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Monetary Restitution and Victim/Offender Contact: An Annotated and Cross-Referenced Bibliography

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**Monetary Restitution and Victim/Offender Contact:
An Annotated and Cross-Referenced Bibliography**

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ABSTRACT

This is one of two volumes of references and annotations covering the English language literature about monetary restitution (MR) and community service work orders (CS) as sanctions for offenders. Using previous bibliographies, library resources, searches of computerized data bases, and personal contacts we located 940 conference presentations, academic theses, books, articles in professional or academic journals, and reports issued by governmental or private organizations. We categorized each item according to (a) content focus (eleven categories); (b) age status of offenders (adults, juveniles, or both); (c) type of sanction (MR, CS, or both MR and CS); and (d) position taken on victim offender contact (encouraged, discussed neutrally, discouraged, or not mentioned). The 339 items that addressed MR and the 334 items about both MR and CS are included in this volume. All of the classifications of each of these 673 items are presented simultaneously in a chronologically arranged chart of cross references. These classifications are more fully defined and their frequencies summarized in the introduction. An author index is also provided.

ACKNOWLEDGEMENTS

We gratefully acknowledge the support provided this project by the National Institute of Corrections, U.S. Department of Justice and by Corrections Research and Strategic Policy, Solicitor General of Canada. We thank Barbara, Becky, and Karen for their many hours of typing and Della Goa for her painstaking checking of references and editing. Our sincere thanks and appreciation are extended to all of those colleagues who so generously supplied us with material or made us aware of material we otherwise would have missed. Ultimately, however, this volume is a tribute to the hundreds of persons who have contributed to the literature on community service orders, financial restitution, and victim offender contact.

EXECUTIVE SUMMARY

This is one of two volumes of annotations covering the English language literature on monetary restitution and community service work orders. As used here, monetary restitution is monetary payment and community service is hours of contributed labor that amount to at least part of the penalty, treatment, or sanction imposed on the offender. This volume covers 339 annotations dealing with monetary restitution and an additional 334 covering both monetary restitution and community service. The other volume covers 267 annotations dealing with community service and the 334 that cover both monetary restitution and community service.

Conference presentations, academic theses, books, articles in professional or academic journals, and reports issued by governmental organizations and private agencies are included in this bibliography. We started by editing a previous bibliography. Three major strategies were then employed: a search of Current Contents for relevant items, computer searches, and personal contacts.

The computer strategy involved searching bibliographic data bases including Social Science Citation Index and the Index of Legal Periodicals. Bibliographic computer searches were also undertaken by the U.S. National Institute of Justice/National Criminal Justice Reference Service; Victim Resource Center of the Ministry of the Solicitor General of Canada; and the U.S. Department of Transportation, National Highway Traffic Safety Administration. These searches identified many unpublished documents that would not otherwise have been included. When an abstract was available from the original source, that abstract was edited and used. In addition to searching the literature, recognized experts in the field were contacted and their assistance sought at identifying and accessing relevant materials, particularly unpublished, difficult to obtain items. The reference list format of the Publication Manual of the American Psychological Association (Third Edition) has been used throughout.

Each item has been classified according to (a) content focus (each item in up to three of eleven categories); (b) age status of offenders (adult, juvenile, or both); (c) type of sanction (community service, monetary restitution, or both); and (d) position taken on victim offender contact (encouraged, discussed neutrally, discouraged, or not mentioned). Of the 673 items in this volume, 364 are conceptual, 226 are program descriptions, 118 are legal analyses, 80 are formative evaluations, 69 are outcome evaluations, 49 are studies of public opinion, 42 are studies of use, 37 are general summaries, 34 focus on history, 31 discuss other social science topics, and 16 are cross cultural in nature. Three hundred and twenty one of these items discuss only adults, 147 only juveniles, and 205 both adult and juvenile offenders. Only 248 of these 673 items address issues of contact between victims and offenders. Of these, 150 encourage such contact, 58 discuss victim offender contact neutrally, and 39 discourage such contact.

A chart of cross references included in this volume displays all of the categorizations of all of the items simultaneously. This chart is arranged in chronological order. By

using this chart, readers can locate items with particular combinations of content that were presented, issued, or published in particular years and then turn directly to the references and abstracts of those items. There is also an author index that can be used to locate items produced by particular individuals and organizations.

INTRODUCTION

This is one of two volumes of annotations covering the English language literature on financial restitution and community service work orders. As used throughout, restitution refers to justice system requirements that offenders make financial payments to victims for damages done as a result of law violations. The notion of community service refers to justice system requirements that offenders complete a specified number of unpaid hours of work for a community organization. In both, the monetary payment or hours of contributed labor amount to at least part of the penalty, treatment, or sanction imposed on the offender.

A total of 940 annotations are included in the two volumes. This volume covers 339 annotations dealing with financial restitution and an additional 334 covering both financial restitution and community service. The other volume, Community Service and Victim Offender Contact, contains 267 items dealing with community service along with the same 334 annotations addressing both community service and financial restitution.

The full set of 940 items covered by these two volumes amount to a revised, updated, and expanded version of an annotated bibliography published in 1983.¹ That document contained 395 items published, presented, or issued prior to 1983. Of the 930 dated annotations included in the present volumes (10 are undated), 607 were published, issued, or presented prior to 1983 and 323 since then. In short, there has been substantial interest in restitution and community service since publication of the earlier bibliography.

BIBLIOGRAPHIC SEARCH

Conference presentations, academic theses, books, articles in professional and academic journals, and reports issued by governmental organizations and private agencies are included in this bibliography. Work began with the 395 items contained in the 1983 publication. These were edited, their accuracy verified and duplicates eliminated. Three major strategies were then employed; a search of Current Contents for relevant items, computer searches, and personal contacts.

The computer strategy involved searching bibliographic data bases including Social Science Citation Abstracts and the Index of Legal Periodicals. An initial search was done for all items indexed under the key words, "restitution," "reparations," "community service," "financial restitution," "compensation," and "victim offender reconciliation." Another search was then carried out for all items indexed under, "criminal law," "juvenile justice," "criminal justice," "diversion," and "crime victims." The two sets of terms were

¹Burt Galaway, Joe Hudson, Steve Novack. (1983). Restitution and Community Service: An Annotated Bibliography. Waltham, Massachusetts: National Institute for Sentencing Alternatives, Florence Heller Graduate School, Brandeis University.

then combined with an "and" operator so that all selected documents were indexed under a least one term from the first set and at least one from the second. The document list produced was then reviewed and the bibliographic references examined for additional materials.

Bibliographic computer searches were also undertaken by the U.S. National Institute of Justice/National Criminal Justice Reference Service; Victim Resource Center of the Ministry of the Solicitor General of Canada; and the U.S. Department of Transportation, National Highway Traffic Safety Administration. These searches identified many unpublished documents that would not otherwise have been included. When an annotation was available from one of these bibliographic sources, the original annotation was edited and used. In addition to searching the literature, recognized experts in the field were contacted and their assistance sought at identifying and accessing relevant materials, particularly unpublished, difficult to obtain items.

FORM OF CITATIONS

The citation format of the Publication Manual of the American Psychological Association (APA) has been used throughout.² The APA format has four major elements: author, publication date, title, and source. Where a person or corporate author is identified, this has been cited. Those items with no identified author are cited by title, rather than by the term, "Anonymous." The second descriptive element used is publication year or, in some cases, year and month. This is followed by title and publication information.

CROSS-REFERENCING STRUCTURE

Each citation has been classified according to (a) focus, (b) age status of offenders (adults/juveniles), (c) type of sanction (whether addressing monetary restitution or community service), and (d) position taken on victim and offender contact. The following guidelines were used to make these classification decisions.

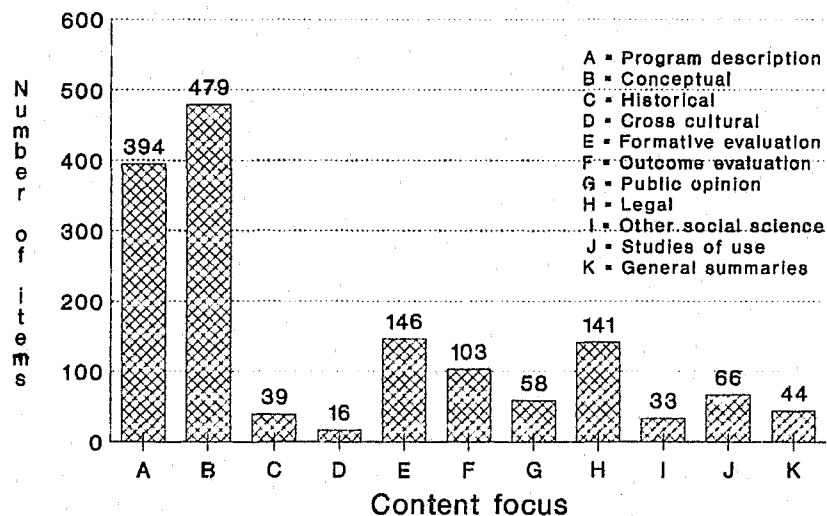
Content Focus. Eleven categories were available and up to three could be applied to any particular item as displayed in Chart 1. The eleven categories were:

- Program description. Narrative descriptions about the operations or intended operations of either a single program or group of related programs;
- Conceptual. A discussion and analysis of restitution or community service issues;
- Historical. Analyses of the historical use of restitution or community service in western legal systems;

²American Psychological Association (1984). The Publication Manual of the American Psychological Association (3rd ed.). Washington, DC: American Psychological Association.

- Cross-cultural. Descriptions of the use of restitution or community service in non-western cultures;
- Formative evaluation. Items involving the systematic application of quantitative or qualitative measurement procedures for the purpose of evaluating the amount and type of effort expended in restitution or community service programs;
- Outcome evaluation. The systematic application of quantitative or qualitative measurements for the purpose of assessing the extent to which the use of restitution or community service accomplished intended outcomes and impacted on offenders, victims or the justice system;
- Public opinion and attitude research. The application of systematic measurement procedures to assess opinions and attitudes about the use of restitution or community service, including views of offenders, victims, justice system officials, and others;

Chart 1
Content Focus of Items In Bibliography*



*Each of the 940 items could be assigned up to 3 content focuses.

- Legal analysis. Legal assessments or studies of restitution or community service, including court decisions, case law developments, analyses of the place of restitution in legal theory, and policy positions about restitution and community service taken by organizations;
- Other social science. Studies of restitution or community service involving social science theory testing;
- Studies of use: Reports on the extent to which the sanctions have been used in different geographic locations or points in the justice system;
- General summaries: Summaries of the use of the sanctions, including summaries of research, and bibliographies;

By allowing for the use of up to three categories for the classification of each item, those items dealing with more than one category could be better identified. As evident from inspection of Chart 1, 394 (42%) of the 940 items were classed as program descriptions, 479 (51%) as conceptual, 146 (16%) as formative evaluations, and so on. Because up to three categories could be applied to any item, the total number of categorizations is larger than the total number of items.

Age Status of Offenders.

The 940 items were also categorized according to whether they referred to adult offenders, juvenile offenders, or both. Chart 2 presents information on the number and proportion of items dealing with these age distinctions.

As evident from inspection of Chart 2, slightly over half (53%) of the 940 items deal only with adults, one fifth (19%) only with juveniles, and slightly over one quarter (28%) with both adults and juveniles.

Type of Sanction. The 940 items were categorized according to whether they deal only with monetary restitution, only with community service, or both. Materials dealing only with monetary restitution are included here, those dealing only with community service are contained in the companion volume, and those concerned with both monetary restitution and community service are included in both volumes. As revealed by inspection of Chart 3, equal proportions (36%) of the 940 items deal only with monetary restitution and with

Chart 2
Age Status of Offenders:
Adult, Juvenile, or Both

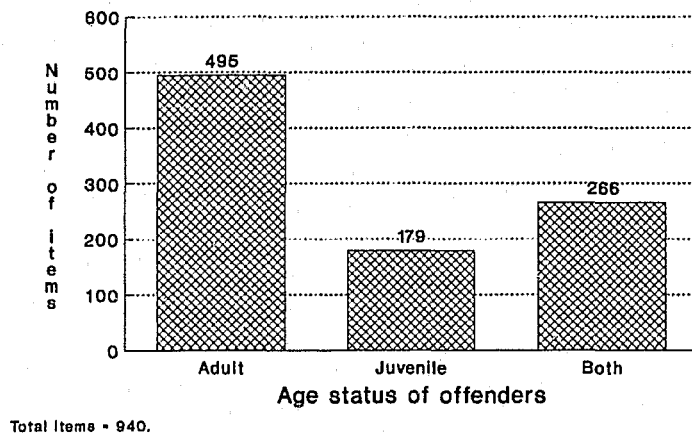
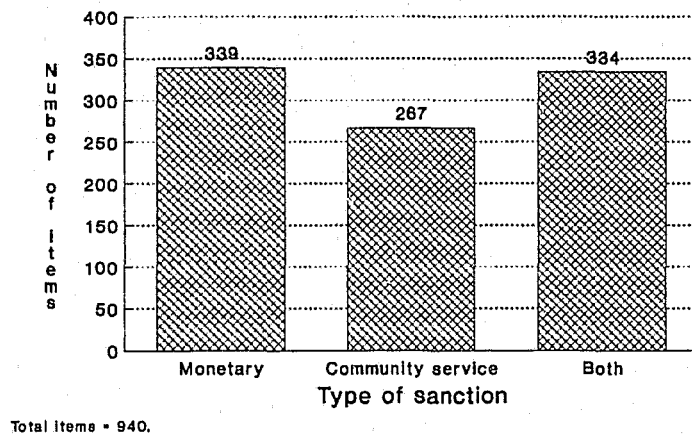


Chart 3
Type of Sanction:
Monetary, Community Service, or Both

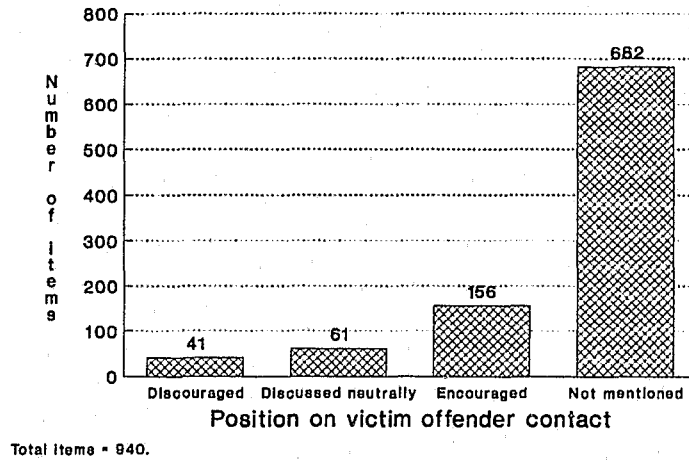


both monetary restitution and community service, while a somewhat smaller proportion (28%) deal only with community service.

Position on Victim Offender Contacts. Items were classified into one of four categories according to the position they conveyed on victim offender contact; contact encouraged, discussed neutrally, discouraged, or not addressed. The distribution of the 940 items is presented in Chart 4.

As evident from Chart 4, approximately three-quarters (73%) of the 940 items do not address the topic of contacts between victims and offenders. Of the remaining 258 articles that deal with the topic, 156 (60%) encourage contact, 61 (24%) take no position on such contact, and 41 (16%) discourage contact between victims and offenders.

Chart 4
Position on Victim Offender Contact

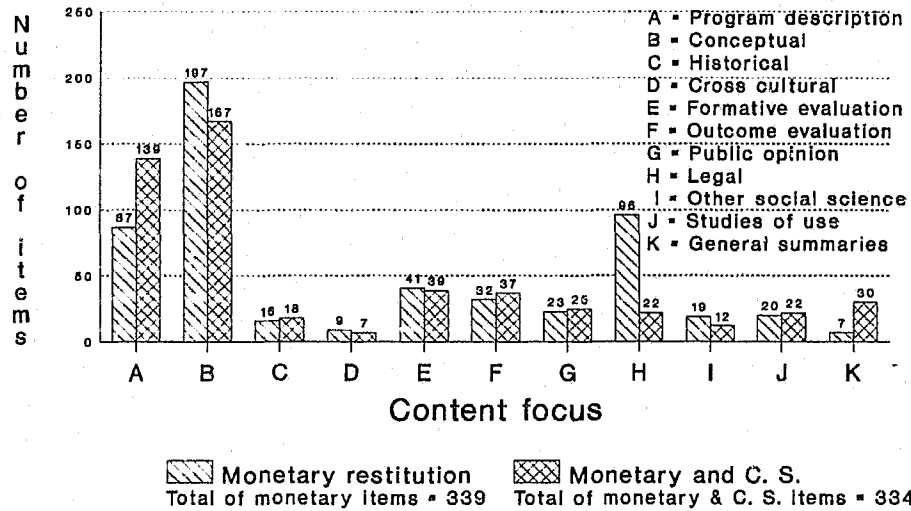


MONETARY RESTITUTION MATERIALS

The remainder of this introductory section deals only with the 673 items covered in this volume -- the 339 items dealing with financial restitution only, along with the 334 covering both financial restitution and community service. The latter part of the introduction to the companion volume presents comparable information on the community service materials included there.

Content Focus of Restitution Materials. Chart 5 presents cross-tabulated information on the 11 categories by the focus of an item on monetary restitution alone or both monetary restitution and community service. As evident from this chart, items addressing only a monetary restitution sanction most frequently classed as conceptual, followed in order by legal analyses, conceptual, formative evaluation, and outcome evaluation. Items addressing both monetary restitution and community service were also likely to be classified as conceptual or program description, but were less likely to contain legal analyses and more likely to be general summaries.

Chart 5
Content Focus* of Items That Address
Monetary Restitution

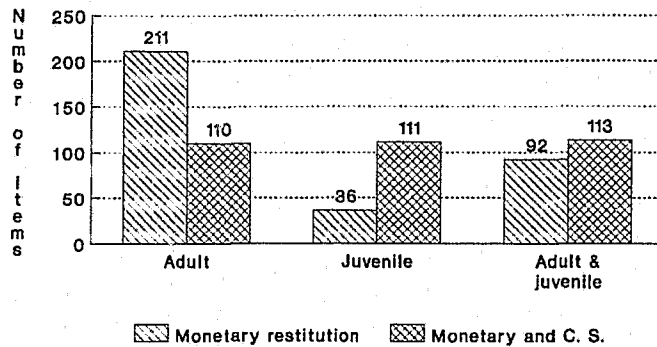


*Each of the 673 items could be assigned up to three content focuses.

Age Status of Offenders.

Chart 6 presents information on the age status of offender according to whether the sanction(s) addressed by the item was monetary restitution only or both monetary restitution and community service. Inspection of Chart 6 reveals that items dealing only with monetary restitution are likely to deal with adult offenders and unlikely to deal only with juvenile offenders. Items dealing with both monetary restitution and community service are about equally likely to deal with adults, juveniles, or both.

Chart 6
Age Status of Offenders in
Monetary Restitution Items

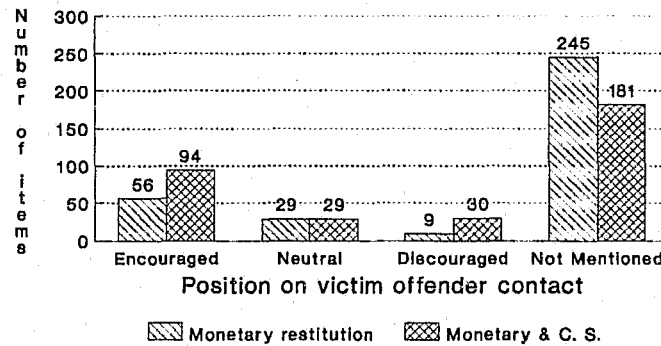


Monetary restitution only items = 339
 Monetary & community service items = 334
 Total items = 673

Position on Victim Offender

Contact. As evident from Chart 7, items addressing both monetary restitution and community service are more likely to deal with the topic of victim offender contact than those items dealing only the sanction of monetary restitution. Also those items dealing with both sanctions were more likely to encourage victim offender contact than those dealing only with monetary restitution.

Chart 7
Position on Victim Offender Contact
in Monetary Restitution Items



Monetary restitutions only Items = 339
 Monetary & community service items = 334
 Total items = 673

CROSS REFERENCING AND USE OF THESE ANNOTATIONS

All of the annotations in this volume are cross referenced in the Chart of Cross References according to 16 classification variables. These have been arranged in the Chart to facilitate easy location of items addressing particular topics or combinations of topics. The first column groups items by year. The second column provides the reference number keyed to the alphabetic listing of the author's surname. The eleven categories used to identify the focus of each item follow in columns 3 through 13, with each item placed in up to three categories. Columns 14 through 16 cover age status, followed by type of sanction, position on victim offender contact and source of abstract.

The abstracts included in this volume came from three sources: the 1983 annotated bibliography³, the cited publication, or were written for this bibliography. Of course, the credit for all of this material belongs to the authors of the original publications. However, the responsibility for annotations or abstracts that may be inaccurate or misleading belongs to us. Because of this, we have categorized abstracts that contain even minor editorial changes from the original sources as written for this bibliography-not in an effort to take credit, but to assume responsibility for errors.

³Burt Galaway, Joe Hudson, Steve Novack. (1983). Restitution and Community Service: An Annotated Bibliography. Waltham, Massachusetts: National Institute for Sentencing Alternatives, Florence Heller Graduate School, Brandeis University.

An illustration of the use of Chart 8, Cross References, may be helpful. A person interested in program descriptions of monetary restitution programs dealing with juveniles that pre-date 1971 would find only one item: number 348. From Chart 8 we can see that this item does not deal with victim offender contact but does address community service. Turning to the reference and abstract (p. 173) reveals that item number 348 is an article in the Journal of Criminal Law that describes the community service sanctions used by Judge Karl Holzschuh in West Germany in relation to the practice of financial restitution in English courts.

In addition to the chart of cross references (Chart 8), an Author Index is provided at back of this volume beginning on page 303. Items are identified in the Author Index by the same numbers as used in the Chart 8.

CHART 8 CROSS REFERENCES

Year published	Item number	Focus of item										Offender's age status			Type of sanction			Position on victim/offender contact			Source of abstract			
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication
1900	570	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1900	572	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1903	25	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1911	549	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-
1914	190	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1927	475	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1939	253	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1939	474	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1944	89	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	X	-
1946	473	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1951	155	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1951	257	-	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1953	112	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-
1957	267	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1957	301	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1958	104	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1958	128	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-
1958	129	-	X	-	-	-	-	-	-	-	-	-	-	X	-	X	X	-	-	-	-	X	-	-
1958	348	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1958	351	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1959	127	-	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X
1959	130	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-
1960	456	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1961	424	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1962	152	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1962	255	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1964	46	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1964	448	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1965	15	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1965	94	-	X	-	X	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1965	467	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1965	495	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	X	-	-
1965	496	-	X	X	-	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	X	-	-
1965	553	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1966	57	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1967	35	-	-	-	-	X	-	X	-	-	-	X	-	-	X	-	-	-	X	-	X	-	-	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact			Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication
1967	303	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1967	309	X	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1968	70	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1968	336	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	X	-	-
1968	354	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1969	299	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1969	337	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1970	264	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1970	298	-	X	X	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1970	334	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1970	338	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1970	339	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1970	401	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1970	454	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-
1970	489	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1970	493	-	X	X	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1970	494	-	X	X	X	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1971	95	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1971	243	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1971	333	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1971	352	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1971	455	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1971	567	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1972	34	-	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1972	148	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1972	151	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-
1972	182	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-	-	-
1972	492	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1972	523	X	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-
1973	136	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1973	332	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1973	381	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1973	486	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1974	19	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	-	X	-	-
1974	84	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1974	181	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction		Position on victim/offender contact				Source of abstract			
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1974	201	-	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-
1974	265	-	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	
1974	285	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	
1974	341	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1974	355	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1974	373	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	
1974	417	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	-	
1974	436	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1974	485	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1974	648	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	
1975	32	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1975	124	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	-	-	X	
1975	179	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1975	180	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1975	187	-	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	X	-	X	-	-	-	
1975	198	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	
1975	284	-	X	X	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	X	X	-	-	-	
1975	350	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1975	361	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X	X	-	-	-	
1975	400	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-	
1975	408	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1975	427	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	
1975	490	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1975	491	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1975	533	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1975	548	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	
1975	559	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1975	564	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	
1975	565	-	X	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1976	61	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-	
1976	71	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	-	
1976	77	-	-	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	X	-	
1976	92	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
1976	106	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	
1976	125	-	-	-	-	-	-	-	X	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	
1976	183	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	X	-	-	-	X	-	-	-	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1976	249	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-	
1976	283	X	-	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	
1976	345	-	X	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	X	X	-	-		
1976	368	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-		
1976	393	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-		
1976	394	X	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	X	-	-	-	X	-		
1976	398	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-		
1976	419	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	X	X	-	-		
1976	420	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-	X	-	-		
1976	423	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-		
1976	450	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X	-	-		
1976	457	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-		
1976	554	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-		
1976	574	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-		
1976	629	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	-		
1976	637	-	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	X	X	-	-		
1976	645	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-		
1977	24	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X		
1977	27	-	X	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-		
1977	42	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-		
1977	47	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X		
1977	49	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	X		
1977	50	-	X	-	X	-	-	X	-	-	-	-	X	X	-	-	-	-	-	X	X	-	-		
1977	52	-	-	-	X	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X		
1977	69	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	X		
1977	123	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	X	X	-	-		
1977	126	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-		
1977	147	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-		
1977	173	-	X	-	-	X	X	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-		
1977	174	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	X	-	-		
1977	175	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	X	-	-		
1977	176	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-		
1977	240	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	X	X	-	-		
1977	268	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-		
1977	273	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X		
1977	275	-	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X		

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact			Source of abstract			
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1977	276	-	-	-	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	-	X
1977	282	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	X	-	-	-	-	-	-	-	X
1977	286	X	-	-	-	X	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-	-	-
1977	297	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1977	312	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1977	367	X	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	X	-	-	-	-
1977	374	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	-
1977	390	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1977	402	-	-	-	X	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	-
1977	413	-	X	-	-	-	-	-	-	X	X	-	-	-	-	X	X	-	-	-	-	X	-	-	-
1977	460	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	X	X	-	-	-	-
1977	461	X	-	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	X	-	-	-
1977	462	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	X	-	-	-	-
1977	468	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-
1977	522	-	-	-	-	-	X	-	X	-	-	X	-	-	X	-	-	X	-	X	-	X	-	-	-
1977	555	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-	-	-	-
1977	556	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1977	566	X	X	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	-
1977	569	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	X	-	-	-	-
1977	571	X	X	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-	-	-	-
1977	646	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1977	661	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	-
1978	17	X	-	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-
1978	75	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	-
1978	78	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-
1978	83	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	X	-	-	-
1978	118	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1978	133	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	-
1978	150	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1978	186	-	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	X	X	-	-	-	-
1978	231	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	-
1978	232	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-	X	-	-	-	-
1978	272	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	-
1978	274	-	-	-	-	X	X	-	-	X	-	-	X	-	-	X	-	-	X	-	X	-	-	-	-
1978	280	-	-	-	-	-	-	-	X	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-
1978	281	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	X	-	-	-	X	-	-	-	-

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1978	295	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1978	313	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	321	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	
1978	335	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	353	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	-	X	
1978	356	X	-	X	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	371	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	375	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1978	386	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1978	389	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-	
1978	392	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	399	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1978	411	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	
1978	428	-	X	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	X	-	-	
1978	429	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-	
1978	440	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	X	-	-	
1978	449	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-	
1978	458	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	
1978	459	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1978	537	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	
1978	558	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	
1978	578	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1978	579	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-	-	
1978	590	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	
1978	610	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	
1978	612	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-	
1978	625	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	
1978	626	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	
1978	628	-	X	-	-	-	-	-	X	-	X	-	-	X	-	-	-	-	X	-	-	-	-	X	
1978	633	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	X	-	-	
1978	638	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	
1978	641	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1978	643	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	
1978	663	X	X	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-	
1979	41	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X	
1979	51	-	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact			Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication
1979	59	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-
1979	67	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	X	-	-
1979	79	-	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	X	-	-
1979	113	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	116	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	-
1979	145	X	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	X	-	-
1979	146	X	X	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-
1979	178	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	-
1979	195	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	204	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-	-	-	X	-
1979	217	-	-	-	-	-	X	-	X	-	-	X	-	X	-	-	X	-	-	-	-	-	-	X
1979	218	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	225	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	-
1979	234	X	-	-	-	X	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	-
1979	235	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	-
1979	236	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-
1979	237	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-
1979	238	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	-
1979	291	X	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	-
1979	304	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	-
1979	319	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-
1979	322	-	X	-	-	-	-	X	-	X	X	-	-	X	-	-	-	-	-	X	-	X	-	-
1979	323	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	X	-	-	-
1979	360	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	370	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	X	-	-	X	-	-	-	-
1979	388	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	416	-	-	-	-	-	-	-	X	-	X	-	-	X	-	-	-	-	-	X	-	-	X	-
1979	418	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	X	-	X	-	X	-	-
1979	421	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-
1979	434	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	-
1979	445	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	453	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-	-
1979	470	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-
1979	471	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	518	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	-
1979	538	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	X	-	-	-

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous biblog.	From publication	This bibliography
1979	547	X	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X
1979	573	X	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-
1979	576	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	X	-	
1979	587	X	X	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	
1979	589	X	-	-	-	X	-	-	-	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	
1979	594	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	
1979	622	-	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	X	
1979	624	X	-	-	-	X	X	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	X	
1979	632	X	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	X	-	-	
1979	634	X	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	
1979	662	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	
1980	9	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1980	10	X	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-	
1980	11	X	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1980	12	-	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	X	-	-	X	-	-	
1980	14	-	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	
1980	22	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1980	23	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X	-	-	
1980	29	X	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	-	X	
1980	73	-	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-	
1980	76	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1980	88	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	
1980	91	X	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1980	100	-	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	
1980	105	X	X	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	X	-	
1980	115	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	-	X	
1980	119	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	
1980	138	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	
1980	139	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	-	X	
1980	140	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	X	-	-	
1980	141	-	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	
1980	166	X	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-	
1980	167	X	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-	
1980	168	X	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	
1980	169	X	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	X	-	-	
1980	170	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1980	171	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-
1980	172	X	-	-	-	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	X	-	-
1980	177	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	X	-	-	
1980	188	-	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	
1980	189	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1980	196	-	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	X	-	-	-	-	-	X	
1980	206	-	X	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-	
1980	224	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	X	-	-	
1980	229	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	
1980	230	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	
1980	246	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1980	247	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1980	254	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1980	259	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1980	260	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1980	261	-	X	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	
1980	269	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	
1980	270	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	
1980	271	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	
1980	279	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	-	-	X	
1980	287	-	X	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-	-	-	-	X	
1980	289	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1980	290	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1980	296	X	-	-	-	X	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-	
1980	302	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1980	317	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1980	328	X	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1980	372	-	X	-	-	-	-	-	-	-	-	X	-	X	-	-	X	-	-	-	-	-	-	X	
1980	377	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-	
1980	379	-	-	-	-	X	-	-	-	-	-	X	-	X	-	-	X	-	-	-	-	X	-	-	
1980	395	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1980	414	-	X	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1980	425	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	X	-	-	
1980	426	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	-	
1980	446	-	X	X	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1980	476	X	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1980	477	-	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	X	X	-	-	
1980	478	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1980	479	X	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1980	506	-	X	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1980	507	-	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1980	509	X	-	-	-	-	X	-	-	-	-	-	X	-	X	-	-	-	-	-	X	X	-	-	
1980	514	-	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1980	519	-	-	-	-	-	X	-	X	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1980	525	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1980	531	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	X	-	-	X	-	-	-	
1980	532	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	X	-	-	-	
1980	546	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1980	588	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1980	621	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1980	631	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	
1980	666	X	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1980	671	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1980	673	X	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1981	3	X	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1981	7	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	X	-	-	-	X	-	-	-	
1981	33	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1981	38	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	
1981	39	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1981	68	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X	
1981	107	X	X	-	-	X	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	X	-	
1981	132	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1981	211	X	-	-	-	X	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	X	-	
1981	228	-	X	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	X	-	-	
1981	239	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1981	251	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1981	256	-	-	-	-	X	-	X	-	X	-	-	X	X	-	-	-	-	-	-	X	-	-	X	
1981	263	-	X	X	X	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1981	278	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-	-	
1981	292	-	-	-	-	X	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	X	
1981	293	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1981	300	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item										Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication
1981	318	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	326	X	-	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-
1981	327	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-
1981	344	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	X	-
1981	347	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X
1981	366	-	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	369	-	X	X	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-
1981	378	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	-
1981	382	-	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	391	-	-	-	-	X	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-
1981	472	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	508	X	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	530	-	-	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	X	-	-
1981	551	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X
1981	552	X	-	-	X	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	557	-	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-
1981	585	X	X	-	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	X	-	-	X
1981	586	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X
1981	595	X	-	-	-	-	-	-	-	X	-	X	-	-	-	X	-	-	-	-	X	-	X	-
1981	607	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1981	608	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X
1981	653	X	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X
1981	660	-	X	-	-	-	-	-	-	-	-	-	-	X	-	X	X	-	-	-	-	X	-	-
1981	664	X	X	-	-	-	-	-	-	-	-	-	-	X	-	X	X	-	-	-	-	-	-	X
1982	18	X	X	-	-	X	-	-	-	-	-	-	-	X	-	X	-	-	-	-	X	-	-	X
1982	30	X	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-
1982	31	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X
1982	90	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1982	97	-	-	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-
1982	114	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-
1982	191	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	-	X	X	-	-
1982	199	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X
1982	200	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1982	216	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1982	223	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	-
1982	227	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	-	-	X

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1982	250	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	X	-	
1982	258	X	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	
1982	305	X	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1982	310	-	X	-	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-		
1982	311	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-		
1982	314	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1982	315	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1982	320	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-		
1982	325	X	X	-	-	X	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X		
1982	365	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X		
1982	397	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	X		
1982	410	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X		
1982	415	X	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1982	422	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-		
1982	430	-	-	-	X	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X		
1982	431	-	-	-	X	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	X		
1982	469	X	-	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	X		
1982	512	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-		
1982	515	-	X	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	X	-	X	-		
1982	521	-	-	-	-	X	-	-	-	X	-	X	-	-	-	X	-	X	-	-	-	-	X		
1982	524	-	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	X	-	-	-	-	X		
1982	526	-	X	-	-	-	-	X	-	-	-	-	X	X	-	-	X	-	-	-	X	-	-		
1982	535	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	X		
1982	536	-	-	-	-	X	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X		
1982	544	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X		
1982	592	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	-	X	-		
1982	639	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-		
1982	650	X	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	X		
1982	659	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X		
1982	672	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X		
1983	13	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	X		
1983	26	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-		
1983	45	-	X	-	-	-	X	X	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X		
1983	53	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1983	54	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1983	58	X	X	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact			Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication
1983	72	X	X	X	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X
1983	108	X	X	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X
1983	134	X	X	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	
1983	164	-	X	-	-	-	-	-	-	-	-	-	-	X	-	X	X	-	-	-	-	-	-	X
1983	165	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X
1983	185	X	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	X
1983	194	X	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-
1983	205	X	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	X
1983	207	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	X	-
1983	208	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	X
1983	209	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	210	-	-	-	-	X	-	-	-	-	-	-	X	-	X	-	-	-	-	X	-	-	-	X
1983	226	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X	-
1983	245	-	X	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X
1983	248	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	-
1983	262	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X
1983	343	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	X
1983	380	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X
1983	404	-	X	-	-	-	-	X	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	X
1983	463	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X
1983	510	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	511	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	516	X	-	-	-	X	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	517	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	520	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	528	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	529	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	-
1983	545	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	-
1983	563	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	X
1983	568	-	X	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X
1983	606	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X
1983	619	-	X	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-	-	X	-	-	-	X
1983	620	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X
1983	649	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X
1983	658	X	X	-	-	-	-	-	-	-	-	-	-	X	-	X	X	-	-	-	-	-	X	-
1983	669	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1984	2	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	X	
1984	5	-	X	X	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	X	
1984	16	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	20	X	-	-	-	-	-	X	-	-	-	-	-	X	X	-	-	-	-	X	-	X	-		
1984	37	-	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	
1984	64	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X		
1984	80	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X	
1984	98	-	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	X	
1984	103	X	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	111	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	144	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	149	-	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	157	X	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	162	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	163	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	203	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	222	X	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	
1984	242	-	X	-	-	-	-	X	-	-	-	-	-	X	X	-	-	-	-	X	-	-	X		
1984	244	X	X	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	X	-		
1984	316	-	X	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	349	X	X	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	358	-	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	
1984	363	X	X	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	X	-	-	-	-	X	
1984	383	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	-	X	-	X	-		
1984	384	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X		
1984	405	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	X	
1984	437	X	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	X	-	
1984	452	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	466	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	
1984	504	X	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-		
1984	505	-	-	-	-	X	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	
1984	542	-	X	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	
1984	543	-	X	-	-	-	X	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	X	
1984	550	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	-	
1984	614	-	X	-	-	-	X	-	-	X	-	X	-	-	X	-	-	-	-	X	-	-	-	X	
1984	636	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact			Source of abstract			
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1984	640										X	X			X							X		X	
1984	652	X						X				X					X					X			X
1984	657		X									X			X			X							X
1985	1	X	X									X			X							X		X	
1985	6										X	X					X					X			X
1985	28		X							X	X		X				X					X			X
1985	40	X	X			X							X				X	X							X
1985	60	X	X					X				X			X							X		X	
1985	62		X								X		X				X					X			X
1985	63	X	X										X				X					X		X	
1985	65		X											X	X				X						X
1985	66		X												X	X			X						X
1985	87					X	X							X			X	X							X
1985	96		X								X		X				X		X						X
1985	117	X	X			X						X					X					X			X
1985	121	X	X									X			X							X		X	
1985	137										X		X				X					X			X
1985	161		X											X			X	X							X
1985	184										X			X								X			X
1985	252		X	X				X				X			X							X			X
1985	266											X					X					X		X	
1985	288										X			X			X					X			X
1985	294	X												X	X			X							X
1985	306	X											X				X					X		X	
1985	329		X							X	X		X				X		X						X
1985	331	X	X			X							X				X					X		X	
1985	340	X	X											X			X	X						X	
1985	364	X	X											X	X			X							X
1985	387	X	X									X			X							X	X		
1985	403											X			X							X			X
1985	406	X	X											X			X	X							X
1985	409													X	X							X		X	
1985	412	X				X								X	X							X		X	
1985	432												X		X			X							X
1985	435	X	X										X				X					X		X	
1985	465		X											X	X				X						X

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1985	498	X	X	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	X	-	-	
1985	500	-	X	-	-	-	-	-	-	X	-	X	-	-	-	X	-	X	-	-	-	-	-	X	
1985	501	-	X	-	-	-	-	-	-	X	-	X	-	-	-	X	-	X	-	-	-	-	-	X	
1985	502	-	X	-	-	-	-	-	X	X	-	X	-	-	-	X	-	X	-	-	-	-	-	X	
1985	503	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	
1985	513	-	-	-	X	X	-	-	X	-	-	X	-	-	-	X	-	X	-	-	-	-	-	X	
1985	527	-	-	-	-	X	X	-	-	X	-	X	-	-	-	X	-	-	-	X	-	-	-	X	
1985	541	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1985	562	X	X	-	-	-	-	-	-	X	-	X	X	-	-	-	-	-	-	X	-	X	-	-	
1985	584	-	X	X	-	-	-	X	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	
1985	604	X	X	-	-	-	-	-	X	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X	
1985	605	-	X	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-	-	-	-	-	X	
1985	609	-	-	X	X	-	X	-	-	-	X	-	-	-	-	X	-	-	-	X	-	-	-	X	
1985	613	X	X	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	-	
1985	618	-	-	-	-	X	-	X	-	-	X	-	X	-	-	-	-	-	-	X	-	-	-	X	
1985	656	-	X	-	X	X	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	-	
1985	665	X	X	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	X	-	-	X	
1985	667	-	-	-	X	-	-	-	X	-	X	-	X	-	-	-	-	X	-	-	-	-	-	X	
1985	668	-	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	-	X	
1986	44	-	-	-	-	-	X	-	-	-	-	X	X	-	-	-	-	-	X	-	-	-	-	X	
1986	56	-	-	-	X	-	-	-	X	-	X	-	X	-	-	X	-	-	-	-	-	-	-	X	
1986	74	-	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	
1986	82	-	X	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	X	-	-	X	
1986	99	-	X	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	
1986	101	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	
1986	109	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-	X	
1986	120	-	X	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	-	
1986	142	-	-	X	-	-	-	-	-	X	-	X	-	X	-	-	-	-	X	-	-	-	-	X	
1986	193	-	-	-	-	-	-	-	X	-	-	X	-	X	X	-	-	-	-	-	-	-	-	X	
1986	241	-	X	-	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X	
1986	308	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	X	-	X	-	-	X	
1986	346	-	X	-	X	-	-	-	-	X	-	X	-	X	-	-	-	-	X	-	X	-	-	X	
1986	376	-	X	-	X	-	-	-	X	-	X	-	X	-	-	-	-	X	-	-	-	-	-	X	
1986	443	-	X	-	-	-	X	X	-	-	-	X	X	-	-	-	-	X	-	-	-	-	-	X	
1986	444	-	X	X	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	-	-	X	
1986	447	X	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1986	451	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1986	481	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1986	484	-	X	-	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-	
1986	488	-	X	-	-	X	-	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	X	-	
1986	497	X	X	-	-	-	-	-	-	-	-	X	-	X	-	-	X	X	-	-	-	-	-	X	
1986	499	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	-	X	
1986	539	-	-	-	-	-	-	X	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	
1986	561	X	X	X	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1986	575	X	X	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1986	583	X	X	-	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	
1986	591	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1986	601	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1986	602	X	-	-	-	-	-	-	X	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	
1986	603	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1986	616	-	X	X	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	-	
1986	617	X	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	-	-	-	X	-	
1986	635	-	X	-	-	-	X	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	-	X	
1986	644	-	X	X	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	X	-	
1987	4	-	X	-	-	-	-	-	X	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	
1987	55	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1987	102	X	X	-	-	-	-	-	X	-	-	-	X	X	-	-	-	X	-	-	-	-	-	X	
1987	110	-	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1987	143	X	-	-	-	X	X	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	X	
1987	153	-	X	-	-	-	-	-	X	-	X	-	-	X	-	-	-	X	-	-	-	-	-	X	
1987	156	X	X	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	X	-	
1987	197	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	
1987	221	-	X	-	-	-	-	-	-	X	X	-	-	X	-	-	X	-	-	-	-	-	-	X	
1987	307	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	-	-	-	-	X	-	X	-	
1987	330	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	-	X	-	-	X	
1987	581	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1987	582	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	-	X	
1987	611	-	X	-	-	-	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	-	X	-	
1987	627	X	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	-	X	-	
1987	647	X	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	
1987	651	-	X	-	-	-	-	X	-	X	-	-	X	-	-	X	-	-	-	-	X	-	-	X	
1987	655	-	-	-	-	-	X	-	-	X	-	-	X	-	-	X	-	X	-	-	-	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim offender contact				Source of abstract		
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography
1988	159	-	X	-	-	X	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1988	160	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	X	
1988	324	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	X	-	
1988	396	-	X	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	X	-	-	X	
1988	407	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	X	-	X	-	
1988	433	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	X	-	-	-	-	X	
1988	439	X	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1988	482	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	X	-	-	-	X	
1988	483	-	X	-	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X	-	-	-	X	
1988	560	-	-	-	-	-	-	-	-	X	-	X	-	X	-	-	-	-	-	X	-	-	-	X	
1988	577	-	-	-	-	-	X	-	-	-	-	X	-	X	-	-	-	-	-	X	-	X	-	-	
1988	598	-	X	-	-	-	-	X	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1988	599	-	X	-	-	-	-	X	-	X	-	-	X	-	X	-	-	X	-	-	-	-	-	X	
1988	600	-	-	-	-	-	-	X	-	X	-	-	X	-	X	-	-	X	-	-	-	-	-	X	
1988	654	-	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	X	-	-	-	X	
1989	21	-	X	X	-	-	-	-	-	-	-	X	-	X	-	-	-	-	-	X	-	-	-	X	
1989	36	X	X	-	-	-	-	-	X	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1989	43	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	-	-	-	X	-	-	-	X	
1989	81	X	X	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	86	-	-	-	-	X	X	X	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	122	-	X	-	-	-	-	X	X	-	-	-	X	-	X	-	-	X	-	-	-	-	-	X	
1989	158	X	X	-	-	X	-	-	-	-	-	-	X	-	X	-	-	X	-	-	-	-	-	X	
1989	212	-	X	-	X	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1989	214	X	X	-	-	X	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	215	X	X	-	-	X	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	219	-	X	-	X	-	-	X	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	220	-	X	-	-	-	-	-	X	-	X	-	-	X	-	-	X	-	-	-	-	-	-	X	
1989	441	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	X	-	-	-	-	X	-	-	
1989	442	-	X	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	464	-	X	-	-	-	-	-	X	-	X	-	-	X	-	-	-	X	-	-	-	-	-	X	
1989	487	X	-	-	-	X	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	597	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1989	623	X	-	-	-	-	-	-	-	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X	
1989	642	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-	X	-	-	-	-	-	X	
1990	85	-	X	-	-	-	-	-	X	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1990	93	-	X	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	

CHART 8 CROSS REFERENCES (continued)

Year published	Item number	Focus of item											Offender's age status			Type of sanction			Position on victim/offender contact				Source of abstract			
		Program description	Conceptual	Historical	Cross-cultural	Formative eval.	Outcome evaluation	Public opinion	Legal	Other social sci.	Study of use	General summary	Adult	Juvenile	Adult & Juvenile	Monetary	Community service	Both M. & C.S.	Encouraged	Discussed neutrally	Discouraged	Not mentioned	Previous bibliog.	From publication	This bibliography	
1990	131	-	-	-	-	-	X	-	-	-	-	-	X	-	-	-	X	-	X	-	-	-	-	-	-	X
1990	135	-	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	-	X
1990	192	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	-	X
1990	213	-	X	-	X	-	-	-	-	X	-	-	-	X	-	-	X	X	-	-	-	-	-	-	-	X
1990	233	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	-	X	
1990	277	-	X	-	-	-	-	-	-	X	-	X	-	-	X	-	-	-	X	-	-	-	-	-	X	
1990	342	X	-	-	-	-	X	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	
1990	359	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	
1990	362	-	X	-	-	X	-	-	-	X	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1990	385	-	-	-	-	-	-	-	-	X	-	-	X	-	X	-	-	X	-	-	-	-	-	-	X	
1990	438	-	X	-	-	-	-	-	-	X	-	-	X	-	-	-	X	X	-	-	-	-	-	-	X	
1990	480	-	-	-	-	-	X	-	-	X	-	-	X	-	-	-	X	-	-	-	X	-	-	-	X	
1990	534	-	X	-	-	-	-	X	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	-	X	
1990	540	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	-	-	X	-	-	-	-	X	
1990	580	-	X	-	-	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1990	593	-	X	-	-	-	-	X	-	X	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
1990	596	-	-	-	-	-	X	-	X	-	-	-	X	-	X	-	-	X	-	-	-	-	-	-	X	
1990	615	-	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	-	-	-	X	
1990	630	-	-	-	-	-	X	-	-	-	-	-	-	X	-	-	X	-	X	-	-	-	-	-	X	
NK	8	X	-	-	-	X	-	-	-	-	-	-	-	X	X	-	-	-	-	-	X	-	-	-	X	
NK	48	X	X	-	-	-	-	X	-	-	-	-	-	X	X	-	-	X	-	-	-	-	-	-	X	
NK	154	-	-	X	-	-	-	-	-	-	-	X	-	-	-	-	X	-	-	-	X	X	-	-	-	
NK	202	-	-	-	-	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	-	-	-	X	
NK	357	X	-	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-	-	X	X	-	-	-	
NK	670	X	X	-	-	-	-	-	-	-	-	-	-	X	-	-	X	X	-	-	-	X	-	-	-	

REFERENCES AND ABSTRACTS

1

Abel, C. F. (1985). Corporate crime and restitution. Journal of Offender Counseling, Services and Rehabilitation, 9(3), 71-94.

This paper discusses the threat of corporate crime, why the criminal justice system has failed to counter it, and a proposed restitutionary approach to corporate crime.

2

Abel, C. F., & Marsh, F.H. (1984). Punishment and restitution: A restitutionary approach to crime and the criminal. Westport, CT: Greenwood Press.

Restitution allows both victims and criminals opportunities to define what will happen to them after a crime is committed. A restitutionary criminal justice system is a problem solving rather than an adversarial approach. Courts should act as neutral arbiters among conflicting value systems to address the damage done by an act and not its intrinsic evil. All seriously pressed demands of any involved individual or group should be given a hearing as to possible damage by the criminal act and monetary recompense deserved. Restitution should be awarded to victims of crimes such as violent acts against people or property, treason, nepotism, fraud, and using public authority for private ends. The amount of restitution should depend on both the injury to the victim and the benefit to the wrongdoer.

A model penal system would include (a) in-prison manufacturing or service programs where both labor and as much administration as possible is done by offenders, (b) residential in-community programs where offenders work in the community and spend off-work time primarily at the center, and (c) nonresidential in-community programs where offenders are treated as parolees. Funding sources for such programs will include bond and stock sales and government-secured loans. Feasibility studies to evaluate the impact of restitution programs on the local economy, and targeting production and services to those areas of the economy where private capitalism does not work are needed. Special approaches are also needed for murderers, offenders who will not work, class differences and appropriate restitution work, government involvement, inflation, and insurance.

3

Ada County District Court. (1981). Juvenile restitution project in the fourth judicial district--Final report. Boise, ID: Ada County District Court.

The report summarizes the results of the juvenile restitution program in Ada County, Idaho, for the 31 months ending in September 1981. The program was one of six sites

throughout the United States that were chosen for intensive evaluation. Project goals were to reduce the numbers of incarcerated youths, to reduce recidivism, and to provide redress in relation to the loss suffered by victims. Additional goals were to increase the youthful offender's sense of responsibility and accountability, community confidence in the juvenile justice process, and knowledge about the feasibility of restitution for juveniles.

Restitution plans were developed for 855 of the 1,077 juveniles referred to the program. The court ordered 633 youths to make restitution in the form of monetary compensation, community service, or direct victim service.

About four-fifths of the offenders complied completely with the restitution requirements. The numbers of youths in the program fell short of the projected number of 1,550 because of the excessive optimism of the original estimate and the Federal policy change preventing incarcerated youth from participating in the program. The youths were assigned an average of 35.5 hours of unpaid community service, \$223 in monetary compensation, or 19.9 hours of victim service. The cost per youth ordered to make restitution of any type was \$290. After the elimination of incarcerated youths from the program, the remaining youths served an average of 1.6 days in detention, compared to about 5 days for all juvenile offenders. The program did not affect the district's arrest rate. Recidivism data were not available. Data from exit questionnaires returned from victims showed that victims were overwhelmingly in favor of the program. All the data collected to date also indicate the feasibility of restitution for juveniles in this district. The county hired two full-time restitution officers and a restitution secretary when Federal funding expired.

4

Adair, H., Harman, J., & Hine, J. C. (1987). Community service in the 80s. England: Association of Chief Officers of Probation.

A mail survey of British chief probation officers to secure information regarding how the community service (CS) sentence was being administered and its relation to probation, which is a social work program in England. Open ended questions were used; a 100% response rate was secured. Increasing the actual numbers of CS orders is not a concern but concern was expressed about persuading courts to use CS for more serious offenders. Most of the probation services perceived CS as a high tariff sanction and believed it should be used as alternative to custody.

Several staffing patterns were noted with a trend toward decentralization with community service staff located at several offices in a county rather than administering the sentence from a central office. Concern was expressed about the use of ancillary staff; what is the rationale for ancillary staff and fully trained probation officers performing the same functions? Potential conflict between efficiency in the administration of the CS sentence and effectiveness was noted. Issues of group versus individual placements were identified and several different patterns of group placements noted. Two issues were

identified for attention; the need for explicit statement of aim of the community service sentence at each local level to clarify the place of community service in the sentencing tariff and the need to resolve disparities in staffing for community service. The community service sentence is at a crossroads from which it must strengthen and consolidate gains if it is to fulfill its role as a sentence for diverting offenders from custody.

5

Alexander, M. C. (1984). Compensation in a Roman criminal law. University of Illinois Law Review, 521-539.

Although continental law tradition places great importance on the distinction between civil and criminal law, Roman law did not. The statutes on extortion, or the illegal acquisition of money by Roman officials, illustrate the apparent ease with which the Romans tolerated both compensatory (civil) and punitive (criminal) elements within the same statute. The extortion laws stipulated simple or multiple damages to be paid to victims, often including the prosecutor. The state also encouraged prosecution through rewards for the prosecutor and other incentives. The extortion statutes performed the functions both of restitution and deterrence. This study suggests that the Roman legislators, at least in the Late Republic, did not consider it necessary to draft their laws according to strict jurisprudential categories, but rather wrote their laws to solve certain problems and accomplish certain goals.

6

Allen-Hagen, B. (1985). Federal assistance for juvenile restitution programming. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 159-163). Washington, DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

Federal assistance for juvenile restitution programming is available from the Bureau of Justice Assistance Block Grant Program administered by the states. Technical assistance in the form of training seminars, technical assistance vouchers, and opportunities to visit host sites is available from the Restitution Education, Specialized Training, and Technical Assistance program (RESTTA) of the Office of Juvenile Justice and Delinquency and Prevention. The National Criminal Justice Reference Service operates a National Restitution Resource Center. Some funding may be available from the Office of Juvenile Justice and Delinquency Prevention formula grants, which are also administered by states. Addresses and telephone numbers of contact persons are included.

7

Alper, B. S., & Nichols, L. T. (1981). Beyond the courtroom: Programs in community justice and conflict resolution. Lexington, MA: Lexington Books.

A review of and description of several programming thrusts which have developed as alternatives to judicial handling of offenders including restitution, programs to provide assistance to crime victims, arbitration and mediation programs, use of sentencing panels, community service as alternative sentencing, and various forms of community courts.

8

Alterative Behavior Associates. (undated). Summary report: Arrowhead community corrections. St. Paul, MN: Minnesota Department of Corrections.

Provides summary results of a study of restitution used as a sentencing alterative in two rural Minnesota counties. The study includes a review of case records in county and district courts for the period July 1, 1975 through June 30, 1976 and an analysis of court system functioning in relation to the use of restitution during Fall, 1977. Data are presented on the number of cases of restitution ordered, percentage of restitution cases of all dispositions, the most common offense for restitution cases, the extent to which full as compared to partial restitution was ordered, and the extent to which restitution was paid as ordered. The system analysis work was based on interviews with judges, probation officers, and other court officials. Six scales were developed for the analysis and were aimed at assessing the current levels of functioning in regard to restitution.

9

Applied Social Research, Inc. (1980). Cost-benefit analysis of the Washington county community corrections department restitution center. Washington County, OR: Applied Social Research, Inc.

This report summarizes the operations of the Washington County Restitution Center (Oregon) between 1976 and 1980 and analyzes its costs and benefits compared with incarceration in the county jail. Established in 1976 in a commercial sector of Hillsboro, Oregon, the Restitution Center first served and housed eight offenders. By 1980, demand for the program necessitated a move to a large facility with a capacity of 27 persons. Residence in the center involves close, 24 hour supervision as well as intensive rehabilitation services, including counselling, education, financial planning, life skills training, and employment. An overview of the center's organization covers its supervising agencies, funding, staffing, and eligibility criteria. All residents must be male offenders over 18 years old who are Washington County residents. They must be willing to pay court fines or restitution to victims and be able to work. Requirements of a graduated treatment plan that all residents must complete before release are outlined.

Characteristics of the 47 clients served by the center in 1979 and the 44 residents of 1978 are described. In both years, most were nonminority and between age 21 and 30 years. Comparisons between the groups showed that the 1979 individuals had higher educational levels, higher unemployment rates, and were more likely to have prior records than the previous year's residents. A review of services provided to center clients includes comparisons with services offered to regular Corrections Department

inmates. For example, regular inmates referred to the alcohol component during a reporting period received 9.8 hours of group counselling, while center clients received 50.9 hours.

A cost-benefit analysis of the center emphasizes that a resident is able to support himself and his family, defray a portion of the residential expense by paying room and board, pay restitution, and perform community services. Indirect benefits are also discussed, including the center's practice of funding employment for residents prior to release. In a straight dollar for dollar comparison, the daily expenses of the program are slightly less than those of the county jail. Although a thorough assessment of the center's effectiveness cannot be accomplished until more clients have completed the program, cost and productivity data indicate that it is a sound investment.

10

Arbing, P. (1980). Programs for financial aid to victims. Presentation at Canadian Services to Crime Victims Conference, Ottawa, ON.

Restitution might be used more effectively as a victim service but this will require a change in attitude on the part of many criminal justice officials towards victims. Many victims want to meet their offenders and most offenders have ability to pay, especially if restitution requirements are spread over twelve to eighteen months. It is preferable to integrate these practices into probation work rather than to establish specialists; the program at Prince Edward island involves monetary restitution, community service, and victim service in which the offender performs community service obligations to the victims of crime.

11

Arkansas Legislative Council. (1980). Restitution--An alternative to incarceration. Little Rock, AR: Arkansas Legislative Council.

This report describes restitution laws being adopted in 10 States, focusing on Arkansas' statute. It also discusses Georgia's Restitution/Diversion model as a viable alternative to incarceration.

12

Armstrong, T. (1980, August). Restitution in juvenile justice: Issues in the evolution and application of the concept. School of Social Services Administration, University of Chicago.

A summary of historical, philosophical, legal, and programmatic issues in the use of restitution as a sanction for juvenile offenders. Current programming thrusts are reviewed with particular focus on the national U.S. juvenile justice restitution initiative. Programmatic issues analyzed include stages of implementation, goals and objectives

derived, scope of eligibility, victim/offender relations, development of restitution plans, and case management. Recommendations regarding the use of restitution with juvenile offenders are:

- The sanction should be imposed following a formal judicial finding.
- Procedures should be developed to insure that indigent offenders are prepared for employment and placed in regular jobs or community service slots.
- Restitution should be imposed on a wide range of youthful offenders with respect to arrest histories including youth who have committed crimes against persons.
- The primary goal of the program should be clearly specified.
- Clear procedures should be established to respond to the problem of non-compliance.
- Caution is advised in any effort to bring victim and offender together.
- Advice about due process should be provided to all offenders who agreed to participate in restitution programs.

13

Armstrong, T., Hofford, M., Maloney, D., Remington, C., & Steenson, D. (1983). Restitution: A guidebook for juvenile justice practitioners. Reno, NV: National Council of Juvenile and Family Court Judges.

Restitution is an appropriate sanction for juvenile offenders because it holds the youth accountable and benefits the youth, victim, community, and juvenile justice system. The arguments for an accountability model of juvenile restitution are developed by directors of restitution projects funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) juvenile restitution initiative. The accountability model is thought to have some rehabilitative impact in as much as it teaches youth new skills. Steps in designing a restitution program are discussed.

14

Armstrong, T. L. (1980, September). Restitution: A sanction for all seasons. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Argues for the use of restitutive sanctions with a wider population of juvenile offenders, including persons who have committed crimes against persons.

15

Arnold-Baker, C. (1965). A pilot project for law reform. Justice of the Peace and Local Government Review, 129, 69-70.

Crime victims are neglected in the criminal justice system. Proposed reforms are to give restitution central place in the criminal justice system, join the tort with the criminal proceedings so the criminal charge will be heard first, and after a verdict of guilty a

trial will relate to the issue of damages. Prisoners should be paid at prevailing union rates and be held responsible for repaying their victims.

16

Ashworth, A. (1984, August). Victims in the criminal process: Decisions and difficulties. Paper presented at the Conference on Victims, Restitution and Compensation in the Criminal Justice System, Cambridge University, England.

The victims' movement needs to confront practical and theoretical difficulties involving victims in criminal justice decision making. Questions are formulated in regards to the decision to prosecute, decisions defining behaviors as criminal, and decisions on state compensation. Decisions in regard to compensation include rationale for limiting compensation based on offenders' means, compensation as a sole penalty, and whether compensation can be any more than symbolic given wide-spread unemployment. The victims' interest should be given priority in matters of compensation but matters of prosecution and sentencing policy are public functions. The victim, however, should be kept fully informed regarding the progress of the case.

17

Aull, J. (1978). Issues in implementing the sole sanction restitution program in Georgia. Atlanta: Georgia Department of Offender Rehabilitation.

A sole sanction restitution program has been operative in four judicial districts of Georgia. Major problems in implementing the program and research were vagueness in defining restitution, overly ambitious research objectives relative to the availability of resources, and problems flowing from attempts at implementing identical programs in four separate locations.

18

Austin, J., & Krisberg, B. (1982). The unmet promise of alternatives to incarceration. Crime and Delinquency, 28, 374-409.

A review of the research on alternatives to incarceration suggests that the promise of reducing the prison population has remained unfulfilled. For each reform strategy, the nonincarcerative options were transformed, serving goals other than reducing imprisonment.

Sentencing alternatives such as restitution and community service reinforced the sanctions of probation and fines instead of replacing incarceration. Similarly, postincarceration release programs such as work release and work furlough often escalated the level of control over clients and served primarily to control prison populations. Increasing the availability of community corrections facilities has not reduced prison populations; it has merely changed the place of imprisonment from state institutions to county jails.

19

Azrin, N. H., & Weslowski, M. D. (1974). Theft reversal: An overcorrection procedure for eliminating stealing by retarded persons. Journal of Applied Behavior Analysis, 7, 577-581.

A procedure to eliminate stealing by retarded persons is described as this involves a restitution requirement. The restitution requirement is aimed at educating the offender to assume responsibility for the misbehavior by restoring the theft.

20

Baker, M. (1984). Restitution for crime victims: The California legislature responds to Proposition 8. Southwestern University Law Review, 14, 745-776.

Restitution dates from early history. It is controlled by statute in the United States and is generally viewed as a method of rehabilitating the defendant. A few states regard restitution as reimbursement to the victim. California has authorized restitution as a condition of probation since 1927. In 1965, California became the first state to enact victim compensation legislation. The compensation system is separate from the criminal proceedings. In June 1982, California voters enacted an initiative known as 'The Victim's Bill of Rights.' It required restitution from convicted offenders in every case in which the victim suffered a loss and called for legislation to implement this legislation. As a result, the California Legislature enacted the Crime Victim Restitution Program of 1983. The law renamed the existing indemnity fund as the restitution fund and required a restitution fine or penalty assessment for every criminal conviction. The legislature has confused and combined the separate legal concepts of compensation and restitution and civil and criminal damages. In addition, the exclusion of many categories of loss and the other limitations demonstrate that the law does not meet the voters' intention of focusing on all victims' needs.

21

Baldwin, S. (1989). Reparation for crime: How best to secure indemnity to the sufferer from a criminal act for his pecuniary loss. In S. J. Barrows (Ed.), Penological Questions: Reports prepared for the International Prison Commission. Washington, DC: U.S. Government Printing Office.

The European practice of linking the victim's civil claim to the criminal proceeding is not feasible in American law. It may be possible for some victims to have losses restored from the earnings of inmates. Consideration should be given to the state sharing the fine with victims. In both instances, however, the state's interest in recouping the cost of prosecution should take precedence over the victim's claim for reparation. The idea of a fund supported by fines imposed on offenders and from which reparation would be paid to victims should be discouraged; judges would be likely to impose fines

in order to fund such an endeavor where imprisonment or other corporal punishment would be a more fitting penalty.

22

Balkin, S. (1980). Prisoners by day: A proposal to sentence non-violent offenders to non-residential work facilities. Judicature, 64(4), 154-164.

State run non-residential work facilities can be developed to provide intermediate sentences lying somewhere between traditional probation and incarceration. Offenders will live in the community but will be required to report to the facility where they work full-time at prevailing wages; the conditions of employment are to be so onerous that no unemployed person will commit a crime simply to get a job. Length of time sentenced to the facility will be definite and based on principles of proportionality; all offenders will be required to make restitution; payments to victims will be withheld from checks. Symbolic payments may also be ordered in which the offender will make restitution payments to state victim compensation funds or other worthy causes. Restitution amounts will be a secondary consideration, however, in sentencing, the length of the sentence is to relate to the offense, not to the damage done.

23

Barnett, R. E. (1980). The justice of restitution. American Journal of Jurisprudence, 25, 117-32.

A restitution theory of justice is a rights-based approach to criminal sanctions that views a crime as an offense by one individual against the rights of another calling for forced reparations by the criminal to the victim. This is a sharp departure from the two predominant sanctioning theories--retribution and crime prevention. Rights-based analysis has criticized this approach for failing to include mens rea, or criminal intent, into the calculation of sanctions, thereby ignoring the traditional distinction between crime and tort. Such a distinction is problematic, however, since punishment for an evil mind cannot be made compatible with a coherent individual rights framework. To do so would require the existence of a right to certain thoughts of others, a morally and theoretically objectionable position. To understand the argument for a restitutive remedy for rights violations one must understand that a crime is an unjust redistribution of entitlements by force that requires for its rectification a redistribution of entitlements from the offender to the victim by force if necessary. Common objections to such an approach are considered, including the difficulty of measuring damages, the impossibility of reparation, and the problem of criminal attempts.

24

Barnett, R. E. (1977). Restitution: A new paradigm of criminal justice. Ethics, 87, 279-301. Also in B. Galaway & J. Hudson (Eds.), Perspectives on crime victims (pp. 245-261). St. Louis, MO: C. V. Mosby, 1981. An expanded version is in R. E. Barnett

& J. Hagel (Eds.), Assessing the criminal: Restitution, retribution, and the legal process (pp. 349-383). Cambridge, MA: Ballinger, 1977.

The old paradigm of criminal justice as it involves punishment is in a crisis period because of the uncertainty of its moral status and practical drawbacks. A new paradigm, one of restitution, calls for a complete refocusing of the image of crime. What is now seen as an offense against society must be seen as an offense against an individual victim. There are two types of restitution proposals; a system of punitive restitution and a purer restitution system. Punitive restitution adds restitution to the paradigm of punishment. Pure restitution is concerned with compensation for actual damages. An offender will first be tried to determine guilt or innocence. If found guilty and able to make restitution immediately, he or she will do so. If restitution can not be made immediately, the offender will either be allowed to work and use part of their wages to compensate the victim or be confined to an employment project where part of the earnings will be set aside for restitution. Restitution provides assistance to the victims of crime, encourages victims to report crimes and to appear at trial, contributes to the rehabilitation of criminals, provides a self determinate sentence, saves taxpayers a great deal in court costs and the maintenance of inmates, and discourages much white collar crime by eliminating lenient treatment of corporate officials while also requiring repayment of funds. Criticisms of restitution are also discussed.

25

Barrows, S. T. (1903). The indemnity due to crime victims. In U.S. House of Representatives, 57th Congress, 2nd Session (Document #374). The Sixth International Prison Conference, Brussels, Belgium, August, 1900: Report of its proceedings and conclusions (pp. 19-26). Washington, DC: U.S. Government Printing Office.

Report to the U.S. Congress of the 1900 International Prison Conference debate of a resolution carried over from the 1885 Paris Prison Congress, that a portion of the earnings of prisoners should go into a fund for the indemnification of crime victims. Debate centered around the questions of whether the state should establish such an indemnification fund, practical and proper use of prisoners' earnings as a source of revenue for the fund, and proposals by Prins, a Belgian criminologist, that willingness to make reparation to crime victims on the part of offenders be considered at sentencing and form one of the bases of suspending a prison sentence in favor of probation. Garofalo argued for extended use of reparation on the part of offenders as a way of both indemnifying victims and reducing the use of imprisonment for prisoners serving short sentences who are overcrowding the prison and jail system. The delegates rejected all three recommended proposals--to establish a state indemnification fund, to apply prisoners' earnings to indemnify crime victims, and to consider reparation as a grounds for suspended sentence. The latter was rejected by a close vote after considerable debate indicating underlying support. The Congress recommended reform of civil law procedures to facilitate crime victims using these procedures to secure reparation.

26

Barton, B., & Longenbaugh, L. (1983). Sentencing alternatives. Juneau, AK: Alaska State Legislature House Research Agency.

This report by Alaska's legislative research agency provides an overview of community corrections, restitution, and community service orders; reviews other States' programs in these areas; and examines similar program considerations.

27

Baunach, P. J. (1977). Framing the questions in criminal justice evaluation: Maybe you can get there from here if you ask the "right" questions. Prison Journal, 57(1), 19-27.

Evaluation research has normally been guided by questions of program effectiveness, not by asking what it was about the program that may have been conducive to producing the desired results. Conceptual and methodological differences between social science and evaluation research are highlighted to differentiate between past approaches of these two types of research. Two examples are given in which the examination of conditions under which certain outcomes may be expected guides the research effort. The Baltimore Living Insurance for Ex-Prisoners (Life) Program is examined to determine whether or not providing newly released prisoners with financial assistance would reduce recidivism. The second example given is an evaluation effort by the Criminal Justice Research Center in Albany, New York. This organization is evaluating restitution programs sponsored by Law Enforcement Assistance Administration (LEAA) in seven states.

The evaluation effort will attempt to deal with questions as to when and for whom restitution is effective. The variables will include type of offender and type of victim. Outcome measures will focus on both offender and victim, including offender's subsequent criminal record and victim satisfaction with repayment. An analysis of the two approaches reveals discrepancies in methodology although, both approaches consider specific program elements and their interactions in influencing results. An evaluation design and implementation strategy at the outset of the program are essential. Asking the question, "under what conditions?" in evaluation efforts may obtain the maximum amount of information.

28

Bazemore, G. (1985). Employment components and job assistance. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 151-157). Washington, DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

Job assistance components have been integrated into some juvenile restitution programs to facilitate completion of the restitution order. Three models of job assistance include private sector job development, public sector subsidized employment, and job training. Each model requires the investment of restitution staff resources beyond those necessary

to complete other program activities. There are arguments favoring each of the models of job assistance, but program selection of a model appears to be influenced primarily by local conditions. Staff should feel free to innovate and adapt job assistance components to community constraints and opportunities. Managers must realize that each model implies an allocation of program resources and may present a set of management problems in finding a proper fit between resource allocation to job assistance and other restitution activities.

29

Beck-Zierdt, N. (1980). Tri-county juvenile restitution program. St. Paul, MN: Minnesota Crime Control Planning Board.

This evaluation report describes Minnesota's Tri County Juvenile Restitution Program; analyzes its clients, activities, and costs; and compares these findings with the Steele County Community Work Service Program. The target population for the Tri County program is juveniles admitting guilt or found guilty of any offense except murder, manslaughter, and rape. From January 1987 through July 1979, the program served 382 clients, of whom 72% had committed crimes against property. Drug-related offenses accounted for 14.6% of the charges, other criminal offenses 10.5%, and crimes against persons and status offenses the remaining 2.9%. Clients ranged in age from 9 to 18 years, with the average being 16 years old. Almost all offenders were white, and 85.6% were male. Tri County tries to use monetary or work service restitution in most juvenile cases. A description of the restitution process covers the judge's role and the restitution conference among the victim offender, and restitution officer. Criteria governing the decision to use work service or monetary restitution are discussed.

During the evaluation period, 66% of the offenders completed their restitution satisfactorily, while 15% received an extension to the time limit set and then completed the restitution. Only .52% of the clients failed to receive an authorized extension, and completion of restitution in 18% of the cases is unknown. The Steele County program serves a similar population but deals only with community work service and has dropped victim involvement. An analysis of costs in both programs shows that average cost per client in Tri County was \$78.46 compared to \$174.58 in Steele County. The Tri County program has administered surveys to victims and offenders to measure achievement of goals, but few conclusions can be drawn from these data because response has been poor. Follow-up information on 203 offenders 6 months after they were terminated from the program in July 1979, revealed that 10.3% had reinvolvement with the criminal justice system.

30

Beck-Zierdt, N., & Shattuck, S. (1982). Repairing the damage--A juvenile restitution guide. St. Paul, MN: Minnesota Criminal Justice Program.

The guidelines explain how to determine need for a restitution program by addressing the purpose of such programs and needs assessment techniques. They also delineate steps in developing a workable program in terms of goals, offender eligibility, types of compensation, assessing victim compensation, determining type of restitution payments, determining the amount of payment, promoting victim participation, developing a contract, establishing accounting and disbursement procedures for restitution payments, and other planning considerations. Instructions for program implementation include orientation and staff training, general data collection, conferences, and monitoring and enforcement. A program development checklist and photographs are provided. Appendixes contain a model matrix for a juvenile restitution program; offender, victim, and justice-oriented rehabilitation models for juvenile restitution programs; and sample forms.

31

Beck-Zierdt, N., & Shattuck, S. (1982). Juvenile restitution technical assistance package. St. Paul, MN: Department of Energy, Planning and Development.

Guide prepared to assist administrators and program planners in developing monetary restitution and/or community service restitution programs for juvenile offenders. Suggestions are made for resolving issues regarding program goals, offender eligibility, types of compensation, procedures for assessing victim loss, determining type of restitution payments, determining amount of loss, victim participation, developing restitution contracts, accounting and disbursement of payments, and decisions regarding program evaluation.

