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MINNESOTA RESTITUTION CENTER

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**JUL 16 1979**

**ACQUISITIONS**

MINNESOTA RESTITUTION CENTER  
MINNESOTA DEPARTMENT OF CORRECTIONS  
30 South Ninth Street  
Minneapolis, Minnesota 55402  
612/338-0743

## I. AN OVERVIEW

The Minnesota Restitution Center is a community based correctional program operated by the Minnesota Department of Corrections. This program is offered to selected property offenders who have been sentenced to the Minnesota State Prison (M.S.P.) or the State Reformatory for Men (S.R.M.). The major focus of the program is on offenders making restitution to the victim(s) of the crimes for which they were sentenced to prison. While somewhat similar to the idea of "victim compensation" laws, the concept of restitution clearly relates to the individual offender (as opposed to the State) engaging in making restitution to his victims.

## II. RESTITUTION AS A CONCEPT

### A. The Concept of Restitution

Restitution as an operational concept refers to payments in either kind or money by the offender to the victim(s) of the crime and made within the jurisdiction of the criminal justice system. Payments made by professional criminals to buy off witnesses and damages provided to victims as a result of civil suits against offenders do not fall within this definition of restitution. This usage is primarily applicable to payments required by the criminal justice system as either the sole or partial sanction in dealing with the offender.

### B. Historical Perspective

In a variety of cultures, an early stage in the development of law and justice was characterized by the settlement of private wrongs largely on a personal basis. The "Blood feud" was common with, for example, the murderer being dealt with directly by the relatives of the deceased. Underpinning and regulating this whole process in many cultures was the lex talionis or "eye for an eye" principle. An obvious major problem with this system of private vendettas was the lack of any kind of machinery for bringing the particular dispute to an end.

Given the perpetual nature of the vendetta likely to be generated by an injury and the consequent risk of living in this kind of situation, the idea of taking retaliation in a form other than the blood feud was introduced.

The blood feud thus came to be mitigated in the form of compensation or the payment of damages designed to ease the vindictive feelings generated by an offense.

For many offenses a well-developed system of tariffs was introduced in relation to the type and extent of the injuries done while other types of offenses such as rape or murder were seen as too serious to be resolved except in blood.

In one form or another the system of "composition" or compensation has prevailed over a wide number of the cultures of the world. In the Germanic tribes most injuries were punishable by fines called "faida" or the feud commuted for money. In the development of Anglo-Saxon law the "bot" or money payments used to atone for criminal acts came into use. Along with the "bot" some classes of particularly serious offenses had "no bot", were "bot-less" or "boot-less". Paralleling the distinction between offenses covered by "bot" and those for which there was no "bot" was the system of "wergilds" which amounted to a distinction between who the injured party was. Thus, a free-born man was worth more than a slave, a man more than a woman, and an adult more than a child. Accordingly, the amount of restitution to be provided in the form of "bot" was determined in relation to the nature of the crime and the age, sex, or rank of the injured party. Out of these types of distinctions a complicated system of regulations developed that can be seen in a large part as the earliest codified law of the Anglo-Saxon peoples.

With the establishment of Kingship as a strong central authority, the conception of crime changes as well as the methods used in handling law breakers. Crimes became an offense against the King's peace and consequently a matter for the public authority to deal with. Except for some occasional interest in the concept of restitution by a number of early writers - Jeremy Bentham and Herbert Spencer for the Classical School of Criminology and the Positivists, Garofalo and Ferrie along with the more recent writings of Stephan Schaefer and Kathleen Smith - restitution has been largely ignored in criminal law matters. Historically, the emphasis tended to shift to various methods of corporal punishment and in more recent times, to imprisonment as the dominant way of handling offenders.

