



California State Senate

SENATOR
ANGELIQUE V. ASHBY, J.D.
EIGHTH SENATE DISTRICT

April 23, 2025

RECEIVED 4/23/2025

The Honorable John Harabedian
Chair, Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

RE: Audit Request – California’s Restitution System: Collection, Administration, and Victim Compensation Outcomes

Dear Chair Harabedian and Members of the Joint Legislative Audit Committee:

I respectfully request that the Joint Legislative Audit Committee (JLAC) direct the California State Auditor to conduct an audit of the California Department of Corrections and Rehabilitation (CDCR), the Franchise Tax Board (FTB), the California Victim Compensation Board (CalVCB), and county collection programs regarding the implementation and administration of criminal restitution. Specifically, this audit should assess the collection processes, fiscal efficiency, transparency, and outcomes for both victims and individuals ordered to pay restitution, including formerly incarcerated individuals.

Background and Motivation for the Audit

California law mandates restitution to ensure that victims of crime are made financially whole. However, evidence strongly suggests that the current system is failing to achieve its intended goals. A 2022 policy analysis by UC Berkeley’s Policy Advocacy Clinic concluded that California’s restitution system often harms both survivors and the individuals ordered to pay, and that garnishment practices are punitive, lack transparency, and are fiscally inefficient.

Key issues include:

- Many survivors report receiving little or no compensation — with surveys from the San Francisco District Attorney’s Office and the Prosecutors Alliance of California showing that 68% to 87% of survivors receive nothing at all.
- Victim compensation is contingent upon burdensome eligibility requirements and survivors are frequently denied even when restitution goes unpaid.

- Public records and policy reviews suggest that the amounts collected frequently fund administrative costs, interest, and overhead — raising questions about whether restitution functions as a tool of justice or systemic debt.
- Individuals ordered to pay restitution are often low-income and disproportionately of Black, Brown, and Indigenous descent. They are subjected to long-term wage garnishment, including in prison, where they earn as little as \$0.08 per hour. Up to 50% of their wages and trust deposits are withheld, primarily from funds provided by family members.
- The State Restitution Fund, supported in part by fines and fees, is projected to become insolvent in the next decade without significant reform.

Scope and Purpose of the Audit

The purpose of this audit is to provide a comprehensive operational and fiscal review of California’s restitution system, focused on ensuring equity, transparency, and victim-centered outcomes. The audit should examine the following:

1. Collection and Distribution

- How much restitution has been ordered, collected, and remains outstanding in the last 10 years?
- What percentage of collected restitution is ultimately received by victims?
- How much is retained by CDCR, FTB, or county collection programs as administrative fees, penalties, or interest?
- What accounts for the gap between what is ordered and what is distributed?

2. Agency Practices and Oversight

- How do CDCR, FTB, and counties coordinate or differ in their restitution collection practices?
- Are there discrepancies between statutes and actual practice in the garnishment of inmate wages and trust account deposits?
- How do courts, probation departments, and CDCR determine the collection rates or modification of restitution orders?

3. Equity and Harm

- What is the demographic breakdown of individuals ordered to pay restitution (by race, income level, age, and education)?
- To what extent are formerly incarcerated people barred from parole, expungement, or employment due to unpaid restitution?
- What are the impacts of restitution-related garnishment on reentry, family financial stability, and mental health?

4. Victim Compensation

- How are eligibility decisions made by CalVCB, and how many victims are denied funding annually?

- What portion of State Restitution Fund disbursements go directly to victims vs. administrative costs?
- How many victims receive compensation one year, five years, and ten years after a restitution order is issued?

5. Accountability and Fiscal Solvency

- What is the current status and long-term outlook for the State Restitution Fund?
- How much is spent by CDCR, FTB, and counties annually on collection efforts?
- What mechanisms exist to ensure restitution obligations are not wrongfully imposed or over-collected?

Equity and Vulnerable Populations

This audit is essential for addressing systemic disparities in the criminal legal system. As documented in multiple reports, the current restitution framework perpetuates economic inequity and exacerbates racial injustice. Survivors of harm face retraumatization and disappointment when the restitution system fails to deliver compensation.

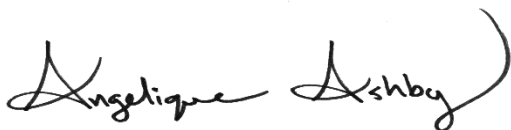
Restitution collection should not be a vehicle for wealth extraction from overpoliced communities. Instead, it must serve restorative, not punitive, ends. This audit will assess whether the current system aligns with California's values of justice, equity, and fiscal accountability.

Urgency

Given the breadth and depth of harm associated with the current restitution structure and the potential for legislative action during the 2026 session, we respectfully request that this audit be initiated promptly and completed in time to inform the 2026-27 policy and budget cycles.

Thank you for your consideration of this important request. We look forward to working with the Committee to ensure California's restitution system is reimagined to truly serve survivors and uphold restorative justice.

Sincerely,

A handwritten signature in black ink that reads "Angelique Ashby". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Senator Angelique Ashby
Senator, District 8