32

Bentham, J. (1975). Political remedies for the evil of offenses. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 29-42). Springfield, IL: Thomas. Originally in The Works of Jeremy Bentham, now first collected under the superintendence of his executor, John Bowing (Part 2, pp. 371-375, 386-388). 1838.

Restitution is a form of satisfaction to the person who has been injured because of crime. The satisfaction is to be provided by the offender as part of the penalty for the crime.

33

Berman, L. N., & Hoelter, H. J. (1981). Client specific planning. Federal Probation, 45(2), 37-43. This article was originally prepared for and presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN, 1980.

Describes the use of individualized, alternative-to-prison, treatment plans for offenders that commonly involve financial restitution and community service requirements.

34

Bernstein, J. (1972). A study of the evolution of the concept of restitution and recently enacted victim compensation laws in New York and other jurisdictions. Unpublished doctoral dissertation, New York University.

Describes the historical roots of restitution up to contemporary developments in state administered victim compensation programs. Assesses the first four years of the New York state compensation scheme.

35

Berscheid, E., & Walster, E. C. (1967). When does a harm-doer compensate a victim? Journal of Personality and Social Psychology, 6, 435-441.

It was hypothesized that individuals who had harmed another person would be more likely to compensate their victim if the available compensation made up exactly for the harm done rather than if, in order to compensate at all, it was necessary to give the victim either an insufficient or an excessive compensation. Subjects were members of a women's church auxiliary who in the course of a game were led to deprive a fellow church member of green stamp books. In a second game, they had a chance to award a bonus to the deprived woman. Individuals were more likely to compensate their victim with a bonus if it were adequate to cover the harm done than if the available bonus were insufficient or excessive. From these findings an interesting hypothesis can be derived. If a harm-doer's range of compensatory opportunities is limited, exaggeration by the victim of the harm he has suffered may cause the harm-doer to perceive that his available compensations are inadequate, thus the harmdoer may be less likely to compensate the victim than he/she would had the victim described his suffering in a more modest way.

36

Bettmer, F., Messmer, H., & Otto, H. (1989). Informal justice and conflict solution--A research report on new interventive strategies of administrative social work in the field of juvenile delinquency. In P. A. Albrecht & O. Backes (Eds.), Crime prevention and intervention: Legal and ethical problems (pp. 129-143). Berlin: Walter de Gruyter.

Provisions in the German juvenile code permitting prosecutors to divert cases if educational measures have been taken are being used in Bielefeld, Germany to divert juvenile offenders to an informal justice procedure instead of prosecution. Cases are diverted to social workers in the Youth Authority, to determine if educational measures have already occurred in the social situations of offenders and to avoid unnecessary intervention. If informal educational measures have not occurred, the offender is involved in a process designed to effect redress to the victim including victim-offender reconciliation. If the offender cannot be involved in a victim reconciliation process, community work will be negotiated between the offender and the youth worker. One

hundred and twenty cases were received in 1987, most of which were single or repeated shoplifting, larceny, damage to property, physical injury, assault, and traffic offenses.

The sessions between the social worker and offender, social worker and victim, and the victim offender mediation sessions are audio-recorded to permit study of the mediation process and its impact on both victim and offender. Preliminary analysis suggests that the talks between the social worker and youth are cooperative, they reach consensus about the negotiation, and offenders cannot maintain techniques of neutralization in the meetings with victims. Victims are able to address expectation for both material and emotional compensation directly to the persons responsible; material settlement is made more quickly, but the emotional help of being able to articulate strain relating to the offense appears to be even more important to victims. Youth workers, whose roles have typically involved contacts with youth or presentation of information to court, are finding it necessary to adapt and learn the role of being a neutral mediator. Informal procedures are suitable interventions which are comprehensible and acceptable to the parties involved.

37

Bianchi, H. (1984). A Biblical Vision of Justice. New perspectives on crime and justice (Occasional Papers #2). Elkhart, IN: Mennonite Central Committee, U.S. Office of Criminal Justice and Kitchner, ON: Mennonite Central Committee, Canada Victim Offender Ministries Program.

Biblical justifications for concepts of retaliation and retribution underlying much of criminal justice may be based on erroneous translations. The word t'sedeka means much more than the English word justice; Buber in his German translations comes closer to capturing its meaning with "to make peace." Thus making peace through conflict resolution is closer to the biblical concept of justice than imposing punishment on wrongdoers.

38

Bierbrauer, G. (1981). Factors affecting success in the mediation of legal disputes: Third party conciliation through the German 'Schiedsmann.' In S. Lloyd-Bostock (Ed.), Law and Psychology (pp. 103-111). Oxford, England: SSRC Center for Socio-Legal Studies, Wolfson College.

A German Schiedsmann (mediator) has jurisdiction in criminal and civil disputes. Criminal jurisdiction extends to breaches of domestic peace, minor intentional or negligent bodily injuries, uttering of threats, property damage, and breaches of confidentiality and insults; plaintiffs can file a private criminal suit only after a reconciling attempt for these offenses has failed before the Schiedsmann. In the case of civil disputes, jurisdiction is limited to actions involving pecuniary claim, but only approximately 1/3 of the matters taken to the Schiedsmann involve civil matters. Most mediation efforts occur in the Schiedsmann's home; he or she is required to live in the

area of the appointment. The satisfaction agreed to in criminal cases includes things such as apology, donating money to a charitable cause, and compensation for damages; a settlement is legally enforceable.

This study involved a mailed questionnaire to Schiedsmann; 218 questionnaires were mailed and 101 were returned in usable condition. Seventy-five percent of the Schiedsmann in rural areas, 2% in suburban areas, and 23% in cities claimed to personally know more than half of the parties appearing before them. The rate of success in securing agreements increased with the degree of the Schiedsmann's personal familiarity with the party. The Schiedsmann is not required to have expert knowledge; the social relationships may be key to successful settlement. Generally the disputes actually reaching the Schiedsmann are not an isolated incident. Two types of Schiedsmann can be identified--those that see the work primarily as a social, therapeutic service, and those who perceive the work as a bureaucratic function at the lowest level of the legal system; Schiedsmann perceiving their work as social, therapeutic service are more likely to secure a settlement of the disputes. Rate of success in reaching settlements is found to correlate positively with the degree of personal familiarity held by the Schiedsmann of participants, inclusion of underlying causes in the negotiations, a pattern of settlement rates increasing with time and office, and liberal attitudes towards political and social values. Presence of a lawyer in the proceedings correlated negatively with settlement.

39

Blackstone Institute. (1981). Improving victim services thru probation--Final report. Durham, NC: Blackstone Institute, American Probation and Parole Association.

This report presents a state-by-state analysis of victim services rendered through probation departments supervising adult and juvenile offenders throughout the United States. A total of 419 probation departments, representing all states except Idaho, reported that they provide services to adults. Of this group, 367 departments serve both juvenile and adult offenders. A total of 85% of the departments help victims obtain financial restitution, 68% supervise offenders in community services, and 63% provide victims with counselling information. More information is required, however, for proper assessment of counselling services. In addition, further research is required with regard to the reported supervising of offenders in community services. Areas of concern would include types of programs used, effect on the offender, and cost benefits. Fifty-three% of the departments reported referring victims to community services. A total of 457 departments, representing all but one state (Vermont), reported that they give services to juveniles. Eighty-five percent help victims obtain financial restitution, and 71% supervise offenders in community restitution. Seventy-four% of the reporting departments provide victims with counselling or information, 58% refer victims to community services, and 68% obtain victim impact statements.

Blagg, H. (1985). Reparation and justice for juveniles: The Corby experience. British Journal of Criminology, 25, 267-279.

Reparation has the potential to humanize the justice system, but it can also be an avenue to further diffuse control into civil society. This study focuses on the meaning reparation had for young offenders who were diverted from prosecution by the Corby Juvenile Liaison Bureau in Northamptonshire, England. The Bureau received 492 referrals between November 1981 and November 1982, 77 of whom took part in some kind of offense resolution. Twenty-one met the victim and compensated him or her in some way. Twenty-seven made an apology directly to the victim but did not pay compensation, and 38 made reparation indirectly through some kind of community work.

Research consisted of interviews with 17 of these young people (2 girls and 15 boys); 14 had done indirect reparation, 11 had compensated the victim in some way, and 7 had made a direct apology. Reparation had quite different meaning to individual youths. One useful distinction is between an institutional reparative model in which a youth is required to make amends to an organization and a personal reparative model in which a youth makes reparation directly to another individual. The institution reparative model offers a restricted scope for reconciliation and understanding because it tends to replicate other more formal encounters between young persons and authority; some of these situations are weighted in the direction of the adults' need to admonish youthful misbehavior and may not provide opportunity for the youth to gain from the experience.

The personal reparative model provided a different experience for the youth because there was less of a need to be accountable to an institution and more of a need for the victim to have anxiety and a sense of threat removed and more desire of the offender to put something right. Personal reparation is often a hard process for youth, but with careful preparation can be a meaningful experience for juvenile offenders. Conflicts arising out of peer group pressure or where there has been a wider dimension of local trouble require some additional counseling to uncover the limits of individual responsibility.

Blew, C. H., & Rosenblum, R. (1979). The community arbitration project, Anne Arundel County, Maryland: A juvenile justice alternative. Washington, DC: U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice.

Describes the operations and current status of the community arbitration project. Essential elements of the project are prompt case processing, court room setting, involvement of victims, assurance of due process, use of community resources, and constructive sentencing. Benefits of the program for the clients and the juvenile justice system are identified and ways to start a similar kind of program in other communities are suggested.

Bluestein, R. S., Hollinger, V., McGowan, L., & Moore, S. (1977). Attitudes of the legal community toward creative restitution, victim compensation, and related social work involvement. Unpublished master's thesis, University of South Carolina.

The attitudes of the legal community in South Carolina toward creative restitution and victim compensation as well as the differences in the attitudes held by three sub-samples of the legal population--judges, private practice attorneys, and prosecuting attorneys--are described. Mailed questionnaires were sent to 57 judges, 51 prosecutors, and 142 defense attorneys in private practice. One hundred questionnaires were returned and ten of these were unusable. The overall response rate was 38% and the response rate for the sub-samples were 57% for private practice attorneys, 22% for prosecuting attorneys, 21% for judges.

Major findings were:

- Strong support was shown for restitution; lawyers in private practice were highly supportive with judges ranking closely behind.
- Respondents between the ages of 36 and 50 had a more positive attitude toward restitution than either younger or older respondents.
- Eighty-nine percent of the respondents saw potential value for the use of creative restitution programs and only four percent of the sample responded negatively.
- Seventy-four percent of the respondents did not think that the state should be obligated to compensate victims of crime and 44% were either uninterested or very uninterested in the concept of victim compensation.

Boers, K., & Sessar, K. (1989). Do people really want punishment? On the relationship between acceptance of restitution, need for punishment, and fear of crime. In K. Sessar and H. J. Kerner (Eds.), Developments in crime and crime control research. New York: Springer-Verlag, Inc.

A survey of the population of Hamburg, West Germany, was conducted to investigate the hypothesis that the general public prefers restitution to punishment as a means of conflict resolution. Mailed questionnaires were used; respondents were asked to select from one of five responses to 38 brief offense descriptions. One thousand seven hundred and ninety-nine usable questionnaires were returned for a response rate of 44%. A parallel survey was also conducted of 73 criminal court judges and 62 prosecutors from the Hamburg judicial system. Wide-spread support was found in the general population for restitution in connection with crime related conflicts. Judges and prosecutors, however, seemed to be more in favor of punishment. Analysis of the context of sanctioning attitudes revealed that restitutiveness as well as punitiveness are rather stable and independent with respect to exogenous factors such as fear of crime, victimization experience, and socio-demographic characteristics.

Boldt, R. C. (1986). Restitution, criminal law, and the ideology of individuality. The Journal of Criminal Law and Criminology, 77, 969-1022.

Examines the historical claim that tribal societies drew no distinction between private and public wrongs and suggests that a tribal law of crimes did exist. The punishment of criminal conduct in tribal societies is examined. It is concluded that this social practice served the function of creating and reinforcing an ideology of the group, which mirrored the boundary-defining mechanisms in place. A model is created and employed to illustrate the role that criminal law plays in contemporary western society. It is then argued that an order of restitution must reflect an offender's offence of conviction, because the formal process of fixing guilt ceases to be an effective ideological ritual which serves the ordering requirements of the community when its description of the offender's responsibility is replaced by some alternative description of the offender's "actual" guilt. In short, it is argued that the integrity of the adjudicatory ceremony lies in its capacity to articulate the nature of the offender's freely willed conduct. This ceremony is seen to be undermined when a court fashions a sentence going beyond the offender's adjudicated guilt.

Bonta, J. L., Boyle, J., Motiuk, L. L., & Sonnichsen, P. (1983). Restitution in correctional halfway houses: Victim satisfaction, attitudes, and recidivism. Canadian Journal of Criminology, 25, 277-293.

The recidivism is studied of two groups of adult offenders who entered a Canadian community resources center (CRC)--a residential community corrections center--during 1978 and 1979. Both groups were sentenced offenders who were transferred to the CRC from a detention center as an alternative to being transferred to a long-term correctional facility. Sixty-seven of the offenders entered the CRC to participate in a restitution program in which they were expected to secure work and make restitution to their victims; the remaining 177 offenders were transferred to the CRC in order to participate in a work release program. There was no random selection or matching of the two groups; in general the restitution group was younger and had been more involved in criminal activity than the work release group.

Forty-three percent (29) of the restitution group compared to 19% (34) of the work release group failed in the CRC program. The reasons for failure (new offenses vs rule violation) were no different for the two groups. The restitution group members were slightly more likely to be reincarcerated at both one and two years after discharge than the work release group members although these differences were not statistically reliable. Thirty-one percent (99) of both groups were reincarcerated after one year and 61% (177) were reincarcerated after two years. Of the restitution group 51% (33) were reincarcerated after one year and 68% (40) were reincarcerated after two years. Within the restitution group, the amount of money repaid and the proportion of the restitution agreement which was repaid correlated negatively with the likelihood of reincarceration;

that is, restitution offenders who attempted to uphold the restitution agreement were more likely to remain in the community than those who did not.

The restitution group involved 139 victims; 55% (76) returned questionnaires and an additional 6% (14) of the questionnaires were returned as undeliverable by the post office. Sixty-five percent (49) of the victims were firmly in favor of restitution, 32% (24) were ambivalent and 3% (2) were opposed. Those who were in favor identified humanitarian concerns such as avoiding prison or helping reintegration as important to their decision; only 7% of the victims in favor selected repaying the money because it is a fair thing to do as an important part of their decision.

46

Bowling, J. M. (1964). Restitution--An aid to rehabilitation. Presidio, 31, 13-29.

A parole based restitution program is described, along with the perceived benefits of such a program including use of restitution as a rehabilitative tool.

47

Brazier, R. (1977). Appellate attitudes towards compensation orders. The Criminal Law Review. 710-719.

Identifies the guidelines that appeal courts have developed in dealing with compensation (restitution) orders under the Powers of Criminal Courts Act, 1973. Among the guidelines identified are: the availability of civil law remedies to the victim should not influence the criminal courts; the making of an order must be realistic and within the means of the offender; time should be allowed for payment; courts are reluctant to inflict both a compensation order and detention; there is a need for specificity in making compensation orders; orders are payable for any personal injury, loss or damage resulting from an offence.

48

Brenzikofer, P. (undated). Efforts taken on behalf of the victims of crime in Switzerland. Unpublished agency report, Prison at Saxerriet, Salex, Switzerland.

Efforts taken on behalf of the victims of crime include offender initiated attempts at restitution and reconciliation while imprisoned, national efforts to provide a victim compensation program, and restitution as a part of the offender's sentence. A special prison program emphasizes victim offender reconciliation and restitution as the primary focus. There is need to integrate restitution into the sentence and the correctional process. Both material restitution and reconciliation is of prime importance in the criminal justice system.

Brewer, D. L. (1977, November). The California restitution project. Paper presented at the American Society of Criminology Annual Meeting, Atlanta, Georgia. Update of the California restitution project. Unpublished paper, February 9, 1979.

These two papers report the planning, implementation, and operation of a restitution program for parole violators and its evaluation with an experimental design. Program clients were state prison parolees found guilty of a technical parole violation and ordered returned to prison. At the point of return to prison, and after volunteering to take part, parole violators were randomly selected. Experimentals were continued on parole with a special condition to do restitution. Control group members were sent back to prison. No information is provided on specific data collection procedures that were used. Data are presented in percentages.

Major findings were:

- Between April 14, 1977, and December 15, 1977, the restitution project enrolled 23 experimentals; in addition, ten controls were randomly assigned back to prison.
- Eight of the 23 experimentals absconded before their restitution plan was signed.
- Ten of the signed restitution plans involved service such as counseling, teaching, or supervising; five involved laboring such as landscaping or typing; five involved financial restitution.
- Of the 1,753 hours of service restitution included in the plan, 732 hours (42%) were completed. Of the \$845 in the financial restitution plans, \$90 (11%) were completed.
- During the first year after release from the program, 17 of the 23 experimentals (74%) had at least one arrest. Five of the ten controls (50%) had an arrest during their first year after serving their revocation time.
- The experimental cases served an average of 11 days from revocation to release prior to admission to the program. Controls served only 7 days on average before release. Average prison time saved by doing restitution was 59 days.

Brickman, P. (1977). Crime and punishment in sports and society. Journal of Social Issues, 33(1), 140-164.

The primary purpose of equity-based penalties is to restore fairness; for deterrent-based penalties the primary purpose is to prevent deviance. Sports are an example in which deviance is successfully encapsulated by the use of equity-based penalties. Current criminal law is deterrent-based rather than equity-based. Advantages of an equity-based system of justice for criminals, for victims, and for society are outlined. An equity-based system could reconcile the generally incompatible goals of deterrence and rehabilitation. While it might require an imaginative reformation of our criminal justice system, the viability of equity-based justice has already been demonstrated through its use in familial, primitive, and civil proceedings.

51

Bridges, J. H., Gandy, J. T., & Jorgensen, J. D. (1979). The case for creative restitution in corrections. Federal Probation, 43(3), 28-35.

Creative restitution incorporates the idea of reciprocity, thereby satisfying society's need for punishment while providing an offender with the opportunity to become proactively engaged in making amends to victims and society.

52

Brillon, Y. (1977). L'acculturation juridique en Afrique noire et ses incidences sur l'administration de la justice criminelle [Juridical acculturation in Black Africa and its effects on the administration of criminal justice]. Annales Internationales Criminologie, 16, 193-232.

Tribal justice continues in Africa, even in cities, despite efforts to develop a unified system along Western lines. Many persons prefer to handle disputes in more traditional ways contrary to official policy. Strict Western penalties without restitution for victims are incomprehensible to many Africans. Further, an offence does not merit the ensuing process of stigmatization which poses a threat to tribal solidarity because the offender cannot resume normal community life after settlement.

53

British Columbia Ministry of Attorney General. (1983). Compensation by offerings: A comparative review (Working paper #2). In S. A. Thorvaldson (Ed.), Reparative sanctions: Theoretical and legal issues. Victoria, BC: British Columbia Ministry of Attorney General, Policy and Planning Branch.

A comparative study of statutes shows that most of the European and Latin American countries, as opposed to the Anglo-Saxon ones, permit claims by the victims of crime to be heard within the criminal proceedings. But requests for damages when brought before the criminal court usually retain a civil character and acceptance by the court is based on practical rather than theoretical considerations. These practical considerations often relate to the economy of the process and the interest in protection for the victim. In Italy, reference was made to reduction of crime as a goal of compensation, and in Switzerland the law is mainly concerned with making the offender aware of responsibility. Similar positions have been taken in Brazil and in the European socialist countries. No coherent theory justifying compensation by the offender in terms of the criminal law has been proposed.

54

British Columbia Ministry of Attorney General. (1983). Compensation by offenders: Legal issues (Working paper #3). In S. A. Thorvaldson (Ed.), Reparative sanctions:

Theoretical and legal issues. Victoria, BC: British Columbia Ministry of Attorney General, Policy and Planning Branch.

A review of Canadian court decisions and other legal literature in regard to legal issues relating to compensation by offenders. The legal issues are the theoretical validity of the concept, selection of appropriate cases, assessment of personal injury, relation to custodial sentences, offenders' ability to pay, types of compensable harm, assessment procedures, applications for compensation, effects on civil remedies, the issue of delegation of authority, and enforcement procedures.

55

Brookbanks, W. J. (1987). Property offences and special circumstances in the Criminal Justice Act 1985. New Zealand Law Journal, 163-166.

The New Zealand criminal justice act of 1985 introduces innovations in criminal justice reflecting growing concern for crime victims and general disenchantment with imprisonment. Reparation is introduced as the preferred penalty for property offenders and imprisonment is not to be used for property offenders unless special circumstances dictate that other penalties are inadequate or inappropriate. Recent case law is examined to identify the special circumstances under which New Zealand property offenders can be imprisoned. An offender's persistent record and a sharp increase in a particular type of crime in any area may be considered special circumstances but they will not automatically be so considered. It is unclear whether stealing large sums of money is a special circumstance, but stealing sums of money when one is in a position of judiciary trust is a special circumstance. A history of non-compliance with previous non-custodial sentences may also be a special circumstance. In a case of assault with intent to injury, the court held that a deterrent penalty did not necessarily require a custodial sentence, particularly in a position where the offender makes reparation. This reasoning, applied to a crime of violence, would most certainly apply to property crimes. The non-imprisonment directive of the act will require a radical reapproach to traditional sentencing practices.

56

Brooks, I. R. (1986). Reparation in New Zealand: An evaluation of the use of reparation in the North Island between October 1985 and March 1986. Auckland, NZ: Brooks Clinic.

A study of the use of reparation on the north island of New Zealand between October 1985 and March 1986 under terms of the Criminal Justice Act of 1985, which established restitution as a sentence and authorizes preparation of reparation reports by probation officers for presentation to the court. The study group was 450 cases in which property loss or damage was \$250 or more and reparation was all or part of the sentence or a reparation report was prepared; data were collected from official files. A reparation report was prepared for 69% of the cases; the reparation was ordered directly from the

bench without benefit of a reparation report in 31% of the cases. Reparation reports provide an opportunity for victim involvement; reparation orders from the bench do not.

Comparison of the two groups of cases suggest that the victim is more likely to be involved if it is a corporation; generally the greater the loss the greater chance of reparation report being prepared; reparation reports are more likely to be prepared if offenders were in their twenties, married, employed, earning over \$100 per week, Polynesian, and a first offender. Offenders were contacted in 99% of the cases and victims in 95% of the cases in the process of preparing reparation reports. Victims and offenders reached agreement on the amount of reparation 83% of the time but only 12% of the reparation reports involved a face to face victim and offender meeting; in the other cases the probation officer acted as an intermediary. When a joint meeting was held, victims and offenders reached agreement 92% of the time whereas without a joint meeting agreement was only reached 77% of the time. In 72% of the cases in which agreement was reached, both parties agreed to the amount of loss indicated by the police summary. The court accepted the victim and offender agreement in 90% of the cases where reparation was a part of the sentence. Reparation was a sole sentence in only 27% of the cases where reparation was ordered. It was more likely to be a sole sentence when a reparation report was prepared (29% of these cases) than when no reparation report was prepared (20% of these cases). Reparation was not a part of the sentence, however, in 19% of the cases where a reparation report was prepared.

Reparation is usually ordered in conjunction with another sentence and that sentence is most typically periodic detention or community supervision. The sentence ordered appears to relate to the characteristics of the offender and the offence; reparation only was more frequently the sentence for teenagers who are single, employed, and who are offending for the first time. The presentence recommendation of probation officers was related to sentence outcome. Thus, how probation officers view reparation as a sentence appears to influence how the court uses the sentence. The probation service is missing an opportunity to use reparation as a process for victim-offender reconciliation.

57

Brown, D. (1966). The award of compensation in criminal cases in East Africa. Journal of African Law, 10, 33-39.

In East Africa, the traditional division of native justice and English law is gradually disappearing. A fusion is taking place in Kenya, Tanzania, and Uganda with the result that customary law is being largely superseded by English law. In customary law, the court could and did order both punishment and damages at the same hearing. An award of compensation was permitted for the loss or injury caused by a convicted offender. A portion of the fine inflicted on the accused could be paid at discretion of the court to the owner of the property that had been stolen. More recently, East African judges have been guided by the practice in English courts and hold to a strict distinction between criminal and civil actions. In the future perhaps East Africa will adopt a more imaginative approach to the question of mixing criminal and civil actions. It would be

a loss if customary law is not allowed to continue to exercise this distinctive feature of its practice and procedure.

58

Brown, E. J. (1983). The correlates and consequences of the payment of restitution. Dissertation Abstracts International, 44, 1212A. (University Microfilms No. DA83-15066)

This study was designed to examine the correlates and consequences of paying restitution. For purposes of the study, restitution was defined as court imposed monetary payments to crime victims in compensation for crime related losses. The primary data set included 448 offenders ordered to pay restitution as a condition of probation or split sentence to 785 victims. The offenders were convicted and sentenced in the Circuit Court of Multnomah County, Oregon.

In the first stage of the analysis, the extent to which offenders were in compliance with the restitution orders imposed by the court was examined. As of the time the data were collected, less than half of the offenders were found to be in compliance. Twelve variables were identified as significantly associated with compliance in the second stage of the analysis. Among these variables were characteristics of the offender, offense and sentence, and restitution orders. Utilizing the results from the second stage of the analysis, offender typologies were constructed in relation to compliance with restitution orders. The typologies were validated using data on 364 offenders from four probation circuits in Georgia. All 364 offenders were required to make restitution as a condition of probation. The typologies were found to be relatively stable and moderately efficient in distinguishing offender types on the basis of the likelihood of payment compliance. In the fourth stage of the analysis, the effects of imposing and paying restitution with respect to recidivism while on probation were examined. Data for this aspect of the study included 522 offenders from the Multnomah County Circuit Court--119 offenders sentenced to probation but not required to make restitution and 403 of the 448 offenders ordered restitution. The imposition of restitution was found to have no effect on recidivism while the act of paying restitution was found to have a positive effect with respect to reduced recidivism.

Utilizing the results of the data analysis, the effectiveness of restitution was assessed in relation to four of the predominant rationales offered in the literature in support of the use of restitution as a criminal sanction. For the most part, the data did not substantiate the rehabilitative, deterrent, retributive, and reparative claims offered by proponents of restitution.

59

Brown, E. J., & Warren, M. Q. (1979, September). Overview of the national evaluation of adult restitution programs. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the aims, methods, and problems and issues associated with the national evaluation of seven adult restitution programs funded by Law Enforcement Assistance Administration (LEAA).

60

Brown, S. S., & Willison, V. A. (1985). Restitution--A historical and legal review. Albany, NY: New York State Division of Criminal Justice Services.

This text provides an overview of the concept and use of restitution, discusses the scope and legal limitations of this type of sentence, and reviews existing New York State legislation and statutes on restitution.

61

Bryson, J. (1976). Survey of juvenile restitution programs. Mimeo report on file with Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC.

A survey of juvenile resitution programs.

62

Bumsted, K. L. (1985). Managing the complex components of juvenile restitution: An automated system helps to administer information. State Court Journal, 9(2), 6-9, 15-17.

This article outlines types of juvenile restitution programs, defines the steps for instituting a management information system (MIS) for these programs, and notes the need for integrating MIS with juvenile restitution programs.

63

Bumsted, K. L. (1985). Management information systems for restitution programs. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 113-120). Washington, DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

A management information system (MIS) for a restitution program includes the collection, storage, manipulation, and reporting of information about restitution. An MIS requires a well organized administrative structure; a comprehensive policies and procedures manual constitutes the substance of the MIS data requirements and reporting systems. Designing an information system involves a feasibility study and requirements analysis, identification of the objectives of the system, a cost benefit analysis and review of staffing and organization planning for the system, software selection and procurement, hardware selection and procurement, testing and modifying the system, implementation and staff training, and monitoring and evaluating the system to continue to introduce

refinements into the system. MIS programs for juvenile restitution provide information about the case, information about the juvenile offender, information about other parties involved with the case, and information about the history and current status of the case.

64

Burnham, D. (1984). In the name of reparation. Probation Journal, 31, 133-135.

Reparation and punishment occupy different positions at either end of the spectrum of criminal sanctions. Therefore, a purely reparative scheme is difficult to foresee within the formal justice system. Where reparation seems to have great merit is in the semi-formal sphere, for example in the areas of police discretion between arrest and prosecution. If one's aim is truly reparative then one must be obliged to consider methods that do not involve the criminal justice system at all, such as community mediation schemes.

65

Burns, P. (1985). Some criminal justice responses to crime victim needs. Victimology: An International Journal, 10(1-4), 646-661.

Examines the legal basis for crime victim restitution in Canada and recent legal developments in common law jurisdictions. Also, roles played by crime victims in the criminal justice process are identified.

66

Bussmann, K. D. (1985, August). Changes for reconciliation with the offender or the consent "Mediation in lieu of punishment." Paper presented at the Fifth International Victimology Symposium, Zagreb, Yugoslavia.

Views of a German criminologist after visits which included observations of mediation sessions to several Canadian and American victim offender reconciliation programs. There are difficulties associated with using mediation in conjunction with the criminal justice process. While restitution negotiated through mediation may compensate the victim for loss, does this also compensate society and the criminal justice system for the norm violation? Criminal justice officials have one of two choices; to accept the mediated agreement as sufficient compensation for norm violation or to see the mediated agreement as an add-on and impose additional punishment. The latter is likely to occur. Mediation itself may be punishment, especially for minor offenders who would not otherwise be dealt with by the system.

There may be further difficulties in incorporating the idea of reconciliation into a system based on deterrence and retribution. The way out of these dilemmas is to perceive the victim as a representative of the community with resolution of conflict and the restoration of peace providing the substance of compensation for the community and for

criminal justice. Further action should only occur if mediation fails; even in situations where the victim did not want to participate, arrangements could be made for the offender to meet substitute victims. The focus will be on restorative justice.

67

Cain, A. A. (1979). Restitution: A selected bibliography. Washington, DC: U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, National Criminal Justice Reference Service.

A selected listing of materials dealing with restitution.

68

Callow, W. G. (1981). Crime and consequence: When the offender is forced to get to know his victim before sentence. The Judges' Journal, 20(3), 34-35, 50-51.

A judge describes rationale for encouraging victim-offender meetings prior to sentencing. Offenders realize that a person has been harmed which will reduce likelihood of future offending.

69

Campbell, R. (1977). Justice through restitution: Making criminals pay. Milford, MI: Mott Media.

A religious, biblically oriented book in which prison conditions, prison overcrowding, and a threat of prison construction are perceived as problems to which restitution is an alternative. Making offenders pay restitution will assist both victims and society and is an appropriate way of returning to the basics of law and order.

70

Canadian Corrections Association. (1968). Compensation to victims of crime and restitution by offenders. Canadian Journal of Corrections, 10, 591-599. Also in J. Hudson & B. Galaway (Eds.), Considering the victim. Springfield, IL: Thomas, 1975.

Defines and states the case for restitution and compensation. Compensation may overcome public apathy in relation to both the victim and the criminal and may help law enforcement by encouraging crime reporting. Fear that the availability of compensation might remove the inhibition some potential criminals feel about stealing from the individual is a small potential danger and outweighed by large known benefits. The report reviews recent developments and recommends a compensation program in Canada.

Cantor, G. M. (1976). An end to crime and punishment. The Shingle, 39(4), 99-114.

The development of criminal law is traced through the history of Rome and England and the goals of punishment traced through the work of philosophers over the course of the past several hundred years. The present system of criminal justice is a failure in terms of conflicting goals as well as in terms of prisons acting as schools for crime.

A new paradigm is suggested to abolish crime and punishment and to substitute restitution and responsibility. The system would rely on money damages paid by the defendant to the plaintiff within the civil law system. The civil law system of money damages can serve all the purposes now attributed to criminal punishment. The victim of a crime would be entitled and encouraged to bring suit against the other party for damages. Trials would be essentially the same as in any civil suit. The plaintiff would be required to establish his case by preponderance of evidence rather than proof beyond a reasonable doubt. A system of arbitration is proposed to handle most of the transposed criminal cases. The assessment of damages would be done under the rules which now apply in civil actions involving property damages or loss. Punitive or exemplary damages would also be permissible. Indigent defendants would be handled with damages paid in weekly installments. The amount of the weekly payment is determined in relation to the earnings of the defendant and should be subject to adjustment upward or downward with a change in circumstances. Employment must be made available by the state for those defendants who do not have work. In addition, a broad range of helping programs should be made available including education, job training, family counseling, etc. The objective is to reduce or overcome the offender's sense of impotence.

A further proposed technique is the development of the civil law's use of compensation or adjustment between the parties. Where a defendant is willing to enter into a composition acceptable to the plaintiff which may include positive elements of restitution and personal services or negative elements like restricted behavior, or both, the officiating judge or panel or arbitrators should be empowered to approve the composition and to adopt it by appropriate order or decree, subject to penalties for contempt if it should be dishonored. The proposed system places the responsibility on the offender to redress the wrongs done. The aim is redemption and restoration of the wrongdoer.

Casson, J. W. (1983). Restitution: An economically and socially desirable approach to sentencing. New England Journal on Criminal and Civil Confinement, 9(2), 349-385.

The history of restitution in Anglo-Saxon law and the many benefits that are seen to follow from the use of restitution as a sanction for law breakers are reviewed. Seven ways of implementing restitution in the justice system are presented and assessed. Three of these plans are seen as combining punishment with restitution, four recommend restitution instead of punishment.

73

Challeen, D. (1980). Turning society's losers into winners: An interview with Dennis A. Challeen. The Judges' Journal, 19, 4-9, 48-51.

Offenders lack self-esteem and do not respond to punishment or threat of punishment in the same manner as achievers in society. Thus our traditional methods of handling offenders are counter-productive both for the offender and society. What is needed is increased use of the age-old concept of restitution; restitution, however, must be used in a positive manner to enhance offender self-esteem and not degrade or hold offenders up to public humiliation. The best sentence a court can impose is one in which the offender does something for himself. The author, a municipal court judge, recommends this approach primarily for non-violent offenders and for felons as well as juveniles and misdemeanants.

74

Challeen, D. A. (1986). Making it right: A common sense approach to criminal justice. Aberdeen, SD: Melius and Peterson.

Describes one judge's approach to sentencing--involves restitution, responsibility and personal change. Restitution to the victim, community and to the offender (in the form of counseling, church, and school) is stressed.

75

Challeen, D. A., & Heinlen, J. H. (1978). The win-onus restitution program. In B. Galaway & J. Hudson (Eds.), Offender restitution in theory and action (pp. 151-159). Lexington, MA: Lexington Books.

Describes the Winona County Court (Minnesota) Restitution Project which primarily involves community service work for a population of misdemeanor offenders.

76

Chesney, S. L. (1980). Restitution and social control. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (p. 55-60). Lexington, MA: Lexington Books.

Do offenders ordered to make restitution as a condition of probation form a distinct group or are they similar to either those on straight probation or those sentenced to incarceration? Data were collected on 383 dispositions from the felony (district) courts in 17 Minnesota counties. This represented all cases in which a restitution order was present and a random selection of one out of four dispositions to either straight probation or incarceration. All data were collected from court records and local

probation files. Discriminant analysis technique was used to distinguish between the three groups. The discriminant analysis did derived functions discriminating among probation only, restitution and probation, and incarceration cases. However, no clear-cut distinctions among the groups were found. Of cases in the restitution and probation group, 40% were correctly classified. Thirty-three percent of these cases were similar to probation only cases and over one-fourth of the cases were more similar to incarceration cases. The restitution only group was found to be very similar to the restitution and probation group on race, employment, and seriousness of convicted offense. The restitution and probation group tended to be between the probation only group and the incarceration group on the number of previous felonies and age. The results showed that those sentenced to make restitution as a condition of probation are most similar in social economic status to the probation only group.

77

Chesney, S. L. (1976). The assessment of restitution in the Minnesota probation services. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 146-186). St. Paul: Minnesota Department of Corrections.

This study identifies and describes the manner and extent of restitution use in the probation services of Minnesota. The design involved drawing a random sample of probation dispositions during four months of 1973 and 1974 from 17 counties stratified by population. Proportionate numbers of probation cases were randomly selected from each of the three levels of courts within each of the sample counties. A total of 525 cases comprised the final sample. Official criminal justice files and structured interviews were used for data collection. Study results were held to be valid for the population of probation cases in Minnesota during the 12 months, July, 1973 through June 30, 1974.

Major findings were:

- Restitution was used as a condition of probation in nearly one-fifth of all probation cases.
- Restitution was used mainly in the form of full cash restitution; adjustments in the amount of restitution because of the offender's limited ability to pay was relatively rare; service restitution was ordered in only a few cases.
- The most important factor determining whether an offender was ordered to pay restitution was predicted ability to pay; therefore, most restitution cases were white, middle class persons.
- Failure to make restitution was related to the existence of a prior criminal record.
- Most judges and probation officers favored the use of restitution and believed that it had rehabilitative effects.
- Only a minority of victims were satisfied with the way restitution had been made.

78

Chesney, S. L., Hudson, J., & McLagen, J. (1978, March). A new look at restitution: Recent legislation, programs, and research. Judicature, 61, 348-357.

Describes recent developments in legislation, programs and research dealing with restitution. Laws that provide for restitution provide for restitution as a component of the routine sentencing of adults, as a specific condition for the disposition of juveniles, and as a goal to be achieved through special corrections programs. Fifty-four restitution projects or programs are described. The largest proportion of programs are non-residential, serve primarily adult offenders, and are operated by state-level agencies. Research completed on restitution is summarized in three categories: the manner and extent to which restitution is being used, attitudes toward restitution, and evaluation of the relative effectiveness of restitution programs.

79

Children's Legal Rights Journal. (1979). Restitution--A just compensation. Children's Legal Rights Journal, 1(3), 4-7.

To illustrate the restitution concept, a hypothetical situation involving a juvenile offender is examined.

80

Christie, N. (1984). Crime, pain, and death. New Perspectives on Crime and Justice (Occasional Papers #1). Elkhart, IN: Mennonite Central Committee U.S. Office of Criminal Justice and Kitchner, ON: Mennonite Central Committee Canada Victim Offender Ministries Program.

The focus on rehabilitation and deterrence are not far points on a pendulum's arc but are quite similar because both address the deliverance of pain to do good although this is often disguised. The neoclassical view (retribution) should also be rejected because it is too simplistic. Just as society must provide rituals and ways for persons to handle death, so must a society provide rituals and ways for people to handle anger. The present ways that societies respond to persons who have violated laws do not provide constructive ways for victims to express and deal with their anger towards the offender; we tend to segment and separate people rather than to bring them together with opportunities to establish identity relationship. When the victim does participate it is an angry person participating in a process with no good purpose and may result in the person wanting to hurt. Perhaps the assumptions that victims are intent upon delivering pain to offenders are exaggerated by persons who now monopolize the delivery of pain. What is needed instead is a more humane process in which the victim is allowed to get to know the offender and to know the act. This may result in a reduction of pain in society at least pain which is officially delivered.

81

Chupp, M. (1989). Reconciliation procedures and rationale. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 56-68). London: Sage.

Victim offender reconciliation procedures (VORP) are designed to empower victims and offenders to solve their own problems through a win-win mediation process. Program procedures involve intake, screening, and assignment to volunteer mediator; preliminary meetings with offender and victim; the victim-offender reconciliation meeting; and reporting, monitoring, and follow up. The limitations of VORP include its typical use post trial which often requires a reeducation process for offenders and victims to undue damages done by the justice system, limitations on the voluntary nature of participation, differing communication skills of victims and offenders, and often, the power imbalance between victim and offender.

82

Clarke, P. (1986). Is there a place for the victim in the prosecution process? Canadian Criminology Forum, 8, 31-44.

This article examines the current crime victim's status in Canada's prosecution process, the historic background of this status, reasons for the victim' rights movement, and proposals for change in the victim's status.

Some proposals for increased victim services and involvement in case processing include financial reparation, a victim impact statement, and the use of victim advocates to influence case processing on the victim's behalf. These proposals have had small impact, as restitution is seldom ordered, compensation schemes are seldom used, and most victims do not use the limited opportunities to influence case processing. Overall, the place of victims in the prosecution process is limited to that which does not obstruct the bureaucratic processes convenient for the traditional actors in case processing.

83

Clarke, S. H. (1978). Restitution as a condition of probation. Chapel Hill, NC: University of North Carolina, Institute of Government.

Based on North Carolina law, suggestions are made for court officials to alleviate probation officers' difficulties in ensuring that restitution payments are made.

84

Clements, H.M., Smith, G. F., Saunders, R. L., & McGill, W. B. (1974). Correctional industries. Proceedings of the American Correctional Association, Annual Congress of Corrections, Houston, TX.

A group of talks given at the 1974 American Congress of Corrections dealing with a correctional industries' feasibility study, the legal aspects of the study, and its marketing research phase. The goals of correctional industries are helping to reduce the cost of incarceration and producing a law abiding, taxpaying citizen upon release. If inmates are given an opportunity to earn fair wages while confined, they later will be able to assume responsibility for support of themselves and their dependents, pay taxes, and possibly make restitution for their crimes. However, correctional industries typically have a rapid turnover of work force, little incentive for quality performance, and generally cannot use the most effective and efficient production methods.

The South Carolina Department of Corrections has obtained a Law Enforcement Assistance Administration (LEAA) grant for a feasibility study. The goal is to develop detailed implementation plans for correctional industries that will provide inmates with fair wages for their work, on-the-job experience in a modern industrial or service operation, and meaningful vocational training. Questions which arise concern inmate membership in unions, eligibility for unemployment compensation, and the legality of requiring victim restitution out of wages. The contractor selected to conduct the study believes that the project can work best with private industry and recommends a system of incentives to encourage local and industrial participation.

85

Coates, R. B. (1990). An assessment of victim-offender reconciliation programs in North America. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

The victim offender reconciliation programs (VORP) concept originated in Kitchener, Ontario in 1974, was transported to the United States in 1978, and VORP programs now function in 20 states and 5 countries. VORP emerged at a time when considerable interest was developing around the concepts of victims and mediation. The program involves a face-to-face meeting between the offender and victim to discuss the victimization, express feelings and views, and to negotiate actions the offender can take to make redress to the victim. Limited data are available regarding VORP operations. An estimated 3,000 offenders are served per year; the majority are juveniles although some VORPs specialize in working with adults. Approximately 60% of the victims agree to participate in VORP; when offenders and victims meet, they express high satisfaction with the process.

Evidence as to whether VORP serves as an alternative to incarceration is mixed. The VORP programs, especially those operating in the private sector, involve local community residents in justice system. Additional outcome studies are needed. VORP functions in a delicate political context and case studies are needed to demonstrate strategies for establishing VORP programs. There are several pitfalls for further VORP development including not being clear where VORP fits into the system, losing a focus on face-to-face mediation, dealing with commercial victims to the exclusion of individual victims, potential for being engulfed by the system, being closed to evaluation, and losing the

balance among multiple goals. The principles underlying VORP reach back to a fundamental philosophical understanding of social contract, the idea that justice is obtained when a personal violation of one person by another is made right by the violator.

86

Coates, R. B., & Gehm, J. (1989). An empirical assessment. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 251-263). London: Sage.

Court and agency files were used to collect data regarding 73 referrals to three victim offender reconciliation programs (VORP) in 1983 compared to 73 non-VORP referrals from the same jurisdictions matched on the variables of sex, juvenile or adult, race, prior conviction, prior incarceration, and most serious current charge. Focused interviews were held with 37 victims who participated in VORP, telephone interviews were conducted with 26 victims who declined to participate, 23 interviews were held with offenders who participated in VORP, 22 VORP staff and mediators were interviewed, and an additional 27 interviews were conducted with probation officers, judges, and prosecutors. Seventy three percent of the VORP offenders were juvenile, 90% were male and caucasian, about 20% had a prior conviction, and 17% had served time in a local jail or prison. Half had been convicted for burglary and another quarter for theft.

Offenders participated in VORP because they believed they must. Victims who participated in VORP are diverse; young, middle age, and older persons are fairly equally represented. Victims who participated hoped to recover loss, wanted to help the offender, or wanted to have a chance to participate in criminal justice process. Victims choosing not to participate indicated that the loss did not merit the effort, were afraid of meeting the offender, or that they had already worked out a settlement. Respondents in the study had perceived varying goals for VORP. Staff and mediators stressed humanizing the criminal justice system, increasing offenders personal accountability, and providing meaningful roles for victims. Victims reported recovering loss, helping offenders stay out of trouble, and participating meaningfully in the criminal justice process as the three highest rated goals. Offenders goals were to avoid harsher punishment, to get the whole experience of crime and consequences behind them, and to make things right. Criminal justice officials perceived the goals of VORP as being to provide restitution to victims, encourage involvement of victims in the criminal justice process, and keeping offenders out of trouble.

Eighty three percent of the offenders and 59% of the victims were satisfied with the VORP process; only 11% of the victims expressed dissatisfaction and all but one of the participating victims indicated that if the occasion arose again they would choose to participate in VORP. Both victims and offenders perceived offender participation in VORP as total or partial punishment for the offender. Eighty percent of the victims and offenders indicated that justice had been served in their cases. There was little difference in the two samples in terms of the number of offenders incarcerated, however,

the VORP cases were significantly more likely to serve time in local jails than the non VORP matched group who were more likely to serve time in the state prison. There were also a significant difference in the amount of time served with VORP cases serving an average of 38 days compared to an average of 212 days for the non-VORP cases. It may be possible to distinguish four different idealized models for VORP--normalized community conflict resolution, diversion from the formal criminal justice system, alternative to incarceration, and justice.

87

Coates, R. B., & Gehm, J. (1985). Victim meets offender: An evaluation of victim-offender reconciliation programs. Valparasio, IN: PACT Institute of Justice.

An evaluation of victim offender reconciliation programs (VORP) in Southern Indiana and Ohio finds that VORP involved victims in the criminal justice process and has potential as an alternative to incarceration. Data sources were a matched sample from 1973 VORP and 1973 non-VORP offender referrals drawn from three Indiana programs, interviews with victims and offenders who had participated in VORP, and interviews with VORP staff, mediators, and criminal justice officials. Victims, offenders, and criminal justice officials were found to hold differing views as to the purposes of VORP. No difference was found in the likelihood of the VORP cases being incarcerated as compared to the match sample, but the VORP offenders were significantly less likely to be incarcerated in a state prison (they served jail time) and served considerably less time than the non-VORP matched sample.

The two top priority goals for VORP staff and mediators were to humanize the criminal justice process through face to face meetings and to increase offenders personal accountability for actions. The two top priority goals for victims were to recover loss and to help the offenders stay out of trouble; for the offenders the two top priority goals were to avoid a harsher punishment and to get the whole experience of the crime and consequences finished. For criminal justice system officials the top priority goals were to provide restitution to victims and to provide for useful involvement of the victim in criminal justice. For the VORP sample, 78% were juvenile, 92% caucasian, 93% male, 19% had at least one prior conviction, 93% had no prior post-conviction incarceration, 54% were convicted of burglary, and 27% were convicted of felony theft.

88

Cohen, H. (1980, September). The New York state juvenile restitution program. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Describes the design and implementation of a state restitution program.

89

Cohen, I. E. (1944). The integration of restitution in the probation services. Journal of Criminal Law, Criminology and Police Science, 34, 315-321. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 332-339). Springfield, IL: Thomas, 1975.

Restitution is a useful and beneficial probation tool and should be part of a casework program, not a hit-or-miss method of collection unrelated to the broader possibilities. Restitution can be the basis for a relationship between the probationer and probation officer, provide a greater awareness of the meaning of probation to the probationer, provide a vehicle for resolution of inner conflicts arising from the forces within the offender who rejects restitution, contribute to the satisfaction that the probationer would ultimately derive from a job well done, and contribute to a decrease in tension and anxiety.

90

Cohn, A., McConnell, M., & Kramer, A. (1982). Restitution--An approach to sentencing. Reno, NV: National Council of Juvenile and Family Court Judges.

Restitution and community service orders as punishments for juvenile offenses provide a more positive experience of accountability and of responsibility of the offender than does institutionalization, while giving the victim compensation or the community the benefit of positive service.

91

Colson, C. W., & Benson, D. H. (1980). Restitution as an alternative to imprisonment. Detroit College of Law Review, 2, 523-598.

The prison in the United States is a failure and victims of crime are virtually ignored in the justice system. This has not always been the case and many pre-modern societies regarded compensation of the victim as an essential part of their legal systems. Restitution by offenders to their victims should be instituted on a wide scale in the United States and become the primary means of dealing with criminal behavior. Restitution programs can be a viable alternative to prison and examples of how restitution programs work in practice exist in the United States. Suggestions are made about how systems of restitution might be established throughout the country, in each state and in the federal courts. Possible objections to the type of restitution programs proposed are considered and found wanting. It is recommended that restitution programs be instituted on a gradual, tentative basis, allowing the public to acquire experience with the operation of the new system as imprisonment is slowly phased out for all but the most dangerous offenders.

92

Compensation and the means of the offender. (1976). Compensation and the means of the offender. Justice of the Peace, 140, 329-330.

Reviews recent decisions of the British Court of Appeal as to how the means of the offender are to be registered when the court makes a compensation order. The judgment to be made in determining the amount of a compensation order is of the same nature as any other judgment in the sentencing process; the court has to look at the desirability of the order, the ability of the offender to pay, and the likely effect of the order on the offender.

93

Conrad, J. (1990). VORP and the correctional future. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Victim offender reconciliation programs (VORP) that require an offender performance proportional to the offense are working well, recognize the rights of victims, and, while not a panacea, have possibilities for much broader application. VORP and community service should be ruled out as sentencing options before other sanctions are considered. The fact that this is not occurring demonstrates the inertia of legislators and judges and the absence of creative leadership from correctional administrators. There are pitfalls with VORP and community service, the most dangerous of which is that they may become bureaucratized.

94

Covey, J. M. (1965). Alternatives to a compensation plan for victims of physical violence. Dickinson Law Review, 69, 391-405. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 220-237). Springfield, IL: Thomas, 1975.

Potential remedies available to the victim of crime include municipal liability stemming from the failure of government to act and wrongdoer liability enhanced either through civil suits or penal fines. The use of the adhesive principle in continental law systems involves a procedure providing for joinder of the victim's civil case and the criminal proceedings against the defendant. A state compensation scheme is probably the most equitable and workable form of redress for victims of criminal violence.

95

Crime may cost the criminal. (1971). Crime may cost the criminal. FBI Law Enforcement Bulletin, 44, 28.

Recently enacted Pennsylvania law provides that courts may compel any person convicted of a crime involving theft, or damage to property, or injury to person to be sentenced,

not only to imprisonment, but also to make restitution to the victim. The sentencing judge is authorized to consider the financial condition of the offender, the extent of the injury, and to set appropriate arrangements for restitution.

96

Crites, L., & Rubin, H. T. (1985). Implementation of the restitution program. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 71-109). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Implementing a restitution program involves mobilizing community resources and developing a public relations strategy, staffing the program, setting up an accounting and disbursement system, developing a management information system and evaluation plan, and preparing written material such as forms and manuals. Community support can be mobilized through media, existing organizations, developing relationships with juvenile justice officials, and may include establishing citizen advisory boards. Staffing includes deciding about relying on existing staff or recruiting new staff, determining reasonable case loads, deciding about the use of volunteers, and determining the type of staff training which is necessary. Managing restitution payments involves developing record keeping systems and determining the form of payment, deciding who can receive money, determining administrative surcharges, scheduling disbursements to victims, and determining disbursements in the case of multiple victims for one offender. Procedures need to be developed for collecting and reporting statistical information; the necessary letters, forms, and manuals must be developed. Examples of written materials from several restitution programs are included.

97

Crotty, J., & Neier, R. D. (1982). Evaluation of juvenile restitution program project-Detour final report. Jewett City, CT: Thamens Valley Council for Community Action.

In accordance with the Law Enforcement Assistance Administration (LEAA) grant, the objectives of the Project Detour program were to reduce the incarceration rate and recidivism rate of adjudicated youthful offenders, and to provide partial restitution to the victims of nonviolent crimes. Restitution was required to be made to the victims by participants from monies earned through employment found for them by the program. In March 1981, the original two year grant was extended to three years, and there was a shift in emphasis from monetary restitution to community service hours. The evaluation consisted of assessments of the first year participants and the program process as well as inclusion of an outcome analysis. Of the 158 youth on whom data were collected, only 16 (10.13%) failed to complete the program, but 7 of these youths either moved from the area or were placed out of the area by an official agency. Thus, only 5.7% were terminated from the program for failure to meet restitution requirements. Recidivism, as measured by recontact with the juvenile system during the first year following disposition of the instant offense, was 35.51% for project participants and 57.14% for a comparison group.

98

Czajkoski, E. H. (1984, November). The hidden evil of community service, restitution, and other forms of creative sentencing. Paper presented at the 36th Annual Meeting, American Society of Criminology, Cincinnati, OH.

Probation, diversion, and juvenile justice have been used as little more than mechanisms for imposing non-legal standards of behavior on people. Despite the seductive attributes of community service (helping society) and restitution (helping the victim), both examples of creative sentencing are fraught with similar dangers and are likely to move the criminal justice system into areas on the periphery of its authorized mission.

99

Czajkoski, E. H., & Wollan, L. A. (1986). Creative sentencing: A critical analysis. Justice Quarterly, 3, 215-229.

This article argues that criminal sentencing should not be distorted to serve general social goals, *good works*, no matter how noble the sentencing seems to the judge or how much the judge thinks the community might endorse it.

There is doubt that creative sentencing is efficacious in reducing incarceration levels, but in the long run, that issue is not as important as whether certain freedoms are unduly abused by alternative sentencing practices. Orders of restitution, without full judicial hearing on the loss, represent an obvious danger of injustice. Less obvious is the danger abiding in community service orders where the awesome power of the state compels *good works*. Regardless of whether it is true, we assume that the consensus of society supports the criminal law and its enforcement. We can make no similar assumption in regard to the tremendous number of social causes, ideological perspectives, and *good works* which a sentencing judge might directly support through the sentencing power. The discussion considers moral entrepreneurship in various criminal justice contexts, including probation, parole, diversion, clemency, and juvenile justice.

100

Dagger, R. (1980). Restitution, punishment, and debts to society. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 3-13). Lexington, MA: Lexington Books.

Challenges Randy Barnett's proposal to replace the paradigm of punishment with one which takes restitution to victims rather than punishment of criminals as its central goal. Barnett's proposal views crime as an offense by one individual against another but criminal offenses should also be considered acts against society. The concept of restitution is not incompatible with the view of criminal wrongs against society, but restitution is to be regarded as a form of punishment.

101

Davis, B. (1986). Instead of prison. New York, NY: Franklin Watts, Inc.

For many offenders, restitution, community service, better surveillance during probation, and other sentencing alternatives are preferable to imprisonment.

102

Davis, G., Boucherat, J., & Watson, D. (1987). A preliminary study of victim offender mediation and reparation schemes in England and Wales (Home Office Research and Planning Unit Paper 42). London: Her Majesty's Stationary Office.

A study of victim-offender mediation schemes operating in England and Wales in 1985 through 1986 to gain factual information about operations of schemes, to learn from organizers about the objectives of the schemes and how these have been modified over time, and to learn how the schemes were regarded by other groups of practitioners. Coordinators of all schemes identified in the Marshall and Walpole (1985) survey were asked to complete questionnaires; 41 questionnaires were distributed and 33 returned. Site visits were held with 17 schemes. Some schemes operate on a pre-prosecution or a non-prosecution basis and typically serve juveniles and others are court-based or post-sentence schemes and deal primarily with adult offenders. Apart from admission of guilt, which all schemes required, there was little uniformity in selection criteria which varied according to type of offense, age of victim or offender, offender's attitude toward the offense, offender's criminal record, type of victim, number of offenders involved, number of victims, and the existence of prior personal relationship between victim and offender.

Gaining a sufficient number of referrals was the outstanding implementation problem. Failure to get referrals was usually attributed to difficulty with parent agency (usually probation), with the police, or with the court. The attention of most schemes was focused on the offender and even those with a victim orientation were perceived as focusing on the offender. Confusion also exists between the objectives of reparation and of mitigation. Ten different objectives were identified: (a) to enable the parties, especially the victim, to exercise a measure of control over the conduct and outcome of the case; (b) to promote a cathartic exchange between the parties; (c) to achieve restitution; (d) to give victims more voice in the court process; (e) to encourage the offender to accept responsibility for actions; (f) to reduce likelihood of reoffending; (g) to divert offender from prosecution; (h) to provide a basis for the court to impose a lesser penalty; (i) to develop a new, more vibrant probation practice; and (j) to involve the community in response to crime and delinquency.

Most schemes express considerable concern about reparation being an additional or double punishment; this idea is, however, at odds with the notion of voluntariness which is also espoused by many schemes and is also at odds with the victim's right to

reparation and the offender's obligation to repair damage. Most schemes claimed voluntariness on the part of the offender, but it is very difficult to establish whether participation increases, does not affect, or reduces penalty. There is at present uneasy accommodation between the concepts of reparation as a private, voluntary arrangement and reparation as a part of state action against the offender. The use of groups for offenders and unrelated victims as well as neighborhood dispute settlement centers are briefly discussed, although both types of schemes are outside the thrust of the research.

103

Davis, R. C., Kunreuther, F., & Connick, E. (1984). Expanding the victim's role in the criminal court dispositional process: The results of an experiment. Journal of Criminal Law and Criminology, 75(2), 491-505.

The Victim Involvement Project (VIP) which aids victims in gaining greater participation in and understanding of criminal court adjudication was begun as samples of data were collected on these program segments: (a) interviews with victims, (b) case outcomes based on computerized court information, and (c) records of restitution orders and written admonishments. Results indicate that VIP's presence seemed to help humanize the court process for victims. Victims were excused from attending more scheduled court dates in VIP's court part (36%) than in the control part (25%). However, VIP was less successful in satisfying victims who desired punitive outcomes than those who desired restitution or protection. VIP was also hampered by the lack of incentive for officials to include victims' interests routinely in deciding case outcomes. VIP's experience also suggests that because disincentives for officials to consider victims' interests are strong, programmatic action may not bring about change unless it is accompanied by legislative action mandating that victims be given the chance to express their opinions orally or in writing.

104

del Vecchio, G. (1958). The problem of penal justice. Revista Juridica de la Universidad de Puerto Rico, 27, 65-81. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 85-101). Springfield, IL: Thomas, 1975.

Traces the philosophical roots of penal justice and suggests that crime is not only an individual act which the offender should be responsible for repairing but is also a social act requiring direct reparation by the offender of the damage done. Rejects the idea that evil is to be repaired by evil and suggests that evil is only repaired by good. Present penal law responds to evil with more evil in the form of inflicted suffering; this should be replaced with an emphasize on reparation required of the offender. Reparation can be accomplished through earnings from supervised work; although work is a moral, not legal duty, it can become a properly enforceable legal duty when its omission means disregard of obligations assumed toward others. The paper presents a philosophical position and not an operational plan to implement the philosophy.

105

Delgoda, J. P. (1980). Alternatives to imprisonment--Sri Lanka. In W. Clifford (Ed.), Corrections in Asia and the Pacific (pp. 231-234). Australia: Australian Institute of Criminology.

This short overview summarizes the alternatives to imprisonment used by courts in Sri Lanka. They include orders for binding over, warnings, suspended sentences, community service orders, fines, orders for payment of compensation, and probation. Both suspended sentences and community service orders were introduced in 1973. The latter are principally used to reduce the large number of prisoners sentenced to undergo terms of imprisonment for nonpayment of fines, providing an alternative in the form of compulsory service to the community. The provision for compensation is frequently used to replace monies lost by fraud victims.

106

Deming, R. R. (1976). Correctional restitution: A strategy for correctional conflict management. Federal Probation, 40(3), 27-32. Also in B. Galaway & J. Hudson (Eds.), Perspectives on crime victims (pp. 285-292). St. Louis. MO: C. V. Mosby, 1981.

Draws from the theoretical work of Steven Schafer who justified the use of restitution and suggests a correctional strategy that might be used to bring offenders and victims together to implement correctional restitution. Crime is seen as a conflict; a conflict typology is developed and used to categorize adult offenders in the Rhode Island State Prison. The majority of felons are categorized as specific criminal conflicts--non interfacial crimes (such as burglary, larceny, shoplifting) are very appropriate for correctional restitution. One of the tasks of the criminal justice system is to manage (rather than resolve) conflict; correctional restitution is one way to accomplish this.

107

Dittenhoffer, T. (1981). The victim/offender reconciliation program: A message to correctional reformers. Toronto: University of Toronto, Center of Criminology.

The focus of the present research study is on victim/offender reconciliation programs. These are relatively new sentencing programs in which the offender convicted of a crime agrees to meet his victim and negotiate the amount of harm done and further decide on mutually acceptable terms of compensation. The purpose of this study is two fold. First, the aim is to explore and discover in detail how victim/offender reconciliation programs operate. Despite their increasing popularity, few criminologists and criminal justice practitioners understand these programs beyond general descriptions and stated ideals. Therefore, a detailed description of the program will generally provide information that may be found useful by a variety of audiences. Secondly, based on a more theoretical perspective, the purpose is to evaluate the program by discovering

whether it is achieving its intended result, and whether certain pitfalls have become apparent.

108

Dittenhoffer, T., & Ericson, R. V. (1983). The victim/offender reconciliation program: A message to correctional reformers. University of Toronto Law Journal, 33, 315-347.

An in depth study of one Ontario victim offender reconciliation program (VORP) to determine the extent to which it might be accomplishing goals of reconciliation and serving as an alternative to imprisonment. Twenty days were spent in the VORP office over a five month period observing and collecting information, analysis was done of 45 cases that had been referred to the VORP office during the months of April to November 1980, and structured interviews were conducted with judges, probation officers, and prosecutors. The 45 cases involved 51 offenders (6 cases involved 2 offenders each) with an average age of 22 years; 21 were employed and 16 unemployed with the employment status of the balance unknown; one-third of the offenders had at least one prior criminal conviction, most of the cases involved property crime (usually breaking and entering and/or theft); the average number of offenses per offender was 4.5.

One hundred fifty-nine victims were involved, 13% of the victims had received partial recovery from insurance and 76% had no insurance coverage pertinent to the losses. Two-thirds of the victims were business establishments but most of these were small commercial businesses with one or two proprietors and only five percent of the total victims could be considered as corporate. In 85% of the cases the offenders had no prior relationship with victims. There was no victim/offender contact in 18 cases and 11 additional cases were in an early stage at the time of the research was terminated. In 29 cases a restitution amount was settled upon with an average payment per offender of \$462.

Based on the examination of cases and interviews the authors conclude that restitution is the basic feature of VORP and that reconciliation has been given a lesser role. Given the nature of the cases and the views of prosecutors and judges it is doubtful if the program serves as an alternative to imprisonment. The program is supported because it is perceived as doing something for crime victims.

109

Divorski, S., & Holland, J. (1986). Directory of adult alternative programs in Canada. Ottawa: Ministry of the Solicitor General.

An updated version of an earlier adult alternatives directory produced in 1984. This report aims at a comprehensive listing of adult offender release programs as alternatives to incarceration. Pre-charge, pre-trial and post-trial programs are included. The adult alternative programs are grouped by province and are further classified according to program content. Community service order programs, victim offender mediation,

drinking and driving programs, employment and counseling services and volunteer services are some of the major categories. A brief description, including administration, jurisdiction, approach, clients and address are provided for each program.

110

Doble, J. (1987). Crime and punishment: The public's view. New York: Edna McConnell Clark Foundation.

Views of Americans towards crime and its correction were explored through focus groups meeting in 10 American cities between April and July 1986; each group consisted of six men and six women evenly divided among three age bands, 28-35, 36-55, and 56 and older. Each group had two or three blacks or Hispanics; one third of each group had college degrees, one third had some post high school education and one third had completed only high school. Twenty observations emerged in three general areas--guiding principles underlying public views about crime and the criminal justice system, views about the crime and the criminal justice system, and views about prison overcrowding and alternatives to incarceration.

Americans tend to define crime in immediate terms by using their geographic area and their experience as reference points. Concern about crime is personal and focuses on what may happen to them and their families in the future. For Americans the primary goal of the criminal justice system should be to discourage future crimes. Americans perceive criminals as products of their environment, and see the underlying causes of crime as factors related to poverty and the values with which children are raised. Two immediate causes of crime are the illegal use of drugs and lack of adequate deterrents to crime. The police are rated as an effective component of the criminal justice system but the courts are inept; sentencing should be uniform for similar crimes, it is important to consider an offenders record in determining an appropriate punishment. Low regard was expressed for the nation's prison system, and the primary goal of the prison system should be rehabilitation but participants were not optimistic that this is occurring. Although aware of overcrowding, the respondents do not recognize its impact on the criminal justice system or the ability of prisons to accomplish goals. They resist confronting the dilemma of prison overcrowding, believe the prison overcrowding is caused by increased crime and simply do not accept that the crime rate has levelled off or that mandatory and stiffer sentencing are causes of the problem. Respondents believed that prisons should be humane but should be harder in the sense that offenders be required to work.

Strong support was expressed for alternatives to incarceration, especially restitution, but also community service sentencing and other therapeutic type alternatives. Support of alternatives increase as the respondents understood the cost of building and maintaining prisons. The most important support for alternatives is the belief that prisons fail to accomplish their primary objectives. Favoring greater use of alternatives excludes violent or repeat offenders or drug dealers.

111

Docherty, C. (1984). Compensation orders: Symbolic gesture or effective response. Paper presented at the Conference on Victims, Restitution and Compensation in the Criminal Justice System, Cambridge University, England.

Compensation in the criminal court is an ineffective mechanism to repay victims because many offenders are not caught, many who are caught are not ordered to pay compensation, and there are practical administrative problems when compensation is ordered. It is also unlikely that compensation is a rehabilitative tool; most offenders probably see compensation as leading to mitigation rather than rehabilitative. A better scheme would be to link compensation in the criminal courts to a state crime victim compensation scheme through use of a central fund into which offenders would be ordered to pay based on their ability and from which payments would be made to victims based on their needs.

112

Dockar-Drysdale, P. (1953). Some aspects of damage and restitution. British Journal of Delinquency, 4, 4-13.

Discusses the use of restitution, from a psychoanalytic perspective, in a residential treatment center for aggressive, disturbed children, ages 5-12. Children who do damage strive consciously or unconsciously to make restitution, but there is a wide difference between enforcing restitution and making available the means for spontaneous restitution. The latter is of most therapeutic help to the disturbed child.

113

Dodge, D. (1979, September). Restitution by juvenile offenders: An alternative to incarceration. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes aims, implementation problems, research approach, and current status of the national funded restitution initiative of the U.S. Office of Juvenile Justice and Delinquency Prevention.

114

Dodge, D., & Maloney, D. (1982). Accountability justice. Reno, NV: National Council of Juvenile and Family Court Judges.

Following a review of the work of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in initiating and monitoring juvenile restitution programs throughout the country, this presentation argues that properly implemented juvenile restitution programs build upon the research findings regarding the dynamics of positive youth development.

115

Duckworth, A. M. E. (1980). Restitution, an analysis of the victim-offender relationship: Towards a working model in Australia. Australia and New Zealand Journal of Criminology, 13, 227-240.

Proposes a model restitution program in which victim-offender negotiation of a restitution plan is a central feature. Initially the program to be limited to straight forward cases with an identifiable victim, relatively minor property offenses, and defendants who choose to plead guilty. Discusses problems of offender selection, unemployed offenders, insurance payments to victims, and costs.

116

Duckworth, A. M. E. (1979). Restitution: An analysis of the victim-offender relationship: Towards a working model in Australia. Perth, Western Australia: Western Australia Department of Corrections.

This paper briefly traces the history of restitution, its demise and recent reappearance as a model for administering justice, and then outlines a provisional model of victim-offender restitution for Australia.

Interest in restitution has revived in recent years because of disillusionment with the treatment and deterrent models of justice, increasing concern for the victim, and pressures to contain correctional costs. Several restitution programs currently operating in the United States, Canada, and Great Britain are described which illustrate a variety of philosophies and goals, but all represent a common dissatisfaction with the justice system and its neglect of the victim. The community service order popular in Great Britain and to a limited extent, in Australia, requires an offender to perform useful work for the community after normal working hours instead of going to prison. Programs in North America have centered more directly on the victim-offender relationship by negotiating restitution payments or service between the parties.

117

Duffy, B. P. (1985). A cost effectiveness analysis of the Maryland state restitution program. Dissertation Abstracts International, 46, 1406A. (University Microfilms No. DA85-13645)

Although the concept of cost effectiveness analysis is currently in vogue, it is interesting to note the absence of such analysis in the criminal justice field. An examination of the available research and literature in the area of restitution programming indicates an abundance of descriptive and attitude studies. There is, however, a lack of rigorous quantitative or analytical studies addressing the cost effectiveness of restitution programs.

The few studies which have attempted to evaluate the effects of restitution have been flawed, failing to yield useful results.

In an effort to compare the cost effectiveness of incarceration, probation, and restitution, recidivism rates from a sample of 210 Maryland offender files closed in 1981 and from one third of the offenders assigned to the Maryland Division of Parole and Probation were compared. Information on 40 variables was collected, coded, and analyzed using non-experimental designs and logit and multiple regression analyses. Regressions were stratified into 13 offenses to discover any impact of the offense of conviction on subsequent recidivism. While the data confirmed the importance of several independent variables in the occurrence of recidivism, some of the variables traditionally associated with recidivism, such as sentence and drug use, were not related to recidivism in this study.

Efforts to explain these findings testing the differences between the means of the study sample and groups of offenders located across the United States during the same time period. This analysis showed no difference between groups for many key variables. Next, judges responsible for sentencing the offenders included in this study were interviewed to determine which variables, if any, were important determinants of sentence and recidivism.

These consultations suggested that factors not lending themselves to quantitative analyses significantly impact judicial sentencing decisions. It is proposed that for this sample, variables such as offender demeanor may play an important role in the sentencing decision. As a result, variables traditionally associated with post sentence success or failure (recidivism) may have been neglected, thus yielding results such as those observed here. Given the absence of sentencing impact on recidivism, however, this suggests that the least costly sentence, i.e., restitution, should be used.

118

Duffy, J., & Welch, J. (1978). Restitution report. Wellington, DE: Delaware Criminal Justice Planning Commission.

Delaware law allows for use of restitution in conjunction with a sentence. This study was conducted to assess the extent to which restitution is being used by the superior courts in the state and to determine the adequacy of the collection mechanisms. The study design involved taking a six month sample of criminal charges disposed of by the superior courts during January to June, 1976. In addition, the study followed a sample of 32 probationers ordered to make restitution during this time period to obtain information on payments. Data were collected from official court and probation department files.

Major findings were:

- A total of 1,700 charges were disposed of in the state involving 1,100 individuals; approximately 600 of the charges involved property offenses.

- Of the total number of charges, 81 involved an order to make restitution and this involved a total of 76 offenders. Restitution was therefore ordered in 4.5% of the total charges disposed of during the six month sample period. Considering only property offenses, approximately 10% of the charges received a disposition involving restitution.
- Thirty-two probationers ordered to pay restitution were followed for 19 months; 90% of the ordered restitution had been paid; the average payment per month was slightly over \$3.00 per offender.
- Problems identified included the inadequate mechanisms used by probation officers for collection and the unemployment of offenders.

119

Dukes, T. (1980, September). Implementation of statewide restitution in South Carolina. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Description of the design and operation of a statewide juvenile restitution program.

120

Dunkel, F. (1986). Reparation and victim-offender conciliation and aspects of the legal position of the victim in criminal procedures in a Western-European perspective. In H. J. Kerner (Ed.), European and North American juvenile justice systems (pp. 303-327). Munich, Germany: University of Heidelberg, Institute for Criminology. [Deutschen Vereinigung fur Jugendgerichten und Jugendgerichtshilfen Schriftenreihe Heft 16.]

A 1985 survey of 18 West European countries inquired about their pretrial victim-offender mediation, victim trial services, victim-offender mediation as part of sentencing, victim support organizations, and public attitudes toward victim-offender mediation.

In recent years and in most of the countries surveyed, the public, the courts, and the probation services have become more aware of victim-offender mediation. In Great Britain, the Netherlands, and France, victim services and the resolution of victim-offender conflicts through mediation are increasingly being used within and outside of formal case dispositions. Most countries, however, have only had scattered experiments in these programs. The use of pretrial victim-offender mediation has been generally sparse and unsystematic. Although most countries have some victim support services for rape victims, battered women, and abused children, the support does not cover the trial period in most cases. Victim-offender mediation as part of sentencing is most often in the form of restitution, with community service used as a form of restitution. Victim support organizations exist in only a few countries. Overall, the victim's role in the trial and victim support services provided during the trial are weak. Several reform proposals designed to improve the victim's legal position are being discussed.

121

Dunkel, U. (1985). Victim compensation and offender restitution in the Federal Republic of Germany: A Western-European comparative perspective. International Journal of Comparative and Applied Criminal Justice, 9(1), 29-39.