C. The Present Perspective

Offenses against property constitute a major portion of those offenses which are brought before our courts. Such offenses as burglary, unauthorized use of motor vehicle, theft by check, forgery, and fraud are passive crimes without direct threat to persons but still, collectively, they represent the largest single grouping of crimes to be dealt with by the criminal justice system. Most of these offenses are in the "nuisance" category with dollar values ranging between \$100-\$400 with an average somewhere near \$250. The multi-thousand dollar theft is the exception rather than the rule. Consistent with this is the nature of the offender. He is much more apt to be the kind of individual identified by social service agencies at the "multi-problem client" rather than the "slick operator". This particular category also presents a very high recidivism rate. More often than not, these clients appear before the court time after time for similar offenses. The most common disposition of these cases has been probation or short workhouse or jail sentences combined with probation. Much restitution has been ordered as a condition of probation by judges. However, in reality, little has been effectively collected. Estimates in the Minneapolis/St. Paul Metropolitan area range from 9%-20% successful collection of the restitution obligations imposed by the courts.

D. Primary Issues of a Restitution Based Program

There are several basic issues that must be addressed in any attempt to move from a conceptual consideration of restitution to the operationalizing of those concepts in a community based correctional program. The following are four of these basic issues:

1. The Amount of Restitution

Given the assumption that restitution provides the offender with an opportunity to undo the wrong done, the more complete or total the restitution provided, the more complete the sense of accomplishment generated. Complete restitution would include the total dollar loss to the victim as a result of the offense. This dollar value is computed from the loss or damage to property and its replacement and repair and/or direct cash loss to the victim.

The criminal justice system also demands time from a victim - time spent with police investigation, time spent in the judicial proceeding and in the case of restitution, time spent in negotiating a repayment contract.

The dollar value of this time to the victim must also be considered in determining full restitution. This concept of full restitution is endorsed in opposition to some form of partial restitution. However, specific cases may be an exception to this position when unreasonable hardship would be imposed on the offender in order to make full restitution.

2. Eliminating The Victim "Veto"

Victims, for any number of reasons, may not wish to participate in a restitution agreement with the offender. If such a stance on the part of the victim eliminates a particular offender from consideration for a restitution plan, the victim, in fact, holds a "veto". In order to remove the victims from this power position, it may be necessary to establish a bank account in the victims name. The offender then makes regular restitution payments to this account until the amount established in his contract is paid in full. The money is then sent to the victim who is free to do whatever he wishes with the funds. In this plan, the victim gives up his right to be involved in the negotiation of the contract but still receives restitution.

3. The Form of Restitution

While restitution is generally provided in direct cash payments to the victim, in certain cases, it is possible that the offender would provide restitution in the form of personal services either to the victim or some segment of the larger community assigned by the original victim.

4. The Extent of Victim - Offender Contracts

To a considerable extent, this issue is directly contingent on the willingness of the victim to become involved in face-to-face contact with the offender. Whenever feasible, the program directly encourages personal involvement between the victim and offender in the negotiation of a restitution contract as well as continuing involvement in the completion of this contract.

### III. BENEFITS OF RESTITUTION CONCEPT

#### A. Advantages of Utilizing a Restitution Sanction

There are several major benefits to the Restitution Concept. The following are some of the outstanding benefits of a meaningful constructed restitution program.

1. The right of the victim to be compensated for his losses as a result of criminal activity is considered to be an essential part of the program. Historically, once the criminal justice system has utilized the victim for successful prosecution of the offender, there is little consideration of the victim.

A major tenet of the restitution program is the responsibility of the offender to repay the victim directly. This is a major step in considering the rights of the victim of property offenses.

2. A diversion of offenders from the expensive and often dehumanizing atmosphere of incarceration. Sooner or later, the vast majority of incarcerated offenders come out to live in society. Too often the incarceration experience has had the major effect of reinforcing the individual's original problem of not living in a responsible manner with others. The assumption in a community based program is that the estrangement of many offenders from society can best be handled under supervision within the context of the community itself. The experience of incarceration is often counter productive. An alternative which considers the victim and provides a more meaningful correctional experience for the offender is a sound idea.
3. The restitution sanction is rationally and logically related to the damages done. This is not the case in the situation where the offender is either housed in a lock-up situation or placed in a relatively unstructured probation situation and the victims are largely ignored. Making restitution on a regular basis compels the offender to deal with the specific results of his crime.
4. The restitution sanction is clear and explicit with the offender knowing at all times where he stands in relation to completing goals. The offender will be in the position of being able to experience on-going success as he moves towards the completion of his goals. Again,

this is not the case when the offender is placed in a lock-up setting and the goal of "rehabilitation" is at best vague, and at worst, misleading. The same vagueness often exists in a probation agreement, with the major goal being the passage of time until the expiration of probation.

