for most, this documentation process presented challenges. Regarding restitution, people must provide receipts for the lost property (to assess value), repairs to the damaged property, and payments to health care/therapy. While that makes logical sense for most cases, consider the following excerpts that highlight these four scenarios: 1) receipts for stolen family heirlooms; 2) receipts for repairs that the victims do on their own; and 3) receipts for counseling either from years before or after the case closed or 4) the process to get the receipts for future costs approved in court:

Asha (house burglary, 61-year-old Asian female): the stuff that we had purchased we had receipts for... now of course, they can't put a price on the heirloom as such...we had to estimate a value based on what it currently would, the gold and the jewels would sell for...they probably are worth way more ... I had to provide estimates on, "If I were to make that same thing today, how much would it cost?" The value of the gold and the value of the jewels.

Pete (property damage – juvenile, 68-year-old White male): When I read what I needed to do, I knew we had to fix the fence immediately. We fixed it temporarily with a panel. My partner went and got supplies. I stayed with the cattle, just to make sure the panel stayed up. He came back, we worked together and fixed the fence... They wanted receipts for everything [for restitution]. We used an existing roll of wire that we had. We used posts that we already had on hand, and I have no idea where a receipt is, on them...We used our post pounder. The thing is, you used your own tools to do the work, because you have to do it right then. My frustration is, I [would have] loved to have called a fence company and had someone else come out and fix it, but that wasn't an option [because of] the immediacy...Anyway, we got the fence fixed, none of the cattle got out. That's my big concern, but it was not a pleasant experience. I felt the court almost seems like they're so worried that ... maybe I'm going to charge more for the fence post than its actual value. I don't know what they're thinking, but

not everything is a property crime that you can just replace it and hand a receipt saying, they stole this, here's my cost of replacing it.

Grace (child abuse, 39-year-old White female): It was a pamphlet that talked briefly about restitution and process...I looked at it and I guess I didn't really understand. It had just been so long. I had been in and out of therapy for 20 years at that point [when the police finally arrested her abuser]. And they wanted receipts and medical records and I had switched states and through different counselors and therapists and I didn't have any of that information or remembered what I paid in copays versus any of that. So, it just didn't seem worth it to me to have to try and dig into that.

My Voice Has Power (domestic violence, 53-year-old Black female): [The judge said] "For the entire time that you're [her batterer] on probation, that's how long she gets to go to therapy." So, I actually go to therapy for the next three years and have him have to pay for it...but again, now, the dilemma became ... I could go yearly, say the receipts yearly and have him pay for it. But the thing about it is he's representing himself. And so, it would no longer be an attorney asking me questions... It would be him...Because he has the right to ask questions. And so, I would have to sit before the court with him directing the questions to me, and so that I opt out of.

These four situations do not easily fit into the restitution process. Asha's case shows how estimating the worth of heirlooms cannot account for the sentimental aspect or the irreplaceable nature to some of them. The documentation requirements also did not easily fit the next two situations: Pete used his own materials due to the need for immediate repair and Grace had literally decades of therapy to comb through for the requested receipts. The last example highlights the traumatizing aspect to restitution if the person has to face her abuser to get the costs approved by the court.

In some ways, compensation funds could be seen in a more favorable light as it is not tied to the court process. Yet it is mired in its own bureaucratic hurdles. Again, going back to therapy, compensation requires a regular update of treatment plans. However, some therapists do not want to fill out the paperwork which they find onerous and not therapeutically informed. Consider how Laura Ingalls, a 49-year-old White female, describes the reimbursement process for therapy for her son who was a victim of sexual abuse by his adult acting coach:

So their [compensation] paperwork system is not great, and the forms that they send for the counselors to fill out are not as helpful as they could be...in fact, so my counselor said that she sat with her lead psych in the clinic because they could not figure out how to fill the forms out. Now, luckily, we had folks who, again, were persistent enough to try. Because sometimes, what I've heard, is that counselors just say, "No, I'm done." Or "I don't do paperwork for court." And then you're stuck.

Yet even in her son's case, the counselor eventually tires of the process; she explains how her family faces the choice of whether to continue a therapeutic intervention that is working – at their own expense – or switch counselors just for the sake of getting reimbursed (but risk it not being as effective):

[The counselor] said, "I'm done with this. I'm done with this chasing of paperwork, and I'm done with these crappy reports that they have, which don't align with what real treatment plans look like, sound like, all of that." And she said, "We're moving forward in our treatment, focusing on what life is going to be like, making new friends and all the things that come with college." So, she sort of cut everything off. The unfortunate part for us is that's not really fair either because, essentially, the therapy will continue... Because she won't fill out a report, we

can't ask for reimbursement. And I'd have to ask our kid to go to see somebody else just for the purpose to get this money back. We're not doing that.

