

The Need for and Acceptance
of Community Restitution
Centers in Virginia

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AND ACCEPTANCE OF
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ABSTRACT

Huskey, Bobbie J. "The Need for and Acceptance of Community Restitution Centers in Virginia." Planning and Policy Development, Virginia Department of Corrections, Richmond, Virginia, September, 1978.

There has been increasing interest in restitution throughout Virginia and the United States. Since July 1, 1977, Virginia has required partial restitution to be paid by persons placed on probation, and in the cities of Roanoke, Newport News, and Portsmouth, pilot restitution programs have been developed for juvenile and adult offenders. In addition, the Law Enforcement Assistance Administration has given major priority to restitution programs and in 1977 sponsored programs in seven states in the U. S. This seems to demonstrate a growing trend of the need for and acceptance of restitution in this country.

The purpose of this study was to determine the need for and acceptance of community restitution centers in Virginia. The study consisted of an analysis of Virginia's inmate population and a survey of criminal justice decision-makers throughout the State.

Virginia's entire adult felon population, committed on a property offense in 1976, was screened for their potential eligibility for a community restitution center. The screening criteria of two model restitution programs were used to determine what percentage of these offenders could have been diverted to a community restitution center if one had been available in 1976.

The screening indicated that a total of 88 inmates were considered to be initially eligible. These 88 inmates were then reviewed for such characteristics as previous work experience, stable employment history, reported marketable skills, no escape or community risk, no history of emotional problems. When offenders failed to meet these and other criteria, they were excluded from the eligible population.

Out of the 88 a total of 32 (36%) had to be excluded. The major reason for exclusion was that the person was on probation/parole at time of arrest. The second major reason was that the person either had no previous work history, unstable work pattern, or was an escape risk.

There were 56 (64%) offenders who were eligible (49 male; 7 female). These eligible persons who had a previous work history were reported by their previous employer to be responsible, diligent workers, or eligible for rehire. Although thirty-one (55%) worked at various occupations during their work history, there were twenty-five (45%) who were trained and had experience in either a skilled trade or a college trained profession.

During a one-year period, a total of 56 persons could have been diverted to a restitution center had such a program been established. The characteristics of these inmates indicated that they could remain in the community and thus did not need to be incarcerated in secure confinement.

The second phase of the study consisted of a survey of criminal justice decision makers. A total of 217 survey questionnaires were mailed to district and circuit court judges, com-

monwealth attorneys, legislators, and correctional administrators within Virginia. A total of 131 questionnaires were returned which represents a 60% response rate.

The majority (84%) of the persons surveyed were familiar with the concept of restitution. Correctional administrators showed the most familiarity, (96%), and commonwealth attorneys showed the least familiarity (71% familiar, 29% not familiar)

There was widespread support (93%) for a community restitution center. Circuit court judges indicated the greatest support (100%). There were only six who chose not to reply. Correctional administrators were next in indicating support (97.8%). District court judges, legislators, and commonwealth attorneys followed. Commonwealth attorneys showed the least support (75% yes, 25% no).

However, only 45% proceeded to name a specific locality for the restitution program. Although the majority answered in favor of restitution centers, they did not specify which area of the State where such a program should be established. Of the 59 who did reply the three most frequently named areas were Richmond, Southwest and Tidewater.

The offenders considered to be eligible by the respondents were: (in priority) 1. adult misdemeanants, 2. juvenile offenders, 3. adult felons, 4. property offenders, 5. persons with fewer than 3 separate felony commitments.

The survey results indicated that restitution should be in the form of financial and public service methods. Considerations for the financial method were direct cash loss, replace-

ment of victim's property and payment for psychological and medical services incurred by the victim. The two most frequently named areas for public service projects were public park projects and the repairing of victim's property. The respondents were evenly divided on the appropriateness of the offender working in hospitals, clinics, and in state agencies.

In summary, the results of this study indicate that there is a sufficient number (56) of Virginia's 1976 inmate population who were eligible for restitution centers. Since the screening criteria was purposely restrictive, it is probable that there would be a greater number of eligibles for such programs if the criteria were less restrictive.

In addition, the data demonstrates that there is support for community restitution centers within Virginia's criminal justice system. Although there were a large number of persons who did not wish to specify in which area of the State to establish the program, there were 59 persons who did. It is possible that some of these persons would want to pilot a community restitution program for Virginia.

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CHAPTER I

INTRODUCTION

There is a growing interest in restitutive justice throughout the United States.¹ The goals of restitution, within correctional programming, are to compensate the victim and aid in the rehabilitation of the offender. Making restitution to the victim(s) becomes a part of the offender's criminal penalty and a part of the therapeutic process.

Restitution programs expand the options available within community-based corrections. It demonstrates greater concern for the rights of the victim. Also it facilitates a greater sense of social responsibility on the part of the offender.

The Law Enforcement Assistance Administration has given major priority to restitution programs. In 1976 they designated a total of \$1,500,000 for pilot restitution programs throughout the U. S. In 1977 seven pilot programs began in the States of California, Maine, Connecticut, Colorado, Georgia, Massachusetts, and Oregon.²

The following research study has focused on community restitution centers as an additional alternative to incarceration for selected offenders. It has two primary objectives: (1) to determine what percentage of Virginia adult felon commitments could have been diverted in 1976 to a restitution center had one been available and (2) to determine what support there would be for a community restitution center among district and circuit court judges, commonwealth attorneys, legislators and correctional administrators.

THE CONCEPT OF RESTITUTION

Description

Historically, restitution referred to the payment of goods to a victim, thereby replacing the need for revenge through the blood feud. This historical survey reveals that restitution has existed in some form for many years.³

Presently, it refers to the payments made by a criminal offender to his victim(s). Payments can be in the form of direct financial payments to the victim(s) for his loss as a result of the crime. Also it can be in the form of direct service to the victim(s), such as repairing damaged property, or indirect service to the victim(s) through participating in community service projects.

Restitution is not to be confused with victim compensation methods. Whereas the former is considered to be a crime against a particular victim, the latter is viewed as a crime against the state. In compensation schemes it is considered the state's moral responsibility to compensate the victim of the crime.⁴

In the majority of cases it is without the knowledge or interest of the offender. In addition, for a victim to receive compensation it is he who has the responsibility to claim monetary redress. The victim files a claim to a state fund through established administrative mechanisms. In some localities this has resulted in victims not being paid because they fail to follow through.⁵

However, in restitution methods the offender is required, by the court or a correctional agency, to make financial or in-kind payments to his victim(s). It is always with the full knowledge of the offender as it is viewed as therapeutic for an offender to attempt to undo the wrong that he has committed. Lastly, the victim does not have to file a claim as he will automatically be reimbursed.

