# The Restitution Center Concept As A Part Of The Criminal Justice System

Temporary State Commission on Management and Productivity in the Public Sector

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### THE RESTITUTION CENTER CONCEPT AS A PART OF THE CRIMINAL JUSTICE SYSTEM

A REPORT PREPARED BY THE TEMPORARY STATE COMMISSION ON MANAGEMENT AND PRODUCTIVITY IN THE PUBLIC SECTOR

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### I. - OVERVIEW of RESTITUTION CENTERS

Crimes against property form a major portion of the offenses that are brought before our courts. These offenses would include burglary, unauthorized use of a motor vehicle, forgery and fraud. These are non-violent passive crimes but collectively they form the largest single grouping of crimes to be dealt with by the courts and the criminal justice system. Most of these offenses do not involve large sums of money. The offender in these cases can usually be desceibed as a person with problems rather than a hardened professional criminal. In most cases the courts dispose of these cases by either a short jail term combined with probation or just probation alone. The recidivism rate of these offenders is extremely high so the methods of dealing with this problem need review and possibly new and innovative strategies.

In the United States, two states, Minnesota and Georgia, have devised a program which provides an alternative to the handling of these cases. They are called restitution centers. These centers are half-way houses provided in a residential setting. The restitution concept refers to the formal contract drawn up between the offender and the victim of his crime, in which the offender agrees to repay the victim for the offense committed against him. In the current method of dealing with these crimes little effort is made to repay the victim, indeed he is almost a forgotten party in the crime. The major component of this program is the contract drawn up between the offender and his victim. The offender agrees to find employment in order

to support himself and his family and to repay the victim for his crime.

As outlined by the Minnesota Correction Department there are major benefits to the restitution concept:

- 1. Right of the victim to be repaid for his losses. In most cases once the courts have used the victim for the prosecution of the offender there is little consideration for him after that.
- 2. In many cases incarceration in a state correctional facility serves to reinforce the problem of the offender of not being able to live in society in a responsible manner. The minor offender comes in contact with hardened criminals and likely will learn the ways of the criminal sub-culture. The theory behind a community based program is that rehabilitation can best take place within the community itself.
- 3. The restitution penalty is rationally and logically related to the offense that was committed. This is not so when the person is sent to prison or even when the offender is placed on probation. Making restitution for the crime committed forces the offender to deal with the specific results of the crime committed.
- 4. With the restitution sanction the offender at all times knows where he stands in relation to his goal (to pay off his debt). The offender experiences the feeling of

on going success as he moves closer to his goal.

This could have a positive effect towards rehabilitation for a person who has experienced little success in his life. In contrast to this, in a prison, setting the goal of "rehabilitation" is extremely vague. The same vagueness prevails in a probation agreement, which has as its major goal the passage of time until the expiration date.

- 5. The offender is not the passive recipient of the punishment. When the offender actively works to undo the wrong he has done it cannot help but improve self esteem in the individual.
- 6. The restitution agreement should result in a more positive response from the community towards the offender. In this program he will be viewed as undoing the wrong he has done.

In addition, there are also financial benefits to this program:

- 1. Since offenders in the restitution program will be gainfully employed they will be paying taxes. This is in contrast to sending offenders to prison at taxpayers expense.
- 2. The welfare costs of families of offenders will be reduced. When incarcerated, in many cases, the

families of offenders must be supported by the State. If the offender is allowed to work then he will be able to support his own lamily.

- 3. Participants in the program can contribute to their own correctional expense. The program requires that the offenders share the board and room expenses while they are at the center. This is not the case if the offender is incarcerated in a state prison. The full tab for his correctional experience is picked up by the taxpayers.
- 4. The overall cost of the Minnesota and Georga programs has shown that it is significantly lower in cost to keep these offenders in restitution centers as opposed to a correctional institution. This is of significance to New YOrk because we spend the largest amount of tax dollars per individual offender in the United States.

In addition to these benefits the program can also provide a great deal of control and most importantly support for the offender. This is not the case in the prison setting where the close scrutiny of prison guards fails to give support to the prison inmate. Twenty-four hours a day contact can be maintained with the restitution center staff who can assist the center's residents with any problems they may have. This obviously would not be the case with parole where supervision is at best sporadic.

