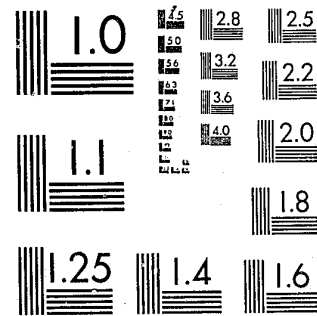


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NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

Executive Summary

April 30, 1981

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INTRODUCTION

ACQUISITION

The National Assessment of Adult Restitution Program was a Phase I study funded by the National Institute of Law Enforcement and Criminal Justice (now the National Institute of Justice) and was designed to provide a state of the art summary and program models for the use of monetary restitution and community service restitution as sanctions for adult offenders. To accomplish these purposes, several tasks were undertaken including:

1. A review of the restitution literature
2. A survey of criminal justice planning organizations and state departments of corrections to identify currently operating monetary and community service restitution programs
3. A telephone survey with the directors of currently operating programs to collect data regarding program characteristics
4. An intensive study of twenty selected projects involving site visits, interviews with key respondents, and reviewing all available documents to develop operational models of these projects
5. Synthesizing material from the twenty projects into composite models of a monetary restitution project and a community service restitution project
6. A survey of offenders involved in the projects as well as their victims to ascertain the extent to which the offenders and victims perceived monetary restitution or community service restitution requirements as fair penalties

LITERATURE REVIEW

The published literature was reviewed by reviewing previously prepared bibliographies, abstracting services, and computerized abstract information bases in the areas of sociology, psychology, and criminal justice. A total of three hundred thirty-six articles, books and reports were identified which focused on either community service, monetary restitution, or both. Approximately eighty-five percent of the three hundred thirty-six documents have been published since 1970. Each of the articles was classified by type of restitution (community service, monetary restitution, or both) and by type of article based on the following classifications (some articles were of more than one type):

Program description: Describes the operations or intended operations of a single restitution program or a group of related restitution programs.

Conceptual: Conceptualizes restitution issues, analyses different forms of restitution and/or relates restitution to social or behavioral science theory.

Historical: Analyzes the use of restitution historically in Anglo-American or European law systems or in archaic law systems.

Cross cultural: Describes the use of restitution in law systems and cultures other than Anglo-American and European.

Formative evaluation research: Reports efforts to measure and provide data regarding program operations.

Outcome evaluation research: Describes the extent to which restitution programs are accomplishing outcome goals by having an impact upon offenders, victims, and/or the criminal justice system.

Public opinion and attitude research: Reports of studies of public opinion and attitudes towards the use of restitution as a sanction for offenders.

Legal research: Studies of case law, statutory law and legal theory relating to restitution and community service.

Other social science research: Theory testing and other social or behavioral science research.

Studies of restitution use: Describes the extent to which restitution is used at specific points in the criminal justice system and/or specific geographical locations.

General summaries: Overviews and summaries regarding the use of restitution including summaries or research.

Table 1 indicates the distribution of materials by restitution type and type of article. Material presenting conceptualizations of restitution issues or analysis of different forms of restitution was the most frequently occurring type of article (133). One hundred fifteen articles describe the operation of either a single restitution program or a group of related restitution programs. Fifty-four articles dealt with the legal aspects of restitution including case law, statutory provisions, other types of restitution and legal theory. A growing number of research efforts are being undertaken relating to restitution sanctioning: forty-one reports presented findings from formative evaluations, twenty-four presented outcome evaluations, twelve reported public opinion and attitude surveys, and seven articles presented

TABLE 1. DISTRIBUTION OF RESTITUTION LITERATURE BY TYPE OF RESTITUTION AND TYPE OF ARTICLE.

<u>Type of Article</u>	<u>Restitution Type</u>			Total
	Both Monetary Restitution and Community Service	Monetary Restitution	Community Service	
Program Description	47	19	50	116
Conceptual	57	50	24	131
Historical	12	9	--	21
Cross Cultural	3	1	--	4
Formative Evaluation	18	12	10	40
Outcome Evaluation	11	6	7	24
Public Opinions and Attitudes	8	3	1	12
Legal	7	42	5	54
Other Social Science	3	1	2	6
Studies of Use	4	1	1	6
General Summaries	19	--	3	22

studies of restitution usage in specific jurisdictions. Twenty articles offered a historic analysis of the use of restitution. Four documents included a comparison of restitution usage in cultures other than Anglo-American or European; other social science research regarding restitution was the topic of six articles. Finally, twenty-one documents included overviews or general summaries regarding the use of restitution.

Restitution and community service sanctions are perceived as consistent with the rehabilitation, deterrence, and retributive (just deserts) penal philosophies. Some authors have argued that monetary restitution should replace punishment as the preferred method for dealing with offenders. There is no uniformity in the literature as to which of these penal philosophies should provide the justification for imposing restitution or community service sanctions; descriptions of operating programs tend to be unclear as to their justifying penal philosophy or purpose. A number of issues are discussed including offense or offender selection for programs, form that the restitutive sanction should take, issues around determining the amount of restitution or hours of community service, extent of victim offender involvement, the relation of these sanctions to other punishments, roles for crime victims, and issues surrounding enforcement of the restitution or community service obligation. To a large extent these issues are issues because of failure to resolve the overriding question of program purpose; specification of program purpose will provide direction for the resolution of the issues.

Restitutive sanctions have also been advanced as benefiting offenders, victims, the criminal justice system, and the community at large. There has been little mention, however, of potential conflict when particular programs attempt to benefit these diverse groups. Specification of the intended beneficiary or, if multiple, prioritization of the importance of the various presumed beneficiaries will provide guidance for the orderly resolution of conflicts which will arise as programs attempt to benefit different groups. The literature appears to be lacking in clear descriptions as to how restitution and community service sanctions might be implemented and how issues surrounding their use are resolved given clear program purposes derived from a coherent penal philosophy and specifying the intended program beneficiaries.

Forty-three research studies were identified all dating from 1975 (See table 2). Seven were completed in Great Britain, one in New Zealand, two in Canada, and the remainder in this country; four were published in academic or professional journals, four reports were academic dissertations or theses, and the remainder were either agency reports or unpublished papers. Forty-one of the studies were evaluations of restitution projects or programs and the remaining twelve assessed opinions or attitudes about a restitution sanction. The extent to which generalizations can be made from the results of these studies is limited. The evaluation studies deal with specific projects or programs operating

