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OJJDP Update on Research

Gerald (Jerry) P. Regier, Acting Administrator

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Restitution and Juvenile Recidivism

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Introduction

Increasingly, juvenile courts require offenders to compensate their victims. Restitution and community service are advocated as steps toward "restorative justice," which attempts to restore the losses of victims and the peace of the community as well as to punish offenders. Restitution programs are designed to hold offenders accountable for their actions, but they may also advance public safety and rehabilitative goals. Although research on this aspect of restitution is scarce, the use of restitution should be assessed, at least in part, by whether it is associated with reduced recidivism.

The National Center for Juvenile Justice reviewed the juvenile court experiences of youth in Utah to explore the relationship between the use of juvenile restitution and recidivism. The Utah Juvenile Court operates a structured restitution program throughout the State (see box, p. 2). The court encourages victims to claim restitution and orders it in almost every case in which a claim is made. Inasmuch as Utah maintains one of the most comprehensive juvenile court information systems in the Nation, it presents a valuable opportunity to examine the impact of restitution.

The study shows that for cases involving robbery, assault, burglary, theft, auto theft, and vandalism, recidivism is lower when juveniles agree or are ordered to pay restitution to their victims directly

or through earnings derived from community service. This difference is apparent for nonpetitioned, informally handled cases as well as adjudicated probation cases.

Study

The study data were obtained from the National Juvenile Court Data Archive, maintained for the Office of Juvenile Justice and Delinquency Prevention by the National Center for Juvenile Justice. Data are provided to the archive by State and local agencies responsible for collecting or reporting information regarding the processing of juvenile court cases.

The study began with archived data on the court careers of 90,702 youth born from 1962 through 1970 and referred to the Utah Juvenile Court between January 1, 1969, and December 31, 1988. These youth were involved in 244,741 juvenile court referrals. Each case in the study represents a separate court referral, but not necessarily a separate individual.

Cases were selected for study if they met the following criteria. First, cases were included in the analysis only if the most serious charge associated with the case was robbery, assault, burglary, theft, auto theft, or vandalism. Previous analyses showed that restitution is a

From the Administrator

Juvenile justice policymakers, practitioners, and the public often favor restitution programs as a means of compensating the victims of juvenile crime while providing an effective response to the behavior of young offenders. When a juvenile offender is required to reimburse victims for property, medical expenses, or other damages, the victim and the community undoubtedly benefit. However, does restitution affect recidivism?

To investigate the relationship between restitution and recidivism, the Office of Juvenile Justice and Delinquency Prevention asked the National Center for Juvenile Justice to analyze the automated

juvenile court records stored in the National Juvenile Court Data Archive. More than 13,000 cases from the State of Utah were studied to assess the association between the use of restitution and subsequent recidivism.

The findings presented in this *OJJDP Update on Research* suggest ways that juvenile justice agencies may focus their restitution programs to obtain better results for delinquent youths and their communities. The research indicates that juvenile courts may want to use restitution in informal as well as formal cases.

Gerald (Jerry) P. Regier
Acting Administrator

Restitution in Utah

The statewide Utah Juvenile Court operates a structured juvenile restitution program. In the majority of restitution cases, youth make restitution directly in the form of financial payments. Others may be ordered to participate in community service programs to earn money to make restitution payments. In 1988, financial or community service restitution was used in approximately 30 percent of petitioned cases and 10 percent of nonpetitioned cases.

Under State law, the Utah Juvenile Court may order youth to repair, replace, or make restitution for victims' property and other losses. Probation officers are authorized to develop restitution or community service plans even in cases where youth are not formally brought before the court by petition. In such cases, consent agreements are signed by youth and parents, and restitution is often paid directly to the victim.

An innovative feature of Utah's approach to juvenile restitution, established by State law in 1979, permits the court to withhold a substantial portion of fines paid by juveniles to underwrite a work restitution fund. The fund allows juveniles otherwise unable to pay restitution to work in community service projects in the private or public sector to earn money to compensate their victims. The juveniles' earnings are paid directly from the fund to the victims.