In addition drug and alcohol monitoring can be much more efficient. In brief, the environment is structured enough to give the client direction, but still affords him autonomy. So that he may grow on his own and learn responsibility.

### II - CASE HISTORIES OF THE RESTITUTION CONCEPT

As aforementioned two states have initiated a restitution center program, these states being Georgia and Minnesota. The degree to which these programs have been successful varies greatly between the two states. While Georgia has had a relatively large measure of success with their program, Minnesota has not found it to be of cost benefit to the State. Georgia is at the present time now expanding their project while Minnesota has decided to terminate the initial attempt of establishing restitution centers. It will be to the advantage of New York State to look at both cases and analyze where Georgia is succeeding and where Minnesota has had difficulties.

The following sections outline the program in each one of the states. It will show cost benefit analysis, along with the general structure of the programs.

### HISTORY OF RESTITUTION PROGRAM IN GEORGIA

(The following information has been provided by the Georgia Department of Offender Rehabilitation)

Similar to many states, making restitution was made a condition of probation or in connection with a suspended sentence in Georgia. It had been generally an unstructured program administered jointly by the judiciary and the Adult Probation Division. In 1972, the Georgia Department of Corrections/Offender Rehabilitation (DCOR) began to add more structure to restitution concept. The basic premise behind this idea was that a more organized and coordinated approach will result both in a greater criminal justice efficience and in various benefits to individual system components to victims, and to offenders.

The original attempt in the restitution area was a two year Law Enforcement Assistance Administration (LEAA) pilot residential restitution program designed to channel offenders from incarceration into a restitution alternative. The program allows the courts and the Parole Board to require offenders to make financial and/or community service restitution while residing at the restitution center under supervision. The State of Georgia states that, "This program has proven to be quite popular both with citizens and the criminal justice system, as evidenced by the Georgia legislature — in a year of austerity budgeting — voting to assume total State funding of the program from fiscal year '77 forward."

In addition to this program Georgia has another pilot program which is intended to expand the program, through the development of a formal research - based non-residential restitution program. This program is appropriate for many offenders and is designed for ease of expansion in Georgia and for explicability in other states. This program in contrast to the residential program has had as its major features a sole sanction, self-determinant restitution approach for dealing with offenders. None of the structure that exists in the residential based program (such as counselling and supervision) is prevelent in this program. For the purposes of this study we will restrict our investigation to the residential based treatment program.

### GEORGIA'S RESIDENTIAL RESTITUTION CENTER PROGRAM

Georgia's residential restitution center program began in fiscal year '75 as part of a two year discretionary grant to the DCOR from the LEAA. The restitution component of the grant provided for the establishment of four residential restitution centers in metropolitan areas and was intended to serve as the initial phase of a statewide restitution program. Major goals of the residential restitution program were:

- 1. To reduce the prison population by diverting eligible offenders to the restitution program in lieu of incarceration.
- 2. To involve citizen volunteers in the rehabilitation of offenders from their local community.

- 3. To demonstrate various effective methods of offender restitution.
- 4. To determine the cost-benefit factors associated with a residential restitution program.

Referrals for this program are obtained through direct court sentencing, through direct parole, and through revocation proceedings. Therefore, the restitution program functions as a diversionary alternative to incarceration for eligible probationers and parolees.

### Program Administration

The Restitution Center Program consists of centers located in four metropolitan cities -- Albany, Atlanta, Macon, and Rome. The centers operate 24 hours per day seven days per week and have capacities which range from 25 to 33 offenders, with the total residential capacity being 120 offenders. Each center has a basic staff of 9 personnel, with the typical staffing pattern being one Superintendent, one Business Manager, one Typist, one Probation/Parole Supervisor, one Counselor II, and four Counselor Aides and/or Correctional Officers. This core staff is supplemented by VISTA volunteers, student interns, and citizen volunteers.

Close surveillance of an offender's behavior and activities continues throughout his residence at the center. Each offender

is required to sign out and identify his destination, and he is also required to return to the center by a specified time.

Periodic overnight home visits with family are contingent upon obeying center rules and satisfactorily participating in center programs during the intervening period.