Correctional Usages of Restitution

Within correctional programs the method of restitution can be used in five ways:

- Probation - Restitution is an additional Condition of Probation. An offender lives in his own home or resides in a Community Restitution Center.
- Work Release - Restitution is an integral part of a work release program in a local jail or in a community restitution center.
- Institutions - Restitution payments are accumulated from the inmate's daily wages. This method is more feasible in states where local industry is heavily involved in corrections and where the daily wages compete with the community.
- Parole - Restitution is an additional Condition of Parole. An offender lives in his own home or resides in a Community Residential Center.

STATEMENT OF PROBLEM

In April 1977, Virginia's total confined population was 8,438 (7,424 in state institutions and 1,014 in local jails awaiting transfer). This represents a total of 1,377 over design capacity of the current existing facilities.⁶

This problem will probably intensify in the future as Virginia's offender population is projected to increase. It has been projected by the Bureau of Planning and Program Development, Virginia Department of Corrections, that by January 1, 1985, the population will rise to 12,867.

Traditionally, the response to this issue would be to build more prisons. However, as the cost of maintaining and building prisons continues to escalate, correctional administrators are being forced to explore other alternatives to the problem.

It is estimated that only 10-15% of the prison population needs secure confinement.⁷ In addition, the California Assembly Office of Research reports that nearly 50% of the men entering prison annually may be no more serious than many placed on probation.⁸

There are select offenders, among those being property offenders, who could be diverted from imprisonment to community restitution programs. Removing some of these offenders would reduce the institutional population statewide since property offenders consist of 42.2% of Virginia's 1976 committed population and 30.7% of Virginia's confined population.⁹

Restitution with probation exists in Virginia but it is generally underutilized. A survey conducted by the State's Division of Justice and Crime Prevention found that in 9 out of 10 cases the Code allowing for restitution was not being utilized.¹⁰

The other correctional usages of restitution are practically nonexistent in Virginia. There is only one jail utilizing restitution in its local Work Release Program. It is not legislatively possible or feasible, because of Virginia's low daily wage for inmates, for restitution to be utilized in the State's institutions. Restitution with parole is not utilized in Virginia nor are there any community restitution centers established in Virginia.

PURPOSE

The purpose of this study was to determine the need for and acceptance of community restitution centers within Virginia. Restitution centers have increasingly been a trend in correctional programming across the U. S., and in Virginia, there seems to be a growing interest.

This research project intended to accomplish the following goals:

- Screen Virginia's offender population with the pretested criteria of two model restitution programs - Minnesota and Georgia.
- Determine what percentage of the Department's adult committed population in 1976 could have been diverted to a community based restitution center if one had been available.

- Determine the differences, if any, of attitudes and acceptance of selected decision makers within the field of criminal justice regarding restitution.
- Indicate the actual financial and assumed social benefits of the development of a community restitution program.

METHODOLOGY

The diagram (page 7) depicts the relationships considered within the current research design and outlines the data to be collected. The data was collected by using two methods:

1. A quantitative simulation of Virginia's adult offenders committed during the calendar year of 1976;
2. A qualitative analysis of relevant decision makers.

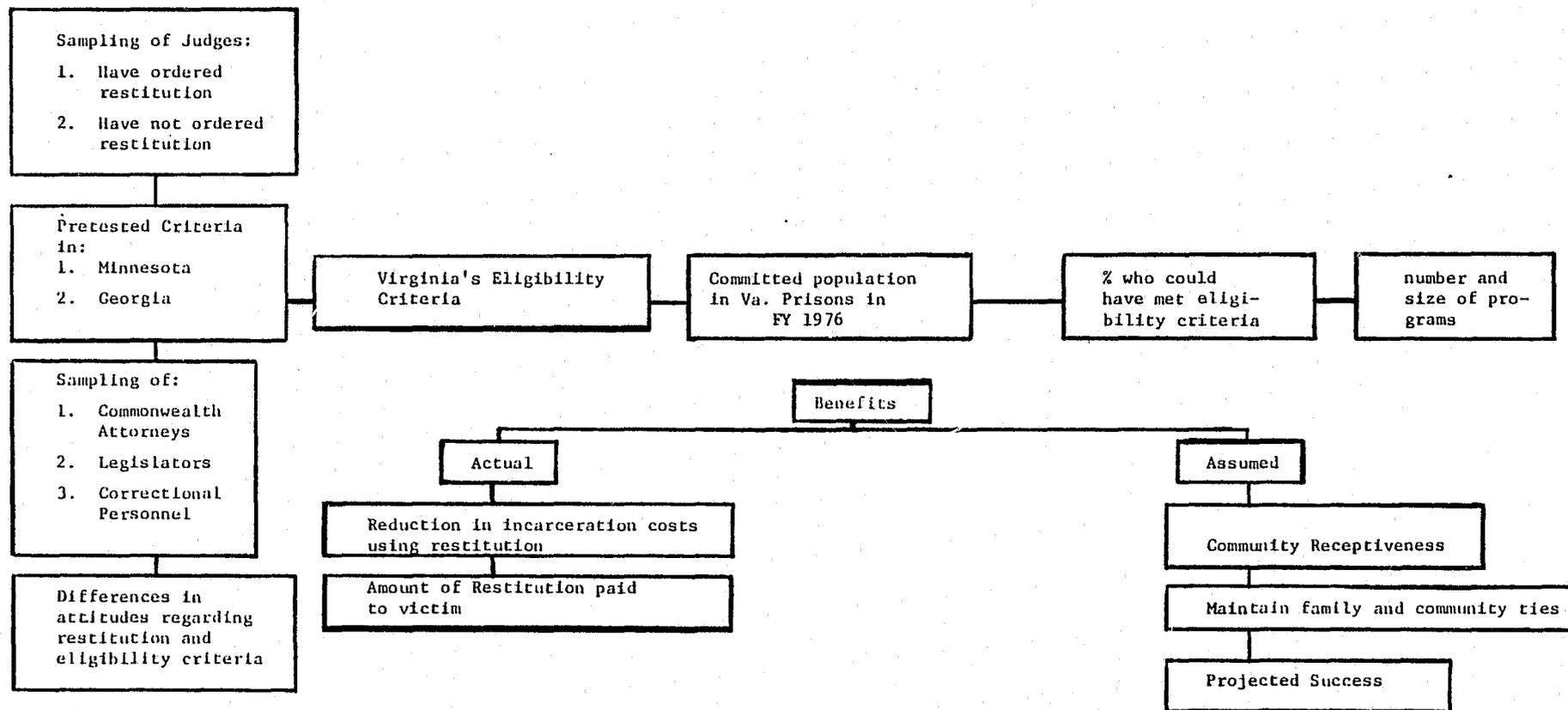
These two methods are described below in more detail.

Quantitative Simulation

Contact was made with the Minnesota and Georgia Department of Corrections to obtain their eligibility criteria for diversion to community restitution. Minnesota has twelve (12) criteria whereas Georgia operates under nine (9).

Where appropriate the criteria of both states were merged to result in one consolidated screening criteria (Appendix 1). Since Minnesota and Georgia have had experience with these criteria for 2-5 years, and since these have proven to be indicators of success, the researcher used them as the basis for evaluating Virginia inmates.

