

After a Riot, Who Pays for The Damage?

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Riots erupt in the United States often in the wake of racial tensions created by police activities. Often beginning as peaceful protests, these demonstrations sometimes degenerate into violent riots where people and property suffer harm, leaving innocent people to pick up the pieces.

This has led many to ask who should pay for the damage after a riot?

Insurance

The first entities that typically must pay for these injuries and damages are insurance companies. When a property owner suffers losses thanks to rioters, insurance policies will often cover the losses. Similarly, those injured on someone's property may be able to seek relief from the insurance company of the property owner. And, of course, the insurance of motorists whose vehicles are damaged in a riot typically pay for those losses, as well.

However, insurance is not always obliged to pay for the types of losses sustained in a riot. For example, some businesses may not have protection against theft (a common occurrence during riots). Depending on how one's injuries are sustained, property insurance may not be liable if the injury suffered was not one against which the property owner could have taken measures to protect the injured party. Some policies may even include explicit exceptions for damages suffered due to civil unrest. Others may have high deductibles that make it impossible for the property owner or injured person to become whole again, particularly after the devastation that widespread rioting may cause to a community.

Rioters

The next obvious target for seeking recovery is from the rioters themselves. Unfortunately, it is often difficult to identify these people during the chaos of a riot. If one is fortunate enough to have surveillance camera footage, they might be able to get a positive identification for a suspect, but then the issue becomes recovery. Often, those who engage in riots feel in some way disenfranchised, normally due to financial disadvantage. As a result, the odds of making a full recovery from individual rioters are very small.

However, if one wishes to pursue this option, the first step would be to contact law enforcement. Report the individual's conduct and provide any supporting evidence establishing the individual's presence at the scene and actions he or she took that caused harm. If the state opts to press charges against that individual, then anyone he or she harmed by the actions that led to the prosecution could be entitled to restitution.

Alternatively, one could file a personal civil suit against the individual. Theories for the suit would vary based on the type of harm suffered, whether it was a personal injury suffered in an attack, property damage and loss from a break in, vandalism, lost business, etc. To fully investigate the options for a civil action, contact an attorney.

Government

Finally, one might think to look to the government for assistance. Unfortunately, since 1883, when the Supreme Court ruled in *Louisiana ex rel. Folsom v. New Orleans*, states have been able to make their own determinations as to whether or not to grant riot relief. As a result, not every state has a riot relief fund, and even if it does, it is not obligated to provide payments from that fund. This case also means that there are generally no federal funds available for riot damage as there would be in the event of disaster relief. Thus, organizations like FEMA will not be on the scene after most riots, passing out food and shelter. If the state legislature does not opt to fund riot relief or to disburse those funds to someone who has suffered a loss, there are generally no other government options.

Private Organizations

In some cases, private organizations have stepped in to fill the void between these various recovery options. When insurance, private actions, and governments simply do not cover the harm caused, these organizations will sometimes help to make injured people whole again. Unfortunately, as with any charitable organization, their resources are limited and they can usually only help those most deeply affected by a riot. This may require one to file requests for assistance early and follow-up on them frequently. Even then, payment is far from guaranteed.

To Learn More

In each case, there may be additional options available based on one's location and the circumstances of the rioting. To more fully explore all of the available options, contact an attorney in your area. You can use the lawyer search feature of HG.org to find an attorney near you.

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