

RESTITUTION

A Dynamic and Challenging
Alternative for Wisconsin's
Juvenile Justice System

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RESTITUTION:
A DYNAMIC AND CHALLENGING ALTERNATIVE
FOR WISCONSIN'S JUVENILE JUSTICE SYSTEM

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DOCUMENT DIGEST

Department of Health
and Social Services

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Alternative to Wisconsin's Juvenile Justice System

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In September 1978, the Wisconsin Department of Health and Social Services was awarded a special emphasis grant from the Office of Juvenile Justice and Delinquency Prevention to operate the Wisconsin Juvenile Restitution Project. The project is operating in 10 project sites throughout Wisconsin.

The basic concept behind juvenile restitution involves an offender repaying the victim for the loss or damage caused. Restitution is aimed at restoring, at least partially, the loss or damages to the victim and at satisfying the victim that the youth is being held accountable for his/her actions.

The purpose of this document is to provide useful information to people who are interested in finding out more about restitution and/or are interested in designing a restitution project. Highlights of this document are listed below.

Introduction - This section summarizes the re-emergence of restitution and the purpose of this document.

What is Juvenile Restitution - Gives an example of what restitution entails and the different types of restitution.

History of Restitution - Explains how restitution may have been used or handled in the past. Gives current information on number of restitution projects in Wisconsin and the United States.

Philosophy and Benefits - Lists goals and positive outcomes of restitution.

Legal Aspects - This section touches on the Juvenile Court and the New Children's Code, Restitution and the New Children's Code, and Restitution Programs and the Court. These chapters explain how youth come in contact with the juvenile justice system and terms used in the court and those relating to restitution, different ways within the court process that the judge can order restitution, and policy guidelines for restitution programs.

Starting a Restitution Program: Funds - In this section, names of agencies, organizations, and contact persons are given as sources of federal and private foundation funds available for restitution programs.

Project Staff - Names various project staff and responsibilities involved with each position. Areas of staff training are also given.

Partners, Volunteers, Citizen Participation - This section deals with various individuals or groups who work with the juvenile while the youth is involved in the restitution project. The purpose of having such a system and suggestions for selection of these individuals/groups, and a variety of contact persons and resources are listed.

The Community Board - The community board plays an important role in the restitution project and how the project is accepted by the community. Roles and responsibilities of the board and training needs are included in this chapter.

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Document Digest on Juvenile Restitution

Public Relations - One of the key aspects of a restitution program is public relations. There are numerous ways of "getting the word out" about restitution. Many of these ways, along with helpful suggestions, are spelled out within this section.

The Victim - One of the goals of the restitution project is victim and community satisfaction with the juvenile justice system. Given here are various ways in which the victim is involved in the restitution project and advantages of the victim and offender.

Job and Community Service Sites - The types of restitution which the court can order and suggestions for implementation are explained.

Liability/Insurance - Issues surrounding liability/insurance and suggestions for utilization.

Evaluation - The importance of evaluation at each project site is stressed. Areas to evaluate, methods of evaluation and publications relating to evaluation of juvenile restitution are discussed.

Some Issues in Restitution Programs - This chapter addresses some concerns and questions that are being raised about juvenile restitution programs.

Restitution Programs Throughout the State and Country - Lists current restitution projects throughout the United States. Contact people, addresses, and telephone numbers are given.

The remaining section of this document contains several appendices. Included in the appendix is such information as forms and letters used in various restitution projects, addresses of circuit court judges, employment guidelines, and other useful information applicable to juvenile restitution.

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INTRODUCTION



In November of 1978 Wisconsin activated a revised Children's Code that represented years of critical examination and a tremendous amount of effort by individuals and groups representing all areas of the juvenile justice system.

The revision is comprehensive and the new law will have an impact on virtually every segment of the justice community. One particular aspect of the new code is its clarification of purpose and procedure for utilizing restitution as an authorized tool to beneficially affect the behavior of juvenile offenders. With the sanctioning of restitution, so too, there is a reinforced interest to satisfy and compensate victims of juvenile offenses.

Nationally, restitution has been gaining reacceptance as a viable alternative to traditional sanctions and dispositions. Although there are many reasons for this renewed interest in restitution, the primary factors appear to be:

1. The re-emergence of the victim's importance to such criminal proceedings.
2. The disillusionment with traditional dispositional alternatives.
3. A philosophical shift attempting to more closely associate dispositions with offenses.

With the increased authorization for Juvenile Restitution in Wisconsin there also comes a challenge to implement the disposition in a prudent and just fashion so as to have a positive impact upon the lives of youthful offenders and provide compensation for victims.

This document has been produced to present information that will be useful to people who are interested in finding out more about juvenile restitution and may wish to serve as a helpful aide in designing a local program. It is not meant to be considered as an all-inclusive piece of work but rather as a helpful first step for those of us who are interested in meeting our challenge.

The work is the product of Ms. Mary McEniry who served in the Division of Community Services as a Masters Degree candidate in the University of Wisconsin School of Social Work.

Readers who wish further assistance regarding the initiation or further development of a restitution program should contact the Juvenile Delinquency Prevention Consultants at the Regional Offices of the Department of Health and Social Services.

I only hope that the manual will be as useful as it is intended to be.

Dennis Maloney, Manager
Wisconsin Juvenile Restitution Project
Division of Community Services

WHAT IS JUVENILE RESTITUTION?



Pat is fifteen years old. In the past he had come in contact with law enforcement officials for shoplifting and vandalism. However, last year his delinquent activity became more serious and eventually he was apprehended for stealing and selling stereo equipment. During juvenile court proceedings Pat admitted to being involved in the theft and sale of \$400 worth of equipment and was referred to juvenile court. The judge ordered that Pat make restitution to the victims involved and arranged for Pat to work with the county's Restitution Officer to complete his responsibility. The officer helped Pat to find a job and during the last four months he has forfeited 75% of his wages to help compensate the victims for their losses. As he says,

"Restitution is OK. I really think it has taught me a lesson. The judge was pretty decent. I work about 10 hours a week and I have a year to pay the \$400. I don't want to get in any more trouble."

As this case shows, juvenile restitution involves an offender repaying the victim for the loss or damage that has been caused. Restitution may take three forms:

- 1) monetary payment - the youth forfeits personal savings or works on a job until he/she earns enough money to repay the victim.
- 2) community service - the youth works on a voluntary basis with a community agency or organization for a specified period of time to symbolically repay the community for losses incurred by the community during the delinquency activity of the youth.
- 3) victim service - the youth works voluntarily for the victim during a specified period of time to repair or replace the damaged or stolen property.

Restitution is aimed at restoring, at least partially, the loss or damages to the victim and at satisfying the victim that the youth is being held accountable for his/her actions. Restitution should not be confused with victim compensation services. In victim compensation, the government repays the victim for loss or damage according to compensation laws. In restitution, the youth must, in some way, repay the victim.

Is restitution THE ANSWER? Up to now, research and evaluation concerning juvenile restitution have been so limited that there is no conclusive scientific knowledge concerning restitution's impact on the offender, victim, community or the costs on the criminal justice system. However, this does not mean that because there is no formal evidence, that it is therefore not a good idea or that it should not be tried. With the present major initiative on the part of the federal government, more and more research efforts will be carried out. Of course, it would indeed be naive to believe that any one program could be the answer to all the problems presented by juvenile delinquency today.

HISTORY OF RESTITUTION



During the night, the lad quietly crept up to the tethered horses. Quickly he cut the rope of one of them and with one motion he was on the horse. He paused slightly and then kicked the horse and sped away. Within minutes the whole camp was awakened and unfortunately for the lad, the owner of the horse soon caught up to him and knocked him off his horse. Without wasting time, the owner paid a visit to the lad's father and after a brief discussion an arrangement was agreed upon whereby the lad would work on the owner's farm without pay for thirty days.

Then there was Jim McCabe who got involved in a fight with a man, killed him and was required to support the family until all the widow's children wed.

Or take the case of poor Lewis. He made the mistake of killing a sheep from Parker and was required to pay the owner 4 sheep. However, being a poor man, he could not pay, and so was sold into slavery. The price paid for Lewis was put into the Parker flock.

Wilson was a daring young man but this time he went too far. One of his pranks was to burn down a shed and for this, he was required to pay the owner the cost to rebuild a new shed.

Randolf slept with a maiden of the king and was required to pay 50 shillings in contrast to Robert who slept with a nobleman's serving maid but only paid 12 shillings.

Then there was the time when John stole a precious jewel from Victoria but poor Victoria was never fully repaid, for the thief paid his money directly to the king and so the king enjoyed the money but poor Victoria was left very unsatisfied indeed.

These are examples of how restitution was handled (or might have been handled) in the past. Restitution is not a new idea to man. Throughout the ages and different cultures, man has repaid man for crimes he has committed.

Although restitution has been with us for a long time, some historians would argue that the purpose of restitution in ancient societies was very different than what it is today in modern Western societies. Back in those days, the victim took a very active role in seeing that he was somehow repaid. Later as towns began to grow and man became more economically stable, there was more negotiation involved in property crimes. Next, Codes of Laws were written and man began to set down rules whereby a certain article or person was worth a certain quantity and repayment was ordered by multiplying its worth. In Europe during the Middle Ages the victim lost practically all recompensation for a crime when the offender was required to pay the state and not the victim. This money was more "protection" money to protect the offender against the revenge of the victim. Restitution was also not for everyone. Rather it was a substitute for corporal punishment and those who were not fortunate enough to be able to pay often faced a harsher direct system of justice. Social class was thus very important.

Some historians would interpret this gradual loss of victim involvement as due to the attempt to build social solidarity (since revenge and feuds were very socially destructive types of behavior), to consolidate central power (kings wanted to have more control over their subjects and they were also interested in receiving the money from the offenders) and finally to actually protect the wrongdoer (fear drove the offender to accept social intervention into their lives rather than be subject to the vengeance of the victim.) Thus the victim was not the central concern in these forms of restitution, and restitution, according to these historians, was more of a way to curb the victim's behavior.

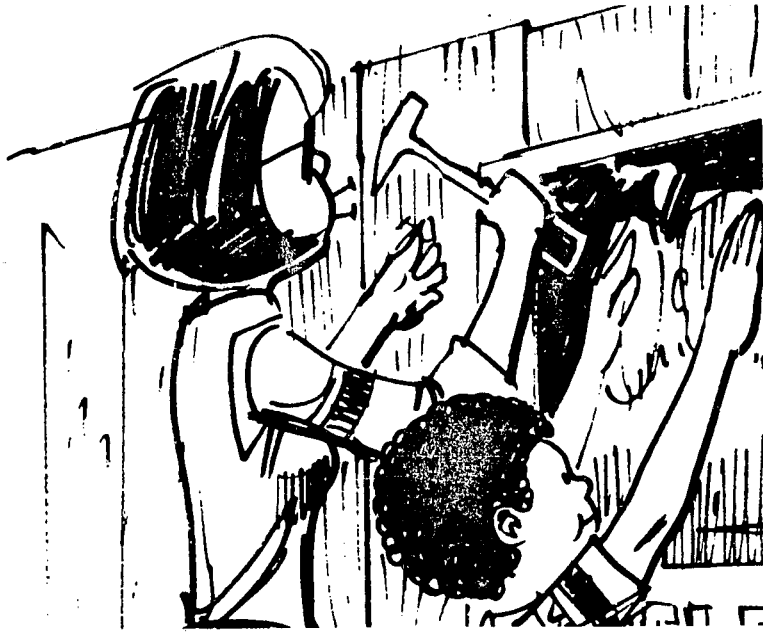
During the Middle Ages then, the right of the injured slowly separated from the penal law and citizens interested in obtaining restitution from offenders had to proceed through civil law, a process which was often dissatisfying.

Since the Middle Ages, although several people tried to renew the interest in restitution as a correctional device, there was little done in the United States until the 1900s. During the early 1900s restitution was often given as a condition of probation, or a suspended sentence or informally arranged. However, it has only been since the 1950s that there has been an increase in legislation to provide monetary recompense or compensation to victims of crime. At the same time victim compensation ideas were being considered, people also began to see the rehabilitative potential of restitution.

Several formal juvenile restitution programs have been introduced throughout the country within the last 10-20 years and in 1978 the Office of Juvenile Justice and Delinquency Prevention, within the Law Enforcement Assistance Administration, launched a 30 million dollar initiative in juvenile restitution. The initiative is being implemented in 41 states and 86 counties throughout the nation. It is the largest single Special Emphasis Grant Program administered by OJJDP thus far. Wisconsin is one of the states involved. The State of Wisconsin Project is being administered by the Division of Community Services of the Department of Health and Social Services and involves nine jurisdictions:

Ashland County
Chippewa County
Douglas County
Marathon County
Outagamie County
Rock County
Walworth County
City of Green Bay
Menominee Tribal Court

PHILOSOPHY AND BENEFITS



Juvenile restitution is based on the assumption that by having the offender forfeit his/her time and resources to repay the victim the youth will be:

- held personally accountable and become aware of the consequences and affects of his/ her actions,
- given the opportunity to redress his/her behavior in a socially accepted manner and in a way which will increase his/her sense of responsibility and improve his/her self-image,
- prevented from becoming extensively identified in the system as criminal or delinquent by providing opportunities that may decrease penetration into and shorter contact with the juvenile justice system.
- deterred from becoming involved in further delinquent activity again.

In addition, juvenile restitution also hopes to increase the victim's and the community's satisfaction with the juvenile justice system in that the offender will be held accountable for his/her actions while at the same time being deterred from future crime. Finally, it is expected that costs from placing a youth in a restitution program as compared to using other sanctions will decrease significantly in the long run.

LEGAL ASPECTS

THE JUVENILE COURT AND THE NEW
CHILDREN'S CODE

Juvenile court proceedings can often be confusing to the person not familiar with them. This chapter will briefly explain how a youth who has committed an offense may come in contact with the juvenile justice system, specifically the court.

Not all youth who have been apprehended are sent to court or see a judge. Depending on the offense committed, law enforcement officials and the intake worker often divert the youth from the formal proceedings of the court. The new Children's Code requires that each court write a procedural manual explaining in more detail who must be brought to court and who may be diverted. This will protect the youth against the use of extreme discretion in the system while at the same time permitting some leeway.

If a youth is referred to court, the first person that the youth will come in contact with is the intake worker who will interview him/her and then may or may not recommend the case for further court proceedings. If the case does continue within the court, the youth will next either meet with the juvenile court commissioner or the judge who will decide if the youth is a violator of civil laws or ordinances, delinquent or in need of protection or services. Once the status of the youth is determined, the judge consults with the attorneys, probation officers and social workers to determine the most appropriate disposition of treatment plan for the youth. The Children's Code specifies what options the court may use. (See Appendix 2).

The rest of this chapter deals with defining some of the key terms used in court in general and those that relate to a restitution program.

- 1) The Children's Code. Chapter 48 of the Wisconsin Statutes is commonly referred to as the Children's Code. This code sets forth procedures and guidelines for dealing with individuals under the age of 18 who have violated the law, or who are in some other way involved in judicial proceedings. It operates based upon the following general purposes:
 - a) To provide for the care, protection, and wholesome development of children, preserving the unity of the family whenever possible.
 - b) To divert children from the juvenile justice system to the extent this is consistent with protection of children and the public safety.
 - c) To respond to children's need for care and treatment through community-based programs and to keep children in their homes whenever possible.
 - d) Consistent with the public interest, to set up programs of supervision, care, and rehabilitation for children committing delinquent acts.
 - e) To recognize and enforce all legal rights of children and to provide fair and reasonable judicial procedures for children and all other interested parties.

* Note: The new Children's Code has changed the name "juvenile court" to "the court assigned to exercise jurisdiction under this chapter." We have used the traditional term because it is shorter.

In Wisconsin's legal history, there have been three Children's Codes: the first one passed in 1929, the second one in 1955 and more recently the third one on November of 1978.

- 2) Jurisdiction: Refers to the legal authority or right that the court has to bring citizens to court. In the case of the juvenile court, it has jurisdiction over children alleged to be delinquent, children who have violated civil law and children alleged to be in need of protection or services.
- 3) Children alleged to be delinquent. Youth under 18 years of age who have violated a state or federal law. Offenses may include arson, forgery, stolen property, control substance sale (drugs, etc...), robbery, aggravated assault, burglary, theft and motor vehicle theft. To be adjudicated as delinquent is considered to be very serious in juvenile court. Children found to be delinquent can be ordered to pay restitution, placed in a more appropriate setting outside the home, ordered to pay a fine of not more than \$50.00, have their operating privileges suspended or revoked, be placed under the supervision of an agency, or in extreme cases, placed in a secure locked facility. (See Appendix 2, Chapter 48)
- 4) Children who have violated civil law and ordinance violations. These youth under 18 years of age have been involved in acts of vandalism, control substances use (drugs, etc...), driving under the influence of a control substance, liquor laws, disorderly conduct, vagrancy or curfew loiter. Violations of civil law may lose or have suspended their operating privileges, be ordered to pay restitution, or be ordered to pay a fine of not more than \$25.00. (See Appendix 2, Chapter 48)
- 5) Children alleged to be in need of protection or services. These youth under 18 years of age have either no parent, have been abandoned or suffered sexual or physical abuse, have been truant from school or have run away from home. Children found to be in need of protection or services are considered somewhat differently in that they cannot be fined or ordered to make restitution. Occasionally, the judge may order placement in a different setting than the child is currently in, counseling of some kind, or some other form of special treatment. Parents can be ordered to pay all or part of the cost of this special care. (Chapter 48)
- 6) Intake worker. The person connected with the court who initially interviews the youth, determines whether the court has jurisdiction over the case and either recommends that a petition be filed or negotiates an informal decision with the youth and his/her parents.
- 7) District Attorney. The lawyer who represents the interests of the public and victim. He/she reviews all cases that the intake worker receives to ensure that all legal requirements in the case are met.
- 8) Counsel for defendant. The lawyer who acts in the best interests of the youth.
- 9) Guardian ad litem. An additional lawyer who may be appointed by the judge to protect the interests of the youth.
- 10) Court Commissioner. Person at court who can perform some of the duties of a judge but cannot make a judgement in the case. He/she can be seen as the judge's "helper".

- 11) Circuit Court Judge who Works in the Children's Division. Person at court who has the legal authority to make judgments in cases concerning juveniles. This chapter includes the names of all these judges presently in Wisconsin. (See appendix 1 for complete listing of circuit court judges in Wisconsin.)
- 12) Due Process and Equal Protection Clause of the 14th Amendment of the Constitution. The 14th Amendment of the U.S. Constitution states: "Nor shall any State deprive any person of life, liberty, or property, without due process of laws nor deny to any person within its jurisdiction the equal protection of the laws."

The Due Process clause guarantees the right of every citizen to formal established legal procedures, such as a hearing, before a governmental agency can deprive him/her of his/her liberty.

The Equal Protection clause guarantees that all citizens will be treated equally under the law and no public agency can treat differently a certain category of persons without having a sufficient justification to do so.

Both of these clauses are important in establishing a restitution program. (For further detail, see appendix 3.)

- 13) Informal disposition. A kind of disposition whereby no petition is filed by the intake worker and thus a formal hearing with the judge is avoided. An agreement is signed by the parents and youth where the youth is required to follow the conditions of the agreement up to a period of 6 months. (See Appendix 2 and 5, Chapter 48.)
- 14) Petition. A formal application made to the court in writing by the intake worker, requesting that the judge take action on the case. (See Appendix 5.)
- 15) Adjudication. Refers to when the judge enters a judgement in the case against the juvenile and finds that the allegations against the juvenile are true.
- 16) Disposition. A decision made by the judge regarding what the adjudicated juvenile must do in light of the offense that he/she has committed.
- 17) Plea-Hearing. The first meeting with the youth and judge where the youth will present his/her case. The youth will either admit to the allegations or deny that they are true. (See appendix 2, Chapter 48.30.)
- 18) Fact-finding Hearing. The second meeting with the judge and youth if the youth denies the allegations made against him/her. In this hearing, the judge will decide if the allegations made against the youth are true or not. (See appendix 2, Chapter 48.31.)
- 19) Consent Decree. An agreement suggested by the judge where the formal proceedings of the court are stopped and the youth required to comply with certain conditions up to a period of 6 months. (See Appendix 2 and 5 Chapter 48.32.)
- 20) Dispositional Hearing. A meeting with the youth and judge where the judge will determine the adjudicated youth's disposition. In cases where all parties agree to proceed, the dispositional hearing can occur at the plea-hearing or fact-finding hearing. (See appendix 2, Chapter 48.335.)

RESTITUTION AND THE NEW CHILDREN'S CODE

Restitution on an informal basis occurs frequently. Sometimes people do not report crimes and merely work out an agreement with the youth or his/her parents whereby the damage will be repaid. In other instances, the police department or law enforcement will take into custody a youth and then, according to the specific circumstances, arrange for some type of restitution agreement instead of referring the case to court. Finally, the intake worker may decide not to proceed further with a case and make an informal disposition whereby the juvenile would sign an agreement with his parents stating that he/she would make restitution. With the new Children's Code, every county will establish its own procedural handbook and policy statements regarding what types of offenses will finally be referred to court.

The new Children's Code explicitly mentions restitution in section 48.34 and section 48.343. (Appendix 2). However, there are four different ways within the court process that the judge can order restitution:

- 1) At the plea hearing (see section 48.30, Appendix 2) if the youth admits to the allegations made against him/her. Depending on the seriousness of the case, the judge can then either: Stop the proceedings and order a consent decree (see section 48.32, Appendix 2) and as a condition of the consent decree order restitution, or the judge may make a judgment and adjudicate the juvenile as delinquent or as having violated a civil law or ordinance, and schedule a dispositional hearing. At this dispositional hearing, the judge may then order restitution.
- 2) At the fact-finding hearing (see section 48.31, Appendix 2) if the youth denies the allegations made and thus the judge must decide whether the allegations are true or not. In the course of this hearing, if the youth changes his/her plea and acknowledges his/her fault, the judge may suspend the proceedings, order a consent decree, and direct the matter to the restitution program. If the judge does not order a consent decree he/she may make a judgment and adjudicate the youth as delinquent or as having violated a civil law or ordinance. Again, if found at fault, a dispositional hearing is scheduled and the judge can order the youth to make restitution.
- 3) Using the consent decree (see section 48.32, Appendix 2) as shown above, the judge may suspend the proceeding at any time before he/she enters a judgement in the case and order a consent decree which is an agreement between the youth and court stipulating that the youth will perform certain activities. As part of the consent decree the judge can order restitution. (It is important to note that the youth must agree to the terms of the consent decree.)
- 4) At the dispositional hearing (see section 48.335, Appendix 2) when the judge decides the disposition of the youth. Whether the youth is adjudged delinquent or as having violated a civil law or ordinance, the judge can order restitution under section 48.34(5) and section 48.343(4). The dispositional hearing does not have to be scheduled at a different time if all parties involved agree to proceed immediately with the dispositional hearing.

It should be noted that to be adjudicated as delinquent is considered to be more serious than to be adjudicated as having violated a civil law or ordinance. The disposition used for delinquency matters and for children adjudged to have violated a civil law and ordinance differs in several ways. As a delinquency

disposition, it includes no condition on the ability of the child to pay restitution. Thus, "reasonable restitution" may be ordered by the court without first determining that the child alone is financially able to pay it. Therefore, the parents could share in the responsibility for payment of restitution, even though they couldn't share in the consequences for failure to pay. This language was intended to toughen the disposition so that the victim of such damages is more assured of compensation.

On the other hand, children who are found to have violated a civil law or ordinance, do have a condition placed on restitution. This is, the court must always include a finding that the child alone is financially able to pay whenever it orders restitution. Presumably, the child's financial ability to pay could be based on potential earnings as well as current assets.

The offense categories are also treated differently with respect to the time limits allowed before restitution must be paid completely. The civil laws and ordinances section provides that the juvenile must be allowed up to 12 months to pay. The delinquency section of the Code provides no time limit. Presumably, the court order could set a reasonable time for payment. The time could be extended at the end of one year if such payment had not been made.

The Code allows "reasonable" restitution. The manner in which the court determines what is a reasonable amount for restitution is not described in the Code. In addition, the process by which the juvenile exercises his/her right to a hearing on the question of damages is not indicated. This leaves the court free to devise any type of hearing which meets the requirement of basic fairness to the parties.

When the court report recommends restitution, it should include an investigation and report about the amount which would compensate the victim, (although this is not a primary consideration) and about what the child alone, or child and parent, can reasonably afford to pay. The amount should not be so high as to seriously interfere with the family's relationships, nor so high as to encourage the child to commit delinquent acts in order to meet his or her obligation. If the suggested amount is stated in the court report, the child and his or her attorney could ask for a hearing on the amount which could be conducted immediately following the dispositional hearing. If restitution is not suggested until the dispositional hearing, the court may order reasonable restitution at the close of the dispositional hearing and state that the amount will be ordered later. Then the court could schedule a separate hearing for determining "reasonable restitution", and request that the person who did the court report prepare another report about restitution. The hearing on the amount of restitution might be like a civil liability or a small claims hearing. Fairness would require that testimony about the amount of damages be presented by live witnesses, so that the child's attorney has an opportunity to cross examine them.

(Note: Part of this chapter has been adapted from the Children's Code Revision Training Manual published by the Youth Policy and Law Center, Inc., Madison, Wisconsin.)

RESTITUTION PROGRAMS AND THE COURT



DEVELOPING POLICY GUIDELINES

Every formal restitution program may vary slightly in where it intervenes in the juvenile justice system and how exactly the program interacts with the court. In addition, restitution programs may operate from different agencies: the courts, youth service bureaus, police departments, etc...

The restitution staff working with the judge and other court personnel must decide:

1) Who will be eligible to participate in the program.

Will you include juveniles who have committed lesser offenses such as civil law or ordinances offenses, or will you include only those juveniles who have been adjudicated as delinquent, a more serious allegation? Will you include juveniles who are referred to you by law enforcement or the intake worker or will you only accept juveniles in the program who have been referred by the judge?

Of course, funding sources may restrict the type of program you establish. For example, restitutions programs currently being funded by the Law Enforcement Assistance Administration (LEAA) require that programs include only those juveniles who have been adjudicated as delinquent.

However, not all youth need to be included in a formal restitution program if the amount of restitution is small, if the offense is minor or if the youth already has a job. Whatever the decision, it will be necessary to establish clearly delineated written eligibility criteria for your program and mention, with a justification, who will not be included.

The following are examples of criteria used by some of the currently funded LEAA Restitutiõn programs in Wisconsin:

- A. Vandalism: age 13-17 with 2 or more prior court referrals
Burglary: age 13-17 with 1 or more prior court referrals
Larceny: age 13-17 with 2 or more prior court referrals
Forgery: age 13-17 with 2 or more prior court referrals
Auto Theft: age 13-17 with 2 or more prior court referrals

- B. Auto Theft: age 15 or over with 2 or more prior court referrals
Burglary: age 14 or over with 2 or more prior court referrals
Robbery: age 15 or over with 2 or more prior court referrals
Theft: age 15 or over with 2 or more prior court referrals
Vandalism: age 14 or over with 2 or more prior court referrals
Assault: age 14 or over with 2 or more prior court referrals

- C. Robbery: over 12 years of age, no prior court referrals necessary
Burglary: over 12 years of age, no prior court referrals necessary
Assault: over 12 years of age, no prior court referrals necessary
Criminal Damage to Property: over 12 years of age, 1 or more prior referrals to court.

Operating automobile without owner's consent: over 12 years of age,
one or more prior referrals to court.
Violation of Probation (felony): over 12 years of age.

2) What is the focus of the program?

Will your staff spend more time with the victim, trying to satisfy his/her needs, or will the staff spend more time with the offender in rehabilitative activities?

Once again written objectives which clearly state the aim and purpose of the program are elemental for a successful program. The following provides three examples of objectives that could be used according to the focus of the program:

Offender Oriented Rehabilitation Model (Proposed Example of Operational Definition)

1. _____ project functioning as a _____ agency will receive 50 adjudicated delinquent referrals from the _____ county court per year.
2. Of these 50 referrals, 40 (80%) will successfully complete the conditions of various restitution contracts with no further contact (as defined by a further offense for which a finding of guilt is determined) for two years following the completion of the contract.
3. While this project is interested in the indirect benefits which may be achieved from the overall goals of restitution, its major focus will be in direct work with offenders and/or in conjunction with support services.
4. Consequently, staff time/activities will be designed (once procedures are developed and clarified) in the following manner:
 - 60% to direct/indirect activities related to rehabilitative efforts for juvenile offenders;
 - 15% to responsible but minimal involvement with victims; and,
 - 10% to administrative functions.

Simple Justice Orientation Model (Proposed Example of Operational Definition)

1. _____ project functioning as a _____ agency will receive 50 adjudicated delinquent referrals from _____ county court per year.
2. Of these 50 referrals, 40 (80%) will successfully complete the conditions of various restitution contracts through either full or partial restitution efforts.

3. While this project is interested in the possible additional benefits which may be received by these efforts (reduction in recidivism, increased community confidence in the justice system, etc.), its major focus will be in holding offenders responsible for their behavior through the completion of individual restitution contracts.
4. This project will not attempt to measure recidivism rates but will simply determine its effectiveness in terms of the successful completion of contracts by 80% of the offenders and providing full/partial restitution to 80% of the victims.
5. Staff activities will therefore be designed (once procedures are developed and clarified) in the following manner:
 - 40% to the development and completion of offender contracts;
 - 40% to the investigation, involvement of victims and follow-up information; and,
 - 20% to administrative functions.

Victim Oriented Restitution Model (Proposed Example of Operational Definition)

1. _____ project functioning as a _____ agency will receive 50 adjudicated delinquent referrals from _____ county court per year.
 2. Of these 50 referrals, 40 (80%) will successfully complete the conditions of various restitution contracts resulting in full restitution (monetary, direct victim service, or symbolic) for 80% of their victims.
 3. While this project is interested in the additional benefits which may be received by the overall restitution effort, its effectiveness will be determined primarily upon the extent to which 80% of the victims have been satisfied.
 4. As a result, staff activities (once procedures are developed and clarified) will be developed along the following lines:
 - 60% to the investigation, verification, and continuing involvement with victim;
 - 30% to the development and completion of individual restitution contracts; and,
 - 10% to administrative functions.
3. Who can refer the juvenile to the program?

Law enforcement officials, intake workers, social workers or only the judge? In the case of the currently funded LEAA projects in Wisconsin, only the judge and court commissioner can formally refer cases to the program, although many others such as intake workers, defense counsel, etc., can indicate the desirability of the disposition to the court.

4. Who decides the amount of restitution?

Although in the LEAA restitution programs the judge ultimately decides this, in some programs the judge may want input from the restitution staff after it has conducted a more thorough investigation on the youth's ability to pay and social history.

5. How is the amount of restitution determined?

Written guidelines should be established, which take into account the youth's ability to pay, the seriousness of the offense, previous court referrals, social history of the youth and the victim's claim of loss suffered.

6. What is the maximum amount of restitution that can be ordered under the program?

While the Children's Code does not set any specific amount for restitution, it does call for "reasonable" restitution. The restitution staff should decide limits that a youth may pay under the program. For example, the currently funded LEAA Restitution Program with the Department of Health and Social Services has established a policy of \$1,500 maximum and 1 year maximum in the program. Most youth working at the minimum wage of \$2.90 per hour should be able to pay this back with few problems.

7. How will the type of restitution be decided? (i.e., community service, monetary payment or victim service.)

Some factors to consider in this decision: youth's ability to pay, youth's age (if he/she is under the age where he/she can be employed, community service or victim service would be more appropriate), victim input and youth's interests.

8. Who will verify victim loss and how will the youth be protected against inflated claims by the victim?

The police department will usually verify victim loss but to guard against inflated loss claims, it may be necessary to have the victim sign a more detailed loss statement and that the restitution staff investigate the claim in more detail, taking into account the youth's explanation of the offense. Informing law enforcement of the importance that a victim loss claim be accurately completed at the time of a youth's arrest, will avoid problems later on during the formal court proceedings.

9. What kind of written agreement will the program have with the youth?

The restitution staff should avoid, where possible, adding to the paperwork that the court must process. The specific terms of the

restitution agreement can be written on the consent decree or on the dispositional order. (See appendix 5.) However, in some cases a behavior contract can also be designed which states in a more detailed fashion the terms of restitution. In cases where monetary restitution is ordered, the agreement should include:

- a) parent's agreement and support of their child's participation in the restitution program.
- b) legal safeguards that the program will guarantee the youth's confidentiality, right to due process of law and equal treatment under the law.
- c) the terms of the consent decree or order of restitution stating that deductions will be made in the youth's paycheck each week for a certain length of time in order to pay restitution and that the employer will send this money to the county clerk on restitution program so that the victim can receive it.
- d) what will happen if the youth fails to comply with the agreement or if the agreement has to be modified in some way.
- e) signature of youth, parent or guardian, victim (optional), representative of the restitution program, and date
- f) signature of judge and date approving the agreement.

