

For immediate release  
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### **Mixed Message to Crime Victims From U.S. Supreme Court; Victims to Return to Congress**

Today the Supreme Court issued a significant decision impacting victims; unfortunately it is one of mixed messages and new hurdles. The case involves the proper scope of financial recovery for a victim in a child-abuse image case (aka child pornography cases). In one breath the Court acknowledged these victims are directly, foreseeably, and significantly harmed by the viewing of their images and have a right to mandatory restitution; in the next breath the Court left determination of the amount of recovery to the very trial courts that have issued awards ranging from zero to multiple millions of dollars.

In *Paroline v. United States*, Defendant was convicted of possessing two images of “Amy” being photographed as her uncle sexually abused her when she was a young girl (8 years old). “Amy” had sought – and the Appellate Court ordered – defendant to pay a total of approximately \$3.4 million in restitution for harms including future counseling and lost income. The Supreme Court reversed and remanded. Despite recognizing that the victim’s costs “are direct and foreseeable results of child-pornography crimes, including possession”, that “every viewing of child pornography is a repetition of the victim’s abuse,” and that Congress’ clear intent was “that victims of child pornography be compensated by the perpetrators who contributed to their anguish”, the Court returned the case to the trial court urging it to use its “discretion and sound judgment” to determine the amount of restitution.

According to Meg Garvin, Executive Director of NCVLI and Clinical Professor of Law at Lewis & Clark Law School in Portland, Ore., “While we applaud the Court’s recognition of the trauma these victims endure and the mandatory nature of their right to restitution, the practical outcome of the Court’s decision is that individual victims must seek restitution case-by-case, year-by-year, even while in the midst of dealing with their trauma. The Court’s caution that restitution awards should not ‘be a token or nominal amount’, is meager guidance for the courts of this country in light of the varied landscape of awards over the years.”

Garvin continued: “For years, NCVLI has fought in state and federal courts to secure full restitution for these victims. The fight has been arduous and today’s decision makes clear that the fight is not over; we must return to Congress and have them affirm the country’s commitment to victims by drafting an even clearer statute to afford the right to full and timely restitution from each and every perpetrator.”

#### **MORE INFORMATION:**

The National Crime Victim Law Institute’s amicus curiae brief is available here:  
<http://www.childlaw.us/wordpress/wp-content/uploads/2013/11/12-8561-Amicus-National-Crime-Victim-Law-Institute.pdf>

The brief of a collection of Anti-Violence Against Women Groups and Professors, including Law Professor Meg Garvin is available here:

<http://blog.marshlawfirmpllc.netdna-cdn.com/wordpress/wp-content/uploads/2013/11/12-8561-Amicus-DVLEAP.pdf>

For Amy's statement regarding the decision: <http://www.childlaw.us/disappointment-at-the-supreme-court-amys-reaction/>

For a timeline of NCVLI's involvement in this and similar cases across the country:

<http://law.lclark.edu/live/news/24416>

Founded in 2000, the [National Crime Victim Law Institute](#) is a national resource for crime victim lawyers and advocates to support the assertion and enforcement of victims' rights in criminal and civil court processes. NCVLI continues to be the only national organization whose mission is focused on enforcement of victims' rights in the courts.