TABLE 2: RESEARCH REPORTS

EVALUATION STUDIES

1. Barne, Sheila, "Saturday Work: A Real Alternative?," Australian and New Zealand Journal of Criminology, Volume 9, No. 2, June, 1976, pp. 95-108.
2. Broomfield, Terry, "Evaluation Report: Court Referral Program, Voluntary Action Center of South Orange County," Newport Beach, California, April 20, 1977.
3. Brewer, David L., "The California Restitution Project," unpublished paper presented at the American Society of Criminology Annual Meeting, Atlanta, Georgia, November 18, 1977.
4. Chesney, Steven L., "The Assessment of Restitution in the Minnesota Probation Services," Minnesota Department of Corrections, January 31, 1976.
5. Chesney, Steven L., "Restitution and Social Control," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, September 28, 1979.
6. Cialella, Jean A., "A Management Study of Alternative Assignment Project 20," Jefferson Associates, Inc., San Francisco, California, undated.
7. Duffy, Joe and J. Welch, "Restitution Report," Delaware Criminal Justice Planning Commission, September, 1978.
8. Flowers, Gerald T., "The Georgia Restitution Shelter Program," Evaluation Report No. 1-150, Georgia Department of Offender Rehabilitation, September 30, 1977.
9. Galaway, Burt, M. Henzel, G. Ramsey, B. Wanyama, "Victims and Delinquents in the Tulsa Juvenile Court," Federal Probation, Volume 44, No. 2, June 1980, pp. 42-48.
10. Gerrard, J. and R. Knight, "An Evaluation of the Community Restitution In-service Program," May 5, 1977, unpublished.
11. Connigan, Gary E., "Deferred Prosecution," Comprehensive Study, 1974-78, Tazewell County State's Attorney's Office, Tazewell County, Illinois, undated.
12. Heinz, Joe, B. Galaway, J. Hudson, "Restitution or Parole: A Follow Up Study of Adult Offenders," Social Service Review, March, 1976, pp. 148-156.
13. Hofrichter, Richard, "Techniques of Victim Involvement in Restitution," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, September 28, 1979.
14. Munt, Stephen M., "Offenders Who Pay Their Way: The Preliminary Impact Evaluation Report on the Orleans Parish Criminal Sheriff's Restitution Shelter-Diagnostic Unit," The Mayor's Criminal Justice Coordinating Council, City of New Orleans, June, 1979.
15. Kigin, Robert M., "Tri County Juvenile Restitution Program," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, September 28, 1979.
16. Koegel, Joanne, "Sacramento County Probation Alternative Sentencing Procedures," Final First Year Evaluation Report, Sacramento Area Criminal Justice and Delinquency Prevention Planning District, June 19, 1978.
17. Lowenberg, David, "Pima County Attorney's Adult Diversion Project, Second Annual Report," Tucson, Arizona, 1975.
18. Mathews, Kenneth E. and Arlene M. Geist, "Seattle Community Accountability Program Crime Impact and Twelve Month Recidivism Analysis," Seattle Law and Justice Planning Office, June, 1976.
19. Pease, K., P. Durkin, I. Earnshaw, B. Payne, J. Thorpe, "Community Service Orders," Home Office Research Studies, Her Majesty's Stationery Office, London, 1975.
20. Pease, K., S. Billingham, I. Earnshaw, "Community Service Assessed in 1976," Home Office Research Study No. 39, Her Majesty's Stationery Office, London, 1977.
21. Robinson, Pat, "Work Referral/Community Service Program: An Evaluation Report," submitted to the Corrections Committee of the Governor's Commission on Criminal Justice, Monitoring Evaluation Unit, Governor's Commission on Criminal Justice, state of Delaware, July, 1978.
22. Schneider, Peter and Anne Schneider, "The National Juvenile Restitution Evaluation: Experimental Designs and Research Objectives," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, December 28, 1979.
23. Softley, Paul, "Compensation Orders in Magistrates' Courts," Home Office Research Study Number 43, Her Majesty's Stationery Office, London, October, 1977.
24. Softley, Paul and Roger Tarling, "Compensation Orders and Custodial Sentences," Criminal Law Review, Volume 12, 1977, pp. 720-722.
25. Steggerda, Roger O. and Susan Dolphin, "An Assessment of the Restitution In Probation Experiment Operated by the Fifth Judicial Department of Court Services--Polk County, Iowa," Polk County Department of Program Evaluation, unpublished, December, 1975.

(continued)

26. Swanton, Joan, "Final Report: The Pilot Alberta Restitution Center (September 1, 1975 - October 31, 1977)," undated.
27. Tarling, Roger and Paul Softley, "Compensation Orders in the Crown Court," The Criminal Law Review, July, 1976, pp. 422-428.
29. Wax, Mitchell, "The Effects of Symbolic Restitution and Presence of Victim on Delinquent Shoplifters," Doctoral dissertation, Washington State University, 1977.
29. "Interim Evaluation Results: Minnesota Restitution Center," Minnesota Department of Corrections, May, 1976.
30. "The Community Service Order Program: The British Columbia Experience," Volume 1, Ministry of the Attorney General, Province of British Columbia, Victoria, July, 1977.
31. "Probation Collection Agent Project--Cumberland and Mecklenburg Counties, North Carolina," North Carolina Governor's Law and Order Commission, November, 1976.

STUDIES OF OPINIONS AND ATTITUDES

32. Bluestein, Robin Solomon, et al., "Attitudes of the Legal Community Toward Creative Restitution, Victim Compensation, and Related Social Work Involvement," unpublished Master's Thesis, University of South Carolina, 1977.
33. Flegg, Mrs. D., B. Coleman, J. Ellis, R. J. Higginson, P. J. Lewis, A. C. Raban, "Nottinghamshire Consumer Survey - 1973-1976," unpublished.
34. Galaway, Burt and William Marsella, "An Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders," paper presented at the Second National Symposium on Victimology, Boston, September, 1976, unpublished.
35. Gandy, John T., "Community Attitudes Toward Creative Restitution and Punishment," unpublished Doctoral dissertation, University of Denver, 1975.
36. Gandy, John T. and B. Galaway, "Restitution as a Sanction for Offenders: The Public's View," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, September 28, 1979.
37. Hudson, Joe, S. Chesney, J. McLagan, "Restitution as Perceived by State Legislators and Correctional Administrators," Minnesota Department of Corrections, St. Paul, Minnesota, September, 1977, unpublished.
38. Hudson, Joe, S. Chesney, J. McLagan, "Parole and Probation Staff Perceptions of Restitution," Minnesota Department of Corrections, September, 1977.
39. Hudson, Joe, B. Galaway, S. Novack, "An Exploratory Study of Victim and Offender Perceptions of the Fairness of Restitution and Community Service Sanctions," unpublished paper presented at the Third National Symposium on Restitution, Duluth, Minnesota, September 28, 1979.
40. Schneider, Peter, A. Schneider, P. Reiter, C. Cleary, "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts," Institute of Policy Analysis, Eugene, Oregon, June, 1977.
41. Thorvandsen, S. A., "The Effects of Community Service on the Attitudes of Offenders," unpublished Doctoral dissertation, University of Cambridge, Institute of Criminology, England, 1978.
42. Vaughn, Jacqueline, "Judge-Ordered Restitution in California: The Case of the Passed Buck," unpublished paper presented at the Third National Symposium on Restitution, September 27, 1979, Duluth, Minnesota.
43. "The Need For and Acceptance Of Community Restitution Centers in Virginia," Virginia Department of Corrections, Richmond, Virginia, September, 1978.

in particular jurisdictions at different times and involving different populations. Beyond this, the one shot case study type of research designs employed in most of the evaluations have serious internal validity problems. At best, some tentative judgments can be made about trends and findings from the body of evaluation work.

The studies dealing with community service projects and programs show that a large number of persons can be handled at relatively low cost, with relatively few in-project failures, and result in large amounts of work being performed for community agencies. The indirect costs of such projects, however, are open to legitimate question. For example, one of the most consistently reporting findings in the body of evaluation work is that restitution projects and programs established for the purpose of diverting offenders from custodial confinement generally do not fulfill this mission. The study done in Tasmania by Barne (1), the most recent evaluation of the British community service program (20), the Georgia Restitution Shelter study (8), and studies done on the projects in Alberta and British Columbia (30), all present information to show that only a relatively small proportion of persons admitted would have been incarcerated in the absence of the program. This apparent inability of diversion projects to substantially divert from more severe penalties and to actually increase the degree of social control exercised over offenders raises disturbing questions. What about the case of an offender who, in the absence of the program, would not have been incarcerated, fails to complete the restitution order and is subsequently incarcerated? Instead of helping reduce rates of incarceration as intended, such a project may increase the number under custodial confinement.

The studies on the Minnesota Restitution Center (12, 29) tend to show that selected property offenders can be diverted from prison after only a few months to a residential community correction center and do about as well as a comparable group of offenders who did significantly more time in prison. Clearly, however, evaluations of residential programs operated in Georgia and Minnesota show that a high proportion of admissions will fail in the program and, in this respect, become in-program failures (8, 29). Furthermore, the Minnesota Restitution Center Project, along with others, gives evidence that victim-offender involvement is generally practical and can be worthwhile (29, 28, 17). At the same time, however, some of the studies (25, 26) suggest problems associated with attempting to structure victim-offender involvement. The non-evaluative literature documents support for the notion of involving victims and offenders within a restitution scheme. State legislators, corrections administrators, probation and parole officers, offenders and victims, generally respond favorable to the notion of victim-offender contact within a structured restitution project.

The evaluative studies consistently document the rather well known facts that most property offenses result in relatively small losses, the amount of restitution that is obligated is also relatively small, the amount actually paid is smaller yet, and the largest proportion of victims are likely to be business firms. Several of the studies also show, however, that minority group persons are disproportionately underrepresented. Studies reporting on race of admission (17, 29, 30), all indicate a disproportionately small number of minority persons admitted. This is probably caused by the screening criteria concerning offense types; is eligibility criteria are relatively soft, however, bias may result, at least in part, from the discretion exercised by criminal justice decision makers.

Several of the evaluative studies show, somewhat surprisingly, that restitution is most frequently ordered in conjunction with a fine. The studies by Chesney⁽⁴⁾ in Minnesota and Softley (24) in England both make this point. These studies also found that approximately one-fourth of those ordered to pay restitution failed to satisfy the order and that the larger the amount ordered, the less frequently it was completed. There are several practical implications of these findings. First, the wide use of financial restitution is not impractical. In most cases, the order will be fulfilled. At the same time, however, if courts are going to order large amounts of restitution they need to take into account that difficulties of getting the payment will be increased and the time the offender is likely to be under supervision will be lengthened.