The German Victim Compensation Act of 1976 provides compensation for violent acts within the framework of a social security system with periodic payments, while most of the other West-European countries grant lump sums from a special compensation fund. The German legislation, however, has given the victim a relatively weak position. The problems are aggravated because of the restrictive, and concerning the Federal states - - different, application of the law. Victim compensation as a restitutorial sanction within the penal law doesn't play an important role. Furthermore, the financial situation of most offenders is so bad, that the civil claims of the victim for damages cannot be compensated. In Germany, however, remarkable efforts are made by the debt relief programs for offenders, which allow victim compensation on the one hand and offender rehabilitation on the other. This balancing of victim-offender interests seems very important for criminal policy in general. An extension of the legal provisions for victim compensation is considered necessary as is the wider application of restitutorial sanctions whether instead of or combined with penal sanctions.

122

Dünkel, F., & Rössner, D. (1989). Law and practice of victim/offender agreements. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 152-177). London: Sage.

Legal developments in Germany, Austria, and Switzerland are moving in the direction of introducing principles of reparation and victim offender mediation into the juvenile justice system. A theory of law based on restoring peace instead of encouraging a retributive tendency is evolving. Much of the process involves examining the current law to seek possibilities for case diversion at the prosecution level. Provisions also exist for courts to reduce the sentence if the offender has shown active repentance such as restoring the damage as far as reasonably can be expected. Restitution can also be ordered as an educative measure combined with suspended sentence. There are provisions for victim offender agreements as a part of prison programming and parole. Possibilities for application of victim offender mediation ideas and reparation are identified in ten briefly described pilot projects.

123

Edelhertz, H. (1977). Legal and operational issues in the implementation of restitution within the criminal justice system. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp.63-75). Lexington, MA: Lexington Books.

Discusses operational issues in using restitution and the variety of legal issues that flow from them at different points in the criminal justice system.

124

Edelhertz, H., Scram, D., Walsh, M., & Lines, P. (1975, January). Restitutive justice: A general survey and analysis. Seattle: Battelle Human Affairs Research Centers.

This report explores and highlights major issues, problems, and prospects relating to the concept of restitution and its implementation. Restitutive justice is examined from historical, theoretical, legal, and operational perspectives. The operational examination is based on the results of a survey of state planning agencies for information on operational or proposed programs. Highlighted are programs in California, South Dakota, Arizona, Pennsylvania, Georgia, Minnesota, and South Carolina. Problems discussed include selection of crimes appropriate for restitution, sentencing implications, interaction between victims and offenders, and the relationship of restitution and compensation. A research model for the design of controlled action programs is recommended.

125

Edmonds, D. J. (1976). The cigarette machine wipe-out: A case study of third party intervention. Unpublished paper, Conrad Grebel College, Waterloo, ON.

A case study of three youths who destroyed a cigarette vending machine, appeared in court, and were referred to victims offender reconciliation project. The study describes the meeting between the offenders and the victim, the agreed-upon restitution, and the satisfactory resolution of the offense.

126

Eglash, A. (1977). Beyond restitution--Creative restitution. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 91-99). Lexington, MA: Lexington Books.

Describes the central ingredients of creative restitution and provides case examples.

127

Eglash, A. (1959). Creative restitution: Its roots in psychiatry, religion and law. British Journal of Delinquency, 10(6), 114-119.

Describes uses of restitution in the disciplines of psychoanalysis, religion, and law to show how these uses relate to creative restitution as a technique in rehabilitation. Guided restitution includes these elements: an act of a constructive effort by the offender that is related to the offense and reparation that goes beyond simple repair and encourages interpersonal relations between offenders and the supervising authority, between the offenders and victims, as well as between one offender and another.

128

Eglash, A. (1958). Creative restitution: Some suggestions for prison rehabilitation programs. American Journal of Corrections, 20, 20-34.

Creative restitution is a rehabilitative technique in which an offender, under appropriate supervision, is helped to find some way to make amends to those hurt by the offense and to walk a second mile by helping other offenders. Creative restitution can be used as a vehicle for improved interpersonal communication among offenders, between offenders and victims, and between offenders and corrections staff.

129

Eglash, A. (1958). Creative restitution: A broader meaning for an old term. Journal of Criminal Law, Criminology, and Police Science, 48, 619-622. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 284-290). Springfield, IL: Thomas, 1975.

Emphasis is placed on the voluntary nature of making amends for damages done as well as on the rehabilitative effects of such a process. The role of the probation officer is one of teaching or guiding the offender in the process of making restitution. The self-help nature of making restitution is emphasized.

130

Eglash, A., & Papanek, E. (1959). Creative restitution: A correctional technique and a theory. Journal of Individual Psychology, 15, 226-232.

Creative restitution is defined as providing appropriate supervision so as to help the offender find a way to make amends to those he or she has hurt, making good the damage or harm caused, and going a second mile whenever possible. Creative restitution is distinct from the usual reparation or indemnity but contains no elements actually new to correctional work. The innovation of creative restitution is that it takes familiar elements and combines them into a new gestalt. The various aspects of the technique of creative restitution are described and illustrated, particularly in reference to Adlerian theory.

131

Ervin, L., & Schneider, A. (1990). Explaining the effects of restitution on offenders: Results from a national experiment in juvenile courts. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

This research documents evidence that restitution and traditional programs both have suppressive effects on subsequent offending, but that the impact of restitution is greater

than that of traditional dispositions by approximately eight offenses per year, per 100 youths. The explanation of how and why restitution impacts recidivism is more elusive. Tests were made to determine if the linkages could be explained by deterrence theory, self image theory, or social integration theory. None of these proved satisfactory. Only the self image variable, "lawbreaker," was related in the expected way to subsequent offending.

When the models were examined separately within the two treatment groups, however, interaction effects were observed. It appears restitution experiences alter the predictors of recidivism. Further analysis suggests that one of the most important characteristics of restitution programs is that they require continuing, tangible, positive action by youths that culminates in successful completion of a type not found in traditional programs. Success has a powerful impact on recidivism within restitution programs, but far less effect on subsequent recidivism for juveniles in traditional programs. The conclusion is reached that restitution's impact on recidivism operates largely through the opportunity it presents for positively rewarding the juvenile for actions taken. Traditional programs offer no such opportunities.

132

Eskridge, C. W. (1981). Futures of crime in America: An economic perspective. In K. N. Wright (Ed.), Crime and Criminal Justice in a Declining Economy (pp. 305-323). Cambridge, MA: Oelgeschlager, Gunn & Hain.

Greater criminal justice system efficiency and the expanded use of offender-financed victim compensation and court reimbursement can help soften the impact of a declining economy, but only an improved economy can minimize the optimal cost of crime.

133

Eskridge, C. W. (1978). An economic approach to criminality: Inferences and implications. Chitty's Law Journal, 26, 9-17.

A review of the economic implications of crime and crime reduction concludes that only an improvement in the United States economy at all levels can significantly reduce crime. It is argued that the criminal justice system has reduced the costs of crime suppression through focusing on activities with the highest return ratio. In particular, restitution programs have been cited as cost effective since they reduce incarcerations and reimburse victims. However, a statistical model suggests that at some point release of defendants on restitution sentences will cost society more in terms of new crimes perpetuated than it would to incarcerate after the initial sentence. The American economy as a whole must avoid the impending limited growth roadblock, or the economic costs and loss of physical freedom from crime perpetration and suppression will continue to increase. Graphs and 22 references are included.

134

Evans, R. C., & Koederitz, G. D. (1983). The requirement of restitution for juvenile offenders: An alternative disposition. Journal of Offender Counseling, Services and Rehabilitation, 7(3/4), 1-20.

Restitution is regarded by many as the most promising, logical, and effective means of achieving the dual goals of deterrence and punishment. Surveys suggest strong support for juvenile restitution and several states have recently enacted or amended juvenile restitution statutes. A review of state juvenile codes reveals that a majority of states generally permit courts to require restitution as a disposition and to determine the amount and form of reparation. A survey of juvenile court judges and probation officers representing 14 states which permit some form of restitution revealed that about one-third of the courts require it often and two-thirds seldom or never require it. More than half regard it as an effective deterrent. Data show that the most common form of restitution is money payments, however, there remains much disagreement as to the amount of restitution required.

135

Evarts, W. R. (1990). Compensation through mediation: A conceptual framework. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

Doing justice requires adherence to the Platonic principle of doing no harm. It must be based on six principles. Compensation is the only way to mitigate harm. Compensation must be done in such a way as to injure neither victim nor offender. Compensation will always be incomplete since some harm is irredeemable. Punishment violates Plato's principle of doing no harm. The absence of compensation and the presence of punishment make both victim and the perpetrator of injury less just. If society's objective is to make people just, then punishment is not permitted but compensation is required.

136

Feeney, T. G. (1973). Pity the criminal less; more his innocent victim. Canadian Society of Forensic Science Journal, 6, 11-18.

Compelling criminals to assume responsibility for crime means providing compensation to victims of crimes. Victim restitution could aid in the dual purpose of criminal law--deterrence and rehabilitation. If criminals were forced to repay victims, crimes would be less profitable and therefore be deterred, and thus compensating victims could have a rehabilitative effect on the offender. The victims of crime appear at the criminal trial as a *partie civil* and may participate in the trial in several European systems to establish the extent of damages and the amount of restitution. This avoids the costly procedure of a second trial in the civil courts.

Feinman, H. (1985). Legal issues in the operation of juvenile restitution programs. In A. L. Schneider (Ed.), Guide to juvenile restitution (pp. 147-150). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Discussion of legal issues relating to statutory authority for restitution programs and to the scope and amount of restitution orders. Some states provide specific authority for restitution. In others the authority is inherent in the legislation authorizing courts to set probation conditions. Monetary restitution involves a deprivation of property and requires compliance with due process requirements. Due process requirements vary, however, because the court must balance the youth's interest in the scope and amount of restitution with the state's interest in maintaining a disposition procedure that is not unduly cumbersome.

Probable cause determination and voluntary, informed decision on the part of the youth and parents will be necessary for diversion cases. Post adjudication cases will require that the youth be informed of the right to counsel, of established eligibility criteria, and of the amount of restitution claimed by the victim. A youth must be provided with an opportunity to be heard, be allowed to present witnesses, and be given an opportunity to cross-examine victim if there is objection to the claimed loss. The final decision on restitution should be made by a judge or a referee, not by probation staff. Selection criteria for participating in the program must insure equal protection and not arbitrarily or unjustifiably discriminate against any group of individuals. The court must determine that the youth has a present ability to pay or is likely to have an ability to pay in the future prior to ordering restitution; a youth cannot be incarcerated for failure to pay restitution unless the failure was willful and there are no alternatives to incarceration available that will satisfy the state's interest in holding the youth accountable.

Using community service and pre-trial diversion will require an effective waiver of rights and consent to participate to avoid being in conflict with the involuntary servitude provision of the constitution; this provision does not apply to punishment of offenders, therefore a waiver is not necessary for post-adjudication. State statutes specify eligible victims and quite often provide that restitution can be ordered to victims for damages for charges that have been technically dismissed. Some statutes are not precise in defining eligible victims. Whether insurance companies and other third party companies will be eligible will depend on court interpretations of the definition of aggrieved parties. Broad definitions of this concept will extend to third parties, whereas courts defining the concept narrowly may limit restitution directly to victims. Generally courts have rejected restitution orders requiring offenders to pay restitution to charitable organizations that have no connection with the offense.

Courts have generally been given wide latitude in assessing the amount of restitution although there must be some relationship to the offender's present or likely future ability to pay. Generally restitution is limited to easily measurable financial loss. Most state courts have held that groups of offenders are jointly and severally liable for the entire

loss from a criminal activity. Some states do provide for parental liability for restitution and, where this occurs, the same due process rights extended to the offender must be extended to the parents. Generally the liability of restitution programs for either injuries experienced by the youth or injuries caused by the youth to third parties will not be assessed unless the program is found to be negligent. Insurance protection can be sought for this liability and participants can be asked to sign a waiver of right to bring claim. There is question, however, about the validity of these waivers.

138

Feinman, H. (1980). Theoretical and practical impact of private insurance on restitution as a sanction for criminal offenders. Eugene, OR: Institute of Policy Analysis.

An exploration of the legal rights and responsibilities involved in paying restitution to insurance companies. Programs, statutes, and court decisions are sharply divided on this issue. Some statutes prohibit payment of restitution to insurance companies as do the program policies of many restitution projects; these prohibitions do not alter the insurance companies' rights under subrogation to proceed against the offender in civil court, nor do they alter the contractual obligations of the victim to share recovery with insurance firms. The relationship of restitution payments to insurance companies and the punishment, rehabilitation, and compensation functions of sanctions are examined; courts and agencies that prohibit restitution payments to insurance companies should have a defensible rationale for this policy and should develop reasonable alternative sanctions.

139

Feinman, H. (1980). Review of state laws relevant to juvenile restitution. Eugene, OR: Institute of Policy Analysis.

A review of the juvenile codes of the 50 states and the district of Columbia found that 31 states have specific legislation authorizing restitution for juvenile offenders and 18 states have general probation statutes which would allow the court to include restitution as a part of conditions of probation. Excerpts from the statutes are included.

140

Feinman, H. (1980, September). Theoretical and practical impact of private insurance on restitution as a sanction for criminal offenders. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Restitution is being implemented by many courts and agencies throughout the country in a variety of fashions. Case law and court policies toward the payment of restitution to insurance companies are strongly divided. The national evaluations of adult and juvenile restitution currently underway may shed light on whether restitution is more or less effective in meeting its stated goals and purposes when the offender is ordered to

make payment to an insurance company. Courts and agencies that prohibit restitution payments to insurance companies should have defensible rationales for this policy and should develop reasonable alternative sanctions.

141

Feinman, H. (1980). Legal issues in the operation of restitution programs in a juvenile court. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 139-149). Lexington, MA: Lexington Books.

Examines the logical and constitutional problems posed by different methods of ordering restitution and the legal issues that arise in the operation of restitution programs at the level of the juvenile court.

142

Fiky, A. E. L. (1986, July). The rights of the victim in Islamic criminal legislation. Paper presented at the World Congress of Victimology, Miami, FL.

Principles of Islamic criminal legislation divide crimes into two categories; crimes against the rights of God and crimes against the rights of individuals. Crimes against God are theft, slander, adultery, highway robbery, drinking alcohol, transgression, and apostasy; God has provided the penalties for these crimes in the Koran and nobody has the authority, including the direct victim, to increase or reduce penalties. Crimes against the person including murder, voluntary killing, involuntary killing, intentional physical injury and maiming, and unintentional injury or maiming. These crimes may involve a retributive penalty equal to the injury inflicted on the victim or may take the form of a pecuniary compensation for the victim's injuries which may be imposed if retribution is not executable or if the victim waives the right to demand it.

143

Fischer, D. G., & Jeune, R. (1987). Juvenile diversion: A process analysis. Canadian Psychology, 28, 60-70.

Evaluation of a juvenile diversion program operating in a western Canadian city of 160,000; youths are diverted from formal juvenile justice processing to a program involving community service, victim restitution, and victim offender reconciliation. Referral decisions are made by police. Police have three options: to warn and dismiss, to refer to youth diversion, or to arrest the youth and refer to the juvenile court.

If referral to youth diversion is selected the police officer meets with the youth and parents and explains the program. Subsequently a diversion meeting occurs involving the youth, parents, two community volunteers, the victim, and a representative of the John Howard Society which operates the diversion program. The meeting is held to discuss the transgression and means by which compensation and reconciliation with the victim

can be reached. Parents sign a consent form to participate. The youth must acknowledge guilt. Diversion agreements are reached in 97% of the cases referred; only one hearing is required for 95%. The average length of time for diversion hearings is one hour.

Data collection included use of questionnaires, interviews, and participant observation. Data were obtained from youths, parents, volunteers, and victims immediately following diversion hearings; in addition community agencies, police, and the project coordinators were interviewed. During the three year experimental stage, 259 youth were referred to the diversion program; demographic data were obtained on all youth. Average age was 14.5, 85% were male, and 82% white. 59% came from single parent homes. Interview data were obtained from 104 youth, 90 parents, 149 community volunteers, and 7 victims. Only 7% of the victims attended diversion hearings, although in 66% of the cases youths met with victims outside the diversion hearing; 73% of the victims and youths came together before, during, or after the diversion hearing. Corporate victims were generally unwilling to take the time to attend diversion hearings. Most of the referrals were property offenders. Diversion hearing dispositions include monetary compensation (44.7% of total dispositions), work for the victims (13.8%), community service (37.9%), apology (42.7%), referral for counseling (4.7%), referral to agency other than counseling (8.3%) and other (17.8%). Dispositions were reached in 97% of the cases; the remaining 3% were referred back to the court for processing either because the parents felt the court could better provide for the youth or refusal on the part of the youth to admit to the alleged facts as presented by the police report.

Comparison of police depositions for the 10 years prior to the program with the three years in which the program operated showed no decrease in warning and dismissals and a decrease in referral to the court, leading to the conclusion that the program did not have a net-widening effect. The average cost per youth served in the diversion program was \$345, substantially less than court processing costs. Eighteen percent of the youths and 62% of the parents had previously been to court and of these 94% of the youth and 100% of the parents preferred the diversion program. Youths preferred diversion over court because it gave them an opportunity to make restitution, was less public than court and their friends would be less likely to know, they did not have to miss school time, they did not think of themselves as criminals who should have to go to court, and court was frightening and perilous. Parents preferred diversion because it prevented their youth from having a criminal record, provided an opportunity for youth to learn about more personal consequences of delinquent behavior, and it provided an opportunity for compensation to the victim. Victims, volunteers, community agencies, businesses, and police saw diversion as a better way than court for handling low risk youth. Ninety percent of the diversion agreements were completed satisfactorily.

144

Fletcher, L. P. (1984). Restitution in the criminal process: Procedures for fixing the offender's liability. The Yale Law Journal, 93, 505-522.

Addresses questions about when in the criminal process the offender's liability to pay restitution should be fixed. This question has particular relevance to the Victim and Witness Protection Act of 1982 in the United States which is seen as an attempt by Congress to bring restitution ideologically and practically to the fore in the federal criminal process. This Note first describes the tension between defendants' rights and victims' interests in compensation (restitution) that is seen to be created by linking the imposition of restitutionary liability to the technical conviction which emerges from the adjudicatory phase of the criminal process. The Note then examines two possible resolutions of this tension: moving the liability decision from the adjudicatory to the sentencing phase or making an exception to the adjudicatory phase rule when the defendant admits to restitutionary liability broader than the scope of the conviction. The Note concludes that restitutionary liability must be imposed in the adjudicatory phase but that a more comprehensive solution than the admissions exception is needed. The Note then refines the adjudicatory phase approach by proposing changes in the Federal Rules of Criminal Procedure which would be seen as integrating restitution into the pleading and plea bargaining stages of the criminal process.

145

Florida Bureau of Criminal Justice Assistance. (1979). Final report: Evaluation of the probation and restitution center program. Tallahassee, FL: Florida Bureau of Criminal Justice Assistance.

This final report documents the results of an evaluation of the Department of Corrections' Probation and Restitution (P&R) Center Program for the Bureau of Criminal Justice Assistance in Florida. This report includes a description of the overall program history, a discussion of three centers, profile of center participants, and a review of management elements and systems as they differ for each center. Program objectives are reviewed, and data and observations are compiled in the operational areas of intake, releases, resident charges, resident earning, and center costs compared to other programs. Conclusions are summarized in the areas of referral and intake, releases, job placement and earnings, resident charges, and counseling structure. Achievements are also summarized, and an appendix contains the procedure which had been planned for measurement of recidivism of program participants.

146

Florida Department of Health and Rehabilitative Services. (1979). Community control programs for delinquents--An analysis of implementation of the 1978 Florida Juvenile Justice Act. Tallahassee, FL: Florida Department of Health and Rehabilitative Services.

The study examines the impact of a legislated community control program for juveniles emphasizing community service and restitution. The report examined data on the assignment of juveniles to community work programs for the first seven months following implementation of the legislation and compared the results to probation caseload statistics. Although community work program assignments experienced a large increase,

a relatively low percentage had completed their work obligations. Data on restitution indicated that while the number of juveniles paying restitution had increased, the program still involved less than five percent of juveniles under supervision. An underlying assumption of the community control concept was that short-term sanctions would result in decreased caseloads and thus give counselors more time to provide individualized services for clients. While caseloads did decline after the legislation, statistics indicate decreased contacts between counselors and clients. Suggestions for reducing caseloads and shifting to community service programs are given.

147

Flowers, G. T. (1977). The Georgia restitution shelter program (Evaluation Report No. 1-150). Atlanta: Georgia Department of Offender Rehabilitation.

An evaluation of four Georgia residential restitution centers with a capacity of 20 - 25 offenders each. A primary purpose of the programs is to provide courts with an alternative to incarceration. The facilities received offenders directly from the courts as well as from the paroling authority. The research aimed at assessing the extent to which the four centers achieved the goals of providing financial and service restitution to crime victims, acting as an alternative to incarceration, and reducing recidivism. Planned random selection procedures were never implemented. Consequently, the evaluation amounts to an after-only, non-experimental type of study. Data were collected from official agency reports.

Major findings were:

- It is doubtful whether the programs served as alternatives to prison for many offenders.
- The centers were all slow in accepting referrals so that there were a large proportion of beds empty.
- The cost of the program was more expensive than the use of prison.
- Of the 400 offenders participating in the centers, approximately 80% were received from the court, 20% from the parole board.
- Of the \$270,567 awarded or obligated to victims, only \$54,828 was actually repaid during the evaluation period.
- Thirteen percent of the offenders were placed in the programs on the basis of misdemeanor conviction and the remaining 87% on the basis of felony convictions.
- Fifty-nine percent of the offenders (241) were defined as successful terminations (either the sentence expired, they paid their restitution in full, completed the service restitution, or the sentence was amended); 35% (138) were in-program failures; 45% (62) of these failures absconded; and 55% (76) of all failures had new convictions or were revoked.
- Of the 274 offenders on which data were collected, 31% were rearrested within six months of program release; 59% had been rearrested within one year; 87% had been rearrested within 18 months.

- Of the 40 cases where both arrest and conviction data were present, 45% were defined as successes and 55% as failures within six months; the one year rate for failure was 75%.

148

Fogel, D., Galaway, B., & Hudson, J. (1972). Restitution in criminal justice: A Minnesota experiment. Criminal Law Bulletin, 8, 681-691.

A proposed restitution program that will be integrated within a community-based corrections facility. Participants will be randomly selected from adult male and female property offenders upon admission to prison. These offenders will be offered the option of living in a community corrections center and making restitution as an alternative to incarceration. A field experimental design is proposed to measure the effects of the program relative to the prison program as well as the extent of reconciliation of the victim and offender. Basic to this restitution proposal is a negotiation process by which offenders and victims develop restitution plans.

149

Foraker-Thompson, J. (1984). Explaining judicial decisions to order restitution in the Second Judicial District Court of New Mexico. Paper presented at the Annual Meeting, American Society of Criminology, Cincinnati, OH.

Regression procedures are used to attempt to explain the impact of six independent variables on two dependent variables--sentence severity and ordering restitution--for 287 case dispositions made during an 18 month period (1979-1980) in Albuquerque, New Mexico. The independent variables included offender variables, facts of case, probation officer and restitution specialist variables, judicial variables, and victim variables. The order in which these sets of independent variables had a direct relationship with the decision to order restitution was facts of case, probation office and restitution specialist variables, judicial variables, victim variables, and offender variables. The order in which the independent variables correlation with sentencing severity was offender variables, facts of case, probation officer and restitution specialist variables, judicial variables, and victim variables. The Judicial decision to order restitution appears to hinge on the immediate facts of the case whereas the judicial decision to impose a severe sentence tends to hinge more upon offender background variables. Victim variables play a relatively minor role in making either decision.

150

Forer, L. G. (1978). The law: Excessive promise and inadequate fulfillment. Crime and Delinquency, 24, 197-206.

Dissatisfaction with the law and with the administration of justice has reached a new high despite major advancements in the legal protection of human rights. The criminal

law has little deterrent capacity, imposes unequal sentences on the poor and the non-poor, and disregards the problems of the victims of crime. The wrongdoer should be made to compensate the victim for personal injury or property loss. A restitution program thus would serve the victim--who is often unable to bear the cost of personal injury, incapacitation, loss of income, and property loss--and may help in deterring and rehabilitating the offender. Also discussed are mandatory fines for white-collar crimes, state-sponsored employment programs for street criminals, and compulsory education in prison for functionally illiterate street criminals.

151

Foxx, R. M., & Azrin, N. H. (1972). Restitution: A method of eliminating aggressive and disruptive behavior of retarded and brain-damaged patients. Behavior, Research, and Therapy, 10, 15-27.

Describes a procedure to provide disruptive children with re-education, removal of reinforcement for misbehavior, time-out from general positive reinforcement, and restitution requirement. The offender was required by instructions or physical guidance to overcorrect the general psychological and physical disturbance created by the behavior. The procedure was applied to one brain damaged and two retarded patients, who displayed one or more of the following types of behavior: physical assault, property destruction, tantrums, continuous screaming, and biting; the patients had resisted other treatments such as time-out, punishment and social disapproval. The procedure reduced the disturbed behavior of all patients to a near-zero level in one or two weeks and maintained this effect with minimal staff attention.

This method appears to be a rapid and effective treatment procedure for disruptive behavior and emphasizes the individual's responsibility for his actions. The rationale of the restitution procedure was to educate the offender to assume individual responsibility for the disruption caused by misbehavior, by requiring him to restore the disturbed situation to a greatly improved state. The first step required identification of the features of the environment disturbed by the behavior and the designation of the psychological and physical aspects of the disturbance in general and specific terms. This step is necessary for describing the corrected situation that the offender will be required to achieve. Step two is the re-education aspect of the procedure in which the desired response is trained and practiced. The restitutive acts are designed to be directly related to the misbehavior, are required immediately after the misbehavior, are extended in duration, and should be very actively performed without pausing. Restitution amounts to work and effort.

152

Frederick, G. L. (1962). Conditions of probation imposed on Wisconsin felons: Cost of prosecution and restitution. Wisconsin Law Review, 672-685.

A Wisconsin trial court may order the cost of prosecution and restitution as conditions when placing a defendant on probation. There is only one Wisconsin case dealing with the restitution condition of probation (State vs. Scherr); the court held that the amount of restitution is to include only those losses for the period covered in the court information; restitution could be ordered for the amount for which the defendant was convicted or for which he admits (plea bargains). The court went on to note that the criminal process should not be used to supplement a civil suit. General agreement is lacking regarding the purpose of restitution in probation. Similarly, there is lack of agreement as to the purposes of probation in the criminal law--punishment, reformation, or protection of society. Wisconsin courts tend to emphasize reformation and protection of society and therefore if the court were convinced that restitution were ordered on the basis of punishment, such conditions might be struck down. Legislation is needed so that restitution could be more narrowly defined, a maximum time could be set for continuing an offender on probation, a procedure could be established for determining restitution in disputed cases, and specifying that accepting probation does not bar a defendant from contesting the conditions on appeal.

153

Frehse, D. (1987). Schadenswiedergutmachung als instrument strafrechtlicher sozialkontrolle [Restitution as an Instrument of Penal Social Control]. Berlin: Dunckev & Humblot.

A comprehensive inventory on restitution according to law, application, and developmental possibilities in the Federal Republic of Germany including an analysis of theoretical and empirical studies regarding how far and under which conditions restitution is qualified to be used as an alternative to classic sanctions. There is a rich tradition of private conflict resolution and behavior control by material payments of the wrongdoer to the injured party within German and central European culture up to the Middle Ages. The differentiation of criminal and civil law resulted in progressive separation of the control functions of criminal law from the compensation functions of civil law. Nevertheless certain preventative functions of tort liability have been preserved which should be utilized for the purposes of criminal sanctioning. This presupposes a clarification of the theoretical aims.

Restitutive sanctions must serve penal functions; ideologies of rehabilitation or deterrence have to be rejected as untenable because they lack empirical evidence. But an adequate legitimation for criminal sanctioning can be found in positive general prevention, which is quite prominent in Germany at present, and in striving for norm clarification, stabilization of norm confidence, and acceptance and internalization of the protective goals of the norm. These purposes are best served by concentrating the method of sanctioning on the criminal act, the victim, and the reparation of losses. The criminal justice system must avoid destroying its own credibility by hindering the offender in repairing the damages as a result of incapacitation. Similarly victim-offender contact, negotiations, and efforts for making amends provide an experience of social responsibility

and thus secure the legitimate requirements of offender oriented individual prevention as well.

The prerequisites of penal restitution are analyzed in relation to different crimes and damages. The German law of torts is restricted to material damages; thus, a penal restitution has to be extended to the compensation of immaterial damages such as exemplary or punitive damages. The study contains an analysis of the practical conditions of implementation and the possibilities of legal incorporation of the restitution order into the German law system.

The prevailing opinion in jurisdiction and law sciences holds that the restitution order in criminal law is only applicable as far as a civil claim of damages would be enforceable. In contrast to this dogmatic analysis, restitution can only serve the function of a penal measure if the judge is independent to determine the restitution by his or her own cognizance. An empirical analysis of nearly 1,000 criminal court records found that judges and prosecutors very reluctantly deal with matters that originally are of a civil kind. Thus the restitution order actually is only of marginal significance.

Moreover judges and prosecutors fail to use it in its punitive qualities, and instead usually impose restitution as an additional measure of a civil nature or as an alternative in cases of doubtful evidence. Often restitution is imposed as a means of diversion for young offenders and property offenders rather than for violent offenders. Two conclusions are to be drawn. First, the rationality of penal restitution and its characteristic of doing good imply a danger of neglecting the question of evidential prerequisites of criminal liability. Thus there are tendencies of widening the net. Second, the solution can be diversion and/or privatization of the conflict in the sense of referring it to non-judicial mediation agencies; if criminal justice holds control of the procedure and its success the constitutional rights of the defendant must be guaranteed.

154

Freibert, M. T. (undated). The evolution of restitution. Unpublished paper, University of Southern Mississippi, Hattiesburg, MS.

Provides an overview of the history of restitution, from the Code of Hammurabi through the 1970s. Material is drawn primarily from secondary sources and other summaries of restitution histories.

155

Fry, M. (1951). Fines and restitution. In Arms of the Law: Part 3, Chapter 5 (pp. 121-126). London: Victor Gollancz.

Fines are generally ineffective and unfair, but Fry recommends requiring the offender to make compensation to the victim. This can be done under court order as a probation condition and is especially useful in children's court. Compensation cannot undo the

wrong, but it will often assuage the injury, and it has a real educative value for the offender, whether adult or child.

156

Fulmer, R. H. (1987). Restitution to crime victims: An empirical study of restitution orders in an urban court setting. Dissertation Abstracts International, 48, 1021A-1022A. (University Microfilms No. DA87-15260).

This case study of Philadelphia's criminal courts focuses on the use of restitution as an indicator of the criminal justice system's service to crime victims. Past research on restitution has emphasized jurisdictions in which special programs exist to encourage this outcome. I have chosen to look instead at how restitution enters into the routine operations of a court system lacking special victim programs, by far the more typical situation. The study employs both a quantitative analysis of records and a qualitative analysis of in-depth interviews with key actors in the criminal justice system. To guide the analysis, three conceptual models are presented: Game Theory, Adversary Relationships, and Passive Judiciary. The findings shed light on (a) patterns of the use of restitution, (b) criteria upon which restitution decisions are based, and (c) justice officials' interpretation of the meaning of restitution. The models are then evaluated against the findings to determine each one's relevance to dimensions of victim service (restitution) in Philadelphia. Suggestions are offered for new social work roles and court reform, based on insights gained in this research.

157

Fulmer, R. H. (1984). Restitution as part of the criminal justice system in Pennsylvania. Pennsylvania Association on Probation, Parole and Corrections, 1, 3-13.

In Pennsylvania, legislation has permitted the use of restitution as a condition of probation or as a sentence in and of itself. Further legal, constitutional, and procedural principles have been created by case law. A survey of chief probation officers, that examined and recorded perceived restitution practices in the State, indicates that restitution is ordered in most cases where it seems appropriate; offender's inability to pay and lack of pressure from prosecutor or victim are the most significant reasons for not ordering restitution; victim loss is documented by a victim statement and police reports; and probation departments or court clerks collect the money.

Results also show that probation is revoked or extended or a contempt citation is issued if restitution is not paid, and defaults in restitution are the result of offenders' inability to pay, of the amount being too large, or of insufficient enforcement of the order. An analysis of restitution orders completed showed great variation among countries, with a range of 10% to 96% completions. The need for further research is noted.

Galaway, B. (1989). Informal justice: Mediation between offenders and victims. In P.A. Albrecht & O. Backes (Eds.), Crime prevention and intervention: Legal and ethical problems (pp. 103-116). Berlin: Walter de Gruyter.

A victim-offender reconciliation program has been operating in Minneapolis-St. Paul, Minnesota since 1985. During the first two years, 165 offenders have participated. One hundred and sixty-two victims were involved; 54% (87) decided to participate in the program. One hundred and twenty-eight agreements have been negotiated involving 99 offenders and 84 victims. Forty-four percent of the agreements called for monetary restitution, 17% personal service restitution, 6% both monetary and personal service restitution, 10% community service restitution, 2% both monetary restitution and community service, 20% apologies only, and 2% other requirements. Victims who experienced monetary loss experienced a mean loss of \$734 (including amounts reimbursed by insurance companies); offenders who negotiated monetary restitution obligations had a mean obligation of \$252. Seventy-nine percent of the agreements have been successfully closed.

Victim offender reconciliation programs (VORP) provide a form of intervention with juvenile offenders which is logically related to the offense, provides direct accountability to victims, offers a specific and concrete way for offenders to make amends, and results in active offender participation in their own programs. Issues to be addressed in future program development include decreasing rather than increasing state intrusiveness, responding to offenders who are denied an opportunity to participate because of victim decisions, specifying goals and outcome measures for the projects, and clarifying the theoretical rationale for these projects as part of juvenile and criminal rather than civil law systems.

Galaway, B. (1988). Restitution as innovation or unfilled promise? Federal Probation, 52(3), 3-14.

Modern interest in restitution can be traced to the work of Stephan Schafer who, in the 1960's, argued for restitution as a means for integrating victim interest in the criminal justice system and as a synthetic punishment which could meet the various goals for state imposed punishments. Since the establishment of the Minnesota Restitution Center in 1972 we have learned that restitution is feasible and can be implemented. Through use of victim offender mediation procedures, restitution may meet both retributive and utilitarian goals for punishment. There is considerable public and victim support for restitution including using restitution in place of more restrictive penalties.

We need to clarify the difference between restitution and community service sentencing; the latter should not be substituted for restitution except in situations where victims wish to donate their restitution to a community organization. Two challenges exist for the future development of restitution programming. Will juvenile and criminal justice

administrators utilize procedures to administer restitution programs in a manner that provides opportunities for victim involvement in juvenile and criminal justice? Will restitution programming be developed as a replacement for other types of penalties?

160

Galaway, B. (1988). Crime victim and offender mediation as a social work strategy. Social Service Review, 62, 668-683.

Juvenile offenders and their victims are brought together to discuss the offense/victimization and to negotiate a mutually satisfactory restitution plan. One hundred sixty-five offenders participated in the first two years. One hundred and sixty-two victims were involved in the offenses and 54% (87) decided to meet their offenders. One hundred and twenty-eight agreements were negotiated involving 99 offenders and 84 victims. Seventy-nine percent of the agreements were successfully closed.

Crime victim and offender mediation will be useful for social workers; mediation provides an opportunity for both victims and offenders to actively participate in decision making and an opportunity to challenge stereotypes through a process of communication. From a policy perspective, the practice provides a mechanism to respond to victim interest in participating in the justice system and provides a dispute settlement procedure to replace other responses to property offenders. A growing body of research indicates that mediation is feasible and acceptable to both victims and the general public and public support is growing for replacing prison and jail with restitution, community service, and mediation as the response to property offenders. Such a response should deter the cancerous growth of the jail and prison industry that is using resources desperately needed for education, health, and social welfare.

161

Galaway, B. (1985). Victim participation in the penal-corrective process. Victimology: An International Journal, 10, 617-630.

Traditional roles for crime victims have been as initiators of the criminal justice process by making a decision to report a crime to the police and as witness to assist the prosecution in securing a conviction. Recent victim rights efforts are extending to victims a further role as recipient of information regarding actions taken by the justice system in relation to the victims' cases.

This paper develops a conceptual model and evaluation research questions for the victim's role as participant in the penal correctional process whereby victims of property offenses are provided the opportunity to meet their offender after guilt has been determined and to engage in a process of developing restorative plan for presentation to the court. The restorative plan is to become the penalty imposed upon an offender and will require the offender to take correctional actions to restore damages done

through restitution to the victim and service to the community. The probation officer or other official of the justice system will serve as a mediator to facilitate this process.

Finally the paper answers five common objections to this concept--the criminal justice process will be converted to a procedure for the victim to secure private gain, the process will detract from other penal objectives, victims don't want to be involved in the justice system, victims will be vindictive, and the process will create a nuisance for justice system officials.

162

Galaway, B. (1984). Public acceptance of restitution as an alternative to imprisonment for property offenders: A survey. Wellington, NZ: New Zealand Department of Justice.

The proposition that the public will be likely to accept a reduction in the use of imprisonment as a penalty for property offenders if these offenders are required to make restitution was tested through use of simultaneously conducted surveys of two random samples of 1,200 persons each drawn from the New Zealand electoral roles. Both the control and experimental (restitution) groups were presented with six crime incidents describing serious property crimes, were asked to indicate if imprisonment or some other penalty was appropriate for each offender, and, if some other penalty was selected, were permitted to indicate one or more penalties from descriptive statements representing fine, probation, community service sentence, and non-residential periodic detention; the restitution group was permitted to include restitution as non-custodial penalty.

Response rates of 76% for the control group and 80% for the restitution group were achieved from postal questionnaires. For all six crime incidents, higher proportions of the control than the restitution group recommended imprisonment; the null hypothesis was rejected at the .05 level for five of the six incidents (alpha = .094 for the null hypothesis not rejected). Differences between the restitution and control groups are found across most age groups, for both sexes, for New Zealand electors of European descent, and for electors who reported that they had not been victimized in the last year. Over 65% of the restitution group members recommending non-custodial penalties selected restitution for each offender although they were less likely to select restitution for the unemployed as compared to the employed offender. This study provides support for the view that the public will accept a reduction in the use of imprisonment for serious property offenders if there is a concomitant increase in requiring these offenders to restore their victim losses.

163

Galaway, B. (1984). A survey of public acceptance of restitution as an alternative to imprisonment for property offenders. Australian and New Zealand Journal of Criminology, 17, 108-117.

Two surveys were mailed simultaneously to two random samples of 1,200 persons each drawn from the New Zealand electoral rolls. Both the control and experimental (restitution) groups were presented with descriptions of six serious property crimes, were asked to select imprisonment or some other sanction, including fine, probation, community service sentence, and nonresidential periodic detention. The restitution group was permitted to include restitution as a noncustodial penalty. For all six crime incidents, higher proportions of the control than restitution group recommended imprisonment. Differences between the restitution and control groups were found across most age groups, for both sexes, for New Zealand electors of European descent, and for electors who reported being victimized in the last year.

164

Galaway, B. (1983). Use of restitution as a penal measure in the United States. Howard Journal of Penology and Crime Prevention, 22, 8-18.

Renewed interest in restitution has occurred because of dissatisfaction with prevailing treatment approaches for offenders, need for intermediate punishments that are more severe than probation but not as severe as imprisonment, need for increasing public support of criminal justice programs, and a renewed interest in crime victims. Restitution provides a useful mechanism for integrating crime victims into the criminal justice system but may require reorientation of probation work toward conflict resolution and peacemaking between victims and offenders.

165

Galaway, B. (1983). Probation as a reparative sentence. Federal Probation, 47(3), 9-18.

A reparative sentence requires offenders to restore victim losses through monetary restitution or personal service. Reparation can be made to the community in the form of unpaid service if there were no victim losses or the nature of the offense requires a more severe penalty. The reparative sentence should be implemented in a manner which maximized the possibility of reconciliation of the offender with the community. This requires active victim involvement in all phases of the sentence, involving the offender in the local community for community service restitution, and use of a community sponsor selected by the offender for monitoring implementation of the sentences.

Probation functions will be to develop reparative plans for individual offenders and monitoring compliance with reparative plans. Issues that must be addressed in considering the widespread use of reparation probation are offender financial means and employment potential, whether restitution should be made to insurance companies, backup sanctions when a reparation plan is not completed, the willingness of victims to participate in and accept the plan, public acceptance of reparation as an alternative to imprisonment for property offenders, and the probation bureaucracy's willingness to accept a changed role.

166

Galaway, B. (1980). National assessment of adult restitution programs, project report 9: Tennessee restitution industries program, Tennessee State Prison, Nashville, Tennessee. School of Social Development, University of Minnesota, Duluth, MN.

This program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

A 1977 Tennessee statute permits the Department of Corrections to contract with private firms to operate industries within the adult corrections institutions in Tennessee. The statute provides that prisoners employed in such industries must make restitution to the victim or to a state victim compensation fund, pay room and board, and make contributions to the support of spouses and dependents.

The Department of Corrections has entered into a contract with a private industry to operate a blood plasma collection program in the Tennessee State Prison, Nashville; approximately 20 prisoners are employed and are paid under terms of the Tennessee Prevailing Wage Act of 1975. Twenty percent of after-tax salary of the inmate employees is used for restitution either to the victims of the crime or to the Tennessee Victim Compensation Fund.

167

Galaway, B. (1980). National assessment of adult restitution programs: Project report 17: Kennebec and Somerset Counties Restitution Program, Augusta, Maine. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Kennebec and Somerset Counties Restitution Project operates from the district attorney's office in two rural Maine counties. The district attorney attempts to secure restitution requirements for all offenders, both adults and juveniles, convicted in district and superior courts for crimes in which victims experience monetary loss. Loss assessments and development of restitution plans are done by staff in the district attorney's office; state probation officers, however, must frequently be involved monitoring restitution collection and disbursing funds to victims. The district attorney also assigns clerical staff responsibility of monitoring the extent to which the ordered

restitution has actually been paid. Restitution obligations are imposed on approximately 400 offenders per year.

168

Galaway, B. (1980). National assessment of adult restitution programs: Project report 18: Adult diversion program, Department of Attorney General, Providence, Rhode Island. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Adult Diversion Program is a pretrial, non-residential project administered by the Rhode Island Attorney General. The Attorney General's office handles felony prosecutions; the diversion program is available statewide. Community service is required of all persons diverted except for some drug offenders; the majority of divertees have a monetary restitution obligation which is expected as a diversion requirement in cases where victims sustain damages. The program staff make referrals to other employment, health, and social service agencies in the community, and require participation in these programs as a condition of diversion. The project admits about 150 felony level offenders each year and serves primarily property offenders who have been charged with their first felony.

169

Galaway, B. (1980). National assessment of adult restitution programs: Project report 11: Adult diversion program, County Attorney's Office, Tucson, Arizona. School of Social Development, University of Minnesota, Duluth, MN.

This program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Adult Diversion Program serves adults charged with their first felony offense; the program has a staff of 11 persons and is administered by the county attorney's office. Restitution and community service requirements are a part of a broader range of program components including supervision/counseling, group counseling, manpower services, and referral to other agencies for a range of social services. Forty hours of community service are required of clients; restitution is required where damages have been done and the victim desires restitution. An intensive intake/screening process is

used to filter out referrals from assistant county attorneys who might not be amenable to the program's rehabilitative aims.

170

Galaway, B. (1980). National assessment of adult restitution programs: Project report 20: Georgia Department of Corrections Diversion Shelters, Atlanta, Georgia. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Probation Division of the Georgia Department of Corrections operates 11 diversion shelters located throughout the state of Georgia. The shelters operate as residential community corrections centers, receive adult male felons who are usually on probation status from courts, and serve as an alternative to, and thus diversion from, prison. The 11 centers have approximately 373 beds available, keep residents for an average of four months, and admit approximately 1,100 offenders per year.

Restitution, when court ordered, is a part of the resident's program; additionally, all residents are expected to be involved in unpaid community service activity. Each center is staffed by 13 staff, who, in addition to maintaining security, provide a range of services including individual and group counseling, family counseling, employment assistance, and educational programming. The centers have an out-client phase to provide probation supervision and services to residents for a total of one year (four months in residence, eight months out-client).

171

Galaway, B. (1980). National assessment of adult restitution programs: Project report 7: Pre-prosecution diversion program, San Juan and Mckinley counties, New Mexico. School of Social Development, University of Minnesota, Duluth, MN.

This program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The pre-prosecution diversion program is a pretrial diversion program operating under the administration of the district attorney in two rural, northwestern New Mexico Counties. The project admits approximately 135 clients per year; the clients are predominantly first offenders who have committed property offenses and are diverted

from criminal prosecution to a program involving monetary restitution, community service, referral to community agencies for other services, and monitoring to be sure the client is following through on the diversion agreement. The offenders are all adults who have been charged with a felony.

172

Galaway, B. (1980). National assessment of adult restitution programs: Project report 19: Orleans Parish Criminal Sheriff's Restitution Program, New Orleans, Louisiana. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The parish sheriff is responsible for the administration of several local correctional programs including institutional facilities serving convicted offenders. The Restitution Shelter Program permits selected offenders to maintain employment in the community but to return to the facility at night. All participants are required to allocate 10% of their salary to restitution that goes first to their victim and, when the victim is repaid or in situations where there is no victim, to a special fund to provide assistance to aged victims of crime. All participants are also required to provide unpaid community service. An extensive diagnostic process is used to screen and accept eligible offenders for the program. The project admits approximately 150 offenders per year.

173

Galaway, B. (1977). Is restitution practical? Federal Probation, 41(3), 3-8.

There is a need for careful review the experience of restitution projects to guide further programming. Sufficient experience is available, however, to suggest that many of the practical issues which are frequently raised in regard to restitution programming can be resolved. Fair restitution amounts can be determined. Differences in perceived damages between victims and offenders are resolvable and guidelines are available to deal with the issues of payment for intangible damages, partial restitution, and excessive restitution.

There is no reason to believe major problems will be encountered in enforcing the restitution obligations so long as installment payments are used, implementation of the restitution agreement is monitored, and use is made of job-finding services, public employment, personal service restitution, and a more severe sanction can be imposed if the offender refuses to complete the restitution obligation. Attention should be given to finding types of offenses for which restitution might be a sole penalty. Finally, the issue of victim culpability should not deter from the imposition of a restitution requirement.

174

Galaway, B. (1977). Restitution as an integrative punishment. In R. Barnett & J. Hagel (Eds.), Assessing the criminal: Restitution, retribution and the legal process (pp.331-347). Cambridge, MA: Ballinger.

Restitution refers to a sanction imposed by an official of the criminal justice system that requires the offender to make a money or service payment either to the direct victims of the crime or to substitute victims. This definition is broad enough to encompass a number of restitution types, including monetary payments by the offender to the direct or actual victims, monetary payments made by the offender to some community agency, personal service by the offender to the victim, and service to the community.

The idea of restitution appeals to both liberals, as it treats offenders more humanely, and to conservatives, as it requires offenders to pay for the crime and at the same time helps the victim. Four major reasons for assigning restitution a definite role in the criminal justice system are examined:

- Restitution should have a larger role in the justice system because the practice provides an alternative punishment that can be used either in addition to, or instead of, the sanction currently available;
- The restitution sanction has the potential for reconciling victims and offenders;
- Restitution will provide a vehicle for the inclusion of the victim into the criminal justice process;
- Restitution procedures can be integrated into the current organizational structures of the justice system without the need for additional programs requiring substantial public expenditure.

Continued, cautious development of restitution programming is one of the most hopeful and potentially constructive approaches to criminal justice reform.

175

Galaway, B. (1977). Toward the rational development of restitution programming. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 77-89). Lexington, MA: Lexington Books.

Criminal justice planners and administrators can contribute to the orderly development of restitution in three ways: analysis and dissemination of information from operational projects; creation of controlled experiments; development of descriptive accounts of ways to resolve key questions in the use of restitution.

176

Galaway, B. (1977). The use of restitution. Crime and Delinquency, 23, 57-67. Also in B. Galaway & J. Hudson (Eds.), Perspectives on crime victims (pp. 277-285). St. Louis, MO: C. V. Mosby, 1981.

Restitution refers to the payment of money to victims of crime, payment of money to other community organizations, and community service. Possible purposes include redress to the victim, less severe sanction for the offender, rehabilitation of the offender, reduction of demands on the criminal justice system, and the reduction of vengeance. Restitution is being used as a sanction for crime in several exploratory projects, including pre-trial diversion programs, special probation projects, and community corrections centers.

A number of unresolved issues have developed from these preliminary efforts to integrate restitution into correctional programs. A useful classification scheme reflecting the different types of restitution must be developed and program purposes must be clarified. What is the proper relationship of restitution to other sanctions? When is restitution appropriately used as the sole sanction, when should it be used in conjunction with other requirements, and when is it inappropriate? What role should the victim play in a restitution program? Should the victim have veto power over the use of restitution? Should victim/offender communication be encouraged? Attention to these issues is necessary for the orderly development of the concept of restitution and appraisal of its place in the criminal justice system.

177

Galaway, B., Henzel, M., Ramsay, G., & Wanyama, B. (1980). Victims and delinquents in the Tulsa Juvenile Court. Federal Probation, 44(2), 42-48.

The victim's program was established in April, 1975, and is staffed by two full-time coordinators. The project is intended for youth referred after guilt has been determined at an adjudicatory hearing. After the hearing, program staff meet with youth and parents to determine program requirements. Staff then attempt to develop a restitution plan calling for full payment of victim losses, or in the case of excessive amounts, negotiating the amount with the victim and developing a partial restitution plan. Community service is also included. A plan for restitution is presented to the court at the time of the disposition hearing; the court may place the youth on formal probation or continue the case informally. Offenders are responsible for paying victims directly; project staff monitor completion of restitution.

Data were collected from official agency files for all victim cases opened or closed between December 1, 1975 and November 30, 1978. A population of 251 victims and 291 offenders was secured. In addition, a study was made of all youth who received their first delinquency adjudication in the Tulsa juvenile court during 1978 and comparisons were made between those who were and were not referred to the program. The characteristics of youth, victim, and restitution/community service for the three years of program operations were that youth were predominantly middle adolescent, white males who had committed property offenses with no previous referrals to the juvenile court. Approximately half of the youth came from intact families and half from families with less than \$10,000 income per year. Of the 251 victims, 60% were individuals or households, 7% were owner-operated businesses, 26% were managed businesses and 7%

were governmental organizations (including schools) or charitable organizations (including churches). The average net loss per victim was \$207. The mean amount of restitution ordered per victim was \$127, while the actual amount of restitution collected by victims was \$90. Five percent of the victims received services directly from the offenders averaging 28 hours per victim. Two hundred and eighteen of the 291 youth had financial restitution obligations averaging \$155.

Seventy-one percent of the victims were willing to meet their offenders, but only 54% actually met with them. Only 6% of the victims were unwilling to meet with their offenders; the files did not indicate victim willingness for the other 22%. Of the 291 youth, 59% had contact with one or more of their victims as a part of participating in the program. No differences were found between the group of youth who received their first adjudication in the Tulsa Juvenile Court during 1978 and were or were not referred to the program in terms of the variables of race, prior number of referrals to juvenile court, and family income. Property offenders were more likely to be referred to the program than non-property offenders, and a significantly higher proportion of offenders adjudicated before a judge were referred to the program than those adjudicated before a referee.

178

Galaway, B., & Hudson, J. (1979). Evaluation research: A guide for juvenile restitution project managers. Arlington, VA: National Office for Social Responsibility.

Evaluation research should be geared to the present stage of project development and is a continuous process of project assessment. The sequence of steps in planning and implementing evaluation research are examining prerequisites for conducting evaluation research; performing an evaluability assessment so as to develop a conceptual model that specifies the intended project purpose, objectives, and activities; using the methods of formative research to measure program operations and compare to the conceptual model; using the methods of summative research to assess the effects of the project.

179

Galaway, B., & Hudson, J. (1975). Sin, sickness, restitution--Towards a reconciliative correctional model. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 59-70). Springfield, IL: Thomas Publishers.

Traces the contributions of the classical and positive schools of criminological thought to corrections and suggests the need for a third orientation based on restitution by the offender. Restitution is likely to have a reconciliative effect between the offender and the society at large because the sanction is clear, is related to the offense, will result in an increase in offender self worth, provides a concrete method for expiration of guilt, and will likely result in a positive social response to the offender.

180

Galaway, B., & Hudson, J. (1975). Issues in the correctional implementation of restitution to victims of crime. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 351-360). Springfield, IL: Thomas.

The Minnesota Restitution Center Program is described and issues involved in applying restitution within this community based corrections program are assessed. The legal status of offenders in the program is parole with the restitution obligation as a primary condition of the parole agreement. A unique feature of the program is the emphasis placed upon the joint involvement of the victim and offender in negotiating a restitution agreement. Particular attention is given to the issues of victim-offender involvement, the amount of damages done by offenders, the amount of restitution to be made, the variety of problems presented by property offenders, the use of restitution as compared to more conventional treatments, and the implementation of the evaluation research design.

181

Galaway, B., & Hudson, J. (1974). Using restitution in the rehabilitation of offenders. International Social Work, 16(4), 44-50.

This paper focuses on the concept of restitution and its historical development, as well as some comparative applications of restitution in the criminal justice system. Emphasis is on the program of the Minnesota Restitution Center.

182

Galaway, B., & Hudson, J. (1972). Restitution and rehabilitation. Crime and Delinquency, 18, 403-410. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 255-264). Springfield, IL: Thomas, 1975.

Major issues to be considered in structuring a restitution scheme are full versus symbolic or partial restitution, voluntary versus involuntary restitution, the question of victim culpability, and the place of offender-victim relations. The central question addressed is the extent to which restitution has implications for the rehabilitation of the offender.

183

Galaway, B., & Marsella, W. (1976, September). An exploratory study of the perceived fairness of restitution as a sanction for juvenile offenders. Paper presented at the Second National Symposium on Victimology, Boston.

A study of the extent to which restitution imposed as a probation condition on juvenile property offenders is perceived as a fair and just requirement by the youth placed on probation, parents of the youth, police officer, juvenile probation officer, and the victim. Juvenile court dispositions in St. Louis County, Minnesota, were reviewed for a four week period to determine those cases in which restitution was ordered as a probation

condition. Seventeen dispositions were identified. Follow up interviews using a structured interview schedule were conducted with the youth, parent, victim, probation officer, and police officer for 16 of the 17 youths. Interviews were conducted an average of 40 days following court disposition.

Major findings were:

- The youth reported an average estimated loss to victims of \$66 while the average estimated loss reported by the other groups (parents, victims, probation officers, police officers) was between \$200 and \$300.
- The majority of the youth, their parents, and probation officers either did not know or did not feel that the victims suffered any losses in addition to monetary damages. Eighty percent of the victims, however, reported suffering in other ways and most frequently mentioned emotional trauma resulting from the incident.
- At the time of the interview, 90% of the victims had no knowledge of the court disposition and were unaware that they were to receive restitution.
- The majority of all subjects thought the court had handled the youths fairly; probation officers had this perception more frequently than the other subjects.
- All groups of subjects perceived the restitution as fair to the youths but the victims, parents, probation officers, and police officers were in stronger agreement than the youths themselves. Parents and youths both perceived restitution as a fair sanction less frequently than did victims, probation officers, or police.
- Parents and youths tended to perceive restitution alone as a sufficient penalty while victims, probation officers, and police officers were more likely to consider restitution alone as an insufficient penalty.

184

Galaway, B., & Walker, W. (1985). Restitution imposed on property offenders in New Zealand courts: A study of orders and compliance. Wellington, NZ: New Zealand Department of Justice.

A study of 709 property offenders who received final dispositions in New Zealand courts during a two week period in February 1983. Sixty eight percent of the offenders committed acts that had resulted in losses to victims. Police had requested restitution from 71% of the offenders whose offense resulted in victim losses and courts ordered restitution for 53% of the offenders whose acts had resulted in victim losses. Restitution was ordered in the same proportion of cases in Childrens and Young Persons Court as in District Courts. Median loss suffered by victims was NZ\$75 (mean was NZ\$454). Restitution orders were also modest; 71% of the restitution orders were for less than NZ\$200, the mean was NZ\$333, and median ordered was NZ\$66. One year after the order 62% of the offenders who were ordered to make restitution were paid in full and an additional 9% were still paying.

185

Gandy, J. T. (1983). Social work and victim assistance programs. In A. R. Roberts (Ed.), Social work in juvenile and criminal justice settings (pp. 121-136). Springfield, IL: Thomas.

This paper discusses a number of innovative victim service programs, including victim-witness assistance, safe neighborhoods and crime prevention, restitution, pretrial settlement, and victim offender reconciliation, with attention to the role of the social worker in service delivery.

186

Gandy, J. T. (1978). Attitudes toward the use of restitution. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 119-129). Lexington, MA: Lexington Books.

Discusses research findings regarding the attitudes of citizens and criminal justice officials toward the use of restitution and discusses the implications of these attitudes for restitution programming.

187

Gandy, J. T. (1975). Community attitudes toward creative restitution and punishment. Unpublished doctoral dissertation, University of Denver.

This study was done to determine community attitudes toward creative restitution, the relationship between attitudes toward restitution and punishment, and if those attitudes and perceptions toward creative restitution would support or impede program approaches.

Creative restitution includes monetary restitution, personal service restitution, and community service. Mailed questionnaires were sent to six samples including police officers, second year social work graduate students, members of a women's community service club, juvenile and adult probation officers in Colorado, juvenile parole officers in Colorado, and Minnesota parole officers. A total of 705 questionnaires were distributed; 420 questionnaires were returned for a response rate of 60%. Responses varied according to the sub-sample: police had a 34% response rate, social work students 76%, members of a women's club had 75%, and juvenile probation and parole officers 67%.

Major findings were:

- Strong support and acceptance of creative restitution was found with all of the study populations being supportive, although the police showed a lower rate of support.
- All of the punishment scales used were negatively correlated with creative restitution. The rehabilitation scale was positively correlated with restitution.
- Respondents who supported traditional concepts of punishment responded positively toward creative restitution but less so than people holding favorable attitudes toward rehabilitation.

- Increased education tended to be reflected in greater support for rehabilitation and decreased support for punishment.
- Respondents generally favored the use of restitution with property offenses, drunk driving, and burglary. Restitution was seen as inappropriate for crimes against the person.
- Generally, restitution was seen as a substitute for imprisonment for property offenses.
- Generally, respondents viewed the development of a contractual relationship between an offender and a victim as realistic, although there were questions about this.
- Monetary payments and service to the community were considered to have greater potential than service to the victim.

188

Gandy, J. T., & Galaway, B. (1980). Restitution as a sanction for offenders: A public's view. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 89-100). Lexington, MA: Lexington Books.

The study population consisted of all persons listed in the 1979 Metropolitan Columbia, South Carolina telephone book. Approximately 98,000 people were involved. Systematic random sample was used and telephone interviews conducted with 500 respondents. Data collection was carried out between March and June, 1979.

Major findings were:

- Monetary restitution received the strongest support, but community service restitution was almost as strongly supported. Personal service restitution ranked third in terms of public support.
- Approximately half of the respondents noted that they would be willing to become involved in personal service restitution if they were victimized.
- Respondents saw restitution as a viable sanction for burglary, drunk driving, embezzlement, destruction of property, and shoplifting. Restitution was not viewed as a viable sanction for auto theft.
- The sex of the offender was not found to be of significant importance to the public in viewing restitution as a sanction. Age of offender did make some difference with the public tending to view juveniles as compared to adults more appropriate candidates for restitution. Prior record of the offender was of some importance with first time offenders perceived as more appropriate candidates for restitution than those with prior records.
- Little evidence was found to support the notion that the public prefers restitution to be used in conjunction with such other sanctions as probation, prison or jail, revocation of a license, or counseling.

189

Garfin, D. I. (1980, September). Restitution--A community approach. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

With the proliferation of restitution and community service sentencing practices and programs in the United States, a variety of individual and institutional rationales and approaches have developed. Such programs focus on offender rehabilitation, punishment of the offender, compensation of the victim, and/or education of the community. Decisions are made on restitution orders without consulting other sources. In addition, court officials must be careful not to subtly discriminate by favoring restitution programs for those offenders whose higher incomes allow them to pay victims more readily.

With regard to the community, one of the major difficulties in the rehabilitation of prisoners has been their separation from familial and community ties. Formal programs can offer opportunities to show restitutioners that they are part of the community, thereby diminishing their alienation. Like offenders, victims have feelings about specific criminal events that could best be served by offering full services or counseling, assistance, and opportunities for emotional expression. Financial reimbursement can certainly begin to satisfy victim desires for repayment but may ultimately foster an alienation of the victim from the offender, court, and community unless preventive measures are taken. Restitution needs the support of local public service organizations such as women's leagues and government agencies. Public sponsorship is necessary for funding and media support. Involvement of the business sector of the community is also crucial for restitution program support and survival. Finally, the teacher, student, or researcher should approach the practice of restitution with a community-based orientation.

190

Garofalo, R. (1914). Enforced reparation as a substitute for imprisonment. Criminology (pp. 419, 423-435). Boston: Little, Brown. Also in J. Hudson and B. Galaway (Eds.) Considering the victim (pp. 43-53). Springfield, IL: Thomas, 1975.

A proposal advanced at the International Penitentiary Congress in Brussels in 1900 that enforced labor be used as a substitute for imprisonment for less serious offenders with work earnings used for restitution purposes. The proposal was generated by concern both for victim and for reducing costly prison overcrowding.

191

Gaynes, E. (1982). Restitution at the pretrial stage. Pretrial Issues, 3.

A critical review of the use of monetary restitution and community service sentencing as a part of pretrial diversion programs. These practices may not produce benefits for offenders, victims, or the criminal justice system; more likely they are used as sentencing options, penalties, and sanctions. Punishment is not appropriate at the pretrial stage and restitution (both monetary and community service) differs markedly from other pretrial conditions that a defendant may voluntarily accept. Further, the use of restitution as a pretrial measure may deter from its use to accomplish other objectives such as providing

a less severe penalty for convicted offenders or providing a level of benefits to victims which they need and deserve.

192

Gehm, J.(1990). Mediated victim-offender restitution agreements: An exploratory analysis of factors related to victim participation. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Data in a victim offender reconciliation program (VORP) information system is analyzed to determine if correlates exist between offender and offense characteristics and willingness of victims to participate in face-to-face meetings with their offenders. The correlations were weak but point in the direction of victim participation being inversely related to offense seriousness, with victims being more willing to meet with offenders who are white than those who are members of a racial minority, and with participation of victims more likely among institutional victims than among individual victims. These effects appear independent of other offender or offense characteristics.

193

Gehm, J. (1986). National VORP directory (second edition). Michigan City, IN: PACT Inc.

A survey identifying 47 American victim offender reconciliation programs (VORP) provides descriptive material for each program including start-up date, referral source, place in justice system, number of cases served annually, most common offense, budget, primary funding source and other program information. An appendix identifies 12 Canadian and 19 British VORP programs.

194

Gettinger, S. (1983). Intensive supervision: Can it rehabilitate probation? Corrections Magazine, 9(2), 6-8; 10-17.

Intensive probation supervision (IPS) has such features as a curfew, heavy surveillance, community service, and restitution, and when used with offenders who would otherwise have been imprisoned, it has proven cost-effective.

195

Gilbeau, D. (1979, September). Local project evaluation/juvenile restitution projects: The Portland, Maine restitution project. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the planning and implementation of a juvenile restitution project in Portland, Maine.

196

Gilbeau, D., Hofford, M., Maloney, D., Remington, C., & Steenson, D. (1980, September). Accountability: The real issue in juvenile restitution programming. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Restitution offers a chance to alter the conventional wisdom of the juvenile justice system by introducing a principle of accountability. The sanction has potential for having a positive impact on the community, the victim, the court, and the juvenile offender. Juvenile restitution should be administered through standard, formal programs with a consistent philosophical framework. The assumption of capability on the part of juvenile offenders, development of necessary work skills, criteria for completion of restitution orders, and responsiveness to the needs of victims are all necessary according to the philosophy of accountability.

197

Gitchoff, G. T., & Henderson, J. H. (1987, May). Assisting the victim of crime at sentencing. Paper presented at the Fourth International Postgraduate Course on Victims and the Criminal Justice System. International University Center, Dubrovnik, Yugoslavia.

Sentencing hearings need to become more of an adversarial process including introduction of information secured from victims. Often prosecutors demand harsh sentences in the name of doing something for a victim to whom they have usually not spoken. The authors have found from several years of clinical practice that when sentencing options are clearly explained, most victims prefer reparation and restitution over incarceration. As a group, victims tend not to be harsh in their reaction to offenders.

198

Gold, A. D. (1975). Restitution and compensation and fines. Ottawa Law Review, 7, 301-308.

A discussion of the Law Reform Commission of Canada proposals on restitution, compensation, and fines. The Commission's proposals aim is to place responsibility on the offender to make good the damages done to the victim. This is seen as a basic principle in criminal law. Restitution would be used as a sanction involving the payment of money or action by the offender for the purpose of making good the damage done to the victim. The purpose is to restore financial, physical, or psychological loss and may include apology, monetary payment, or a work order.

These types of sanctions would be used as a central consideration for most offenses, either alone or with supplementary sanctions such as a fine. Some matters of detail are

not dealt with by the Commission. The role envisioned for the victim in restitution proceedings is not discussed, there is lack of clarity about the nature of damages for which restitution would be ordered, and the role of pain and suffering is not considered.

199

Goldman, J. J. (1982). Restitution for damages to public school property. Journal of Law and Education, 11(2), 147-170.

This paper examines the conditions under which a student or his/her parents can be required to make restitution for damages by the student to public school property. School districts presently have recourse in 46 States to "parental liability" statutes, which impose vicarious liability on parents for the torts of their unemancipated children. Despite the public pressure that influenced the passage of these statutes, the laws have rarely been used or tested in the courts by the schools. The parental liability statutes probably meet the "rational basis test" for constitutionality under the due process clause of the 14th Amendment, since these laws do have the rational purposes of reducing juvenile delinquency and vandalism as well as of compensating victims. There is also a reasonable relationship between these purposes and the group (parents) that they classify. Whether these laws could pass the "strict scrutiny" test of constitutionality under the due process clause is a more questionable issue. The decision as to whether a compelling state interest is served would be influenced by the prevailing social and legal climate.

Qualifications that may be placed on a vandalism restitution statute are (a) whether the damage was intentional or accidental, (b) the age of the juvenile, (c) the specification of who is a "parent" and under what circumstances the parent is responsible for the control of the child, (d) whether the school district must sue to collect damages, and (e) the percentage of the actual damage costs that may realistically be collected through restitution.

200

Goldstein, A. S. (1982). Defining the role of the victim in criminal prosecution. Mississippi Law Journal, 52, 515-561.

There is renewed interest in the place of crime victims in the operations of the justice system. Fundamental questions are assessed about the objectives of criminal justice and how it should be administered. Three categories of experimental programs and demonstration projects that have emerged in recent years are assessed: restitution programs, and victim compensation statutes, victim/witness programs. The history of restitution in the United States is assessed and the recent revival of restitution presented.

Restitution is seen as especially appropriate and surprisingly under used for white collar offenses and offenders. A problem with using restitution is that the actual offence committed and the offence of conviction may be different. Different state statutes are

reviewed and the trend is identified of upholding the use of restitution for unconvicted as well as convicted offenses if the defendant admits to the unconvicted offenses.

Procedures for establishing the amount of restitution to be obligated are reviewed and questions raised about the extent to which the new victim orientation of restitution requires the prosecutor to act as the victim's surrogate or whether the victim may act on his own. It is argued that the justice system should move beyond notification and information to victims, even beyond the right of allocution, to a genuine right of victims to participate as parties in those parts of the process where the adversary system is not working and where they can make a special contribution, or where they have a special stake, as in restitution.

201

Goldstein, N. (1974). Reparation by the offender to the victim as a method of rehabilitation for both. In I. Drapkin & E. Viano (Eds.), Victimology: A new focus: Vol. II Society's reaction to victimization (pp. 193-205). Lexington, MA: Lexington Books.

The network of processes by which the victim may obtain reparation for an injury sustained by a criminal act is still deficient in ensuring the total rehabilitation of all victims despite the introduction of state compensation boards. Reparation by the offender might remove some of these deficiencies. This method might also be beneficial to the offender rehabilitation process. Reparation by the offender need not be only financial and should be carried out while the criminal remains in the community.

202

Gonnigam, G. E. (undated). Deferred prosecution, comprehensive study, 1974-78. Tazewell County State's Attorney's Office, Tazewell County, IL.

The program provides an alternative to formal court proceedings for selected first offenders by diverting them into an organized community service program offering intensive supervision and the use of restitution. Reports on the first four years of the program. Data were collected on each case screened for admission to the project as well as during the actual time the offender was in the project. Follow up information was collected, but the specific nature of the follow up period is not detailed.

Major findings were:

- Four hundred and forty cases of 950 referred to the program were accepted (46%).
- Forty-five (10%) of the 440 cases were revoked from the program and returned for prosecution.
- Approximately \$11,000 service fees were collected during the last fiscal year.
- During four years of the program's operation, approximately \$47,000 was collected and returned as restitution to crime victims, and, in addition, an unspecified amount of community service was performed.

- The largest proportion of offenders participating in the program were males between 17 and 20 years of age, were employed, or were full time students.
- The largest proportion of cases handled by the program were misdemeanors (63%) as compared to felonies (27%) and juveniles (10%).
- Three hundred and five persons successfully completed the program. Of these, 16 (59%) were rearrested for a subsequent offenses.
- Net savings to the county as a result of the program is estimated to be approximately \$206,000.

203

Good, M. H. (1984). Criminal law--Sentencing--Restitution--The restitution provisions of the Victims and Witness Protection Act of 1982 violate the Fifth and Seventh Amendments to the Constitution of the United States--United States v. Welden, 568 F. Supp. 516 (nc ala 1983). The University of Cincinnati Law Review, 53, 263-296.

This article reviews the decision of the Federal District Court for the Northern District of Alabama in United States v. Welden (1983), which held that the restitution provisions of the Victim and Witness Protection Act (VWPA) of 1982 violates the Fifth and Seventh Amendments of the U. S. Constitution.

204

Gottesman, R., & Mountz, L. (1979). Restitution--Legal analysis. Reno, NV: National Council of Juvenile and Family Court Judges.

Though restitution does have some inherent punitive aspects, the overall benefit to both the offender and the victim with its use is consistent with rehabilitative goals. However, restitution programs should comply with the equal protection clause of the 14th Amendment by establishing neutral guidelines for selection and the filling of vacancies and by refusing to discriminate against offenders based on their inability to pay. Such programs should also protect participants' due process rights by ensuring that juveniles who have not been adjudicated guilty of any offense are not coerced into entering the program nor denied their right to challenge their required participation when they are in the program. Due process rights should also include the participant's right to counsel at the dispositional stage of proceedings and the right to refute inaccurate presentence reports.

Details of the program should be made clear to juveniles one hour before a decision deadline and the details of work assignment, scope of payment, and infractions which might constitute a breach of the agreement should be outlined. Additional due process protection should be provided if program participants face additional loss of property or liberty resulting from infractions of the restitution order, or the participant faces probation revocation. Other elements of restitution programs that should be considered are: eligibility criteria used in implementing restitution payments; scope of payment; parental liability; labor-related issues such as working papers, wages, hours, and

conditions; liability-insurance issues; and the victim's participation and role in these programs. Footnotes are provided.

205

Gray, C. M. (1983). Restitution and compensation: A market model for corrections. J. W. Doig (Ed.) Criminal corrections: Ideals and realities (209-218). Lexington, MA: Lexington Books.

Using the market model of economics, a restitution program could consist of a crime victim compensation bank (CVCB) that would be a financial intermediary operating as the primary activity of a corrections authority. The CVCB would compensate those deemed to have been harmed by an offense. The bank would also reimburse some portion of the costs incurred by the criminal justice system. Thus, the offender would have essentially taken out a loan from the bank. The corrections authority would negotiate with the offender and counsel to determine a repayment (restitution) schedule. The amount of the loan would result from determination of such items as the value of any property taken, the repair or replacement costs of damaged property, the loss of use of property, hospitalization and other medical costs, the victim's physical discomfort and mental anguish, and the share of the criminal justice costs directly attributable to the criminal behavior.

Offenders who were currently employed could pay restitution out of current income. Others would need help in finding a job or in enrolling in a program to acquire skills. Offenders with high incomes would meet their obligations in much shorter time periods than those with low incomes. Such a situation would be inequitable in a correctional system where sentences are measured in time but would be equitable if sentences were measured in dollars.

As with the current system, any individual willing to risk punishment would be free to commit an offense. Although minority groups deprived of education or income might object to this restitution model, owing a monetary debt with reasonable assistance and time to pay might be preferable to the current practices under which minorities constitute almost half of prison populations.

206

Greenspan, E. L. (1980). The role of the defence lawyer in sentencing. In B. A. Grosman (Ed.), New directions in sentencing (pp.263-272). Scarborough, ON: Butterworth.

