

Addressing Economic Security in Domestic Violence, Sexual Assault and Stalking Cases: A Judicial Bench Card

Why Consider Economic Security?

- Judges can more effectively administer justice by considering the **full scope of the abuse** perpetrated, including financial impacts, and **incorporating it into sentencing**.
- Judges can **hold offenders fully accountable** by responding to all economic crimes, ordering restitution for every cost incurred and enforcing compliance with all court orders.
- Victims and children will be safer from harm if judges **include the workplace or school in protection orders**, and will be less at risk of homelessness if given restitution or possession of the home.
- Addressing economic needs can improve victims' trust in the justice system and their likelihood to **report additional or future crimes**.

Economic-Related Crimes*

- Assault and/or Battery
- Breaking and Entering
- Cyber-Stalking, Stalking with Technology or Electronic Surveillance
- Destruction of Property or Property Damage
- Destruction of Evidence
- Forgery
- Fraud
- Harassment
- Identity Theft
- Reckless or Negligent Injury
- Strangulation
- Theft, Robbery or Larceny
- Threats
- Trespassing
- Wiretapping
- Witness Intimidation or Threats

* Beyond crimes of domestic violence, sexual assault and stalking. Statutes will vary by jurisdiction.

Economic-Related Evidence

- Photographs of injuries and damaged property.
- Property in the offender's possession at the time of arrest that belonged to the victim.
- Damaged or destroyed property's value or repair cost, with corroboration from the victim.
- Calls, emails, text messages and social media both at home and at work or school.
- Financial documents showing related costs of the violence (bills, bank statements, credit reports, invoices, receipts, canceled/stolen checks, etc.).
- Documentation of health care costs from abuse.
- Records of missed work or school (HR leave request forms, school attendance reports, security sign-in logs, etc.) as a result of the violence.
- Forensic accounting of cyber-stalking/electronic surveillance, online economic crimes and identity theft; monitoring from the offender's work and home; wrongful GPS tracking or phone breaking.
- Protection measures taken by the victim (security systems, moving to another residence, changing phone numbers, etc.) and their costs.

Questions to Help Determine Economic Relief in Pre-Trial or Sentencing

- What out-of-pocket costs has the abuse caused? (I.e. bills, security equipment, emergency contraception, replacing property, health care, moving)
- Has the offender ever used finances or access to finances to intimidate or threaten you?
- Did the offender lie to you about your credit, bankruptcy, taxes or bank accounts?
- Did the offender take any of your money, paychecks or personal items?
- Does the offender have access to your bank account or finances? Do you?
- Does the offender know the password to your bank accounts, cell phone or computer? Did the offender threaten or force you to reveal them?
- Did the offender use your identity to create accounts or commit fraud?
- Did the offender destroy anything that will keep you from going to work/school or paying bills?
- Has the offender caused or forced you to miss work, leave your job or withdraw from school?
- Have there been any costs from coinciding sexual assault, IPV or stalking?
- Has the offender appeared repeatedly at the homes of friends, family or neighbors? At your work, school or childcare provider? Across jurisdictions? What extra costs has this caused?

Types of Economic Relief

- Restitution
- Transportation
- Rent or mortgage payments
- Use/transfer of personal property
- Emergency support, child support or other support payments
- Stay away provisions for the workplace, school, childcare and others
- Payment of insurance premiums
- Payment of outstanding debts
- Provision of security equipment

Sentencing and Enforcement Recommendations

- Request restitution forms for victims if not provided and order in full if the evidence supports it.
- Specify the day, time and location of the exchange if directing the offender to pay restitution or turn over property.
- Include economic relief in permanent protection orders as a requisite for victim safety.
- Make payments of economic relief a condition of release or probation so that a noncompliant offender can be found in contempt.
- Conduct regular compliance review hearings that focus on economic relief.
 - ⇒ Create and use a pre-set compliance review form.
 - ⇒ Work with probation, attorneys and advocates to ensure that the parties are aware of the scheduling, expectations and their role in the hearings.
 - ⇒ Modify protection orders to meet the changing economic needs of the parties while maintaining safety.
- Have child support staff at the courthouse so that orders can begin to be enforced immediately following a hearing.
- Reduce economic relief to judgment so it can be more heavily enforced.
- Revoke the offender's probation or parole if restitution is not paid by the end of the term.
- Consider civil and/or criminal contempt sanctions if appropriate.

Restitution Collection Tactics

- Income deduction orders
- Federal tax returns
- Prison work program wages
- Inmate accounts or state payments to offenders
- Bond payments for the offender
- Lottery winnings
- Gambling earnings
- Inheritances
- State restitution fund

To access family-type and county-specific data, see WOW's Economic Security Database:
www.basiceconomicsecurity.org



To access the full Court's Guide, see:
<http://www.wowonline.org/wp-content/uploads/2014/05/WOW-ESS-Courts-Sector-Guide.pdf>