5. The restitution sanction requires the active participation of the offender. In this sense, the offender is not in the position of being the passive recipient of either "treatment" or "punishment" approaches to changing his behavior. The offender's active involvement in undoing the wrong done has the potential of increasing his self esteem and self image as a responsible and worthwhile member of society.
6. The Restitution sanction should result in a more positive response from members of the community towards the offenders. The offender should be more readily perceived as a person who has committed an illegal act and is attempting to undo his wrong. In this way, he should be seen as a person who is actively contributing to a society and assuming a responsible position rather than a person who is "sick", "sinful" or "irretrievable immoral".

B. Financial Benefits

In addition to those more philosophical benefits of the restitution concept, there are some real financial benefits to this approach.

1. Restitution is being made to the victims of offenses. This restitution is impossible when the offender is placed in a strictly lock-up setting and evidence has shown that the restitution requirements in a straight probation agreement have been only minimally successful.
2. Offenders placed in the restitution program are gainfully employed. As such they are paying taxes like any other worker. Instead of living their correctional experience at the taxpayers expense, they are assuming the responsible position of a taxpayer contributing toward the overall cost of governmental operation including the corrections component. Also, as wage earners, they are contributing to the overall economic structure of the community.

3. Welfare costs to families of offenders can be reduced. If an offender is incarcerated, the welfare department often must assume the responsibility for maintenance of that offender's family while he is unable to provide support. If an offender is gainfully employed, he is able to provide much of his family's support. In those cases where his ability to provide for his family is still short of the actual needs, the amount of welfare assistance required is significantly less than that represented by the total inability of the offender to assist his family, if he is locked up.
4. Program participants share in the cost of their own correctional experience. The program requires that participants share the board and room expenses while they are in residence at the Center. With the exception of those inmates on work release or serving under the Huber Law, clients incarcerated do not share the cost of their lock up.
5. The overall cost of the Restitution Center program has been demonstrated to be roughly equivalent to the per diem cost of a workhouse situation and significantly lower than the cost of the maximum security institution.

#### IV. THE MINNESOTA RESTITUTION CENTER

##### A. The Concept Implemented

The Minnesota Restitution Center is one of the first - if not the first - attempts at systematically applying the idea of restitution to a community based correctional program. The Center received its first client in September of 1972.

##### B. Objectives Of The Program

1. Provide the means by which the offender may compensate the victims for their material loss due to his criminal actions.
2. Provide intensive personal parole supervision.
3. Provide the offender with information about his behavior and offer him the opportunity to resolve personal problems and continue to develop personal strengths and interpersonal skills through regular and frequent group and individual counseling.

4. Provide the victim(s) with restitution to compensate for direct losses as a result of the offender's criminal actions.
5. Disseminate information regarding the restitution concept and the Minnesota Restitution Center to other Criminal Justice agencies throughout Minnesota, the United States and Canada and to the general public.
6. Continue to undertake valid research and evaluation of the concept of restitution in general, and this program in specific and to disseminate this data within the Department of Corrections and to other interested agencies.

C. Organizational Structure

On the assumption that an organization should be structured in logical accordance with its goals, the administrative structure of the Minnesota Restitution Center is designed to provide for open communication, a broad base of decision making, minimal hierarchy, a focus upon tasks and the involvement of staff and residents in most aspects of the Center's activities. The structure of the organization hopefully enhances the program and not - as is too often the case - act as a constraint on it.

The Center's staff includes a Director, Program Supervisor, Office Manager, Four Parole Counselors, and Four Shift Counselors. In addition, the staff usually includes students or trainees. The Center is an approved Field Placement for the Graduate School of Social Work at the University of Minnesota and the Master's Degree in Corrections Program at Mankato State University.

Operationally role distinctions often blur with many tasks shared by staff with different titles. Flexibility within the staff allows members to respond in ways which meet the needs of the client and the program. The overall goal is to provide each staff member with a meaningful role in accomplishing the goals of the Center. The Center purposefully avoids strict role definitions for staff members.