Tactics that can be utilized in Canada by the defense counsel in representing the rights of clients at sentencing are described. The defense counsel's goal is a disposition most favorable to the client, with an exception granted to the change in the role of the crown counsel at the time of sentencing. A disposition most favorable to the defendant does not necessarily mean the least severe sentence, but a disposition that most satisfactorily

meets the client's needs. The primary consideration in making submissions for sentencing alternatives is to emphasize that imprisonment should only be used as a last resort in view of the high prison population in Canada. As an alternative, the defense counsel should propose a restitution order, the plausibility of which is enhanced when an agreement is reached with the victim for restitution without the impetus of a court order.

207

Griffin, T. G. (1983). Corporations and the Federal Probation Act--Is the community an aggrieved party?: *United States v. William Anderson Co.* St. John's Law Review, 58, 163-181.

The Federal Probation Act enumerates five special probation conditions. A trial judge is not limited to selecting among these special conditions, but courts have generally held that the imposition of a specified condition is subject to limitations recited in the statute. The 'Anderson' court (Eighth Circuit Court of Appeals) held, however, that although a probation order may have been selected from a probation condition specified in the act, the court is not required to comply with the language qualifying that condition. The court directed that the corporate defendants make payments to charitable organizations having no logical relationship to the defendants' antitrust violations. Courts should require corporate defendants to redress their victims through community service and a fluid recovery form of restitution (reducing the cost of the corporate product or service for a specified period). This would compensate the victims, assist in rehabilitating the defendants, and thus conform to the restrictions of the Federal Probation Act.

208

Griffith, W. R. (1983). Restitution or rebate--The issue of job subsidies in juvenile restitution projects. Eugene, OR: Institute of Policy Analysis.

Using individual-level data collected from 85 federally funded juvenile restitution projects, this study examines (a) differences in referrals to restitution projects that do and do not offer job subsidies, (b) factors in selecting youth for job subsidization, (c) effects of subsidies on restitution performance, and (d) the types of offenders who benefit most from employment subsidies.

Juveniles referred to job subsidy projects tend to have larger monetary restitution orders, slightly higher levels of offense seriousness, more prior offenses, and lower household incomes than juveniles referred to nonsubsidized restitution projects. Referrals to nonsubsidy projects tend to be older, out of school, and nonwhite. Major factors in the subsidization decisions were offense seriousness (serious offenders tended to receive subsidies), age (younger offenders more often received subsidies), and size of the monetary order (large orders were subsidized more frequently than small). On the average, subsidies produced a 12% increase in the completion of restitution requirements without having a significant effect on the level of in program reoffending. Youth with a high probability of failing their restitution requirements tended to benefit the most

from subsidies. These findings are only suggestive, because the data were not derived from a true experimental design. Additional research involving true experimental designs is required to make a definitive determination of the effect of job subsidies on the performance of youth in juvenile restitution programs.

209

Griffith, W. R. (1983). Self-report instrument--A description and analysis of results in the national evaluation sites. Eugene, OR: Institute of Policy Analysis.

This paper documents the administration of the self-report survey used in five sites of the national evaluation of the Juvenile Restitution Initiative and provides site-by-site descriptive information. The self-report survey was designed to be administered to a youth every six months from the date of referral up to 18 months after referral. Four different forms were used: the intake self-report, the six month self-report, the 12 months self-report, and the 18 month self-report. Surveys began in February 1980 and concluded in February 1983. At each of the evaluation sites, on site data coordinators collected the names and addresses of the juvenile offenders under study in the national evaluation. Initially, surveys were mailed from the local sites by the coordinators; but starting in July 1981, a centralized data collection method, known as AUTOTRAK, was instituted. Findings from each site are presented and are organized by site, rather than by topic.

210

Griffith, W. R. (1983). Restitution as an alternative to incarceration--Experimental results from Ada County, Idaho. Eugene, OR: Institute of Policy Analysis.

A comparative study of juvenile offenders randomly assigned to restitution or incarceration treatments in Boise, Idaho, suggests that incarceration has no greater effect on recidivism than restitution and possibly produces negative consequences.

In the project, 83 youths were assigned restitution that involved a monetary or unpaid community service order, while 95 were sentenced to incarceration--on the average one week in an institution. No significant statistical differences existed between the two groups. Both were predominantly white males with a mean age of 15 who attended school full-time. Data on recidivism were collected from official court records. For youth assigned restitution, 47% committed no subsequent offense, while 41% of youths assigned to incarceration did not recidivate. When rates were calculated and standardized to reflect the number of offenses per 100 youths per year, annual rates of reoffending were about 14% higher for the incarcerated group. Another study of these referrals in Boise showed lower rates of reported self-delinquency among restitution youths. These two sets of findings, coupled with the lower costs of a restitution program and the benefits produced for the victim, the community, and the offender, suggest that the restitution project be continued.

211

Griffith, W. R., Schneider, A. L., & Schneider, P. R. (1981). Successful completion of restitution orders in the juvenile restitution initiative--A preliminary analysis. Eugene, OR: Institute of Policy Analysis.

This report examines the rate at which juveniles referred to restitution projects successfully complete the court-ordered requirements. Based on data from more than 7,000 youths who were admitted to and later terminated from restitution projects, the rate of successful completion is estimated at 88% and forecast to continue at about the same level. The analysis indicates that the youths most likely to successfully complete the restitution requirements are those who are white, in school, have higher family incomes and prior offenses, and whose current offense is of a less serious nature. In addition, youths whose restitution payments were subsidized and those with comparatively smaller orders were also more likely to complete. Finally, offenders required to make restitution as a sole sanction, and who were not placed on probation or given a suspended commitment, were more likely to complete restitution successfully.

212

Griffiths, C., Kennedy, M., & Mehanna, S. (1989). Social change, legal transformation, and state intervention: Youth justice in the Arab Republic of Egypt. In J. Hudson & B. Galaway (Eds.), State intervention on behalf of youth. The Netherlands: Kluwer Academic Publishers.

A multi-year study of the juvenile justice system in the Arab Republic of Egypt was designed to examine the response to juvenile delinquency by the formal, adjudicative system of juvenile justice operating in Cairo and by the traditional, negotiative systems of dispute resolution at the village level. The formal system of juvenile justice is used to sanction large numbers of juveniles who are dependent and neglected and has little appreciable impact on the conditions precipitating their involvement in the justice process. The village-based systems are more effective in addressing the needs of youths, their victims and the community.

213

Griffiths, C. T., & Patenoude, A. (1990). The use of community service orders and restitution in the Canadian North: The prospect and problems of localized corrections. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

The native Indians and Inuit of Canada's Northwest Territories have traditionally enjoyed justice systems based upon the restoration of order and reparation to the injured party. Existence of these types of traditional justice have been ignored by the Anglo-Canadian criminal justice system, although their applications could serve as mechanisms to increase the self-determinism of native people while reducing their socio-structural dependence on dominant society. Community service, restitution, and victim-offender reconciliation

are approaches which could make the delivery of justice services more relevant to individual communities and their residents.

Although enthusiasm surrounded the development and implementation of community corrections programs involving these concepts, several difficulties have hindered their potential effectiveness. The difficulties include dependence of Indian and Inuit communities on outside government to initiate, fund, and support community corrections programs; conflict between traditional Indian and Inuit notions of conflict resolution and those represented by community service order and restitution programs; and the operational difficulties of developing and maintaining community service order and restitution programs in Northwest Territory communities. Rather than optimally using the isolation and small size of the Northwest Territory communities and the traditional customs of Indian and Inuit residents, the community service order and restitution programs have been designed and delivered by outside agencies and administrations.

214

Grönfors, M. (1989). Mediation--Experiment in Finland. In P.A. Albrecht & O. Backes (Eds.), Crime Prevention and Intervention: Legal and Ethical Problems (pp. 117-127). Berlin: Walter de Gruyter.

Interviews with participants, mediators, and review of official records were used to study the first two years of work (1984-1985) of a mediation scheme in Vantaa, Finland. The scheme was on assumptions that conflicts (including criminal ones) are part of normal communication processes, solutions to conflicts should be attempted as quickly as possible, handling conflict develops communal life positively and can unite community members, widening the horizons of all people is desirable, development of communication skills of people and shifting attention to compensation is more important than treatment or punishment, and nonjudgmental interaction is to be encouraged.

Initially the project had no clear ideas from where the cases would come or the types of cases to be mediated. Cases were sought from the local community as well as referrals from police, prosecutors, and child welfare officials. About 140 cases were handled in the first two years; over this time there was a definite decline in cases from the community and increasing proportions of cases involved criminal offenses. Most of the criminal offenses were minor personal or property crimes including vandalism. The mediators were trained volunteers but had difficulty dealing with conflict situations in which the conflicts were symptomatic of more long-standing personal problems. Generally participants reported higher satisfaction with mediation when the mediators focused on interpersonal communications rather than focusing on compensation; most of the participants welcomed the opportunity to participate in a communication process.

Defining mediation as voluntary for offenders is problematic. Mediation has a place as a community resource, but it is important to focus on maintaining a communication process rather than on problem solving. This mediation project probably did not serve as an alternative to criminal justice processing. These cases also were processed through

the criminal justice system because of legal restrictions on waiving prosecution as well as reluctance on the part of the bureaucracy to do so. There is also danger that mediation may be co-opted and used as a simple extension of the criminal justice process.

215

Grönfors, M. (1989). Ideals and reality in community mediation. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders and communities (pp. 140-151). London: Sage.

A community mediation project was established in Vantaa, Finland, in 1983 and operates within an area of 50,000 people. The project serves criminal and civil cases referred either from the authorities or directly from the public; in most of the criminal cases the disputants are not known to each other. The mediators are trained volunteers. Difficulties have been encountered in the differing perceptions between the mediation program and local authorities regarding the nature of offending.

During 1984, 73 cases came into mediation in which 57 were criminal matters and the rest mainly civil quarrels. Practically all meetings resulted in an agreement when people agreed to mediation. In 1985 the number of cases increased to 142 but only five were non criminal matters. Source of referrals also changed; in 1984, 10% of the cases came from the authorities whereas in 1985 over half of the referrals came from the police or prosecutor. Mediation seems to be moving away from the concept of an alternative to justice toward becoming a support service to the official justice system. Victims appear to be quite positive toward mediation even in cases where an agreement was not received. Victims have not been found to be particularly punitive towards offenders.

216

Grube, K. B. (1982). Traffic restitution program gets green light from victims and offenders. State Court Journal, 6(2), 21-23.

A Florida county court restitution program for uninsured traffic offenders is described. Under the restitution program, when an uninsured offender appears before the traffic court to enter a guilty plea to a moving violation that resulted in an accident with damage, the court will confirm the uninsured status of the offender. The court then inquires of the offender whether he/she has contacted the victim to discuss liability for damage. If the offender has not done so, the court then advises that it is in the offender's best interests to do this for two reasons: (a) the court will consider this good-faith effort in determining the penalty; and (b) if the offender does not choose to cooperate, the State, pursuant to the financial Responsibility Act, will suspend driving privileges. It is explained to the offender that if a restitution program is begun, the offender may be able to avoid the suspension of driving privileges, that otherwise occurs.

The program is economical because it is largely self-executing. In about 95% of the cases submitted to the program, the offender, through personal contact with the victim or insurance carrier, is able to agree on a specific sum for which he/she will be responsible. The offender is then required to negotiate with the victim or the insurance carrier about the manner in which the damage will be paid. In more than 90% of the cases, the parties are able to agree on payment either in a lump sum or on an instalment basis. The offender then completes the obligation to the court by submitting written proof of the parties' agreement concerning restitution. Consideration is given to the due process implications of encouraging restitution in what otherwise might be considered a purely civil matter. Sample forms relevant to the program are provided.

217

Guedalia, L. (1979). Predicting recidivism of juvenile delinquents on restitutionary probation from selected background, subject and program variables. Ph.D. Dissertation, The American University, Washington, DC.

A sample of 209 juvenile males was randomly selected from a group of 400 who had been placed on probation with a restitution requirement by the Tulsa, Oklahoma Juvenile Court between January, 1975 and January, 1978. Official files were used to gather data regarding family structure, socioeconomic status, age, race, school status, offense, individual or group delinquency, amount of monetary restitution, amount of service restitution, and whether or not victim contact occurred in the restitution program. Recidivism was measured by new offenses known to the police; the offenses were categorized as violent or non violent. Offenders who were living with both natural parents, were not failing in school, had made contact with the victim, or had paid \$100 or less in monetary restitution had significantly lower recidivism rates than their counterparts. Persons who manage restitution programs should work more closely with the school system, with the families of offenders, and should encourage victim and offender contact.

218

Halacy, W. (1979). The restitution alternative. Kennebunkport, MA: Gary P. Smith.

A policy and procedures manual for the Restitution Alternative, an Office of Juvenile Justice and Delinquency Prevention (U.S.) funded juvenile restitution project which operated in Cumberland County, Maine. The program philosophy is described, along with detailed procedures including staff job descriptions. The program is intended to serve juvenile offenders who might otherwise be incarcerated and is based on the view that the juvenile offenders are responsible persons who have made a mistake and who are being given the opportunity to correct the mistake. Making restitution to the victims will provide juvenile offenders with an opportunity to regain a sense of self-worth; furthermore, the program provides judges with an intermediate sanction for offenders whose behavior merits something more serious than probation. Project staff supervise

juveniles providing restitution to victims, and, through referrals, assist both juveniles and victims to secure necessary social services.

219

Haley, J. O. (1989). Confession, repentance and absolution. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 195-211). London: Sage.

Paralleling the formal legal process of Japan is a second, informal track where a pattern of confession, repentance, and absolution dominates each stage of law enforcement. This process involves offenders and victims as well as the authorities and permeates all phases of the criminal justice process. The vast majority of person charged with criminal offenses display repentance, negotiate for the victims pardon, and submit to the mercy of the authorities; in return they are treated with leniency.

Statistical data are used to show that many offenders identified by the police, although convictable, are released by prosecutors without prosecution. The elements that go into these decisions are the attitude of the offender in acknowledging guilt, in expressing remorse, and in compensating the victim. Another element is the victim's willingness to pardon the offender. The structural supports in Japan for confession on the part of the offender and for forgiveness and leniency on the part of the victim and officials may not be culture bound and may provide valuable lessons for the West. These practices may be contributing to Japan's relatively low crime rate that remains low, compared to Western standards, even with processes of urbanization.

220

Harding, J. (1989). Reconciling mediation with criminal justice. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 27-43). London: Sage.

Traces the development of mediation activities in Britain from the early work of Priestley in the late 1960's and early 1970's in Bristol, to the influence of American work in restitution, Canadian work in victim offender reconciliation, and the West Midlands projects in Coventry, Wolverhampton, and Sandwell. Future development of victim offender mediation programs will require their assimilation into mainstream work of statutory and voluntary agencies dealing with offenders, overcoming difficulties of using mediation in pretrial settings, and resolving the issue of whether mediation and reparation can be successfully grafted onto an essentially retributive criminal justice process.

221

Harding, J. (1987). Reparation: The background, rationale, and relevance to criminal justice. In J. Harding (Ed.), Probation and the community (pp. 194-208). London: Tavistock.

Modern interest in restitution can be traced to the work of Stephen Schafer and has roots in the growing concern about being responsive to victim needs, increasing crime and imprisonment rates, and the need to find other forms of holding offenders accountable. Restitution, especially that develop through mediation procedures, will be responsive to both victim and offender needs. Restitution is being used as pretrial diversion, as a program for neighborhood dispute settlement, and as a part of court based programs. The continued development of restitution programs may force probation to rethink priorities--will the growth of reparation occur at the expense of other probation activities? A revival of reparation coupled with the conciliatory practice in mediation may challenge and critique the current preoccupation in criminal justice with punishment that is often negative and unfulfilling to either victim or offender.

222

Harding, J. (1984). Reparation: Prospects for criminal justice. Probation Journal, 31, 140-142.

Pilot projects in one metropolitan area of England suggest that reparation schemes involving victim and offender meetings can be adopted for local use in and out of court, and be well received by victims of crime. All three of the schemes operating in the West Midlands of England are small and designed to test out the efficacy of reparation and mediation.

223

Harding, J. (1982). Victims and offenders: Needs and responsibilities. London: Bedford Square.

Reform of the criminal justice process is necessary to ensure that victims of crime are compensated for their losses and offenders are involved in providing the compensation. Restitution can provide valuable assistance to both parties. The history and development of restitution is described and successful schemes operated in the United States are presented, specifically as these involve the participants (victim, offender and mediator) working to develop a plan for the recovery of losses.

224

Harding, J. (1980, May). An investigation into the current status and effectiveness of juvenile and adult restitution programs in the United States of America. Unpublished report.

A record of observations made by a British probation agency administrator after a three week tour of juvenile restitution programs in Quincy, Massachusetts; Portland, Maine; Minneapolis, Minnesota; St. Cloud, Minnesota; and New Orleans, Louisiana and adult programs in Dorchester, Massachusetts; Duluth, Minnesota; Paschagoula, Mississippi; New Orleans, Louisiana; and Marin County, California.

Monetary restitution programs represent a move away from a primary focus on offenders to the needs of the victims; readjusting program priorities is not easy because program managers must continue to accommodate offender needs--especially rehabilitative interests. Some projects are able to involve the victim in mediation process that need not be scenes of uncontrolled emotion or mutual recrimination. The best programs illustrate the importance of every project member understanding the aims and objectives of the project and his or her role in carrying out tasks. Community service restitution lacks a secure footing as part of a sentencing procedure in America and is used primarily at the discretion of courts; there is need to develop procedures and principles regarding determination of the number of hours of community service to avoid arbitrary decision making.

225

Harland, A. T. (1979-80). Goal conflicts and criminal justice innovation: A case study. The Justice System Journal, 5, 291-298.

Identifies the various goals and objectives associated with restitution programs and illustrates the complexity of issues that might influence policy decisions about the use of restitutive sanctions, as well as the broad range of interests to which restitution might appeal. Restitution has achieved support from across the political spectrum, from fiscal conservatives concerned with saving system costs, to prison abolitionists concerned with providing alternatives to incarceration, and from treatment-oriented theorists to deserts-oriented practitioners.

It is precisely because of this multiplicity of projected benefits, however, that the need for thorough conceptualization of goals and setting priorities among them becomes so essential. By not clearly delineating the expectations of different proponents of the concept, the stage is set for conflict and disappointment in the ways in which it is put into operation. The difficulties experienced by restitution programs might be attributed less to the concept of restitution itself and more to a failure to conceptualize adequately and strive for more balance among the various competing and conflicting goals restitution is expected to meet.

226

Harland, A. T. (1983). One hundred years of restitution: An international review and prospectus for research. Victimology: An International Journal, 8(1-2), 190-203.

Approximately 100 years ago, participants at a series of International Prison Congresses in Europe discussed the issue of restitution to crime victims extensively and heatedly. The present article examines criminal justice developments in the United States and other jurisdictions in the intervening century.

The author concludes that although there has been a clear increase in attention to formal legal provisions dealing with victims, there remains a sizeable gulf between those provisions and the commitment to compensating crime victims in practice. The process of establishing and enforcing the victim's restitution claims has not yet been well integrated into the more traditional process of convicting and punishing offenders. Where gaps between the two processes exist, they are cracks in the system into which the interests of crime victims continue to fall and be forgotten. The article concludes with a proposal to create an International Research and Policy Committee on Restitution to Crime Victims to identify and resolve questions of theory, policy and practice that impede our ability to rescind a resolution at the International Congresses that "modern law does not sufficiently consider the reparation due to injured parties."

227

Harland, A. T. (1982). Monetary remedies for the victims of crime: Assessing the role of the criminal courts. UCLA Law Review, 30(52), 52-128.

Although restitution as a sanction has been endorsed at almost every stage of the criminal process, a wide variety of both substantive and procedural constraints surround its use. These include limitations upon who may be considered a victim for restitutive purposes, particularly with respect to insurers and other third parties affected by the crime. Other restrictions stem from defining the offence for which restitution may be ordered, and whether it includes convicted, plea-bargained, or even acquitted charges. Similar constraints exist on the types of losses for which restitution may be ordered. In addition, the decision to impose restitution must take into account the defendant's ability to pay.

Procedurally, fixing the amount and conditions of a restitution sanction in a criminal justice setting usually occurs with less formality than in a civil tribunal. Summary procedures appear to be most common, placing the burden upon the defendant to contest restitution at the sentencing hearing. The key test in upholding restitution orders is usually to show that the amount ordered is reasonable. At the enforcement stage of restitution orders, courts have paid little attention to the policies and procedures for routine collection and disbursement of monies. In contrast, a great deal of activity has centered on noncompliance by the defendant. Modification of a restitution order is most commonly authorized in connection with default proceedings for nonpayment. Although rarely stated explicitly, an important motivation behind the growing reliance on restitution in criminal courts is that they simply provide a more practical and convenient mechanism for compensating crime victims than does recourse to the civil courts.

Harland, A. T. (1981). Restitution to victims of personal and household crimes. Washington, DC: U. S. Department of Justice, Bureau of Justice Statistics.

An analysis of 1974 victimization survey data (The National Crime Survey) of victimizations resulting from larceny that occurred away from the home, purse snatching and pocket picking, vehicle theft, burglary, and unarmed robbery. Over 32 million victimizations were estimated from these six types of offenses; 93% of the victims reported that something was stolen or property was damaged; because of the types of crimes analyzed, less than one percent of the victims reported injury. Seventy-three percent of the victimizations, excluding injuries, resulted in gross losses to the victims of less than \$100. The greatest number of victims received no recovery of property or reimbursement for damage from insurance, police, or other sources; less than ten percent received total recovery and less than five percent partial recovery.

The relationship between likelihood of recovery and value of loss was direct--the greater the loss, the greater the likelihood of recovery. While insurance may provide a large amount of recovery for those who recover at all, it was found to provide relief for relatively few people who suffer theft losses. The large number of persons experiencing loss, the typically low loss per victimization, the general failure to receive reimbursement from insurance companies or other sources, and, when such reimbursement is received, the tendency for it to be received for the offenses with greater loss, all tend to suggest that restitution might be a useful service for crime victims and not a heavy burden for offenders.

The data were drawn from a victimization survey in which, of course, many of the offenses were not cleared and thus restitution was not possible. However, the possibility of restitution might increase crime reporting and might lead to increased solving of property crimes; crimes in which insurance recovery is possible tend to be reported to the police with greater frequency than other crimes. A cautionary note is developed from the examination of the income level of jail inmates in 1972 suggesting that many may be of very limited means.

Finally, an examination of the income level of victims from the victimization survey suggests that restitution to wealthy victims would be a very rare occurrence--45% of the victims' families had incomes of \$10,000 to \$25,000 and 43% were families with incomes of less than \$10,000. Restitution is intuitively appealing as a source of aid to victims and as a possible beneficial sentencing option for offenders; however, these are not always mutually obtainable goals. In case of conflict, a decision must be made whether the emphasis is to be on the victim or the offender; the effects of either choice must be examined before a stance towards restitution can be adopted. Restitution is a part of the ageless correctional dilemma of seeking to optimally balance the interest of the individual offender against those of his victim and of society in general.

229

Harland, A. T. (1980). The law of criminal restitution (Working Paper, Criminal Justice Research Center). Albany, NY: Criminal Justice Research Center.

A review of the substantive and procedural law regarding use of restitution as a criminal sanction. Constraints on the use of restitution are identified, including limitations on who may be considered a victim especially in regard to third parties, the types of loss for which restitution may be ordered (typically limited to out of pocket expenses excluding punitive and general damage awards), and restrictions on defining the offense behavior for which restitution may be ordered. Fixing the amount and conditions of restitution in a criminal justice setting occurs with considerable less formality than in a civil tribunal because restitution is often promoted as a rehabilitative tool. Restitution renews the debate as to whether the criminal and civil law are distinct but, despite this hotly contested issue, restitution programming and processes are clearly expanding.

230

Harland, A. T. (1980). Restitution statutes and cases: Some substantive and procedural constraints. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 151-169). Lexington, MA: Lexington Books.

Review of some of the major legal issues that have been raised regarding the use of criminal restitution within the United States. Questions concerning the authority to impose restitution, victim eligibility, offense limitations, proper amount of restitution, imposition procedures, and enforcement provisions are examined according to current case law and statutes.

231

Harland, A. T. (1978). Compensating the victims of crime. Criminal Law Bulletin, 14, 203-224.

No public official risks losing votes by taking a strong position in favor of the victims of criminal offenses. Taking such a position, and engaging in realistic efforts to aid victims proves to be difficult to reconcile. This paper examines the rationales for victim compensation programs and the expanded use of the more traditional remedy of restitution. Only a tiny percentage of victims will be compensated under existing compensation programs; a more imaginative use of restitution appears to be promising.

232

Harland, A. T. (1978). Theoretical and programmatic concerns in restitution: An integration. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 193-202). Lexington, MA: Lexington Books.

Summarizes and discusses the major theoretical and program concerns including definitions of restitution, practical implications of theory, the role of crime victims, and future directions.

233

Harland, A. T., & Rosen, C. F. (1990). Impediments to the recovery of restitution by crime victims. Victims and violence.

The political, professional, academic, and popular appeal of restitution has become so universal that the study of departures from its use may involve inquiry into correlates of injustice; such studies should feature prominently among the priorities of leaders in the restitution field. Measuring departures from a presumptive restitution norm have not been occurring, perhaps because of both conceptual and technical reasons. There are conceptual difficulties with what restitution is, the most serious of which is the notion of repayment to society in the form of unpaid service to the community.

Explaining and reducing departures from a restitution norm will involve an examination of factors that limit choice about whether or not to require restitution, that limit the availability of information necessary to reach a decision about restitution, and that relate to the set of goals to be achieved by restitution. A baseline of data about restitution needs to be generated from which to identify and explain the correlates of departures from the use of restitution.

234

Harland, A. T., & Warren, M. Q. (1979). Evaluation objectives and design implementation. Albany, NY: Criminal Justice Research Center.

The fourth in a series of reports detailing the progress of a national evaluation of adult restitution programs, this document explains the evaluation context, reviews previous research, and describes objectives and procedures.

The evaluation encompasses programs at numerous stages in the criminal justice process in seven states. It is designed to assess the effectiveness of the particular programs with regard to victims' and offenders' attitudes and other factors. A review of the previous research reveals that few studies shed light upon the claims, fears, and suppositions that have been raised in connection with the use of either restitution or community service. Most of the laws and programs dealing with restitution were in the context of probation, where the dominant type of restitution seemed to involve cash rather than any form of service repayment.

In the few cases in which service restitution was employed, community service was the most common type, with direct service to the victim being rare. Full rather than partial restitution was used in the majority of cases. Procedures for determining loss were not clearly documented, and the definition of victim varied. Most offenders who were

required to pay restitution were young, white, unmarried males with short prior records. Restitution was ordered almost entirely for property offenses. There is almost no evidence that restitution has any effects on the subsequent attitudes of victims or offenders.

235

Harland, A. T., Warren, M. Q., & Brown, E. J. (1979). Evaluation objectives, evaluation methodology and action research report. Albany, NY: Criminal Justice Research Center.

This report, the fourth in a series of reports detailing the progress of the first phase of a national evaluation of adult restitution programs, explains the evaluation design, objectives, and methodology; documents current progress toward objectives; and generalizes major implementation issues encountered.

The national evaluation, established because of the paucity of information about the use of restitution and its effects, aims at describing the restitution programs in detail, assessing the relative and differential effects of restitution, and contributing to the general body of knowledge about restitution. Components of the general design include the use of random allocation to experimental (restitution) and comparison (nonrestitution) conditions, the collection of extensive data comparable across programs, and a uniform data analysis plan. A two-stage analysis plan is intended to provide a comprehensive description of each program and to assess the effects of restitution.

At the descriptive level, analyses are underway to construct profiles of restitution case characteristics and to examine the relationships among restitution case components. Effectiveness assessments are being done in a variety of ways, including pre- post-assessments of offenders' and victims' attitudes; monitoring indicators of offenders' domestic, economic, and social stability; and examining official records to detect any offender contact with the criminal justice system subsequent to program involvement. In addition, data on restitution performance are being collected to assess the degree to which offenders are in compliance with requirements set for the amount and schedule of restitution required.

Objections to the experimental design used focus on the propriety and/or practicality of the design; as well as the political relevance of using the design and the findings resulting from its use. Most of the objections by program administrators have been laid to rest through lengthy discussions, and an experimental design was implemented, with varying degrees of success, in each of the six programs.

236

Harland, A. T., Warren, M. Q., & Brown, E. J. (1979). A guide to restitution programming. Albany, NY: Criminal Justice Research Center.

A guide prepared for persons considering developing monetary restitution or community service programs based on experiences of attempting to evaluate seven newly funded pilot projects. Topics covered include program purposes and objectives, program location in the criminal justice system, scope of the restitution process, intake procedures, formulation of restitution plans, accounting and disbursement of restitution funds, monitoring and enforcement, and program evaluation. A recurrent theme is the potential effects of differing program purposes on the subsequent decisions. Program purposes may be to benefit offenders, victims, and the criminal justice system. While these three purposes may be found in a given program, there are inherent conflicts among them that may require prioritizing the goals either implicitly or explicitly as program decisions are made.

237

Harland, A. T., Warren, M. Q., Brown, E. J., Buckman, M. R., Rosen, R. A., & Way, B. B. (1979). Restitution programs in seven states. Albany, NY: Criminal Justice Research Center.

Jurisdiction, procedures, and participants are discussed for restitution programs in California, Colorado, Connecticut, Georgia, Maine, Massachusetts, and Oregon.

238

Harland, A. T., Warren, M. Q., Brown, E. J., & Buckman, M. R. (1979). Restitution programs in six states--Policies and procedures. Albany, NY: Criminal Justice Research Center.

This report, which is one of a series on the national evaluation of adult restitution programs, describes policies and procedures of the six restitution programs being evaluated and highlights significant shifts or gaps in policy and procedure.

239

Harley, K. (1981). Program guide: Victim offender reconciliation program and community mediation service. Kitchener, ON.

Philosophy and description of the Victim Offender Reconciliation Program (VORP) (post trial) and the Community Mediation Service (pre trial) in Kitchener, Ontario. Includes data forms and program data for April 1980 through March 1981. During this time 113 victims were contacted by VORP; 91 agreed to meet their offender.

240

Harris, G. H. (1977). Why's and how's of stolen goods recovery--Part II. Security World, 14(5), 54-55, 124.

Investigates the legality of procedures for obtaining employee admissions of theft and discusses restitution by the employee and the decision to terminate or retain the dishonest employee. Care must be taken to insure that all agreements are made in writing and that payment is received only from the employee. If the dishonest employee is retained, businesses should require restitution of the amount stolen and the opportunity to test the employee's honesty at a later date through polygraph examination. Suggestions for handling terminated employees are provided with emphasis on methods of obtaining restitution. Sample forms to be used in these situations are included.

241

Harris, M. K. (1986). The goals of community sanctions. Washington, DC: U.S. Department of Justice, National Institute of Corrections.

Community sanctions may be based on just deserts, general deterrence, incapacitation, or rehabilitation sentencing philosophies. The philosophy will specify the basis for the sanction, the information needed to determine the sanction, key actors, the best time to determine the sanction, and characteristics of appropriate sanctions. The way in which goals may influence program development is illustrated through victim offender mediation, community service sentencing, and intensive probation. Connections between goals and day to day program operations and issues need to be made explicit.

242

Harvard Law Review. (1984). Victim restitution in the criminal process: A procedural analysis. Harvard Law Review, 97, 931-946.

Argues that restitution is an appropriate sentencing tool that effectively promotes the aims of the criminal justice system and therefore necessitates no greater procedural protections than those required by other criminal sanctions. Explains the modern day role of restitution, discusses the sanction's historical development, and outlines the conventional arguments against the use of restitution in criminal punishment.

The traditional perception that the legal system comprises two separate spheres is challenged and the argument is made that criminal and civil law have common objectives, although the two systems place differing degrees of emphasis on each of their shared aims. The analysis shows that restitutions' focus on rehabilitation, deterrence and retribution makes it an appropriate criminal sanction, and demonstrates that the procedural safeguards required for restitution need be no greater than the safeguards now provided in criminal sentencing generally. Finally, the argument is made argues that requiring a civil trial or its equivalent in order to determine the amount of the restitution order would undermine the correctional advantages of restitution. Therefore, it is suggested, the civil process safeguards are undesirable as well as unnecessary.

243

Havers, M. (1971). Reparation by the offender. London: Society of Conservative Lawyers.

Discusses issues related to monetary restitution by adult offenders.

244

Hayes, C. (1984). The use of restitution in the criminal justice system. Royal Canadian Mounted Police Gazette, 46(7,8), 16-24.

A general overview of restitution is provided, including an historical background and how restitution is used in other countries. The Canadian situation is clarified and a listing of recent amendments proposed for the Canadian criminal code is presented.

245

Heide, K. M. (1983). An empirical assessment of the value of utilizing personality data in restitution outcome prediction. In W. S. Laufer and J. M. Day (Eds.), Personality theory, moral development, and criminal behavior (pp. 251-277). Lexington, MA: Lexington Books.

This study was aimed at assessing whether I-level and specific personality dimensions were related to various indicators of restitution outcome. Another aim of the study was to determine whether the use of personality data--alone or in combination with demographic, social, and prior record characteristics of offenders; current offense data; and restitution related variables--made an appreciable difference in the ability to predict which offenders would succeed in a restitution program. I-level theory would predict that high maturity offenders would be more successful in completing restitutive obligations successfully than would low maturity offenders.

Sixty seven offenders ordered by the court to pay financial restitution to the victims of their crimes were given I-level interviews during the 14 month period from March, 1979 to May, 1980. Follow-up data were available for 60 of the 67 cases interviewed, however, in 11 of these cases no determination of restitution payment could be made and therefore the comparative assessment of the predictive power of personality variables, and that of offender and restitution related characteristics is limited to the 49 cases for whom follow-up data were available. The results indicate that if one has to choose between the use of personality data or record data in identifying candidates most likely to succeed on a restitution program, one would do better to rely on personality data. The data also revealed that high maturity offenders were more likely to succeed than low maturity offenders.

246

Heide, K. M. (1980, September). Classification of offenders ordered to make restitution by I-level and by specific personality dimensions. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Virtually no attention has been given to identifying the personality or psychological characteristics of offenders associated with successful completion of restitution. A study is underway to classify offenders ordered to make restitution by I-level and by other personality characteristics. The aims of the study are to assess the relationship of I-level and subtype as well as the relationship of specific personality characteristics of offenders to restitution outcome.

Additionally, the study will assess the gains made by using personality data alone or in combination with demographic, social, and prior record data to predict which offenders will succeed in a restitution program and under what types of conditions. The study will assess the validity of using I-level theory in a field setting. The study's outcome may provide practitioners with a theoretical basis for assigning different types of offenders to different types of restitution programs according to their level of personality development.

247

Heinlen, J. F. (1980, September). Probation as it relates to restitution. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Traditional misdemeanor probation has been replaced in Winona, Minnesota, with a restitution program in which the offender makes proposals at sentencing as to steps he or she will take to make restitution to the community, the victim, and to himself or herself.

248

Heinz, J. (1983). Victim and Witness Protection Act of 1982. The Practical Lawyer, 29, 13-18.

The Victim and Witness Protection Act of 1982 calls for a victim impact statement as part of the report filed with the sentencing judge; requires a federal judge to consider and if reasonable, order restitution when passing sentence; and makes intimidation of or retaliation against a witness a federal offense.

249

Heinz, J., Galaway, B., & Hudson, J. (1976). Restitution or parole: A follow-up study of adult offenders. Social Service Review, 50, 148-156.

A study was conducted comparing 18 male property offenders released on parole to the Minnesota Restitution Center after four months imprisonment to a group of matched offenders who were released to conventional parole supervision. The two groups were individually matched on the variables of age at first offense, previous felony convictions, age at release, type of offense, and race. Follow-up occurred at 16 months after release; official records were used to determine new offenses, parole-violation reports, the percentage of time employed, and to secure an overall assessment of parole success. The restitution group had fewer convictions, were employed for a higher percentage of time, and were rated higher on the Glaser scale of parole success. The study, although limited, offers support for continued experimentation with the use of restitution as an alternative to imprisonment for property offenders.

250

Henderson, J. H. (1982). Interface between law enforcement and psychology: A case study of creative punishment and alternatives to incarceration. Police Journal, 55, 285-290.

Restitutive and treatment alternatives to incarceration (creative punishment) are becoming more attractive than costly and ineffective incarceration, and they show evidence of being accepted as sufficiently punitive from the perspectives of victims and criminal justice professionals while reducing recidivism.

251

Henderson, J. H., & Gitchoff, G. T. (1981, July). Victim perceptions of alternatives to incarceration: An exploratory study. Paper presented at the First World Congress of Victimology, Washington, DC. Also an unpublished paper, San Diego State University, Criminal Justice Administration, 1981.

Nine years clinical experience and over 100 disposition reports have found that victims are not demanding jail or prison for property offenders. Victims may initially request jail because they are unaware of the sentencing options such as community service and restitution. Most victims agree to an alternative sentence when fully informed. With property offenders most victims are more interested in having their property restored than vengeance toward the offender.

252

Henderson, L. N. (1985). The wrongs of victim's rights. Stanford Law Review, 37, 937-1021.

Victim's rights proposals and programs are examined in terms of their likely impacts on the criminal process and on victims. Rationales offered in support of victim proposals are explored. Focus is on whether changes in the criminal law and criminal process are desirable for those who have already been victimized. Observations are made on

whether such changes have any salutary effect on the goal of crime prevention. Problems created by the use of restitution to crime victims are described, including blurring the theoretical separation between crime and tort, the use of "restitution funds" that place a tax on all criminal activity as established in the state of California, and providing for due process protections in the determination of the amount of restitution to be made.

253

Hendrickson, B. (1939). Probation conditions and the effect of an illegal condition of restitution. Duke Bar Association Journal, 7(2), 145-147.

Describes a case in which a two-year prison sentence was suspended and the offender placed on probation after conviction for leaving the scene of an accident. The offender was ordered to pay \$1,500 in \$10 weekly installments to the injured person. This was done until a total of slightly over \$1,000 had been paid; a petition for release from probation was denied. Six years later the court modified the terms of the condition to be \$10 a month until the remaining amount had been paid. Upon the offender's failure to comply with the modified order, the court revoked the probation and imposed the original sentence of imprisonment. An appeal was made and the court held that the condition of restitution was illegal and the offender was discharged. Payment by the offender of a substantial portion of the restitution and a nine year gap between release on probation and the attempted revocation were important factors in the decision reached.

254

Hibbs, B. E. (1980, September). Evolution and development of Georgia's statewide diversion center program. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Description of an adult residential restitution program in Georgia that deals with both monetary restitution and community service orders.

255

Hink, H. R. (1962). The application of constitutional standards of protection to probation. The University of Chicago Law Review, 29, 483-497.

Appellate counts in reviewing power of the sentencing judge to make the payment of financial restitution a condition of probation will look for a standard of fairness and reasonableness but, in general, appellate courts have refused to review conditions imposed by the trial courts in relation to restitution. Three provisions of the constitution limit the substantive content of probation provisions: the due process clause in the Fifth and the Fourteenth Amendments, the prohibition of cruel and unusual punishment in the Eighth Amendment, and the equal protection clause in the Fourteenth Amendment. The

case law, however, shows little evidence of courts' readiness to use these constitutional limitations in probation cases.

256

Hinrichs, D. W. (1981). Report on the juvenile crime victim project: Attitudes and needs of victims of juvenile crime, Commonwealth of Pennsylvania. Gettysburg, PA: Gettysburg College.

Two surveys were conducted. Questionnaires were sent to 67 juvenile probation officers in Pennsylvania (60 responded) regarding juvenile restitution practices. Fifty-five percent report a formal restitution program but only 18% have a specific person overseeing the program. Restitution is generally ordered for property loss or damage and medical bills; payments are through the court.

An additional survey was conducted of 7,365 victims of juvenile offenders referred to Pennsylvania probation offices during the last six months of 1980. Names and addresses of victims were supplied by probation officers; mailed questionnaires were distributed by the researcher six to twelve months after the victimization. Response rate was 22%. Eighty percent were individual victims. Mean victim loss was \$890; mean recovery (including restitution) was \$484. Restitution was ordered for 34% of the victims; mean restitution amount ordered was \$437; 54% of the victims were satisfied with the restitution ordered. Thirty-one percent of the victims reported prior victimization by juveniles; 14% thought they may have contributed to their own victimization.

Victims report an average of nine hours contact with the juvenile justice system; 71% report contacts with probation officers, 64% appeared in juvenile court, and 57% knew what happened to the juvenile offender (of those who did not, 92% would have liked to have known). Eighty-five percent were satisfied with the police, 60% with probation officers, and 42% with the outcome of their case. No association was found between religion, race, occupation, prior victimization, or marital status and the measures of satisfaction with the juvenile justice system.

Several associations between juvenile justice system activities and victim satisfaction were found including:

- Victims who are awarded restitution are more satisfied with all aspects of the juvenile system than those who are not awarded restitution.
- Those who believe that they will receive the full amount of restitution that is awarded by the court are more satisfied than those who do not.
- As the percentage of awarded restitution paid goes up, so does satisfaction.
- Those who appear in juvenile court are more satisfied than those who do not.
- Those who know what happened to the juvenile (case outcome) are more satisfied than those who do not.
- The more fully victims perceive that they understand the juvenile justice system, the more satisfied they are.

257

Hobhouse, L. T. (1951). Law and justice. In Morals in evolution (pp. 71-83, 98-102, 118-120). London: Chapman and Hall. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 5-18). Springfield, IL: Thomas, 1975.

Traces the development of criminal law through a series of stages moving from private vengeance, to vengeance regulated by the collective order but directed toward wrongdoer reparation of the victim, to the development of the criminal law with the interest of society collectively overshadowing and supplanting the individual victim.

258

Hoelter, H. J. (1982). Make the sentence fit the felon. The Judges' Journal, 21(1), 48-54.

The project director for the National Center on Institutions and Alternatives describes the center's Client Specific Planning (CSP) program, that provides courts with individualized sentencing plans for offenders that reflect an emphasis on restitution, deterrence, and rehabilitation.

259

Hofrichter, R. (1980). The practice of restitution: A victim perspective. Washington, DC: National Council of Senior Citizens Criminal Justice and the Elderly Program.

Examination of current victim restitution programs to determine the extent to which program design and practice was responsive to victim needs. Data were collected through site visits to 11 restitution programs and through extensive telephone interviewing of staff of six additional programs. Several projects have developed innovative ways of responding to victims beyond simply giving them a check. Twenty-four recommendations are offered which restitution program staff might use to upgrade their services to victims. Recommendations primarily regard procedures staff might use to integrate victims into the restitution process and to bring about a greater focus on victim-oriented purposes for restitution.

260

Hofrichter, R. (1980). Techniques of victim involvement in restitution. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 103-119). Lexington, MA: Lexington Books.

This research was to identify features in the design and practice of restitution programs that impede or facilitate meeting the needs of crime victims. Questions addressed by the research were: (a) Is the excluding of the victim as a central participant in restitution programs inevitable because victim objectives are incompatible with restitution

objectives? (b) What kinds of design features and practices exist in restitution programs that could be designated as victim-oriented? (c) What obstacles impede merging victim and offender related goals in a single restitution program?

Site visits were made to ten restitution programs and telephone interviews completed with an additional eight restitution programs. The projects included for study varied in relation to misdemeanor/felony types of offenses handled, juvenile/adult criminal courts, and administrative auspices. Data were collected by interviews on site as well as by telephone. Case examples are presented. The most general finding of the research is that it is good for the victim, good for the system, and good for justice if victims are restored to a participatory role in the adjudication of criminal offenses.

More specific findings were:

- There is a greater likelihood that victims will receive financial and psychological benefits when victims are involved as central participants in the restitution process.
- Victims experience greater satisfaction and reciprocate by cooperating more fully to the extent that they are seen as important actors who are kept informed and available for participation rather than perceived as instruments of other officials.
- Involving the victim will not lead to an unfair result for offenders.
- Two conditions must be met if victim involvement is to be a major component of restitution programs. First, formally instituted procedures must be put into effect to permit the victim to play a role at each critical point in a program. Second, victims need to be encouraged to participate and be provided with needed support services.
- Well planned, face-to-face negotiations between victims and offenders appear to offer the most promising form of direct victim participation in restitution programs. Such negotiations provide an opportunity to resolve conflicts and ensure benefits that less direct forms of participation cannot achieve.

261

Holland, R. C. (1980). Some issues for contemplation on the subject of white collar crime. Australian Crime Prevention Council Quarterly Journal, 3(4), 9-19.

Explores some of the issues involved in the lack of successful prosecution of white collar criminals, as well as the lack of restitution payments being imposed on these criminals.

262

Holmgren, M. R. (1983). Punishment as restitution--The rights of the community. Criminal Justice Ethics, 2(1), 36-49.

This essay justifies legal punishment in the context of the restitution paradigm, arguing that criminals bring about a significant loss of members to the community as well as to the immediate victims and that the community is morally justified in instituting legal sanctions to obtain restitution for this harm.

Holmgren, M. R. (1981). Punishment as restitution: The rights of the community. Dissertation Abstracts International, 42, 4846A-4847A. (University Microfilms No. DA82-08184)

Punishment and restitution are usually viewed as separate (and perhaps competing) paradigms of criminal justice. However, in this dissertation I suggest that a practice of legal punishment can be justified in the context of a criminal justice system based exclusively on the criminal's obligation to make restitution for the losses he has wrongfully inflicted on others. My strategy is to show first that those who commit crimes bring about a significant loss for the members of their community in addition to harming the immediate victims of their crimes, and second, that a practice of legal punishment constitutes a means by which criminals can make restitution to the members of the community for this loss. I suggest, then, that the members of the community are morally justified in instituting a practice of legal punishment in order to exact restitution for the loss they suffer as a result of criminal violations.

The dissertation provides a reasonably systematic development of a restitutive theory of punishment. I begin by critically examining the major approaches that have been taken to the justification of punishment in order to provide some preliminary justification for taking a particular approach to this issue. I then outline a conception of justice that forms the basis of the theory of punishment I suggest. The central chapter contains an analysis of the different types of losses that result from criminal violations and a moral argument that justifies requiring criminals to make restitution for all of these losses. I also argue that given certain conditions, legal punishment constitutes a legitimate means by which the members of the community can exact restitution for the loss they have suffered. In the remainder of the dissertation I show that a restitutive theory of punishment both captures and illuminates much of the retributivist position, and I work out several of the specific implications of this analysis for the way in which a practice of legal punishment ought to be articulated.

Home Office, Advisory Council on the Penal System. (1970). Reparation by the offender--Report of the advisory council on the penal system. London: Her Majesty's Stationery Office.

Considers how reparation by the offender might be given a more prominent place in the British penal system and reaches these major conclusions:

- The criminal courts should retain power to order compensation as an ancillary penalty;
- Neither criminal proceedings nor compensation ordered in such proceedings should exclude any civil remedy that the victim may possess;
- The criminal courts should retain power to order compensation for personal injury and it should be possible to combine such an order with any sentence;

- Compensation for personal injury should not extend to dependents of victims who die from the injury;
- Victims should not be required to make application to the court for compensation;
- The present rate of prison payments is too low to permit the payment of reparation.
- Courts should consider ordering compensation for the direct consequences of an offense where these represent an appreciable loss to the victim, except where enforcement appears impracticable, where a need to resolve difficult issues of liability or the amount of reparations make it more appropriate to leave the victim civil remedies, or where reparation would conflict with the sentence for the offense. Difficulty of assessment need not always preclude the ordering of compensation in criminal proceedings.

265

Hood, R. (1974). Criminology and penal change: A case study of the nature and impact of some recent advice to governments. In R. Hood (Ed.), Crime, criminology and public policy: Essays in honour of Sir Leon Radzinowicz (pp. 375-417). London: Heinemann.

An historical analysis of criminology and penal change in Great Britain from World War II through the mid-seventies. Shifting emphasis in correctional strategy over a quarter century's time from treating imprisoned offenders to one of restricting imprisonment and releasing those imprisoned through parole in shorter periods. Recommendations of the Widgery Committee on Reparation by the Offender and the Wooton Committee on Non-Custodial and Semi-Custodial Penalties, concerning suspended sentences, restitution, and community service orders is criticized for basing proposals on implicit ideological appeal rather than upon knowledge of the factors fostering or inhibiting crime and upon an assessment of why the present methods were proving unsatisfactory. Proposals for community service orders are criticized because recommendations are based on a commitment to the evaluation of the scheme through experimentation and follow up rather than rooted in theory.

266

Hough, M., & Moxon, D. (1985). Dealing with offenders: Popular opinion and the views of victims--Findings from the British crime survey. Howard Journal, 24, 160-175.

This paper presents findings from the 1982 and 1984 sweeps of the British Crime Survey. The British Crime Survey suggests that neither public opinion nor victims' views are more punitive than current practice, and that people favor sentences involving compensation by offenders either to the victim or to the community. The paper also considers what factors make for punitive attitudes.

267

Howard, C. (1957). Compensation in criminal proceedings. The Criminal Law Review, 726-795.

A review of British law concerning compensation or restitution in criminal proceedings. The case law with regard to compensation for personal injury, compensation for loss of or damage to property, and compensation for innocent third parties is reviewed.

268

Howard League for Penal Reform. (1977). Making amends: Criminals, victims, and society. Chichester, Sussex, Great Britain: Barry Rose.

A discussion of the means available in Great Britain by which society and offenders can be required under law to make amends to victims of crime. The court can apply compensation orders, restitution orders, and criminal bankruptcy orders as dispositions with offenders. Victim compensation and support schemes are reviewed. Community service orders are also considered.

269

Hudson, J. (1980). National assessment of adult restitution programs: Project report 4: Victim Assistance Unit, King County Prosecutor's Office, Seattle, Washington. School of Social Development, University of Minnesota, Duluth, Minnesota.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Victim Assistance Unit is a victim-oriented, non-residential project located in the King County Prosecutor's office of Seattle. Although the project operates out of the district attorney's office, restitution is imposed at sentencing as a condition of probation. Until September 1, 1979, the project was staffed with a paid director and several volunteers. In September, an additional position was allocated to the unit and two volunteers each became employed for half-time work. Primary responsibility of project staff with regard to the restitution component of the project involves providing information and notification services to victims concerning restitution, investigating victim losses so that restitution can be ordered, and monitoring ongoing payments at the request of victims or probation officers.

During the current program year, approximately 4,000 cases will be handled by the criminal division of the prosecutor's office and the vast majority of these will require either restitution investigations or other forms of assistance from the victim assistance unit. This unit handles both restitution and non-restitution victim assistance and victim

notification matters. Restitution has, however, become a major component of the unit during the last several years.

270

Hudson, J. (1980). National assessment of adult restitution programs: Project report 3: Property Offender's Restitution Program, Minnesota Department of Corrections. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Property Offenders Restitution program is a non-residential project operated on a statewide basis for selected parolees from the Minnesota State prisons. Inmates meeting project criteria are eligible to develop a mutual agreement program (MAP) contract for early parole release. One component of this mutual agreement program contract involves an obligation to make restitution to crime victims and becomes a condition of the parole release. There is a considerable time interval between the point at which inmates contract for restitution while in prison and the point of being released on parole to begin making payments.

In calendar year 1977, 74 men entered into restitution agreements as a part of the MAP and only 14 had been paroled to begin making payments during that year. Policies concerning the reward (parole discharge at restitution completion) for inmate participation in restitution have not been clarified. Institutional caseworkers are responsible for requesting parole officers to complete loss assessment information and, consequently, relatively few restitution contracts developed. No summary information is being retained and therefore it is not possible to accurately describe the volume of cases being handled.

271

Hudson, J. (1980). National assessment of adult restitution programs: Project report 2: Prison Restitution Counselling Program, North Carolina Department of Corrections. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of 20 included in the National Assessment of Adult Restitution Programs. The project report is the product of an evaluability assessment and contains a description of current operations for 1979, a pre-project history from original idea for the restitution program until funds first became available and a description of implementation from initial funding until beginning of the current program year.

The Prison Restitution Counseling Program operates as a residential project within minimum security work release facilities operated by the Department of Corrections and located throughout the state of North Carolina. The project is located at the post-commitment stage of the criminal justice process. Offenders in the project are on work release status. Financial restitution is completed while on work release or on parole after having completed work release. The Department of Corrections is the administering agency for the federal grant used in support of the project. All inmates admitted have had court recommendations or orders for restitution.

272

Hudson, J. (1978). Self-sentencing restitution program. Journal of the American Criminal Justice Association, 41(1), 23-26.

Intermediate types of sanctions between probation and jail are urgently needed in criminal courts. Restitution to crime victims can be used as such an alternative type of sanction and has been receiving consideration at different points in the adult/juvenile justice systems. The Winona County Self-Sentencing Restitution Program is an attempt to incorporate both financial and community service work within a misdemeanor court. After a plea or finding of guilt, offenders are offered an opportunity to participate in this program and are involved in making determinations with court services staff about the form, amount, and schedule of restitution to be made. Advantages for the victim, offender, and system of justice are suggested, and problems and difficulties in implementing such a scheme are identified.

273

Hudson, J. (1977, April). The evaluation of outcome and process: The case example of the Minnesota restitution center. Paper presented at the Annual Meeting of the Midwest Sociological Association.

The Minnesota Restitution Center was a community-based residential corrections program operated by the Minnesota Department of Corrections for adult male felons received from the state prison after having completed four months of a prison sentence. Major components of the program were a community corrections residential center, diversion from the prison program, use of restitution as the primary intervention, and the involvement of offenders and victims in the development of a restitution contract.

The residential nature of the program had implications for the dilution of the restitution sanction relative to more conventional treatment approaches. The evaluation research implemented concurrent with the program took the form of a before-after experimental design. Conflicts between the releasing authority and the requirements of the evaluation design are discussed and implications assessed for the outcome findings. Also discussed are the implications of the findings for planning and conducting of experimental designs within newly implemented social agencies, as well as the phenomenon of expanding degrees of social control imposed within explicitly defined diversion programs.

274

Hudson, J., & Chesney, S. (1978). Research on restitution: A review and assessment. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 131-148). Lexington, MA: Lexington Books.

Describes the major descriptive and evaluative research conducted on restitution, presents major findings, suggests problems with the research, and proposes directions for further work.

275

Hudson, J., Chesney, S., & McLagan, J. (1977). Restitution as perceived by state legislators and correctional administrators. St. Paul, MN: Minnesota Department of Corrections.

This study was conducted to assess the way in which restitution is perceived by state legislators and state correction administrators. Mailed questionnaires were sent to every director, administrator, or commissioner of a statewide adult or juvenile state correction agency, as well as similar officials in the major U.S. territories and trust possessions. A random selection of 25 states was made and a random selection of three legislators from each corrections or juvenile justice committee was selected. A total of 82 mailed questionnaires were sent to state correctional administrators, with 73 returned for a response rate of 89%. Two hundred and seventy-one questionnaires were mailed to state legislators and 101 (39%) were returned.

Major findings were:

- There was overwhelming support for the idea that offenders should be held responsible for compensating victims for damages or losses caused by the offense.
- Most administrators (60%) and legislators (72%) saw restitution at least partially as a way to compensate victims for crime losses. In addition, 33% of the corrections administrators and 25% of the legislators supported restitution because of its effect on offender rehabilitation.
- Approximately 87% of both groups approved of the use of restitution for juvenile offender; 90% approved of the use of restitution for adult misdemeanants; 80% of both groups approved of the use of restitution for adult felons; 95% of both groups believed that restitution was appropriate for property offense cases and 71% of both groups favored the use of restitution in at least some personal offenses.
- Correctional administrators were more likely to recommend restitution for the full range of dispositions (from diversion to parole) while most legislators saw restitution as appropriate only as a condition of probation, as part of an institutional program, or as a condition of parole.
- Approximately 50% of administrators approved of victim offender interaction in a restitution program while approximately 41% of state legislators approved of this practice.

- Eighty-eight percent of state correctional administrators and 91% of legislators expressed the belief that there was a need for new legislation in their jurisdiction to encourage the use of restitution.

276

Hudson, J., Chesney, S., & McLagan, J. (1977). Parole and probation staff perceptions of restitution. St. Paul: Minnesota Department of Corrections.

A study to assess the extent to which parole and probation officers in Minnesota define different aspects of restitution as problematic. The study involved the use of a mailed questionnaire administered to a population of parole and probation officers and supervisors in Minnesota. A total of 263 subjects were sent questionnaires; 197 questionnaires were returned for a response rate of 75%. Approximately half of the respondents were probation officers, 6% parole officers, 43% having both probation and parole responsibilities. Thirty-seven percent of the respondents handled juvenile clients, 34% adult clients, and 29% handled both juvenile and adult clients.

Major findings were:

- Approximately 91% of the respondents indicated a belief that restitution should be extensively used within the criminal and juvenile justice systems.
- Only 19% of respondents noted that restitution should be limited to property offenders.
- Forty-six percent of the respondents agreed that it is desirable to involve the victim with the offender personally in making a restitution plan.
- Major problems with the use of restitution were courts failing to specify the amount of restitution to be made, time-consuming aspects of restitution, lack of suitable tasks for community service offenders lacking the earning ability to make financial restitution, and victims reporting losses dishonestly.

277

Hudson, J., & Galaway, B. (1990). Restitution program model. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

A restitution program model is developed based on analysis of 11 operating restitution programs serving adult offenders. Program resources include budget and staff, victims and offenders. Program activities include intake, loss assessments, preparation of reparation plans, monitoring and enforcement, accounting and disbursement, and reporting and termination. Possible measures of results of each of these activities are identified. Rationale linking input to activities is often unclear in operating restitution programs. Program outcomes are often identified in terms of presumed beneficiaries which may be offenders, victims, or the community, including the criminal justice system. Rigorous conceptual clarity is required by restitution programs before attempting to measure effectiveness or outcomes.

278

Hudson, J., & Galaway, B. (1981). Restitution and the justice model. In D. Fogel & J. Hudson (Eds.), Justice as fairness: Perspectives on the justice model (pp. 52-65). Springfield, IL: Anderson.

Reviews the historical development of restitution, considers more recent policy, legal, and program developments, and assesses the extent to which restitutive sanctions are consistent with the justice model for corrections.

279

Hudson, J., & Galaway, B. (1980). National assessment of adult restitution programs: Preliminary report 2 (revised): A review of restitution research. Duluth, MN: University of Minnesota, School of Social Development. Also in Victims, offenders, and alternative sanctions. Lexington, MA: Lexington Books.

Questions arise about how restitution is being used in various program applications, the effects of this use, and the way such sanctions are perceived by significant decision makers. This report describes and assess research that has dealt with these concerns.

The specific questions addressed include:

- What categories of research have been completed on the use of restitutive sanctions?
- What are the characteristics of this research in relation to study purposes, use of theory, program description, data collection methods, measures, and research design?
- What are the major findings from this body of work and to what extent do these have implications for policy, programming, and research.

A literature search uncovered 43 studies that met the criteria of being based on empirical data and having restitution as either a dependent or independent variable. Thirty-one of the studies are evaluations of restitution projects or programs; the remaining twelve assess opinions or attitudes about a restitution sanction. The extent to which generalizations can be made from this body of research is limited, due to the one-shot case study design utilized in most evaluations, as well as other shortcomings.

Some of the trends and findings include:

- The studies dealing with community service projects show that large numbers of clients can be handled at relatively low costs, with few in-program failures, and with resulting large amounts of service work being performed. Questions do arise, however, about whether these programs are expanding social control over offenders.
- Restitution can be used as a means of diverting offenders from incarceration but studies indicate a large proportion of participants will fail to complete the program.
- Studies reveal that most property offenses result in relatively small losses, restitution requirements also tend to be small, and the amount actually paid is smaller yet.

- Restitution is most frequently ordered in conjunction with a fine.
- Financial restitution and community service sanctions are endorsed by criminal justice officials and lay citizens.
- State legislators, correctional administrators, probation and parole officers, offenders, and victims generally respond favorably to the notion of offender victim contact within a structured restitution scheme.

280

Hudson, J., & Galaway, B. (1978). Introduction. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 1-11). Lexington, MA: Lexington Books.

Introduces the major concerns addressed at the Second National Symposium on Restitution held in Minneapolis Minnesota in 1977. The symposium addressed definitional problems, recent developments in legislation, programs and research.

281

Hudson, J., & Galaway, B. (1978). National assessment of adult restitution programs: Preliminary report 1: Overview of restitution programming and project selection. Duluth, MN: University of Minnesota, School of Social Development.

Describes procedures used to identify the universe of projects considered for the study, the criteria used to recommend a sample for the study, and specific recommendations regarding the sample; provides summary information for all projects included. The identification process uncovered 82 adult level projects that place explicit emphasis upon the use of monetary restitution and/or community service as a primary focus of program intervention.

282

Hudson, J., & Galaway, B. (1977). Introduction. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 1-17). Lexington, MA: Lexington Books.

Introduces the central concerns addressed at the First National Symposium on Restitution held in Minneapolis, Minnesota, in November, 1975.

283

Hudson, J., & Galaway, B. (1976). Crime victims and public social policy. Journal of Sociology and Social Welfare, 3, 629-635.

The administration of criminal law has traditionally ignored the role of the victim and focused on the criminal offender. Increasingly, however, social policy and programs are beginning to take into consideration the situation of the crime victim. Programs designed to focus on offender restitution to crime victims are being developed and implemented

at various stages of the criminal justice system, while programs of state compensation to crime victims are being implemented in an increasing number of jurisdictions. This paper defines the concepts of restitution and compensation, provides program examples, and identifies the potential benefits of such programs.

284

Hudson, J., & Galaway, B. (1975). Introduction. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. ix-xxv). Springfield, IL: Thomas.

Provides an overview of victimology with particular attention to systems of reparation; traces the history of restitution and identifies central issues.

285

Hudson, J., & Galaway, B. (1974). Undoing the wrong. Social Work, 19, 313-18.

Describes a program initiated at the Minnesota Restitution Center to deal with offenders who commit crimes against property. The center is a community-based residential corrections facility operated by the Minnesota Department of Corrections. The program randomly selects adult male inmates recently committed to the state prison for crimes against property and offers them an opportunity to negotiate a restitution contract. Restitution refers to payments in either goods, services, or money, made by offenders to the victims of their crimes. Outlined are the criteria for inmate selection, formulation of the contract, the program at the center, and the benefits. This is an innovative program that develops a contractual relationship between the offender and victim, diverts offenders from the prison setting, carries out research, and is accountable to the larger public through a community advisory board.

286

Hudson, J., Galaway, B., & Chesney, S. (1977). When criminals repay their victims: A survey of restitution programs. Judicature, 60, 312-321.

Information regarding use of restitution was obtained from a survey of 19 restitution programs in the United States and Canada. The nature of the restitution sanction and the amount of restitution that should be ordered are discussed. Other topics addressed are the role of the victim in the restitution scheme, the relationship of restitution to other criminal justice sanctions, and restitution as a condition of probation. Further studies should be made of the most appropriate method of instituting restitution, the classes of offenders for whom to require it, and its effects on victims and offenders, in order to make this mechanism a more viable part of the criminal justice system.

287

Hudson, J., Galaway, B., & Novack, S. (1980). Final report of the national assessment of adult restitution programs. Duluth, MN: University of Minnesota, School of Social Development.

A state-of-the-art summary of restitution and community service sentencing programming for adult offenders in the United States. This is a review of the literature and a summary of past research. Characteristics of 198 projects identified in 1978 are summarized; data were obtained from telephone interviews with project directors. Twenty projects were selected for site visits for study of project development and current operations. Proposed operational models identifying project inputs, activities, outputs, and outcomes are developed for both monetary restitution and a community service sentencing projects based on data secured from the site visits. Input, activity, and output/outcome measures are recommended. This state-of-the-art study suggests that attempts to measure restitution program effects or outcomes are premature; attention should be directed toward clarifying program design and accurately measuring program inputs and activities, including program costs, before attempting to measure program effects.

288

Huls, M. E. (1985, February). Alternative sentencing, 1979-1984: A selective bibliography (Public Administration Series: Bibliography #P1625). Monticello, IL: Vance Bibliographies.

This bibliography includes 108 alphabetized citations to both in depth articles and to a selection of news item type pieces. According to the author, "news items were included if they contained information on a specific program or project."

289

Hunt, S. M. (1980). Restitution for adult males: A preliminary impact evaluation report on the Orleans parish criminal sheriff's restitution shelter/diagnostic unit. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Council.

The restitution center and diagnostic unit began operations in June 1977 and became part of a pre release center test site in April 1979. Offenders accepted into the program proceed through three phases of increased freedom that eventually lead to full release. The program was designed to ensure monetary payments to victims and performance of community service work by all participants. It also aimed to increase participants' educational levels and employment or training. Potential participants were screened to guard against acceptance of participants who posed a threat to the public and were escape risks. Participants were placed in individualized learning programs and in jobs from which they accumulated savings from which a restitution payment would be deducted upon release. They also contributed a percentage of their income for room and board in prison.

The program demonstrated significant progress toward meeting all of its goals, except for the educational goal. Over four-fifths of all participants worked, and a total of almost 4,000 hours of community service work were contributed. However, only 32% of all participants attended educational classes. The typical offender took part for 56.8 days, worked for 49.7 days, attended 27.4 hours of educational classes, and contributed 18.5 hours of community service. The typical offender also received about 10 hours of individualized counselling, attended five group counseling sessions, paid \$146 in restitution, paid \$129 to the sheriff, and received \$323 in savings when released. Recidivism was not measured, as the program was not designed to affect it. Improved screening, program expansion, improved educational services, and exclusion of offenders charged with criminal neglect of families are recommended.

290

Hunt, S. M. (1980, September). Two restitution programs: Similarities and differences. Paper presented at Fourth Symposium on Restitution and Community Service Sentencing, Social Development Associates, Inc., St. Paul, Minnesota.

The Orleans Parish Criminal Sheriff's Adult Restitution Program, which has been operational since 1977, provides diagnostic intake functions, job development and placement, education, counseling, and security for adult offenders. The Orleans Parish Juvenile Court Juvenile Restitution Program, operational since 1978, provides screening functions, job development and placement, counseling, and teaching services to juvenile offenders. While both programs share common goals of victim compensation, offender rehabilitation, deinstitutionalization, and improving confidence in the criminal justice system, each emphasizes different aspects of the problem. Both appear to be more offender-oriented than victim-oriented regarding services.

The adult program is located in a renovated elementary school. All counseling and education occurs at the school in the evening after participants have returned from work. Participants' paychecks are collected by the staff and deposited into individual accounts, from which restitution payments are deducted. Most participants are accepted with only a few months of their sentences remaining.

Assignment to the juvenile program is imposed in lieu of incarceration as a condition of probation. The program relies on subsidized employment of participants at community service placement sites. Restitution payments are based on the number of hours worked per week and the amount of restitution due. However, the 6.5% unemployment rate in New Orleans in 1979 affected the employment potential of participants. Additional problems include the lack of support from local judges in making referrals.

During 1978 through 1979, the adult program accepted 363 participants, and the successful completion rate was 58%. The juvenile program accepted 140 youths, and the completion rate was 57%. Although both programs appear to be gaining momentum, they still utilized the restitution concept below its maximum potential.

Hunt, S. M. (1979, June). Offenders who pay their way: The preliminary impact evaluation report on the Orleans parish criminal sheriff's restitution shelter-diagnostic unit. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Council. Also reported as Evaluating a restitution project: A case study of a second year preliminary impact evaluation. Paper presented at the Third Symposium on Restitution, Duluth, MN, September, 1979.

The Orleans Parish Restitution Shelter is located in the Community Correctional Center, a 448 bed medium security prison in New Orleans. The program has two components. The diagnostic unit receives referrals from the district courts, prosecutors, state prison, and other sources and completes a screening process, primarily around security risks. The shelter then provides testing and placement of the offender in an individualized learning program. The type and amount of restitution to be made by the offender is determined in a contract signed by the offender and the sheriff. The offender is placed on a job and works to accumulate savings from which restitution is deducted upon release. Room and board payments are made to the facility. The research design was a pre-experimental single group, after-only study. Data were collected from official files and are presented in frequency distributions.

The major findings were:

- Between June 30, 1977, and December 31, 1978, 414 referrals were made to the shelter. One hundred and seventy-four referrals were accepted into the shelter. Ninety-five successfully completed the program early, 50 were unsuccessfully terminated, 16 were still participating in the program on December 31, 1978.
- Analysis of the differences between successful and unsuccessful participants indicated that successful completions were older, had been referred from within the prison as compared to the court, and had been charged with less serious offenses.
- Program participants earned a total of \$130,220 in salaries from employment. One hundred and five offenders paid an average of \$110 to victims for a total of \$11,608 in restitution payments. These types of victim restitution were used: 51 offenders paid to the Elderly Victim Relief Fund, which compensated elderly victims; 28 offenders were ordered to pay victims and 22 of these paid an average of \$282; 19 offenders paid restitution to their wife and family for criminal neglect offenses.
- A total of \$26,741 was repaid to the criminal justice system for operating expenses and room and board.
- Victims received 11%, the criminal justice system received 25%, and offenders retained 64% of earnings.
- Fifty-three individuals contributed community service for a total of 7,506 hours. In addition, all participants were required to attend educational classes.
- The cost per accepted referral for the diagnostic unit was \$341. The cost per successful completion of the shelter program was \$1,678. The combined costs for successful completion for both the diagnostic unit and shelter program were \$2,303.

Cost per day for each successful completion of the diagnostic unit and shelter program was \$22.23.

292

Hunt, S. M., & Litton, G. D. (1981). Restitution for juveniles: A final evaluation report on the Orleans parish juvenile court juvenile restitution project. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Council.

The evaluation examined process and procedural activities against processing goals, assessed victim satisfaction with the program, and examined program impact on participants through failure rates and arrests and convictions during and after program participation. Long term recidivism rates could not be analyzed, because only five participants had completed the program at the onset of the evaluation. The referral and acceptance of the number of participants specified in the goals was slightly exceeded over 20 months of program operation.

During the period covered by the evaluation, 101 participants completed the program. Seventy one percent of the victims of these participants were interviewed by phone, and over 90% had positive feelings about the project. The absence of constant variables precluded measuring any decrease in the number of commitments to the Department of Corrections. Although the program impact on the rearrests of participants is difficult if not impossible to measure, the average rearrests compared favorably with the average arrest history before program participation. Recommendations for improving the program are offered.

293

Hutzler, J. L., Vereb, T. S., & Dixel, D. R. (1981). Restitution and community service as dispositional alternatives in delinquency cases. Pittsburgh, PA: U.S. Department of Justice, National Center for Juvenile Justice Research Division.

Findings are presented from a survey of the 50 states and the District of Columbia to determine their authorization for restitution and community service programs for juveniles. A table shows the presence or absence in each state's juvenile code of an express reference to the authority of the court or probation department to impose restitution or community service as a disposition or condition of probation in delinquency cases. Following the table, the text of the relevant statutory provision in each state is presented, with an indication of how long such a provision has existed in each state's code and an indication of how current the survey's information is on legislation in each state.

A total of 34 states expressly authorize the juvenile court to impose restitution as a disposition or condition of probation in delinquency cases. In two other states, although such authority is not expressly granted by the statute, it is implied. A total of 21 states expressly authorize the imposition of a community service requirement as a disposition

or condition of probation in delinquency cases. Of these states, 18 authorize both restitution and community service dispositions. Only 11 jurisdictions do not specifically identify either restitution or community service as potential dispositions or probation conditions in delinquency cases. No jurisdiction prohibits restitution or community service orders as dispositions or probation conditions in cases of delinquency.

294

Iivari, J. (1985, August). Mediation as a alternative resolution on crime and disputes. Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia.

A community mediation program has been operating in Vantaa, Finland, since 1984 to deal with criminal and civil matters on a neighborhood level; mediation is provided by 20 voluntary lay mediators. The program is based on the principles of bringing about peace in the community, not necessarily punishing offenders, and that modern societies have much to learn from the dispute settlement processes of pre-industrialized communities. The program is experimental, funded by the Academy of Finland, the city of Vantaa, the Ministry of Justice, and the Lutheran church. Both parties to the dispute must consent before mediation occurs; referrals are received from public agencies or the parties themselves may seek mediation. In cases of crimes where the charge is laid by the public prosecutor, the parties understand that mediation does not substitute for court proceedings but that the mediation agreement is delivered to the court and may influence the decision. Mediators are chosen from local inhabitants to make mediation an integral part of community life. During the first year, mediation occurred in 73 cases of which 57 were crime cases; about two thirds of the crime cases were for theft or other crimes against property and about one third involved assault. One third of the offenders were under 15 and 80% were under 20.

295

Irwin, D., & Fox, M. M. (1978). The use of restitution as a community based sentencing alternative. Ottawa, ON: Canadian Department of Justice.

A review of Canadian case law to identify situations in which restitution should not be ordered. Given these negative propositions, four areas are identified in which the court might consider making a restitution order. One, where there's harm done to either property or to a person by an offender and such harm is a direct result of the criminal offense. Two, where the amount of harm or damage done is not great or where it is agreed upon or is easily ascertainable. Three, where the court is satisfied that an offender has the means to be able to satisfy the order. Four, if there is no direct victim, there is no reason why a restitution order could not still be ordered with the offender making payment to the state. Study needs to be undertaken to address possible theoretical and practical problems with further implementation of restitution in the criminal courts.

