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# Federal Probation

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- The Impact of Critical Incident Stress: Is Your Office Prepared to Respond? ..... *Mark Maggio*  
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DECEMBER 1993

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# Federal Probation

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## This Issue in Brief

ACQUISITIONS

**Choosing the Future of American Corrections: Punishment or Reform?**—What does the future hold for criminal justice and corrections in this country? Authors James Byrne and Mary Brewster examine the four most important predictions of John DiIulio, Princeton University professor and author of *No Escape—The Future of American Corrections*, and offer some suggestions to those state and local corrections policy-makers who believe the United States is moving in the wrong direction.

**The Impact of Critical Incident Stress: Is Your Office Prepared to Respond?**—Physical assault of an officer while on duty, unexpected death of a co-worker, a natural disaster—all can be considered critical incidents which affect not only the individuals involved but the organization as a whole. Authors Mark Maggio and Elaine Terenzi define critical incidents, explain the importance of providing stress education before such crises occur, and offer suggestions as to what administrator and managers can do to respond effectively and maintain a healthy and productive workforce.

**Probation Officer Safety and Mental Conditioning.**—Author Paul W. Brown discusses mental conditioning as a component of officer safety that is all too often overlooked or minimized in training programs. He focuses on five areas of mental conditioning: the color code of awareness, crisis rehearsal, the continuum of force, kinesics, and positive self-talk.

**Federal Detention: The United States Marshals Service's Management of a Challenging Program.**—Focusing on the detention of Federal prisoners, author Linda S. Caudell-Feagan discusses the work of the United States Marshals Service. She explains how detention beds are acquired, how the Marshals Service administers funds to pay the costs of housing Federal detainees, what the ramifications of increased detention costs are, and what actions the Marshals Service has taken to address detention problems.

**Total Quality Management: Can It Work in Federal Probation?**—Author Richard W. Janes outlines the principles of total quality management and their

application to Federal probation work. The article is based not only on a review of the literature but also on the author's experience in a Federal probation agency where these concepts are being implemented.

**College Education in Prisons: The Inmates' Perspectives.**—Author Ahmad Tootoonchi reports on a study to determine the impact of college education on the attitudes of inmates toward life and their future. The results reveal that a significant number of the inmates surveyed believe that their behavior can change for the better through college education.

**Visitors to Women's Prisons in California: An Exploratory Study.**—Author Lisa G. Fuller describes a study which focuses on visitors to California's three state women's prisons. The study, designed to

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# Two Types of Juvenile Restitution Programs in Two Midwestern Counties: A Comparative Study\*

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## *Introduction*

**T**HIS STUDY focuses on the effectiveness of two juvenile restitution programs, one in Elkhart County, Indiana, and the other in Kalamazoo County, Michigan. Effectiveness refers to the impact of the two programs on offender repayments to their victims and on offender recidivism. The Elkhart County program is a Victim Offender Reconciliation Project (VORP) operated by the Center for Community Justice, a private agency, and the Kalamazoo County program is administered by the Juvenile Probate Court. The VORP in Elkhart provides face-to-face meetings between offenders and victims, while the Kalamazoo program does not provide such meetings. Also, while the VORP is a postadjudication program, the other is a preadjudication program. However, both programs involve two types of restitution—financial reimbursement and community service by offenders. Furthermore, participation by offenders in both programs is voluntary.

Researchers have indicated that VORPs involving face-to-face meetings between offenders and victims are more effective than court-based programs (without such meetings) in terms of offenders making restitution to their victims and also in terms of offender recidivism (Umbreit & Coates, 1992; Zehr, 1986; Schneider & Warner, 1989; McGillis, 1986). The contention is, because offenders meet their victims face-to-face in VORPs, they have more accountability and responsibility than offenders (who are not provided such meetings) in other programs. However, the fact is, limited research has been conducted focusing on the impact of VORP on the participating offenders' recidivism after successful exit from the program. Also, little research has been done comparing the impact of VORP with that of court-based restitution programs on juvenile offenders. Hence, the purpose of this study is to compare the effectiveness of two types of juvenile restitution programs in two midwestern counties.

## *Previous Research*

Empirical studies on the effectiveness of restitution programs for juvenile offenders have been reported in the United States since the late 1970's. First, they report the percentages of successful completion of restitution contracts. Second, they measure the impact of restitution on lowering offender recidivism.

