

# STATE-FUNDED COMMUNITY COMPENSATION PROGRAM

## REPORT AND RECOMMENDATIONS TO THE GOVERNOR AND LEGISLATURE



Washington State Partnership Council on Juvenile Justice  
October 2024

**Cover Art:** *Peaceful Simplicity* by LK, 18

**Cover Artist's Statement:**

*Through conflict and unsaid words,  
leaving a collapse  
in the bridge of understanding  
as I seek a relief for my grief,  
I find peace  
in what's beyond comprehending,  
healing what I once considered doubt,  
forming a new path  
in the garden  
where lilies tend to bloom  
leading me to endless possibilities.  
Finding peace in the little things  
surrounding me in my room  
gave me more reconciliation  
than forcing it  
from someone outside of myself.*

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### Workgroup

A workgroup was convened during the fall of 2023 and met regularly through July 2024. Workgroup members included lived experts,<sup>1</sup> victim service providers, youth justice advocates, experts in legal financial obligation reform, legal aid providers, researchers, and representatives from the Office of Crime Victims Advocacy, Crime Victims Compensation Program, Superior Court Judges Association, Administrative Office of the Courts, Office of Public Defense, and Washington Association of Juvenile Court Administrators. All contributed generously to this project.

The consensus recommendations offered in this report are a product of this workgroup's collaboration.

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### Technical Assistance

Robert Hamill and Jessica Gonzales-Bricker of the Council of State Governments Justice Center provided technical assistance on this project. They contributed invaluable national perspectives and expert guidance rooted in best practices for victims’ compensation programs and produced caseload data analyses and program cost estimates that are referenced throughout this report.

### Additional Contributors

The following individuals and groups also provided guidance, support, review, and input:

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The girls and young women at Echo Glen Children’s Center  
 The youth and young adults of the CHOOSE 180 Youth & Young Adult Advocacy Program

Members of the Sexual Assault Service Providers Workgroup  
Members of the Debt Free Youth Justice Coalition

## Artwork

The artwork featured throughout this report was created by youth and young adults with the support of Schack Art Center (Schack), which operates an Art Alternatives program at Denney Juvenile Justice Center in Snohomish County. Schack invited young people in its network impacted by court involvement (including artists who maintained a connection to Schack for several years after participating in Art Alternatives) to create art for this report.

Artists learned about our project and worked from these prompts:

Thinking about a time that you were hurt by someone else... What does it look like or feel like to be hurt and then repaired or made whole? How would you visualize being lifted back up after being hurt? How would you visualize being hurt and having nowhere to turn for help or repair? How would you visualize cycles of hurt, trauma, or violence *being interrupted*? What does it look like to break those cycles? After being seriously hurt, what does the pathway ahead look like? How would it look different if you had help to recover?

We are grateful to the artists for the deep thought, care, and reflection put into these pieces and to Schack for facilitating this connection and opportunity.

## NOTES ON LANGUAGE

**Victim, survivor, harmed party/person/individual:** Throughout this report, we generally favor “harmed” language to avoid reinforcing a false victim/offender binary that labels some as “victims” and others as “perpetrators” or “offenders.” In reality, there is substantial overlap between “victims” and “perpetrators,” particularly in historically marginalized communities impacted by cycles of violence.<sup>2</sup> Other language is used throughout this report when referencing already-established language or where the context requires it.

**Child, youth, young person, juvenile, respondent:** We use “child,” “youth,” and “young person” interchangeably throughout this report to refer to someone whose age falls under the jurisdiction of juvenile court. In some places we use “juvenile” or “respondent” for clarity.

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<sup>2</sup> National Institute of Justice. (2021) *The Overlap Between Those Committing Offenses Who Also Are Victims: One Class of Crime Victim Rarely Seeks or Receives Available Services*. US Department of Justice. <https://nij.ojp.gov/topics/articles/overlap-between-those-committing-offenses-who-also-are-victims-one-class-crime>

## MESSAGE FROM THE PARTNERSHIP COUNCIL ON JUVENILE JUSTICE

The Washington State Partnership Council on Justice (PCJJ) is the primary state advisory group for matters pertaining to juvenile justice in Washington. Governor Jay Inslee issued Executive Order 20-02, which directs the PCJJ to conform with the federal requirements of the Juvenile Justice and Delinquency Prevention Act (JJDPA) and function as a common point of analysis, planning, and advocacy for youth involved in or at risk of involvement in the juvenile justice system.

The PCJJ meets the requirements for state advisory group membership per 42 U.S.C. 5633, Sec. 223(a)(3)(A) of the JJDPA with 26 appointed council members and at least one-fifth of the membership under the age of 28 at the time of appointment. The Office of Juvenile Justice provides staffing and administrative support to enable the PCJJ to perform its functions.

The PCJJ is dedicated and committed to youth justice, eliminating racial and ethnic disparities, improving community safety, and supporting restorative justice practices throughout the state. We credit our accomplishments to the collective efforts and contributions of PCJJ council members and our system and community partners.

This report explores the limitations of juvenile court-ordered restitution in delivering financial repair to people harmed by youth, discusses the harmful and inequitable impact of restitution debt on youth, and provides recommendations for an alternative: a state-funded Community Compensation Program. Our mission as the PCJJ is closely connected to this effort. We are committed to support and restoration for victims, and we believe that system responses should hold youth accountable in a manner that balances the impact of their actions with what is effective for their rehabilitation. Among our strategies is encouraging responses that are restorative for both youth and community.

Simultaneously, we are committed to challenging the false victim/offender binary. The children and youth who come into contact with the juvenile legal system have themselves often been harmed or victimized before becoming “offenders.” We believe that all deserve restoration and that healing is critical for fostering another of our guiding principles: prevention. We believe that a state-funded Community Compensation Program could interrupt cycles of harm, unaddressed loss, destabilizing debt, and exacerbate inequity by addressing the financial cost of victimization so that both parties can instead focus on more meaningful healing and accountability.

As the PCJJ Chair, Vice Chair, and Co-Leads of the Community Compensation Program Workgroup, we are pleased to present this report and the recommendations herein with the full support of the PCJJ.

Respectfully Submitted,



Gordon McHenry, Jr.  
Council Chair



Sean Goode  
Council Vice Chair



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Council Member & Workgroup Co-Lead



Heidi Sadri  
Office of Juvenile Justice Staff & Workgroup Co-Lead



## EXECUTIVE SUMMARY

In Washington State, people harmed by juvenile offenses rarely receive financial repair through juvenile court-ordered restitution. Even years after restitution is ordered, nearly 90% remains unpaid.<sup>3</sup> The young people ordered to pay restitution simply do not have the money to pay, and the consequences for failure to pay restitution often drive youth into deeper system entanglement. The failures of the juvenile restitution system and the shortcomings of alternatives for victims fall most harmfully upon youth and communities of color, exacerbating inequities and economic instability for both youth who have caused harm and people who have experienced harm.

This report explores the limitations of juvenile court-ordered restitution in delivering financial repair to people harmed by youth, discusses the harmful and inequitable impact of restitution debt on youth, and provides recommendations and cost estimates for an alternative approach: a state-funded Community Compensation Program.

### Summary of Recommendations

#### Program Administration

**The Community Compensation Program should be administered by the Office of Crime Victims Advocacy.** The Office of Crime Victims Advocacy's existing role as a leader and convener of victim advocates and its relationships with service providers in counties and communities statewide make it well-positioned to administer funding for a Community Compensation Program.

- The Office of Crime Victims Advocacy should contract with a single organization to operate the Community Compensation Program Statewide.
- The Office of Crime Victims Advocacy should establish and staff advisory boards to inform certain aspects of program administration.

#### Eligibility

**An individual should be eligible for the Community Compensation Program if they experienced harm caused by a juvenile.**

- Natural persons and, in certain circumstances, others who experienced secondary harm should be eligible for compensation.
- A harmed person's access to compensation should not be dependent on if or how an associated case is addressed by the legal system.
- Eligibility criteria should avoid certain requirements and exclusions that exacerbate inequities in access to compensation.
- The Community Compensation Program should maintain separation from the existing Crime Victims Compensation Program.

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<sup>3</sup> For juvenile court cases filed between 2018 and 2021, approximately 13% of restitution owed to natural persons had been paid by fall 2023. This figure excludes King and Pierce County data, which could not be used to distinguish natural person victims from other victim types (businesses, government agencies, insurance companies, etc.). Personal communication with Washington State Center for Court Research, August 2024.

### Application Process and Consideration of Expenses

**The application process and consideration of expenses should follow recommended best practices.**

Case handling should be trauma-informed, minimize burden on eligible applicants, and consider other sources of payment where appropriate.

- Decisions should involve a two-step process that first screens in eligible applicants and then receives and processes expense claims.
- The application process should be simple, accessible, and minimize barriers to approval for eligible applicants. Documentation of the incident should be able to come from one of many different third-party sources.
- In considering expenses, the Program should minimize the burden on the claimant to gather and submit information by making payments directly to service providers when possible or reimbursing claimants for documented already-paid expenses.
- The Program should be the payer of last resort on certain expenses and require certain collateral sources to consider expenses before making payments.

### Retroactivity

**The Community Compensation Program should be responsible for retroactively addressing certain cases.**

- If outstanding juvenile restitution orders are eliminated, the Program should be responsible for locating and compensating natural persons to whom outstanding/eliminated restitution was owed.

### Program Structure

**The Community Compensation Program should be structured to have separate teams for distinct case types.**

- Cases involving property loss or damage only, cases involving harm resulting from a violent incident, and retroactive cases present different needs and can be handled by separate teams. This structure may also be used to support a phased implementation of a Community Compensation Program.

### Reporting and Evaluation

**The Office of Crime Victims Advocacy should submit periodic reports on the Community Compensation Program to the legislature. Performance reporting is crucial for evaluating the Program's effectiveness, identifying areas for improvement, and monitoring the distribution of services for possible inconsistencies or disparities.**

- The Office of Crime Victims Advocacy should report on specific quantitative and qualitative performance metrics.

## Program Cost Estimates

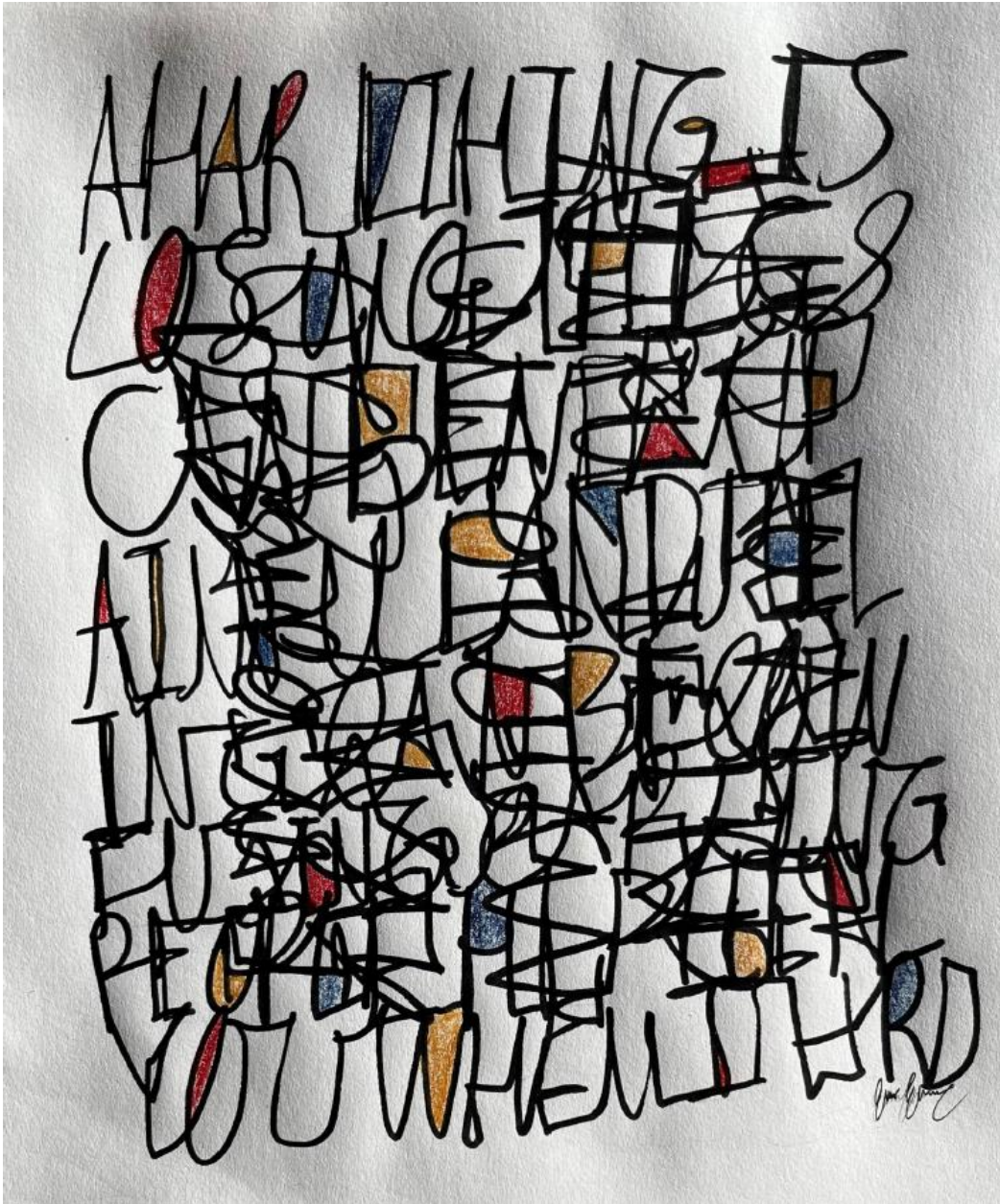
The costs to implement and operate the Community Compensation Program as recommended in this report include contract administration costs for the Office of Crime Victims Advocacy (OCVA), personnel and operating costs for the organization contracted to run the Community Compensation Program, and direct compensation provided to or paid on behalf of harmed individuals. A high-level summary of cost estimates is below.