296

Jacksonville Office of the Mayor, Criminal Justice Evaluation Unit. (1980). Brief follow-up study of the work furlough and victim restitution program. Jacksonville, FL: Jacksonville Office of the Mayor, Criminal Justice Evaluation Unit.

Progress is reported on the implementation of recommendations from an evaluation of the work furlough and victim restitution program of Jacksonville, Florida's Fairfield Correctional Institution.

297

Jacob, B. R. (1977). The concept of restitution: An historical overview. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 45-62). Lexington, MA: Lexington Books.

Traces the historical development of restitution from preliterate cultures through to recent theoretical and program developments.

298

Jacob, B. R. (1970). Reparation or restitution by the criminal offender to his victim: Applicability of an ancient concept in the modern correctional process. The Journal of Criminal Law, Criminology and Police Science, 61, 152-167.

Reviews the historical background of the concept of reparation or restitution and then discusses both concepts in the modern criminal process. Other items discussed include reparation or restitution as a means of rehabilitating the offender and reparation as a philosophical aspect of penology. Existing victim compensation plans are examined with a discussion of arguments for including reparation in victim indemnification schemes. This article also considers possible ways to increase the earnings of convicted offenders so as to make practicable the incorporation of the concept of reparation in existing victim indemnification plans or in future legislation to provide financial assistance to victims of crime.

299

Jacobson, W. T. (1969). Use of restitution in the criminal process: People vs. Miller. UCLA Law Review, 16, 456-475.

A discussion of two legal issues in the use of "correctional restitution" as authorized by California law. The author believes that the primary rationale for correctional restitution is the probationer's progress towards rehabilitation. Two issues dealt with are the discretion of the courts in ordering restitution for acts other than the one for which the offender was convicted and the probationer's right to a hearing if restitution is increased.

The conclusion is that restitution as a condition of probation is proper if it required the payment of fixed liabilities:

- Incurred as the proximate result of the criminal act for which the probationer was convicted, or
- Incurred as the result of conduct which is substantially related in kind, including the state of mind of the actor, to the breach for which the individual was originally convicted.

300

Jameson Group. (1981, May). Research: The defensible base for juvenile restitution. Manuscript.

Based on the work of Robert Carkhuff whose research suggests that delinquents are deficient in living, learning, and working skills, the authors defend restitution programming as a way of both holding youth accountable and assisting them in developing skills necessary for non-delinquent lifestyles.

301

Jeffrey, C. R. (1957). The development of crime in early English society. Journal of Criminal Law, Criminology, and Police Science, 47, 647-666.

Traces the development of crime and criminal law in England from 400 A.D. until 1200 A.D. The aim of the article is to analyze the legal changes occurring in England during this time in terms of changing social conditions. It is noted that the pattern of social change in England from 400 to 1200 A.D. was a change from tribalism to feudalism to nationalism. The land-tie replaced the blood-tie as the basis for social order. A new social structure emerged in England and as a result a new legal system came into existence. During the tribal period the legal system was in the hands of the tribal group and justice was based on the blood-feud. As tribalism gave way to feudalism, the feud was replaced by a system of compensations. Justice passed into the hands of landlords. State law and crime came into existence during the time of Henry 11 as a result of the separation of state and church and as a result of the emergence of a central authority which replaced the authority of the feudal lords. Henry replaced feudal justice with state justice by means of a system of royal courts. Common law emerged as the law of the crown available to all men. The state became the offended social unit, and the state was the proper prosecutor in every case of crime. Justice became the sole prerogative of the state.

302

John, E. D. (1980). Wisconsin juvenile restitution project--First annual report: March 3, 1979--February 29, 1980. Madison, WI: Wisconsin Department of Health and Social Services.

This annual report examines the first year's status of the Wisconsin Juvenile Restitution Project (JRP), covering the period March 1, 1979 to February 29, 1980. The JRP is designed to serve juveniles who are adjudicated delinquents or who have agreed to a consent decree order. Restitution obligations performed by participating youths may be in the form of monetary payment to the victim, direct service to the victim, service to the community, or a combination of the three.

303

Jones, A. E. (1967). Costs, compensation and restitution. The Magistrate, 23, 26-27.

A brief account of the English Court's powers in regard to costs, compensation, and restitution.

304

Jones, R. A., & Goff, C. (1979). Study of the cost and benefits of the Washington county restitution center. Salem, OR: Oregon Law Enforcement Council.

Findings are reported from a study of the costs and benefits of the Washington County Restitution Center (Oregon). The restitution center was designed to provide an alternative to jail for jobless, nonviolent offenders, which would require them to secure a job and contribute a portion of their income for room and board at the center and payment of restitution, fees, and fines. Residents are required to agree to obtain and maintain employment, enter into a restitution contract, and develop a monthly financial plan. Residents progress through a nine-step program, with progress being measured by weekly evaluations. Over the operational period of the Law Enforcement Assistance Administration (LEAA) grant, the center had an average resident population of six, and the average daily expenditure per resident was \$35.43 (1978). Adjusting this expenditure by the average amount of room and board paid by residents reduced the amount to \$32.27 per resident each day. Incarceration in the county jail cost \$18.76 per prisoner per day for fiscal year 1976-1977. Adjusting for facility costs by adding a prorated amount for new jail construction results in the center costing about \$10 a day more per resident. Had the center maintained an average resident population near 10, the jail and the center would have been cost competitive. The center residents contributed an average of about \$10 each day to the economic flow of the community through restitution, fees, fines, savings, allowances, and expenses. Inasmuch as none of the center's residents were arrested for any new crimes, the program could be considered successful, especially as an alternative to jail; however, 15 of 36 residents admitted to the center were returned to jail, with most of the revocations being for violations of the center rules. More of the residents with the lesser amounts of financial restitution completed the program than those with the higher amounts. Eight other variables associated with the residents were analyzed for their relationship with program success, and none were found to be statistically significant.

305

Jung, H. (1982). The victim in the criminal justice system. Tokyo-Kyoto, Japan: Fourth International Symposium on Victimology.

The German criminal procedure provides a series of instruments for the victim, but this system lacks the necessity, clarity, cohesion and practicability to be effective. Restricted criminal law needs to be backed by a working system of compensation. Restitution should be practiced as an impulse to rehabilitation. Restitution and rehabilitation should not be conceived as contradictory but as complementary concepts of criminal policy.

306

Juvenile Justice and Delinquency Prevention, Office of, (OJJDP). (1987). National directory of juvenile restitution programs 1987. Washington, DC: U.S. Department of Justice, OJJDP, Restitution, Education, Specialized Training, and Technical Assistance (RESTTA) Program.

This directory contains the names, addresses, and descriptions of 296 juvenile restitution and community service programs throughout the United States.

307

Juvenile Justice and Delinquency Prevention, Office of, (OJJDP). (1986). Community justice alternatives - restitution and reconciliation. Washington, DC: U.S. Department of Justice, OJJDP; Restitution, Education, Specialized Training, and Technical Assistance (RESTTA) Program.

This conference manual presents outlines of the addresses presented at the 2 day community justice conference held in Oak Ridge, TN, in 1986, which focused on the costs, benefits, successes, and failures of restitution, reconciliation, and alternative sentencing programs in Tennessee and other U. S. jurisdictions.

308

Juvenile Justice and Delinquency Prevention, National Institute of, (NIJDP). (1985). Introducing RESTTA (restitution education, specialized training, and technical assistance program). Washington, DC: U.S. Department of Justice, NIJDP, RESTTA.

The rationale, goals, training provisions, and program foci of the Restitution, Education, Specialized Training, and Technical Assistance (RESTTA) program for youthful offenders are outlined.

309

Katende, J. W. (1967). Why were punishments in pre-European East Africa mainly compensative rather than punitive? University Law Journal, Dar Ses Salaam, 2, 122-133.

The aim of this article is to examine how the African system of punishment came to be what it is. Specifically, the author considers why punishment in East Africa was once concerned with compensation rather than penal sanctions, and why the reverse is true today. The author notes that African countries developed a "reconciliation" system of justice because they feared what their opponents might do to them if no satisfactory conclusion was reached. Most people practiced witchcraft, and consequently, one had to be extremely careful how one treated a person, because that person or a friend of that person might be a witch doctor.

In such a society, where everybody suspected everyone else of being a witch and where everybody knew the misery a witch doctor could cause, it was a necessity that as far as possible, persons should be on good terms with one another. Consequently, if a conflict arose which was likely to threaten these good terms, reconciliation between the offender and the offended was the only sanction. Punitive sanctions could only upset peaceful coexistence and bring hatred between the families. From this sheer practical necessity of reducing risks developed the African system of punishment by compensation. A dispute settlement system was commonly used in which six or seven neighbors and relatives acted as informal courts.

Contrasts are made with the European system of punishments. Finally, the author raises the question as to why the English system of punishment is being readily accepted in such a short period by East African communities in place of the indigenous system of reconciliation and compensation. It is concluded that the biggest influencing factors have been education and the coming of religions from the east and west. These two factors have made people realize the folly of believing in witchcraft and its exaggerated powers. The fear which originally created the reconciliation-compensation system has gone, but its features of reconciliation, restitution, and compensation are still part of the East African judicial system, although in a very minimal role.

310

Katz, M., & Harding, J. (1982). International perspectives on restitution, community service (Audio Cassette). Reno, NV: National Council of Juvenile and Family Court Judges.

The setting for the development of restitution programs is indicated to be an awareness of the poor cost-effectiveness of incarceration, disillusionment with the rehabilitation ideal, a focus on offender culpability and accountability, and increased attention to victim needs. In Great Britain, community service programs have given varying degrees of attention to punishment, reparation, and rehabilitation, although lack of precise legislative standards for community service has contributed to confusion about the implementation of restitution programs and community service in America due to an absence of precise legislation specifying the objectives and procedures for restitution programs. Legislation should specify the maximum limits for restitution sanctions according to offense so as to set parameters for judicial discretion. The effectiveness of restitution in both Great

Britain and the United States can be measured by the percentage of offenders who complete restitution assignments, the extent to which it serves as an alternative to incarceration, and reduction in recidivism. In the first area, restitution orders do have a high percentage of completions, but it has had limited impact on the numbers of persons incarcerated, primarily because there is no statutory specification for its use with serious offenders. While there is no clear evidence yet in either country that restitution is more effective than incarceration in reducing recidivism, it is certainly not less effective, and is less costly than incarceration. Suggestions are offered for how restitution programs can be improved.

311

Katz, M., & Schneider, P. R. (1982). Forms of restitution and how to combine them (Audio Cassette). Reno, NV: National Council of Juvenile and Family Court Judges.

This report on an evaluation of 85 restitution projects throughout the country compares their effectiveness according to the variables of relationship to the court, how the restitution order is determined, whether monetary restitution and community service are combined, whether the government provides a wage subsidy, type of supervision offered during the restitution program, and consequences if restitution not completed. "Under each of the variables, the evaluation analyzed the percentage of referrals completed, in-program reoffense rate for the first 12 months, and the portion of the restitution payment made. The study found that regardless of the structure or operations of a restitution program as determined by the identified variables, the programs yielded a high completion rate, a low in-program reoffense rate, and a high rate of portions of restitution paid; however, program outcomes are somewhat better when only one aspect of restitution is used (either monetary payment or community service) and a government wage subsidy is provided.

312

Kaufmann, W. (1977). Retribution and the ethics of punishment. In R. E. Barnett & J. Hagel (Eds.), Assessing the criminal: Restitution, retribution, and the legal process (pp. 211-230). Cambridge, MA: Ballinger.

This article discusses the concept of punishment from a historical perspective and argues against the view that only retribution makes punishment moral. Ten functions of punishment are distinguished:

- Deterrence by engendering fear of punishment;
- Deterrence by inculcating a moral sense of the gravity of a crime;
- Deterrence by informing people of what is forbidden;
- Minimizing the damage of a crime by preventing private vengeance;
- Assuring that the breaking of a law does not become an invitation to others to emulate the lawbreaker;
- Providing a safety valve for the unlawful desires of people excited by the commission of a crime,

- Reformation of the offender;
- Restitution for the victim;
- Expiation of a moral wrong; and
- Retribution.

The notion of retribution is open to several criticisms: the notion of desert is questionable; retribution is past-oriented, but it cannot undo any damage that has been done; and the intuitive certainty that an offender must be punished can be explained psychologically. An evaluation of the history of the study of ethics shows the fallacies of absolutist thinking.

When applied to the ethics of punishment, two criticisms emerge. The first is that those who defend retribution as the ethical function of punishment are generally absolutists who consider it intuitively obvious that certain crimes call for certain punishments and ignore history, which shows that many other thinkers have been equally certain that particular crimes deserved very different punishments. The second is that not all absolutists have been retributivists, and in fact, retribution occupies a minor place in the history of ethics. The history of the concept of retribution is traced from the Code of Hammurabi through liberal Protestantism.

Important points in objection to retributive theory are discussed:

- The decline of faith in retribution can be attributed largely to the eclipse of Christianity, the spread of humanitarianism, and the emergence of depth psychology (the belief that criminals are not profoundly different from others);
- Punishments can never be deserved, that is, a punishment can never be wholly proportionate,
- Even if a punishment could be proportionate, it would not necessarily follow that it ought to be imposed; and
- Punishment has many other functions and thus should not be dispensed with entirely.

The author concludes with a recommendation for the exploration of alternatives to our present penal system.

313

Keldgord, R. (1978). Community restitution comes to Arizona. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 161-166). Lexington, MA: Lexington Books.

The Community Restitution in Service Program (CRISP) is described as it operates in Pima County, Arizona. Evaluation results are presented.

314

Kellogg, F. R. (1982). Making criminals pay: A plan for restitution by sentencing commissions. Federal Probation, 46(3), 12-15.

Recent controversy over the insanity defense has focused public doubt over the criminal justice system. It highlights the need not for further tinkering but for wholesale reform. This proposal would classify offenses according to harm and enforce restitution in every case. It would sweep away the entire panoply of post conviction proceedings and replace them with a well staffed sentencing commission of experienced trial judges whose assignment would be to assess the harm done by the offender and collect judgements to repay the victim and the state.

315

Kellogg, F. R. (1982). Criminal justice position paper. Washington, DC: Ripon Society.

Recommends the establishment of sentencing commissions independent of the trial court to make sentencing decisions and the replacement of imprisonment with restitution as the punishment of choice for property offenders.

316

Kelly, T. M. (1984). Where offenders pay for their crimes: Victim restitution and its constitutionality. Notre Dame Law Review, 59, 685-716.

Presents an historical overview of restitution and discussion of current restitution programs. Outlines and discusses the 1982, Victim and Witness Protection Act, particularly those sections providing that convicted offenders pay restitution to their victims. The decision of *United States v Welden* is assessed. This decision by the United States District Court for the Northern District of Alabama held that the restitution provisions of the Victim and Witness Protection Act were unconstitutional. It is concluded that the restitution provisions of the Act should have survived the Welden court's constitutional test. A key conclusion reached by the court in the Welden case was that since under the enforcement provision of the Act a restitution order could be enforced as a civil judgement, it was a civil judgement and therefore the proceeding which produced the restitution order must be a suit at common law. The court concluded that the substantive and procedural rights guaranteed in a federal civil suit (procedures, discovery, cross-examination) were due any offender who, at sentencing, may be ordered to pay restitution under the Act. Since the Act forbids any restitution determination which might unduly complicate or prolong sentencing, the Welden court determined that the Act, in effect, unconstitutionally forbids these substantive and procedural rights. However, the restitution provisions should survive. A sentence does not become a civil judgement merely because a statute provides that, for enforcement purposes, a sentence may be treated as if it were a civil judgement. Thus, the constitution does not require the procedural and substantive safeguards the Welden court held essential to the restitution hearing. The restitution order serves as a sentencing option. Acting within the parameters of the Act, the sentencing judge applies the

established body of law governing sentencing. As such, restitution does and should properly become part of any sentence the judge in his discretion can order.

317

Kent, L. B. (1980, September). Overview of the alternative community service restitution program for women offenders. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

A program in Duluth, Minnesota combines monetary restitution and community service sentencing with other services as an alternative to fines, probation, incarceration for adult female offenders. Outstanding financial obligations such as fines may be converted to community service at the rate of \$5 per hour. During the first 18 months, the program received 281 referrals from diversion projects, pretrial intervention projects, county court, and district courts, and accepted 276 clients. Emphasis is placed on education, job training and other support services to clients.

318

Kentucky Department for Human Services, Office of Research and Planning. (1981). Juvenile restitution project--An evaluation. Louisville, KY: Kentucky Department for Human Services Office of Research and Planning .

Youths adjudicated for property offenses and some nonproperty offenses are referred to the project by the district court in Louisville/Jefferson County. If the court orders monetary restitution, the project locates work for the youth and monitors job progress. Symbolic restitution can take the form of volunteer work or victim serviced hours. The primary methodology of this evaluation involves an update of those youths admitted to the project from October 1, 1979 through October 31, 1980. Findings reveal that by the conclusion of the second project year, the project has been successful in obtaining positive results with victims and offenders. Since the program's 1979 inception, 288 victims have received or are receiving compensation from youths in the program. Thus far, 90.0% of the youths have paid back all of the money ordered by the court. In a survey administered to 25% of those youths participating in the program, 94.1% said that they were pleased to have a job. Approximately 91% felt that restitution was a fair punishment. Results from a survey of victims involved with the program show that almost 74% said that the court was more fair than they had previously believed. Over 90% of those youths finishing the program have done so successfully. The average length of stay in the program was 3 months, the average age of the participants was 15.9 years, and approximately 94% of the youths were male. Problems with the project include lack of the projected number of referrals and little or no impact on the number of youths incarcerated.

Kentucky Department For Human Services, Office of Research and Planning. (1979). Louisville/Jefferson county (KY)--juvenile restitution project--A preliminary evaluation. Louisville, KY: Kentucky Department For Human Services, Office of Research and Planning.

Program goals are to involve 400 youths per year to provide partial redress for victims of juvenile crime, to demonstrate the feasibility of restitution, to develop an increased sense of responsibility in youths, to increase confidence in the juvenile justice system, and to reduce commitments and recidivism. The evaluation was based on examination of the program's goals and objectives and the extent to which they were met by September 30, 1979. the population studied included youths admitted to the project from March 1, 1979, through September 30, 1979. During this period 76 victims received compensation and 7 victims received symbolic restitution. All victims surveyed felt that the program should continue. Over 90% of the 71 youths involved in the program finished it successfully. Average age of those in the program was 15.9 years. All the youths were males, three-fifths were white and two-fifths black. Most were first and second offenders. Burglary was the most common offense. Average length of stay in the program was 2.5 months. total restitution paid was \$6,595 and 430 hours of volunteer service. Average restitution ordered was \$198. The program has succeeded in providing partial redress for victims of juvenile crime and has enhanced the image of the juvenile justice system. Nevertheless, it has failed to attain its projected number of participants. Data on recidivism are not yet available. To obtain more referrals, judges, prosecutors, and court assessment workers should be kept informed of the program. A continuous and positive relationship between restitution staff and assessment staff should be fostered.

Keve, P. W. (1982). Reintegration of the offender into the community. In L. J. Hippchen (Ed.), Holistic approaches to offender rehabilitation (pp 415-435). Springfield, IL: Thomas.

Although some are questioning the value of parole to the extent of recommending its abolishment, parole systems still provide the major organizational matrix to foster and conduct a variety of program elements designed to help the ex-inmate reenter the community effectively. The big effort in coming years must be to increase the intensity and extent of the helping process at the time of reentry to help resolve the problems associated with return to the community. Halfway house programs have been widely applied as a way of enabling ex-prisoners to live in the community while developing their earning power. Work release programs, which are sometimes used in combination with halfway houses, also enable the ex-prisoner to reenter the community without the handicap of being unemployed. A promising reentry approach that has been under used is the use of ex-prisoners in social service assignments. The benefits gained by the person who renders a useful service to another have been proven, and these benefits for ex-inmates can be experienced through their involvement in restitutorial community

service programs, regular employment in service occupations, or through voluntary ex-offender organizations.

321

Keve, P. W. (1978). The therapeutic uses of restitution. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (59-64). Lexington, MA: Lexington Books.

An assessment of the extent to which restitution can be used as a rehabilitative device; specific elements of a rehabilitative restitution scheme are identified and discussed.

322

Kirschner, N. M. (1979). Criminal consumer fraud. Must the goals of deterrence and compensation be mutually exclusive? American Journal of Criminal Law, 7, 355-383.

Addresses policy questions raised by criminalizing consumer fraud and argues that goals of restitution and deterrence must not be mutually exclusive.

323

Kittel, N. (1979). Evaluation of the tri-county (Stearns, Benton, and Sherburne) juvenile restitution program. Unpublished evaluation report completed on the Tri-County Juvenile Restitution Program, St. Cloud, MN.

The evaluation of this project includes a program description, analysis of program statistics from the program's beginning on January 1, 1978 through December 31, 1979, and an assessment of goal attainment in the program's first two years of operation. Results of routine pre- and post-program offender and victim surveys are presented. A cost benefit analysis and recommendations for program improvement are included.

324

Klein, A. R. (1988). Alternative sentencing: A practitioner's guide. Cincinnati, OH: Anderson.

A handbook written by a practitioner for practitioners, including defense attorneys, prosecutors, probation officers, judges and others concerned with solving the problems of criminal sentencing. The focus is on alternative sentencing, including its possibilities and applications. Alternative sentences are defined as criminal sentences that avoid long term incarceration, effectively punish offenders for their crimes, and address common sentencing concerns including rehabilitation, deterrence, retribution and justice. The first section of the book describes the criminal sentencing process as it actually works, with particular attention on plea bargaining, pre-sentence investigation reports, the participa-

tion of crime victims and the sentencing hearing. The second section presents individual examples of alternative sentences for particular types of crimes, including non violent and violent crimes. The third section presents federal and state case and statutory law on restitution, community work service, financial sanctions other than restitution, mandatory treatment. The discussion of restitution focuses in particular on victim involvement. The fourth section looks at how alternative sentences can be enforced by the courts and how they can be evaluated. Detailed check lists are provided that cover factors needing to be considered in designing, enforcing and evaluating alternative sentences.

325

Klein, A. R. (1982). Earn-It. The Judges' Journal, 21(1), 37-43 & 59-60.

Brief descriptions of several cases of restitution sentencing are presented. Issues related to these cases and the Quincy Court's Earn-It program are discussed. The Earn-It business model has been successfully replicated by chambers of commerce in Burlington, VT; Charleston, SC; and Wilmington, NC. The author concludes that court-ordered restitution and work service are clearly effective sentencing tools that benefit victims, offenders, and the community at large.

326

Klein, A. R. (1981). Earn-it: The story so far. Quincy, MA: Citizens for Better Community Courts.

This booklet details the philosophy, structure, staffing, procedures, activities, client characteristics, and effects of Quincy's Earn-It Program (Mass.), a restitution and community service program for adult and juvenile offenders.

327

Klein, A. R. (1981). The earn-it story. Waltham, MA: National Institute for Sentencing Alternatives, Brandeis University, 2nd edition.

Describes the growth and development of the Earn-It Program in the Quincy District Court, Quincy, Massachusetts, since 1975. The document also includes information on the day-to-day operations of the program as well as sample forms and brochures.

328

Klein, A. R., & Kramer, A. L. (1980). Earn-it: The story so far. Quincy, MA: Earn-It, Quincy District Court.

Earn-It, is the largest adult and juvenile restitution program in the Nation. In 1979, over 1,200 adult and juvenile defendants participated in the program performing work for the community in over 60 public and nonprofit agencies and earning wages in private jobs

to pay more than \$175,000 in restitution to victims. The program began under the leadership of a Quincy District Court judge, who proposed to put youthful first offenders to work as a means of assuming responsibility for the consequences of their offenses. The program was initiated by inviting local businessmen to a meeting to explain the philosophy of the program and then recruiting them to provide jobs for offenders under the restitution program. A restitution or community service order is put in writing as a contract between the defendant and the victim or the court (when there is no victim). Once offenders are referred to Earn-It for a job, they are referred to the job developer, who has the list of available jobs. Most are placed immediately. An effort is made to match the offender and the job. Community service placements are used in lieu of fines or to fulfil court work orders where there is no victim in the offense. Defendants are assigned to work with nonprofit private agencies and with city public service departments and agencies. Caseload statistics and financial data are provided, along with case descriptions. Forms used in the program are also included.

329

Klein, A. R., Schneider, A. L., Bazemore, G., & Schneider, P. R. (1985). Program models. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 21-67). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Description of underlying philosophy and program processes (including sample forms and letters) of three contrasting juvenile restitution program models. A financial and community service model is an accountability oriented approach that offers both community service and monetary restitution. Some programs following this model include employment components. A victim-offender mediation and service model is a full-service approach to restitution placing more emphasis than the other models on victims and devoting resources to victim services while not necessarily reducing emphasis on offender accountability and employment. These programs also offer community service and monetary restitution but have victim offender mediation components. Third, a victim financial restitution model is a scaled-down approach that emphasizes collecting restitution and returning it to victims. These programs often arise out of the victim rights movement and focus almost exclusively on the collection and enforcement of restitution orders. Processes of developing, implementing, and enforcing restitution orders is discussed in conjunction with each model.

330

Knowles, J. J. (1987). Ohio citizen attitudes concerning crime and criminal justice. Columbus, OH: Ohio Governor's Office of Criminal Justice Service.

A 1986 survey of Ohio citizens with data collected by personal interview from a probability sample of 1,060. Focus of the survey was on fear of crime and attitudes towards juvenile crime. While citizens tend to over estimate the extent of crime, they identify rehabilitation as the goal for juvenile justice. Findings from this as well as the

previous four surveys find citizens are more flexible toward and tolerant of liberal options of justice when facing actual case situations than when they are venting general frustrations about the criminal justice system. Only one question dealt with restitution; 40% of the respondents strongly agreed and 51% agreed that the statement, "I would like to see more alternatives to sending juvenile offenders to adult and juvenile detention facilities, such as intensive counselling, treatment programs supervised in the community, and restitution (paying back victims)."

331

Koch, J. R. (1985). Community service and outright release as alternatives to juvenile court: An experimental evaluation. Dissertation Abstracts International, 46, 2081A. (University Microfilms No. DA85-20628)

Juvenile diversion was originally proposed in response to the presumed failures of the juvenile justice system. By providing an alternative to the formal system, diversion was to avoid the negative labelling of youths that was thought to lead to further delinquency (President's Commission, 1967). Despite the substantial attention devoted to diversion over the past 17 years, few conclusions can be drawn about the effectiveness of diversion (Binder, 1977; Klein, 1979a). Evaluations examining the effectiveness of diversion programs have frequently suffered from methodological problems, and there is little evidence that the programs evaluated were successfully implemented.

In the current study, two models of diversion were compared to traditional processing (TP) by the juvenile justice system: diversion without services (DWS) (i.e., outright release) and diversion to the Community Service Program (DCSP). The Community Service Program provided a setting for the arbitration of conflicts, the payment of restitution, and the placement of youths in voluntary community service positions. The program was based on the rationale that participation in community service activities would strengthen the youth's bonds to pro-social society, thus reducing future delinquency (Hirschi, 1969). Participants (n = 243) were randomly assigned to one of the three "treatment" conditions (i.e., DTP, DWS, and DCSP) following their referral to the project by one of four police departments. The major referral criterion was that the youth would have normally been referred to court for the instant offense. Sixteen weeks following project intake, all youths participated in an interview which included assessments of delinquency labelling, social bonding, and self-reported delinquency. Police and court records were used to assess "official" recidivism and diversion implementation.

In contrast to many prior studies, this study provided consistent evidence of successful diversion implementation. At the same time, no evidence was found to indicate that diversion was more effective than traditional processing in reducing labelling or delinquency (official and self-reported). In addition, no between-group differences were found in the levels of pro-social bonding. However, these results must be interpreted in light of the relatively mild intervention provided in the TP condition.

332

Kole, J. (1973). Arbitration as an alternative to the criminal warrant. Judicature, 56, 295-297.

Reports on the 4-A Program of the American Arbitration Association operating in Philadelphia and Hartford. Efforts are made to solve intrafamily and neighborhood disputes through arbitration rather than court proceedings when the victim has sworn a criminal warrant. The less formal handling is thought to reduce animosity, encourage rebuilding of friendly relationships, and provide for a satisfactory method of resolving wrongs.

333

Korn, R. (1971). Of crime, criminal justice, and corrections. University of San Francisco Law Review, 6(1), 27-75.

A critical view of crime, justice, and corrections in contemporary American society. In place of the system of punishment, the author argues for a system of restitution aimed at reconciling the offender with the community. From this view, the criminal offense is seen as a joint responsibility and a symptom that something is wrong and action needs to be taken to correct it. Restitution and mutual service are seen as instruments of reconciliation. The author suggests that the new context of correctional efforts should involve community-based programs that are informal and personal rather than formal and professional; evocative, enabling, and creative rather than repressive or therapeutic; and mutually contractual rather than unilaterally obligatory. Most generally, the change called for by the author is the transformation of the criminal justice system based on retaliation and disablement to a system based on reconciliation through mutual restitution.

334

Korn, R. (1970). Retribution as a form of relief for the victim: Another look at the oldest argument for punishment. Catalyst, 5, 59-63.

In defense of punishment of criminals it is argued that punishment satisfies the need of those angered and injured for retribution. But excessive and cruel punishment prevents contrition and reform in the offender. It is held that if punishment is seen this way, the traditional conflict between punishment and treatment resolves itself: effective rehabilitation becomes the only means for accomplishing the original goals of punishment, while the inflicting of suffering violates and forecloses these goals. Contrition and guilt are self-administering--they are consequences of the fundamentally social character of human nature. Corrections should offer the criminal the incentive to rejoin human society by providing him with the tools, the social skills, and the opportunity to make restitution in an atmosphere of human fellowship rather than enmity.

335

Kurlychek, R. T. (1978). Toward holding the criminally non-responsible defendant more responsible: Some therapeutic concerns. Corrective and Social Psychiatry, 24, 144-145.

Suggests that holding mentally ill offenders accountable will be therapeutic. Restitution is suggested as a mechanism by which these persons should be held accountable for their behavior.

336

Lamborn, L. L. (1968). Toward a victim orientation in criminal theory. Rutgers Law Review, 22, 733-768. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 145-188). Springfield, IL: Thomas, 1975.

Considers the place of the victim in criminal theory with particular attention given to the problems of defining the victim, measuring victimization, the relationship between the victim and offender, victim vulnerability, victim culpability, and the varied extent and nature of victim injuries. The article presents a statement about many of the problems to be encountered in any effort at using restitution.

337

Landis, J. R., Mercer, J. D., & Wolff, C. E. (1969). Success and failure of adult probationers in California. Journal of Research in Crime and Delinquency, 6, 34-40.

This paper reports the findings of a study that related a series of background and treatment variables to the likelihood of success or failure on probation for 791 California adult offenders. Thirteen variables on which the 415 probation successes and the 376 failures differed significantly were divided into three categories: social background, anti-social behavior, and conditions of probation. The greatest differences between the two groups were in the anti-social behavior category. Probationers with a past history of disciplinary problems in the military, a juvenile record or an adult record were much more likely to fail on probation. Finally, certain conditions of probation, especially the ordering of restitution, were more prevalent in the case histories of the failures than of the successes.

338

Laster, R. E. (1970). Criminal restitution: A survey of its past history. University of Richmond Law Review, 5, 71-80. Also in J. Hudson & B. Galaway (Eds.), Considering the victim, Springfield, IL: Thomas, 1975.

Provides an overview of some of the major ways in which restitution is being used prior to police intervention as well as at the level of police and the courts. Both the advantages and the disadvantages of structuring restitution at the different levels of the

criminal justice system are discussed and a suggestion made for changing court procedures so as to facilitate the greater use of restitution in adult criminal cases.

339

Laster, R. E. (1970). Criminal restitution: An analysis of its present usefulness. University of Richmond Law Review, 5, 80-98. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 311-331). Springfield, IL: Thomas, 1975.

Traces the historical roots of criminal restitution to the ancient device of composition and up to the historical period when the king or state assumed responsibility as the payment recipient.

340

Launay, G. (1985). Bringing victims and offenders together: A comparison of two models. The Howard Journal of Criminal Justice, 24, 200-212.

Evidence which suggests that victims of crime and criminal offenders can benefit from being brought together is briefly reviewed before two models of such encounters are compared. These are the victim offender reconciliation program (VORP) model, which involves the victim meeting his/her offender to discuss terms of reparation and the Rochester model where victims and unassociated offenders meet as a group. It is concluded that the Rochester model is more effective in providing victims and offenders with a learning experience through which their prejudices and stereotypes can be dynamically challenged.

341

Law Reform Commission of Canada. (1974). Restitution and compensation. In Restitution and compensation; Fines (pp. 1-25). Ottawa: Information Canada. Also in Community participation in sentencing (Blue section). Ottawa: Printing and Publishing Supply and Services Canada, 1976.

Proposals for the increased use of restitution and victim compensation are presented in this working paper by the Law Reform Commission of Canada. Only during the last decade have compensation schemes been developed for a small number of offenses. Restitution has also been available only to a limited extent, whether through the criminal process or civil action. This working paper has as its primary aim to make restitution--the responsibility of the offender to the victim to make good the harm done--a basic principle in criminal law, and to supplement it by a scheme for compensation--assistance by the state where the offender is not detected or where he is unable to assume responsibility for restitution. Further, the Commission proposes that the costs of compensation would be paid from fines or forfeitures imposed in the criminal courts. The proposed extent and limitations of both restitution and compensation are outlined in this paper.

342

Lawrence, R. (1990). Restitution as a cost effective alternative to incarceration. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Texas has one of the largest prison populations in the nation and has recently developed one of the fastest growing restitution programs. A crowded, unconstitutional prison system and financial necessity brought about these developments rather than a change in correctional philosophy. This descriptive study of the Texas restitution center program indicates that it has diverted a significant number of offenders from prison, improved their employment status, and has resulted in a large amount of money for victims as well as other offender financial obligations being met. Restitution may succeed as a cost-effective alternative to incarceration.

343

Leighton, B. (1983). Compensation (financial restitution) by offenders: Administrative issues. In A. B. Thorvaldson (Ed.), Reparative Sanctions: Administrative Issues (Working paper 5). Victoria, BC: British Columbia Ministry of Attorney General.

Discusses current Canadian statutes and issues in administering restitution programs in relation to the aims of restitution, case selection, harm assessment, disbursement procedures, and supervision and enforcement structures and procedures. The rationale for sentencing should be articulated in either the disposition or code; it may not be appropriate to invite Parliament to specify aims in the code since dispositions may fulfil several different aims. Formal offender eligibility guidelines should be required in either the code or sentencing policies including explicit criteria for exclusion of offenders from a victim compensation order. Consideration of an offender's ability to pay should be a mandatory criterion. A number of assessment models are available for use in determining the amount of restitution including an adversarial method, arbitration outside of the court, and mediation procedures. Arbitration and mediation are promising avenues for assessment of harm. Enforcement of victim compensation orders require that all orders be routinely supervised by an officer of the court; orders should specify the officer of the court to whom the offender must report, a schedule of equal monthly payments, to whom the payments must be made, and that the period of offender supervision will expire one month after the deadline for the final payment.

344

Levine, B. A. (1981). Defending the public interest: Citizen suits for restitution against bribed officials. Tennessee Law Review, 48, 347-369.

This comment discusses the citizen's right to restitution of monies wrongfully obtained by public officers through bribes and kickbacks in exchange for political favors.

345

Linden, A. M. (1976). Restitution, compensation for victims of crime and Canadian criminal law. In Community participation in sentencing (pp. 3-49). Ottawa: Printing and Publishing Supply and Services Canada.

This paper examines the available victim compensation schemes in Canada, relates them to the use of restitution by Canadian criminal courts, and proposes reforms to integrate these various measures. Among the remedies presently available to crime victims in Canada are civil actions in tort against criminals, restitution, social welfare programs, private insurance, and charity. The author notes that even with these available programs, if full compensation for victims of crime were desired, these programs are deficient. Reasons advanced in favor of state compensation schemes are reviewed, and existing Canadian compensation plans are examined. The author notes that these schemes are rather broad and frequently quite generous in their provisions. The author finds that the major shortcomings of the existing Canadian plans is their insistence on viva voce hearings, their limitations on the ways in which damages are assessed, and the lack of publicity about these plans, resulting in under utilization of compensation by crime victims. Several issues involved in the use of compensation and restitution are discussed, and the author concludes that the use of restitution should be expanded.

346

Lindquist, C. A., & Whitehead, J. T. (1986). Correctional officers as parole officers: An examination of community supervision sanction. Criminal Justice and Behavior, 13, 197-222.

Developed largely in response to prison overcrowding, Alabama's Supervised Intensive Restitution (SIR) program provides for the early release of selected inmates to the community under the supervision of correctional officers.

Focusing on job stress, burnout, and job satisfaction, the perceptions of these quasi-parole officers were compared to those of two samples of institutional corrections officers and to those of a sample of probation/parole officers. Results showed that this natural experiment in job enrichment had an exceptionally positive impact on the SIR officers. Even though the program was designed as a control strategy, the SIR officers reported high levels of satisfaction regarding assisting offenders; on some measures, these quasi-parole officers had significantly more positive scores than the sample of probation/parole officers. After dealing with the issue of a possible Hawthorne effect, several implications of the results for correctional policy are offered.

347

Link Consultants. (1981). Attitude assessment of the New Zealand judiciary about sentencing and penal policy. Wellington, NZ: New Zealand Department of Justice.

A mailed survey of all New Zealand District and High Court judges (91) regarding the objectives and purposes of available sentencing options. Response rate of 81%. Judges reported the principle goals of restitution as retribution (59%) and individual deterrence (55%). Restitution was considered the most appropriate penalty for white collar and serious property offenses. Fifty-nine percent of the judges thought the existing legal provisions for restitution should be used more frequently but overwhelmingly rejected the concept of restitution as a penalty in its own right; 85% thought restitution should be used in conjunction with other penalties. The principle goal for community service was rehabilitation (71%); community service was perceived as most appropriate for drunk driving although other penalties (fine and non residential periodic detention) were perceived as more appropriate and community service was not perceived as appropriate for other offenses.

348

Littell, R. (1958). Let reparation fit the crime. Journal of Criminal Law, 22, 167-170.

Describes the community service sanctions used by Judge Karl Holzschuh in West Germany in relation to the practice of financial restitution in English courts. The legislation in England allowing judges to order financial restitution is adequate; suggests problems with the West German community service sanctions.

349

Lovely, R. W. Jr. (1984). Organizational innovation in the courts: Implementation of a restitution program. Dissertation Abstracts International, 46, 798A. (University Microfilms No. DA85-09718)

Despite years of trying to improve the performance of criminal justice agencies through the development of organizational innovations, results are disappointing. Programs routinely fail to do what is expected of them, namely, deliver specific intended services. This study takes sociological aim at the sources of deviation from formal specifications of new programs. It focuses on the management of social change in an organizational context, investigating both the process of implementation over time and varied reactions to a new program at the action level. The subject of the study is a court based organizational innovation, designed to provide restitution services for use by criminal court judges. This program was part of a national evaluation of restitution sponsored by the Law Enforcement Assistance Administration. Research methods include participant observation during the implementation period, field observations of courthouse reactions, and an interview/questionnaire survey of user reactions to the new program.

Primary conclusions are that programs routinely deviate from outcomes originally intended due to structural factors such as: (a) the loosely coupled nature of the criminal justice system is incompatible with the working assumptions of a systems management model of planned change; (b) reactions of line personnel to new programs are critically

influenced by the organizational context in which they occur; (c) formal strategies of planned change can provoke normatively based objections to a program despite support for the program concept itself; (d) outcomes are hostage to the pace of internal diffusion processes and reactions at the action level (e) change agents suffer a debilitating lack of authority and control over the discretion of criminal justice agencies and actors; and (f) the self-interests of those affected by new programs, especially program staff, critically affect inclinations to honor program specifications.

350

Lowenberg, D. (1975). Pima County Attorney's Adult Diversion Project, second annual report. Tucson, AZ.

The Adult Diversion Project operated by the Pima County Attorney's Office requires that a large proportion of defendants make financial restitution and community service restitution for crime victims. The program operates at the pretrial, post arraignment level and involves primarily property offenders. Direct victim-defendant meetings are structured for the purpose of negotiating the amount of restitution to be made. The research design employed here was an after-only, non-experimental design. Data was collected as a routine part of project operations.

Major findings were:

- During 1976, 157 of 331 cases (47%) were accepted into the project.
- Approximately 86% of all defendants admitted to the project successfully completed their contract.
- Non-violent, non-drug offenses amounted to 72% of offenses, and 19% were misdemeanor offenses involving marijuana.
- Eighty-nine percent of defendants admitted to the program had no adult record.
- Victims were composed largely of businesses (60%), private citizens (25%), and public agencies (7%); 8% were victimless offenses.
- The mean restitution payment in felony cases was \$385.

351

Lundberg, J. K. (1958). Criminal law--Defendant's rights abridged when probation decree contains condition of 'damages' type restitution. Rocky Mountain Law Review, 30, 215-216.

Author reviews case of People vs. Becker in which a driver was convicted of unlawfully leaving the scene of an accident and was placed on probation under a decree which required he make restitution of \$1,244.48 to pedestrians injured in the accident. Upon appeal it was held that the case be remanded for correction of probation decree because, under Michigan Law, injuries for which restitution is granted must be caused by the acts for which the defendant is convicted. Author further examines the case as an example of how damages-type restitution may abridge defendant's rights against the party compensated. When restitution is ordered through criminal proceedings the victim will

likely forego civil action against the defendant, but in the process the defendant has been deprived of normal civil defenses of contributory negligence, assumption of risk, and legal cause.

352

Maccauly, S., & Walster, E. (1971). Legal structures and restoring equity. Journal of Social Issues, 27(2), 173-188. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 291-308), Springfield, IL: Thomas, 1975.

Deals with the question of voluntary restitution and outlines the social psychological factors which tend to encourage and discourage the wrongdoer from completing restitution. While self concept, distress, and the fear of retaliation may motivate the offender to make restitution, a variety of rationalizations may also be used as alternatives to making restitution. The extent to which either set of alternatives is supported by contemporary legal practices is examined and the conclusion reached that only limited support is to be found for making voluntary restitution.

353

MacCormick, D. N. (1978). The obligation of reparation. Proceedings of the Aristotelian Society, 78, 175-193.

The law institutes various rights whose infringement gives rise to an obligation of reparation independent of moral fault. Reparation is legally enforceable because of the right of the person harmed and the corresponding obligation on the part of the wrongdoer and not as a sanction for breach of duty. The fact that the obligation for reparation can be sanctioned by coercion does not make it a sanction itself.

354

Macleod, J. K. (1968). Restitution under the Theft Act of 1968. The Criminal Law Review, 577-590.

Restitution under the Theft Act of 1968 is examined in cases involving theft by X from owner (0) and sale to bona fide purchaser (+). The Act's provisions for reversion of property upon conviction are discussed along with possible issues which were not provided for. The strength of powers provided to the court under the Theft Act is considered in relation to civil law.

355

MacNamara, D. E., & Sullivan, J. J. (1974). Making the crime victim whole: Composition, restitution, compensation. In T. P. Thornberry & E. Sagarin (Eds.), Images of crime: Offenders and victims (pp. 79-90), New York: Praeger.

A historical review of the three traditional means of victim compensation -- composition, offender restitution, and state compensation -- with a summary of victim compensation laws enacted in several countries. The author notes several problems with offender restitution, including offender inability to pay, the low apprehension rate of offenders, the low prison earnings of offenders, and the high costs of administering such programs in comparison to the amount of income actually collected from offenders. The victim compensation laws of New Zealand, England, New York, California, Hawaii, Massachusetts, Maryland, Nevada, and New Jersey are studied. Similar provisions of these laws are listed, and the major problems encountered in the administration and implementation of victim compensation statutes are summarized. Several case histories illustrating the difficulties in administering victim compensation legislation are provided.

356

Macri, A. (1978). Off days sentencing program. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 167-170). Lexington, MA: Lexington Books.

The Off Days Sentencing Program in Dade County, Florida, is described; adult misdemeanor offenders are sentenced to community service work.

357

Magathan, P. (undated). A guide to crime victim restitution programming. Third Judicial District, Shawnee County, KS.

A policy and procedures guide for the use of Kansas probation officers implementing restitution requirements and based on the assumption that restitution functions will be performed by probation officers.

358

Maguire, M. (1984). Meeting the needs of burglary victims: Questions for the police and the criminal justice system. In R. Clark & T. Hope (Eds.), Coping with burglary (pp. 219-232). Boston, MA: Kluwer-Nijhoff.

Criminal justice services for burglary victims should include attention to the psychological impact of victimization, provision for victim participation in case processing, the facilitation of financial restitution or compensation, and other practical aid or advice.

Burglary victims commonly experience immediate shock or panic, fear about the offender returning, sleeping difficulty, reluctance to leave the house unguarded, and a feeling that their home has been contaminated. Police can relieve some of these effects by responding to the call within 30 minutes, adopting a sympathetic approach to the victim, spending time with the victim, explaining police actions to follow, and providing advice

for making the home more secure. Following the initial contact, police should maintain a concerned attitude and conduct a thorough investigation. Greater involvement of burglary victims in case processing should include the opportunity to meet with the offender and develop a reparation agreement. Police should routinely collect information relevant to a compensation order, and police prosecutors should make compensation central in every case.

359

Maiolino, F., O'Brien, J., & Fitzpatrick, J. F. (1990). Computer supported restitution programming in Philadelphia. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

A computerized system serves to support probation officers in enforcing reparation requirements in Philadelphia. Restitution is often recommended by the prosecution; when accepted by the sentencing judge, a computerized file is established, payments are posted daily, and monthly reports are generated for probation officers indicating the payment status of each of their offenders. Warning letters are automatically generated and mailed to offenders. Offenders with reparation probation conditions are supervised by a special unit.

360

Maloney, D. (1979, September). Perspectives on state and local implementation. Paper presented at the Third International Symposium on Restitution, Duluth, MN.

Describes the organization and implementation of a statewide juvenile restitution effort in Wisconsin; also describes the evaluation research being conducted on this project and significant issues impacting on it.

361

Marcus, M., Trudel, R. J., & Wheaton, R. J. (1975). Victim compensation and offender restitution: A selected bibliography. Washington, DC: U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, National Criminal Justice Reference Service.

A listing of selected materials dealing with state compensation and victim-offender restitution.

362

Marshall, T. F. (1990). Results of research from British experiments in restorative justice. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Evaluations were conducted of four Home Office funded mediation and reparation schemes; several other schemes around the country also voluntarily use the same data forms and participated in the evaluation. Schemes are compared on issues such as ability to secure referrals, achieve mediation, objectives for mediation, types of offenders and victims served, and procedures used. The experiments demonstrate that mediation can be carried out and effects offenders in ways to increase their sense of responsibility rather than feeling inadequate and rejected. Reparation in the wider sense of psychological and social as well as pecuniarily is seen as a part of natural justice for victims. Operational problems included getting sufficient referrals and inadequate time within the criminal justice process to complete mediation. Careful preparation of both parties is necessary for successful mediation; a major failing of all the schemes was failure to provide for follow-up procedure of parties. All the schemes had difficulty maintaining their underlying philosophy of restorative justice in the face of a dominating criminal justice system. A fundamental ambivalence existed in the schemes regarding role of reparation based in material forms. Research on these schemes suggests that future development of victim-offender mediation schemes should be independent of criminal justice, that the focus on mediation should be on relationships between the victim and offender, that schemes need to develop links to victim services to better attend to victims' interests, further use could be made of trained lay volunteers, recognition must be made that victim-offender mediation takes considerable time and effort, and issues of reparation and offender accountability should be separated.

363

Marshall, T. F. (1984). Reparation, conciliation and mediation: Current projects and plans in England and Wales (Home Office Research and Planning Unit Paper 27). London: Her Majesty's Stationary Office.

A survey in Great Britain identified 25 existing reparation, conciliation, and mediation schemes, and an additional 68 in planning and development stages. The schemes were classified as community mediation, police-based reparation, court-based reparation, victim assistance repair schemes, fund-raising schemes, and encounter groups (groups of offenders meeting groups of victims). Reconciliation occurred in 10 of the existing schemes and was anticipated in 40 of the planned schemes. Brief descriptions are provided of schemes in each classification; names and addresses of existing schemes are included in an appendix. Several major issues are identified, including most appropriate place in the criminal process for mediation, selection of cases, determining costs and benefits, whether the public will accept mediation as appropriate form of justice, the relative weight to be given to offender and to victim interest, should the schemes be administered by an independent service or the probation service, and problems with indirect reparation in which the offender provides a service to the victim.

364

Marshall, T. F., & Walpole, M. E. (1985). Bringing people together: Mediation and reparation projects in Great Britain. (Research and Planning Unit Paper 33). London: Home Office.

Development of conciliation schemes has been preceded by the movement towards community self-help and the development of reparation within criminal justice. The report focuses on direct reparation schemes which involve encounter, via a mediator, between the parties. Direct reparation may be implemented as a part of victim-offender mediation programs, as a part of intermediate treatment, or at the time of sentencing. Brief descriptions are provided of the use of direct reparation in seven types of schemes-four police-based mediation schemes, seven police-juvenile panel reparation schemes, six reparation schemes in conjunction with intermediate treatment, 17 probation operated schemes, and two other course-based schemes. To provide contrast, one family conciliation scheme is described and two indirect reparation schemes are described; indirect reparation involves meetings between victims and offenders but not of the same offense. Emerging issues include in depth reviews as to the aims of mediation and the relationship of these schemes to the justice system, the nature of the mediation process, development of standards of professionalism for mediators, and the cost of mediation compared to benefits.

365

Martin, A. (1982). A different kind of justice. Victimology: An International Journal, 7(1-4), 237-241.

Victim-offender reconciliation process (VORP) provides an opportunity for offenders to be accountable to their victims, for victims to participate, and for both to take responsibility for their own settlement. The process involves a meeting with a mediator/facilitator where the parties express feelings, ask and answer questions, and draw up a restitution agreement. VORP provides psychological benefits for both victims and offenders and provides economic benefits to society because it is a low cost program usually staffed by volunteers. One obstacle facing VORP is convincing persons that justice for criminals does not always mean imprisonment.

366

Martin, S. E. (1981). Restitution and community service sentences: Promising sentencing alternative or passing fad? S. E. Martin, L. B. Sechrest, & R. Redner (Eds.), New directions in the rehabilitation of criminal offenders (pp. 470-496). Washington, DC: National Academy Press.

Examines the meaning, history, and theoretical bases for restitution; explores program issues and current knowledge about the implementation and effectiveness of restitution programs; describes current efforts to evaluate restitution programs funded by Law Enforcement Assistance Administration (LEAA) for both adults and juveniles; and raises

further questions about restitution as a sentencing alternative and about the strategy for generating knowledge about it.

367

Martin, T. K. (1977, May). Restitution revisited: An old dog learning new tricks. Champaign, IL: National Clearinghouse for Criminal Justice Planning and Architecture

Restitution is considered from its historical background through its current usage in the criminal justice system. The author distinguishes between offender restitution and victim compensation programs. The variety of restitution formats are considered, including the victim's role in the restitution process. The resurgence of interest in restitution is linked to three factors: growing concern for equitable punishment of offenders, concern for cost-effective sanctions, and a need for improved perceptions of offender and the criminal justice system on the part of the general community. Finally, the programs included in the National Evaluation of Adult Restitution Initiative are described along with the goals of the research effort.

368

Mathews, K. E., & Geist, A. M. (1976, June). Seattle community accountability program: Crime impact and twelve month recidivism analysis. Seattle, WA: Seattle Law and Justice Planning Office.

The Seattle Community Accountability Program was established to reduce juvenile crime in selected target areas of the city. In conjunction with community accountability boards, the program was designed to achieve this goal through both direct and indirect effects upon juvenile offenders. The direct effect of preventing an offender from committing additional crimes was presumed to occur when individual youth were obliged to perform either financial or community service restitution for their offenses. The indirect effect of preventing others from committing crimes was presumed to occur by locating accountability boards within the program's census track areas. The accountability boards were to deal with all of the juvenile offenders residing within designated areas of the city, regardless of where the actual offense may have occurred. It was assumed that knowledge of such a program would become known to the youths in the program areas and serve as a deterrent.

Three central questions were addressed by the study:

- Have reported residential burglary, larceny, and auto thefts decreased within the program areas as compared to the rest of the city?
- Have total juvenile contacts decreased within the program areas as compared to the rest of the city?
- Has juvenile involvement in the program resulted in lowered recidivism and how does such change relate to different program services and components?

Two major research procedures were used. In relation to the first and second objectives of the study, a non-equivalent control group design was used with the individual program area designated as the experimental group and the rest of the city of Seattle as the control group. Pre-measures were taken for the period, September 1, 1972 through August 31, 1973. Comparisons were then made for the most recent twelve month period of program operations (May 1975 through April 1976). The third research objective was assessed on the basis of using actuarial predictions of recidivism in order to create a statistical control group to be used as a comparison with the experimental group. Data was collected from program records and official police records. Data analysis involved frequency distributions and chi square analysis.

Major findings were:

- The combined rate for reported burglary, auto theft, and larceny increased 7.2 In the total program areas compared with a 13.4 Increase in the city of Seattle minus the target areas. The differences were found between the program and non-program areas in reported burglary or auto theft. However, the increase of 9.2 In larceny in the program area was significantly different at the .05 level from the 19.3 increase in the non-program areas.
- The total number of juveniles contacted for crimes within two of the three program areas were down significantly. In the third program area of the city, juvenile contacts showed a non-significant increase, as compared to the rest of the city.
- Program client recidivism rates were significantly lower than comparisons with actuarial recidivism rates.

369

Matthews, W. G. (1981). Restitution: The chameleon of corrections. Journal of Offender Counseling, Services and Rehabilitation, 5(3-4), 77-92.

The evolution of the concept of restitution is traced during contemporary times and linked to the 'rediscovery of the victim'.

370

Mayne, C., & Garrison, G. (1979). An analysis of the use of restitution during 1977 in provincial court, Charlottetown, Prince Edward Island. Charlottetown, PE: Prince Edward Island Department of Justice.

In 1977, 148 of 234 probation orders included restitution as a condition of probation; 79 of these orders were completed during 1977. Thirty of the offenders and their victims from the group for which restitution was ordered and completed during 1977 were randomly selected for interviews to develop an understanding of the process by which restitution is made and of the offenders' and victims' perceptions of the purpose of restitution; and to discover any problems in the completion of the restitution orders.

371

McAnany, P. D. (1978). Restitution as idea and practice: The retributive process. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 15-31). Lexington, MA: Lexington Books.

The central question addressed is whether restitution can fit within a retributive framework of sentencing. While the two do fit, there are elements of both conception and practice that militate against an easy fit.

372

McAvoy, J. P. (1980). Victim restitution and support programmes: Practical suggestions. Proceedings of the Institute of Criminology: No. 45 Victims of Crime (pp. 81-84). Sydney, Australia: Sydney University Law School.

A policy statement supporting more extensive use of restitution "...including the possibility of victim/offender confrontation and direct, practical restitution to the victim."

373

McCaldon, R. J. (1974). Reflections on sentencing. Canadian Journal of Criminology and Corrections, 16, 291-297.

In Canada the sentencing of criminals is singularly unimaginative, having only three dispositions: fine, probation, or incarceration. Formal psychotherapy or counseling is impractical in many cases. The unproven hypothesis that some therapeutic relationship or form of interpersonal treatment will cure an individual's propensity to crime is wishful thinking. Restitution should be the major therapeutic program in criminal justice. In Sweden, offenders are often sentenced to pay one-third of their wages to the state for a specified period of time. In England, young offenders recently have been sentenced to perform some public service (e.g., sweeping the streets). Such approaches are much better than retributive brutality. Compensating society for the harm an offender has caused without subjecting him to incarceration is more productive.

Incarceration should be reserved for unstable, unwilling, and dangerous people; modern psychiatry can identify the most dangerous offenders.

374

McCarty, F. (1977). How one judge uses alternative sentencing. Judicature, 60, 316-317.

An example of how one judge uses both monetary and service restitution as a condition of probation with offenders.

375

McDonald, W. F. (1978). Expanding the victim's role in the disposition decision: Reform in search of a rationale. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 101-109). Lexington, MA: Lexington Books.

The issue of victim involvement is assessed in relation to sentencing and dispute settlement procedures, as well as within formal criminal justice dispositional processes.

376

McGillis, D. (1986). Crime victim restitution: An analysis of approaches. Washington, DC: U.S. Department of Justice, National Institute of Justice.

A review of the existing literature, telephone contacts for 22 restitution programs, and on-site investigation of 6 programs were used as the basis of analyzing programmatic approaches to restitution provided directly by adult offenders to victims. Elements of program design requiring particular attention include choosing an appropriate model of restitution practice, gaining the participation and commitment of key actors, developing procedures for fairness to victims and offenders, and designing strategies to maximize the collection of restitution obligations. Four program models were identified: restitution as a component of victim witness assistance programs, restitution practice through victim offender reconciliation programs, restitution administering in conjunction with the offender's supervision provided by probation and parole services, and restitution administered through court based employment programs. Tasks which are required of all restitution programs include obtaining cases from referral sources, screening cases and applying criteria, determining the amount of loss arising from the offense, ordering restitution, and collecting restitution. The amount of restitution ordered must be tailored to the offenders capacity to pay, attempts should be made to ensure that offender views the restitution as a reasonable obligation, and courts require a range of enforcement tools to secure compliance with the restitution orders. Goals for restitution programs are victim related, system related, and offender related. Victim related goals include both economic and psychological. The amount of restitution ordered is comparatively small and compliance by offenders is variable across programs although privately sponsored programs appear to have higher levels of full compliance than publicly sponsored programs. Victims may receive psychological benefits from restitution programs involving face to face mediation including reduced fear and anger and increased understanding of their situation. The justice system goal of reduction of prison and jail caseloads does not seem to have been obtained because restitution efforts do not focus on cases for which incarceration is likely. It is also unlikely that restitution is reducing system costs because it is probably not displacing a more expensive penalty. There is presently no available research regarding whether restitution efforts lead to other system goals of improving public credibility, improving crime reporting by citizens, or deterring offenders. Offender related goals include reduction of recidivism and reduced intrusion. There is presently no evidence of the impact of restitution on recidivism. Restitution does not appear to reduce system intrusiveness and may actually increase the monitoring of offenders.

377

McKinney, M., Rhodes, C., & Dobmeyer, T. (1980, August). Perceptions of the juvenile restitution project: Results of a survey of the juvenile division and the juvenile court. Minneapolis: Walker Associates.

The Hennepin County (Minneapolis) Juvenile Restitution Project was established in March, 1979, to provide monetary restitution and community service restitution sanctions to juvenile offenders. The project constitutes a special unit within the Hennepin County Juvenile Court. During the summer, 1980, interviews were conducted with the five juvenile court judges, and questionnaires were used with the probation staff, including supervisors, to determine their views regarding the project. Both the judges and probation staff saw the restitution project as providing a useful dispositional alternative, indicated that public officials within the juvenile justice system had favorable opinions of the project, and perceived that staff contacts with victims and holding juvenile offenders accountable were the primary strengths of the project. More staff contact with victims and increasing the number of work sites available to juvenile offenders were perceived as the major necessary changes. There was disagreement between the judges and juvenile court staff concerning responsibility for implementing restitution orders with the judges tending to perceive that this should be a joint responsibility between the probation staff and the restitution project staff, whereas the juvenile probation staff could not agree on the placement of this responsibility.

378

McKnight, D. J. (1981). The victim-offender reconciliation project. In J. Hudson & B. Galaway (Eds.), Perspectives on crime victims (pp. 292-298). St. Louis, MO: C. V. Mosby.

Description of the Victim Offender Reconciliation Project (VORP) located in Kitchener, Ontario, Canada. Both adult and juvenile offenders were referred to the project by either the court or the probation office. Project staff would act as a third party and mediate community service and/or restitution agreements between offenders and victims. Staff would also promote reconciliation between the parties. The article presents both the experiences encountered and data collected over the pilot stage of the project (Fall, 1975 - June, 1976). Discussion topics include victim-offender meetings, offender motivation, and problem areas in the reconciliation process.

379

McKnight, D. J. (1980). A study of selected attributes and recidivism of offender-victim restitution (VORP). Submitted as partial fulfillment for the degree of Master of Social Work, Faculty of Social Work, Wilfrid Laurier University, Waterloo, Ontario.

The Victim-Offender Reconciliation Project (Kitchener, Ontario) is a restitution project which brings victims and offenders together to reach a mutual agreement concerning restitution. This is an examination of the recidivism of offenders involved in the pilot stage of VORP. Variables are identified which are common to those offenders with an absence of further convictions (the measurement of recidivism). The time period of the research is from the offender's referral to VORP (1975 to June 1976) to December 1979. The population is comprised of 39 adult offenders and 14 juvenile offenders. Sixty-one offenders were referred to the project during the period under study. Referrals came from local courts or probation officers. Information was acquired from records from the Ministry of Correctional Services and Probation and Parole Services.

380

McLaughlin, A. (1983). An analysis of victims--Victim witness needs in Yukon. Unpublished report, Yukon Department of Justice.

Reports the results of a survey of crime victim needs in the Yukon Territory. This Territory lies in the extreme northwest corner of Canada with a population of approximately 24,000 people spread over 204,000 square miles. The survey found that crime victims overwhelmingly wanted some form of restitution for the losses sustained and many supported the concept of community service work, either for those who could not pay or in conjunction with restitution. Over half the respondents noted that the best sentences for property crimes involved restitution, as compared to straight probation or jail. Of the respondents who had experience with restitution, the most common observation was that it had not been received and, in reference to community service work, comments generally noted that it had not been done. Dissatisfaction was evident in respect to the perceived lack of enforcement of restitution orders. In the Yukon in 1981-82 in adult courts, there were 191 probation orders made that ordered restitution and 230 ordering community service work. Together, these represented over half of all cases in which probation had been ordered. No data is available about the number of instances in which restitution ordered had not been paid. In respect to community service work, probation officers reported an 80% completion rate. In the largest community, Whitehorse, there has been little reported problem at finding suitable community work placements. Outside of Whitehorse, the situation varied significantly from one community to another. Conclusions made by the study are that the public supports the concept of restitution as appropriate redress for crimes but there remains some degree of inconsistency within the justice system in respect to methods used for determining the amount of restitution to be paid, the lack of feedback to the victim about the restitution order, the basis for the order and subsequent compliance. Recommendations made include the police, crown attorney and probation officer developing a policy for routine consultation with victims in respect to the actual financial losses or damages sustained; victims receiving information about the rationale for the amount of restitution ordered being less than the estimated loss; exploring the possibility of victims being paid restitution directly by the court.

381

McLean, I. (1973). Compensation and restitution orders. The Criminal Law Review, 3-6.

Historical analysis of the avenues open under law to the courts of Britain for requiring restitution from offenders. Changes in the law are considered with the enactment of the Criminal Justice Act 1972. Under the Act a restitution order is not limited to particular categories of offense; nor dependent upon application of the person aggrieved; nor is the restitution limited to making good loss of property alone but extends to restitution for personal injury, and damage to property even where the property itself has been recovered. Under the Act, restitution is now payable not only in respect of the charge before the court, but in respect of offenses which the offender has taken into consideration on sentence. The Act also provides safeguards in the case of both civil and criminal proceedings against an offender.

382

Medler, J. F., Schneider, P. R., & Schneider, A. L. (1981). Statistical power analysis and experimental field research: Some examples from the national juvenile restitution evaluation. Evaluation Review, 5, 834-850.

The application of statistical power analysis (determining the probability that a significant effect can be found when an effect actually exists) to field experiments in which subjects 'trickle in' through a case flow process is discussed.

383

Merritt, F. S. (1984). Corrections law developments: Restitution under the Victim and Witness Protection Act of 1982. Criminal Law Bulletin, 20, 44-48.

Although the Victim and Witness Protection Act of 1982 has some areas of imprecise language and is limited to Title 18 offenses, it is a substantial step toward a more national disposition policy and may lessen the burden on individuals injured by crimes.

The Act permits imposing restitution as an additional sanction to any other authorized disposition, whereas previously it could only be imposed as a condition of probation. Under the Act, the court must have a victim impact statement prepared containing data on the economic, social, psychological, and physical harm done to the victim as part of the presentence investigation. The Act only applies to offenses under Title 18 of the U.S. Code and certain provisions of the Federal Aviation Act of 1985, thus encompassing most Federal offenses such as kidnapping and bank robbery but eliminating most economic crimes. When the court fails to order full restitution, it is required to state its reasons on the record. The Act also establishes procedures for determining the amount of restitution. Restitution may not be ordered when the victim already has received compensation, but persons compensating the victim may receive restitution. A principal problem is that neither the Act nor Title 18 defines 'victim.' Instead, the

Act speaks of the 'victim of the offense' of which the defendant was convicted. Victims cannot veto plea bargains, and it is questionable whether incarcerated offenders or parolees can earn sufficient money to make restitution payments. Case law makes it clear that the court is permitted to take the individual's assets, earning ability, and other obligations into consideration when making a restitution order. A problem area that has not yet been resolved is in the few instances where the defendant operates a business and has substantial assets invested in that business.

In brief, potential problems are seen as failure of the Act to clearly define "victim," the question as to whether the restitution order violates a defendant's right to a jury trial in civil cases, the extent to which the defendant's assets are available to satisfy a restitution order and the feasibility of getting compliance with a restitution order when the offender is incarcerated.

384

Merritt, F. S. (1984). Corrections law developments: Community restitution--An alternative disposition for corporate offenders. Criminal Law Bulletin, 20, 355-360.

Community restitution sentences the corporate offender to payment of a fine. Payment of that fine is suspended and the corporation is placed on probation on the condition that it make specified payments to certain 'charitable' organizations. The eighth circuit on appeal, taking a contrary position to that adopted by the tenth circuit, found that the provisions of 18 U.S.C. #3815, providing for restitution as a condition of probation, did not limit the ability of the trial court to impose a monetary condition of probation. A factor that bears upon the eighth circuit's break with tradition is the development of probation for corporations. Another major change in judicial attitude supporting the eighth circuit was the acceptance of community service as a condition of probation. Cases subsequent to the eighth circuit's decision generally reject the tenth circuit's approach and permit the imposition of an order of community restitution for corporate offenders. Unless the Supreme Court intervenes, it is reasonable to assume that community restitution will become an accepted alternative for the disposition of corporate offenders.

385

Messmer, H. (1990). Reducing the conflict: An analysis of victim-offender mediation as an interactive process. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

A case analysis developed from audio recordings of victim-offender mediation sessions, including preparatory meetings, to illustrate how this process may challenge offender justifications of delinquent behavior.

386

Midwest Research Institute. (1978, December). Restitution criteria. Kansas City, MO: Paper developed for Law Enforcement Assistance Administration (LEAA).

Criteria developed to guide LEAA funding decisions regarding restitution projects: topics covered include program definition, offender status, offender screening, offender rights, victim involvement, and insurance. Specific definitions and measurements are recommended in each area.

387

Miers, D. (1985). Compensation and support for victims of crime. The British Journal of Criminology, 24, 382-389.

The Home Affairs Committee's First Report, Compensation and Support for Victims of Crime was published by the House of Commons in 1984-85 and the government's response published by the Home Office earlier this year. The Committee dealt primarily with two issues: the delivery of victim support services and the availability of compensation to victims of crime. In respect to delivery of victim support services, the Home Affairs Committee made recommendations about the inadequacy of institutional arrangements and the perennial under-funding for the services. The Committee recommended the need to publicize more effectively the existence of provisions of the Criminal Justice Act, 1982 which clarified and strengthened the compensation powers of criminal courts. The Home Office accepted this recommendation. The Committee recommended that greater efforts be made to provide information to victims of crime about possibilities available to them for seeking compensation. The government did not agree with this recommendation, nor with recommendations that the criminal courts should be able to refer to the Compensation Board any case in which the assessment of compensation proved difficult. Running throughout the Home Office response is the view that the private sector is the appropriate constituency responsible for the delivery and the financing of victim support services. These assumptions are criticized.

388

Miller, C. A. (1979, September). Paper presented at the Third International Symposium on Restitution, Duluth, MN.

Describes the Juvenile Restitution Project recently established in the Fourth Judicial District in Idaho.

389

Miller, F. G. (1978). Restitution and punishment: A reply to Barnett. Ethics, 88, 358-360.

The author comments on an article by R. E. Barnett ("Restitution: A New Paradigm of Criminal Justice," *Ethics*, 1977, 87:4 pp. 279-301.). The author contends that Barnett's argument against punishment is deficient because it fails to consider complex theories of punishment and because it neglects an important aspect of punishment that bears upon its justification. The act of punishment constitutes symbolic condemnation of the offender for his offense. Also, the idea of crime as an offense against society has no place in Barnett's theory: cruelty to animals, harm to public institutions, attempts, reckless driving and driving under the influence of alcohol indicate the practical difficulties of Barnett's theory of restitution.

390

Miller, G. H. (1977, November). No. 111: The Connecticut criminal process. New Foundations--Occasional Papers on Correctional Topics, Hartford: Connecticut Department of Corrections.

The many options which exist in our present system of criminal sentencing are examined by applying them to three hypothetical cases, each of which considers a distinctly different kind of defendant. The third case involves a white collar crime; the processing of the case is followed from the charge through sentencing (restitution, probation, and a fine) and eventual discharge.

391

Miller, T. I. (1981). Consequences of restitution. Law and Human Behavior, 5, 1-17.

A group of 419 adult property offenders granted probation and ordered to repay their victims for the direct monetary losses or property damage incurred as a result of their crime were matched on 28 variables to a group of 179 offenders who were not ordered to pay restitution to their victims. Compared to those not ordered to repay their victims the offenders ordered to pay restitution had a more difficult probation experience, having more revocations filed against them and showing a greater frequency of reporting, physical health and money problem. No difference in arrest rate or time on probation was discovered. Those offenders ordered to pay restitution but who did not pay in full had the greatest problems of all, showing the highest revocation filing and actual revocation rate, rate of convictions and time served. Payment characteristics were described for offenders who paid all, part, or none of their restitution debt by probation's end. It was suggested that closer probation officer scrutiny of offenders ordered to pay restitution may have accounted for the more difficult experience of the restitution group and that cost of administration of restitution programs may not be worth the benefits.

392

Minnesota Department of Corrections. (1978). Minnesota Restitution Unit. St. Paul, MN: Minnesota Department of Corrections.

With the closing of the Minnesota Restitution Center in 1976 due to lack of residents, the focus on restitution within the Minnesota Department of Corrections changed. The number of restitution program staff was reduced and the responsibility changed from developing restitution agreements and supervising offenders on parole to developing restitution agreements with responsibility for parole supervision left to the assigned parole officer. The offender population eligible for the restitution program expanded from property offenders in a seven-county metropolitan area to property offenders in state prisons or reformatories anywhere in Minnesota. The victim-offender involvement in reaching restitution agreements was dropped, and inmates who developed agreements in cooperation with program staff now are released on conventional parole. In addition to these program changes, the Corrections Department formed a restitution unit to develop and maintain a clearinghouse of restitution literature, to undertake restitution research, and to train and lend technical assistance to local units of government interested in restitution programs statewide. The Minnesota Corrections Board adopted a matrix system designed to eliminate inconsistencies in paroling decisions, and the Corrections Department began a pilot program to assist minimum security prisoners with the process of community reintegration and to enable offenders to pay restitution debts by employing them as conservation workers on state-controlled projects.

393

Minnesota Department of Corrections. (1976). Minnesota Restitution Center. St. Paul, MN: Minnesota Department of Corrections.

The Minnesota Restitution Center, a community-based correctional program operated by the Minnesota Department of Corrections, is described. The program is offered to selected property offenders who have been sentenced to the Minnesota State Prison or the State Reformatory for Men. The program's focus is on offenders making restitution to the victims of their crimes. While somewhat similar to "victim compensation" laws, the concept of restitution clearly calls for the individual offender, as opposed to the state, making restitution to the victim. The Minnesota Center is one of the first attempts at systematically applying the idea of restitution to a community-based correctional program. It received its first client in September 1972.

Program objectives are to:

- Provide means by which offenders may compensate victims for material loss;
- Provide intensive personal parole supervision;
- Provide offenders with information about their behavior and help them resolve personal problems through individual and group counseling;
- Provide victims with restitution;
- Disseminate information regarding the restitution concept and the Center to other criminal justice agencies throughout the U.S. and Canada; and
- Undertake valid research and evaluation of the concept of restitution.

An overview of the Center is presented, with sections devoted to its organizational structure, client selection and screening process, program structure, staff composition, group programs, and research and evaluation objectives. A selected bibliography is included.

394

Minnesota Department of Corrections. (1976, May). Interim evaluation results: Minnesota Restitution Center. St. Paul, MN: Minnesota Department of Corrections.