For those youth who will do community or victim service, part C of the above could be modified to explain the responsibilities of the youth and hours per week and length of time the youth will do this service. Sample agreements are provided at the end of this chapter.

- 10) If the youth is ordered to make monetary restitution, what percent of his/her earnings will the youth be allowed to keep for himself?

Some restitution programs allow from 20-50% of the earnings to be kept by the youth. One Wisconsin county allows the youth to keep 25% of his/her earnings and orders the youth to put aside another 25% in a savings account until the youth reaches the age of 18.

- 11) What happens if the youth does not complete the restitution agreement?

This will be a crucial decision since the program must have legal sanctions that it can use in the case of non-compliance with the restitution agreement. The youth must be held accountable for his/her actions and "be aware of the consequences of failing to complete restitution". Some suggestions for handling this issue:

NON-COMPLIANCE ALTERNATIVES

Informal Process:

Decision by the restitution staff to handle the problem through an informal reprimand. The original agreement terms are not altered. Procedures include: 1) reprimand youth in an informal counseling session, 2) when appropriate, contact relevant parties concerning the youth's non-compliance and reprimand, and 3) update the case file.

Formal Process:

Decision by the restitution staff to meet with all relevant parties to discuss the youth's non-compliance and to formally reprimand the youth. The original agreement terms are not altered. Procedures include: 1) contact relevant parties to arrange meeting, 2) provide for legal safeguards, 3) reprimand youth during formal meeting, and 4) update the case file.

Re-Negotiation Process:

Decision by the restitution staff that non-compliance arises from the youth's inability to meet the original agreement terms. Procedures include: 1) contact all relevant parties to determine if re-negotiation is acceptable, 2) make recommendations to court to consider re-negotiation, 3) in the event of court concurrence, repeat stages six and seven above (otherwise use appropriate reprimand process and/or proceed under any new court mandates), and 4) update the case file.

Termination Process:

Decision by the restitution staff to terminate the agreement. Procedures include: 1) contact all relevant parties to determine if termination is acceptable, 2) make recommendation to court to consider termination, 3) in the event of court concurrence, refer case to court for termination hearing (otherwise choose another non-compliance alternative), 4) contact all relevant parties to arrange a court termination hearing date, 5) arrange for legal safeguards, and 6) in the event of termination, update and close case file (otherwise, case is referred back to project for another non-compliance alternative).

12) How will victims be paid?

Although in some cases monetary restitution will be paid to the Deputy Clerk of the court, it may also be paid to the restitution program or the Office of County Treasurer and then sent out to the victim.

13) How will the program insure the legal rights of the youth?

The program must guarantee the confidentiality of the youth and his/her rights to due process of the law. Written policy statements need to be established regarding this point - (See appendix 3 for a more detailed discussion of the legal issues involved in a restitution program.)

The following chart* summarizes the decisions to be made that relate specifically to the court and restitution program and who may make these decisions:

Who decides	Judge	Restitution Staff	Law Enforcement	Youth	Victim
1) Focus/Objectives of program	X	X			
2) Eligibility criteria for program	X	X			
3) Amount of restitution	X	input		input	input
4) How amount of restitution determined	X	X			
5) Who can refer to program	X				
6) Maximum amount of restitution	X	X			
7) Types of restitution	X	X			
8) Sanctions for non-compliance	X	X			
9) Type of restitution	X	input			
10) Restitution agreement	X	input		input	input
11) Payment of victim		X			
12) Loss verification		X	input	input	input
13) Legal safeguards		input			
14) Percent of youth's earnings allowed to keep	X	input			

* X: Person(s) who have primary responsibility for the decision.
input: Person(s) who provide input to the decision.

DEVELOPING OPERATIONAL PROCEDURES

Every restitution program should develop its own procedural manual, describing in detail the roles and responsibilities of the restitution staff, and how exactly the restitution program will interact with the court. The following presents one way in which the Restitution program could relate to the court. (In this case, the restitution program includes only youth who have been adjudicated as delinquent or who agree to a consent decree.)

- 1) Intake worker files a petition, and notifies restitution staff that youth may be eligible for restitution program. Notification may be through use of a form such as found at the end of this chapter. In some cases, with the approval of the judge, the restitution staff may check to see if the youth meets the eligibility criteria for the program at this point.

- 2)
 - (a) Plea Hearing
Youth admits offense and agrees to consent decree. Judge recommends the youth to the restitution program.

or
 - (b) Fact-finding hearing
Judge determines allegations made against youth are true. Orders a consent decree and sends youth to restitution program.

or
 - (c) Dispositional Hearing
After being adjudicated, as delinquent, youth now ordered by judge to make restitution through the restitution program. Since the restitution staff has already been initially notified by intake of the cases that possibly might be eligible for the program, it will be the responsibility of the restitution program to keep in contact with the court concerning these cases. Thus when the judge formally orders the youth to make restitution, the restitution staff proceeds with the following:
 - reviews the court file for the youth to recheck to make certain youth is eligible for the program.
 - contacts the youth and his/her parents to arrange a time when youth will meet with the restitution staff. Explain restitution program to parents.
 - contact the victim and inform him/her that youth has been referred to restitution program. Explain to victim purpose of restitution. (see appendix 8) Discuss with victim the possibility of involvement in the negotiation process with youth. (See appendix 8.)
 - interview youth with restitution staff at which time a more complete social history may be obtained (if not already done by the intake worker), and youth's ability to pay determined, along with needed support services and possible job sites. Youth also interviewed to find out if he/she will participate in program. (See appendix 8.)

- review victim loss claim and recommend amount of and type of restitution according to youth's ability to pay and other relevant factors.
- sets another date with youth, parents, restitution staff and possibly victim in order to negotiate the behavior contract, or stipulations of restitution.
- behavior contract attached to parents, restitution staff negotiated. Youth, parents, restitution staff member involved and possibly victim signs. (See appendix 8.)
- behavior contract attached to consent decree and returned to judge for approval.

or

- behavior contract attached to supplemental dispositional order to make restitution for approval.

3) Judge Approves Terms of Restitution.

After the restitution agreement has been approved by the judge, the restitution staff may then:

- Call employees to arrange for a job site for the youth or call community agencies to arrange for a community service job. At this time, employer should be reminded again of the responsibilities of supervisor. (See appendix 8.)
- arrange for a meeting with prospective employer, youth and restitution staff.
- arrange for any needed support services needed by the youth.
- once a job site or community service site or victim service has been arranged, restitution staff should supervise the case until juvenile has completed restitution.
- upon completion of restitution, restitution staff will notify the court of such either through the consent decree form or a letter from the restitution staff.

In this example, it should again be noted that the court personnel will only be completing one additional form, the one which notifies the restitution staff of possible eligible youth. Thus, the restitution program need not increase substantially the workload of court personnel. It is obviously important that all court personnel understand the restitution program and who is eligible to be included so that the program can function smoothly. Without the cooperation of all involved, there is little chance that the program will succeed. (See appendix 6 for a detailed flowchart of how a restitution program may interact with the court.)

COMPONENTS

STARTING A RESTITUTION PROGRAM:
FUNDS



Finding funds to support a full time restitution program will not be easy. However, the following sources may be worthwhile to explore while attempting to secure funds to start your program.

Federal Funds

- 1) Wisconsin Council on Criminal Justice (WCCJ)
Central Office
122 West Washington Avenue
Madison, Wisconsin 53702
Telephone: (608) 266-3323

Funds administered through the WCCJ came from the Law Enforcement Assistance Administration (LEAA) and the Office of Juvenile Justice Delinquency and Prevention (OJJDP). The Central Office eventually receives all grant applications that are approved through the Regional Criminal Justice Planning Agencies. To ask for general information on funds, it is better to contact one of these agencies. They are, according to region:

REGION I

Northwest Criminal Justice Planning Council
215 River Street
Spooner, Wisconsin 54801

(715) 836-3526
635-8714

Director: James Heim

Counties Served: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, and Washburn.

REGION II

Northeast Criminal Justice Planning Council
1920 American Court
Neenah, Wisconsin 54956

(414) 739-9202

Director: Dan Van de Hey

Counties Served: Adams, Brown, Calumet, Door, Florence, Fond du Lac, Forest, Green Lake, Juneau, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Oconto, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Waushara, Winnebago, and Wood.

REGION III

Southwest Criminal Justice Planning
111 South Bassett Street
Madison, Wisconsin 53703

(608) 266-7739
257-3003

Director: Xavier Okragly (608) 266-9200

Counties Served: Buffalo, Columbia, Crawford, Dane, Dodge, Grant,
Green, Iowa, Jackson, Jefferson, La Crosse, LaFayette,
Monroe, Richland, Rock, Sauk, Trempealeau, and
Vernon.

REGION IV

Southeast Criminal Justice Planning Council
800 Center Street, Room 331
Courthouse Annex
Racine, Wisconsin 53403

(414) 637-0555

Director: LaMarr Billups

Counties Served: Kenosha, Ozaukee, Racine, Walworth, Waukesha, and
Washington.

Metro Milwaukee Criminal Justice Planning Council
8320 West Bluemound Avenue
Suite 221
Wauwatosa, Wisconsin 53213

(414) 475-1840

Director: Ferdinand Meyer (Acting)

Mini-Block

CRIMINAL JUSTICE COORDINATING COUNCILS

Milwaukee Fire and Police Commission
Mr. Timothy Schoewe, Grants Coordinator
749 West State Street - Room 525A
Milwaukee, Wisconsin 53233

(414) 271-8788

Waukesha Co. Criminal Justice Coordinating Council
Mr. Michael Burns, Coordinator
500 Riverview Avenue - Room 117
Waukesha, Wisconsin 53186

(414) 544-8506

Chief David Steingraber, 1st Vice Chairman, Executive Council
Middleton Police Department
7426 Hubbard Avenue
Middleton, Wisconsin 53562

(608) 831-2751

Private Foundations

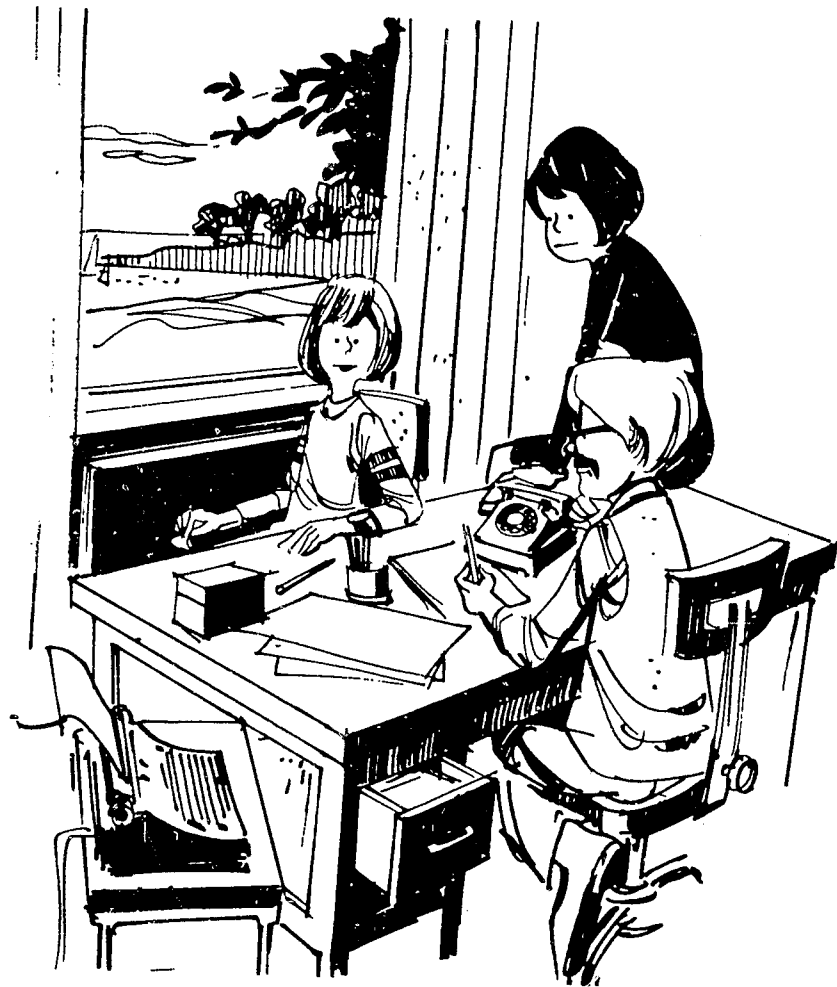
Private Foundations may also provide funds for a restitution program. A useful directory of such foundations in Wisconsin has been published by Marquette University. Names and addresses of foundations are provided in addition to amounts of grants awarded and interest areas that foundations aim at. For further information you may want to contact:

Margaret Marik
Foundation Collection
Marquette University
1415 West Wisconsin Avenue
Milwaukee, Wisconsin 53233
Telephone: (414) 224-1515

The name of the directory is:

Foundations in Wisconsin,
A Directory - 1978
Compiled by Margaret J. Marik
Marquette University Memorial Library
Milwaukee, Wisconsin 1978

PROJECT STAFF



A formal restitution program requires a full time staff. The program staff must be a group of dedicated professionals interested in the welfare of juveniles. To make the program work well, the staff must be sensitive to the needs and interests of the youth and be willing to work with him/her in seeking an appropriate restitution situation.

The number of staff and their roles and responsibilities will vary according to funds available. The following provides some options for the staff:

A. Position:

Project Director/Manager/Coordinator for Juvenile Offender Restitution Project

Responsibilities
and Duties:

To administer all functional aspects for the operation of project including: staff hiring, staff supervision, project implementation, fiscal and program accountability, and management of subcontracts.

To coordinate efforts between the local juvenile court, the project, and support agencies designed to assist in the completion of restitution agreements.

To manage or designate among staff responsibilities for the collection of data and project evaluation, case management with victims and offenders, public relations tasks, scheduling and work activities, budget control and reporting, and progress report preparation.

To continually clarify the purpose of the project, the criteria for participation (target population) and the services to be offered by the project to the court, the prosecuting attorney, the public defender's office, the local probation department, the public, and new staff members.

To develop a procedural manual for all decision making points in working with victims and offenders from the point of selection to termination, and the administrative functions which augment these tasks.

To provide training to staff in the policies and procedures of project, legal safeguards, and history and issues involved in operating restitution efforts.

To provide training to staff in the state laws/codes relevant to the operation of the juvenile court.

To provide training to staff in both the procedural operations of the local juvenile justice system (law enforcement, court, local corrections) and the projects' relationship to that system.

To ensure that proper legal safeguards are afforded to both victims and offenders and to each point within the individual restitution agreement and completion process.

B. Position:

Case Manager for Victims

Responsibilities
and Duties:

To understand the local objectives of the restitution effort, the legal safeguards for victims and offenders, and the policies and procedures of the restitution project.

To orient victims to the concept of restitution, the purposes of the project, and the conditions of involvement.

To provide for the victims orientation to the juvenile court and the project relationship and responsibility to the court.

To establish a standard procedure for loss/damage assessment and verification.

To provide continual feedback to the victim with respect to case progress, difficulties, and termination.

To provide for legal and other safeguards to the victim (civil recourse, physical safety, anonymity as appropriate).

To maintain an accurate and updated file on the relevant information pertaining to each case, as determined by the project director.

C. Position:

Case Manager for Offenders

Responsibilities
and Duties:

To understand the local objectives of the restitution effort, the legal safeguards for victims and offenders, and policies and procedures of the restitution project.

To ensure that offender meets criteria for participation in project.

To orient the offender to the concept of restitution, the purposes of the project, and the conditions of involvement.

To provide for the physical safety of offenders in worksites, employment programs, and community service slots.

To provide for case referral to the appropriate project and/or court personnel in instances of case completion, non-compliance, and successful termination.

To provide for legal safeguards at each point of involvement by the offender in the restitution agreement, process toward completion, non-compliance, and/or successful termination.

To provide an agreement to the offender as to the responsibilities of the project in assisting him/her in completing process.

To provide for the involvement of parents/guardians of the offender in the agreement.

To maintain an accurate and updated file on the relevant information pertaining to each case, as determined by the project director.

Roles and responsibilities should be clearly delineated. A program will function better if everyone knows exactly what is expected of him/her.

Project staff should be concerned more with resource management than rehabilitative counseling. In other words, they should pool the resources of the community to meet the needs of the youth as compared to attempting to provide by themselves all the services that a youth may need. For example, while not all youth admitted to the program will need counseling, those who do can be referred to the appropriate community agency. In this way there is also more cooperative effort in the restitution program.

The restitution staff should receive training regarding the following areas:

- 1) The project's purpose, eligibility criteria, objective, operational procedures, and types of restitution utilized.
- 2) The local juvenile justice system and the project's relationship to it.
- 3) The relevant statutes and codes pertaining to juvenile offenders and the project's legal safeguards for victims and offenders.
- 4) The staff roles and responsibilities relative to project operations.
- 5) The project's formal and informal agreements with the circuit court judges, defense attorneys, prosecuting attorneys, court services personnel and support agencies.

This training can be accomplished by arranging for people knowledgeable in the field of juvenile justice to come speak to the staff; sending staff members to appropriate conferences/workshops that relate to restitution programming of the juvenile justice system; or arranging site visits to other restitution programs in Wisconsin. The Juvenile Justice Personnel Development Center offers frequent workshops that may be of interest to the staff. In order to be included on their meeting list, you may contact them at the following address:

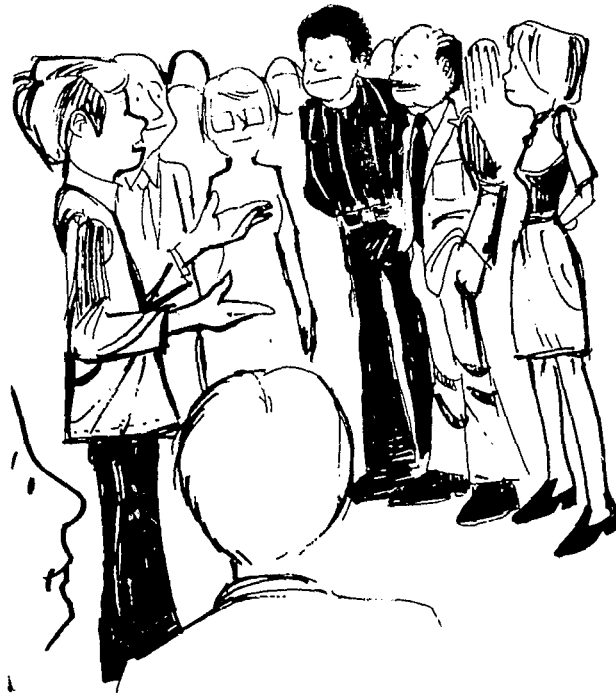
University of Wisconsin Extension Justice Institute
Juvenile Justice Personnel Development Center
University Bay Center
1950 Willow Drive
Madison, Wisconsin 53706
Telephone: (608) 263-5530

As a whole, the staff should aim at spending approximately the following amount of time on each of these activities:

	<u>%</u>
- Public relations (developing partners and community boards, linking program activities to the community)	10
- Training (staff, volunteers, community board employers)	10
-*Administrative tasks (staff hiring, staff supervision, fiscal and program accountability, developing a procedural for program, etc...)	10
- Interacting with the court (following cases that could possibly be eligible for the program, developing restitution agreement, etc...)	15
- Developing job sites	15
- Contacting victim and parents	10
- Supervising youth while in program (case management)	25
- Evaluation efforts (collecting and completing any necessary forms)	<u>5</u>
Total	100%

* If there is more than one staff member in the program, this percentage number will probably change upward.

PARTNERS
VOLUNTEERS
CITIZEN PARTICIPATION



The restitution staff may want to develop a community based volunteer program. This would involve volunteers from the community who would work with the juvenile while he/she is involved in the restitution program. Certainly, the role of volunteers in your program can be a very important area. Some benefits of including volunteers are:

- 1) To increase community participation in the program and build community support for restitution.
- 2) To provide the youth with a possible model who could give him/her moral support and direction to funnel his/her activities into positive, socially constructive behavior.
- 3) To reduce recidivism and youth delinquency and thus reduce costs that community must spend in juvenile court, etc...
- 4) To change attitudes of youth toward society.

The volunteer should be someone who will build a relationship of trust and confidence with the youth and someone who will listen and seek to understand him/her. The volunteer must also be dedicated and concerned. It is not necessary that a volunteer be a professional person. In fact, every sector of the community could be represented in the volunteer program, housewives, businessmen, teachers, clergymen, secretaries, factory workers, service officers, students. The most important quality is an interest in youth and an ability to relate well to them.

Volunteers can be selected from the community in a variety of ways. News media and community groups can be very helpful in recruiting volunteers. (The end of this chapter includes some sources which may be helpful in securing volunteers for your paper.) The volunteers should be carefully selected and receive an orientation to the restitution program. The orientation might include some of the information included in this handbook on matters concerning philosophy, history and issues in juvenile restitution. Or it may include films, cassette and other materials available from the National Council on Crime - Delinquency. (See resource list at end of chapter). Any orientation should try to show the volunteer what he/she should expect in dealing with a juvenile worker. He/she should meet initially with the juvenile at the restitution staff office and then, if the youth is willing, arrange for contact with the youth at least on a basis of 2-4 hours a week either by phone or by personal contact.

Frequent contact between the restitution staff and the volunteer is important in order to receive feedback from the volunteer as to how this juvenile is doing on his/her job and what problems, if any, have arisen. Of course, contact with the juvenile is likewise important to make sure he/she is also satisfied with the volunteer.

Staff decision in matching volunteers with juveniles is crucial. They must be sensitive to the personalities, likes and dislikes, backgrounds of the people involved and must try to resolve any problems that may appear. While the volunteer should not be "forced" on the juvenile, the staff must also make a decision as to whether to insist that the youth does have a partner if they think such contact would be beneficial to him/her.

Resources/Contacts

Some resources on establishing a volunteer program:

- (1) Bill Winters/Joann Hanson
UW-Wisconsin-Extension
Criminal Justice Institute
1950 Willow Drive
Madison, WI 53706
(608) 263-5530

VIP Division
National Council on Crime and Delinquency
200 Washington Square Plaza
Royal Oak, Michigan 48067
(313) 398-8550

Professionals are available to assist in developing volunteer services in pre-trial procedures, diversion, prevention, prosecution, juvenile and adult courts, juvenile institutions, jails, prisons and in all aspects of criminal justice.

VIP-NCCD can refer you to leaders of the volunteer court-corrections movement in every state for assistance in instituting and upgrading programs in criminal justice utilizing volunteers and professionals.

VIP-NCCD works cooperatively with and will refer you to many national organizations who can be of assistance in your community.

When appropriate, VIP-NCCD will attend and participate in annual recognition programs for volunteers in local communities.

VIP-NCCD will also participate in initial meetings of citizens who are interested in becoming involved in the volunteer movement in their community. A combination of information and inspiration is needed. VIP-NCCD has extensive experience in this area, having been involved in such activities since 1965.

VIP EXAMINER - Quarterly Newspaper

The VIP Examiner's pages are full of valuable information describing who is doing what and where around the country; what works--their successes; what does not work--their failures; what lessons have been learned; where to obtain help; ideas on how to begin new programs; how to upgrade, expand and improve existing programs; information on individuals and organizations who are leaders in each state and how to contact them; tips from other volunteers, etc. Available for professionals, volunteers, administrators and other interested and involved persons.

BOOK - FIRST OFFENDER (Joe Alex Morris)

The first book published about the volunteer court-corrections movement with contributions by Mr. Justice Tom Clark and the Honorable George Romney is available in hard-cover and paper-back at moderate prices. This book contains information about the development of a volunteer court program with additional information about the early days of the Boulder and Denver (Colorado) pioneer programs.

FILMS

Excellent films are available on all phases of criminal justice. VIP-NCCD will describe them and advise on where they may be obtained.

One such film is HELP ME PLEASE -- a 16mm sound, color film made on location in Royal Oak. It concentrates on the intelligent and realistic concern and care of a one-to-one volunteer for a young male who has committed an immature and senseless anti-social act. It is an excellent film for recruiting and orientation.

LITERATURE

The following literature is available to assist in the development of programs:

1. CITIZEN PARTICIPATION IN A PROBATION DEPARTMENT (Brochure)
2. VERY IMPORTANT PEOPLE (Brochure)
3. ROYAL OAK AIDS ITS PROBLEM YOUTH (Reader's Digest Reprint)
4. BIG HELP FOR SMALL OFFENDERS (Reader's Digest Reprint)
5. ROYAL OAK/NIMH RESEARCH REPORT
6. NATIONAL COUNCIL ON CRIME AND DELINQUENCY (Related Materials)

ANNUAL FORUM

Since 1970, VIP-NCCD has sponsored and co-sponsored a national training forum for volunteers and professionals working with volunteers in the criminal justice system. This annual forum features workshops, films, discussion groups, field trips and outstanding speakers. Usually held in the fall in alternate (East/West) areas of the country.

NATIONAL EDUCATION-TRAINING PROGRAM (NETP)

Contact VIP-NCCD for further information on this FREE Resource, (Reimbursement for Postage, etc., only)

NETP is a program made possible by a grant from the W.K. KELLOGG FOUNDATION, Battle Creek, Michigan to VIP-NCCD and the UNIVERSITY OF ALABAMA.

The prime resource of NETP is a series of 34 hours of high quality audio-visual TV color cassettes on all phases of volunteerism in criminal justice including pre-delinquents; alternatives to juvenile institutions; juvenile courts; adult misdemeanants; felons; prisons and parole.

The subjects include the dynamics of the one-to-one volunteer; volunteers in group counseling, in alcohol and drug programs, in pre-sentence investigations; volunteers and minorities; research and evaluation; the many uses of volunteers; mechanics of volunteer programs; management, administration and funding of volunteer programs; retirees and student volunteers; outstanding films and slide presentations, etc.

A MANUAL is available describing each cassette, suggesting training and educational curriculum, instructions on use, text-books and training manuals, field trips, discussion questions, additional resources, assistance on how to begin and execute such courses and programs, etc. A BROCHURE summarizing NETP is also available.

This resource is designed for professors of criminal justice and practitioners of the volunteer court-corrections movement (judges, probation officers, parole officers, coordinators of volunteer programs, etc.) to utilize in two ways:

- a) To insure the future of the volunteer court-corrections movement by informing, inspiring and instilling in citizens a life-time commitment to the movement by presenting courses on volunteerism in criminal justice while they are college students.
- b) To improve the present status of the movement by providing training tools and techniques to professors and practitioners enabling them to better recruit and train volunteers and professionals to work together in programs in courts, jails, prisons and juvenile institutions.

COMMUNITY RESOURCES FOR VOLUNTEERS IN HUMAN SERVICES

(These sources may not provide names, but they can frequently help you find names, lists, etc.)

Service Clubs

Men: Rotary, Lions, Kiwanis, Optimist, Elks, Sertoma, etc. etc.

Women: Altrusa, Pilot, Business & Professional Women, Quota, Zonta, etc.

Chamber of Commerce

They have lists of service clubs and their officers, business leaders, etc.

Local businesses such as:

Check personnel departments, clubs

Special Interest Groups

Veterans of Foreign Wars, and auxiliaries
National Grange; Farmers Union
American Legion and auxiliaries
Junior League

C.O.R.E.

4-H

League of Women Voters

Urban League

Garden Clubs

A.A.U.W.

Religious Organizations

Check with ministers, priests, rabbis of whatever churches are in community

Labor Unions

Professional Groups

Assoc. of Women Lawyers

Assoc. of Social Workers

Library Assoc.

Women Accountants

Senior Citizen Groups

Retired Teachers, Social Workers, etc.

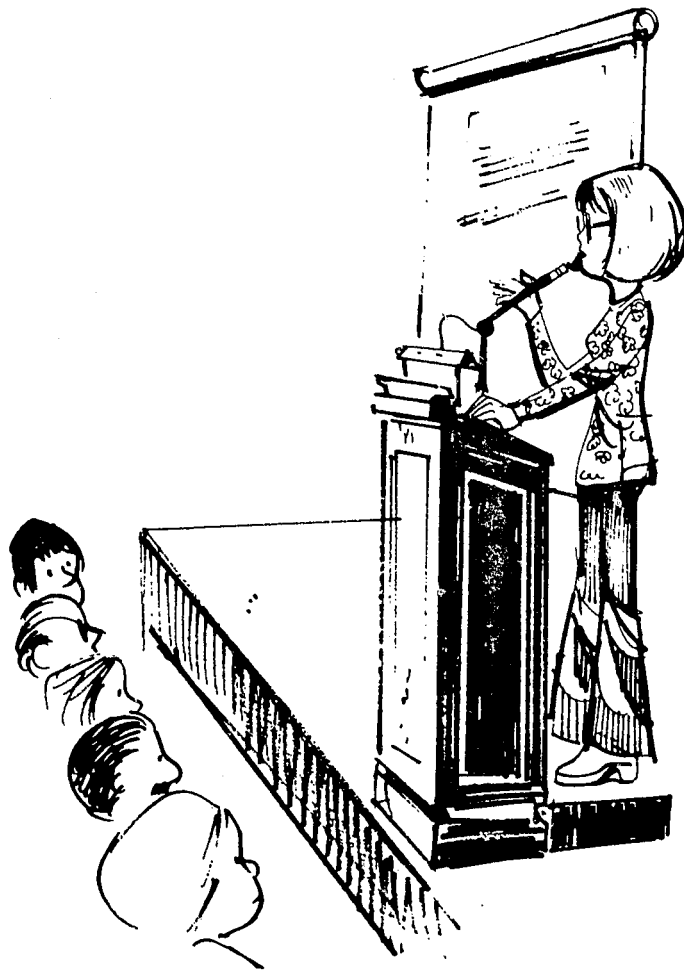
Government Offices

Local, county, Postmaster, etc.

Schools

Newspapers

THE COMMUNITY BOARD



A voluntary community board may be established to work with the Restitution Program. If the community already has a juvenile court advisory committee, there may be no need to organize a new group of interested citizens but rather only include a part of this group as the community board for the restitution program. If there is no juvenile court advisory committee, the restitution staff may want to recruit a wide range of concerned citizens who are representative of the community to sit on the board. Citizens may include professionals and non-professionals from small businesses, education, hospitals, public service agencies or organizations, industry, agriculture, or the media. It would also be important to include one or two youth from the community to sit on the board.

Roles and responsibilities of the board will vary according to the community. However, in recruiting board members, the restitution staff needs to prepare a statement of exactly what the Board's responsibilities will be. This will include accountability, length of term, the leadership role of the Board, confidentiality on certain issues, and frequency of meetings.

Some specific suggestions for what the board may do:

- Review or develop policy guidelines and practices of the restitution program. The board may participate in deciding specific policy guidelines concerning amount of restitution, type of restitution, sanctions against non-compliance with the restitution agreement, victim involvement, etc... Or, it may act on a more advisory level and provide feed-back and suggestions to the restitution staff on these issues.
- Review specific cases that have been referred to the program. However, the restitution staff must be very careful in protecting the confidentiality of the youth and not allow any information that would specifically identify a youth unless the judge gives his/her written permission.
- Promote understanding and knowledge by county and state officials and citizens regarding the needs and problems of juvenile and the activities of the restitution program. The board could either interpret and represent what has been done by the program to different community groups and organizations or it may be given more authority and responsibility by contacting works sites, volunteers or partners.
- Complete any needed surveys or studies into community needs and problems that relate to the restitution program.
- Exchange information and ideas with other juvenile restitution boards and citizen groups throughout the State or County.
- Assist in locating funding sources for the continuation of the restitution program.
- Assist in the planning for the continuation of the project.
- Assist in the reviewing and evaluating of project results.

The more authority and responsibility that the restitution staff gives to the board, the more likely that the board members will feel that there is a purpose

to what they are doing and that they are needed. Members will also feel more satisfied with their participation and their motivation and strength of commitment will be much higher. Playing an active role in the affairs of the restitution program will also be less frustrating because board members are listened to. A board that is active can provide real support to the restitution staff and enhance its work.

The restitution staff can do much to maintain a well-motivated and functioning board by carefully selecting interested, concerned citizens who are willing to spend their time with activities connected with the program. Board members should receive recognition for their work either through the media, thank-you certificates at year's end, sending a board member to a training event, a personal note, official county recognition, or the like. In sum, the board will function better if the members feel a sense of achievement, recognition, increased responsibility, growth and development and involvement in challenging work.