### *Community Compensation Program Cost Estimate Summary*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
OCVA Administration	200,943	200,943	200,943	200,943	200,943
Contracted Organization	692,750	1,423,210	1,650,238	1,713,848	1,780,002
Direct Compensation	305,614	1,499,645	2,234,863	2,475,314	1,980,849
<b>Total Program Cost</b>	<b>1,199,307</b>	<b>3,123,798</b>	<b>4,086,044</b>	<b>4,390,105</b>	<b>3,961,794</b>

## Layered Thoughts

By EE, 13



**Artist's Statement:** *Losing people and things is painful and confusing. It feels unfair. Your thoughts get mixed up when you try to figure it out. Sometimes you are sad and you are angry sometimes. It would help if you had people who love and care about you to be there for you.*

## BACKGROUND

In 2023, the Washington State Legislature directed the Partnership Council on Juvenile Justice (PCJJ) to consider and provide policy recommendations regarding the establishment of a state-funded community compensation program to address out-of-pocket expenses for those who have been harmed by juvenile criminal offenses.<sup>4</sup> The legislature directed the PCJJ to address structure and placement within state government, scope and scale of funding, eligibility criteria, retroactivity, documentation requirements, coordination with the existing Crime Victims Compensation Program, and cost estimates for startup and ongoing operations. In developing these recommendations, the legislature also directed the PCJJ to consider restorative principles and best practices and work in consultation with people who have been charged restitution and people who have been owed restitution. This report fulfills these directives.

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<sup>4</sup> See 2023 ESSB 5187 Sec. 230(20)(a)(ii), pg. 396-397.

## INTRODUCTION

The destabilization people experience in the wake of harm caused by crime can run deep. The effects of this harm can take many forms, including financial costs. In Washington, the approaches currently available to address the financial costs of victimization fall far short of delivering full financial restoration and disproportionately fail and harm poor communities and communities of color.

Recognizing this systemic failure, the Washington State Legislature has contemplated an alternative approach that would deliver swifter and more complete financial repair to people harmed by juvenile offenses. If authorized by the legislature, a state-funded Community Compensation Program would achieve this purpose, in turn eliminating the role of juvenile court-ordered restitution, which fails to address the harm of juvenile offenses because little of it is paid, as shown in Figure 1.<sup>5</sup>

This report offers recommendations for the creation of a Community Compensation Program, including administration, eligibility, application process, handling of expenses, retroactivity, structure, reporting, and cost estimates.

### Financial Restoration Currently Available to People Harmed by Juvenile Offenses

This section discusses the avenues for financial restoration currently available to people harmed by juvenile offenses in Washington. The current landscape fails to deliver financial repair that is accessible, equitable, prompt, or complete.

#### Court-Ordered Restitution

The current system for juvenile court-ordered restitution delivers neither financial restoration to the people who need it nor accountability for young people who cause harm. Instead, it saddles youth with destabilizing debt and leaves those harmed without recourse to achieve financial wholeness. The impacts of this systemic failure land most heavily upon youth and communities of color.

#### *About Court-Ordered Restitution*

At or following the disposition hearing in a juvenile case, the court must order a juvenile respondent to make restitution to victims who have suffered loss or damage as a result of an offense.<sup>6</sup> If the court determines that the respondent does not have sufficient funds to pay, and with the victims' agreement, the court may order community service hours in lieu of monetary restitution.<sup>7</sup> Restitution may also be included as part of a formal diversion agreement.<sup>8</sup> Restitution amounts are based on monetary losses associated with emotional, psychological, physical, or financial injury to person or property. Victims may include natural persons, businesses, government agencies, and insurance companies to which other people or entities' restitution claims are subrogated. A juvenile respondent may petition the court at any time for modification of the restitution order, at which point the court may take into consideration the

<sup>5</sup> For juvenile court cases filed between 2018 and 2021, approximately 13% of restitution owed to natural persons had been paid by fall 2023. This figure excludes King and Pierce County data, which could not be used to distinguish natural person victims from other victim types (businesses, government agencies, insurance companies, etc.). Personal communication with Washington State Center for Court Research, August 2024.

<sup>6</sup> Within the 180 days following or within the year following for restitution ordered to be paid to the Department of Labor & Industries Crime Victims Compensation Program

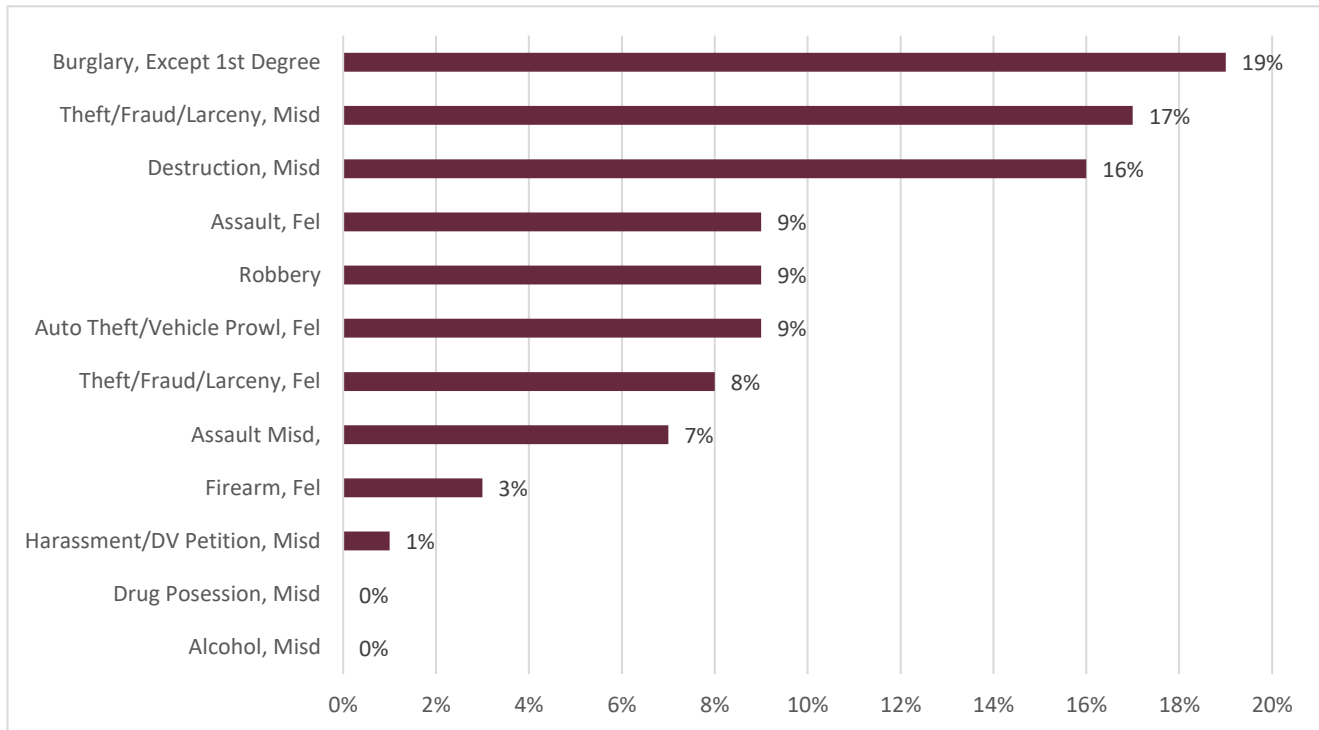
<sup>7</sup> RCW 13.40.190(1).

<sup>8</sup> RCW 13.40.080(2)(b).

respondent’s ability to pay in modifying the amount, terms, and conditions of the restitution order.<sup>9</sup> The respondent makes restitution payments to the court clerk, and the clerk disburses payments to the victim.

Restitution is ordered in about 11% of juvenile court cases.<sup>10</sup> Figure 1 illustrates the composition of cases in which restitution is ordered: Nonviolent property offenses make up over half of the cases in which restitution is ordered, and violent offenses make up about 25% of cases.<sup>11</sup>

Figure 1: Composition of Restitution Cases<sup>12</sup>



As discussed above, juvenile courts may order that restitution be paid to non-person victims. Natural persons make up less than half of restitution recipients. Figure 2 illustrates that 47% of restitution is

<sup>9</sup> RCW 13.40.190(5).

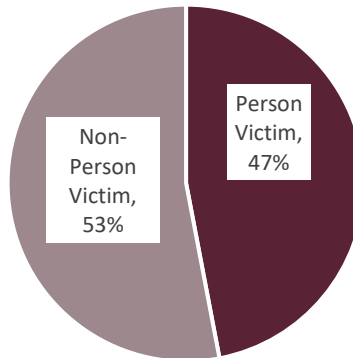
<sup>10</sup> Jones, K., and Gilman, A. (2024, Jan. 11). *Restitution Ordered in WA Juvenile Courts, 2018-2021*. [Presentation of analyses by Washington State Center for Court Research]. PCJJ State-Funded Community Compensation Program Workgroup Meeting. <https://www.dcyf.wa.gov/sites/default/files/pdf/oji-WSCCR-Juv-LFORestitution.pdf>, slide 4.

<sup>11</sup> Violent offenses here include Assault, Fel; Assault, Misd; Harassment/DV Petition, Misd; and Robbery.

<sup>12</sup> Jones, K., and Gilman, A. (2024, Jan. 11). *Restitution Ordered in WA Juvenile Courts, 2018-2021*. [Presentation of analyses by Washington State Center for Court Research]. PCJJ State-Funded Community Compensation Program Workgroup Meeting. <https://www.dcyf.wa.gov/sites/default/files/pdf/oji-WSCCR-Juv-LFORestitution.pdf>, slide 5.

ordered to be paid to natural person victims, while the 53% majority is ordered to be paid to non-persons including businesses, schools, local governments, state agencies, and insurance companies.<sup>13</sup>

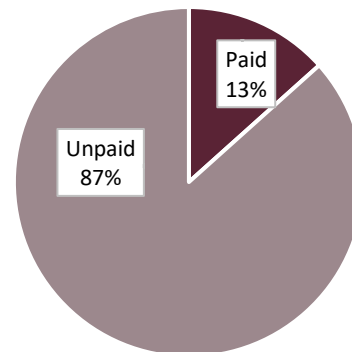
Figure 2: Restitution Orders by Victim Type (Juvenile Court Cases Filed 2018-21)<sup>14</sup>



*Juvenile Court-Ordered Restitution Does Not Meet the Needs of People Harmed by Youth*

Juvenile restitution is largely ineffective at meeting the financial needs of people harmed by youth. Months or even years may pass between the time of the offense and the time when restitution is ordered. In cases where restitution is ordered, it is rarely collected. Children and youth ordered to pay restitution are often too young to hold a job, are full-time students, and/or are from households already struggling financially, leaving them poorly positioned to fulfill their restitution obligations. If a young person is incarcerated, they are even further disadvantaged in their ability to pay restitution. This inability to pay is reflected in data on restitution payments, which show an estimated 13% of restitution ordered to individual person victims by juvenile courts in Washington is collected, and collection often takes several years.<sup>15</sup> Figure 4 shows the average amounts paid and unpaid on restitution ordered to natural person victims by offense, focusing on the offenses with the highest volume of restitution orders.

Figure 3: Restitution Owed to Natural Person Victims  
Juvenile Court Cases Filed 2018-21



**Note 1:** Payment status as of fall 2023.

**Note 2:** This figure excludes King and Pierce County data, which could not be used to distinguish natural person victims from other victim types (businesses, government agencies, insurance companies, etc.).

<sup>13</sup> 47% of restitution orders are made to natural persons, and 47% of restitution dollars ordered are owed to natural persons. Jones, K. and Beach, L. (2024, Jul. 12). *Restitution Recipients in Juvenile LFO Cases*. [Presentation of analyses by Washington State Center for Court Research]. Debt Free Youth Justice Coalition Meeting.

<sup>14</sup> Excludes King and Pierce County data, which could not be used to distinguish natural person victims from other victim types. Jones, K. and Beach, L. (2024, Jul. 12). *Restitution Recipients in Juvenile LFO Cases*.

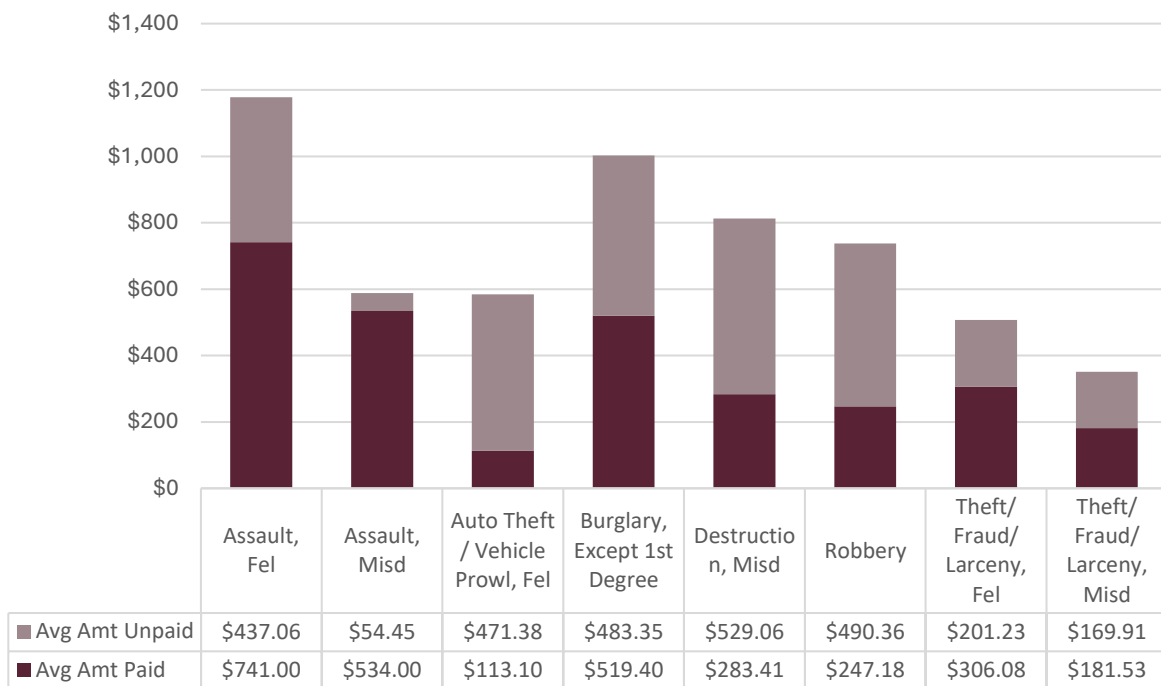
<sup>15</sup> Based on an analysis of juvenile court cases filed between 2018 and 2021, excluding King and Pierce Counties, whose data could not be used to distinguish natural person victims from other victim types. Personal communication with Washington State Center for Court Research, August 2024.



There is also notable variation in courts’ practices for ordering restitution, even for the same charge. For example, the average restitution ordered for Misdemeanor Assault varied from about \$250 in what researchers categorize as “low-amount courts” to about \$1,100 in “high-amount courts.”<sup>16</sup> This variation suggests geographic inequities that impact both the youth who are ordered to pay restitution and the parties to whom it is owed.