During the past decade, the use of restitution has increased in Utah. In 1980, court-ordered restitution paid by juveniles and returned to victims was just under \$250,000. By 1990, that amount had increased to more than \$550,000. In recent years, as much as two-thirds of the restitution moneys ordered by the Utah Juvenile Court have been collected and returned to victims.*

* The Administrative Office of the Courts (1991). *Utah juvenile court: Restitution and community service program*. Salt Lake City, Utah, Administrative Office of the Courts.

common component in the disposition of such cases. Second, only cases involving youth below the age of 17 at the time of disposition were included. This age restriction ensured that all youth had at least 1 year remaining under juvenile court jurisdiction, so that delinquent offenses occurring within 1 year of disposition would be referred to juvenile court.

Researchers chose two categories of cases to test the association between the use of restitution and recidivism. The first category included 7,233 cases that were handled informally by the probation department (i.e., cases that were not dismissed, but were disposed without filing a petition). The second group consisted of 6,336 adjudicated cases placed on formal probation.

Recidivism was defined as any case in which a youth was returned to court within 1 year of disposition for a new charge of delinquency if that charge was disposed by the court either formally or informally. Cases in which new charges were later dismissed did not meet the definition of recidivism. To test the association between the use of restitution and recidivism, researchers compared the recidivism of informally handled youth who agreed to pay restitution with youth who received other types of informal dispositions.¹ The recidivism of adjudicated juveniles placed on formal probation was compared with that of youth placed on formal probation and ordered to make restitution.

No data were available on the specific restitution conditions applied to each case, such as the amount of money or the number of hours in the restitution order, nor whether the youth did or did not comply with the restitution order.

Informal cases

Of the 7,233 nonpetitioned cases in which there was a disposition other than dismissal, 30 percent were disposed informally, with the youth agreeing to pay restitution, while 70 percent received one of several other informal

dispositions, including fines, voluntary probation, or referrals to other agencies (table 1).

Restitution was used more often for nonpetitioned cases in which the youth was male, white, or had few prior court referrals. Restitution was also used slightly more often for younger youth than for older offenders. The offense most frequently disposed with informal restitution was vandalism. Of the 1,153 nondismissed, nonpetitioned vandalism cases, 66 percent resulted in an informal restitution agreement. More than one-fourth of theft and burglary cases were disposed with informal restitution agreements.

In 16 percent of informally handled cases, youth returned to court for new, *nondismissed delinquency offenses* within 12 months of disposition. A larger proportion of males (17 percent) than females (11 percent) recidivated. Recidivism was related to the number of prior referrals; 9 percent of cases without prior referrals recidivated while 37 percent of those with three or more referrals recidivated. Recidivism was unrelated to minority status; 18 percent of white and 19 percent of minority youth recidivated.² Youth involved in informally handled vandalism, assault, and theft cases were slightly less likely to recidivate than those charged with auto theft and robbery.

Restitution and Recidivism. Restitution was associated with significant reductions in the rate of new referrals among nonpetitioned cases. The prevalence of recidivism among cases agreeing to informal restitution was 11 percent, while 18 percent of those receiving other dispositions such as fines and informal probation recidivated (table 1).

When the analysis was controlled for other case characteristics, the differences in recidivism remained. In cases

¹ Cases handled without formal court action are described throughout the study as "informal dispositions."

² Minority youths included blacks, Hispanics, Asians, Pacific Islanders, and Native Americans.

