**RIGHTS OF VICTIMS IN THE CRIMINAL CONTEXT**

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Criminal defendants have enjoyed numerous rights since the establishment of the United States. Indeed, the Constitution—the bedrock of the American legal system—expressly details a criminal defendant’s rights.[[1]](#endnote-1) Yet a victim—the person who suffers the consequences of a crime—has no express rights in the Constitution.

 Historically, our government saw victims as a means to an end: the victim served to help establish a defendant’s criminal liability.[[2]](#endnote-2) But in the 1970s, victims’ rights advocates demanded that the government pay attention to the impact of a crime on a victim’s life.[[3]](#endnote-3) By 1981, the President of the United States had joined this national movement.[[4]](#endnote-4) President Reagan’s Task Force on Victims of Crime in 1982 described the plight of crime victims in the criminal justice system. The task force found that victims’ “pleas for justice have gone unheeded, and their wounds—personal, emotional, and financial—have gone unattended.”[[5]](#endnote-5) The report emphasized that “sustained efforts of federal, state and local governments, combined with the resources of the private sector” were required to “restore the balance to the criminal justice system.”[[6]](#endnote-6)

 The United States has come a long way since the 1980s. Instead of merely recognizing a crime victim’s plight, our government is now actively working to establish a victim’s rights in our legal system. This monogram briefly covers victims’ rights in the United States in the following phases: (1) pretrial; (2) trial; and (3) post trial. There are few federal pretrial rights and resources, but individual states have stepped in and implemented certain legal structures. Conversely, the United States government has actively pursued victims’ rights during the trial phase at a federal level through the Criminal Victims Protection Act and amendments to the Federal Laws of Criminal Procedure. In the post-trial phase, the United States attempts to protect and compensate the victim on both a federal and state level. These rights, collectively, paint a picture of victims’ rights in the United States.

**Pretrial Rights and Resources for Victims**

 In the past decade, growing momentum for greater justice in the pretrial phase has resulted in increased rights and resources for victims. In this phase, change tends to happen on a state-by-state level, rather than a federal level. A few examples include:

1. Connecticut requires family court violent intervention units to monitor compliance of a defendant participating in pretrial family violence education programs,[[7]](#endnote-7)
2. Louisiana denies a defendant the ability to be released on recognizance if the defendant was previously released on recognizance for a felony charge and consequently failed to appear for a court date,[[8]](#endnote-8)
3. Maine notifies a victim of domestic violence of a defendant’s release from jail, and issues a protection order as soon as possible,[[9]](#endnote-9)
4. Twenty-four states require notice to the victim of a defendant’s pretrial release hearing and forty-one states require notice when a defendant is released before trial;[[10]](#endnote-10) and
5. Eighteen states allow victims to participate in the pretrial hearings, while fourteen states allow victims to be heard or consulted.[[11]](#endnote-11)

 There are many other examples of states working internally to create a safer, and more responsible, legal structure for victims. Private organizations and non-profits have also joined this movement, and are instrumental in providing resources to both private and government agencies dealing with victims on a daily basis. For example, private consulting firms instruct investigators to always approach a case believing that “something” has occurred.[[12]](#endnote-12) Similarly, national non-profits, like the Human Rights Watch, release reports instructing police officers on how to promote a victim-centered approach.[[13]](#endnote-13)

**Trial Rights for Victims**

 Unlike the pretrial phase, the trial phase incorporates some federal legislation to describe and enforce victims’ rights. In 2004, Congress passed the Crime Victims’ Rights Act (CVRA)—the “cutting edge of the third wave of victims’ rights.”[[14]](#endnote-14) The CVRA has been the most significant change for federal crime victims’ rights during trial. The CVRA provides eight basic rights to crime victims:

1. The right to be reasonably protected from the accused;
2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or any release or escape of the accused;
3. The right to not be excluded from a public court proceeding unless the court has clear and convincing evidence that the victim’s testimony would be materially altered after hearing other testimony at such a proceeding;
4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or parole;
5. The reasonable right to confer with the attorney for the government in the case;
6. The right to full and timely restitution as provided by law;
7. The right to proceedings free from unreasonable delay; and
8. The right to be treated with fairness and with respect for the victim’s dignity and privacy.[[15]](#endnote-15)