Studies of victims’ experiences reinforce the shortcomings of the current restitution system: One study found that only 33% of crime victims were satisfied with the amount of restitution they received, and only 37% were satisfied with the timeliness of restitution payments.<sup>17</sup> Correspondingly, lived experts who are or have been owed restitution express that they gave up expecting to receive payment long ago.<sup>18</sup>

Figure 4: Average Payments to Natural Person Victims<sup>19</sup>



### The Consequences of Restitution Debt

At the same time, the impact of restitution debt on youth who have little or no means of payment is deeply destabilizing. Eleven percent of juvenile respondents are ordered to pay restitution, with an

<sup>16</sup> Jones, K., and Gilman, A. (2024, Jan. 11). *Restitution Ordered in WA Juvenile Courts, 2018-2021*, slides 9-10.

<sup>17</sup> Cares, A. C.; Haynes, S. H., and Ruback, R. B. (2015). Reducing the Harm of Criminal Victimization: The Role of Restitution. *Violence and Victims* 30(3): 459. <https://doi.org/10.1891/0886-6708.VV-D-13-00049> (citing Davis, R. C., Smith, B., & Hillenbrand, S. (1992). Restitution: The victim’s viewpoint. *The Justice System Journal*, 15(3), 753).

<sup>18</sup> Based on the input of lived experts who advised on project

<sup>19</sup> Based on an analysis of data from the Administrative Office of the Courts on juvenile court cases filed in 2018, excludes King and Pierce Counties. Hamill, R. and Gonzales-Bricker, J. (August 2024). *Report #2 to the PCJJ Community Compensation Program Workgroup*. Council of State Governments Justice Center.

average restitution amount of \$970. As discussed above, little of this restitution is paid, but the consequences associated with unpaid restitution debt are significant:

- Restitution debt can incur interest,<sup>20</sup> follow youth into adulthood, be converted to civil judgements, impact credit scores, and be garnished from wages and prison commissary accounts or intercepted from tax refunds.
- Unpaid restitution owed to individual victims makes an individual ineligible for juvenile record sealing,<sup>21</sup> making access to employment, housing, and education more difficult.
- Respondents who are found by the court to have willfully violated a restitution order may be jailed.<sup>22</sup>

In cases with multiple co-defendants, youth can be liable for restitution jointly and severally,<sup>23</sup> meaning each young person is fully responsible for sharing the total amount of restitution owed regardless of their personal role in the harm. While these laws are intended to ensure that victims are fully compensated, this approach introduces an additional element of instability for youth ordered joint and several restitution because their ability to fulfill their obligation is tied to other youths' ability to pay. Washington is one of only nine states whose laws expressly authorize joint and several liability for juvenile court-ordered restitution.<sup>24</sup>

Restitution debt and the associated consequences contribute to financial instability; make it harder for youth to secure and maintain housing, employment, and education; and may drive youth who are unable to pay deeper into the system.<sup>25</sup>

### *The Current System Exacerbates Inequities*

Youth and communities of color are disproportionately harmed by the current system. In Washington, the people most likely to be harmed by violent crime are least able to absorb the financial cost of victimization: Black people are victims of violent crime at a rate 3.7 times higher than their white counterparts,<sup>26</sup> while the median net worth of Black households is less than 5% of that of white households.<sup>27</sup> At the same time, the youth ordered to pay the most restitution are least able to pay it: Juvenile courts in Washington impose the highest average restitution amounts on Native American and

<sup>20</sup> Practices vary from county to county with respect to whether interest is charged on restitution.

<sup>21</sup> RCW 13.50.260.

<sup>22</sup> Under RCW 13.40.200(3), a court may impose a penalty of up to 30 days' confinement.

<sup>23</sup> Under RCW 13.40.190(1)(f), a court may order joint and several restitution. In determining whether restitution should be joint and several or equally divided, the court must consider the interest and circumstances of the victim or victims, the circumstances of the respondents, and the interest of justice.

<sup>24</sup> Smith, L., Mozaffar, N., Feierman, J., Parker, L., NeMoyer, A., Goldstein, N., Hall Spence, J., Thompson, M., and Jenkins, V. (2022). *Reimagining Restitution: New Approaches to Support Youth and Communities*. Juvenile Law Center. <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf>, 9.

<sup>25</sup> Smith, L., Mozaffar, N., Feierman, J., Parker, L., NeMoyer, A., Goldstein, N., Hall Spence, J., Thompson, M., and Jenkins, V. (2022). *Reimagining Restitution*.

<sup>26</sup> Herman, M., Tallaksen, A., Moore, M., and Dardeau, M. (2023). *Washington Criminal Justice Data Snapshot*. Council of State Governments Justice Center. <https://app.leg.wa.gov/committeeschedules/Home/Document/263156>, 13

<sup>27</sup> In 2019, the median net worth of Black households in Washington was \$13,665 compared to \$286,204 for white households. The statewide average was \$218,793. [Financial Health and Wealth Dashboard 2022 | Urban Data Catalog](#)

Black youth,<sup>28</sup> who are most likely to come from households with the lowest median incomes.<sup>29</sup> This inability to pay is reflected in the balances of outstanding restitution debt owed in Washington: Of restitution owed to natural persons, the highest average balances are owed by youth who live in the most socioeconomically disadvantaged neighborhoods.<sup>30</sup>

### *Restitution and the False Victim/Offender Binary*

While the juvenile legal system upholds a distinction between the “victim” and “offender” within a given case, it is important to recognize that “victims” and “offenders” are not separate categories of people. In fact, either party is likely to be on the other side at some point. Research exploring the overlap between offending and victimization remarks on this fact:

In communities low on resources but high on violence, when a crime victim looks in the mirror, often a violent criminal is staring back. Statistically, being an individual who has committed violent crimes correlates with an elevated risk of later becoming a victim of violent crime. At the same time, violent crime victims have been shown to be more likely than others to later engage in violence.<sup>31</sup>

The current restitution system produces poor outcomes for both the youth who are ordered to pay restitution and those they harmed. Acknowledging the fluidity between those roles – particularly in poor communities that are disproportionately impacted by violence – encourages us to break cycles of unrepaired loss by turning our attention towards alternatives.

### *Crime Victims Compensation Program*

Each state has a crime victims compensation program funded by the federal Victims of Crime Act (VOCA). The Washington State Crime Victims Compensation Program (CVC) receives funding from the state General Fund and the Crime Victims’ Compensation Account<sup>32</sup> in addition to federal VOCA funds. CVC is housed within the Department of Labor and Industries. Like all federally funded victims

<sup>28</sup> For restitution ordered in Washington juvenile courts 2018-2021, the average restitution amount imposed was \$1,099 for Native American youth, \$1,120 for Black youth, and \$944 for white youth. The statewide average was \$970. Jones, K., and Gilman, A. (2024, Jan. 11). *Restitution Ordered in WA Juvenile Courts, 2018-2021*. [Presentation of analyses by Washington State Center for Court Research]. PCJJ State-Funded Community Compensation Program Workgroup Meeting. <https://www.dcyf.wa.gov/sites/default/files/pdf/oji-WSCCR-Juv-LFORestitution.pdf>, slide 11.

<sup>29</sup> According 2015-2019 American Community Survey data, Hispanic/Latino households had the lowest median income at \$55,618, followed by American Indian & Alaska Native Households at \$56,312, then Black households at \$61,576. White non-Hispanic households had an average annual income of \$94,080. The Statewide average was \$88,660. Kids Count Data Center. (2024). *Median Family Income by Race and Ethnicity (5-Year Average) in Washington*. Annie E. Casey Foundation. <https://datacenter.aecf.org/data/tables/4682-median-family-income-by-race-and-ethnicity-5-year-average?loc=49&loct=2#detailed/2/any/false/1983/437,172,133,12,4100,826,816,13,438/10944>.

<sup>30</sup> Excludes King and Pierce County data, which could not be used to distinguish natural person victims from other victim types. Disadvantaged neighborhoods are those that rank highest on the Area Deprivation Index: <https://www.neighborhoodatlas.medicine.wisc.edu/>. Jones, K. and Beach, L. (2024, Jul. 12). *Restitution Recipients in Juvenile LFO Cases*. [Presentation of analyses by Washington State Center for Court Research]. Debt Free Youth Justice Coalition Meeting.

<sup>31</sup> National Institute of Justice. (2021) *The Overlap Between Those Committing Offenses Who Also Are Victims*.

<sup>32</sup> A description of the Crime Victims’ Compensation Account including sources of revenue is available at <https://ofm.wa.gov/accounting/fund/detail/01F>.

compensation programs, CVC is strictly limited by federal and state law. CVC can pay for or reimburse medical treatment, medication, mental health treatment, counseling, and funeral expenses not covered by insurance, as well as provide partial wage replacement. CVC can only reimburse victims who experienced physical injury or mental health trauma as a result of a gross misdemeanor or felony crime for financial losses associated with bodily harm or death. CVC cannot reimburse for property damage or loss. About 13% of juvenile court referrals in Washington are for violent felony offenses, and 27% are for misdemeanor assault.<sup>33</sup> Any financial cost of victimization associated with the remaining 60% of juvenile offenses cannot be addressed by CVC.

An individual qualifies for CVC benefits if:

- They sustained physical injury or mental health trauma as a result of a gross misdemeanor or felony crime that took place in Washington State,
- They reported the crime to law enforcement and cooperated with the investigation,<sup>34</sup> and
- They submitted a timely application to CVC.<sup>35</sup>

Individuals are ineligible for CVC benefits if:

- Their injuries occurred while engaged in or attempting to engage in a felony;
- Their injuries occurred while incarcerated;
- Their injuries occurred as a result of their own consent, provocation, or incitement;
- They have been convicted of a violent felony or a crime against persons within the past five years or after application to CVC and have unpaid legal financial obligations.<sup>36</sup>

Some of these eligibility criteria are set at the federal level and others at the state level. Certain eligibility criteria raise equity concerns because they are based on subjective assessments and/or other factors that may disproportionately bar access to CVC benefits for people of color and the poor. Best practices to avoid disqualifiers of this nature are discussed in the Recommendations section of this report.

On average, CVC receives 250 claims per year where at least one juvenile was listed as an offender and pays 69 of those claims at an average amount of \$4,288 each.<sup>37</sup> The most common reasons for claims to be denied are that a police report was not filed, the application was missing a signature, or the crime

<sup>33</sup> Based on 2019-2020 juvenile court referrals. Partnership Council on Juvenile Justice. (2022). *Washington State Juvenile Justice Report to the Governor & State Legislature*. Office of Juvenile Justice. <https://www.dcyf.wa.gov/sites/default/files/pdf/2022WA-PCJJgov.pdf>, 61-62.

<sup>34</sup> Recent legislation created narrow exceptions for this requirement, allowing the requirement to be waived if the Labor & Industries director determines that, “such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being.” Crimes – Various Provisions, E2SSB 5937, 68<sup>th</sup> Leg. (2024).

<sup>35</sup> The criminal act must have been reported to law enforcement within 12 months of its occurrence or within 12 months of when it could reasonably have been reported, and the application to CVC must be received within three years following the report to law enforcement. The director may determine on a case-by-case basis that good cause exists to expand the time permitted to receive the application up to five years. Additional exceptions and considerations exist for victims who were children at the time of the crime.

<sup>36</sup> RCW 7.68.060.

<sup>37</sup> Based on an analysis of 2021-2023 data from CVC, personal communication, June 2024.

was not committed in Washington State.<sup>38</sup> CVC's average processing times are 25 days from receipt of application to eligibility decision and 18 days from receipt of a bill to payment.<sup>39</sup>

### Restorative Justice Programming

Restorative Community Pathways (RCP) is a community-based diversion and restorative justice program in King County. The King County Prosecutor's Office refers eligible youth<sup>40</sup> and people who experienced harm to RCP, and RCP connects both parties with community navigators who support both in accessing RCP's "4 Areas of Support and Accountability:" basic needs, restorative justice and healing, connection, and community.<sup>41</sup>

RCP operates a restitution fund to support harmed individuals with expenses associated with the harm that brought them to RCP. The restitution fund can pay for medical expenses, mental health care, damaged/lost property, or other associated expenses. In 2023, RCP distributed financial restitution to 46 harmed people at an average amount of \$1,240 each,<sup>42</sup> and with an average turnaround time of 1-2 weeks between request and payment.<sup>43</sup>

### Models from Other Jurisdictions

Washington State is not alone in exploring alternatives to juvenile court-ordered restitution. Models from other states and local jurisdictions offer examples of alternatives for delivering financial repair to individuals harmed by youth.

#### San Francisco: Aims to Foster Transformation & Ensure Restitution (AFTER) Program

In January 2022, San Francisco launched the Aims to Foster Transformation & Ensure Restitution (AFTER) Program, which "aims to set both the crime survivor and the young person who caused the harm on a stronger and more economically secure path."<sup>44</sup> San Francisco youth between the ages 12-17 who are ordered to pay financial restitution are eligible for the AFTER Program. The AFTER program supports the young person in being accountable and making amends through participation in restorative justice conferences, community service, workshops, classes, or job training. If the young person completes the

<sup>38</sup> Brimmer, M. and Stanbery, J. (2023, Nov. 9). *Crime Victims Compensation Program*. [Presentation]. PCJJ State-Funded Community Compensation Program Workgroup Meeting, slide 7.

<sup>39</sup> As reported in the Washington State Department of Labor and Industries' Victim Compensation Formula Grant annual performance report for the period October 01, 2022-September 30, 2023: <https://ovc.ojp.gov/states/vc-fy-2023-washington-annual-report.pdf>

<sup>40</sup> Eligible youth are 17 and under and charged with misdemeanors or first-time felonies.

<sup>41</sup> More detail about Restorative Community Pathways' process is available at <https://www.restorativecommunitypathways.org/rcp-process>.

<sup>42</sup> Based on an analysis of data available in quarterly reports published by King County Department of Community and Human Services accessed at <https://kingcounty.gov/en/dept/dchs/about-king-county/about-dchs/data-reports/briefs-reports>.

<sup>43</sup> Gawiran, C., Faletogo, A., and Long, H. (2024, Jan. 11). *Restorative Community Pathways*. [Presentation]. PCJJ State-Funded Community Compensation Program Workgroup Meeting.

<sup>44</sup> Lau, M. (2024). *Better for Everyone: Repairing Harm for Crime Survivors and Young People: San Francisco's New Approach to Youth Restitution*. The Financial Justice Project. [https://www.sfgov.org/financialjustice/files/2024-01/Better%20for%20Everyone\\_San%20Francisco%20New%20Approach%20to%20Youth%20Restitution%20January%202024.pdf](https://www.sfgov.org/financialjustice/files/2024-01/Better%20for%20Everyone_San%20Francisco%20New%20Approach%20to%20Youth%20Restitution%20January%202024.pdf), 2.

program within six months, the AFTER Program covers their restitution by making financial compensation for the harmed party from a fund in the District Attorney's Office.