The non-evaluative studies (32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43) dealing with attitudes toward the use of financial restitution or community service show quite clearly that such sanctions are endorsed by criminal justice officials and lay citizens. In addition, the studies dealing with offender attitudes toward the use of community service work orders generally show that such a sanction is defined as useful and fair.

Clearly, any review of research on this topic has to remain incomplete. This is particularly the case at this time when the work undertaken by the Criminal Justice Research Center at Albany, New York, the Institute for Policy Analysis at Eugene, Oregon, and the Denver Research Institute are yet to be reported. No doubt, the products of these efforts will help to provide more definitive answers to many of the questions about ordering offenders to make restitution and do community service work.

IDENTIFICATION OF PROJECTS

A survey of state departments of corrections, state criminal justice planning agencies, and local criminal justice planning units conducted in October and November, 1978, identified a pool of two hundred eighty-nine projects which staff of these organizations believe placed explicit emphasis on the use of mone-

tary restitution or community service as a primary focus of program intervention for adult offenders. Between October, 1978, and April, 1979, telephone interviews were conducted with the directors of these two hundred eighty-nine projects to further clarify the focus of the program and to collect information regarding the program for projects in which at least seventy-five percent of the offenders served had either a monetary restitution or community service obligation. Only one hundred eight of the projects met this latter criteria.

Four patterns were noted in regard to the use of community service and monetary restitution obligations. Some projects required offenders to complete monetary restitution (only monetary restitution projects), some required offenders to complete community service (only community service projects), some required offenders to complete both monetary restitution and community service (both monetary restitution and community service projects), and some required some offenders to complete monetary restitution and other offenders to complete community service (mixed monetary restitution and community service projects). Many of the projects also imposed other obligations such as probation supervision, counselling, or living in a residential facility on offenders; thus the concept only is limited in reference to the two sanctions under consideration in this study--community service and monetary restitution. Of the one hundred eight projects, thirty-eight were only community service, thirty-seven were only monetary restitution, twelve were both monetary restitution and community service, and twenty-one were mixed--either monetary restitution or community service.

Data was assembled by interview with project directors regarding sponsoring organization, when project was established, budget, funding source, number of staff, admissions, percent of admissions who successfully complete program, residential or non-residential status, correctional status of clients, and extent to which services other than community service or restitution are provided to clients.

Only six projects, all only community service type projects, had been in existence for more than five years; the start-up rates for the other one hundred two projects had been fairly constant over the five years prior to the interviews. Twenty-nine percent (31) of the projects were administered by state departments of corrections, twenty-nine percent (31) by city or county corrections agencies, ten percent (11) by prosecutors, nineteen percent (21) by law enforcement or other local governmental units, and thirteen percent (14) by non-governmental units. The only monetary restitution and both type projects were more likely to be administered by state departments of corrections than the other projects; the only community service projects were more typically administered by county or city corrections agencies or non-governmental agencies. The most recent annual project budgets ranged from a low of \$1,000 to a high of \$300,000. The only community service projects tended to have lower budgets than any of the other types; the mean budget for the community service projects was \$56,000 compared to \$115,000 for monetary restitution, \$161,000 for both, and \$86,000 for mixed. This was likely because there was a greater tendency for the mixed and monetary restitution

projects to be residential requiring higher staff complements. Only three percent (1) of the community service projects were residential or had a residential phase compared to thirty-six percent (13) of the monetary restitution type projects, seventy-five percent (9) of the both type projects, and twenty-four percent (5) of the mixed type projects. Ninety-two percent of the community service projects operated with five or fewer full-time equivalent staff. Fifty-eight percent of the community service type projects and more than two-thirds of all of the other projects were initially funded with grant money, usually LEAA block grant funds. At the time of the survey, fifty-four percent of all the projects were operating without grant funding; projects of the monetary restitution type were more likely to be dependent upon grant funding than other types.

The community service type projects tend to serve primarily misdemeanants whereas the monetary, both, and mixed type projects tend to serve primarily felons. The community service projects also tend to have much higher annual admissions than the other type projects; the median estimated annual admissions for the one year prior to the interview were four hundred eighteen for the community service type projects, one hundred forty-five for the monetary restitution projects, eighty-five for the both, and one hundred twenty for the mixed type projects. Projects served clients who are at all phases in the criminal justice system--pretrial diversion, probation, incarceration or work release, and parole--although most of the projects, fifty-four percent (56) serve clients who are at the probation phase of the correctional process; seventy-three percent (27) of the community service type projects serve clients on probation. The monetary restitution and both type projects are somewhat more likely than the community service or mixed type projects to deal with clients who are incarcerated or are participating in work release programs; nineteen percent (7) of the monetary restitution projects and seventeen percent (2) of the both type projects operate at this phase of the criminal justice system compared to three percent (1) of the community service type projects and six percent (1) of the mixed type projects.

The community service type projects were less likely to require offenders to participate in other programming thrusts and services than any of the other type projects; forty percent (15) of the community service projects provided other services to clients compared to seventy-five percent (27) of the monetary projects, ninety-two percent (11) of the both type projects, and ninety-five percent (20) of the mixed projects.

Comparing the only community service with only monetary restitution projects suggests that the community service projects are more likely to serve misdemeanants and the monetary restitution projects more likely to serve felons; the community service projects serve a larger number of offenders with fewer staff and lower budgets than monetary restitution projects; the monetary restitution projects are somewhat more likely to be residential

in nature. The monetary restitution projects are more likely to be administered by a state department of corrections whereas the community service projects are more likely to be operated by local correctional agencies or agencies outside the criminal justice system.

From this group of 108, twenty projects were to be selected for an intensive study to be used as the basis for development of composite evaluable project models. Two principles were used to select the twenty projects. First, community service sentencing was to be given greater emphasis than monetary restitution in the selection of projects. There has been a growing interest in community service sentencing and the funding body requested that over half of the projects included in the sample involved community service. Second, a diverse sample was needed to gain an understanding of how financial restitution and community service projects operate under various conditions and settings. Consequently a sample was purposely selected to reflect diversity along the dimensions of administrative auspices, geographic location, residential or non-residential, and place in the criminal justice system. Additionally, whenever possible, preferences were given to projects that dealt with more serious offenders, had higher numbers of intakes, involved victims, where staff performed all of the restitution or community service related functions, and where staff perceived the financial restitution or community service sanctioning components to be equal to or of greater importance than any other program thrusts. Table 3 displays the research sample by the various selection criteria.

Extensive data was collected from all twenty projects. Data include securing and reviewing all available documents and site visits to interview staff and key respondents familiar with the history and development of the projects. Extensive reports were prepared for each project which described the development of the restitution idea, implementation of the project, and its current operations. The current operations materials provided the basis for development of composite models of a monetary restitution and of a community service restitution project.

COMMUNITY SERVICE PROJECT MODEL

Fourteen of the twenty projects in the study group require offenders to engage in community service. The fourteen projects are in two fairly distinct groups. One group, exemplified by the projects in Arizona, Georgia, Louisiana, New Mexico and Rhode Island, combine community service with other sanctions and services including monetary restitution. These combined sanction projects serve primarily felony level offenders. A second group of projects illustrated by those in California, Delaware, Florida, Indiana, Kentucky, Maryland, Minnesota, and New York only require offenders to complete community service and typically do not provide other services although the projects in Indiana and New York provide referral services and the New York project provides supervision for offenders. The only community service projects serve primarily misdemeanants although some of the projects admit a few felons and some admit a few juvenile offenders.

