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NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

Preliminary Report II:
A Review of Restitution Research

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Introduction

During the decade of the 1970's, interest in the use of restitution within the juvenile and adult justice systems has flowered. Since 1971 when the Minnesota Restitution Center was established as probably the first formal restitution program in this country, literally hundreds of projects have been established at different points in the adult and juvenile justice systems. Legislation dealing with restitution has been introduced in approximately half of the states, a variety of standard-setting bodies have emphasized the role of either financial or community service restitution, two restitution symposia have been held and several books and dozens of articles dealing with restitution have been published. The popularity of the concept cannot be doubted. Questions arise, however, about how the concept of restitution is being used in the variety of program applications, the effects of its use, and the way it is perceived by significant decision-makers. The purpose of this report is to describe and assess research dealing with these concerns.

As compared to the public attention given to the potential benefits likely to be associated with restitution programming, only a few writers have attempted to deal with either research issues or the state of empirical knowledge about the practice. Among the few have been papers presented at the two restitution symposia by Galaway, Geis, Hudson and Chesney, amongst others.

At the first restitution symposium held in 1976, Burt Galaway called for the increased use of controlled experiments to test the effects of a restitution sanction and urged practitioners to develop descriptive accounts about the way in which significant program issues are handled. At the same meeting, Gilbert Geis re-emphasized the need for descriptive accounts of restitution program applications and cautioned against the use of controlled experiments because of the difficulty involved in attributing cause-effect relationships in real world programs. Several published papers from the second symposium on restitution dealt directly with research. The paper by Marguerite Warren described the research approach, current status, and problems with the national evaluation being conducted on seven adult restitution projects. John Gandy reviewed several studies dealing with attitudes toward the use of restitution, and Joe Hudson and Steve Chesney reviewed and assessed nine research studies on restitution. This report builds upon the work of these commentators. We consider many of the arguments raised by these writers and include them in this review.

A total of 29 research studies are covered in this report. Table I presents information on these according to title, author, year and type of publication:

BLE I: RESEARCH STUDIES ON RESTITUTION

<u>Author</u>	<u>Title</u>	<u>Publisher</u>	<u>Year of Publication</u>
Gary Gonnigam	"Deferred Prosecution"	Tazewell County State's Attorney's Office	Undated
	"Minnesota Restitution Center"	MN Dept. of Corrections	May, 1976
R. Steggerda and S. Dolphin	"An Assessment of the Restit- ution in Probation Experiment"	Polk County Dept. of Program Evaluation	1975
Jean Cialella	"A Management Study of Alterna- tive Assignment Project 20"	Jefferson Associates	Undated
J. Heinz, B. Galaway, J. Hudson	"Restitution or Parole: A Follow-up Study of Adult Offenders"	Social Service Review	March, 1976
Mitchell Wax	"The Effects of Symbolic Resti- tution and Presence of Victim"	Unpublished Ph.D. Dissertation	1977
Wald Flowers	"The Georgia Restitution Shelter Program"	GA Dept. of Offender Rehabilitation	1977
David Lowen- berg	"Pima County Attorney's Adult Diversion Project, Second Annual Report"	Pima County	1975
Joan Swanton	"Final Report: The Pilot Alberta Restitution Center"		Undated
Ms. D. Flegg, et al.	"Nottinghamshire Probation and After-Care Service"		Undated
Joanne Koegel	"Sacramento County Probation Alternative Sentencing Pro- cedures"	Sacramento Area Criminal Justice and Delinquency Prevention Planning District	1978
J. Gerrard, R. Knight	"An Evaluation of the Community Restitution In-Service Program"		1977
T. Broomfield	"Evaluation Report: Court Referral Program"	Voluntary Action Center of Orange County	1977
Paul Softley	"Compensation Orders in Magistrate's Courts"	Her Majesty's Stationery Office	1977
Tarling, Softley	"Compensation Orders in the Crown Court"	The Criminal Law Review	1976
K. Pease, et al.	"Community Service Orders"	Her Majesty's Stationery Office	1975

TABLE I: RESEARCH STUDIES ON RESTITUTION (Continued)

<u>Author</u>	<u>Title</u>	<u>Publisher</u>	<u>Year of Publication</u>
J. Duffy and J. Welch	"Restitution Report"	Delaware Criminal Justice Planning Commission	1978
	"The Community Service Order Program: The British Columbia Experience"	Ministry of the Attorney General	1977
S. Chesney	"The Assessment of Restitution in the Minnesota Probation Services"	MN Dept. of Corrections	1976
S. Earne	"Saturday Work: A Real Alternative?"	Australian and New Zealand Journal of Criminology	1976
F. Softley, R. Tarling	"Compensation Orders and Custodial Sentences"	Criminal Law Review	1977
K. Pease, et al.	"Community Service Assessed in 1976"	Her Majesty's Stationery Office	1977
R. Bluestein, et al.	"Attitudes of the Legal Community Toward Creative Restitution..."	Unpublished Master's Thesis	1977
B. Galaway, W. Marcella	"An Exploratory Study of the Perceived Fairness of Resti- tution..."	Unpublished	1976
	"The Need For and Acceptance of Community Restitution Centers in Virginia"	VA Dept. of Corrections	1978
J. Hudson, et al.	"Restitution as Perceived by State Legislators and Correctional Administrators"	Unpublished	1977
J. Hudson, et al.	"Parole and Probation Staff Per- ceptions of Restitution"	MN Dept. of Corrections	1977
J. Gandy	"Community Attitudes Toward Creative Restitution and Punishment"	Unpublished Doctoral Dissertation, U. of Denver	1975
P. Schneider, et al.	"Restitution Requirements for Juvenile Offenders..."	Institute of Policy Analysis	1977

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As is evident from Table I, these 29 studies are quite new and all of them have been completed and reported on within the past four years. Most, within the past two years. Six were completed in Great Britain, one in New Zealand, and two in Canada. The remaining studies have all been completed in this country. Four were published in academic or professional journals, three as dissertations or theses, and the rest as agency reports. These studies can be distinguished as evaluative or non-evaluative. Twenty-two are evaluations of restitution projects or programs and seven aim, at least in part, at assessing opinions or attitudes held about a restitution sanction.

Evaluation Research

The first 22 studies listed in Table I aim at evaluating the manner or extent to which a restitution project or program has achieved at least some of its varied objectives. They differ, however, in relation to whether the focus is on a single project operating within a relatively small geographic area, such as a city or county, or a more extensive restitution program containing a diversity of restitution projects. Program-level evaluations deal with jurisdictions the size of a state, a province, or a country, and the nature of the restitution effort going on often includes a number of relatively separate project locations. The British Community Service program is an example. The two major pieces of evaluation research completed on this program have dealt with the original six experimental projects established in different locations around the country, as is also the case with the British Columbia studies. Studies numbered from 14 to 22 in Table I are program-level evaluations are those from 1 to 21 are what we define as project-level evaluations.

Project-Level Evaluation Descriptions:

1. Gonnigam, Gary, "Deferred Prosecution", Comprehensive Study, 1974-78, Tazewell County State's Attorney's Office, Tazewell County, Illinois, Undated.

The deferred prosecution project operated at the pre-trial level as an alternative to formal court proceedings. A primary aim of the project was to help reduce the volume of court cases by diverting selected types of first offenders into community supervision, including both financial and community service restitution, as an alternative to court processing. Procedures followed included screening cases for eligibility according to age, residency, chargeable offense and prior arrest record. Eligible defendants were then offered an opportunity to establish a formal written agreement with project staff as this might include periodic reporting requirements, referral to community treatment services, financial and community service restitution and the payment of a "voluntary service fee".

The evaluation research reported in this document involved collecting information on all cases screened and admitted to the project along with follow up information on defendants who successfully completed it. The specific data collection methods used are never specified but they seem to have included both project specific data forms and information extracted from criminal justice agency records. No comparison group is used.

Findings reveal that during four years of project operation, a total of 950 cases were referred to the project and of these, 510 (54%) were screened out as being ineligible. Of the 440 cases actually admitted to the project, 45 (10%) were terminated as in-project failures on the grounds of committing subsequent offenses or for failing to comply with the project agreement. Over 62% of admissions were misdemeanants followed by felons (27%) and juveniles (10%). The most common charges were for property offenses. Three-hundred and five cases were reported having successfully completed the project and of these, 5% were subsequently re-arrested and approximately 3% subsequently convicted. Because the author defines recidivism as covering only project graduates who have subsequently been reconvicted, it is concluded that the project recidivism rates approximates 3 percent.

2. Interim Evaluation Results: Minnesota Restitution Center, Minnesota Department of Corrections, May, 1976.

The Minnesota Restitution Center was a community-based corrections project established by the state Department of Corrections in 1972 and operated until the end of 1976. The project involved a contract negotiation phase at the state prison and a restitution implementation phase which occurred upon the offender's release to the Center. The major criteria to be met by all inmates considered for the project were: new court commitment to the state prison for offenses against property; commitment from one of the seven metropolitan counties in Minneapolis and St. Paul; no felony convictions for a crime against persons during the preceding five years of community living; no detainers filed. Inmates meeting these project criteria formed the population pool. From this pool, offenders were randomly assigned to experimental and control groups. Upon random assignment to the experimental group, offenders had the option of directly participating with their crime victims in the development of a restitution agreement. The completed agreement was then reviewed by the paroling authority and, if in agreement, the offender was released on parole to the Center four months following prison admission. In short, the research design in effect during the first two years of project operations was an after-only field experiment involving random assignment from within a specified population of prison admissions.

Major findings from this report were that offenders in both the experimental and control groups were found to be similar

with the largest proportion composed of white offenders under 30 years of age admitted for burglary and with an extensive prior felony record. A total of 221 victims were identified for the 62 experimentals actually released to the project. The largest proportion of these victims were private individuals (36%) followed by retail sales establishments (19%), large sales organizations (15%), service establishments (14%), entertainment facilities (13%), and human service organizations (4%). The amount and type of restitution obligations assumed by the 62 experimentals involved relatively small amounts of money: 33 (53%) of the offenders had restitution obligations of \$200 or less, and 44 (72%) totaled less than \$500. In addition, nine (14%) of the experimentals had strictly service restitution obligations averaging approximately 120 hours per person.

Follow up information is presented on the experimental and control cases for a 24 month period following prison release to either the Restitution Center or conventional parole. Approximately the same proportion of experimentals (27%) as compared to controls (25%), remained under parole supervision 24 months following release. A significantly larger number of controls (24%) as compared to experimentals (6%) had been returned to prison on the basis of new court commitments. At the same time, however, a significantly larger proportion of experimentals (40%) as compared to controls (10%) had been returned to prison on the basis of technical violations of parole. Grouping together offenders in the experimental and control groups who had received either a new court commitment or a technical parole violation 24 months following prison release, a larger proportion of experimentals (46%) as compared to controls (34%) had been returned to prison.

3. Steggerda, Roger, and Susan Dolphin, "An Assessment of the Restitution In Probation Experiment", Polk County Department of Program Evaluation, December, 1975.

1974 Iowa legislation required restitution as a condition of either deferred prosecution or probation. Consequently, the Restitution In Probation experiment was established in the Polk County Department of Court Services and modeled after the Minnesota Restitution Center. Emphasis was placed on direct victim-offender involvement in the development of restitution plans. In contrast to the Restitution Center, however, this project was non-residential and operated with offenders on probation or deferred sentence. Regular probation officers carried both restitution and non-restitution case loads and comprised the project staff.

Because of difficulties involved in implementing the project and the research, the limited time available for project operations, and the statutory requirement that restitution be ordered in all cases that qualified, the original evaluation plan was changed. No attempt was made to assess the outcome effect of restitution on the offender group. Instead, the research was primarily aimed at describing the nature of the

effort expended in the project. Major findings of the study include the following:

- Monthly amounts of restitution increased considerably as a result of the experimental project;
 - As opposed to original project intentions, less than half of the 102 restitution cases involved direct victim-offender negotiations. In such cases, however, staff received a greater degree of cooperation from offenders;
 - Considerable staff time was required for the development and supervision of restitution agreements and this increased proportionately with the degree of victim involvement. The time needed to establish the restitution plan was much greater with victim involvement and the time needed to monitor and administer the plans generally less;
 - The vast majority of victims were business firms and the offender had been predominantly convicted of crimes against property.
4. Ciallella, Jean, "A Management Study of Alternative Assignmen Project 20", Jefferson Associates, Incorporated, San Francisco, California, undated.

Completed by a private consulting firm, this study aims at evaluating the relative extent to which the Project 20 Court Referral Project achieved some of its objectives. The project was designed to serve as an alternative to a fine for low income traffic offenders. Referrals were made to community service and government agencies in San Francisco County and involved completing a stipulated number of service hours. Research data was obtained from offender case files and interviews completed with offenders, officials in the county criminal justice system, and staff of referral agencies. Some of the results of this study were that there was an increase in the number of court referrals to the project over the three year period, 1975-1977, and that during fiscal year 1977, there was a project failure rate of approximately 27 percent.

5. Heinz, Joe, Burt Galaway, Joe Hudson, "Restitution or Parole: A Follow Up Study of Adult Offenders", Social Service Review, March, 1976.

This study dealt with the first 18 men admitted to the Minnesota Restitution Center between September 1972 and March 1973, and 18 individually matched offenders released from prison to conventional parole supervision during the same time. Individuals in the two groups were matched on the variables age of first offense, number of previous felony

convictions, age at prison release, offense type, and race. In addition, the matched comparison cases all met the five criteria for admission to the Restitution Center.

Department of Corrections records were used to collect outcome data on four measures of parole success: number of parole violation reports; number of convictions for new offenses; percentage of time employed; and an overall parole-success index.

The restitution and matched groups experienced different corrections projects. Mean average sentence for the restitution group was 5.1 years with a median sentence of five years. However, each member of this group had served only four months of the sentence in prison when released to the Restitution Center. Members of this group lived at the Center for 5.1 months, on the average, and spent the remainder of the 16-month follow up period in the community under supervision of staff members from the project. The matched group had a mean average prison sentence of 6 1/2 years, a median sentence of five years, and served an average of 23.9 months in prison prior to being placed on conventional parole. Throughout the 16-month follow up period, members of this group received conventional parole supervision. In short, analysis of the follow up data permits outcome comparisons of one group of men (restitution group) who served a limited time in prison before being diverted to a community based project stressing payment of restitution to the victim, with a matched group of men who served an average of six times as long in prison before conventional parole release.

Major findings reported in this study were that the Restitution Center group had fewer convictions, were employed for a larger amount of time, and achieved higher ratings on the Glaser scale of parole success.

6. Wax, Mitchell, "The Effects of Symbolic Restitution and Presence of Victim on Delinquent Shoplifters", Ph.D. Dissertation, Washington State University, 1977.

This study attempted to answer two general questions: First, what is the effect of a restitution sanction; secondly, what is the effect of victim-offender involvement on a target group of offenders. More specifically, this study was designed to determine whether juveniles who had committed minor thefts of property (shoplifting) of between \$1.00 and \$50.00, and who had made 20 hours of community service restitution would be less delinquent than a control group of offenders who did not make restitution. The study also compared juvenile offenders who were assigned 20 hours of community service restitution in the presence of their victims with offenders who did not meet with their victims so as to determine whether victim-offender meetings had an effect on subsequent delinquency.

An after-only experimental design was used with random assignment of project eligibles to one of three treatments--community service restitution, community service restitution with victim present, no community service and no victim present. Ten youth were assigned to each treatment condition with a six month follow up. Five dependent variables were used to assess outcomes--police contact, court contact, school attendance, number of school behavior problems, Jesness self report inventory.

No statistically significant differences were found between the three treatments on court contact, police contact, school attendance, or social behavior problems. Differences significant at the .05 level were found on the Asocial Index sub-scale of the Jesness Inventory between pre and post treatment scores for youth in both the community service only group and the community service and victim present at sentencing group as compared to the group of youth who had no community service and no victim present.

7. Flowers, Gerald, "The Georgia Restitution Shelter Program", Georgia Department of Offender Rehabilitation, September 30, 1977.

With the aim of helping to alleviate prison overcrowding, the Georgia Department of Offender Rehabilitation established four restitution shelters in late 1974 and early 1975. These projects received direct probation referrals from courts as well as parolees from state prisons. Eligibility criteria were quite loose and essentially involved any offender the judiciary or parole board referred to the project. Both financial and community service restitution were used. No emphasis was placed on structuring victim-offender involvement.

The evaluation conducted on the four shelters was an assessment of program inputs and outputs with only limited attention placed on assessing project outcomes. Official records were the sole data sources used. Missing information was a serious problem with a large proportion (32%) of the population of 400 offenders admitted to the shelters not followed over time. The major findings of the study were as follows:

- Of the 400 offenders admitted to the four shelters, 80 percent were probationers referred by the courts and 20 percent parolees; 57 percent were white and 43 percent black; 78 percent were between 17 and 27 years of age; 87 percent had been convicted of a felony, and 13 percent were misdemeanors; most of these offenses were against property.
- For a one year period (April 1, 1975 to March 31, 1976), 32 percent of the offenders had no reported income and of those with income, 61 percent had less than \$5,000. Only approximately 1/4 of restitution obligations were repaid.

- One-third of the offenders placed in the projects were in-program failures who either absconded, had technical parole or probation violations, or were reconvicted prior to project discharge.
- Of the 274 offenders for whom data was available, 31 percent had been rearrested within six months following project release, 59 percent within 12 months, and 87 percent within 18 months.
- Conviction data was available on only 40 offenders and of these, 45 percent were reconvicted within six months of project release and 75 percent within 12 months. The dispositions received in 22 percent of these cases was probation, in 28 percent of the cases it was incarceration, and in 15 percent of the cases it was a split sentence of jail and probation. The majority of offenders convicted of new offenses were not committed to prison. This, along with the fact that the vast majority (87%) of the offenders admitted to the project were on probation status, strongly indicates that the project acted as a supplement to probation rather than a diversion from incarceration.

8. Lowenberg, David, "Pima County Attorney's Adult Diversion Project, Second Annual Report", Tucson, Arizona, 1975.

Stillwell, Jack, "Victim Defendant Relationships in an Adult Diversion Program", unpublished paper; February 4, 1977.

While the adult diversion program operated by the Pima County attorney's office is not explicitly a restitution project, most of the defendants do make financial restitution and, in addition, are required to perform 40 hours of community service restitution. The project operates at the pre-trial, post-arraignment level and involves primarily property offenders. Direct victim-defendant meetings are structured for the purpose of negotiating the amounts of restitution. Upon the successful completion of the project, charges are dismissed.

Two studies report on evaluation research conducted on this project. The study reported by Lowenberg presents a description of project inputs over time. Major findings of this study are that the vast majority of defendants had no prior record and were largely composed of white property offenders, obligated to make a mean average of \$385 in restitution. Victims were largely business firms and direct victim-offender negotiations occurred in approximately 30 percent of the cases.

The study reported on by Stillwell deals primarily with the victim-defendant meetings structured in this project. On the basis of a questionnaire administered to 140 victims before and after taking part in meetings with defendants, information

is presented to show that victims willing to meet with defendants are more frequently businesses that suffered a property offense as compared to individual victims of violent crimes. Furthermore, victims defined meeting with defendants as valuable both because the meeting provided them with a better understanding of the defendant's motivation in committing the crime and also because victims believed the meetings gave defendants a better understanding of the effect the crime had on them. Finally, the results of the questionnaire administered to victims before and after the meeting reflected changes towards less punitive sets of beliefs.

9. Swanton, Joan, "Final Report: The Pilot Alberta Restitution Center (September 1, 1975 - October 31, 1977)", undated.

This study presents information on the operation of the Pilot Alberta Restitution Center during the two year period, September 1975 to October, 1977. The Center was originally established to demonstrate the non-residential use of restitution as a diversion from imprisonment for non-violent property offenders. In fact, however, the original aim changed several times and the project reportedly ended up by placing emphasis on facilitating the payment of restitution in all phases of the criminal justice system, from pre-charge through to post release from incarceration. Almost any property offender from pre-charge to post incarceration who agreed to enter into a restitution contract became a project client. Consequently, referrals to the project came from a wide variety of sources--police, defense counsel, probation officer, correctional institution, victims, offenders.

A total of 286 offenders comprising 246 separate cases were referred over the two year life of the project, with approximately 70 percent of these coming from a pre-sentence stage. The largest proportion of offenders had been charged with multiple offenses against property. In those cases where the amount of loss or damage could be determined, approximately 60 percent of the cases involved less than \$500. Approximately 70 percent of the victims were businesses, 20 percent were private citizens, and the remainder either unknown or a public agency. Offenders referred to the project were typically young, single males with only 3 percent of referrals made up of Indians.

In contrast to the 246 separate case referrals to the project, only 72 restitution agreements were actually signed by 70 offenders and 155 victims. The reasons that restitution agreements were not completed for most project referrals had to do with either the offender deciding against proceeding with the development of a restitution agreement, becoming incarcerated, or making a private arrangement for restitution with the victim. Of the restitution agreements actually signed, approximately half of the offenders entered into them prior to receiving a court disposition. While victim-offender contact

was emphasized in the project, only 22 offenders and 23 victims covering 20 restitution agreements were involved in meetings. Of the 72 restitution agreements signed, 2/3 involved less than \$500 and approximately 80 percent were obligated to be repaid within 18 months.

As of July 31, 1977, 40 percent of the restitution agreements had been paid in full, 15 percent were continuing to make payments, 11 percent were in arrears by up to two months, and 33 percent were in default. Sixty percent of the victims had not received the restitution owing to them according to the agreement. Restitution in excess of \$300 was found to be related to default. Those cases in which victims and offenders had met to develop restitution agreement were more frequently in default of payment as compared to those cases in which no meetings were held.

10. Flegg, Mrs. D., et al., "Nottinghamshire Probation and After-Care Service: Community Service Consumer Survey--1973-1976", unpublished.

Aimed at assessing offender perception of community service orders, this study involved the first 100 offenders completing the Nottinghamshire Community Service project. Nottinghamshire was one of six experimental areas selected to participate in the Community Service legislation passed in England in 1972. The scheme was introduced in 1973 and allowed the courts to impose a community service order on offenders, aged 17 or over, who otherwise would have been in prison. The number of hours ordered to work is to be not less than 40 or more than 240 and must normally be completed within one year. Arrangements for community service have been a responsibility of probation and after-care departments. Probation officers assign offenders to community service tasks and exercise general oversight of the offender's completion of the order.

The first 100 offenders completing a community service order in Nottinghamshire were interviewed and asked for their views about the scheme. The results were highly positive towards the project. Most offenders expressed the view that community service was better than being fined, had not caused any practical or family problems, had been a worthwhile experience that helped them remain out of legal difficulties. Only four of the 100 respondents expressed negative views about the scheme.

11. Koegel, Joanne, "Sacramento County Probation Alternative Sentencing Procedures", Final First Year Evaluation Report, Sacramento Area Criminal Justice and Delinquency Prevention Planning District, June, 1978.

The Alternative Sentencing Procedures project is operated by the Volunteer Bureau of Sacramento County. Staff in the

project are responsible for screening and placing court referrals in volunteer community service agencies. Clients are received from the judiciary who make a determination that an alternative sentence is appropriate for the offender who is then offered such a sentence as an alternative to a more traditional sanction. Placements are arranged in community service agencies, monitored by the project, and reports provided back to the courts.

The design for this study amounted to a one shot, case study. Major findings were that during the first year of operation, 832 offenders were sentenced to community service work. Approximately 18 percent of the referrals did not successfully complete the assigned community service work and these failures were more likely to be males, have less than a high school education, be between the ages of 26 to 30 years of age. Approximately 43 percent of referrals had been convicted of driving charges, approximately 37 percent of theft, and the remainder of miscellaneous charges.

12. Gerrard, J., and R. Knight, "An Evaluation of the Community Restitution In-Service Program", May 5, 1977, unpublished.

The Community Restitution In-Service Program was established in 1975 by the Pima County Probation Department. This project was designed to provide defendants and probationers an opportunity to perform restitution to the community as a condition of probation. The probationer was provided the opportunity to do volunteer work for a public or private community government or social agency. Selection and placement for the project occurred during the pre-sentence investigation as well as a condition of probation.

The study design amounted to a one shot case study. No comparison group was used. Findings indicate that most of the agencies receiving services from offenders were highly positive towards the work completed and that approximately 1/3 of the total hours of community service assigned to offenders had been completed at the termination date of the study.

13. Broomfield, Terry, "Evaluation Report: Court Referral Program, Voluntary Action Center of South Orange County", Newport Beach, California, April 20, 1977.

This court referral project provides the courts of Orange County California with an alternative disposition for sentenced offenders who might otherwise have received a fine or incarceration. The project handles misdemeanants with a few juveniles and felons.

The design used in this research was a one shot case study covering a 16 month period. Findings indicate that during the 16 month period, the courts referred a total of 1,097 offenders

to the project with the largest percentage of these coming from municipal and traffic courts for the commission of traffic violations. Approximately 10 percent of the referrals were on probation status. The largest percentage of offenders were male, under 25 years of age, employed, and sentenced for a traffic violation. The range of hours to be completed ran from 5 to 212 with approximately 50 percent under 36 hours. Sixteen percent of the offenders referred by the court did not appear at the project. Of those offenders who were actually assigned to a placement, approximately 71 percent completed the assignment.

14. Softley, Paul, "Compensation Orders in Magistrates' Courts", Home Office Research Study Number 43, London, Her Majesty's Stationary Office, October, 1977.

The Criminal Justice Act of 1972 in Great Britain provided Magistrates' Courts and Crown Courts a general power to order an offender to make compensation for personal injury, loss, or damage resulting from a criminal offense. Up to 400 pounds compensation could be ordered for each offense for which the offender was convicted by a court. The purpose of this research was to assess the extent to which the courts order offenders to make compensation, investigate how the statute was being applied, and assess the effects of the compensation order as a method of redress.