Unlike previous victims’ rights legislation, the CVRA allows the government and the victim to enforce these rights.[[16]](#endnote-16) The CVRA also requires government agencies and courts to reasonably act to notify victims of these rights and to ensure victims receive these rights.[[17]](#endnote-17) Finally, the CVRA includes penalties for government agencies that fail to ensure these rights.[[18]](#endnote-18) A government employee who fails to comply must undergo a required training course, and an employee who intentionally fails to comply faces disciplinary sanctions.[[19]](#endnote-19)

The CVRA hopes to set a model for state governments. As Senator Feinstein asserted:

This act, of course, binds only the federal system, but is designed to affect the states also. First it is hoped that states will look to this law as a model and incorporate it into their own systems. This law encourages that by allowing both types of grants—legal assistance and victim notification—to be provided to state entities, and for use in state systems where the state has in place ‘laws substantially equivalent’ to this act.[[20]](#endnote-20)

While the effect on states incorporating the CVRA remains unclear, the Federal Rules of Criminal Procedure have incorporated a number of rights from the CVRA. This is incredibly important for two reasons. First, the more the CVRA is incorporated into the legal system for victims’ rights, the more momentum there is for states to adopt some—or all—of the CVRA. Second, the adoption of the CVRA into the Federal Rules of Criminal Procedure puts further pressure on courts to enforce victims’ rights because violation of these rules can result in judgments being overturned or re-opened.

The CVRA expands the definition of “victim” to expressly exclude any person accused of a crime, and to include any “person directly and proximately harmed as a result of the commission of a Federal offense . . . .”[[21]](#endnote-21) The Supreme Court of the United States adopted this definition and submitted it to the 2008 advisory committee of the Federal Rules of Criminal Procedure. The committee adopted the definition, and it is now incorporated in Rule 1.[[22]](#endnote-22)

The right to be treated with fairness and respect for dignity and privacy is a broad right, but it has also influenced the Federal Rules for Criminal Procedure Rules Committee. Rule 12.1 prohibits a victim’s address and telephone number from being automatically provided to the defense when an alibi defense is raised.[[23]](#endnote-23) Rule 17 requires: (1) court approval if a defendant subpoenas a third party for a victim’s personal information; (2) giving the victim notice of the subpoena; and (3) providing the victim an opportunity to quash or modify the subpoena.[[24]](#endnote-24) Rule 18 mandates a court to consider a victim’s convenience when setting the location of the trial.[[25]](#endnote-25) Rule 60—labeled “Victim’s Rights”—obligates courts to give a victim notice of court proceedings, along with the opportunity to attend and the right to be heard at such proceedings.[[26]](#endnote-26) Rule 60 also imposes a higher burden of proof that most state systems by requiring a defendant to show “clear and convincing evidence” that a victim will materially alter her testimony.[[27]](#endnote-27)

The CVRA gives victims standing to be present, and to participate in certain proceedings at both the trial and appellate levels. As Senator Feinstein explained:

This provision allows a victim to enter the criminal trial court during proceedings involving the crime against the victim, to stand with other counsel in the well of the court, and assert the rights provided by this bill. This provisions ensures that crime victims have standing to be heard in trial courts so that they are heard at the very moment when their rights are at stake and this, in turn, forces the criminal justice system to be responsive to a victim’s rights in a timely way.[[28]](#endnote-28)

 The CVRA allows victims to choose their own attorney and to legally assert their right to be present and participate in a criminal proceeding.[[29]](#endnote-29) For example, a victim may make a motion to reopen a plea argument in the district court.[[30]](#endnote-30) If the district court denies the victim’s motion, the CVRA requires an expedited appellate review process (within seventy-two hours) if the victim chooses to pursue an appeal.[[31]](#endnote-31) The CVRA has been consequential in creating this appellate review process—but unfortunately this right is inconsistently applied in courts.

**Limitations of the CVRA: Areas for Further Expansion on Federal Victims’ Rights**

 The CVRA has had mixed success concerning the right to be reasonably protected from the accused and to be present and reasonably heard at pretrial release meetings. These rights are so important because a crime victim may have information—unknown to the prosecutor—that a judge may find relevant in deciding the case. Some courts have enforced this right while others have not. For example, in *United States v. Degenhardt*, the court found that a crime victim’s right to be reasonably heard at sentencing allowed the victim to directly speak to the judge.[[32]](#endnote-32) Alternatively, in *United States v. Marcello*, the court found that this same right could be obliged through written statements—and did not include a victim’s right to appear in person before the court.[[33]](#endnote-33) Victims’ rights advocates will have to hope that the *Degenhardt* holding will be upheld by higher courts, or that Congress will pass additional legislation addressing a victim’s right to directly speak to a court.