Crime survivors are eligible if the harm occurred in San Francisco and if it includes losses that are not covered by the California Victim Compensation Board or private insurance.<sup>45</sup> The AFTER Program facilitates opportunities for the crime survivor to participate in restorative justice conferencing and develop a plan to help hold the young person accountable, and a case manager checks in regularly with the survivor until the young person has completed the program. Crime survivors were compensated \$1,966 on average for their losses.<sup>46</sup>

#### California: Realizing Equity while Promoting Accountability and Impactful Relief (REPAIR) Act<sup>47</sup>

The California Legislature is considering AB 1168, the Realizing Equity while Promoting Accountability and Impactful Relief (REPAIR) Act, which originally sought to remove the juvenile court's ability to require a minor to pay monetary restitution to a victim and would instead require the court to determine the amount of economic loss suffered as a result of the juvenile's conduct and issue a restitution order that is transmitted to the California Victim Compensation Board. The bill would require the California Victim Compensation Board, upon appropriation by the Legislature, to compensate the victim for the amount in the order. The bill would also amend the definition of "victim" for purposes related to victim compensation to exclude government entities, corporations, partnerships, associations, or other legal commercial entities.

AB 1168 would also authorize the court to order the juvenile to make nonmonetary restitution by participating in a community-based restoration program, performing community service, or participating in an educational, employment, youth development, or mental health program.

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<sup>45</sup> "Crime survivor" is the language used by the AFTER Program.

<sup>46</sup>Lau, M. (2024). *Better for Everyone*, 3

<sup>47</sup> AB 1168 was introduced in February 2023. The bill is currently alive but was amended in June 2024 to include significant changes to the earlier version described here.

## Time/Money Owed

By GVA, 22



**Artist's Statement:** *I was sentenced with the responsibility to owe the victim's family \$5,830.26. I was told as soon as I was released, I'd be making \$25-a-month payments. I would be paying this amount off within 233 months after my release. I had the ability to pay this amount off within 2 years before I was released due to working two jobs when I was in a group home. This gave me some financial freedom to know that all my dues were cleared and took care of, given that I owed this and more to the family. It made me feel proud and accomplished that I did the right thing.*

## RECOMMENDATIONS

Recognizing the need for an alternative to the current system, the Washington State Legislature is considering creating a state-funded Community Compensation Program to address out-of-pocket expenses for those who have been harmed by youth. As an alternative – rather than a supplement – to juvenile court-ordered restitution, the Community Compensation Program would cover a broader set of expenses than what can be covered through the existing Crime Victims Compensation Program, and it would employ unique eligibility criteria and verification processes to promote equitable access to compensation.

The recommendations below address the following topic areas: Community Compensation Program administration, eligibility, application process, consideration of expenses, retroactivity, program structure, and reporting and evaluation.

### Program Administration

This section provides recommendations for where a Community Compensation Program should be placed within state government and how its administration should be structured.

***Recommendation: The Community Compensation Program should be administered by the Office of Crime Victims Advocacy.***

The Office of Crime Victims Advocacy (OCVA) within the Washington State Department of Commerce is well-positioned to administer this program. OCVA's mission is to identify the opportunities and resources needed for prevention and intervention, and to facilitate the availability of those opportunities and resources in communities statewide.<sup>48</sup>

OCVA administers over \$73 million in federal and state funds annually to a robust and diverse network of programs across all Washington counties, including tribal, culturally specific, and community-embedded programs.<sup>49</sup> OCVA also provides leadership as an advocate for victims of crime by facilitating and/or providing policy development, technical assistance, training, community education, service standards, and resource distribution.<sup>50</sup>

OCVA's existing role as a leader and convener of advocates and its relationships to service providers in counties and communities statewide make it well-prepared and well-suited to administer funding for a Community Compensation Program.

***Recommendation: OCVA should contract with a single organization to operate the Program statewide.***

<sup>48</sup> Office of Crime Victims Advocacy. (2020). *Office of Crime Victims Advocacy (OCVA)*. Washington State Department of Commerce. <https://deptofcommerce.app.box.com/s/202cqvo3db8c96yjiongvx8bkkgmlrtdt>.

<sup>49</sup> Personal communication with OCVA, June 2024. Services and programs funded by OCVA include Crime Victims Service Center Programs, Domestic Violence Legal Advocacy Programs, Human Trafficking Programs, Prison Rape Elimination Act Programs, Safety & Access for Immigrant Victims Programs, Services-Training-Officer-Prosecutors (STOP) Violence Against Women Formula Grant, Sexual Assault Prevention Programs, Sexual Assault Services Programs, and Victim Witness Assistance Programs. All programs and services funded by OCVA can be viewed at <https://www.commerce.wa.gov/serving-communities/crime-victims-advocacy/crime-victims-resource-guide/>.

<sup>50</sup> Office of Crime Victims Advocacy. (2020). *Office of Crime Victims Advocacy*.



OCVA administers funding for direct services for people who have experienced harm or victimization across the state. Both OCVA and the Department of Commerce have extensive experience in and capacity to develop and issue requests for proposal (RFPs) and provide contract monitoring and oversight. Further, OCVA is uniquely well-positioned to integrate a Community Compensation Program into its statewide network of services available to victims, survivors, and people harmed by crime. Service providers currently funded by OCVA support their clients in accessing the existing Crime Victims Compensation Program, preparing them to be ideal supports for harmed parties that would be eligible for the Community Compensation Program outlined in this report. OCVA could provide additional training, education, and communication to the same service providers to equip them to similarly refer clients to the Community Compensation Program or support them in accessing it.

In this arrangement, OCVA's role should include:

- Developing and issuing an RFP;
- Evaluating all responses and selecting the successful bidder;
- Negotiating and executing the contract with the successful bidder;
- Providing oversight and compliance monitoring of the contracted organization;
- Providing ongoing technical assistance to the contracted organization;
- Leveraging its grantee network of service providers by providing education and training to help them support clients in accessing the Program; and
- Establishing and supporting advisory boards (described in further detail below).

The role of the contractor should include:

- Developing and maintaining systems for case management, record keeping, and performance reporting;
- Receiving and reviewing applications and making eligibility decisions;
- Requesting documentation of expenses incurred;
- Determining and issuing payments; and
- Providing ongoing trauma-informed, person-centered customer service and support to program recipients.

Maintaining the privacy of Community Compensation Program applicants and recipients is important. OCVA's contractors' case records are not subject to public disclosure, meaning that the case records of the organization contracted to operate the Community Compensation Program would not be subject to public disclosure.

Having a single contracted organization operate the Program statewide would allow for centralized processing of applications, payments, and data reporting; promote equal quality services to all applicants regardless of geography; and minimize duplicative overhead costs.

***Recommendation: OCVA should establish and staff advisory boards to inform some aspects of program administration.***

The function of one or multiple advisory boards could include informing RFP development and evaluating proposals, endorsing administrative rules or regulations, and hearing and deciding appeals.

Advisory board membership should include individuals with personal lived experience with hurt, harm, or victimization; victim advocates and service providers; and individuals with expertise in restorative justice or victim compensation programs. Members should be demographically reflective of the populations impacted by hurt, harm, and victimization in Washington, including racial, cultural, gender, and geographic diversity, and should be equipped to apply principles of equity in decision-making.

OCVA is currently developing a Community Voices Advisory Collaborative that will center and elevate the voices of community members who have experienced hurt, harm, and/or crime. The collaborative is anticipated to include 12-18 people representing geographic diversity with strong representation of communities that are highly impacted by hurt or harm but have historically experienced limited access to government services, resources, or decision-making processes.<sup>51</sup> This collaborative may be well-suited to fill an advisory board role for the Community Compensation Program, or OCVA may establish separate advisory boards.

Advisory board members participating in their individual capacity should be compensated for their time.

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<sup>51</sup> Personal communication with OCVA, May 2024.

## Universal Pain/Hurt

By GVA, 22



**Artist's Statement:** *What it feels like to be hurt is someone taking ahold of your heart and squeezing it till it shatters to pieces. That's why I chose red to represent the blood in our hearts. The hand is letting go of the pieces of hurt, in other words learning to heal our wounds. I'm emotional so I cry a lot for love, I cry for pain, I cry when I'm hurt emotionally. Sometimes I keep it inside as much as I can but I'm a Gemini. My emotions are stronger at times. The clouds are meant to represent the thoughts in our heads, they cloud up my brain and my vision gets blurry from the tears starting to build up. I visualize hurt through the eyes and physically as well, as in how our body reacts whether its jerking movements from the adrenalin in our bodies or trauma responses we each have.*

## Program Eligibility

This set of recommendations addresses who should be eligible for the Community Compensation Program and how the Community Compensation Program should interact with the existing Crime Victims Compensation Program.

***Recommendation: An individual should be eligible for the Community Compensation Program if they experienced harm caused by a juvenile.***

The Program should serve natural persons who have been harmed by a juvenile.

In certain circumstances, others who experience secondary harm should also be eligible for compensation based on their relationship to the primary harmed individual:<sup>52</sup>

- Where the harm caused death, household members and anyone related by blood or affinity should be eligible for the Program. The impact of harm that causes death is extremely significant, and this approach would support an extended impacted network in receiving compensation for associated expenses.<sup>53</sup>
- In other circumstances of violent harm, household members of the harmed person should be eligible for the Program.<sup>54</sup> The Program should support a diversity of family and household structures by avoiding narrow or inflexible eligibility restrictions for people experiencing secondary harm.<sup>55</sup>

A harmed person's ability to access financial repair should not depend on if or how a case is addressed by the civil or criminal legal system. Thus, program eligibility should not depend on a case being referred, filed, or adjudicated in juvenile court. This practice would be consistent with the existing Crime Victims Compensation Program, which does not have any requirements associated with case filing or outcome.

Relatedly, Program eligibility should not be impacted by a juvenile court declining jurisdiction over any associated case to adult court. There is often significant delay between the time of the offense and when a case is transferred to adult criminal court, and the harmed person's access to the Program should not be delayed or lost based on declined juvenile court jurisdiction. Further, it is appropriate to treat harm associated with declined cases the same as harm addressed by juvenile courts because a child or youth's capacity for paying restitution does not change if their case is declined and they are prosecuted as an adult.

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<sup>52</sup> People impacted by the ripple effects of crime are often referred to as "secondary victims."

<sup>53</sup> CVC benefits are available to immediate family members of homicide victims. Limited wage replacement is available for the spouse, registered domestic partner, and dependent children of a deceased victim (Crime Victim Homicide Victim's Family Benefits are detailed at <https://lni.wa.gov/claims/crime-victim-claims/homicide-victims-family-benefits>).

<sup>54</sup> For example, parents or siblings of a child who was the victim of sexual abuse may need mental health counseling or miss work to take the child to medical or counseling appointments.

<sup>55</sup> Michigan, Illinois, Indiana, New York, Kansas, and Vermont extend victim compensation coverage to secondary victims such as, household members, people in dating relationships, domestic partners, and other loved ones whose relationship is akin to close family. Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*. Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/2023/03/ASJ-VICTCOMPADDEND23F2.pdf>, 8.

The Program should not inquire about or consider the citizenship or legal status of applicants.

Eligibility should not be denied based on any assessment of cooperation with law enforcement, prior involvement with the juvenile or criminal legal systems, or the harmed person’s “contributory misconduct” (an often highly discretionary finding that a person played a role in their own victimization). These eligibility requirements are based largely on subjective assessments and can exacerbate inequities in access. Best practices in victim compensation and federal guidance recommend against disqualifiers of this nature. The Alliance for Safety and Justice and Crime Survivors for Safety and Justice program offers best practices developed with the leadership of marginalized survivors and advocates:<sup>56</sup>

- **Remove restrictions based on reporting or cooperation with law enforcement.** This requirement relies on a subjective determination of cooperation that can be subject to biased perceptions about which survivors are deserving of help, leading to disproportionate denials of survivors of color.<sup>57</sup> Research has confirmed that restrictions of this nature result in disproportionate denials of survivors of color.<sup>58</sup>
- **Expand eligibility to victims on probation or parole or who have a criminal record.** Washington is one of only a few states that deny Crime Victims Compensation Program benefits to people with certain conviction histories and based on nonpayment of related legal financial obligations. As a product of the well-documented racism and racial disparities present in the criminal legal system, victims of color are more likely to have disqualifying criminal histories that bar them from access to compensation.<sup>59</sup>
- **End eligibility exclusions that blame victims for their own victimization.** These disqualifications are often subjectively applied or based on subjective assessments of victims’ behavior. Data from several states show that Black victims are denied compensation significantly more often than white victims under such behavior-based denials.<sup>60</sup>

<sup>56</sup> Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*.

<sup>57</sup> Illinois, Louisiana, New Mexico, and Oregon offer alternative documentation options to police report. IL, LA, NM: Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*, 6. OR: Oregon Crime Victims’ Compensation Program. (2024). *Crime Victims’ Compensation*. [https://www.doj.state.or.us/wp-content/uploads/2024/02/CVC-Brochure-English-2024\\_final.pdf](https://www.doj.state.or.us/wp-content/uploads/2024/02/CVC-Brochure-English-2024_final.pdf).

<sup>58</sup> In Alameda County, Black crime victims and family members applying for compensation were more than twice as likely as white applicants to have their applications denied for “lack of cooperation with law enforcement” (9.8% of Black applicants denied for this reason compared to 4.7% of white applicants). Black applicants made up approximately 51.8% of all those denied funding for this reason, compared to 7.9% for white applicants. Alameda County Grand Jury. (2021). *Final Report: Racial Inequities in Police Responses to Victims’ Needs*. <https://grandjury.acgov.org/wp-content/uploads/2022/12/RacialDisparities.pdf>, 44. In New York State, half of cases denied for failure to cooperate with law enforcement involve Black people, even though Black people make up less than a third of all claims. Solomon, J. (2023). *Racial disparities in denials of victim compensation benefits, researcher finds*. Times Union. <https://www.timesunion.com/state/article/Racial-disparities-in-denials-of-victims-17733341.php>.

<sup>59</sup> Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*, 6.

<sup>60</sup> In Oklahoma, Black families of homicide victims were more than twice as likely as white applicants to be denied based on “Contributory Conduct.” Adcock, C. (2019). *Uncompensated Loss: Black families of murder victims more likely to be denied aid from state program*. The Frontier. <https://www.readfrontier.org/stories/uncompensated-loss-black-homicide-victims-more-likely-to-be-denied-funds-from-a-state-program-to-help-victims-of-violent-crime-data-shows/>. In Alameda County, Black applicants were almost twice as likely as white applicants to be denied based on “involvement in events leading to the crime” (7.1% of Black applicants compared to 3.9% of white

The federal Office for Victims of Crime (OVC), which administers the Victims of Crime Act (VOCA) funding provided to state victim compensation programs, has also issued guidance and clarification to states encouraging them to make exceptions to the requirement to promote victim cooperation with law enforcement. OVC encourages states to consider the impact of details such as age, psychological, cultural, linguistic, and other barriers that may affect the victim’s ability to cooperate with law enforcement, and has reinforced that states have the authority and discretion to establish their own standards for victim cooperation with law enforcement.