### Community Reaction

Community reaction to the Restitution Center Program concept has also been quite strongly positive, and a broad base of program support has been generated. One aspect of the Restitution Center program which citizens like, relates to their understanding that they may be able to obtain either full or partial restitution of their losses if they should ever become a victim of a public offender. Citizens also especially like the aspect of public offenders working constructively, paying taxes, and partially defraying the cost of their own rehabilitation.

### Program Statistics

Virtually all offenders accepted into the Restitution Center Program have been proberty offenders, with the major types of convictions being for such offenses as burglary, theft, and forgery. Felony offenses have comprised a total of 85% of all convictions, while misdemeanor, offenses comprised the remaining 15%. Of the total 504 offenders accepted into the program through FY'76, 120 remain in residential status, while 384 have left the program, 63% having been positive terminations

(i.e., full release or release to non-residential supervision)
and 37% having been negative terminations (i.e. revoked or absconded).

In FY'76, offenders making restitution in residential centers:

- 1. Paid \$62,500 to victims
- 2. Paid \$172,500 in State and Federal taxes
- 3. Returned \$256,800 to the State in project income (room and board maintenance charges).
- 4. Spent \$336,300 in the local communities for living expenses such as food, clothing, transportation, and personal items.
- 5. Paid \$113,100 for financial support of their families, thus reducing State welfare costs.
- 6. Saved \$61,600 as nest eggs for use when released from residential supervision.

### Cost-effectiveness Factors

Three basic factors have been identified which directly relate to the programs overall cost-effectiveness. These factors are diversion certainty, turnover rate, and efficiency rate. All figures used here are based on current DCOR statistics.

1. Diversion certainty. The importance of diversion certainty for a residential diversion - from - incarceration program can be easily seen. The annual cost of operating a 30 resident restitution center has proven to be approximately \$116,000. The annual cost of supervising 30 offenders on probation or parole (\$205/offender/year) is \$6,150. The annual cost of incarcerating 30 offenders (\$4,045 offender/year) is

\$121,350. It is, therefore, quite clear that a residential restitution center cannot be basically cost-effective if it serves offenders diverted from probation. The diversion should come from the prisons and not from probation.

- \* It is important to note here that if these cost-effectiveness figures are applied to New York State they could
  even be more outstanding. Since the cost of incarceration in New York State is over three times as high as
  Georgia (\$13,720/NYS versus \$4,045/Georgia) the cost effectiveness for New York State will be much greater.
- 2. Turnover rate. It is clear that a restitution center can dramatically increase its basic cost - effectiveness by increasing its turnover rate. For example, since the annual cost of operating a 30 resident center will remain essentially constant, a center with an average turnover rate of six months can serve 60 offenders in 12 months at a cost of \$116,000. However, assuming 100% diversion from incarceration, the comparative cost of incarcerating those 60 offenders for 12 months is \$343,700. Obviously, then an increased turnover rate represents a substantial increase in cost - effectiveness. Thus, another primary objective of a residential restitution program is an offender selection method which allows program staff to be somewhat selective of referral eligibles. In this way, program staff can use priority selection criteria which

would operate to increase the total percentage of offenders who could be stabilized relatively quickly and could finish making their restitution on a non-residential basis.

3. Efficiency rate. The efficiency rate, or the percentage of program successes versus program failures is another important factor in a residential center's cost-effective-The reason for this is of course that program failures reduce both diversion cost-effectiveness (i.e., failures are incarcerated, thus reducing comparative incarceration cost-savings) and turnover rate cost-effectiveness (i.e. failures consume space and time, thereby reducing the number of successful program participants who can flow through the program). Thus, a center operating at a 50 percent efficiency rate can expect its basic - cost effectiveness to also be reduced by 50 percent. again, one important key to increasing program efficiency is program staff having some control over eligible offenders referred to the center. Efficiency would increase not only simply because of increased selectivity, but also because of a greater staff commitment to working with those offenders whom they personally select.