As in the case of volunteers, employers and youth, community board members should receive an orientation to the program. Initial training might include:

- juvenile court procedures
- new Children's Code
- policies and procedures of the restitution program

The setting for such training should be informal, pleasant and non-threatening. On-going, in-service training will be very helpful to keep the board stimulated, alive and updated. This can be accomplished through the use of outside consultants or workshops/conferences that are offered through such organizations as the Juvenile Justice Personnel Center, UW-Extension, University Bay Center, 1950 Willow Drive, Madison, Wisconsin 53706.

PUBLIC RELATIONS



Public relations will be a key issue in the development of the restitution program. Informing the public at large in addition to working closely with juvenile justice system personnel will help guarantee that the program will succeed. The more positive of an image that the program projects, the more the community's confidence in the juvenile justice system will increase and the greater the possibility of attracting community involvement and willingness to work with the program.

Of course, there will always be support and resistance to a new program. The restitution staff should try to identify these different groups as early as possible so as to plan their public relations campaigns better. Explaining the benefits of restitution and actively encouraging involvement in the program either through volunteers or a citizen advocacy board, can do much to convince people of the merit of the program. This is why it is important that the Restitution Staff themselves be open to meeting with different members and groups of the community and show a willingness to work with other community people so that the restitution program can be an integrated part of the community.

The program staff will also have to show the community that it is a reliable and dependable program and that the staff is committed to the program and to helping solve the community's problems. Keeping the channels of communication open and sharing a willingness to cooperate with other agencies in a non-threatening way, in addition to having clear program objectives and well-defined duties and responsibilities are steps in the right direction in accomplishing this.

There are several ways to build community support and awareness of your program:

- (1) Brochures: Write an attractive and informative brochure describing the restitution program and make them available to key community agencies. Specific information on the brochure may include: the name of the program, address, phone number, program director, purpose of the test program and what the activities of the test program are; how long the program has been in operation; funding sources, and names of people on the community board. (Examples of brochures are included in appendix 9.)
- (2) Newspapers: The staff should keep in regular contact with the media and inform them of the activities of the project. News coverage can be through press releases, feature articles, editorials and letters to the editor:

Press Releases

Press releases are employed solely in connection with solid news topics, and typically serve to:

- . Make a statement concerning an issue or recent news development;
- . Supply background materials for a late-breaking story; and/or;
- . Announce a future event and invite media personnel to attend.

When writing a press release, it is valuable to think in terms of what information will be of interest to the media, rather than only what is of interest to the restitution project. Use of the standard press release format outlined below increases the topic's comprehensibility thereby increasing the chance that media personnel will read and act on the information contained in the release.

FROM : (Project name, address) FOR RELEASE: (Date, and time, if appropriate)

CONTACT: (Appropriate staff name, office phone and home phone)

(Headline, Underlined)

Body of Release:

-30- or ##### (Either of these signs indicates the end of the release.)

The body of the press release should be indented five spaces and double spaced with one and a half inch margins. Releases which are longer than one page should have "-more-" at the bottom of each page (except the final one) and should have a shortened version of the headline underlined at the top of each page. The "who, what, where, when, and why" of the topic should be identified in the lead paragraph to convince the reporter and editor that the story should be covered. Subsequent paragraphs should expand these items. Throughout the release, short concise sentences in the active voice should be used. Finally, the closing statement or paragraph of the release should be a semi-standard comment including the restitution project's name and a brief indication of the project's purpose.

Aside from the general format, there are some additional guidelines for the use of press releases:

- . The release should always be sent with a project brochure, or other pertinent materials containing supplementary information on the project;
- . Releases should be mailed to all relevant media personnel, the only exception being that no two individuals in the same newspaper, trade publication, or broadcast station should receive it (thus avoiding coverage controversies among media staff of larger print or broadcast firms);
- . Releases should be mailed out so as to arrive between three and five days prior to their release date; in the case of phoned in releases, calls should be made with approximately five to seven hours lead time, with morning events being called in the previous afternoon;
- . All releases should be followed-up by phone calls to persons who have received the release to assess its impact and provide further information; and,
- . Press releases to trade publications in the corrections and juvenile justice fields can usually contain less solid news due to the assumed interest of media personnel in these fields.

Feature Stories, Editorials, and Op Ed Articles

Feature stories are more extensive and somewhat less "hard" news pieces designed to inform the public and hopefully increase community support for the concept of restitution and the restitution project. Typically, feature stories are developed by print or broadcast media personnel working in conjunction with the project (although it is sometimes possible to place a feature story produced by project representatives with a particular print or broadcast firm). Similarly, projects have little direct control over editorials or op ed articles (pieces appearing opposite the editorial page in newspapers). However, by keeping media personnel informed and by judiciously choosing times to suggest the appropriateness of features or editorial stands on restitution, projects can often indirectly affect the appearance of these pieces. Once again, trade publications in the field may be more responsive to these influences from project representatives. The key to obtaining this media coverage is developing strong relationships with media personnel and having project concepts, procedures, and/or results worth promoting. Attempts to secure such coverage in the absence of these components will yield unsuccessful outcomes at best and may lead to negative media coverage.

Letters to the Editor. Well written concise letters to the editors of various print media firms provide another opportunity to communicate with the public at large. Letters to the editor may also serve to stimulate media interest in doing feature stories, editorials, or op ed articles on the restitution project. While letters under the signature of recognized community, juvenile justice system, and advisory committee members can be particularly successful in both being published and influencing public opinion, any letter to the editor from a source supporting restitution assists the overall campaign effort.

In the event of positive media coverage, consideration should be given to producing inexpensive reprints for distribution to relevant individuals and organizations who may benefit from seeing this media recognition of the restitution project. These reprints can often be obtained at minimal cost from the media source which originally published the article.

(3) Radio/TV

Public Service Air Time

The Federal Communications Commission (FCC) regulations for licensing of radio and television stations mandate that commercially operating stations estimate in their original and subsequent license applications the amount of air time to be designated for community programming. Generally, stations set aside thirty percent of their "spot" broadcasting time for public service programming, but the arrangement of this time varies. In the case of Community Antenna Television (CATV or cable TV) the actual amount of community based programming is typically much higher than this percentage. Although it is not always possible to predict if and when a given public service spot or program will be aired, the availability of this time to restitution projects effectively translates into the potential to inform and generate support within scores of individuals who might otherwise have had no knowledge of the restitution project.

Obviously, there is a limit to the information which can be communicated in a thirty to sixty second radio or television spot. However, if the spot is well designed and used in conjunction with other support building efforts, it can be a valuable component to the overall campaign. Concerning the production of radio and television spots, some stations permit access to their facilities to prepare good audio and/or video tapes. While there are costs involved in the production of these materials, many communities have advertising councils composed of area agencies willing to donate their public relations skills to community service organizations. Furthermore, it may be possible to solicit assistance from qualified persons in the field (both professional and non-professional) on an informal basis. In any event, it is important to contact radio and television stations prior to producing any materials to determine if there is a need for a spot concerning restitution, and if there is a possibility of securing time on station shows featuring interviews, panel discussions, or community service presentations. Initial contact should be by a letter to the station's director of public service programming, followed by a phone call to establish a time to meet with station personnel and discuss alternatives.

(4) Public Presentations/Press Conferences

Press Conferences and Community Meetings

Press conferences should be scheduled only under circumstances in which the restitution project has a tremendously newsworthy topic, the significance of which cannot be adequately conveyed in a press release or through a less formal communication with media personnel. Moreover, press conferences require the direction of speakers who are sufficiently well known to draw media attendance. These speakers must be articulate and experienced enough to communicate effectively in a press conference situation. In many cases, a number of speakers will be necessary to guarantee these conditions, but more than three speakers typically creates a degree of confusion, which undermines the conference's flow. The number and types of speakers chosen to lead the press conference follows at least in part from the topic of the conference. Whenever possible, good quality visual materials (e.g., slide shows, charts) should be used to supplement the speakers' discussion. There are several important considerations in planning a press conference.

- Location. Conferences should be conveniently located for the press and participants, and if possible should have some direct relevance to the topic of discussion.
- Timing. Conferences should be scheduled so as to maximize the possibility of broad media coverage and reporting. Mondays are often slow news days and may be a good time to announce a smaller news story. Conversely, Fridays are a poor choice for press conferences because Saturday newspaper readership is low. The actual time of day for the conference should be determined by the release hour of local papers -- conferences intended to be reported in a morning paper should be held late on the previous afternoon and those to appear in afternoon papers should be held early in the morning. Press conferences scheduled in the late morning or early afternoon hours have the best chance of making the 6:00 p.m. news broadcasts. Finally, press conferences should be scheduled around any major events in the community to avoid coverage conflicts.

- . Announcing the Conference. Upcoming press conferences should be announced using press releases which convey "who, what, where, when, and why" to stimulate media interest (and provide printable material if the conference cannot be covered) without completely disclosing the information to be discussed at the conference. Include synopses of any documents being released at the conference to offer media personnel the opportunity to ask pertinent questions.

- . Preparation and Procedure. If the topic or speakers involved in the press conference seem to merit more indepth coverage than will be provided by the press conference, it may be worthwhile to contact a few reporters to gauge their interest in arranging an interview with one or more of the participants after the conference. Regardless of this possibility, all arrangements for the press conference should be completed several hours before the press conference begins. Make sure there are sufficient electrical outlets for television lights and that someone is on hand to let camera news in prior to the event. Finally, all reporters should be asked to sign in on arrival to provide the opportunity for accurate follow-up procedures.

- . Follow-up. Project personnel should monitor the various print and broadcast media after a press conference to judge the extent and quality of coverage. Good coverage which is sufficiently detailed deserves a letter of thanks from the appropriate project person. In addition, it may be beneficial to identify consistently supportive media personnel to establish a stronger and closer relationship with these individuals. Negative coverage may require some form of project response, but only to clarify any misconceptions or mistakes in reporting. Rarely is there a need for, or value in a full-blown rebuttal or outraged response by project managers or staff to media coverage.

In virtually all respects, the above considerations relevant to press conferences are applicable to community meetings. One significant variation is that whereas press conferences require a tremendously newsworthy topic, community meetings require a topic which at first glance will stimulate the potential audience's interest and on further examination during the meeting will continue to stimulate and maintain this interest. While there may not be much variation between these two conditions, there probably is more flexibility in choosing topics for community meetings. A second variation which requires amplification is the necessity of being sensitive to differences between various groups in the community and the need to tailor presentations to each audience. For instance, a presentation to potential work site providers might focus primarily on the employment aspects of restitution, while a presentation to potential service providers might focus on the rehabilitation aspects of restitution. Conversely, to a certain extent it is valuable to choose audiences with particular characteristics when planning some community meetings. For example, a general discussion of restitution will probably be well received by local Parent-Teacher Associations as they have an explicit vested interest in youth.

In any case, the primary considerations in planning press conferences and community meetings are that the topic of discussion is of genuine interest to the audience and that the speakers involved are effective in these circumstances.

(5) Audio-Visual Materials:

Finally, the staff may want to obtain slides, filmstrips and movies relating to restitution or the juvenile justice system. The National Council on Crime and Delinquency is a valuable resource. Their address is:

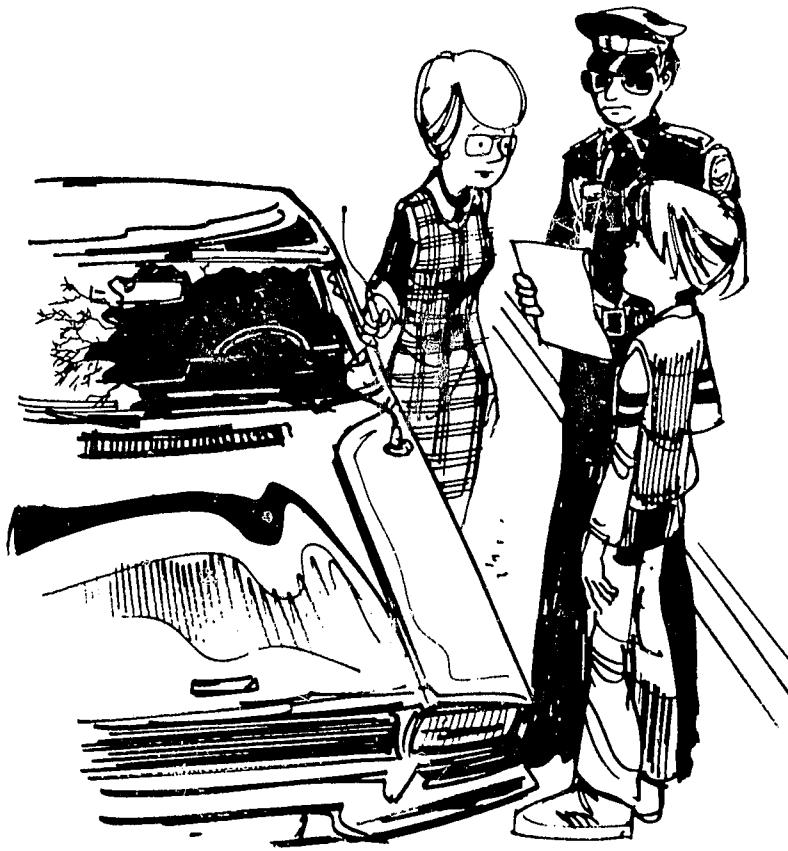
The National Council on Crime and Delinquency
200 Washington Square Plaza
Royal Oak, Michigan 48067
Telephone: (313) 398-8550

In addition to the above, the restitution staff should always have readily available statistics on the program that can be given to interested persons. Such information may include:

- . Number of youths participating (by age, sex, race, education level, offense, and work placement);
- . Average placement cost per youth;
- . Services provided to youths by the project;
- . Total and average amount of restitution ordered;
- . Total and average amount of restitution made;
- . Average amount of time youths spend in project;
- . Restitution contract completion rates; and,
- . General status of youths who have completed restitution.

(Note: Part of this Chapter has been adapted from the pamphlet: "Public Relations: Developing Support for Juvenile Restitution Projects", published by the National Office of Social Responsibility, Washington, D.C.)

THE VICTIM



The restitution staff must decide how the victim will be involved in the restitution program. Programs can vary as to the amount of participation in the program. Participation can range from no contact with the offender to face-to-face contact with the victim. More specifically, the staff must decide:

- 1) Will the victim be consulted as to type of restitution required?
- 2) Will the victim be notified throughout the process of restitution and when?
- 3) Will the victim receive his/her money through the mail or will the victim personally send the check?
- 4) Will the victim receive the money all in one lump sum or will he/she receive it on a monthly or bi-weekly basis?

No matter how you decide the victim will be involved, it is necessary that the victim be contacted as soon as possible after the youth's arrest and after the youth has been referred to the Restitution Program. At this time, the victim should also be notified of Wisconsin's Crime Compensation Law which provides state funds for reimbursement of damages suffered but not covered by insurance or worker's compensation.

Some suggestions for when the victim could be contacted by the Restitution Staff include:

- 1) As soon as the intake worker or judge refers the case to the restitution program. This letter should include an explanation of what the restitution program is and what the victim can expect from the program. (An example of such a letter is included in Appendix 8.)
- 2) After the court's final decision on the case. This letter should explain in general terms what the youth will be doing while in the program and the amount of restitution the victim will receive. (See sample letter in Appendix 8.)
- 3) When the juvenile finishes paying restitution. This letter should simply notify the victim that the youth has completed the program.

Some victims will be dissatisfied with the justice system and the restitution amount awarded him/her. The reason for contacting the victim is to insure him/her that the justice system is holding the youth accountable for his/her actions and that it is concerned with the victim's welfare. However, you should also make it very clear to the victim that the purpose of the restitution program is more rehabilitative than punitive. This does not mean that the youth will be treated in a lenient way or that he/she "will get off easy." The amount and kind of restitution will be determined after a careful study of the youth's social history, the circumstances of the offense, the loss reported by the victim, and the youth's ability to pay.

In some cases, the dollar damage may be so great that the juvenile obviously would never be able to re-pay it. If the victim is not satisfied with the amount of restitution, he/she may either apply for benefits from the Victim Compensation Law previously mentioned or may proceed to civil court and sue for damages.

Some innovative restitution programs encourage face-to-face meetings with the youth and the victim. The idea behind this is to personalize the offense and to present an opportunity for both the victim and youth to know each other. Of course, not all cases will be appropriate for this type of contact and it should be left to the discretion of the restitution staff to decide whether such a contact would be beneficial.

Finally, the staff should provide alternatives for victims who may be willing to donate money to the program either as apart from the restitution payment or as returning the restitution paid back to the program.

JOB AND COMMUNITY SERVICE SITES



The court can order three types of restitution: monetary restitution, voluntary community service and voluntary victim service. This chapter discusses the development, utilization, and maintenance of the first two types of restitution.

Developing, utilizing and maintaining reliable job or community service sites will occupy a substantial portion of the restitution staff's time. Sites can either be with public agencies such as the Department of Natural Resources or the public schools, private non-profit organizations such as the YMCA or church organizations or private businesses such as a grocery store or a used-car sale lot. The staff should strive to obtain a wide variety of possible work sites so as to offer a site that will fit the individual needs of the youth. Sites need not be menial labor but rather can provide the potential for expanding the youth's experience in areas that he/she may not be familiar with. Every case will be different and should be treated as such.

In the case of monetary restitution, you will either need to find employers who will hire a youth without other funds, use the CETA program (Comprehensive Employment and Training Act) to find jobs or secure funds that will allow you to subsidize employment. If the employment is subsidized, the restitution staff must decide what percent of the earnings will be subsidized and if this portion will gradually be decreased until the employer is paying the entire wage. In some cases, the employer may even want to continue the employment of the youth even after restitution has been paid.

Initially, securing job or community service sites may not be easy since employers, especially in the private sector, may be reluctant to employ youth who have been in trouble with the law. However, the restitution staff can do much to promote restitution, change attitudes towards these youths and thus attract employers through a carefully planned public relations campaign and through trying to include as many people as possible from the community in working for the program. (See Chapter on Public Relations). In addition, people from the community will be persuaded to participate in your program if the staff shows a strong belief in and enthusiasm for restitution.

There are some key points to keep in mind while developing work or community service sites:

(1) The genuine need for the work or service

In other words, does the site provide just "busy work" for the youth or does it provide a situation where the youth feels useful and needed?

(2) The availability of adequate, caring supervision

The youth must receive some type of supervision on a site and should not be left on his/her own. The employer should maintain frequent contact with the restitution staff to discuss the youth's behavior while on the job. Some juveniles will have little problem adapting to a job site, while others may need more frequent supervision. The staff should not assume that since they have not heard from the employer, that everything is going well.

(3) The importance of protecting the confidentiality of the youth.

Although the supervisor will know that the youth has been involved with the justice system, more specific information such as the offense committed, or previous court referrals cannot be released to anyone outside the court without the written permission of the judge.

(4) Compliance with other legal issues such as insurance/liability and child labor laws.

What happens if the youth is accidentally injured or injures someone else while on the restitution site? What happens if the youth commits a crime while on the job? The restitution must address this issue and include it as part of a written policy statement.

In reference to child labor laws, the U.S. Department of Labor has published a very useful guide which explicitly covers youth employment: minimum wage guidelines, minimum work ages for agricultural and non-agricultural occupations and the number of hours per week that a youth may legally work. The important sections of this pamphlet can be found in appendix 7.

(5) A personal and well-organized approach to provide an orientation to the restitution program for perspective employers or supervisors.

In utilizing and maintaining work sites, a careful assessment must be made by the restitution staff in terms of the youth and the work site. The youth should be interviewed to discover his/her:

- abilities (what he/she is able to handle generally and specifically)
- attitudes (especially relationships with others and in particular adults)
- career interest
- hobbies or personal interests (and whether they fit into a potential work experience)
- nature of the offense (whether or not it is relevant to the intended work experience.)

A similar assessment of the work site should cover the nature of the work (what is the current job description?), personality of the supervisor or key contact person (can he/she work well with kids?), and the current staff relations or politics that may affect the youth's volunteer work arrangement.

Including the youth in the process of deciding on a work site will give a degree of credibility to what you eventually assign. When possible, the youth should understand the factors contributing to that decision. In addition, the youth should be given an orientation to the work site. The orientation will vary according to the youth, but basically it will prepare the youth to work effi-

ciently and well on the job. Orientation may include dressing appropriately for the job, job responsibilities, work hours, arriving to work on time, notifying the employer when sick or unable to be on time, etc. . . Job Service publishes several useful pamphlets that could be used as part of this orientation.

Finally, providing the opportunity for feedback by the site supervisor and by the youth will be a basic necessity. This can be done as already has been explained above and in addition, it can be done with a simple one page evaluation sheet that is completed on a periodic basis.

The staff must realize that work sites and personnel are continuously changing and thus they have the ongoing responsibility to review the factors that led to site identification and provided for a successful utilization of a given site.

(Note: Special thanks to Dave Lovejoy, Restitution Director, Outagamie County, for providing resource material for this chapter.)

LIABILITY/INSURANCE



There are a number of inter-related liability issues involved in implementing juvenile restitution projects. Such issues include:

- Who is responsible for injury that may result to either victims or offenders in carrying out restitution agreements?
- How can the courts, the projects, and supportive agencies reduce risks against potential injuries?
- What is the individual or collective liability of the project (within its location) to victims and offenders?
- What is the individual or collective liability of work sites or support agencies utilized by the project for victims and offenders?
- What workmen's compensation coverage is available? Is it required? Who provides this coverage?
- How should these issues be resolved? At what cost? For whom (the victim, the offender, the project)?

Because of the major differences in the restitution methods being utilized and the varying administrative locations of projects, these issues have quite different implications for each.

Suggestions:

1. Determine if the court structure with which the restitution project interacts has liability/compensation insurance which adequately covers the relevant parties involved with the project (i. e., project staff, subcontractors, victims, offenders, support service providers).
2. Determine the availability and applicability of existing liability/compensation insurance coverage provided by the relevant level of government in which the restitution project operates (i. e., city, county, state).
3. Contact local attorneys, state insurance commission members, and various government agencies (e. g., CETA) knowledgeable about the general topic of public and private agencies working in conjunction with the court to determine: 1) the extent of liability of various parties involved with the implementation of restitution under different circumstances and project conditions; and, 2) options open to the restitution project in obtaining adequate liability/compensation coverage.
4. Contact various insurance carriers to obtain the best insurance coverage and rates. (If appropriate, use of an RFP should be considered.)

(Note: This section was taken from the publication, Managing Juvenile Restitution Projects. National Office for Social Responsibility, February 1979.)

EVALUATION



While planning for a restitution program, you will undoubtedly want to obtain some type of feedback to see how your program is functioning and what impact it has had on the youth, victim, community, court and others involved in the program. More specifically you may want to know:

- In what ways has the program effected the youth involved in the program? Have there been any changes in attitudes in the youth regarding himself and the community? Have recidivism rates decreased?
- What are the characteristics of the youth served by the program? (i.e., past offenses, age, sex, family income, etc...) How do these youth compare with youth who are not in the program? (i.e., youth who received another kind of disposition.)
- How many youth participate in the program per year and how many drop out of the program? What are the reasons why certain youth drop out of the program?
- What kind of reactions have you received from the community, victims, law enforcement, court personnel, volunteers and others regarding the program? Has the program been able to coordinate its activities with other agencies and community groups?
- Does the public relations campaign reach as many people as possible? What is the quality of the news releases, publications, radio spots and other activities related to public relations?
- Are victims satisfied with the program? Are damage claims by victims reasonable or are they inflated? What portion of the total loss do victims finally receive?
- Are staff, volunteers, community board and court personnel working well with the program? Are they adequately trained?
- Does the program meet the needs of the youth? What needs are not met by the program and should these unmet needs be a responsibility of the program?
- What types of problems have arisen throughout the program and could they have been avoided?
- Are work sites adequate and do they provide a positive, constructive atmosphere for the youth?
- What is the average amount of restitution ordered and the average amount of time needed to complete restitution?
- Are policies and procedures of the program within legal guidelines? Are they reasonable and easy to understand and follow?
- What is the cost/benefit of the program in comparison with other programs designed for youth?
- What effect will the program have on current policy in other areas of juvenile justice?

The evaluation may be very informal---a matter of talking with the people involved to see how the program is operating. However, it is also a good idea to document program activities and establish a more formal type of feedback system that will allow you to analyze more objectively your program. Every case should have a file which summarizes key information on the youth and his/her participation in the program. In addition, the staff or the community board may become involved in the following:

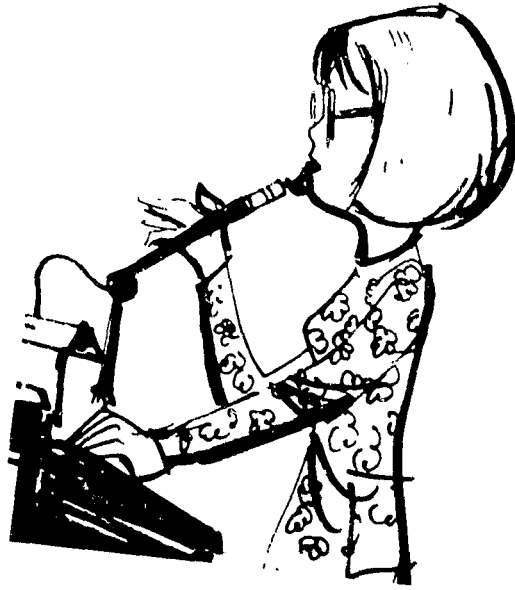
- Check police records and court records periodically for past offenses and recidivism rates in order to see if the program has made sort of difference. (Of course, this must be done with permission and the youth's confidentiality assured.)
- Select a group of youth not admitted to the program but who have been in contact with the court and see if there are any significant differences between the groups. (For example: compare recidivism rates between the groups.)
- Do a periodical random telephone survey of people in the community to see if they have heard of the program and what their reactions to the programs are.
- Design a questionnaire for the youth involved in the project to complete before and/or after the restitution agreement has been fulfilled to find out his/her attitudes regarding self-image, others, and the restitution program.
- Interview judge, court personnel, law enforcement officials periodically to obtain their suggestions and reactions to the program. Document these interviews.

The purpose of evaluation is to improve programs and to see what does or does not work. There should be specific reasons for all information that you collect. These reasons must relate directly to the program or program area. Evaluation does not mean to collect any and all information. You need to be selective.

For those who may want to read more about evaluation, these publications relate specifically to juvenile restitution:

- National Office for Social Responsibility, Education Research: A Guide for Juvenile Restitution Project Managers, 1901 N. Moore St., Arlington, VA 22209 February 1979.
- Rutman, L., Evaluation Research Methods: A Basic Guide, Sage Publications, 1977.
- Schneider, A. and Schneider, D., "Techniques for Improving the Utility of Evaluation Findings in Planning, Project Operation, and Decision Making." Section 3, Institute of Policy Analysis, Eugene, Oregon, Working Papers.

SOME ISSUES IN
RESTITUTION PROGRAMS



This chapter addresses some of the concerns that are being raised about juvenile restitution programs. While there are no easy answers to these issues, the following materials are presented as an initial response to the debate connected with them.

- 1) Will restitution programs pull more youth into the juvenile justice system?

Many people believe that the youth's contact with the system "labels" him/her as criminal or delinquent. Thus, they tend to strongly advocate diverting the youth from the system entirely. Their concern is that restitution programs may stimulate more involvement in the system, especially since jobs are being provided for these youth. The question then becomes, will youth get in trouble in order to get a job through the Restitution Program? Or, will eligibility criteria encourage intake workers to send more youth to court so that they can participate in this program?

- 2) Will restitution programs mean more paperwork for the court?

Already, there are over 50 separate forms that are used in juvenile court. The use of additional forms would not be welcomed. However, if properly organized, the court need not be burdened with more paperwork. A restitution program can easily adapt to the forms already used in court. (See Chapter on "Restitution Programs and the Court".)

3. Has the Juvenile Justice System become too lenient with youth in providing them with jobs instead of really punishing them for their behavior?

There are those who may argue that the Juvenile Justice System is rewarding youth instead of holding them accountable for their actions. The focus on juvenile delinquency has undoubtedly been more on rehabilitation than on punitive measures. However, through restitution programs, youth are being held accountable for their actions but in a very personal and socially positive and recognized way. Restitution programs do not treat youth in a lenient manner. Rather they aim at holding the youth responsible for his/her actions and attempting to influence the youth to behave in more socially acceptable ways.

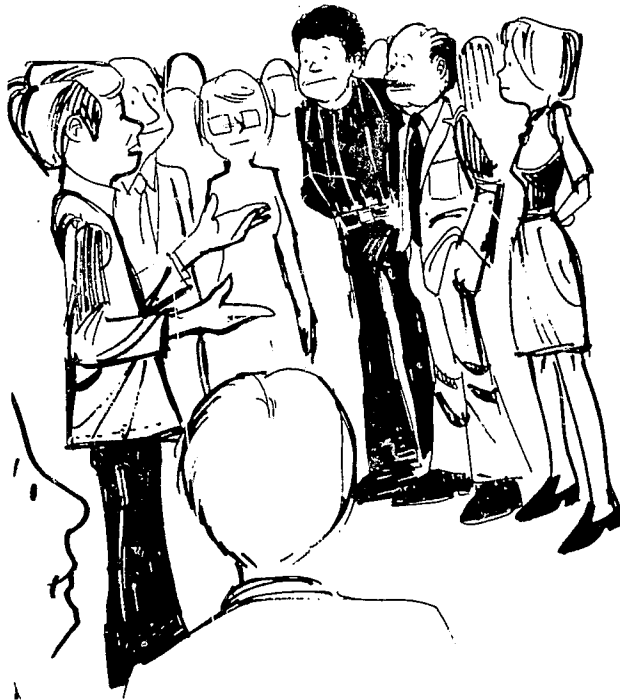
4. Will a restitution program actually have an effect on personal and property offenses and will there be an increased sympathy of the victim by the offender?

Admittedly, research in this area has been scarce, but with the implementation of more restitution programs, attempts to assess the impact of restitution programs on youth will be made.

5. What sanctions will be used against the youth who do not comply with the restitution agreement?

Although a recent study by the Institute of Policy Analysis showed that the compliance rate for youth participating in restitution programs is unusually high (90%), if a youth does not comply with a restitution agreement, the judge can then order another disposition for the youth. (For more detail on this, see the chapter on "Restitution Programs and the Court".)

RESTITUTION PROGRAMS
THROUGHOUT THE STATE AND COUNTRY



According to a recent survey, restitution is frequently ordered by juvenile court throughout the United States.* Most of these courts, however, do not have a formal restitution program with staff especially dedicated to restitution.

Within the last ten years, there has been a renewed interest in establishing formal restitution programs with a full-time staff and written policy guidelines and operational procedures. The federal government, especially the Department of Justice, has been interested in promoting formal restitution programs throughout the United States. The Department of Justice, specifically the Law Enforcement Assistance Administration (LEAA) and the Office of Juvenile Justice Delinquency Prevention, has funded 41 grants representing 86 different programs nation-wide. A useful list of these projects has been compiled by the Institute of Policy Analysis (IPA) and is included at the end of this chapter. The evaluation of this funding program has been given to the Institute of Policy Analysis and the National Office of Social Responsibility (NOSR) will give technical assistance to projects funded. The grant program, considered to be a major initiative by the federal government, is a 3 year, \$30 million effort. The Wisconsin Department of Health and Social Services was awarded money and through the grant, 11 jurisdictions have been chosen. Their names and addresses along with people who could give technical assistance are also included in this Chapter as a reference.

Of course, there were several restitution programs operating before this major LEAA initiative. Some of these include:

Wisconsin

Dane County Restitution Program
1245 E. Washington Avenue Suite 76
Madison, Wisconsin 53703
Telephone: 255-5044

Project Director: Barbara Kay

Changing Focus
161 West Wisconsin
Milwaukee, Wisconsin
Telephone: (414) 272-5600
Project Director: Amanda Coomer

Other States

Community Arbitration Program
County Probation Department
Annapolis, Maryland
Telephone: (301) 263-0707
(301) 269-5573

Earn It
County Probation Department
Quincy, Massachusetts
Telephone: (617) 471-1650

* Schneider, Peter, Anne L. Schneider, Paul D. Reiter and Colleen M. Cleary, "Juvenile Requirements for Juvenile Offenders; A Survey of the Practices in American Juvenile Courts" June 1977, Institute of Policy Analysis, 777 High St., Suite 22, Eugene Oregon 97401.