The percentages of successful completion of restitution contracts were significantly higher in some programs than others. Successful completion percentages in juvenile programs ranged from 57 percent to almost 100 percent. In an evaluation of the National Juvenile Restitution Initiative during the late 1970's, the Institute of Policy Analysis reported that little more than 86 percent of all referrals (community service, financial repayments to victims, and service to victims) successfully completed their restitution contracts (selected findings from this evaluation were reported by Armstrong et al., 1983). Haarman and Covington (1981) reported a highly successful completion percentage of 90.9 from their study in Jefferson County, Kentucky. Similarly, high percentages of completion were reported by Fishbein et al. (1984; 98 percent in Summit County and 92 percent in Lucas County programs, Ohio); Schneider, Schneider, and Evers (1981; 79 percent in Ada County program, Idaho); and Crotty and Meier (1980; 89.8 percent in Lyme County program, Connecticut). The most impressive successful completion percentage (almost 100 percent) was reported by Binder and Shichor (1982) from their study in Orange County, California.

As for VORP restitution programs for juveniles, Roy (1993) from his study in Indiana reported that 97 percent of the youths successfully completed their restitution requirements. Also, Coates and Gehm (1985), in an evaluation of five VORPs in Indiana and Ohio, reported that 92 percent of the contracts had been successfully completed. Additionally, Umbreit and Coates (1992) reported 70 percent and 57 percent successful completion from their study of VORPs for juveniles in Minneapolis and Albuquerque.

Contrary to the high completion percentages indicated above, several public programs have been found to be less successful. A case in point is the Orleans Parish Juvenile Restitution Project, New Orleans, Louisiana. In his evaluation study on this program, Hunt (1981)

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accounted that only 57 percent of the youths successfully recompensed their victims. Also, Beck-Zierdt (1980) reported 66 percent successful completion of contracts in three counties in Minnesota. Further, Wilson (1983) found that 65 percent of the juveniles who participated in the Ventura County Community Service Restitution Project, California, successfully completed their contracts.

Like the findings reported on successful completion of contracts, both high and low percentages of offender recidivism have been recorded. The study conducted by Beck-Zierdt (1980) in Benton, Sherbourne, and Stearns Counties, Minnesota, reported only 10.3 percent recidivism among the participants after a 6-month followup period. Conversely, the recidivism rate was 60 percent among those who completed restitution contracts and 80 percent among those who failed in the Dane County Juvenile Restitution Program (Schneider & Schneider, 1984). Interestingly, these figures (60 percent and 80 percent) represent the percentages of juveniles reconvicted in 3 years after their exit from the program. Also, while Hofford (1981) reported 18 percent offender recidivism in one study, Wilson (1983) and Crotty and Meier (1980) found that 26.8 percent and 35.5 percent respectively of the juveniles recidivated after successful exit from their programs. Further, Schneider (1986) reported that 53 percent of the youths reoffended in Boise, Idaho, and in Washington, DC. As for recidivism among VORP participants, Roy (1993) reported that 19 percent of the juveniles reoffended during a 2-year followup period after their successful exit from the program.

Umbreit and Coates (1992), Zehr (1986), and McGillis (1986) contend that research on VORPs needs to focus on offenders' compliance with restitution contracts and also on offender recidivism. Also, the proponents of juvenile restitution programs contend that VORPs (involving face-to-face meetings between offenders and victims) are more effective than court-based programs (which do not provide such meetings) in terms of victim compensation by offenders as well as in reducing recidivism among the participating juveniles. Hence, this study compares the effectiveness of a VORP juvenile program with that of a court-based juvenile program and examines the following null hypotheses: (a) there is no difference in successful completion of restitution contracts between the subjects in the two samples, and (b) there is no difference in offender recidivism between the subjects in the two samples during the 2-year followup period.

### *Program Descriptions*

#### *The VORP in Elkhart County, Indiana*

The first VORP was developed in Ontario, Canada, in 1975 by the local Mennonite Central Committee. This program has been replicated in the United

States, and currently there are about 100 VORPs in the country. The Elkhart County program was initiated in 1979. The Center for Community Justice, a private agency, administers the VORP as an alternative process available to judges and probation officers in dealing with criminal conflicts. Among the types of offenses, mostly vandalism, theft, auto theft, and burglary, these property offenses are considered in the VORP.