The second research report issued on the Restitution Center Program by the Department of Corrections. An after-only field experiment was implemented concurrent with the program. Offenders admitted to the state prison who met specified criteria were randomly assigned to either the control (prison) or experimental (restitution center) groups. Between May, 1972, and March, 1974, 144 men met the program criteria and 69 were randomly assigned to the control group and remained in prison to complete that program prior to release on either parole or flat discharge. A total of 75 men were randomly assigned to the experimental group. Of the experimentals, four declined the opportunity to develop restitution agreements and nine were denied release to the center by the paroling authority. Sixty-two members of the experimental group were actually admitted to the center.

The largest proportion of financial restitution obligations held by the experimental group members admitted to the program totaled \$200 or less; the total obligated amount of monetary restitution was \$16,934.99, and of this amount, \$9,459.10 was paid as of August 1, 1975, while 1,084 hours of community service restitution was obligated during this time and 372.2 hours completed as of August 1, 1975. A larger proportion of control group members as compared to experimenters had received paroled discharge and new court commitments eighteen months following prison admission, while a larger proportion of experimenters had been returned to prison on technical parole violations. Because the members of the two groups had variable at-risk periods of time in the community, the differences noted may be a function of time in the community. Experimentals as compared to controls served significantly shorter periods of time in prison and significantly longer periods on parole as of August 1, 1975. For the experimentals and controls discharged from parole as of August 1, 1975, the experimental group members had served significantly longer overall (prison and parole) time periods under supervision than had the controls.

395

Minnesota Legislature. (1980). Report of the senate select committee on juvenile justice. St. Paul, MN: Minnesota Legislature.

Minnesota's Select Committee on Juvenile Justice developed recommendations on restitution and fines, parental liability, status offenders, due process, and serious

offenders. Overall, the Committee encourages the continuation and State financial support of restitution programs.

396

Minnesota Restitution Task Force. (1988). Final report of the restitution workgroup convened by the Crime Victim Witness Advisory Council and the State Court Administrator's Office. St. Paul, MN: Minnesota Crime Victim and Witness Advisory Council.

A series of recommended public policy changes (both statutory and administrative) regarding procedures for ordering and for collecting restitution; the proposed changes recognize restitution as an appropriate penalty for offenders and as a victim service and attempt to strike a balance between these two objectives. Recommendations regarding ordering restitution are that the restitution be allowed for all verified out-of-pocket expenses incurred by the victim, victims should be notified of their right to request restitution as well as being provided with information regarding their right to seek an amendment of an order of restitution, the ability of the offender to pay should be considered in determining the amount of restitution, the offender should have input regarding both the amount to be paid as well as the payment schedule, courts should be specifically permitted to make partial orders of restitution in light of current resources available to the offender, all restitution orders should be accompanied by a payment schedule to reinforce the policy that the probationer is to pursue the court-ordered restitution obligation throughout the term of probation, and restitution should be a penalty for juvenile as well as adult offenders. Recommendations regarding collection of restitution are that restitution should be collected and record-keeping regarding payment done by a single agency in all jurisdictions (a court administrator is the preferred agency), restitution is to be collected before any court-ordered fines and surcharges, judges and probation officers should develop policies which allow for early termination of probation upon payment of full restitution obligation if all other probation conditions have been completed, arrangements for attachment of property to satisfy restitution orders should be broadened, a time frame for enforcement of restitution orders should be included with each payment schedule, the court should intervene promptly when failure to make payments occur, and restitution collected should be distributed promptly to victims.

397

Minnesota State Planning Agency Criminal Justice Program. (1982). Repairing the damage: A Juvenile Restitution Guide. St. Paul, MN: Minnesota State Planning Agency.

This guide will assist communities to design and implement restitution programs. Purposes must be clear, and decisions should be made about the extent that purposes relate to benefiting the offender, the victim, or the juvenile justice system. Decisions are required regarding program goals, offender eligibility, type of compensation to be

required (money payments to victim, direct services to victim, compensatory service, and symbolic service). An insurance model and a negotiation model are identified as ways of assessing restitution. Procedures for determining the amount of payment, encouraging victim participation, developing restitution contracts, collecting and disbursement of restitution payments, and evaluating restitution programs are discussed.

398

Mowatt, R. M. (1976). The Minnesota Restitution Center: Paying off the ripped off. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice. St. Paul, MN: Minnesota Department of Corrections.

Describes the operations of the Restitution Center Program and provides empirical data for a 36 month period (August, 1972 -July 31, 1975).

399

Mowrer, O. H. (1978). Applications and limitations of restitution. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 67-71). Lexington, MA: Lexington Books.

The concept of restitution is assessed from the perspective of dealing with children. Management methods often used with children are not very different from those used with convicted persons. Instead of retaliatory punishment we need to rely more on logical consequences and restitution can be a useful type of consequence. The Alcoholics Anonymous program is an example.

400

Mowrer, O. H. (1975). Loss and recovery of community. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 265-283), Springfield, IL: Thomas.

Traces the central ingredients of the "Integrity therapy" approach to changing behavior. Psychopathology is seen as a result of one's own socially irresponsible behavior which has been kept hidden from others. The emphasis is placed upon wrong behavior and the role of ignorance as compared to traditional approaches which stress the place of wrong emotions or feelings and the role of illness. The helping person is seen as a teacher more than a treator. The central conditions for change in behavior are viewed as self-disclosure and restitution.

401

Murzynowski, A. (1970). Reparation as an element of the new penal policy. Panstwoi Prawo, 25, 711-726.

More diversified forms of punishment should greatly contribute to reducing the number of prison sentences--hitherto used too often, chiefly because of the lack of satisfactory alternative penalties. Reparations to be made by the accused for the damage caused may reduce the frequency of prison sentences. Reparation can be made in three principal forms:

- Restoration of, or compensation for the damage done;
- Redressing the wrong caused;
- Financial and/or personal services for public benefit, as an indirect form of compensation for the harm done.

Penal policy should evolve towards a gradual elimination of prison sentences in favor of the accused's being charged with the duty to compensate for the effects of his offense by various forms of service--financial and non-financial--on behalf of the injured party or a public fund. To this end, penal and civil consequences of an offense should be jointly adjudged in one criminal suit, use being extensively made of the civil by-claim. As a result any divergence between the judgments of civil and criminal courts might be eliminated. At present a lot can be done along these lines by the public prosecutor more frequently making a civil claim on behalf of the injured, or by practically helping the injured with his civil by-claim within criminal proceedings.

402

Nader, L., & Combs-Schilling, E. (1977). Restitution in cross-cultural perspective. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 27-44). Lexington, MA: Lexington Books.

Illustrates how restitution works in non-western societies, the aims and purposes of it, and its variations.

403

Nasim, S. A., & Spelliscy, R. (1985). An evaluation of the Saskatchewan restitution program. Regina, SN: Saskatchewan Justice; Policy, Planning and Evaluation Branch.

The Saskatchewan Restitution Program was introduced on a province-wide basis in April, 1983 with a requirement that a twelve month evaluation be completed. The study aimed at assessing victim perceptions of the program, perceptions of criminal justice officials (judges, prosecutors, probation officers, restitution coordinators) and the effects of the program in terms of decreasing the use of incarceration, increasing the use of restitution and increasing the collection rate of restitution orders.

Analysis of data collected from 123 crime victims and 75 criminal justice officials showed that the restitution program was well received by the different parties. A majority of the victims were satisfied with the program, as well as with the amount of restitution and with the time period in which the funds were disbursed to them. A majority of both victims and officials thought that restitution was a good way for the offender to pay

debts to society. A majority of the victims, but not criminal justice officials, thought that making offenders pay restitution had the potential of not only deterring them from committing further offenses but also of making them better citizens.

The program performance component of the evaluation focused on the use of the sanction as an alternative to short term jail sentences for property offenders (four months or less). In order to assess this goal, two methods were used. First, the proportional change in admission rates for property offenders serving four months or less was examined. Second, the offence profiles of program participants were analyzed. No significant change was found in the proportion of property offenders sentence to jail terms of four months or less in the year preceding the program and the year following program implementation.

The second method of assessing the program goal of serving as an alternative involves selecting a sample of program participants and examining the nature of their current offenses and their previous criminal records. The assumption made is that program referrals with a serious offence and three or more previous convictions would, most likely, have received jail sentences. On this basis, it is found that 25% (n=28) of the sample selected had a serious offence and three or more previous criminal convictions. It is therefore concluded that one quarter of the sample would likely have been jailed if the restitution program had not been in place.

These findings are then extrapolated to the total number of program admissions and it is concluded that 570 program participants had been diverted from jail. Taking these figures and multiplying by the average term in jail (25 days) provides a total of 14,250 inmate days or 39 inmate years that were saved. On the basis of a per diem cost of \$66 minus the cost of restitution program operations, a total of \$665,604 was saved.

404

National (U.S.) Conference of the Judiciary on the Rights of Victims of Crime. (1983). Statement of Recommended Judicial Practices. Washington, DC: U.S. Department of Justice, National Institute of Justice.

A policy statement adopted by a group of 66 judges attending a national conference of the judiciary on the rights of victims of crime sponsored by the National Institute of Justice and the national Judicial College in Reno, Nevada. The recommendations call for restitution in all cases whether the offender is incarcerated or placed on probation unless the judge articulates a reason for not ordering restitution. Victims should be allowed to participate, and, where appropriate, give input through the prosecutor or to testify at all phases of judicial proceedings.

405

National Association of Victim Support Schemes. (1984). The victim and reparation. London: National Association of Victim Support Schemes.

Critical assessment of defining restitution as a victim service. Both restoration of victim loses and resolution of conflict are not perceived as likely to occur with restitution imposed in the penal system. Advantages may accrue to the victim in terms of securing information or having an opportunity to participate in a program which is helpful to offenders. Restitution programs should be designed "with regard to the principles and possible advantages of reparation for all parties, rather than as a matter of expediency to relieve the pressure of the criminal justice system."

406

National Associations Active in Criminal Justice. (1985). Criminal justice and victim-offender-community reconciliation. Ottawa, ON: National Associations Active in Criminal Justice.

A report based on a seminar dealing with criminal justice and victim-offender-community reconciliation held in September, 1985 in Ottawa, Canada. Reconciliation was presented as a new paradigm for crime that can be characterized as "restorative justice," in which crime is seen as conflict, with interpersonal dimensions. Emphasis is given to attending to the human needs that must be met and this requires a new learning process for all parties involved -- victims, offenders, communities, and justice system officials. Obstacles to reconciliation are identified and discussed. An overview of current programs fostering reconciliation in communities and in institutions is presented, including mediation, restitution, community service, victim, offender and community sensitization to each other, and victim-offender trauma assistance. Examination was given to the question of reconciliation within correctional institutions and how principles can be applied in prison systems.

407

National Center for State Courts Institute for Court Management. (1988). Restitution improvement curriculum: A guidebook for juvenile restitution workshop planners. Williamsburg, VA: National Center for State Courts Institute for Court Management.

This guide to planning, organizing, and presenting conferences and workshops on juvenile restitution provides detailed outlines on 18 topical restitution issues. Among the issues outlined are a national overview of juvenile restitution programs, creative funding for restitution programs, restitution programming in a private agency, restitution policy and procedures, and the determination of restitution program philosophy. The outline for each module contains the estimated time to present the module, a short summary of what the module is about and what the participants will gain, subtopics with time allotments, and program materials.

408

National Center for State Courts. (1975). Recommendations for improving the use of restitution as a dispositional alternative as administered by the Connecticut Adult Probation Division. Washington, DC: American University School of Law.

The background of the use of restitution as a dispositional alternative is briefly discussed, particularly as it has been used in Connecticut (primarily in fraud cases). its aims, benefits in terms of victim compensation and reduction in institutional and court burdens, and rehabilitative value are considered. The major factors which must be taken into account in a successful restitution program--provision of adequate information to the court to determine the appropriateness of restitution in an individual case; limitation of restitution to appropriate categories of cases; and workable administrative and enforcement procedures--are discussed. The existing restitution program is evaluated in terms of these three factors. Various options available to the court in ordering restitution and the implications of each are analyzed. Specific operational procedures which should be adopted by the courts and by the adult probation division are outlined, considering such elements as amount of restitution, determination of ability to pay, and mechanisms for collection. Three alternatives for administration of the program are suggested, and a recommended pilot study is described. A sample case processing form is appended.

409

National Organization of Victim Assistance, Inc. (1985). Victim rights and services--A legislative directory. Hattiesburg, MS: National Organization of Victim Assistance, Inc.,

This directory summarizes 1985 State legislation on victim rights and services, presented by subject and State.

State laws enacted and pending (introduced in 1985 but not passed by August 15, 1985) encompassed victim compensation, funding of victim services, victim bill of rights, victim involvement in sentencing, victim participation, restitution, victim-witness notification, protection from intimidation, and offender financial profits from notoriety.

410

Native Counselling Services of Alberta. (1982). Creating a monster: Issues in community program control. Canadian Journal of Criminology, 24, 323-328.

NCSA began a diversion program in 1977 to divert adult and juvenile offenders from the formal justice systems to community programs involving meetings with victims, restitution, and service for the community. The program which was intended to be flexible, innovative, and educational, and to involve considerable community input became another arm of the formal justice system because of the unreasonable control exercised by criminal justice agencies both in terms of defining who was eligible for diversion and controlling specific diversion decisions. A community-based program must

have control firmly in the community and the private agency administering the program, not in the formal agencies of criminal justice.

411

Nelson, T. (1978). Postincarceration restitution. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 185-189). Lexington, MA: Lexington Books.

Describes the Oregon Restitution Program, a residential project operated at the work release level.

412

Neto, V. V. (1985). Victim response to newly awarded rights--The implication of Proposition 8 in California. Washington, DC: U.S. Department of Justice, National Institute of Justice.

This paper assesses the implementation of Proposition 8 passed by California voters in 1982. Proposition 8 gives crime victims the right to allocution at sentencing and parole hearings and increased access to restitution.

The study surveyed presiding court judges, district attorneys, chief probation officers, and victim/witness program directors throughout the State and interviewed 172 felony offense victims. Previous law provided victim input through victim impact statements in presentence reports and personal appearance at aggravation or mitigation hearings. Results indicate that it is unclear whether victims' rights are more than privileges, and rulings have been mixed in the few cases that have come to higher courts. Less than 3% of felony victims have exercised Proposition 8's right to allocution. From the victim's perspective, written impact statements may serve as well as actual appearance. Victims of serious crimes involving bodily injury were most responsive to participating in sentencing. This participation did not occur suddenly but developed over the course of criminal proceedings. At this time, most California victims are not asserting their newly awarded rights. While the system works sufficiently well for the majority, for some the opportunity to express their feelings to a judge helps restore the balance upset by a serious crime.

413

New York Department of Correctional Services. (1977). Restitution center concept as a part of the criminal justice system. Washington, DC: U.S. Department of Justice.

The feasibility of establishing restitution centers as an alternative means of dealing with property offenses in New York State is considered. Restitution Centers are halfway houses for offenders and have been implemented in Georgia and Minnesota as an alternative to incarceration and/or probation for such offenses as burglary, unauthorized

use of a motor vehicle, forgery, and fraud. A formal contract is drawn up between the offender and the victim; the contract details a satisfactory restitution settlement which the offender agrees to pay the victim. The offender also agrees to find employment in order to fulfill the contract and to support him or herself and dependents. Case histories of restitution centers in Georgia and Minnesota are presented, as are statistics of New York's non-violent offenders who would be candidates for restitution center referral. It is estimated that the introduction of restitution facilities could reduce the state's inmate population by 14%. Corrections costs in New York and possible savings from a restitution program are considered, and the cost effectiveness of a restitution program is projected. It is estimated that a restitution program could save the state \$3,865 per individual offender per year. Recommendations for establishing a restitution program in New York cover planning, program philosophy and intent, target population, client selection, cost effectiveness, research design, community involvement, and flexibility. Correspondence is appended.

414

New York State Senate Minority Task Force on Criminal Justice. (1980). Criminals must pay: Restitution in New York state (Report of the New York State Senate Minority Task Force on Criminal Justice). Albany, NY: New York State Senate Minority Task Force on Criminal Justice.

This report examines the infrequent use of restitution and community service work by both juvenile and adult courts in New York and compares it to the more extensive and successful use in other States; legislative and administrative recommendations are made. In 1978, less than 4% of the juveniles arrested for property offenses paid restitution through the family court. Moreover, the New York City Family Court has no formal restitution program. This sparse use of restitution contrasts with one recent national survey which found that 70% of all juvenile court property cases resulted in a restitution order. In 1978 in New York City, restitution was only ordered in 4% of adult property offense cases. A presumption of restitution, including a community service work alternative, should be a condition of probation or discharge for all convicted juvenile and adult property offenders. Standard procedures should be established for imposing a restitution sentence, determining the amount, and dealing with the nonpayment. Additional recommendations cover the use of Federal funds and call for collection and reporting procedures for these cases. Tabular data are provided.

415

New York Victim Service Agency. (1982). Victim service agency intensive evaluation project, 1978-1979. New York, NY: New York Victim Service Agency.

This report includes a first year evaluation of the Victim Involvement Project (VIP) operating in the Brooklyn Criminal Court (New York); a report on administering restitution payments in Brooklyn and the Bronx, N.Y.; an evaluation of case follow-up and enforcement activities of the Brooklyn Dispute Center; and a report on services for

abused spouses in New York City. Court observations and other evaluation data showed that VIP helped make the dispositional process less costly and complicated for victims and that it succeeded in increasing the use of restitution and judicial admonishments. The evaluation of restitution programs run by the Victim Services Agency (VSA) in Brooklyn and Bronx Criminal Courts found that, despite VCSA's efforts, nonpayment remained a major problem in restitution cases in Brooklyn Criminal Court. The default rate was much lower, however, in Bronx Criminal Court which does not officially close cases until restitution is actually paid by defendants.

416

New Zealand Department of Justice. (1979). Reparation: An analyses of the use of existing provisions. Wellington, NZ: New Zealand Department of Justice, Planning and Development Division.

Courts in New Zealand can use four mechanisms to order offenders to make reparations to victims -- order return of stolen property (referred to as restitution), order compensation for damages, require payment of damages as a condition of probation, or require that a portion of the fine be paid to victims. A descriptive study of the use of reparations by courts was carried out during an eight week period in 1978; court staff completed data forms for each reparation application made to the courts. 1294 applications were received; 89% resulted in a reparation order. The 1153 reparation orders involved 995 offenders. Mean reparation ordered was NZ\$141; where amount of damage to victims was known, the reparation orders fully compensated victims in 75% of the cases. Data was not collected regarding other dispositions but based on known annual number of dispositions for 1976, estimates are that reparation was ordered for 20.5% of offenders convicted of burglary, theft, receiving, conversion, false pretences, forgery, wilful damage and assault; 78% of the wilful damage convictions are estimated to result in reparations compared to 9% of the conversion and assault convictions.

417

New Zealand Department of Justice. (1974). Reparation: A discussion paper. Wellington, NZ: New Zealand Department of Justice, Planning and Development Division.

Reviews legal provision for reparation in New Zealand, England, Wales, Scotland, Canada, and Sweden, and programs in Oregon, Massachusetts and Minnesota. Problems of quantum and offender liability are noted. Alternative methods of providing redress to victims are analyzed including civil action, allocating a portion of fines to victims, the adhesion process, administrative assessment of restitution after guilt is determined, and attachment of penal wages. Efforts should be made to assure that reparation becomes a more permanent feature in sentencing today.

418

Newton, A. (1979). Sentencing to community service and restitution. Criminal Justice Abstracts, 11, 435-468.

This article provides an update on restitution and community service sanctions from an earlier article by the author: "Alternatives to imprisonment--day fines, community service orders, and restitution," Crime and Delinquency Literature, 8:1, 1976, pp. 109-25. In this article the author summarizes recent legislation and presents a number of program examples in the area of both community service and restitution. Programmatic issues and cost effectiveness are briefly discussed.

419

Newton, A. (1976). Alternatives to imprisonment: Day fines, community service orders, and restitution. Crime and Delinquency Literature, 8, 109-125.

This paper defines and analyzes various alternatives to imprisonment and presents information on the utilization, effectiveness, and administration. Examples of such punishments as fines, community service orders, and restitution are drawn from the United States, Sweden, West Germany, and Great Britain. Methods of applying these punishments are noted, and the author concludes that such noncustodial sanctions are needed for the great majority of offenders--the non-dangerous.

420

Newton, A. (1976). Aid to the victim, Part 1: Compensation and restitution. Crime and Delinquency Literature, 8, 368-390.

The first of a two-part series on victims and services, this paper discusses the two major types of financial aid provided to innocent crime victims--compensation paid by the state and restitution paid by the offender. A brief overview of compensation schemes in eleven American states, including highlights of the New York Program, is followed by an examination of the elements of a model compensation program. A discussion of offender restitution in the U.S. focuses on the Minnesota Restitution Center, which uses restitution as a condition of probation; the Georgia Restitution Program, which functions as a diversionary alternative for probationers and parolees; and the Iowa Restitution in Probation Experiment, which utilizes restitution as a condition of probation or deferred sentences.

421

Niemiera, E. J. (1979, September). State of New Jersey Juvenile Restitution Program. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the history and current implementation status of the New Jersey Juvenile Restitution Program; this project is funded by the Office of Juvenile Justice.

422

North Carolina Governor's Advisory Council on Children and Youth. (1982). Women, families and prison. Raleigh, NC: Author.

Prison facilities and programs for women are inadequate and should be restructured to accommodate the special needs of incarcerated mothers. Nondangerous women should be sentenced to restitution or community service rather than to prison.

423

North Carolina Governor's Law and Order Commission. (1976, November). Probation collection agent project--Cumberland and Mecklenburg Counties, North Carolina. North Carolina Governor's Law and Order Commission.

The purpose of this study was to evaluate an experimental probation collection program located in two counties of North Carolina. The experimental program was designed to relieve probation officers of all responsibilities for keeping an accounting record of court ordered restitution obligations. A collection agent was employed to have responsibilities for keeping records and collecting court-ordered financial obligations. The assumption was made that relieving probation officers of restitution collection responsibilities would lead to an increase in the amount of rehabilitative casework with the client and enhance the positive relationship that should exist between the caseworker and the client.

An after-only non-experimental design was used. Data was collected on a pilot group consisting of the caseloads of collection agents and the caseloads of all probation officers with whom they worked. Data was also collected on a comparison group consisting of a sample of cases belonging to probation officers not involved with the collection agent program. The comparison group was randomly selected and is reported as representing anywhere from 10 to 25% of the probation officer caseload without collection agents in each county. Data was collected from probation officer reports and official files. Data is presented in frequency distributions. Major findings were that the probation and collection officers in the experimental group were found to have made more contacts with probationers than did the probation officers alone working with the comparison group. Further, the experimental program collected a higher percentage of the obligated funds than did the comparison group (74% as compared to 40%). A significant difference in probation revocation rates was found with the experimental group having 127 revocations as compared to only 36 for the comparison group.

424

Norton, R. W. J. (1961). Prison, probation, and compensation--R. v. McCarthy. The Criminal Law Review, 105-108.

The case of R. v. McCarthy is considered as to procedure laid down in the Criminal Justice Act, 1948, and the Magistrates' Courts Act, 1952 (Great Britain). The defendant was convicted of one set of charges and given eighteen months imprisonment; at the same court hearing the defendant was given seven days imprisonment for breach of an earlier probation order requiring restitution. Author examines, from a legal standpoint, the effect of the seven days imprisonment on the order for restitution.

425

Novack, S. (1980). National assessment of adult restitution programs: Project report 15: Restitution: A viable alternative to incarceration. Operated by Financial and Debt Counseling Services, Milwaukee, Wisconsin. School of Social Development, University of Minnesota, Duluth, MN.

The program was one of twenty included in the National Assessment of Adult Restitution Programs. The report contains three sections:

- Current Operations, describes operations during the program year in which the first site visit occurred (1979);
- Pre-Project History, covers the period of time from original idea for the restitution program until funds first became available;
- Implementation covers the period of time from initial funding until beginning of the current program year. The focus is on change, change from pre-history expectations and change during implementation.

The restitution project operated by Financial and Debt Counseling Services (F&DCS) is located in Milwaukee, Wisconsin, and serves Milwaukee County. Offenders are referred to this non-residential project primarily by corrections agents but also by the courts and the district attorney's office. Staff of the project make an initial assessment of the offender's ability to make monetary restitution and report this back to the referral source; this is only an assessment of ability to pay, however, and does not involve a determination of restitution amount which is decided by the referral source. If restitution is ordered with payment through F&DCS, project staff become involved in monitoring compliance with the requirements and in providing financial and debt counseling services. Offenders served are largely misdemeanor types who have committed offenses such as forgery, issuing worthless cheques, fraud, and non-support. The fourth and final year of Law Enforcement Assistance Administration (LEAA) funding was 1979. Due to funding difficulties at both the state and local level, project operations were subsequently seriously curtailed. The agency focus on offenders with restitution requirements has been gradually phased out.

426

Novack, S., Galaway, B., & Hudson, J. (1980). Victim and offender perceptions of the fairness of restitution and community-service sanctions. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 63-70). Lexington, MA: Lexington Books. Also reported in National assessment of adult restitution programs:

Preliminary report 11, School of Social Development, University of Minnesota, Duluth, MN. 1980.

Two primary objectives were set for this study: First, to present the results of findings about the perceptions toward the fairness of financial restitution and community service sanctions; second, to explore among offenders and victims the extent to which contact between the parties was seen as desirable in the offender's disposition. Nineteen individual restitution projects operating at different points in the criminal justice system were the focus of the study. A mailed questionnaire was sent to a sample of victims and offenders who were involved with financial or community service restitution programs. Areas covered in the questionnaires included: perceptions of victims and offenders toward the fairness of the restitution sanction; the desirability of offender/victim contact; offender perceptions about the usefulness of the community service experience; and offender victim choice of sanction for the crime committed. Study samples were drawn from program admissions for a three month period.

Major findings were:

- A total of 1,012 questionnaires were mailed; 661 went to offenders and 351 to victims. The overall return rate was 34%. The average return rate for offenders was 30% and the average return rate for victims was 43%.
- The offenders responding were primarily young, white males. The majority of cases involved property crimes against businesses. Thirty-five percent of the victims were owner-operated businesses.
- The majority of offenders and victims indicated that they would want to meet with the other party to determine program requirements. In six of the seventeen projects surveyed, 90 or more of the offenders would have preferred to meet with their victim. Only a small proportion of offenders and victims actually had met with the other party to determine program requirements.
- Offenders who had participated in projects at the diversion level and who had requirements of both financial and community service restitution were proportionately more satisfied with their overall treatment. The largest proportion of offenders dissatisfied with their overall treatment by the court were those incarcerated and having requirements of monetary restitution. The degree of victim satisfaction was less than that for offenders across all projects. As with offenders, victims were most satisfied with the offender's overall treatment when the offender had been required to complete both financial and community service restitution, either at the pretrial or incarceration/work release level. Victims having the least favorable attitudes came from projects at the probation level.
- The majority of offenders and victims thought that the offenders' monetary restitution requirements were fair. Most (79%) of the offenders thought that their community service requirements are fair.
- With regard to offenders rating their community service experience as relatively useful, 31% responded that it was very useful, 40% defined it as useful, and 29% thought that it was of little or no use.

427

O'Hearn, P. J. T. (1975). Restitution and compensation and fines. Ottawa Law Review, 7, 309-315.

A discussion of the Law Reform Commission of Canada Working Paper on Restitution, Compensation and Fines. The author notes that the working papers emphasize use of restitution as a function within the formal legal process and largely exclude any discussion of the use of restitution within a pre-trial settlement or conciliation situation. Further, the point is made that many offenders do not have the financial means to make restitution for the harm caused. The existing Canadian statutes having to do with restitution are reviewed and discussed.

428

Office of Juvenile Justice and Delinquency Prevention (OJJDP). (1978). Legal issues in the operation of restitution programs. In Program announcement: Restitution by juvenile offenders--An alternative to incarceration (Appendix II). Washington, DC: U.S. Department of Justice, Law Enforcement Assistance Administration.

Legal issues arising out of the design and operation of restitution programs are discussed along with suggested guidelines. Issues discussed are those arising out of the program's location in the criminal justice system, the method of determining the restitution amount, the scope of the restitution, and the method and enforcement of the restitution order. Author suggests restitution should be court ordered in juvenile cases; amount of restitution should be based on ability to pay; and offender should only be responsible for direct losses to ensure that rights provided by the fifth, thirteenth, and fourteenth amendments are upheld.

429

Office of Juvenile Justice and Delinquency Prevention (OJJDP). (1978). Juvenile restitution. In Program announcement: Restitution by juvenile offenders--An alternative to incarceration (Appendix I). Washington, DC: U.S. Department of Justice, Law Enforcement Assistance Administration.

This paper outlines the meaning of restitution within the criminal and juvenile justice process, and briefly discusses its historical development. The rationale for restitution programs is presented along with a review of evaluation efforts, related research, and problems of implementation. The paper considers the proper use of restitution in terms of program location; offender and victim types; monetary versus service restitution; full or partial restitution; relationship of the victim to the program; involvement of the offender and victim in the program; scope of restitution; the combination of restitution and other penalties; enforcement; and termination of the restitution process.

430

Oloruntimehin, O. (1982). The victim in the criminal justice system--The Nigerian case. In H. J. Schneider (Ed.), The victim in international perspective (pp. 403-409). Berlin: Walter de Gruyter.

The role of the victim in crime detection, diversion, and criminal procedures is discussed. The criminal law in Nigeria is a legacy of colonialism with a focus on punishment of the offender rather than compensation for the victim and is often in conflict with the traditional social norms of the country. Traditional social norms require the offender and his or her extended family to take concrete steps to minimize the suffering experienced by the victim. Court facilities requiring victims to travel long distances to participate in formal criminal justice, distrust of the police, and lack of skilled prosecutors all work to discourage victim involvement with the formal administration of justice. Many victims prefer to reach informal settlements with their offenders which are often facilitated by elders.

431

Ong'ondo, S. (1982). The role of the victim in the criminal justice system: A comparative study of the modes of treatment of offenders under African and English Law. In H. J. Schneider (Ed.), The victim in international perspective (pp. 410-422). Berlin: Walter de Gruyter.

Kenya has a strong customary law on which a formal criminal justice system modelled after the English has been overlaid. The customary law stresses restoring victim losses and maintenance of harmony within the community, whereas the more formal legal system stresses rehabilitation and education of the offender although the institutions to accomplish this are inadequate. In Kenya mistrust of the police, great distances to police stations and courts, and the fact that the majority of judges are non-Kenyan work as deterrents to reporting crime. There is less incentive to the victim to report crime under the English-influenced formal legal system than to report crime under the customary law. Public policy is to phase out traditional modes of settlement in favor of the formal English-influenced law, although settlements continue to happen on an informal basis.

432

Oreder, D. L. (1985). Evaluation of the Victim-Offender Mediation Process with Juvenile Offenders. Masters of Social Work project, California State University, Fresno, CA.

An after-only study of 50 adult victims and 84 juveniles who had participated in victim-offender mediation in Wichita, Kansas between September 1981 and March 1983. The study group was the entire population. Data was collected by questionnaires completed by participants immediately after the mediation sessions. The most frequent offenses were felony level burglary, theft, and vandalism. The purpose of the study was to

compare victim and offender attitudes. Both victims and offenders reported that, prior to the meeting, they were optimistic that the face-to-face encounter would be helpful, although offenders were slightly more optimistic than victims (offenders' scores were 4.05 compared to victims' scores of 3.52 on a 5 point optimism scale with 5 being high). Both victims and offenders reported high satisfaction with mediation and generally perceived the other party as also being satisfied. Victims reported that they were comfortable with the meeting (score 4.24 on a 5 point scale) but they tended to perceive the offender as less comfortable (3.22 on a 5 point scale). Offenders tended to perceive the victims as more comfortable than themselves; they gave victims a 3.57 on the comfort scale and reported their own mean comfort as 3.45 (with 5 being high). Both victims and offenders reported that the meeting resulted in an increase in their respect and regard for one another as people.

433

Otmar, H., & Sessar, K. (1988). Coping prozesse bei Opfern schwerer strastaten: Vorstellung eines forschung designs [Coping processes of victims of serious crime: Presentation of a research design]. In G. Kaiser, H. Kury, & H. Albrecht (Eds.), Kriminologische Forschungsberichte: Band 35. Kriminologische Forschung in den 80er Jahren [Criminological Research Reports: Vol. 35. Criminological Research in the 80's] (pp. 983-1011). Freiburg, Germany: Max-Planck Institute.

This article describes the theoretical and methodological background of a study on coping processes of victims of violent crimes or burglary. The experience of victimization leads to psychological imbalance connected with stress. Most criminal attacks can be interpreted as destroying the victim's identity to a differently strong extent depending on the type of crime and situational circumstances. To return to psychological stability the individual uses different problem-focused and emotion-focused coping strategies. In this respect coping behavior is also directed to clearing up the relationship between victim and offender, though firstly on behalf of the victim. However, if an individual appraises a more passive way of dealing with the coping problem adequately (avoidance, minimization, distancing, denial or selective forgetting), acceptance for restitution/mediation-models in his or her personal case cannot be presumed, as this procedure conflicts with the coping strategy.

434

Oxley, P. (1979). Payment of reparation orders. Wellington, NZ: New Zealand Department of Justice.

A six to eight month follow up study of 828 restitution orders entered by New Zealand Courts. Sixty-six percent of the restitution had been paid in full. Enforcement action was required for 29% (159) of the cases in which restitution was fully paid. The most frequent enforcement action was extension of time for payment (61 cases).

435

Pacific Institute for Research and Evaluation. (1985). Guide to juvenile restitution. Lafayette, CA: Author.

This manual is designed to guide decision making pertaining to the development, implementation, and management of juvenile restitution programs without telling users what decisions to make. Decision making options are portrayed, based upon the experiences of existing juvenile restitution programs. The guide opens with a discussion of the most fundamental decisions: program philosophy and goals, organizational structure, location within the juvenile justice system, and the target population. Restitution program models are then described. They include the financial/community service model, which is oriented toward offenders being financially accountable for their offenses and performing community service; the victim-offender mediation model, which focuses on victim-offender reconciliation; and the victim reparations model, which has offenders compensate their victims for financial losses resulting from the crimes. In providing guidance to program implementation, the manual addresses community support, staffing, caseloads, the management of restitution payments, the use of volunteers, the development of a management information system, and the preparation of forms and written materials. A major section is devoted to the development of management information systems for restitution programs as well as designs for continuing evaluation that serves the informational needs of the program. The final section of the guide contains an assortment of papers on resources available for restitution programs.

436

Palmer, J. W. (1974). Pre-arrest diversion: Victim confrontation. Federal Probation, 38(3), 12-18.

Under the authority of prosecutor's discretion, the Columbus Night Prosecutor's Program has developed a workable system of pre-arrest diversion of interpersonal disputes which result in criminal offenses, reports Professor John W. Palmer of Capital University Law School. During the latest fiscal year discussed, approximately 6,000 criminal cases were diverted out of the criminal justice system prior to the participants' being formally involved in the criminal process. In lieu of arrest-booking-trial, an administrative hearing is scheduled between the parties based upon the concept of "victim confrontation." Less than two percent of the cases result in the filing of formal criminal charges, and less than three percent return on the same or similar conduct. In effect, the program has been successful in assisting individuals who must come into contact with each other in the future to resolve their problems and avoid criminal conduct.

437

Parliamentary All-Party Penal Affairs Group. (1984). A new deal for victims. London: The Group

Contains recommendations by the Parliamentary All-Party Penal Affairs Group on reparation by offenders in Great Britain. It examines the existing sentencing law and practice, proposes the use of a mediation panel which would aim to reach agreement between victim and offender on reparation. Lists means by which offenders can be required to perform the agreed reparation. Discusses victim support and compensation schemes. Recommends that a range of experiments should be developed, which between them employ reparation directly to the victim or in the form of community service at a variety of points in the criminal justice process. Also recommends that these experiments should be closely monitored and evaluated and the findings used to assist the development of reparation into a central feature of the criminal justice and penal systems. During the experimental period, the Home Office should be prepared to finance such schemes with a 100% grant. It should be a clear long term aim of penal policy to make reparation a central part of custodial, as well as non-custodial sentences. The Home Office should establish a system of central government grants to approved victim support schemes similar to its grant systems to organizations managing after-care hostels and other resettlement services for offenders. The Home Office should make a feasibility study of alternative ways of providing a comprehensive system of compensation for loss or damage resulting from crime and, as a first step, publish a consultative paper inviting comment on the alternative options. There should be a wide ranging official review of the rights and needs of victims of crime and their position in the criminal justice process.

438

Pate, K. (1990). Victim-young offender reconciliation programs in Canada. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

A review of the use of victim offender reconciliation programming (VORP) as one of the alternative measures (diversion) under the Canadian Youth Offender Act. Discussion focuses on eligibility criteria, referral processes, variations on a reconciliation model, follow-up and evaluation, programming trends, and administration of the VORP programs.

439

Pate, K. J. (1988). Face-to-face: Victim offender mediation under the Young Offenders Act. In J. Hudson, J. P. Hornick, & B. A. Burrows (Eds.), Justice and the young offender in Canada (pp. 105-122). Toronto: Wall and Thompson.

Describes the operation of victim-offender reconciliation programs under the alternative measures provisions of the Canadian Young Offenders Act. The significant components of such programs are identified as financial restitution, community service, and victim-offender involvement. Along with the rationale for this type of program, the relative extent of its popularity across the country and the implications held for policy and programming under the Act are examined.

A number of significant issues must be addressed if such programs are to operate efficiently, effectively, and equitably. These include the need to clarify program objectives, receiving appropriate referrals (especially in terms of cases that would, in fact, be prosecuted and cases in which there is an individual victim), securing victim willingness to participate, and lodging programs in private agencies as compared to governmental agencies.

440

Patterson, M. (1978). The Oklahoma Department of Corrections restitution program. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 179-183). Lexington, MA: Lexington Books.

Describes a statewide accounting system designed to collect financial restitution from probationers.

441

Peachey, D. (1989). Restoring justice: Rhetoric, reality, and redress in mediation. In D. Pruitt & K. Kressel (Eds.), The mediation of disputes: Empirical studies in the resolution of social conflict. San Francisco: Fossey-Ross.

The concept of restorative justice includes retribution, restitution, compensation, and forgiveness. Restorative justice is significant for mediators dealing with situations where damages have already been done and one or more parties see themselves as victims of an injustice. Because mediated settlements must be mutually agreeable to the disputants, mediation does not lend itself to situations where someone desires retribution. The incompatibility between mediation and retribution can be a major reason why mediation services are under-utilized by disputants and persons who are in a position to refer cases to mediation. To deal with this problem, mediators need to understand the variables that give rise to an orientation toward restorative justice in a given situation. Survey data gathered from interviews with 140 crime victims suggests that justice orientations of people who have been victimized is shaped by their relationship to the offending party, the perceived reason for the offense, and the nature of the offense. Repayment and compensation are preferred over retribution in situations involving property damage. Retribution was a more frequent response in casual relationships or when the offending behavior was attributed to the character of the offender. Mediators may be able to shift disputants' orientations away from retribution by helping the parties understand the reason for each other's behavior. Mediation, however, may only achieve widespread acceptance as a process for restoring justice when alternatives to retribution gain greater public acceptance.

442

Peachey, D. E. (1989). The Kitchener experiment. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 14-26). London: Sage.

The original victim offender reconciliation program (VORP), Kitchener, Ontario, was established in 1974 by the Mennonite Central Committee in cooperation with a local probation officer who was also a Mennonite. The program grew rapidly until 1981 but has since been in decline. Two factors may account for the decline. A 1982 court decision prohibited courts from delegating responsibility for deciding the amount of restitution. Restitution negotiated through a VORP arrangement would have to go back to court for approval, which judges disliked because of the additional hearing, or would have to be accomplished between adjudication and sentencing which was also unpopular with judges, many of whom wish to sentence at the time of adjudication. A second factor was that with the establishment of additional services by the Mennonites Central Committee, VORP moved outside of the probation office to a broader based victim program which may have resulted in some lack of credibility on the part of judges and lack of contacts with corrections.

443

Peachey, D. E. (1986). Restorative justice in criminal conflict: Victims' and observers' perspectives. Dissertation Abstracts International, 47, 4343B. (University Microfilms No. DA05-59594)

Distributive justice is concerned with defining and preventing an injustice. It does not deal with how to address a wrong once it is committed. This is the domain of restorative justice; retribution, restitution, compensation, and forgiveness are four ways of restoring justice following an injury or damage. Selection of a preferred approach for restorative justice may be influenced by characteristics of the offense, perceived characteristics of the offender, perspectives of the victim, relationship between the victim, offender, and environmental stress. Personal interviews were held with 140 victims of crime in the Waterloo, Canada area; the victims were known through a victim services agency, were contacted by a staff member of the agency, and agreed to participate in the research. Thirty-six were victims of personal injury or violence, 28 victims of breaking and entering, and 76 were victims of domestic assault. Twenty were male; 152 were female. The nature of the offense, victim's relationship to the offender, and perceived motive or cause of the offender's behavior affected the victim's perception of justice. Victims preferred restitution or compensation to other forms of justice when they had lost property or material goods. Retribution was most likely to be preferred when victims knew the offender casually; when the offender was a stranger, victims were oriented towards compensation. Those victimized by intimates were divided between retribution and concern for the offender's rehabilitation. Victims also preferred rehabilitation when the cause of the offending behavior was seen as something external to the offender. A second study explored the justice orientations of third party observers in an experimental setting. Thirty-six males and 24 females from an introductory

psychology class observed a videotape portrayal of a woman describing her experience as a break and enter victim. Subjects were randomly assigned to conditions that varied the alleged relationship between the victim and offender and the possible cause of the offender's behavior. Subjects rated restitution and compensation as the most just response to property loss. Observers favored retribution when the offense was committed by a stranger with an external motivation; for acquaintances, observers favored retribution for internally motivated offenders and preferred rehabilitation for the offender with an external motivation. Victim-blaming by the observers occurred only when the victimization occurred at the hands of a stranger and when there was no apparent motivation for the behavior. The clear message from both victims and observers is that for property-related offenses, restitution and compensation are the preferred forms of justice.

444

Peak, K. (1986). Crime victim reparation: Legislative revival of the offended ones. Federal Probation, 50(3), 36-41.

The historically changing fortunes of crime victims is traced, with emphasis placed upon the attitudes toward crime victims by various cultures, levels of government, legislators and the police. Compensation programs reflect a revival of concern with crime victims and these presently exist in 43 American states. Additional research is needed.

445

Pearce, W. N. (1979, September). The Iowa Juvenile Victim Restitution Program. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the history, implementation, and current status of the Iowa Juvenile Victim Restitution Program.

446

Pease, K. (1980). The future of the community treatment of offenders in Britain. In A. E. Bottoms & R. H. Preston (Eds.), The Coming penal crisis: A criminological and theological exploration (pp. 137-155). Edinburgh, Scotland: Scottish Academic Press.

the rehabilitative ideal in the treatment of offenders is dead in theory but still expected to adversely influence penal policy in such matters as the inscrutability of the parole process and the use of discretion in deciding the length of imprisonment. However, there are trends toward a new model of penal policy which views the offender as the party responsible for the committed crime and recognizes the role of the penal system in meting out just punishment. the implementation of this new ideal will not result in harsher sentencing since imprisonment will no longer be justified by the need for treatment (as in the rehabilitative ideal). the use of noncustodial sentences (i.e., fines, community service orders, and reparation), which are more cost effective than

imprisonment, will be preferred. However, even though the trend toward such measures as reparation is strong, their full use will involve restructuring the penal system to combine findings of guilt with the assessment of damages, which is not feasible in the near future. In the meantime, other means (such as insurance schemes) should be explored.

447

Peat Marwick and Partners. (1986). Fact book on restitution programs in Canada. Ottawa: Department of Justice, Policy, Programs and Research Branch.

The Department of Justice Canada engaged the Ottawa office of Peat, Marwick and Partners in December, 1985 to develop Fact Books on the current program use in Canada of three community-based alternatives to sentencing: Fine Option Programs, Community Service Order Programs and Restitution Programs. This document addresses the use of Restitution Programs across Canada. Major findings are that a formal restitution program is currently operating province-wide only in Saskatchewan. A restitution "process" with formal policies and/or procedures is operating in Prince Edward Island, Quebec, Ontario, Manitoba, Alberta and the Yukon Territory. A third type of restitution "program," without any formal policies and/or procedures is operating in Newfoundland, New Brunswick, Nova Scotia, British Columbia and the Northwest Territories. A restitution program "Needs Study" and an "Impact/feasibility Study" are currently in progress in Newfoundland and the Northwest Territories. Victim/offender Reconciliation Programs have been implemented in Ontario and British Columbia.

448

Perlman, A. J. G. (1964). Compensation and restitution in the criminal courts (Part 1). The Solicitors' Journal, 108, 663-664.

An outline of the principal powers available to the criminal courts of Britain to order monetary restitution and return of property. Statutes reviewed include: Forfeiture Act, 1870; Criminal Justice Act, 1948; Criminal Justice Administration Act, 1914; Malicious Damage Act, 1861; Larceny Act, 1861.

449

Pilon, R. (1978). Criminal remedies: Restitution, punishment, or both? Ethics, 88, 348-357.

The author comments on an article by R. E. Barnett (Restitution: A new paradigm of criminal justice. Ethics 1977, 87:4, 279-301). The author examines the theoretical aspects of Barnett's argument. In particular he questions how thoroughgoing this "paradigm shift" really is. Second, he examines whether we can do away with punishment, as Barnett suggests--indeed, whether his proposal captures the whole of what is at issue in the criminal transaction. Finally, after setting forth a more complete account of that

transaction, the author develops a brief argument in support of what he takes to be the proper remedy for crime: restitution and punishment.

450

Pilot Alberta Restitution Centre. (1976). Progress report: The Pilot Alberta Restitution Centre, September 1, 1975--February 29, 1976. Calgary, AB: Pilot Alberta Restitution Centre.

The origin of the Pilot Alberta Restitution Centre is discussed. Project operations are described along with a few case examples. Data is presented for the reporting period. There is also a discussion on problems in the mediation process. (Also see: "Final report: The pilot Alberta restitution centre, by Joan Swanton, undated.)

451

Police Foundation. (1986). Restitution and community service. Washington, DC: Police Foundation.

While not a new concept, the development of new methods for restitution is providing sentencing alternatives to fines, probation, or imprisonment.

452

Posner, A. K. (1984). Victim impact statements and restitution: Making the punishment fit the victim. Brooklyn Law Review, 50(2), 301-338.

Using three sets of criteria, this paper analyzes the Victim and Witness Protection Act of 1982, which authorizes victim impact statements and restitution in Federal cases, and proposes a change in the standard of proof used in the law.

Although the victim impact statement and restitution provisions of the law focus mainly on the victim, they also retain procedural protections for the defendant. The statute is constitutional under the fifth, seventh and eighth amendments. It is constitutional for a judge, rather than a jury, to determine restitutionary issues. The authorization of a monetary sanction with no express maximum, which may also be a condition of probation or parole, does not violate the eighth amendment. However, the standard of proof and assignment of burdens of proof may make the restitutionary provisions ineffective, when taken together with the mandate against prolonged and complicated hearings. The standard of proof and the burden of persuasion should be changed to favor the victim.

453

Priestly, P. (1979). Victims, the key to penal reform. Christian Action Journal, England.

Both incremental prison reformers and prison abolitionists miss the point that prisons do not serve rational but rather symbolic purposes of defining behavior boundaries, of articulating an account of good and evil, and of promoting social cohesion. Penal reform cannot be accomplished through rejection of these social functions, but by seeking symbolic rather than rational substitutes for imprisonment; one possible area of interest lies in the relationship between offenders and victims. The present system of isolating victims from the criminal justice process results in victim resentment at being uncompensated and ignored, a constituency in society which identifies with this resentment and often calls for punitive actions against offenders, and offenders frequently feeling resentment because of the painful and pointless treatment they frequently receive. One way to bring about reform and intervene in this cycle of resentment is to provide opportunities for offenders to take responsibilities for restoring victim losses including opportunities for direct interaction between offenders and victims.

454

Priestly, P. (1970, January). What about the victim? National Association for the Care and Resettlement of Offenders, Regional Information Paper. England.

Summary report of the Bristol Victim-Offender group, a broadly based group which met in 1969 and 1970 to reconsider the "collusion" of silence, regarding victim roles in criminal justice. Problems of victim neglect, victim stigma, and the isolation of the offender from the consequences of illegal behavior were noted. The criminal justice system needs to become more personalized with both offenders and victims responded to as people, not roles. Processes should be established whereby the offender can make reparations to the victim and whereby the possibility of positive feelings between offenders and victims can be developed.

455

Prime, T. (1971). Reparation from the offender, I & II. The Solicitors' Journal, 115, 859-861, 880-881.

This article was published after the report by the Advisory Council on the Penal System, "Reparation by the offender," but before the Powers of Criminal Courts Act 1973. The author examines existing powers of the court under British Law to award reparation. These laws are found to be too complicated, unclear in some respects, and scattered under different statutes. The result is that all too often the victim goes uncompensated. The proposals for reform made by the committee are discussed and advocated.

456

Probation and compensation. (1960). Probation and compensation. Justice of the Peace and Local Government Review, 124, 821.

Describes an English case in which an offender was sentenced to probation and ordered to make restitution (compensation). The probation order was subsequently violated and the offender sentenced to prison. The restitution should remain in effect even though the probation order had ceased because the restitution order was separate from the probation order. There is no specific statutory provision for putting an end to an order for the payment of restitution (compensation).

457

Purchase, G. E. (1976). Reparation by the offender. Justice of the Peace, 140, 484-486.

Author examines reparation by the offender from a legal standpoint in Britain. Topics covered include: historical development; the present powers of magistrates' courts; the role of defense, and form of sentence.

458

Raue, C. H. (1978). Victims' assistance program. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 173-177). Lexington, MA: Lexington Books.

The Victims' Assistance Program in Rapid City, South Dakota, is described; adult felons and misdemeanants are ordered to make restitution, primarily as a condition of probation.

459

RCMP Gazette. (1978). Dauphin restitution committee. Royal Canadian Mounted Police Gazette, 40(10) 14-17.

Cooperation between the community of Dauphin, Manitoba in Canada and the criminal justice system has been successfully initiated by the Dauphin Restitution Committee.

460

Read, B. (1977). How restitution works in Georgia. Judicature, 60, 322-331.

Describes Georgia's residential and non-residential programs of offender restitution that are regulated by the Department of Corrections/Offender Rehabilitation (DCOR). The fact that every effort is made within these programs to involve the community in the treatment and rehabilitation of local offenders is the core of DCOR's rehabilitative philosophy. Further, the Department realizes that through service restitution, the public offender becomes a community resource rather than a community liability. Offender eligibility, program administration, cost effectiveness, victim involvement, and community reactions to the two types of programs are discussed. Future directions in restitution

programming are also commented on. Georgia's long-range plan emphasizes pretrial diversion programs and a broad range of specialized alternatives to traditional criminal justice sanctions. Also considered important is the formulation of a positive and objective system of contracting with inmates whereby they must earn their release from prison.

461

Read, B. (1977). Restitution as it meets public expectations in Georgia's restitution programs. Paper presented at the 1977 American Correctional Association Congress.

The ways restitution programs in Georgia try to satisfy public expectations for a safe, meaningful, beneficial, and socially useful plan are discussed. The Georgia Department of Offender Rehabilitation currently operates both a residential and non-residential offender restitution program to formalize, refine, and expand the use of payment of compensation by the offender to the victim. To satisfy public demand for safety in the program, offenders are carefully screened by both probation personnel and the district attorney's office. After assignment to the program, the offender is supervised closely and the program personnel can ask that the probation be revoked if cause is found. In Georgia a four-stage screening process has evolved to protect public safety. To make the program meaningful, a penalty is assessed in addition to the actual compensation to the victim. This is individually determined depending on the circumstances of the case. Such a procedure also helps the public perceive the program as beneficial and socially useful. In addition, the positive aspects of the program are publicized in the community through involvement of volunteers, through the participation of offenders in community service projects, and through perception of reduced welfare and incarceration costs resulting from the program.

462

Read, B. (1977). Offender restitution programs in Georgia. Atlanta: Georgia Department of Corrections and Offender Rehabilitation.

A 2-year Law Enforcement Assistance Administration (LEAA) pilot project started in Georgia in 1975 set up a resident offender restitution program. Under this program the courts and parole board may require offenders to make financial restitution to the victims of the crime and/or community service restitution while residing at the centre under close supervision. The program is described in detail. It has proved so popular with judges and parole officers as well as the community at large that the state legislature voted to continue funding after the pilot grant expired. A second program, a nonresident restitution plan for offenders who do not need such close supervision, has been set up under a new 2-year LEAA grant. The target population of the residential centre program includes both probationers and parolees while the nonresident program is aimed at first offenders. The residential program has four centers operating 24 hours a day in "Atlanta, Albany, Macon, and Rome. The core staff of counsellors is supplemented by volunteers; sponsorship of various aspects of the community service program is spread widely among churches, schools, and civic groups. The offender is

required to get a job. The centre supervises the budget. A set amount is put aside each pay period to reimburse the victims. Payments are made either face to face or by mail.

The public likes the idea that offenders are working, taxpaying, and off welfare. Social workers like the fact that there is less family disruption and a more positive approach to punishment. Judges and parole officers appreciate a viable alternative to incarceration. During the first 18 months offenders paid \$126,897 to victims, paid \$241,690 in state and federal taxes, returned \$342,937 to the state in project income (room and board maintenance charges which are included as part of the budgeting process), spent \$431,704 in the community for living expenses, paid \$139,513 in financial support to families, saved \$84,156 for use when released, and contributed 4212 hours of public service work. Cost of the centre for the first year was \$116,000. Cost of incarcerating 30 offenders is \$121.35. Supervision for 30 on parole is \$6150. The concept is not cost-saving if used for those on parole, but is if used for incarceration. To date those released from the centre have had a 66% positive termination rate. Work is underway to expand the concept.

463

Reed, D. E., & Stevens, A. O. (1983). Holding youth accountable: A manual for organizing a community based restitution program for delinquent youth. Chicago: Law Enforcement Study Group.

A manual designed to assist citizens to develop effective responses to youth crime. The model assumes that citizens must be involved and in control rather than abducting this responsibility to professionals. Restitution can meet the criteria of protection of society, rehabilitation of the offender, public expiation of guilt, and punishment. Critical points in operating community based restitution program include intake, restitution plan development, work site placement, monitoring progress, responding to poor performance or failure, and determining success. Issues to be considered in setting up a community based restitution program include determining who is eligible, the form restitution should take, how should the victim be involved in the program, who should organize the program, and what geographical area should the program served. Issues to be considered in operating a community based restitution program include what are the goals of the program, defining the programs relationship with the court, securing funding, determining the number of staff required by the program model, and insuring community safety.

464

Reeves, H. (1989). The victim support perspective. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 44-55). London: Sage.

Victim support and mediation, which is often criminal justice and offender based, are not to be confused. British victim support schemes have been ambivalent about being involved in mediation. Victims do not necessarily desire reparation (mediation is an

ineffective mechanism for this anyway) and do not wish to usurp the authority of the courts, but many victims may feel some satisfaction and psychological benefit of meeting with their offender. The key questions to consider in mediation are victim readiness and the impact the experience may have on crime victims.

465

Reeves, H. (1985). The victim and reparation. World Society of Victimology Newsletter, 4(1), 50-56.

Reparation may have value in its own right rather than as a means to some other end such as avoiding prosecution, avoiding prison, or compensating victims. Defending reparation as a means of compensating victims is dishonest and may be demeaning to victims. Many victims, however, may be interested in receiving an apology from the offender which is a recognition of their emotional loss; victims may also be willing to participate in a program intended to be helpful to the offender. These possibilities should be honestly presented to victims when their participation is sought.

466

Reeves, H. (1984). The victim and reparation. Probation Journal, 31, 136-139.

The notion that reparation serves the best interest of victims is largely unproven and therefore it is important that reparative schemes be developed carefully, with proper appreciation of victims' needs.

467

Reitberger, L. (1965). Restitution of damage caused by an offense. Kriminalistik, 19, 609-611 (In German).

An article appearing in an earlier issue of this journal recommended that mandatory restitution by an offender to his victim or heir should be incorporated in the West German criminal code. It is further recommended that any compensation paid the prisoner by the institution for work performed by him should be used primarily for payment of such restitution. An examination of German law on the matter reveals that in simple cases there is no need for a determination of damage by the criminal court and in complicated cases it is not possible. The greatest difficulty, however, would be presented by the demand that a prisoner's income be attached to pay his victim. Many prisoners do not or cannot work, many earn no more than a minimal amount of pocket money and few earn a sufficient amount which could be used for such a purpose. Should only the victims of offenders who earn sufficient money be compensated? Should the income of all inmates be averaged, in which case little, if any, would be left above pocket money and cost of upkeep? Should moneys for the inmate's family be diverted to the victim and the offender's family placed on welfare? As the total number of inmates of any institution can never earn more than the cost of their institutionaliza-

tion, the taxpayer would ultimately have to cover the cost of restitution. The proposal would face other insurmountable difficulties and is not feasible.

468

Remer, L. (1977). Criminologist for the defense. Human Behavior, 6(12), 57-59.

Several case illustrations of Thomas Gitchoff's work preparing sentencing recommendations for the defense. Gitchoff believes incarceration is usually harmful and typically presents sentencing recommendations calling for community service or restitution.

469

Remington, C. (1982). Restitution can work for serious offenders. Change: A Juvenile Justice Quarterly, 5(2), 9-10.

Brief description of the Office of Juvenile Justice and Delinquency Prevention funded juvenile restitution project in Ventura County, California. The initial phase of the program involves youth living in a non-secure work release center from which they begin their restitution program; subsequently they move into a community supervision phase and continue the restitution program. Six hundred youth have been served in the project. The project is being evaluated using a field experimental design for which youth going into the project are randomly selected; a control group of similar youth receive traditional juvenile justice processing. Preliminary evaluation results suggest that youth in the juvenile restitution project have a lower in-program reoffense rate than youth in the control group.

470

Remington, C. (1979, September). Evaluation and research: Ventura County Juvenile Restitution Project. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the implementation and current operation of the Ventura County Juvenile Restitution Project as well as the experimental design being used for evaluation.

471

Remington, C. (1979). New slant on restitution. Youth Authority Quarterly, 32(4), 14-18.

A Ventura County, CA, restitution project is described, in which juvenile offenders make financial payments to their victims for losses incurred.

472

Restitution Alternative. (1981). Maine district court--The restitution alternative--Operations and procedures manual. Portland, ME: The Restitution Alternative.

This manual presents step-by-step guidelines for use in the juvenile restitution program associated with the Maine District Court.

473

Restitution and compensation in relation to stolen goods. (1946). Restitution and compensation in relation to stolen goods. The Fortnightly Law Journal, 15, 198-201.

Examines some of the problems involving restitution and compensation as it is used in England. Describes the relevant sections of the criminal code dealing with restitution and compensation and provides case examples to illustrate legal difficulties.

474

Restitution and the criminal law. (1939). Restitution and the criminal law. Columbia Law Review, 39, 1185-1207.

Describes ways in which restitution is used at all levels of the criminal justice system to informally resolve grievances and, to avoid prosecution. The use of restitution within the official criminal enforcement processes is noted as well as a discussion of extra-official restitution (allegedly undertaken by insurance companies to return stolen property) used outside of the criminal justice system to satisfy private losses arising from acts which are still criminal in nature.

475

Restitution by convicted criminals. (1927, October). Restitution by convicted criminals. Law Notes, 31, 124.

Prisoners should be paid wages and required to make restitution to the victims of their crimes. Suggests the advantages of such a scheme and notes that labor unions are the major obstacle to implementation.

476

Rhodes, C. (1980, September). An analysis of the relative effectiveness of the juvenile restitution project. Minneapolis: Walker and Associates.

The Hennepin County (Minneapolis) Juvenile Restitution Project was established to administer monetary restitution and community service restitution sanctions for juvenile offenders. The project provides both unpaid and paid community service placements for juvenile offenders, does loss assessments, makes recommendations regarding restitution

orders, and monitors the restitution requirement when ordered. The project is based on the belief that holding youth immediately accountable for their misbehavior will result in a reduction in delinquent behavior. To assess the effects of the project, a randomly selected group of 102 juvenile clients (one third of all clients) who were admitted to the project during the first eight months of operation (March 1979 - October 1979) were compared to a group of 123 randomly selected juvenile clients (5% of the total) who had received dispositions from the juvenile court in 1978 and to a randomly selected group of 104 juvenile clients (15% of the total) who had received a restitution order from the juvenile court in 1978. An existing automated client tracking system was utilized to do a record check eight months after disposition and to determine the percent of each group which had been found guilty on a new petition offense or who had had their probation revoked for non-compliance. Very small proportions of each group had received probation revocations--four percent of the project sample, three percent of the pre-project general sample, and two percent of the pre-project restitution sample. Eleven percent of the project sample had been found guilty of a new petition offense compared to 22% of the general sample and 33% of the pre-restitution sample.

477

Rhodes, C., & McKinney, M. (1980, July). Survey of victims served by the juvenile restitution project. Minneapolis: Walker and Associates.

The Hennepin County (Minneapolis) Juvenile Restitution Project assists crime victims with access to court proceedings, information, loss assessments, and securing restitution. In May, 1980, telephone interviews were conducted with 53 of the 323 victims who had received services from the project during the first quarter, 1980, a random sample of 101 victims was selected but a response rate of only 53% was secured. The study was conducted as a part of an ongoing evaluation of the Juvenile Restitution Project; 53% of the victims were satisfied with the services provided by the project staff, 32% were not, and 15% offered no opinion. Partly because of court delays, only 17 of the 53 victims had received word as to how the court had disposed of the juvenile offender, and only 16 had received word regarding the court's disposition of their restitution claim. Forty percent of the offenders rated the juvenile court favorably, 34% unfavorably, and 26% had no opinion. The research points to the need to provide more information to victims at the time of a restitution investigation as well as the subsequent phases in the juvenile justice process.

478

Rhyme, R. F., & O'Connor, W. F. (1980). Making restitution work: An historical perspective. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Describes key elements of a restitution program.

479

Rowe-Cornelius, P., & Garman, J. S. (1980, September). Financial and community service restitution for adult misdemeanants--A viable alternative. Paper presented at the Fourth Symposium on Restitution and Community Service, Minneapolis, MN.

A brief description of the alternative sentencing program of Portsmouth, VA, as contributed during a symposium on restitution and community service held during 1980, is presented.

480

Rowley, M. S. (1990). Comparison of recidivism rates for delinquents processed in a restitution diversion program to a matched sample processed in court. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

The Vermont juvenile court diversion program requires juvenile offenders to make restitution to their victims and to the community in the form of unpaid service. Court records were used for a long term follow-up (1981 through 1987) of 60 male 16 or 17 year old diversion participants who were compared to a matched sample of youth who were not diverted. The groups were matched on the variables of sex, age, prior experience with the juvenile justice system and presenting offense. Diversion participants showed significantly less subsequent offending in terms of both incidence and severity.

481

Rowley, M. S. (1986). Does equity even the score? A preliminary investigation of equity mechanisms in the Vermont juvenile division program. Burlington, VT: University of Vermont.

A pilot study to test equity theory propositions that justification will decrease and self esteem will increase for youth who make monetary restitution to their victims. The study group consisted of twelve juvenile offenders; three were ordered to provide monetary restitution to their victims and nine were ordered to render community service. The youth providing monetary compensation were also ordered to provide community service and program staff stress the restitution nature of providing service to the public. A pre-post design was used to collect data on self esteem and justification scales. Justification decreased across all twelve subjects and self esteem increased; no post program difference was found between the group ordered to provide monetary restitution and the group that provided community service.

482

Rubin, H. T. (1988, June). Police administration of juvenile restitution. Paper presented at the International Symposium of Restitution and Community Service Sentencing, Minneapolis, MN.

A survey of law enforcement agencies discovered conflicting policies ranging from the rejection of restitution use due to the lack of formal authority and concerns regarding coercive compliance to an embrace of restitution, both monetary and community service work. Descriptions of three police departments using restitution as a diversion program are presented. Issues with police use of diversion include legal and due process concerns, program management issues, and the need for integration of police programs with juvenile court procedures and sanctions. Restitution diversion is best administered by non coercive community agencies but police departments should assist in the development of this type of program by community agencies. Failing this, law enforcement administration of restitution diversion should continue but under specified safeguards. Benefits to victims and juveniles accruing from restitution diversion are superior to police diversion accompanied only by a lecture or threat of sanction upon a subsequent offense.

483

Rubin, H. T. (1988). Fulfilling juvenile restitution requirements in community correctional programs. Federal Probation, 52(3), 32-42.

Enforcement of monetary restitution and community service sentencing requirements for juvenile offenders is often delayed because of offenders' involvement in day treatment settings, residential care, drug and alcohol treatment programs, or detention. A series of program examples are presented which illustrate that these types of programs can incorporate paid and unpaid work opportunities into their programming to enable the juvenile offender to immediately being complying with restitution or community Service requirements. Juvenile courts should review and make explicit their policies regarding expectations that these requirements are part of the program of juvenile offenders; community placement agencies need to incorporate complying with restitution and community service requirements into their program purposes. Community placement agencies must be aware of the restitution community service requirement; the restitution community service must be appropriate and consistently administered to assist placement agencies to collaborate with fulfillment of these requirements. Placement agencies need to review their insurance coverage for juveniles fulfilling restitution requirements, to review what deductions may be required for restitution from the offenders' earnings, to develop procedures for obtaining restitution monies from juvenile earnings, to develop policy concerning the offenders' retention of a portion of the earnings, and to develop procedures to sanction restitution non-compliance.

484

Rubin, H. T. (1986). Juvenile restitution and the prosecutor. The Prosecutor, 20(2), 41-45.

The eight important stages relating to monetary restitution are (1) notification of victim, (2) receipt of victim claims, (3) review of victim claims, (4) recommendation of a

restitution amount, (5) establishment of the restitution requirement, (6) facilitation of payments by juveniles, (7) enforcement of juvenile defaults, and (8) disbursements to victims. Prosecutors should review the approach and timing of the written notification forms sent to victims. Prosecutors can help to ensure the effectiveness of the notification process by having personnel compile data on loss statements solicited and the number of claims received and by calling attention to low receipt rates. Prosecutors should review victims' claims and clarify the responsibility of juveniles for making restitution. Prosecutors also should encourage job programs to facilitate compliance with restitution requirements and should advocate statutory clarification of the restitution requirement and its conditions. Prosecutors can assist in the development of written policies and procedures for dealing with defaults and for specifying cases in which court reviews should be sought. Finally, prosecutors can aid in the development of policies for deferred payment of monetary restitution and for its disbursement to victims.

485

Rubin, H. T. (1974, January). Exemplary project field report: The Minnesota Restitution Center. Cambridge, MA: Abt Associates, Inc.

Describes the original plan and organization of the Restitution Center Program as well as recent developments in relation to the firing of the director. The report is based upon interviews with program staff as well as published reports on the program.

486

Rubin, S. (1973). Fine and restitution. In S. Rubin, Law of criminal correction (pp. 253-302). St. Paul: West.

A treatise on the Law of Corrections, including sentencing, probation, parole, imprisonment, fines and restitution, and prisoners' rights. In this second edition, the author examines the revival of the eighth amendment prohibition of cruel and unusual punishment and its offspring, the Supreme Court declaration that the death penalty is unconstitutional. The treatise reviews the historical development of the law of criminal corrections, and outlines the sentencing, imprisonment, punishment, probation, and parole processes. The treatment and rights of misdemeanants, felons, and recidivists, as well as youthful and mentally ill defendants, are discussed. The discussion on restitution is not involved with any new legislation to compensate the victim, but with the provisions of existing statutes. There are already laws that provide for restitution to be fixed by the court but not to exceed the loss or damage as established by the prosecution. Restitution for rehabilitation is used to support a healthy attitude by the offender. Often restitution is imposed as a condition of probation, but it is not an authorized sentence unless made so by statute.

Ruddick, R. (1989). A court-referred scheme. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 82-98). London: Sage.

The Coventry Reparation Scheme was one of four pilot schemes funded by the British Government in September, 1985. A grant for the project was received by the West Midlands probation service; the scheme, however, was administered by an independent management committee. The scheme was established to provide victims with an opportunity to express their feelings and views and to obtain information as well as reparation, to encourage offenders to take personal responsibility for their actions, to provide an opportunity for conciliation or reconciliation between the parties, and to provide the court with information prior to sentencing. This scheme uses mediation to facilitate communication between victims and offenders.

During the first two years, 158 referrals were received from magistrates courts, 26 referrals from juvenile courts, and late in the period an extension to crown courts has produced 12 referrals. Referrals have resulted in 69 joint meetings involving 67 offenders and 64 victims; further mediation on a go between basis in an additional 57 cases. Further, 17 offenders carried out a privately agreed upon reparation or compensation agreement. Referrals are usually between the ages of 17 and 24 and most have been involved in the court system previously. The scheme uses full time, paid mediators; the distinction between mediation and counselling may become blurred especially in regard to the time spent preparing parties, especially the offender, for mediation. Follow up interviews have been conducted with victims and offenders, with court user groups, and an effort was made to assess the impact of the agreement on sentencing. Both victims and offenders find the meeting itself more helpful than the practical reparation agreement, there is some indication that the reports to the court may have added additional information resulting in some reduction of sentencing. The project is moving towards addressing the therapeutic benefits of mediation rather than the practical benefits of reparation.

Runk, R. E. (1986). Restitution 1985--An analysis of restitution reported under chapter 965 of the laws of 1984. Albany, NY: New York State Division of Criminal Justice Services.

A law revision in 1984 put the administration of the restitution process under a formal system. Local probation departments usually administer the process. The law also provides for a data collection and reporting system to promote the use of restitution and encourage its enforcement. Data for 1985, the first year after the law's enactment, indicated that 9,809 restitution orders were issued and 4,321 cases were satisfied. Nearly \$11.5 million in restitution was ordered, and \$2 million has been collected by the end of 1985. The data collection process meets the minimum requirements of the legislation.

However, it does not include many data elements. As a result, the data do not permit conclusions about the effectiveness of the restitution process.

489

Samuels, A. (1970). Compensation and restitution. New Law Journal, 120, 475-476.

Recognizes the general ineffectiveness of restitution to reimburse victims and suggests law changes necessary to make the utmost use of restitution.

490

Schafer, S. (1975). The restitutive concept of punishment. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 102-105). Springfield, IL: Thomas.

Traces the history of restitution and proposes the idea of punitive restitution; restitution is to be a part of the penalty imposed upon the wrongdoer and while it may have rehabilitative impact on the offender, it is punishment and not rehabilitation which is seen as the major function of restitution.

491

Schafer, S. (1975). The proper role of a victim-compensation system. Crime and Delinquency, 21, 45-49.

Compensation to the victim of a criminal injury is not effective if it consists merely of financial remedy supplied by the state. It should take the form of punitive restitution; that is, it must come from the offender's resources (either money or service) and it must be part of the criminal court sentence by being tied to whatever reformatory plan is contemplated. Correctional restitution goes a significant step further than compensation by requiring the offender to maintain a relationship with the victim until the victim's pre-Injury condition has been restored to the fullest extent possible. It compensates the victim, relieves the state of some burden of responsibility, and permits the offender to pay his debt to society and to his victim. Thus it makes a contribution to the reformatory and corrective goals of criminal law and finds its proper place in the criminal justice system. Six rationales for compensation programs are identified and all found to be insufficient to justify a public victim compensation program, unless the offender is also involved; the rationales are legal obligation, social welfare, grace of government, crime prevention, political reasons, and anti-alienation.

492

Schafer, S. (1972). Corrective compensation. Trial, 8, 25-27.

The criminal justice system's emphasis on reform and rehabilitation of the criminal has resulted in neglect of the victim. A system of correctional restitution would have three

elements of punishment: protection of law and order, reform of the criminal, and restitution to the victim. The offender would be required to maintain a relationship with the victim until the victim's pre-injury condition had been restored to the fullest extent possible.

493

Schafer, S. (1970). Compensation and restitution to victims of crime. Montclair, NJ: Patterson Smith.

The author states that he has approached his study from two angles in an attempt to serve not only the ideas of victimology, but the tasks of penology as well. Restitution should help not only the victim, but at the same time it should refine the practical concept of punishment. Schafer's approach differs from past solutions in which restitution appeared almost entirely as a criminal retribution. Schafer studies the common past of restitution and punishment and the decline of restitution from a historical perspective. He then covers legislation in various countries of Europe, the Americas, the Middle and Far East, Australia, Africa, and Communist territories. Special emphasis is given to the United Kingdom. Punishment and restitution are examined from the standpoints of restitutive concept of punishment, punitive concept of punishment, and justification of compensation and correctional restitution. Developments in victim compensation to 1970 are examined for New Zealand, the United Kingdom, and the United States. The appendix contains a survey questionnaire that served as a basic starting point for further investigation and statutes on governmental compensation for the states of California, Hawaii, Maryland, Massachusetts, and New York, and a proposed federal bill (S.9).

494

Schafer, S. (1970). Victim compensation and responsibility. Southern California Law Review, 43, 55-67.

Reviews both historical and contemporary programs of compensation and restitution. The author suggests that in those cases where incarceration is not a practical necessity, the reformatory and rehabilitative functions of the criminal law would be enhanced by a system of correctional restitution.