TABLE 3: Research Sample By Selection Criteria

State	Project Name	Admin. Auspices	Phase in CJS	Rest. Type	Vic-Off. Contacts	Functions:		Relative Importance MR/CS	Est. Annual Intake	Est. Percent Felons Intake
						Deter-mine Amount	Monitor Compliance			
NC	Restitution Counselors	State Dept. of Correct.	Work Release	MR	NO	NO	YES	Equal	560	82
TN	TN State Prison Restitution Project	State Dept. of Correct.	Incar.	MR	NO	YES	YES	Equal	50	100
ME	Restitution Project	Prosecutor	Probation	MR	NO	YES	YES	More	120	43
MN	Property Offenders Restitution Project	State Dept. of Correct.	Parole	MR	NO	YES	YES	More	100	100
WA	Victim Assistance Unit	Prosecutor	Probation	MR	NO	YES	NO	Less	2,400	83
WI	Financial Debt Counseling Service	Private non-profit agency	Probation	MR	NO	NO	YES	Equal	125	50
CA	Marin Co. Volunteer Work Program	County Corrections Agency	Probation	CS	NO	NO	YES	Only	1,475	Unknown
DE	Bureau of Adult Corrections	State Dept. of Correct.	Probation	CS	NO	NO	YES	Only	1,350	19
CA	Community Options	Private non-profit agency	Probation	CS	NO	NO	YES	More	1,200	17
MD	Alternative Community Services	County Corrections Agency	Pretrial Diversion	CS	NO	YES	YES	Only	900	0
NM	Dodge-Pilmore-Olsted Community Corrections	County Corrections Agency	Probation	CS	NO	NO	YES	Only	128	Unknown
FL	Court Referral Program	Private non-profit agency	Probation	CS	NO	NO	YES	Only	500	0
IN	Porter County PACT Project	Private non-profit agency	Susp. jail sentence	CS	NO	NO	YES	More	250	0
NY	Rockland Co. Youth Counsel Bureau	County Govt. Agency	ACD	CS	NO	YES	YES	More	450	0
KY	Court Referral Program	Non-profit Corporation	Probation	CS	NO	NO	YES	More	150	0
RI	Treatment Alternatives Coordinating Center (TACC)	Prosecutor	Pretrial Diversion	Both	NO	YES	YES	Not Available	100	100
GA	Diversion Centers	State Dept. of Correct.	Probation	Both	NO	NO-Fin. YES-CS	YES	Less	1,350	100
NM	Pre-Prosecution Probation	Prosecutor	Pretrial Diversion	Both	NO	YES	YES	Equal	65	100
LA	Orleans Parish Criminal Sheriff's Restitution Program	Co. Corrections Agency	Incarcer./ Work Release	Both	NO	YES	YES	Equal	175	Unknown
AZ	Adult Diversion Program	Prosecutor	Pretrial Diversion	Both	YES	YES	YES	Equal	180	100

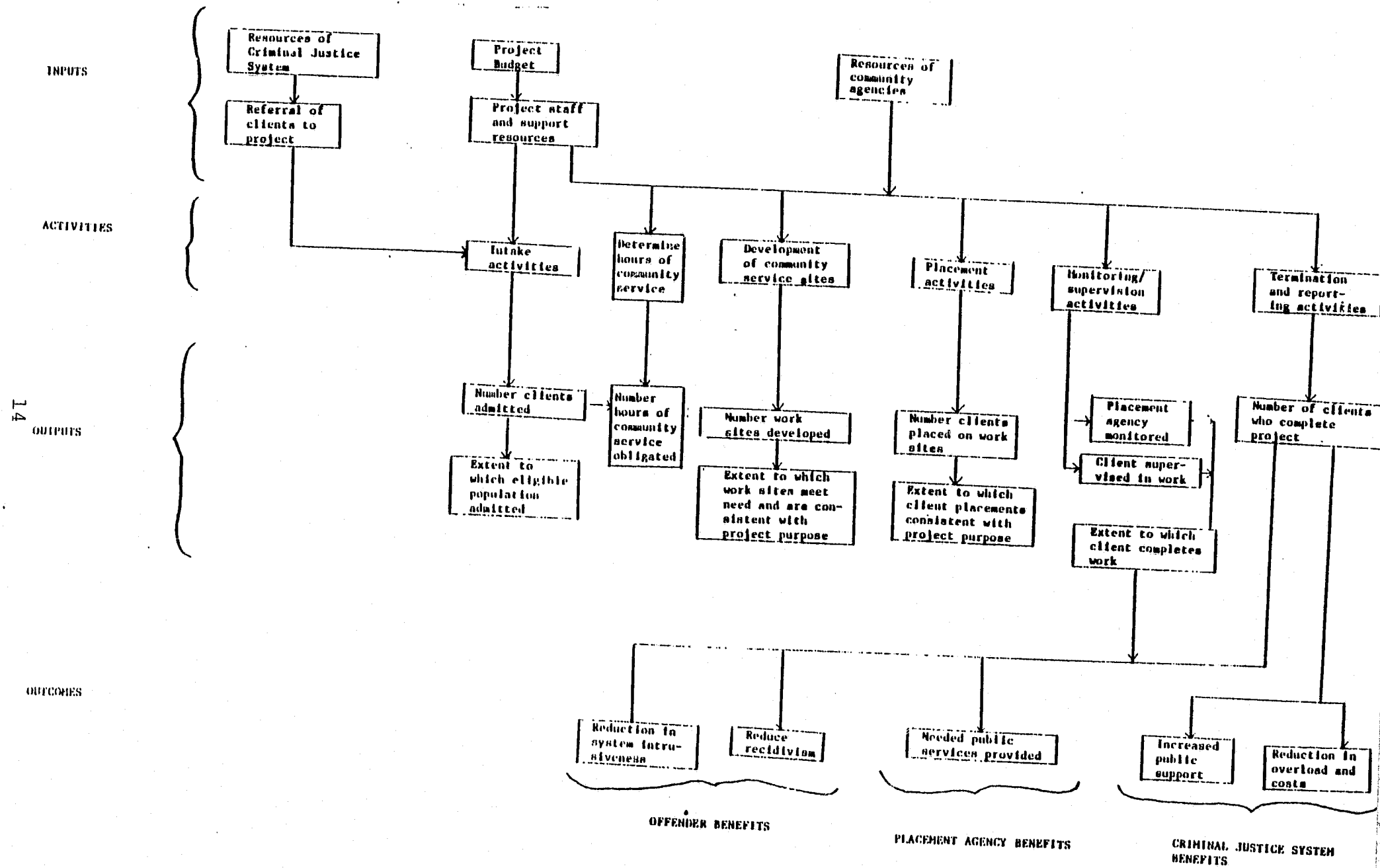
The projects have been implemented by a wide range of implementing agencies. Three, all of which provide only community service programming, have been implemented by non-profit organizations and one by a service organization (the Junior League). Three of the projects have been implemented by prosecutors; all three require both community service and monetary restitution. Two have been implemented by state departments of corrections, one by a county government agency and one by a sheriff.

Four of the projects (Arizona, Rhode Island, Maryland and New Mexico) are at the pretrial diversion stage; three of the four impose combined sanctions. The only community service projects typically receive offenders at a post-adjudication stage to complete community service in lieu of some other sanction--fine, jail, or supervised probation. These offenders are usually under a suspended sentence and on an unsupervised probation status. The New York project makes use of the New York adjournment in contemplation of dismissal statute; this procedure permits the court to adjourn the proceedings after an adjudication with the understanding that dismissal will occur if conditions such as completing a community service requirement are met. The projects in Georgia and Louisiana are residential; the Georgia project serves probationers who live in a community corrections center and complete community service as a part of their required probation program. The Louisiana program uses work release provisions to allow incarcerated offenders to maintain employment in the community; all offenders are required to complete community service as well as make monetary restitution. Projects emphasizing only community service tended to serve adjudicated misdemeanants with community service being imposed as an alternative to other sanctions. The projects that combine community service with monetary restitutions and other programming thrusts tended to serve felons and are located at all phases of the criminal justice system--pretrial diversion, probation and incarceration.

All except one of the projects have salaried staff. The project in Florida was organized by the Junior League in cooperation with the local court and relies entirely upon Junior League volunteers. The projects which provide only community service have very modest staff complements compared to the numbers of admissions with a staff to admission ratio usually exceeding one to one hundred fifty. The Marin County project, for example, serves over one thousand three hundred admissions a year with a staff complement of two and one half; more typically, however, the Santa Cruz project serves nine hundred sixty-five admissions annually with a staff complement of five. The projects which combine community service with monetary restitution and other programming necessarily have much higher staff complements in relation to annual intake because of the other service requirements.

Diagram 1 is a schematic representation of a community service program model which has been derived from the community service practices of the fourteen projects in this study group.

DIAGRAM 1. Community Service Program Model



Community service activities comprise the only programming thrust for some of the projects; for others the community service activities are clustered with other programming thrusts including monetary restitution. The model displayed in Diagram 10.1, however, relates only to the activities, inputs and outcomes of community service programming.

The model depicts a set of activities necessary for a community service program; the activities include intake, development of community service sites, placements, monitoring and supervision, and termination and reporting. Resources necessary to support the community service activities include the resources of the criminal justice system necessary for the making referrals, the project budget which supports project staff and provides staff support resources, and the resources of community agencies necessary for the placement and supervision of offenders placed in community service work sites. Two levels of output are identified for each activity. One level of output involves a simple tabulation and a second the application of an evaluative judgement. For example, an output of intake activities is the number of clients admitted and an output of activities relating to the development of service sites is the number of work sites developed; in both cases, these involve simple tabulations. Another level of output for intake activities, however, is the extent to which the eligible population was admitted to the program; likewise, an output of service site development activities is the extent to which the available sites meet the need and are consistent with the project purposes. These latter levels of output involve the application of an evaluative judgement. Finally, the community service activities are thought to result in socially beneficial outcomes. Potential outcomes included the offender benefits of reduced system intrusiveness and reduced recidivism, placement agency benefits of providing needed public services, and benefits to the criminal justice system including increased public support and possible reduction in overload and costs.