Similarly, Jennifer, a 47-year-old White female whose ex-husband strangled her and set fire to the house with her and their children inside, describes how the bureaucratic hassles related to getting paperwork approved led to her questioning whether to submit the expenses at all:

I was fortunate that I had the income to be able to pay for my children's therapy ahead of time... I don't know how victims who don't have that kind of income can get any kind of help for their kids themselves because it was after the fact that I got reimbursed ...And it was a lot for me to get the paperwork together. And then the [compensation] committee only meets, I want to say maybe once a quarter or once every six months. And so, then you have to wait for them. ... If they get to that point and then they say, "Oh, everything's not here." Then they tell you to resubmit your paperwork and then you have to wait for the next time they meet. And so that, it just took a really long time. And I honestly thought, even, at one point I thought, "Why did I even bother?"

iii. Multijurisdictional issues

A third systemic challenge relates to multijurisdictional issues, which all have ramifications for restitution and compensation. That is, the outcome of another case outside the court system would affect the person's ability to request restitution. For example, Judy, a 54-year-old White female, discussed how her boyfriend's employee embezzled over \$300,000 from his business; while they were pursuing a criminal case in state court, the former employee filed a labor lawsuit in federal court, which they ultimately settled to get it resolved quicker. However, that concurrent case affected how much they requested restitution in the criminal case, as dealing with both cases placed too much strain on her boyfriend, who would have had to testify as the official victim to justify the entire amount. The court ultimately only awarded \$129,000 in restitution.

In addition, systems can operate differently, such that the person might be eligible for restitution but not be able to receive it. Going back to Asha whose house was burglarized in Arizona, the person was eventually arrested and incarcerated in another state (Nevada) making it harder for her to get the restitution:

Essentially, what they said is the states themselves don't communicate very well, or it's not easy to communicate and track. And I'm trying to understand this; I'm saying, "Are you kidding me?" Everything is on file; it's all electronic. And they basically said, "Yeah. And now it's crossing state [lines]. So, then you have to get an advocate from the state and maybe a lawyer from the state of Nevada because he's serving in Nevada." ... This is stuff I never knew, that number one, I'd probably not get it back, even if I agreed to a plea deal with restitution, I probably wouldn't get the restitution. Number two, in this situation, it was even hard to do it because he was serving time in Nevada. And so, Arizona can only pass the message to Nevada, Nevada has to act upon that.

While these multi-jurisdictional issues cut across all types of offenses, the most complex of these cases involved domestic violence. The family issues arising from criminal cases are numerous. It can prompt concurrent proceedings in family court related to divorce and child custody; it also can put the survivors under the surveillance of the child welfare system, becoming at risk of losing their children. Going back to Frida, a 37-year-old Biracial female, who discussed not being able to work due to the continued danger of her ex-husband who abused her and their children, her experience is further complicated because her ex-husband was in the military. The abuse happened on military bases, which led to these multi-jurisdictional problems as she did not have a civilian police report to document that abuse:

The near-drowning of our son... happened on a military base... they were talking like a lot of the things with military jurisdiction... it messed up the civilian side...a lot of these things weren't done right away when they should have...everything just was just scattered...I'm still waiting for the military transitional compensation, but what do I do on the civilian side if I don't have police reports of all of this going on?... I went to family court because I was like, okay, I need to make the next steps to try to protect my children ...we were at this point in time, thrust into a domestic violence shelter for safety ...for like about a year.

When the police did get involved, they documented only some of her family as victims of her ex-husband's abuse, while the military were more inclusive. According to Frida, the implications were though that she was not able to file for compensation from the state fund which were based on the police report, not the military records:

They [the civilian police] acknowledge that myself, our son, and our animals are direct victims of domestic violence. Meaning, like the crime took place on us...on the side of the police reports...they're not going to acknowledge my daughters as victims of domestic violence. So, they weren't physically harmed...well, like on the military side, they do. But on the civilian side ...only my son would have received the compensation for any type of counseling or anything like that.

Another complicated situation is with Nora, a 44-year-old White female, and her family. Her 5-year-old stepson, Wes, was murdered by his mother's boyfriend's 16-year-old son, Steven, who was tried as an adult in criminal court. Adele, her stepdaughter who witnessed the murder when she was 3 years old, then came to live with her and her husband, Mark; at that point, the stepdaughter's mother, Maureen, was supposed to pay child support to Nora and her husband. Meanwhile, Steven was ordered to pay \$11,000 in restitution to Nora and Mark. This led to several overlapping institutional entanglements:

At one point, Maureen was so behind in child support. So, before Wes died, Mark was required to pay child support for the two children. And then after Wes died, that child support stopped, of course. And then because we got Adele, and then Maureen was required to pay us, but then never did. So, she was behind \$20,000, a huge number. So, at that point, and I will be honest, I had a lot of like, hey, if she's going to be a mom, this is what moms do. They take care of their kids. So, I pushed Mark into filing for backorder because I just felt like it's expensive. She [Adele] has a lot of trauma care therapy that was hard for us. And so, when we went to court for [the] mother's arrears, they counter-sued us for the restitution funds [from Steven] ... and said that it was us double dipping ... Maureen's point was we had already been reimbursed from Steven for her child support, in essence. That she didn't feel like she should pay, especially, she didn't want to pay extra medical fees related to her daughter because she felt that the restitution already dealt with that... So that got very messy...It ended up, I feel like they deducted half of the value of the restitution from what she owed in totality.