The base of influence in the sense of involvement of staff and residents in the decision making process is purposefully broadened. To a considerable extent, authority has been placed with the counselors and with residents through on-going group programs.

D. Funding

The first three years of operation were funded by a three year grant from the Governor's Commission on Crime Prevention and Control utilizing Law Enforcement Assistance Act monies. Effective August 1, 1975 the Center was completely incorporated into the operating budget of the Department of Corrections and received a Legislative appropriation to continue the program.

E. Client Selection Process

1. Eligibility Criteria & Screening Process

The following criteria are used to determine who is eligible for consideration for parole to the Center:

- a. No more than three (3) separate felony convictions including commitment offense. More than one conviction arising out of the same act or immediate series of acts will be considered one conviction for the purpose of this criteria.
- b. Not on Corrections Board parole or Corrections Board probation at the time of the commitment offense.
- c. No detainers which are not negotiated to disposition prior to the initial hearing before the Corrections Board.
- d. No convictions within institution during current incarceration for offenses which would be felonies if committed in the free world.
- e. No history of dangerous behavior within five years of current incarceration as exhibited by convictions for assault, robbery, forcible sex acts, etc.
- f. No chronic history of drugs/alcohol/chemical abuse.
- g. Offenders with a severe psychiatric problem where present treatment needs are determined to be beyond the resources and structure of the program will not be considered.
- h. Candidates who had a gun, knife, or other dangerous weapon on their person at the time of the commission of the commitment offense will not be considered.

- i. There must be a period of no less than a year between the day a candidate would be granted parole to the Center and the expiration of his sentence.
- j. The candidate's potential earning power must enable him to complete restitution with reasonable monthly payments within the remaining time of his sentence.
- k. The Center will exclude from consideration the middle class intelligent individual who has adequate social skills and resources and an absence of significant behavioral or adjustment problems such as alcoholism or drug addiction, but who, instead has chosen to earn his living outside the law with no documented history of consistent attempts at lawful employment as his source of financial support.
- l. Candidates must be willing to participate in the group program at the Restitution Center.

## 2. Screening Process

Referrals are accepted from the casework staff at S.R.M. Center staff review all admissions to M.S.P. and those men who meet the basic eligibility criteria are invited to an informational meeting at which time the program is explained. Those interested in participation are interviewed by a screening committee representative of former program participants and staff. This committee makes recommendations to the entire staff where the final decision is made. This committee is responsible for recommending those individuals who they feel can receive the most benefit from the program.

## 3. Restitution Contract

The concept of restitution to the victim by the offender is the central element of the Center's program. After an applicant has been selected, a restitution contract is worked out between the offender, the victim(s) of the offense(s), and the staff of the Center. If at all possible, the negotiations are completed face to face and all parties must agree to the plan.

The contract includes the mutually agreed upon restitution figure, the repayment schedule, the obligation of the victim to cooperate with the Center and the obligations of the Center to monitor the contract and provide parole supervision to the offender.

The repayment schedule is distributed over a minimum of several months and must be completed before the offenders time on parole officially expires. It is not necessary for the offender to completely pay restitution before he leaves residence at the Center, but payments must be up to date according to the terms of the contract. The payments may be completed on regular parole status.

In addition to the Restitution Contract, a Planning Report is also drawn up with the offender and the Center staff. This report includes identified problem areas and the response to these problems on the part of the offender and the Center.

The Contract and Planning Report are submitted to the Corrections Board, the paroling body, for approval and release to the Center.

4. Employment

It is not necessary to have a job to get into the program, but it is necessary to find one once in the program in order to provide the participant with the means to make the agreed upon restitution payments, share room and board expenses, maintain family responsibilities, and provide spending money. The staff of the Center and other community agencies assist the resident to find and maintain meaningful employment.

5. Parole Status

The participants in this program are paroled to the Center by the Corrections Board. Because of the diversionary focus of the program, release to the Center is to be effected within four months after admission to the institution. The staff of the Center function as parole agents and are there to help the participants complete their individual contracts. This means that the staff help residents in getting work, in making use of community resources as they are required, and in helping residents solve any problems that are interfering with the fulfillment of the agreed upon restitution/parole contract.

