



NATIONAL CRIME VICTIM LAW INSTITUTE

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A Restitution Resource: The Restitution Binder

Individuals who have suffered a recent victimization may not be able to process all of the information that victim service providers give to them immediately following the crime, and it may be even harder for victims to digest information about restitution when the trial in a case is far off. Taking steps early in the process may help to ensure victims receive full restitution if the harm-doer is convicted and sentenced. One trauma-informed strategy that victim advocates can use to help victims understand the restitution process and manage their own restitution claim is to give each victim a Restitution Binder.

A Restitution Binder is a way for victims to track expenses, organize receipts and other evidence of loss, and store important restitution-related information. The binder ensures all of their restitution information is in one easily transportable location.

A Restitution Binder can be easy to build; it only requires (1) a binder, (2) binder pockets, and (3) print outs.



Sample Restitution Binder Contents

1. Calendar (This allows victims to notate appointments, doctor visits, etc. While this helps victims with scheduling, it also can serve as evidence of expenses incurred in the aftermath of the crime).



2. Contact information for agencies and organizations with an explanation of what they do, including victims' rights organization(s)/attorney(s). (Including the name, telephone number and email of any individual that is responsible for restitution within the various justice system agencies will help victims navigate who to contact at various stages of the process).

3. Brochures or information sheets on restitution orders, restitution collection, and crime victim compensation explaining, among other things, the differences between restitution and crime victim compensation.

4. An information sheet containing the jurisdiction's significant restitution laws. (Examples include: whether a victim or the government may intercept their offender's tax refunds and lottery winnings; how long restitution orders are enforceable; if the restitution order can be converted to a civil judgment; the process for converting to civil judgment).
5. Binder Pockets to hold:
 - a. Receipts
 - b. Estimates (for repairs, medical procedures, etc.)
 - c. Other (supporting documents, e.g. doctor's letter referring victim to physical therapy)
6. Log/Financial Spreadsheet (sample attached)
 - a. Columns may include:
 - i. Bill was paid in full or balance remaining
 - ii. Number of hours to repair credit when identity theft case
 - iii. Whether a debt/bill is in collections
 - iv. Crime Victim Compensation Program payouts (what expenses/losses paid)
7. Informational sheet on protecting privacy. The restitution binder may include information that victims do not wish to share with others (especially defendant). For this reason, the binder should include a brief statement to the inform the victim of how to best prove their restitution claim while protecting their privacy. An example of this statement:



The restitution binder should not be turned over to the government (prosecutor, system-based advocates, or law enforcement), as once it is in the government's possession or control, the binder may be required to be turned over to defendant during discovery. The binder is a tool to assist you in tracking your financial losses, and when you are ready to submit a restitution claim (either to the court, pre-sentence investigator, or the prosecutor) you should submit a summary of expenses in support of your claim. If required to attach documentation (medical records, bills for example) you should redact all non-pertinent information. You may also wish to note when submitting the summaries/ documentation that you are not waiving any respective legal privileges you have in their information/communications or any other privacy protections.

DATE

Sample
Restitution Log/Financial Spreadsheet

This sample log can be a useful tool for crime victims to record financial losses they incurred (or will incur in the future) because of the crime (i.e., losses that they would not have incurred if they hadn't been victimized). Receipts can be kept in a binder pocket together so they are all in one place. When working with a victim-client, remind them that it is okay to not record everything or to record out of order. The log is just a tool.

DATE	DESCRIPTION OF WHAT YOU HAD TO BUY/PAY FOR – OR WHAT MONEY YOU LOST – BECAUSE OF THE CRIME	HOW THE EXPENSE RELATES TO THE CRIME (DESCRIPTION CLARIFYING WHY YOU WOULD NOT HAVE PAID FOR THIS IF THE CRIME HADN'T HAPPENED)	AMOUNT PAID	RECEIPT?
Jan. 10	Bus pass	Had to get to prosecutor's office to talk about the case	\$5.00	Yes
Feb. 1	Day off work	Court today; had to testify	I get paid \$19/hour and would have worked 8 hours	No
Feb. 1	Bus pass	Had to get to court	\$5.00	Yes
Feb. 2	Doctor	Follow-up visit with doctor - injuries from crime	\$10 co-pay. Insurance paid the rest.	No - forgot to get it
Jan. 31	Pay for car repair (will take 5 days to fix - need to order parts)	Car damaged as part of crime	\$450	Yes
Feb. 3	Car rental - 2 days	Car in the shop still and bus route does not run frequently on weekends	\$40/day for 2 days	Yes
Dec. 18	Doctor and prescription	Injuries from crime	\$10 co-pay for visit and \$35 co-pay for prescription. Insurance paid the rest.	Yes - mailed to me after the appointment

DATE

Feb. 5	Leave work early for verdict	Attending court to learn the verdict after I got the call from the prosecutor	I get paid \$19/hour and	No
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