Lowell Diversion Program
County Probation Department
Lowell, Massachusetts
Telephone: (617) 454-8821

Victim Restitution Project

99 Veterans Memorial Drive
Warwick, Rhode Island 02886
Telephone: (401) 737-2244
Director: Officer S. L. Castighan

Community Accountability Program
Seattle, Washington
Telephone: (206) 625-4705

Self-Sentencing Restitution Program
County Probation Department
Winona, Minnesota
Telephone: (507) 452-5970

Victim-Juvenile-Court-Police
Liaison Project

Salt Lake City, Utah
Telephone: (801) 262-2601

TABLE 11. PROGRAMS INVOLVED IN THE NATIONAL JUVENILE RESTITUTION INITIATIVE

SITE	CONTACT PERSON(S)	PROJECT NAME	PROJECT ADDRESS	PROJECT TELEPHONE
AK, Fort Smith	Karen Riggs	Juvenile Restitution Program	Comprehensive Juvenile Services, Inc. 51 South Sixth Fort Smith, AK 72901	(501) 785-4031
CA, Ventura County	Frank Woodsen Calvin Remington	Correction Services Agency Juvenile Restitution Project	501 Poli St, Room 302 Ventura, CA 93009	(805) 654-2198
CT, Norwich	Joseph Comeau	Project DETOUR	317 Main Street Norwich, CT 06360	(203) 889-5281
DC, Washington	Alan Schuman Kevin Fidgeon	Division of Social Service Juvenile Restitution Program	DC Superior Court 409 "E" St NW Washington, DC 20001	(202) 727-1866 (202) 727-1674
FL, Broward County	Barry Withers	Broward County Juvenile Restitution Project	416 SW First Fort Lauderdale, FL 33301	(305) 765-8185
GA, Clayton County	Richard Milliones	Clayton County Juvenil Restitution Project	Clayton Co Juvenile Court Clayton County Courthouse Jonesboro, GA 30236	(404) 471-1592
ID, 4th Judicial District	Grant Yee Judge Warren Gilmore Carl Miller	Juvenile Work Restitution in the 4th Judicial District	6300 Denton Street Boise, ID 83704	(208) 384-8911
IL, City of Chicago	Gloria Torres Alan Berger	Restitution for Juvenile Offenders	Dept of Human Services 640 North LaSalle Street Chicago, IL 60610	(312) 744-3265
KY, Jefferson Co.	Sandy Wilson	Jefferson County Juvenile Restitution Project	Dept of Human Services 835 W. Jefferson Suite 201-A Louisville, KY 40202	(502) 581-6897
LA, New Orleans	Judge Joan Armstrong Adele Adler-Lowe	Orleans Parish Juvenile Court Restitution Project	916 Lafayette New Orleans, LA 70113	(504) 522-3384 ext. 85
ME, Cumberland Co.	Donna Gilbeau	The Restitution Alternative	193 Middle Street Portland, ME 04101	(207) 774-5996
MD, Prince George's County	John W. Wrightson	Community Project for Restitution by Juvenile	Office of Youth Coordinator 4321 Hartwick Rd, Suite 318 College Park, MD 20740	(301) 277-5210

SITE	CONTACT PERSON(S)	PROJECT NAME	PROJECT ADDRESS	PROJECT TELEPHONE
MA, Lynn	Richard Bedine Maurice Rocheleau	Lynn Youth Resource Bureau Individualized Restitution Project for Juveniles	1 Market Street Lynn, MA 01901	(617) 598-4874
MA, New Bedford	Donald Gomes	New Bedford Juvenil Re- stitution Project	166 William Street New Bedford, MA 02740	(617) 996-3361
MA, Quincy	Joyce Hooley	Juvenile Restitution Project	Dist Court of East Norfolk 50 Chestnut Avenue Quincy, MA 02169	(617) 471-1650
MA, Westfield	Grace Taylor	Westfield Youth Restitu- tion Program	Assoc for the Support of Human Services 42 Arnold Street Westfield, MA 01085	(413) 562-5678
MI, Wayne County	William Wiggins Doris Heygood	Positive Action for Youth (PAY)	County of Wayne Juvenile Div. 1025 East Forest Detroit, MI 48207	(313) 833-5902 (313) 833-2922
MN, Hennepin County	David Steenson	Hennepin County Restitu- tion Program for Juve- nile Offenders	915 Fifth Street Minneapolis, MN 55415	(612) 348-3691
MN, Red Lake Reservation	Arnie Oliver	Restitution for Juvenile Offenders	Red Lake Tribal Court System Red Lake Band of Chippewa Red Lake, MN 56671	(218) 679-3313
MN, Washington Co.	Thomas Oswald	Washington Co. Juvenile Restitution Alternative	Forest Lake Youth Services 256 SW Fifth Street Forest Lake, MN 55025	(612) 464-3685
NH, Concord	Thomas Avallone	Friends Restitution Proj.	Friends, Inc. PO Box 1331 Concord, NH 03301	(603) 228-1193
NJ, Camden County	Kenneth Spaar	Camden County Juvenile Restitution Program	Camden Co Probation Dept 327-329 Market St Camden, NJ 08101	(609) 757-6535
OH, Adams & Brown Counties	Bill Shannon	Adams-Brown Co Juvenile Offender Restitution Proj.	15½ Main Street West Union, OH 45693	(513) 544-3777

SITE	CONTACT PERSON(S)	PROJECT NAME	PROJECT ADDRESS	PROJECT TELEPHONE
OH, Belmont-Harrison County	Chet Kalis	Mak-A-Mends	Sargus Juvenile Center Route 1, Hammond Road St. Clairsville, OH 43950	(614) 695-9750
OH, Hamilton County (Cincinnati)	Jay Talbot Rod Henders Mary Huber	Probationary Restitution Work Detail Program	Hamilton Co Juvenile Court 222 East Central Park Way Cincinnati, OH 45202	(513) 421-2022 (513) 421-3900 (513) 421-3907
OH, Lucas County	Dan Pompa	Lucas County Restitution Program	Lucas Co Juvenile Court Family Court Center 429 Michigan Street Toledo, OH 43624	(419) 259-8901
OH, Summit County	Nick DelGrosso	Child Responsibility Project	Summit Co Juvenile Court 650 Dan Street Akron, OH 44310	(216) 379-5859
OK, Oklahoma County	June Logan	Oklahoma Co Juvenile Restitution Program	Oklahoma Co Juvenile Bureau 321 Park Avenue, Room 214 Oklahoma City, OK 73102	(405) 236-1468
PR, Rio Piedras & Arecibo	Vanessa Davila	CARISMA (Community Action for Restitution in Services for Minor's Achievements)	Dept of Addiction Services SEMIT Division PO Box B-Y, Rio Piedras Sta. Rio Piedras, PR 00928	(809) 764-2888
SC, Charleston	Merry Hofford	Juvenile Restitution Project	PO Box 2696 Charleston, SC 29403	(803) 723-1676
TX, El Paso	JoAnn Chapman	Youth-Gap, Inc.	2000 Texas El Paso, TX 79901 and City-County Bldg, Room 214 El Paso, TX 79901	(915) 533-2217
VA, Newport News	Harry Hilling		137498 Warwick Blvd. Newport News, VA 23602	(804) 247-8566 (804) 877-6466
WA, Snohomish Co.	Michael Sullivan Charles Kindzel	Youth Restitutorial Services Project	Snohomish Co Juvenile Court 2801 Tenth Street Everett, WA 98201	(206) 259-0031
WI, Dane County	Barbara Kay	Youth Restitution Program	1245 E. Washington, Suite 76 Madison, WI 53705	(608) 255-5044

SITE	CONTACT PERSON(S)	PROJECT NAME	PROJECT ADDRESS	PROJECT TELEPHONE
State of DELAWARE	Bernice Lieberman Janice McCants-Bodie	Family Court of DE Restitution by Juvenile Offenders Project	PO Box 2359 Wilmington, DE 19899	(302) 571-2613
State of NEVADA	Michael Katz Fay Wood	Restitution: An Alterna- tive to Incarceration	250 Park Street Reno, NV 89502	(702) 784-6421
State of NEW JERSEY	Edward Niemiera	State of NJ Juvenile Re- stitution Program	349 State House Annex Trenton, NJ 08625	(609) 984-1609
State of NEW YORK	Bruce Way	Adjudicated Delinquent Restitution Project	NYS Div of Probation Tower Bldg, Empire St Plaza Albany, NY 12223	(518) 474-4173
State of WASHINGTON	Dan Greening	State of Washington Post- Adjudicated Restitution Program	LJPD Office of Financial Management House Office Building Olympia, WA 98504	(206) 753-3946
State of WISCONSIN	Dennis Maloney	Wisconsin Juvenile Resti- tution Project	Bureau of Children, Youth & Families State of WI Dept of Health & Social Services 1 West Wilson Madison, WI 53702	(608) 266-5716

CONTINUED

1 OF 3

JUVENILE RESTITUTION PROJECT

Dennis Maloney, Manager
State of Wisconsin Juvenile Restitution Project
1 West Wilson Street
Madison, Wisconsin 53702
(608) 266-5716

Ashland County

Honorable William Chase
Office of the County Judge
Ashland, WI 54806
(715) 682-4833

Gerald Bertheaume, Project Director
Ashland County Restitution Project
Office of the County Judge
Ashland, WI 54806
(715) 682-8370

Chippewa County

Honorable Richard Stafford
Chippewa County Courthouse
Chippewa Falls, WI 54729

Sue Maitland, Project Director
Restitution Project Staff
Courthouse
Chippewa Falls, WI 54729
(715) 723-1191

Gary Lefler
Intake Worker
Courthouse
Chippewa Falls, WI 54729
(715) 723-1191

Douglas County

Honorable Henry Leveroos
Douglas County
County Court Chambers
Branch #3
Superior, WI 54880

Kathy Kending
Restitution Project Staff
Douglas County
Courthouse
Superior, WI 54880
(715) 394-0419

Stephen Koszarek
Douglas County Department of
Social Services
Courthouse
Superior, WI 54880

Marathon County

Honorable Leo Crooks
Marathon County Courthouse
Wausau, WI 54401
(715) 842-2141

Micki Wilder, Project Director
Juvenile Restitution Project
Juvenile Probation Office
Marathon County Courthouse
Wausau, WI 54401
(715) 842-0471

Marvin Andersen
Chief Probation Officer
Marathon County Court
Branch #1
Wausau, WI 54401
(715) 842-0471

Rock County

Honorable Patrick J. Rude
Rock County
Juvenile Court
Branch #6
Courthouse
Janesville, WI 53545
(608) 752-7471

Marilyn Walterman
Restitution Project Coordinator
Juvenile Probation
County Building
250 Garden Lane
Beloit, WI 53511
(608) 362-8924 (Beloit)
(608) 755-2100 (Janesville)

Edward Schultz
Rock County Juvenile Probation
Branch #1
Janesville, WI 53545
(608) 755-2100

Walworth County

Lyle Olson, Project Director
Juvenile Court
Walworth County
Courthouse
Elkhorn, WI 53121
(414) 723-4900

Charles Mast
Juvenile Court
Walworth County
Elkhorn, WI 53121
(414) 723-4900

City of Green Bay

Honorable John C. Jaekels
Judge of the Circuit Court
Brown County
Branch #7
Safety Building
Green Bay, WI 54301

Wendy Schmidt, Project Director
Juvenile Restitution Project
City of Green Bay
Jefferson Street
Green Bay, WI 54301
(414) 497-4390

Gail Karvonen
Restitution Project Staff
City of Green Bay
Jefferson Street
Green Bay, WI 54301
(414) 497-4390

Paul Willems
Administrative Officer
City Hall
Green Bay, WI 54301
(414) 497-3621

Menominee Tribal Court

Honorable Lewis Hawpatoss
Menominee Court of Juvenile Offenses
Menominee County Courthouse
Keshena, WI 54135

Judy Finger, Project Director
Menominee Tribe
P. O. Box 429
Menominee Courthouse
Keshena, WI 54135
(715) 799-3266

Mani Boyd
Menominee Tribe
P. O. Box 417
Keshena, WI 54135

Quentin Beauprey
Menominee Tribe
P. O. Box 122
Neopit, WI 54150

Outagamie County

Honorable R. Thomas Cane
Judge of the Circuit Court
Outagamie County
Courthouse
Appleton, WI 54911

Dave Lovejoy, Project Director
Youth Services, Inc.
Outagamie County
106 N. Oneida
Appleton, WI 54911
(414) 731-0555

Michael Robinson
Juvenile Court Intake Worker
Outagamie County Court
410 S. Walnut Street
Appleton, WI 54911
(414) 735-5249

Bill Steward
Restitution Project Advisory Board
Outagamie County
Box 111, Route 2
Kaukauna, WI 54130
(414) 739-3121

Juvenile Delinquency Prevention Consultants*

Serves

Vince Wegner
Southern Regional Office
3601 Memorial Drive
Madison, WI 53704
(608) 294-0441

Southern Region: Columbia, Dane, Dodge,
Grant, Green, Iowa, Jefferson, Juneau,
LaFayette, Richland, Rock, Sauk

Jan Letven
Southeastern Regional Office
225 Executive Drive
Brookfield, WI 53005
(414) 257-4450

Southeastern Region: Kenosha, Ozaukee,
Racine, Walworth, Washington, Waukesha

Phil Condu
Eastern Regional Office
1181 Western Avenue
Green Bay, WI 54303
(414) 494-9641

Eastern Region: Brown, Calumet, Door,
Fond du Lac, Green Lake, Kewaunee,
Manitowoc, Marinette, Marquette, Menominee,
Oconto, Outagamine, Shawano, Sheboygan,
Waupaca, Waushara, Winnebago

David Peterson
Northern Regional Office
Schiek Plaza, P.O. Box 697
Rhineland, WI 54501
(715) 362-7800

Northern Region: Adams, Ashland, Bayfield,
Douglas, Florence, Forest, Iron, Langlade,
Lincoln, Marathon, Oneida, Portage, Price,
Sawyer, Taylor, Vilas, Wood.

Rena Bugge
Western Regional Office
718 W. Clairemont Avenue
Eau Claire, WI 54701
(715) 836-3146

Western Region: Barron, Buffalo, Burnett
Chippewa, Clark, Crawford, Dunn, Eau Claire,
Jackson, LaCrosse, Monroe, Pepin, Pierce,
Polk, Rusk, St. Croix, Trempealeau, Vernon,
Washburn

Ken Menting
Milwaukee Regional Office
819 N. 6th Street
Milwaukee, WI 53203
(414) 224-4501

Milwaukee Region: Milwaukee

* These consultants are available to any public or private agency that need assistance in juvenile programming.

APPENDIX 1

CIRCUIT JUDGES

CIRCUIT COURT OF ADAMS CO.

Hon. Raymond E. Gieringer
Circuit Court of Adams Co.
Adams County Courthouse
Friendship, Wisconsin 53934

CIRCUIT COURT OF ASHLAND CO.

Hon. William Chase
Circuit Court of Ashland Co.
Ashland County Courthouse
Ashland, Wisconsin 54806

CIRCUIT COURT OF BARRON CO.

Hon. Frederick E. Van Sickle
Circuit Court of Barron Co.
Barron County Courthouse
Barron, Wisconsin 54812

CIRCUIT COURT OF BAYFIELD CO.

Hon. Robert N. Ledin
Circuit Court of Bayfield Co.
Bayfield County Courthouse
Washburn, Wisconsin 54891

CIRCUIT COURT OF BROWN CO.

Hon. Richard Greenwood
Circuit Court of Brown Co.
Branch 1
Brown County Courthouse
Green Bay, Wisconsin 54301

Hon. Robert J. Parins
Circuit Court of Brown Co.
Branch 2
Brown County Courthouse
Green Bay, Wisconsin 54301

Hon. William J. Duffy
Circuit Court of Brown Co.
Branch 3
Brown County Courthouse
Green Bay, Wisconsin 54301

Hon. Clarence W. Nier
Circuit Court of Brown Co.
Branch 4
Brown County Courthouse
Green Bay, Wisconsin 54301

Hon. James W. Byers
Circuit Court of Brown Co.
Branch 5
Safety Building
Green Bay, Wisconsin 54301

Hon. N. Patrick Crooks
Circuit Court of Brown Co.
Branch 6
Brown County Courthouse
Green Bay, Wisconsin 54301

Hon. John C. Jaekels
Circuit Court of Brown Co.
Branch 7
Safety Building
Green Bay, Wisconsin 54301

CIRCUIT COURT - BUFFALO-PEPIN CO.

Hon. Gary B. Schlosstein
Circuit Court - Buffalo-Pepin Co.
Buffalo County Courthouse
Alma, Wisconsin 54610

CIRCUIT COURT OF BURNETT CO.

Hon. Harry F. Gundersen
Circuit Court of Burnett Co.
Burnett County Courthouse
Grantsburg, Wisconsin 54840

CIRCUIT COURT OF CALUMET CO.

Hon. David H. Sebora
Circuit Court of Calumet Co.
Calumet County Courthouse
Chilton, Wisconsin 53014

CIRCUIT COURT OF CHIPPEWA CO.

Hon. Robert F. Pfiffner
Circuit Court of Chippewa Co.
Branch 1
Chippewa County Courthouse
Chippewa Falls, Wisconsin 54729

Hon. Richard H. Stafford
Circuit Court of Chippewa Co.
Branch 2
Chippewa County Courthouse
Chippewa Falls, Wisconsin 54729

CIRCUIT COURT OF CLARK CO.

Hon. Lowell D. Schoengarth
Circuit Court of Clark Co.
Branch 1
Clark County Courthouse
Neillsville, Wisconsin 54456

Hon. Michael W. Brennan
Circuit Court of Clark Co.
Branch 2
Clark County Courthouse
Neillsville, Wisconsin 54456

CIRCUIT COURT OF COLUMBIA CO.

Hon. Howard W. Latton
Circuit Court of Columbia Co.
Branch 1
Columbia County Courthouse
Portage, Wisconsin 53901

Hon. Lewis W. Charles
Circuit Court of Columbia Co.
Branch 2
Columbia County Courthouse
Portage, Wisconsin 53901

Hon. Daniel C. O'Connor
Circuit Court of Columbia Co.
Branch 3
Columbia County Courthouse
Portage, Wisconsin 53901

CIRCUIT COURT OF CRAWFORD CO.

Hon. Michael T. Kirchman
Circuit Court of Crawford Co.
Crawford County Courthouse
Prairie du Chien, Wisconsin 53821

CIRCUIT COURT OF DANE CO.

Hon. Richard W. Bardwell
Circuit Court of Dane Co.
Branch 1
City-County Building
Madison, Wisconsin 53709

Hon. Michael B. Torphy, Jr.
Circuit Court of Dane Co.
Branch 2
City-County Building
Madison, Wisconsin 53709

Hon. P. Charles Jones
Circuit Court of Dane Co.
Branch 3
City-County Building
Madison, Wisconsin 53709

Hon. William Eich
Circuit Court of Dane Co.
Branch 4
City-County Building
Madison, Wisconsin 53709

Hon. Robert R. Pekowsky
Circuit Court of Dane Co.
Branch 5
City-County Building
Madison, Wisconsin 53709

Hon. James Boll
Circuit Court of Dane Co.
Branch 6
City-County Building
Madison, Wisconsin 53709

Hon. Moria Krueger
Circuit Court of Dane Co.
Branch 7
City-County Building
Madison, Wisconsin 53709

Hon. Ervin M. Bruner
Circuit Court of Dane Co.
Branch 8
City-County Building
Madison, Wisconsin 53709

Hon. William D. Byrne
Circuit Court of Dane Co.
Branch 9
City-County Building
Madison, Wisconsin 53709

Hon. Angela B. Bartell
Circuit Court of Dane Co.
Branch 10
City-County Building
Madison, Wisconsin 53709

CIRCUIT COURT OF DODGE CO.

Hon. Henry G. Gergen, Jr.
Circuit Court of Dodge Co.
Branch 1
Dodge County Courthouse
Juneau, Wisconsin 53039

Hon. Joseph E. Schultz
Circuit Court of Dodge Co.
Branch 2
Dodge County Courthouse
Juneau, Wisconsin 53039

Hon. Thomas W. Wells
Circuit Court of Dodge Co.
Branch 3
Dodge County Courthouse
Juneau, Wisconsin 53039

CIRCUIT COURT OF DOOR CO.

Hon. Edwin C. Stephan
Circuit Court of Door Co.
Door County Courthouse
Sturgeon Bay, Wisconsin 54235

CIRCUIT COURT OF DOUGLAS CO.

Hon. Arthur A. Cirilli
Circuit Court of Douglas Co.
Branch 1
Douglas County Courthouse
Superior, Wisconsin 54880

Hon. Douglas S. Moodie
Circuit Court of Douglas Co.
Branch 2
Douglas County Courthouse
Superior, Wisconsin 54880

Hon. Henry N. Leveroos
Circuit Court of Douglas Co.
Branch 3
Douglas County Courthouse
Superior, Wisconsin 54880

CIRCUIT COURT OF DUNN CO.

Hon. Donna J. Muza
Circuit Court of Dunn Co.
Dunn County Courthouse
Menomonie, Wisconsin 54751

CIRCUIT COURT OF EAU CLAIRE CO.

Hon. Thomas H. Barland
Circuit Court of Eau Claire Co.
Branch 1
Eau Claire County Courthouse
Eau Claire, Wisconsin 54701

Hon. William D. O'Brien
Circuit Court of Eau Claire Co.
Branch 2
Eau Claire County Courthouse
Eau Claire, Wisconsin 54701

Hon. Karl F. Peplau
Circuit Court of Eau Claire Co.
Branch 3
Eau Claire County Courthouse
Eau Claire, Wisconsin 54701

CIRCUIT COURT - FOREST-FLORENCE CO.

Hon. Frederick H. Fowle
Circuit Court - Forest-Florence Co.
Forest County Courthouse
Crandon, Wisconsin 54520

CIRCUIT COURT OF FOND DU LAC CO.

Hon. Jerold E. Murphy
Circuit Court of Fond du Lac Co.
Branch 1
Fond du Lac County Courthouse
Fond du Lac, Wisconsin 54935

Hon. John P McGalloway, Jr.
Circuit Court of Fond du Lac Co.
Branch 2
Fond du Lac County Courthouse
Fond du Lac, Wisconsin 54935

Hon. Hazen W. McEssy
Circuit Court of Fond du Lac Co.
Branch 3
Safety Building
Fond du Lac, Wisconsin 54935

Hon. Eugene F. McEssey
Circuit Court of Fond du Lac Co.
Branch 4
Fond du Lac County Courthouse
Fond du Lac, Wisconsin 54935

CIRCUIT COURT OF GRANT CO.

Hon. John Wagner
Circuit Court of Grant Co.
Branch 1
Grant County Courthouse
Lancaster, Wisconsin 53813

Hon. William L. Reinecke
Circuit Court of Grant Co.
Branch 2
Grant County Courthouse
Lancaster, Wisconsin 53813

CIRCUIT COURT OF GREEN CO.

Hon. Franz W. Brand
Circuit Court of Green Co.
Green County Courthouse
Monroe, Wisconsin 53566

CIRCUIT COURT OF GREEN LAKE CO.

Hon. David C. Willis
Circuit Court of Green Lake Co.
Green Lake County Courthouse
Green Lake, Wisconsin 54941

CIRCUIT COURT OF IOWA CO.

Hon. James P. Fiedler
Circuit Court of Iowa Co.
Iowa County Courthouse
Dodgeville, Wisconsin 53533

CIRCUIT COURT OF IRON CO.

Hon. Alex J. Raineri
Circuit Court of Iron Co.
Iron County Courthouse
Hurley, Wisconsin 54534

CIRCUIT COURT OF JACKSON CO.

Hon. Louis I. Drecktrah
Circuit Court of Jackson Co.
Jackson County Courthouse
Black River Falls, Wisconsin 54615

CIRCUIT COURT OF JEFFERSON CO.

Hon. John Danforth
Circuit Court of Jefferson Co.
Branch 1
Jefferson County Courthouse
Jefferson, Wisconsin 53549

Hon. William Brandel
Circuit Court of Jefferson Co.
Branch 2
Jefferson County Courthouse
Jefferson, Wisconsin 53549

CIRCUIT COURT OF JUNEAU CO.

Hon. William R. Curran
Circuit Court of Juneau Co.
Juneau County Courthouse
Mauston, Wisconsin 53948

CIRCUIT COURT OF KENOSHA CO.

Hon. Earl D. Morton
Circuit Court of Kenosha Co.
Branch 1 - Kenosha County Courthouse
Kenosha, Wisconsin 53140

Hon. William U. Zievers
Circuit Court of Kenosha Co.
Branch 2
Kenosha County Courthouse
Kenosha, Wisconsin 53140

Hon. John E. Malloy
Circuit Court of Kenosha Co.
Branch 3
Kenosha County Courthouse
Kenosha, Wisconsin 53140

Hon. Michael Fisher
Circuit Court of Kenosha Co.
Branch 4
Kenosha County Courthouse
Kenosha, Wisconsin 53140

Hon. Burton A. Scott
Circuit Court of Kenosha Co.
Branch 5
Kenosha County Courthouse
Kenosha, Wisconsin 53140

CIRCUIT COURT OF KEWAUNEE CO.

Hon. John A. Curtin
Circuit Court of Kewaunee Co.
Kewaunee County Courthouse
Kewaunee, Wisconsin 54216

CIRCUIT COURT OF LACROSSE CO.

Hon. Peter G. Pappas
Circuit Court of LaCrosse Co.
Branch 1
LaCrosse County Courthouse
LaCrosse, Wisconsin 54601

Hon. Eugene A. Toepel
Circuit Court of LaCrosse Co.
Branch 2
LaCrosse County Courthouse
LaCrosse, Wisconsin 54601

Hon. Dennis G. Montabon
Circuit Court of LaCrosse Co.
Branch 3
LaCrosse County Courthouse
LaCrosse, Wisconsin 54601

CIRCUIT COURT OF LAFAYETTE CO.

Hon. Daniel P. McDonald
Circuit Court of LaFayette Co.
LaFayette County Courthouse
Darlington, Wisconsin 53530

CIRCUIT COURT OF LANGLADE CO.

Hon Ralph J. Strandberg
Circuit Court of Langlade Co.
Langlade County Courthouse
Antigo, Wisconsin 54409

CIRCUIT COURT OF LINCOLN CO.

Hon. Donald E. Schnabel
Circuit Court of Lincoln Co.
Lincoln County Courthouse
Merrill, Wisconsin 54452

CIRCUIT COURT OF MANITOWOC CO.

Hon. Allan J. Deehr
Circuit Court of Manitowoc Co.
Branch 1
Manitowoc County Courthouse
Manitowoc, Wisconsin 54220

Hon. Leon H. Jones
Circuit Court of Manitowoc Co.
Branch 2
Manitowoc County Courthouse
Manitowoc, Wisconsin 54220

Hon. Harold W. Mueller
Circuit Court of Manitowoc Co.
Branch 3
Manitowoc County Courthouse
Manitowoc, Wisconsin 54220

CIRCUIT COURT OF MARATHON CO.

Hon. Ronald D. Keberle
Circuit Court of Marathon Co.
Branch 1
Marathon County Courthouse
Wausau, Wisconsin 54401

Hon. Leo D. Crooks
Circuit Court of Marathon Co.
Branch 2
Marathon County Courthouse
Wausau, Wisconsin 54401

Hon. Daniel L. LaRocque
Circuit Court of Marathon County
Branch 3
Marathon County Courthouse
Wausau, Wisconsin 54401

CIRCUIT COURT OF MARINETTE CO.

Hon. Charles D. Heath
Circuit Court of Marinette Co.
Branch 1
Marinette County Courthouse
Marinette, Wisconsin 54143

Hon. William Donovan
Circuit Court of Marinette Co.
Branch 2
Marinette County Courthouse
Marinette, Wisconsin 54143

CIRCUIT COURT OF MARQUETTE CO.

Hon. Andrew P. Cotter
Circuit Court of Marquette Co.
Marquette County Courthouse
Montello, Wisconsin 53949

CIRCUIT COURT - SHAWANO-MENOMINEE CO.

Hon. Michael G. Eberlein
Circuit Court - Shawano-Menominee Co.
Branch 1
Shawano County Courthouse
Shawano, Wisconsin 54166

Hon. Thomas G. Grover
Circuit Court - Shawano-Menominee Co.
Branch 2
Shawano County Courthouse
Shawano, Wisconsin 54166

CIRCUIT COURT OF MILWAUKEE CO.

Hon. Louis J. Ceci
Circuit Court of Milwaukee Co.
Branch 1
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. George A. Burns, Jr.
Circuit Court of Milwaukee Co.
Branch 2
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Leah M. Lampono
Circuit Court of Milwaukee County
Branch 4
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Ralph J. Podell
Circuit Court of Milwaukee Co.
Branch 5
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Robert W. Landry
Circuit Court of Milwaukee Co.
Branch 6
Safety Building
Milwaukee, Wisconsin 53233

Hon. John F. Foley
Circuit Court of Milwaukee Co.
Branch 7
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Michael J. Barron
Circuit Court of Milwaukee Co.
Branch 8
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Robert M. Curley
Circuit Court of Milwaukee Co.
Branch 9
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Ted E. Wedemeyer
Circuit Court of Milwaukee Co.
Branch 10
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Christ T. Seraphim
Circuit Court of Milwaukee Co.
Branch 11
Safety Building
Milwaukee, Wisconsin 53233

Hon. Michael Skwierawski
Circuit Court of Milwaukee Co.
Branch 12
Safety Building
Milwaukee, Wisconsin 53233

Hon. Victor Manian
Circuit Court of Milwaukee Co.
Branch 13
Safety Building
Milwaukee, Wisconsin 53233

Hon. Leander J. Foley, Jr.
Circuit Court of Milwaukee Co.
Branch 14
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Marvin C. Holz
Circuit Court of Milwaukee Co.
Branch 15
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Fred L. St. Clair
Circuit Court of Milwaukee Co.
Branch 16
10201 Watertown Plank Rd.
Milwaukee, Wisconsin 53233

Hon. Hugh R. O'Connell
Circuit Court of Milwaukee Co.
Branch 17
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Harold B. Jackson, Jr.
Circuit Court of Milwaukee Co.
Branch 18
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. John E. McCormick
Circuit Court of Milwaukee Co.
Branch 19
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. William J. Shaughnessy
Circuit Court of Milwaukee Co.
Branch 20
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Michael T. Sullivan
Circuit Court of Milwaukee Co.
Branch 21
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Terence T. Evans
Circuit Court of Milwaukee Co.
Branch 22
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Frederick P. Kessler
Circuit Court of Milwaukee Co.
Branch 23
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. David V. Jennings
Circuit Court of Milwaukee Co.
Branch 24
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Ralph G. Gorenstein
Circuit Court of Milwaukee Co.
Branch 25
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Michael P. Sullivan
Circuit Court of Milwaukee Co.
Branch 26
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Donald W. Steinmetz
Circuit Court of Milwaukee Co.
Branch 27
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Robert J. Miesch
Circuit Court of Milwaukee Co.
Branch 28
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. Gary A. Gerlach
Circuit Court of Milwaukee Co.
Branch 29
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

Hon. William A. Jennaro
Circuit Court of Milwaukee Co.
Branch 30
10201 W. Watertown Plank Rd.
Milwaukee, Wisconsin 53226

Hon. Patrick J. Madden
Circuit Court of Milwaukee Co.
Branch 31
Safety Building
Milwaukee, Wisconsin 53233

Hon. Michael Guolee
Circuit Court of Milwaukee Co.
Branch 32
10201 W. Watertown Plank Rd.
Milwaukee, Wisconsin 53226

Hon. Laurence Gram
Circuit Court of Milwaukee Co.
Branch 33
Milwaukee County Courthouse
Milwaukee, Wisconsin 53233

CIRCUIT COURT OF MONROE CO.

Hon. James W. Rice
Circuit Court of Monroe Co.
Monroe County Courthouse
Sparta, Wisconsin 54656

CIRCUIT COURT OF OCONTO CO.

Hon. Edward P. Herald
Circuit Court of Oconto Co.
Oconto County Courthouse
Oconto, Wisconsin 54153

CIRCUIT COURT OF ONEIDA CO.

Hon. Robert E. Kinney
Circuit Court of Oneida Co.
Oneida County Courthouse
Rhinelander, Wisconsin 54501

CIRCUIT COURT OF OUTAGAMIE CO.

Hon. Gordon Myse
Circuit Court of Outagamie Co.
Branch 1
Outagamie County Courthouse
Appleton, Wisconsin 54911

Hon. Urban Van Susteren
Circuit Court of Outagamie Co.
Branch 2
Outagamie County Courthouse
Appleton, Wisconsin 54911

Hon. Nick F. Schaefer
Circuit Court of Outagamie Co.
Branch 3
Outagamie County Courthouse
Appleton, Wisconsin 54911

Hon. R. Thomas Cane
Circuit Court of Outagamie Co.
Branch 4
Outagamie County Courthouse
Appleton, Wisconsin 54911

CIRCUIT COURT OF OZAUKEE CO.