The CVRA—in some ways—also lacks the teeth to enforce victims’ rights because it does not create a cause of action under which victims can sue for damages. The CVRA states:

No Cause of Action. Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages.[[34]](#endnote-34)

 The CVRA allows victims to immediately appeal an alleged violation of a victim’s CVRA rights—likely to substitute for a lack of cause of action. But courts have differed on whether a victim has a discretionary or mandatory right to appeal an alleged violation. The Second, Third, and Ninth Circuits have adopted a pro-victim standard of review and have interpreted the CVRA to regularly review alleged violations.[[35]](#endnote-35) Alternatively, the Fifth and Tenth Circuits have interpreted this clause to allow broad discretion on reviewing whether an alleged violation has occurred.[[36]](#endnote-36) Thus the CVRA has no *assured* legal avenue for victims to hold government agencies accountable for alleged violations.

**Post-Trial Rights for Victims**

***Protecting the Victim***

 Although some victims of crimes do not know their attackers, most have some sort of relationship—particularly in the case of sexual assault.[[37]](#endnote-37) Some aggressors, disgruntled by the prospective punishment, may try to attack the victim or witnesses. In these cases, the government not only has an interest in prosecuting the aggressor, but also an interest in protecting the victim and witnesses. The federal government seeks to protect these crucial actors in a criminal case through legislation.

The United States Congress enacted the Organized Crime Control Act of 1970,[[38]](#endnote-38) which sought to eradicate organized crime by strengthening the government’s tools in the evidence-gathering process and by enacting stiffer sanctions for the accused.[[39]](#endnote-39) This Act includes the Witness Security Program (WITSEC),[[40]](#endnote-40) which protects threatened witnesses throughout the trial process and beyond.[[41]](#endnote-41) For example, WITSEC provides threatened witnesses and victims with new identities, housing, and even employment.[[42]](#endnote-42) Some states, such as California, have created their own witness protection programs that seek to fill in the gaps for crimes not covered by WITSEC.[[43]](#endnote-43)

Amid the wave of bipartisan support for victims’ rights in the 1970s, WITSEC was supplemented by the Victim and Witness Protection Act (VWPA) of 1982.[[44]](#endnote-44) The goal of this law was:

[T]o enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; to ensure that the Federal government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of defendants; and to provide a model for legislation for state and local governments.[[45]](#endnote-45)

The VWPA broadened the definition of “witness” to include victims and expanded witness protection to cases beyond organized crime offenses.[[46]](#endnote-46) It also included criminal penalties for intimidation of victims and witnesses, and lowered the threshold for the prosecution to establish that intimidation had occurred.[[47]](#endnote-47)

***Compensating the Victim***

 In the United States, victims in criminal cases can be compensated for their loss. This type of compensation is known as “restitution.”

 Restitution in the criminal context refers to compensation “paid by a criminal to a victim . . . ordered as part of a criminal sentence or as a condition of probation."[[48]](#endnote-48) Criminal restitution serves a dual purpose: to prevent unjust enrichment to the defendant by financially restoring crime victims, and to rehabilitate the defendant.[[49]](#endnote-49) In the United States, this type of remedy for a crime victim is a fairly recent concept. It developed from its tort-based roots during the same 1970s victims’ rights movement that led to the passage of victim-friendly legislation on the federal and state level.[[50]](#endnote-50)

 On the federal level, several provisions of the United States Code have made restitution available to victims of crime. The VWPA, in addition to protecting witnesses and victims from future harassment, authorized restitution for crime victims so long as “its imposition [does] not unduly complicate or prolong the sentencing process.”[[51]](#endnote-51) Before this Act, judges could only order restitution as a condition of probation.[[52]](#endnote-52) The federal restitution structure remained largely intact until Congress passed the Mandatory Victims Restitution Act of 1996 (MVRA).[[53]](#endnote-53) The MVRA, passed by Congress with the belief that crime victims were inadequately compensated under the VWPA,[[54]](#endnote-54) expanded the instances in which restitution is available. In fact, the MVRA made restitution *mandatory* for certain crimes, particularly those in “which the victim suffered an identifiable monetary loss.”[[55]](#endnote-55) The crimes in which mandatory restitution is required include those in which damage to or loss of property occurs, and those involving bodily injury to the victim.

