



Accessing Economic Security within the Justice System

Survivors of intimate partner violence, sexual assault, and stalking often experience significant economic barriers and consequences of abuse. The criminal justice system has unique opportunities to ensure that survivors are not only protected from the full range of costs that perpetrators cause, but to also restore survivors financially. There are many existing tools and points of intervention that law enforcement, prosecutors, and the courts can use to address the economic dynamics of abuse. Applying an “economic lens” to the work of the criminal justice system can better promote survivor safety and uphold justice.

LAW ENFORCEMENT

- **Response:** First responders should look for warning signs of economic abuse, direct victims to collect economically important items, and refer the victim to relevant services.
- **Interview:** Whether at the crime scene or later, officers should ask survivors about possible economic costs or abuse and include that information in their reports. If they do not, survivors can provide it and request that it be documented.
- **Evidence:** Officers should gather evidence at the crime scene and during the investigation to capture all economic costs and crimes in reports, including:
 - Photos of damaged or destroyed property and injuries
 - Documentation on the income lost due to missed work
 - Bills to show financial abuse and cost of violence
- **Enforcement:** Officers should enforce civil protection and restitution orders aggressively and arrest defendants who violate conditions or default on payment.

PROSECUTION AND ATTORNEYS

- **Charge for Economic Crimes:** By charging an abuser with economic-related crimes in addition to physical abuse, sexual violence, and stalking, prosecutors can provide judges with more evidence of the extent of the abuse and improve the chances of bringing an abuser to appropriate justice.
 - The investigation and prosecution of the full range of criminal acts committed by a perpetrator may increase the amount of restitution and damages ordered to survivors.
 - Additional charges may help survivors obtain a civil protection order or pursue civil action.
 - The investigation and documentation of these crimes may make it possible to build a stalking case against the offender.
- **Civil Protection Orders:** Prosecutors should craft comprehensive requests that address economic needs. Economic relief can be secured through restitution, transfer and protection, or under broad catch-all provisions. Enforcement can be targeted through civil or criminal contempt proceedings.
- **Restitution and Replevin:** The immediate and long-term economic impact of abuse should be included in restitution and replevin requests. Prosecutors should be encouraged to use the full extent of their legal authority to restore survivors when making these requests during sentencing. Orders can be enforced through compliance hearings, contempt, income deduction, and more.

Helpful Definitions

Economic Crimes: crimes directly relating to finances such as theft, fraud, identity theft or misrepresentation.

Restitution: a court-ordered payment by an offender to the victim for the harm caused by the offender's wrongful acts. Restitution can include: medical and counseling expenses, lost wages, destroyed or damaged property, and other direct out-of-pocket expenses.

Replevin: the court-ordered return of goods and property unlawfully held by the offender to the victim.

Transfer & Protection: court orders relating to property regardless of ownership. Car use, housing access and payments, protection of property from damage and forced continuation of routine financial obligations all apply.

- **Witness Intimidation:** Survivors seeking justice have an elevated risk for retaliation, especially if living with or economically dependent on the offender. Witness intimidation in these cases often includes economic threats. Prosecutors, survivors, and their lawyers should watch for, document, and seek economic support to avoid intimidation throughout the investigation and prosecution.

COURTS AND JUDGES

- **Pre-Trial and Sentencing:** Judges should consider all crimes committed (stalking, economic abuse, destruction of property, etc.), not just physical abuse or sexual assault. They should ensure that all out-of-pocket expenses and other economic impacts that are directly attributable to the defendant's criminal acts are accounted for, reported, and addressed in plea deals, bond and release orders, and relief orders.
- **Civil Protection Orders:** If justified, a judge should order the economic relief requested in a petition. Most state laws include economic-related provisions to provide housing, transportation, and child support as well as catch-all provisions to ensure that survivors get what is needed to stay safe.
 - These catch-all provisions in most jurisdictions' protection order statutes can cover restitution, transfer and protection, and other financially-related requests.
 - Just like with physical violence, courts need to craft economic provisions with a great deal of specificity to make them enforceable. They should include details such as the amount of the reward, when the transfer of property or money will take place, and how to make a payment.
- **Restitution:** Courts can order offenders to pay restitution to victims as part of their sentences. Judges should ensure that victims of crime receive all restitution that is properly brought before them and for which the victim is eligible as part of any conviction or plea agreement.
 - Some states give judges statutory authority or they can use statutory tools to promote payment of restitution orders, including [bail or bond funds](#) to be applied to the payment of fines and fees. In five states, legislation allowing the pre-conviction freezing of assets has been adopted.
 - Payment plans can be used to motivate and incentivize defendants to contribute to efficient payment of restitution to victims. Courts should also track progress of restitution payments to minimize the possibility of noncompliance and be willing to hold violators in contempt.

ADVOCATES

Legal victim advocates can help survivors craft strategies that balance both economic needs and physical safety needs. They can provide insight on what legal strategy is best, whether it be restitution, crime victim compensation, civil protection orders (CPOs), or remedies through consumer rights law. Victim advocates can also help support general economic needs so survivors can take part in the justice system.

Domestic violence litigants with an attorney received a protection order in 83% of cases, as opposed to [32% of unrepresented litigants.](#)

- **Restitution and Replevin:** Advocates can work with survivors to develop a complete list of economic losses and costs so that the court can grant restitution as part of a plea bargain or sentence. They can help calculate the full cost of past violence and prevention of future violence, including the cost of relocating and basic safety planning.
- **Civil Protection Orders:** Advocates can inform survivors about the specific provisions for protection orders in their state, how to file, and what documentation is needed.
- **Consumer Rights:** Legal advocates can assist with debt reduction, credit discrimination, asset protection, bankruptcy aid, innocent spouse relief, and tax relief.
- **Scope of Cases:** Legal advocates can provide advice on the link between criminal and civil actions against abusers. A more comprehensive criminal case will provide survivors with more options and a stronger argument in civil actions such as CPOs, dissolution, or child support and custody issues.

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