Periodic progress reports are provided to the Corrections Board. Failure to meet the conditions of the Contract and rules of the Center is grounds for revocation of parole. The Center will make such recommendations to the Board if problems cannot be satisfactorily resolved.

F. Program Structure

The Program Structure of the Center has been one of continuous change. It has been extremely flexible, and has tried to meet the individual needs of the residents. The program of the Center has been one which accomplished its objectives with the least amount of controls necessary and the staff and the residents are never deprived of the opportunity for choice within reasonable limits. However, as in any organization, there are certain necessary guidelines, that provide stability and behavioral equity for both staff and residents at the Center. There are three sets of rules that provide the program structure at the Center: 1) Cardinal Rules; 2) House Rules; and 3) Administrative Rules. All rules are applicable to both staff and residents.

The most important of the three sets of rules are the Cardinal Rules of the program because the violation of any of them carries the sanction of an immediate violation report recommending revocation for a resident, and dismissal for a staff member.

- The rules are:
- No drugs or narcotics on the Center Premises.
  - No Violence
  - No Absence from the Center for a forty-eight (48) hour period of time without personal contact.
  - No Criminal Behavior

These are considered non-negotiable offenses and a violation of parole conditions and the Corrections Board will be notified. Failure to meet the conditions of the restitution contract is also considered to be a violation of parole.

The House and Administrative Rule violations are handled internally within the program's own disciplinary guidelines.

G. Program Phases

Three phases are specified in the Center program. Two phases are within the premises of the Center which houses the in-residence portion of the program. The third is one of "community re-entry", in which the "graduate" resident lives in the community area of his choice.

Each phase is designed to facilitate and measure behavioral progress. Each phase has also been designed to place more responsibility demands on the individual resident. These demands include restitution payments, room and board payments, continued employment, etc.

Although the first two phases of the program are considered "in residence", compared to the prison setting, the individual has a much greater involvement with the larger community, which is the purpose and intent of "community based" correctional programs.

1. Phase I

The first phase of the program is the "orientation phase". This is a six week phase designed to allow the client to readjust to the community, to acquaint himself with the program at the Center, and to secure employment. During this time the Center provides free room and board for incoming clients. Residents in Phase I begin with a restrictive curfew and few special privileges, but with the demonstration of satisfactory adjustment, particularly the securing of employment, those limitations are extended. During this phase, residents move from a 7:00 p.m. curfew to an 11:00 p.m. curfew and become eligible for overnights away from the Center.

2. Phase II

At the end of this six week period, residents who are successfully employed move into Phase II. This phase lasts a minimum of eight weeks but is open ended. This phase is referred to as the "responsibility phase". During this phase residents begin assuming responsibility for their own maintenance in the community. They share in the costs of their room at the Center and are completely responsible for their own food costs. In addition, after the first six week phase, their first restitution payment to their victims becomes due. The residents then make one payment per month until their contracts are completed. Residents in this phase have a 1:00 a.m. curfew and are eligible to spend two days away from the Center each weekend with the approval of group. This decision is based on successful adjustment during the previous week.

3. Phase III

After a minimum of eight weeks in Phase II, the resident is eligible to move into the community, to rejoin his family or establish a residence of his own, and enters the "community" phase of the program. Initially, he returns to the Center twice weekly to attend group sessions. After several months of involvement with the group program, the resident may drop regular group attendance and establish a conventional parole supervision plan with the approval of staff and group. The

resident's counselor continues to provide parole supervision until the resident is either discharged from parole by action of the Corrections Board or until sentence has expired. No recommendation for discharge from parole will be made by the Center until restitution has been completed.

#### H. The Staff

The original staff of the Center was purposefully composed of a mixture of ex-offenders, professional social workers, and other trained people. The ensuing two years of operation has seen a series of changes in the personnel of the staff but the original concept of selecting staff members on the basis of personal qualities and actual experiential knowledge, rather than labeled status has not changed. The present staff of eleven at the Center counts among its members:

1. Four holders of a Masters of Social Work Degree.
2. Five ex-offenders, three of whom have passed through the Center program.
3. Four minority members.
4. Two female employees.

This staff mixture has provided a broad base of theoretical and practical knowledge. This has made the task of working with a broad range of individual behavior traits much easier.

