

Restitution for Rewards

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Suppose a crime victim offers a reward related to a crime—money for information leading to the return of stolen property, or perhaps information leading to the apprehension of an assailant. If the reward works and leads to a person’s conviction, may the court order the defendant to pay the victim restitution for the reward? Today’s post considers that question, and the related question of whether it is proper to order restitution to third parties that offer rewards, like crime stoppers.

No North Carolina statute answers these questions directly. In general, a judge may order restitution to a crime *victim*, defined as a person “directly and proximately harmed as a result of the defendant’s commission of the criminal offense.” [G.S. 15A-1340.34\(a\)](#). Restitution is limited to “injuries or damages arising directly and proximately out of the offense committed by the defendant.” G.S. 15A-1340.34(b).

The question, then, is whether the victim’s decision to offer a reward flows directly and proximately from the defendant’s offense. On the one hand, the victim obviously would not have offered the reward but for the defendant’s crime. *People v. Dillingham*, 881 P.2d 440, 442 (Colo. Ct. App. 1994). On the other hand, the offer of a reward is a voluntary act “subsequent to infliction of the damage by the victim,” and not a direct result of the defendant’s actions. *Id.* at 443 (Jones, J., dissenting). *Dillingham*—itself a divided opinion—is one of the only cases to consider the question nationally. A reward is not among the things listed in [G.S. 15A-1340.35](#), which sets out the things a judge *shall* consider when determining restitution, but it is arguably tied up in the return of the property, which is listed.

In cases of property theft, if the amount of the reward is similar to the value of the stolen property, a defendant ordered to pay restitution for the reward isn’t much worse off than he or she would have been if the property hadn’t been recovered. He or she clearly could have been ordered to pay restitution for the its fair market value. But what if the victim offers a large reward for something of low market but high sentimental value? For instance, suppose I had offered a large reward for the return of my old external hard drive that was nearly worthless as a piece of computer hardware, but was priceless to me for the family pictures it contained. To require the defendant to reimburse that sort of reward starts to feel like a measure of idiosyncratic pain and suffering, which we know is an improper basis for restitution. *State v. Wilson*, 158 N.C. App. 235 (2003).

A related question arises when a third party, like a local crime stoppers organization, offers a reward for information leading to a defendant’s capture. If the defendant gets caught and crime stoppers pays, may the court order the defendant to pay restitution to crime stoppers? I don’t think so. Crime stoppers is neither a victim of the defendant’s crime, G.S. 15A-1340.34(a), nor an entity that provided assistance to the victim *and is subrogated to the rights of the victim*, [G.S. 15A-1340.37\(b\)](#). That last clause allows for restitution to the Crime Victims Compensation Fund, which *is* subrogated to a victim’s rights when compensation is awarded, [G.S. 15B-18](#), but not to crime stoppers.

Other state courts to have considered the question generally conclude that restitution may not be awarded to crime stoppers. See *Grace v. State*, 899 So. 2d 302, 309 (Ala. Ct. Crim. App. 2004) (“Based upon the language of the restitution act, the payments of rewards by Crime Stoppers . . . do not constitute ‘pecuniary damages’; thus, the payors of the rewards cannot be ‘victims’ as that term is used in the restitution act.”); *Com. v. Anderson*, 575 A.2d 639, 640 (Pa. Super. Ct. 1990) (“Since the funds used by ‘Crime Stoppers’ [are] voluntarily donated and not public

funds, the organization cannot be considered a victim for purposes of restitution.”). Some states explicitly allow for restitution to crime stoppers organizations by statute, see, e.g., [Okla. Stat. tit. 22, § 991a\(A\)\(1\)\(g\)](#), but North Carolina does not. The closest thing we have, I think, is the special condition of probation requiring a defendant to pay DENR or the Wildlife Resources Commission for any reward they paid. [G.S. 15A-1343\(b1\)\(5\)](#).