Diagram of Research Problems



The consolidated criteria was compared with the current available data on committed offenses to the Department as reported on the Department's Adult Inmate Record File, the Felon Record File and the Misdemeanant Record File during FY 1976. This first complete run represented the total 1976 commitment population.

Since all of the criteria were not found on these computer files, a representative sample was then drawn from the 1976 population. The characteristics not found on the computer files were found within the actual offender records to make up the sub-sample.

The primary advantage of this type of simulation is that a large number of people with a varied range of characteristics can be investigated without a great deal of difficulty. Relying on computerized data and actual records aids the researcher to reduce a large sample into manageable parts.¹²

The primary disadvantage is that the data will not prove that those Virginia offenders will necessarily meet with success. It can only indicate that Virginia offenders having met the same criteria used in Minnesota and Georgia and placed in a similar program as found in these states will have probable success.¹³

Qualitative Analysis

A sample of relevant decision-makers in the field of criminal justice was completed to assess their attitudes regarding restitution. A total of 217 questionnaires were sent out with a self-addressed envelope enclosed. Those included in the sample

were commonwealth attorneys, legislators, correctional officials and judges. A more detailed sampling of judges was drawn to assess the differences in attitudes of judges who have and have not ordered restitution.

The content of the survey instrument focused generally on two types of questions: (1) Could Virginia benefit from community restitution centers in which the offender pays restitution to his victim? (2) What eligibility criteria should apply for admission into such a program (see Appendix 2 for sample questionnaire).

During the preparation of the questionnaire, interviews were held with representatives of three segments of the criminal justice system. A Commonwealth Attorney, a judge and a correctional official were interviewed. After the interviews the survey instrument was constructed and then pretested.

Since it was neither desirable nor practical to survey all those persons within the four groups of decision-makers, various sampling techniques were applied. A geographical sample of commonwealth attorneys, legislators, and judges, were drawn. More specifically all the legislators who opposed the passage of the restitution law* were surveyed but as there were so many who favored passage, only a geographical sample was drawn favoring passage.

*Only three dissenting votes in the House and one dissenting vote in the Senate was cast to prevent the passage of 19.2-305.1 As of July 1, 1977, all persons convicted of an offense involving property damage and who will be placed on probation will be required to pay partial restitution or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

Finally, correctional officials who have a direct influence on the development of such a program were surveyed. The sample represented Department of Correction's executive staff, Division Directors, Community Correctional Center Directors, Probation and Parole Chiefs, and Institutional Superintendents.

Upon receipt of the questionnaire a computer program was completed. The Statistical Package for Social Services was used to analyze the results.

CHAPTER II

RESULTS OF STUDY

QUANTITATIVE SIMULATION

A total of 2,152 persons were committed to the Department of Corrections for property offenses in Fiscal Year 1976. Property offense was defined by the Department's Coding system and it included twenty-nine separate offense codes.

As the Department's Misdemeanant Record File contained sketchy information on the Department's misdemeanor inmates, this researcher decided to exclude misdemeanants from this study. This is unfortunate as it is a common speculation that more misdemeanants would be eligible for a community-base program than felons. As more information is gathered on misdemeanants, a similar study on this population could be very beneficial.

The target population for this analysis was adult felons who were committed on a property offense to the Department for institutional confinement. The total felon population committed for a property offense in 1976 was 1,304. These inmates were screened using the criteria of two model restitution programs - Minnesota and Georgia.

The Department's computerized Felon Record File contained seven items of the screening criteria:

- Candidate must be committed to the Department of Corrections to serve his/her sentence in institutional confinement (DOC code: Inmate number).

- Offender must be convicted of a property offense (DOC code: Offense).
- Candidate must be 17 years of age or older (DOC code: Age).
- Candidate's earning power must enable him to obtain employment (DOC code: tested I.Q. 60-128; tested education - intermediate (5.0) to post high school (over 12.0)).
- Candidate must not have had a chronic history of drugs/ alcohol or chemical use (DOC code: occasional drinker/ no record of drug use and no liquor habit/no record of drug use).
- No more than (3) separate felony commitments prior to committed offense (DOC code: previous Virginia and out-of-state commitments).
- Candidates who have a sentence to serve of only 5 years or less (DOC code: term of sentence).

These criteria were used to evaluate the total 1,304 felon property offenders. It was required that they meet all seven criteria, thus this requirement tended to reduce the potential eligible population. The criteria most responsible for excluding the greatest number was alcohol and drug abuse (out of 1,304 - 1,080 were excluded. The second most exclusive criteria was I.Q. and education (out of 1,304 - 491 were excluded). The third most exclusive criteria was sentence of 5 years or less (out of 1,304 -

352 were excluded). In addition, among these three categories there were between 50-75 that were either untested or had unknown habits. This untested/unknown population could have increased the final potentially eligible population to a maximum of 163; however, they could not be counted due to lack of information.

Using only the tested population, the "potentially eligible" population resulted in a total of 88. They were considered only "potentially eligible" because they then had to meet the following five criteria to be determined "fully eligible:"

- Candidate must not have had any detainers pending at the time of commitment.
- Candidate must not have been on probation/parole at the time of the commitment.
- Candidate with severe psychiatric problems was not eligible as the present treatment needs go beyond the resources of the restitution program.
- Offender must not have been committed to the State for a violent crime (assault, robbery, forcible sex acts, etc.) within five (5) years before the current offense (from 1971-76).
- Candidate who had a gun, knife or other dangerous weapon on his person at the time of the commission of the commitment offense will not be eligible.

These characteristics were obtained by reviewing the actual inmate folders of 88 inmates.

In addition, the candidate's potential earning power was evaluated by determining his physical ability for employment using the Department's Medical Status Report contained in the file, and by four other criteria that were considered crucial:

- Previous employment - A "reasonable" amount of work experience was expected depending on one's age. For example, an offender of 17 years of age could not have been expected to have the same amount of work experience in his background as a person of 23-35 years of age. A person was considered eligible if he was unemployed at the time of arrest but no one was considered eligible if he lacked any previous employment in his past.
- Stability in employment - A person was considered to have a stable work pattern if he was reported (1) to have been continuous in his employment (no large gaps between employment); (2) to have remained with one employer for one year or more; (3) to have been considered by the employer to be a "good worker", "steady and responsible", and to be "eligible for rehire."
- Reported marketable skills or resources for obtaining employment - Marketable skills were viewed as the skilled trades (persons trained as electricians, brick-

masons, carpenters, weavers, builders) and the college trained professions (licensed practical nurses, accountant, medical secretary).

- No escape or community safety risk according to the professional judgement of the Probation and Parole Officer, Psychologist, and Classification Specialists.

These additional criteria were considered critical due to the employment nature of the restitution program. They were seen as partial determinants of employability in the market place. Offenders were not excluded if they were unemployed at the time of arrest because if they met the other criteria they were thought to have the resources for employment.