Measuring project inputs is necessary to assess the resources used by a community service programs. Appropriate measures of inputs are:

1. Number and characteristics of offenders referred.
 - 1.1 Present offense
 - 1.2 Criminal history
 - 1.3 Age
 - 1.4 Sex
 - 1.5 Race
 - 1.6 Employment status
 - 1.7 Income
 - 1.8 Marital status
2. Expenditures, including administrative overhead costs incurred by the sponsoring agency which may not be a part of the project's direct costs budget.

1. Number hours community service obligated.
2. Time in which community service is to be completed.
3. Who made determination.
4. Amount and value of staff time required for determining number hours of community service.
5. Number of community service agreements signed and characteristics of offenders who sign agreements.

C. Development of Community Service Sites.

1. Number of work sites developed.
2. Number of offenders to be accommodated at work sites.
3. Type of community service activities available.
4. Amount and value of staff time required to develop work sites.

D. Placement Activities.

1. Number and characteristics of offenders placed in community service.
2. Time lapse between determination of hours of community service and placement.
3. Number of referrals to community agencies before placement occurs.
4. Number of staff-offender and staff-community agency contacts before placement.
5. Number and characteristics of offenders who are not placed and reasons.
6. Amount and value of staff time required for placement activities.
7. Number and characteristics of offenders placed in community service activities consistent with project purpose.

E. Monitoring and Supervision Activities.

1. Number staff contacts with community agencies.
2. Number of staff contacts with offender.
3. Number of warning letters mailed.

4. Number and type of offender performance problems.

- 4.1 Failure to appear for service
- 4.2 Failure to perform work properly
- 4.3 Failure to accept supervision from agency supervisor
- 4.4 Under influence of chemicals, fighting, or other disruptive behavior at work site

5. Number and characteristics of offenders who complete community service.

6. Amount and value of staff time required to monitor and supervise community service.
7. Time lapse between payment of restitution by offender and disbursement to victims.
8. Amount and value of staff time required for accounting and disbursement activities.

F. Reporting and Termination Activities.

1. Number and type of reports made by staff.
2. Number of offenders who complete program requirements.
3. Number and nature of in-program failures.
4. Amount and value of staff time required for reporting and termination activities.

Outcomes are the socially justifying reasons for a project's existence; outcome goals, if accomplished, provide the reasons for using resources to support the project. A common theme among the only community service projects is that community service will serve as an alternative usually to a fine or a jail sentence. There is seldom an explicit statement, however, as to why an alternative is necessary although more implicitly the project staff frequently believe that a fine will impose an undue hardship on low income persons. At the other extreme, jail may be perceived as either too harsh or too expensive, thus community service may provide a service to the criminal justice system by providing alternatives for judges caught in the dilemma of not being able to fit the available sanctions to what they perceive to be the conditions of the offender.

Outcome measures, of course, relate to the particular outcome or socially justifying purposes for a program's existence; these, presumably, also relate to some underlying penal philosophy. Programs may have a variety of reasons for existing and may be based upon differing penal philosophies. Therefore, a common set of outcome measures cannot appropriately be suggested. Most programs, however, should be able to find outcome measures

consistent with their purpose and philosophy among the following:

1. Measures of recidivism, especially rearrest and reconviction.
2. Reduction in jail populations.
3. Number of hours and value of hours of service provided to the community.
4. Offender perception of community service as a fair punishment.
5. Citizen perception of community service as a fair punishment.

The community service activities of receiving referrals, determining the number of hours, recruiting placement sites, planning for placement of an offender, and monitoring are all straightforward and necessary to impose a community service sanction. These activities, on their face, are necessary to accomplish goals such as reduction of system intrusiveness by providing an alternative sanction, providing necessary services to community organizations and agencies, and providing an alternative sentence available to courts. The rationale linking community service to outcomes such as reduction of recidivism, lowering costs, and increased community support for the criminal justice service is less clear. Reduction of recidivism could conceivably occur as a result of either rehabilitation or specific deterrence processes. Projects such as Indiana and Maryland, which employ a rehabilitative orientation, are very imprecise in terms of how community service may lead to rehabilitation although the linkage is usually described in terms of providing the offender with a community experience which will result in a sense of accomplishment; presumably a sense of accomplishment will in some way lead to reduction of criminal behavior. The Rhode Island and New York projects postulate a specific deterrent impact; the rationale being that a penalty quickly imposed on first offenders will indicate to the offender that society does not ignore illegal behavior and will reduce the likelihood that the person will engage in renewed offenses. The cost reduction rationale is based primarily on the assumption that the offender would be incarcerated if it were not for the community service program. Two rationales are advanced to relate the community service activities to the goal of increased public support for the criminal justice system. One rationale is that the public will see that action is being taken against offenders which will result in increased public confidence; the second rationale holds that the public will benefit from the service of offenders which will result in increased public confidence in the criminal justice system which imposes a sanction leading to public benefits.

MONETARY RESTITUTION PROJECT MODEL

Eleven of the twenty projects in the study group required offenders to make monetary restitution; five also imposed community service obligations with offenders typically being required to complete both monetary restitution and community service requirements. The monetary restitution elements are seldom found alone but are usually clustered with a variety of other sanctions and services such as supervision in the community, residential care, various types of counseling, employment assistance, and educational programs.

Five of the projects were administered by prosecutors--two county prosecutors, two district prosecutors, and the Attorney General for the state of Rhode Island who handles all felony level prosecutions in that state. Four projects are administered by state departments of corrections; three of these are statewide programs. The programs in North Carolina and Georgia are administered by the state from several different sites within the state and the Minnesota program involves the coordination of restitution obligations for parolees who may be under the supervision of parole agents in any part of the state. The Tennessee program is administered by the state Department of Corrections in conjunction with a private industry and operates within one of the state prisons. The restitution program in New Orleans, Louisiana, is administered by the criminal sheriff, and a private, non-profit organization, the Financial and Debt Counselling Services, administers the program in Milwaukee, Wisconsin. In summary, five projects are administered by prosecutors, four by departments of corrections, one by a sheriff, and one by a non-profit corporation.

The study group includes projects serving offenders in all phases of the criminal justice process. Three of the projects administered by prosecutors--New Mexico, Arizona and Rhode Island--are pretrial diversion projects. The prosecutors' projects in Washington and Maine maintain a strong victim orientation in which staff in the prosecutors' offices do loss assessments and develop restitution plans which courts are asked to impose as probation conditions. Offenders in the Georgia program are on probation status but reside in community correction centers known as diversion centers. Offenders referred to the Financial and Debt Counselling Services in Milwaukee are typically on probation status. Four of the projects involve offenders who are incarcerated. The North Carolina and Louisiana projects impose restitution requirements in conjunction with work release, the Tennessee program operates within the confines of a maximum security prison and is administered in conjunction with a private industry paying prevailing wages, and the Minnesota program develops restitution agreements with incarcerated offenders with the agreements being implemented as a parole condition when the inmate is paroled. Thus, four of the programs are residential, six are non-residential, and the Minnesota program operates at both phases inasmuch as some functions are carried out while the offender is incarcerated and other functions while the offender is on parole status.

