



Victim Restitution

Improved Coordination and Consistency Would Ensure That State and Local Collection Entities Collect and Disburse More Restitution

Background

The California Constitution guarantees the right of all victims of crime to restitution, or reimbursement, for economic losses resulting from the crime. Restitution takes two forms—orders payable to victims and fines payable to the State, which are used by the California Victim Compensation Board to support crime victims. Multiple entities share responsibility for collecting and disbursing payments, including the California Department of Corrections and Rehabilitation, local courts and county programs, and the Franchise Tax Board. Despite the collection efforts of these entities, our analysis found that underlying barriers and inefficiencies leave many victims without full repayment and many defendants with lifelong debt they cannot pay.

Key Recommendations

To address this audit’s findings and better ensure that the State’s restitution system serves the needs of victims without unnecessarily burdening individuals convicted of crimes, the Legislature should consider the following:

- Amend state law to require local collection entities to provide CDCR with victim contact information for restitution orders, unless the victim does not want this information shared.
- Specify how collection entities should calculate and apply interest on restitution orders.
- Require CDCR and local collection entities to refer delinquent restitution orders and fines to FTB.

Key Findings

- State and local collection entities recovered only a small percentage of the restitution orders for which they were responsible.
 - » CDCR and the local collection entities we reviewed collected less than 11 percent of the restitution for which they were responsible from fiscal year 2014–15 through 2024–25 because many individuals owing restitution lack the financial resources to pay it.
- Low collection rates are not a problem that is unique to our selected entities.
 - » According to a GAO report, U.S. Sentencing Commission data indicated that 95 percent of the individuals the federal government ordered to pay restitution received a waiver for a court-ordered fine, indicating their inability to pay orders or fines.
- Because local collection entities have not consistently coordinated with CDCR to provide victim identification information, CDCR cannot disburse restitution to many victims.
 - » CDCR was unable to disburse more than half of the restitution payments it collected from 2014–15 through 2024–25 because it lacked necessary victim contact information.
- State and local collection entities lack consistent and coordinated processes for collecting restitution orders and disbursing the funds to victims.
 - » Courts have not consistently applied and calculated the 10 percent interest that state law requires judges to impose on restitution orders.
 - » Because of their differing interpretations of state law, local collection entities have taken inconsistent and uncoordinated approaches to referring delinquent accounts to FTB, oftentimes not referring delinquent restitution debt when they could do so, resulting in unequal effects for both victims and individuals owing restitution.

The Efficiency of Restitution Collection Varies by Collection Entity

Cost to Collect \$1.00 of Victim Restitution