However, offenders with no previous employment experience or an unstable work history were excluded because most employers deny employment to persons with no work experience or to those who are considered irresponsible, undependable, and not a good or diligent worker. An offender trained in a trade or a profession was viewed as employable since he possessed certain resources. Finally, no one considered an escape or community risk were included because the community would not offer employment to such a person. These criteria were critical for admission into the program because employment is required after admission and for remaining in the program. In order for the offender to pay restitution to his victim(s) and pay for his room and board, he needed to be gainfully employed.

Offenders Excluded Based on Criteria

When an offender failed to meet the criteria he/she was excluded from the eligible sample. Out of the entire population of 88, a total of 32 had to be excluded. This represented a percentage of 36% of the potentially eligible population.

Figure I represents the reasons why exclusion from the eligible population was necessary. The reasons are listed in order of frequency:

FIGURE 1

REASONS FOR EXCLUDING OFFENDERS FROM ELIGIBLE SAMPLE
(Listed by Frequency)

Offenders (N-32)*

<u>Reasons</u>	<u>Number</u>	<u>Percentage</u>
Offender:		
On probation/parole at time of arrest	10	31%
Had either no previous work history, unstable work pattern, or was an escape risk	6	19%
Had a weapon on his person at time of arrest	5	16%
Was committed to the State for a violent crime within 5 years before current offense	4	13%
Had psychiatric problems not treatable in a restitution program	4	13%
Was not employable due to a physical disability	2	6%
Had a detainer pending at time of arrest	<u>1</u>	<u>3%</u>
TOTAL	32	101%**

*Refers to total number excluded

**Rounding Error

As noted the majority were excluded because they were recidivists (9 male; 1 female). They had been on probation/parole when they committed a new property offense. Both Minnesota and Georgia have found that those on probation/parole are not good risks for their restitution programs. In addition, this researcher feels that to include such persons would undermine the supervision of the Probation and Parole Officer. When the offender proves that he cannot function in the community under supervision, he should not remain in the community. The assumption is that the Probation and Parole Officer has worked diligently with this individual.

As expected, the characteristics determining employability excluded the remaining half of this population (4 male; 2 female). This criteria consisted of Minnesota and Georgia's "earning power" along with the four operational definitions included by this researcher.

Of the remaining 16, only the criteria determining psychiatric problems was based on more subjective evaluation. When the person had a history of emotional problems, was suicidal, or was considered by correctional personnel to need long term psychiatric counseling, he was excluded.

Offenders Included Based on Criteria

Since 32 offenders were excluded this left a total of 56 offenders who were considered eligible (49 male; 7 female). This represents 64% of the total potentially eligible population (88). These offenders were either first offenders or had been on probation/parole but were successfully discharged. They had a

previous work history and were reported by their previous employer to be responsible, diligent workers, or eligible for rehire. They were considered by the psychologist, probation/parole officer and classification specialists to be emotionally healthy as they exhibited adequate ego strengths (i.e., good judgement, reality testing, positive presentation of self, communication skills). Also, they did not consider any of these offenders to be escape or community risks.

These offenders met all 12 criteria and had certain assets. Although, thirty-one (55%) worked at various occupations during their work history there were twenty-five (45%) who were trained and had experience in either a skilled trade or a college trained profession. Figure 2 lists the marketable skills possessed by those twenty-five offenders.

FIGURE 2

MARKETABLE SKILLS POSSESSED BY TWENTY-FIVE ELIGIBLES

Eligibles (N-25)*

<u>Skilled Trades</u>	18
Brickmason; Carpenter; Draftsman; Furniture Maker; Mortgage Agent; Painter; Plumber; Seamstress; Secretary; T.V. Repairman; Weaver	
<u>Professions</u>	7
Accountant; Correctional Officer; Licensed Practical Nurse; Medical Secretary; Psychiatric Aid	
	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/> 25

*Refers to sub-sample of those possessing specialized marketable skills. The remaining twenty-nine offenders also considered eligible worked steadily at various occupations.

These characteristics were viewed as more important in eligibility determination than offense category. Minnesota and Georgia have found that the determination must be done on a case-by-case basis to evaluate the individual's strength and weaknesses.

QUALITATIVE ANALYSIS

A total of 131 surveys were returned out of the total 217 mailed out. This represents a 60.3% response rate. Only a 20% return rate was anticipated, thus it would indicate that the subject of restitution stimulates more interest among criminal justice decision-makers than was expected.

The response rates varies among each category of decision-makers. As predicted, the greatest response was from the correctional administrators. Out of 54 sent out, 46 were returned with an 85% response rate. The Circuit Court Judges had a 65% response rate and the Commonwealth Attorneys were next with a 61% response rate. Both the Delegates and Senators tied for the smallest percentage return rate (4%).

Familiarity With Restitution

The majority, or 84.8%, of the persons surveyed were familiar with the concept of restitution; 15.2% were not familiar. It is assumed that this familiarity came from various sources of information: newspapers, magazines (popular and professional), seminars and television. In addition, the Virginia legislature passed H.B. 1938 in 1977, thus this research would assume that some of their familiarity was due to this legislative activity as well.

Support For A Restitution Center

The survey responses indicate widespread support for a restitution center. Of the total, 93.2% answered in the affirmative that they would support a community restitution center in their area. However, when asked in which area of the State would they support this restitution center, only 45% answered the question by specifically naming a locality. These 59 who answered the question, answered in the following manner (Figure 3):

FIGURE 3

SUGGESTED AREAS FOR THE PLACEMENT OF A RESTITUTION CENTER
(Listed in Order of Frequency)

N-59

Richmond and Vicinity	28.6%
Southwest (Roanoke, Wytheville, Galax, Wise, Montgomery, Lee)	20.3%
Tidewater (Norfolk, Williamsburg, Chesapeake, Virginia Beach, Portsmouth, Hampton, Newport News)	13.6%
Shenandoah Valley (Waynesboro, Rockingham, Winchester, Frederick, Staunton, Page)	13.6%
Northern Virginia (Arlington, Fairfax, Fredericksburg)	11.9%
Central Virginia (Lynchburg, Danville, Charlottesville, Henry, Martinsville)	<u>11.9%</u>
TOTAL	100.0%

As was expected, a highly urbanized area of the State was listed as the primary area for the restitution center (Richmond and vicinity). One would also think that Northern Virginia would be listed high for that reason; however, it was listed fifth instead.

The second most frequent region listed was the Southwest, 20.3%. This is interesting for several reasons: (1) The Southwest is a predominantly rural area of the State thus one would not think that it would have sufficient resources to support the operation of a restitution center; (2) It is a common belief that the indigenous population in these rural areas are less supportive of community-based programming. In spite of these obstacles, the respondents seem to indicate that a restitution center would have their support.