 The amount of restitution available to a victim differs—not all restitution awards are equal. Criminals are, of course, not always of the same economic status. A large restitution payment may be much easier for one criminal to pay than another. Although a defendant’s ability to pay is a factor that a court must consider when making a judgment on restitution, it does not by any means act as a bar to the judgment.[[56]](#endnote-56) Ultimately, this consideration has the “practical effect of ensuring that restitution judgments d[o] not exceed offenders’ ability to pay.”[[57]](#endnote-57)

**One State’s Approach: The Rights of a Crime Victim in Minnesota**

Crime victims in Minnesota have extensive rights—far beyond the federal rights of the CVRA. These rights are briefly detailed below to give a comprehensive picture of a victim’s rights and resources under Minnesota state law.[[58]](#endnote-58)

1. Victims have the right to be notified of:
* The prosecution process and their right to participate in the process
* The nearest crime victim assistance program
* The right to apply for financial compensation for non-property losses caused by a violent crime
* Any proposed pretrial diversion referral
* Any changes to a hearing schedule where the victim is testifying
* The right to ask the offender for restitution if the offender is convicted
* The details of any proposed plea bargains
* The outcome of court proceedings
* Any appeal the defendant makes and the result of that appeal
* Any proposed modification to sentences in felony or violent crimes, and the right to give the court input
* The right to petition for expungement
1. A victim’s right to participate in the process covers:
* Participating in the pretrial diversion decision
* Asking the prosecutor to petition the court for a speedy trial
* Being notified of, and being able to attend, plea and sentencing hearings
* The right to object to proposed plea agreements at court proceedings
* Discussing the crime’s impact on the victim’s life at the presentence investigation
* Providing a written or oral victim impact statement at a sentencing hearing
1. A victim’s privacy and protection rights include:
* Having notice and being able to give input at a bail hearing for a violent or domestic abuse crime
* A safe waiting area or safety precautions against the defendant and/or the defendant’s supporters in the court room
* Reporting noncompliance with restraining orders and suspected witness tampering
* Having personal contact information withheld in court proceedings and from the defendant
* Being able to take reasonable time off work to attend court proceedings
* Confidentially asking the court to order an HIV test of an offender in a sexual assault or violent crime
* Asking a court to prevent the defendant from disposing a deceased victim’s belongings in a homicide case
1. Domestic violence, sexual assault, and stalking victims have additional rights such as:
* The prosecutor notifying the victim of decisions to dismiss a case, and the information to seek a free restraining order
* Terminating a lease without financial consequences in the case of a violent situation
* Asking the law enforcement agency for a free copy of a domestic abuse report filed on the case
* Asking for a free sexual assault medical examination in the case of a sexual assault crime
* Refusing a polygraph exam for a sexual assault crime
1. Regarding financial compensation:
* A court can order restitution on its own
* A court has broad discretion in structuring restitution
* A victim can ask for non-property expenses related to a violent crime
* A victim can ask the court for personal expenses related to the crime if the defendant is convicted
* A victim can file a civil case against the defendant
* A victim can ask a convicted defendant’s probation officer to set a court hearing if the defendant fails to pay court ordered restitution

The Commissioner of Public Safety may give local officials grants to help victims with expenses of relocation or creating a new identity

**Conclusion**

The United States government of today is not merely concerned with prosecuting criminals, but also the welfare of victims. Over the past fifty years, federal and state governments have expanded resources and implemented legislation that help restore a victim on a legal, economic, and emotional level. And judging by recent acts of Congress,[[59]](#endnote-59) it is clear that the sentiment behind the movement for extending victims’ rights did not dissolve after the 1980s. There is good reason to believe that victims of crimes will continue to be recognized, and their rights will continue to be enforced.