The main aspect of the VORP is a face-to-face meeting between the offender and the victim. Cases are referred to the VORP by the court and the probation department of Elkhart County, although referrals are accepted from other criminal justice officials, such as the county prosecutor. After a referral is received and screened, both the offender and the victim are contacted by the VORP staff. At that time, the VORP process is explained and participation in the process is encouraged. If both parties agree to meet, the case is then assigned to a trained mediator. The mediator's responsibilities include making initial personal contacts with the offender and the victim, scheduling a joint meeting, and serving as a neutral mediator at the meeting. In the meeting, the facts of the case are discussed, restitution is negotiated, and a contract is signed stating the nature and amount of restitution agreed upon. The mediation and reconciliation make the offender accountable and responsible for his wrongdoing and also committed to recompense the victim's damages. The restitution agreement is signed by both the offender and the victim in the mediator's presence. The VORP staff is responsible for monitoring the offender's payments and also for keeping the victim informed about the offender's progress in fulfilling the contract. In addition, the staff is also responsible for making sure that the victim receives his compensation.

#### *The Court-based Program in Kalamazoo County, Michigan*

The Kalamazoo County Juvenile Probate Court started the restitution program at the intake level in 1984. This nonformal (preadjudication) program has been intended to serve as a court diversion project by providing an alternative to adjudication where victims suffer loss or damage to property, such as vandalism, theft, auto theft, and burglary. As in the Elkhart program, participation in this program is voluntary. This program deals with both first-time offenders and those who have a maximum of three prior misdemeanor offenses. The program has been designed to be responsive to the needs and perceptions of offenders, victims, and the community. The main objectives are: the offenders should be accountable for their criminal acts; the participants should complete the terms of



their restitution agreements; recidivism should be reduced among the participants; and community service participants should comply with the assigned community service placements for the restitution program.

The restitution service agreement conditions are: the number of hours of community work, where it is to be performed, and who will supervise the placement. The conditions for monetary payment agreement include a schedule of payments to victims, where these payments are to be made, and to whom they are to be made. The restitution agreement is signed by the offender and the supervisor of the intake department. This department is responsible for monitoring juveniles in the restitution program. The fact is, both Elkhart and Kalamazoo programs deal with similar types of property offenders, regardless of their style of operation.

### *Method*

#### *Data Sources and Subjects*

Data were coded from the Center for Community Justice (Elkhart) files as well as the Kalamazoo County Juvenile Probate Court files from January 1987 to December 1988 on the juveniles who participated in the two programs during the said time period. Thereafter, all the participants in the two samples were followed through the end of 1990 for recidivism reports. In Elkhart, this information was gathered from the written documents of the Elkhart City Police Department, the Elkhart County Sheriff's Department, and the Elkhart County Juvenile Court. As for Kalamazoo, this information was gathered through computer search at the court. Recidivism reports on the offenders are sent to the court by the Kalamazoo City Police Department as well as the Kalamazoo County Sheriff's Department.

Data were collected on 114 randomly selected juveniles in Elkhart and 109 juveniles in Kalamazoo. These 223 youths represent a 50 percent sample of the participants in the two programs during the study period. Both the samples included 88 percent male offenders (Elkhart, 101; Kalamazoo, 96) and 12 percent female offenders (13 in each sample).

In both samples, the majority of the subjects were white (82.5 percent in Elkhart; 73.4 percent in Kalamazoo). At admission, the subjects ranged in age from 9 to 17 years. However, in both samples the majority of the juveniles were between 15 and 17 years of age (64.9 percent in Elkhart; 61.5 percent in Kalamazoo). Also, there were other similarities between the program participants. For instance, at admission, 74.5 percent of the youths in Elkhart and 58.4 percent of the juveniles in Kalamazoo were attending between

9th and 11th grade in school; more than 74 percent of the subjects in both samples spent between 14 and 180 days under program supervision. Over 51 percent of the juveniles in both samples were referred to restitution programs for committing felonies. However, this percentage was higher in Elkhart (64.9 percent) than in Kalamazoo (51.4 percent). In both samples, about 90 percent of the juveniles made repayments ranging from \$10 to \$350 to their victims, and over 50 percent of those assigned to community service completed between 5 and 20 hours of unpaid work. As for prior offense history of the subjects, the Elkhart sample (56.1 percent) had more repeat offenders than the Kalamazoo sample (48.6 percent).

#### *Outcome Measures*

The dependent variable was the outcome of the programs. This was measured in terms of two components—completion of restitution contracts and offender recidivism. For the first component, completion of contracts, the data were coded as "success" and "failure." The second component, offender recidivism, refers to rearrest records of the participants during the 2-year followup period, after their successful exit from the programs.