Hon. Walter J. Swietlik
Circuit Court of Ozaukee Co.
Branch 1
Ozaukee County Courthouse
Port Washington, Wisconsin 53074

Hon. Warren A. Grady
Circuit Court of Ozaukee Co.
Branch 2
Ozaukee County Courthouse
Port Washington, Wisconsin 53074

CIRCUIT COURT OF PIERCE CO.

Hon. William E. McEwen
Circuit Court of Pierce Co.
Pierce County Courthouse
Ellsworth, Wisconsin 54011

CIRCUIT COURT OF POLK CO.

Hon. Robert O. Weisel
Circuit Court of Polk Co.
Polk County Courthouse
Balsam Lake, Wisconsin 54810

CIRCUIT COURT OF PORTAGE CO.

Hon. James H. Levi
Circuit Court of Portage Co.
Branch 1
Portage County Courthouse
Stevens Point, Wisconsin 54481

Hon. Robert Jenkins
Circuit Court of Portage Co.
Branch 2
Portage County Courthouse
Stevens Point, Wisconsin 54481

CIRCUIT COURT OF PRICE CO.

Hon. David Clapp
Circuit Court of Price Co.
Price County Courthouse
Phillips, Wisconsin 54555

CIRCUIT COURT OF RACINE CO.

Hon. John C. Ahlgrimm
Circuit Court of Racine Co.
Branch 1
Racine County Courthouse
Racine, Wisconsin 53403

Hon. Thomas P. Corbett
Circuit Court of Racine Co.
Branch 2
Racine County Courthouse
Racine, Wisconsin 53403

Hon. John Skow
Circuit Court of Racine Co.
Branch 3
Racine County Courthouse
Racine, Wisconsin 53403

Hon. William F. Jones
Circuit Court of Racine Co.
Branch 4
Racine County Courthouse
Racine, Wisconsin 53403

Hon. Richard G. Harvey, Jr.
Circuit Court of Racine Co.
Branch 5
Racine County Courthouse
Racine, Wisconsin 53403

Hon. Dennis D. Costello
Circuit Court of Racine Co.
Branch 6
Racine County Courthouse
Racine, Wisconsin 53403

Hon. James Wilbershide
Circuit Court of Racine Co.
Branch 7
Racine County Courthouse
Racine, Wisconsin 53403

Hon. Dennis Flynn
Circuit Court of Racine Co.
Branch 8
Racine County Courthouse
Racine, Wisconsin 53403

CIRCUIT COURT OF RICHLAND CO.

Hon. Kent C. Houck
Circuit Court of Richland Co.
Richland County Courthouse
Richland Center, Wisconsin 53581

CIRCUIT COURT OF ROCK CO.

Hon. Mark Farnum
Circuit Court of Rock Co.
Branch 1
Rock County Courthouse
Janesville, Wisconsin 53545

Hon. Sverre Roang
Circuit Court of Rock Co.
Branch 2
Rock County Courthouse
Janesville, Wisconsin 53545

Hon. Gerald W. Jaeckle
Circuit Court of Rock Co.
Branch 3
Rock County Courthouse
Janesville, Wisconsin 53545

Hon. Edwin Dahlberg
Circuit Court of Rock Co.
Branch 4
Rock County Building
Beloit, Wisconsin 53511

Hon. John H. Lussow
Circuit Court of Rock Co.
Branch 5
Rock County Building
Beloit, Wisconsin 53511

CIRCUIT COURT OF RUSK CO.

Hon. Donald J. Sterlinske
Circuit Court of Rusk Co.
Rusk County Courthouse
Ladysmith, Wisconsin 54848

CIRCUIT COURT OF ST. CROIX CO.

Hon. John G. Bartholomew
Circuit Court of St. Croix Co.
Branch 1
St. Croix County Courthouse
Hudson, Wisconsin 54016

Hon. Joseph W. Hughes
Circuit Court of St. Croix Co.
Branch 2
Hudson, Wisconsin 54016

CIRCUIT COURT OF SAUK CO.

Hon. James W. Karch
Circuit Court of Sauk Co.
Branch 1
Sauk County Courthouse
Baraboo, Wisconsin 53913

Hon. James R. Seering
Circuit Court of Sauk Co.
Branch 2
Sauk County Courthouse
Baraboo, Wisconsin 53913

CIRCUIT COURT OF SAWYER CO.

Hon. Alvin L. Kelsey
Circuit Court of Sawyer Co.
Sawyer County Courthouse
Hayward, Wisconsin 54843

CIRCUIT COURT OF SHEBOYGAN CO.

Hon. Ernest Keppler
Circuit Court of Sheboygan Co.
Branch 1
Sheboygan County Courthouse
Sheboygan, Wisconsin 53081

Hon. John G. Buchen
Circuit Court of Sheboygan Co.
Branch 2
Sheboygan County Courthouse
Sheboygan, Wisconsin 53081

Hon. John Bolgert
Circuit Court of Sheboygan Co.
Branch 3
Sheboygan County Courthouse
Sheboygan, Wisconsin 53081

CIRCUIT COURT OF TAYLOR CO.

Hon. Peter J. Seidl
Circuit Court of Taylor Co.
Taylor County Courthouse
Medford, Wisconsin 54451

CIRCUIT COURT OF TREMPLEALEU CO.

Hon. Albert L. Twesme
Circuit Court of Trempealeau Co.
Trempealeau County Courthouse
Whitehall, Wisconsin 54773

CIRCUIT COURT OF VERNON CO.

Hon. Walter S. Block
Circuit Court of Vernon Co.
Vernon County Courthouse
Viroqua, Wisconsin 54665

CIRCUIT COURT OF VILAS CO.

Hon. Timothy L. Vocke
Circuit Court of Vilas Co.
Vilas County Courthouse
Eagle River, Wisconsin 54521

CIRCUIT COURT OF WALWORTH CO.

Hon. Erwin C. Zastrow (Disabled)
Hon. Robert Gollmar (Acting Judge)
Circuit Court of Walworth Co.
Branch 1
Walworth County Courthouse
Elkhorn, Wisconsin 53121

Hon. James Carlson
Circuit Court of Walworth Co.
Branch 2
Walworth County Courthouse
Elkhorn, Wisconsin 53121

Hon. John J. Byrnes
Circuit Court of Washburn Co.
Washburn County Courthouse
Shell Lake, Wisconsin 54871

CIRCUIT COURT OF WASHBURN CO.

Hon. Warren Winton
Circuit Court of Washburn Co.
Washburn County Courthouse
Shell Lake, Wisconsin 54871

CIRCUIT COURT OF WASHINGTON CO.

Hon. J. Tom Merriam
Circuit Court of Washington Co.
Branch 1
Washington County Courthouse
West Bend, Wisconsin 53095

Hon. James B. Schwalbach
Circuit Court of Washington Co.
Branch 2
Washington County Courthouse
West Bend, Wisconsin 53095

Hon. Richard T. Becker
Circuit Court of Washington Co.
Branch 3
Washington County Courthouse
West Bend, Wisconsin 53095

CIRCUIT COURT OF WAUKESHA CO.

Hon. William Gramling (Disabled)
Hon. Max Raskin (Acting Judge)
Circuit Court of Waukesha Co.
Branch 1
Waukesha County Courthouse
Waukesha, Wisconsin 53186

Hon. Ness Flores
Circuit Court of Waukesha Co.
Branch 2
Waukesha County Courthouse
Waukesha, Wisconsin 53186

Hon. David L. Dancy
Circuit Court of Waukesha Co.
Branch 3
Waukesha County Courthouse
Waukesha, Wisconsin 53186

Hon. Patrick L. Snyder
Circuit Court of Waukesha Co.
Branch 4
Waukesha County Courthouse
Waukesha, Wisconsin 53186

Hon. Robert T. McGraw
Circuit Court of Waukesha Co.
Branch 6
Waukesha County Courthouse
Waukesha, Wisconsin 53186

Hon. Neal P. Nettesheim
Circuit Court of Waukesha Co.
Branch 7
Waukesha County Courthouse
Waukesha, Wisconsin 53186

CIRCUIT COURT OF WAUPACA CO.

Hon. A. Don Zwickey
Circuit Court of Waupaca Co.
Branch 1
Waupaca County Courthouse
Waupaca, Wisconsin 54981

Hon. Nathan E. Wiese
Circuit Court of Waupaca Co.
Branch 2
Waupaca County Courthouse
Waupaca, Wisconsin 54981

CIRCUIT COURT OF WAUSHARA CO.

Circuit Court of Waushara Co.
Waushara County Courthouse
Wautoma, Wisconsin 54982

CIRCUIT COURT OF WINNEBAGO CO.

Hon. William E. Crane
Circuit Court of Winnebago Co.
Branch 1
Winnebago County Courthouse
Oshkosh, Wisconsin 54901

Hon. Edmund P. Arpin
Circuit Court of Winnebago Co.
Branch 2
Winnebago County Courthouse
Oshkosh, Wisconsin 54901

Hon. Thomas S. Williams
Circuit Court of Winnebago Co.
Branch 3
Winnebago County Courthouse
Oshkosh, Wisconsin 54901

Hon. James G. Sarres
Circuit Court of Winnebago Co.
Branch 4
Winnebago County Courthouse
Oshkosh, Wisconsin 54901

Hon. William H. Garver
Circuit Court of Winnebago Co.
Branch 5
Winnebago County Courthouse
Oshkosh, Wisconsin 54901

CIRCUIT COURT OF WOOD CO.

Hon. Dennis D. Conway
Circuit Court of Wood Co.
Branch 1
Wood County Courthouse
Wisconsin Rapids, Wisconsin 54494

Hon. Frederick A. Fink
Circuit Court of Wood Co.
Branch 2
Wood County Courthouse
Wisconsin Rapids, Wisconsin 54494

APPENDIX 2

S. 48.17 JURISDICTION OVER TRAFFIC AND BOATING, CIVIL LAW AND ORDINANCE VIOLATIONS.

(1) **TRAFFIC VIOLATIONS.** Except for ss. 342.06(2) and 344.48(1), and s. 346.67 when death or injury occurs, courts of criminal and civil jurisdiction shall have exclusive jurisdiction in proceedings against children 16 or older for violations of ss. 30.50 to 30.80, of chs. 341 to 350, and of traffic regulations as defined in s. 345.20. A child convicted of a traffic or boating offense in a court of criminal or civil jurisdiction shall be treated as an adult for sentencing purposes except that the court may disregard any minimum period of incarceration specified for the offense.

(2) **CIVIL LAW AND ORDINANCE VIOLATIONS.** Courts of civil jurisdiction have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged 16 or older for violations of law punishable by forfeiture or violations of county, town or other municipal ordinances. The citation procedures described in ss. 23.50 to 23.85 and 66.119, respectively, may be used in such cases where applicable to adults charged with the same offense. If a citation is issued to a child, the issuing agency shall within 7 days notify the child's parent or guardian. If a court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it may enter any of the dispositional orders permitted under s. 48.343(1), (2) or (5). If a child fails to pay the forfeiture imposed by the court of civil jurisdiction, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01(4), for not less than 30 nor more than 90 days. If a court of civil jurisdiction suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person.

S. 48.245 INFORMAL DISPOSITION

(1) The intake worker may enter into a written agreement with all parties which imposes informal disposition under this section if the intake worker has determined that neither the interests of the child nor of the public require filing of a petition for circumstances relating to ss. 48.12 to 48.14. Informal disposition shall be available only if the facts persuade the intake worker that the jurisdiction of the court, if sought, would exist and upon consent of the child, parent, guardian and legal custodian.

(2) Informal disposition may provide that the child appear with a parent, guardian or legal custodian for counseling and advice, or that the child and a parent, guardian and legal custodian abide by such obligations as will tend to ensure the child's rehabilitation, protection or care. Informal disposition may not include any form of residential placement and may not exceed 6 months.

(3) The obligations imposed under an informal disposition and its effective date shall be set forth in writing. The child and a parent, guardian and legal custodian shall receive a copy, as shall any agency providing services under the agreement.

(4) The intake worker shall inform the child and the child's parent, guardian and legal custodian in writing of their right to object at any time to the fact or terms of the informal disposition, and if the objection arises the intake worker may alter the terms of the agreement or recommend to the district attorney or corporation counsel that a petition be filed.

(5) Informal disposition may be terminated at any time upon the request of the child, parent, guardian or legal custodian.

(6) An informal disposition arising out of an alleged delinquent act is terminated if the district attorney files a delinquency petition within 20 days after receipt of notice of the informal disposition under s. 48.24(5). In such case statements made to the intake worker during the intake inquiry are inadmissible.

(7) If at any time during the period of informal disposition the intake worker determines that the obligations imposed under it are not being met, the intake worker may cancel the informal disposition and recommend to the district attorney or corporation counsel that a petition be filed. In delinquency cases notice of cancellation shall be sent to the district attorney who may initiate a delinquency petition within 20 days after notice that the informal disposition has been canceled.

(8) If the obligations imposed under the informal disposition are met, the intake worker shall so inform the child and a parent, guardian and legal custodian in writing, and no petition may be filed on the charges that brought about the informal disposition nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

(9) The intake worker shall perform his or her responsibilities under this section under general written policies which the judge shall promulgate under s. 48.06(1) or (2).

S. 48.30 PLEA HEARING

(1) The hearing to determine the child's plea to a petition under s. 48.12, 48.125 or 48.13(12), or to determine whether any party wishes to contest an allegation that the child is in need of protection or services, shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days of the filing of a petition for a child who is not being held in secure custody or within 10 days of the filing of a petition for a child who is being held in secure custody.

(2) At the commencement of the hearing under this section the child and the parent, guardian or legal custodian shall be advised of their rights as specified in s. 48.243 and shall be informed that a request for a jury trial must be made before the end of the plea hearing or be waived. Nonpetitioning parties, including the child, shall be granted a continuance of the plea hearing if they wish to consult with an attorney on the request for a jury trial or substitution of a judge.

(3) If a petition alleges that a child is in need of protection or services under s. 48.13(1) to (11), the nonpetitioning parties and the child, if he or she is 12 years of age or older or is otherwise competent to do so, shall state whether they desire to contest the petition.

(4) If a delinquency petition under s. 48.12, a civil law violation petition under s. 48.125, or a petition alleging that a child is in need of protection or services under s. 48.13(12) is filed, the child may plead as follows:

(a) Admit some or all of the facts alleged in the petition; however, such a plea is an admission only of the commission of the acts and does not constitute an admission of delinquency or in need of protection or services;

(b) Deny the facts alleged in the petition. If the child stands mute or refuses to plead, the court shall direct entry of a denial of the facts alleged in the petition on the child's behalf; or

(c) State that he or she is not responsible for the acts alleged in the petition by reason of mental disease or defect. This plea may be joined with an admission of par. (a) or a denial under par. (b).

(5) If the child enters a plea of not responsible by reason of mental disease or mental defect the court shall order an examination under s. 48.295 and set a date for hearing on the issue:

(a) The hearing shall be held no more than 10 days from the plea hearing for a child held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody.

(b) If there is a finding that the child is not responsible by reason of mental disease or defect, the court may order the filing of a petition under ch. 51. If there is no such finding, the child shall enter a plea under sub. (4)(a) or (b), and the court shall proceed under sub. (6) or (7).

(6) If the petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for the child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody. If all parties consent the court may proceed immediately with the dispositional hearing.

(7) If the petition is contested, the court shall set a date for the fact-finding hearing which allows reasonable time for the parties to prepare but is no more than 20 days from the plea hearing for a child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody.

(8) Before accepting an admission of the alleged facts in a petition, the court shall:

(a) Address the parties present including the child personally and determine that the plea or admission is made voluntarily with understanding of the nature of the acts alleged in the petition and the potential dispositions.

(b) Establish whether any promises or threats were made to elicit a plea and alert unrepresented parties to the possibility that a lawyer may discover defenses or mitigating circumstances which would not be apparent to them.

(c) Make such inquiries as satisfactorily establishes that there is a factual basis for the child's plea or parent and child's admission.

S. 48.31 FACT-FINDING HEARING

(1) In this section, "fact-finding hearing" means a hearing to determine if the allegations of the petition are supported beyond a reasonable doubt except for petitions under s. 48.125 or 48.13(3), (7), (10) and (11) and petitions to terminate parental rights, which shall be proved by clear and convincing evidence.

(2) The hearing shall be to the court unless the child, parent, guardian or legal custodian exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. Chapter 756 and 805 shall govern the selection of jurors except that ss. 972.03 and 972.04 shall apply in cases in which the juvenile is alleged to be delinquent under s. 48.12. Chapters 901 to 911 shall govern the admissibility of evidence at the fact-finding hearing. At the conclusion of the hearing, the court or jury shall make a determination of the facts. If the court finds that the child is not within the jurisdiction of the court or the court or jury finds that the facts alleged in the petition have not been provided, the court shall dismiss the petition with prejudice.

(3) The hearing shall be reported and the record may be transcribed upon the request of any party with the approval of the court or under s. 48.47(2).

(4) The court shall make findings of fact and conclusions of law relating to the allegations of a petition filed under s. 48.13(1) to (11). In cases alleging a child to be in need of protection or services under s. 48.13(11), the court shall not find that the child is suffering serious emotional damage unless a licensed physician specializing in psychiatry or a licensed psychologist appointed by the court to examine the child has testified at the hearing that in his or her opinion the condition exists, and adequate opportunity for the cross-examination of the physician or psychologist has been afforded. The judge may use the written reports if the right to have testimony presented is voluntarily, knowingly and intelligently waived by the guardian ad litem or legal counsel for the child and the parent or guardian. In cases alleging a child delinquent or in need of protection or services under s. 48.13(12) the court shall make findings relating to the proof of the violation of law and to the proof that the child named in the petition committed the violation alleged.

(5) The general public shall be excluded from hearings under this chapter unless a public fact-finding hearing is demanded by a child through his or her counsel. The court shall refuse the public hearing if the victim of an alleged sexual assault objects or in the case of a nondelinquency proceeding if a parent or guardian objects. If such a demand is not made, only the parties, their counsel, witnesses and other persons requested by a party and approved by the court may be present. Any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court. Any person who divulges any information which would identify the child or the family involved in any proceeding under this chapter shall be subject to ch. 295.

(6) If the court finds that it is in the best interest of the child, and if the child's counsel or guardian ad litem consents, the child may be temporarily excluded by the court from a hearing or a petition alleging him or her to be in need of protection or services.

(7) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days from the fact-finding hearing for a child in secure custody and no more than 30 days from the fact-finding hearing for a child not held in secure custody. If all parties consent, the court may immediately proceed with a dispositional hearing.

S. 48.335 DISPOSITIONAL HEARINGS

(1) The court shall conduct a hearing to determine the disposition of a case in which a child is adjudged to be delinquent under s. 48.12, to have violated a civil law or ordinance under s. 48.125 or to be in need of protection or services under s. 48.13.

(2) The hearing shall be reported and the record may be transcribed upon the request of any party and with the approval of the court or under s. 48.47(2).

(3) At hearings under this section, any party may present evidence relevant to the issue of disposition, including expert testimony, and may make alternative dispositional recommendations.

(4) If the court finds that it is in the best interest of the child, and if the child's counsel or guardian ad litem consents, the child may be temporarily excluded from a dispositional hearing in a case in which he had been adjudged in need of protection and services.

(5) At the conclusion of the hearing, the court shall make a dispositional order in accordance with s. 48.355.

S. 48.34 DISPOSITION OF CHILD ADJUDGED DELINQUENT

If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that subs. (4m) and (8) shall be exclusive dispositions:

- (1) Counsel the child or the parent, guardian or legal custodian.
- (2) Place the child under supervision of an agency, the department if the department approves or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct and the conduct of the child's parent, guardian or legal custodian, designed for the physical, mental and moral well-being and behavior of the child.
- (3) Designate one of the following as the placement for the child:
 - (a) The home of a relative of the child.
 - (b) A home which need not be licensed if placement is for less than 30 days.
 - (c) A foster home licensed under s. 48.62 or a group home licensed under s. 48.625.
 - (d) A residential treatment center licensed under s. 48.60.
- (4) If it is shown that the rehabilitation or the treatment and care of the child cannot be accomplished by means of voluntary consent of the parent or guardian, transfer legal custody to:
 - (a) A relative of the child;
 - (b) A county agency;
 - (c) A licensed child welfare agency; or
- (4m) Transfer legal custody to the subunit of the department administering corrections for placement in a secured correctional facility, but only if:
 - (a) The child has been found to be delinquent for the commission of an act which if committed by an adult would be punishable by a sentence of 6 months or more; and
 - (b) The child has been found to be a danger to the public and to be in need of restrictive custodial treatment.
- (5) If the child is found to have committed a delinquent act which has resulted in damage to the property of another, or actual physical injury to another excluding pain and suffering, the judge may order the child to repair damage to property or to make reasonable restitution for the damage or injury if the judge considers it beneficial to the well-being and behavior of the child. Objection by the child to amount of damages claimed shall entitle the child to a hearing on the question of damages before the amount of restitution is ordered.
- (6) If the child is in need of special treatment and care the judge may order the child's parent, guardian or legal custodian to provide such care. If the parent, guardian or legal custodian fails or is financially unable to provide the care, the judge may order the care provided by an appropriate agency whether or not legal custody has been taken from the parents.
- (7) The judge may restrict, suspend or revoke the operating privilege, as defined in s. 340.01(40), of a child who is adjudicated delinquent under a violation of any law in which a motor vehicle is involved. Any limitation of the operating privilege shall be endorsed upon the operator's license and notice of the limitation forwarded to the department of transportation.
- (8) If the judge finds that no other court services or alternative services are needed or appropriate it may impose a maximum forfeiture of \$50 based upon a determination that this disposition is in the best interest of the child and in aid of rehabilitation. Any such order shall include a finding that the child alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the child fails to pay the forfeiture, the judge may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter.
- (9) SUPERVISED WORK PROGRAM. (a) The judge may utilize as a dispositional alternative court-ordered participation in a supervised work program. The judge shall set standards for the program within the budgetary limits established by the county board. The work program may provide the child reasonable compensation reflecting a reasonable market value of the work performed, and shall be administered by the county department of public welfare or a community agency approved by the judge.
 - (b) The supervised work program shall be of a constructive nature designed to promote the rehabilitation of the child, shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a member of an agency staff or other qualified person. The program may not conflict with the child's regular attendance at school.
- (10) SUPERVISED INDEPENDENT LIVING. (a) The judge may order that a child 17 or more years of age be allowed to live independently, either alone or with friends, under such supervision as the judge deems appropriate.
 - (b) If the plan for independent living cannot be accomplished with the consent of the parent or guardian, the judge may transfer custody of the child as provided in sub. (4)(a) to (c).
 - (c) The judge may order independent living as a dispositional alternative only upon a showing that the child is of sufficient maturity and judgment to live independently and only upon proof of a reasonable plan for supervision by an appropriate person or agency.

S. 48.343 DISPOSITION OF CHILD ADJUDGED TO HAVE VIOLATED A CIVIL LAW OR AN ORDINANCE

If the court finds that the child violated a civil law or an ordinance, it shall enter an order making one or more of the following dispositions:

- (1) Counsel the child or the parent or guardian.
- (2) Impose a forfeiture not to exceed \$25. If a child fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the child's operating privilege as defined in s. 340.01(40), for not less than 30 nor more than 90 days. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which will thereupon return the license to the person.
- (3) Order the child to participate in a supervised work program under s. 48.34(9).
- (4) If the violation has resulted in damage to the property of another, or actual physical injury to another excluding pain and suffering, the court may order the child to make repairs of the damage to property or reasonable restitution for the damage or injury if the court considers it beneficial to the well-being and behavior of the child. Any such order requiring payment for repairs or restitution shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for the payment. Objection by the child to the amount of damages claimed shall entitle the child to a hearing on the question of damages before the amount of restitution is ordered.
- (5) If the violation is related to unsafe use of a boat, order the child to attend a safety course under s. 30.74(1).
- (6) If the violation is of ch. 29, suspension of the license or licenses of the child issued under that chapter for not less than one year or until the child is 18 years of age, whichever occurs first.

APPENDIX 3

SECTION III

LEGAL PERSPECTIVES

Any research program aimed at the development of models for effective restitution or compensation programs must face the complex legal issues involved, many of which have constitutional dimensions. Such a program must also consider questions of procedure and policy, which can determine the scope, range, and utility of proposed models.

Some questions to be asked are:

- o Can an offender be required to make restitution as a condition of diversion from the criminal justice system? As a condition of probation? As a condition of parole? If answers be in the affirmative, are there standards or criteria which must be met? Would answers differ for juveniles and adult offenders?
- o Can an offender be compelled to make restitution as part of a sentence or conviction?
- o What policies or procedures would expose a program to challenge based on discrimination with respect to economic status? With respect to race or ethnic origin?
- o What compliance procedures would be available to enforce restitution orders? Against offenders in the community? Against those incarcerated or under some form of restraint?
- o To what extent can differential restitution requirements be imposed, based upon offenders' economic status or on damage to victims? Before charges filed? Prior to conviction? While incarcerated or under some form of restraint?
- o How can restitution procedures be made compatible with the responsibility of prosecutors to exercise their prosecutive discretion?
- o Who shall be eligible for restitution or compensation? Only victims? Those in privity with victims, e.g., insurers?

This report is necessarily limited in scope, and therefore does not purport to be an exhaustive examination of the relevant legal issues. It does address those issues, however, to the extent necessary to provide a basis for future research steps.

Conclusions and case citations should be viewed with caution. Restitution programs have nowhere been so well developed, so active, and so pervasive in their involvement in the criminal justice system, as to provoke the breadth and intensity of legal challenges which could be an adequate basis for conclusions as to what is and what is not possible. Further and more exhaustive legal research will undoubtedly be necessary, as a next step, but new and unforeseen problems will clearly flow from program implementation.

The Stages of Restitution

In considering legal issues relevant to restitution, it is essential to keep in mind the point at which restitution is invoked and the nature and character of the parties involved in the restitution agreement or procedure. Different legal issues will apply, based upon these incidents of restitution.

There is often a tendency not to address the issue of private restitution, where the criminal occurrence is never brought to the attention of the police or prosecutive agencies. Two reasons are cited in this regard. First, there is little which any proposed restitution model can offer with respect to incidents of crime never within its ken; and second, implicit in any such restitution is the possibility of an expressed or implied promise not to bring the crime to the attention of the police because of the restitution, and this in itself, would constitute a compounding violation.⁴²

The omission of a consideration of purely private and unofficial restitution settlements unwisely avoids the important and potentially frequent use of the practice. As Laster has suggested:

". . . despite all the difficulties involved in implementing a system of . . . restitution, despite all the coercive techniques of the law to prevent a settlement between the victim and his criminal, despite all the platitudes enunciated by the courts establishing the principle that restitution by the criminal is no defense to a later prosecution, today (private) restitution is very much alive in the system of criminal justice . . ." ⁴³

A careful review of the present uses of restitution in the pre-intake stages of the criminal justice system and the implications of their application, then, seems in order.

At the pre-intake level, for example, it is probable that substantial restitution occurs privately and without the knowledge or intervention of any official agency. Common examples of this form of restitution include parental payment for property damage caused by children and the assumption of costs associated with injuries incurred in minor assaults. This private form of restitution has the advantage of speed and the maintenance of good will between parties. One limitation to this form of restitution is that, in most jurisdictions, it is a felony for a victim to receive restitution in return for an agreement not to prosecute, particularly when the offense in question is a serious crime.⁴⁴

42 The elements of compounding may be described as (1) an agreement not to prosecute, (2) knowledge of the commission of the original crime, and (3) the receipt of a consideration. See W. LaFave and A. Scott, Handbook on Criminal Law 526, 1972.

43 Laster, op. cit., p. 83.

44 James Polish. "Rehabilitation of the Victims of Crime: An Overview." UCLA Law Review, Vol. 21, 1, 1973. One of the attractive aspects of increasing the availability of formal restitution remedies is, of course, the possibility that they will encourage crime reporting as an alternative to compounding.

At the police level, diversion in general, and restitution in particular, is often standard procedure for police officers. This is particularly true in cases involving juveniles. Frequently, police officers and investigators "contact" a juvenile suspected of delinquent involvement. Upon agreement to make restitution, return stolen goods or provide services to the victim, the officer may refuse to refer the juvenile to court for case disposition. Another more recent form of police involvement in restitution that has developed is one in which numerous police departments refer offenders who admit guilt to social agencies which then "arbitrate" a restitution settlement between the victim and the alleged offender. ⁴⁵

The advantages of police-level restitution are obvious. This system offers the benefits of quick settlement for the victim and frees the police officer from any subsequent appearances in court. In contrast, there are very real disadvantages. First, this method of crime adjustment allows the police officer discretionary power that may exceed his/her training and experience. In addition, there is an obvious element of potential coercion and violation of the rights of the alleged offender. This is particularly true in those instances where an innocent person might agree to make restitution, rather than suffer an arrest and any subsequent consequences.

Not all private restitution necessarily occurs outside the knowledge of the criminal justice system, however. Restitution may also take place informally, under the umbrella of the criminal justice system, after arrest and arraignment but prior to the filing of formal criminal charges. This is usually done with the knowledge and consent of the prosecutor and is, theoretically, not a factor in exercise of the prosecutor's discretion whether or not to prosecute. Clearly, the theory cannot be equated with reality. A prosecutor is burdened with heavy caseloads and will exercise his discretion not to prosecute many cases in any event. If the prosecutor stands in the way of a restitution arrangement, he may have an unhappy complaining witness, less helpful at trial. The prosecutor will, therefore, naturally find it easier to exercise that discretion in the absence of a clamoring victim. If this is the case, the offender who has assets, or who has not yet had the opportunity to dispose of illegally obtained money or property, is in a better position to exploit whatever possibilities may exist to have discretion exercised in his favor.

In magistrate's courts, or other intake agencies or facilities, prior to filing of charges, where there is high volume and the courts are faced with numerous minor assault charges, ⁴⁶ it is not uncommon for magistrates to effect compositions based upon payment of a doctor's bill or a day's lost wages, and dismiss the offender with a sternly phrased warning.

45 Personal interview with Major Lawrence Watson, Commander of the Juvenile Division, Seattle Police Department.

46 In 1967 it was estimated that approximately one half of those arrested have their cases dismissed at such early stages, under circumstances where it is difficult to effectively exercise good prosecutive judgment. The Challenge of Crime in a Free Society, The President's Commission on Law Enforcement and Criminal Justice (Washington, D.C.: Government Printing Office, 1967), p. 133.

These exercises of discretion have very real value. They free courts and prosecutors for other tasks, e.g., make possible the implementation of priorities. To the extent that they involve restitution, however, economic discrimination should be considered.

After the filing of charges, but before the trial, much of what has been said of the pre-filing period would apply as well. Restitution, under the egis of the prosecutor or of the court, may still be discriminatory in that it could play a part in the plea bargaining process, or in a decision to permit dismissals of charges. In such instances, the defendant who has or can obtain the means to make restitution is in a better position to bargain, and has on his side the normal and human tendency of prosecutors and courts who want to do something for victims.

Following conviction, on trial or guilty plea, restitution may be a condition of probation. This is so in the federal system,⁴⁷ and has been recommended for retention in proposed federal criminal codes.⁴⁸ Numerous states make statutory provisions for restitution on sentencing.⁴⁹ One report indicates widespread powers to order restitution in juvenile courts,⁵⁰ though some jurisdictions cited have powers only minimally related to restitution in the sense which the subject is discussed here.

Restitution in conjunction with incarceration, or under restraint of some kind, could involve recourse to prison wages or earnings in connection with assignment to community based correction facilities.

Last but not least, reference should be made to forms of restitution which occur outside the parameters of the criminal justice system, but are influenced by the system. For example: (1) where there has been a criminal conviction, the path of civil recourse (where the offender has means to satisfy a judgment) may be smoothed by the res adjudicata effect of the conviction, and (2) where compensation is paid to a victim under a state victim compensation system, many statutory schemes provide for compensation board actions to recover the amount paid by compensation boards to victims.⁵¹

47 18 U.S.C. 3651.

48 Study Draft of a New Federal Criminal Code, the National Commission on Reform of Federal Criminal Laws, (Washington, D.C.: Government Printing Office, 1970), Sec. 3103(2)(e); U.S. Congress, Senate, S.1, 93rd Cong., 1st sess. (1973); Standards Relating to the Administration of Justice, The American Bar Assoc. Project on Standards for Criminal Justice, Part III, 3.2(c) (iii); Model Penal Code, The American Law Institute, Proposed Official Draft, July 31, 1962, Sec. 301(2)(h), pp. 242-43.