### Future Directions of the Georgia Restitution Program - Summary

One important future direction which the Georgia DCOR is already taking is that of expanding restitution programming. The long

range goal is to locate at least one restitution program in each of Georgia's 42 judicial circuits. Obviously, such a program expansion will require considerable time, money, and local community support. This local support for the growth of community restitution programs will be generated largely by an increased emphasis on involving each local community in the functioning of such programs. For example, the DCOR has already begun to organize local civic and community leaders to serve on Citizen Advisory Boards for community correctional programs located in their areas. Such citizen groups can help to determine restitution program policies and can be instrumental in soliciting widespread citizen awareness of, involvement in, and support for community correctional programs of all types.

Another future direction involves the increased development and use of community service restitution both in lieu of and in conjunction with financial restitution. The typically low earning power of the offender and his inability to make full financial restitution is, of course, the primary reason for this shift in program emphasis.

A third future direction of restitution programming in Georgia concerns the increased utilization of ongoing research to improve the basic functional efficiency of specific restitution program efforts. The primary research goal is to determine the cost and social benefits associated with such programs so that future restitution program development can be structured to maximize

service delivery while minimizing program costs. Current research into the correlation of specific types of restitution programming with the psychological impacts on successful and unsuccessful program participants is intended to improve the selection and rehabilitative aspects of future restitution programming.

### HISTORY OF RESTITUTION PROGRAMMING IN MINNESOTA

(The following information was obtained from an Interim Evaluation Report of May 1976 plus a telephone interview with John McLagen Director of Restitution for the State of Minnesota)

### Evaluation Report

Between May 1972 and March 1974, a total of 144 men admitted to the prison met the program criteria established by the Restitution Center. Of this population, 69 men were randomly assigned to the control group and remained in the prison to complete the regular program prior to release on either parole or flat discharge.

A total of 75 men were randomly assigned to the experimental group and of this group, 4 men declined the opportunity to develop restitution agreements with their victims and 9 men were denied release to the Restitution Center by the Parole Board. Therefore, there was a total of 62 members of the experimental group actually admitted to the Center. Since 9 randomly selected inmates were rejected by the Board, the outcome findings, reported here are — to some undetermined extent — not totally generalizable to the

larger population. In brief the random nature of the study has been biased.

Many of the offenders selected for the restitution study had prior felony convictions. The range is from zero for those offenders with no history of prior felony convictions to two offenders with nine and ten prior felony convictions. The population, of men who met the criteria for the Restitution Center have quite extensive conviction records with slightly over one third of each group having had three or more felony convictions prior to the convictions leading up to the present commitment.

It is important to restate here, one of the main priorities of the Georgia restitution program. They stress the need for careful selection and screening of possible offenders allowed into their program. This Study by Minnesota through random selection of control and experimental groups did not carefully screen applicants as reflected in the statistic that over one third of each group had three or more felony convictions. It is necessary to stress that the State of New York adopt this careful screening procedure in order to make a program both cost efficient and of cost benefit to the State. This program is not for every offender! The high priority offenders for this program would best come from the 8.3% of the first time offenders in the N.Y.S. Correctional System with extremely careful screening of any multi-time offenders.

Program Study Statistics:

### Restitution Collected

The total financial obligation of the residents in the centers totaled \$16,934 and, of this total amount \$9,459 (56%) was paid, leaving a balance of \$7,475. Of this balance, \$4,882 (29% of balance) will not be paid due to residents being returned to prison, or deceased in the program, while \$2,593 (15% of balance) is expected to be paid on an on-going basis by residents still remaining in various stages of the program. This compares rather favorably to what Minnesota estimates to be the collection of restitution without the program. Estimates in Minnesota range from 9 - 20% successful collection of restitution imposed by the courts.

Control and Experimental Group Status, 18 months following Prison admission:

- Of the 69 men assigned to the control group, three had not been released from prison eighteen months following admission.
- 2. Fifty-five men assigned to the control group had been released from prison on parole at the end of 18 months, the status of these men were as follows:
  - a. 19 men remained on parole status.
  - b. 13 men had been discharged from parole.
  - c. 13 men received new court commitments and were recommitted to prison.

- d. 3 men received technical violations of parole and had been returned to prison.
- e. 6 men had absconded from parol and their whereabouts were unknown.
- f. 1 man had a court case pending.
- 3. Two members of the control group were on excape status.
- 4. One inmate assigned to the control group committed suicide.
- 5. Eight men received flat discharges from prison within 18 months of admission.
  - a. 3 were free of any further criminal charges.
  - b. 2 had court cases pending.
  - c. 3 men received new convictions and were recommitted to prison.