Beyond the fact that the restitution amount ordered was not necessarily for Adele's counseling, Steven had yet to fully pay the restitution, making it harder for Maureen to claim they were "double dipping." Moreover, the counseling for Adele was not just something Nora sought out – another agency, ChildHelp, required her to undergo 'forensic counseling', which Nora said was very expensive. While Nora and her husband did not have to give any money to Maureen in the end, she describes how it felt like they were being criminalized through the process, "we talk about victim's advocacy rights. It's already so dehumanizing to place a value amount on your child and then whom we believe the person responsible for your child's death come back at you. I mean, the whole thing

was so surreal. It's like you can't even really get your mind around just the way it ... made us feel like we were the perpetrators."

c. Timing

Even if victims reported having a good experience related to their interactions with legal actors and the court process, there were timing issues that frustrated them. Many of our participants reported that the victim advocates and prosecutors reached out a lot in the immediate aftermath of the crime and right before sentencing, with relatively few updates in between and none afterward. That made some victims feel rushed to make decisions about the proposed plea bargain and the corresponding restitution requests. In the two excerpts below, Diane describes how that timing affected her decision to file for restitution while Marie says that further delayed her filing for compensation and any receipt of restitution:

Diane (assault – juvenile, 56-year-old White female): I felt like it was all me. It was all put on me... having to figure out who I had to talk to, nobody helped. I felt like I lost fish in the sea, and at one point I was just like, "Just walk away, Diane. Just forget it." But what do you do? But no, I felt it was ... Oh gosh. Before I got the letter saying that he had this new court date, this was right around when I started getting stuff in the mail, end of November, early December, I finally got a phone call from somebody, from an advocate from victim services reaching out to me...And I'm like, "What? Nine months later [the assault occurred in February, almost a year before the interview], now you're asking me if I need help?" And so, I didn't even return her call because I thought, "Why? What am I going to say at this point?" You're already telling me that he's going back to court, so I guess there's nothing for me. Where were they when I needed them? And I probably should have had counseling, and my family tells me I need it because just talking to you ... my heart is racing. All these feelings of that day come back to me.

Marie (assault/attempted murder, 28-year-old White female): I was informed of getting restitution immediately because it's in the ... pamphlet they give every victim. So, it's like, "You can seek restitution. Don't wait." And then I would be like, "Okay, when do you guys need my info? When do you need this?" ... They're like, "You don't need to worry about your restitution until sentencing." Come to find out I should have turned it in months before sentencing... and I still haven't received anything. I'm still dealing with it actually to this day...So, by the time I did all the math and all of my spreadsheets, I asked for \$30,000. And when I turned it into them, they were like, "Oh, my gosh." ... it was like, "Whoa, we're just seeing this huge number." And that's when I got informed of the compensation where ...you can apply and potentially get money from the state.

The timing to request restitution also became complicated when the damage created by the crime cannot completely be assessed at the time of that request. This mainly pertains to crimes where the harms are long-term – such as murder victims' lost wages, therapy costs for trauma or even costs such as customized car or house repairs that take multiple tries to complete.

Even if one could accurately estimate restitution at the time of sentencing, the timing to collect it is also potentially problematic. Some talked about this issue delaying their ability to replace the item that was stolen or, at worse, leaving them at risk of never seeing the money returned.

John2 (luggage theft, 53-year-old White female): At that point you don't even care anymore...This is the sad part. I don't know if I got my \$536. I didn't get it all at once so I could replenish the things that I wanted to at that time...This happened [in] 2014; I get a first check in 2018. That's four years later. And then, at this point, I don't even know if I'm even getting the whole thing.

Judy (embezzlement, 54-year-old White female): “Do the math. At \$400 a month, \$130,000, we all will be long gone by the time she pays back, so it doesn’t matter.”

This delay leads Judy to file paperwork with the court to add her boyfriend’s daughter as a victim in order that she could continue receiving the funds after her father passed away. For others, it affects how they live now, as noted by Parttime, who invested in a Ponzi scheme:

Part-Time (financial fraud, 75-year-old White male): whether my wife and I will live to see that, I mean, the \$130 doesn’t even buy groceries for a week. And I’m getting that once a month. And in the meantime, I’m paying credit card companies and paying interest... means that [we are] living a lot more meagerly than I had planned.

3. OVERALL VIEW OF SYSTEM

These experiences led most of the victims to have a negative view of the system overall, even if they did purport to have positive interactions with selected staff and received some restitution or compensation. Those who expressed satisfaction about their case getting to court qualified that satisfaction with the caveat that they had seen how often their types of cases are not prosecuted at all. They also were aware that many other victims did not have positive experiences. For the others who were not as satisfied, their reasons stem from being upset or disenchanted when their feelings or victim impact statements were not considered in the way they were informed would happen.

Consider the case of Elena, a 46-year-old Latina mother whose son was jumped by several youths; the fight was videotaped and shared with others. The school principal told her to file a police report because it did not happen on school grounds. Months after the police filed a report, probation contacted her just to say they are reaching out to the family. She asked if she could attend that meeting and they said no; she is not sure what happened after that point. Elena chose not to file for restitution, since the staff only asked if she had medical bills (which she did not), which she interpreted as the only allowable costs to request. She viewed the process as pre-determined by the staff without consideration of her desire to participate:

I just feel like it is what it is. I feel like they're not going to do nothing different. If they were going to do it different, they would've did it from the get. They would've did it from the beginning. They already had everything. They already knew what they were going to do, basically.