The study design involved following a population of cases for 18 months. The population included all cases of burglary, theft, obtaining property by deception, criminal damage, wounding or assault causing bodily harm that resulted in a summary conviction during the week of September 29, 1974. This amounted to a total of 3,604 charges made. Information was provided by clerks of court on 3,552 convictions and of these, information was available on 3,337 cases. Excluding 97 cases that went to the Crown Court, a total of 3,240 offenders were sentenced and amounted to the population of offenders on which information is presented in this report. Three data collection forms were used to obtain information on each case over the 18 month period. One was completed by police in late September, 1974, another form completed by clerks of magistrates' courts in April, 1975, and a third form completed by clerks of court in April, 1976.

It is difficult to summarize the major findings of this extremely detailed and thoughtful piece of research. Among the more interesting findings, however, are the following:

- For each type of property offense, it was found that the majority of victims were corporate entities;
- 50 percent of offenders convicted for property offenses had caused damages or losses of less than 25 pence;

- Excluding property offenses which resulted in damage or loss of less than 25 pence, 90 percent of those convicted of criminal damage to property were ordered to pay compensation, but only 9 percent convicted of wounding or assault were ordered to do so;
- Partial, as compared to full restitution was more commonly used as the value of the loss or damage increased;
- The decision to impose a non-custodial, rather than a custodial sentence, was the most important factor related to ordering restitution while the second most important factor was the ability of the offender to pay;
- 3/4 of the offenders had completed paying restitution within 18 months of being sentenced and the remaining 1/4 had not completed payments;
- 1/3 of the offenders who had not completed payments were committed to prison in default;
- The most significant factor related to non payment was the amount of compensation ordered, the criminal record and age of the offender. The longer the record and the older the offender, the less likely to have completed restitution.

15. Tarling, Roger, and Paul Softley, "Compensation Orders in the Crown Court", The Criminal Law Review, July, 1976.

The purpose of this study was to test whether the Criminal Justice Act of 1972 in Great Britain resulted in more compensation (restitution) being ordered for property loss by the Crown Court in London, as well as to whether judges' decisions to award compensation for loss were in accord with recommendations made by the Advisory Council on the Penal System.

Two samples of offenders were drawn from police files. One consisted of offenders sentenced before the implementation of the Act on January 1, 1973, and the other of offenders sentenced after the Act. The samples were restricted to offenders sentenced in the Crown Court in London for major property offenses. The aim was to limit the samples to offenses for which compensation could have been ordered. The "before" sample included 277 persons and the "after" sample included 521 persons.

Major findings of the study were:

- The proportion of compensation orders nearly doubled after the Act, from 14 percent to 26 percent;
- Offenders given custodial sentences were less likely to be ordered to pay compensation than were other offenders;

- No evidence was found to support the idea that the greater the value of unrecovered property, the more likely the offender was to be ordered to pay compensation.

16. Pease, K., et al., "Community Service Orders", Home Office Research Studies, London, Her Majesty's Stationary Office, 1975.

Section 15 of the Criminal Justice Act of 1972 in Britain empowered courts to order offenders to perform unpaid work as a service to the community. A community service order was to be made in the case of an offender convicted of an offense which would otherwise have been punished with imprisonment, provided that the offender consented and was aged 17 or over. The number of hours to be worked was not to be less than 40 or more than 240, and these were to be completed within one year of the date of the order.

This report provides information on the program for the first 18 months of operation in six probation and after-care areas of the country (Durham, Inner London, Kent, Nottingham, Southwest Lancashire, Shropshire). More specifically, information is provided on the criteria used by probation officers in recommending community service to the courts, the characteristics of offenders ordered to perform community service, the conduct of the program as this included the type of work completed by offenders (location, duration, completion rates), and the attitudes and opinions expressed about the scheme by offenders, probation officers, the press, and community service agencies.

Among the major findings presented in this report are:

- Most commonly, a community service order followed upon the recommendation of a probation officer;
- It is not possible to estimate the extent to which community service orders were made as an alternative to a custodial sentence;
- Courts differed on the number of hours of community service required;
- Offenders on community service were drawn primarily from the 17 to 24 age group;
- Between 38 percent and 50 percent of offenders on community service had previously experienced a custodial sentence;
- Offenders with longer criminal records and those who had served a custodial sentence were less likely to successfully complete the community service order;
- Probation officers, offenders, and the press generally held positive attitudes towards the scheme.

17. Duffy, J., and J. Welch, "Restitution Report", Delaware Criminal Justice Planning Commission, September, 1978.

The purpose of this study was to assess the extent to which restitution was being used by the Superior Courts of Delaware and to determine the adequacy of the collection mechanisms existing in that state. The study design involved taking a six month sample of criminal charges disposed of by the Superior Courts during January to June, 1976. In addition, a sample of 32 probationers ordered to make restitution during this time period were followed in order to obtain information on actual payments.

Of the 1,700 charges disposed of during the six month period, 81 involved an order to make restitution. In short, restitution was ordered in slightly over 4 percent of the total charges disposed of during the six month sample period. Using a minimum time period of 19 months elapsed between an order of restitution and data collection, 32 probationers were followed in order to determine the amount of restitution that was actually paid. It was found that approximately 9 percent of the ordered restitution had been paid. In 2/3 of the cases, the entire amount was still outstanding and restitution had been fully paid in only six cases. The overall average payment per month of restitution was slightly over \$3.00 per offender.

18. "The Community Service Order Program: The British Columbia Experience", Volume 1, Ministry of the Attorney General, Province of British Columbia, Victoria, July, 1977.

This report provides information on approximately 1,500 cases admitted to the British Columbia Community Service Program between February, 1975, and May, 1976. The program was modeled after the British Community Service. The major differences between the two programs is that in British Columbia, both adults and juveniles are eligible, offender services for the crime victim are occasionally required, and the maximum number of hours assigned to adults is 200 hours to be completed within a six month period.

Information was routinely collected on persons admitted to the program throughout the province, tabulated, and reported in this volume. Among the major findings presented are that over 4/5 of the participants were between the ages of 14 and 21, almost 90 percent were male, and approximately 50 percent of all cases were placed in the program on the basis of theft under \$200 and breaking and entering. Offender work for the victim was used in only 5 percent of cases. The mean average work order was for approximately 32 hours and over 1/2 of the orders involved working in a community or service agency.

19. Chesney, Steven, "The Assessment of Restitution in the Minnesota Probation Services", Minnesota Department of Corrections, January, 1976.

The major aim of this study was to identify and describe the manner and extent of restitution use in the Minnesota probation system. In addition, data were gathered on attitudes held toward restitution by probation officers, judges, victims and offenders. The primary research method involved drawing a stratified random sample of probation dispositions during four months of 1973 and 1974. Counties in the state were stratified on population and 17 counties randomly selected from within each of the three strata. In turn, proportionate numbers of probation cases were randomly selected from each of the three levels of courts within each of the sample counties. A total of 525 cases comprised the final sample. The data sources relied upon were official files and structured interviews. Because of the sample selection procedures, the results of this study were held to be generalizable to the population of probation cases in the state during the twelve months of July, 1973, through June 30, 1974.

Major study findings were that restitution was ordered in approximately 20 percent of all probation dispositions in adult and juvenile courts of the state. Overwhelmingly, restitution was ordered in cases of property crime and involved mainly full financial restitution as compared to community service or victim service. The most important factor determining whether restitution was ordered was the predicted ability of the offender to pay. Apparently, as a result, probationers most commonly ordered to pay restitution were white and from the middle class. Direct involvement between victims and offenders was not found to be a common practice. Out of 525 restitution cases studied, the direct involvement of victims and offenders in negotiating a formal restitution agreement occurred in only six cases. Although only a minority of victims were satisfied with the way restitution had been made at the time of data collection, most victims thought that the restitution ordered by the court had been fair. In addition, most victims believed that restitution by offender to the victim is the proper method of victim compensation. Victims who were dissatisfied tended to be those who felt they had not been involved in the process of ordering restitution and those victims who were the most bitter were those who had never even been notified that they were to receive restitution.

20. Barne, Sheila, "Saturday Work: A Real Alternative?", Australian and New Zealand Journal of Criminology, June, 1976.

Introduced in 1972, the Saturday Work Order Act of 1971 in Tasmania stipulated that a work order was to be given to an offender only as an alternative to a prison sentence. This legislation was similar to the British work order legislation passed around the same time and emphasized the use of community

service as an alternative to a custodial sentence. The aim of this study is to assess the extent to which the program has, in fact, lived up to the legislative intent and operated as an alternative to imprisonment.

The research design was a quasi-experimental time series design. Comparing the number of work orders given by year with the total number of prison admissions and short term prison sentences, the researcher concludes that work orders are given to offenders who would not, prior to the legislation, have received a prison sentence. A random sample of offenders who had received a work order were matched with 30 offenders on whom a pre-sentence investigation had been completed in the year prior to the introduction of the legislation. On the basis of comparing sentences received by the 30 matched pairs, the author concludes that only in approximately 1/6 of the cases was the work order given as an alternative to imprisonment.

21. Softley, Paul, and Roger Tarling, "Compensation Orders and Custodial Sentences", Criminal Law Review, Volume 12, 1977.

This study deals with the use of compensation (restitution) in the British Crown Courts. The specific aim is to assess whether compensation is paid when it is ordered in conjunction with a custodial sentence or whether a term of imprisonment is served in default of paying. A single group, after-only type of design, was used. The study sample was composed of 34 offenders sentenced by the Crown Court in London in 1973 to imprisonment, Borstal training, or detention in a detention center, for property offenses resulting in loss or damage. All of the 34 offenders had been ordered to make compensation. Five successfully appealed the compensation order and were removed from the sample and no information was available on two of the cases. The final sample, therefore, totaled 27 cases. Information on these cases was obtained from prosecutor and court files.

Major findings are that three years after the court order, only 4 of 27 persons had paid in full, less than 1/5 of the total amount ordered had been paid, and in 2/3 of the delinquent cases, the courts had taken no action. The reason that the court failed to resolve these cases was because the offender either could not be found or was unable or unwilling to pay.

22. Pease, K., S. Billingham, and I. Earnshaw, "Community Service Assessed in 1976", Home Office Research Study No. 39, London, Her Majesty's Stationary Office, 1977.

The Home Office Research Unit examined the operation of community service schemes in six experimental areas during the period January 1973, to July 1974. This is a second report dealing with the original six experimental community service projects. This study attempts to assess the extent to which

a community service order was used as an alternative to a custodial sentence, and the effects of community service orders on reconviction rates.

With regard to the assessment of sentence substitution, four different approaches are used so as to arrive at an estimate of the extent to which community service has been used in the place of custodial sentences. First, in one of the six experimental areas, probation officers completing social inquiry reports on offenders who subsequently received a community service order were asked before sentence was passed what their estimate was of the likelihood of a custodial sentence being imposed if community service was not ordered. Of the 39 cases in which information is available, the officers said a custodial sentence was probable in 19 cases, possible in 13, and unlikely in 7.

A second approach used was to examine those persons placed on community service orders and who subsequently breached them (exclusive of those committing new offenses). The new sentence imposed for the violation was then seen as providing indirect evidence on the extent to which the original sentence imposed was in place of imprisonment. The logic is that if the community service order had been an alternative to custody, then the early breach of it would be expected to lead to a custodial sentence. The evidence presented suggests that approximately 50 percent of the offenders receiving a community service order did so instead of a custodial sentence.

A third research approach used to assess the extent to which community service orders have been used in place of a custodial sentence was to examine those cases in which the probation officer recommended community service but who did not receive such an order. The evidence presented suggests that approximately 45 percent of the cases received a non-custodial sentence. In summary, it is tentatively concluded that approximately 50 percent of offenders given community service orders were displaced from custody.

The second purpose of this study was to assess the effect of a community service order on reconviction. One year reconviction rates were calculated for those offenders given a community service order during the first operational year of the scheme in each of the six experimental areas. A comparison group was used and composed of offenders who had been recommended for, but not sentenced to, community service. Data was collected from police and probation department files. Approximately 44 percent of those persons sentenced to community service during the first year of the program were reconvicted within a year of the sentence. The authors conclude that there was no evidence of a reduction in reconviction rates following community service. Furthermore, an assessment of offense seriousness leads the authors to conclude that there was no systematic change in the level of seriousness of offenses committed after a sentence of community service.

Discussion

Fully appreciating the fact that it is easier to criticize a piece of evaluation research than it is to plan, implement, and carry it off, we offer some critical comments about this body of work.

A. Research Purpose:

Most of the project level evaluations either failed to deliver on what they promised, or else never promised anything at all. In the latter case, the purpose of the study is never explicitly stated and in the former, the purpose is overly ambitious relative to what is provided in the text. When the research purpose is never made explicit, the reader is left guessing. Several of the studies claim to test project effectiveness or cost effectiveness. In fact, with the exception of only five studies, none of the 23 project or program evaluations use a comparison or control group. Not being able to reasonably document project or program outcomes makes it impossible to assess cost effectiveness. Instead, what is presented in the promised cost effectiveness material is an assessment of project costs relative to such outputs as dollar value of restitution completed.

B. Project/Program Specification:

None of the studies give a clear description of how the project or program operated and what the logical assumptions were that linked expenditure of inputs with expected outputs or outcomes. Dozens of pages are given over to a description of project outputs while the components and interventive activities engaged in by project staff are dealt with in either a few sentences or omitted completely. For example, the Minnesota Restitution Center evaluation report gives a brief description of project components but no descriptive information on how these components were actually implemented in the day to day life of the project. We get the skeleton without the flesh and blood so necessary for understanding the reality of this interesting project. The evaluator is well aware of this problem and notes in the report:

"---because the program of the Restitution Center is not a unitary phenomenon, it is extremely difficult to determine which - if any - of the presumed active ingredients of the program have a relative impact upon the various measures of the dependent variables. For evaluation research purposes, the Restitution Center program is a "black box" which may or may not significantly impact upon the various indices of program success."

What is needed in these studies is the collection of information on client interaction with project activities and interventions. For example, information is required on the nature, type, and amount of interaction between staff and offenders, the nature, type, and amount of interaction between victims and

offenders, the specific types and amount of interventive activities engaged in by staff, the role of external intervening variables in the everyday life of the project, and so on. This kind of information could be of potential use to program planners, managers, and line level staff in their efforts at delivering particular types of services as well as to researchers attempting to explain project outputs and outcomes.

The importance of collecting information on project processes is underscored in the case of newly implemented projects or programs. The project conception as contained in a grant application, for example, is not likely to bear much correspondence to what the project looks like during its implementation. There is a growing body of literature dealing with the problems and issues associated with the implementation of social policy and programs and it seems unlikely that restitution projects or programs are immune to implementation issues. Yet, with only a few exceptions, these studies fail to provide information about the type of implementation problems that arose, how they were addressed, and with what implications. The picture we get is that of a vaguely conceptualized project or program being implemented exactly as planned.

There are exceptions to the above comments. Most notably, the Restitution in Probation Experiment and the Pilot Alberta Restitution Center. In both reports, the evaluator provides a clear description of the many problems encountered in attempting to implement the project along with the implications of these problems for project operations and the evaluation. What emerges from these studies is a picture of a project that was always in the process of being redirected and redefined so that no reasonably specific and stable structure ever emerged. While these two projects may represent extremities on a continuum of implementation problems, it is probably safe to assume that all of the projects encountered difficulties in becoming operational and these, in turn, resulted in substantive alterations in the content and form of project activities.

C. Data Collection Methods:

The procedures used for the collection of data is probably going to be determined by the nature of the target population, accessibility and availability of desired information, and resources for doing the research. The type of data collection procedures used will have implications for the reliability and validity of the information obtained. To at least partly deal with validity and reliability problems, multiple data collection methods to obtain both qualitative and quantitative information are usually preferred to single methods. The aim is to augment the amount of valid and reliable information obtained from each data collection method.

Table II presents information on the data collection methods used in each of the evaluation studies:

TABLE II: DATA COLLECTION METHODS USED--EVALUATION STUDIES

<u>PROJECT/PROGRAM</u>	<u>OFFICIAL RECORDS</u>	<u>PROJECT FORMS</u>	<u>INTER-VIEWS</u>	<u>QUESTIONNAIRE</u>	<u>MEDIA DESCRIPTION</u>
Tazewell County	-----not specified-----				
Minnesota Restitution Center	X	X	X	X	
Iowa Restitution In Probation	X	X			
Project 20	X		X		
Restitution or Parole	X				
Effects of Symbolic Restitution	X		X		
Georgia Shelters	X	X			
Pima County		X		X	
Pilot Alberta		X			
Nottinghamshire			X		
Sacramento County		X			
Restitution In Service		X	X		
South Orange County	X		X		
Compensation-Magistrate's Court	X	X			
Compensation-Crown Court	X				
Community Service Orders	X	X	X		X
Restitution Report	X				
British Columbia		X			
Minnesota Probation	X		X	X	
Saturday Work	X				
Compensation and Custodial	X				
Community Service-1976	X	X			

Several features of Table II are evident. First, almost all of the studies relied upon information collected from official records, project or program forms, or both. Most commonly, official records were used in these studies to obtain information about offender characteristics and criminal records while project forms provided information about restitution payments.

There are a number of problems with relying on official criminal justice records as an information source. First, officially collected information used as measures of program outcomes are, by their very nature, indirect measures of behavior. For example, there is no practical way of directly measuring the actual extent to which offenders who complete a restitution project commit new crimes. Secondly, the measurements used are commonly open to serious problems. For example, the number of crimes known to authorities in most situations is only a fraction of the number of crimes committed, although that fraction varies from crime to crime. This problem is compounded by the fact that the relationship between reported and unreported crime is not constant but variable over time. Thus, changes in policy and public attitudes can result in changes in the proportion of reported crime between different geographical jurisdictions, different times, and different types of reported crime.

D. Measures:

Table III summarizes the various measures used in the evaluation studies according to input, process or activity, and output/outcome measures. What is defined as an input measure in any particular study may well be used as an output or outcome measure in another study and the converse is also likely to have been the case. To deal with this, we have simply listed measures according to the way in which they were actually used in the particular research.

TABLE III: INPUT, PROCESS, OUTPUT/OUTCOME MEASURES USED

Input Measures

A. Offender

1. Social-Psychological-Demographic

Age	MMPI scores
Sex	IQ scores
Race	Sense of self esteem
Employment status	Sense of alienation
Educational level	Attitude to criminal justice system
Military experience	Attitude to imprisonment
Number of dependents	Attitude to victim of offense
Living arrangements	Name of offender/defendent
County of residence	Date of birth
Income level	
Occupation	
Referral Source	
Type of dependents	

2. Offense History

Offense type	Place where crime committed
Number of current offenses	Use of drugs/alcohol at time of offense
Sentence length assigned	Offender's estimate of losses sustained (amount)
Age at first arrest	Offender's relationship to victim
Number of prior arrests	Individual/group crime
Number of juvenile commitments	Total time served in all institutions
Number of prior adult adult commitments	Date of conviction
Number of prior adult prison sentences	Whether offender was legally represented
Number of prior adult jail sentences	

B. Restitution

- Amount of restitution ordered
- Form of restitution
- Time allowed for completion of restitution
- Full or partial restitution

C. Victim

- Type of victim (individual/business)
- Victim losses claimed of a direct type
- Victim losses claimed as resulting indirectly from the offense
- Age
- Sex
- Race
- Criminal history
- Marital status
- Prior relationship to offender
- Amount of loss covered by insurance
- Victim's knowledge of outcome of criminal justice proceedings
- Victim's sense of satisfaction with the outcome of the criminal justice proceedings
- Number of prior victimizations
- Size of business
- Position in business
- Attitude to criminal justice system
- Attitude to law violators
- Sense of alienation
- Nature of any injuries sustained as a result of the offense
- Whether the victim attended a hospital as a result of the offense
- Number of work days lost as a result of any injuries resulting from the offense
- Name of victim

D. Referral Agency

- Number of referred
- Number of agencies involved

E. Project

- Number of offenders admitted
- Probation officer perceptions of the offender's suitability for the restitution program
- Probation officer's recommendation to the court for restitution

Project Processes or Activities**A. Offender**

- Involvement in education or training programs
- Reason restitution contract not agreed to by the offender
- Extensions given to the offender to complete restitution
- Reason for the extension given to the offender for restitution

B. Project

- Amount of staff time spent in the development of the restitution plan
- Number of changes in the restitution plan
- Types of changes in the restitution plan
- Number of hours spent by staff monitoring restitution plan
- Number of staff/offender contacts in the development of the restitution plan
- Types of services provided by project
- Number of support services used by staff in dealing with offenders
- Degree of difficulty in developing restitution plan

C. Victim

- Victim degree of cooperation in developing restitution plan
- Degree of victim involvement in development of restitution plan
- Number of staff/victim contacts in development of restitution plan

D. Referral Agency

- Types of services offered to assigned offenders
- Who supervised the offender's work

Outputs/Outcomes**A. Offenders**

- Degree of offender cooperation in making restitution
- Number of job interviews held while in restitution program
- Number of kinds terminated from jobs while in restitution program
- Number of weeks in longest held job while in restitution program
- Number of weeks employed while in restitution program
- Number of program rule infractions
- Number of times place in jail
- Offender use of public assistance
- Whether returned to court while in program
- Number of times imprisoned
- Age of offender when returned to court
- Whether offender was in prison for more than seven days but less than six months following restitution program
- Amount of restitution completed
- Number of times rearrested
- Number of times reconvicted
- Type of sentence imposed upon reconviction
- Offender's satisfaction with restitution plan
- Number of payments made on restitution plan
- Number of payments late
- Number of payments missed altogether
- Whether absconded from restitution program
- Parole/probation revocation
- Percentage of time employed while in restitution program
- Adjustment in restitution program
- Adjustment in prison program

A. Offenders (Continued)

- Number and types of programs involved while in prison
- Offender attitude to restitution program
- Offender attitude to victim
- Number of days spent in prison on present conviction
- Number of days spent in restitution program on present commitment
- Number of days spent in other programs on present commitment
- Number of days spent under community supervision on present commitment
- Changes in marital status
- Civil suits/judgements resulting from offense
- Whether, and to what extent, support was provided to dependents
- Change in educational status
- Job training received
- Job stability

B. Victims

- Victim satisfaction with restitution
- Number of offender/victim contacts
- Extent of victim/offender contacts following program release
- Amount of restitution received
- Satisfaction with the way the offender was handled
- Knowledge of offender's status
- Whether civil suits were filed or considered
- Attitude to criminal justice system
 - Sense of alienation
 - Attitude to law violators

C. Referral Agency

- Staff attitudes to restitution project

D. Other

- Cost of restitution program services
- Criminal justice official's attitude to restitution project
- Reason for termination of restitution plan
- Cost of prison program
- Cost of other programs
- Cost of community supervision

A number of characteristics of these various measures can be noted. First, most of the emphasis has been placed upon input and output/outcome measures and relatively few measures have been used to deal with program processes or activities. This reinforces our earlier point about the lack of program/project descriptive information. The project or program is treated as a black box.

Another characteristic of these measures is the emphasis placed upon the offender. Offender related measures far outnumber measures used in relation to victims. This seems to reflect the focus of these projects upon offender rehabilitation as compared to victim compensation. Very little information is provided about how victims are contacted or involved in the project,

their attitudes about the project or the offender, attitudes about the concept of restitution, etc.

Furthermore, while a number of measures were identified in the original study design, because of data collection problems only partial data was collected on a number of them. Therefore, the population or sample varies within many of the study reports from one measure to another. This has obvious implications for biased results. In this respect, the chronic problem confronting evaluators is the frequency with which significant measures must be abandoned--either because they do not lend themselves to convincing verification or because the information necessary to apply them is simply not available. Consequently, the researcher often has to choose between what is likely to be significant and what is likely to be feasible for collection purposes. In practical terms, the measures that are incorporated in an evaluation will to a large extent determine what is likely to be available.

A number of criteria are used in these studies to measure project outcomes, most obviously offender recidivism. The variety of criteria used to measure recidivism include arrest, conviction, probation or parole revocation, incarceration. Each of these measures has well known problems. The use of arrest, for example, goes against the idea that an individual is presumed innocent until proven guilty. Recidivism rates based on arrest do not tell us whether those arrested have, in fact, returned to criminal behavior but only that they are presumed to have done so. Furthermore, the discretion of the police to control both the number and type of arrests raises serious validity problems in evaluations using this measure.

The conviction of the offender for a new offense is another commonly used measure of program outcome in these studies. The major problem of using conviction rates is that they are open to the confounding effect of plea bargaining which may result in a conviction offense having little relationship to the offense actually committed. While a number of the studies use reconviction as a criterion measure or program/project failure, only one study made distinctions between types of offenses as measured on an offense seriousness scale. Finally, given inefficiencies of criminal justice officials, the use of reconviction as a measure of project or program success will inevitably inflate outcomes.

E. Design:

The central problem to be addressed in the formal design of an evaluation is to demonstrate that observed changes have been caused by the treatment. This process of attempting to establish a causal relation between observed changes and the means employed to produce them is an extremely difficult one. A classic device for demonstrating that observed changes have been caused by treatment is to compare two equivalent groups. If the two groups

are identical with the sole exception of exposure to the project or program under observation, then any differences displayed by the two may reasonably be attributed to the presence or absence of the project or program. As revealed in Table IV, only two of the evaluation studies used an experimental design. Two additional studies used precision matching procedures to generate a comparison group, while two other studies used before-after single group designs to make comparisons over time. None of the other studies used any comparison group. These one shot case study types of design have well known, and largely fatal, internal validity problems.