### Experimental Group

Of the 62 members of the experimental group who were formally admitted to the Restitution Center their status after 18 months is as follows:

- 1. 21 men remained under supervision of the Restitution Center.
- 2. 9 men had been discharged from the program and free of any further involvement with the courts.
- 3. 2 men had died as a result of accidents while in the program.
- 4. 6 men had been returned to prison as new commitments.
- 5. 22 men had been returned to prison on the grounds of violating technical conditions of parole.
- 6. 2 men had absconded and their situation was unknown.

These figures do not reflect positively on the restitution program in Minnesota. It is the contention of the State of Georgia that success versus failures ratio can be improved by carefull screening of applicants. This is reflected in the program

statistics for Georgia which were 63% positive termination versus 37% negative termination.

### Program Administration

In contrast to the Georgia program which has 25 to 33 offenders in a center, Minnesota had only 15 residents per center. Each center was staffed around the clock by at least 5 supervisors. This is an extremely high ratio (3:1) of offender to supervisory personnel. This figure is similar to the 2:98 inmates per 1 security guard in the New York State Prison System. It has been the contention of this study that if the right people are selected for the program, there is no need for this intense supervision. One of the main reasons why Minnesota found their program to be expensive was this high ratio. The program in New York State might better be staffed by less personnel with more time dedicated to screening possible applicants.

### Community Reaction

Again in contrast to the program in Georgia, Minnesota did not get positive responses from the local citizens. One reason why Georgia did not have this problem is because they made a concerted effort to educate the public on the possible benefits to the program.

(i.e. The average citizen can receive restitution if they are victims of a crime.) Also the Georgia Corrections Department has already begun to organize local civic and community leaders to serve on Citizen Advisory Boards. These citizen boards are

designed to help educate the general public and gather support for the community correctional facilities.

Minnesota's problems with community support were compounded by the fact that in the St. Paul, Minneapolis, area, there were already 60 licensed halfway house facilities. These halfway houses were serving such clients as the mentally retarded and drug addicts. In effect the restitution program was competing against these other programs. The citizens generally felt that there were too many halfway houses in the area and started putting up legal blocks to the program.

### Cost Effectiveness Factors

In the State of Minnesota it was stated by their Director of Restitution Centers, John McLagen that it cost \$200,000 annually to operate the program. The program served 40 residents in the centers. This breaks down to \$5,000 per inmate in the centers. This figure compares rather favorably to what it costs Minnesota to keep offenders in a prison setting. It has been estimated to be between \$8,000 to \$9,200 according to what type of prison the offender is placed in. Even with this rather favorable comparison Minnesota did not consider the program to be of cost benefit because not enough restitution was collected to justify the program. In New York State the collecting of restitution should play a secondary role to such factors as saving the State money through the centers as well as relieving the overcrowded prison conditions.

An important point that must be realized by New York State is that the program will not be an instant panacea for the ills of our correctional system. John McLagen states that the program to be truly cost-effective must operate on a large scale basis. In other words the program must operate on a high enough level so that the operational costs going to prisons are saved through diversion to a restitution program. This can only be accomplished if the program is given time to grow so a sizeable percentage of New York State's convicted offenders can be channeled into the program.

### III - BREAKDOWN OF NON-VIOLENT CRIME IN NEW YORK STATE

A large proportion of New York State inmates in correctional facilities fit the concept of a restitution program. Many offenders are incarcerated each year for non-violent crimes against property. In 1974, there was a total of 6728 new commitments to New York State correctional facilities. Of this number, 1156 were incarcerated for non-violent crimes against property. This represents 17% of the new commitments for 1974.

The breakdown of the total inmate population is similar to the new commitment ratio. Of the total inmate population in December 1975 of 16,074, 2306 were for non-violent crimes. This would mean that 14% of our inmate population might be firected to a more productive, money saving setting than in our overcrowded prisons. These crimes range from burgalry (1554), grand larceny (385), grand larceny auto (36), forgery (173), criminal possession (152), fraud (4) and petty larceny (2).