Similarly, Asha, a 61-year-old Asian female, talks about her view, which was partially informed by how restitution panned out in her case of a home burglary:

I would've not agreed to the plea deal if they said, "Oh okay, we can do this plea deal and you can ask for restitution, but quite frankly, you probably won't get much. It will take forever...If they had just been upfront with me, I then wouldn't have wasted all this time and hope and waiting for something to happen.

We heard a few split opinions on how fair participants felt about the sentencing process. In general, victims wanted the people to learn from their mistakes and crimes. At the same time, many had mixed feelings about plea deals and/or the people being released early and not serving the time they had anticipated. Some participants expressed being upset by not having their wishes included in sentencing or that the plea deal overshadowed their quests for justice and fairness for the suffering they experienced. If the case involved a person who committed multiple crimes, some victims were

more open to community service or therapy if that person was a youth versus an adult. Due to the immeasurable pain they experienced, victims of violent crimes were more upset that the people convicted for those crimes did not receive harsher sentences.

Some participants felt they had to accept what they could get from the court despite their perceptions of unfair outcomes. Consider how one 35-year-old white father, Trevor, talks about the sentence for the reckless driver who hit and killed his infant son; the person received four years on Probation, a revoked driver's license, and 300 hours of community service:

There's justice for a reason. I don't think he did it purposely, but ... no one just drives down the road and cuts on the opposite side and goes, oops, I ran over a child. You were on your phone, which is against the law. You broke the law. You should be going to jail for that... They [reckless drivers] never get sent to jail, but they'll send a non-violent marijuana possession person to jail for 10 years. That doesn't make any sense to me.

This is not for lack of participation on the victims' part. Many mentioned attending court hearings, testifying, or writing a victim's statement. Victims who suffered violent sexual crimes or lost children to homicide were especially impassioned to ensure their loved ones' voices were heard in court. Unfortunately, they still reported feeling left without enough information or without any options. And for those who reported not doing these activities, it was mainly because they felt the court had already decided what to do with or without victim input.

John (bike theft, 38-year-old White male): "I reached out to Maricopa County Adult Probation. I told him who I was, and who the name of the person that was convicted. So, they gave me the name that was assigned for probation, and I got his voicemail three or four different times. I left him voicemails, I sent the text message, never got back to me. Again, super frustrating. I feel like that was just a dead end for me. At that point I'm like, "I guess I'm just washing my hands of this and consider this a loss. Really great that I went through this process and was assigned restitution, but, in the end, this means nothing to me anymore. I don't know where to go from here." That's where it's been for the past few years."

A few respondents (n=6) expressed one of two reasons for their sentiment that the legal system is geared toward helping the people charged with the crime more than the victims. First, four people were parents of youths victimized by another youth; they felt the juvenile legal system focused all its resources (e.g., counseling) on the justice-involved youth, leaving them to manage their own youth's needs on their own. Second, two people thought the system was ignoring or dismissing the victim's needs related to restitution, focusing more on the defendants' legal rights. For example, Marion, a 54-year-old White female whose two children were molested by their grandfather, expressed frustration with the fact that the system provided legal counsel to him while not helping her file a legal motion against him for nonpayment of restitution after the case was closed. She said, "I'm going around in circles. In the meantime, he gets a lawyer who's free because he's in jail... He refuses to work in prison. He thinks that the money comes to us." Similarly, Dolly, a 28-year-old Latina who was a victim of identity theft, felt the system did not care to follow up on people who did not make the payments. She explains how she felt when she called probation about not receiving restitution:

It was more than once that I called them [Probation about the unpaid restitution], but it was a tone that was not sincere, was irritated and was like, "Well we'll reach out to her and see if she's okay and what's going on." ...I was like, "Well will you guys call me back?" [they said] "We will reach out when we find out," and then hung up. But they never reached out, at all, ever. Just the whole way the call went, I felt like a burden, like I should just not call him and ask about it.

Both Marion and Dolly's feelings here are tied to their unsatisfying and unhelpful interactions with the legal system actors, in which they did not get the requested help or feedback earlier or in a timelier manner, versus simply that the system actively was favoring the defendants per se.

4. VIEW OF ALTERNATIVES TO FINANCIAL RESTITUTION

Even if victims had a negative experience with restitution and compensation, many still did not necessarily see the solution as becoming more punitive in response. Rather when asked what they would prefer if the person could not pay back the restitution, many expressed ideas that aimed to teach that individual to take accountability, to make self-improvements, and/or to have the system take more accountability for its actions. When asked about alternatives, peoples' answers could be grouped into the following categories of motivations (NOTE: these numbers refer to the answers per category, not distinct individuals):

Table 4: Purposes for Alternatives to Financial Restitution

Purpose	N (194)	%
Victim-focused	46	23.7%
No alternatives	45	23.2%
Rehabilitative	35	18.0%
Community-oriented	32	16.5%
Other/combination	17	8.8%
Not sure/conditional	10	5.2%
Punishment	9	4.6%