The question "support for a restitution center" was cross-tabulated with "familiarity with the restitution concept". It was anticipated that those who would be familiar with the concept would also be supportive, likewise those not familiar would not be supportive. The results indicate that this was an accurate assumption because 82.5% respondents who were familiar with the concept also supported it. On the other hand those not familiar with the concept had two responses: 1.8% did not support restitution but 10.5% did support the program.

It is speculated that familiarity with the concept lead to support because of two factors: (1) It is a human tendency to be more comfortable with that which one knows. Suspicion comes with the unknown rather than the known.

(2) Familiarity can also produce a negative response if one disagrees with or wants to avoid the known entity. Negative public sentiment, through the media, can raise a community's awareness of an issue so that a negative response would result from one mentioning it. It appears from the responses that the respondent's knowledge of the concept, through various sources, have been either neutral or positive.

Benefits Anticipated From The Restitution Center

The respondents were asked which benefits were likely to result from a community restitution center. The first two involved the victim's needs: 90.6% indicated that the victim would be compensated for his losses and 85.0% felt a result of the program would be that the victim's needs would not be ignored. As observed in other states this benefit seems to be appealing to Virginia as well.

The third benefit likely to result would be that offenders would reimburse the State for their room and board (80.3%). Since reimbursement of one's room and board would decrease the costs of a correctional service, it would indicate that the respondents are concerned about reducing these costs.

The fourth benefit related to other financial reductions: 74% felt a benefit would be that the offender pays restitution, his own taxes, and provides for the welfare of his family. See Appendix 3 for the other benefits listed.

The least benefit likely to result from the restitution center was a reduction in recidivism. More persons answered in the negative, 52.8%, that this would be a result compared to 47.2% answering in the affirmative. The respondents appeared to be divided on whether the experience in a restitution center would produce a significant change in the offender's desire to commit a future crime.

Types of Offenders Who Could Be Diverted

It was felt by the researcher that the survey provided an excellent opportunity to ask criminal justice professionals their opinion as to who should be eligible for a restitution center. Figure 4 indicates the types of offenders the Virginia respondents felt should be eligible.

FIGURE 4
TYPES OF OFFENDERS WHO COULD BE DIVERTED
(Listed in order of Frequency)

	<u>Yes</u>	<u>No</u>
Adult Misdemeanants	89.6%	10.4%
Juvenile Offenders	76.0%	24.0%
Adult Felons	64.8%	35.2%
First Offenders	56.8%	43.2%
Second or Third Offenders	45.6%	54.4%

As mentioned earlier in this report, misdemeanants are considered by many to be an appropriate category for community programs. This survey confirms the common assumption as the majority felt misdemeanants could be diverted.

It was significant and unexpected that so many would consider the restitution center appropriate for juvenile offenders. Restitution programs are usually established for employable adults. A 1977 survey of restitution programs in the United States conducted by the Minnesota Department of Corrections found 32 known adult and only 13 known juvenile restitution programs in the Country.¹⁴

The respondents listed adult felons as third in priority for eligibility. It is speculated that the respondents perceived the adult felons to be a higher risk in the community than adult misdemeanants. Also, it is the probable reason why 54.4% thought second and third offenders should not be eligible.

Types of Offenses Appropriate for Restitution

Another question dealing with eligibility was the type of offenses that could be diverted. As expected the most frequently listed were property offenses; however two person offenses were also listed. Figure 5 indicates the specific offenses considered to be eligible.

FIGURE 5

TYPES OF OFFENSES WHICH ARE ELIGIBLE

	<u>Yes</u>	<u>No</u>
Bad Checks	95.9%	4.1%
Shoplifting	89.5%	10.6%
Forgery	80.5%	19.5%
Grand Larceny	71.5%	28.5%
Receiving Stolen Goods	67.5%	32.5%
Burglary	57.7%	42.3%
Involuntary Manslaughter	52.8%	47.2%
Assault	51.2%	48.8%

Although involuntary manslaughter and assault do appear there is divided opinion as to their appropriateness. There were other offenses that were strongly felt to be inappropriate: Rape, robbery, dealing in drugs, and possession of drugs.

It is speculated that rape and the drug offenses were considered inappropriate by the respondents because these offenses do not easily lend themselves to restitution to a victim. On the other hand, some states have considered requiring restitution in rape cases. The restitution would be in the form of payment of psychological and medical services as a result of physical or emotional injury.¹⁵

Admission Criteria (See Appendix 4)

It appears from the responses that there is support for the Department of Corrections to have the authority to divert persons to a restitution center (65.8% said a person could be eligible if he was committed to the Department's responsibility). This is noteworthy since it is often assumed to be a common belief that only the judge should have the responsibility for diversion.

Although the majority responded to these series of questions, the data did not clearly indicate which admission criteria the respondents would suggest. Other than commitment to the Department the respondents answered in the negative to all other criteria listed.

The responses to these questions on criteria are inconclusive for the purposes of this survey. One item asked if persons should be admitted to a restitution program if they had fewer than three or two felony commitments which is a conservative criteria. To both of these items the overwhelming response was no. Another item asked if persons should be admitted who have been given a sentence of 3, 5 or 10 years or less. Again, the response to each was negative. These responses appear inconsistent with other survey items, suggesting that the questions, as worded, were ambiguous. These items are therefore invalid and not analyzed further.

Exclusion Criteria (See Appendix 4)

It was more clear to the researcher what the respondents felt should be characteristics that excluded persons from the center. The responses indicate that those perceived to be a community risk, those on probation at time of offense, those having a weapon on his person and those having detainers pending should be excluded.

Form of Restitution

Most restitution programs require a combination of financial and public service restitution.¹⁶ This survey indicates that the majority (80.5%) agree to this combination whereas only 19.5% disagreed with the combined form.

As expected direct cash loss was the most frequent factor listed for consideration in financial restitution (97.6% yes, 2.4% no); replacement and repair of victim's property was second (96.8% yes, 3.2% no); payment of psychological or medical services as a result of emotional or physical injury was listed third (86.4% yes, 13.6% no); and compensation for time lost from work during trial was fourth (72.2% yes, 27.8% no). It is interesting that the payment for psychological or medical services was listed so high in Virginia, given that very few states have even considered it as an option.

The most appropriate form of public service restitution was participation in public park projects (91.3% yes, 8.7% no).

As in financial restitution, repairing houses of victims was listed second (76.3% yes, 32.2% no). Working in hospitals and clinics was closely divided, 51.3% yes to 48.7% no. Also when asked if offenders in restitution programs should work as aides in state agencies 52.2% said no, whereas 47.8% said yes. Although these last two last two alternatives are not decisive, it is somewhat encouraging that 51.3% and 47.8% were willing to support employment for offenders in their community.

Differences Among Criminal Justice Decision-Makers

Judiciary

The judiciary were considered to be an important group because of their authority within the criminal justice process. Both district and circuit court judges were between 80-82% familiar with resitution. Also both considered commitment to the Department of Corrections to be an admission criteria for a restitution center whereas there was some degree of disagreement on one exclusion criteria. The circuit court judges (82.4%) felt someone should be excluded if he/she had had a weapon on his person at time of arrest but only (57.7%) of the district court judges agreed.