An even more striking statistic is the fact that many of these offenders against property are first time offenders. A recent statistic (August 1976) obtained from the NYS Corrections

Department indicates that of a total population of 17,451,

1,459 are first time property offenders. This would signify that 8.3% of our prison populace are serving time, who have no previous convictions and some no previous arrests for non-violent crimes. This group would represent the best risk group for a restitution program. They stand the best chance to benefit

from this innovative concept.

By eliminating a large proportion of this 14% of offenders against property would go far in alleviating over crowded prison conditions as well as saving money for the taxpayers of New York State. Even if the reduction is only the 8.3% of the first time offenders, it would be a large step in improvement of our correctional system. The benefits of better rehabilitational services, reduction in prison overload and savings of tax dollars warrants this idea to further consideration.

### IV - COST OF CORRECTIONS IN NEW YORK STATE AND POSSIBLE SAVINGS THROUGH A RESTITUTION PROGRAM

In the fiscal year of 1976-1977 \$200,306,100 was allocated to the Corrections Department. Of these funds the total cost of supervision of inmates was \$82,298,950 alone. This would indicate that 41% of the funds allocated go just to supervision personnel alone, rather than being channeled into areas of rehabilitation.

In New York Stere, there is a ratio of 2.98 inmates per one (1) security guard. Many of these prisoners do not need to be so closely scrutinized as is likely to be the case for offenders against property who have no record of violence in their case histories. This supervision by security guards entails no rehabilitation counselling or training. It is purely a device for constrainment which many of the inmates do not need.

This staff of 5,493 security guards per 15,900 inmates can be greatly reduced by the elimination of many of the inmates from the state correctional facilities who do not require the intense supervision. A restitution program may serve as an alternative placement to the correctional facility.

In New York State it costs taxpayers \$13,720 per year to keep an offender incarcerated in a penal institution. Other large states such as California and Pennsylvania have figures of \$9,049 and \$8,665, respectively. Their ratios of inmates per security guards are 5.09:1 in California and 5.53:1 in Pennsylvania.

These figures compared to New York's 2.98:1 indicate where savings cuts can be made. There is no evidence that shows that New York State correctional system benefits from this extra security staffing or that California's and Pennsylvania's system is in any way negligent for not providing a higher ratio of security guards. From a productivity standpoint it would be better for New York State to channel these funds to other areas such as a community based treatment facility - a community based restitution program will not only lessen the need for security guards but also should have more efficacy in the rehabilitation of the offender.

Correlated with this, is the idea that through the increasing use of community based treatment facilities and temporary release programs inmates have extensive interaction with the community. This extensive interaction with the community leads to a lessening need for strict supervision upon parole. In this capacity a community based facility leads to a decreased need for parole officers. In the restitution concept the offender is never sent to a strictly supervised correctional facility. Though he is provided with counsellors who help him progress he is always allowed the autonomy of interaction within the community (the counsellors serve more of a guidance role than of one of strict supervisor). Therefore, upon a successful stay at a restitution facility there would be little if any need for supervision from a parole officer.

### V - PROJECTED COST EFFECTIVENESS OF A RESTITUTION PROGRAM IN NEW YORK STATE

In New York State at the present time there is no program in the corrections area which might be compared to a restitution program for cost effectiveness. A reasonable analogy though can be drawn between Inpatient Service Facilities versus Supervised Living Services for the mentally ill and full time Correctional Facilities versus a Restitution Program.

As of the effective date of October 1, 1976, it costs New York State \$57.10 per diem for Inpatient Service Facilities for the Mentally Retarded. This on a yearly basis amounts to \$20,841 to keep a mentally retarded individual in one of these facilities. These facilities (i.e. O.D. Heck, Rome State School) are staffed around the clock by regular personnel plus professionals which is the main reason the cost is so high. Supervision, similar to State Correctional Facilities is intense.

In contrast to Inpatient Service Facilities, Supervised Living Services are much more cost effective. A Supervised Living Service is described by the Department of Mental Hygiene as "ward independent living, low staffing ratios, patients maintain their own quarters and typically may be employed during the day". These Supervised Living Services are in State Run Facilities. The per diem cost of these facilities amounts to \$27.00 at a yearly rate of \$9,855. This is a considerable savings for New York State

(\$10,986 per individual) over full time Inpatient Service
Facilities. These figures for the Supervised Living Services are
also reasonably analogous to hostel programs (halfway houses)
for the Mentally Retarded.