1. *See e.g.*, U.S. Const. amend. V–VII. [↑](#endnote-ref-1)
2. Leigh Glenn, Victims’ Rights 4 (ABC-CLIO, Inc., 1st ed. 1997). [↑](#endnote-ref-2)
3. *Id.* at 13–17. [↑](#endnote-ref-3)
4. *Id.*  [↑](#endnote-ref-4)
5. Exec. Office of the President, President’s Task Force on Victims of Crime at ii (1982). [↑](#endnote-ref-5)
6. *Id.*  [↑](#endnote-ref-6)
7. 2015 Conn. Acts. 589 (Spec. Sess.). [↑](#endnote-ref-7)
8. LA. Act No. 261 (2013) http://www.legis.state.la.us/Legis/ViewDocument.aspx?d=858693. [↑](#endnote-ref-8)
9. ME. Rev. Stat. Ann. tit. 17-A, § 1175-A (2016). [↑](#endnote-ref-9)
10. Susan Keilitz, *Addressing Victims’ Rights in Pretrial Justice Reform*, 1 (Pretrial Justice Center for Courts Brief, 2016), http://www.ncsc.org/~/media/Microsites/Files/PJCC/Pretrial%20victims%20issues%20brief%20Final.ashx. [↑](#endnote-ref-10)
11. *Id.* at 2.  [↑](#endnote-ref-11)
12. Title IX Investigations - 2012 Legal Issues in Higher Education (slide 26), http://www.slideshare.net/margolishealy/mha-title-ix-investigations-2012-legal-issues-in-higher-education (last visited Oct. 13, 2016). [↑](#endnote-ref-12)
13. Human Rights Watch, Improving Police Response to Sexual Assault p. 3–16 (2013), https://www.hrw.org/sites/default/files/reports/improvingSAInvest\_0.pdf. [↑](#endnote-ref-13)
14. Douglas E. Beloof, *The Third Wave of Crime Victims’ Rights: Standing, Remedy, and Review*, 255 B.Y.U. L. Rev. 255, 343 (2005). [↑](#endnote-ref-14)
15. *See* 18 U.S.C. § 3771(a) (2016). [↑](#endnote-ref-15)
16. *See* 18 U.S.C. § 3771(b) (2016). [↑](#endnote-ref-16)
17. *See* 18 U.S.C. § 3771(c) (2016). [↑](#endnote-ref-17)
18. *See* 18 U.S.C. § 3771(f) (2016). [↑](#endnote-ref-18)
19. *See* 18 U.S.C. § 3771(f)(2)(C)–(D) (2016). [↑](#endnote-ref-19)
20. 150 Cong. Rec. S4262 (daily ed. Apr. 22, 2004) (statement of Sen. Feinstein). [↑](#endnote-ref-20)
21. 18 U.S.C. § 3771(e) (2016). [↑](#endnote-ref-21)
22. Fed. R. Crim. P. 1 (“‘Victim’ means a ‘crime victim’ as defined in 18 U.S.C. § 3771(e).”). [↑](#endnote-ref-22)
23. *See* Fed. R. Crim. P. 12.1. [↑](#endnote-ref-23)
24. *See* Fed. R. Crim. P. 17. [↑](#endnote-ref-24)
25. *See* Fed. R. Crim. P. 18. [↑](#endnote-ref-25)
26. *See* Fed. R. Crim. P. 60. [↑](#endnote-ref-26)
27. *Id.*  [↑](#endnote-ref-27)
28. 150 Cong. Rec. S4269 (daily ed. Apr. 22, 2004) (statement of Sen. Feinstein). [↑](#endnote-ref-28)
29. *See* 18 U.S.C. § 3771(d)(1) (2016). [↑](#endnote-ref-29)
30. *Id.*  [↑](#endnote-ref-30)
31. *See* 18 U.S.C. § 3771(d)(3) (2016). [↑](#endnote-ref-31)
32. David E. Aaronson, *New Rights and Remedies: The Federal Crime Victims' Rights Act of 2004*, 28 Pace L. Rev. 623, 649 (2008) (citing United States v. Degenhardt, 405 F. Supp. 2d 1341 (D. Utah 2005)). *See also* United States v. Degenhardt, 405 F. Supp. 2d 1341, 1345 (D. Utah 2005) (“The CVRA gives crime victims the right to be ‘reasonably heard’ at sentencing. One possible interpretation of this phrase is that victims have a right to be heard via a *written* submission to the court, such as a victim impact form. Such an interpretation would rely on the fact that, in some other contexts, courts have construed a right ‘to be heard’ as mandating no more than an opportunity to be heard in writing. Such a construction, however, would defy the intentions of the CVRA's drafters, ignore the fact that defendants and prosecutors make oral statements at sentencing, and disregard the rationales underlying victim allocution. For all these reasons, the court concludes that the CVRA gives victims the right to speak directly to the judge at sentencing.”). [↑](#endnote-ref-32)