Table 1

Proportion of nondismissed, informally handled cases in which offenders agreed to pay restitution as part of disposition, and prevalence of recidivism within 1 year

	N	Offenders agreeing to pay restitution (percent)	Overall prevalence of recidivism (percent)	Prevalence of recidivism by disposition	
				Informal restitution (n=2,199)	Other informal dispositions (n=5,034)
All nondismissed, informal cases	7,233	30%	16%	11%	* 18%
Sex					
Male	5,546	33	17	12	* 20
Female	1,682	21	11	8	12
Minority status					
White	4,663	34	18	12	* 21
Minority	1,057	17	19	16	20
Age at referral					
13 or under	1,789	34	15	11	* 17
14	1,383	31	16	11	* 19
15	1,929	30	17	10	* 19
16	2,132	27	16	13	16
Prior court referrals					
0	4,341	35	9	8	* 10
1 or 2	1,613	31	17	16	17
3 or more	1,279	14	37	28	* 30
Most serious offense					
Robbery	30	13	23
Assault	559	10	16	15	16
Burglary	622	28	19	12	* 23
Theft	4,625	25	16	12	* 17
Auto theft	244	18	22
Vandalism	1,153	66	12	11	14

Detail may not add to total due to missing data.

... = Insufficient number of cases to evaluate the difference in recidivism.

* = Difference between recidivism of cases receiving and not receiving restitution is statistically significant: $p(\chi^2) < .05$.

involving male juveniles, recidivism occurred significantly less often in cases where restitution was paid than in cases involving other informal dispositions (12 percent versus 20 percent). Similarly, among cases involving white youth, 12 percent of informal restitution cases were referred to court for a new delinquency offense within 1 year, compared to 21 percent of cases receiving other informal dispositions.

The use of informal restitution was associated with significantly lower recidivism among cases involving (1) youth under the age of 16, (2) those with no prior court referrals, or (3) those with three or more prior referrals, and (4) youth charged with burglary or theft. In other categories, differences in rates of recidivism were not statistically significant.³

Formal probation cases

Of the 6,336 formal probation cases studied, 51 percent ordered the youth to pay financial restitution or perform community service to earn money for restitution (table 2). The likelihood of restitution being included in a formal order of probation varied slightly with the characteristics of the case. Males (52 percent) were somewhat more likely than females (44 percent) to pay restitution. White youth were ordered to make restitution slightly more often than their minority counterparts. Older youth were ordered to pay restitution about as often as younger youth.

Probationers with fewer prior court referrals were more likely to receive restitution as part of a disposition. Cases involving youth with no prior referrals included restitution orders in 58 percent of all formal probation cases; youth with

three or more prior court referrals were ordered to make restitution in 46 percent of all cases.

The use of restitution was related to the most serious offense associated with a formal probation case. Of the six offenses targeted for analysis, vandalism (68 percent) and burglary charges (63 percent) were the most likely probation cases to receive restitution orders. Robbery, theft, and auto theft charges received restitution dispositions in just under half of the cases. Restitution was least likely in cases involving charges of assault (25 percent).

Among the formal probation cases meeting the selection criteria for this study, 35 percent were referred to court within 1 year for a new delinquency offense that was not dismissed. Juvenile probationers were more likely to recidivate within 12 months if they were male (36 percent) rather than female (28 percent), minority (45 percent) rather than white (35 percent), or had three or more prior court referrals (45 percent) rather than none (22 percent). The proportion of formal probation cases that recidivated did not appear to be related to the age of the juvenile at the time of court referral or to the most serious offense associated with each case.

Restitution and Recidivism: The relationship between the use of restitution and the prevalence of recidivism was statistically significant in formal probation cases. Of probationers ordered to pay restitution, 32 percent recidivated within the year, while 38 percent of those not paying restitution faced new court referrals within the year. Differences in recidivism were significant for males and females, and white as well as minority youth. Restitution combined with probation was consistently associated with lower recidivism rates than probation alone. Differences in recidivism failed to be significant when youth were under the age of 14 or had three or more prior court referrals. In those cases, however, the direction of the difference still favored the use of restitution.

In cases involving charges of burglary and theft, which represent the majority of all cases in the study, youth who were ordered to pay restitution recidivated significantly less than those placed on probation alone. Formal probation cases in which youth were charged with burglary had a recidivism rate of 31 percent when the disposition included restitution, but 38 percent when probation alone was ordered. Cases involving charges of theft had a recidivism rate of 34 percent if the juvenile was ordered to pay restitution, but 38 percent if restitution was not included in the formal disposition.