#### *Findings*

As for the first component of outcome measures, completion of restitution contracts, 76 percent of the subjects in the Elkhart sample and 78 percent of the juveniles in the Kalamazoo sample successfully completed their restitution contracts. Twenty-seven subjects in the Elkhart sample failed to complete their contracts due to financial hardship (59 percent) and recidivism (41 percent) during the program supervision. Similarly, 24 juveniles in the Kalamazoo sample failed because of financial hardship (62 percent) and recidivism (38 percent) during the program. Regarding the second component, offender recidivism during the followup period, 25 subjects (28.7 percent) in the Elkhart sample and 23 juveniles (27.05 percent) in the Kalamazoo sample committed recidivist offenses. As for repeat offenders in both samples, about 42 percent of them were rearrested during the followup period for reoffenses.

The first hypothesis tested in the analysis was that there was no difference in successful completion of restitution contracts between the Elkhart and Kalamazoo samples. A discriminant analysis was computed to calculate the effects of the collection of independent variables on successful completion of restitution contracts. All the independent variables were used as discriminating variables during the analysis phase. Only the following ones (see table 1) had significant effects at .05 level on successful completion of

contracts: number of days spent under restitution supervision, restitution amount paid, and community work hours completed. All these independent variables were used in the analysis to identify any significant difference between the two samples in successfully completing restitution contracts.

TABLE 1. F VALUES OF SIGNIFICANT INDEPENDENT VARIABLES IN SUCCESSFULLY COMPLETING RESTITUTION CONTRACTS

Variables	F	Significance
Days spent under restitution supervision	0.627	0.035
Restitution amount paid	1.053	0.052
Community work hours completed	0.432	0.053

The F value for any difference between the two samples was obtained from the significance test for the Mahalanobis' distance between groups. The computed F value ( $F=8.6304$ ) indicated the effects of the significant independent variables in differentiating between the two samples in terms of successful completion of restitution contracts. The computed significance (.1305) of the F value was not significant at .05 level in the discriminant analysis. This finding demonstrated that the effects of the three significant independent variables did not identify any significant difference between the two samples. In other words, the findings from the discriminant analysis could not reject the first hypothesis that there was no significant difference between the subjects in two samples in successfully completing their restitution contracts.

To test the second hypothesis, a t-test was computed. The null hypothesis was that there was no difference in offender recidivism between the Elkhart and the Kalamazoo samples. Recidivism was measured in terms of rearrest records of the subjects during the 2-year followup period, after their successful exit from the programs. Hence, the t-test was computed to identify whether there was any significant difference between the two sample means of number of rearrests of the subjects after their successful release from restitution supervision. Table 2 reports the findings from the t-test.

The computed significance of difference between the two sample means was quite small ( $2.86-2.69=.17$ ); as a result, the significance level was large (.697). One explanation of the large significance level is, though the means were not equal, it was not possible to detect any significant difference due to small sample size. However, because of the fact that the significance level was larger than  $p=.05$ , the second hypothesis that there was no significant difference in offender recidivism during the followup period could not be rejected.

The two samples in this study included both first-time and repeat offenders. There were 117 repeat offenders in the two samples together. Previous researchers (Butts & Snyder, 1992; McGillis, 1986) expressed concern about the impact of restitution programs on repeat offenders in lowering their recidivist offenses. What follows is an examination of any such impact on repeat offenders included in this study.

A t-test was computed on the subjects in the two samples together to identify whether participation in restitution programs made any difference among those juveniles who had prior offense records and recidivated during the followup period, after their successful exit from the programs. This t-test was computed comparing prior offenses of these offenders with their offenses subsequent to their exit from the programs (based on their rearrest records). The findings are presented in table 3.

As reported in table 3, the significance level in the t-test was 0.000. This indicates that the significant difference between the sample means in the t-test was less than 0.0005. As evident from the t-test, in two samples together, the participants with prior offense records (mean=.6304) committed additional recidivist offenses (mean=2.5870) during the followup period, after their exit from the programs. Also, a chi-square test (using a .05 alpha level) was computed using subsequent offenses with prior offenses. As revealed by the chi-square test, juveniles with prior offense records were more likely to commit recidivist offenses during the followup period (chi-square=3.5153,  $df=1$ ,  $p=.042$ ). The findings from the t-test and the chi-square test lead to the conclusion that for those subjects who had prior offense records, participation in restitution programs did not deter their future offenses.