There was wider support among the circuit court judges than the district court judges. Although there were nine circuit court judges who chose not to respond, there was 100.0%

support among those who did respond. The district court judges demonstrated 82.1% support.

Only eighteen out of twenty-three district circuit court judges chose to specify an area of the State for the restitution center. Of the district court judges responding, the majority named Tidewater, Central Virginia, and Richmond respectively. The Circuit Court Judges named Southwest as the number one area with the remaining areas tying.

Support for a restitution center was cross-tabulated with the ordering of restitution. It was assumed that those judges who had ever ordered restitution would also support a restitution center. Figure 6 illustrates the results:

FIGURE 6

SUPPORT FOR RESTITUTION COMPARED WITH
PREVIOUS ORDERING OF RESTITUTION

	Had not ordered	Had ordered	
Did not Support	0 0.0	1 2.4	1=2.4%
Did Support	2 4.9	38 92.7	40=97.6%
	2 4.9%	39 95.1%	41 100%

Figure 6 indicates that the assumption was correct. Of the judges who had ordered restitution 92.7% also supported it. Perhaps as with familiarity, the relationship between knowledge and utilization is operating here.

Commonwealth Attorneys

This group was the least familiar among all those surveyed (71.4%). Also the commonwealth attorneys indicated the least support (75% yes, 25% no). However, of those who indicated support, they listed the Shenandoah Valley as the area where restitution centers should be placed.

The commonwealth attorneys disagreed with both the district and circuit court judges in the consideration of criteria for administration. Although the judiciary noted that a candidate who was committed to the Department of Corrections could be eligible, the commonwealth attorneys disagreed (64.6% responded no and only 36.4% yes).

Legislators

The legislators showed slightly more familiarity with the concept than the judges (83.3%) and almost 12% more familiarity than the commonwealth attorneys. They showed 91.7% support, almost 17% more support than the commonwealth attorneys. It was expected that there would be high familiarity among legislators as the sample consisted mostly of those involved in the negotiation of H.B. 1938.

Half of the sample population chose to answer the questions concerning the specific area of the state a restitution center should be located. Tidewater and Richmond were tied for the most frequently listed areas and Central Virginia and Northern Virginia followed. The Southwest and Shenandoah Valley were not listed at all. It appears that the legislators considered restitution centers to be more urban than rural programs.

Regarding the criteria for admission, the legislators agreed with the judiciary that an offender who was committed to the Department could be considered eligible. With only three persons not responding, 66.7% answered in the affirmative and 33.3% answered in the negative to this question.

Correctional Administrators

As was expected, this group showed the greatest familiarity with the concept (95.5% familiarity) among all four groups. The persons surveyed (D.O.C. executive staff, Division Directors, Community Correctional Center Directors, Probation and Parole Chiefs and Institutions Superintendents) are professionals in the field of corrections thus it was predicted that they would have this knowledge.

This group demonstrated a high degree of support for the restitution center (97.8%). Among the four groups of decision makers, they were second in support as the circuit court judges were first (100.0%). However, more correctional administrators answered the question concerning location than any other group.

Of those responding, they named Richmond and Southwest as the suggested locations.

It was also predicted that correctional administrators would favor having the authority to divert persons after commitment (83.3% answered yes). On this item, they agreed with the judiciary and legislators and disagreed with the commonwealth attorneys.

Regarding exclusion criteria, the correctional administrators were the only group who felt that although a person was on probation at time of commitment he should not be excluded (69.8% responded that he should not be excluded; 30.2% said he should be excluded). This data could be interpreted in one of two ways; it could mean that correctional administrators are willing to give this person another chance if he resides in a community restitution center or it could mean that only those who are on probation should be eligible for a community restitution center.

CHAPTER III

SUMMARY AND RECOMMENDATIONS

In the quantitative analysis only those felons who were committed on a property offense were considered. These totaled 1,304. After applying all screening criteria, it was found that a total of 56 could have been diverted to a restitution center in 1976 had such a program been available. Of the total, 49 were males and 7 were females.

This total represents the estimate for the entire year. In order to calculate the total number of persons who could occupy a center at a given time, one will need to keep in mind that the average stay at the center is 6 months. In addition, it is very likely that some persons will not be able to complete the program's requirements within 6 months. They will remain in the center until such time as they can be successfully discharged, thus there will be a need for sufficient housing to accommodate these persons as well as those newly admitted.

The screening criteria that was used in this study was very conservative. Although it consisted of a consolidation of Minnesota and Georgia's criteria it was applied to Virginia's inmates without a personal interview. It is reasonable to assume that these states use their criteria as guides only when evaluating each personal case. Since each case is appropriately evaluated on an individual basis, it is probable that some marginal candidates are admitted.

However, this study's purpose was to estimate how many persons within Virginia's population might be eligible using only objective criteria. This criteria was purposely restrictive to allow only those whose success was relatively assured. After a year's operation some consideration could be made to include those deemed marginal into the program. It is probable that there would be a greater number eligible for such a program if the criteria were adjusted.

Had a restitution center been established these offenders could have paid restitution to their victim(s), paid for their room and board, paid taxes and provided for their families. These financial benefits make restitution a more effective alternative than incarceration. Figure 7 compares the cost of restitution with incarceration in Virginia.

FIGURE 7

COMPARATIVE COSTS OF RESTITUTION WITH INCARCERATION

	<u>Restitution Center</u>	<u>Incarceration</u>
Inmate Per Capita Cost for 1977	\$6,331**	\$6,859
Reimbursements to State for Room and Board	<u>730</u>	<u>0</u>
TOTAL	<u>\$5,601</u>	<u>\$6,859</u>
Per Client Savings	\$1,258	\$ 0

*Per capita based upon estimated annual costs of operating a 25 person residential facility.

As noted, the amount reimbursed for room and board, reduces the costs of restitution when compared with the costs of incarceration. There is a per client savings of \$1,258 in utilizing restitution instead of incarceration.

The study indicates that Virginia could realize some of these financial benefits because the inmates considered to be eligible had the resources for employment. In addition, there were twenty-five who were reported to have specialized skills. Their skills would have enabled them to obtain a job with a larger and steady salary with increased status in the market place.

The results of the survey indicate that there is sufficient support among Virginia decision makers for the establishment of restitution centers. Over half of those surveyed responded to the questionnaire which demonstrates interest in this correctional alternative. Also 93.2% indicated that they would support a community restitution center in their area.

On the other hand, there were many persons (51%) who were hesitant to specify a particular locality for the restitution center. It may be that these persons did not feel it to be the opportune time in their locality for the establishment of a center.