Entities such as insurance companies and government agencies should not be eligible for the Community Compensation Program. Third party entities like these are typically excluded from the definition of “victim” for the purpose of juvenile court-ordered restitution,<sup>61</sup> and are not eligible to receive benefits from victim compensation programs. For example, eligibility for the Washington Crime Victims Compensation program is limited to victims defined as, “a person who suffers bodily injury or death...”<sup>62</sup> In Montana, the Youth Court Act defines “victim” as, “a natural person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a criminal offense if committed by an adult.”<sup>63</sup> In Colorado, insurance companies are explicitly excluded from the definition for “victim” with respect to juvenile restitution.<sup>64</sup>

***Recommendation: The Community Compensation Program should maintain separation from the existing Crime Victims Compensation Program.***

The Community Compensation Program should handle cases of individuals harmed by a juvenile, serving as the sole program for such cases. Clear lines between the Community Compensation Program and Crime Victims Compensation Program promote clarity for applicants, program staff, and advocates who help harmed people navigate compensation programs. Separation between the two programs and the population eligible for each is necessary because the Community Compensation Program would operate differently from the existing Crime Victims Compensation Program: It would cover a broader set of expenses to include property loss and damage as described in the next section, and it would employ different eligibility criteria and verification processes as described above in the Program Eligibility recommendations. These differences necessitate distinct case handling policies, resources, and program structures.

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applicants). Black applicants constituted approximately 49.7% of all applicants who were denied for this reason, compared to about 8.9% for white applicants. Alameda County Grand Jury. (2021). *Final Report: Racial Inequities in Police Responses to Victims’ Needs*, 45.

<sup>61</sup> In only 14 states and the District of Columbia does statute explicitly authorize restitution for third parties. Smith, L., Mozaffar, N., Feierman, J., Parker, L., NeMoyer, A., Goldstein, N., Hall Spence, J., Thompson, M., and Jenkins, V. (2022). *Reimagining Restitution*, 10. Washington law currently allows courts to order juveniles to pay restitution to third parties other entities other than natural persons.

<sup>62</sup> RCW 7.68.020(16).

<sup>63</sup> MCA 41-5-103(44).

<sup>64</sup> CRS 19-2.5-1104(4).

## Application Process and Consideration of Expenses

This set of recommendations addresses how applications should be handled and expenses considered in a manner that is trauma-informed, promotes thorough and efficient record-keeping, and considers other sources of payment where appropriate.

### ***Recommendation: Decisions should involve a two-step process.***

First, the Program should determine that the applicant is eligible. The Program should screen applicants in, notify them that they are eligible and have an open case, and hold that case open awaiting expense claims. Second, the Program should receive expense claims and determine whether the expenses incurred are eligible for payment.

This approach allows applicants to feel confident seeking and receiving treatment or incurring other necessary expenses with the knowledge that the Program has found them to be eligible and will be ready to pay their expenses directly. It also allows the Program to promptly acknowledge the harm an individual has experienced and provide them with clear expectations of how the Program can help.

### ***Recommendation: The application process should be simple and minimize barriers to approval for eligible applicants.***

Simplifying the application process is a best practice for delivering help more quickly and with less administrative burden for applicants.<sup>65</sup> The application should be as short as possible and only require information needed to begin the process, such as contact information, basic details of the incident, and demographic information. Applicants who have already incurred expenses and are able to submit documentation may submit claims along with their application.

The application should be available in different formats to include an online application portal, fillable PDF, paper application, and by phone. The Program should provide language and disability access to include interpreters, ASL, translation, and CART services when requested. The application should not require a notarized signature.

Any filing period should allow for exceptions for good cause, such as the harmed person being a child at the time of the incident or the harmed person not being aware of or able to access the Program due to a barrier. Allowing exceptions to filing deadlines is a standard practice for compensation programs.<sup>66</sup>

Documentation of the incident should come from a third-party source, and could include a police report, criminal complaint, court record, CPS report, medical record, mental health treatment record where the victim discussed the incident, or statement made to a victim advocate. As discussed above, requiring a law enforcement report or requiring that third-party documentation come from law enforcement introduces significant concerns for equitable access to the Program. Victim compensation programs

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<sup>65</sup> Regarding victim compensation programs: “States including California, Delaware, Illinois, Michigan, Nebraska, New Jersey, and Ohio also took legislative steps to simplify their application processes or make these processes more transparent, and to reduce waiting periods for funding distribution and increase access to emergency awards.” Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*, 8.

<sup>66</sup> Id., 6; Everytown for Gun Safety. (2024). *Hurdles to Healing: Fixing Victim Compensation Funds*. <https://everytownresearch.org/report/voca-compensation/>.

nationwide recognized that such requirements are harmful and unnecessary and have scaled back or provided alternatives to requiring documentation from law enforcement.<sup>67</sup>

If documentation of the incident is in the applicant's possession at the time they apply for the Program, they may include it in their application. However, it should not be required at the time of application. The Program instead may request it in the process of considering the application.

***Recommendation: In considering expenses, the Program should minimize the burden on the claimant to gather and submit information.***

The Program should make payments directly to service providers when costs are unpaid and reimburse claimants when they have already paid expenses. Expenses that are fully documented when program eligibility determination is made should be paid at that time. Compensation to individual claimants for out-of-pocket expenses should be prioritized for prompt payment.

The Program should use standardized expense verification forms, limit forms to one page, and request only essential information including a billing statement or receipt.<sup>68</sup> Using standardized forms supports operational efficiency and helps prepare the Program to meet audit requirements.

Expense documentation may include explanation of benefits from medical or mental health providers, billing statements from service providers, or receipts. When a claimant identifies medical or mental health providers, the Program should request billing information directly from the providers. Releases should not require notarized signatures.

The Program should set caps for certain expenses:

- For harm caused by a violent incident, the Program should set reimbursement caps to match the existing Crime Victims Compensation Program.<sup>69</sup> This approach promotes equal compensation for victims regardless of whether the harm was caused by a juvenile or adult.
- For property damage/loss, the Program should cover the full cost of replacement or repair after taking collateral sources<sup>70</sup> such as insurance into consideration.

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<sup>67</sup> "A number of states, including Illinois, Louisiana, Connecticut, Indiana, Nebraska, Oklahoma, Utah, Virginia, Texas, and the District of Columbia passed legislation that address exclusions to compensation based on law enforcement reporting or subjective determinations about a victim's cooperativeness. Illinois and Louisiana joined New Mexico to offer alternative documentation options to a police report for all otherwise eligible survivors, and the District of Columbia joined several states that can now waive the law enforcement reporting or cooperation requirement for any victim if they identify mitigating circumstances that stood in the way of reporting." Crime Survivors for Safety and Justice. (2023). *Healing from Harm: Expanding Access to Victim Compensation*, 6.

<sup>68</sup> Examples of forms used by the existing Crime Victims Compensation Program (though most are longer than what is recommended here) are available at <https://lni.wa.gov/claims/crime-victim-claims/crime-victims-forms-publications>.

<sup>69</sup> The Crime Victims Compensation Program uses the Department of Labor & Industries fee schedules and payment policies: <https://lni.wa.gov/patient-care/billing-payments/fee-schedules-and-payment-policies/>

<sup>70</sup> "Collateral sources" refer to other possible sources of benefits or payment such as insurance.



***Recommendation: The Program should be the payer of last resort on certain expenses and require certain collateral sources to consider expenses before making payments.***

For medical expenses, the Program should require health insurance to be a first payor. By requiring health insurance plans to consider covered expenses before making payment, the Community Compensation Program will ensure the program is paying the actual costs owed by individuals and limits its financial exposure to the high costs of medical care.

For property expenses, the Program should make claim filing with homeowner, renter, or auto insurance optional. Where the amount of the loss was relatively small, the applicant may prefer not to file a claim. If the applicant chooses not to file an insurance claim, the Program should cover up to the amount of the deductible. Through this balanced approach the Program covers the actual or would-be out-of-pocket costs for the person harmed by crime while still limiting its financial exposure in circumstances where there is a significant amount of property damage or loss.

Donations should not be considered a collateral source. While the collection of donations for people harmed by crime is not new, the rise of online crowdfunding platforms in recent years has prompted some compensation programs to consider whether crowdfunded donations should be considered a collateral source and require donations to be exhausted before the compensation program steps in. When community members make donations, they are rarely designating their donation to cover a specific expense. For this reason, it is impractical for compensation programs to attempt to judge the intent of donations. Guidance from the federal Office for Victims of Crime clarifies that state victim compensation programs are not required to treat crowdfunded donations as collateral sources of payment,<sup>71</sup> and best practice advises against compensation programs treating crowdfunded donations as a collateral source.<sup>72</sup>

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<sup>71</sup> Peterson, K. (2021). *Memorandum to Victims of Crime Act Victim Compensation Grantees Regarding Crowdfunding and VOCA Compensation*. US Department of Justice Office of Justice Programs. <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2.11.21-crowdfunding-memo-508.pdf>.

<sup>72</sup> Hamill, R. (May 2024). *Report #1 to the PCJJ Community Compensation Program Workgroup*. Council of State Governments Justice Center.

## Retroactivity

As discussed above, the Washington Legislature has begun the important work of eliminating juvenile legal financial obligations (LFOs). Restitution is the only remaining juvenile LFO under current law. If juvenile restitution is eliminated, outstanding restitution orders are nullified, and/or a process for eliminating outstanding restitution orders is implemented, the Community Compensation Program should be responsible for retroactively addressing the individuals to whom outstanding restitution was ordered and a remaining balance is still owed before it was eliminated or nullified. The following recommendation addresses those retroactive cases.

***Recommendation: If outstanding juvenile restitution orders are eliminated, the Program should be responsible for locating and compensating individuals to whom outstanding/eliminated restitution was owed.***

Individuals who access the Community Compensation Program in this capacity should not be required to submit an application or expense claims/documentation, as their cases have necessarily had expenses verified by the court when entering a restitution order. This approach minimizes burden and re-traumatization for individuals who have experienced harm.

The Administrative Office of the Courts is able to and should be authorized to provide restitution recipient data to the Program including name, contact information, and outstanding restitution balance.<sup>73</sup> The Program may also purchase subscriptions to databases to assist with locating individuals to whom outstanding/eliminated restitution was owed.

Individuals who are the intended recipients of juvenile court-ordered restitution should be eligible for compensation under this approach if the restitution order is under 10 years old or older than 10 years and has been extended by a court to remain active. These parameters would ensure that everyone entitled to restitution under current law would receive compensation.<sup>74</sup>

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<sup>73</sup> AOC should be explicitly authorized to disseminate this information regardless of the sealing status of the associated juvenile record.

<sup>74</sup> RCW 13.40.190 and 13.40.192 dictate that restitution orders remain valid and enforceable for 10 years from the date of imposition, and that the juvenile court may extend the judgement for an additional 10 years at any point prior to the expiration of the initial enforcement period.

## Program Structure

As discussed above in the Program Administration recommendations, the Community Compensation Program should be operated by a single organization contracted with the Office of Crime Victims Advocacy. The recommendation below offers a structure for the Community Compensation Program and how the proposed structure may take shape under a phased implementation. Phasing considerations are discussed further in the Additional Considerations section of this report.

***Recommendation: The Program should have separate teams for each of the three case types.***

### Cases Involving Property Loss or Damage

These cases are more likely to involve one-time expenses and require less follow-up with applicants and service providers. Staff handling these cases should be able to process and resolve a higher volume of cases more quickly.

If a Community Compensation Program were implemented in phases, the Program should start taking these cases immediately upon implementation because there are no alternative programs available to people seeking compensation for loss of this nature. These cases are also well suited to be handled in the first phase of implementation because they are relatively straightforward in comparison to the other case types.

### Cases Involving Harm Resulting from a Violent Incident

These cases are likely to require a high level of sensitivity and care, as applicants are likely to be experiencing trauma and may struggle to navigate the Program's processes. Staff handling these cases should be trained in trauma-informed and victim-centered practices to ensure they are able support people dealing with the aftermath of violence. These cases are more likely to include ongoing expenses such as therapy or missed work and may also include expenses to replace or repair property that was lost/damaged during the incident.

If the Program is implemented in phases, these cases could be added in the second phase. People impacted by violence could continue to access the existing Crime Victims Compensation Program until the Community Compensation Program phases in the handling of these cases.

### Retroactive Cases

As described above, handling these cases will require utilization of court data to locate people to whom outstanding/eliminated restitution is owed, inform them of the Program, and issue compensation.

If the Program is implemented in phases, retroactive cases are best suited for phasing in last to ensure that the Program has the capacity to promptly process new and likely urgent applications efficiently upon its inception.

## Program Reporting and Evaluation

***Recommendation: The Office of Crime Victims Advocacy should submit periodic reports on the Community Compensation Program to the legislature.***

Performance reporting is crucial for evaluating the Program's effectiveness, identifying areas for improvement, and monitoring the distribution of services for possible inconsistencies or disparities. Performance metrics included in the report could include the following:

- Cases received by type (violent, property, retroactive),
- Applications and claims denied and reasons for denial,
- Amounts of compensation paid by case type,
- Average number of days from application to eligibility decision,
- Average number of days from expense submission to payment,
- Demographic characteristics of applicants and claimants, both denied and compensated (age, race/ethnicity, gender, county of residence), and
- Qualitative and narrative details including outreach and awareness strategies, program successes, enhancements or improvements, and administrative challenges (e.g. staffing shortages, limitations based on resources or external factors).

Program data should be delivered to OCVA via its secure, de-identified aggregate data reporting system to protect the individual identities of all recipients. As discussed above, the case files of the organization contracted to operate the Community Compensation Program would not be subject to public disclosure.

## Stepping from Darkness into Light

By KF, 19



**Artist's Statement:** Hurt is feeling unhappy or upset due to someone's actions, or words. This can be caused by trauma, regret, bereavement, grief and much more. Feeling hurt occurs when you take others' actions or words personally, causing you to feel core painful feelings. Feeling hurt is something that can be temporary or last forever, whether it's under the surface or not. Some ways to help being hurt is reaching out to your support network, creating meaningful art from your feelings, meditations or even letting everything out in a safe place. One day at work I felt betrayed when I was left on my own to finish closing all by myself which should have never happened. This continued happening for a while and I started to grow extremely upset to the point I was going to quit. Luckily, I ended up sticking it out until we got new management. My new Manager laid out rules stating that nobody gets left alone and showed that we could always come to her when we had a need. She started providing us support we knew we could depend on, never turning us down. She pulled me out of a bad spot and back into the light, showing me where I belong. If it wasn't for her, I don't know what I would have done.