495

Schafer, S. (1965). Restitution to victims of crime--An old correctional aim modernized. Minnesota Law Review, 50, 243-265.

After establishing an historical perspective of criminal punishment and victim restitution, the author proposes a new concept of correctional restitution combining civil law compensation with the medieval notion of composition. "Composition" as used here refers to the medieval punitive approach of "making up" or "making whole." included in the

paper are some results from the author's research into offenders' willingness to compensate victims.

496

Schafer, S. (1965). The correctional rejuvenation of restitution to the victim of crime. In W. C. Reckless & C. L. Newman (Eds.), Interdisciplinary Problems in Criminology (pp. 159-168). Columbus, OH: Ohio State University.

Correctional restitution may be distinguished from civil damages in that while the latter are subject to compromise and are not in every case satisfied by the wrongdoer himself, restitution, like punishment, should always be the subject of judicial consideration in the criminal procedure. Correctional restitution is a part of the personal performance of the wrongdoer, and should even then be equally burdensome, reformatory, and just for all criminals, irrespective of their means and crimes, whether they be millionaires or laborers, murderers or shoplifters. If restitution is unconnected with the offender's personal work, and can be performed from his property or by others, this would help the victim, but would minimize restitution's reformatory-corrective character. On the other hand, if the performance of the restitutive obligation affected the freedom of work of the offender, or even his personal liberty, this would mean the extension of his sentenced punishment. If the offender were at liberty after he had served his punishment, but had to make restitution to his victim through his personal work, restitution would retain its reformatory-corrective character, and could be regarded not as an extension but a part of the sentence.

497

Schmidt, B. (1986). Victim offender mediation: Implementing a collaborative justice model. Masters of Administration of Justice Thesis, Wichita State University, Wichita, KS.

Discusses victim-offender mediation as a collaborative justice model involving both victims and offenders and describes replication of the victim offender reconciliation program (VORP) concept in Wichita, Kansas. Key philosophical issues to be resolved in replicating VORP include determining goals, organizational structure, the point in the criminal justice system in which VORP should intervene, appropriate cases, mediators, and using VORP in multicultural communities. Operational responsibilities in developing a VORP are to determine need and solicit support, developing printed materials, hiring program staff, securing funding sources, developing management information systems, and training VORP mediators. Individual VORPs should be evaluated using both before and after mediation questionnaires with victims and offenders to determine if there has been any attitudinal or perceptual change, as well as using longer term outcome measures which must relate to the goals selected for the individual VORP.

Schmitt, G. R. (1985). Alternative sentencing: A proposed state model. Journal of Legislation, 12, 225-242.

This note discusses court ordered work and restitution as alternatives to incarceration, examines the implementation problems of current alternative sentencing legislation, and proposes a model State law for alternative sentencing.

Schneider, A. L. (1986). Restitution and recidivism rates of juvenile offenders: Results from four experimental studies. Criminology, 24(3), 533-552.

One of the major changes in juvenile justice during the past decade has been the increased reliance on restitution as a sanction for juvenile offenders. Although a great deal has been learned during the past 10 years about the operation of restitution programs, much remains unknown regarding its impact on recidivism rates. This report contains the results from four studies in which youths were randomly assigned into restitution and into traditional dispositions. These experiments were conducted simultaneously in four communities: Boise, Idaho, Washington, DC., Clayton County, Georgia, and Oklahoma County, Oklahoma.

The outcome measures (dependent variables) were:

- Prevalence. Percent of juveniles who committed a subsequent offence which resulted in a referral to adult or juvenile court during the follow-up period. Excluded were incidents where the record indicated the case was dismissed for lack of evidence or the youth was found not guilty; and
- Annual Offense Rate. Sum of all offenses for the group, divided by the time at risk (days), and converted to an average annual average rate per 100 youths.

Results. On the whole, the results show that restitution may have a small but important effect on recidivism. In Washington, D.C. and Clayton County, Georgia, approximately 10% fewer of the restitution group were re-contacted during the follow-up. The annual offense rate of the restitution program cases was almost 10 fewer crimes per 100 youth per year than the controls in these two programs. The differences in these differences were statistically significant.

In Boise, Idaho restitution program youths did better on both measures of recidivism by six percentage points and an annual rate differential of 14 incidents per 100 youths per year. However, these differences were not statistically significance at the .05 level because there were fewer persons in this program than in either Washington, D.C. or Clayton County, Georgia. The study in Oklahoma County revealed no differences among the three groups of sufficient size to merit policy consideration.

These results should not be viewed as inconclusive or as contradictory. Rather, the lesson here is that restitution can have a positive effect on recidivism, but it does not necessarily have this impact under all circumstances.

The reasons for the success of restitution in reducing recidivism--in those instances when it was successful--remain a matter of speculation and theory. As with any effective intervention, it is reasonable to assume that the intervention must have an impact on one or more variables which influence delinquency. And, since the restitution intervention was directed primarily at the juvenile (rather than his or her parents, friends, or neighborhood), it is reasonable to believe that the effect is transmitted through changes in the juvenile's perceptions or attitudes which, in turn, alter behavior. However, not all programs will be able to achieve this effect, either because of program management and strategy, community circumstances, or other factors.

Youths in the restitution groups never had higher recidivism rates than those in probation or detention conditions. In two of the four studies, the juveniles in restitution clearly had fewer subsequent re-contacts with the court during the two-to-three year follow-up.

500

Schneider, A. L. (1985). Fundamental decisions in restitution programming. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 7-18). Washington, DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

Fundamental decisions regarding program goals and philosophy, organizational sponsorship, relation to other sanctions, target population, program components, and victim roles will influence a program's environment and guide its overall operations. Decisions about goals and philosophies are frequently made among holding juveniles accountable, providing reparations to victims, treating and rehabilitating juveniles, and punishing juveniles. Choices about organizational placement include with probation, as a part of private organizations, or court operated but separate from probation. Decisions must be made about where restitution falls within the juvenile justice system and its relationship to other sanctions.

501

Schneider, A. L. (1985). Evaluating restitution. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 121-133). Washington, DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

Programs must be accountable to the public, but the program manager should be the first to know whether the program is effective and to suggest ways to improve. Evaluation planning involves determining the purpose of the evaluation, identifying the data needed, developing a design for data collection and analysis, and implementing the evaluation plan. Evaluation can be undertaken to meet information needed by external constituencies or for internal diagnostics which means providing information necessary

for the program manager to improve performance. Performance measures may include cost per case, successful completion and program recidivism rates, number and seriousness of referrals, amount of restitution paid, and proportion of victim loss which is repaid. Some performance measures are offender-based indicators and others are victim-based indicators. Data analysis and reporting may involve judgement and experience in which information is provided but is not compared against any standard and simply interpreted using judgement and experience; information can be reported to compare actual program experience with management objectives; comparisons can be made with other standards, such as past performance, comparisons with concurrent programs, internal comparisons within a restitution program. Information can be reported to assess the cost benefit of the program; evaluation can also be used to test causal relationships between the restitution program and particular performance measures.

502

Schneider, A. L. (Ed.). (1985). Guide to Juvenile Restitution. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

A guide, drawing heavily on the experiences of the Office of Juvenile Justice and Delinquency Prevention (U.S.) Juvenile Restitution Initiative, prepared to assist groups and individuals planning to establish a juvenile restitution program. Juvenile restitution refers to monetary restitution, community service restitution, or both. Materials identify fundamental planning decisions, conceptualize different models for juvenile restitution programs, discuss matters to be addressed in implementing juvenile restitution programs, development and use of management information systems, procedures and questions to be addressed in evaluating juvenile restitution, provides a summary of current research findings, conceptualizes legal issues to be addressed in juvenile restitution programs, discusses employment components which may be incorporated in juvenile restitution programs, and identifies possible sources of federal assistance for juvenile restitution programming.

503

Schneider, A. L., & Schneider, P. R. (1985). The impact of restitution on recidivism of juvenile offenders: An experiment in Clayton County, Georgia. Criminal Justice Review, 10(1), 1-10. Also Eugene, OR: Institute of Policy Analysis, 1984.

Juvenile offenders from Clayton County, Georgia (a suburb of Atlanta) who were 13 years of age or older, had been convicted of an offense with a demonstrable loss, had not been convicted of murder, attempted murder, rape, or attempted rape, did not have serious drug or alcohol problem, and were not mentally retarded or emotionally disturbed were randomly assigned four treatment strategies--restitution, mental health counseling, restitution and mental health counseling combined, a control disposition which would consist of the normal disposition to be used. Seventy eight percent of this latter group were placed on probation, five percent were incarcerated, and the balance received some other disposition. Youth from the restitution group were ordered to do monetary

restitution or do community service; service restitution was the most common involving 60% of the youth. The counseling consisted of being assigned to a mental health therapist for a diagnostic session followed by treatment. The restitution group was monitored by restitution workers and were under supervision for an average of 3.5 months; the counseling group was monitored by probation officers and were under supervision for a period of 5.6 months; the restitution plus counseling group were monitored by restitution officers and were under supervision for 5.8 months.

Data on pre and post offending were secured and standardized to a rate of offenses per 100 youth per year; the rate of offending for the restitution group was reduced by 26 offenses per 100 youth per year and reduced for the counseling and restitution group by 8 offenses per year; offending rate for the counseling only group increase by 20 offenses per 100 youth per year and remained unchanged for the control group. The restitution groups had lower recidivism rates than those given more traditional juvenile court dispositions; restitution works quite well on its own and does not need to be combined with mental health counseling.

504

Schneider, A. L., & Schneider, P. R. (1984). A comparison of programmatic and 'ad hoc' restitution in juvenile courts. *Justice Quarterly*, 1, 529-548.

A group of Dane County (Madison) Wisconsin juvenile offenders ordered to make restitution as a condition of probation were randomly assigned to two groups -- one group an ad-hoc restitution group (86 cases) for which the restitution requirement was monitored and enforced by a regular probation officer as part of probation work and a second programmatic restitution group (165 cases) under the supervision of staff referred to as restitution counsellors who focused specifically on completing the restitution requirement. Ninety-one percent of the programmatic restitution group completed all requirements and were successfully discharged compared to 45% of the ad-hoc restitution group; 88% of the programmatic restitution group paid all restitution ordered compared to 40% of the ad-hoc restitution group. The mean amount of victim loss of the programmatic restitution group was \$1,119; the mean ordered was \$215, and the mean paid was \$197. For the ad-hoc restitution group the mean victim loss was \$1,350, the mean amount ordered was \$225, and the mean amount paid was \$152. Groups were followed for three years with comparisons made between those who had successfully completed restitution and those who did not on the recidivism measure of referral to either adult or juvenile court for a new offense.

Forty percent of the offenders who successfully completed restitution had no referrals to adult or juvenile court compared to 20% of the youths who failed to complete restitution; 34% of the unsuccessful youths had four or more juvenile or adult court contacts within the three year period, compared to 22% of the successful juveniles. A pre-post comparison of offense rates (standardized to number of offenses per 100 youth per year) was made for both groups. The pre-offense rate for youths who did not successfully complete the restitution requirements was 140 compared to 104 for the post-

offense rate which results in a reduction of 36 offenses per 100 youth per year. The rates for the offenders who successfully completed the restitution requirements were 122 pre compared to 72 post, a reduction of 50 offenses per 100 youth for year. Focusing on the restitution requirement as a condition of probation will result in increased completion or restitution requirements; successful completion of restitution appears to have a positive impact on recidivism.

505

Schneider, A. L., & Schneider, P. R. (1984). Effectiveness of restitution as a sole sanction and as a condition of probation--Results from an experiment in Oklahoma county. Eugene, OR: Institute of Policy Analysis.

Oklahoma county was selected because its approach to restitution emphasized accountability and individual responsibility by the offender and because they were one of only a handful of courts interested in using restitution as sole sanction rather than as a condition of probation. The experiment involved comparisons among three groups: sole sanction restitution, restitution and probation, and a control group comprised of juveniles who were on probation but for whom no restitution requirements were made. The results of the experiment indicate that youths who were given restitution as a sentence, without the usual probationary requirements or supervision, were generally as successful in completing the restitution requirements as were those who also participated in a probationary program. Furthermore, the results showed that there were no differences in recidivism among the three groups which indicates that restitution, when imposed as a sole condition on the delinquent, is no more and no less effective than probationary requirements.

506

Schneider, A. L., & Schneider, P. R. (1980). An overview of restitution program models in the juvenile justice system. Juvenile and Family Court Journal, 31, 3-22.

Seven general models of juvenile restitution programs are described using the variables of major organizational goals and purposes, types of restitution, scope of eligibility, development of restitution plan, offender services, victim services, and source of control. The models are illustrated with examples from juvenile restitution programs participating in the Office of Juvenile Justice and Delinquency Prevention funded Juvenile Restitution initiative.

507

Schneider, A. L., & Schneider, P. R. (1980). Policy expectations and program realities in juvenile restitution. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions. Lexington, MA: Lexington Books.

Describes the implementation of the Juvenile Restitution initiative funded by the Office of Juvenile Justice and Delinquency Prevention and examines factors contributing to the difficulties experienced by projects in implementing restitution.

508

Schneider, A. L., Schneider, P. R., & Bazemore, G. (1981). In-program reoffense rates for juveniles in restitution projects. Eugene, OR: Institute of Policy Analysis.

This report analyzes in-program reoffending rates for more than 9,000 juvenile offenders referred to 85 different restitution programs. An estimated 8.4 to 8.8% of the youths referred to the restitution projects reoffend during the time they are under the projects' auspices. The average amount of time spent in these programs is 6.2 months. The likelihood of reoffending is higher for youths who had a history of prior criminal acts than for first offenders. The proportion expected to reoffend within 6 months of referral is 6% for those with two priors and 13% for those with three or more prior offenses. The likelihood of reoffending is not related to the seriousness of the immediate offense and not significantly related to the youths' age, sex, or race. There were some differences in the reoffense rates of youths in different income categories. Other findings are reported. Tables, graphs, and 20 references are supplied. Methodological notes are appended.

509

Schneider, A. L., Schneider, P. R., & Bazemore, G. (1980). Program reoffense rates for juveniles in restitution projects. Eugene: Institute of Policy Analysis.

An analysis of reoffense rates for more than 9,000 juveniles referred to juvenile restitution projects established under the Office of Juvenile Justice and Delinquency Prevention (OJJDP) national Initiative. The mean time spent in restitution programs was 6.2 months, 8.8% of the youths referred to the restitution projects reoffended while under auspices of the project. Likelihood of reoffending was higher for youth who had a history of prior criminal acts than for first offenders but did not relate to seriousness of the immediate offense. Only minor differences were observed between reoffense rates and sex, race, and age although youth from lower income groups tended to have a somewhat higher reoffense rate than youth of higher income groups. Youths attending school were less likely to reoffend than those not in school; juveniles for whom restitution was a sole sanction reoffended at a rate of 5.7% in six months, those with restitution plus probation reoffended at a rate of 8.1% in six months, and those with restitution and suspended commitments reoffended at a rate of 13.2% in six months; controlling for prior offenses did not weaken this relationship.

510

Schneider, P. R. (1983). Juvenile restitution in the United States--Practices, problems and prospects. Eugene, OR: Institute of Policy Analysis.

This paper reviews some of the evaluation research on the National Juvenile Restitution Initiative, discusses various reactions to restitution programs, and appraises the future of juvenile restitution programs in the United States.

Opening sections of the report review practices and preferences for various types of restitution, types of offenders and offenses encompassed in restitution programs, and the performance of offenders in restitution projects. Findings on in-program reoffense rates are reported and compared with reoffense rates for juveniles receiving other dispositions. A discussion of major implementation problems focuses on (1) employment for referrals to restitution programs, (2) client supervision, (3) accurately assessing the amount of victim loss, (4) restitution payment procedures, and (5) the determination of sanctions when restitution orders are not completed. The discussion of prospects for juvenile restitution in the United States briefly describes the institutional components fuelling restitution as a national movement. These components are the National Juvenile Restitution Association, the Institute of Policy Analysis, and the National Institute for Sentencing Alternatives.

511

Schneider, P. R. (1983). Impact of organizational characteristics of restitution programs on short-term performance indicators. Eugene, OR: Institute of Policy Analysis.

This paper isolates the organizational characteristics of a number of juvenile offender restitution programs and assesses the impact of those characteristics on program performance.

All of the 85 programs included in this study were funded by the Office of Juvenile Justice and Delinquency Prevention as part of the National Juvenile Restitution Initiative. Three indicators of short-term client performance were selected to assess the impact, if any, of the choices made by the organizers of the programs. These indicators are (1) successful completion of restitution, (2) proportion of monetary restitution order paid or community service requirement worked, and (3) in-program offense rate. Options available to restitution project planners are identified as those available for siting the project and for arriving at the restitution requirements, those available in formulating a restitution plan for the offender, and those available for supervising the referrals and imposing sanctions in lieu of compliance with the restitution order. The evidence presented strongly suggests that while particular models of restitution projects - defined as mixes of organizational components -- have some impact on the success of clients in those programs, the effect is, in most instances slight.

512

Schneider, P. R. (1982). Restitution as an alternative disposition for serious juvenile offenders. Eugene, OR: Institute of Policy Analysis.

Using data collected in the national evaluation of the Juvenile Restitution Initiative, this study examines the restitution completion rate for serious juvenile offenders and the recidivism rate of serious juvenile offenders who complete restitution compared to serious offenders who received more traditional dispositions.

In identifying serious juvenile offenders, the criteria used were the type of property offense and the extent of the monetary loss, as well as prior record. The performance of 4,032 serious offenders in restitution projects was examined. Recidivism rates for serious offenders in experimental and control groups were compared in five intensive evaluation sites: Oklahoma County, OK; Washington, DC; Dane County, WI; Venture County, CA; and Ada County, ID. Recidivism was measured by official reports of delinquency at 6 and 12 months after completion of sentences for the experimental and control groups. Serious juvenile offenders completed restitution orders at a rate slightly less than that for all offenders; however, their recidivism rate was greater than that of serious offenders who received traditional dispositions. The recidivism differences were consistent but not statistically significant. The positive view is that serious juvenile offenders can be expected to complete restitution orders and compensate communities and victims for damage without posing a community threat significantly more serious than offenders receiving traditional dispositions that prove no compensation for damages.

513

Schneider, P. R., & Bazemore, G. (1985). Research on restitution: A guide to rational decision making. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 137-146). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

A summary of research findings, primarily from the Office of Juvenile Justice and Delinquency Prevention's Juvenile Restitution Initiative. Judges are not reluctant to order restitution even for serious offenders where organized restitution programs exist. Half of the more than 18,000 referrals had a prior offense, and 22% had three or more priors; 54% of the program referrals had been adjudicated for a serious or very serious offense. Fears that juveniles will not pay restitution or complete community service work are unfounded. Eighty-six percent of the cases are closed with full compliance with the original or adjusted restitution order. Over 75% of the ordered restitution amount is paid. Over 80% completion rate is found for all offender groups; race, age, sex had no impact on completion rates. Eighty-nine percent of the offenders in school completed restitution orders compared to 79% of those not in school; 92% of the offenders from families with income over \$20,000 completed orders successfully compared to 81% earning under \$6,000. Referrals with no prior offenses had a 90% successful completion rate; this dropped by about 2% with the addition of each prior. However, even referrals with six or more prior offenses had a 77% completion rate. No correlation at all was found between successful completion of restitution orders and offense seriousness.

Program components such as type of restitution, services offered, type of agency administering the program, location in the juvenile justice system, use of subsidies, and use of victim-offender mediation have little impact on successful completion. Size of order, for both monetary restitution and community service restitution, did have an inverse correlation with successful completion. The use of employment subsidy may have slightly increased the successful completion rate, especially for the highest risk group (poor, non-white, chronic offenders with large orders) where subsidized employment may have increased the successful completion rate by as much as 20%. Neither the amount of the subsidy nor the amount of earnings the offender was permitted to keep, however, had a noticeable effect on completion rates.

Youth with restitution as a sole sanction had more successful completion rates than youth in which restitution was combined with probation supervision; the effect of sole sanction orders remains strong even when the relationship was controlled for race, gender, income, prior offenses, and offense seriousness. Restitution is more likely to be collected when a programmatic focus is on restitution rather than treating it as a ad hoc probation condition. Youth were randomly assigned to restitution programs and alternative treatments (restitution compared to weekend detention, restitution determined through victim-offender mediation compared with probation, restitution alone compared with restitution and probation, restitution compared with mental health counselling) at four different sites; a before and after comparison of offense rates found that youth in the restitution programs consistently did as well or better as youth in the alternative programs.

Substituting restitution for other programs will not result in an increase in recidivism. Careful monitoring of referrals found that about one third of referrals to restitution projects were in the most stringent seriousness category and less than 10% were in the least serious category, suggesting that projects may have diverted some offenders from incarceration. Data available in five sites from a comparable group of offenders suggested that some reduction in incarceration occurred in three jurisdictions. Research on the cost-effectiveness of restitution has been rare. Great variation was found in expenditures per youth across programs ranging from \$250 to \$2,500. Seventy-one percent of the programs had costs per case of less than \$1,250; and the average cost per case, including both start-up and operational costs over a two year time period, was \$820.

514

Schneider, P. R., & Griffith, W. (1980). Juvenile restitution as a sole sanction condition of probation: An empirical analysis. Eugene: Institute of Policy Analysis.

An examination of the first 7,000 closed cases from the National Juvenile Restitution initiative found a 95% successful completion rate for youth who had only a restitution sanction compared with an 87% successful completion rate for youth who received a sanction of restitution combined with an order of probation or suspended commitment. Successful completion means the youth completed the restitution obligation and did not reoffend while in the program. The relationship between successful completion and

presence or absence of probation remained strong when controls were introduced for school attendance, family income, number of prior offenses, offense seriousness, and amount of restitution ordered.

515

Schneider, P. R., Griffith, W. R., & Schneider, A. L. (1982). Juvenile restitution as a sole sanction or condition of probation: An empirical analysis. Journal of Research in Crime and Delinquency, 19(1), 47-65.

Judges frequently require that offenders, as a condition of probation, make restitution to their victims. Less frequently, restitution is ordered as a sole sanction, with no additional penalties or requirements. This paper based on data from more than 10,000 juvenile court cases involving restitution, compares the outcomes of cases in which offenders were sentenced to restitution as a condition of probation with those in which offenders were ordered to make restitution as a sole sanction. The data indicate that youths receiving restitution as a sole sanction are more likely to complete the order successfully and less likely to commit new offenses while under the jurisdiction of the restitution project.

516

Schneider, P. R., & Schneider, A. L. (1983). Selected summaries of research reports and documents from the evaluation of the national juvenile restitution initiative. Eugene, OR: Institute of Policy Analysis.

This document contains 15 summaries of research reports on juvenile restitution programs, prepared as part of the National Evaluation of Juvenile Restitution.

Two summaries cover the experimental design, research objectives, and performance of the National Juvenile Restitution project, while several others focus on the program models implemented by juvenile courts, their rates of completion, and reoffense rates. Other topics discussed are reasons for programs' implementation failures, legal issues that pose problems for restitution orders, and legal rights and responsibilities involved in paying restitution to insurance companies. Methodological issues addressed include the application of statistical power analysis to research in field settings and use of the Juvenile Offender Instrument in selected sites. Other reports examine whether restitution should be used alone or as a condition of probation, factors contributing to successful completion rates, State-administered programs, and job subsidies in juvenile restitution projects.

517

Schneider, P. R., & Schneider, A. L. (1983). Analysis of recidivism rates in six federally funded restitution projects in juvenile courts--A statistical summary. Eugene, OR: Institute of Policy Analysis.

This report summarizes recidivism rates in six federally funded restitution projects in juvenile courts.

Tables present statistics giving a profile of referrals, types of referral offenses, reoffense patterns by evaluation group and offense type, pre-post-comparisons of offense rates for youths in each of the six evaluation groups, and multiple regression analysis of recidivism rates of youth randomly assigned to restitution or to probation.

518

Schneider, P. R., & Schneider, A. L. (1979, September). The national juvenile justice restitution evaluation: Experimental designs and research objectives. Paper presented at the Third National Symposium on Restitution, Duluth, MN.

Describes the national evaluation being completed on the Juvenile Restitution initiative funded by the Office of Juvenile Justice and Delinquency Prevention. Eighty five separate restitution projects in 26 states, Puerto Rico, and the District of Columbia are included. Thirty five of the projects are directly funded, and 50 others operate under omnibus grants to six statewide agencies. Study design involves a variety of experimental and non-experimental research designs to assess the population of projects. Six project sites are using an experimental design, focusing on outcome measures and involving comparisons between restitution and non-restitution dispositions. The second major type of design is non-experimental and aimed at documenting the progress of the programs. Data is being collected through a variety of means, including official records, interview schedules, participant observation, and management information system forms.

A variety of analytic procedures are being used. The research is still in progress and any findings presented are tentative in nature:

- Information is being received from 55 of the 85 projects funded. Ten of the states have been in operation for ten months, 36 for seven months, and 53 for five months.
- Preliminary findings indicate that the funding initiative is behind schedule in two respects: the projects took longer than expected to get started and are receiving approximately 3/4 of the number of referrals anticipated.
- The projects are diverse in terms of organization, but typically involve a youth required to make financial restitution and placed in a subsidized job in which 75% of the earnings are paid to the victim. The youth is most likely to be on probation and can expect to receive some kind of counseling and transportation to and from the worksite. Completion of the restitution ordered does not automatically terminate the probation.
- The typical juvenile offender in the project is white, male, between 15 and 16 years of age, and comes from a family income of approximately \$10,000. The offense resulting in the referral is most likely burglary of a private home, and there often has been at least one prior involvement with the juvenile system.
- The first phase of the cost effectiveness analysis has compared the budgets of the funded projects and great variations were noted. Two year budgets ranged from

\$120,391 to \$1,124,841 and the cost per case ranged from \$228 to \$3,818. Personnel costs amount to the largest single budget item, averaging approximately 55% across the projects, with the second largest item the subsidy for employment, averaging about 21% of costs across the project budgets.

519

Schneider, P. R., Schneider, A. L., & Griffith, W. (1980). Measures and predictors of success or failure in juvenile restitution: some preliminary results from the national evaluation. Eugene, OR: Institute of Policy Analysis.

A report based on the first 7,000 closed cases from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded National Juvenile Restitution Initiative. Nearly 80% of the closures were closed as successful completions. There was no difference in successful or unsuccessful closure by age or sex; whites tended to have a higher successful closure rate than non-whites, youths from higher income families had a higher success rate than youths from lower income families, and youths in full-time school had a higher success rate than youths not in full-time school. Successful completion rate correlated negatively with the number of prior or concurrent charges and with the seriousness of the offense. The lowest successful completion rate, however, was 77% of youth with six or prior or concurrent charges. Successful completion meant that youths satisfactorily completed restitution requirements as originally ordered or as subsequently adjusted. Youths with restitution as sole sanction had a higher successful completion rate than youths with restitution with probation; this relationship held even when controlling for offense seriousness.

520

Schneider, P. R., Schneider, A. L., Griffith, W. R., & Wilson, M. J. (1983). Juvenile restitution--Two-year report on the national evaluation: Executive summary. Eugene, OR: Institute of Policy Analysis.

In 1978, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded 41 restitution programs nationwide. In the first 2 years of operation, 17,354 offenders were referred to restitution projects. The average offender was a 15 year old white male; about 30% of referrals were minorities. More than 30% were serious or chronic offenders; most had committed crimes such as arson, burglary, robbery, or assault. Most offenders (65%) were asked to pay monetary restitution and paid, on average, \$169 apiece. Of all offenders accepted into restitution projects during the first 2 years, 86% completed their requirements successfully. There was a high rate of success even among the riskiest referrals. Overall recidivism rates were low (8%); youths most likely to reoffend had prior criminal records. Offenders making restitution as their sole sanction had substantially higher completion rates and lower re offense rates than those who were also on probation. Employment subsidies (for public service work, etc.) were largely successful. Overall, restitution is a feasible, relatively inexpensive dispositional option for juvenile offenders.

Schneider, P. R., Schneider, A. L., Griffith, W., & Wilson, M. (1982). Two-year report on the national juvenile restitution initiative: An overview of program performance. Eugene, OR: Institute of Policy Analysis.

Twenty-four months data from the 85 sites in the Office of Juvenile Justice and Delinquency Prevention (OJJDP) juvenile restitution initiative, 17,354 referrals were received, 15,829 (91%) of which resulted in restitution plans. Fifty-four percent of the plans were for monetary restitution, 32% were for community service restitution, 12% were for both, and 2% were other plans including victim service restitution. Eighty-six percent of the youth had committed a property offence (burglary was the most common); 72% of the youth were white, 90% male, and 50% first offenders. Average family income was \$12,000. The offenses involved 18,390 victims, 66% of whom were personal or household victims. Estimated total victim loss was \$9.5 million of which \$3.2 million was reimbursed by insurance or other sources. Monetary restitution orders accounted for 90% of the unreimbursed victim losses. Eighty-six percent of the cases were closed successfully meaning that the restitution obligation was completed without reoffending while in the program. Seventy-seven percent of victim losses were repaid. Reoffending rates for youth referred to the projects was 14% at the end of one year from referral. Project costs were \$820 per youth (including start up costs) or \$160 per youth per month.

Schneider, P. R., Schneider, A. L., Reiter, P. D., & Clearly, C. M. (1977). Restitution requirements for juvenile offenders: A survey of the practices in american juvenile courts. Juvenile Justice, 28(4), 43-56.

The objectives of this study were to assess the scope and history of restitution use in American juvenile courts, assess the types of restitution used, goals of restitution, and attitudes and expectations about restitution. A sample of 197 juvenile courts was drawn from the population of juvenile courts listed by the National Council of Juvenile Court Judges Association. Mailed questionnaires were sent to each of the sample of courts and a follow up telephone call was made. A total of 133 (68%) completed questionnaires were obtained. Sixty-four courts did not respond. The respondents were 106 (77%) judges; 13 (9%) juvenile probation officers; 4 (3%) social caseworkers.

Major findings were:

- The use of restitution was reported by 114 courts (36%) and these courts noted that they had been using it for an average of 16.9 years. Restitution was most commonly used for cases involving property loss. Almost all of the courts (109) provided for some sort of monetary restitution payment and approximately half (52) required restitution in the form of work. Only fourteen courts indicated that monetary restitution was made directly to the victim and only five indicated that work was performed directly for the victim.

- Youth who had only a restitution sanction compared with an 87% successful completion rate for youth who received a sanction of restitution combined with an order of probation or suspended commitment. Successful completion means the youth completed the restitution obligation and did not reoffend while in the program. The relationship between successful completion and presence or absence of probation remained strong when controls were introduced for school attendance, family income, number of prior offenses, offense seriousness, and amount of restitution ordered.
- The amount of loss suffered by the victim was the most important factor in determining the amount of restitution to be ordered. Judges played the major role in determining the amount of restitution to be ordered (66%) with probation officers given this responsibility in approximately 20% of the cases, and victims in 15%. Probation officers were primarily responsible for enforcing the restitution order (66%) while approximately 33% of the jurisdictions provided for some sort of follow up by the court.
- Forty-eight percent of the respondents said that restitution increases the juvenile's rate of contact with the juvenile justice system. The goals of reducing recidivism and assisting victim were defined as equally important by approximately 75% of the respondents.
- Belief in the effectiveness of restitution was greatest for programs that:
 - Required direct payment to the victim rather than through an intermediary,
 - Made available work restitution in addition to financial restitution;
 - Enforced the restitution order by the court rather than by individual probation officers; or
 - Saw the program goal for restitution as being the benefit of the youth rather than the compensation of the victim.

523

Schwerin, K. (1972). German compensation for victims of Nazi persecution. Northwestern University Law Review, 67, 479-527.

Historical account of the restitution and compensation provisions enacted in German law for the damage done Jews and other groups persecuted by the Nazi regime. The laws themselves, their results, and their consequences are addressed.

524

Scutt, J. A. (1982). Victims, offenders and restitution: Real alternative or panacea? Australian Law Journal 56, 156-157.

Reviews the historical development of restitution programming, both pre-trial and post-conviction use in America, current limited provisions for restitution in Australian law, and the possibility for further restitution programming in Australia. Potential problems include victims unwillingness to participate, unemployed offenders, difficulty determining restitution amount, and offender ability to pay. One of the difficult problems in attempting to introduce restitution into a system is that of ideology. Persons believing

prisons are inhumane see restitution as an appropriate response; others believe that more imprisonment is needed. If one believes that crime is a result of inequality in distribution of resources, then imposing restitution may simply further this inequality. Those wishing to accommodate victims may see restitution as a means to do this but clearly victim needs go beyond receiving compensation for losses which may be more efficiently provided by state compensation schemes. Despite the problems, many people may be prepared to accept restitution as a less unjust means of dealing with persons who are brought before the courts for criminal offenses.

525

Scutt, J. A. (1980). Restoring victims of crime: A basis for the reintroduction of restitution into the Australian criminal justice system. Canberra: Australian Institute of Criminology.

A pilot program or programs should be established to reintroduce restitution in Australia in a formalized way, rather than leaving the issue of restitution to chance, as is currently the case. Magistrates and judges should be required to consider at the outset whether an offender would be better placed in a community program than in prison, and a demonstrated desire to repay the victim should have some influence on final disposition. Restitution should not become another mechanism for imposing coercive measures on the offender, but should be viewed as an equitable way of having offenders redress their crimes without incarceration. If the offense warrants more than restitution, a restitution order could be awarded in conjunction with another order or penalty. Sentences of imprisonment should be capable of being deferred or suspended while a restitution program is negotiated, and if the program is properly concluded, the prison term should lapse. Where an offender does not have sufficient funds to make complete restitution, a partial restitution order could be combined with an order for 'symbolic restitution' consisting of community work agreed upon as cancelling the damage caused by the offense. Full and adequate funding should be made available for the pilot program so that it may be given full opportunity to operate effectively and be evaluated. Thorough training of personnel, particularly those who are to act as mediators/negotiators in the program, should be undertaken. Restitution programs should not be viewed as a replacement for victim compensation schemes or victim/witness assistance programs.

526

Sebba, L. (1982). The victim's role in the penal process: A theoretical orientation. The American Journal of Comparative Law, 30, 217-240.

Monetary restitution may be one element of expanding the victim's role in the penal process. issues regarding victim roles in criminal justice are identified in relation to making a complaint, citizens' arrest, police arrest and investigation, protecting the welfare of the complainant, decisions regarding pretrial detention, decisions to prosecute, remedies available against non-prosecution, private prosecution, joinder of the civil and criminal processes, roles in the court hearing, and post sentence correctional decisions.

The loss of victim involvement in criminal justice is not, at least theoretically, so much attributable to the separation of criminal and civil law as to the development in America and elsewhere of public prosecution. The notion of private prosecution as retained in England maintains a victim focus, at least in theory. Involvement of the victim at this stage, however, is unlikely unless involvement leads to victim benefits at the sentencing stage.

Two alternative theoretical models are advanced--the adversary-retribution model and the social defense-welfare model. The adversary-retribution model emphasizes the role of the victim at the time of sentencing, considers the trial as a confrontation between the aggrieved and aggrieved and the determination of sentence involves actions which fit the crime wherein the injury to the victims a main component. This model minimizes differences between civil and criminal proceedings; the state plays a subsidiary role as observer and enforcer acting primarily on behalf of the victim.

The social defense-welfare model eliminates victim offender confrontation with the state playing a mediating role in relation to both parties. The state tries to control the threat to society presented by the offender but also provides benefits to the victim. The social defense-welfare is most consistent with the positive notions of rehabilitation of the offender with the added responsibilities of victim services assumed by the state.

The adversary-retribution model is most consistent with evolving interests in reconciliation and just deserts. The adversary-retribution model is most consistent with current trends in criminal justice but may not be suitable for two classes of offenders--those who commit heinous crimes for which some measure of state protection, independent of the victim interest, is necessary and offenders for whom there is no direct personal victim. For the first group a system based on the social defense-social welfare model would be most appropriate; the latter group might be handled through a system of administrative tribunals under the adversary-retribution model with the role of victim reserved for the state.

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Seidman, P. (1985). Bibliography. In A. L. Schneider (Ed.), Guide to Juvenile Restitution (pp. 165-168). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

A listing of selected documents available from the National Criminal Justice Reference Service (U.S.) relating to juvenile restitution and organized under the headings of community service, evaluation, programs, legal issues, management/implementation, and research.

Seljan, B. J. (1983). Community survey--An overview and description of results from the evaluation sites. Eugene, OR: Institute of Policy Analysis.

This paper -- one of a series of reports presenting descriptive data from intensive evaluation sites of the national Juvenile Restitution Initiative -- focuses on community attitudes toward the restitution projects and related issues.

In June and July 1979, randomly selected community members in the jurisdictions of the experimental sites were interviewed by telephone. The survey focused on attitudes toward (a) restitution program policies and procedures, (b) restitution benefits, (c) juvenile crime causes, and (d) juvenile justice officials. The communities surveyed were Venture County, California, Washington D.C., Clayton County, Georgia, Oklahoma County Oklahoma, Seattle, Washington, and Dane County, Wisconsin. The total sample for all jurisdictions was 2,432; interviews were completed with 1,432 (52%).

The survey's preliminary results indicate that respondents in all six sites favor restitution. It was the preferred disposition for the serious, adjudicated juvenile offender; was viewed as a viable alternative to incarceration and other traditional sanctions; and was believed to have a beneficial effect on both juvenile offenders and their victims. There were only minor differences in the attitudes and perceptions of persons from the different regions represented; however, there were differences among attitudes within and across jurisdictions according to respondent characteristics of income, sex, race, and education. The strongest difference was among preferences for types of juvenile offender services distinguished by respondent income level. Findings from each site are presented and compared, including tabular data. The appendixes contain the survey instrument and the questionnaire sent to persons in the sample who refused to be interviewed.

Seljan, B. J. (1983). Juvenile justice system professional survey--A description of results in the national evaluation sites. Eugene, OR: Institute of Policy Analysis.

Part of the national evaluation of the Juvenile Restitution Initiative, this survey assessed criminal justice professionals' attitudes, preferences, and expectations concerning restitution program goals, program operating methods, and consequences.

Professionals were surveyed at five sites: Venture County, California; Washington, D. C.; Clayton County, Georgia; Oklahoma County, Oklahoma; and Duane County, Wisconsin. This survey instrument was based on a review of the literature dealing with adult and juvenile restitution. The stratified sample included all juvenile court judges in the five sites, the superior court judge, all juvenile court administrators, probation officers, county commissioners, and program staff members. Three types of response formats were used to solicit professionals' opinions about restitution program issues: fixed response, Likert-type scales, and magnitude rating scales. The survey and a cover letter were mailed to each person in the sample at each site. The number of persons at each site varied. The

overall response rate was 62%. The total number responding was 199 (Venture, 44; Washington, 24; Clayton, 34; Oklahoma, 55; Dane, 42). Findings from each site are presented. Respondents at all sites expressed strong support for the introduction of a restitution program in their respective communities.

530

Serpas, F., Litton, G., & Hunt, S. (1981, May). Restitution for juveniles: A final evaluation report on the Orleans Parish Juvenile Restitution Project. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Council.

The Orleans Parish Juvenile Court Juvenile Restitution Project was one of several projects funded by the Office of Juvenile Justice and Delinquency Prevention in 1978 to provide restitution programming as an alternative to incarceration for juvenile offenders. The project was administered by juvenile court staff but the programming components were implemented by two private youth serving agencies working under contract with the juvenile court. Project funds were used to subsidize employment for youth; youth were told that they were performing community service and the salary they were earning, except for work related expenses and a small personal allowance, was to be used to make restitution to victims. All restitution payments came from project funds. The project encountered two major implementation problems: First, to increase the number of youth served by the project and meet project goals, admission criteria were broadened, resulting in serious question as to whether youth who were admitted would otherwise have been incarcerated. Second, serious tension and distrust developed between the juvenile court staff and staff of the two youth service agencies who were actually administering the restitution components. Two hundred forty-one youth participated in the project; a typical participant could be described as a fifteen-year old black male from a single parent family (with a family income of between \$5,000 to \$7,500 per year) charged with burglary or theft/shoplifting with 2.5 previous arrests and .4 previous convictions. The mean restitution order was for \$217 and the median \$118; of 140 participants who had exited the program, 75% had exited through program completion and 25% had been removed from the program for disciplinary or other bad cause reasons. Sixty-one percent of the victims were personal victims and 39% were businesses, schools, or other institutions.

531

Serpas, F., Litton, G., & Hunt, S. (1980, June). Restitution for adult inmates: A preliminary impact evaluation report on the Criminal Sheriff's Restitution Shelter/diagnostic Unit program. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Council.

In June, 1977 the New Orleans Parish-criminal sheriff established a diagnostic unit and restitution shelter; the diagnostic unit screened inmates towards the end of their period of incarceration at a local prison to determine those who might be eligible to secure early release to a restitution shelter which operated like a work release center but with

an additional requirement that the offenders make restitution to their victims. This report provides descriptive and statistical information regarding operation of the program during calendar year 1979. Two hundred and nineteen men participated in the program, of which 52% were successful completions, 5% were removed during orientation, 34% were removed because of violations, and 11% removed from the program at the end of the year. In addition to monetary restitution, all participants were required to engage in community service--usually group projects occurring during evenings or on the weekends. All offenders are required to pay 10% of their earnings for restitution; if full restitution is made to the victim the continuing payments go to a special fund designated to provide assistance to elderly crime victims.

532

Serpas, F., Litton, G., & Hunt, S. (1980, February). Juvenile restitution: A process evaluation report on the Orleans Parish Juvenile Court Juvenile Restitution project. New Orleans, LA: New Orleans Mayor's Criminal Justice Coordinating Committee.

The Orleans Parish Juvenile Court Juvenile Restitution Project was one of several projects funded by the Office of Juvenile Justice and Delinquency Prevention to provide restitution programming as an alternative to incarceration for delinquent youths; the project commenced operation on December 1, 1978 and used subsidized work (youth were paid from project funds for service provided to community agencies) to permit youth to earn funds from which restitution could be paid. The grant was to the juvenile court, but project activities, except for screening and referral, were conducted by two youth-serving agencies under contract to the court. The report contains a detailed description of intended program operations and a summary of program experiences for the first thirteen months. Fifty-eight referrals were accepted compared to an anticipated 140; sixteen of the participants were first offenders who would typically not be incarcerated. The project description indicated that youth would work at least five hours a week, yet data indicated that over half the youth were working fewer hours. Recommendations include a revision of intake criteria to categorically exclude first offenders and all others not incarcerated, revitalizing the referral process to secure a larger number of referrals, closer monitoring and enforcement of participants compliance with the restitution ordered, a revision of the work stipend policy to allow flexibility to relate this to the seriousness of the offense and the amount of harm done, seeking unsubsidized employment as a means of securing funds for restitution, and efforts to increase juvenile court support for the project.

533

Serrill, M. S. (1975). The Minnesota restitution center. Corrections Magazine, 1(3), 13-20.

The compensation plan as described in this article for the state of Minnesota was designed to aid not only the victim of the crime but also to rehabilitate the offender. in order to qualify for the program, the offender must not have committed a violent

crime nor have a history of violence for at least five years. His earning ability also must be within the requirements of the restitution. For example, a dishwasher could not qualify for \$50,000 restitution. The program operated outside of prison at a special restitution center where the offender pays room and board. The offender works at full time employment and signs a contract to repay the victim in installments. The program encourages face to face meetings between offender and victim. Where this has taken place, the offender often has come away feeling guilty for having hurt "such a nice person." The victim has left with empathy for the offender and his problems, which is one of the objectives of the program. Administrative problems and experiences of the program are cited.

534

Sessar, K. (1990). Tertiary victimization: The case of the politically abused crime victim. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

Modern victimology tries to combine the victims interests in participation in the criminal process with interest in restitution by the offender. Legislators as well as the judiciary have few difficulties integrating the victim into the process with respect to information, participation, and even decision making. They have more difficulty, however, considering restitution as part of the sanctioning procedures in that punishment can be reduced or even remitted in accordance with the offenders restitutive efforts. As a consequence the prosecution elements are strengthened; instead of being helped, the victim is asked to help law enforcement. Victims needs and interest favoring restitution, rather than punishment, are contrasted with much of modern legislation which favors victim participation to enhance punishment rather than enhancing restitution. Thus victims may become further victimized by participating in a system which does not address their interests and needs.

535

Sessar, K. (1982, September). Offender restitution as part of a future criminal policy? Paper presented at the Fourth International Symposium on Victimology. Tokyo, Japan.

The biggest problem in determining the place of restitution in the justice system is the relationship between restitution and punishment. Several patterns have emerged--application of restitution as a civil-like sanction in the criminal process, substituting restitution for other types of punishments, imposing restitution as an autonomous sanction, or developing restitution as a part of a pragmatic victim assistance program. In addition, restitution has been proposed as a new paradigm replacing punishment although this may overlook the punitive character of restitution and the evidence that restitution is accepted as a penalty by both offenders and victims. The existing sentencing system should be replaced and extended by restitutive measures whenever the satisfaction of a specific victim is identified with that of the society. In the case of damage or injury caused by an offense, restitution must in principle be the first sanction

to be imposed on an offender. Restitution should be used when it will fully or partially absorb public disapproval so that to this extent further punishment becomes superfluous or even dysfunctional.

536

Severy, L. J., Houlden, P., Wilmoth, G. H., & Silver, S. (1982). Community receptivity to juvenile justice program planning. Evaluation Review, 6, 25-46.

The Florida Division of Youth Services Programs decided that information on relative community support would be the most pertinent data for deciding what federally funded demonstration programs would be continued by the State. Interviews with juvenile justice system personnel and members of local civic groups along with a sample survey yielded 15 usable program attributes relevant to community acceptance. The final questionnaire was completed by 572 persons in the following groups: Federal and State legislators; city and county commissioners; members of Kiwanis, Chamber of Commerce, and League of Women Voters organizations; State juvenile service providers; juvenile judges; State attorneys; public defenders; law enforcement personnel; providers of alternative juvenile programs not affiliated with the State; and parents of youths treated by State juvenile programs. Data analysis indicated that all community groups preferred nonincarceration programs to incarceration. Attitudes toward restitution were significantly more positive than the average of attitudes toward the other four programs. Judges and commissioners while State attorneys held the least positive attitudes. The relatively low support for counselling programs suggests that they would gain greater acceptance when combined with restitution or negotiation projects. The evaluation concluded that no group would fail to support restitution programs and that State attorneys' attitudes could be improved by altering certain program characteristics. Differences in attitudes among the respondent groups are detailed.

537

Seymour, J. A. (1978, May). Restitution and reparation. Paper presented at the seminar of the Queensland Branch, Australian Crime Prevention Council, Brisbane, Australia.

Restitution can play a role in criminal justice beyond the merely private function of redressing victims; it may also contribute to public functions of deterrence, punishment, and rehabilitation. Any restitution scheme focuses primarily on the offender. Problems such as defining the victim and offenders lacking means are arguments for discrimination in making restitution orders rather than against the concept itself. Restitution can be used alone, in conjunction with probation and other community-based penalties, and in conjunction with community corrections centers. The term reparation is used to refer to transactions between the offender and society with examples being community service orders and other forms of contributed labor to the community such as the periodic detention scheme in New Zealand. Work for the community will fulfill all of the

traditional aims of penal sanctions. Restitution and reparation should occupy a more prominent place in criminal justice but neither should be seen as an all purpose measure.

538

Shannon, W. (1979, September). Adams/Brown Counties juvenile restitution program. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the planning, implementation, and current operational status of a juvenile restitution project.

539

Shapiro, C., Omole, O., & Schuman, A. (1986). The role of victim and probation: Building a collaborative relationship. Unpublished manuscript, Rutgers University, School of Criminal Justice.

A survey of probation officers sampled from membership of the American Probation and Parole Association and the National Association of Probation Executives and of victim service providers sampled from the National Organization for Victim Assistance. Random samples of 121 names were drawn from each group (probation officers and victim service providers); completed questionnaires were returned by 50 probation officers and by 44 victim service providers. Data is presented regarding services provided, perceptions of problems of coordination between the two types of agencies, and extent to which participants agreed on several statements. Sixty-six percent of probation officers responded yes to the statement, "there is need for the victim/offender reconciliation programs" (20% said no and 14% did not respond) compared to 43% of the victim advocates responding yes, 48% no, and 9% not responding. Seventy-two percent of the probation officers responded yes to the statement, "communication between victim and probationer should be encouraged if either desires it" (20% said no and 8% did not respond) compared to 55% of the victim service providers responding yes, 36%, no and 9% not responding.

540

Shapiro, C., & Omole, O. (1990). Is restitution legislation the chameleon of the victims' movement? In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Restitution has been one of the foremost components of legislation designed to address crime victims concerns. Translating legislative intent into practice is problematic because of vague language, difficulties in enforcement, and inadequate policies, procedures, and resources. The philosophical underpinnings of restitution orders must be clarified, impact of the legislation evaluated, explicit policies and procedures developed for using restitution, and restitution must be publicized.

541

Shapland, J. (1985). The criminal justice system and the victim. Victimology: An International Journal, 10, 585-599.

The victim's contribution to the criminal justice system is starting to be recognized, but their role remains problematic. The victim's position in relation to the substantive criminal law and the implications for victims of compensation from the offender within the auspices of the criminal justice system are discussed. Neglect of victims by lawyers, the police, and the judiciary is endemic and has its roots in victim non-recognition by the substantive law. The results of this cause difficulties for the practical operation of the system and point to the need for a conscious adoption of a model of criminal justice which gives the victim an acknowledged status.

542

Shapland, J. (1984). Victims, the criminal justice system and compensation. The British Journal of Criminology, 24, 131-149.

Discusses the experiences of a sample of victims of violent crime and their attitudes to the criminal justice system and to compensation and restitution. Considers the experiences of victims with the police and their contribution to the reporting and detection of offenses. Also looks at victim reactions to the courts and decisions made on conviction and sentencing. The implications of victim experiences in the possible shape of a more victim-oriented criminal justice system is then considered. Victims' response to compensation and restitution is discussed, with regard to their attitudes to the justice system, the effects of the offence on the victim and the availability of compensation and restitution.

The study involved 278 adult victims of violent crime whose offenses had been reported to the police. The study was longitudinal, involving interviews with the same victims at various stages as they went through the justice system. Victims were followed up to three years and interviewed between two and four times. Victims were of the view that compensation by the offender should have played a much larger part in sentencing than in fact it did and the idea of court-based compensation (restitution) was received favorably. Victims saw compensation by the offender as the giving back or recompensing to the victim what he has lost, not only materially but symbolically and in terms of suffering. Compensation awards from the offender were perceived as society's judgement on the victim as victim. The author argues that this finding has two implications for compensation (restitution). First, that compensation (restitution) should be based primarily on the offender with the state as a backup in the form of state compensation to victims. The author goes on to note that victims saw compensation orders as part of the sentence not as primarily a civil measure. Victims expected the courts to make restitution orders a priority in sentencing and victims who received restitution were significantly more satisfied with the courts than those whose offenders received a different sentence. A second implication noted is that the tariff for restitution might

follow not the present civil scale but a different criminal scale which would pay more regard to the mental effects and be based on the notion of seriousness of the offence from the point of view of the victim, rather than the seriousness of the offence from the point of view of the offender or of society.

543

Shapland, J. (1984). Compensation and support for victims of crime. Paper presented at the Conference on Victims, Restitution and Compensation in the Criminal Justice System, Cambridge University, England.

A longitudinal study of 276 victims of violent crime in the Midlands (England) found strong support among victims for compensation but primarily for its symbolic rather than monetary value. Compensation was seen as recognition that they had been victimized; victims prefer that compensation comes from the offender but would accept the state as a backup. A victim oriented system of justice is proposed in which compensation plays a central role and is requested and considered in every sentence. A compensation tariff is proposed in which the amount of compensation would be based on offense gravity as experienced across victims rather than for each individual victim. Preference is for compensation paid by the offender as a part of the retributive penalty imposed; the state should serve as a backup when this is not possible.

544

Shaw, S. (1982). The people's justice: A major poll of public attitudes on crime and punishment. London, England: The Prison Reform Trust.

A survey of 988 people representative of the English population. Data collected by personal interview in March, 1982. Topics covered included crime as a social problem, view of the courts, prisons and prisoners, sentencing policy, reducing prison population, and the impact of crime. The methods most favored for reducing the prison population were community service orders (supported by 85% of the respondents) and restitution (favored by 66%).

545

Shoemaker, J. R. (1983). Criminal law--Power of court to impose particular kinds of punishment--Trial court had power to order defendant to make restitution to survivors of auto accident to compensate them for their injuries. North Dakota Law Review, 59, 495-504.

Criminal law statutes often provide for restitution as either a condition for probation or as a separate sentencing alternative. This article discusses three elements a court must consider when ordering a defendant to make restitution to survivors of an auto accident caused by his drunken driving.

546

Siegel, L. J. (1980). Restitution in juvenile justice. In A. W. Cohn and B. Ward (Eds.), Improving management in criminal justice (pp. 131-142). Newbury Park, CA: Sage.

Restitution programs serving both juvenile and adult offenders have increasingly come into operation around the country during the last decade. States such as Minnesota, Massachusetts, Arizona, and Oklahoma have developed programs based on philosophies of pretrial diversion, postconviction alternatives to incarceration, and early-release parole programs.

A 1977 national restitution survey reveals that of 114 courts sampled, 86% employ restitution, usually in cases involving property loss and robbery, and sometimes in cases of assault or sexual abuse. Moreover, juvenile court judges view the programs as successful, for an overwhelming number of youths asked to make restitution are able to comply with their orders. Monetary restitution is the most common form used in juvenile courts. Despite the overall success of most programs, several problems should be addressed, before restitution could become a viable alternative to incarceration. For example, many clients ordered to make monetary restitution have to find employment, and many employers are reluctant to hire court-adjudicated youths. Further, offenders in need of jobs are frequently also suffering from drinking, drug, or emotional problems. Another problem involves the charge 'involuntary servitude'. Some also view restitution as being inherently biased against indigent clients, who have difficulty making their payments. Thus, careful evaluation of ongoing programs.

547

Siegel, L. J. (1979). Court ordered victim-restitution: An overview of theory and action. New England Journal on Prison Law, 5, 135-150.

Explores the concept of restitution as well as the design and operations of restitution programs. Focus is on the purpose and justification for restitution with examples of ongoing programs and strategies which may aid in the development of programs in local court systems.

548

Skousen, W. C. (1975). A way to drastically cut the prison population. Law and Order, 23, 8-11.

Comments on a proposal by an assistant U.S. Attorney General, John M. Grecian, to go back to the original common law practice of treating less serious crimes against persons and property as torts instead of crimes. Advantages of this approach are outlined and some cases where experiments with some aspects of this suggested reform have provided significant evidence are discussed.

549

Slater, T. (1911). Restitution. The Catholic Encyclopedia: An international work of reference on the constitution, doctrine, discipline, and history of the Catholic Church. Vol. XII (pp.788-789). New York: Robert Appleton.

Examination of the concept of restitution in moral theology.

550

Slavin, L., & Sorin, D. J. (1984). Congress opens a Pandora's box--The restitution provisions of the Victim and Witness Protection Act of 1982. Fordham Law Review, 52, 507-573.

Under the Victim and Witness Protection Act (VWPA), judges must order restitution in each case unless they state the reasons for not so doing. Although the law permits victims to recover certain necessary expenses resulting from the crime -- medical, property loss, and funeral -- it does not indicate who has the burden of proving necessity. Due to plea bargaining, most restitution orders compensate victims for only a small portion of their financial losses. Under the VWPA, the court must consider the defendant's finances before ordering restitution; the offender's economic status influences the remedy more than the victim's injury; and nonviolent property crime victims may have a better chance of receiving compensation than victims of other types of crimes. Limitations of the victim's recovery are the result of the subordination of restitution to more traditional sentencing goals, the limited opportunity to prove even the minimal losses provided for in the act, and inadequate court and probation department monitoring of restitution payments. As a result, Congress is promising victims greater compensation than the system can deliver. Before a defendant is ordered to make restitution, he/she must be given timely notice of the victim's claim and an opportunity to challenge the facts supporting it, the two basic elements of due process. To provide meaningful prior notice of the victim's claim, the restitution report should be disclosed well in advance of the sentencing hearing, but this is often not done. Further, under the present VWPA, a defendant's notice may also be unreliable and incomplete. Also, the sentencing hearing may be inherently too coercive to provide the defendant with a meaningful opportunity to be heard on issues related to restitution. The VWPA should be amended to address these due process obstacles.

551

Sloper, G. (1981). Prison inmate survey (Paper No. 42). Wellington, NZ: New Zealand Department of Justice, Planning and Development Division.

Survey of adult inmates of 19 New Zealand prisons to determine views on various topics of interest to a penal policy review committee; 506 questionnaires were distributed using a systematic random sample and completed by inmates in group meetings with an educational officer; 405 questionnaires were completed. One question dealt with

restitution. Seventy one percent agreed that "in a crime where a victim is involved, the offender should have to make good any damage done to the victims or his/her property (e.g. return stolen property, pay compensation for injury, pay for damage to the victims property, etc.)." Twenty one percent were not sure and eight percent disagreed.

552

Smándych, R. (1981). Research note on the use and effectiveness of reparative sanctions (final draft). Ottawa: Ministry of the Solicitor General.

The available literature on the use and effectiveness of different forms of reparative sanctions, including community service, victim service, compensation and restitution, suggests that these sanctions may be viewed with qualified optimism. Although community service was found in this study to be no more effective in reducing recidivism rates than other sanctions, the use of the sanction appears to result in positive offender attitudes, positive public attitudes, high completion rate and a reduction in the use of prison sentences. Victim service, although a relatively recent and unexplored sentencing option, was considered to be a feasible reparative sanction in cases where both the offender and the victim regarded it as being appropriate. With regard to the use and effectiveness of compensation, evidence suggests that while it is no more effective in reducing recidivism rates than other sanctions, and while there has been considerable difficulty in securing the payment of orders, public attitudes toward the use of the sentence have been extremely positive and it has been shown to produce a sense of satisfaction among victims of property offenses. Although few studies concerned with the use of restitution by the courts have been undertaken, evidence suggests that its use is being systematically under reported in court records and that it may be a common practice in Canadian criminal courts.

553

Smith, K. J. (1965). Principles of the self-determinate sentence. In K. J. Smith, A cure for crime (pp. 13-29). London: Duckworth. Also in J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 340-350). Springfield, IL: Thomas, 1975.

Describes the use of restitution within a penal setting; the time an offender would serve in prison would largely be a function of making restitution. Inmates would be paid at prevailing union wage and expected to pay for the damages done.

554

Smith, L. S. (1976). Another slant...mere people and criminal justice: A proposal for personal responsibility. California State Bar Journal, 51, 388-391; 426-427.

The origin and development of a contemporary criminal law which has "forgotten" the victim is traced with the author concluding that individual victims should once again be recognized as parties in prosecutions for crimes against their person or property.

Softley, P. (1977). Compensation orders in magistrates' courts (Home Office Research Study Number 43). London: Her Majesty's Stationery Office.

Section 1 of the Criminal Justice Act of 1972 In Great Britain provided Magistrates' courts and Crown courts a general power to order an offender to pay compensation for personal injury, loss, or damage resulting from a criminal offense. Magistrates' courts can order compensation up to 400 pounds for each offense the offender was convicted of. Crown courts have no limit on the amount of compensation that could be ordered, although the offenders' ability should be considered. The purpose of this study was to assess the extent to which courts were ordering offenders to pay compensation, to investigate how the statutes were being applied, and to consider the effectiveness of the compensation order as a method of redress. The study design ran as follows. During the week beginning September 29, 1974, all chief constables in the country were asked to provide details on each charge which resulted during that week in the summary conviction of a defendant, age 17 or over, for the offenses of burglary, theft, obtaining property by deception, criminal damage, wounding, or assault occasioning bodily harm. In April, 1975, clerks of courts were asked to provide information on the results of proceedings concerning the charges on the study population and, for those cases where conviction resulted, to record payments received within six months of sentence. One year later, in April 1976, a further request was made to clerks of courts for details of subsequent payments and action taken to enforce payments, so that a record of the outcomes of each extended up to eighteen months from the data of sentence.

Major findings were:

- Of the 3,240 defendants sentenced by the courts, approximately 10% were convicted of burglary, 61% of theft, 5% of obtaining property by deception, 12% for criminal damage and 11% for wounding or assault.
- For each type of property offense, the majority of victims were businesses.
- In 50% of the cases of offenders convicted of property offenses, the value of the unrecovered property or damage was less than 25 pence; only 1% of the offenses resulted in loss or damage greater than 400£.
- The ordering of compensation was related to the offender's income.
- Most commonly, offenders ordered to make compensation were also required to pay a fine.
- The decision to impose a non-custodial, rather than a custodial, penalty was the most important factor in ordering compensation.
- Approximately one third of those ordered to pay compensation did so within one month; approximately half had paid within three months; approximately three quarters had paid within eighteen months.
- Approximately one quarter of those ordered to pay compensation had not made any payments within eighteen months.
- One third of those offenders who had not made any payments within eighteen months were committed to prison in default.

- The most significant factor related to non-payment was the amount of compensation ordered by the courts, the second most important factor was the criminal record of the offender, and the third most important factor was the age of the offender.

556

Softley, P., & Tarling, R. (1977). Compensation orders and custodial sentences. The Criminal Law Review, 720-722.

The aim of this study is to assess whether compensation (restitution) is paid when it is ordered along with a custodial sentence or whether a term of imprisonment is served in default of paying the restitution order. An after-only, non-experimental design is used. The sample used in the research amounted to 34 offenders sentenced by the Crown Court in London to imprisonment, Borstal training, or detention for property offenses resulting in loss or damage. Most of the offenders were sentenced in 1973. In conjunction with a custodial sentence, all of the offenders had been ordered to make restitution. Because five of the offenders had appealed the compensation order and had it removed, they were not included in the final sample. No information is available on two of the cases, and therefore, the final sample numbered 27. Data was obtained from official files in the court and prosecutor's offices.

Major findings were:

- Approximately three years after the initial order, four of the 27 offenders on which data was available had made full restitution, eight had paid part of the restitution, and fifteen had made no payment.
- Of the seventeen offenders ordered to pay amounts which did not exceed 100£, only three had paid in full.
- In twenty of the 27 cases, courts had attempted to enforce payment and as a result, five of the offenders had been committed to prison in default of payment and in eighteen of the cases, nothing had been done.
- Of the 27 cases, sixteen had been reconvicted and eleven had not.

557

Soler, M. I., & Arthur, L. G. (1981). Juvenile law--An update and analysis. Reno, NV: National Council of Juvenile and Family Court Judges.

Recent developments in the area of juvenile law are reviewed at the 1981 National Conference on Juvenile Justice, including, court authority to order restitution, due process requirements for restitution orders, and determining the amount of restitution.

558

Sonnichsen, P. (1978, March). Restitution: Responsibility for one's actions. Paper presented at the Third Canadian Conference on Applied Criminology.

Description of the Rideau-Carlton Restitution Program, Ontario, Canada. Adult offenders sentenced for a term of imprisonment in an Ontario prison are provided the opportunity to serve a portion of their sentence in a residential community correction center and work in the community. Participants contribute to their room and board, make restitution to victims, and pay to support their families.

559

Spencer, H. (1975). Prison ethics. In J. Hudson & B. Galaway (Eds.), Considering the victim (pp. 71-84). Springfield, IL: Thomas. Originally in Essays: Scientific, political, and speculative (1892, Vol. 3, pp. 165-171, 178-189).

Argues the immorality of inflicting unnecessary pain on offenders and for enforced wrongdoer reparation to the victim. The system of prison ethics suggested involves making restitution, placing the offender under restraints so as to provide for social security, placing responsibility on the offender to maintain himself while living in confinement.

560

Spier, P., & Luketina, F. (1988). The impact on sentencing of the Criminal Justice Act 1985 (Chapter 6: The New Sentences). Wellington, NZ: Department of Justice, Policy and Research Division.

A pre-post comparison of sentencing patterns after implementation of the New Zealand Criminal Justice Act of 1985. The Act established reparation as a sentence. In 1987, reparation orders accounted for 6.3% of all dispositions representing an increase when compared to the use of compensation prior to the act; in 1984, 4.6% of the dispositions were for compensation. Eighteen percent of the convictions for property offenses resulted in reparation in 1986 and 1987 compared to 13% in 1985. Two thirds of the reparation orders were for \$250 or less. Under the act, reparation must be imposed unless it is inappropriate to do so; thus the low use of reparation for property offenders suggests that the provisions of the act are not being fully implemented. Reparation was seldom used as the only sentence; in only 18% of the cases where reparation was ordered was this the sole sentence.

561

Staples, W. G. (1986). Restitution as a sanction in juvenile court. Crime and Delinquency, 32, 177-185.

Over the past decade, restitution has assumed increasing significance as a sanction both in the juvenile and in the criminal justice system. This article examines the current trend toward utilizing restitution from a critical and historical perspective. Current restitution policies and practices are placed within the context of three major trends in justice: the individualization of the juvenile court; the growing concern with the victims

of crime; the blurring of traditional distinctions between criminal and tort law. Restitution as a sanction is evaluated in the context of these three developments, and the contemporary form of restitution is compared with its historical predecessors.

562

Stark, J. H., & Goldstein, H. W. (1985). The rights of crime victims. New York: Bantam Books.

This handbook is a general introduction to the kinds of problems faced by crime victims and the victim rights specified by various jurisdictions, including the rights to compensation, restitution, civil remedies, and participation in case processing.

The introduction presents an overview of recent legislation and litigation bearing upon crime victims' rights, followed by chapters on specific victims' rights and the rights of certain types of victims. Each chapter format consists of relevant questions and answers. A chapter on crime victims' right to participate in the criminal justice processing of their cases focuses on the rights accorded by jurisdictions at various stages of case processing, including arrest, charging, pretrial proceedings, trial, sentencing, and parole. Other chapters address developments in victims' rights pertaining to compensation, restitution, civil remedies, victim-witness intimidation, and the resolution of victimization disputes outside traditional justice system. The last three chapters deal briefly with the specialized problems of elderly crime victims, victims of rape and sexual abuse, and domestic violence victims.

563

Stellwagen, L. (1983). Policy briefs: Legal issues in restitution. Washington, DC: U.S. Government Printing Office.

Statement of policy issues designed as a guide for state legislators and other policy makers considering statutory provisions for monetary restitution. Specificity in legislative provisions is necessary to bring about a more consistent application of restitution statutes to increase specificity, however, should also provide for flexibility in the application of restitution. Suggested legislative reforms include explicit authorization for use of restitution, including use as either a condition of probation or sentencing option, identifying offenders or offenses for which restitution is appropriate, specifying offender and victim roles, defining victims, determination of damages, factual basis for assessing restitution amount, provision of opportunity for hearing, procedures for administering and monitoring restitution requirements, and provisions for non-compliance. A summary of existing state statutes is provided.

564

Stenning, P., & Ciano, S. (1975). Restitution and compensation and fines. Ottawa Law Review, 7, 316-329.

A review of the Law Reform Commission of Canada Working Paper on Restitution and Compensation and Fines. The central ingredients of the working papers are reviewed, and it is noted that the central assumption and major conclusion of the paper is that restitution is a natural and obvious primary focus of the criminal law and therefore should be achieved through the adaptation of sentencing policies and practices at the conclusion of criminal trials. The authors take issue with this conclusion and note that if restitution and compensation are such obvious and natural priorities of the criminal law and the criminal justice system, how is it that over the eight or nine hundred years of development of that criminal law they have received such little attention? Further, the authors note that restitution and compensation under present law are largely ignored. The distinction between the civil and criminal law is described, and it is suggested that such a distinction is an important weakness in the working papers. It is noted that no evidence is provided by the commission on the alleged "problem" requiring change in the contemporary use of restitution and compensation in the Canadian legal system.

565

Stewart, J. E., II, & Rosen, S. (1975). Adequacy of compensation, worthiness of recipient, and their effects on transgressor compliance to render aid. Journal of Social Psychology, 97, 77-82.

The present study investigated the effects of adequacy of compensation and worthiness of recipient (as to compensation) on the willingness of transgressing subjects to make restitution. As expected, the victim received more adequate compensation than the other two less worthy recipients. However, there were no differences across recipient conditions when compensation was inadequate. The expectation that the victim would receive more compensation when compensation was adequate than when inadequate was not supported, nor was the hypothesis that the victim recipient would receive more inadequate compensation than the victim surrogate recipient. Some questions are raised concerning the conceptual validity of the "Inadequate compensation" manipulation. Additional questions are posed regarding the comparability of the present study to other experiments dealing with problems of transgression.

566

Stillwell, J. C. (1977, February). Victim-defendant relationships in an adult diversion program. Paper presented at the National Conference on Criminal Justice Evaluation---Evaluating Alternatives to Adjudication.

The Adult Diversion Project operated by the Pima County Attorney's Office requires that most defendants make financial restitution and, in addition, are required to perform 40 hours of community services work. The program operates at the pretrial, post arraignment level, primarily involving property offenders. Direct victim-defendant meetings are structured for the purpose of negotiating the amounts of restitution to be made. Upon the successful completion of the project, charges are dismissed. The aim

of this research was to assess the operations of victim-defendant meetings and the effect of such meetings on victim attitudes and perceptions. Data was collected by a mailed questionnaire to those victims of defendants admitted to the program from January, 1976 until some undetermined time.

Major findings were:

- Those victims who agreed to participate in meetings with the defendant were more commonly victims of property or economic crimes than of violent crimes and were more frequently business victims.
- Approximately half of the victims responding to the questionnaire felt that they had been given a meaningful say in the acceptance/rejection decision about the defendant's admission to the project.
- Victim responses to a question concerning the purpose of the meetings were:
 - To help prevent crime by the defendants (40%)
 - To let the victims express feelings about the crime to the defendants (30%)
 - To help get an understanding of why the crime was committed (20%)
 - To finalize the arrangements for restitution (20%)
- 4. All victims involved felt that the meetings were valuable and 90% said they believed they had a better understanding of what had motivated the defendant to commit the crime.
- Ninety percent of victims involved stated they believed they had given the defendant a better understanding of the consequences of the offense for them and believed they had a positive impact on the defendant.
- Victim's perceptions of what should happen to the defendant changed in the direction of believing that less punishment and more counseling and social services were desirable for the defendant.

567

Stockdale, E. (1971). Reparation by the offender. British Journal of Criminology, 11, 189-190.

Review of the Advisory Council on the Penal System's Report on Reparation by the Offender. See Advisory Council on the Penal System (1970). Discussion of options open to the court in considering reparation including collection of prison earnings and criminal bankruptcy.

568

Stoneman, D. (1983). Reparation and the probation service. Probation Journal, 30, 14-16.

High unemployment makes many monetary penalties impractical. However, a reparation scheme in which the offender provided work directly to the victim would be very appropriate in respect to offenses of theft, vandalism, and criminal damages in cases where a fine might otherwise be imposed. This would be a good experience for the offender. It would also reduce imprisonment which often follows fine default. The

sentence should be imposed only after a social inquiry report; a probation officer should be seconded to manage such a scheme which would make extensive use of volunteers.

569

Stookey, J. A. (1977). The victim's perspective on American criminal justice. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 19-25). Lexington, MA: Lexington Books.

Being victimized causes victims to question the legitimacy of the criminal justice system. Restitution is seen as one way of making the victim whole but its utility is limited because of the relatively small proportion of crime victims for whom an offender is apprehended and convicted.

570

Stowe, J. A. (1900). Restitution to victims of crime. The Arena, 24, 102-108.

The author commends the reformatory aims of society in dealing with criminals, but points out that in the process one class, victims of crimes, appear to have been overlooked. It is suggested offenders be imprisoned, put to work, and made to pay back their victims for damages and hardship encountered.

571

Swanton, J. (1977). Final report: The pilot Alberta restitution center. Calgary, AB.

The Pilot Alberta Restitution Center was a non-residential project addressed to the issues of diversion and restitution. Program referrals came from various sources, from pre-charge to post-incarceration. The original aim of the project was to determine the effectiveness of the diversion process in comparison to current practices for non-violent, personal property offenses under \$500. Further, the project was intended to determine if offenders will carry out a contract of restitution, to determine the effects of the project on recidivism. This evaluation covers the period September 1, 1975 - October 31, 1977. The research design was a single group, after-only, non-experimental type. Data was collected from project files maintained by the program.

Major findings were:

- Referrals to the program came from a wide variety of sources, from pre-charge to post-incarceration.
- The majority of referrals to the project involved situations where a business was the victim and a substantial amount of money was lost; over 50% of the charges were related to charges of breaking and entering, theft, fraud, false pretenses; one-third of the offenders referred had been convicted of a previous criminal offense.
- Seventy of the offenders referred to the program signed 72 restitution agreements with 155 victims.

- Offenders and victims signed either a civil contract or a schedule of payments as part of a probation order; in more than 50% of the pre-sentence cases, judges chose not to make restitution a part of the sentence but required the contract to stand on its own.
- Thirty-eight of the offenders were in arrears for default of their obligation at the time the project terminated.

572

Tallack, W. (1900). Reparation to the injured. London: Wertheimer, Lea.