TABLE IV: RESEARCH DESIGN USED--EVALUATION STUDIES

- A. Experimental Design:
- 1) Minnesota Restitution Center
 - 2) The Effects of Symbolic Restitution
- B. Precision Matching Design:
- 1) Restitution or Parole
 - 2) Community Service Assessed in 1976
- C. Interrupted Time Series Design:
- 1) Saturday Work
- D. Before-After, Non-Experimental Design:
- 1) Compensation Orders in the Crown Courts
- E. One Shot Case Study Design:
- 1) Tazewell County
 - 2) Restitution in Probation Experiment
 - 3) Project 20
 - 4) Georgia Shelters
 - 5) Pima County
 - 6) Pilot Alberta
 - 7) Nottinghamshire
 - 8) Sacramento County
 - 9) Restitution in Service
 - 10) South Orange County
 - 11) Compensation--Magistrates' Courts
 - 12) Restitution Report
 - 13) British Columbia
 - 14) Minnesota Probation
 - 15) Compensation and Custodial Sentences

F. Findings and Implications:

The extent to which one can safely generalize from the results of any of these studies is close to absolute zero. They all deal with specific projects or programs operating in particular jurisdictions at different times. Beyond this, the research designs employed in most of these studies have serious internal validity problems. At best, we can offer some tentative opinions arrived from our reading of these reports.

First, the studies on court referral projects show that a large number of persons can be handled at relatively low cost, with relatively few in-project failures, and result in large amounts of work performed for community agencies. The indirect cost of such project is, however, open to legitimate question. We will return to this issue of expanding social control later.

The studies on the Minnesota Restitution Center tend to show that selected property offenders can be diverted from prison after only a few months to a residential community correction center and do about as well as a comparable group of offenders who did significantly more time in prison. Furthermore, the Restitution Center project, along with several others, gives evidence that victim-offender involvement is generally practical and can be worthwhile. At the same time, however, several of the studies illustrate many of the problems associated with attempting to structure victim-offender involvement. The Iowa Restitution in Probation Experiment along with the Pilot Alberta Center give perhaps the best picture of the difficulties encountered.

The studies consistently document the rather well known fact that most property offenses result in relatively small losses, the amount of restitution to be made is also relatively small, and the largest proportion of victims are likely to be business firms. Several of the studies also show, however, that minority group persons are disproportionately under-represented. For example, of the studies reporting on race of admission, the Pima County, British Columbia, and Minnesota Restitution Center reports all indicate a disproportionately small number of minority persons admitted. This is probably caused by the screening criteria concerning offense types eligible for project admission. In those projects where the eligibility criteria are relatively soft, however, this bias may result, at least in part, from the discretion exercised by criminal justice decision makers.

Several of the studies show, somewhat surprisingly, that restitution is most frequently ordered in conjunction with a fine. The studies by Chesney in Minnesota and Softley in England both make this point. These studies also found that approximately 1/4 of those ordered to pay restitution failed to satisfy the order and that the larger the amount ordered, the less frequently it was completed. There are several practical implications of these findings. First, the wide use of financial restitution is not impractical. In most cases, the order will be fulfilled. At the same time, however, if courts are going to order large amounts of restitution, they need to take into account that the

difficulties of getting the payments will be increased and the time lengthened.

One of the most consistently reported findings in this body of work is that restitution projects and programs established for the purpose of diverting offenders from custodial confinement generally do not fulfill this mission. The study done in Tasmania by Barnes, the most recent evaluation of the British Community Service Program, the Georgia Restitution Shelter study, the studies done on the projects in Alberta and British Columbia, all present information to show that only a relatively small proportion of persons admitted to these projects would have been incarcerated in the absence of it. This apparent inability of diversion projects to substantially divert from more severe penalties and to actually increase the degree of social control exercised over offenders, raises disturbing questions. What about the case of an offender who, in the absence of the program would not have been imprisoned, fails to complete the restitution order and is subsequently imprisoned? Instead of helping reduce rates of imprisonment as intended, the project is likely to increase the number in custody.

Descriptive Studies:

We have identified a total of seven descriptive studies dealing with restitution.

23. Bluestein, Robin, et al., "Attitudes of the Legal Community Toward Creative Restitution, Victim Compensation, and Related Social Work Involvement", unpublished Master's thesis, University of South Carolina.

This study set out to describe the attitudes of the legal community in the state of South Carolina toward creative restitution and victim compensation. In addition, an attempt was made to describe the differences in the attitudes held by three sub-samples of the legal population in the state (judges, lawyers in private practice, prosecuting attorneys) toward the use of creative restitution and victim compensation.

A mailed questionnaire was sent to the population of 250 members of the legal community in the state, including 57 judges, 51 prosecutors, and 142 practicing lawyers. One hundred data collection instruments were returned and ten of these were unuseable. Therefore, an overall response rate of 38 percent was achieved. Response rates by the three sub-samples were 57 percent from practicing lawyers, 22 percent from prosecuting attorneys, and 21 percent from judges.

Major findings of this study were that the total sample of respondents showed strong support for the idea of restitution. Eighty-nine percent of the respondents indicated that there was potential value in using restitution as a sanction with

the criminal offender. Only 4 percent of the sample of respondents felt that offenses against property, auto theft, shoplifting, drunk driving, and income tax evasion were appropriate for use with restitution while offenses against the person were seen as generally inappropriate. Furthermore, approximately 90 percent of the respondents viewed either juveniles or first offenders as most appropriate targets for a restitution program.

24. Galaway, Burt, and William Marsella, "An Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders", paper presented at the Second National Symposium on Victimology, Boston, September, 1976.

This research aims at assessing the extent to which restitution is perceived as a fair sanction for juvenile offenders. Juvenile court dispositions involving restitution as a condition of probation in St. Louis County (Duluth, Minnesota) over a four week period constituted the study sample. A small sample of seventeen juvenile offenders was identified and information obtained from official records and personal interviews with offenders, victims, police, and probation staff.

Most generally, it was found that study youth tended to under-estimate the amount of loss sustained by victims as compared to the estimates made by parents, victims, probation officers, or police officers. While the majority of the youth included in this study either did not know or did not believe that the victims suffered any losses in addition to financial damages, 80 percent of the victims reported suffering in other ways and most frequently mentioned emotional trauma as a result of the victimization. At the time of data collection, approximately 90 percent of the victims had no knowledge of the court disposition that had been received by the youth and were unaware that they were to receive restitution. All groups of subjects perceived the restitution that had been ordered as fair to the youth but the victims, parents, probation officers, and police officers were in stronger agreement than the youth themselves. When the subjects were asked to select a single disposition which they considered most appropriate for the youth, the youth and his parents were most likely to select a restitution sanction, while the victim was least likely to select this sanction. Victims, probation officers and police officers tended to select supervised probation as a sanction if only one could be selected. Given an opportunity to select more than one of the five sanctions for the youth, probation officers were unanimous in recommending a combination of probation and financial restitution.

25. "The Need For and Acceptance Of Community Restitution Centers in Virginia", Virginia Department of Corrections, Richmond, Virginia, September, 1978.

This study aimed at assessing the need for, and acceptance of, community restitution centers in the state of Virginia. The method used involved screening the adult felon population admitted to the state prison during 1976 according to criteria used in the Minnesota Restitution Center and the criteria used in the Georgia Restitution Shelter programs. By combining these two sets of program criteria, the investigator attempted to determine what percentage of offenders committed to prison in the state on a property offense during 1976 could have been diverted to a community restitution project. In addition, a mailed questionnaire was sent to a sample of key decision makers in the state so as to assess their attitudes about the use of restitution.

It was found that according to the admission criteria used in the Minnesota and Georgia programs, a total of 56 offenders out of a population of over 1,300 would have been eligible for a community restitution program in Virginia. A 60 percent response rate was achieved with the mailed questionnaire. Overwhelming support was indicated by respondents for a community restitution center.

26. Hudson, Joe, Steven Chesney, John McLagan, "Restitution As Perceived by State Legislators and Correctional Administrators", Minnesota Department of Corrections, 1977.

This study was completed by the Minnesota Department of Corrections with the aim of assessing the way in which restitution is perceived by state legislators and state corrections administrators. Mailed questionnaires were sent to every administrator of state adult or juvenile corrections agencies in the country as well as corrections administrators in major trust territories and in the cities of Chicago and New York. In addition, a random sample of 25 states was selected involving the chairperson of the corrections committees in the state legislatures as well as three randomly selected committee members. Seventy-three responses were received from the population of 82 corrections administrators (89%), and 105 of the population of 271 legislators (39%).

Overwhelming support for the concept of restitution was reported by the respondents. The reasons for supporting restitution were, first, it was seen as a way to at least partially compensate victims for crime losses and, secondly, it was seen as a way to achieve offender rehabilitation. Most respondents saw restitution as particularly appropriate in property loss or damage cases. Slightly over half of the correctional administrators approved of victim-offender involvement in a restitution program, while approximately

only 41 percent of the legislative respondents approve of this practice.

27. Hudson, Joe, Steven Chesney, John McLagan, "Parole and Probation Staff Perceptions of Restitution", Minnesota Department of Corrections, September, 1977.

The purpose of this study was to assess the extent to which parole and probation officers in the state of Minnesota defined different aspects of restitution as problematic. Questionnaires were mailed to all 263 probation and parole officers and supervisors in the state, exclusive of county probation officers in Hennepin (Minneapolis) and Ramsey (St. Paul) counties. One-hundred and ninety seven questionnaires (75%) were completed and returned.

There was overwhelming support indicated for the use of restitution as a criminal or juvenile justice sanction. Restitution was seen as an appropriate sanction for property offenders and in cases of crimes against persons, both financial and service restitution were supported. Approximately 1/2 of the respondents supported the notion of victim-offender involvement in the development of a restitution plan. The major problem identified with the use of restitution by these probation and parole officers were difficulties caused when the court did not specify the amount of restitution to be made, the time-consuming nature of developing restitution plans and supervising their completion, the lack of suitable tasks for community service work orders, the low earning ability of offenders, and the over-estimation of losses by victims.

28. Gandy, John T., "Community Attitudes Toward Creative Restitution and Punishment", unpublished Doctoral dissertation, University of Denver, 1975.

This study has three major objectives. First, to determine community attitudes toward creative restitution as compared to attitudes about the use of punishment. Secondly, to explore the relationship between the notions of creative restitution and punishment, and finally, to identify the extent to which the attitudes held toward restitution by members of several samples would support or impede the development of formal restitution programs. Mailed questionnaires were sent to six sub-samples--police officers in a Colorado community, second year social work graduate students at the University of Denver, the members of a women's community service organization in the state, juvenile and adult probation and parole officers in Colorado, and parole officers in Minnesota. A total of 705 mailed questionnaires were distributed and, of this total population, 427 responses were obtained for an overall response rate of approximately 60 percent. This response rate varied, however, according

to the sub-population being studied. For example, police had a 34 percent response rate, social work students responded at a 76 percent rate, the members of the community service organization responded at a 75 percent rate, and the probation and parole officers responded at an approximate 66 percent rate.

Strong acceptance was demonstrated in all of the sub-groups for the notion of restitution. A punishment orientation was negatively correlated with the idea of restitution while a rehabilitative orientation was positively correlated with restitution. Those respondents who supported the traditional ideas of punishment, responded positively toward restitution but less positively than people holding favorable attitudes toward rehabilitation. Increased education on the respondents tended to be reflected in generally greater support for rehabilitation and decreased support for the concept of punishment. Restitution was seen as most appropriate with property offenses and generally inappropriate for offenses against persons. Financial restitution and community service work orders were considered to have greater potential use than personal service restitution ordered to the victim.

29. Schneider, Peter, Anne Schneider, Paul Reiter, Colleen Clear "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts", Institute of Policy Analysis, Eugene, Oregon, June, 1977.

This is a survey of juvenile court restitution practices as reflected in the response to a mailed questionnaire. A random sample of juvenile courts in the country was identified and mailed questionnaires used to obtain information on the manner and extent to which restitution was ordered as well as the attitudes held toward the practice by court officials. Of the total identified population of 3,544 juvenile courts in the country, a random sample of 197 received questionnaires. One-hundred and thirty-three (133) responses were received for a 68 percent return rate.

The use of restitution was reported in approximately 86 percent of the responding courts. Most commonly, it is used in cases of property crimes and involves financial restitution. The most important factor in determining the amount of restitution to be ordered is the amount of loss suffered by the victim. Restitution was seen as achieving the goals of recidivism and assisting the victims of crime. Belief in the effectiveness of restitution by the respondents was greatest in those courts characterized by direct payments to the victim rather than through an intermediary, the availability of work restitution in addition to the use of financial restitution, enforcement of the restitution by the court as compared to individual probation officers.

Discussion:

All seven of these studies were aimed, at least in part, at assessing attitudes or opinions about the use of restitution by such groups as probation and parole officers, police, judges, correctional administrators, prosecuting attorneys, defense counsels, legislators, graduate social work students, members of community groups, etc. Six of the seven used mailed questionnaires to collect information and one used personal interviews. Overall response rates on the mailed questionnaires varied from a low of 38 percent to a high of 89 percent and generally averaged around 60 percent.

There are a number of problems with these studies. First, what people say in response to a mailed questionnaire is likely to differ from what they do in practice. Secondly, even if accurate responses were given in these studies, the generally low response rate is likely to have biased the results. Furthermore, several studies failed to define what the population was that was being sampled and therefore, we have no basis for generalizing to any larger grouping.

At most, these studies give evidence that the idea of offender restitution to crime victims is strongly endorsed as a sanction by a wide diversity of criminal justice officials and law citizens. This is especially so with juveniles and adults convicted of property crimes.

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ABSTRACT #1

Gonnigam, Gary E., "Deferred Prosecution", Comprehensive Study, 1974-78, Tazewell County State's Attorney's Office, Tazewell County, Illinois, Undated.

A. Type of Study:

Quantitative--descriptive: Project Evaluation.

B. Objectives of the Study:

This is a fourth year report on this program and aims at providing: some of the philosophy behind the conception of the deferred prosecution program; summary of the program results over four years.

C. Description of the Program:

The primary purpose of this program is to provide an alternative to formal criminal proceedings for selected first offenders and to divert them into an organized community supervision program that offers intensive individualized supervision, the use of restitution, so as to allow the court to more adequately deal with the serious and repeat offenders. The major goals of the program are:

1. to provide a cost savings relative to traditional prosecution and court process;
2. to reduce the burden on the traditional system by early diversion;
3. to reduce the anticipated rate of recidivism for those cases handled by diversion;
4. to provide effective service delivery for those clients handled and to extend the use of community resources. (p. 2).

D. Study Design:

The design for this study essentially involved collecting information on all cases which are screened and investigated for the program as well as those cases that are admitted to the program and follow up information then was collected on offenders at termination from the program.

E. Dependent Variables/Measures:

The major measures identified in this study are:

1. The amount of money collected through the use of a "voluntary service fee" (\$50 for juveniles accepted into the program; \$100 for misdemeanants; and \$200 for felons);
2. The amount of restitution collected in both financial and number of hours;

3. Social and demographic information (age, sex, employment status, education);
4. The number of offenders screened and actually accepted into the program;
5. Types of offenses for those offenders admitted to the program;
6. Follow up status of offenders completing the program by re-arrest and re-conviction;
7. Cost data on handling offenders in the program.

F. Data Collection Procedures:

No information is provided on the specific data collection procedures used in this study, however, it would seem that information is collected on each case being screened for possible admission to the project as well as information collected during the offender's actual time within the project. It is not at all clear the nature of the information or the time period used for the collection of follow up information on offenders completing the program.

G. Data Analysis:

The data that is provided is presented in frequency distribution.

H. Findings:

1. 950 cases referred to the program were screened and, of these, 510 cases (53.6%) were returned to the prosecutors office for prosecution after determining the individual was not eligible for the deferred prosecution project; the reasons that the 510 cases were not eligible was largely found to be a function of having a prior criminal or "antisocial behavior pattern."
2. 440 cases (46.4% of the 950 cases referred) were accepted into the deferred prosecution program.
3. 45 (10.2%) of the 440 cases had been revoked from the program and returned for prosecution; these cases involved the defendant violating the program contract with 18 of these cases involving the commission of a subsequent offense and the other 27 returned for prosecution on various other contract violations.
4. Approximately \$11,000 in "voluntary service fees" were collected during "this fiscal year"
5. During the four years of the program's operation, \$46,623.39 was collected and returned as restitution to crime victims; in addition, an unspecified number of hours of community service was performed
6. The largest proportion of offenders participating in the program were aged 17 to 20 years (52%) were male (67.5%) were employed full time or were students; had an education of from 9 to 12 years of formal schooling.

7. The largest proportion of cases handled by the program involved misdemeanors (62.5%) as compared to felony offenses (27.3%) and juvenile offenses (10.2%)
8. Of those offenders admitted to the program on the basis of juvenile offenses, the largest percentages were for burglary (38%) and theft (29%).
9. Of those offenders admitted to the program for misdemeanors, the largest percentage were for retail theft (67%) and theft other than retail theft (10.2%)
10. The largest proportion of offenders admitted for felony offenses were for theft (35%) and burglary (23%)
11. 305 persons successfully completed the program and of these successful graduates, 16 or 5% have been re-arrested for a subsequent offense and only 8 (3%) have been convicted of a subsequent offense. "97.4% of the program graduates have not been convicted of an offense after leaving the program, producing a recidivism rate of 2.6%." (p. 17)
12. It is estimated that a net savings to the county as a result of this program was approximately \$206,000.

I. Problems and Shortcomings:

1. No comparison group is provided;
2. No information (other than the total amount of restitution collected and paid back to victims of \$46,000) is provided on how this restitution was obligated by types of offenders and victims;
3. No information is provided on the community service; restitution work orders that are apparently used in this project;
4. No specific time frame is give for the follow up data and one suspects that what is really being referred to is in-program success or failure. However, this is debatable because the text talks about re-conviction and re-arrests after successful completion of the program but then procedes to talk about in-program success or failure. As a consequence, the reader is never clear exactly what is being referred to in terms of follow up data. The information provided on those 305 individuals who successfully completed the program is very misleading because no specific time points are provided in order to assess when they were re-arrested or re-convicted. One tends to speculate that a "shifting" time frame is being used which would involve offenders recently completed from the project being lumped together with offenders who had completed the project some considerable time prior to data collection.
5. The cost data which is presented to show the savings to the county as a result of this project is seriously open to question and mainly on the grounds of insufficient evidence presented for the careful assessment of these figures.

6. Most generally, this report can be seen as involving the use of evaluation for program justification or public relations reasons. The author editorializes a great deal throughout the report and is constantly pointing out all of the positive or beneficial aspects of the program with insufficient evidence presented to adequately support such statements.

ABSTRACT # 2

"Interim Evaluation Results: Minnesota Restitution Center,"
Minnesota Department of Corrections, May, 1976.

A. Type of Study:

Experimental: Field Experiment. This study was an after-only field experiment involving random assignment from within a specified population.

B. Objectives of the Study:

The objectives of the study were to provide information on the inputs (especially offenders), outputs (in terms of number of days within the project and termination during the in-program phase), and outcomes of the program.

C. Description of the Program:

The Minnesota Restitution Center was a community based residential corrections program established by the Minnesota Department of Corrections in 1972 and operated until the end of calendar year 1976. Program involved a contract negotiation phase at the state prison and a restitution implementation phase upon the offender's release to the Center. The major components of the program were:

- 1) Offenders selected for the program reside in a community correction center while working and making restitution to their victims;
- 2) The restitution program is an alternative to the regular prison program and offenders are selected for the program from recent admissions to the prison;
- 3) The payment of restitution by the offender to the victim is one, of a number, of "treatment" interventions used at the center;
- 4) The contracting process is basic to the program. Offenders selected for the Center are expected to develop a clearly stated written restitution agreement with the victims of their offenses. The contracting process between victims and offenders takes place at the state prison. Upon the formulation of a restitution agreement, the offender is brought before the parole board and if the contract is regarded favorably, the offender is released on parole to the Center four months following admission to the prison.

D. Study Design:

The research design used for the first two years of program operation was an after-only field experiment as this involved random assignment of inmates from within a specified population of prison admissions.

E. Dependent Variables/Measures:

A series of measures were to be applied before admission to the experimental or control group, during treatment intervention, and following the discharge of the offenders from the program. The following measures were to be applied at the designated time points:

A. Offender measurement one-all groups at time of present admission:

- 1) Age
- 2) Race
- 3) Sex
- 4) SES
- 5) Marital status: legal
- 6) Marital status: actual
- 7) Number and type of dependents
- 8) Support for dependents prior to admission: legal
- 9) Support for dependents prior to admission: actual
- 10) Commitment of offenses: number
- 11) Commitment of offenses: nature
- 12) Commitment of offenses: in-mates estimate of damage done
- 13) Location of commitment offenses in relation to offender's domicile
- 14) Relation of offender and victim
- 15) Commitment offenses: alone or part of group activity
- 16) Criminal history: length including age of on-set
- 17) Criminal history: frequency of offenses
- 18) Criminal history: types of offenses
- 19) Incarceration history: number of incarcerations
- 20) Incarceration history: age of first incarceration
- 21) Incarceration history: amount of time served
- 22) Educational background
- 23) Work and earnings background
- 24) Extent of alcohol and/or drug use
- 25) Psychiatric history
- 26) Psychometric: date measures would be collected from any routinely administered psychometric measures such as the MMPI, Intelligence tests, achievement tests, and so on.
- 27) Offenders self-esteem
- 28) Offenders sense of alienation
- 29) Offender attitude toward criminal justice system: police, courts, prison.
- 30) Offender attitude toward his own imprisonment
- 31) Offender attitude toward the victim of his offenses

- B. Offender measurement two to be administered one year after measurement one to all members of the experimental and control group.
- Experimental group one (those who declined to participate in the project):
- 1) reason for declining
- Experimental group two (those offenders who did not complete a contract to be presented to the parole board only):
- 2) reason contract not completed
 - 3) number of offender contacts with victim
 - 4) number of staff contacts with victim
 - 5) number of staff contacts with offender
- Experimental group three (those offenders who failed in the program) and experimental group four only:
- 6) amount of restitution contract
 - 7) form of restitution
 - 8) time allowed for completion of plan
 - 9) number of staff contacts with offenders to develop plan
 - 10) number of victim-offender contacts during contract phase
 - 11) number of staff-victim contacts during contract phase
 - 12) partial or total restitution plan
 - 13) reason for termination of restitution plan (if terminated)
 - 14) amount of restitution made to date
 - 15) adjustment in restitution center
 - 16) how close is offender to completing plan
- Control group (those who remained in prison) only:
- 17) adjustment in prison
 - 18) prison programs experience
 - 19) if offender has left prison, what is the program?
 - 20) contacts with victims
- All groups:
- 21) offenders attitude toward program he is experiencing
 - 22) offenders self-esteem
 - 23) offenders sense of alienation
 - 24) offenders attitude toward criminal justice system: police, courts, prison
 - 25) offender attitude toward corrections programs he has experienced
 - 26) offender attitude toward victim of his offenses
- C. Offender measurement three, administered to all groups 18 months following release from program. The data is to be collected from records obtained at the time of the offender's release.
- 1) number of days in prison
 - 2) cost of prison program
 - 3) number of days in restitution center (if applicable)
 - 4) cost of restitution house program

- 5) number of days in other facilities
 - 6) cost of other facilities services
 - 7) number of days in the community
 - 8) number of days under community supervision program
 - 9) cost of community supervision program
 - 10) prison adjustment
 - 11) restitution house adjustment
 - 12) changes in marital status
 - 13) presence of civil suits or judgements resulting from offense
 - 14) was restitution made informally (i.e., not as a part of the restitution center program)
 - 15) support of dependents while in program
 - 16) changes in educational status
 - 17) was job training received
 - 18) nature of treatment programs other than restitution
 - 19) number of days in the community
 - 20) number of days under supervision, parole, and so on
 - 21) cost of supervision
 - 22) jobs stability
 - 23) extent of support of the dependents
 - 24) extent of criminal offense
 - 25) utilization of community services
 - 26) status of time of follow-up
 - 27) extent of contact with victim prior to release from program
 - 28) extent of contact with victim since release from program
 - 29) offender self-esteem
 - 30) offender self of alienation
 - 31) offender attitude toward criminal justice system
 - 32) offender attitude toward programs he has experienced
 - 33) offender attitude toward victims of his offense
 - 34) amount of restitution made
 - 35) was restitution completed according to schedule
 - 36) reason for termination of restitution program
 - 37) status of offender at termination from restitution program
 - 38) extent of illegal behavior while at restitution center
- D. Victim measurement one (all groups administered at time of the offender's prison admission):
- 1) nature of victim--individual, small business, large owner operated business, corporation, public agency
 - 2) victims estimate of loss directly from offense
 - 3) victim's estimate of loss indirectly from offense--time to testify, increased insurance costs, and so on.
 - 4) amount of loss covered by insurance

- 5) relation of victim to offender
 - 6) location of victimization
 - 7) time lapse between victimization and interview
 - 8) victim's knowledge of outcome of the criminal justice system proceedings against the offender
 - 9) victim's satisfaction of the outcome of the criminal justice systems proceedings against the offender
 - 10) extent of prior victimizations
 - 11) extent of subsequent victimizations
 - 12) other than individual, nature of business or activity
 - 13) if other than individual, size of business
 - 14) if other than individual, respondent's position in business or agency
 - 15) respondent's race
 - 16) respondent's age
 - 17) respondent's SES
 - 18) respondent's sex
 - 19) respondent's marital status
 - 20) victim's involvement and experience with the criminal justice system because of this victimization
 - 21) respondent's attitude toward the criminal justice system
 - 22) respondent's attitude toward law violators
 - 23) respondent's sense of alienation
- E. Victim measurement two administered to all groups one year after measurement one:
- 1) amount of restitution received
 - 2) extent of involvement with offender
 - 3) extent of involvement with the criminal justice system
 - 4) satisfaction with restitution
 - 5) satisfaction with the way the offender was handled
 - 6) knowledge of offender's status
 - 7) were civil suites considered? filed? action taken?
 - 8) attitude toward the criminal justice system
 - 9) sense of alienation
 - 10) attitude toward law violators

F. Data Collection Procedures:

Data were to be collected using a structured interview and official records. Standardized instruments were to be used to measure alienation and self-esteem and it was anticipated that existing instruments would be used to measure attitudes toward the criminal justice system, offender attitudes toward victim, and victim attitudes toward offender. Official records would be relied upon to secure social and demographic data on offenders as well as information concerning prison

costs and length of time within the prison program as well as on parole supervision. Official records would also be used to obtain data dealing follow-up of members of the experimental and control groups.