Conclusion

The results of this study suggest that the use of restitution is associated with significant reductions in recidivism among certain juvenile offenders. The association is present whether youth are handled informally or placed on formal probation by the court. Juveniles agreeing to pay restitution as an informal disposition, as well as those formally ordered to pay restitution, return to court significantly less often than juveniles who do not pay restitution.

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³ All comparisons in this study were tested for statistical significance. Where noted, differences between two numbers were statistically significant at the .05 level according to the χ^2 (or chi-square) test of significance. A statistically significant difference at the .05 level indicates that there is less than a 5 percent probability that the difference is due to random error, or chance. Some differences may fail to be significant due to the small number of cases involved in the comparison.

Table 2

Proportion of formal probation cases in which offenders were ordered to pay restitution as part of disposition, and prevalence of recidivism within 1 year

	N	Offenders agreeing to pay restitution (percent)	Overall prevalence of recidivism (percent)	Prevalence of recidivism by disposition	
				Restitution with probation (n=3,215)	Probation alone (n=3,121)
All formal probation cases	6,336	51%	35%	32%	* 38%
Sex					
Male	5,630	52	36	33	* 39
Female	706	44	28	23	* 32
Minority status					
White	4,749	51	35	33	* 36
Minority	1,049	46	45	39	* 50
Age at referral					
13 or under	1,607	50	35	34	37
14	1,462	51	37	34	* 39
15	1,726	51	35	31	* 39
16	1,541	51	33	31	* 36
Prior court referrals					
0	1,595	58	22	21	* 25
1 or 2	2,350	51	34	32	* 36
3 or more	2,391	46	45	43	46
Most serious offense					
Robbery	99	46	31
Assault	408	25	36	34	37
Burglary	2,119	63	33	31	* 38
Theft	2,972	44	36	34	* 38
Auto theft	288	45	36	31	40
Vandalism	450	68	34	32	39

Detail may not add to total due to missing data.

... = Insufficient number of cases to evaluate the difference in recidivism.

* = Difference between recidivism of cases receiving and not receiving restitution is statistically significant: $p(\chi^2) < .05$.

quality of this analysis. NCJJ gratefully acknowledges the efforts of all the State and local agencies that contribute their data to the archive. Their cooperation in responding to our requests for data and documentation made this work possible.

For further information

The National Juvenile Court Data Archive collects and stores automated records of cases handled by courts with juvenile jurisdiction. For more information about the archive, contact the National Center for Juvenile Justice, 701 Forbes Avenue, Pittsburgh, Pennsylvania 15219-4783, or call 412-227-6950.

NCJJ uses archive data and information from the annual *Juvenile Court Statistics* report (which presents national estimates of delinquency and status offense cases handled by juvenile courts) to prepare policy and research studies. Archive data are available to researchers and policymakers.

Additional resources

• *Juvenile Restitution Management Audit*. 1989. 17 pp. NCJ 115215. Free. These guidelines and checklists are designed for use by managers of juvenile restitution programs in examining and assessing the functions and capabilities of their programs with respect to how they meet their specific goals.

• *Liability and Legal Issues in Juvenile Restitution*. 1990. 24 pp. NCJ 115405. Free. Guidance is presented to help juvenile restitution programs, community service agencies, and juvenile employers avoid liability and to enable restitution programs to be fair and protective of all parties.

• *National Trends in Juvenile Restitution Programming*. 1989. 12 pp. NCJ 115214. Free. This study suggests that when properly designed and implemented, restitution programs provide the juvenile justice system with an effective mechanism for holding youths accountable for their actions while responding to the needs of victims.

For a copy of any additional resources cited above, or the latest *Juvenile Court Statistics* report or the *Guide to the Data Sets in the National Juvenile Court Data Archive*, call or write the Juvenile Justice Clearinghouse, Box 6000, Rockville, Maryland 20850 (800-638-8736, or 301-251-5500 in Maryland and the Washington, D.C., area).

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