From these figures it can be conjectured that a Restitution Program can be cost effective for the State of New York. At the annual rate of \$13,720 per individual inmate in a state correctional facility considerable savings can be made by a less intensely supervised program such as that provided by the Restitution Concept. If the program is run similar to the Supervised Living Services or a hostel program with low staffing ratios the figure of \$9,855 per individual a year may be hypothetically applied. This could possibly result in a savings for New York State of \$3,865 per individual offender a year over the \$13,720 now to be the cost in State Correctional Facilities.

### VI - RECOMMENDATIONS FOR INITIATING A RESTITUTION PROGRAM AS OUTLINED BY THE STATE OF GEORGIA

### 1. Plan

Good advance planning is a must when new programming is in the works. Time spent in background reading in the area, in learning about basic options and alternatives and in corresponding with and visiting programs will prove well worth the effort. Initiating a new program prematurely just means that corrective medicine will have to be applied later to correct original ills.

### 2. Establish Program Philosophy/Intent

Simply put, what is the basic objective of the program going to be. Is it to divert offenders from incarceration, or is it to provide an additional probation alternative? Is it to focus an offender rehabilitation, or is it to focus on victim compensation? The program intent should be clearly stated and well explained to all parties concerned, with periodic reminders for reinforcement.

### 3. Specify Target Population

Whatever target population it is decided to serve, the idea here is to be as specific as is feasible without limiting the program unnecessarily. If there is initial uncertainty concerning as appropriate target population, start with broad eligibility criteria and narrow them progressively as experience dictates. Above all, don't set initial

eligibility criteria too narrow.

# A client selection method should enable program personnel to exercise control over client referrals. Such control can prevent a program from becoming "a catch-all dumping ground" and can made the ultimate difference in whether the program is cost-effective. For example, a diversion-from-incarceration program must choose a client selection method which guarantees that clients are being diverted from incarceration rather than from probation (i.e., post-sentence selection). Likewise, the ability to select from a pool of program eligibles can increase a program's efficiency (success rate) and productivity (turnover rate).

## No matter how innovative or worthwhile a program is, it will be extremely hard pressed to survive unless it is also cost-effective. It is highly recommended that considerable thought be given to this program aspect initially, rather than as an afterthought (or in a funding crisis) later on. All program staff should be well-schooled in the critical importance of documenting cost-effectiveness.

### 6. Establish a Formal Research Design

A research design is an excellent vehicle for determining the cost-effectiveness of a program in a scientific and documented fashion. Properly done, system administrators will have clearcut evidence that a program is functioning in a cost-effective manner. Such information is really quite useful both in securing continuation funding and in identifying areas where a program's effectiveness needs improving. A good research design will provide data on a continuous basis and will allow administrators to maintain awareness of a program's functioning. Also, some program questions can really only be answered adequately through the use of experimental and control groups.

### 7. Localize the Program

As much as possible, seek to actively involve the local community to such an extent that they view the program as their program. Active community involvement in and support of a program will make program development much easier and can even mean the difference between ultimate success and failure. Widespread community support is also often critical to obtaining continuation funding until a program has established a "track record".

Further, citizen groups can often set many things done quickly and well without bureaucratic delay and expense. Also, since a restitution program's success and survival

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will depend to a large degree upon judicial support, it is imperative that imput from the judiciary be obtained as early as possible in the program development process.

### 8. Allow Flexibility/Encourage Creativity

It is recommended that the State initially establish and maintain program control through broad program guidelines and standards (e.g., eligibility criteria, selection method, etc.) However, in line with localizing the program, the State should then step back and allow program staff to implement and develop the program in a flexible and creative manner, so long as the broad guidelines and standards are not breached. Circumstances and situations differ widely from place to place, and the tendency to overcentralize programs by doing things one way only must be resisted if a truly viable program is to emerge.

June 17, 1977

Roy W. Burdick Temporary Commission on Management and Productivity 111 Washington Avenue Albany, New York

Dear Mr. Burdick:

Generally, I am in agreement with the argument presented for the establishment of restitution centers in New York State. From an economic standpoint, such a program would appear to be an attractive alternative to the present costs of incarcerating property offenders in penal institutions. Your figure of \$13,720 per year per offender is more than the beginning salary of most university professors in the state of New York.