#### I. Key Person

Each resident in the Center is assigned a "key person". This staff member is particularly responsible for ensuring that the needs and accomplishments of a particular resident are not overlooked. However, that does not detract from the necessity of all staff members having the responsibility of becoming involved with all residents in the program.

The major objective of assigning residents and specific staff members to each other, is to help facilitate involvement between staff and residents. This will negate the possibility, as the program grows in size, of certain residents facing the possibility of being passed over, and not getting involved with both other staff members and residents. The continued use of "key person" is a means of minimizing this possibility.

J. Group Program

Twice weekly attendance at the Center group meetings is mandatory for residents. These meetings are held each Monday and Thursday evenings beginning at 7:00 p.m., and lasting until all resident and Center business is concluded. Due to the size of the resident population at the Center, it has been necessary to institute several separate groups. Each is led by a staff member, with another staff member as co-leader.

The original group treatment model was "Reality Therapy". This has since been replaced by Transactional Analysis (T.A.). Each group leader has been trained specifically in the mechanics and principles of T.A., and the entire staff is continuing further training.

The purpose of the group sessions is three-fold.

1. To deal with day-in-day-out situations which may arise from a large group of people living in close proximity, and within the structure of a specific program.
2. To monitor, evaluate, and make decisions relative to each resident's progress in the program.
3. Help a resident look at himself and assist him to make any desired changes or adjustments in his behavior.

K. Use of Other Agencies

As the resident population of the Center enlarged through more than three years of operation, the task of furnishing all services to the individual residents became impossible for the Center to accomplish alone. Consequently, many services for residents are sought within the available community resources. The Center at the present time affords alcoholic, family, and marriage counseling, but only in a supportive sense. Among the community resources utilized by the Center are:

1. Hennepin County and Ramsey County Detox Centers.
2. Minneapolis Rehabilitation Center.
3. Twin Cities Opportunities and Industrialization Center.
4. Minnesota Manpower Services.
5. Concentrated Employment Program.
6. Varied chemical dependency agencies.
7. Catholic Welfare Services.
8. Hennepin and Ramsey County Welfare Departments.
9. Helping Industry Recruit Ex-Offenders, Inc. (H.I.R.E.)
10. Many others.

The Center has and hopes to continue to have, good relations with the City, County, and State Criminal Justice Systems, and various branches of their law enforcement agencies.

L. Community Advisory Board

The Center has an Advisory Board representative of the community. The purpose of the Board is twofold:

1. To represent the community and advise the Center as it develops and evaluates policy and program. The Board should help the staff of the Center to be aware of community concerns and keep the program sensitive to the needs of the community as well as the needs of the clients.
2. Assist the Center to accomplish its goals and objectives. The members of the Board make available to the Center their expertise, community contacts, influence, and services to help accomplish the overall mission of the program. The Board also serves as an advocate for the program in the community.

The Board is representative of the Metropolitan area criminal justice system, business community, and professional community, as well as residents and alumni of the program. It meets quarterly for regular meetings while subcommittees and individuals work on special tasks or assignments as needs arise.

The Board is not governing in nature, but rather serves to advise the program and to be an advocate for it.

V. RESEARCH OBJECTIVE

Research is an important component of the Minnesota Restitution Center. Basically, the research has two objectives:

A. Performance Evaluation

This component of the research is designed to help the Center evaluate its success as a program. The issues considered are: Parole performance of the Center's clients, comparison of program participants with a control group of individuals with similar characteristics who has not been involved with the program, but rather, have experienced the traditional incarceration/regular parole model, internal program evaluation by the participants, and cost accountability factors.

B. Attitude and Opinion Evaluation

Testing is done to evaluate the program participants self concept and attitudes toward the criminal justice system before and after exposure to the restitution model. In addition, the attitudes of

victims are also surveyed to determine their response to the restitution model. Since the Center also attempts to disseminate information about the restitution concept to other criminal justice professionals and the community at large, an evaluation of the effectiveness of the information system and the responses to and attitudes towards the restitution concepts are also being evaluated.

Formal reports are issued as various components of the research are completed. In addition, staff and former staff of the Center have published several professional articles.

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