VICTIM'S RESTITUTION
Performance Audit, April 2014
Report Highlights

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Department of Corrections

PURPOSE

Assess whether the Colorado State Judicial Branch and Department of Corrections (Department) have effective methods for ordering, collecting, and disbursing victim's restitution consistently, timely, and in accordance with statutory requirements.

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BACKGROUND

- Victim's restitution is a court-ordered amount that a convicted offender pays the victim to compensate him or her for monetary losses resulting from the crime and to hold the offender financially responsible for the harm he or she caused.
- The Judicial Branch is responsible for assessing offenders' restitution through court orders and collecting most restitution.
- The Department collects restitution from all offenders under its supervision or sentenced to a correctional facility by garnishing offenders' pay or bank deposits.
- The State collects an average of about $26 million in court-ordered victim's restitution from offenders annually.

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OUR RECOMMENDATIONS

The Judicial Branch should:

- Assess interest on all court-ordered victim's restitution and ensure offenders in joint and several liability cases pay restitution jointly, as required by statute.
- Ensure that restitution payments are distributed to victims in compliance with statute, equitably, and consistently.

The Department of Corrections should:

- Establish processes to collect all restitution owed by offenders under its supervision, regardless of the sentence imposed.
- Coordinate with the Judicial Branch in order to collect restitution from parolees ending their supervision rather than sending the accounts to collections agencies.

The Judicial Branch and Department agreed with all of the recommendations.

AUDIT CONCERN

The Judicial Branch and the Department should improve policies, processes, and systems for collecting court-ordered restitution from offenders and disbursing restitution payments to victims of crime.

KEY FACTS AND FINDINGS

- The Department only collects restitution from offenders for cases that resulted in a sentence to Department custody. The Department does not collect the restitution that offenders in its custody owe on all of their criminal cases, such as prior criminal cases that did not result in a sentence to Department custody, as required by statute. As a result, offenders supervised by the Department who owe victim's restitution on prior cases may not pay restitution until they are released from custody.
- The Department has not explored options for handling offenders' delinquent restitution accounts to improve restitution collection. The Department also sends all restitution accounts of parolees who are within 60 days of completing their parole directly to the State's collection agency, Central Collections, regardless of whether the offenders have been making timely payments.
- Judicial districts do not add statutorily required interest to all restitution orders consistently or accurately. In 95 (99 percent) of the 96 sampled cases, the judicial districts had not added interest to the amount of restitution that the offenders owed.
- Judicial districts do not consistently require the offenders in joint and several liability cases to jointly pay victims the restitution ordered, as required by statute.
- The Department's DCIS system does not have accurate and up to date information on the amounts of restitution offenders owe. For 14 (50 percent) of the 28 cases we reviewed, the restitution and court cost balances on file at the Department did not match the correct balances tracked by the Judicial Branch.
- In six (15 percent) of the 41 sampled cases with multiple victims, the judicial districts either did not distribute restitution payments to victims in the sequence required by statute or did not distribute payments equitably and consistently. In the six cases, 29 victims did not receive $9,635 in restitution payments, as of November 2013, when they should have.