49 Among the states which have such statutes are N.Y., Ga., Cal., Ill., Wisc., Pa., Mass., and D.C.

50 Levin & Sarri, Juvenile Delinquency: A Study of Juvenile Codes in the U.S. Ann Arbor: University of Michigan Press, 1974), p.54.

51 Little or no recovery has been had under these provisions. Edelhertz and Geis, op. cit., p. 290.

Constitutional Issues

(a) Equal Protection and Substantive Due Process

A denial of equal protection may be found under the fourteenth amendment to the U.S. Constitution⁵² whenever some public agency directly or indirectly establishes a class or category of persons and treats them more harshly than others, without having a sufficient justification for doing so.

In the discussion of stages of restitution, supra, references were made to potential discriminatory aspects of restitution programs. The key questions, with respect to equal protection,⁵³ are whether such discriminations as exist are rational and not arbitrary. States are not automatically precluded from treating persons unequally based on rational classifications and have wide discretion in this regard.⁵⁴

Where no racial classification or fundamental right is involved, the federal courts have strained to find reasonableness in state enactments.⁵⁵ Where such fundamental rights are involved, the test will be a stricter one.⁵⁶

Key restitution issues under the equal protection clause would be such as these:

- o Can an indigent offender be deprived of the benefits of a restitution program because he/she does not have the means to make restitution?

52 Nor shall any State deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the law.

53 Whether a due process or equal protection violation is charged, the test is the same for challenges to state action classifying persons, and then according them different treatment. For examples of due process cases, see, e.g., Great Atlantic & Pacific Tea Co. v. Grosjean, 301 U.S. 412 (1937); Provident Savings Institution v. Malone, 221 U.S. 28 (1911). For equal protection cases, see Williams v. Walsh, 222 U.S. 415 (1912); Finley v. Calif., 222 U.S. 28 (1911); Watson v. Marhland, 218 U.S. 173 (1910); Bachtel v. Wilson, 204 U.S. 36 (1907); Fidelity Mut. Life Assn. v. Mettler, 185 U.S. 308, 325-27 (1902).

54 E.g., Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61, 78 (1911); Morey v. Doud, 354 U.S. 457, 465 (1957).

55 Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 528 (1959); Rast v. Van Deman & Lewis Co., 240 U.S. 342, 357, (1916); Borden's Co. v. Baldwin, 293 U.S. 194, 209 (1934); Metropolitan Casualty Ins. Co. v. Brownell, 294 U.S. 580, 584 (1935); New York Rapid Transit Corp. v. City of New York, 303 U.S. 573 (1938); rehearing denied 304 U.S. 588. See also Goesaert v. Cleary, 74 F. Supp. (E.D. Mich. 1947) aff'd 335 U.S. 464.

56 See e.g., DeFunis v. Odegaard, 82 Wash. 2d 11, 507 P. 2d 1169 (1974); Shapiro v. Thompson, 394 U.S. 618 (1969).

- o Can an indigent offender be required to take a low paying, or menial, or public service job to make restitution, while those able to pay make direct monetary restitution?
- o Where a restitution program lacks clear collection procedures, is there unlawful discrimination in favor of the indigent defendant who does not pay, while others do pay?

There is a substantial body of decisions which vest discretion in the courts to provide for disparate treatment in sentencing. A jail sentence based on failure to pay would appear to be within the discretion of judges, and in the present state of the law it is not at all clear that imprisonment for inability to make restitution would violate the equal protection clause. 57 It should be noted, however, that Williams and Tate brought individual, not class actions, and offered no evidence as to the treatment of indigents generally. No one has yet attempted a class action contesting jail terms, or enforced labor for indigents, while others pay fines out of pocket. The issue is not entirely settled.

Whatever the constitutional issue, the policy considerations are important and should be considered. The National Commission on Reform of Federal Criminal Laws recommended that:

. . . When restitution or reparation is a condition of the sentence, the court shall fix the amount thereof, which shall not exceed the amount the defendant can or will be able to pay. (emphasis supplied) 58

This policy echoes that expressed by a New York court, which declared:

. . . if the suspension of the sentence is to be meaningful, the conditions of the defendant's probation must be such as are within the defendant's capacity to meet, in the light of his financial position and average earnings. 59

The unusual issue of discrimination in favor of the indigent offender was, in fact, raised by the Supreme Court of the United States when it said that to fail to enforce judgements against those unable to pay (a fine) would:

. . . amount to inverse discrimination, since it would enable an indigent to avoid both the fine and imprisonment for nonpayment whereas other defendants must always suffer one or the other conviction. 60

57 Williams v. Illinois, 399 U.S. 235 (1970) and Tate v. Short, 401 U.S. 395 (1979) do not settle the issue. These decisions turned on the fact that the sentences imposed exceeded statutory maximums.

58 Op. Cit., supra., Sec. 3103 (2)(e).

59 People v. Marx, 19 A.D. 2d 577 (Supr. Ct., App. Div., 4th Dept., 1963).

60 Tate v. Short, supra., p. 399.

One must doubt that this latter issue will surface meaningfully as a challenge to restitution programs; more likely it will be part of any defense to challenges made on grounds of discrimination against indigent offenders.

(b) Procedural Due Process

The due process clauses of the fifth and fourteenth amendments promise offenders that they will not be deprived of their liberty in the absence of some rudimentary procedures, such as a hearing.

Any restitution program must necessarily employ enforcement mechanisms to ensure that restitution ordered will be paid. One enforcement mechanism, the strongest one available, would be jailing of the offender who defaults. When there is a hearing, such incarceration will be upheld.⁶¹

Clearly, any restitution program should be designed to provide for a hearing if, after an original sentence which does not provide for incarceration, offender confinement is sought because of default in payment. This would be even more important if the power be delegated to an administrative body.⁶²

(c) Involuntary Servitude

Current theory recognizes the reality that a substantial portion of defendants who will be called upon to make restitution will be indigent and unemployed. In the planning of restitution programs, provision is usually made for providing employment for those ordered to make restitution, raising questions under the thirteenth amendment to the U.S. Constitution which provides that:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

It is doubtful whether the thirteenth amendment can be interpreted as a bar to restitutive labor ordered as part of a criminal sentence. The amendment makes specific exception for involuntary servitude "as a punishment for crime." Cases in which the Supreme Court has frowned upon criminal prosecutions arising out of state statutes intended to coerce workers to honor their employment contracts,⁶³ would not seem applicable to the enforcement of court restitution orders duly imposed on sentence.⁶⁴

In one case, interpreting the Georgia Constitution, the Court of Appeals of Georgia directly addressed a comparable issue:

61 Freeman v. U.S., 254 F. 2d 352 (C.A.D.A., 1958).

62 Morrissey v. Brewer, 408 U.S. 471 (1972).

63 Bailey v. Alabama, 219 U.S. 219 (1911); Taylor v. Georgia, 315 U.S. 25 (1942); Pollack v. Williams, 322 U.S. 4 (1944).

64 Freeman v. U.S., supra., at note

That restitution to the injured party may be a condition imposed for suspending a sentence upon conviction of an offense. . . does not prevent the sentence from being valid and legal, and is not violative of . . . the (Georgia) Constitution of 1945⁶⁵. . . providing that (t)here shall be no imprisonment for debt. . .

The rights of courts to order restitution as a condition of probation is clear. Without reasonable enforcement mechanisms, such power would be relatively meaningless. It is difficult to envision effective enforcement, in the last analysis, without the power to jail a defaulting offender. So long as restitution programs are carefully structured to achieve their objectives (rehabilitation of offenders or making victims whole) and not aimed at exploitation of offenders as a cheap labor source, they should not be vulnerable to attack under the thirteenth amendment. If there are reasonable limits to the amount of restitution ordered, so that offenders are not subjected to hopelessly long terms of bondage, the thirteenth amendment should not pose special problems to the operation of such programs.

Other Legal Issues

The limited survey of legal sources examined for this report pointed to a number of specific issues which should be considered in the drafting of restitution statutes and the structuring of restitution programs. It also served to confirm that the existing body of experience and literature dealing with victim compensation programs has substantial relevance to the subject of restitution.

The specific issues, or areas, are the following:

(a) Scope of Restitution Programs

Any restitution program should be based upon standards for allowable limits of restitution which offenders be required to make. This does not mean that there must be specific limits in dollar amounts.

Many existing or proposed restitution statutes or schemes provide general guidelines. Probation conditions, in the proposed new Federal Criminal Code, drafted by the National Commission on Reform of Federal Criminal Laws²⁷ sets these standards as follows:

- (1) Limits restitution to the damage or injury sustained by the victim.⁶⁶
- (2) Requires the court to fix a specific amount, which shall not exceed the amount the defendant can or will be able to pay.
- (3) Requires the court to fix the manner of performance.

⁶⁵ Maurier v. State, 144 S.E. 918, 112 Ga. App. 297 (Ct. of Appeals of Georgia, 1965).

⁶⁶ This precludes punitive damages. Only actual damages are permitted under the existing federal statute, 18 U.S.C. 3651.

This last standard is intended to ensure that an offender will be certain as to what will be required of him.

A number of other states, including New York and Illinois, similarly enjoin their courts take into account the offender's ability to pay.

The value of setting such standards was forcefully stated by Chief Judge Roszel C. Thomsen, of the United States District Court in Maryland, at the 1951 Pilot Institute on Sentencing:

. . . a schedule for making restitution payments can be an important part of the rehabilitation process and can help develop a greater sense of personal responsibility.⁶⁷

* * *

. . . Restitution on a weekly basis should generally be made a part of the probation program, unless the family situation is such that the probationer will be tempted to rob Peter to pay Paul.⁶⁸

It is commonly provided that restitution be required only for victims' actual damages. While such provisions would clearly exclude punitive damages, they do not answer at least two important questions:

Should there be restitution for common law damages, such as pain and suffering, or permanent injuries?

Should there be payment for losses covered by insurance or other sources, e.g., continuation of wages under employer sick leave or disability plans?⁶⁹

Most statutory provisions authorizing restitution apply at the sentencing stage. It is quite common for a prosecutor to charge only part of the total number of criminal incidents which could be the subject of prosecution, and to accept a plea to only one. Should a defendant be required to make compensation going beyond the damage or harm involved in only one of several charges on which he could be prosecuted? In State v. Scherr⁷⁰ the court recognized that a prosecutor will often charge one of a series of acts, and permitted a restitution order which exceeded the \$350 theft charged in the information. The court declared:

67 The Choice Between Probation and Prison, 26 F.R.D. 365,368.

68 Ibid.

69 This question is a thorny one. In several jurisdictions courts have held that insurance or surety companies are not "parties aggrieved." Thus, in People v. Grago, 204 N.Y.S. 2d 744 (Oneida County Court, 1960) a surety company claimed to be a "party aggrieved" because it would be compelled to honor its surety bond and make whole a trade union from which the defendant had embezzled funds. The court held that the surety company was not a "party aggrieved." In view of subrogation clauses, as well as some insurance provisions excluding coverage in the event of non-cooperation by insureds, this question may be expected to recur.

70 9 Wisconsin 418, 101 N.W. 2d 77.

. . . When a court in a criminal suit determines the amount of restitution for the purpose of probation, it does so as part of the criminal proceeding. Such proceeding determination is analogous in its nature to a pre-sentence investigation.

Notwithstanding this statement the Wisconsin Supreme Court in Scherr declined to approve restitution for the victim's losses outside the period of time specified in the information, indicating that it was not about to permit sentencing courts to examine "series of acts" which go very far beyond those for which a conviction is obtained. Limited examination of state cases would indicate that Scherr represents a most liberal, victim-oriented view. It certainly is more victim-oriented than the current federal standard, as enacted in 18 U.S.C. 3651 which provides that restitution can be required on probation only for "actual damage or loss caused by the offense for which conviction was had." (emphasis supplied)

If one assumes that more serious crimes are, as a rule, more likely to result in the filing of criminal charges, and less serious crimes more likely to result in declinations of prosecution - - - there is a strong potential for anomalies in the area of restitutive justice. In criminal prosecutions courts are roughly confined to ordering restitution for harm suffered as a result of the crimes for which conviction was had. Where formal or informal restitution is ordered in the course of a diversion program, or under the supervision of a prosecutor considering how he should exercise his discretion to prosecute or not prosecute, there are no such legal restraints to the imposition of restitution requirements.⁷¹ There is no reason to suspect that special arbitrariness is present where restitution takes place prior to disposition by trial or plea, but the possibility makes it very important to set standards for restitution programs which operate independent of criminal prosecution.

(b) Administrative Measures

There are numerous mechanisms available for making restitution awards, and for enforcing compliance with such awards.

Following conviction on criminal charges, judges usually make award determinations as conditions of sentencing. This is not always the case. In State v. Scherr, supra, the Wisconsin Supreme Court obviously did not approve the action of the trial court judge, who delegated to a referee the task of setting the amount of required restitution. The appellate court did not give clear reasons for its disapproval, and the trial court judge's idea warrants further consideration. In California restitution awards are set in administrative proceedings under court supervision. Actual proceedings, in the many states which provide for restitution orders, should be carefully studied to determine the range of options for setting awards, as should the procedures of state victim compensation boards.⁷²

71 This would also apply to restitution stemming from exercise of discretionary power by police, lower court magistrates, or other functioning of the criminal justice system.

72 See Edelhertz and Geis, op cit. See also pp. 80-83, infra, noting the potential trade-offs and conflicts with victim compensation programs as a specific issue in restitution programs.

Problems arising out of enforcing restitution awards were addressed in our discussion of constitutional issues. The entire body of decisional and statutory law dealing with criminal fines should be applicable in this area. Of course, performance in the collecting of fines has not been a clear success. Some restitution can be made.

(c) Relationship of Restitution to Civil Proceedings

The availability of the remedy of restitution does not and should not prevent private action by the victim of crime against the offender.

It would be dangerous, however, to permit perversion of the restitution process for this⁷³ purpose. As stated by the Wisconsin Supreme Court in State v. Scherr:

. . . Neither should the criminal process be used to supplement the civil suit or as a threat to coerce the payment of a civil liability and thus reduce the criminal court to a collection agency.

There are some limited benefits which will flow from a criminal conviction, e.g., the res adjudicata effect of the conviction on issues in the criminal case. Beyond this, however, courts or others involved in restitution programs should not attempt to pressure offenders. To do so, on behalf of victims, might result in unwitting harm to other program objectives, e.g., rehabilitation of offenders.

Conversely, the restitution procedure should not be permitted to inhibit or frustrate civil action by victims. Offenders will not be loath to exploit the existence of restitution orders as a defense. In People v. Stacy⁷⁴ the offender was ordered to pay \$100 per month until \$6,000 had been paid. The victim sued for a far higher amount. The offender moved to stay the probation order requiring restitution payments pending outcome of the related civil suit. The court flatly refused to stay its implementation order, holding that it would be unfair to cut off the \$100 monthly payment since this would deter and inhibit the victim's undoubted right to pursue his civil remedies.

Problems can also be expected to arise with respect to the rights of subrogation parties,⁷⁵ and with respect to issues arising out of double recoveries, e.g., where victims receive both restitution and benefits from some other source for the same damage but no subrogation rights are invoked.

In actual practice one would expect the relationship to civil proceedings to be a rare problem in the management of a restitution program --- though if it occurs it may be momentarily troublesome. More complex will be the

73 Op cit. in note 70.

74 64 Ill. App. 2nd 157 (App. Court of Ill., 1965); 212 N.E. 2d 286.

75 See footnote 60, supra.

(essentially civil) relationship between restitution and victim compensation, which should result in offenders paying victim compensation boards for award payments to victims - - - if victim compensation boards are eligible as "parties aggrieved."⁷⁶

76 Ibid.

APPENDIX 4

(Slip Opinion)

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DURST ET AL. v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT

No. 76-5935. Argued December 5, 1977—Decided February 22, 1978

Petitioners, youth offenders, pleaded guilty to various federal offenses and, under § 5010 (a) of the Youth Corrections Act (YCA), were given suspended sentences and placed on probation, which was conditioned on payment of fines and in one instance on making restitution. Their convictions were affirmed in the courts below. While now conceding that restitution is a permissible condition of probation under the YCA, petitioners contend that a sentence of probation under § 5010 (a) is a substitute for any other penalty provision, and that since § 5010 (a) does not expressly authorize fines, the authority to impose them cannot be imputed from any other penalty provision. They argue, moreover, that a fine is necessarily punitive and contrary to the rehabilitative goals of the YCA. *Held*: When a youth offender is placed on probation under § 5010 (a), restitution may be required, and, when the otherwise applicable penalty provision permits, a fine may be imposed as conditions of probation. Pp. 7-12.

(a) Though the language of § 5010 (a) neither grants nor withholds the authority to impose a fine or to order restitution, § 5023 (a) of the YCA incorporates by reference the authority conferred under the general probation statute, 18 U. S. C. § 3651, to permit such an exaction, and it is clear from the YCA's legislative history that Congress' purpose in adopting § 5023 (a) was to assure that a sentence under § 5010 (a) would not displace the authority under § 3651 to impose a fine and order restitution as conditions of probation. Pp. 7-11.

(b) In preserving the authority to impose a fine as a condition of probation Congress necessarily concluded that such a condition comports with YCA's rehabilitative goals. Pp. 11-12.

549 F. 2d 799, affirmed

BRENNAN, J., delivered the opinion of the Court, in which all Members joined except BLACKMUN, J., who took no part in the consideration or decision of the case.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 76-5935

Rickey Lee Durst et al.,
Petitioners,
v.
United States.

On Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit.

[February 22, 1978]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

We granted certiorari, 430 U. S. 929 (1977), to decide whether a trial judge who suspends a sentence of commitment and places a youth offender on probation pursuant to § 5010 (a) of the Federal Youth Corrections Act, 18 U. S. C. § 5005 *et seq.*, may impose a fine, or require restitution, or both, as conditions of probation.¹

Each of the five petitioners pleaded guilty in a separate proceeding before a United States Magistrate to an offense for which penalties of fine or imprisonment or both are provided. Petitioners Durst and Rice pleaded guilty to obstruction of the mails in violation of 18 U. S. C. § 1701. Petitioners Bly-

¹ Courts of Appeals have reached conflicting conclusions concerning whether a fine is a permissible condition of a § 5010 (a) sentence. The Court of Appeals for the Ninth Circuit, *United States v. Bowens*, 514 F. 2d 440 (1975); *United States v. Mollet*, 510 F. 2d 625 (1975), in disagreement with the Court of Appeals for the Fourth Circuit in the instant case, has held that imposition of a fine is improper. The Ninth Circuit, *United States v. Hayes*, 474 F. 2d 965 (1973), and the Fifth Circuit, *Cramer v. Wise*, 501 F. 2d 959 (1974), have held that a fine is not permissible in conjunction with a § 5010 (b) sentence. With respect to orders of restitution, however, the Courts of Appeals that have addressed the question, the Ninth Circuit in *United States v. Hix*, 545 F. 2d 1247 (1976), and the Third Circuit in *United States v. Buechler*, 557 F. 2d 1002 (1977), agree with the Court of Appeals in this case that an order of restitution properly may be imposed in conjunction with a sentence under § 5010 (a).

stone and Pinnick pleaded guilty to stealing property with a value less than \$100 from a Government reservation in violation of 18 U. S. C. § 661. Petitioner Flakes pleaded guilty to theft of property belonging to the United States with a value less than \$100 in violation of 18 U. S. C. § 641. Each petitioner was sentenced by a magistrate under § 5010 (a), to probation and a suspended sentence of imprisonment.² Petitioner Flakes was ordered to pay a fine of \$50 as a condition of probation and each of the others \$100. Petitioner Durst was also ordered to make restitution, in the amount of \$160, as a condition of probation.

Each petitioner appealed his sentence to the United States District Court for the District of Maryland, which consolidated and affirmed the appeals. Crim. Action No. N-75-0828 (June 25, 1976). The United States Court of Appeals for the Fourth Circuit affirmed in an unpublished *per curiam* opinion, No. 76-1905 (Dec. 9, 1976), affirmance noted, at 549 F. 2d 799, relying on its earlier decision in *United States v. Oliver*, 546 F. 2d 1096 (1976), cert. pending, No. 76-5632, which had held that imposition of a fine as a condition of probation was consistent with the YCA. In addition, the *per curiam* in the instant case stated that "For the reasons expressed in *Oliver*, we believe that a requirement of restitution is also consistent." No. 76-1905, *supra*, slip op., at 2. We agree that, when placing a youth offender on probation under § 5010 (a), the sentencing judge may require restitution, and, when the otherwise applicable penalty provision permits, impose a fine as conditions of probation, and therefore affirm the judgment of the Court of Appeals.

I

The YCA, is primarily an outgrowth of recommendations of the Judicial Conference of the United States, see *Dorszynski*

² Rice, a young adult, was sentenced under § 5010 (a) pursuant to 18 U. S. C. § 4216 which permits sentencing of young adult offenders under the YCA in appropriate cases.

v. United States, 418 U. S. 424, 432 (1974), designed to reduce criminality among youth. Congress found that between the ages of 16 and 22, "special factors operated to produce habitual criminals. [Moreover], then-existing methods of treating criminally inclined youths were found inadequate in avoiding recidivism." *Ibid.* (citation omitted).

The core concept of the YCA, like that of England's Borstal System upon which it is modeled,³ is that rehabilitative treatment should be substituted for retribution as a sentencing goal.⁴ Both the Borstal System and the YCA incorporate three features thought essential to the operation of a successful rehabilitative treatment program: flexibility in choosing among a variety of treatment settings and programs tailored to individual needs;⁵ separation of youth offenders from

³ See S. Rep. No. 1180, 81st Cong., 1st Sess., 4 (1949); Prevention of Crime Act of 1908, 8 Edw. 7, ch. 59, pt. 1; The Criminal Justice Act of 1948, 11 & 12 Geo. 6, ch. 58; Criminal Justice Act of 1961, 9 & 10 Eliz. 2, ch. 39. For a discussion of the similarities between the Borstal System and the YCA, see Note, The Federal Youth Corrections Act: Past Concern in Need of Legislative Reappraisal, 11 Am. Crim. L. Rev. 229, 233-242 (1972).

⁴ "The underlying theory of the bill is to substitute for retributive punishment methods of training and treatment designed to correct and prevent antisocial tendencies. It departs from the mere punitive idea of dealing with criminals and looks primarily to the objective idea of rehabilitation." H. R. Rep. No. 2979, 81st Cong., 1st Sess., 3 (1950).

⁵ The Act provides that committed youth "shall undergo treatment in institutions of maximum security, medium security, or minimum security types, including training schools, hospitals, farms, forestry and other camps, and other agencies . . . of treatment." 18 U. S. C. § 5011. Moreover, it provides for the examination, classification and periodic re-evaluation of youth on an individual basis in order to tailor the Act's programs to individual needs. See 18 U. S. C. §§ 5014-5017.

The basis for this emphasis on individualized and flexible treatment programs was the Borstal System which the Act emulated. That program was described in H. R. Rep. No. 2979, 81st Cong., 2d Sess. (1950) as follows:

"[The Borstal System] now embraces 13 institutions. Some are walled.

hardened criminals;⁶ and careful and flexible control of the duration of commitment and of supervised release.⁷ The YCA established the framework for creation of a treatment

Others are completely open. Each institution has its own particular specialty.

"One provides complete facilities for trade training in metal and woodwork. Another is laid out and run as a summer camp with work and recreational programs which keep the boys out of doors. A third is largely devoted to agriculture and stock raising. One institution graduates skilled workers in the building trades.

"While the institutions differ in many respects, they have certain things in common. . . .

"Second, an individual plan based on close acquaintance with individual needs and antecedents and calculated to return the young men to society as social and rehabilitated citizens.

"Three cardinal principles dominate the system: (1) flexibility, (2) individualization, and (3) emphasis on the intangibles." *Id.*, at 5.

"By herding youth with maturity, the novice with the sophisticate, the impressionable with the hardened, and by subjecting youth offenders to the evil influences of older criminals and their teaching of criminal techniques, without the inhibitions that come from normal contacts and counteracting prohylaxis, many of our penal institutions actively spread the infection of crime and foster, rather than check, it." H. R. Rep. No. 2979, 81st Cong., 2d Sess., 2-3 (1950).

⁷ The statement of Mr. Bennett, the Director of the Bureau of Prisons, before the Senate Subcommittee explained the need for an indeterminate sentence with discretion vested in the Youth Corrections Division of the Bureau to release the offender at the appropriate time. Mr. Bennett said:

"From the hundreds of cases of this type which have come across my desk I have formed the conclusion that in the task of correcting the offender the crucial element is that of time. Attitudes, habits, interests, standards cannot be changed overnight. Training in work habits and skills requires time. Once the individual has received the maximum benefit from the institutional program, however, it is just as important that his release to the community be effected promptly. In the case of each person confined there comes a period when he has his best prospects of making good in the community. His release should occur at this time. If he is released earlier he will not be ready for the task of establishing himself; if later,

program incorporating these features, and, as an alternative to existing sentencing options, authorized a sentence of commitment to the Attorney General for treatment under the Act. *Dorszynski, supra*, at 437-440.

The Act contains four provisions regarding sentencing. Section 5010 (a) provides that "[i]f the court is of the opinion that the youth offender does not need commitment," imposition or execution of sentence might be suspended and the youth offender placed on probation. Sections 5010 (b) and (c) provide that, if the youth is to be committed, the court might "in lieu of the penalty of imprisonment otherwise provided by law," sentence the youth offender to the custody of the Attorney General for treatment and supervision. Section 5010 (d) provides that "[i]f the court shall find that the youth offender will not derive benefit from treatment under subsections (b) or (c)," the court may sentence the youth offender "under any other applicable penalty provision."⁸

he may have become bitter, unsure of himself, or jittery like the athlete who is overtrained.

"Rarely does a day go by in one of our institutions for younger offenders without a youth being received whose sentence is either far too long or far too short, if the institution is to carry out its objective of correctional treatment." Correctional System For Youth Offenders: Hearings on S. 1114 and S. 2609 Before A Subcomm. of the Senate Comm. on the Judiciary, 81st Cong., 1st Sess., 27 (1949).

Congress provided the Bureau with the flexibility sought by providing in § 5017 for flexible commitment periods responsive to individual needs and progress.

⁸ Section 5010 provides in full:

"(a) If the court is of the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

"(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter until discharged by the Commission as provided in section 5017 (c) of this chapter; or

A particularly valuable benefit for the offender sentenced under the YCA is the prospect of obtaining a certificate setting aside his conviction. A certificate automatically issues when a youth committed to the custody of the Attorney General under §§ 5010 (b) or 5010 (c) is unconditionally released prior to expiration of the maximum sentence imposed. 18 U. S. C. § 5021 (a). In 1961, the YCA was amended to extend the benefit of a certificate to youths sentenced to probation under § 5010 (a) when the court unconditionally discharges the youth prior to expiration of the sentence of probation imposed. Act of Oct. 3, 1961, Pub. L. No. 87-336, 75 Stat. 750 (codified, at 18 U. S. C. § 5021 (b)).

Petitioners make two arguments in support of their submission that sentencing judges choosing the option under § 5010 (a) of suspending sentence and placing the youth offender on probation may not impose a fine as a condition of probation.⁹ First, they argue that the sentencing provisions

“(c) If the court shall find that the youth offender may not be able to derive maximum benefit from treatment by the Commission prior to the expiration of six years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise permitted by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until discharged by the Commission as provided in section 5017 (d) of this chapter.

“(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b) or (c), then the court may sentence the youth offender under any other applicable penalty provision.

“(e) If the Court desires additional information as to whether a youth offender will derive benefit from treatment under subsections (b) or (c) it may order that he be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Commission shall report to the court its findings.”

⁹ Petitioners abandoned the contention contained in their petition for certiorari that a § 5010 (a) sentence may not be conditioned upon restitution. See n. 11, *infra*.

of the YCA are alternatives to other sentencing provisions and therefore a substitute for the penalties provided in the statute for violation of which the youth offender was convicted; since § 5010 (a) does not explicitly authorize the imposition of fines, sentencing judges have no authority to impose them when sentencing under that provision. Second, they argue that fines are necessarily punitive and their imposition therefore inconsistent with the rehabilitative goals of the YCA. Neither of these arguments has merit.

II

The language of § 5010 (a) neither grants nor withholds the authority to impose fines or orders of restitution. Another provision of the YCA, however, § 5023 (a), incorporates by reference the authority conferred under the general probation statute to permit such exactions. Section 5023 (a) provides that “Nothing in [the Act] shall limit or affect the power of any court to suspend the imposition or execution of any sentence and place a youth offender on probation or be construed in any wise to amend, repeal, or affect the provisions of chapter 231 [§§ 3651-3656] of this title . . . relative to probation.” Chapter 231 is the general probation statute and § 3651 expressly provides *inter alia*:

“While on probation and among the conditions thereof, the defendant—

“May be required to pay a fine in one or several sums; and

“May be required to make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had”¹⁰

¹⁰ Section 3651 provides in relevant part:

“Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, any court having jurisdiction to try offenses against the United States when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may suspend the imposition or execution of sentence and place the defend-

Petitioners argue, however, that the sentencing provisions contained in § 5010 are separate and distinct from each other and from any other penalty provision. Recognizing that § 5023 (a) makes § 3651 applicable to a § 5010 (a) sentence, they now concede¹¹ that restitution is a permissible condition of a probationary sentence under § 5010 (a), because § 3651 directly authorizes restitution without resort to any other penalty provision. On the other hand, a fine may be imposed under § 3651 only if the penalty provision of the offense under which the youth is convicted so provides.¹² Thus, a fine is not permissible in conjunction with a § 5010 (a) sentence because it requires resort to the offense penalty provision.

ant on probation for such period and upon such terms and conditions as the court deems best.

"While on probation and among the conditions thereof, the defendant--

"May be required to pay a fine in one or several sums; and

"May be required to make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had"

¹¹ Petitioners apparently agree with the Court of Appeals for the Ninth Circuit which held in *United States v. Hix*, 545 F. 2d 1247 (1976), that a fine is inherently punitive but restitution is essentially rehabilitative. Brief for Petitioners, at 11. In their brief, petitioners argued that restitution is *not* a permissible condition of probation, however, because "[i]t is . . . a real concern that sentencing courts may use restitution as a vehicle to accomplish that which is not permitted by the statute. Further, since the Federal Youth Corrections Act is an exclusive sentencing statute, any sentence beyond the limits of the Act is improper." *Ibid.* During oral argument, petitioners expressly abandoned this argument, conceding that restitution is a permissible condition of probation because it is directly authorized by § 3651. Tr. of Oral Arg., at 5, 8, 9.

¹² The Government conceded that § 3651 permits imposition of a fine "only when the underlying statute calls for fine and/or imprisonment." Tr. of Oral Arg., at 12. We need not address the question suggested by this phrasing, that a fine may be imposed when the underlying offense statute provides only a penalty of imprisonment. Compare *id.*, with Letter from Francis Biddle to Francis E. Walter, quoted, p. 10, *infra*.

Petitioners' arguments are refuted by the legislative history of the Act. The legislative history of § 5023 (a) clearly reveals that Congress intended thereby to preserve to sentencing judges their powers under the general probation statute when sentencing youth offenders to probation under § 5010 (a). The House Report accompanying S. 2609, 81st Cong., 1st Sess. (1949), the bill which was enacted as the YCA, makes that clear in stating:

"Under [the bill's] provisions, if the court finds that a youth offender does not need treatment, it may suspend the imposition or execution of sentence and place the youth offender on probation. Thus, the power of the court to grant probation is left undisturbed by the bill." (Emphasis added.) H. R. Rep. No. 2979, 81st Cong., 1st Sess., 3 (1950).

The same view was expressed during the House Hearings on H. R. 2140, 78th Cong., 1st Sess. (1943), a bill whose youth corrections provisions were nearly identical to those of S. 2609 introduced in 1949. Judge Phillips, Chairman of the Subcommittee responsible for drafting model youth correction legislation to be sponsored by the Judicial Conference, emphasized that ". . . It leaves [the probation system] absolutely undisturbed,"¹³ for the intent of the Judicial Conference in sponsoring the bill was to retain the existing options with respect to probation and adult punishment, while simply adding a new option of commitment for treatment. See *Federal Corrections Act & Improvement in Parole: Hearings on H. R. 2139 and H. R. 2140 before Subcommittee No. 3 of the Committee on the Judiciary, 78th Cong., 1st Sess., 34-37 (1943) (hereinafter 1943 House Hearings).*

¹³ The full statement of Judge Phillips' remark regarding the bill's effect on the probation system is as follows:

"Mr. Cravens. Does this bill in any way affect the so-called probation system?"