## PROGRAM COST ESTIMATES

The costs to implement and operate the Community Compensation Program as recommended above and using the phased approach presented under the Additional Considerations section of this report would include the following:

- Contract administration costs for the Office of Crime Victims Advocacy (OCVA),
- Personnel, information technology, and indirect costs for the organization contracted to operate the Community Compensation Program, and
- Direct compensation provided to harmed individuals or expenses paid on their behalf.

Table 1 below provides cost estimates for the first five years of the Community Compensation Program. A detailed explanation of these cost estimates is included as Appendix B.

Peaking around \$4.4 million in Year 4,<sup>75</sup> the annual costs of the Community Compensation Program would be approximately 20% of those for the existing Crime Victims Compensation Program, whose expenditures are estimated at \$21.8 million for fiscal year 2025.<sup>76</sup>

*Table 1: Community Compensation Program Cost Estimates<sup>77</sup>*

	Year 1	Year 2	Year 3	Year 4	Year 5
OCVA Administration	200,943	200,943	200,943	200,943	200,943
Contractor					
Personnel	385,000	1,185,400	1,382,816	1,438,129	1,495,654
IT	250,000	60,000	60,000	60,000	60,000
Indirect Costs	57,750	177,810	207,422	215,719	224,348
Contractor Total	692,750	1,423,210	1,650,238	1,713,848	1,780,002
Compensation					
Property Offense Cases	305,614	305,614	305,614	305,614	305,614
Violent Offense Cases	-	1,194,031	1,194,031	1,194,031	1,194,031
Retroactive Cases	-	-	735,218	975,669	481,204
Compensation Total	305,614	1,499,645	2,234,863	2,475,314	1,980,849
<b>Grand Total</b>	<b>1,199,307</b>	<b>3,123,798</b>	<b>4,086,044</b>	<b>4,390,105</b>	<b>3,961,794</b>

<sup>75</sup> Program cost estimates peak in Year 4 and then begin to decline as retroactive cases are processed. Assumptions about the costs of compensating and handling retroactive cases are discussed in detail in Appendix B.

<sup>76</sup> Program expenditures are available on the Crime Victim Compensation Program website at <https://lni.wa.gov/claims/crime-victim-claims/lawsuits-settlements-and-insurance/how-we-re-funded>

<sup>77</sup> These estimates were prepared by the Council of State Governments Justice Center using cost estimates, data, and analyses provided by OCVA, the Washington State Center for Court Research, Administrative Office of the Courts, and Berkeley Law Policy Advocacy Clinic in partnership with the Debt Free Youth Justice Coalition.

## ADDITIONAL CONSIDERATIONS

### Phasing

There may be a need or desire to implement a Community Compensation Program in phases. If that is the case, implementation could be phased as follows:

- **Phase 1:** Cases involving property loss or damage are best suited for priority in a first phase because people who experience violent/bodily harm could continue to access and receive compensation through the existing Crime Victims Compensation Program (CVC). However, if an application or claim is denied by CVC for a reason that would not be grounds for denial in the Community Compensation Program, the Community Compensation Program should allow those applications and claims.
- **Phase 2:** Next, the Community Compensation Program should expand to include harm resulting from violent offenses.
- **Phase 3:** Finally, the Community Compensation Program should begin to address retroactive cases. Phasing in these cases last would allow the program to become fully operational before taking on a large caseload of retroactive cases.

### Tribal Governments

As sovereign governments, tribes within Washington state should be able to administer Community Compensation Program funds themselves if they choose. The Office of Crime Victims Advocacy (OCVA) of Washington State Department of Commerce is experienced in supporting tribal governments' decision-making about their role in program administration and distribution of Program funds to tribal citizens. In the context of Community Compensation Program funding and administration, OCVA would work with the Department of Commerce's Office of Tribal Relations and Director to determine the best method of consultation on how the Program would be administered to tribal citizens. OCVA would set aside Community Compensation Program funding for tribes that chose to administer the Program themselves so that they are not expected to compete with other entities for funding.

### Restorative Justice

Restorative justice is an approach to addressing harm that focuses on repairing harm done to individuals and communities through facilitated dialogue processes between impacted parties that encourage accountability, making amends, understanding, and healing. While a Community Compensation Program would aid in the financial restoration of a harmed individual, it is important to recognize that it would not on its own achieve restorative justice. Rather, we should consider the meaningful role that a Community Compensation Program could have in supporting restorative justice principles and programming.

Access to a Community Compensation Program would support the person who was harmed by more swiftly and fully providing relief for the financial costs of victimization – often the most immediate need – so that they can begin to focus on physical, psychological, emotional, and interpersonal healing. Similarly, if the creation of a Community Compensation Program eliminated the need for juvenile restitution, a young person who caused harm would also be relieved of the financial burden associated with restitution and be able to focus on other more meaningful ways to be accountable for the harm

they caused such as making amends to the person they harmed and to the community and taking measures to prevent future harm.

Access to a Community Compensation Program would also support more equitable outcomes through restorative justice programming. Most interpersonal crime takes place within socioeconomic groups.<sup>78</sup> If harm occurs between two people who are both in economically vulnerable situations, facilitating restorative justice is challenging because the person who caused the harm is incapable of providing the financial repair that may be the most pressing need for the person they harmed. By contrast, when harm occurs between two affluent people, financial repair can be made quickly, allowing both parties to focus on the other components of their healing and restoration. In Washington, the racial groups most impacted by violent crime have the least wealth: Black people are victims of violent crime at a rate 3.7 times higher than their white counterparts<sup>79</sup> while the median net worth of Black households is less than 5% of that of white households.<sup>80</sup> Access to a Community Compensation Program would promote equity in access to enjoying the full benefits of restorative justice programming.

Further, as restorative justice programming begins to take shape and expand in jurisdictions across Washington, the existence of a Community Compensation Program would be a powerful programmatic resource, relieving restorative justice programs from the budgetary and programmatic responsibilities of handling compensation.

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<sup>78</sup> Herman, M., Tallaksen, A., Moore, M., and Dardeau, M. (2023). *Washington Criminal Justice Data Snapshot*. Council of State Governments Justice Center, 13

<sup>79</sup> Id.

<sup>80</sup> In 2019, the median net worth of Black households in Washington was \$13,665 compared to \$286,204 for white households. The statewide average was \$218,793. [Financial Health and Wealth Dashboard 2022 | Urban Data Catalog](#)



## CONCLUSION

This report details the insufficiency of the avenues for financial restoration that are currently available to people who are harmed by juvenile offenses, demonstrates that juvenile court-ordered restitution fails to deliver financial repair to the people who need it, and calls attention to the harmful, destabilizing, inequitable effects of restitution debt on young people. There is an urgent need for a more effective and equitable approach.

The creation of a state-funded Community Compensation Program presents an opportunity to provide dramatically better support for people harmed by youth by guaranteeing their access to prompt financial repair so that they can focus instead on physical, mental, and emotional healing. The recommendations offered in this report present a thoughtful path forward for Washington State to address the financial impact of harm more immediately, fully, and equitably.

## EYES

By MB, 18



**Artist's Statement:** *This is how I envision the difference between being hurt and being healed. The side with the rain visualizes with the eye on that side of how hurt can affect someone's mind, it represents the hurt I have felt and how it affected me within, and how I used to use drugs to cope with the hurt. The side that has trees and mountains represents the feeling I have gotten after maintaining a stable life and getting clean and sober. I believe it is important to remember the hurt and know that there is a way out of it. Getting back up from a dark place can be difficult and mostly always is but it is 100 percent possible if you put in the effort to do it.*

## APPENDICES

### Appendix A: Case and Restitution Data Analysis

#### Background

The Office of Juvenile Justice contracted with the Council of State Governments (CSG) Justice Center to provide technical assistance on this project. CSG provided case and restitution data analysis and program cost estimates that CSG reported to the PCJJ State-Funded Community Compensation Program Workgroup.

CSG obtained data from both the Administrative Office of the Courts (AOC) and the Washington State Center for Court Research (WSCCR) within AOC. AOC and WSCCR provided aggregate data for cases filed in juvenile court and adult superior court where the respondent was under 18 at filing between 2018 and 2021. The data included year; county; most serious offense; the minimum, maximum, and average amount of restitution ordered; and information on recipient type for all counties except for King and Pierce Counties. In some figures below, statewide averages are applied to King and Pierce Counties in order to include them in estimates.

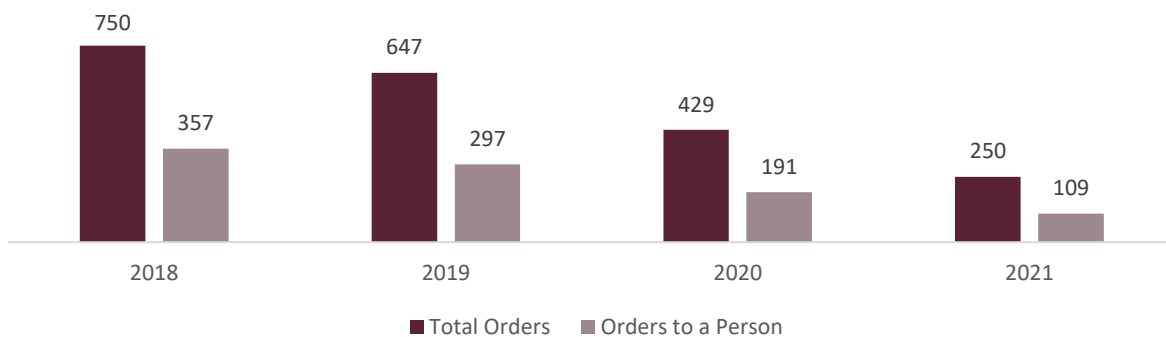
In many court data systems, restitution recipient information is either not collected or entered in a way that is difficult to analyze. This is also the case in Washington, particularly in King and Pierce Counties, where the available data did not allow WSCCR to identify recipient types. For all other counties, WSCCR analyzed restitution recipient data and sorted restitution recipients into types, including a “natural person” type.

Below are excerpts from CSG’s report detailing their findings.

#### Case and Restitution Data Analysis

Between 2018 and 2021, the total number of restitution orders decreased by 67%, and orders to a person decreased by 69%. While courts processed fewer cases due to the COVID-19 pandemic in 2020 and 2021, and the number of cases where restitution was ordered decreased 14% between 2018 and 2019. When restitution is ordered, about 46% of those orders are to a natural person. Figure A.1 depicts estimates for the total number of all restitution orders and the number of restitution orders to a natural person by year.

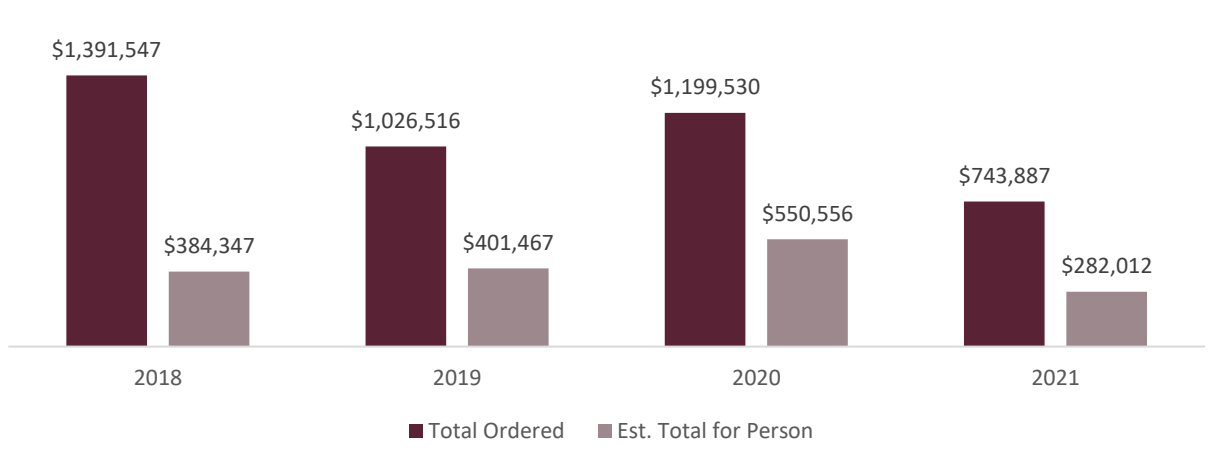
*Figure A.1: Number of Restitution Orders, 2018-21*



**Note 1:** Information on restitution recipient types was not available from King and Pierce Counties. These figures apply statewide estimates to King and Pierce Counties.

Of the total dollar amount of restitution ordered, the proportion ordered to a natural person varies from year to year. On average, 37% of is ordered to a natural person. Figure A.2 depicts estimates for the total amount of restitution ordered and the amount ordered to a natural person by year.

Figure A.2: Total Restitution Ordered, 2018-21



**Note 2:** The year 2021 excludes four outlier restitution orders for over \$500,000. The unadjusted total for 2021 is \$3.1 million, and for a person recipient, \$1.48 million. While King and Pierce counties do not collect information regarding restitution recipients, these figures apply statewide estimates to King and Pierce counties.

Between 2018 and 2021, the share of cases in which restitution was ordered varied across offenses. There were only 26 offenses for which restitution was ordered more than 5 times during the period and in more than 1% of all cases. CSG included those 26 offenses in its cost estimates. Table A.1 shows the share of cases in which restitution was ordered and the share of restitution orders with a natural person recipient for each of the 26 offenses.