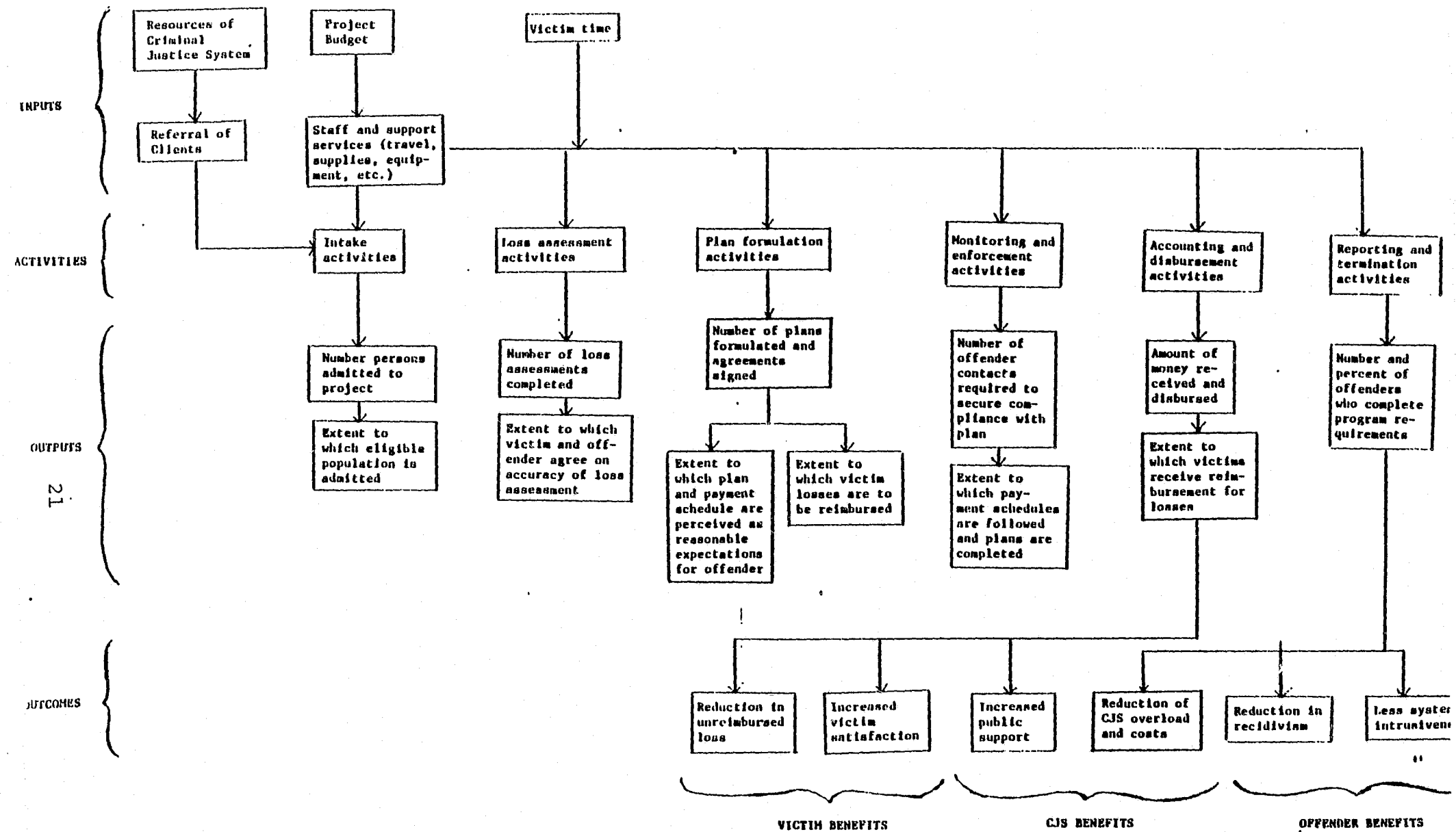
All except the Tennessee and Maine projects have staff assigned full time to the restitution project. The Tennessee and Maine projects distribute restitution tasks among other staff in the implementing agency. Most of the projects have identifiable budgets although these may underestimate real costs inasmuch as they typically do not provide for indirect costs and frequently do not include rent. Also, the budgets underwrite the full range of services provided by the projects which are typically much more extensive than the monetary restitution activities.

These projects deal primarily with felony level offenders, usually property offenders without extensive records of prior convictions. The project in Seattle is a victim witness assistance program which provides a range of services to crime victims; the other projects are not involved with crime victims other than contacts necessary to do loss assessments and to deliver the restitution payment. The projects do not bring victims and offenders together except in very isolated and atypical situations.

During the year in which the current operations of these projects were being assessed, three were terminated. With the ending of grant money, projects in North Carolina and Wisconsin were terminated although the implementing agencies expect to be able to continue some of the restitution functions through assignment of the tasks to existing staff within their organizations. The project in Minnesota was terminated with the elimination of the restitution unit within the Department of Corrections; staff within the prisons, however, may continue to develop restitution agreements with inmates. The program in Georgia has also undergone a considerable evolution prior to the study year; one of the roots of this program were four restitution shelters funded in 1972. The programming emphasis in the diversion centers, however, has evolved towards provision of counseling and educational services and de-emphasizing the restitution components; restitution, however, continues to be a part of the requirement of residents when restitution has been court ordered.

Diagram 2 is a schematic representation of a monetary restitution program derived from the restitution practices of the eleven projects in the study group. The restitution activities in all of the projects under study are clustered and intertwined with other programming thrusts--other services provided to offenders or other activities, such as prosecution or management of a prison, necessary for maintenance of the criminal justice system. A set of restitution activities, necessary inputs, and presumed outputs and outcomes have been identified and are represented in diagram 2. Inputs necessary for restitution programming include the resources of the criminal justice system necessary to bring about a referral of clients, a budget necessary to support staff, and some involvement of victims. The presence of a budget and referral of clients will require a host setting or milieu supportive of the concept of restitution. Primary program activities will include intake, loss assessment, plan formulation, monitoring and enforcement, accounting and disbursement, and reporting and termination activities. Outputs can be identified for each of the program activities; one level of

Diagram 2: Monetary Restitution Program Model



output involves a straightforward tabulation and a second a value judgement. Outputs of intake activities, for example, would include both the number of persons admitted to the project (a tabulation) as well as an assessment of the extent to which the intake activities result in the eligible population being admitted (a judgement). Finally, restitution projects are pressured to lead to socially beneficial outcomes which may benefit victims, offenders, and/or the criminal justice system. Potential victim benefits include a reduction in unreimbursed loss and increased satisfaction with the criminal justice system; potential offender benefits include reduction in recidivism and less criminal justice system intrusiveness into the life of the offender. Potential criminal justice system benefits include increased public support and reduction of criminal justice system overload.

The projects fell into two groups regarding admission criteria. One group--Washington, Maine, Wisconsin, Tennessee, and North Carolina--impose very few or no admission criteria. The other projects have more extensive criteria which relate to their orientation of providing rehabilitative services for offenders. The admission criteria are designed to result in the intake of offenders who will be in a position to benefit from the total programming thrust rather than focusing specifically around restitution. Some programs such as New Mexico, Arizona, Louisiana, and Georgia, use assessment processes in which the suitability of the offender for the service program is an eligibility requirement.

Overall the projects tend to serve adult, felony level property offenders; except for Georgia, the projects with an offender service orientation prefer offenders without extensive criminal histories. Six of the projects require that offenders voluntarily agree to participate in the program and five do not; voluntarily agree to participate, in this context, means agree to participate in the program instead of facing some other action such as prosecution in the pretrial diversion programs, imprisonment in the case of Georgia, remaining in prison instead of participating in work release in the Louisiana project, the possibility of a shorter stay in prison in the Minnesota project, and to take advantage of the opportunity for gainful employment in the Tennessee project.

A reasonable accurate estimate of the inputs required by a restitution program would be useful for planning and evaluation. Measures on which input data should be secured include:

1. Amount and value of time required by criminal justice officials to make referrals to the restitution project.
2. Number and qualifications of staff required for the restitution activities.
3. Number of hours and value of volunteer time donated to restitution activities.
4. Budget and expenditures necessary to supply staff and support services for the restitution activities.

5. Amount and value of victim time required by the restitution project.
6. Number and characteristics of offenders referred to the project and number and characteristics of offenders admitted to the project; relevant background characteristics of offenders are:
 - a. Present offence
 - b. Criminal history
 - c. Age
 - d. Sex
 - e. Race
 - f. Employment status
 - g. Income
 - h. Number of dependents

Input data currently available from the projects includes budgets and expenditures, numbers and qualifications of staff, hours of volunteer time provided, number of referrals, number of offenders admitted to the project, and background characteristics of offenders admitted. These inputs, however, relate to the total program of the project and are not broken out specifically in relation to the restitution component. Thus, input information explicitly related to restitution activities is not available. None of the projects have data available regarding the amount and value of criminal justice officials' time to make referrals or the amount and value of victims' time to participate in the restitution program.

A restitution program will require intake activities and a series of activities which relate specifically to the restitution function--loss assessment, developing restitution plans, monitoring and enforcement activities, and accounting and disbursement activities. Intake activities necessary for the restitution aspects of the projects are limited to the following:

1. Interpretation of the restitution requirements and, perhaps, an assessment of the offender's willingness to make restitution.
2. If the project maintains an offender orientation, an assessment of the offender's ability to make restitution. This might also include an assessment of whether the offender will require services to increase ability to make restitution and whether or not the project can provide those services.