G. Data Analysis:

Data presented in the Department of Corrections report as well as up-dated data presented by Hudson and Chesney (in Galaway and Hudson), involved percentages, simple frequency distributions and the use of means and medians.

H. Findings:

- 1) Offender characteristics of both the experimental and the control groups were similar with the largest proportion composed of white offenders under 30 years of age committed for burglary and with extensive prior felony records.
- 2) A total of 221 victims were identified for the 62 experimentals actually released to the Center; the largest proportion of these victims were private individuals (36%) followed by retail sales establishments (19%), large sales organizations (15%), service establishments (14%), entertainment facilities (13%), and human service organizations (4%).
- 3) The amount and type of restitution obligations assumed by the 62 experimentals admitted to the Center involved relatively small amounts of money: 33 (53%) of the offenders had restitution obligations of \$200 or less and 44 (72%) totaled less than \$500; in addition, 9 (14%) of the experimentals had strictly service restitution obligations averaging approximately 120 hours per man.
- 4) The interim report by the Department of Corrections summarizes information on the restitution obligations and payment by 62 residents admitted to the program as of August 1, 1975: the total financial obligation of the residents totaled approximately \$17,000 and of this total amount, approximately \$9,500 (56%) was paid, leaving a balance of approximately \$7,500. Of this balance of \$7,500, approximately \$4,900 (29%) would not be paid due to residents being returned to prison or having died while in the program.
- 5) A total of 1,084 hours of service restitution was obligated by residents in the program (62) and of this total amount, it is reported in the corrections report that approximately 373 hours had been completed, leaving an obligation balance of approximately 712 hours; approximately 635 of these hours were forfeited by residents returning to prison.
- 6) Follow up information is available for the 24 months since members of the experimental group were released from prison to the center and similar information for a 24 month period is available for the control group with the exception of three members who had only been out of prison for a period of 12, 17, 21 months respectively; therefore, the community at risk period is slightly shorter for the control group as compared to the experimental and needs to be considered in

reviewing the following information:

- a) approximately the same proportion of experimentals (27%) as compared to controlled (25%) remained under parole supervision 24 months following release
- b) a larger proportion of experimentals (23%) as compared to controlled (16%) had received parole discharge 24 months following prison release
- c) eight (12%) of the control group members had received flat discharge from prison as compared to none of the experimentals and including this group of flat discharges with those either discharged from parole or remaining on parole supervision meant that a larger proportion of controls (54%) as compared to experimentals (50%) remained free of any legal sanction 24 months after release;
- d) a significantly larger proportion of controls (24%) as compared to experimentals (6%) had been returned to prison on the basis of new court commitments
- e) a significantly larger proportion of experimentals (40%) as compared to controls (10%) had been returned to prison on the basis of technical violations of parole. This substantial difference between groups is suggested by the researchers (Chesney and Hudson) to have been the function of the "relatively more intensive parole supervision provided to the members of the experimental group released to the restitution center." (p. 139).
- f) grouping together offenders in the experimental and control groups who had received either a new court commitment or a technical parole violation 24 months following prison release, a larger proportion of experimentals (46%) as compared to controls (34%) had been returned to prison: including together with such prison returns those offenders convicted of new crimes and placed on probation or who absconded or who had court cases pending, the differences between the groups are narrowed but still tend to favor the controls (40%) as compared to the experimentals (46%).

I. Problems and Shortcomings:

- 1) The use of an experimental design in this new social program was inappropriate on the following grounds:
 - a) the program did not remain stable and tended to change over time, especially during the early implementation of it
 - b) the program was never clearly defined in any kind of a consistently articulated manner with the result that the independent variable was vague and unclear
 - c) a number of different types of intervention activities were implemented during this project and tended to take away from the importance placed upon restitution

- (ie., individual and group counselling as this also began to become family counselling)
- d) the length of the follow up time involved in the research was impractical in relation to the quickly changing political climate of corrections programming in this state. Administrators could wait for approximately four to five years in order to begin to receive information on the purported effectiveness of the project as measured by research
 - e) while the goals and/or effects of the project were fairly clearly defined, these did not always have a great deal of relevance to outcomes and, in this respect, an even more serious problem was the lack of a linking rationale between the program interventions and the goals and objectives of the program. The rationale that did exist in terms of the purported effects of the restitution sanction was debatable on two grounds: first, the restitution sanction played a very marginal role in the actual operation of the program in relation to other types of interventions; secondly, the logical relationship linking the use of restitution in this project with the expected outcomes was really not too practical. That is, while a linking rationale could be articulated, it is probably not the kind of relationship that would hold a great deal of power. In other words, while there was a linking rationale, this linking rationale was really rather absurd when one considers the changing behavior on the basis of paying a rather insignificant amount of money back to a crime victim.
- 2) The random assignment procedures were contaminated in this experiment because of the unwillingness of the parole board to release nine of the randomly selected 72 experimentals. In addition, a further contaminating factor of the random selection procedures was the fact that four experimentals declined the opportunity to participate in the program.
 - 3) A major conflict developed in this project between research and program and, as a result, the original research plan was never completed. In particular all of the measures relating to the use of the structured interview were never followed up and no information has been made available on the first years cases in which interviews were completed. In particular, during the sixteenth month of the program, a notorious thief who had been recently been admitted to the prison was randomly selected for the experimental group of this project. The established selection procedures then required that the restitution center staff must develop a restitution agreement between the offender and his victims. The

written agreement would then be presented to the parole board at the fourth month following the admission of the offender to the institution and the parole board would exercise its discretion as to whether to release the offender to the Center or retain him in prison. In fact, however, administrators of the department of corrections upon being informed of the selection of this notorious thief, directed the Center staff to not proceed in developing a restitution agreement between this offender and his victims. In other words, the administrators of the department did not want this particular offender to have an opportunity to be released to the Center. As a consequence of this directive, the Director of the Center was eventually terminated. The director believed that it was appropriate for the program to proceed in developing a restitution agreement and it was the decision of the parole board as to whether to release him or not. Soon after the Director was terminated from the Center, the offender in question appealed to the federal district courts, won the case and was given the opportunity to be heard by the parole board. The board, in turn, subsequently denied parole release to the offender.

- 4) A second way in which research conflicted with the program is that the population of program eligibles was expanded during the second year of operation to include selected offenders from State Reformatory. The reason for this was to have a greater base for prison admissions because of the low number of offenders in residence at the Center. This practice of adding additional inmates into the program could have had the potential effect of altering the program in some undetermined way and further raising problems with attributing cause and effect relationships.

ABSTRACT #3

Steggerda, Roger O. and Susan Dolphin, "An Assessment of the Restitution In Probation Experiment Operated by the Fifth Judicial Department of Court Services--Polk County, Iowa", Polk County Department of Program Evaluation, unpublished, December, 1975.

A. Type of Study:

Quantitative-descriptive; project evaluation.

B. Objectives of the Study:

The primary aim of the research was to describe the nature of the effort expended in this program. No attempt was made to assess the outcome effects of restitution on the offenders exposed to the program.

C. Description of the Program:

1974 Iowa legislation required restitution as a condition of either deferred prosecution or probation. The Restitution in Probation Experiment was established in the Polk county (Des Moines) department of court services. The program was partially modelled after the Minnesota Restitution Center program and included an emphasis on direct victim-offender involvement in the development of restitution plans. In contrast to the Minnesota program, however, this program was non residential and operated with offenders on probation or deferred sentence. Regular probation officers carrying both restitution and non restitution case loads comprised the program staff.

D. Study Design:

The design for this study essentially involved an assessment of program effort with no comparison group.

E. Dependent Variables:

Amount of restitution specified in dollars; amount of loss claimed by victim; amount of loss admitted by offender; actual amount of loss as estimated by staff; date of court approval of restitution plan; total amount of restitution specified in restitution plan; expected date of first restitution payment; planned date of completion of restitution payment; payment interval (weekly, every two weeks, etc.); payments made to who?; degree of difficulty encountered in developing the restitution plan; time spent by staff in developing restitution plan; satisfaction of victim with restitution plan as perceived by staff; satisfaction of offender with restitution plan as perceived by staff; type of victims; primary contact person for formulation of restitution plan (victim, attorney, other representatives, insurance company); degree of victim involvement in development of restitution plan; age, sex, race of victim; employment status of offender; criminal history of victim.

Upon completion of the restitution plan by the offender, the following data was collected: Alterations in original restitution plan (describe); total number of scheduled payments; number of incomplete payments; number of late payments; number of payments missed; degree of cooperation of offender in making restitution; cooperation of victim; approximate number of hours taken to administer restitution plan upon implementation.

Client characteristics data was collected for those offenders in a post conviction (probation) program and included: Sentence offense; length of sentence; age of first arrest; number of prior arrests; number of juvenile commitments; number of prior adult convictions; number of prior adult prison sentences; number of prior jail terms; number of client descriptive information (age, sex, race); military experience; marital status; number of dependents; living arrangements; county of residence; county in which crime was committed; use of drugs or alcohol in relation to the offense; employment status; income level; occupational level; education.

Program data collected included the following: Number of staff-offender contacts; number of new job assignments within the program; number of job interviews held; number of times terminated from job during the program; number of weeks on longest held job; number of weeks employed; total taxable income; number of rule infractions while in the program; number of times place in jail; number of days spent in jail; involvement in education or vocational training; types of services provided to client by program.

F. Data Collection Procedures:

Data was collected for all Department of Court Services clients for whom a restitution plan was developed and implemented from July 1, 1974--November 1, 1975. Data collection activities were begun in April, 1975, and were accomplished by the use of several data collection instruments. Two of these instruments are part of the regular data collection system for the adult correction system in Iowa and provide information concerning client characteristics and correctional program outcome. Two data collection instruments were developed specifically for use in evaluation of this project. The first of these was completed when the restitution plan had been developed and provides information about the restitution plan, the victim, and the process followed in plan development. The other instrument was completed when the restitution plan was fulfilled or otherwise terminated and provides information on client performance and other data.

Data collection procedures were developed and coordinated with program staff within the Department of Court Services. The completion of the data collection instruments was, in other words, the primary responsibility of program staff with evaluators providing support and consultation.

G. Data Analysis:

Frequency distributions and cross tabulations.

H. Findings:

1. During the period July 1, 1974 to November 1, 1975, a total of 102 clients had made restitution or were fulfilling an approved restitution plan to a total of 374 victims.
2. For cases currently in progress at the time of the evaluation writeup, there was an average of slightly more than four victims for each client, while there was an average of approximately three victims per client for those cases that had been completed at the time of the evaluation writeup.
3. There were substantial increases in the amount of restitution paid from 1972 through October 1975 and a substantial amount of this increased use of restitution is attributed to the Restitution in Probation Experiment program.
4. 34% of victims had no involvement in the development of a restitution plan and approximately 29% had only a telephone contact with the corrections staff in the development of the plan. Approximately 21% of all victims were involved (either through representatives or personally) in face to face meetings with the offender in the development of the restitution plan.
5. The development and administration of the restitution plans involved substantial time; an average of approximately 10.5 hours were spent in restitution plan development and approximately 8.25 hours in the administration of the plan following its development. Those cases in which victims and offenders met for the development of the plan took substantially more time to develop than those in which victims and offenders were not directly involved but, at the same time, direct victim involvement reduced the time needed for the administration of the plan.
6. The average restitution plan involved \$681; completed cases averaged \$485 while the average current plan in effect at the time of evaluation writeup was \$812.
7. Property offenses accounted for less than half of the convicting offenses amongst the probationed offenders; but property offenses represent approximately 75% of the offenses for which restitution plans were developed.
8. The largest proportion of victims were business firms rather than individuals. Approximately 75% of victims were business firms.

9. Victim-offender meetings were held in approximately 35% of all cases in which individual victims were involved as compared to 46% of all cases in which businesses were involved as victims.
10. Of the 708 restitution payments which were scheduled to be completed before the end of the data collection period, a total of 381 completed payments had been made on the due time (54%).
11. The authors note: "For those cases which involved face to face meetings of clients and victims or victim representatives, restitution payments were slightly more regular than both clients and victims were perceived to be somewhat more cooperative than for cases which did not include victim-client meetings." (p. 48)

I. Problems and Shortcomings:

A number of problems were encountered in the planning and implementation of the evaluation of this project. Difficulties were associated with implementing the program and the research, there was limited time available for program operation, and the statutory requirement that restitution be ordered in all cases that qualified required that the original evaluation plan be changed. No attempt was made to assess the outcome effects of restitution on the offender group. Instead, the research primarily aimed at describing the nature of the effort expended. Major problems were encountered in obtaining the cooperation of program staff to complete the data collection activities.

ABSTRACT #4

Ciallella, Jean A., "A Management Study of Alternative Assignment Project 20", Jefferson Associates, Inc., San Francisco, California, undated.

A. Type of Study:

Quantitative-descriptive; project evaluation.

B. Objectives of the Study:

This study was completed by Jefferson Associates as a management study to assess the impact and operations of Project 20 in San Francisco. More specifically, this study aimed at examining the cost effectiveness of the program, the benefits to the criminal justice system derived through the work of the project, and whether the objectives of the project are being achieved.

C. Description of the Program:

Alternative Assignment Project 20 is aimed at low income persons who, being unable to pay fines, had warrants issued and were commonly placed in jail as a result of not paying their fines. The project is designed to provide an alternative to the courts for such cases. The project refers cases to community service and local government agencies within San Francisco city and county. The project began in June, 1973 on the basis of a private foundation grant and subsequently received federal (LEAA) funding in July, 1975. The project was originally under the co-sponsorship of the San Francisco police department until April, 1977, and since that time has been affiliated with the Adult Probation Department of the county.

D. Study Design:

The approach used in this study was to review the files, forms, and record keeping procedures within the project and to interview a sample of persons having had contact and knowledge about the project. These persons included probation officers, judges, clerks of court, as well as clients assigned to the project, staff in the project, and representatives from community agencies being used by the project as referral placements.

E. Dependent Variables:

Number of referrals from courts by year and quarter; number of cases completing project; number of cases returned to court; number of community service agencies used; number of supportive services used for clients; staff knowledge and attitude about the project; types of services offered by referral agencies; perception of referral agencies about the project; degree of familiarity by officials within the justice system about the project; perception of these officials about the project; attitudes and perceptions of offenders toward the project.

F. Data Collection Procedures:

Official files of the project were utilized for abstracting information and interviews were completed with a sample of offenders who had been processed through the project; project staff; representatives of community referral agencies; and officials within the justice system.

G. Data Analysis:

Data is presented in simple frequency distributions.

H. Findings:

1. Referrals to the project from the courts for the three month period, October-December 1975, totaled 249; referrals for the three month period April-June 1977, were 474 (an increase in court referrals of 90%).
2. The project achieved a success rate of 73% for the period, July 1, 1976 through June 30, 1977. Included in the 27% failures are those offenders who failed to appear at Project 20 once assigned by the courts. Included in the 73% success rate are persons who decided to pay the balance of their fines rather than complete their work assignment.
3. For the period April-June, 1977, a total of 15% of the offenders had completed their work assignment; 14% had completed part of the work assignment and paid the balance of the fine; 29% were returned to court on a bench warrant.
4. The largest proportion of offenders assigned to the project during the period April-June, 1977, were referred on the basis of traffic infractions followed by traffic misdemeanors, followed by criminal misdemeanors, followed by felonies.
5. In conclusion, the author makes the following summary: "Project 20 has been found to be a viable, necessary alternative to the payment of fines and/or incarceration for both the municipal and superior courts. The costs involved in incarcerated a person are significantly greater than those for processing that same person through Project 20. ---Project 20 was strongly endorsed and praised by all persons interviewed, whether they were assignees, judges, probation officers, or community agency personnel." (p. 19)

I. Problems and Shortcomings:

1. The lack of an adequate comparison group.
2. Lack of data presented from interviews completed with offenders, project staff, referral agencies, and criminal justice officials. The data that is presented is in

summary form with no breakdown by category of person.

3. No explanation is provided about the sample selection procedures for the conduct of the interviews. In other words, we do not know on what basis the sample of assignees, project staff, officials or referral agency persons were selected.
4. The data that is presented on "success" rates covers (at the most) fiscal year 1976; furthermore, there is no breakdown on "success" rate of offenders by offense for more than the quarter, April-June 1977, which shows a 29 percent failure rate.
5. Little information is provided on the results of the interviews completed except in impressionistic terms.
6. No information is provided on referral placements, types of work assigned, or number of hours of work completed.

ABSTRACT #5

Heinz, Joe, Burt Galaway, Joe Hudson, "Restitution or Parole: A Follow Up Study of Adult Offenders", Social Service Review, March, 1976, pp. 148-156.

- A. Type of Study:
Quantitative-descriptive; Project evaluation.
- B. Objectives of Study:
To present the findings of a sixteen month follow up study carried out on the first eighteen men released to the Minnesota Center program.
- C. Description of the Program:
The Minnesota Restitution Center was a residential community corrections facility established to divert men out of the Minnesota State Prisons four months after admission to the prison. Staff at the center assisted potential admissions in developing a restitution contract with the victim of his crime. This contract stipulated the amount of restitution to be paid and schedule of payments. While at the center, men were on parole status and resided in the facility and engaged in the process of implementing the restitution contract. Center staff were to assist the residents in obtaining work, maintaining work, and dealing with other problems as well as the completion of the restitution agreement.
- D. Study Design:
This study compared eighteen male property offenders released on parole to the Restitution Center to a group of matched offenders who were released to conventional parole supervision. The two groups were individually matched on the variables of age of first offense, previous felony convictions, age at release, type of offense, and race. Furthermore, the matched group of comparison cases all met the five criteria for admission to the Restitution Center.
- E. Dependent Variables/Measures:
The dependent variables used in this study were: new offenses committed; number of parole violation reports; percent of time employed; and overall parole success as measured by a scale developed by Daniel Glaser.
- F. Data Collection Procedures:
Follow up occurred at sixteen months after the offenders release from the prison program of the Center; official records were used to determine information on the dependent measures.

G. Data Analysis:

Means; medians; t-test to determine the probability that the observed mean difference varied from zero by chance (1-tailed test used).

H. Findings:

The Restitution Center group had fewer convictions; were employed for a higher percentage of time; and were rated higher on the Glaser scale of parole success.

I. Problems and Shortcomings:

- 1) This study does not provide any indication of how the composite of influences operating within the Restitution Center or the prison influenced the differences between the restitution and matched groups
- 2) There is a very small sample (n=18) used in this study
- 3) Non-random assignment was used which could lead to possible influences of variables on which the restitution and control groups were not matched;
- 4) The possibility of uncontrolled Hawthorne effects, which are likely to be present in new programs such as the Restitution Center, could have occurred.

ABSTRACT #6

Wax, Mitchell, "The Effects of Symbolic Restitution and Presence of Victim on Delinquent Shoplifters", Ph.D. Dissertation, Washington State University, 1977.

A. Type of Study:

Quantitative-descriptive: Project evaluation.

B. Objectives of the Study:

The major aim of this study was to determine whether 20 hours of community service had an effect on reducing further delinquency in juvenile shoplifters, and to determine what effect having the victim present at the time of sentencing had on juvenile offenders.

C. Description of the Program:

Three treatment conditions were used in this study: 20 hours of community service restitution without the victim present at the time of sentencing; 20 hours of community service with the victim present at the time of sentencing; no community service and no victim present.

D. Study Design:

After-only experimental design. Thirty subjects were randomly assigned to one of three treatment conditions; 20 hours of community service without the victim present at the time of sentencing; 20 hours of community service with the victim present at the time of sentencing; no community service and no victim present. Two diagnostic counselors from the court were randomly assigned to five subjects in each condition so that a total of 15 subjects were assigned to each diagnostic counselor. Data collection procedures were implemented for the first two treatment conditions following the second interview by a diagnostic counselor at the juvenile court and following completion of the subjects community service restitution. Data collection was initiated for the third treatment group two weeks after the first interview. A six month follow-up was used for each subject.

E. Dependent Variables:

Five different measurement criteria were used: police contacts; court contacts; school attendance; number of school behavior problems; Jesness Inventory.

Police contacts consisted of the number of times each subject made contact with any police authority for the six month follow-up period.

Court contact consisted of the number of times a subject had contact with the juvenile courts within a six month period.

School attendance was measured for all subjects. The number of days absent from school for 60 days after subjects had been assigned to the treatment conditions. School behavior were defined as any referral to the principle, vice-principle, or school counselor for a disturbance or behavior problem that an adult in the school thought was a problem. All subjects had 60 days of recorded measurement.

The Jesness Inventory was used. This consists of 155 true-false items completed by the youth.

F. Data Collection Procedures:

In this study, all of the youth were handled informally by the court with none of them having to go before a judge. Subjects were referred to the Court by the police. They were then seen by a court in-take worker who decided where cases were to be referred. All cases involving shoplifting were referred to one diagnostic counselor. Upon receipt of all cases of shoplifting, the diagnostic counselor assigned cases according to a pre-arranged randomly stratified list. Subjects assigned to community service were informed that they had to complete 20 hours of work within a two week period. Upon the completion of the assigned work, the subjects met with their counselor for an interview. After six months following completion of the work, the counselor completed a follow-up interview with the youth.

Subjects in treatment group two were exposed to the same procedures except that the victim the subject stole from was present during the first interview with the counselor.

The subjects in control group three met with the diagnostic counselor at the juvenile court for an interview which was structured the same as for group one, except that no mention of restitution was made. There was also no other contact with the subject by the counselor for six months. The counselor then called the subject back to the court for a follow-up interview.

At the completion of the six month follow-up period, a data collector obtained relevant information from the records. Checks were made with the juvenile courts, police departments, and schools in order to obtain the necessary information. The Jesness Inventory was administered to each subject before the first interview with the counselor and upon the subject's first visit to the juvenile court. The post-test was administered to each subject upon returning to the juvenile court and just before a final discharge interview with the counselor.

G. Data Analysis:

The Fisher Exact Test was used.

H. Findings:

Statistical analysis of differences between groups on the four behavior dependent variables (police contact, court contact, school attendance, and school behavior problems) showed no significant differences. The Asocial Index subscale of the Jesness Inventory showed a significant shift between pre-test and post-test treatment scores at the .06 level for both independent variables (community service restitution; victim present at sentencing).

I. Problems and Shortcomings:

1. The community service work assigned to the subjects differed and consequently the people with whom they interacted and the kind of work they were expected to complete were confounding variables.
2. Second interviews for control group three were not obtained due to time limitations on court personnel. Both of the other treatment conditions did obtain a second interview and therefore this may have confounded the result (the other groups obtained extra attention and exposure to the court).
3. Because of the small number of subjects available, it was not possible to assess the effect of having the victims present at sentencing without having the subjects do community service. The inclusion of this treatment condition would have completed a 2 x 2 research design.
4. The small sample (30) of subjects meant that the result must be considered very cautiously.
5. Only 23 of the 30 subjects were administered the Jesness Inventory which meant that there was a total of 8 subjects in group one, 8 subjects in group two, and 7 subjects in group three who were administered the Jesness.

ABSTRACT # 7

Flowers, Gerald T., "The Georgia Restitution Shelter Program", Evaluation Report No. 1-150, Georgia Department of Offender Rehabilitation, September 30, 1977.

A. Type of Study:

Quantitative Descriptive: Project Evaluation. The research conducted on this project is an evaluation which aims at assessing the relative extent to which the project has achieved its formulated goals and objectives. This research assess the nature of the program inputs, outputs and to a lesser extent, program outcomes.

B. Objectives of the study:

The stated objectives of this evaluation were:

1. Test the effectiveness of intensive supervision on clients of the Restitution Center program;
2. Develop a cost/benefits analysis;
3. Determine if this program was used as an alternative to incarceration;
4. Determine to what extent restitution of victims occur:
 - a) Actually;
 - b) Partially;
 - c) Symbolically; and,
5. Determine what effect volunteers have on offenders in reducing revocations while at the same time increasing employment among program participants.
(p. n).

C. Description of the program:

The programs evaluated in this research were four restitution centers located in the state of Georgia in the cities of Albany, Macon, Rome, and Atlanta. These centers were scheduled to be opened in September 1, 1974. In fact, the opening of the Albany, Macon, and Rome centers were delayed for between 30 and 75 days. The Atlanta center opened on April 30, 1975. The centers were residential in nature with a capacity of from 20 to 25 offenders in each. A primary purpose for the Centers was to provide the courts with an alternative to incarceration. Because of the serious overcrowding in the state of Georgia, the restitution centers were established to help alleviate this problem. Programs received offenders directly from the courts as well as from the parole board.

A primary focus of these Centers was to involve offenders in completing financial and service restitution orders. Victim involvement was not a major focus of these programs. Only male offenders were eligible for admission to these Centers. The major goals of the centers were stated as follows (p. 9).

1. Open three residential restitution shelters with a capacity of 20 to 40 clients in September 1974; Open one restitution center with a capacity of between 20 to 40 clients in April 1975;
2. Provide an alternative to incarceration for both the courts and the board of pardons and paroles;
3. Divert 275 offenders from incarceration during the 22 months grant., thereby saving \$592,900;
4. Assure victim reparation through the payment of restitution (either actual, a partial cash, or symbolic restitution);
5. To test the effectiveness of intensive supervision and restitution payment effect on offender's success/failure rate (recidivism);
6. To measure citizen participation in the program:
 - a) Sponsorship roles
 - b) Job placment
 - c) VISTA.