Table A.1: Restitution Orders by Offense (Excluding King and Pierce Counties), 2018-21

Most Serious Charge	Restitution Orders	Total Eligible Cases	% of Total Eligible Cases with Restitution Ordered	Orders w/ Person Recipient	% of Total Orders with Person Recipient
Arson, 1st Degree	6	11	55%	2	18%
Arson, Except 1st Degree	15	41	37%	6	15%
Assault, Fel	120	1578	8%	60	4%
Assault, Misd	80	3818	2%	44	1%
Auto Theft/Vehicle Prowl, Fel	145	1112	13%	99	9%
Auto Theft/Vehicle Prowl, Misd	18	112	16%	9	8%
Burglary, 1st Degree	5	36	14%	1	3%
Burglary, Except 1st Degree	288	1204	24%	128	11%
Child Sex, Fel	17	379	4%	4	1%
Criminal Traffic	10	126	8%	5	4%
DV Except Assault, Fel	7	289	2%	3	1%
Destruction, Fel	124	387	32%	52	13%
Destruction, Misd	241	1965	12%	106	5%
Escape, Fel	9	136	7%	4	3%
Fire Setting	9	42	21%	4	10%
Firearm, Fel	30	381	8%	20	5%
Harassment/DV Petition, Misd	12	413	3%	7	2%
Manslaughter	9	15	60%	2	13%
Murder	38	61	62%	7	11%
Other Assault, Misd	14	63	22%	10	16%
Other Criminal, Misd	17	333	5%	7	2%
Other Sex, Fel	7	60	12%	1	2%
Rape	8	81	10%	1	1%
Robbery	77	503	15%	36	7%
Theft/Fraud/Larceny, Fel	116	668	17%	62	9%
Theft/Fraud/Larceny, Misd	234	2399	10%	71	3%
<b>Total</b>	<b>1702</b>	<b>18632</b>	<b>9%</b>	<b>768</b>	<b>4%</b>

**Note 1:** Total is for all offenses, including those omitted from further analysis. Omitted offenses include: Animal Cruelty, Fel.; Animal Cruelty, Misd.; Alcohol, Misd.; Bail Jump/FTA; Child Sex, Misd; Criminal Conduct; Drug Delivery, Fel.; Drug Delivery, Misd.; Drug Possession, Fel.; DUI/DWI, Misd.; DV Assault, Fel.; Extortion; Firearm, Misd.; Fish and Game; Kidnapping; Other Assault, Fel.; Other Assault, Misd.; Other Sex, Misd.; Prostitution, Misd.; School Assault, Mid.; Sex Offender, FTR, Fel.; Sex Offender, FTR, Misd.; Trespass, Fel.; Weapon, Fel.; and Weapon, Misd.

**Note 2:** Eligible cases include all cases with a guilty adjudication as well as a subset of unadjudicated cases that WSCCR identified as having LFOs assigned and/or being "LFO eligible." An eligible case can have more than one order.

In Table A.2, calculations from Table A.1 are applied to restitution orders from King and Pierce Counties to estimate the number of orders with natural person recipients for King and Pierce Counties.

Table A.2: Restitution Orders by Offense (King and Pierce Only) with Estimated Person Recipients, 2018-21

Most Serious Charge	Restitution Orders	Total Eligible Cases	% of Total Eligible Cases with Restitution Ordered	Est. % of Total Orders with Person Recipient	Est. Orders with Person Recipient
Arson, 1st Degree	1	3	33%	18%	1
Arson, Except 1st Degree	6	14	43%	15%	2
Assault, Fel	37	320	12%	4%	12
Assault, Misd	26	718	4%	1%	8
Auto Theft/Vehicle Prowl, Fel	29	185	16%	9%	16
Auto Theft/Vehicle Prowl, Misd	5	69	7%	8%	6
Burglary, 1st Degree	2	10	20%	3%	0
Burglary, Except 1st Degree	37	208	18%	11%	22
Child Sex, Fel	1	124	1%	1%	1
Criminal Traffic	0	22	0%	4%	1
DV Except Assault, Fel	3	47	6%	1%	0
Destruction, Fel	22	45	49%	13%	6
Destruction, Misd	19	143	13%	5%	8
Escape, Fel	6	65	9%	3%	2
Fire Setting	1	11	9%	10%	1
Firearm, Fel	15	208	7%	5%	11
Harassment/DV Petition, Misd	1	140	1%	2%	2
Manslaughter	12	31	39%	13%	4
Murder	10	33	30%	11%	4
Other Assault, Fel	0	7	0%	0%	0
Other Assault, Misd	1	8	13%	16%	1
Other Criminal, Misd	0	29	0%	2%	1
Other Sex, Fel	0	18	0%	2%	0
Rape	4	69	6%	1%	1
Robbery	84	966	9%	7%	69
Theft/Fraud/Larceny, Fel	22	197	11%	9%	18
Theft/Fraud/Larceny, Misd	20	324	6%	3%	10
<b>Total</b>	<b>374</b>	<b>4436</b>	<b>9%</b>	<b>4%</b>	<b>211</b>

**Note 1:** The column Estimated Orders w/ Person Recipient applies percentages from all other counties to Pierce and King totals.

**Note 2:** Total is for all offenses, including those omitted from further analysis. Omitted offenses include: Animal Cruelty, Fel.; Animal Cruelty, Misd.; Alcohol, Misd.; Bail Jump/FTA; Child Sex, Misd; Criminal Conduct; Drug Delivery, Fel.; Drug Delivery, Misd.; Drug Possession, Fel.; DUI/DWI, Misd.; DV Assault, Fel.; Extortion; Firearm, Misd.; Fish and Game; Kidnapping; Other Assault, Fel.; Other Assault, Misd.; Other Sex, Misd.; Prostitution, Misd.; School Assault, Mid.; Sex Offender, FTR, Fel.; Sex Offender, FTR, Misd.; Trespass, Fel.; Weapon, Fel.; and Weapon, Misd.

**Note 3:** Eligible cases include all cases with a guilty adjudication as well as a subset of unadjudicated cases that WSCCR identified as having LFOs assigned and/or being "LFO eligible." An eligible case can have more than one order.

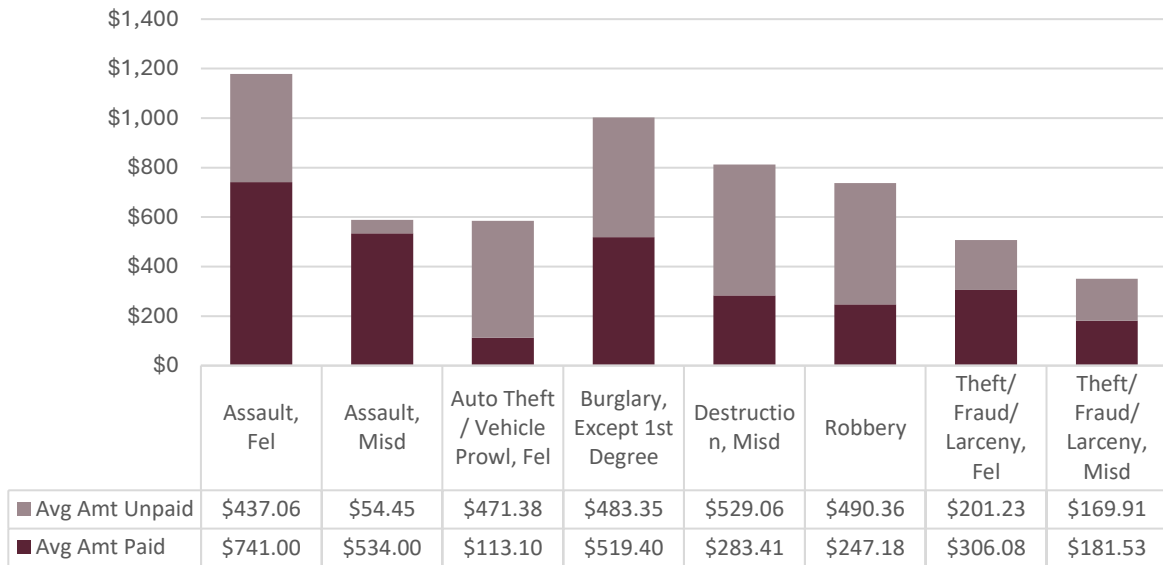
Excluding outliers, orders ranged from \$1 to more than \$600,000. Among the 10 largest orders between 2018 and 2021, just two were to a person. The remaining orders were to local government, schools, businesses, or insurance companies. In Table A.3, the minimum, maximum, and average restitution order amounts for the offenses associated with the highest volume of restitution orders, referred to below as “select offenses”.

*Table A.3: Minimum, Maximum, and Average Restitution Ordered to a Person for Select Offenses (Excluding King and Pierce Counties), 2018-19*

Offenses	2018					2019				
	Orders to Person	Total Cases	Min. Rest. Order	Avg. Rest. Order	Max Rest. Order	Orders to Person	Total Cases	Min. Rest. Order	Avg. Rest. Order	Max Rest. Order
Assault, Fel	16	467	\$20	\$1,178	\$4,372	27	586	\$10	\$2,366	\$27,000
Assault, Misd	11	1,032	\$100	\$588	\$2,153	18	1,499	\$35	\$749	\$4,096
Auto Theft/Vehicle Prowl, Fel	29	382	\$60	\$584	\$2,142	35	306	\$35	\$1,233	\$5,500
Burglary, Except 1st Degree	65	471	\$44	\$1,003	\$9,583	37	355	\$7	\$1,893	\$9,559
Destruction, Misd	32	619	\$50	\$812	\$5,289	35	713	\$25	\$496	\$2,019
Firearm, Fel	9	92	\$350	\$868	\$2,600	3	123	\$22	\$257	\$650
Harassment/DV Petition, Misd	3	168	\$200	\$494	\$1,000	2	122	\$100	\$324	\$547
Robbery	11	118	\$44	\$738	\$2,430	9	139	\$52	\$166	\$816
Theft/Fraud/Larceny, Fel	26	247	\$23	\$507	\$1,602	22	238	\$10	\$729	\$5,300
Theft/Fraud/Larceny, Misd	32	994	\$5	\$351	\$3,046	21	901	\$2	\$345	\$1,717

Although restitution is ordered to reimburse victims for financial losses associated with crime, much of it goes unpaid. For restitution ordered to natural persons, Figure A.3 shows average amounts of paid versus unpaid among the offenses associated with the highest volume of restitution orders, referred to below as “select offenses”.

Figure A.3: Average Payments to Natural Person Victims for Select Offenses (Excluding King and Pierce Counties), 2018





## Appendix B: Program Cost Estimates

### Background

The Office of Juvenile Justice contracted with the Council of State Governments (CSG) Justice Center to provide technical assistance on this project including case and restitution data analysis and program cost estimates that the CSG Justice Center reported to the PCJJ State-Funded Community Compensation Program Workgroup. Below are excerpts from the CSG Justice Center’s report detailing their cost estimates and methodology, which utilize the data analyses included in Appendix A.

### Program Cost Estimates

#### *OCVA Contract Administration*

The Office of Crime Victims Advocacy (OCVA) within the Department of Commerce would serve as the state administering agency to oversee and monitor compliance for the organization contracted to operate the Community Compensation Program. OCVA estimates its costs at \$200,943 annually to fulfill this role, as reflected in Table B.1.

*Table B.1: OCVA Cost Estimates*

	Year 1	Year 2	Year 3	Year 4	Year 5
Salaries and Wages	108,272	108,272	108,272	108,272	108,272
Employee Benefits	37,740	37,740	37,740	37,740	37,740
Professional Service Contracts	-	-	-	-	-
Goods and Other Services	6,893	6,893	6,893	6,893	6,893
Travel	-	-	-	-	-
Equipment and Capital Outlays	-	-	-	-	-
Interagency Fund Transfers	-	-	-	-	-
Grants, Benefits, Client Services	-	-	-	-	-
Debt Services	-	-	-	-	-
Inter-agency Reimbursements	-	-	-	-	-
Intra-agency Reimbursements	48,038	48,038	48,038	48,038	48,038
<b>Subtotal of Objects by Fiscal Year</b>	<b>200,943</b>	<b>200,943</b>	<b>200,943</b>	<b>200,943</b>	<b>200,943</b>

#### *Contracted Organization*

For the organization contracted to run the Community Compensation Program, costs would primarily include personnel, information technology, and indirect costs.

#### *Contractor Expenses: Personnel*

Within the personnel category, the program should consider operating with the following types of positions:

- **Claims Processing Staff:** Staff whose duties may include reviewing applications and documentation to determine eligibility, requesting information from applicants and service providers, calculating payments, and providing customer service to applicants and service providers.

- **Administrative Support Staff:** Staff whose duties may include frontline customer service such as answering phone calls, receiving and processing incoming documentation (e.g. applications, incoming mail, claim documentation, etc.), and assisting with outgoing correspondence.
- **Financial Support Staff:** Staff whose duties may include final approval of payments, issuing payments, and accounting functions related to administering the program.
- **Management Staff:** Staff whose duties may include management and oversight of the work done by other program staff and compliance with the organization’s contract with the State.

Estimating the number of staff needed in each of these roles should be based on the volume of cases the program may expect to handle under the phased implementation approach offered under the Additional Considerations section of this report. As discussed in Appendix A, the CSG Justice Center used aggregate data provided by the Administrative Office of the Courts (AOC) and Washington State Center for Court Research (WSCCR) to estimate case volumes from which to make staffing projections. However, it should be understood there are limitations to the available data as discussed in the Limitations section above.

**Caseload Estimates**

The program would be phased in starting with cases from violent offenses in Year 1. The estimated number of cases from violent offenses (Table B.2) is based upon the number of violent offense adjudications from 2018-2021<sup>81</sup> and assumes the program could receive an application for every violent offense because every violent offense involves a natural person victim who could apply to the program, regardless of whether the harm they experienced ultimately results in financial costs. Personnel cost estimates use an assumption that the program may receive approximately 2,436 violent offense cases annually.

*Table B.2: Violent Offense Caseload Estimates*

Offense	Total Adjudications 2018-2021	Avg. Annual Adjudications	Est. Avg. Cases/Year
Assault, Fel	1,898	475	475
Assault, Misd	4,536	1,134	1134
Child Sex, Fel	503	126	126
DV Except Assault, Fel	336	84	84
Harassment/DV Petition, Misd	553	138	138
Manslaughter	46	12	12
Murder	94	24	24
Other Assault, Misd	71	18	18
Other Sex, Fel	78	20	20
Rape	150	38	38
Robbery	1,469	367	367
<b>Total Violent Offenses</b>	<b>9,734</b>	<b>2,434</b>	<b>2,436</b>

**Note 1:** Adult criminal court convictions for offenses where the respondent was under 18 at the time of filing are included in adjudications here.

<sup>81</sup> Adult criminal court convictions for offenses where the respondent was under 18 at the time of filing are included in adjudications here.

In Year 2, the program would phase in property offense cases. The estimated number of cases arising from property offenses (Table B.3) is based upon an analysis of the property offenses with the highest volume of restitution orders. Two adjustments are applied to estimate the number of property offense cases that the program may handle annually:

- The dataset used for these analyses only includes adjudicated cases and adult criminal court convictions where the respondent was under 18 at the time of filing. In juvenile court, approximately 66% of misdemeanor property offense cases and 22% of felony property offense cases are diverted rather than adjudicated.<sup>82</sup> Adjustments use those diversion rates to estimate total case filings by offense.
- Because not all property offense cases involve harm to a natural person, adjustments are applied to consider the share of cases from each offense that have restitution ordered to a natural person and the frequency with which property offense cases are adjudicated vs. diverted estimate the number of property offense cases that the program would handle annually.

