

## Contact Us

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The Office of Crime Victim Services maintains a toll-free phone line to answer questions from victims or witnesses from 7:45 a.m. to 4:30 p.m. on weekdays.

### Phone

800-446-6564, press option #2 for VRC

### Email

[ocvs@doj.state.wi.us](mailto:ocvs@doj.state.wi.us)

### Website

<https://www.doj.state.wi.us/ocvs>

### Mailing Address

Office of Crime Victim Services

P.O. Box 7951

Madison, WI 53707-7951



# Victim Resource Center

The Victim Resource Center (VRC) operates within the Wisconsin Department of Justice Office of Crime Victim Services. The VRC provides services to victims of crime, their families, and witnesses after the commission of a crime. VRC staff provide assistance to ensure that victims of crime understand and can exercise their statutory and constitutional victims' rights.

## Victim Rights Spotlight: The Right to Restitution

The Wisconsin Constitution, Article 1, Section 9m(2)(m) states that crime victims have a right "To full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance collecting restitution."

The right to restitution is further detailed in Wisconsin Statute § 973.20.

### What is restitution?

In Wisconsin, restitution serves two goals: to make crime victims whole and to rehabilitate the defendant. Restitution may require a defendant to pay for property damage and/or loss, personal injury, medical and/or mental health costs, and lost wages. If a crime results in death, restitution orders may require the defendant to pay for funeral costs or other related expenses. Restitution does not cover general damages that could be recovered in a civil action, such as pain and suffering. The statute also does not allow a circuit court to award restitution for more than the victim's losses.

### How is restitution ordered?

Sometimes restitution is paid prior to the prosecution as part of a deferred prosecution agreement or a plea but it is more common that restitution is ordered by the court after a conviction. The court may require that restitution be paid right away, within a specified time, or in specific installments; however, the court cannot set the specified time to be later than the end of any term of probation, parole, or extended supervision.

Prior to sentencing, the district attorney should attempt to obtain information pertaining to the victim's loss. The court should then request the district attorney provide the amount of claimed restitution at the sentencing hearing. If there is an agreement about the amount of restitution requested, the court enters an order for payment. If the total amount owed is disputed by the defense, or not determined during

sentencing, the court can order payment of any undisputed amounts and/or schedule the matter for a restitution hearing.

The district attorney is not required to represent the victim at a restitution hearing unless it is held at, or prior to, the sentencing or if the court orders the district attorney to represent the victim. The burden falls on the victim to prove the amount of loss they are claiming. Any restitution determination is made solely by the court.

### **How is restitution collected?**

- **If the offender is not sentenced to probation or prison:** When payments are made to the clerk of circuit court, the restitution is mailed from the clerk's office, the district attorney's office, or the victim/witness office directly to the victim.
- **If the offender is sentenced to prison:** Payments can only be made voluntarily by the inmate or taken from the inmate's account through a court order. Any restitution that is collected by the Department of Corrections (DOC) is handled by their cashier's office and mailed directly to the victim.
- **If the offender is on probation, parole, or extended supervision:** Payment of restitution is supervised by the offender's probation/parole agent. When an offender makes a payment, the money again goes through the DOC cashier's office and is mailed directly to the victim.

In non-probation, non-prison cases, or when restitution remains unpaid at the end of a supervision period, restitution is enforceable in the same manner as a judgment in a civil action. A judgment is an official court determination that the restitution is owed to the victim. It allows the victim to use the courts to collect unpaid restitution through various civil court actions. These actions include hiring a collection agency or garnishing the offender's wages until the judgment is paid off.

### **Why is restitution so important?**

Restitution serves an important purpose not only for the victim, but for the offender. By requiring defendants to bear the full cost of the victim's losses resulting from their criminal conduct, restitution provides compensation and is also a rehabilitative act and a deterrent.

For more information on the right to restitution, please contact the VRC at 608-264-9497 or [ocvs@doj.state.wi.us](mailto:ocvs@doj.state.wi.us).