D. Study Design:

The original research design for this project involved the following:

1. The definition of the population of eligible offenders for the project was originally defined as "marginal risk, second offense felons." Because of problems associated with the vagueness of this population definition, the eligibility population was re-defined in August, 1975 (in the middle of the projects) to "marginal risk" offenders (p. 13).
2. Random selection was initially planned to be used in this evaluation once the centers had reached 90 percent of capacity. Until 90 percent of capacity had been reached at a particular Center, the judiciary or the parole board could place an offender in the program without any random procedures being followed. Furthermore, it was originally planned that following the interim program evaluation report, all placements were to be made by random selection processes. In fact, random selection was never followed in the study because the projects never reached 90 percent of capacity.
3. Consequently, what the evaluation amounted to was assessing the inputs, outputs and to, a lesser extent the outcomes of the offenders who were admitted to the four Centers. In other terms, the evaluation amounted an after-only type of study.

E. Dependent Variables/Measures Used:

1. Referral by source (judiciary; parole board)
2. Age of offenders at time of admission to program
3. Race and sex of offenders at time of admission to program
4. Marital status at time of admission
5. Number of dependents
6. Socio-economic status (the use of a poverty guideline)
7. Education at time of admission

8. Current offense type (misdemeanor; felony; property crime by type (burglary, theft, forgery); offense against person (assault, murder, rape); drug offenses).
9. Earned income while in the project (not clear if only dealing within the residential phase or also includes post release supervision time)
10. Type and amount of restitution ordered/paid
11. Successful program termination (defined as "one or a combination of the following characteristics:
 - a) sentence expired;
 - b) paid awarded restitution in full;
 - c) completed symbolic restitution; and,
 - d) sentence amended because of positive behavioral adjustment, satisfactory employment, and payment of restitution." (p. 24)).
12. Failure terminations (defined as those cases in which supervision ended because the offender:
 - a) absconded; or
 - b) was revoked for technical violation of the probation order or parole agreement or a new crime conviction and sentence (p. 25)).
13. Rearrests convictions
14. Type of disposition received for those convicted (jail, jail and probation, and so on).
15. Simple cost efficiency (the dollars spent in the restitution centers and the clients served in these centers as compared to alternative programs (prison)).
16. Relative cost effectiveness (takes the average daily cost of the restitution center along with the average number of program days plus the number of days under additional supervision (regular probation or parole) and computes the relative cost efficiency) as compared to incarceration.
17. Offender's use of public assistance (food stamps; social security; veteran's benefits).

F. Data Collection Procedures:

The sources of the data for this study were:

1. a descriptive offender profile developed by computer analysis from data previously collected on all program participants files;
2. The case record, a chronologically organized narrative document which outlined problems and methods of possible solutions and other pertinent data useful in a "treatment" process;
3. Additional statistical data;
4. Routine probation/parole supervisor's monthly reports providing statistics on case loads;
5. Determination report which subjectively records the probation/parole officers reasons for the success or failure of the client. (p. 15).

In otherwords, data was collected from the projects themselves, from base files of the Department of Corrections as well as from follow up information from probation/parole officers.

It is not clear from the discussion which data was collected from which specific sources.

G. Data Analysis:

The major types of data analysis performed in this study is descriptive statistics, including means, medians (often it is not clear which is being referred to by the term "average").

H. Findings:

1. It is doubtful whether the programs served as an alternative to prison for many of the offenders. The author notes that "in some of the cases where offenders were not accepted into the program, paroles were not withheld; also restitution as a condition of parole was not deemed appropriate." (p. i).
2. The Centers were slow to accept referrals; during fiscal year 1975, 36 percent of the available beds were used; 77 percent of capacity was used in fiscal year 1976, and 85 percent of capacity was reached in fiscal year 1977.
3. The cost of the program was more expensive than the use of the prison; in fiscal year 1975, fiscal year 1976, fiscal year 1977, average daily program costs were \$24.68, \$11.99, and \$12.90 respectively; institutional average daily costs for the same period of time were \$8.99, \$8.77, and \$10.57, respectively.
4. Of the 400 offenders who participated in the Centers, approximately 80 percent were received from the court and 20 percent from the parole board.
5. Of the \$270,567 awarded to victims, only \$54,828 was repaid.
6. A 157 offenders were required to make community service restitution and "reportedly" 2,556 hours of public service was completed. This is very soft data.
7. Only 23 percent of the offenders served were paired with a citizen volunteer at program entry; 22 percent of all offenders were paired with a volunteer at their release from the program.
8. The mean age of offenders admitted to the programs was 24 years.
9. Fifty-seven percent of the placements were white males and 43 percent were black males and 2 were hispanic males.
10. Fifty-four percent of the offenders were not married.
11. Sixty-three percent of the offenders reported no children dependent upon their support.
12. Forty-two percent of offenders were reported at the minimum standard of living level while 26 percent were reported to be middle class.

13. The average educational level of the referrals was almost ten years of education.
14. Thirteen percent of offenders were placed as a result of a misdemeanor conviction and the remaining 87 percent stemmed from a felony conviction; crimes against property (burglary, theft, and forgery) comprised the largest category, while offenses against persons accounted for 18 percent of offender placements and drug offenses accounted for 5 percent.
15. Thirty-two percent of the offenders had no reported income during the four quarters in which data was supplied beginning with the fourth quarter of 1975.
16. Fifty-nine percent (241) offenders were defined as "successful terminations" (either the sentence expired, they paid their restitution in full, completed the service restitution, or the sentence was amended). Thirty-five percent of offenders (138) were in-program failures with 62 or forty-five percent of all failures absconding and 55 percent (76) of all failures as having new crime convictions or revocations.
17. Of the 274 offenders on which data was collected, 31 percent were re-arrested within six months of program release; 59 percent had been re-arrested within one year; 87 percent had been re-arrested within 18 months.
18. Of the 40 cases where both arrest and conviction data was present, 45 percent were success and 55 percent were failures within six months; the one year rate for failure was 75 percent.

I. Problems and Shortcomings:

1. Official records were sole data sources relied upon.
2. Data was unavailable for a large percentage of the 400 offenders received in the Centers and the size of the group on which data is presented varies from one table to another.
3. Missing data was a serious problem with 32 percent of the population admitted to the shelters not followed over time.
4. Eligibility criteria for admissions to the program were very loose and essentially involved any offender the judiciary or parole board referred to the program.
5. No adequate comparison group was utilized.
6. No clear information is provided on the amount of restitution obligated and paid by offenders in the program. (The only information we are provided is that "of the \$207,567 awarded to victims (obligated), only \$54,828 was repaid." (p. iv)). It is not clear during which period of time this money was paid or is there any information provided on the victims.
7. Very little information is provided on program processes so that the reader has no clear understanding of how the program actually operated in each of the four centers. Definitions used for "recidism", successful and unsuccessful terminations, are not clearly defined so that the reader does not clearly understand what the percentages of these cases really means.

8. The author makes very faulty conclusions: "the concept of restitution payments as a means of deterring offenders from the recommission of crimes seems fallacious." (p.v).
9. The author makes conclusions that are not justified by the data presented ("key factor in the relative high program re-arrest rate apparently has been lack of an emphasis on therapy.") (p.49, and note all other recommendations contained on pages 49-51).

ABSTRACT #8

Lowenberg, David, "Pima County Attorney's Adult Diversion Project, Second Annual Report", Tucson, Arizona, 1975.

Stillwell, Jack, "Victim Defendant Relationships in an Adult Diversion Program", unpublished paper; February 4, 1977.

Both of these papers present information on the same project and therefore both are included in this abstract.

A. Type of Studies:

Quantitative-descriptive: program evaluation.
Both of these studies provide evaluative information on this project.

B. Objectives of the Studies:

Both studies aim at providing information on the operation of this project. The paper by Stillwell deals more directly with victim-defendant involvement in the project.

C. Description of the Program:

The adult diversion project operated by the Pima County Attorney's Office is not explicitly a restitution program but most of the defendants do make financial restitution and, in addition, are required to perform 40 hours of community services restitution. The program operates at the pre-trial, post-arraignment level and involves primarily property offenders. Direct victim-defendant meetings are structured for the purpose of negotiating the amounts of restitution to be made. Upon the successful completion of the project, charges are dismissed.

D. Study Design:

The design essentially involves the collection of information on program inputs, program processes, and program outputs. No comparison group is used.

E. Dependent Variables:

Defendant characteristics such as prior record, charge, race, amount of restitution ordered; types of victim; amount of victim-defendant involvement; characteristics of victims participating in victim-defendant meetings.

F. Data Collection Procedures:

Data is collected as a routine part of the operation of

this project. In addition, the Stillwell paper refers to a brief mailed questionnaire administered to victims before and after meeting with defendants in order to determine their perception of these meetings.

G. Data Analysis:

Frequency distributions.

H. Findings:

1. Meetings between victims and defendants are held in about 30 percent of all cases accepted by the program.
2. About 15 percent of all felony cases are referred to the diversion program and nearly half of these cases are accepted into the program; during 1976, 157 of 331 cases or 47 percent were accepted.
3. Nearly 86 percent of all defendants admitted to the program successfully complete their contract.
4. About 2 percent (n=514) of all referred defendants are rejected because of a lack of victim approval and nearly 6 percent have been rejected because of a lack of law enforcement officer approval for the defendant to participate during 1975 and 1976.
5. Non-violent, non-drug offenses constituted approximately 72 percent (n=514) of pending offenses and 19 percent of the offenses were misdemeanor possession of marijuana cases; the other 9 percent of the cases were violent offenses or a sexual offense.
6. Eighty-nine percent of the defendants admitted to the program had no adult record; 4 percent had prior misdemeanors; 6 percent were presently on probation or parole; 1 percent had offenses committed after their initial arrest.
7. Because of the screening criteria, most minority group members are eliminated from participation in the program; while 17 percent of all persons arrested in the county were Black, only 5 percent were referred for admission to the program.
8. Characteristics of victims were: 60 percent businesses; 25 percent private citizen victims; 7 percent public agency victims; 8 percent victimless types of offenses (possession of marijuana).
9. Since 1973, defendants have agreed to pay victims nearly \$125,000 in restitution; the mean restitution payment in felony cases is \$385.
10. About 150 victim-defendant meetings have been held since 1974 and questionnaires have been completed since January, 1976; those victims that are willing to participate in meetings with the defendant differ from the total population of victims on the basis that; victims of violent crimes tend to meet with defendants less frequently than victims of property or economic

crimes; business victims tend to meet slightly more often than non-business victims; slightly more of the defendants who were willing to participate in meetings with the victim were White as compared to slightly less Hispanics and Blacks; defendants involved in meetings with victims tended to have a higher level of formal education.

11. Nearly two-thirds of the victims who participated in the victim-defendant meetings (n=38) did so as the representative of businesses which had been victimized; these representatives were 80 percent male; 85 percent White; mean age=42.
12. On the basis of the questionnaire it was found that: only 50 percent of the victims felt that they had been given a meaningful say in the acceptance/rejection decision; none of the victims actually witnessed or were physically injured during the crime; only 20 percent had any prior relationship with the defendant; 70 percent of the victims stated that the crime centered around property belonging to a business; all victims stated that the defendant owed them, or their businesses money as a consequence of the crime in relation to the purpose that victims saw for the victim-defendant meetings, four patterns were indicated: 40 percent felt that the purpose was to help prevent crime by the defendants; 30 percent felt that the purpose was to let the victims express their feelings about the crime to the defendants; 20 percent felt that the purpose was to help them get an understanding of why the crime was committed; 20 percent felt that the purpose was to finalize the arrangements for restitution.
13. All victims involved in victim-defendant meetings felt that the meetings were valuable and 90 percent said that they believed that they had a better understanding of what had motivated the defendant to commit the crime; 90 percent also stated that they believed that they had given the defendant a better understanding of the consequences of the offenses for them and believed that they had had a positive impact on the defendant.
14. As a result of the victim-defendant meetings, there was some change noted in victim's perceptions of what should happen to the defendant; the net change was in the direction of believing that less punishment and more counselling and social services were desirable for the defendant.

I. Problems and Shortcomings:

Three different populations are essentially involved in this study. First, the population of defendants and their victims who participated in the diversion program. Secondly, the population of victims and the defendants who were involved

in victim-defendant meetings. Third, the proportion of victims who were involved in victim-defendant meetings who completed the questionnaires. Only 45 percent of victims involved in meetings during 1976 completed forms.

No pre-existing or base line victim attitudes are available for comparison other than the questionnaire which was administered before the victim-defendant meetings. This is a rather global and diffuse type of measure. No comparison data is provided on victims who do not meet with their defendants in the program.

No information is provided on the impact of victim-defendant meetings on the defendants themselves.

ABSTRACT # 9

Swanton, Joan, "Final Report: The Pilot Alberta Restitution Center (September 1, 1975-October 31, 1977)," undated.

A. Type of Study:

Quantitative-descriptive; project evaluation.

B. Objectives of the Study:

The primary aim of this study is to present information on the two years of operation (September 1, 1975 - October 31, 1977) of this project. Considerable attention in the report is placed upon the implementation problems associated with operating this program during its first two years.

C. Description of the Program:

The Pilot Alberta Restitution Center was an exploratory project addressed to two specific issues: diversion and restitution.

Referrals to the program came from a number of different sources with different expectations at every stage of the criminal proceedings, from pre-charge to post-incarceration. Largely as a consequence of the different referral sources and the changing nature of the program, no coherent or stable program seems to have developed. The original aim of the project was to act as a pilot program for demonstration purposes to determine the efficacy of the diversion process in comparison to current practices for non-violent, personal property offenses under \$500. More specifically, the aims of the project were:

1. To establish if offenders will carry out a contract of restitution.
2. To establish if the victims of a crime are in agreement with the notion of restitution.
3. To determine if a contract of restitution is as successful pre as post institutionalization.
4. To determine if any reduction between periods of recidivism occurs with regard to second or more times of conviction.
5. To assess the contract of restitution as a rehabilitation instrument.
6. To provide a basis for further research.

D. Study Design:

The design used in this study was a single group, after-only non-experimental type.

E. Dependent Variables:

Referral source; offender characteristics; victim characteristics; amount of restitution ordered; type of restitution ordered; extent of victim-offender contact; amount and type of restitution paid; point in the criminal justice system at which ordered.

F. Data Collection Procedures:

Records were maintained in the project files concerning the offenders and victims and restitution agreements obligated in this program.

G. Data Analysis:

Simple descriptive statistics are presented.

H. Findings:

1. Referrals to the program came from a variety of sources, from pre-charge to post-incarceration.
2. While some offenders agreed to pay restitution because they felt it was the appropriate thing to do, most offenders expected some benefit to accrue to them as a result of the promise to pay; in situations where no charges had been laid, offenders hoped that the payment of restitution would preclude the laying of charges; where offenders considered restitution at a time when a guilty plea had been or was about to be entered, the hope was that the promise to pay would mitigate the Court's disposition; expectations in situations where the offender was being held in custody prior to trial or sentencing centered not only around mitigation of sentence but also around release from custody (incarcerated offenders hoped that the agreement to pay restitution would facilitate their early release from prison).
3. The majority of referrals to the project involved situations where a business was the victim and a substantial amount of money was lost; over 50 percent of the criminal charges were related to offenses of break and enter, theft over \$200, false pretenses, and fraud; in many of these cases, there were multiple counts of the charge; also, one-third of the offenders referred reported having been convicted of a previous criminal offense.

4. One-third of the cases were originally referred by the staff at the Intake Unit Probation Division at the time when a pre-sentence report was being prepared; an additional 20 percent of the referrals came from a probation division at the post-sentence stage and were composed of individuals who had entered a probation order with a condition to pay restitution.
5. A substantial proportion of the project mediator's time was spent on cases that did not subsequently result in the signing of a restitution agreement.
6. Seventy of the offenders referred to the program signed 72 restitution agreements with 155 victims.
7. Offenders and victims signed either a civil contract or a schedule of payments pursuant to a probation order; slightly less than half of the agreements were signed prior to sentencing; In more than 50 percent of these cases where the restitution was signed prior to sentencing, the judge chose not to make restitution a part of the sentence but rather required the contract to stand on its own; the majority of agreements signed after sentencing were signed by offenders ordered to pay restitution; all of the agreements, with the exception of two, related to property offenses, most of which occurred in combination with other offenses or were accompanied by multiple counts; sixty five percent of the contracts were a result of charges of break and enter, theft over \$200, false pretenses, and fraud; one third of the agreements involved more than \$500; although only 25 percent of the contracts extended over a period longer than a year and approximately twenty five percent of the offenders were obligated under the contract for more than a year, 60 percent of the victims were involved in these longer contracts; one-third of the offenders who signed agreements met with the victims.
8. Thirty eight percent of the offenders were in arrears or default of their obligation at the time when the project transferred cases, forty four percent of the contracts were in arrears or default and sixty percent of the victims had not received money owing to them according to the contract.

9. Offenders tended not to honor the terms of the restitution agreement when they were over the age of 26 and had previous convictions, where the offense was fraud, false pretenses or theft over \$200, where the amount of money owed exceeded \$300, and where the contract extended over a relatively long period of time. In combination, these factors tend to suggest that it is the "minor" offender as opposed to the more sophisticated criminal who is more likely to fulfill the terms of a restitution agreement. The author concludes that more attention needs to be directed toward the enforceability of restitution agreements.
10. Although those offenders who signed a restitution agreement after sentencing were slightly more likely to fulfill the terms of the agreement than those who signed prior to sentencing, there is no significant difference in terms of fulfilling the agreement between those ordered by the court to make restitution and those not so ordered. Those offenders placed on probation without a restitution condition are slightly more likely to maintain payment than those whose order includes a restitution condition (this may be due in part to the fact that in the opinion of those responsible for returning defaulted restitution orders to the court.) There were, in many cases, no procedures within the court for enforcing the payment of restitution.
11. One of the hopes associated with the program was that meetings between victims and offenders would facilitate a neutral understanding between the two parties and impress upon the offender the harm he had caused the victim. Such was not the case. In fact, the data indicate that exactly the reverse was true. This is possibly explained by the fact that most offenders came to the project at a time when they were deeply involved in the criminal justice system. Therefore, it is likely that at the time of the referral, the offender had already taken an adversarial stance with respect to the victim and a meeting did nothing to alter this stance.
12. Large business, banks and insurance companies fared slightly better than small businesses and private citizens in terms of receiving restitution for their loss.

I. Problems and Shortcomings:

The major benefit of this study is that it provides a graphic picture of the kinds of implementation problems associated with this particular program. On the other hand, there are problems with the report in terms of never providing a clear description of how this program changed over time. The reader is left guessing as to what the program actually looked like at different points in its implementation history. No comparison groups are used so that the reader can make inferences about the effects of the project on victims and offenders or the system of justice.

ABSTRACT # 10

Flegg, Mrs. D., Ms. B. Coleman, Ms. J. Ellis, R. J. Higginson, P. J. Lewis, A. C. Raban, "Nottinghamshire Consumer Survey - 1973-1976," unpublished.

A. Type of Study:

Quantitative - descriptive: project evaluation.

B. Objectives of the Study:

The major aims of this study were:

1. To obtain the offender's perception of his community service task.
2. To assess the offender's perception of any practical or family problems which arose as a result of a community service order.
3. To assess the offender's perception of the community service order relative to his perception of other sentences (probation/fines).
4. To assess what difference (if any) the community service order has made to the offender's outlook and particularly in terms of whether the offender intended to carry on with the work on a voluntary basis after completing the required hours.

C. Description of the Program:

Nottinghamshire was one of the experimental areas for the Community Service Scheme as originally implemented in England in 1972. Extensive descriptions of this program have been included in other abstracts and will not be repeated here.

D. Study Design:

A brief questionnaire was developed and relatively unstructured interviews completed with the first one hundred offenders completing the community service scheme in the target area.

E. Dependent Variables:

The major types of dependent variables used in this study were: type of community service work; alternative types of community service work which the offender would have preferred to do; extent to which the offender saw the community service work as benefitting the community; practical problems for the offender in doing the community service work;

offender's perception of an alternative sentence that would have been given in the absence of community service, offender's perception of community service as compared to probation; offender's perception of community service as compared to a fine; extent to which the offender communicated with his family about the community service work; extent to which community service caused difficulties at home for the offender; extent to which the offender plans on continuing with the voluntary work after the completion of the order; extent to which the offender perceives that community service has made a difference in his chances of getting into trouble again; extent to which the offender perceives the community service work as a worthwhile experience; ways in which the offender believes that community service might be improved; extent to which the offender sees the community service work as an alternative to prison.

F. Data Collection Procedures:

A brief list of 26 questions was developed. Unstructured interviews were completed with one hundred offenders who had completed their community service work order. No attempt is made to generalize the findings from this study to any other population or grouping.

G. Data Analysis:

Information is presented in narrative form on the basis of the impressions generated from the interviews.

H. Findings:

Among the major findings of this study are the following:

1. A large proportion of the respondents expressed surprise at the range of tasks available and very few offered additional ideas of possible tasks.
2. The majority of offenders appreciated the attempt that was made to match what was available with their own preferences and other considerations.
3. The vast majority of the offenders believed that they would have received a custodial sentence, in the absence of the community service scheme.
4. The vast majority of the offenders felt that community service was better than being fined.
5. The vast majority believed that community service was superior to probation.
6. The vast majority of offenders believed that community service had caused no difficulties of a practical or family type.

7. Most of the respondents had no difficulty explaining what they were doing to family members or friends and felt no sense of stigma from doing community service work.
8. Very few negative experiences were reported by the respondents in relation to the type of work completed.
9. Most of the respondents were very enthusiastic about the work that they had been involved in.
10. Out of the 100 interviews, only 4 respondents said that the community service work had not been a worthwhile experience.
11. A majority of the respondents believed that community service work had helped them in remaining out of difficulties with the law.

I. Problems and Shortcomings:

No random sampling procedures were used and therefore the findings are representative only of the 100 offenders in the final sample. The possibilities of bias are obvious. No information is available on offenders who did not successfully complete their orders, they may well have a different perception. A large proportion of the cases were from urban areas and more rural types of settings may result in substantially different findings. Because a number of different interviewers were used in this study, the reliability of the items is open to question. Furthermore, probation officers did the interviewing of offenders and this may have affected the validity of the answers given.

ABSTRACT # 11

Koegel, Joanne, "Sacramento County Probation Alternative Sentencing Procedures," Final First Year Evaluation Report, Sacramento Area Criminal Justice and Delinquency Prevention Planning District, June 19, 1978.

A. Type of Study:

Quantitative - descriptive, project evaluation.

B. Objectives of the Study:

The primary aim of this study is "to provide an assessment of ASP's effectiveness and efficiency in serving the courts, community, and project participants." (p.v.)

C. Description of the Program:

The Alternative Sentencing Procedures (ASP) project is operated on a sub-contract award by the Sacramento County Probation Department to the Volunteer Bureau of Sacramento. Staff in this project are responsible for screening and placing court referrals in volunteer community service agencies. Clients are received from the judiciary who make a determination that an alternative sentence is appropriate for a particular offender and it is then offered as a voluntary alternative to a more traditional sentence. Referrals to the project are screened at an initial interview. Placements are then arranged and the offender is informed about the placement, the starting date for the work and the scheduled completion date. Monitoring contacts are made with the referral supervisor at the placement agency on a weekly or bi-weekly basis. At the completion of the ordered community service the offender is referred back to court and discharged from the court order.

D. Study Design:

The essential design for this study is an after-only, non-experimental design focusing upon an assessment of program efforts.

E. Dependent Variables:

Number of referrals to project by courts by months; reasons that participants are referred back to court for unsuccessful project completion; prior arrests by participants; prior convictions by participants; prior drug arrests and convictions by participants; hours of community service obligated and completed; types of community agency placements, offender race, educational level, marital status, employment status, number of dependents, current age, annual income, employment

status; specific courts making referrals to projects; number of hours of community service obligated (sentenced); annual project costs (personnel, travel, operational, equipment; indirect costs).

F. Data Collection Procedures:

Data were collected from three sources: project staff were responsible for completing information about the offender and placement upon the admission of the offender to the project. Secondly, information was collected from the courts about the offender's record and present offense. A third source of data was financial information obtained from monthly expenditure reports submitted by the project to the Sacramento County Auditor.

G. Data Analysis:

Frequency distributions and cross tabulations.

H. Findings:

1. During the first year of funding, 832 offenders were sentenced to community service work as an alternative to a traditional sentence by the Sacramento Municipal and Superior Courts.
2. Two specific municipal courts accounted for approximately 70 percent of all referrals to the project during the first year. (There appears to be approximately four municipal court departments and additional numbers of superior courts.)
3. Approximately 18 percent of the participants referred to the project did not "successfully" complete the community service work. (These either failed to appear at the project (two percent) or failed to complete the assigned hours of work (16.5 percent).
4. Those participants with no prior arrests and no prior convictions have a greater tendency to successfully complete the program.
5. A total of 17,793 hours of community service was performed by participants and it is estimated that a total of 60,000 community service hours will be completed by the participants who were admitted to the project during the first year.
6. Offenders who failed to complete the project were more likely to be male, have less than a high school degree, between the ages of 26 to 30 years, not married, and on welfare.

7. There is a slight tendency for unsuccessful clients to have been sentenced between 51 and 200 hours; there is a tendency for offenders sentenced for 50 hours or less of community service to complete their assigned work more often.
8. Approximately 43 percent of referrals have been convicted of driving charges; approximately 37 percent of theft; approximately 2 percent of burglary, and the rest were miscellaneous.
9. It is estimated that it cost approximately \$77 to refer, screen, and replace each participant during the first year of the program operation.