Although there were a large number of persons who expressed their hesitancy regarding the location, there were 59 persons who did name a specific area. Although a rural area such

as the Southwest was named second to Richmond, it is probable that Roanoke was thought of more than Wytheville, Galax, Wise, Montgomery or Lee.

The benefits to restitution were categorized according to its rehabilitative, deterrent and retributive aspects. It appears that the respondents perceived restitution as a retributive measure as the victim's needs and the offender's reimbursement to society were of greatest concern. They were generally divided as to the deterrent effect of restitution as 52.8% disagreed that a reduction in recidivism would result. On the other hand, over half, (69.3%) felt that this alternative would result in increased responsibility by the offender. Thus it would appear that they do see some rehabilitative effect within a restitution alternative.

The judiciary expressed support for the restitution center and for the Department of Corrections to divert persons committed to its care to such a program. One would also suspect that, since judges have frequently been commonwealth attorneys during their careers, these two groups would be similar in support. However, the commonwealth attorneys expressed the least support of all groups surveyed.

The legislators expressed a significantly high degree of support. In addition, proportionately they were higher than any other group in naming a locality for the restitution center.

There were more correctional administrators than any other group who named specific localities for restitution centers. Perhaps this group does not feel as much pressure from local sentiment as do the other groups who are directly responsible to their locality's public.

Correctional administrators were also unique in not excluding an offender from the restitution center if he was on probation at time of commitment. However, it is not exactly clear as to the interpretation of these responses. They could have meant that only those who are on probation should be eligible or that they were willing to give this person another chance in the community.

The following recommendations concerning program development are offered to correctional decision makers who wish to establish restitution centers:

- To formulate an inter-professional planning committee in a locality consisting of key county, court, and correctional personnel to develop screening criteria and program design.
- To develop an educational mechanism to inform the public and selected criminal justice officials about restitution.
- To assess the need for a restitution center for the juvenile offender, adult misdemeanor, and property offender.

In conclusion, this study has found that there is significant need for restitution programs in Virginia. It is probable that the number of felons found to be eligible as a result

of the study is an underestimate of the total number of persons who will be eligible in upcoming years given the ever increasing felon commitments. In addition, Virginia's criminal justice system and its taxpayers can no longer afford to incarcerate offenders who do not need secure confinement.

It also appears from the data that within Virginia there is a growing acceptance of restitution. Restitutive justice will likely receive increased emphasis in the years to come as victims become more aware of their rights within the criminal justice system. Not only did the respondents consider victim's rights to be a key issue within restitution, they also noted that a restitution center could have some rehabilitative effect on the offender.

Since there appears to be widespread support overall, and a number of persons interested in restitution centers in their locality in particular, it would be an opportune time in which to explore this correctional alternative. Restitution programs, either residential or non-residential, could be piloted in select communities in hopes to improve Virginia's criminal justice system.

FOOTNOTES

¹Law Enforcement Assistance Administration, "Corrections Initiative: Experiment in Restitution." July, 1976.

²Ibid.

³Bruce Jacob, "The Concept of Restitution: An Historical Overview", Restitution in Criminal Justice. 1975, Minneapolis, Minnesota.

⁴Virginia Acts of Assembly, Title 19.2 Chapter 21.1, Sections 19.2 - 3681 - 19.2 - 368.18

⁵Total Action Against Poverty in Roanoke Valley, "Roanoke Valley Restitution Program: LEAA Federal Assistance Application". April, 1978.

⁶Bureau of Planning and Program Development, Virginia Department of Corrections, Richmond, Virginia. April, 1977.

⁷Robert Sommer, The End of Imprisonment. 1976, Oxford: Oxford University Press.

⁸Eleanor Harlow, "Intensive Intervention: An Alternative to Institutionalization." Crime and Delinquency Literature, Volume 2, No. 1. February, 1970.

⁹Bureau of Research, Reporting and Evaluation, Virginia Department of Corrections, Richmond, Virginia. April, 1970.

¹⁰Division of Justice and Crime Prevention, "Restitution Survey", Richmond, Virginia. 1976

¹¹Bureau of Planning and Program Development, Virginia Department of Corrections, Richmond, Virginia. April, 1977.

¹²Jacqueline Wiseman and Marcia Arron. Field Projects for Sociology Students Massachusetts: Schenkman Publishing Company, 1970

¹³Ibid.

¹⁴ John McLagan, ASCW, Minnesota Restitution Unit, Minnesota Department of Corrections. April, 1977.

¹⁵ Division of Community Facilities, Georgia Department of Corrections/Offender Rehabilitation. April, 1977.

¹⁶ John McLagan, ASCW. "Restitution Survey", Minnesota Department of Corrections. 1977.

APPENDIX 1

Screening Criteria for Community Restitution Program

1. Candidate must be committed to the Department of Corrections to serve his/her sentence in institutional confinement.
2. Offender, felon or misdemeanant, must be convicted of a property offense.
3. Candidate must be 17 years of age or older.
4. Candidate's potential earning power must enable him to obtain employment, i.e., I.Q. must not be less than 60; medical status must be such that he has been placed in work status classification; tested education, previous employment; stability in employment.
5. Candidate must not have had any detainers pending at the time of commitment.
6. Candidate must not have been on probation at the time of the commitment offense.
7. Candidate must not have had a chronic history, drugs/alcohol, chemical abuse. Those persons considered to be a heavy user of alcohol and an abuser of drugs will be excluded.
8. Candidates with severe psychiatric problems are not eligible as the present treatment needs go beyond the resources and structure of restitution programs.
9. No more than three (3) separate felony commitments prior to committed offense. Commitments include in-state as well as out-of-state.
10. Offender must not have been committed for a violent crime (assault, robbery, forcible sex act, etc.) within five (5) years before the current offense.
11. Candidate who had a gun, knife or other dangerous weapon on his person at the time of the commission of the commitment offense will not be eligible.
12. Candidates who have a sentence to serve of 5 years or less.

June 29, 1977

TO: Circuit Court Judges

FROM: Department of Corrections, Bureau of Planning and Program
Development

SUBJECT: Restitution to Victims Survey

The practice of providing restitution to victims of crime has been incorporated in community correctional programs in at least eight states in the United States. Offenders pay restitution either in the form of money payments or in public services.

Virginia corrections is also considering requiring restitution of its offenders who are placed in a community residential center. With the extent of overcrowding in state institutions and with its rising costs, it is recognized that some select offenders could be diverted to alternative and less costly methods. In addition, restitution presents a constant reminder to the offender of his crime and gives him an opportunity to relieve some of the burden placed on his victim.

We are requesting your assistance in answering two questions:

- (1) Could Virginia benefit from a community restitution program in which the offender pays restitution to his victim?
- (2) What do you think should be the eligibility criteria for admission into such a program?

Enclosed is a questionnaire in which we would greatly appreciate your taking the time to complete. Return your completed questionnaire in the enclosed envelope.

We look forward to hearing from you at your earliest convenience.