The largest category of answers (23.7%) pertained to alternatives that focused on victims' needs while the smallest (4.6%) was focused on punishing the person convicted of the crime. These views could be connected to the victims' overall expectations and ideas about the purposes of restitution and compensation. They wanted the person to take accountability, learn not to do it again, and "not screw the system." Others just wanted their fees and expenses covered in a way that assesses a minimum amount to meet that goal without adding excessive financial penalties to the people convicted of those crimes. More nuances within each category of answers are summarized below:

a. Victim-focused

These responses were supportive of alternatives to financial restitution in cases where the person could not pay, such as receiving letters of apology, having a facilitated face-to-face meeting with the person, or having the person work off the restitution directly for the victim. Regarding the last option, some victims were open to the idea if the person was a youth, while others, like Dolly, a 28-year-old Latina who was a victim of identity theft, also expressed a desire to have a more relational component to it:

I would probably suggest some things that she could do for me. Then not only her doing community service to make up for what she did, but also I got to know her, and her to get to know me, and back to what I was saying, to know how I grew up and how those things that

she did, her actions, affected not just me but my daughter... But again, it depends on the person because people can be kind of mean nowadays.

Another way to focus on the victim is to sincerely express remorse or explain the motivation behind their actions. Consider Hailey and Jessica's views about letters of apology – both are victims of car thefts, one from an adult (Hailey) and the other from youths (Jessica):

Hailey (27-year-old White female): That would make my heart so happy ... I think maybe at the time [right after the crime happened], maybe an apology would've been, okay, that's nice, but you really hurt me, and I really need the money. But now I would still love an apology letter right now. I think that would be really sweet, like faith in humanity.

Jessica (35-year-old Latina): That would be nice. That'd be a good start... I guess I would want to know what their intentions were, what their motivation was, [and] understand the rationale behind the behavior. Not that I think it would excuse it, but it might help me wrap my mind around excusing him or coming to terms with it.

A few responses indicated the victims' willingness to sit down with the people charged with their crimes. Some victims expressed their support of those meetings but with caveats related to safety. Queen, a 70-year-old Latina whose car was stolen by someone who sold drugs from it, says, "You know what? I really will have maybe a phone call conversation, but I don't think face to face. It will be more risky for me."

b. No alternatives

There was a range of reasons for why people said alternatives to financial restitution were not acceptable to them. The biggest reason was because they felt the person had no remorse or they couldn't trust that a letter of apology would be sincere. Some of these instances were related to domestic violence or sexual abuse, as in the case of Grace, 39-year-old White female; her stepfather abused her for 16 years, starting from when she was a toddler:

He is a narcissist. The only reason that he would send a letter of apology would be if he was forced to. And I don't feel like it would've been real. I don't feel like he has any... He doesn't feel bad about what he did at all. Unfortunately, he's that type of person.

Mary's reaction to a letter of apology was like Grace's, but hers was also grounded in her frustrations with how her court case proceeded.

Mary (son – assaulted by another youth, 52-year-old Latina): That [letter of apology] was part of what the prosecutor had wanted her to do that she had to do that. So, she wrote a letter. And I told my husband I didn't want to hear it because I was upset at the whole process ... Why do we have to prolong and have this case open for so long when the victim is trying to go past it? ... When my husband heard the letter and he goes, you could tell that it wasn't apologetic. It was like, I'm sorry for what I've done. I know I shouldn't have done it.

For the rest of the responses, victims did not see the need for alternatives as their healing was not contingent on what the person did or did not do. Some of these victims, like Selena, were victims of violent crime; Selena's ex, the father of her children, shot her in front of them.

Selena (domestic violence, 32-year-old Latina): I forgive him ... Yeah, there's no way I can't. I look at him in my children every day, I can't hate that man. I forgive him, but there's nothing he can do for me to ever want him back in my life, not even as a friend or as a co-parent, ever. Ever. So, for the better of me, I have to forgive him.

Michael (assault, 27-year-old White male): I'd learn to let be, I guess. Because I've already gotten them [replacement glasses] with my own money.

Ginny (car vandalized – juvenile, 40-year-old White female): It's really their own personal journey. I don't think it's really other people's business, honestly...that's something they have to go through and feel remorse from themselves and forgive themselves and work through that... What's going to satisfy the victims, the community that you're showing remorse or whatever, people are always going to judge ... your journey shouldn't be for the satisfaction of others.

c. Rehabilitative

These responses showed victims' willingness to forfeit their financial restitution if it meant the people who committed the crimes engaged in self-improvement activities with the court's assistance. It could be in the form of rehabilitation programs as noted by Mickey below or even, as Candy suggests, writing a letter of apology that was truly sincere.

Mickey (stolen bike, 55-year-old White female): Just a program for him, I think, would've made me feel like, "Yeah. I'm okay. Take my \$800 and put him in rehab," ... or sending that guy to class and telling kids why it's wrong to do this... I don't know if that counts as community service or not, but programs. It's giving people the tools and the programs and the education to help them change or to see what's been done. The impact of the other person, get them to put themselves in that.

Candy (car theft, 55-year-old Latina): Well, making amends is a good start because I think you get to see what you have done. What I'm trying to say is they take responsibility for what has happened, not only to themselves by becoming clean, but to the people they hurt. And if to them it means writing a letter, then fine, let it be a letter. There's got to be something that you can do, either court-mandated or not, for you to make yourself more socially accepted or to prove to society that you are a capable person to contribute, something to say that "Hey, I am going to be okay. And I'm willing to work my way back to being a productive member of society."