Personnel cost estimates use an assumption that the program may receive approximately 318 property offense cases annually.

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<sup>82</sup> Based on 2018-2021 averages reported in the 2020, 2022, and 2024 (unpublished) biennial Governor's Reports produced by the Washington State Council on Juvenile Justice using data provided by the Washington State Center for Court Research.

Table B.3: Property Offense Caseload Estimates

Offense	Total Adj. 2018-2021	Avg. Adj. Cases/Year	Est. Avg. Filings/Year	% of Cases with Natural Person Restitution Order	Est. Program Cases/Year
Arson, 1 <sup>st</sup> Degree	14	4	6	18%	1
Arson, Except 1st Degree	55	14	20	15%	3
Auto Theft/Vehicle Prowl, Fel	1,297	324	411	9%	37
Auto Theft/Vehicle Prowl, Misd	181	45	150	8%	12
Burglary, 1st Degree	46	12	15	3%	0
Burglary, Except 1st Degree	1,412	353	445	11%	49
Criminal Traffic	148	37	75	4%	3
Destruction, Fel	432	108	146	13%	19
Destruction, Misd	2,108	527	1,660	5%	83
Escape, Fel	201	50	33	3%	1
Fire Setting	53	13	30	10%	3
Firearm, Fel	589	147	200	5%	10
Other Criminal, Misd	362	91	300	2%	6
Theft/Fraud/Larceny, Fel	865	216	289	9%	26
Theft/Fraud/Larceny, Misd	2,723	681	1,967	3%	59
Trespass, Misd	444	111	300	2%	6
<b>Total</b>	<b>10,930</b>	<b>2,733</b>	<b>6,047</b>		<b>318</b>

**Note 1:** Adult criminal court convictions for offenses where the respondent was under 18 at the time of filing are included in adjudications here.

**Note 2:** 22% of felony property offense cases and 66% of misdemeanor property offense cases are diverted. The inverse of those diversion rates are applied to estimate average number of filings per year.

Beginning in Year 3, the Program would phase in the handling of retroactive cases for any eliminated restitution order that is under 10 years old or older than 10 years and has been extended by a court to remain active, as described above in the Recommendations section of this report. Detailed data on outstanding restitution balances owed to natural persons from the past 10 years are not available, so the CSG Justice Center utilized restitution data analyses completed by the Berkeley Law Policy Advocacy Clinic to estimate retroactive caseloads and compensation amounts by applying the average amount of total restitution ordered to a person between 2018 and 2021 (38%) to the total amount of restitution ordered in 2016 and 2017. The CSG Justice Center then applied the proportion of the amount paid from those years to the person-specific orders. For the years 2018 through 2021, the CSG Justice Center utilized statewide figures and applied those estimates to King and Pierce Counties to include them in estimates. Retroactive caseloads are estimated as follows:<sup>83</sup>

- **Year 3 (restitution ordered in 2016 and 2017):** 769
- **Year 4 (restitution ordered in 2018 and 2019):** 713
- **Year 5 (restitution ordered in 2020 and 2021):** 300

### Personnel Cost Estimates

Full-time employee (FTE) staffing and costs are estimated using below assumptions, which are based on CSG Justice Center staff experience:

- **Claims Processing Staff**
  - Separate teams of claims processing staff would be established to handle cases that arise from property offenses, violent offense cases, and retroactive cases.
  - Claims processing staff handling violent offense cases will be assigned about 300 cases per year.
  - Claims processing staff handling property offense cases will be assigned about 400 cases per year.
  - Claims processing staff handling retroactive cases will be assigned about 400 cases per year.
  - The cost per full-time claims processing staff person is estimated at \$75,000 per year (including salary and benefits) with 4% annual increases.
- **Administrative Support Staff**
  - One staff person will be needed per 1,000 cases.
  - The cost per full-time administrative support staff person is estimated at \$50,000 per year (including salary and benefits) with 4% annual increases.
- **Financial Support Staff**
  - One full-time financial staff person should be adequate to provide fiscal management of the program.

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<sup>83</sup> The CSG Justice Center did not have access to restitution data for 2022 and 2023 and did not make estimates about restitution orders and outstanding amounts for those years because it is unclear on how court processing has continued to change in the years following the COVID-19 pandemic and to what extent past years' trends would be applicable.

- The cost of a full-time staff person is estimated at \$75,000 per year (including salary and benefits) with 4% annual increases.
- **Management Staff**
  - One program administrator with responsibility for the overall management of the program and staff. The cost for the program administrator is estimated at \$100,000 per year (including salary and benefits) with 4% annual increases.
  - One team lead for the claims processing staff handling violent offense cases. The cost for a team lead is estimated at \$85,000 per year (including salary and benefits) with 4% annual increases.
  - One team lead overseeing the claims processing staff handling property offense cases and retroactive cases. The cost for a team lead is estimated at \$85,000 per year (including salary and benefits) with 4% annual increases.

Table B.4 shows estimated contractor personnel costs by staff type and year.

Table B.4: Contractor Personnel Cost Estimates

Claims Processors										
	Year 1		Year 2		Year 3		Year 4		Year 5	
	FTEs	Personnel Cost	FTEs	Personnel Costs	FTEs	Personnel Costs	FTEs	Personnel Costs	FTEs	Personnel Costs
Property Offense Team	1	75,000	1	78,000	1	81,120	1	84,365	1	87,739
Violent Offense Team	0	-	8	600,000	8	624,000	8	648,960	8	674,918
Retroactive Team	0	-	0	-	2	150,000	2	156,000	2	162,240
<b>Subtotal</b>		<b>75,000</b>		<b>678,000</b>		<b>855,120</b>		<b>889,325</b>		<b>924,898</b>

Administrative Staff										
	Year 1		Year 2		Year 3		Year 4		Year 5	
	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost
Admin. Support Staff	1	50,000	3	152,000	3	158,080	3	164,403	3	170,979
<b>Subtotal</b>		<b>50,000</b>		<b>152,000</b>		<b>158,080</b>		<b>164,403</b>		<b>170,979</b>

Financial Support Staff										
	Year 1		Year 2		Year 3		Year 4		Year 5	
	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost
Financial Support Staff	1	75,000	1	78,000	1	81,120	1	84,365	1	87,739
<b>Subtotal</b>		<b>75,000</b>		<b>78,000</b>		<b>81,120</b>		<b>84,365</b>		<b>87,739</b>

Management Staff										
	Year 1		Year 2		Year 3		Year 4		Year 5	
	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost	FTEs	Personnel Cost
Program Admin.	1	100,000	1	104,000	1	108,160	1	112,486	1	116,986
Team Lead	1	85,000	2	173,400	2	180,336	2	187,549	2	195,051
<b>Subtotal</b>		<b>185,000</b>		<b>277,400</b>		<b>288,496</b>		<b>300,036</b>		<b>312,037</b>

Total FTEs and Personnel Costs										
	Year 1		Year 2		Year 3		Year 4		Year 5	
	<b>Total FTEs</b>	4		14		16		16		16
<b>Total Personnel Cost</b>		385,000		1,185,400		1,382,816		1,438,129		1,495,654

**Contractor Expenses: Information Technology**

The organization that administers the Community Compensation Program will need information technology (IT) systems to support efficiency in claims processing, customer service, record management, and compliance. The following systems or features are commonly used in the administration of victim compensation programs:

- A database where each case is logged, assigned a unique identifier, claim decisions are recorded, correspondence and payment activity are created and tracked, and program activity reports can be generated.

- A website with information about the program, a web-based application, and a portal by which applicants can track the status of their case.

Databases can vary widely in cost depending upon the features and by whom they are developed. This analysis estimates the cost of purchasing and implementing a database to be \$200,000 and \$50,000 in annual support. A website with a portal for submitting applications and tracking their status could cost \$50,000 to develop and would likely require annual support and maintenance. Annual support and maintenance costs are estimated at \$10,000 per year. These estimates are based on CSG Justice Center staffs’ previous experience working in similar roles to improve state government victims’ programs.

Table B.5 below shows contractor IT and data management system cost estimates.

*Table B.5: Contractor IT and Data Management System Cost Estimates*

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Claims Management System	200,000	50,000	50,000	50,000	50,000	50,000
Website & Application Portal	50,000	10,000	10,000	10,000	10,000	10,000
<b>Total</b>	<b>250,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>

#### Total Contractor Expenses

Table B.6 below summarizes the estimated expenses for the organization contracted to run the Community Compensation Program and includes an indirect expense rate of 15% of personnel costs.

*Table B.6: Total Estimated Contractor Expenses*

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Personnel	385,000	1,185,400	1,382,816	1,438,129	1,495,654	1,386,750
IT	250,000	60,000	60,000	60,000	60,000	60,000
Indirect	57,750	177,810	207,422	215,719	224,348	208,013
<b>Total</b>	<b>692,750</b>	<b>1,423,210</b>	<b>1,650,238</b>	<b>1,713,848</b>	<b>1,780,002</b>	<b>1,654,763</b>

#### Direct Compensation

Data from cases filed from 2018 to 2021 showed that restitution was ordered in about 9% of eligible cases, and just 4% of eligible cases had restitution ordered to a person.<sup>84</sup> Although it is difficult to project how many people will apply to the Community Compensation Program, it is possible, and maybe likely, that more people will seek assistance from the program than the number that received a restitution order from the court because the recommendations included in this report offer policy options designed to minimize barriers to accessing the program and receiving financial assistance. To account for this, the CSG Justice Center made assumptions described below to estimate the amount of compensation the program may expect to pay for violent and property offenses.

For the purposes of this exercise, the CSG Justice Center examined the offenses associated with the highest volume of restitution orders and classified offenses as violent or property offenses as follows:

<sup>84</sup> Eligible cases include all cases with an adjudication or conviction as well as a subset of unadjudicated cases that WSCCR identified as having LFOs assigned and/or being “LFO eligible.”



- **Violent offenses:** assault – felony, assault – misdemeanor, harassment/dv petition – misdemeanor, and robbery.<sup>85</sup>
- **Property offenses:** auto theft/vehicle prowl - felony, burglary – except 1<sup>st</sup> degree, destruction – misdemeanor, firearm – felony, theft/fraud/larceny – felony, and theft/fraud/larceny – misdemeanor.<sup>86</sup>

CSG Justice Center staff explored the average amounts of restitution ordered to natural person victims for the above offenses and used those averages in the below estimates.

#### Property Offense Cases

Estimates for the amount of compensation that will be paid in property offense cases are based on an estimated annual number of property offense filings,<sup>87</sup> the percentage of property offense cases with a natural person restitution recipient, and the average amount of restitution ordered to natural persons by offense. An estimate of what the Community Compensation Program would pay out on cases involving property offenses is provided below in Table B.7.

#### Violent Offense Cases

Restitution was ordered to a natural person recipient in about 2% of violent offense cases, as indicated in Tables A.1 and A.2. While all violent offenses have a natural person victim, not all victims will have financial losses associated with their victimization. Among those that do, it is possible that collateral sources like health insurance (a required first payer before the Community Compensation Program) may cover costs associated medical care and mental healthcare. The CSG Justice Center finds that it is common in victim compensation programs that many cases do not result in compensation paid after collateral sources have paid.

For these reasons, the compensation estimates for violent offense cases assume that 50% of violent offense cases could result in compensation paid. Using this assumption and the average amount of restitution ordered to natural persons by offense, an estimate of what the Community Compensation Program would pay out on cases involving violent offenses is provided below in Table B.7.

#### Retroactive Cases

In Years 3, 4, and 5, the program would handle retroactive cases for any eliminated restitution order that is under 10 years old or older than 10 years and has been extended by a court to remain active, as described above in the Recommendations section of this report. Detailed data on outstanding restitution balances owed to natural persons from the past 10 years are not available, so the CSG Justice Center utilized restitution data analyses completed by the Berkeley Law Policy Advocacy Clinic to estimate retroactive caseloads and compensation amounts by applying the average amount of total restitution ordered to a person between 2018 and 2021 (38%) to the total amount of restitution ordered in 2016

<sup>85</sup> These offenses made up 62% of violent offense cases and accounted for 84% of total restitution ordered to a natural person for violent offense cases from 2018-2021.

<sup>86</sup> These offenses made up 42% of property cases and 84% of total restitution ordered to a natural person for property offenses from 2018-2021

<sup>87</sup> As discussed above, approximately 66% of juvenile misdemeanor property offense cases and 22% of juvenile felony property offense cases are diverted rather than adjudicated. Those diversion rates are applied to adjudications to estimate total number of filings. Diversion/adjudication rates are based on 2018-2021 averages reported in the 2020, 2022, and 2024 (unpublished) biennial Governor's Reports produced by the Washington State Council on Juvenile Justice using data provided by the Washington State Center for Court Research.

and 2017. The CSG Justice Center then applied the proportion of the amount paid from those years to the person-specific orders. For the years 2018 through 2021, the CSG Justice Center utilized statewide figures and applied those estimates to King and Pierce Counties. These estimates are included below in Table B.7.

*Table B.7: Direct Compensation Cost Estimates*

	Year 1	Year 2	Year 3	Year 4	Year 5
Property Offense Cases	305,614	305,614	305,614	305,614	305,614
Violent Offense Cases		1,194,031	1,194,031	1,194,031	1,194,031
Retroactive Cases			735,218	975,669	481,204
<b>Total</b>	<b>305,614</b>	<b>1,499,645</b>	<b>2,234,863</b>	<b>2,475,314</b>	<b>1,980,849</b>

*Total Program Cost Estimates*

Table B.8 below combines the above cost estimates to reflect total program cost estimates for the Community Compensation Program.

*Table B.8: Total Program Cost Estimates*

	Year 1	Year 2	Year 3	Year 4	Year 5
OCVA Administration	200,943	200,943	200,943	200,943	200,943
Contractor					
Personnel	385,000	1,185,400	1,382,816	1,438,129	1,495,654
IT	250,000	60,000	60,000	60,000	60,000
Indirect Costs	57,750	177,810	207,422	215,719	224,348
Contractor Total	692,750	1,423,210	1,650,238	1,713,848	1,780,002
Compensation					
Property Offense Cases	305,614	305,614	305,614	305,614	305,614
Violent Offense Cases	-	1,194,031	1,194,031	1,194,031	1,194,031
Retroactive Cases	-	-	735,218	975,669	481,204
Compensation Total	305,614	1,499,645	2,234,863	2,475,314	1,980,849
<b>Grand Total</b>	<b>1,199,307</b>	<b>3,123,798</b>	<b>4,086,044</b>	<b>4,390,105</b>	<b>3,961,794</b>