### Discussion and Conclusion

This study compared the impact of the VORP juvenile restitution program in Elkhart County, Indiana, with a court-based juvenile restitution program in Kalamazoo County, Michigan. While the first program provides face-to-face meetings between offenders and their victims, the second one does not provide such meetings. However, offender participation in both programs was voluntary. The impact of the two programs was measured in terms of reparative and sentencing goals of juvenile restitution.

As for the reparative goal, a number of scholars (Schneider & Warner, 1989; Galaway, 1988; McGillis, 1986; Coates & Gehm, 1985) maintain that VORPs involving face-to-face meetings between offenders and victims report higher level of successful completion of restitution contracts than court-based programs which do not provide such meetings. The contention

TABLE 2. T-TEST FOR REARRESTS OF SUBJECTS DURING THE FOLLOWUP PERIOD

Samples	Mean	t-value	degrees of freedom	2-tailed probability
Elkhart	2.86	.35	46	.697
Kalamazoo	2.69			

TABLE 3. T-TEST FOR RECIDIVISM AMONG REPEAT OFFENDERS

Variables	Mean	t-value	degrees of freedom	2-tailed probability
Prior offenses	.6304	9.72	115	.000
Subsequent offenses	2.5870			

is, because the second type of program does not involve face-to-face meetings between offenders and their victims, the successful completion rate of contracts is lower in these programs than in VORPs providing such meetings.

In contrast to the contention, the findings from this study revealed that there was no significant difference in successful completion of restitution contracts between the participants in the two programs. Voluntary participation by offenders in both programs was an important aspect. This study demonstrated that when offenders voluntarily participate in restitution programs, regardless of their face-to-face meetings with victims, there is no significant difference between the participants in the two types of programs in terms of reparation to victims.

As for the sentencing goal, participation in restitution programs is deemed to enhance the participants' perception of accountability and responsibility, resulting in a reduction in their recidivist offenses. As Zehr & Umbreit (1982) contend, because participants in VORP confront their victims face-to-face, they have higher levels of accountability and responsibility than their counterparts who never meet their victims in other programs. Consequently, the participants in the first type of program would have lower recidivism rates than the participants in the second type of program, after their successful exit (McGillis, 1986; Zehr & Umbreit, 1982). Hence, according to this contention, there should be a significant difference in the level of recidivism between the participants in the two types of programs. In this study, recidivism was measured in terms of rearrest records of the subjects during the 2-year followup period, after their successful exit from the programs. During the followup period, as indicated by table 2, there was no significant difference in recidivism between the juveniles who participated in the two programs.

In this study, the two samples included first-time as well as repeat offenders. At this point, a note needs to be made on repeat offenders participating in restitution programs. Research findings have indicated that restitution programs have been less effective for repeat offenders in lowering their recidivist offenses. For instance, Butts and Snyder (1992), in their report on restitution and juvenile recidivism, maintained "recidivism was related to prior offenses; 9 percent of offenders without prior offenses recidivated while 37 percent of those with three or more prior offenses recidivated" (p. 2). Likewise, this study revealed that about 42 percent of the participants who had previous offense records recidivated during the followup period, after their successful exit from the programs.

There may be some explanations for their recidivism. These offenders had been in the juvenile justice process prior to their participation in restitution programs. A number of factors might be responsible for their attitudes about and perceptions of these programs. For instance, their previous encounter with the juvenile justice system might be liable for their adverse attitudes toward restitution. Interpersonal relations between them and court or correctional officials might play a significant role in influencing their attitude toward their court dispositions. If these officials are not successful in enhancing offenders' perceptions of accountability and responsibility for their wrongdoings, then participation in restitution programs might be viewed by them as just another sanction rather than a rational attempt to right a wrong and execute an obligation to their victims; consequently, the sentencing goal of restitution—deterrence—might lose its ground. Future research on restitution programs needs to focus on these factors to point out the reasons for less effectiveness of these programs with repeat offenders. A survey on these offenders' prior experiences with the justice system, their attitudes and perceptions



about restitution programs could be helpful to that end.

Finally, this study reports the findings from a comparison of a VORP juvenile restitution program, providing victim-offender face-to-face meetings, with a court-based juvenile restitution program, without any such provision, in two mid-western counties. Further research needs to be conducted across the country to make any generalization about the effectiveness of these two types of programs on juvenile participants.

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