Some participants did express empathy for the people who committed the crimes against them, either because they identified with them or were also system-involved in the past. In the following excerpt, Johnny Cash, a 37-year-old Latino, talked about how he did not want to press charges against two youths who were caught breaking into his car and other cars in his apartment complex. While the property manager ended up pressing charges against the youths, Johnny still refused to do so, stating his rationale:

He [the property manager] was like, "I'm so upset that you didn't do this, and you didn't do that." I'm like, "Look, man, I was young and dumb." I was one of those kids. My parents didn't raise me the proper way, so I completely understand. For me to give them the second chance at life, to me, that's better than me just throwing rocks at them and just beating them up until the system beat them down to the point where they're like, "I'm just going to continue this lifestyle."

He sees this leniency as not just letting them go, but rather, as a crime prevention strategy in that they would not get caught up in "the system" to the point where they "continue this lifestyle." At the same time, other victims, like Angel, an 18-year-old Latina, had an even more of a desire for the person to take responsibility and show remorse precisely because they were in similar positions

earlier in life. Like Johnny, Angel had two youths break into her car, which caused significant damage. She was open to meeting with them, having them do community service, or having parents pay for their youth; any of those options that taught the youth some kind of lesson was more important than getting her money:

I used to be a really bad kid... seeing this is, just like, oh, okay... This is a coming full circle... these kids need to understand that there's a future that they can actually have, that is actually in their grasps, and reachable if they want, and have the drive to do that. Instead of going and messing up someone's car and their property, why don't you guys go and do some sport??... Honestly, I think I just want them to step into my shoes and what I got to go through every day ... I would just want to be able to show them, just one-on-one, just to hang out with this kid and just be like, "I'm showing you this, so you know how grateful you are for these things." Because it took me a lot of hustling to try to get that car... my family, the people that I come from, my parents are drug addicts. They never had anything for themselves... I'm still trying to fight for them [her siblings] and trying to get custody of them... These kids don't know that. And it's understandable that they don't know that, it's not their reality. But I need them to see, their actions, no matter what they think is fun, no matter how small it is, it has a consequence.

Angel did qualify these thoughts by saying that if the person were an adult, not a juvenile, she would not be as amenable to nonfinancial forms of restitution. She said if it were an adult, she would expect the person to work to pay off the restitution.

d. Community-oriented

Several victims did not feel comfortable having the people perform community service at their homes or be part of their lives. Yet they were open to having the people engage in helping to improve their communities or communities in need. Even victims of child abuse or sexual abuse were open to having their perpetrators do community service (as long as they were not working with children). In general, these responses emphasized how the person could possibly learn empathy by doing community service, connecting it to the idea of rehabilitation.

Mr. Big (stolen car, 75-year-old White male): If they would do anything that was giving back to the community, regardless of what it is, I think it would be good. Sometimes you learn by giving. Giving makes you feel good... Anything in that area would be okay.

PFS, a 55-year-old Biracial female who was a victim of financial fraud, notes that community service might be more meaningful to her than the person spending time in prison; if she is not going to get back the money he stole, having him do community service at least would mean he is helping someone else:

I think that [I] would feel better knowing that he was doing something positive for the community or for humanity. Something like that would feel better because right now it just feels like, okay, he did his little five years [in prison] and now he gets to spend all our money. To me, if he was giving back in some way... that would feel better than just not knowing anything at all.

e. Other/combo

Most of these answers were a combination of victim-focused and community service options or community service with some incarceration time. Some did want the people to pay for the damages incurred by the crime, not accepting their inability to pay (or their parents, in cases of youths) as a valid excuse. Kara, a 49-year-old White female, whose ex-boyfriend broke her arm expressed a

combination of 'help' for the person and the community, as well as punishment in the form of tax garnishment:

Well, I suppose if they don't have money, I guess I'd say a lot of community service hours and counseling, or mandatory counseling, community service. Or their taxes should be... You know, if they get tax money back at the end of the year.

f. Not sure/conditional

Some responses expressed a general ambivalence to alternatives to financial restitution for three main reasons. One was that the situation of a person not being able to pay restitution was hypothetical as the participants were still hopeful that they would receive it. The second related to peoples' consideration of alternatives only under certain conditions (mainly if the people took accountability for their actions). Judy, a 54-year-old White female whose long-time employee embezzled over \$300,000 from her boyfriend and her business, explains why she is not currently open to alternatives at this moment:

Not at this point. She has not even taken accountability for it. She has never said, "I'm sorry." She has never said, "I can't believe I did that. I apologize from the bottom of my heart. I was desperate, I didn't know what to do."... I wish she would do this. Instead, she has no idea what she did to people's lives. None. Take some accountability. If she were able to do that...and I could feel that, would I change? Maybe. There was such hurt that was done, such hurt on top of the money that there was really some emotional scarring done to a lot of people. I think it's more than just the money.