The legislative history of §§ 5010 (b) and 5010 (c) buttresses this understanding of the purpose of § 5023 (a). Those subsections provide that commitment to the custody of the Attorney General is "in lieu of the penalty of imprisonment otherwise provided by law." The words "of imprisonment" did not appear in the original bill recommended by the Judicial Conference in 1943. H. R. 2140, 78th Cong., 1st Sess. (1943), tit. III, § 1 (a), reprinted in 1943 House Hearings, at 3. Addition of the words "of imprisonment" was recommended in a letter from Attorney General Biddle to the House Subcommittee. That letter, in which, according to the letter, members of the Judicial Conference concurred and which was read into the record at the Subcommittee hearings, explained the reason for adding the words "of imprisonment" as follows:

"Sentence of the youth offender to the custody of the Authority should be a permissible alternative to a penalty of imprisonment otherwise provided by law *but not to a penalty of a fine*. It should, moreover, be possible for the court both to impose a fine and to sentence the offender to the custody of the Authority where the law provides both fine and imprisonment as the penalties that may be imposed." (Emphasis added.) Letter from Francis Biddle to Francis E. Walter (June 7, 1943), reprinted in 1943 House Hearings 110, 111.

When introduced, S. 2609, 81st Cong., 1st Sess. (1949), which was enacted into law, contained the words "of imprisonment" recommended by Attorney General Biddle. This

"Judge Phillips. Not at all.

"Mr. Cravens. There is no attempt to disturb that?"

"Judge Phillips. No sir; we found it was working well and concluded it ought not to be disturbed.

"Mr. Cravens. And this bill was drafted with that in mind?"

"Judge Phillips. Yes, sir. It leaves it absolutely undisturbed."

Federal Corrections Act & Improvement in Parole: Hearings on H. R. 2139 and H. R. 2140 before Subcommittee No. 3 of the Committee on the Judiciary, 78th Cong., 1st Sess., 37 (1943).

history of subsection (b) demonstrates that Congress added the words "of imprisonment" in order to preserve the pre-existing authority of judges to impose a fine in conjunction with commitment when the applicable penalty provision provided for a penalty of fine and imprisonment. The fact that Congress contemplated that a sentence under subsection (b) and (c) would permit resort to the otherwise applicable penalty provision as authority for imposition of a fine, militates in favor of the same construction with respect to subsection (a). There is no reason to believe that Congress directed that the subsections should be treated differently in that respect.¹⁴

We conclude that Congress' purpose in adopting § 5023 (a), was to assure that a sentence under § 5010 (a) would not displace the authority conferred by § 3651 to impose fines and orders of restitution as conditions of probation.

With respect to petitioners' second argument, that fines are punitive and their imposition therefore inconsistent with the rehabilitative goals of the YCA,¹⁵ it is sufficient answer that Congress expressed its judgment to the contrary in preserving the authority of sentencing judges to impose them as a condition of probation. Moreover, we are not persuaded that fines should necessarily be regarded as other than rehabilitative

¹⁴ Petitioners argued that Congress may have intended to authorize imposition of a fine on one sentenced to commitment under subsection (b), yet to withhold such authority as to one sentenced to probation under subsection (a) based on the "qualitative" distinction between people sentenced under those subsections. Tr. of Oral Arg., at 8. If that argument is based on a perceived distinction between the treatment needs of the two "classes" of youth offenders, it is without support in the history of the Act, and conflicts with the Act's emphasis on flexibility and individualization of treatment. See n. 5, *supra*. If the premise of the argument is that those sentenced to commitment merit a fine as punishment, while those sentenced to probation do not, it conflicts with the basic purpose of the Act to accord youth offenders rehabilitative treatment rather than retributive punishment. See n. 4, *supra*.

¹⁵ See n. 4 and accompanying text, *supra*.

when imposed as a condition of probation. There is much force in the observation of the District Court that:

"[A] fine could be consistent . . . with the rehabilitative intent of the Act. By employing this alternative [a fine and probation], the sentencing judge could assure that the youthful offender would not receive the harsh treatment of incarceration, while assuring that the offender accepts responsibility for his transgression. The net result of such treatment would be an increased respect for the law and would, in many cases, stimulate the young person to mature into a good law-abiding citizen." Crim. Action No. N-75-0828, slip op., at — (Md. June 25, 1976).

Affirmed.

MR. JUSTICE BLACKMUN took no part in the consideration or decision of this case.

APPENDIX 5

State of Wisconsin
Circuit Court
Children's Division

PETITION FOR DETERMINATION OF STATUS –
ALLEGED VIOLATION OF CIVIL LAWS OR ORDINANCES

COURT OFFICE USE ONLY	
1. Court Case No.	
2. County	
3. Intake Case No.	

4. In the Interest of: _____, a person under the age of 18.

5. Child's Street Address _____ City _____ State _____ Zip _____ 6. Birthdate _____

7. Father's Name and Address _____

8. Mother's Name and Address _____

9. Guardian, Legal Custodian, Spouse or Nearest Relative's Name and Address _____

10. Child in Temporary Physical Custody <input type="checkbox"/> No <input type="checkbox"/> Yes	11. Where Held (Staying)		
NOTE: If facts 4. thru 14. are unknown or cannot be ascertained, so state.	12. Date of Custody	13. Time of Custody M.	14. Disclosure of Location is Dangerous to Child or Custodian <input type="checkbox"/> No <input type="checkbox"/> Yes

15. TO THE CIRCUIT COURT, CHILDREN'S DIVISION:

_____, your Petitioner, hereby, states on information and belief, to wit:
That the child named above has **violated a law punishable by forfeiture or a county, town or other municipal ordinance**, except as provided under s. 48.17, in that,

16. Wherefore, Petitioner prays that the Court fix a time, date and place for hearing on this Petition according to law and find that the named Child has **violated civil laws or ordinances**, and that the Court enter an order to provide such disposition and provision as the Court shall deem necessary and proper and in the best interests of the named Child and the public, in accordance with Chapter 48, Wisconsin Statutes.

Signed: _____, Petitioner

17. Prosecutor's Name and Title (typed)	18. Signed and Approved for Filing	19. Date
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SUPPLEMENTAL – PETITION FOR DETERMINATION OF STATUS – ALLEGED VIOLATION OF CIVIL LAWS OR ORDINANCES

In the Interest of:	Page _____ of _____	
	Court Case No.	
<p>Wherefore, Petitioner prays that the Court fix a time, date and place for hearing on this Petition according to law, and find that the named Child has violated civil laws or ordinances, and that the Court enter an order to provide such disposition and provision as the Court shall deem necessary and proper and in the best interests of the named Child and the public, in accordance with Chapter 48, Wisconsin Statutes.</p>		
Signed: _____, Petitioner		
Prosecutor's Name and Title	Signed and Approved for Filing	Date

INFORMAL DISPOSITION AGREEMENT

1. Intake Case No.
2. County
3. Case Type <input type="checkbox"/> Delinquency <input type="checkbox"/> In Need of Protection/Services <input type="checkbox"/> Ordinance/Civil Law <input type="checkbox"/> Other—Specify _____

4. In the Interest of: _____, a person under the age of 18.
5. Child's Address _____
6. Date Child Referred _____

An inquiry has been conducted into this matter. It has been determined that at this time neither the interests of the child named above nor of the public require filing of a petition for circumstances relating to ss. 48.12 to 48.14, Wisconsin Statutes. It is this intake worker's belief, however, that the facts are sufficient that court action could be sought, and this conclusion is undisputed by the child and parents, guardian or legal custodian.

7. Summary of Undisputed Facts

8. Obligations — Check all appropriate boxes for any combination of obligations

- A. Case Held Open — Describe Services
 - With Services 30 Days Other — Specify:
 - Without Services 60 Days
- B. Restitution — \$
 - Payment Terms.
 - Pay to:
- C. Counseling and Advice Services — Name of Agency Providing Service
 - Child Only Weekly Other — Specify:
 - Parents/Guardian Only Monthly
 - Family
- D. Other Specific Obligations/Conditions — Specify:

The child and parents, guardian or legal custodian are hereby notified of their right to object at any time to the fact or terms of this agreement. If there are objections, this Intake Worker may alter the terms of the agreement or recommend that a petition be filed.

This agreement may be terminated at any time upon the request of the child, parents, guardian or legal custodian.

If at any time during the period of this agreement this Intake Worker determines that the stated obligations are not being met, this Intake Worker may cancel this agreement and recommend that a petition be filed. **The district attorney may also file a delinquency petition within 20 days of receipt of notice of this agreement. Filing of a petition will cancel this agreement.**

9. Date Agreement Effective _____	10. Date Agreement Terminates _____	
11. Type or Print Names	Signatures	Date Signed
Child		
Father/Guardian/Legal Custodian		
Mother		
Intake Worker		

1. Court Case No.
2. County
3. Case Type <input type="checkbox"/> Delinquency <input type="checkbox"/> In Need of Protection/Services <input type="checkbox"/> Ordinance/Civil Law Violation <input type="checkbox"/> Other-Specify _____
4. Intake Disp. Case No.

CONSENT DECREE

5. In the Interest of: _____, a person under the age of 18.

SUSPENSION OF PROCEEDINGS

BY ORDER OF THE COURT, these proceedings are hereby suspended. The child above-named is placed under supervision in his/her own home or present placement, under the terms and conditions set forth below, applicable to the parent, guardian or legal custodian and to the child.

5. Court-Ordered Terms and Conditions – Check all appropriate boxes

A. Case held open
 30 Days 60 Days 3 Months 6 Months Other-Specify: _____

B. Restitution – \$ _____
 Payment Terms – Specify: _____

C. Parents/Guardian participate in counseling
 Individually With Child
 Weekly Monthly Other-Specify: _____

D. Child reports to disposition staff worker*
 Weekly Monthly Other-Specify: _____

*Note: Attach any Rules of Supervision which are made part of Consent Decree order.

E. Fine or forfeiture – \$ _____
 Payment Terms – Specify: _____

F. Supervised work program or community service employment – Describe: _____

G. Other – Specify (include payment of services under S. 49.36): _____

CONSENT DECREE ORDER

7. Date Consent Decree Effective _____ 8. Date Consent Decree Terminates _____

THE COURT ORDERS, and the undersigned hereby agree to the terms and conditions stated above for the time period specified (maximum 6 months), unless the parties to the CONSENT DECREE are discharged sooner by the Circuit Court or Juvenile Court Commissioner. It is understood that the CONSENT DECREE may be extended for up to 6 months more by order of the COURT, after notice has been given to all parties and if there is objection after the COURT holds a hearing. It is further understood that:

1. Upon completion of the period of supervision, without reinstatement of the proceedings, the original petition will be dismissed.
2. Failure to fulfill the terms and conditions stated above can cause the COURT to reinstitute the proceedings in this case and proceed as if the CONSENT DECREE had not been entered.

9. Type Name(s)	Signature(s)	Date(s)
Child		
Parent/Guardian/Legal Custodian		
Child's Attorney		
Prosecuting Attorney		
Judge/Juvenile Court Commissioner		

**SATISFACTION OF CONDITIONS
 OF CONSENT DECREE ORDER**

TO:

1. Court Case No.
2. County
3. Case Type <input type="checkbox"/> Delinquent <input type="checkbox"/> In Need of Protection/Services <input type="checkbox"/> Ordinance/Civil Law Violation <input type="checkbox"/> Other-Specify _____
4. Intake Case No.

5. In the Interest of: _____ a person under the age of 18.	
6. Date Order Effective _____	7. Date Order Terminates _____

I. NOTICE

You and your parents (guardian/legal custodian) are hereby informed that the conditions, terms and obligations of the **Consent Decree Order** have been satisfied and you are hereby discharged by this Court on the scheduled "date of termination," above stated, or on _____, (Specify)

if released earlier. You may no longer be proceeded against in this or any Court for the same offense alleged in the original petition, dated _____, or an offense based on the same conduct. The original petition shall be dismissed with prejudice (i.e. cannot be filed again). Nothing in this notice of release, however, precludes the possibility of a civil suit against you or your parents for damages which may have been caused by your previous conduct.

You and your parents are commended by this Court for your cooperation and diligence regarding this matter.

II. COURT ACTION

8. Presiding Judge BY THE COURT:	Dated _____
---	-------------

1. Court Case No.
2. County
3. Intake/Disp. Case No.

**DISPOSITIONAL ORDER —
CHILD ADJUDGED TO HAVE VIOLATED
A CIVIL LAW OR AN ORDINANCE**

4. In the Interest of: _____, a person under the age of 18.

I. FINDINGS

5. **FINDINGS OF FACT AND CONCLUSIONS OF LAW:** The above entitled matter having been heard by this Court on _____ day of _____, 19 _____, with the following appearances:

THE COURT FINDS, that the named child is in violation of a law punishable by forfeiture or a county, town or other municipal ordinance, except as provided under s. 48.17, because:

II. ORDER OF THE COURT

6. THEREFORE, IT IS ORDERED, that the disposition herein shall include one or more of the following:

A. Counseling for child or parent or guardian .

B. Forfeiture of \$ _____ (maximum \$25.00) with the understanding that if the named child fails to pay the forfeiture, the Court may suspend any license issued under ch. 29 or suspend the named child's operating (motor vehicle) privilege for not less than 30 days nor more than 90 days. (If this action follows send **Notice of License Suspension** to the department which issued the license.)

C. Participation in **Supervised Work Program** (attach **Program Conditions and Standards**) under s. 48.34(9).

D. Repair damage to property or make reasonable restitution for the damage or for actual physical injury to the victim (excluding pain and suffering). Specify to whom, amount and payment conditions on **Restitution Order Form** and **attach to this Order**.

E. Attendance at a safety course under s. 30.74(1). Specify course: _____

F. Suspension of a license or licenses, issued under ch. 29 for not less than one year or until child is 18 years of age, whichever comes first. Specify date _____.

7. Agency/Person Primarily Responsible for Services	8. Date Order Expires
9. Amount of Support, If Any, to be Paid By (specify party)	
10. Presiding Judge BY THE COURT:	11. Dated

1. Court Case No.
2. County
3. Intake Case No.

**DISPOSITIONAL ORDER --
CHILD ADJUDGED DELINQUENT**

4. In the Interest of: _____, a person under the age of 18.

I. FINDINGS

5. FINDINGS OF FACT AND CONCLUSIONS OF LAW: The above entitled matter having been heard by this Court on the _____ day of _____, 19 _____ with the following appearances:

THE COURT FINDS, that the named child is **delinquent** because:

II. ORDER OF THE COURT

6. THEREFORE, IT IS ORDERED, that the care and treatment plan for the named child shall consist of one or more of the following (except D(4) and H shall be exclusive dispositions):

A. Counseling for named child or the parent, guardian or legal custodian (Specify agency in box 7. below)

B. Place child under supervision of an agency or person. (Specify agency in box 7. below)
(Attach Statement of Reasonable Rules of Conduct.)

C. Out of home placement (specify name and location in box 7. below):

- (1) home of relative of the child
- (2) unlicensed home for 30 days or less
- (3) foster home licensed under s. 48.62 or group home licensed under s. 48.625
- (4) residential treatment center licensed under s. 48.60

D. Legal Custody transferred to (specify name and location in box 7. below):

- (1) a relative of the named child
- (2) a county agency
- (3) a licensed child welfare agency
- (4) the State of Wisconsin department administering corrections

(Prepare and attach Transfer of Legal Custody Form to this Order.)

7. Name and Address (Use for A, B, C or D)

E. Repair damage to property or make reasonable restitution for the damage or for actual physical injury to the victim (excluding pain and suffering). Specify to whom, amount, and payment conditions on **Restitution Order Form and attach to this Order.**

F. Special care and treatment. If the named child's parent, guardian or legal custodian fails to provide the above described special treatment and care, in accordance with the conditions specified, or is financially unable, the same shall be provided by (specify) _____ whether or not legal custody has been taken from the parents.

G. Restrict, suspend or revoke motor vehicle operating privileges, as specified on the attached **Notice to the Wisconsin Department of Transportation.**

H. Forfeiture of \$ _____ (\$50 maximum) based on the finding that no other court service or alternative services are needed or appropriate and the named child alone is financially able to pay within the 12 months allowed.

I. Supervised Work Program. **(Attach Program Conditions and Standards.)**

J. Supervised Independent Living (child 17 years of age or more). **(Attach plan for Independent Living.)**

8. Agency/Person Primarily Responsible for Services	9. Date Order Expires
10. Amount of support, if any, to be paid by (specify party)	
11. Presiding Judge BY THE COURT:	12. Dated

**SUPPLEMENTAL DISPOSITIONAL
ORDER TO MAKE RESTITUTION**

1. Court Case No.
2. County
3. Case Type <input type="checkbox"/> Delinquent <input type="checkbox"/> Ordinance/Civil Law Violation
4. Intake Case No.

5. In the Interest of: _____, a person under the age of 18.

I. ADDITIONAL FINDINGS

6. THE COURT HEREBY FINDS, in addition to other findings and orders, that the named Child has violated a federal or state criminal law or a law punishable by forfeiture of a county, town or other municipal ordinance, except as provided under s. 48.17, that has resulted in intentional damage to property or actual physical injury, as follows:

7. Property Owner/Victim Name(s)	8. Address(es)
9. Damage/Physical Injury Description	
10. Property Loss/Actual Physical Injury Valuation	

II. FURTHER ORDERS

11. THEREFORE, IT IS FURTHER ORDERED, that the named Child shall:

- A. make restitution for said damage to property or actual physical injury (excluding pain and suffering) in the total sum of \$ _____, which the Court finds is reasonable restitution; and/or,
- B. make repairs of the damage to property as follows:

and the Court considers it beneficial to the well-being and behavior of the named Child to make such restitution or repairs.

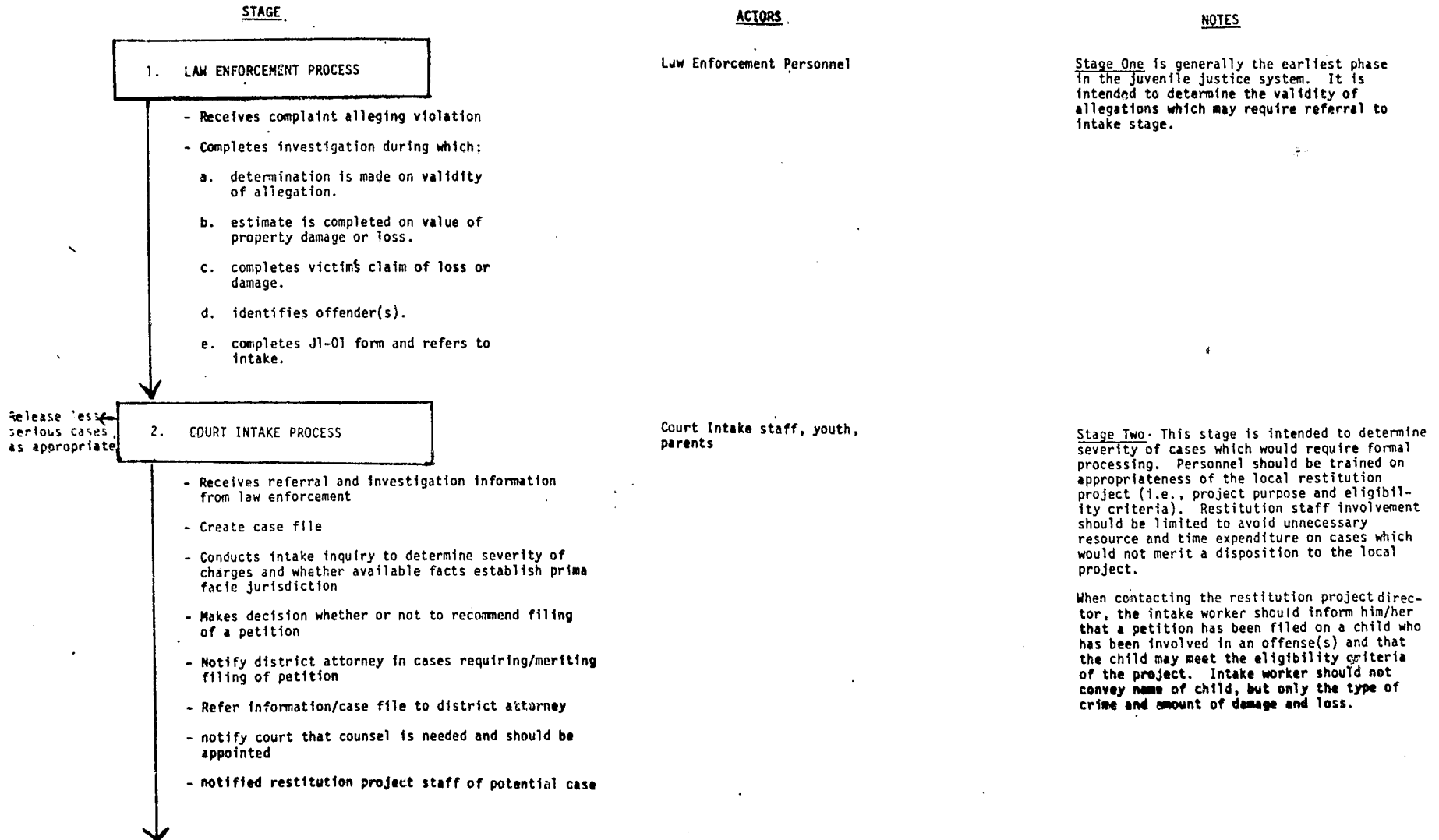
IT IS FURTHER ORDERED: That such restitution shall be paid to the Deputy Clerk of the Circuit Court, Children's Division in the following manner:

and when so paid in full, the said Clerk is hereby ordered to make payment to the owner(s) of the property in the respective amount(s) provided in this Order.

12. Presiding Judge BY THE COURT:	13. Dated
--	-----------

APPENDIX 6

MODEL FLOWCHART FOR
WISCONSIN JUVENILE RESTITUTION PROJECTS



Release cases
which do not
warrant further
processing

3. PETITION PROCESS

- Receive case information from court intake
- Review case file to determine if intake workers decision is valid, facts presented establish prima facie jurisdiction and if recommendation is in the best interest of child and public.
- Determine sufficient evidence for further processing/probable cause
- Prepare petition/notify court
- Judge or court commissioner schedules plea hearing
- Notification to appropriate parties
- Court arranges legal counsel to represent juvenile

Released ←
under other
conditions

4. PLEA HEARING PROCESS

- Review petition/information
- Examine evidence
- Provision for due process
- Determine youth's plea to charges
- If at this time juvenile admits some or all of the facts alleged in petition the court may:
 - a. suspend proceedings for restitution investigation/assessment (move to stage 5)
- If allegations are denied the court shall:
 - a. suspend proceedings for other investigation/assessment (move to stage 6)
 - b. schedule fact finding hearing (move to stage 7)

District attorney, legal
counsel, judge or juvenile
court commissioner

Stage Three. Decision is made by district attorney whether or not to file petition. If a petition is filed, the district attorneys' office notifies the juvenile and family and should indicate on petition that if allegations of petition are admitted to or proved there are several dispositions the juvenile may be subjected to, one of which is restitution. Here, too, the actors should be trained as to the project purpose and eligibility criteria of the local restitution project.

Juvenile court judge or
court commissioner, youth,
parents, attorneys (defense;
d.a.) other dispositional
staff dependent upon county.

Stage Four. If at plea hearing the juvenile admits to some or all of facts alleged the court shall address the parties present and determine that the plea or admission is made voluntarily with understanding of the nature of the acts alleged and the potential dispositions; establish whether any promises or threats were made to elicit a plea and alert unrepresented parties to possibility that lawyer may discover defenses or mitigating circumstances which would not be apparent to them; make sure inquiries as satisfactorily establishes that there is a factual basis for child's plea or parent and child's admission.

5. RESTITUTION INVESTIGATION/
ASSESSMENT PROCESS

- Interview intake worker and district attorney who filed petition
- Gather Information to conduct process
- Confirm eligibility
- Update case file (complete necessary forms)
- Develop court report if appropriate
- Contact relevant parties
- Interview offender, parents
- Orient parties to project purpose/methods/benefits
- Develop specific agreement (behavior contract)
- Contact victim and orient him/her to project purpose/methods/benefits/and other options
- Finalize and record terms of agreement
- Completes, at option of court, consent decree forms
- Explain other support services/payment schedules/work assignments
- Schedule consent decree meeting at request of court

(move to stage 8)

6. INVESTIGATION/ASSESSMENT/COURT
REPORT PROCESS

- Update case file
- Research offender history
- Bring in restitution staff for assessment
- Develop recommendations
- Prepare court report
- Referral to court for dispositional hearing
- Notify appropriate parties of hearing date
- Record information for case file
- Acquire report from restitution staff on cases meriting this type of disposition

Restitution staff, youth,
parents, victim, intake
worker, district attorney

Stage Five. Project staff should interview intake worker who handled case and district attorney who filed petition to review law enforcement referral, victims claim of loss or damage, intake inquiry and petition to determine if juvenile meets eligibility criteria. Law enforcement and intake worker could assist in determining if a positive cooperative attitude was held by juvenile during previous proceedings and to solicit advice from intake worker and district attorney on capability of juvenile to participate successfully in restitution project. This process will enable staff to begin to initiate necessary preparations for participation by juvenile in project. This would include securing information on juvenile home location area, physical and emotional capabilities and areas of interest in an effort to determine an appropriate work site and work activity.

Probation staff or social
services, restitution staff,
youth, parents

7. FACT-FINDING HEARING PROCESS

- Review case information
- Provision for due process
- Examination - of evidence
- Determine validity of allegations
- If allegations are proven valid, court may:
 - a. refer case to restitution staff for investigation/assessment (stage 5) and/or
 - b. refer to restitution staff for preparation of court report (stage 5) or
 - c. refer case for other investigation/assessment and court report (stage 6) or
 - d. schedule dispositional hearing (stage 9)

Options

(At Option of Court)
8. CONSENT DECREE/COURT CONFIRMATION PROCESS

Other disposition if no agreement made

- Consider agreement/recommendations
- Court concurrence
- Order Consent decree disposition (6 months)
- Notify appropriate parties
- Record terms of agreement
- Refer to restitution project for case management
(move to stage 10)

Juvenile court judge or commissioner, youth, parents, attorneys

Stage Seven. At this stage a request can be made for a jury trial. If court finds there is proof that child named in petition committed alleged violation, judge may still suspend proceedings before formally adjudging child to be delinquent and request that a restitution investigation be completed and, that, if appropriate a consent decree be drafted.

Restitution staff, juvenile court judge or commissioner, youth, parents, prosecuting and defense attorneys

Stage Eight involves court confirmation of the explicit terms of the restitution agreement. This may ensure that the court and all parties understand and agree as to the manner in which restitution will be made, how it will be accomplished, and the timing involved.

9. DISPOSITIONAL PROCESS

- Review case and if applicable enter finding of delinquency
- Consider recommendations
- Order disposition



10. CASE MANAGEMENT PROCESS

- Update case file
- Determine appropriate work site
- Notify appropriate parties as to placement and starting date
- Supervise or designate supervision of offender
- Monitor offender performance (minimum once/month direct contact with work site supervisor)
- Track and manage funds in monetary restitution agreement (case manager)
- Insure supervision of direct service to victim(s) agreements
- When appropriate establish and supervise partner relationships
- Contact and feedback to appropriate parties on progress
- Progress report in case file/update
- Determine successful completion of agreement
- Notify court of completion
- Notify all appropriate parties (youth, parents, victim)
- Refer information for case closure to court
- Update case file/close case

Juvenile court judge or commissioner, youth, parents, court staff, social services

Stage Nine: If after review, the judge determines that participation in the program is advisable the court may order that the child take part in the restitution program. It should be noted that the child and counsel have the right to contest the ordered amount. If this occurs a hearing on the question of the amount should be scheduled before the amount is ordered. If child is ordered to take part in restitution program judge may authorize project staff to draft supplemental dispositional order to make restitution. The terms and conditions of this supplemental order should reflect and spell out what services the project will provide in an effort to assist the child in satisfactory completion of the order.

Restitution staff, youth, support service agencies, work site supervisor, victim(s)

Stage Ten: involves procedures for managing a specific case as they relate to the offender, to the project, to the work site, and to any support efforts.

APPENDIX 7

STATE OF WISCONSIN

EMPLOYMENT GUIDELINES FOR MINORS (12 to 18)

1. Child must have a child-labor permit.
2. Must give the \$1 fee for the permit to the child (can be on first paycheck.
3. Determine regulations re maximum hours of labor & time restrictions, by age.
4. Determine what jobs youth can & cannot do, by age.
5. Must pay minimum wage.
6. Must do record keeping requirements for youth.
7. Youth must have offer of employment, in writing, from employer.
8. Youth must have proof of age--birth certificate or baptismal certificate.
9. Youth must have letter from parent or guardian consenting to the employment, or, parent or guardian can countersign employer's letter.

Ages 12-15

Not before 7:00 a.m. nor after 8:00 p.m. on school nights
Not before 7:00 a.m. nor after 9:30 p.m. on non-school nights.

All Non-Agricultural Jobs, 12-15

Not more than 8 hours a day
Not more than 24 hours a week during school
Not more than 40 hours a week during vacation
Not more than 6 days a week.

Ages 16-17

Not before 6:00 a.m. nor after 12:30 a.m. unless there is adult supervision.
Must have 8 hours of rest between end of job and start of school,

All Non-Agricultural Jobs, 16-17

Not more than 8 hours a day
Not more than 40 hours a week during school
Not more than 48 hours a week during vacations.
Not more than 6 days a week.

FEDERAL REGULATIONS

Employment of Minors

Ages 14 & 15

During School Term: 1st Tues. in Sept. thru May 31.

During School Weeks

On School Days:

During School Hours--0.
Not before 7:00 a.m., nor after 7:00 p.m.
Not more than 3 hours a day
Not more than 18 hours a week.

On Non-School Days

Not more than 8 hours a day
Not more than 18 hours a week

During Non-School Weeks

Not before 7:00 a.m., nor after 7:00 p.m.
Not more than 8 hours a day
Not more than 40 hours a week

During Summer Vacation: July 1 thru Labor Day (1st Monday in September)

Not before 7:00 a.m., nor after 9:00 p.m. Not more than 8 hours a day
Not more than 40 hours a week

Ages 16 & 17

Hours unlimited, employed in any occupation other than those considered hazardous.

Age 18

Minimum age for hazardous jobs.

Note: Use those guidelines (state or federal) which are most restrictive.

APPENDIX 8

Juvenile Restitution Project
City Hall-Room 100
100 North Jefferson Street
Green Bay, Wisconsin 54301

The Restitution Project staff are here to assist the youth in meeting court-ordered restitution obligations. We, the Project staff, feel we are supporting a view of the youth as an individual capable of making decisions concerning their obligations and responsibilities.

Dear Restitution Project Participant:

Juvenile Restitution Project Staff

The Green Bay Restitution Project is designed to assist juvenile offenders who are residents of the City of Green Bay in meeting court ordered restitution obligations. Youth are referred to the project by the Brown County Circuit Court, Children's Division, and the Brown County Department of Social Services after the Circuit Court Judge has ordered that restitution be made.

Youth enrolled in the project are able to negotiate a restitution contract which allows them to make restitution in one of several ways: a) monetary payment to the victim b) community service c) direct work for the victim or d) a combination of these work situations. The youth's parents, social worker, and where appropriate, the victim are involved in the negotiation process with project staff. The resulting contract is then submitted to the Circuit Court Judge for final approval.

A primary objective of the project is to assure the community that juvenile offenders are being held accountable for their actions. Through involvement in restitution the youth can be made to recognize his/her responsibility to the victim while engaging in constructive community activity. The youth can be helped to develop a healthy self-image while being exposed to the world of work through a closely supervised job setting in addition to the positive relationship that is established with the "partner".

Youth enrolled in the project are expected to:

- 1) Report promptly to the job-site, work all assigned hours, and fulfill tasks according to job description.
- 2) Notify job-site supervisor beforehand when unable to attend work, as well as the Restitution Project staff.
- 3) Meet with the Restitution Project staff weekly to review the job and address any problems which might arise.

Restitution Project staff are expected to:

- 1) Provide assessment of restitution amount and job placement to the youth.
- 2) Visit the job-site regularly and assist the youth and job-site supervisor with any problems that might arise pertaining to the youth.

The project staff will arrange for a time when it is convenient for the youth, the job-site supervisor, and the project staff to meet. The job-site supervisor will be able to interview the youth and explain the job duties to the youth in detail at this time. The youth will also have the opportunity to ask questions regarding the job and what is expected of him/her. The youth will be placed at the job-site only after all parties have had a chance to meet and agree to the placement.