CONFIDENTIAL

Department of Corrections

20 East 10th Street

June 29, 1977

TO: District Court Judges, Commonwealth Attorneys,
Legislators, Correctional Administrators

FROM: Department of Corrections, Bureau of Planning and Program
Development

SUBJECT: Restitution to Victims Survey

The practice of providing restitution to victims of crime has been incorporated in community correctional programs in at least eight states in the United States. Offenders pay restitution either in the form of money payments or in public services.

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Enclosed is a questionnaire in which we would greatly appreciate your taking the time to complete. Return your completed questionnaire in the enclosed envelope.

We look forward to hearing from you at your earliest convenience.

Survey on Restitution to Victims

Answers to the following questions should reflect your opinion of restitution and related subjects. Your opinions will help to provide an assessment of attitudes concerning restitution by criminal justice officials and legislators throughout the state of Virginia. Your responses will be kept confidential.

Please check the appropriate answer in the space provided on the right hand side of the questionnaire.

1. Restitution refers to offenders being required to pay their victim through payments or on behalf of their victim through participation in public service projects. Are you familiar with this concept?

Yes 1) _____
No 2) _____

2. What types of offenders do you think could be diverted to a community-based restitution center in which offenders are required to pay restitution. Please check only those categories who could be diverted.

Juvenile Offenders 3) _____
Adult Felony Offenders 4) _____
Adult Misdemeanor Offenders 5) _____
First Offenders only 6) _____
Some Second and Third Offenders 7) _____

3. What types of offenses are appropriate for a community residential restitution program. Please check only those categories which are appropriate.

Burglary 8) _____
Shoplifting 9) _____
Bad Checks 10) _____
Forgery 11) _____
Receiving Stolen Goods 12) _____
Breaking and Entering 13) _____
Grand Larceny 14) _____
Involuntary Manslaughter 15) _____
Assault 16) _____
Robbery 17) _____
Rape 18) _____
Possession of Drugs 19) _____
Dealing in Drugs 20) _____

4. Should restitution be in the form of:

(1) Financial only 21) _____
(2) Public Service only
(3) Financial and Public Service combined

Please record the number of your answer in the space provided.

5. Should the following factors be considered in financial restitution? Please check. (1) Yes (2) No

Direct cash loss 22) _____
For replacement and repair 23) _____
For time lost from work or school during the trial 24) _____
For cost of arrest and trial 25) _____

5. CONTINUED (1) Yes (2) No
- For payment of psychological or medical service as a result of emotional or physical injury 26) _____
- For transportation costs to and from courtroom 27) _____
- Earning power of offender 28) _____
6. In which of the following areas could an offender be assigned to fulfill his public service restitution requirement? Please check only those categories which are appropriate.
- Hospitals and clinics 29) _____
- Repairing houses of the victim, public facilities 30) _____
- Public park projects 31) _____
- Aides/assistants in state agency services 32) _____
7. The following criteria have been used in other states' restitution programs. Which of the following admission criteria should be used in Virginia?
- If candidate is committed to Department of Corrections 33) _____
- If candidate was not employed at time of current offense 34) _____
- If candidate has fewer than: 3 separate felony commitments 35) _____
2 separate felony commitments 36) _____
- If candidate has not been convicted of a violent crime within:
5 years before current offense 37) _____
8 years before current offense 38) _____
- If candidate has a sentence to serve of: 3 years or less 39) _____
5 years or less 40) _____
10 years or less 41) _____
- Which of the following exclusion criteria should be used in Virginia?
- If candidate is on probation at time of commitment 42) _____
- If candidate has detainers pending at time of commitment 43) _____
- If candidate had a weapon on his person at time of offense 44) _____
8. Do you feel the following benefits are likely to result from a community Restitution center? Please check. (1) Yes (2) No
- The victim is compensated for his losses 45) _____
- The victim's needs are not ignored 46) _____
- The victim can observe the offender contributing to society (employed, paying restitution, providing for family, paying taxes) 47) _____
- As a taxpayer, the victim would not have to pay (1) the high cost of incarceration, (2) additional welfare costs for offender's family 48) _____
- A reduction in institutional overcrowding 49) _____
- Offender reimbursements for his room & board 50) _____
- Additional bed spaces made available 51) _____
- The victim might become a more willing witness since he knows he will be compensated 52) _____
- Increased responsibility by the offender 53) _____
- Reduction in recidivism 54) _____
9. Would you support a community residential restitution center offered in your area? (1) Yes (2) No
- 55) _____

which area? 56-58) _____

10. Your position (please check):

- | | | |
|----------------------------|-----|-------|
| Circuit Court Judge | 59) | _____ |
| District Court Judge | 60) | _____ |
| Commonwealth Attorney | 61) | _____ |
| Legislator | 62) | _____ |
| Correctional Administrator | 63) | _____ |

11. As a Judge, have you ever ordered restitution?

- | | |
|-----------|--------|
| (1) Yes | (2) No |
| 64) _____ | _____ |

12. The researcher would appreciate your adding here, any further comments you may have.

RETURN TO: Virginia Department of Corrections
Bureau of Planning and Program Development
327 West Main Street
Richmond, Virginia 23220

APPENDIX 3

BENEFITS FROM A COMMUNITY
RESTITUTION CENTER (N-127)

	<u>Yes</u>	<u>No</u>
The victim is compensated for his losses	90.6%	9.4%
The victim's needs are not ignored	85.0%	15.0%
The victim can observe the offender contributing to society (employed, paying restitution, providing for family, paying taxes)	74.0%	26.0%
As a taxpayer, the victim would not have to pay (1) the high cost of incarceration, (2) additional welfare costs for offender's family	65.4%	34.6%
A reduction in institutional overcrowding	67.7%	32.3%
Offender reimbursements for his room and board	80.3%	19.7%
Additional bed spaces made available	66.1%	33.9%
The victim might become a more willing witness since he knows he will be compensated	59.1%	40.9%
Increased responsibility by offender	69.3%	30.7%
Reduction in recidivism	47.2%	52.8%

APPENDIX 4

ELIGIBILITY CRITERIA
(As Listed on Questionnaire)

Admission Criteria

	<u>Yes</u>	<u>No</u>
If candidate is committed to the Department of Corrections	65.8%	34.2%
If candidate was unemployed at time of current offense	31.5%	68.5%
If candidate has fewer than:		
1.3 separate felony commitments	10.8%	89.2%
2.2 separate felony commitments	33.3%	66.7%
If candidate has not been convicted of a violent crime within:		
1.5 years before current offense	27.9%	72.1%
2.8 years before current offense	17.1%	82.9%
If candidate has a sentence to serve of:		
1.3 years or less	37.8%	62.2%
2.5 years or less	20.7%	79.3%
3.10 years or less	7.2%	92.8%

Exclusion Criteria

If candidate is on probation at time of offense	55.6%	44.4%
If candidate has detainers pending at time of commitment	70.1%	29.9%
If candidate had a weapon on his person at time of offense	73.5%	26.5%

END