Similar to Judy's point about emotional scarring, others' ambivalence was due to the ongoing emotional harms that the crime. Bob, a 66-year-old White male who was a victim of home burglary, initially expresses his openness to consider sitting down with the person or having that person do community service somewhere else or with him directly, but then also returns to how the crime impacted his sense of security:

I think those [alternatives] are all fine... the idea of just putting somebody in jail... for just to put them in jail, to punish them, is not, I'm not convinced that works. And that said, it wouldn't upset me if this kid was in jail, because I did feel threatened... And to this day, I feel threatened. You know what I mean?

g. Punitive

As mentioned earlier, only a small number of responses expressed some desire for retribution – where the person can feel the weight of paying a victim back, or the person's life can be affected like the victim's life. Yet even in these comments, the victims are not advocating for the person to be put in prison for nonpayment of financial restitution:

Trevor (son killed by reckless driver, 35-year-old White male): Volunteering in the hospital ...trauma center, seeing these people that are coming in, or volunteering in a cemetery, burying people from vehicle motor vehicle accidents, or he has ...to be breathalyzed every day.

Audrey (sons kidnapped, 50-year-old White female): Something that holds her accountable for something... I'd like to know something that her life was inconvenienced just a little bit so that she recognizes that her actions affect other people...My husband and I were inconvenienced to take off work. We were inconvenienced to sit through hearing after hearing after hearing with no results. We were inconvenienced to call the police and keep pounding them. It was our time. For me, it's not about the money, but it was about my time

and how I was affected. If her time can be given, not with children, but she could... pick up the trash. She can sit with a person in a nursing home and read them a book or whatever.

In sum, the same alternative (community service, letters of apology, meeting face-to-face) could fit many of these categories. As I noted previously (2020), having an increased clarity on the purposes of these alternatives offers a path forward to improve victims' opinions and experiences. Those purposes could be categorized broadly as:

- Opportunity for the people to see the harm that was caused by their crimes and/or to hear their reasons/apology for them.
- A sense that the person is making changes in their life not to continue these actions.
- Taking accountability.

CONCLUSION

This report has documented the multi-faceted and nuanced ways that people who are victims of crime experience the restitution and compensation process. Those nuances are not easily reduced to one or two factors (e.g., the type of crime, gender, race, or age of the victim or person charged with the crime). Rather it is an interplay of individual and system-level factors related to the crime, the extent of the harm, communication with the legal actors, and the court process. For many, dissatisfaction and disappointment arose due to unmet expectations related to the case outcome and their pursuit of restitution/compensation. That is, they viewed the court as a place where they would find justice or some type of closure, including a ruling on restitution and sentencing they felt fit the weight of the crime. Yet that did not happen for several reasons. Some victims did not feel included in the court process in substantive ways, from not being informed about court hearings in a timely manner to not knowing of a plea bargain before it was finalized. Many described the process as too lengthy, complicated, or confusing. In the cases where restitution or compensation was awarded, people described feeling exhausted by the process only to see it's been years, and they still had not received any or little funds awarded to them by the court. Many ultimately felt that the effort made on their part far outweighed the punishment or labor put upon people who victimized them.

In closing, we return to the question we posed in the beginning: what could be done for victims if the people cannot pay or if no amount of financial restitution could adequately repair the harm caused by the crime? We offer some policy recommendations that address the uniqueness of everyone's experience and specific needs or desires from the court and restitution process, while also acknowledging system constraints. To be clear, we are not recommending completely eliminating all financial restitution but rather offering ways to think about the system that keeps that option among many, if in fact the person who committed the crime does have means to pay for the damage caused by their action.

1. Clear and streamlined communication

Victims expressed time and again how they wanted more meaningful and proactive communication with the legal system actors. Many described having to parse through information from many different agencies or being passed from person to person with their questions never getting answered. Yet they wanted to be heard, informed, and given enough notice to prepare for the next steps in the court process. To that end, we recommend a more streamlined form of communication, ideally with the victims only having one point of contact throughout the entire process, from the time of the crime, past the court case and sentencing (if the case is prosecuted in court). The contact could be the liaison across several agencies involved with the court case, sentencing, post-sentencing supervision, restitution, and compensation.

Moreover, in terms of the substance of that contact, the person would provide clear and detailed guidelines of what to expect from both the court case and restitution/compensation processes. While it is impossible to predict how individual cases will turn out, victims deserve to know the chances of what might happen to make informed decisions about the amount of their input or their views of the possible plea bargains. Regarding restitution and compensation, this point person could schedule a meeting to specifically go over these processes, instead of just depending on the victims to fill out the forms themselves and reach out for clarification if needed. In this meeting, the person would review the forms, eligible costs, odds of recouping said costs, and possible non-financial alternatives.

2. Offer multiple options including both financial and non-financial alternatives on restitution and compensation forms

This idea would involve having the victims consider possible non-financial forms of restitution or compensation at the same time they are asked to identify the financial costs related to the crime. In addition, it would focus not just on the person who committed the crime, but how other entities (e.g., family members, churches, community agencies, and work colleagues) could assist in the victim's healing process. This would mean revising the restitution and compensation forms to not only document financial forms of loss. They could also have questions asking victims if they would consider options such as restorative justice, community service or letters of apology as part of the restitution order. For restorative justice options, it is important to maintain the integral voluntary component to the participation for both the victims and people charged with the crime. In doing this, the system could perhaps maximize the compensation funds – distributing the financial amounts as needed while also providing other opportunities – as driven by the victim's input – for the person charged with the crime to take accountability and for the victim to be restored.