3. An assessment of whether the offender meets the eligibility criteria which may be specifically related to the restitution obligation such as type of offense or presence of victim loss.

In addition to intake, a series of restitution activities are required. Restitution project staff usually perform the restitution activities although, for some projects, restitution activities may be performed by non-project staff. This is most likely to be loss assessment activities which, for some projects, are performed by judges or other staff external to the project.

Loss assessments involve a set of staff activities designed to arrive at a determination of victim losses attributable to the offender's crime. There are two aspects of loss assessments. At the program policy level, a determination must be made as to what potential victim losses are restitutionable; victims may experience a variety of losses including property damage, property loss, medical bills, loss of time (including loss of wages and earnings) directly related to the victimization, loss of time (including wages and earnings) because of requirements to participate in the criminal justice processing of the offender, and a variety of intangible losses such as pain and suffering, psychological distress, fear, and so forth. A second aspect of loss assessments are the actual procedures employed by staff to determine the extent of victim loss consistent with the categories established by program policy.

The experiences of these projects suggest that loss assessments are a fairly straightforward and not a time-consuming process. Most of the material used comes from police reports, telephone contacts with victims, and personal interviews with offenders which are typically conducted either as a part of the intake process or shortly after admission. Restitution is usually secured for all the unreimbursed losses reported by victims unless contested by offenders or inconsistent with policy reports in which case staff use their own judgement in arriving at a fair assessment of loss. The projects primarily serve property offenders thus the categories of loss reimbursed are predominantly for property loss and property damage, although other categories such as loss of victim's time, may be assessed if requested. None of the projects, with the possible exception of North Carolina, provide restitution for intangible losses. Loss assessments are conducted in a very pragmatic manner of attempting to arrive at a figure which is acceptable to the victim and at least reasonably acceptable to the offender. An important output measure of the loss assessment process would be the extent to which both victim and offender agree with the accuracy of the loss assessment; none of the projects, however, routinely collect and tabulate this information.

Following loss assessments, restitution project staff engage in a series of procedures to develop a restitution plan. The restitution plans operationalize a series of program policy issues including:

1. What portion of the victim losses are to be repaid by offenders?
2. In the case of co-defendants, how is the restitution obligation divided among the group?
3. Are insurance companies to be recipients of restitution?
4. What type of payment schedule is to be developed and in what time frame is the restitution obligation completed?

Typically the restitution plans are developed in the form of a written agreement which specifies the amount of restitution, the payment schedule, and the intended completion date and which is signed by victims and offenders. In most projects victims may also proceed in a civil suit against the offender if they choose.

None of the projects routinely tabulate information regarding relationship of the restitution amounts to assessed victim losses so data has not been available to assess the extent to which the final restitution plans are intended to fully compensate victims. This, however, is the reported intention of most projects with occasional exceptions based upon the low financial ability of offenders. Likewise, however, data is not regularly tabulated regarding assessments of the offenders' financial ability so a systematic comparison of the restitution plans to offenders' financial abilities is not presently possible.

Once a restitution obligation is imposed, effort must be exerted to monitor the extent to which the offender is complying with the requirement and, if necessary, take appropriate enforcement action. Generally, project staff are responsible for these activities. The procedures used for monitoring vary although they typically involve the activities of checking to determine if the offender is maintaining payments according to the restitution schedule, imposing a warning if payments are delinquent, and, if payment delinquency continues, instituting action to terminate the offender from the program. Projects in which staff have ongoing contacts with offenders frequently use these supervisory contacts as a vehicle for monitoring compliance. Projects do not routinely maintain information regarding the number of contacts or staff effort required to monitor and enforce the restitution obligation. Failure to complete restitution will be grounds for unsuccessful program termination; the projects also have other grounds, however, for unsuccessful program termination and data has not been available as to the number of persons who were unsuccessfully terminated because of failure to make the restitution obligations.

Restitution projects must develop procedures to maintain records regarding the amount of restitution paid and to insure that restitution funds are transmitted to victims. The thirteen projects differed on the variable of whether these functions were performed by project staff or officials external to the project. Accounting and disbursement activities were performed by project staff in the Arizona, Louisiana, Georgia and Rhode Island projects; all except the Rhode Island project had a bookkeeper or clerical person assigned responsibilities for receiving and disbursing restitution amounts.

The accounting and disbursement activities are straightforward involving a reasonable non-complex system of receiving payments in the form of check or money order from the offender and either depositing these in an account from which restitution payments are transmitted to victims or directly transmitting the offender's check or money orders to victims. Fairly simple record keeping systems have been established to record the amount paid in relation to the amount owed and the amount transmitted to victims. These functions can be performed by either project staff or staff external to the project; a potential problem with the latter approach, however, is providing timely information back to project staff to use in monitoring the extent to which the offender is completing the restitution obligation.

The projects in this group regularly report information regarding the amount of restitution which has been disbursed to victims. None of the projects, however, regularly report the amount of restitution disbursed to victims as a proportion of victim losses or as a proportion of the amount of restitution specified in the restitution plan. Thus, information is not readily available regarding the extent to which victims are actually receiving reimbursement for their losses or the extent to which victims are receiving the amount of restitution specified in the restitution plan.

Reporting and termination procedures include actions taken by staff to close a case, either successfully or unsuccessfully, and to report the client's adjustment back to the proper official. Since restitution program components are clustered with other program components, reporting is seldom solely in regard to the restitution obligation; successful termination does not occur unless the client completes all program requirements and unsuccessful termination might occur even if the client has completed the restitution obligation because of failure to complete other program requirements.

Collection of data on measures of restitution project activities is essential to an understanding of the actual operations of restitution projects. The following activity measures are suggested:

A. Intake Activities:

1. Number of offenders screened for eligibility.
2. Number and characteristics of offenders admitted to project.
 - 2.1 present offense
 - 2.2 criminal history
 - 2.3 age
 - 2.4 sex
 - 2.5 race
 - 2.6 employment status
 - 2.7 income
 - 2.8 number of dependents
3. Number of referrals denied admission and reasons for denial.

4. Referral source.
 5. Amount and value of staff time required for screening.
 6. Percent of total eligible population admitted to project.
- B. Loss Assessment Activities:
1. Types (individual, business, public agency) of victims contacted.
 2. Number and type of victims providing loss information.
 3. Amount and types of losses.
 - 3.1 Cost of repairing damaged property.
 - 3.2 Value of lost property specifying standard used to arrive at value.
 - 3.2.1 replacement value
 - 3.2.2 depreciated value
 - 3.2.3 original value
 - 3.2.4 other standard
 - 3.3 Medical costs.
 - 3.4 Lost wages or income resulting from offense.
 - 3.5 Lost wages or income resulting from need to participate in criminal justice processing of offender.
 - 3.6 Increased insurance or security costs.
 - 3.7 Unliquidated costs.
 4. Extent to which victims have received reimbursement from third parties.
 5. Number of victim contacts required to complete loss assessments.
 6. Number of victim offender meetings to negotiate loss assessments.
 7. Number of estimates of total loss which offenders agree are accurate.
 8. Number of estimates of total loss which victims agree are accurate.
 9. Total number of loss assessments completed.
 10. Reasons for non-completion of loss assessments.
 11. Amount and value of staff time required for loss assessments.

C. Plan Formulation Activities:

1. Number of plans formulated.
2. Reasons for failure to formulate plans.
3. Number and types of victims designated to receive restitution.
4. Total amount of restitution designated to be paid.
 - 4.1 Amount to be paid to direct victims.
 - 4.2 Amount to be paid to third parties who have reimbursed victims.
 - 4.3 Amount to be paid to non victim community organizations.
5. Percent of victim losses to be paid by restitution.
6. Percent of third party reimbursement to victims to be paid by restitution.
7. Number of plans which involved direct victim offender negotiations (number of negotiation sessions).
8. Number and characteristics of offenders obligated to pay restitution.
9. Number and characteristics of offenders who decline to accept plan.
10. Number of plans, accepted, modified, and denied by reviewing or approving authority.
11. Number of staff contacts with victim to develop plans.
12. Number of staff contacts with offender to develop plans.
13. Amount and value of staff time required to formulate plans.
14. Length of time permitted to complete restitution obligation.
15. Extent to which offender perceives the plan and payment schedule as a reasonable obligation.
16. Extent to which project staff perceive the plan and payment schedule as a reasonable obligation for the offender.

D. Monitoring and Enforcement Activities.

1. Number and type (phone, mail, personal) of monitoring contacts made with offenders.
2. Number and type of inquiries received from victims.