I. Problems and Shortcomings:

This evaluation covers only 12 months of project operation (October, 1976 - October, 1977). Only limited information is provided about the project so that the reader has only a tentative understanding of the project specifications. The numbers contained in the tables do not always coincide. For example, we are told that 154 persons did not successfully complete community service work sentences and then we are only provided information on 116 of these cases in relation to the reasons for being returned to court for unsuccessful completion. No explanation is provided about the missing cases. In other tables, we are provided information on different groups. For example, prior arrest and conviction information is provided on 757 program participants. But in another place we are told that 832 offenders were referred to the project. Very limited characteristics information is provided on the client group. For example, no information is provided in tables on race, sex, and so on. No comparison groups are used.

ABSTRACT # 12

Gerrard, John M. and Robert W. Knight, "An Evaluation of the Community Restitution In-Service Program (CRISP", May 5, 1977, unpublished.

A. Type of Study:

Quantitative-descriptive; project evaluation.

B. Objectives of the Study:

The explicit purpose of this study was to determine "whether or not the innovation was adequately meeting its original goal of providing service to the community".

C. Description of the Program:

The CRISP project was established in 1975 by the Pima County Adult Probation Department. The program is designed to provide defendants and probationers an opportunity to perform restitution to the community as a condition of probation for the losses suffered by the community as a result of criminal actions. The probationer is provided the opportunity to do volunteer work for a public or private community government or social agency. Selection and placement for the project occurred during the pre-sentence investigation as well as a condition of a probation order. In other words, clients on the project are all convicted but some are on a pre-sentence basis and some have been sentenced to probation. Placements are made by the program supervisor to appropriate community agencies, placements are then monitored and reports made to the department of probation and the court. The goal of the project is "to provide service to the community". In addition, it is noted that the project attempts to meet three objectives: "placing a demand on the probationer to be responsible by ordering him into the work program; ...by performing designated service work in the community it is hoped probationers will develop or improve on existing work habits; ...to teach probationers work skills in many projects". (p. 3).

D. Study Design:

This study amounts to a one shot case study. No comparison group is used. The authors note that this evaluation is aimed at answering two questions: "Is the present program effective?" This, in turn, is broken out into two further questions: "Did it provide the agencies and clients a useful service and did it satisfy probationer needs?" The second question is: "How well is the program being administered--are the work assignments proper and are probationer's skills being utilized?" (p. 5).

E. Dependent Variables:

Three categories of dependent variables were used: agency information, client information, probationer information. Information collected from agencies involved the types of clientele being served in terms of racial origin, number of people in the agency,

the age group of the clientele served, how the agencies learned about the community service project, number of times the agency requested services from the project, number of persons assigned to the agency to do service, type of person providing supervision to offenders, whether the offenders are taught any skills or work habits, whether offenders performed the tasks assigned. The kind of information collected on clients (this refers to the specific clientele of the agency receiving the offender community service) included ethnic origins of clients, age of clients, how the clients learned about the community service project. Information collected on offenders involved sex, age, marital status, ethnic origin, educational background, employment status, whether the offender learned any skills in the project, whether any training was received in the project.

F. Data Collection Procedures:

Three questionnaires or interview schedules were used: one was aimed at collecting information from agencies that used community service offenders; one towards the individual clients being provided with service at these agencies; a third questionnaire was aimed at the probationers or offenders themselves. A population listing was obtained of the agencies that have been provided with community services; the individual clients that have received services from offenders; the probationers that were assigned to do the work. A random sample was then chosen from each of the three population listings. Interview schedules were then completed with each of the samples. In fact, however, it was difficult to obtain a comprehensive listing of clients who had received services at the agencies and it was also difficult to contact probationers who spoke Spanish or did not show up for the assigned service. Consequently, a little more than half of the agencies were actually interviewed and approximately 20 percent of the clients and offenders were contacted. In other words, there was considerable attrition in data collection.

G. Data Analysis:

No data is presented in the evaluation but simply a discussion of the findings.

H. Findings:

The clients of the agencies that received services from the offenders were highly positive toward the kind of work that was completed for them.

None of the probationers interviewed felt that they had been taught a skill.

A substantial number of the offenders have indicated that transportation was a great problem to completing community service.

A significant number of probationers stated that they had skills that were not being used.

Approximately only 1/3 of the total hours of community service assigned to offenders had been completed as of April 15, 1977.

I. Problems and Shortcomings:

No comparison group is used in this study.

Approximately 80% of the clients who purportedly had received offender services were not available for data collection and approximately the same proportion of offenders were not able to be contacted.

This kind of an evaluation design is open to a wide variety of internal validity problems.

The project goals were stated in extremely ambiguous terms.

The difference in between what people say on a mailed questionnaire or personal interview and what they actually do or think may be quite different.

No data tables are provided in this evaluation and the reader is consequently left with having to accept the interpretation of the data as presented by the researchers.

No clear description is provided about the social or demographic characteristics of offenders, even though this information was apparently collected.

ABSTRACT # 13

Broomfield, Terry, "Evaluation Report: Court Referral Program, Voluntary Action Center of South Orange County", Newport Beach, California, April 20, 1977.

A. Type of Study:

Quantitative description; project evaluation.

B. Objectives of the Study:

The purpose of this study was to evaluate the relative extent to which the project met the stated objective: All clients shall exhibit a positive shift in attitudes and acceptable behavior as measured by; completion of assigned work; willingness to perform additional work beyond that which was assigned; reduction in recidivism (50% of all clients who participate in the program shall not be rearrested for a six month period following release from the program). (p. 47).
evaluation report deals with the period from September 1, 1975 through December 31, 1976 (a 16 month period). This time period covers the time period of the first funding grant.

C. Description of the Program:

This Court Referral Program provides the courts of Orange County with an alternative disposition for sentenced offenders in the form of requiring the offender to complete a number of hours of work in a community agency. The program is seen as an alternative to the use of a fine or incarceration. The program handles misdemeanants, with a few juveniles and felons. There are three steps in the program. First, the court assigns the sentenced offender to work a number of hours within a specified time period in a community agency and makes a referral to the Court Referral Program. Second, the Court Referral Program interviews the offender and arranges placement in a community agency for the stipulated number of hours. Finally, the offender reports to the designated agency and completes the number of hours of work and the program then notifies the court about the offender's completion of the sentence.

D. Study Design:

The essential design for this study was a one-shot case study providing an assessment of the nature of the effort and outputs during the 16 month study period.

E. Dependent Variables:

Information is provided on: number of referrals by courts; offender conviction offense; probation officer assigned/not assigned; hours of community service assigned; number of times offender was referred to the program; sex, age, race, occupational status of offenders referred; number of community

service hours completed; types of agencies receiving referrals; program costs.

F. Data Collection Procedures:

Among the major procedures used in this study were: unstructured interviews with program staff members; official statistics collected by the criminal justice planning agency in the county and dealing primarily with offender characteristics; interviews with members of the judiciary; interviews with some of the community agencies receiving referrals from the program.

G. Data Analysis:

Data is presented in simple frequency distributions, percentages, and graphs.

H. Findings:

1. During the 16 month period, the courts referred a total of 1,097 offenders to the program. The largest percentage of these were from the municipal and traffic courts for traffic violations. Approximately 10% of the referrals were on probation status.
2. The largest percentage of offenders referred were male, 18 - 25 years of age, employed, and sentenced for traffic violations. The range of hours to be completed ran from 5 - 212, with approximately 50% under 36 hours. A total of 30,000 hours of service was obligated during the 16 month period.
3. 16% of offenders referred by the court did not appear at the program. Of those offenders who were actually assigned to a placement, approximately 71% completed the assignment.
4. The average cost per offender in the program was \$42.

I. Problems and Shortcomings:

1. There is no comparison group used in this study and therefore it is open to a wide variety of internal validity problems.
2. Because the study only covers a 16 month period, and because offenders were being referred to the program during this time period, there is only limited data available on outcome.
3. Because the project shifted from a manual data recording system to an automated system during the course of the first grant year, there is a lot of missing data. For example, while 1,097 offenders were assigned during the 16 month period, the different tables will provide information on different numbers of offenders--1084, 1012, 832, etc.

4. The report is poorly organized. For example, a discussion of data collection methods comes approximately 3/4ths of the way through this study. At the same time, however, this report does provide a relatively clear description of the organization and operation of the program.

ABSTRACT #14

Softley, Paul, "Compensation Orders in Magistrates' Courts," Home Office Research Study Number 43, Her Majesty's Stationary Office, London, October, 1977.

A. Type of Study:

This is essentially a program evaluation of the legislative provision in Great Britain to allow magistrates' courts to require compensation (restitution) from offenders.

B. Objectives of the Study:

The specific purpose of this study was to assess the extent to which courts in Great Britain are ordering offenders to pay compensation; to investigate how the relevant statutory provisions are being applied; to consider the effectiveness of the criminal compensation order as a method of redress.

C. Description of the Program:

Section One of the Criminal Justice Act of 1972 in Great Britain provided Magistrates' Courts and Crown Courts a general power to order an offender to pay compensation for personal injury, loss or damage resulting from a criminal offense. It dispensed with the need for application for compensation to be made by or on behalf of the victim and it provided the Magistrates' Courts with the authority to impose the amount of compensation up to 400 pounds in relation to each offense for which the offender was convicted. There was no limit put on the amount of compensation in which the Crown Court could order though the provision of the Act made it clear that a court should take into account the offender's ability to pay when deciding whether or not to make a compensation order and how much should be paid under such an order.

D. Study Design:

During the week beginning September 29 of 1974, all chief constables in the country provided details on each charge which resulted during that week in the summary conviction of a defendant, aged 17 or over, for the offenses of burglarly, theft, obtaining property by deception, criminal damage, wounding, or assault occasioning actual bodily harm. These offenses were selected for the research because they were seen as the most common crimes resulting in loss, damage, or injury.

In April, 1975, clerks of court were asked to provide information on the results of proceedings concerning the charges on the study population and, in those cases where a conviction had resulted, to record payments received within six months of sentence and any action in that period to enforce payment.

A year later, in April, 1976, a further request was made to clerks of courts for details of subsequent payment and action taken to enforce payment so that the record of the outcome of each case extended up to 18 months from the date of sentence.

In other words, the population or sample for this study was a week of cases (beginning September 29, 1974) and this amounted to a total of 3,604 charges made. Of these, clerks of court provided information on 3,552 convictions. Of these 3,552 convictions, information was obtained on 94% (3,337) and of these, 97 went to Crown Courts and were excluded from the study so that 3,240 offenders were actually sentenced. Of these 3,240 offenders sentenced, it was not possible to collect information dealing with restitution payments on 20 of them and therefore, some of the tables deal with 3,220 sentenced offenders (those tables dealing with restitution payments).

E. Dependant Variables/Measures:

The data collection form completed by police provided information on:

1. Offense type;
2. description of property stolen, damaged, or obtained by deception;
3. value of property;
4. value of unrecovered property or outstanding damage at time of conviction;
5. nature of any injuries;
6. whether the victim attended a hospital;
7. number of working days the victim had (at the time of the conviction) lost as a result of the injury;
8. full name of victim;
9. whether the victim applied to the courts for compensation;
10. full name of defendant;
11. date of birth of defendant;
12. date of conviction;
13. income of defendant. (by week/month);
14. whether defendant was legally represented;

Information collected from clerks of court on two different occasions covered the following:

1. nature of each offense for which the defendant was sentenced;
2. value or general description of any property involved;
3. name of victim;
4. sentence or order;
5. any order for cost or compensation;
6. grounds for fixing an alternative to imprisonment;
7. time allowed for payment and installments ordered at the sentence;
8. total sum to be paid;
9. recording of each date of each payment made to the court;
10. any actions taken to enforce payment;
11. any extensions provided to the offender to make payment and the reasons for these extensions.

F. Data Collection procedures:

Police departments throughout the country completed information requested for each "summary conviction" of a defendant, age 17 or over, for burglary, theft, obtaining property by deception, criminal damage, wounding, or assault occasioning actual bodily harm, during the week beginning September 29, 1974. A second data collection form was then completed by clerks of court in April, 1975. This form provided information on the results of proceedings (convictions) concerning those offenders on which the police had completed information. In addition, clerks of court were asked to record payments received within six months of the sentence and any action in that period to enforce payment.

A third data collection form was then used a year later in April, 1976 and completed by clerks of court to provide additional information on subsequent payments and action taken to enforce payment.

In short, three data collection forms were used to record the outcome of each case extending up to 18 months from the date of sentence.

G. Data Analysis:

Simple frequency distributions, percentages, means and medians as well as the use of tests of significance and tests of association (correlation).

H. Findings:

1. Of the 3,240 defendants sentenced by the courts, 315 (9.7%) were convicted of burglary; 1,980 (61.1%) were convicted of theft; 175 (5.4%) were convicted of obtaining property by deception; 402 (12.4%) were convicted of criminal damage; 368 (11.4%) were convicted of wounding or assault.
2. For each type of property offense (burglary, theft, obtaining property by deception and criminal damage) it was found that the majority of victims were corporate entities; of the 2,872 defendants convicted of property offenses, 886 (31%) committed offenses against individual persons; 1,487 (52%) committed offenses against commercial enterprises; 397 (14%) committed offenses against public bodies; most of the remaining 102 offenders stole, obtained by deception, or damaged property belonging to voluntary associations.
3. Those offenders convicted of property offenses, in 50% of the cases, the value of unrecovered property or the outstanding damage was less than 25 pence; in almost all of these cases the actual value was zero; only one percent of the offenses resulted in loss or damage greater than 400 pounds (which is the maximum amount of compensation which the courts could order an offender to pay for a single offense).

4. Excluding property offenses which resulted in loss or damage amounting to less than 25 pence, 90% of the defendants convicted of criminal damage were ordered to pay compensation for the damage they had caused; but only 9% of persons convicted of wounding or assault were ordered to pay compensation (the main reason why judges seldom ordered compensation in the cases of wounding or assault is suggested by the author to be the difficulty of assessing the amount of damages for various injuries).
5. The amounts of compensation which offenders were ordered to pay according to different offenses, varied; the amount of compensation offenders were ordered to pay for criminal damage covered approximately 69% of the value of the damage; compensation for theft amounted to 59% of the total loss; for the offense of obtaining property by deception and burglary, compensation covered respectively 50% and 45% of the loss; excluding from analysis those cases where two or more defendants were jointly convicted as well as those cases where the value of the loss or damage resulting from the offense was either less than 25 pence or greater than 400 pounds, it was found that among the remaining 621 persons convicted of property offenses and ordered to pay compensation, 546 (87.9%) were ordered to pay full compensation and only 75 (12.1%) were ordered to pay partial compensation. In short, there was a tendency of the courts to be concerned with the means of the offenders by making more use of partial compensation as the value of the loss or damage increased.
6. The ordering of compensation was related to the income of the offender;
7. There was found to be a correlation between employment and use of compensation; however, a high proportion (59%) of unemployed offenders were ordered to pay compensation and a substantial minority (24%) of employed persons were not required to pay any compensation.
8. In considering the relationship between the sentence of the court and the ordering of compensation, it was found that the most common sentence was a fine and proportionately more compensation orders were made against offenders who were fined than other offenders;
9. The decision to impose a non-custodial, rather than a custodial, penalty was the most important factor related to the ordering of compensation; second in importance was the ability of the offenders to pay, as measured by whether he was employed.
10. The amounts of compensation which were ordered by the courts were quite small; the average amount was 51 pounds but half of those against whom an order was made had 16 pounds or less to pay and only a fifth had to pay more than 50 pounds in compensation.

11. Sixty percent of those ordered to pay compensation were required to pay by installments and half the remaining offenders were allowed less than 21 days to pay the compensation.
12. Approximately one-third (34.7%) of those ordered to pay compensation had paid within one month; almost a half (47.9%) had paid within 3 months; and 3/4 had paid within 18 months; approximately 241 offenders (a quarter of those ordered to pay compensation) had not completed the payment within 18 months and 95 of these (a tenth of those ordered to pay) had paid nothing.
13. 78 (a third) of the 241 offenders who had not completed payment were committed to prison in default; in 34 of these cases warrants of committment were lodged in respect of those who were already serving a term of imprisonment (50%).
14. Analyzing factors related to non-payment of compensation, the most significant factor found was the amount of compensation ordered by the courts; 11 percent of offenders ordered to pay up to ten pounds compensation had not completed payment within 18 months as compared to 63% of those ordered to pay more than 100 pounds.
15. The criminal record of the offender was also related to non-payment of compensation; the proportion of offenders who had not paid within 18 months rose from 14% of those with no previous convictions to 45% of those with 7 or more previous convictions.
16. While it was found that unemployment was related to non-payment of compensation, 63% of unemployed persons ordered to pay compensation had paid within 18 months of sentence.
17. Offenders age 21 or over were less likely to have had paid the compensation ordered than offenders under 21.

CONTINUED

1 OF 2

ABSTRACT #15

Tarling, Roger and Paul Softley, "Compensation Orders in the Crown Court," The Criminal Law Review, July, 1976, pp. 422-428.

A. Type of Study:

Quantative - descriptive; program evaluation.

B. Objectives of the Study:

Two main objectives of the study are:

1. To test whether legislative provisions for imposing restitution (compensation) obligations on offenders as contained in the 1973 Powers of Criminal Courts Act in Great Britain resulted in more compensation for loss of property being ordered by the Crown Court in London.
2. To test whether judge's decisions to award compensation for loss are in accordance with the principles recommended by the Advisory Counsel on the Penal System.

C. Description of the Program:

Recommendations of the Advisory Counsel on the Penal System were contained in the 1972 Criminal Justice Act and subsequently reenacted in the Powers of Criminal Courts Act of 1973. Recommendations of the Counsel that were contained in these pieces of legislation essentially involved simplifying the law concerning the use of compensation orders and providing guidance to the courts concerning the circumstances in which compensation awards should be used. The aim of these recommendations was to simplify and expand the use of compensation orders by the Crown Court.

D. Study Design:

Before-after, non-experimental design. Information was collected on a sample of offenders sentenced the year before the Act went into effect and a sample of offenders who were sentenced the year after the act went into effect. The two time periods during which samples were selected were: July to September, 1972 and July to September, 1973. In each year, the samples were restricted to offenders sentenced by the Crown Court in London for the offenses of burglary, fraud, theft. The final samples of offenders included 277 persons sentenced before January, 1973 and 521 persons sentenced after January 1, 1973.

E. Dependent Variables:

Offense types; court sentence; value of unrecovered property and amount of compensation ordered; weekly income of offenders; employment status of offenders.

F. Data Collection Procedures:

Police files were used to abstract information for the city of London.

G. Data Analysis:

Frequency distributions and cross tabulations.

H. Findings:

1. The proportion of offenders ordered to pay compensation by the Crown Court in London before and after the implementation of the Criminal Justice Act nearly doubled (from 14 percent in 1972 to 26 percent in 1973).
2. After the Act, the same factors were associated with the Court's decision to award compensation.
3. Offenders given custodial sentences were less likely to be ordered to pay compensation than other offenders.
4. Judges were less likely to compensate losses less than five pounds, than losses involving more substantial amounts.
5. Offenders convicted of theft or fraud were more likely to be ordered to pay compensation than those convicted of burglary.
6. Level of income and whether or not the offender was employed were associated with the use of compensation orders; however, the fact that the offender was unemployed or had low income did not entirely preclude the ordering of compensation.
7. Age, marital status and number of dependent children were not found to be significantly related to the ordering of compensation.

I. Problems and Shortcomings:

Major problem is the total reliance on official criminal justice (police) data. Another is the fact that there was some problems associated with developing the sample particularly in terms of the fact that some cases were started in 1972 but not sentenced until 1973 and therefore many of the intended 1972 sample became part of the 1973 sample. The study only deals with a two year period for the Crown Court in metropolitan London and included relatively small samples.

Pease, K., P. Durkin, I. Earnshaw, B. Payne, J. Thorpe, "Community Service Orders", Home Office Research Studies, Her Majesty's Stationary Office, London, 1975.

A. Type of Study:

Quantitative descriptive: Program evaluation. This study aims at describing the quantitative and qualitative characteristics of a population of offenders admitted to the community service scheme in Britain during the first 18 months of its operation.

B. Objectives of the Study:

The major aims of this study are to describe:

1. The background and rationale of the British community service scheme.
2. The criteria that probation officers use in making judgements about offender's suitability for community service.
3. The offenders ordered to perform community service.
4. The conduct of the community service scheme, including the relationship between recommendations for a community service order and eventual disposal by the courts; the type of work done by offenders, where it was done, for how long it was done, and how long it took to termination; what was the outcome of orders in terms of success.
5. The attitudes and opinions expressed about community service by relevant groups or individuals.

C. Description of the Program:

Section 15 of the Criminal Justice Act of 1972 in Britain empowered courts to order offenders to perform unpaid work as a service to the community. A community service order can be made for an offender convicted of an offense which would be punishable with imprisonment, provided the offender is age 17 or over, and consents. The number of hours to be worked is to be not less than 40 or more than 240 and these are to be specified in the actual order and are normally to be completed within one year of the date of the order. It is expected that community service work arrangements should not conflict with the offender's work, educational or religious commitments. A court cannot make an order unless:

1. Arrangements for community service have been made in the area where the offender will reside;
2. The court is satisfied, after considering a probation officer's report about the offender, that the offender is a suitable person to perform work under such an order;

3. The court is satisfied that the provisions can be made for the offender to do the appropriate or ordered amount of work.

Arrangements for community service are a function of probation and after-care committees. Probation officers allocate offenders to tasks provided by local voluntary agencies and exercise supervision over the offender's compliance with the order. In 1973, the community service scheme was introduced experimentally in six areas (Durham, Inner London, Kent, Nottinghamshire, Shropshire, and Southwest Lancashire).

E. Study Design:

No overall research design was used. Instead, a number of sub-studies, each with their own research design, are included in this final report.

F. Dependent Variables:

Among the major dependent variables used in this study were:

- Probation officer perceptions about the suitability of community service work orders
- Criminal record information on persons subject to community service orders (arrests and convictions)
- Probation officer recommendations for community service orders and the eventual disposition by the court
- Work done by offenders
- Where the work was completed
- Who supervised the offender's work
- When and for how long was this work done
- How long it took to termination of the work
- Outcome of the community service order in terms of success
- Attitudes and opinions about community service work by relevant groups or individuals

G. Data Collection Procedures:

A number of data collection procedures were used, including:

1. Formal, published criteria of each of the six community service projects concerning the suitability of offenders
2. A content analysis of 519 pre-sentence reports made in the six experimental areas

3. A sentencing exercise carried out by 55 probation officers concerning the factors which influence a recommendation for community service.
4. A data collection form completed by probation officers when preparing pre-sentence reports on offenders considered for community service. The six project area reports concerning the number of orders and types of offenders place in community service
5. Interviews with community service supervisors, probation officers, offenders, judges, work-providing agencies, trade union representatives, and published views expressed in the media.

G. Data Analysis:

The data analysis involves frequency distribution, cross tabulation, as well as statistical tests of significance.

H. Findings:

Among the major findings of the study are the following:

1. The results of the sentencing exercise conducted with probation officers in three of the six experimental service restitution areas showed that:
 - a. Of the 55 officers interviewed, 69% recommended that the offender who was actually chosen for community service should be given community service.
 - b. There was general agreement between probation officers as to what was important for them to know about offenders when reaching a decision about recommending a suitable sentence (offense; previous convictions; age; family situation; personality).
2. Most typically a community service order followed a probation officer's recommendation for that type of sentence.
3. Not all community service orders were made in cases where a custodial sentence would otherwise have been imposed but it is not felt to be possible by the researchers to make any careful estimates about the number of offenders placed in community service who otherwise would have been put in prison.
4. Offenders on community service were primarily between the ages of 17 and 34 years.
5. In most cases, community service work was done on weekends rather than during the week.
6. The average time taken to complete an order of 240 hours was very close to the year allowed.

7. The median number of previous convictions of those ordered to undertake community service was between three and four.
8. Between 38% and 50% of offenders on community service had had experience with a custodial sentence previously.
9. Most typically, the offender and community service had committed a property offense; his most frequent previous offense was also a property offense; but there were a number of offenders doing community service who had typically committed offenses against the person, motoring offenses, or other types.
10. Those offenders with longer criminal records and those who had served a custodial sentence were less likely to terminate their order by completing it.
11. The type of committing offense was not found to be predictive of the likelihood of an offender successfully completing an order.
12. The majority of probation officers in five of the experimental areas saw a number of advantages in the scheme.
13. Many offenders on community service had positive attitudes towards the scheme.
14. The scheme has met with little published opposition and has usually been described in the press as an alternative to custody.
15. There has been no general, and little local, difficulty in relationship with trade unions.
16. "The community service experience shows that the scheme is viable; orders are being made and completed, sometimes evidently to the benefit of the offenders concerned. However, the effect on the offenders as a whole is as yet unknown; ---- it has not as yet made much impact on the prison population because of the manner of its use by the courts; in practice a few supervisors may be able to subvert some orders of the court unless good contact at the work site is maintained by the probation and aftercare service; and neither the type of offender for whom it is suitable, nor the most desirable placement for different individuals on community service are as yet known." (p. 70)

I. Problems and Shortcomings:

This study is purely descriptive. No comparison groups are used. Only the first 18 months of the operation of the program in six experimental areas is described.

ABSTRACT #17

Duffy, Joe, and Jeff Welch, "Restitution Report", Delaware Criminal Justice Planning Commission, September, 1978.

A. Type of Study:

Quantitative-descriptive; program evaluation.

B. Objectives of the Study:

The purpose of this study was to assess the extent to which restitution is being used by the Superior Courts in Delaware and to determine the adequacy of the collection mechanisms which exist in that state.

C. Description of the Program:

Legislative provisions in the state of Delaware provide for the use of restitution in conjunction with a sentence. In addition, a Master plan for Corrections in that state has recommended the increased use of restitution.

D. Study Design:

The design used in this study was to take a six month sample of criminal charges disposed of by the Superior Courts during January to June, 1976. In addition, a sample of 32 probationers who were ordered to make restitution during this six month period were followed in order to obtain information on actual payments.