33. David E. Aaronson, *New Rights and Remedies: The Federal Crime Victims' Rights Act of 2004*, 28 Pace L. Rev. 623, 649 (2008) (citing United States v. Marcello, 370 F. Supp. 2d 745 (N.D. Ill. 2005)). *See also* United States v. Marcello, 370 F. Supp. 2d 745, 748 (N.D. Ill. 2005) (“The statute clearly and unambiguously grants crime victims the right to be reasonably heard. The plain language of the statute does not mandate oral presentation of the victim's statement. While the word ‘heard’ does imply oral presentation in ordinary English, it does not have that meaning in courts where it is a term of art.”). [↑](#endnote-ref-33)
34. 18 U.S.C. § 3771(d)(6) (2016). [↑](#endnote-ref-34)
35. David E. Aaronson, *New Rights and Remedies: The Federal Crime Victims' Rights Act of 2004*, 28 Pace L. Rev. 623, 672 (2008). [↑](#endnote-ref-35)
36. *Id.*  [↑](#endnote-ref-36)
37. *Most Victims Know Their Attacker*, National Institute of Justice, http://www.nij.gov/topics/crime/rape-sexual-violence/campus/pages/know-attacker.aspx (last visited Oct. 13, 2016). [↑](#endnote-ref-37)
38. Organized Crime Control Act of 1970, Pub. L. No. 91-452, 84 Stat. 922 (1970). [↑](#endnote-ref-38)
39. Michael N. Glanz, *RICO and Securities Fraud: A Workable Limitation*, 83 Columbia L. Rev 1513, 1513–14 (1983). [↑](#endnote-ref-39)
40. 18 U.S.C. § 3521 (2006). [↑](#endnote-ref-40)
41. *Witness Security Program*, United States Marshals Service, https://www.usmarshals.gov/witsec/index.html (last visited Oct. 13, 2016). [↑](#endnote-ref-41)
42. *Id.* [↑](#endnote-ref-42)
43. *California Witness Relocation and Assistance Program*,State of California Department of Justice: Office of the Attorney General, https://oag.ca.gov/witness-protection (last visited Oct. 13, 2016). [↑](#endnote-ref-43)
44. Victim and Witness Protection Act of 1982, Pub. L. No. 97-291, 96 Stat. 1248 (1982). [↑](#endnote-ref-44)
45. *Victim-Witness Program*, United States Attorney’s Office: Western District of Washington, https://www.justice.gov/usao-wdwa/victim-witness (last visited Oct. 13, 2016). [↑](#endnote-ref-45)
46. Douglas J. Kepple, *The Victim and Witness Protection Act of 1982: Retroactive Application for Continuing Crimes*, 58 Fordham L. Rev. 87, 89 (1989). [↑](#endnote-ref-46)
47. *Id.* at 89–90; *see* 18 U.S.C. § 1512(a)–(k) (2008). [↑](#endnote-ref-47)
48. *Restitution*,Black’s Law Dictionary (10th ed. 2014). [↑](#endnote-ref-48)
49. *Id.* at 91. [↑](#endnote-ref-49)
50. Matthew Dickman, *Should Crime Pay?: A Critical Assessment of the Mandatory Victims Restitution Act of 1996*, 97 Cal. L. Rev 1687, 1687 (2009). [↑](#endnote-ref-50)
51. *See* Kepple, *supra* note 46, at 89. [↑](#endnote-ref-51)
52. *See* Dickman, *supra* note 50, at 1688. [↑](#endnote-ref-52)
53. *See* Dickman, *supra* note 50, at 1688. [↑](#endnote-ref-53)
54. *See* Dickman, *supra* note 50, at 1689. [↑](#endnote-ref-54)
55. Dickman, *supra* note 50, at 1689. [↑](#endnote-ref-55)
56. *See* United States v. Mounts, 793 F.2d 125, 128 (6th Cir. 1986) (“While a defendant’s ability to pay is a consideration in the determination of restitution . . . indigency is not a bar to an order of restitution.”) (internal citation omitted). [↑](#endnote-ref-56)
57. Dickman, *supra* note 50, at 1688. [↑](#endnote-ref-57)
58. Minnesota Department of Public Safety, Crime Victim Rights (2016), https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Crime%20Victim%20Rights%20-%20English.pdf. [↑](#endnote-ref-58)
59. *Department of Justice Expands Services for Crime Victims*, United States Department of Justice, https://www.justice.gov/opa/pr/department-justice-expands-services-crime-victims (last visited Oct. 13, 2016) (noting that Congress has raised the appropriation level of the Crime Victims Fund from $745 million in 2014 to more than $3 billion in 2016). [↑](#endnote-ref-59)