Paper prepared for the 1900 Quinquennial International Prison Congress in response to the question, "What would be the most practical means to secure for the victim of an injury the reparation due to him from the offender?" When possible, reparation by the offender to the victim is preferred to imprisoning the offender although, for some cases, additional deterrent punishment may need to be imposed. Current legal provisions to require reparation are not effective because most offenders are destitute. For the many destitute offenders, the state should assume the responsibility for making reparation to victims; funding for such a state program should come from fines and taxes, and even destitute offenders may be able to make some reparation, especially if this involves a mitigation of punishment. Destitute offenders who do not make reparation, however, should receive alternative punishments.

573

Tank, D. L., & McEniry, M. C. (1979). Juvenile restitution--A dynamic and challenging alternative. Madison, WI: Wisconsin Department of Health and Social Services.

This booklet presents a brief overview of the juvenile restitution process, its background, and its future in Wisconsin as an alternative that has developed from the revision of Wisconsin's juvenile code in November 1978.

574

Tarling, R., & Softley, P. (1976). Compensation orders in the Crown Court. The Criminal Law Review, 422-428.

The major objectives of this study were to test whether legislative provisions for imposing compensation (restitution) on offenders as contained in 1973 legislation in Great Britain resulted in more compensation for loss of property being ordered by the Crown courts in London. The study design involved a before-after, non-experimental design. Information was collected on a sample of offenders sentenced the year before the legislative provision went into effect and a sample of offenders who were sentenced the year after the provisions went into effect. The two time periods in which samples were selected were July -September, 1972, and July - September, 1973. For each year, the samples were limited to offenders sentenced by the Crown court in London for burglary,

fraud, theft. The final samples of offenders included 277 sentenced before January 1973, and 521 persons sentenced after January 1, 1973. Data collection was completed on the basis of the release files.

Major findings were:

- The proportion of offenders ordered to pay compensation by the Crown court in London before and after the implementation of legislative provisions nearly doubled (14% to 26%).
- Judges were less likely to compensate losses less than five pounds than losses involving more substantial amounts.
- Offenders convicted of theft or fraud were more likely to be ordered to pay compensation as compared to those convicted of burglary.
- Level of income and offender employment were associated with the use of compensation orders.
- Age, marital status and number of dependent children were not found to be significantly related to ordering compensation.

575

Taylor, E. (1986). Approaching elected officials for funding support of juvenile restitution programs. Washington, DC: National Association of Counties.

This document provides guidelines for individuals seeking funding support for juvenile restitution programs from elected local and State officials.

576

Tettenborn, A. M. (1979). Bribery, corruption and restitution--The strange case of Mr. Mahesan. Law Quarterly Review, 95, 68-77.

A legal case in which the same facts give rise to two causes of action against a single defendant, one for money received and the other for tort damages is explored as is the plaintiff's remedy choice.

577

Texas Adult Probation Commission Division of Information Services. (1988). Recidivism study on intensive supervision, specialized caseloads, and restitution centers for 1985-87. Austin, TX: Texas Adult Probation Commission Division of Information Services.

Recidivism rates of probationers in three programs established by the Texas Adult Probation Commission were studied using samples of persons placed in the programs during 1985, 1986, and 1987.

The three programs were Intensive Probation, Specialized Caseload, and Restitution Center programs. Recidivism was defined as incarceration by the Texas Department of

Corrections and was measured for periods of 12, 24, and 36 months. Thirteen percent of the people ages 17-25 recidivated within 12 months, and 21% recidivated within 36 months. The rates were lower for older offenders. Persons with prior felony histories had a 13% recidivism rate in 12 months and a 20% rate within 36 months. Recidivism was also calculated for 12 types of offenses.

578

Thalheimer, D. J. (1978). Cost analysis of correctional standards--Community supervision, probation, restitution, community service, Vol. 1. Washington, DC: U.S. Government Printing Office.

A brief background on standards relating to community-based supervision is presented, cost analysis findings are examined, and policy implications are highlighted. Standards relating to adult community-based supervision used as a basis for this analysis are those contained in the Corrections report of the National Advisory Commission on Criminal Justice Standards and Goals (NAC). This volume is designed as a companion reference to Volume 11 which is intended for use by planners and analysts. The volumes analyze and estimates the costs of implementing the standards and provides cost guidelines and estimation techniques for localities.

579

Thalheimer, D. J. (1978). Cost analysis of correctional standards--Community supervision, probation, restitution, community service, Vol. 2. Washington, DC: U.S. Government Printing Office.

The second of two volumes, dated August 1976, prepared by the standards and goals project of the American Bar Association Correctional Economics Center cost analyzing the implications of standards. Standards relating to adult community-based supervision used as a basis for this analysis are those contained in the corrections report of the National Advisory Commission on Criminal Justice Standards and Goals (NAC).

The analysis of community-based supervision in this volume is presented in six chapters. The first is a brief background of the corrections standards relating to adult community-based supervision. The second chapter devotes full attention to the functional organization of probation resources and includes a model for the organization of probation resources and the alignment of functions within the organization according to the corrections report. This organizational model divides the probation function into three sub-units; administrative services, services to the court, and services to the client. Chapters 3, 4, and 5 contain the findings of the cost analysis which are presented for probation, restitution, and community service. The final chapter contains the project conclusions and summarizes the findings of the analysis.

580

Thorvaldson, S. A. (1990). Restitution and victim participation in sentencing: A comparison of two models. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

A civil restitution model and criminal restitution model are contrasted on 30 variables: nature of restitution, nature and status of victim, theoretical tasks, operational tasks, justifying aims of sentencing, most salient aims, court's role, priority and status, authority to initiate claim, case eligibility, compensable harms, assessment approach and procedure, standard of proof, procedural standards, authority to limit the investigation of harm, limiting principles, maximum period of payment, implications of an order for alternate sanctions, sanction enforcement authority, sanctions for non compliance, public compensation programs as an alternative or supplement, restitution payable directly to public victim compensation and assistance fund, surtaxes or levies payable to public victim compensation and assistance fund, the combined trial as an alternative, relevance of civil court action by victim, victim's legal duties, victim's statutory right to claim restitution, victim's right to a restitution order, prosecutor's role, and status of victim's private council.

The criminal restitution model presents a straight forward technical task, but in a profound sense it reflects the moral idealism inherent in the notion of criminal law itself. The concept of crime implies that a harm to one is a harm to all; for such an idea to have meaning the court must construct a bridge between individual and social harm and effectively interpret both the concrete harms to the victim and the victim's participation in moral and social terms.

581

Thorvaldson, S. A. (1987, October). The battle for restitution: Why victims are losing. Paper presented at American Society of Criminology Annual Meeting, Montreal, PQ.

Current approaches of restitution, even when administered within the criminal justice system, assume restitution is essentially civil in character and provides victims with an opportunity for private remedies or damages. This assumption brings restitution and victim rights directly into conflict with the social nature and ends of criminal sentencing. We must develop a theoretical approach which reconciles restitution and the victim status with the social nature and ends of criminal sentencing. This can be done by recognizing that victim participation in criminal justice as the recipient of restitution is as a surrogate for the rest of society.

582

Thorvaldson, S. A. (1987). Restitution by offenders in Canada: Some legislative issues. Canadian Journal of Criminology, 29(1), 1-16.

Describes specific aspects of new provisions for restitution by offenders as contained in Bill C 19, introduced in February 1984 in the Canadian Parliament. Three controversial issues surrounding restitution were addressed in this draft legislation; restitution as a condition of probation, the restriction of damages for property and personal injury offenses to easily ascertainable harms, and the inclusion of what is called "punitive damages" for crime. The author describes each of these legislative provisions and comments on them.

583

Thorvaldson, S. A. (1986). Crime and redress: National symposium on reparative sanctions, May 31--June 2, 1982--Proceedings. Ottawa: Solicitor General of Canada, Ministry Secretariat.

This reports the proceedings, and contains all the papers and most of the taped panel discussion from the Symposium held in Vancouver, B.C. Session one is titled general principals and includes the discussions which almost immediately became involved with compensation (restitution) by offenders, which is the title of session two, and community service by offenders which is the title of session three. The theory, policy, and practice of restitution is included in the first session, while studies and examples of restitution programs from other parts of the world are given in parts two and three. A panel discussion with comments from the floor is included in session four. The appendices contain the symposium brochure, program notes, and the list of contributors.

584

Thorvaldson, S. A. (1985). Crime and redress: National symposium on reparative sanctions--Summary and overview. Ottawa: Solicitor General of Canada, Ministry Secretariat.

The Symposium was held for the purpose of discovering the reasons why convicted criminals are not automatically expected to make up in money or in good works the harm they have done, and to try to understand and discuss the many controversial issues this subject raises. It is pointed out that redress differs from punishment and the question is asked, "is it a significant new sentencing concept that requires an important shift in practice or is it a relatively minor one?" Some members of the Symposium considered that compensation and community service are similar forms of redress, others considered them to be very different. Other questions dealt with were: Is the assessment of harm restricted directly to the victim and should the crime dictate the redress? A chapter is included on the role and rights of victims which also gives some of their expectations. In the overview, it is stated that the most controversial and difficult question was whether compensation in principle was acceptable or justifiable as a criminal sanction, or was it best regarded as a civil remedy. The administrative issues connected with implementing such a program are immense and at present there are many major disagreements about how and even whether it should be in effect.

585

Thorvaldson, S. A. (1981). Redress by offenders: Current theory and research. Vancouver, BC: Ministry of the Attorney General, Policy Planning Division, Research and Evaluation Unit.

Describes some of the theoretical issues surrounding the notion of redress by offenders and discusses some of the implications for future sentencing research and research on reparative sentences in particular. Suggests that the concept of redress as a criminal sanction will continue to have a major impact on some of the significant issues in sentencing theory and hence on the design and direction of research. Briefly considers empirical work done to date.

586

Thorvaldson, S. A. (1981). Reparation by offenders: How far can we go? Vancouver, BC: Ministry of the Attorney General, Policy Planning Division, Research and Evaluation Unit.

With the increasing sophistication of the courts and the proliferation of sanctioning principles--deterrence, rehabilitation, denunciation, and now reparation--with their attendant sentence options, we have no alternative but to squarely accept the concept of multiple sanctions for a single offense and set about designing appropriate limits for aggregated sentences. This issue also is not new, it is just more complicated.

587

Thorvaldson, S. A. (1979). On recovering compensation funds from offenders. Vancouver, BC: Ministry of the Attorney General, Policy Planning Division, Research and Evaluation Unit.

Assesses four different methods of recovering state expended compensation funds from offenders; diverting revenue from fines and other monetary penalties to the fund, imposing a levy or surcharge on convictions or monetary penalties, requiring that criminal court compensation orders be payable by the offender to the fund and not directly to the victim, and negotiating with offenders and proceeding by the civil process via subrogation of the victim's civil claim. It is proposed that the concept of community service be expanded to serve state compensation agencies as a method of recovery.

588

Thorvaldson, S. A., & Krasnick, M. (1980). On recovering compensation funds from offenders. Victimology: An International Journal, 5, 18-29.

Four methods are considered by which the state may recover some of the cost of victim compensation programs from the offenders:

- Fines and other monetary penalties might be paid into the fund.
- A surcharge or fee might be levied upon all offenders convicted of crimes.
- Criminal court compensation orders (restitution) might be paid by the offender to the fund rather than to the victims.
- The compensation authorities might institute civil proceedings via subrogation of the victim's civil claims.

The first two methods are unacceptable because they violate concepts of equity and equal justice, the third jeopardizes the use of restitution as a criminal sanction, and the fourth, while acceptable on principle, is probably ineffective because of the lack of resources of most offenders. Compensation agencies should make greater use of community service requirements as a means of the state gaining compensation for monies paid out because of the offenders' criminal behaviors.

589

Tippens, H. (1979, September). Constraints on initiating and evaluating a victim restitution program: Project repay. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the planning and current status of "Project Repay" in the Prosecutor's Office, Multnomah County, Oregon and provides research results for the period February, 1977 - September, 1978.

590

Tittle, C. R. (1978). Restitution and deterrence: An evaluation of compatibility. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 33-58), Lexington, MA: Lexington Books.

This paper assesses the potential impact upon criminal deterrence of various schemes that would require offenders to provide restitution for harm caused by their criminal acts.

591

Titus, H. W. (1986). Restitutionary purpose of the criminal law. In P. B. McGuigan & J. S. Pascale (Eds.), Crime and punishment in modern America (pp.273-297). Washington, DC: Institute for Government and Politics.

While many legal scholars cite the Old Testament principle of an 'eye for an eye, a tooth for a tooth' as a justification for retribution, the principle is, in fact restitutionary and served as safeguard against retribution and revenge.

592

Tolan, J., & Bilchick, S. (1982). Restitution/community service--The legal issues (Audio Cassette). Reno, NV: National Council of Juvenile and Family Court Judges, University of Nevada.

In examining the legal issues related to restitution, it is concluded that there is no constitutional barrier to restitution per se, but its application must conform to certain constitutional requirements. In using restitution as a form of court diversion, issues of due process arise. It is advised that the juvenile must make a knowing and intelligent choice in waiving the right to a court hearing in favor of entrance into a pre-adjudication restitution program. This should involve the juvenile's consultation with parents and ideally an attorney. Further, there must be probable cause for an arrest and prosecution before the diversion option is offered. Equal protection issues are advised to require the setting of written policy by which all persons considered for restitution are to be processed. In cases of noncompliance, conditions for violation must be specified either in the diversion order or the court order so as to avoid successful challenges to due process. Equal protection is also advised to require that precise and fair means for setting restitution amounts be instituted and the persons selected for restitution programs not be characterized by inability to pay fines or victim compensation.

593

Trenczek, T. (1990). A review and assessment of victim-offender reconciliation programming in West Germany. In B. Galaway & J. Hudson (Eds.), Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press.

Describes and provides data regarding pilot victim-offender reconciliation projects established in the German cities of Braunschweigen, Cologne, and Rutlingen. Victim-offender reconciliation with an emphasis on restoration and peace-making is having some difficulty fitting into a punishment-oriented criminal justice system, although a theoretical basis for an emphasis on reconciliation can be found in German law.

594

Trope, G. (1979, September). Restitution as a county department: The Geauga County program. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the implementation and current status of the Geauga County Juvenile Restitution Project.

595

U.S. Congress House Subcommittee on Human Resources. (1981). Oversight hearing on juvenile restitution programs--Hearings before the House Subcommittee on Human Resources, March 3, 1981. Washington, DC: U.S. Congress House Subcommittee on Human Resources.

House hearings are held to review the progress made by a number of restitution projects funded by the Office of Juvenile Justice and Delinquency Prevention in 1979. An evaluation of the 41 restitution projects set up in 26 States, Puerto Rico, and the District of Columbia is presented along with comments by juvenile justice officials. A project manager in Madison, Wisconsin, describes the program as implemented at the State and local level, and a youth panel (consisting of young people who have participated in the program both in the District of Columbia and in Wisconsin) describes its impact on their lives. Prepared statements, letters, and other supplemental materials are included.

596

Umbreit, M. S. (1990). The meaning of fairness to burglary victims. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

Interviews were conducted with 50 burglary victims to gain an understanding of their perception of fairness. Forty four of the victims reported that they were upset by both the loss of property and the emotional impact of the crime. The concept of fairness took on a variety of meanings for the victims in this study.

The most prominent dimension was the importance of opportunities to participate in the criminal justice process. Three of four victims wanted an opportunity to express their concern about the crime. Many expressed their sense of participation in terms of simply being kept informed about what was happening to their case. Having direct involvement in determining restitution was important to 42 of the victims. Forty eight indicated that rehabilitation of the offender was an important part of their understanding of fairness. Forty seven perceived compensation by the offender to the victim as an important dimension of fairness. Lesser numbers of victims expressed punishment for the offender as a dimension of fairness. This was often coupled with a notion of requiring offenders to make compensation. Only 7 of the victims indicated that an expression of remorse from the offender was important.

Three types of victims can be identified: the healer stressing rehabilitation for the juvenile offender, the fixer stressing compensation and the need to face consequences by repairing damage, and the avenger stressing firm punishment often in an institutional setting. The victims who had participated in a mediation session with their offender reported a high degree of satisfaction with this process.

597

Umbreit, M. S. (1989). Violent offenders and their victims. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 99-112). London: Sage.

Illustrates use of the victim offender reconciliation approach with four different cases of violent offending including an armed robbery, assault to a police officer, negligent homicide, and a sniper shooting case.

598

Umbreit, M. S. (1988). Victim Understanding of Fairness: Burglary Victims in Victim Offender Mediation. Minneapolis, MN: Minnesota Citizens Council on Crime and Justice.

Fifty fact-to-face interviews were held with Hennepin County, Minnesota victims of burglary by juvenile offenders who had been referred to a Victim Offender Reconciliation Program (VORP) during 1986 and 1987. Sixty-two percent of the victims had participated in a mediation session with their offender. The remainder chose not to enter the mediation process.

The study was guided by three questions: (a) What is the meaning of fairness to crime victims? (b) Is fairness and any sub-dimension related to victim personal characteristics? (c) To what extent are crime victims who participated in a victim offender mediation program satisfied with the mediation process? Participation by crime victims in criminal justice is an important element of fairness for all these victims. The importance of victim participation in the justice process included both passive forms (information provision by letter) and active forms (court appearance and/or mediation).

Three other dimensions of fairness emerged; punishment of the offender, compensation of the victim, and rehabilitation of the offender. Most victims perceived fairness as requiring rehabilitation services for their offender. This was expressed by all the victims who participated in mediation and 90% of those who did not. Restitution by the offender was the second most frequent dimension of fairness. Expression of remorse was important to some victims but was not a major theme embraced by most victims of burglary in the study.

A typology of victim perspectives on fairness was constructed with six categories; punishment, punishment/compensation, punishment/rehabilitation, compensation, compensation/rehabilitation, and rehabilitation. Victims who participated in mediation were more likely to report fairness as compensation and virtually no participants in mediation fell into the category of fairness as punishment.

Female victims were more likely than males to be placed in the compensation/rehabilitation category of fairness, while males were more likely to be in the compensation category. Females were found to be somewhat more likely to be located in the punishment category. Minority victims were less punitive than their caucasian counterparts and nearly twice as likely to be found in the fairness category of rehabilitation. Victims in the lowest and highest income brackets were more likely to fall in the punishment category of fairness. Victims with more education were considerably more likely to be found in the rehabilitation category.

Ninety-seven percent of participants in the mediation process felt they were treated fairly in the mediation session; 94% felt the mediator was fair; 93% felt the negotiated restitution agreement was fair; and 86% found it helpful to meet the offender, talk about the offense, and negotiate a plan for restitution. Victims who were referred to VORP and participated in a mediation session with their offender were considerably more likely to have experienced fairness (80%) with the manner in which the criminal justice system dealt with their case than those victims who were referred to VORP but chose not to enter mediation (38%).

599

Umbreit, M. S. (1988). The meaning of fairness to victims in victim offender mediation. Ph.D. dissertation, University of Minnesota, Minneapolis, MN.

An exploratory study of the meaning of fairness to crime victims. Interviews were conducted with 50 victims of burglary in Hennepin County, Minnesota (Minneapolis area) who were referred to a victim offender mediation program during 1986 and 1987. Sixty-two percent of the victims interviewed had participated in a mediation session with their offender.

Three dimensions of fairness emerged from the interviews: punishment of the offender, compensation for the victim, and rehabilitation of the offender. Cross validation of qualitative and quantitative data allowed for construction of a typology of victim perspectives of fairness consisting of six categories. The most frequent concern about fairness expressed by these victims was related to the need for services to rehabilitate their offender. Compensation of the victim for their losses was the second most frequent concern about fairness. Participation by crime victims in the justice process was found to be a major element of fairness across all categories of victims.

Participants in the mediation process indicated a high level of satisfaction. Specifically, 97% said they were treated fairly in the mediation session, 94% said mediator was fair, 93% said restitution agreement was fair, and 86% found it helpful to meet the offender to talk about the offense and negotiate a plan for restitution.

600

Umbreit, M. S. (1988). Mediation of the victim offender conflict. Journal of Dispute Resolution, 31, 1-20.

The process of crime victim offender mediation involves four phases -- intake, preparation for mediation, mediation, and follow-up. Both empowering and controlling styles of mediation can be identified. The empowering style is most useful in crime victim offender mediation because it returns power to both victims and offenders.

Research on a victim offender mediation program in Minneapolis and St. Paul, Minnesota, involving juvenile property offenders and their victims finds high victim satisfaction with the program. Victims report that opportunities to participate in the juvenile justice system is necessary to treating victims fairly. Victims varied on other elements of fairness, including those who saw restitution as essential to fairness, those who saw punishment as essential to fairness, and those who saw offender rehabilitation as essential to fairness.

The process of mediating victim-offender conflict provides an opportunity for reduction of anger, frustration, and fear on the part of the victims as well as providing compensation for their loss. Offenders can be held accountable for their behavior and make amends in a real and personalized way.

601

Umbreit, M. S. (1986). Victim offender mediation and judicial leadership. Judicature, 69, 202-204.

Brief descriptions of two victim offender reconciliation programs (VORP's) illustrate the importance of judicial involvement and commitment for successful program implementation. The program in Porter county, Indiana is administered by a nonprofit organization and serves primarily property offenders. The program in Genesee County, New York is operated by a local sheriff's department and brings victims of serious violent crime and their offenders together in a victim-offender reconciliation process. Both programs were established with strong commitment and endorsement from a local judge. Victim offender reconciliation is a very sensible response to both crime victims and offenders but must have judicial support and commitment if the programs are to be successful.

602

Umbreit, M. S. (1986). Victim/offender mediation: A national survey. Federal Probation, 50(4), 53-56.

A summary of findings from the first victim offender reconciliation program (VORP) survey conducted by the PACT (Prisoners and Community Together) Institute for Justice. It includes brief descriptions of four programs: Valparisaro, Indiana; Minneapolis, Minnesota; Quincy, Massachusetts; and Batavia, New York.

603

Umbreit, M. S. (1986). Victim offender reconciliation program. H. J. Kerner (Ed.), European and North American juvenile justice systems (pp. 403-416). Munich, Germany: University of Heidelberg, Institute for Criminology. [Deutschen Vereinigung fur Jugendgerichten und Jugendgerichtshilfen Schriftenreihe Heft 16.]

This paper describes the basic elements of the initial model of the Victim Offender Reconciliation Program (VORP) implemented in Elkhart, Indiana and presents a brief case study.

604

Umbreit, M. S. (1985). Victim offender mediation: Conflict resolution and restitution. Washington, DC: U.S. Department of Justice, National Institute of Corrections

Key elements of victim offender reconciliation programs (VORP's) include clarity regarding goals, case referral and screening procedures, preliminary mediator contacts with victims and with offenders, joint victim offender meetings, specification of mediator roles, and case follow up. A 1985 survey identified 32 VORP programs and provide briefs descriptive information about them. Brief descriptions are provided for programs in Valparasio, Indiana; Minneapolis, Minnesota; Quincy, Massachusetts; and Batavia, New York.

The Coates and Gehm research is summarized suggesting the importance of VORP goal clarification. Replication of VORP programs requires goal clarification, community support and a funding base, specifying target populations, referral sources and procedures, program design, management information system, and mediator training. Future implications and directions for VORP may involve the use of co-mediators, establishing planned follow-up victim offender meetings, dealing with violent offenses, developing broader networks for support for VORP, applying VORP in urban and multi-cultural settings, considering the application of VORP within correctional institutions, and developing ways of measuring the concept of reconciliation.

605

Umbreit, M. S. (1985). Crime and reconciliation: Creative options for victims and offenders. Nashville, TN: Abingdon Press.

Law and order advocates exaggerate the risks of crime and those oriented to offenders' needs tend to dismiss the reality of crime and its impacts on victims. The Judeo-Christian heritage, particularly Christian teachings, argues that the biblical directive of an 'eye for an eye' should be considered a call for proportionality rather than a call for harsh punishment. Alternatives to institutionalization should be developed such as bringing the victim, offender, and society together through a holistic system of justice and reconciliation. As victims and offenders come together with a mediator each will understand and deal with the other as human beings. The process ends when an appropriate form of restitution to both victim and society is agreed upon. Three program models are described. Those who believe in a Christian reconciliation process are to advocate for reform of criminal justice system policies.

606

Umbreit, M. S. (1983). Community service restitution as an alternative to prison/jail. Proceedings of the 113th Annual Congress of Correction (pp. 91-97). College Park, MD: American Correctional Association.

Careful planning is required if community service or community based sanctions are to serve as alternatives to prison or jail. Four steps are essential if this objective is to be accomplished. The target population must be clearly identified, clear rationale articulated for use of the alternative, a plausible link must be established for use of the alternative as a substitute for incarceration, and a public information campaign must be established to secure public support for community services as an alternative to incarceration.

607

Umbreit, M. S. (1981, June). Community service sentencing: Jail alternative or added sanction. Manuscript, Michigan City, IN: Prisoners and Community Together (PACT), Inc.

Describes the operations of the Porter County PACT program, a community service restitution program designed as an alternative to incarceration. Initially the program dealt with adult misdemeanor offenders. More recently adult felons have been served as well. Project staff have been concerned that the program actually operates as an alternative to incarceration rather than broadening the criminal justice net. Information is provided regarding the efforts of program staff to deal with this issue.

608

Umbreit, M. S. (1981). Criminal punishment--Prisons or alternatives (Slide-tape). Val Paraiso, ID: Prisoners and Community Together (PACT) Inc., PACT Institute for Justice.

This slide/tape presentation asserts that community-based alternatives to imprisonment, such as monetary restitution and community service programs, are less costly and more rehabilitative than traditional prisons and should be supported in every community.

609

United Nations. (1985). Victims of crime: Survey of redress, assistance, restitution and compensation for victims of crime. New York, NY: United Nations.

This report based on 1985 data from 70 countries, traces the situation of victims of crime and the means of redress and assistance available to them across a broad spectrum of countries in different geographic regions. Questionnaires seeking information on existing practices and reform proposals relating to victim services were mailed to all member and nonmember states of the United Nations. While overall systems and

specific mechanisms varied considerably, all responding countries felt that much remained to be done for victims. Respondents were particularly concerned about new and special forms of victimization, such as those arising from nonconventional crimes and abuses of public and economic power.

Training and information-sharing were viewed as very important. Other priorities were additional research on victim needs, program effectiveness, and increased advocacy for victims. Respondents recommended cooperative regional and intercountry activities that would include the development of model legislation. The interest and investment manifested by respondents in this survey indicates growing awareness and sensitivity regarding victim issues around the world. The report identifies responding nations and discusses the survey results in detail.

610

University of Ottawa, Department of Criminology. (1978). Alternatives to imprisonment--Removal from court jurisdiction, mediation, restitution, community service--Canada. Ottawa: University of Ottawa, Department of Criminology.

The principle alternatives to imprisonment in Canada (removal from court jurisdiction, mediation, restitution, community service, and community residential centers) are advocated. These alternatives are needed because of class discrimination in legal proceedings; legislative, judicial and penal inflation; and public dissatisfaction with substitution of the state for other institutions such as the family, church, and community. Examples of restitution projects in Quebec and Ontario show that restitution serves the purpose of reimbursing victims for financial, physical, and psychological damages. Community service sentences have just been introduced in Canada and are only considered for crimes punishable by imprisonment.

611

Upson, L. A. (1987). Criminal restitution as a limited opportunity. New England Journal on Criminal and Civil Confinement, 13, 243-267.

This note presents criminal restitution as a favorable sentencing option and assesses the Federal Victim Witness Protection Act.

612

Utne, M. K., & Hatfield, E. (1978). Equity theory and restitution programming. In J. Hudson & B. Galaway (Eds.), Offender . . . tion in theory and action (pp. 73-87). Lexington, MA: Lexington Books.

Equity theory is reviewed in relation to the use of restitution, and some programming suggestions are offered.

van Dijk, J. J. M. (1985). Compensation by the state or by the offender--the victim's perspective. The Hague, Netherlands: Netherlands Ministry of Justice Research.

This study uses empirical data to assess the performance of the Dutch schemes of state victim compensation and offender monetary restitution to the victim. After reviewing enabling legislation for Dutch victim compensation schemes, the paper analyzes data pertaining to the schemes' effectiveness. Government research data from 1983 are used to compare the number of applicants for state victim compensation with the number of crime victims potentially eligible for compensation. The data analyses pertaining to offender restitution focus on the percentage of criminal cases involving restitution orders and the percentage of crime victims receiving compensation from offenders.

The paper then reports on an ongoing Government research project that evaluates the impact of victim services. This study surveyed victim attitudes toward various compensation schemes as well as toward the police and the courts. Overall, the study found that the state compensation scheme has not brought financial relief to a substantial portion of crime victims nor fostered more positive victim attitudes toward criminal justice administration. Schemes for offender compensation of victims apparently appeal to both victims and the public at large.

van Dijk, J. J. M. (1984, August). Compensation by the state or by the offender: The victims perspective. Paper presented at the Conference on Victims, Restitution and Compensation in Criminal Justice System, Cambridge University England.

The Netherlands has had a public victim compensation scheme since 1976 for persons who have sustained severe bodily injury as a result of crime and who are incapable of bearing the damage without undue hardship. Dutch courts are not allowed to order restitution as a penalty, but it can be used as a condition of admission or probation and the possibility of attaching the civil question of damages to the criminal proceeding also exists. Further, one of the acceptable grounds for a prosecutor dismissing a case is that an acceptable settlement has occurred out of court between the offender and victim.

A very small number of applications are received for public compensation, probably because of lack of public awareness of the existence of the program. The police do not publish statistics on the extent of cautioning (restitution can be associated with police cautioning). In 1982, 130,449 cases of common crimes (excluding traffic and drug offenses) were registered by the office of the public prosecutor. 1,279 were dismissed on the grounds of a settlement between the offender and victim. In 2.5% of cases involving common crimes (traffic and drug offenses excluded) registered by the public prosecutor, some form of compensation by the offender is formally arranged by judicial authorities. The number of informal arrangements by police and the attachment of the civil question to the criminal proceeding are unknown.

Research among crime victims suggests that the percentage of victims receiving compensation from the offender is low, ranging from 2% for burglary victims, 5% for victims of criminal damage, 5% for victims of violent crimes, and 15% for victims of serious crimes of violence. Data was collected through interview of 81 applicants for compensation from the fund and 147 victims of violent crimes who did not apply for compensation. The findings suggest that state compensation schemes have failed to achieve both their social welfare aim and their aim of fostering more positive attitudes towards the administration of criminal justice. Compensation by the offender, within the frame of criminal justice, strongly appeals to both victims and the public at large.

615

Van Ness, D. W. (1990). Restorative justice. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

Restorative justice as a response to crime enables victims, offenders, and the community to collaborate with government in repairing the injuries resulting from crime. The elements of restorative justice include a definition of crime as injury, purpose of action is repairing injuries, and a commitment to including all parties in the response to crime. Restorative justice can be implemented by establishing a two track justice process--a formal process administered by government and an informal community based process. The over arching purpose would be to achieve restoration, but each process would play its own role. The purpose of the formal process is to ensure that restraint, accountability, and reparation are secured. The purpose of the second process would be to move beyond restitution to restoration. A workable model of restorative justice will answer three basic questions: Who are the parties and what are their relative relationships? What is the desired outcome? What kind of process is needed?

616

Van Ness, D. W. (1986). Christianity and the problems of crime--What we can do about it. In P. B. McGuigan & J. S. Pascale (Eds.), Crime and punishment in Modern America (pp. 259-272). Washington, DC: Institute for Government and Politics, 259-272.

Incarceration and a number of crime-related issues are discussed within a biblical framework and the Old Testament alternative of restitution is supported.

617

Van Ness, D. W. (1986). Crime and its victims. Downers Grove, IL: Inter-Variety Press.

The current principle of crime as an offense against the state ignores the psychological effects of victimization and the victim's needs to resolve their experiences. The

overcrowding and inhumane conditions common to prison today make the experience of imprisonment one that motivates offenders to fight the system rather than accept responsibility for what they have done. In its early history, criminal justice focused mainly on the need of the offender to restore the victim. However, the rise of the modern nation changed the focus to public peace. Confusion now exists regarding the purposes of sanctions against offenders. However, the biblical principals of restitution and reconciliation are still the more appropriate ones. The criminal justice system should focus on the use of restitution, using payments that are clearly defined, measurable, and achievable. Victim-offender reconciliation and victim assistance and compensation should also be central to criminal justice. Community supervision and other alternatives to incarceration should also increase.

618

van Voorhis, P. (1985). Restitution outcome and probationers' assessments of restitution. Criminal Justice and Behavior, 12, 259-287.

Reports on the impact of Kohlberg's moral development stages on probationers' receptivity to the intents of financial restitution. Effects of these perceptions and their interactions with moral development on restitution outcome are also presented. In-depth interviews furnished data needed to diagnose moral development and construct ratings of offenders' perceptions. Compliance data were extracted from probation records and interviews with probation officers.

Results suggest that low maturity offenders were more likely to identify with deterrent and instrumental intents. High maturity offenders were more oriented to reparative and rehabilitative intents. Among the offenders as a whole, adherence to notions of reparation and concern for the victim facilitated compliance, whereas perceptions of restitution as lenient and a good deal had adverse impacts. Orientations distinguishing low maturity successes from failures were dysfunctional ones (eg., restitution is a good deal, lenient, or an inconvenience). An orientation to reparation distinguished high maturity successes from failures.

619

van Voorhis, P. (1983). Theoretical perspectives on moral development and restitution. In W. S. Laufer & J. M. Day (Eds.), Personality theory, moral development, and criminal behavior, (pp. 411-439). Lexington, M.: Lexington Books.

Outlines areas of inquiry relevant to both moral development and restitution and outlines an agenda for research to study moral development in an applied restitution setting. The restitution literature concerning offender assessments of restitution, their ability to assume responsibility for their victims, and the credibility of the theoretical rationales behind restitution are reviewed in respect to moral development theory. The questions posed by moral development theory are drawn out, demonstrating why and how stage theory provides a useful framework for analyzing the claims made in the restitution literature.

This chapter pushes for greater consideration of the differential implications of moral development theory in the applied restitution setting. A number of questions may be relevant to other applied settings as well, such as how participants at different stages of moral development make sense of a given treatment modality, sanction, school program, and so on; how might a program be differentially structured in order to enhance the chances of success among participants at specific stages of moral development.

620

Van Voorhis, P. A. (1983). The effects of moral development on restitution outcome and offender assessments of restitution. Dissertation Abstracts International, 43, 4052A. (University Microfilms No. DA83-10680).

This research classified offenders ordered to pay financial restitution and/or to perform community service by Kohlberg's Stages of Moral Development in order (a) to identify demographic, social, offense-related, and personality correlates of moral development and (b) explore the extent to which the moral development classification system helps to predict offender orientations to restitution and the successful performance of restitution.

The two study samples consisted of 63 convicted offenders and 53 diverted offenders. The research was conducted between November, 1978 and May, 1980, in Albuquerque, Santa Fe, and Carlsbad, New Mexico. In-depth interviews furnished the data needed to classify the subjects by moral judgment stage, interpersonal maturity level (I-level) and to construct ratings and indices of several personality and attitudinal dimensions. Six-month follow-up data pertaining to offenders' compliance with restitution and other conditions of probation/diversion were collected from probation/prosecutorial agency records. Bivariate and multivariate cross-tabular analysis were utilized.

The results revealed significant relationships at the .05 level between moral maturity and; age, ethnicity, gender, marital status, number of dependents, education level, income, occupational status, employment status, prior fines, weapons possession, acquaintance with the victim, loss amount, victim type, I-level, responsibility, and empathy. The findings were frequently similar across samples.

Moral maturity was significantly related to one of the conviction, restitution outcome measures. High maturity offenders were more successful than low maturity offenders. Moral maturity was unrelated to the restitution outcomes of the diverted offenders. Moral maturity was unrelated to diverted or convicted offenders' compliance with other conditions. Multivariate analysis identified circumstances of restitution that affected the performance of each moral maturity group.

Moral maturity was also found to be related to assessments of the fairness of restitution, concern for the offense and methods of coping with restitution related difficulties. Multivariate analysis identified conditions of restitution that differently impacted upon these assessments.

High maturity offenders generally were oriented to the rehabilitative and reparative intents of restitution, whereas low maturity offenders perceived the punitive and instrumental intents. Multivariate analysis identified for each moral maturity group (a) interpretations which had a beneficial or adverse effect on restitution outcome and (b) the conditions of restitution that impacted upon these interpretations.

621

Vaughn, J. (1980). PARC: An integrated approach to victimization. Paper presented at the Fourth Symposium on Restitution and Community Service Sentencing, Minneapolis, MN.

Describes a victim-oriented program involving restitution, community service, compensation, crime prevention, and victim assistance.

622

Vaughn, J. (1979, September). Judge-ordered restitution in California: The case of the passed buck. Paper presented at the Third National Restitution Symposium, Duluth, MN.

The aim of this study was to determine the attitudes of a sample of California judges toward restitution as well as their thoughts as to why restitution is so infrequently used in that state. The California penal code authorizes courts to order restitution as a probation condition. In most cases where a victim had received compensation through the state compensation fund, the offender can be ordered to pay restitution into the fund so as to compensate additional victims of violent crimes. Superior and municipal court judges and their use of restitution as a probation condition, therefore, constituted the program under study.

A survey was mailed to 201 of the state's 887 superior and municipal court judges in January of 1977. In addition, a follow up personal interview of twenty randomly selected judges was completed between June and August, 1978.

Major findings were:

- Approximately 57% of the judges responding anticipated having problems imposing restitution. Among the major problems listed were the defendant's inability to pay, problems with determining the amount of restitution to be ordered, lack of information about the state compensation program and the use of restitution, and administrative red tape involved in ordering restitution.
- Fourteen of the twenty judges interviewed stated that the prosecuting attorney should be held responsible for initiating restitution, while five saw this responsibility as lying with the probation department, and one with the victim.
- Sixteen of the twenty judges interviewed saw the probation department as most appropriately being responsible for supervising restitution. While four saw the prosecuting attorney as the most appropriate person to supervise restitution.

623

Veevers, J. (1989). Pre-court diversion for juvenile offenders. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 69-81). London: Sage.

The Exeter (England) Joint Services Youth Support Team uses mediation, reparation, and community services as a diversion program for juvenile offenders who are referred from the police. The team's plans must be acceptable to the youth and parents and consists of representatives from social services, police, and probation. Ideally mediation should occur as soon as possible after the offense but processing time makes this difficult. Non attendance by victims has also been a problem.

624

Vennard, J. (1979). Magistrates' assessments of compensation for injury. The Criminal Law Review, 510-523.

In an attempt to encourage the wider use of compensation, in June 1976 magistrates from the four South Yorkshire benches adopted guidelines. The present research aimed at examining the use of these guidelines. The main purpose of the guidelines is to provide a scale of suitable amounts corresponding to specified types of injury sustained by crime victims. The scheme has been described as a tariff system and also as a first code of compensation.

To obtain a measure of the effect of the guidelines on magistrates' use of their compensatory powers in the courts, comparison was made between the number of awards given during the four months prior to adoption of the guidelines and four months after the guidelines were introduced. The figures were also compared with the proportionate use of compensation in the rest of the country during these two periods.

It was found that the use of the guidelines was associated with a marked increase in awards and this increase was much greater than in the rest of the country. Even given the increase, orders were still made in only a minority of cases.

The courts' reasons for the decision to make no award was assessed and it was found that the two main reasons given for not ordering compensation were that the victim and assailant were members of the same family (the incident arose out of a domestic dispute), and evidence of provocation on the part of the victim. Other reasons for not ordering compensation were that the victim's injuries were trivial and cases where compensation was incompatible with the sentence -- where the defendant had been given a custodial penalty, had been discharged, or received a fine.

Because the guidelines recommend that courts make their assessment of an award by determining financial loss as well as injury and pain and suffering received, it is assumed

that magistrates have access to, or can readily obtain adequate information on all aspects of the victim's financial loss and injury. The extent to which such information was available on cases dealt with during the time of the current study was determined and it was found that the courts knew whether the victim had incurred loss of income, out of pocket expenses or damage to personal property in 59%, 52% and 63% of cases respectively. The courts did not know the extent of pain and suffering experienced by 65% of victims. In the majority of cases the injuries incurred were relatively minor.

It was found that clerks of courts that did not use guidelines noted that compensation was seldom even considered by their bench when dealing with offenders convicted of wounding or assault. Most generally, the findings of this research suggest that there is a clear case for the wider use of guidelines for assessing compensation in respect of personal injuries. It seems likely that the implementation of guidelines nationally will promote a substantial increase in the proportionate use of compensation and make for greater consistency in the level of awards for various types of injury, even though the proportion of cases of wounding or assault where compensation is judged appropriate will probably remain a minority.

625

Vennard, J. (1978). Compensation by the offender: The victim's perspective. Victimology: An International Journal, 3, 154-160.

A study of victims of offenders who had been convicted in magistrates courts in London during a single week in September, 1974. Interviews were conducted with 75 victims--45 of whom were victims of property offenses and 30 who were victims of assault. The most common problem identified by the victims was confusion and ignorance about the legal process and about ways that they might obtain compensation for losses.

The magistrates had ordered compensation (restitution) for 71% of the property offense victims and for 30% of the assault victims. The victims welcomed these decisions. However, over half the group indicated the amounts ordered did not equal their losses. Compensation awarded for loss of property appears to contribute to a victim's sense of satisfaction with the outcome of the criminal proceedings.

626

Viano, E. C. (1978). Victims, offenders, and the criminal justice system: Is restitution an answer? In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 91-99). Lexington, MA: Lexington Books.

An overview of victimology is provided and restitution is suggested as having the potential for more fully integrating the victim into the operation of the criminal justice system.

Virginia Department of Criminal Justice Services. (1987). Recommended restitution practices for Virginia's circuit courts. Richmond, VA: Virginia Department of Criminal Justice Services.

This document provides guidelines to be used by local courts in developing a system for gathering the information required for informed decisions about restitution and for administering, enforcing, and monitoring restitution orders. The guidelines cover basic processes including policy development, case and victim eligibility criteria, and the responsibilities of various court personnel in the process.

Specific information to be considered in a restitution plan is outlined, including victim and defendant data, losses or damages, defendant ability to pay, and subrogation information. It is recommended that the clerk's office have responsibility for the management and disbursement of restitution payments. Records within this payment management system also should provide information to be used by the court-approved supervisor in monitoring the defendant and enforcing the order. Offender management is the responsibility of the probation officer or alternative supervisor who will review failures to pay and recommend necessary remediation, including court review. Forms are appended for victim loss and impact statements, offender resource statements, and the restitution directive.

Vodopivec, K. (1978). Restitution to victims of criminal offenses in Slovenia. Annales Internationales de Criminologie, 17, 147-166.

Examination of the application of legal provisions in the Republic of Slovenia, one of the republics of Yugoslavia, by which victims may secure restitution from offenders. The most useful available remedy is the adhesive procedure by which the civil question of restitution is considered as a part of the criminal proceeding. The use of restitution as a means of diverting offenders from the criminal justice process is not likely because of the legal expectation that the public prosecutor will prosecute all cases. In the legal system, provision of probation is not foreseen for adult offenders, thus making impractical use of restitution as a penal measure.

In 1973, 11,377 offenders were condemned (found guilty); from this group were excluded the offenders found guilty on the basis of private charges (private prosecution is permitted), traffic offenses, offenses against public order, or offenses for which there was no individual victim, leaving a balance of 30% of the offenders for whom restitution might reasonably be expected to victims. A random sample of 25% of this group of 3,451 offenders was taken and court records examined to determine if victims received restitution. The final study group involved 886 offenders and 1,111 victims.

Sixty-one percent of the victims had their property returned, had the restitution adjudicated as part of the adhesive procedure or renounced their claim to restitution and

2.3% received a damage adjudication as a result of civil procedure. For 0.6 % the civil issue had not been resolved after three years and for 31.1% damage to the victim remained unresolved.

The initial hypotheses that the penal courts do not apply provisions for restitution and damages provided by the Yugoslavian penal legislation was not confirmed. Civil action was perceived as possible for 360 of the victims but only asserted in 31 cases. Civil action was not found to be a method courts could rely upon as a means of directing the victim to a proceeding to assert their claims. The adhesive procedure appears to be working reasonably well in providing a means for victims to secure restitution.

629

Vogelgesang, B. J. (1976). The Iowa restitution in probation experiment. In J. Hudson & B. Galaway (Eds.), Restitution in criminal justice (pp. 134-145), St. Paul, MN: Minnesota Department of Corrections.

Describes the implementation and operation of 1974 Iowa legislation requiring restitution as a condition of either probation or deferred sentence. Case examples of restitution plans are included.

630

Voss, M. (1990). Victim expectations, diversion, and informal settlement: Results of a victim survey in Bielefeld. In B. Galaway & J. Hudson (Eds.), Criminal justice, restitution, and reconciliation. Monsey, NY: Criminal Justice Press.

Data was collected from personal interviews with victims of juvenile or young adult (up to age 20) offenders reported to the police in the city of Bielefeld, Germany between October 1986 and August 1987 for offenses of theft, assault, property damage, fraud, and robbery. Reasons for reporting the crime to the police in order of importance were restitution of damages, act of civic duty, seeing the offender punished, help for the offender, and/or information about his motives. Diversion was supported by 67% of the victims, traditional severe sanctions by 25%, and judicial but less severe sanctions by 8%. Three-quarter of the victims show motives for reporting compatible with diversionary strategies. Willingness to participate in informal solutions to the offense increases with a background of anonymous relationships between victims and offenders.

631

Waldron, G. F. (1980). Problems associated with operating restitution programs within the juvenile-justice system. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 31-35). Lexington, MA: Lexington Books.

Describes the current status and major problems in the implementation of the juvenile restitution initiative funded by the Office of Juvenile Justice.

632

Waldron, G. F., Chinn, C. E., Smiley, D. W., Lynch, J. E., & Dove, S. D. (1979). Public relations: Developing support for juvenile restitution projects--Working paper #3. Arlington, VA: National Office for Social Responsibility.

This document is designed to provide project managers and staff with information pertinent to the planning and implementation of effective public relations campaigns. The specific purposes of this document are primarily threefold: to examine the rationales for developing project support within the juvenile justice system and the community; to discuss the methods and techniques project managers and staff can employ in cultivating this support; and to highlight the relevant considerations in utilizing media coverage and information dissemination to augment support building efforts.

633

Waldron, G. F., Chinn, C. E., Smiley, D. W., Lynch, J. E., & Dove, S. D. (1978). A guide to juvenile restitution programming--Working paper # 1. Arlington, VA: National Office for Social Responsibility.

After a brief discussion of the origins of restitution and the recent resurgence and trends in the area, the issues related to restitution planning and programming are covered at the juvenile level. Three program models are presented, evaluation decisions are considered, and specific issues including full or partial restitution, expanded social control, victim related issues, legal issues, and which offenders should be recommended for restitution are discussed.

634

Waldron, G. F., & Lynch, J. (1979). Managing juvenile restitution projects. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

A guide developed to assist managers of juvenile restitution projects in the Office of Juvenile Justice and Delinquency Prevention Juvenile Restitution initiative. Project goals and objectives are to be specified and analyzed in relation to the objectives of the national initiative. A detailed flow chart indicating the types of activities to be engaged in as the juvenile offender moves through the juvenile justice system to completion of the restitution contract. Sample forms and a job description are included.

635

Walklate, S. (1986). Reparation: A Merseyside view. British Journal of Criminology, 26, 287-298.

Reports on an examination of the nature of victim reparation projects, attitudes of victims in the wider community toward such projects, and the role victim support schemes might play. A short questionnaire was used to determine the extent to which having been a victim of crime affects attitudes toward the use of reparation. Little difference was found between those who had been a victim of crime and those who had not in their hesitancy to accept an offender into their home. Age and gender, rather than prior experience at having been a crime victim, are found to be important intervening variables in affecting responses to the notion of reparation. Being female and over 65 seemed to be important variables affecting respondents' expressed willingness to be involved in a reparation project. It is concluded that there is little widespread support amongst victims in particular or the wider community in general, for victim offender reparation projects.

636

Waller, I. (1984). Victims. Ottawa Law Review, 16, 444-454.

Bill C-19, introduced in the 32nd Parliament of Canada (1983-84) and referred to as the Criminal Law Reform Act was aimed at the protection of the rights of victims. The Bill closely follows recommendations made by a Federal/Provincial Task Force on Justice for Victims of Crime which submitted its report in July 1983.

The Bill proposes the addition to the Criminal Code of a major section on restitution to victims, introduces powers to award special and punitive damages and directs probation officers to meet victims when preparing a pre-sentence report. It makes clear that judges may invite a victim to address the question of restitution as a witness. It places limits on court delays and facilitates the return of property. It clarifies the use of penal sanctions against victims who refuse to give evidence and sets out criteria for sentencing, including redress for the victim. These provisions make clear that restitution can constitute a separate sentence and generally encourages judges to make more use of this measure.

637

Walster, E. C., Bersheid, E., & Walster, G. W. (1976). New directions in equity research. Journal of Personality and Social Psychology, 25, 151-176.

This article consists of four sections. The first elucidates a general theory of social behavior-equity theory. Equity theory consists of four propositions designed to predict when individuals will perceive that they are justly treated and how they will react when they find themselves enmeshed in unjust relationships. The second section summarizes the extensive research that has been conducted to test equity theory. The third section points out the ways in which equity theory interlocks with other major social psychological theories. The final section hints at some ways in which equity theory can be applied to understanding social problems.

638

Warren, M. Q. (1978). Evaluation of recent developments in restitution programming. In J. Hudson & B. Galaway (Eds.), Offender restitution in theory and action (pp. 113-118), Lexington, MA: Lexington Books.

Describes the evaluation research being conducted on seven Law Enforcement Assistance Administration (LEAA) funded adult financial restitution projects. The type of information that is to be available and the major difficulties encountered in conducting the evaluation are described.

639

Washington Department of Social and Health Services. (1982). Evaluation of the Washington state juvenile restitution project--Final report. Olympia, WA: Washington Department of Social and Health Services.

Program and follow-up data on almost 1,500 youths placed in Washington State's juvenile restitution and community services programs over 3.5 years indicated that these efforts were more successful compared to control groups in lowering the use of detention, levels of institutionalization, and 6 month recidivism rates.

The project's restitution component was generally less effective than the community service component. Youths most likely to perform well in restitution/community service programs were white males between 11 and 15 years old who were attending school, had few adjudicated offenses prior to the referral, and had a low level of restitution or community service ordered. Delinquents with several prior offenses, minorities, females, and youths not attending school were not successful in completing the program. A youth's participation in school or daily structured activity appeared critical to program success.

Quality restitution/community service programs cost approximately \$550 per youth, which is substantially lower than alternative incarceration costs. Moreover, considerable public support appears to exist for such programs. The evaluation concludes that a program's quality is the key to its rehabilitative effect and that this should improve with frequent evaluations, training, and technical assistance. The report recommends establishing a maximum ceiling rate for restitution and community service, suggesting \$230-\$245 for restitution and 70-75 hours for service. It also emphasizes that the linkup between the youth's offense and referral to a restitution/community service program be as rapid and efficient as possible.

640

Wasik, M. (1984). The Hodgson Committee report on the profits of crime and their recovery. The Criminal Law Review, 708-725.

This article discusses reforms in British trial procedure and sentencing law and practices proposed by the Hodgson Committee in its 1984 final report.

The report recommends that a new power of confiscation of profits of an offense be made available to the criminal courts, that in such cases the sentence should be fixed, and that the defendant's cooperation and size of the resultant confiscation order should be taken into account in fixing the sentence. The report also advocates victim compensation. It recommends that financial reparation be limited by reference to the means of the offender and that current restrictions on the award of compensation to the victim's dependents be removed.

The report also considers the possibility of establishing a compensation fund to increase the efficiency and integration of the various existing means of victim compensation. In the areas of restitution and forfeiture of stolen goods, the report recommends that the proposed compensation guidelines be followed and that the prosecutor play a greater role in assisting the court by providing evidence or argument on restitution matters. Finally, in considering the priority of punishment and redress, the report suggests that orders for the payment of money or transfer of property should be taken into account in calculating sentencing.

641

Wasik, M. (1978). The place of compensation in the penal system. The Criminal Law Review, 599-611.

Examines the way in which compensation orders were consolidated into the Criminal Justice Act of 1972. Specific proposals are made relating to the future place of compensation orders within the penal system, in the form of a substantially expanded compensation scheme.

642

Watson, D., Boucherat, J., & Davis, G. (1989). Reparation for retributivists. In M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders, and communities (pp. 212-228). London: Sage.

Reparative justice may be achieved through a framework of retribution and acknowledgement that a breach of public law is also a wrong done to a victim. But some reparation, such as the restoration of trust that appropriate moral standards are shared, cannot be coerced. Restoring trust may be accomplished through a voluntarily given apology. Voluntarily given reparation, either an apology or compensation, should reduce the amount of penalty imposed by the court because the harm done to the individual has been ameliorated, reducing the need for severity to achieve proportionality. Victim offender mediation schemes may be useful in achieving reparation. But to preserve the concept of comparative justice agreements negotiated through mediation must be perceived as proposals subject to review by courts.

Weber, J. R. (1978). Georgia's residential restitution centers. Lexington, KY: Council of State Governments.

Restitution, both monetary and public service, is an age-old procedure widely used in a variety of ways by both juvenile court and criminal court judges. Restitution does not have to be combined with a residential program to be valid. Some offenders, however, can gain more benefits from a residential restitution program than from incarceration in a prison. From a cost point of view, restitution centers are in the state's interest because incarceration costs are usually less than for prisons.

The Georgia Restitution Centers are offender-focused rather than victim-focused. Thus, they differ from state victim compensation programs. Victim compensation refers to money or services provided to a victim by the state, whereas restitution refers to money or services provided to the victim by the offender. In Georgia, ten restitution centers serve designated judicial districts. The district court judge makes the decision to place an offender in a restitution center rather than a prison. The centers serve as an alternative to prison incarceration, not as an alternative to probation supervision. Georgia's restitution centers have relieved prison overcrowding.

The preferred method of intake, after an offender has been sentenced to a term of imprisonment, is for center staff members to interview offenders in the county jail while they await transportation to the state prison. If the offenders and center staff members believe a restitution center program would be appropriate, a recommendation is made to the sentencing judge who may then modify the original sentence to placement in a residential restitution center as a condition of probation. The centers' programs operate 24 hours a day, seven days a week. Offenders are employed and relinquish their paychecks to center staff members for division according to a contract. Restitution includes monetary payment for damages and public service activities. A typical participant in the program is a 19-year-old offender who was convicted of a property offense and who has been on probation for an earlier offense. Average length of stay in the center is about four months.

A major cost benefit of Georgia's Restitution Centers Program is the short-term leasing of center facilities. Uneconomical tourist courts located on state highways now bypassed by interstate highways are favorite lease locations. The key to successful operation of a correctional residential restitution center is community acceptance. The restitution center needs to be viewed by community leaders as their program.

Weisstub, D. N. (1986). Victims of crime in the criminal justice system. E. A. Fattah (Ed.), From crime policy to victim policy (pp. 191-209). London: Macmillan.

Crime victims should be compensated through the remedies available in civil law as well as through the criminal justice system, if that combination of approaches best responds to the victims' interests.

645

West, J. S. M. (1976). Community service orders. In J. F. S. King (Ed.), Control without custody? Cambridge: University of Cambridge, Cambridge Institute of Criminology.

Issues related to the use of community service orders with offenders in Britain are considered. Primary attention is given to issues of the whether the community service order should be penalty or treatment, and how a proper balance of social control over offenders can be achieved.

646

White, A. G. (1977). Restitution as a criminal sentence: A selected bibliography. Monticello, IL: Council of Planning Librarians.

Lists reference materials dealing with financial restitution.

647

Whitehead, J. T., & Lindquist, C. A. (1987). Intensive supervision--Officer's perspective. B. McCarthy (Ed.), Intermediate punishments (pp. 67-84). Monsey, NY: Willow Tree Press.

This 19-month study used participant observation and survey questionnaires to examine program perceptions, job satisfaction and stress, and burnout among 35 officers assigned to a supervised intensive restitution (SIR) program in Alabama. The survey questionnaire also was administered to 108 regular probation/parole officers.

Officers' perceptions of the SIR program were overwhelmingly positive. Their positive reactions to both increased offender contact and increased contact with law enforcement personnel suggests that they enjoyed a clearly defined emphasis on surveillance that does not exclude the service aspects of the job. Some dissatisfaction was expressed with the need to cut corners because of workloads and the lack of resources to help offenders with concrete adjustment problems. Compared to regular officers, SIR officers showed higher overall job satisfaction, primarily related to intrinsic factors (personal contacts, autonomy, flexibility), significantly lower job stress, and less job burnout (emotional exhaustion). Overall job satisfaction of SIR officers remained high in a 1 year follow-up. Recommendations for program improvements are made.

Williams, V. L., & Fish, P. (1974). A proposed model for individualized offender restitution through state victim compensation. In L. Drapkin & E. Viano (Eds.), Victimology: A new focus, Vol. II, Society's reaction to victimization (pp. 155-165). Lexington, MA: Lexington Books.

A proposal is made to implement a restitution scheme within a community-based economy system by requiring inmates to pay a portion of their points earned to the state to repay the state for its victim compensation. Under this system, the state would act as an intermediary between the victim and the offender. The state would pay victim compensation according to his present or proposed plan. In the state's transactions with the victim, it would emphasize that it was acting as an intermediary and that the offender would be required to pay the state the equivalent of the amount being advanced to the victim.

In this manner the victim would receive his restitution in a timely manner and in a useful pecuniary form. He would also receive "satisfaction" in knowing that the state would extract restitution from the offender. On the offender's end, he would have the opportunity to earn "points" for participation in a rehabilitation program. He can be required to pay a portion of all points earned to the state with the understanding that he is indirectly making restitution to his victim. This would not be so burdensome to the inmate that it would kill his incentive to earn points in the program. The primary advantage of this method is that it would restore the direct relationship between the victim and the offender by impressing upon both parties the personal element of restitution.

Wilson, M. J. (1983). Juvenile offender instrument--Administration and a description of findings. Eugene, OR: Institute of Policy Analysis.

This report provides a site-by-site descriptive summary of evaluation data collected by the Juvenile Offender Instrument (JOI) from six sites involved in the Juvenile Restitution Initiative. The JOI was administered to both experimental and control groups for each of the six sites: Venture County, California; Washington, D. C.; Clayton County, Georgia; Boise, Idaho; Oklahoma City, Oklahoma; and Deane County, Wisconsin. The JOI was designed to obtain information on (a) offender background characteristics; (b) factual and attitudinal information about the offense, co-offenders, and victim; (c) opinions on the fairness and severity of the juvenile court sanctions; (d) offenders' perceptions as to labelling by teachers, parents, and peers; and (e) the self-rated likelihood of future criminal behavior.

Each site report follows the same format, beginning with a description of the treatment groups at the site and proceeding to a summary of particulars related to JOI administration (dates of administration, random assignment violations, group sizes, etc.). Descriptive tables are provided, and issues related to survey administration and

experimental design are addressed. This report does not analyze the findings in terms of specific hypotheses, and is therefore purely descriptive.

650

Wilson, M. J., & Settle, P. (1982). Restitution compliance and in-program re-offense rates--A comparison of experimental and control group performance in Venture County, California. Eugene, OR: Institute of Policy Analysis, Venture Corrections Services Agency.

The Venture Juvenile Restitution Project focuses primarily upon influencing juveniles to fulfil restitution orders under the administrative structure of a nonsecure facility, employment services, and probation officer supervision in the field. This study evaluated the evidence bearing upon restitution compliance and the empirical distributions of in-program reoffenses for experimental and control groups (those who received regular probation with restitution orders). The groups are similar as to the types and magnitude of restitution ordered. The examination of in-program reoffense rates covered 2 years 3 months and 429 referrals.

The findings show that the experimental groups consistently outperformed the control group in terms of actual restitution dollars paid and the percentage of the original order paid. The two indicators of total reoffense show that restitution youths are less likely to reoffend during the period of supervision than youths on probation. For the probation group, the first month is the most critical for reoffending; whereas for the experimental group, the second and third months are high reoffense probability periods. After the first quarter, both groups have similar reoffense dynamics, with the experimental group generally having a lower rate than the probation group.

651

Wisconsin Legislative Council. (1987). Legislation on community corrections issues: 1987 Assembly Bill 269 relating to restitution. Madison, WI: Wisconsin Legislative Council.

Presents the legislative background and provisions for Wisconsin 1987 Assembly Bill pertaining to restitution conditions.

652

Woodard, P. I., & Anderson, J. R. (1984). Victim-witness legislation--An overview. Sacramento, CA: Search Group.

Describes and analyzes U.S. federal and state legislation relating to rights of criminal victims and witnesses. Legislative programs involving victim compensation, restitution, witness protection, and other related issues are described. Legislation by state is presented in 15 categories.

653

Worrall, J. (1981). Restitution programming for correction agencies: A practical guide. College Park, MD: American Correctional Association.

This guide book is intended to provide non-institutional administrators, planners, and others with the understanding of restitution, how it works and what it can and cannot accomplish. Alternative approaches to designing a basic restitution program are laid out. Optional victim and witness services which could be provided in addition to restitution are included. The final section contains an example of an operational manual for a restitution program, presenting the program policies and operational procedures to be followed. A list of known restitution programs and a bibliography are included as attachments for those wishing to contact operating programs and explore the literature for further information.

654

Wright, M. (1988). Criminal Justice Amendment (No. 3) Act 1987. Auckland University Law Review, 6, 103-107.

The New Zealand criminal justice act of 1985 established reparation for property loss or property damage as a sentence of first resort for property offenders. 1987 amendments added emotional harm as an element for which reparation can be made.

655

Wright, M. (1987). What the public wants: Surveys of the general public, including victims. Justice of the Peace, 151, 105-107. Also in M. Wright & B. Galaway (Eds.), Mediation and criminal justice: Victims, offenders and community (pp. 264-269). London: Sage, 1989.

A review of several public opinion surveys regarding public acceptance of restitution, community service sentencing, and mediation. Many members of the public, including victims, are ready to shift the basis of the debate away from whether to use harsh or lenient punishment to the use of reparative sanctions instead of punishment.

656

Wright, M. (1985). The impact of victim-offender mediation on the victim. Victimology: An International Journal, 10, 631-644.

The criminal justice process has been widely criticized for leaving out victims. One response has been to involve them in victim offender mediation, with a view to reparation and reconciliation. This raises new issues, and the paper reports views on some of these from an exploratory survey of staff and others associated with mediation

projects in the United States and Canada. Among the questions considered were the attitude to reparation, the rights and duties of the State as against the victim, and fairness to victims and offenders. The emotional needs of victims of serious crimes were raised, as well as the need to hold offenders accountable. Future possibilities and problems of mediation are also reviewed.

657

Wright, M. (1984). End of sentence, new chapter. Paper presented at the Conference on Victims, Restitution and Compensation in the Criminal Justice System, Cambridge University, England.

A case example is used to compare mediation favorably with the way the criminal justice system typically operates. Traditional justice is adversarial, adjudicatory, authoritative, arbitrating, and tends to preserve the existing order with all its inequities and unfairness. Mediation is restorative, responsive, and reconciling and prepares the way for a reforming process.

658

Wright, M. (1983). Victim/offender reparation agreements: A feasibility study in Coventry. Birmingham, England: West Midlands Probation Service.

A feasibility study prepared in response to the search for better ways to work with offenders. Stresses involving the victim in making offenders more accountable. Suggests a project for Coventry as a model for other projects. Requirements for the project are described and a list of references provided. Topics covered include the historical background of compensation to victims, experiences gained through American programs, how reparation can be put into practice in respect to referral procedures, mediation and court procedures, guidelines for accepting suitable cases and how offenders can pay back when they have limited sources of income. A sample victim/offender reparation agreement is included.

659

Wright, M. (1982). Reparation: A way out of the punishment vs. cure argument? Abolitionist (England), 3.

Both the concepts of punishment and rehabilitation need to be replaced with a model based on the principles of symbolically cancelling out harm through constructive action, involving both victim and offender and leaving both feeling fairly treated. Studying circumstances surrounding harmful acts and a search for ways of reducing them, prohibiting imposing punishments known to be harmful, and prohibiting imposing rehabilitative measures without consent are advocated.

660

Wright, M. (1981, December). Crime and reparation: Breaking the penal logjam. New Society, 58, 444-446.

Reparation should become the primary principle in the administration of justice with deterrence and rehabilitation as desirable side-effects. The use of prisons deflects attention from victims and the victim's chances of securing reparation. Current processes for handling offenders should be replaced with procedures based on mediation principles directed towards ensuring that the process is not a dramatic ordeal for either victim or offender who should both feel that their case has been fairly heard and an acceptable solution reached. The solution should not be focused upon what has occurred in the past but, rather, what steps are needed to bring about harmonious relationships in the future.

661

Wright, M. (1977). Nobody came: Criminal justice and the needs of the victims. Howard Journal, 16, 22-31.

The response to calls to do something about crime might well be to care for crime victims through removing barriers for victims to receive compensation, providing immediate care and support as is done by victim support schemes, and rethinking the types of requirements imposed upon convicted offenders so that greater attention is given to requirements whereby these offenders take some active steps to restore their victims and the community. "The proposal that the victim should be helped by the offender or by the community, and the offender should be required to make amends to the victim or the community, is an attempt to find a way of showing respect to the victim's feelings while offering him practical help and yet treating the offender so as to heal the breach he has made in society by drawing him back in, rather than widening it by degrading and expelling him."

662

Wrightson, J. W. (1979, September). Local government as a point of entry for restitution programming. Paper presented at the Third Symposium on Restitution, Duluth, MN.

Describes the history, implementation, and current operations of the Prince George's County, Maryland, Juvenile Restitution Project.

663

Yantzi, M. (1978). Victim offender reconciliation: In theory and practice. Unpublished Master of Applied Science research essay, University of Waterloo, Waterloo, ON.

The author draws upon theory and his own experiences as a staff member of the Victim Offender Reconciliation Project (VORP) to describe and explore the various components of victim offender conflict and avenues for its successful resolution. A description of the operations of VORP, an innovative project located in Kitchener, Ontario, which brings offenders and victims together in face-to-face confrontations, is included along with several case examples. Victim offender conflict is addressed in relation to equity theory, conflict theory, and third party consultation theory. The role of restitution in the reconciliation process is also considered.

664

Yantzi, M. D. (1981). Community options: Handling spilt milk. Correctional Options, 1, 67-71.

Victim Offender Reconciliation Projects (VORP) provide an alternative to both vindictive punishment and therapy by holding offenders accountable for actions to restore the damages they may have done. Victim offender mediation and the use of trained community volunteers as mediators are central concepts to VORP programming. The process of bringing victim and offender together to develop a plan for the offender to restore damages is described. The importance of monitoring completion of the agreement through follow-up is stressed.

665

Young, D. J. (1985). Proposal for a new correctional system--Correction by restitution. In I. P. Robbins (Ed.), Prisoners and the law (pp. 20-44). New York: Clark Boardman.

The corrections system should make restitution its major objective; imprisonment, with some exceptions, would be ancillary to this major objective.

666

Zalichin, D. W., Schraga, S. Y., & Chytilo, J. (1980). Restitution in Brooklyn and Bronx criminal courts: A victim-oriented approach. In J. Hudson & B. Galaway (Eds.), Victims, offenders, and alternative sanctions (pp. 121-129). Lexington, MA: Lexington Books.

Describes the history and current status of the restitution projects operating in Brooklyn and Bronx criminal courts by the Victim Services Agency. Formative evaluation results are presented for 1978.

667

Zapf, M. K., & Cole, B. (1985). Yukon restitution study. Canadian Journal of Criminology, 27, 477-490.

A study of ordering, compliance, and enforcement of restitution in the Yukon Territory using official files for dispositions between April 1, 1981 and March 31, 1983. The Yukon Territory has a population of approximately 25,000 people, about 60% of which live in Whitehorse. Of 1,473 probation orders made, 22% (323) involved restitution as a condition of probation. The completion status of four of these orders could not be determined at the time of the research, thus the research is based on 319 restitution cases.

Most of the orders, 60.8% (194) resulted in full payment, 3.8% (12) were partially paid, and 35.4% (113) were left unpaid. Natives were slightly more likely to receive restitution orders than whites (53.6% compared to 42.9%) and the restitution orders for Natives were more likely to be combined with incarceration (35.7%) than for whites (20.4%). White offenders were slightly more likely to make full payment than Natives (64% compared to 58%). Compliance was higher in rural areas (68%) than in Whitehorse (56%). Thirty-two percent of the restitution orders were combined with fine, 30% with a suspended sentence, 29% with a period of incarceration, and 9% with a conditional discharge. Highest rate of full payment was among offenders given conditional discharge (83%), 59% of those with a fine completed restitution, 66% of those with a suspended sentence completed restitution, and only 39% of those sentenced to incarceration completed restitution.

Only 1.6% of the orders involved personal service restitution. Eighty seven percent of the monetary restitution orders were in amounts of less than \$500. The mean amount of restitution ordered was \$400 with a range of \$3 to \$15,073. Restitution order enforcement was inconsistent. Only 19% of the cases where restitution was not paid were returned to court, usually to extend the time given to pay. In over 70% of the unpaid restitution cases, no such action was taken. Only 7% (9) of the unpaid restitution cases resulted in a new conviction and sentencing; one offender received a suspended sentence and eight were given periods of incarceration. Contact with victims by probation officers was minimal, victim-initiated, and over the telephone. Restitution as a probation condition is not a simple debt to be collected and must be treated like any other probation condition, tempered by the offender's particular abilities and needs.

668

Zehr, H. (1985). Retributive Justice, Restoration Justice (Occasional Papers No. 4). Elkhart, IN: Mennonite Central Committee (MCC) U.S. Office of Criminal Justice and Kitchener, ON: MCC Canada Victim Offender Ministries Program.

The criminal justice system is not helpful to either victims or offenders because it removes power from both. Historically two systems--state justice and community justice--have existed side by side, but over time the state system has expanded by usurping power from the community system. We are now at the point of a major paradigm shift away from the notion of retributive justice which defines crime as an offense against the state, is backward looking, and focuses on punishment. This shift is towards a paradigm of restorative justice which puts offenders and victims back at center stage, perceives

crime as conflicts between individuals, stresses conflict resolution and peace-making, and is concerned about future relationships.

669

Zehr, H. (1983). VORP: An overview of the process. Elkhart, IN: PACT Institute of Justice and Mennonite Central Committee Office of Criminal Justice.

Step by step description of the Victim Offender Reconciliation Program processes.

670

Zehr, H. (undated). Mediating the victim offender conflict. Akron, PA: Mennonite Central Committee.

The conceptual basis for victim offender reconciliation program (VORP) projects which originated in Kitchener, Ontario, and which are now functioning as several locations in the United States, including a description of the VORP program in Elkhart, Indiana. VORP makes use of volunteer mediators to bring offenders and victims together to work out a reconciliation in which the offender agrees to steps to make amends for the wrong done to the victim. Most VORP projects are sponsored by private agencies outside the criminal justice system working in close cooperation with criminal justice officials from whom referrals are received.

671

Zehr, H., & MaKinen, K. (1980). Victim-offender reconciliation program volunteer handbook. Elkhart, IN: Elkhart County Prisoners and Community Together (PACT), Inc.

A manual providing detailed descriptions of program procedures and the process to be used to bring victims and offenders together to negotiate the manner by which the offender may restore victim losses.

672

Zehr, H., & Umbreit, M. S. (1982). Victim offender reconciliation: An incarceration substitute? Federal Probation, 46(4) 63-68.

The Victim Offender Reconciliation Program (VORP) operated by Prisoner and Community Together (PACT) in Indiana is described. The program allows for a face-to-face meeting between victim and offender in which facts and feelings are discussed and a restitution contract agreed upon. Trained community volunteers serve as mediators. VORP can serve as a partial or total substitute for jail or prison incarceration. Eighty six percent of all cases represent felony offenses with burglary and theft being the most common.

Zemans, F. K. (1980). Coercion to restitution--Criminal processing of civil disputes. In J. Brigham & D. M. Brown (Eds.), Policy implementation (pp. 159-183). Newbury Park, CA: Sage.

In criminal law, penalties are intended to punish the violator and deter the potential violator. In civil law, the coercive power of the State is behind the requirement to pay for injuries inflicted or contractual obligations unfulfilled. An examination of part of an urban criminal justice system illustrates the use of the more coercive system to achieve essentially civil results in commercial controversies. The Fraud and Consumer Complaint Division (FCCD), a specialized section of a county prosecutor's office in Illinois, has its statutes written in a criminal format, but the operational goal of this office is not deterrence, but readjustment or repayment.

Recognition of the limited ability of criminal justice to deal effectively with ongoing disputes is reflected in the growing effort to divert many technically criminal offenses from the adversary process of the criminal courts to legal structures and operating procedures of the FCCD type. Like the FCCD, these programs retain the threat of criminal prosecution as a tool in effecting voluntary settlements. Thus, the nature of a legal disposition is insufficient as an indicator of the role of the coercive power of the State. Instead, an examination of the actual operating procedures is necessary to understand the interaction between repressive and restitutive sanctions that occurs in practice.

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