E. Dependent Variables:

Total number of charges; total number of individuals charged; types of charges; frequency and amount of restitution ordered; amount of restitution paid; amount of restitution outstanding; average monthly payment.

F. Data Collection Procedures:

Official court and probation department files were used.

G. Data Analysis:

Frequency distributions.

H. Findings:

1. During the first six months of 1976, a total of approximately 1,700 charges were disposed of in the state involving approximately 1,100 individuals. Out of the total number of approximately 1,700 charges, approximately 600 were property offenses.

2. Of the total number of charges, 81 involved an order to make restitution and this involved a total of 76 offenders. Therefore, restitution was ordered in slightly over 4% of the total charges disposed of during the six month sample period. Considering only property offenses, approximately 10% of the charges received a disposition involving restitution.
3. Using a minimum time period of 19 months elapsed between an order of restitution and data collection, 32 probationers were followed in order to determine the amount of restitution completed. It was found that approximately 9% of the ordered restitution had been paid. In 2/3 of these cases, the entire amount was still outstanding and restitution had been fully paid in only six cases. (A minimum of 19 months since the order of restitution was made.)
4. The overall average payment per month of restitution was slightly over \$3.00 per offender. This compares with the average payment necessary to fulfill the restitution obligation of slightly over \$70.00 per month.
5. A number of problems are identified in relation to restitution useage: First, an inadequate mechanism used by probation officers for collectin. Second, unemployment is a problem for many offenders ordered to make financial restitution. Finally, in most cases where the offender was incarcerated for a probation violation, the order to make restitution became particularly problematic.

I. Problems and Shortcomings:

No data is provided on perceived problems in securing restitution payments. The information that is provided seems to be impressionistic and it is not clear on what it is based. The recommendations that flow from the study have similar problems in many cases inasmuch as it is not clear on what data these recommendations are based.

ABSTRACT #18

"The Community Service Order Program: The British Columbia Experience", Volume 1, Ministry of the Attorney General, Province of British Columbia, Victoria, July, 1977.

A. Type of Study:

Quantitative-descriptive; program evaluation.

B. Objectives of the Study:

The primary purpose of this study is to provide a description of the first 1,459 admissions to the British Columbia Community Service Order program. These admissions include all completed cases up to the end of May, 1976.

C. Description of the Program:

This program is based on the British Community Services Program. Volunteer community organizations provide tasks for the work service and the probation officer reports to the court on the suitability of the offender for the program and on the availability of tasks. The court then issues either a standard probation order with a clause for community service, or a special community work service order. A major difference in the British Columbia program with the British program is that this program involves both adult and juvenile offenders. Juvenile admissions to the program may be made by the court formally issuing one of the two kinds of probation orders or informally by a probation officer inquiry procedure. Also, in this program service to the victim of the offense occurs in some cases. The length of the service order is a maximum of 200 hours within a 6 month period for adults and a maximum of 100 hours within a 3 month period for juveniles. This program is currently being operated throughout the province.

D. Study Design:

The design for this study essentially involved an analysis of statistical information collected routinely by the Program Evaluation Data System section of the Corrections Branch of the Province. It involves all admissions up to the end of May, 1976.

E. Dependent Variables:

Among the major dependent variables in this study were:

- Characteristics of the offenders
- Characteristics of the offense
- Admission procedures
- Types of work assigned
- Completion of the work order

F. Data Collection Procedures:

Data was routinely collected on all cases admitted and terminated from the program through standard collection procedures.

G. Data Analysis:

Simple frequency distributions, means, medians, percentages.

H. Findings:

Among the major findings of this study were the following:

Juveniles account for approximately 56% of the participants in the project; adults account for the remaining 44% percent.

Participants in the age group of 14 - 21 years account for 83% of participants.

88.5% of the participants are male while 11.5% are female

Native Indians account for 9% of all participants.

Approximately 50% of all cases were placed in the program on the basis of two offenses: "theft under \$200"; "break and enter".

Only 12% of program participants had multiple offenses or multiple counts of offenses

36% of the admissions to the program are by probation officer inquiry; most of these are via a verbal agreement rather than a written agreement; the other 64% are admitted by the court on the basis of a standard probation order, rather than a special community service probation order.

Almost all (95%) of the participants are assigned to work for the community rather than for the victim.

Supervision of approximately 66% of the work orders is done by community volunteer groups; 22% is by the community service supervisor or probation officer.

Approximately half (52%) of the work orders are assigned to work in a community or service agency; 36% of the orders are for work on community recreation facilities and parks.

Most of the participants (84%) are assigned orders of 50 hours or less; the average (mean) order is for 31.7 hours.

93% of the work orders are completed; of the 7% that are not completed, half of these are incomplete through no fault of the offender.

I. Problems and Shortcomings:

No comparison groups are used to more adequately assess the effects of this project relative to an alternative sanction. The report covers the period only up to May, 1976, and it is not clear whether these cases are admissions to the program or whether they cover only those who successfully completed the program. We are informed, for example, that: "This report includes a statistical description of the first 1,459 admissions to the ---- program." And then told: "These admissions include all completed cases up to the end of May, 1976." (p. viii)

ABSTRACT #19

Chesney, Steven L., "The Assessment of Restitution in the Minnesota Probation Services," Minnesota Department of Corrections, January 31, 1976.

A. Type of Study:

Quantitative-descriptive - program evaluation.

B. Objectives of the Study:

The major objective of this study was to identify and describe the manner and extent of restitution use in the Minnesota Probation Services. More specific objectives of the study were:

1. To determine the manner to which restitution was used as a condition of probation in the district, county and juvenile courts of the State of Minnesota.
2. To determine the circumstances of the offense, the ways in which the courts structured restitution, the amounts of restitution ordered, and the amount of restitution subsequently collected relative to reported losses; finally, to determine those factors associated with the successful completion of restitution.
3. To determine the victim's attitude toward restitution.

Most generally, this study is an examination of the way restitution is used in one state probations services and the attitudes and opinions of those victims of crime who experience restitution.

C. Description of the Program:

The Minnesota probation services were the program focused upon in the research. More specifically, this is a series of county-operated probation departments in all of the counties of the state.

D. Study Design:

The design for this research involved drawing a stratified random sample of probation dispositions during four months of 1973 and 1974. Counties in the state were stratified on population and 17 counties were randomly selected from within each of the 3 strata. In turn, proportionate numbers of probation cases were randomly selected from each of the three levels of courts (district court for adult gross

misdemeanors and felonies; county court for adult misdemeanants; juvenile courts) within each of the sample counties. A total of 525 cases comprised the final sample. The data sources relied upon were official files and structured interviews. Because of the sample selection procedures that were used, the results of this study were held to be generalizable to the population of probation cases in Minnesota during the 12 months of July, 1973 through June 30, 1974.

E. Dependent Variables:

Extent of restitution being ordered; type of restitution ordered; amount of restitution ordered and collected; offender characteristics (race, sex, prior record, current offense); additional sanctions ordered in conjunction with the use of restitution; attitudes of judges and probation officers toward the use of restitution; perceived purpose of restitution as held by probation officers and judges; victim perception of satisfaction with the use of restitution; offender perception of the fairness of the restitution sanction.

F. Data Collection Procedures:

Descriptive statistics with the use of inferential statistics to determine significant differences.

H. Findings:

1. Restitution was used as a condition of probation in nearly one-fifth of all probation cases.
2. Restitution was used primarily in the form of full cash restitution (9 out of 10 cases); adjustments in the amount of restitution because of the offender's limited ability to pay was relatively rare; in-kind or service restitution to the victim or community was ordered in only a few cases.
3. The most important factor determining whether an offender was ordered to pay restitution was his or her predicted ability to pay; therefore, those probationers ordered to make restitution were generally white, middle class persons.
4. White, middle class persons also had the best record for completing the restitution that had been ordered; the characteristic of an offender most strongly associated with the failure to make restitution was the existence of a prior criminal record.
5. The completion of restitution was aided by criminal justice services (such as regularly notifying the probationer of his progress in completing restitution) and hindered by sanctions added on to the probation order, such as a jail term.

6. Most judges and probation officers favored the use of restitution; similarly, most judges and probation officers expressed a belief that restitution had a rehabilitative effect; however, many probation officers thought that the needs of the victims and the offenders would be best served if the supervision of restitution was separate from general probation supervision.
7. Although only a minority of victims were satisfied with the way restitution had been made at the time of data collection, most victims thought that the restitution ordered by the court had been fair; in addition, most victims believe that restitution by the offender to the victim is the proper method of victim compensation; victims who were dissatisfied tended to be those who felt they had not been involved in the process of ordering or aiding in the completion of restitution; the victims who were the most bitter were the 19 percent who had not.
8. Most offenders thought that the restitution as ordered was fair.

I. Problems and Shortcomings:

This study was generalizable to the population of probation cases in the state of Minnesota during one specific period of time and would need to be replicated in order to determine changes from that particular period of time up to some other period.

ABSTRACT #20

Barne, Sheila, "Saturday Work: A Real Alternative?", Australian and New Zealand Journal of Criminology, Volume 9, No. 2, June, 1976, pp. 95-108.

A. Type of Study:

Quantative-Descriptive; program evaluation.

B. Objectives of Study:

The primary objective of this study is to assess the relative extent to which this program has operated as an alternative to a prison sanction.

C. Description of the Program:

The Saturday Work Order scheme was introduced in Tasmania in 1972. The Saturday Work Order Act of 1971 stipulated that the Work Order was to be offered to an offender only in place of a prison sentence (only after the judge had decided that he had no other choice but to sentence the offender to imprisonment for the particular offense). Only at that point could the judge then inform the accused that he had considered all the other measures available and had decided that his only course was to send the offender to prison; then he could offer the offender the alternative of the Work Order and the choice is left up to the offender. The offender himself is left to choose whether he prefers a prison sentence of unknown length or a Work Order which he knows cannot exceed 25 Saturdays on any one charge.

D. Study Design:

Quasi-experimental, interrupted time series design and matched pairs. The researcher compares prison admissions before and after the introduction of the work order legislation in order to detect effects. She also draws a random sample of work order cases and matches them with 30 offenders who had pre-sentence reports completed before the legislation was introduced.

E. Dependent Variables:

Number of cases brought before the courts; number of people imprisoned by year; age of offenders brought before the courts by year; number and percentage of offenders imprisoned for more than 7 days but less than 6 months by year; number of offenders placed on a Work Order scheme; types of offense by placement on a Work Order scheme by year; age of offenders place on a Work Order scheme by year.

F. Data Collection Procedures:

All data was collected from official files of the relevant corrections or law enforcement agencies.

G. Data Analysis:

Simple frequency distributions, graphs.

H. Findings:

1. In the first year of the Work Order scheme (July 1972-June 1973) 339 work orders were given; in the second year of the scheme, 350 work orders were assigned.
2. Prison intake has been decreasing since 1971, the most substantial reduction occurred between 1971 and 1972, the year prior to the introduction of the Work Order scheme. Because work orders were only to be given in place of a prison sentence, and considering the trend in the number of prison admissions by year, it is concluded by the author that "Work Orders must also be given to offenders who would not, prior to the legislation, have received a prison sentence." (p. 101)
3. The author raises the question: "Is the Work Order functioning as an alternative, or in fact, an additional punishment to the usual measures? The limited data indicates the Work Order is given as an alternative in the majority of cases, but as an additional sentence in 20% of the cases. In only 5 cases out of 30 was it given as an alternative to imprisonment, representing less than 17% of the total". (p. 102)
4. Between the years 1973 and 1974, there was an increase in the use of Work Orders in the age ranges 25-30 and 31-40; so that overall there seems to be a trend to give more Work Orders to the older age levels.
5. The author concludes by noting the following: "From the evidence presented above, one is led to suspect that the Work Order legislation is not fulfilling the function for which it was intended. Work Orders are being offered to offenders in the courts as an alternative to a prison sentence --when in fact, a prison sentence would not be appropriate. This then is not a real alternative at all, and the offender is given no real choice. If, more realistically, the person was offered a work order instead of a bond, which was found to be the most common alternative in practice, then perhaps more work orders would be refused. --- More serious is the situation that may arise when an offender is offered a Work Order and refuses. The sentencer, who has stated that he has no choice but to send the offender to prison, is then in a position where he is forced to carry out the initial sentence if the Work Order is refused. In a case, of which it has been shown there are many, where the sentencer did not really intend to imprison the offender, a grave miscarriage of justice could occur in the offender's refusal of Work Order." (p. 105)

"An equally serious situation which gives rise for concern is where, since early this year, a Work Order

recipient may be imprisoned for failing to comply with the order. It is true that offenders who break bonds and fail to turn up for probation could find themselves in the same position, but because probation is much more flexible and less demanding for certain types of offenders, this is not as likely to happen. And because these probationers have not been judged as potential prison material in the same way as those who receive Work Orders, sentencers tend to give them another chance. Imprisoning those who fail to comply with Work Orders is perfectly justifiable in cases where they would normally have been imprisoned, but as it has been shown, the majority of Work Order recipients probably would not have been, then it appears excessive to place these people in a situation where a breakdown of a work order is becoming almost automatically imprisonable." (p. 105)

6. "---Work Order recipients have, on the whole, because of a lack of immigration concerning projects, participated in little more than hard labor exercises such as cleaning graveyards, council areas, and cutting bush tracks". (p. 105)
7. A recommendation made by the researcher is that "either the Act should be changed to allow sentencers to offer Work Orders as an alternative to a bond, probation or a fine as well as imprisonment, enabling the offender to make a real choice; or perhaps an effort should be made, through more contact between the various agencies involved in sentencing with more informative assessment of such schemes, to insure that the spirit of the legislation is adhered to." (p. 105)

I. Problems and Shortcomings:

A lack of a meaningful comparison group to more adequately answer the question as to the extent to which this project is being operated as an alternative to imprisonment. The author has generated "comparison groups" in terms of volume of prison admissions by year and volume of cases admitted to court but the evidence is only indirect in terms of answering the central question about the extent to which this project is operating true to its original intentions. A further problem with this study is that very limited information is provided on what the program is and very limited information is provided on the characteristics of the work orders that are required and the kinds of offenders who are admitted to this project and/or terminated at some point. In conjunction with other research dealing with the "spreading of the net of social control", this study raises disturbing policy questions.

ABSTRACT #21

Softley, Paul, and Roger Tarling, "Compensation Orders and Custodial Sentences", Criminal Law Review, Volume 12, 1977, pp. 720-722.

A. Type of Study:

Quantitative-Descriptive: program evaluation. This study can more accurately be defined as an evaluation of a specific question in relation to the use of compensation (restitution) orders in the Crown Courts in England.

B. Objectives of the Study:

The specific objective of the study is to assess whether compensation (restitution) is paid when it is ordered in conjunction with a custodial sentence, or whether a term of imprisonment is served in default of paying the restitution.

C. Description of the Program:

The Criminal Justice Act in England of 1972 incorporated the recommendations of the Advisory Council on the Penal System with regard to the use of compensation or restitution. Amendments to the Criminal Justice Act in the form of the Powers of Criminal Courts Act of 1973 made specific reference to the courts using compensation in relation to the perceived means of the offender. Obviously, placing the offender under custody would affect the ability of offenders to pay. Therefore, the specific aim of this research is to assess the extent to which compensation is ordered in conjunction with custodial sentences.

D. Study Design:

After-only, no comparison group type of design. The aim of this research is essentially to describe the characteristics of a specific sample -- particularly in relation to the central question addressed.

E. Dependent Variables:

Among the major dependent variables in this study are:

- amount of compensation (restitution) ordered
- amount of compensation paid
- sanctions imposed as a result of not paying restitution
- reconviction of the offender
- sentence imposed for reconviction

F. Data Collection Procedures:

The sample selected for this research amounted to 34 offenders who had been sentenced by the Crown Court in London to imprisonment, borstal training, or detention in a detention center for property offenses resulting in loss or damage. Most of the offenders were sentenced in 1973. In conjunction with the custodial sentence, all of the offenders had been ordered to make restitution. Because 5 of the offenders had appealed the compensation order and had it quashed, they were removed from the sample. No information was available on two of the cases; thus, the final sample was 27. Data was obtained from official files contained in prosecutor's offices and the court.

G. Data Analysis:

Simple frequency distributions.

H. Findings:

1. Approximately three years after the initial order (December, 1976), four (4) of the 27 offenders on which data was available had made restitution in full; 8 had paid part of the restitution; 15 had made no payment.
2. Of 17 offenders ordered to pay amounts which did not exceed 100 pounds, only 3 had paid in full.
3. The total restitution ordered against the sample of 27 offenders was approximately 9,500 pounds, of which only 1,700 pounds (less than 1/5) had been paid.
4. In 20 of the 27 cases that were studied, courts had attempted to enforce payment; enforcement resulted in 5 of the offenders being committed to prison in default of payment; in 2/3 (18) of all cases, the ultimate choice between full payment or imprisonment remained unresolved (the courts had done nothing).
5. The reason for nothing having been done in these cases of default is noted by the authors as "appearing that some offenders could not be traced and that others were either unable or unwilling to pay". (p. 722)
6. Of the 27 cases on which information was available, it was found that almost 2/3 (16) had been reconvicted and approximately 1/3 (11) had not been reconvicted.
7. The authors conclude that there is some risk that such orders (restitution) will result in an additional term of imprisonment in default, and that, unless they are for very small amounts (up to 10 pounds) such orders will generally be difficult to enforce. (p. 722)

Essentially the same finding was presented in the other study conducted by Softley.

I. Problems and Shortcomings:

1. An extremely small sample was involved. 29 cases were followed for information and, of these, only 27 of the cases had information.
2. No clear statement as to what the follow up time was for this sample in terms of reconviction or payments. All that we are told by the authors is that "most of the offenders were sentenced in 1973", and that all but three of the offenders had been released from custody two or three years prior to this study."

The interesting point made by the authors is that the way a question is asked will determine the answer. For example, these authors note that in their previous study of 521 offenders sentenced in London for property offenses, it was found that approximately 12% of these had been given custodial sentences, as well as compensation. The authors then note that when the focus is on restitution or compensation orders, it was found that 25% of these orders were made in conjunction with a custodial sentence. In other words, there is a different population base and this will affect the kind of answer.

ABSTRACT #22

K. Pease, S. Billingham, I. Earnshaw, "Community Service Assessed in 1976", Home Office Research Study No. 39, Her Majesty's Stationary Office, London, 1977.

A. Type of Study:

Quantitative-descriptive: Program evaluation.

B. Objectives of the Study:

There are two questions assessed in this study: First, what happened in terms of subsequent reconviction, to the sample of offenders who were the subject of an earlier study on community service work orders in six experimental areas? Secondly, if community service had not been available to the courts which dealt with these offenders, what other sentences would they have received?

C. Description of the Program:

The Community Service Order scheme was introduced in 1973 in six areas--Durham, Inner London, Kent, Nottinghamshire, Shropshire, and Southwest Lancashire. The first report on this scheme described its background and operation in the six experimental areas.

D. Study Design:

In order to arrive at an estimation of the number of those given community service orders who would otherwise have been given a custodial sentence, an examination is made of four groups of offenders:

1. Those for whom an assessment existed of the sentence thought likely if a community service order were not made;
2. Those who violated the requirements of a community service order;
3. Those for whom the courts asked for an assessment of suitability for community service;
4. Those recommended by probation officers as suitable for community service, but who did not receive a community service order.

In order to assess the effect of those receiving community service orders, one year reconviction rates were calculated. A comparison group was generated and composed of offenders who had been recommended for, but not subsequently sentenced to, community service. The period under study was one year from sentence in the case of non-custodial sentence, and one year from release in the case of custodial sentences. The aim was to obtain reconviction data on the first year at risk after sentence.

E. Dependent Variables:

The major types of measures used in order to answer the question about reconviction rates, were the following:

- the offense for which community service was given (index offense) as well as the date;
- the conviction immediately preceding the index offense;
- the first conviction after the index offense, plus the date, and the sentence received for this conviction;
- the number of previous convictions;
- age at the time of the index offense;
- the number of hours specified in the community service order;
- the manner of termination of community service order.

F. Data Collection Procedures:

In order to answer the question about the displacement of custodial sentences, information was collected from court files, police files, and probation department records. In order to answer the second question concerning the reconviction rates, information was obtained from police records and local probation and after-care agencies.

G. Data Analysis:

The data is analyzed in frequency distribution and chi square tests of significance.

H. Findings:

1. Three of the four methods used to estimate the displacement of custodial sentences produced estimates of from 45% to 50%. In other words, approximately half of those given community service orders would have otherwise received a custodial sentence in the absence of community service schemes.
2. Approximately 44% of all those sentenced to community service during the first year of the scheme in the six experimental areas were reconvicted within a year of the sentence.
3. There is no evidence of any reduction in reconviction rates following community service.
4. There was a linear relationship found between age and rate of reconviction as well as between number of previous convictions and rate of reconviction.
5. No systematic change was found in the level of seriousness of offenses committed after a sentence of community service.

I. Problems and Shortcomings:

1. The data used in the analysis of custodial sentence displacement is indirect and based upon small numbers of cases.

2. No satisfactory comparison group is used in the analysis of reconviction rates. The comparison group that is generated is small in number and was found to be systematically older in age than the treatment group.
3. Data collection on the comparison group differed from that completed on the treatment group. More refined data could not be obtained for members of the comparison group, as it was for the treatment group members.
4. The experimental nature of the six pilot community service projects meant that the offenders would have been aware that they were involved in an innovative experiment and this may have affected the findings. (Hawthorne effect).

ABSTRACT #23

Bluestein, Robin Solomon, et al., "Attitudes of the Legal Community Toward Creative Restitution, Victim Compensation, and Related Social Work Involvement," unpublished Master's Thesis, University of South Carolina, 1977.

A. Type of Study:

Quantitative-descriptive; population description.

B. Objectives of the Study:

1. To describe the attitudes of the legal community in the State of South Carolina toward creative restitution and victim compensation.
2. To describe the differences in the attitudes as held by three sub-samples of the legal population (judges, lawyers in private practice, prosecuting attorneys) toward the use of creative restitution and victim compensation.

C. Description of the Program:

D. Study Design:

Mailed questionnaires were sent to 250 members of the legal community, including 57 judges, 51 prosecutors, and 142 practicing attorneys.

E. Dependent Variables:

Support/non-support for restitution; age of respondents; whether respondent was a judge, attorney in private practice, prosecuting attorney; perceived potential value for the use of restitution in a program form; degree of interest/non-interest in the idea of restitution; degree of support for helping to implement a restitution program in the state of South Carolina; extent to which respondents believed that the state should be obligated to provide compensation to crime victims; degree of interest/disinterest in the concept of victim compensation; types of offenders for which restitution/victim compensation was felt to be appropriate (crimes against property/crimes against the person); whether juveniles or adults would be most appropriate for restitution programs; whether first offenders or repeat offenders would be most appropriate for restitution programs; whether financial restitution or community service would be most appropriate.

F. Data Collection Procedures:

A mailed questionnaire was sent to the population of 250 members of the legal community in the State of South Carolina (57 judges; 51 prosecutors; 142 practicing lawyers). One hundred data collection instruments were returned, 10 of these were unuseable. Therefore, an overall response rate of 38 percent was achieved. Response rates by the three sub-samples were: 57 percent for practicing lawyers; 22 percent from prosecuting attorneys; 21 percent from judges.

G. Data Analysis:

Simple descriptive statistics including means, medians, and percentages.

H. Findings:

1. The total sample as well as all three of the sub-samples showed strong support for restitution; lawyers in private practice were highly supportive of restitution with judges ranking closely behind.
2. Age was found to be significantly associated with restitution scores; respondents between the ages of 36 and 50 had a more positive attitude toward restitution than either younger or older respondents.
3. The perceived potential value of restitution programs was found to be very high; 89 percent of the respondents indicated that there was potential value for the use of creative restitution programs with the criminal offender; only 4 percent of the sample responded negatively.
4. Eighty two percent of the total sample responded favorably to restitution as a rehabilitative approach in criminal justice.
5. Eighty five percent of the respondents indicated that they were interested or very interested in the concept of restitution.
6. Seventy four percent of the respondents did not think that the state should be obligated to compensate victims of crime.
7. Forty four percent were "disinterested" or "very disinterested" in the concept of victim compensation.

8. The majority of respondents felt that offenses against property, auto theft, shop lifting, drunk driving, and income tax evasion were appropriate for use with creative restitution; the sample was undecided about burglary; offenses against the person, such as rape and armed robbery were felt to be inappropriate for use with restitution.
9. Eighty seven percent of the respondents indicated that juveniles were most appropriate for restitution programs; 90 percent viewed restitution programming as applicable to first offenders.
10. Forty seven percent of the respondents indicated that monetary payment of restitution to be the most appropriate form; 14% felt service to the victim was most suitable; 23% indicated service to the community was most appropriate; 42% were of the opinion that any of these types of restitution might be appropriate.

I. Problems and Shortcomings:

A very low response rate of 38% was achieved on the use of the mailed questionnaire. The response rate varied from 57% of the practicing attorneys to 21% of the judges. It is not clear to what population the results of this study could be generalized because no random sampling was performed and, instead, it seems that a total population of practicing attorneys, prosecuting attorneys, and judges in the state of South Carolina were used. We are not given specific information on whether the total population of these sub-groups were, in fact, used. Were there, for example, more practicing attorneys than were involved in this study in the state at this particular time? Similarly, for judges and prosecuting attorneys, therefore, one would speculate that sub-populations were used but the extent to which these varied from the total population is never answered. This is exploratory research at its most "exploratory" level.

ABSTRACT # 24

Galaway, Burt and William Marsella, "An Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders", paper presented at the Second National Symposium on Victimology, Boston, September, 1976, unpublished.

B. Type of Study:

Exploratory descriptive study aimed at describing a phenomena and developing ideas and tentatively testing theoretical propositions.