Juvenile Restitution Project
City Hall - Room 100
100 North Jefferson Street
Green Bay, Wisconsin 54301

Dear Parents:

The Green Bay Restitution Project is designed to assist juvenile offenders who are residents of the City of Green Bay in meeting court ordered restitution obligations. Youth are referred to the project by Brown County Circuit Court, Children's Division, and Brown County Department of Social Services after the Circuit Court Judge has ordered that restitution be made.

Youth enrolled in the project are able to negotiate a restitution contract which allows them to make restitution in one of several ways: a) monetary payment to the victim, b) community service, c) direct work for the victim or, d) a combination of these work situations. The youth's parents, social worker, and where appropriate, the victim are involved in the negotiation process with project staff. The resulting contract is then submitted to the Circuit Court Judge for final approval.

A primary objective of the project is to assure the community the juvenile offenders are being held accountable for their actions. Through involvement in restitution the youth can be made to recognize his/her responsibility to the victim while engaging in constructive community activity. The youth can be helped to develop a healthy self image while being exposed to the world of work through a closely supervised job setting in addition to the positive relationship that is established with the "partner".

Parent participation in the form of cooperation and support is of utmost importance for your child's successful completion of the restitution agreement that he/she has entered into with the project staff.

Sincerely,

Juvenile Restitution Project Staff

Juvenile Restitution Project
City Hall - Room 100
100 N. Jefferson Street
Green Bay, Wisconsin 54301

Dear Mr./Mrs. _____:

The Juvenile Restitution Project of the City of Green Bay has received a referral from the Brown County Circuit Court Branch #6 regarding the young person(s) who was (were) involved in the incident during which your suffered loss or damage of personal property. We are aware that you have already been contacted by the Brown County Department of Social Services regarding an estimate of your losses and/or damages.

Our project staff is in the process of formulating a restitution contract with the juvenile. The purpose of our project is to assist juveniles in meeting their court-ordered restitution obligations. The main objective of the program is to assure the community that juvenile offenders are being held accountable for their actions. In a rehabilitative nature, the youths are exposed to the world of work and experience a closely supervised job setting while meeting their restitution. In Green Bay's project 100% of the wages earned by the youth participating in the program are used to pay restitution.

Attached please find some information which may be helpful in understanding the scope and purpose of the Children's Code and the Restitution Project. We will be in contact with you in the near future for your input. In the meantime, please feel free to call the staff at 497-4390 if you have any questions.

Sincerely,

Juvenile Restitution Project Staff

#3

CITY OF WARWICK

CHIEF OF POLICE
JOHN F. COUTCHER



POLICE DEPARTMENT
99 VETERANS MEMORIAL DRIVE
WARWICK, RHODE ISLAND 02886

TELEPHONE
737-2244

VICTIM RESTITUTION PROGRAM
Victim Requirement Form

Defendant _____ Crime Report # _____

Charge/s _____

Victim/s _____

Property Crime _____

Personal Crime _____

Restitution Needs Information:

Loss Figure _____ Forms Attached _____
Insurance yes no Deductible

Disposition Requirements:

initialed _____

date _____

CITY OF WARWICK

CHIEF OF POLICE
JOHN F. COUTCHER



POLICE DEPARTMENT
99 VETERANS MEMORIAL DRIVE
WARWICK, RHODE ISLAND 02886

TELEPHONE
737-2244

Victim Restitution Unit

As part of the City's Victim Restitution Program the incident in which you were a victim has been reviewed. The date of the incident was on _____

The Warwick Police Department has made arrest/s in this case.

In order to move as fast as possible in obtaining restitution for your losses we will require certain information from you. Please call me between 8am - 3pm on _____

The telephone number is 737-2244, extensions 67 or 68.

Thank you,

Officer S L Castiglioni
Director
Victim Restitution Unit

4

CITY OF WARWICK



CHIEF OF POLICE
JOHN F. COUTCHER

TELEPHONE
737-2244

POLICE DEPARTMENT
99 VETERANS MEMORIAL DRIVE
WARWICK, RHODE ISLAND 02886

Victim Restitution Unit

This communication is in reference to an incident which occurred on . . . The case involves property/personal loss to the victim. In order to adjudicate this case it is necessary for this office to obtain certain facts and to inform you of the various alternatives open to us in arriving at a disposition.

The case involves

Please contact me between 8am - 3pm on

The telephone number is 737-2244, extensions 67-68. Ask for Officer Castiglioni.

Officer S. L. Castiglioni
Director
Victim Restitution Unit

#5

CITY OF WARWICK



CHIEF OF POLICE
JOHN F. COUTCHER

TELEPHONE
737-2244

POLICE DEPARTMENT
99 VETERANS MEMORIAL DRIVE
WARWICK, RHODE ISLAND 02886

Victim Restitution Unit

As part of the City's Victim Restitution Program the incident in which you were a victim has been processed thru our criminal justice system.

I'm pleased to inform you that the Court has ordered the defendant/s to make restitution in the amount of

You should be receiving a check from the State of Rhode Island at some point within the next

If you have any questions feel free to call 737-2244, ext. 67-68.

Officer S. L. Castiglioni
Director
Victim Restitution Unit

CONFIDENTIAL REFERRAL FORM

Form #6

Youth Restitution Project
 City Hall-Room 100
 Green Bay, WI 54301

Date of Referral: _____
 Assigned Social Worker: _____

Name of Youth: _____

Court File #: _____

Address: _____

Date of Birth: _____

Social Security #: _____

Telephone: _____

Number of prior court referrals for delinquent offenses: _____

Name of Parent or Guardian:

 (Mother)

 (Father)

 Address

 Address

Phone: _____
 Home Work

Phone: _____
 Home Work

Juvenile Court Disposition:

Amount of Restitution Ordered: _____
 Date of Disposition: _____
 Nature of Offense: _____

Check type of victim (more than one
 may be checked)

Date of Offense: _____
 Description of Offense: _____

Person or Household _____
 School or Public Property _____
 Store or Business _____
 Insurance Company _____
 Other _____

How many victims were there? _____

How many other offenders were involved in
 offense? _____

VICTIM LOSS FROM THIS OFFENSE

Actual amount documented loss _____

COURT ACTIONS (please check all that apply)

- _____ Restitution
- _____ Court probation
- _____ Informal court supervision
- _____ Non-secure out of home placement
- _____ Secure Facility
- _____ Commitment to state corrections agency
- _____ Counseling
- _____ Other

Total amount recovered or paid by
 other sources, not counting restitution
 from this offender _____

Amount of restitution already paid by
 or on behalf of this offender _____

VICTIM NAME _____

Address _____

Phone _____

INTAKE & ASSESSMENT CHECKLIST

- _____ 1. Each youth is to bring to the first meeting the following:
 - a. social security #.
 - b. copy of birth certificate or baptismal record.
 - c. \$1.00 for work permit.
- _____ 2. Youth that do not have a social security # must fill out application form during first meeting.
- _____ 3. Youth must fill out W-4 form.
- _____ 4. Referral form needs to be completely filled out. Information not on form should be received prior to meeting when possible.
- _____ 5. Each youth should receive a program handout and information regarding participation in the program. This information should include:
 - a. copy of job evaluation.
 - b. copy of time sheet.
- _____ 6. Contract negotiation process should be explained to youth, parents, and social worker.
- _____ 7. Feelings should be solicited regarding victim participation in contract negotiation process.
- _____ 8. Investigation form should be completed.
- _____ 9. Parents must sign work permit letter.

Before a youth can be placed at the job-site the following needs to occur:

- 1. Judge must approve restitution contract.
- 2. Youth must have a work permit.
- 3. Youth must have a social security # or have applies for a #.
- 4. Child labor laws checked to make sure job-site would be in accordance with these laws.
- 5. Youth and parents must have signed all the forms above.

RESTITUTION PROJECT

Notification by Intake of juvenile possibly meeting eligibility criteria for participation in the Restitution Project.

Court File: _____ Restitution File: _____

Date Assigned: _____

Type of Offense: _____

Amount of Loss: _____

Intake/Social Worker: _____

JUVENILE RESTITUTION INVESTIGATION

Juvenile's Name: _____

Court File Number: _____

____ Review of law enforcement referral completed and evidence or involvement by the youth in the incidents reported is clear and convincing.

____ Victim's claim of loss or damage is valid and well documented.

____ Juvenile meets eligibility criteria of project.

____ Intake worker interview completed and recommendation made that youth participate in the program.

____ District Attorney's interview completed and recommendation made that youth participate in the program.

____ Acceptable work site and work activity available.

YES NO

____ Project staff recommendation as to the appropriateness of involvement by the youth in the restitution project.

COMMENTS: _____

RESTITUTION PROJECT INTAKE FORM

Date: _____

Name: _____ Age: _____ D.O.B. _____
 Address: _____ Phone: _____
 School: _____ Grade: _____
 Social Security Number: _____
 Court Case Number: _____ Restitution Number: _____
 Probation Officer: _____ Date of Dispositional Order: _____
 Branch: _____ Judge: _____ City: _____
 Mother's Name: _____
 Address: _____ Phone: _____
 Place of Employment: _____ Phone: _____
 Father's Name: _____
 Address: _____ Phone: _____
 Place of Employment: _____ Phone: _____

* * * * *

Are you currently employed? _____ Yes, _____ No
Where? _____ Phone: _____

What school programs are you currently involved in?
 _____ WECEP
 _____ Work/Study Program
 _____ School/Within/A/School
 _____ Special Ed Program
 _____ Other: _____

Employment History. (Attach sheet if lengthy history.)
 Where have you worked? _____
 How long? _____
 What kind of a job did you have? _____
 Did you like it? _____ Why not? _____
 What did you like best about it? _____
 What did you least like about it? _____

What kind of work would you like to do? _____
What would you not want to do? _____

How much time can you afford to spend working? _____
What are your other responsibilities? _____

School Work.
 Do you like school? _____ How are your grades? _____
 How is your attendance record? _____ Is school hard for you? _____
 What is your favorite class? _____
 What is your least favorite class? _____

General Interests.
 Hobbies: _____
 Special interests: _____
 What do you think you would like to do when you are an adult? _____

Would you be able to get to a job? _____ Would you have any transportation problems? _____

Restitution Project Intake Form - Page 2

Name: _____

Would you have any problems with clothing? _____
 Would you have any problems with food? _____
 Do you have any physical problems that might affect your job? _____
 Do you have any other problems that might affect your job? _____
 Do you have a birth certificate? _____ baptismal certificate? _____

OTHER COMMENTS: _____

Counselor:	Grades/Previous 2 quarters:
Academic abilities:	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Comments: _____

- In Addition:
1. Explain partner relationship
 2. Explain work permit
\$1 fee...letter from employer...parent signature on letter...specific kinds of jobs minors can do, according to age...birth certificate...
 3. Explain behavior contract
 4. Explain employment procedure
 5. Explain concept of restitution

Please square this with fige

Date: _____

Length of Employment: From: _____ To: _____

Working Hours:	From:	To:
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

In addition, I agree to:

1. Report to work on time
2. Work the number of hours assigned
3. Complete work assignments promptly, completely, and as directed
4. Follow the directions of the work supervisor
5. Notify my employer, in advance, in case I have to be absent from work
6. Dress appropriately for my job description
7. Respect the property of my employer and fellow employees

I understand that, in accepting this agreement, if I do not complete my restitution obligation I will be returned to court for review of my original dispositional order, according to Wisconsin statutes.

Additional Comments: _____

Signed	Date
Restitution Participant _____	_____
Restitution Coordinator _____	_____
Probation Officer _____	_____
Parent _____	_____

Additional Information:

Partner: _____
 Name: _____
 Address: _____
 Phone: _____

Restitution Coordinator:
 Marilyn A. Walterman
 Rock County Court House
 Juvenile Probation Office
 Janesville, Wis.
 Phone: 755-2100

Marilyn A. Walterman
 Belton County Building
 Juvenile Probation Office
 Belton, Va.
 Phone: 302-6004

BEHAVIOR AGREEMENT BETWEEN YOUTH ASSIGNED TO RESTITUTION PROJECT AND THE ROCK COUNTY JUVENILE COURT RESTITUTION PROJECT

Name: _____ Age: _____ D.O.B.: _____
 Address: _____ Phone: _____
 School: _____ Grade: _____
 Social Security Number: _____ Work Permit Rec'd: _____
 Court Case Number: _____ Restitution Number: _____
 Probation Officer: _____ Date of Dispositional Order: _____
 Branch: _____ Judge: _____ City: _____

I, _____, agree to the following conditions of placement.

Type of Restitution Assigned:

- ___ Community Service (unalaried)
- ___ Municipal or County Agency (unalaried)
- ___ Victim Compensation (alaried)
- ___ Victim Compensation (direct service)
- ___ Other: _____

Type of Placement:

- ___ Public Sector
- ___ Private Sector
- ___ Non-Profit

Amount of Court-Assigned Restitution: \$ _____

Person to Receive Restitution (Victim):

Name: _____
 Address: _____
 Phone: _____

Amount of Salary Per Pay Period to be Applied to Restitution: \$ _____

Amount of Salary Per Pay Period to Youth: \$ _____

Amount of Salary Per Pay Period to Savings: \$ _____

Other: _____

Place Where Restitution Payments are to be Made: _____

Dates Restitution Payments are to be Made: _____

Date Restitution Payments are to be Completed: _____

Name of Employer: _____

Address: _____

Phone Number: _____

Name of Supervisor: _____

Type of Work: _____

Salary per Hour: \$ _____ Transportation: _____

Number of Hours to be Worked: _____

YOUTH RESTITUTION PROJECT CONTRACT

The following entered into between the Youth Restitution Project of Green Bay, Wisconsin and _____.

We, the parents of _____ agree and support our child's participation in the Youth Restitution Project. We agree to fully support the staff of the Youth Restitution Project in the supervision, attendance, and good work performance of our child.

This agreement is subject to the following conditions:

- 1. That this youth has read and understands the expectations set forth in the Youth Restitution Project handout.
- 2. That confidentiality will be maintained as to the youth's identity as prescribed by the Wisconsin Statutes.
- 3. That a consent decree is in effect pursuant to Wisconsin Statute Section 48.32 directing _____ (youth) County Treasurer from earnings to be due by _____ (employer) his/her employer, the amount specified hereafter for the purpose of victim compensation for damage or injury. The employer is directed and authorized to deduct the earnings which I may accumulate while in their employ, the sum of \$ _____ per week for a total of _____ weeks for the total amount of _____ in full restitution and payment for any damage or injury caused by _____ (youth).

Said sums of money are to be forwarded to the Brown County Treasurer, 313 East Walnut Street, Green Bay, Wisconsin 54301.

or

- 4. That an order of restitution has been entered by the Court on the _____ day of _____, 19____, pursuant to Wis. Stats. Section 48.34(5) directing _____ (youth) Treasurer from earnings to be due _____ (employer), the employer, the amount specified hereafter for the purpose of victim compensation for damage or injury. I authorize and direct _____ (employer) to deduct the earnings which I may accumulate while in their employ the sum of \$ _____ per week for a total of _____ weeks for a total amount of _____ in restitution. Said sums of money are to be forwarded to the Brown County Treasurer, 313 East Walnut Street, Green Bay, Wisconsin 54301.

- 5. That a consent decree is in effect pursuant to Wisconsin Statute Section 48.32. I agree to perform _____ hours per week for a total of _____ weeks in community service to equal the amount of \$ _____ in restitution.

or

- 6. That an order for restitution has been entered by the Court on the _____ day of _____, 19____, pursuant to Wisconsin Statute Section 48.34(1). I agree to perform _____ hours per week of work for a total of _____ weeks in community service to equal the amount of \$ _____ in restitution.

or

- 7. That a consent decree is in effect pursuant to Wisconsin Statute Section 48.32. I agree to work directly for the victim for a total of _____ hours per week for a total of _____ weeks to equal the amount of \$ _____ in restitution.

or

- 8. That an order for restitution has been entered by the Court on the _____ day of _____, 19____, pursuant to Wisconsin Statute Section 48.34(5). I agree to work directly for the victim for a total of _____ hours per week for a total of _____ weeks to equal the amount of \$ _____ in restitution.

That any modification of this contract must be made in writing and executed by all parties to the agreement.

Wherefore, the undersigned youth and parent of guardian of the youth enter into this agreement with the full understanding that they are bound by the terms of this agreement and with the further understanding that the failure of the youth of the parent of guardian to comply with the terms and conditions of this contract may result in its termination and/or review by the Brown County Circuit Court, Branch 6.

Date

Date

Date

Date

Date

Date

APPROVED BY THE COURT: (Judge & Date)

Youth

Parent or Guardian

Parent or Guardian

Victim (if applicable)

Counselor-Youth Restitution Project

Juvenile Restitution Project
City Hall-Room 100
100 N. Jefferson Street
Green Bay, WI 54301

Dear Job-Site Supervisor:

The Green Bay Restitution Project staff would like to take this opportunity to thank you for your involvement with the project and to clarify the responsibilities of supervision.

The project staff will arrange for a time when it is convenient for the youth, the job-site supervisor, and the project staff to meet. The job-site supervisor will be able to interview the youth and explain the job duties to the youth in detail at this time. The youth will also have the opportunity to ask questions regarding the job and what is expected of him/her. The youth will be placed at the job-site only after all parties have had a chance to meet and agree to the placement.

The job-site supervisor serves as a role model for the youth and is in a position to offer the youth guidance and direction on a daily basis. Each job-site supervisor is expected to:

- 1) Develop a job description which complies with all state, federal, and local Child Labor laws with the aid of the Restitution Project staff.
- 2) Orient the youth to the job and work responsibilities emphasizing the importance of good work habits (punctuality, attendance, attitude).
- 3) Meet with the youth and project staff on a regular basis to evaluate the youth's performance and discuss any problems which might arise pertaining to the youth or to the Green Bay Restitution Project.

Youth enrolled in the program are being given the opportunity to develop good work habits and make restitution. Youth are expected to:

- 1) Report promptly to the job, work all assigned hours, and fulfill tasks according to the job description.
- 2) Notify job-site supervisor, beforehand, when unable to attend work.
- 3) Meet with the counselor weekly to review job performance while the job is being subsidized.

Time Cards

It is the responsibility of the youth and job-site supervisor to fill out the time sheet correctly, in ink, and to mail it each Saturday afternoon to our office. Time sheets that are received later than Monday will not be processed until the following payroll. The time cards must be filled out correctly to be processed. The youth will be credited only for hours worked. Holiday and vacation time will not be computed. Time cards should be mailed in EVERY week.

Wage and Reimbursement

Any wages which are earned by the youth are to be paid directly by the employer. According to the contract, the wages earned by the youth during each pay period are to be sent directly to the Brown County Treasurer, 313 E. Walnut Street, Green Bay. This is the responsibility of the employer. In order to be subsidized by the Restitution Project, the employer must fill out a time card for the youth

and mail it to our office. According to the time schedule agreed upon by the employer and the project staff, the employer will be subsidized by submitting the claim form (white, yellow and pink copies) to our office. (Keep the gold claim form copy for your files.) The amount of money the employer receives will be based on the percentage of the actual hours the youth has worked. Holiday time will not be computed.

The checks for the subsidized amount will be mailed directly to the employer.

The youth should receive the same insurance coverage and benefits as other employees. This is the responsibility of the employer and will not be subsidized by the Restitution Project.

Youth will not be able to work at a job-site where there are any labor disputes. The job-site supervisor should contact our office immediately should a labor dispute be in progress.

We appreciate your participation in the project. If you have any questions or if any problems arise, please contact us.

Sincerely,

Restitution Project Staff

TIME CARD - Rock County Restitution Project
 Marilyn Walterman, Coordinator

Employee's Name: _____
 Address: _____ Phone: _____
 Social Security No.: _____ Age: _____
 Job Site: _____
 Immediate Supervisor: _____
 Pay Period: From: _____ / _____ / _____
 Month Day Year
 To: _____ / _____ / _____
 Month Day Year
 Hourly Rate: \$ _____ (Min. Wage)

Hours Worked	1st wk of pay period	2nd wk of pay period
Sunday		
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Total Hours Worked		

Please sign below:
 Supervisor: _____
 Employee: _____

EMPLOYER PLEASE NOTE. The following guidelines must be adhered to when employing minors. Any work allowed above this amount is a violation of State law and subject to penalty.

Not before _____ a.m. nor after _____ p.m. on school nights

Not before _____ a.m. nor after _____ p.m. on nights when there is no school the next day.

Not more than _____ hours a day

Not more than _____ hours a week during school

Not more than _____ hours a week during vacation

Not more than _____ days a week

Your employee is in school from _____ a.m. to _____ p.m. and cannot work during these hours.

CONTINUED

2 OF 3

JOB-SITE EVALUATION

NAME: _____ DATE: _____

JOB-SITE: _____

ADDRESS: _____

LENGTH OF EMPLOYMENT: FROM: _____ TO: _____

HOURS WORKED PER WEEK: _____

SUPERVISOR: _____

TITLE: _____

PHONE: _____

SUPERVISOR RATINGS - Please check the appropriate column:

Excellent Very Good Good Fair Poor

1. Was on time for work.
2. Notified employer when sick or unable to be on time.
3. Came to work on a regular basis.
4. Was willing and able to perform assigned tasks.
5. Was able to accept constructive criticism and feedback.
6. Dressed appropriately for the job.
7. Able to get along with co-workers.
8. Able to work independently. _____

Comments: _____

Supervisor's Signature

Job Site: _____ Job Title: _____

Address: _____ Hours: _____

Contact Person: _____ Site Supervisor: _____

Phone: _____ Phone: _____

Job Description: _____

Job Duties: _____

Specific Skills Needed Prior to Placement: (typing, machinery) _____

The above named job-site agrees that its employment of youth will be in strict accordance with all federal, state and local child labor laws and further agrees to indemnify and hold harmless the Youth Restitution Project of the City of Green Bay for any injury or loss which results from a job-site violation of the Child Labor Laws.

Job-Site/Agency Director Date

Name of Youth Date Placed Date Terminated Schedule of Hours

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

APPENDIX 9

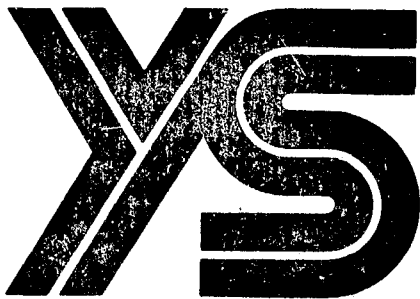
THE OUTAGAMIE COUNTY RESTITUTION PROGRAM
is operated by
Outagamie County Youth Services, Inc....

...a private, non-profit, tax-exempt agency which opened its doors on September 1, 1975 to serve young people under 18 and their families.

Operated by a 15-member Board of Directors (five of whom are youth under 18), Youth Services, Inc. offers a wide variety of services, free of charge, to young people throughout Outagamie County.

Funded during its first three years primarily with LEAA money through the Wisconsin Council on Criminal Justice, the agency is now operating on funding provided by purchase-of-service contracts with the county and state, gifts from private foundations, and a grant from United Way.

The required local match for the Restitution Program in the amount of 5% of the total program budget is being provided by a grant from THE KIMBERLY-CLARK FOUNDATION, Neenah, Wisconsin.



THE OUTAGAMIE COUNTY
RESTITUTION PROGRAM
Youth Services, Inc.
106 North Oneida St.
Appleton, WI 54911



THE OUTAGAMIE COUNTY RESTITUTION PROGRAM IS

a rehabilitative work experience program designed to assist juvenile offenders in meeting their court-ordered restitution obligations and to emphasize to offenders responsibility for their actions and accountability to their victims.

The Program is funded by the U.S. Department of Justice - Law Enforcement Assistance Administration through the Wisconsin Department of Health and Social Services. In Outagamie County, Youth Services, Inc., a private non-profit agency, administers the Restitution Program for the Outagamie County Juvenile Court. An Advisory Board composed of local citizens provides input on policy and implementation issues. Nation wide, six states were chosen to participate. Of the 72 counties in Wisconsin, Outagamie was one of eleven selected.

THE PRIMARY OBJECTIVES OF THE RESTITUTION PROGRAM ARE

- . . . to provide program enrollees an experience in responsibility and accountability by assisting them in making restitution for damage or loss caused by their offenses, and
- . . . to provide victims of program enrollees repairs or monetary compensation for their losses, and, if chosen, an opportunity to provide encouragement to the youthful offender in successfully meeting his/her restitution obligation.

THE PROGRAM WILL ASSIST OFFENDERS IN

- . . . working directly for their victims until the restitution obligation is satisfied,
- . . . finding employment and applying wages toward repaying their victims, or
- . . . doing volunteer work in the community.

EACH OFFENDER WILL BE

- . . . assigned a partner, who will provide encouragement and monitoring during participation in the program,
- . . . participate in designing a restitution contract, which will clearly outline the restitution obligation, responsibility to the employer, and to the victim,
- . . . assisted by the Program in maintaining or obtaining employment after the restitution obligation has been completed.

THE OUTAGAMIE COUNTY RESTITUTION PROGRAM is a positive, experiential approach to combating juvenile delinquency. It attempts to divert young offenders from future involvement in the justice system, benefiting both the young person and the community. Members of the community can assist the Program by:

- . . . volunteering as partners, or
- . . . providing jobs. The grant budget provides for 100% of public sector wages and up to 50% of private sector wages.

WE NEED YOUR SUPPORT!

IT'S A GOOD INVESTMENT!

Outagamie County Restitution Program
Youth Services, Inc.
Appleton, WI 54911

Dave Lovejoy, Coordinator
106 North Oneida Street
Phone: 414/731-0555

PROGRAM DESCRIPTION

The Youth Restitution Program, under the administration of United Neighborhood Centers, is designed to assist juvenile offenders in meeting court-ordered restitution obligations. Youth are referred to the program by Dane County Juvenile Court and Dane County Social Services after the Juvenile Court Judge has ordered that restitution be made.

Youth enrolled in the program are able to negotiate a restitution contract which allows them to make restitution in one of several ways: a) monetary payment to the victim, b) community service or c) direct work for the victim. The youth's parents, social worker, and where appropriate, the victim, are involved in the negotiation process with program staff. The resulting contract is then submitted to the Juvenile Court Judge for final approval.

A primary objective of the program is to assure the community that juvenile offenders are being held accountable for their actions. While meeting their restitution obligations, youth are exposed to the world of work and experience a closely supervised job setting. Youth are also given the opportunity to earn extra spending money while making restitution. Upon successful completion of the program, the youth will have demonstrated a sense of responsibility and engaged in a constructive community activity.

The program also provides highly individualized counseling to the youth, assists the youth in vocational planning, and has a placement component for those youth interested in permanent employment.

Services offered to the victim include providing information regarding the Juvenile Court process, and when in the best interests of all parties involved, a chance to participate in the negotiation of the youth's restitution contract.

The Youth Restitution Program is funded by the United States Department of Justice—Law Enforcement Assistance Administration and by Dane County.

EXPECTATIONS OF THE YOUTH:

Youth enrolled in the program are being given the opportunity to develop good work habits, make restitution, and be placed in permanent employment. Youth are expected to:

1. Report promptly to the job-site, work all assigned hours, and fulfill tasks according to job description.
2. Notify job-site supervisor when unable to attend work beforehand, as well as counselor from Youth Restitution Program.
3. Meet with the counselor weekly to review job, address any problems which might arise, and work on interpersonal skills.

EXPECTATIONS OF YOUTH RESTITUTION PROGRAM:

Counselors in the program are very experienced in working with adolescents and are sensitive to the needs of youth. Each counselor is expected to:

1. Provide intake, assessment, and job placement services to the youth.
2. Visit the job-site regularly and assist the job-site supervisor with any problems which might arise pertaining to the youth.
3. Help the youth to obtain permanent employment upon successful completion of his/her restitution.

EXPECTATIONS OF JOB-SITE SUPERVISOR:

Job-site supervisors serve as role models for the youth and offer the youth guidance and direction on a daily basis.

Each job-site supervisor is expected to:

1. Work with Youth Restitution Program staff to develop a job description which complies with all state, federal, and local child labor laws.
2. Orient the youth to the job and work procedures emphasizing the importance of good work habits (attendance, punctuality, attitude).
3. Meet with the youth and program staff on a regular basis to evaluate the youth's performance and discuss any problems which might arise pertaining to the youth or to the Youth Restitution Program.

PLACEMENT OF YOUTH:

The counselor will arrange for a time when it is convenient for the youth, the job-site supervisor, and the counselor to meet. The job-site supervisor will be able to interview the youth and explain the job duties to the youth in detail. The youth will have the opportunity to ask questions regarding the job and what is expected. The youth will be placed at the job-site only after all parties have had a chance to meet and are in agreement to the placement.

INSURANCE:

All youth enrolled in the program are covered by the Youth Restitution Program for either Workmans' Compensation Insurance and/or Liability Insurance. **ACCIDENTS MUST BE REPORTED TO OUR OFFICE WITHIN 48 HOURS.** The job-site must comply with all Child Labor Laws. A complete copy of these laws can be obtained from the Wisconsin Department of Industry, Labor, and Human Relations—Equal Rights Division.

TIME SHEETS & PAYROLL:

Any wages which are earned by the youth are paid by the Youth Restitution Program. It is the responsibility of the youth and job-site supervisor to fill out the time sheet correctly, in ink, and to mail each Friday afternoon to our office. Time sheets that are received later than Tuesday will not be processed until the following payroll. The time sheets are considered a voucher and will only be processed if filled out correctly.

Youth will be paid only for hours which are worked. Holiday and vacation time will not be computed. Some youth will be performing a community service for which wages will not be paid. However, ALL HOURS worked by the youth should be recorded on the time sheet.

The checks will be sent to the job-site unless the counselor and job-site supervisor arrange otherwise. The payroll is bi-weekly, but time sheets should be mailed in EVERY week.

Lost or stolen checks must be reported to our office immediately.

STRIKES:

Youth will not be able to work at a job-site where there are any labor disputes. The job-site supervisor should contact our office immediately should a labor dispute be in progress.

OUR SHEET

Youth Restitution Program
1245 E. Washington Ave., Suite 76
Madison, Wisconsin Phone: 255-5044

NOTE: Hour sheets will not be processed unless filled out completely in *INK*.

SOCIAL SECURITY NUMBER:

--	--	--	--	--	--	--	--	--	--

Pay Period Ending Friday: Mo _____ Day _____ Yr _____

NAME: _____
Last First

Please enter the hours worked by the enrollee for the appropriate period of the month. Pay periods always end on Friday. This hour sheet must be filed in the Youth Restitution Program's office by Tuesday, 12:00 p.m. EVERY WEEK. Late hour sheets will be processed on the following payroll.

Enter "A" if the enrollee is absent. Please leave holidays blank.

Sat.	Sun.	Mon.	Tues.
Wed.	Thur.	Fri.	TOTAL

Supervisor's Signature

Title

Address of job-site where checks will be mailed (please include zip codes)

Enrollee's Signature

Home Address (include zip code)

Address changes should be submitted separately or by phone call to Youth Restitution Program.

Please offer comments regarding youth's performance: (i.e. attendance, punctuality, appearance, attitude, motivation, etc.)

YOUTH RESTITUTION PROGRAM

1245 E. Washington Ave.
Suite 76
Madison, WI 53703
Phone: 255-5044

United Neighborhood Centers

APPENDIX 10

Resource Places

(1) Criminal Justice Reference and Information Center

L140 Law Building
University of Wisconsin - Madison
Madison, Wisconsin 53706
Telephone: (608) 262-1499

Hours: Monday - Friday 7:45-4:30
Saturday and Sunday - Closed

Loan Period: Books - 1 month
Periodicals do not circulate

Renewals: 2 week renewals will be granted unless another patron requests the material - Catalog number necessary to renew.

You do not have to be a student at the University of Wisconsin in order to check out materials from the Center. For people living outside the Madison Area, the library will mail any requested books.

2) National Criminal Justice Reference Service (NCJRS)

Law Enforcement Assistance Administration
United States Department of Justice
Box 6000
Rockville, Maryland 20850
Telephone: (202) 862-2900

You may visit the Reference Service at:
Suite 400
1015 20th Street, N.W.
Washington, D.C.

The NCJRS will send you, upon request, a biweekly announcement describing significant, recently released documents in the topic areas of your interest.

In addition, the NCJRS employs reference specialists who may be consulted through the mail, telephone, or in person. These consultants will provide you with advice and information concerning publications and document loan services of the NCJRS.

3) National Council on Crime and Delinquency

411 Hackensack Avenue
Hackensack, N.J. 97601

The NCCD is a non-profit citizen organization supported by contributions from community chests and funds, foundations, business corporations, and individuals interested in expanding its work and services. Among its activities, the Council publishes journals, newsletters, and other literature for both professional and lay interests. You may write to the above address to obtain a listing of their publications.

APPENDIX 11

RESTITUTION: A BIBLIOGRAPHY

May, 1979

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