3. Revised timing for outreach, deadlines, and receipt of funds

The timing of restitution and compensation processes could also be reconsidered. Instead of sending victims a deluge of information right after the crime occurs and then asking for the restitution documentation and victim impact statements right before sentencing, the system could offer more regular and frequent points of contact, giving victims adequate time to prepare. These contacts would follow a trauma-informed approach that guides when and how often those interactions, as well as the substance of the interactions.¹⁵

Another idea related to timing is to provide victims with restitution from a state fund that is not tied to their court case. Other states have already or are exploring this option: Vermont has a state fund that provides victims with the restitution (cap of \$5,000) upfront and then has the people charged with those crimes pay back that amount back into the fund. This eliminates the lengthy wait for victims to get restitution in the current piecemeal and incomplete fashion directly from the person.

4. Simplify eligibility and application process for restitution and compensation.

While the application process appears straightforward to many of the victims, several obstacles and challenges arose regarding eligibility, allowable costs, and reimbursement. Regarding eligibility for compensation, people may be denied compensation if they are seen as contributing to the crime or if they have past fines. Yet if the person was acting in self-defense (as reported by some victims of domestic violence in our study) or if the past fines have no bearing on the current crime (e.g., Selena), those factors should not diminish their status as victims of these instances where harm occurred. Rather they should be considered as allowable exceptions, rather than exclusions, for compensation.

Similarly, we recommend greater flexibility in allowable costs, particularly those that the victims believe are necessary for their healing. Regarding repairs for property damage or crime scene clean-

¹⁵ For more on trauma-informed approaches, see Herman 2023 and Castro Rodriguez (2021, 2022).

up, victims could be compensated for doing it themselves if they need to do so (for immediacy as in Pete's case), even if they are using materials beyond the 'one-time use' qualification for the state compensation funds. Also for therapy, there perhaps could be exceptions for 'non-traditional' therapy that victims believe will be helpful, even if they do not have a doctor or counselor's recommendation. Finally, one could envision a less onerous process for reimbursement where the victims did not need to always provide receipts in certain situations or continuously have to provide treatment plans that do not need updating (from a therapeutic perspective).

5. Invest in a centralized electronic notification/tracking system

This idea comes directly from victims who expressed frustration with the multi-agency aspect of the restitution and compensation process. One could imagine some kind of centralized system where victims can track not just those court hearings, but also the person's status in jail or prison (if sentenced), status on Probation, as well as restitution/compensation amounts ordered and received. This system would help victims choose when and how to keep up with their case which could help mitigate the system adding to victims' trauma: two victims mentioned how receiving multiple letters could be potentially triggering of trauma, especially when they didn't know what to expect when they opened the envelopes. To facilitate the communication between the victims and agencies, this system could have the contact information for the specific person in each agency associated with a specific step in the process (e.g., prosecutor for cases, probation for post-release, clerk's office for restitution payments) so they didn't have to spend hours tracking people down for basic information. In addition, people ordered to pay restitution could access the part of this electronic system only related to restitution. That way, they could keep track of the court ordered restitution amount, balance paid to date, and the outstanding balance.

We offer these recommendations, knowing they are ambitious in scope but also are grounded in individual victims' experiences and desires. It is our hope that they inform and inspire jurisdictions' possible steps forward to make the legal system more responsive to the victims, while also not exacerbating the excessive legal debt imposed on people charged with the crimes. In doing so, there is greater opportunity not just for the individuals charged with crime to take accountability but also for the legal system to take accountability regarding its responsibilities to the victims, justice-involved people, and the public in administering fair and equitable justice.

APPENDIX 1: Methodology

From May 2022-February 2023, we conducted 94 interviews with adults who were victims of a crime. We recruited from four organizations: two community-based agencies and two probation departments. One community-based agency works with survivors of domestic violence, and the other works with victims of all crimes in one area of Phoenix. We also worked with the Maricopa County Juvenile and Adult Probation Departments to have them send out letters on our behalf to victims of crimes committed by people on probation.

After receiving either the flyer or email regarding the study from one of these recruiting sources, people contacted us directly to express their interest in participating. After conducting a brief screening to confirm they had some experience with learning about and/or seeking restitution through the justice system, we then scheduled interviews. We did not tell the referring agencies which of their clients chose to participate in the study.

Interviews were conducted in person and over Zoom in English and Spanish. We offered both virtual and in-person options based on the person's choice (and due to ongoing health concerns related to the pandemic). The interviews lasted between 30 minutes to over 2 hours. They covered four general topics: the effects of the crime that happened, their interactions with the court/other agencies, their understanding of the restitution and compensation process, and how the process has affected their life, if at all. Interviews were transcribed and translated (if in Spanish.)

The research team coded the interviews in Dedoose. To ensure intercoder reliability, the research team coded the same interview and then compared and refined our coding strategy. We used these general codes for the interviews: effects of crime (e.g., physical, emotional, financial, logistical, other); communication with system actors; experience in court (e.g., participation, input, understanding of proceedings); overall view of the system; restitution and compensation (e.g., information, process, receipt of funds, uncovered costs, obstacles); views of alternatives to financial restitution; and general ideas for change. From there, each interview had a primary and secondary coder. After the coding was completed, we then wrote detailed memos based on each code, from which the findings for this report were generated.

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