C. Objectives of the Study:

The purpose of this study was to assess the extent to which restitution, imposed as a probation condition on juvenile property offenders, was perceived as a fair and just requirement by the youth placed on probation, the parents of the youth, the police officer who investigated the case, the juvenile probation officer assigned to the youth, and the victim of the offense.

D. Description of the Program:

The program of relevance to the study was the juvenile court in St. Louis County, Minnesota, during a four week time period.

E. Study Design:

Juvenile court disposition were reviewed for a four week period of time to determine those in which restitution was ordered as a probation condition. Seventeen dispositions were identified as involving a restitution requirement and seven were not. For 16 of the 17 youth for whom restitution had been ordered, follow up interviews were scheduled with the youth, the parent, the victim, the probation officer and the police officer. Interviews were conducted using a structured interview schedule which contained a number of open-ended questions. Interviews were conducted an average of 40 days following the court disposition.

F. Dependent Variables:

Offender-victim relationships; victim losses; knowledge of outcome of juvenile court actions; perception of fairness of sanctions imposed; perception of fairness of restitution requirement.

G. Data Collection Procedures:

Structured interview schedules in addition to the use of information contained in official court records.

H. Data Analysis:

Frequency in percentages along with chi square tests of significance.

I. Findings:

1. Restitution was used more frequently with older youth.
2. No significant difference was found between youth who had been ordered to pay restitution and those who had not in relation to parents being divorced or deceased.
3. No relationship found between the social economic status of the youth's family and the ordering of restitution.
4. Restitution was used more frequently with first time offenders as compared to repeat offenders.
5. Restitution was most likely to be ordered for burglaries or automobile theft and least likely to be ordered for theft (usually involving shop lifting) or status offenses.
6. Approximately 70% of the victims were private individuals.
7. There was a greater tendency to order restitution when the youth's case was continued on informal supervision (85%) as compared to when the youth was placed on formal probation (65%).
8. Probation officers more commonly specified the amount of damages to be paid by the youth as compared to the court making this determination. This determination was more commonly made by probation officers after court disposition.
9. Partial restitution was ordered more commonly by probation officers than full restitution.
10. The court generally concurs with the disposition recommendation of the probation officer (in 94% of the cases they were in agreement).
11. Youth reported an average estimated loss to victims of \$66.00; the average estimated loss reported by the other groups (parents, victims, probation officers, police officers) was between \$200 and \$300.
12. The majority of the youth, their parents, and probation officers either did not know or did not feel that the victims suffered any losses in addition to monetary damages; 80% of the victims, however, reported suffering in other ways and most frequently mentioned emotional trauma resulting from the victimization.
13. At the time of the interview, 90% of the victims had no knowledge of the court disposition and were unaware that they were to receive restitution.

14. The majority of all subjects thought the court had handled the youth fairly; probation officers had this perception more frequently than the other subjects.
15. All groups of subjects perceived the restitution as fair to the youth but the victims, parents, probation officers, police officers, were in stronger agreement than the youth themselves.
16. Parents and youth both perceived restitution as a sanction as fair less often than victims, probation officers or police.
17. Parents and youth tended to perceive restitution alone as a sufficient penalty whereas victims, probation officers, and police officers were more likely to consider restitution alone as an insufficient penalty.
18. When subjects were asked to select a single disposition which they considered most appropriate for the youth (full monetary restitution, partial monetary restitution, non-paid work on a community project, supervised probation, or commitment to a state institution) the youth and parents were most likely, and the victim least likely, to select the restitution sanction (full or partial monetary or community service). Victims, probation officers and police officers tended to select supervised probation as a sanction if only one could be used.
19. Given the opportunity to select more than one of the five sanctions for the youth, probation officers were unanimous in recommending a combination of probation and monetary restitution.

J. Problems and Shortcomings:

1. A very small sample used in this study.
2. Restricted to a single geographical area at a single point in time.
3. Methodological problems as a result of limited resources meant that interviews were conducted with only one victim in cases of multiple victims and a single parent rather than both parents.
4. Most of the parents and police officers who were interviewed learned of the court disposition from the researcher and at the same time during the interview were asked to react to its perceived fairness.

ABSTRACT #25

"The Need For and Acceptance Of Community Restitution Centers in Virginia", Virginia Department of Corrections, Richmond, Virginia, September, 1978.

- A. Type of Study:
Quantitative--Descriptive; Population description. The primary aim of this study is to describe the quantitative characteristics of a selected population.
- B. Objectives of the Study:
The primary aim of this study was to assess the need for, and acceptance of, community restitution centers in the state of Virginia.
- C. Description of the Program:
- D. Study Design:
The entire adult felon population of the state who had been committed on a property offense during 1976 was screened for potential eligibility for a community restitution center. The screening criteria used were those of the Minnesota Restitution Program and the screening criteria used by the state of Georgia for their restitution shelter program. The primary aim of using these screening procedures was to determine what percentage of the offenders who had been committed on a property offense in 1976 in the state could have been diverted to a community restitution program if one had been available.
- E. Dependent Variables/Measures:
A variety of measures were used to assess the population:
1. committed to the Department of Corrections to serve a sentence in an institution;
 2. convicted of a property offense;
 3. 17 years of age or older;
 4. have the ability to obtain employment as measured by intelligence level;
 5. use of drugs or alcohol;
 6. number of prior felony commitments;
 7. sentence length;
 8. detainers pending;
 9. probation/parole status at the time of commitment;
 10. psychiatric problems;
 11. no possession of a gun, knife, or other dangerous weapon at the time of the committing offense;
 12. previous employment record;
 13. escape history from correctional institutions.

F. Data Collection Procedures:

Data was collected by applying the synthesized admission criteria used by the Minnesota and Georgia restitution programs to the population of adult felons committed on a property offense in 1976 in the State of Virginia. In addition, in order to collect information on the second aim of the study (to assess the attitudes of relevant decision-makers in the state about restitution) a mailed questionnaire was sent to a sample of decision-makers in the state.

G. Data Analysis:

Data is presented in terms of simple frequency distributions and percentages.

H. Findings:

1. a total of 1,304 offenders were committed on a property offense to the Department of Corrections in the state for institutional confinement during fiscal year 1976. Applying these synthesized admission criteria it was found that of this population, a total of 56 offenders (49 male; 77 female) would have been eligible for a community restitution center program. These eligible offenders were either first time offenders or had been on probation/parole but had been successfully discharged prior to the present commitment. In addition, they were found to have a good work history and were considered to be "emotionally healthy" and were not seen as escape or community risks. These offenders met all 12 admission criteria.
2. a total of 131 mailed questionnaires were returned out of a total 217 mailed (60.3% response rate).
3. the response rate varied by category of decision-makers with the greatest response received from correctional administrators (85%); circuit court judges (65%) and prosecuting attorney's (61%) followed by legislators (4%).
4. the majority (84%) of the persons surveyed were familiar with the concept of restitution and great support was found (93%) for a community restitution center; circuit court judges indicated the greatest support (100%) and correctional administrators were also very supportive (97.8%).
5. the offenders considered by the decision makers to be eligible for a restitution center were, in order, adult misdemeanants, juvenile offenders, adult felons, and so.

I. Problems and Shortcomings:

1. some faulty assumptions are indicated; i.e., referring to the Minnesota and Georgia criteria as having "proven to be indicators of success." (p. 6).
2. because all of the admission criteria employed by the Minnesota and Georgia programs were not available on computer tape for the Virginia population, a "representative sample" was drawn. No information is provided on this sample in terms of the characteristics or size.

3. no information is provided on the sampling procedures used in selecting prosecutors, legislators, judges and corrections officials in the state to receive the mail questionnaire.

ABSTRACT # 26

Hudson, Joe, Steven Chesney, John McLagan, "Restitution As Perceived by State Legislators and Correctional Administrators", Minnesota Department of Corrections, St. Paul, Minnesota, September, 1977, unpublished.

A. Type of Study:

Quantitative-descriptive (population description). The primary aim of this study was to describe the quantitative characteristics of the selected population using survey procedures with sampling methods to claim representativeness.

B. Objectives of Study:

The major aim of this study was to assess the way in which restitution is perceived by state legislators and state corrections administrators in this country.

C. Description of the Program:

D. Study Design:

The design of this study essentially involved a survey of a population of state correctional administrators and a sample of the population of state legislators in this country.

E. Dependent Variables:

The major dependent variables in the study were: awareness of the concept of restitution; general support/non-support of the concept of restitution; opinions about specific restitution issues; opinions about the desirability of new legislation to encourage or legitimize the use of restitution within their jurisdictions.

F. Data Collection Procedures:

Mailed questionnaires to every director, administrator, or commissioner of statewide adult and/or juvenile correction agencies as well as similar officials in the major U.S. territories and trust possessions. Because Chicago and New York City operate correctional agencies distinct from the state agency, they were also included. The sample of state legislators was identified through the use of the following procedures: A random selection of 25 states was made; for each selected state, the chairman of each relevant corrections

or juvenile justice committee was selected and a random selection of three legislators from the remaining juvenile justice or corrections committee in that state legislature were also selected. A total of 82 mailed questionnaires were sent to state correctional administrators; 73 were returned for a responses rate of 89%. 271 questionnaires were mailed to state legislators and 105 (39%) were returned.

G. Data Analysis:

Simple frequency distributions only.

H. Findings:

The major findings from this study were as follows:

1. All of the state corrections administrators were familiar with the concept of restitution and 99% of the legislators also indicated that they were familiar with this concept.
2. There was overwhelming support for the idea that offenders should be held responsible to compensate their victims for damages or losses caused by the offense; only one state legislature (1%) and three agency administrators (4%) answered in the negative.
3. The reasons for supporting the concept of restitution were: Most administrators and legislators (60% and 72% respectively) saw restitution as at least partially a way to compensate victims for crime losses; the second major reason for support of the concept of restitution was offender rehabilitation as mentioned by 33% of the correction administrators and 25% of the legislators; the third major reason noted in support of the concept was to change public attitude towards offenders in the criminal justice system, as mentioned by 22% of the administrators and 21% of the legislators.
4. In relation to questions about issues pertinent to the use of restitution, the following findings were obtained.
 - a) 58% of the administrators and 72% of the legislators expressed the belief that restitution should be mandatory, rather than voluntary on the part of the offender.
 - b) Approximately 87% of both groups approved of the use of restitution for juvenile offenders; approximately 90% approved of the use of restitution for adult misdemeanants; approximately 80% of both groups approved of the use of restitution for adult felons and approximately 30% of both groups approved of the use of restitution for first time offenders only.
 - c) Approximately 95% of both groups believed that restitution is appropriate for property offense cases

and approximately 71% of both groups favored the use of restitution in at least some person offenses such as robbery and only approximately 40% of both groups favored the use of restitution for victimless types of crimes (such as drug use).

5. Substantial differences were found between the state correctional administrators and state legislators in the types of dispositions they believed restitution to be appropriate for: Administrators were more likely to recommend restitution for the full range of dispositions (from diversion programming to parole); most legislators saw restitution as appropriate only as a condition of probation, an institutional program, or a condition of parole.
6. Almost all state correctional administrators and legislators (95%) favor restitution to be made to private citizens and small businesses; restitution to large corporations was favored by most administrators (78%) as well as legislators (84%); and approximately 70% of both groups favored the use of restitution for making compensation payments to insurance companies.
7. Approximately 59% of administrators approved of victim-offender interaction in a restitution program while approximately only 41% of state legislators approved of this practice.
8. 88% of state correctional administrators and 91% of state legislators expressed the belief that there was a need for new legislation within their jurisdiction to encourage the use of restitution.

I. Problems and Shortcomings:

1. The use of a mailed questionnaire and the limitations this placed upon respondent choices.
2. Response rate of legislators was relatively low (39%).
3. The problem that what people say and what people do may diverge.

ABSTRACT #27

Hudson, Joe, Steven Chesney, John McLagan, "Parole and Probation Staff Perceptions of Restitution", Minnesota Department of Corrections, St. Paul, Minnesota, September, 1977, unpublished.

A. Type of Study:

Quantitative-descriptive (population description). The primary aim of this study was to assess the extent to which parole and probation officer within the State of Minnesota defined different aspects of restitution as problematic.

B. Objectives of the Study:

To better understand the attitudes of state-supervised probation and parole agents in Minnesota toward restitution as a condition of probation or parole as well as to identify problems and concerns such officials experience with the use of restitution.

C. Description of the Program:

D. Study Design:

This study involved the use of a mailed questionnaire administered to the population of parole and probation officers and supervisors in the state of Minnesota, exclusive of county probation officers in Hennepin and Ramsey counties. The population of identified parole and probation officers/supervisors was 263.

E. Dependent Variables:

Attitudes toward restitution; problems associated with the use of restitution.

F. Data Collection Procedures:

A mailed questionnaire was sent to the population of 263 parole and probation officers/supervisors in the state of Minnesota. A total of 197 questionnaires were returned for a response rate of 75%. Of the population of respondents, 101 (51%) identified themselves as probation officers; 11 (6%) identified themselves as parole officers; 85 (43%) identified themselves as having both probation and parole responsibilities. In addition, there were 73 agents (37%) who described their case loads as being primarily juvenile clients; 67 (34%) had mostly adult cases; 57 (29%) handled both juvenile and adult clients.

G. Data Analysis:

Simple frequency distributions.

H. Findings:

1. Despite the variety in case loads (whether by age of client or probation/parole) there was little difference among the different groups of agents. In short, probation and parole agents in the state of Minnesota at this point in time seemed to form a relatively homogenous population in regard to their attitudes and experiences about restitution.
2. Approximately 91% of the respondents indicated a belief that restitution should be extensively used within the criminal justice system.
3. Only 19% of the respondents noted that restitution should be limited to only property offenders; only 10% would limit it to cash restitution.
4. Approximately 46% of the respondents agreed that it is often desirable to involve the victim with the offender personally in the making of restitution.
5. Major problems and concerns with the use of restitution by the respondents were:
 - a) 68% noted problems with the use of restitution when the amount is not specified by the court;
 - b) 65% indicated problems with restitution because it is too time consuming.
 - c) 62% indicated that a problem with restitution is a lack of suitable tasks for work ordered restitution;
 - d) 58% noted that a problem with restitution is that offenders often lack the earning ability to make financial restitution;
 - e) 56% noted that a problem with restitution is that victims report losses dishonestly.

I. Problems and Shortcomings:

A response rate of 75%. The use of a mailed questionnaire which may not accurately reflect what the respondents actually do, but rather what they say they do.

ABSTRACT #28

Gandy, John T., "Community Attitudes Toward Creative Restitution and Punishment", Doctoral Dissertation, University of Denver, 1975, unpublished.

A. Type of Study:

Quantitative-descriptive; hypothesis testing.

B. Objectives of the Study:

The three major aims of this study are:

1. To determine community attitudes toward creative restitution; more specifically, this purpose amounted to determining whether there were different attitudes held toward the use of creative restitution and the use of punishment on the part of a number of sub-samples (police officers, social work students, members of a women's community service organization, probation officers, adult parole officers, and juvenile parole officers).
2. To empirically explore the inter-relationship of attitudes between creative restitution and punishment (what is the relationship between the traditional concepts of punishment and creative restitution?)
3. To determine attitudes and perceptions that would support or impede program approaches to using creative restitution.

C. Description of the Program:

D. Study Design:

Mailed questionnaires were sent to six sub-samples (police officers within a specific community; second year social work graduate students at the University of Denver; members of a women's community service organization; juvenile and adult Colorado probation officers; Colorado juvenile parole officers; Minnesota Department of Corrections parole officers), the results analyzed and summarized.

E. Dependent Variables:

Six dependent variables were used in this study: retribution, deterrence, rehabilitation, social defense, impact of imprisonment, creative restitution. The traditional concepts of punishment were operationally measured by five punishment subscales relating to retribution, deterrence, rehabilitation, social defense, and impact of imprisonment. The creative restitution variable was operationally measured by a "creative restitution scale". Descriptive characteristics of the study sample were used as demographic variables for descriptive purposes as well as for secondary analysis. The five punishment scales and the creative restitution questionnaire were

developed by the investigator. Previous scales were reviewed and evaluated and it was subsequently decided that such scales did not meet the needs of the study. Therefore, the scale instruments were developed for this study. A pre-test of the scales was conducted using item analysis procedures to determine correlations for each item. Reliability and validity measures were conducted in the development of the scales and the test-retest method of reliability was used incorporating the Spearman rank-order correlation test. Coefficients in measuring the test-retest scores for each of the scales ranged from .56 to .75. Validity measures used included logical validation and predictive validity of the concurrent type. With regard to predictive validity of the concurrent type, it was predicted and found that the police scores reflected greater support for restitution and the impact of imprisonment sub-scales than the social work population; the social work students indicated greater support for the rehabilitation sub-scale and creative restitution scale.

F. Data Collection Procedures:

Mailed questionnaires were distributed to a total of 705 persons in the study sample. Of this total population, 427 questionnaires were returned for an overall response rate of 60.5%. The response rate varied, however, according to the sub-population study: police had a 34% response rate; second year social work graduate students had a 76% response rate; members of a women's community service organization had a 75% response rate; juvenile probation and parole officers had a 67% response rate; adult parole and probation officers in Minnesota had a 65% response rate.

G. Data Analysis:

Descriptive statistics were computed for the demographic characteristics as well as for the attitudinal study variables. Statistical procedures which were used consisted of the Kruskal-Wallis One Way Analysis of Variance; Spearman correlation matrices; and Yule's Q used in secondary analysis controlling for selected demographic variables.

H. Findings:

1. Strong for and acceptance of creative restitution was found in this study; all of the study populations indicated such support, although it was lower for the police.
2. The six sub-populations responded differently to creative restitution and the traditional concepts of punishment (social work graduate students, women's community service organization members, juvenile probation and parole officers tended to represent response patterns in opposition to the police and adult parole officers).
3. All of the punishment scales, with the exception of rehabilitation, were negatively correlated with creative restitution; the rehabilitation scale was positively correlated with restitution.

4. Those respondents who supported the traditional concepts of punishment (except rehabilitation) responded positively toward creative restitution but less positively than people holding favorable attitudes toward rehabilitation.
5. Increased education tended to be reflected in generally greater support for rehabilitation and decreased support for the remaining traditional concepts of punishment.
6. The vast majority of the study sample indicated that creative restitution would be of potential value to the criminal justice system and would be quite useful as a rehabilitative approach. Specifically, respondents tended to believe that restitution would be most appropriate with property offenses, such as auto theft, shop lifting, income tax evasion, and possibly drunk driving and burglary. Conversely, restitution was viewed as inappropriate for offenses against persons, such as rape, manslaughter, armed robbery, and assault.
7. The study sample tended to indicate that restitution could be a substitute for imprisonment with some types of offenders.
8. Generally, respondents viewed the development of a contractual relationship between an offender and victim as realistic, although there were some questions about this.
9. Monetary payments and service to the community were considered to have somewhat greater potential than service to the victim.

I. Problems and Shortcomings:

1. Limited response rate to the mailed questionnaire (particularly in terms of the fact that the response rate varied from a low of 34% for the police sample to a high of 76% for the second year graduate social work students).
2. It is not at all clear to what population the findings of this study can be generalized. For example, the police respondents were selected from one police department in the state of Colorado, and similarly with the respondents from the women's community organization, the second year graduate students, etc.

ABSTRACT # 29

Schneider, Peter, Anne Schneider, Paul Reiter, Colleen Cleary, "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts", Institute of Policy Analysis, Eugene, Oregon, June, 1977.

A. Type of Study:

Quantitative-descriptive: (population description). Primary aim is to describe the quantitative characteristics of a selected population using survey procedures with sampling methods to claim representativeness.

B. Objectives of Study:

1. To assess the scope and history of restitution usage in American juvenile courts.
 - a) what proportion of juvenile courts use restitution?
 - b) how long have courts used restitution?
 - c) what proportion of juveniles involved in different kinds of offenses have restitution ordered?
 - d) of those courts that have used restitution in the past, how many can no longer do so and why?
2. Types of restitution used.
 - a) what types of restitution are used in juvenile court?
 - b) to whom is the payment made and what is the form of payment?
 - c) who determines the amount of restitution and according to what criteria?
 - d) what is the role of the victim?
 - e) how is the requirement of restitution enforced?
 - f) what is the rate of compliance with the restitution ordered?
 - g) are parents permitted to assist with the payment of restitution?

3. Penetration into the system.

- a) does restitution increase or decrease the amount of contact between the offender and the court?
- b) at what point after court intake is the requirement of restitution made?
- c) are youths who pay restitution more likely than others to be formally adjudicated?
- d) is restitution usually combined with other requirements?

4. Program goals.

- a) is the major purpose of restitution to rehabilitate or compensate the victim?
- b) what other goals may exist?

5. Attitudes and expectations of restitution.

- a) is restitution perceived as an effective strategy in the reduction of recidivism?
- b) are victims who receive restitution believed to be more satisfied with the operation of the criminal justice system?
- c) to what extent (in the opinion of court officials) would the introduction of restitution be supported by police, judges, and the community?
- d) are the opinions on the issues in those jurisdictions using restitution different from those jurisdictions which do not?

C. Description of the Program:

The programs dealt with in the study are a sample of the population of American juvenile courts.

D. Study Design:

- 1. The population of American juvenile courts was obtained from the National Council of Juvenile Court Judges (3,544 courts on the mailing list of this association).
- 2. The list was ordered geographically by states and a sample of 197 juvenile courts was drawn by selecting every eighteenth court.
- 3. Mailed questionnaires were sent to each of these sample of juvenile courts and a follow-up telephone call was made.

E. Dependent Variables:

(Referred to objectives of the study above.)

F. Data Collection Procedures:

1. Mailed questionnaire sent to sample.
2. Follow up telephone call thirty days later to those not responding.
3. A total of 133 (68 percent) completed questionnaires were obtained (including 55 completed over the telephone).
4. 64 courts did not respond.
5. The respondents were 106 (77%) judges; 13 (9%) juvenile probation officers; 4 (3%) social case workers. These were the people who responded in terms of signing the mailed questionnaires. We do not know who completed the interviews and this might be any one of the three categories of staff persons.

G. Data Analysis:

Simple percentages, means and medians are used in this analysis. In addition, some use is made of the T-test for the analysis of attitudes toward restitution. Finally, regression analysis is used to explain the correlation coefficients between each of the independent variables and the dependent variables (particularly in relation to correlations of belief in restitution and estimated compliance rates as well as the predictors of belief in the effectiveness of restitution with different dependent variables (program organization, program goals, contact and length of it, years of restitution, etc.)

H. Findings (Results):

1. The use of restitution was reported by 114 courts (36%).
2. Courts using restitution have used it for an average of 16.9 years with 80% having used it for more than six years.
3. Restitution is most commonly used for cases involving property loss, including property offenses and robbery, and less commonly used in cases involving attacks on the person.

4. Almost all of the courts (109 out of 114) provide for some sort of monetary restitution payments with approximately half (52) requiring restitution in the form of work.
5. Only 14 courts indicated that financial restitution is made directly to the victim and only 5 indicated the work is performed directly for the victim.
6. The amount of loss suffered by the victim is the most important factor in determining the amount of restitution to be ordered. (Only 10% indicated that the offender's ability to pay was more important.)
7. Judges play the major role in determining the amount of restitution to be ordered (66%) with probation officers given this responsibility in approximately 20% of the cases and victims in 14%.
8. Probation officers are primarily responsible for enforcing the restitution order (66% of the jurisdictions) while approximately 1/3 of the jurisdictions provide for some sort of follow up by the court.
9. If restitution is not completed, only 11 jurisdictions indicate that they will resort to incarceration; 25 say that non-compliance can result in probation revocation. and it is not clear whether this will then result in institutionalization or some modification of the probation order.
10. Approximately 70% of the respondents reported compliance rate (successful completion of restitution) greater than 90%.
11. In the majority of cases, the courts do not prescribe a role for the parents.
12. Most commonly, restitution is combined with supervised probation. Only 6 courts reported that restitution is used as a sole sanction.
13. 48% of the respondents said that restitution increases the juvenile's rate of contact with the system.
14. Restitution is rarely ordered prior to a formal court hearing.
15. The goals of reducing recidivism and assisting victims were defined as equally important by approximately 75% of the respondents.
16. Large majorities of both courts using and not using tend to support the concept, but larger percentages of users support the practice than non-users.

17. The social and economic characteristics of the community are not related to the strength of belief in the effectiveness of restitution or to the compliance rate.
18. Courts which more commonly use restitution do not differ from those who do not use it in a large proportion of cases in terms of compliance rates or belief in its effectiveness.
19. Belief in the effectiveness of restitution is greatest for programs characterized by:
 - a) Direct payment to the victim rather than through an intermediary.
 - b) The availability of work restitution in addition to monetary restitution.
 - c) The availability of community service work in addition to monetary restitution.
 - d) Enforcement of the restitution ordered by the court rather than by individual probation officers.
 - e) The program goal for restitution is to benefit the youth rather than to provide compensation to the victim.
20. The index of program development is the single best predictor of belief in effectiveness of the concept that is not related to the estimated proportion of youth complying with the restitution order.
21. The relationship of belief in the effectiveness of restitution to compliance with restitution requirements is very slight.

I. Problems and Shortcomings:

1. Major problem with this study is that it is based upon the estimations or beliefs of juvenile court officials. Essentially this is a validity problem that concerns the difference between what people say and what in fact they actually do or have done.
2. A relatively low response rate of 68% was obtained. (133 completed questionnaires out of 197 courts). Of the 133 completed questionnaires, 55 were completed by a telephone interview 30 days following the submission of the written questionnaire and the failure to respond. In other words, two different data collection instruments were used. First, a questionnaire through the mail to which 78 sample selection sites responded and then a telephone interview which an additional 55 sites then responded over the phone.

3. A major problem with this study is the fact that a variety of different officials completed either the written interview schedule or the telephone interview (77% were juvenile court judges; 9% were juvenile probation officers; and 3% were identified as "social case workers".)

END