In answer to some of your specific questions, such an approach is theoretically sound in terms of the prevention of future criminality. To maintain the offender as an employed member of a community is important to future conformity in a number of respects. In a society such as ours, status and self-esteem are based on the jobs people perform and the benefits derived from those jobs; employment is a critical integrating factor in community life and such integration is necessary if persons are expected to adhere to societal norms; to be socially integrated into the community and to be gainfully employed also mean that there will be less need for involvement with the more deviant subcultures that promote and maintain criminal behavior.

The major question that I have concerns the issue of limiting the program to first offenders. The self-fulfilling effects of such an approach on those with prior contact with the law may do much to offset the cumulative effectiveness of the program. At the same time, recent research in this area suggests that this practice would constitute a pattern of exclusion of certain persons from equal treatment before the law. Prior offense record may not be the best indicator of career criminality. Many offenders escape official sanction because of a number of social and economic factors associated with their position in the community. On the other hand, many lower status offenders accumulate criminal records for reasons apart from the extent of their involvement in crime. Is the restitution center to become another disguised instance of preferential treatment of the more advantaged in our society?

R. W. Burdick June 17, 1977 Page 2

Cautioning against this selective approach to the program, I would support and encourage its implementation as an alternative to current procedures.

Sincerely,

Ronald A. Farrell Associate Professor

and Chairman

Department of Sociology

RAF:KJF

### CRIMINAL JUSTICE RESEARCH CENTER

ONE ALTON ROAD ALBANY, NEW YORK 12203

### NATIONAL EVALUATION OF ADULT RESTITUTION PROGRAMS

A Research Project Funded By

Law Enforcement Assistance Administration

National Institute of Law Enforcement and Criminal Justice (518) 456–7733

ALAN T. HARLAND
Project Coordinator

10 May 1977

Roy W. Burdick
Commission on Management and
Productivity in the Public Sector
State of New York
The Capitol
Albany, New York 12224

Dear Mr. Burdick:

MARGUERITE Q. WARREN

Project Director

I am writing in support of your proposal for the development of a pilot restitution project in New York State. I speak from knowledge of a number of restitution projects being conducted in other states. The Criminal Justice Research Center has been funded by LEAA to study restitution programs in seven states (California, Colorado, Connecticut, Georgia, Maine, Massachusetts, and Oregon) and to assess program impact on offenders, victims, and the criminal justice system; I serve as Director of the Project.

The idea of restitution to victims of crime is now receiving considerable attention, being seen as providing for selected offenders a rational alternative to current, much-criticized correctional procedures. The list of expected benefits from restitution programs is long: (1) improved offender rehabilitation (both improved work skills and improved self esteem); (2) reimbursement to victims; (3) reduction of overcrowding (and thus tensions) in prisons; (4) reduction of correctional costs, and other financial benefits; and (5) an increased sense of justice in the minds of offenders, victims, criminal justice officials, and the general public. It appears likely that such benefits can be obtained while maintaining concern for the public safety by a careful selection process (i.e., elimination of those with any record of violence).

Although claims for the above benefits of restitution are quite persuasive, it should be noted that there remain many unknowns, especially with respect to the impact on the offender and on ideas of justice. However, in both these instances one could argue that things could hardly be worse. There

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Roy W. Burdick

is no evidence that prisons improve the offender's ability to earn his own way and certainly no evidence that his self image is improved. It is equally difficult to find anyone who would argue that offenders, victims, and citizens now feel that we operate a very just system. It is also apparent that the idea of restitution to victims is an intuitively appealing idea to victims and the general public. Whether or not it is an appealing idea to offenders undoubtedly depends on whether restitution is seen as diversionary or as an add-on penalty.

Even without a total picture of the impact of restitution programs, the inherent logic of such program alternatives suggests that the State of New York should attempt a pilot project with otherwise-incarcerated property offenders. If there is anything I can do to aid in the development of such a program, I would be pleased to do so.

Maguerita O Uhrun

Marguerite Q. Warren

Project Director

MQW/mah

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