3. Number of offender termination actions initiated and results of these actions.
4. Amount and value of staff time required by restitution monitoring activities.
5. Amount and percent of restitution payments made on schedule.
6. Amount of restitution collected; percent of planned amount of restitution collected.
7. Characteristics of offenders who completed and did not complete restitution obligations.

E. Accounting and Disbursement Activities.

1. Number and characteristics of direct victims who receive restitution; amount and percent of planned restitution received by direct victims.
2. Amount and percent of planned restitution received by third party victims.
3. Amount and percent of planned restitution received by non victim community organizations.
4. Time lapse between payment of restitution by offender and disbursement to victims.
5. Amount and value of staff time required for accounting and disbursement activities.

F. Reporting and Termination Activities.

1. Number and type of reports made by staff.
2. Number of offenders who complete program requirements.
3. Number and nature of in-program failures.
4. Amount and value of staff time required for reporting and termination activities.

Outcomes constitute the socially justifying basis for the program's existence. They constitute the goals which, if accomplished at reasonable costs, provide an acceptable reason for the program's continuation. Goals for these projects can be classified in terms of potential program beneficiaries--offenders, victims, or criminal justice system. Accomplishment of these goals might also lead to benefits to the community at large transcending benefits to the victims, offenders or the criminal justice system.

One set of project goals specified by eight projects are stated in terms of presumed benefits for offenders. These are consistently of two categories. First, some offenders are pre-

sumed to benefit because the restitution activities will contribute to their rehabilitation. The second possible offender benefit is the reduction of intrusiveness of the criminal justice system. This is based on the view that the restitution program serves offenders who might otherwise receive a more severe sanction--incarceration or prosecution rather than, respectively, community based services and pretrial diversion. These goals, of course, may be in conflict. Intrusiveness may actually be increased on the basis of the perceived need to provide rehabilitative services earlier for offenders. This is implied in the Arizona program to "curtail the substantial time delay in apprehension and treatment"; the perceived need to provide rehabilitative services early for first offenders and, because of very heavy caseloads, the inability of probation services to do so was one of the motivations for establishing both the Arizona and Rhode Island programs.

Some of the programs identify goals that relate to victim benefits. Usually these goals all relate to the provision of compensation or redress to the crime victim. Additionally, the Rhode Island program specifies "involvement of victim in a decision as to whether the offender should be diverted" as a program goal. Operationally, the Arizona program also involves victims in this decision but this is not specifically stated as a program goal. An implicit reason for involving victims is to increase victim satisfaction with the criminal justice system. This, at least implicitly, is a second presumed victim benefit which may flow from either involvement in decision making or receiving restitution.

Project goals may also relate to providing benefits to the criminal justice system. Six of the projects have explicit goals in this area which are of two types--reduction of costs or increasing public credibility. All of the presumed benefits--to offenders, victims and the criminal justice system--can be conceptualized as providing benefits to the overall community. Rehabilitation programs, while they may benefit offenders directly, may also offer benefits to the entire community through the reduction of crime. Individual victims may be satisfied with restitution and involvement with the criminal justice system but their collective satisfaction may contribute to overall community benefits of confidence and satisfaction in the criminal justice system. The reduction of costs might benefit the community either through tax savings or the availability of resources to meet other community needs.

Multiple goals specifying offender, victim and system benefits create the possibility of conflict among the goals. For example, an offender rehabilitation goal may be in conflict with a victim compensation goal in a situation where the offender's rehabilitation might be best accomplished through training or educational activities rather than gainful employment from which restitution might be paid. When no priority has been specified for victim and offender goals this issue must be resolved on a day by day operational basis.

Outputs were identified for each of the program activities--intake, loss assessment, plan formulation, monitoring and enforcement, accounting and disbursement, and reporting and termination--discussed in the previous section. Two output measures, however, are particularly crucial in linking the project activities to

the outcomes--the socially justifying reasons for the project's existence:

1. The number and percent of offenders who successfully complete the program requirements.
2. The amount of restitution paid as a percentage of victim losses and as a percentage of the offender's initial restitution obligation.

Specification of outcome measures is difficult because the selection of an outcome measure relates first to the purpose for the program which in turn is derived from the underlying penal philosophy. Thus, outcome measures cannot be identified independent of purpose and philosophy. Given this constraint, however, it seems likely that most projects will be able to identify acceptable measures of outcome from the following:

A. Measures of Offender Benefits.

1. Number of rearrests and number of reconvictions as indicators of recidivism.
2. Offender perceptions that the sanction was fair.
3. Comparisons of background characteristics and criminal histories of offenders who complete restitution programs compared to those who receive more severe sanctions to make inferences regarding reduction of intrusiveness (the greater the similarity of the two groups, the more powerful the argument that the restitution program was reducing intrusiveness.)

B. Measures of Victim Benefits.

1. Extent to which victim losses are repaid.
2. Victim's perception that the offender was handled fairly.
3. Sense of victim satisfaction with their experiences with the criminal justice system.

C. Criminal Justice System Benefits.

1. Cost per successful completion of restitution program compared to alternative programs.
2. Reduction in the number (or proportion) of offenders being processed through the criminal justice phases from which the restitution program was intended to divert.
3. Citizen perceptions of the fairness of requiring offenders to make restitution.

The underlying rationale articulated by the projects to link restitution activities to project goals has two aspects. First, since the restitution activities are frequently clustered with other non-restitution program thrusts, it is necessary to clarify the presumed relationship among restitution activities, non-restitution activities, and goals. Secondly, for projects in which restitution activities are presumed to make a direct contribution to the accomplishment of project goals, the underlying rationale for believing that the project activities have a relationship with the stated project goals should be articulated.

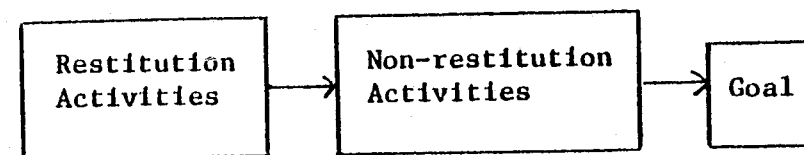
Diagram 3 summarizes four different patterns or models of presumed relationships among restitution and non-restitution activities. The first model suggests that the restitution activities are primarily to provide support to the non-restitution activities. This occurs, for example, when the restitution components are used to gain public support for more total programming thrusts. The fact that offenders were making restitution was thought to contribute to the development of public support for the diversion programs in Arizona and Rhode Island, the use of community shelters instead of incarceration in Georgia, and the development of a work release program to reduce prison population in Louisiana. Model two, the converse of model one, suggests that the non-restitution activities are necessary to support the restitution activities. The clearest example of this is the Wisconsin project in which financial counseling and budget management services are perceived to be essential to help the offender budget resources in order to meet the restitution obligation. Other projects also suggest that employment assistance as well as counseling for problems, which if unresolved, may relate to lack of employment stability are all necessary in order to insure that the offender has a job and thus the resources to complete the restitution obligation. This line of reasoning is also advanced in the Arizona, Rhode Island, Georgia, and New Orleans projects suggesting that these "pure" models may be simply different aspects of a more symbiotic relationship in which the restitution activities support the non-restitution activities simultaneously as the non-restitution activities support the restitution activities and that both, collectively, may be necessary to accomplish project goals.

The second approach is to speculate, as in model three and four, that both the restitution activities and non-restitution activities make an independent contribution to accomplishing the project goals. The two sets of activities may contribute to accomplishing the same project goals (model three) or they may contribute to accomplishing different project goals suggested by model four. In a pretrial diversion project, for example, an argument might be advanced that both restitution and supervision contribute to the goal of rehabilitating the offender or the goal of reducing system overload. Or, alternatively, a project model might suggest that restitution would contribute to the goal of repaying victims but that the supervision is necessary to insure that the offender remains out of the system and reduces system overload. The assumed relationship among restitution activities and other programming activities has generally not been clearly articulated by the projects but so long as restitution remains clustered with other project activities, these relationships should be more clearly conceptualized to aid further program

Diagram 3: Models of the Relationship of Restitution and Non-restitution Activities to Project Goals.

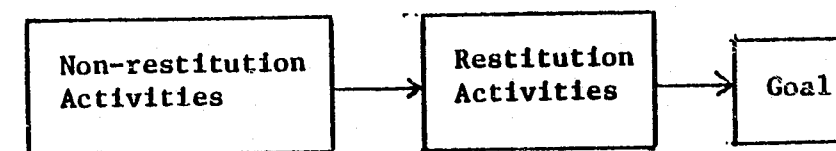
Model 1

Restitution Activities Support Non-Restitution Activities



Model 2

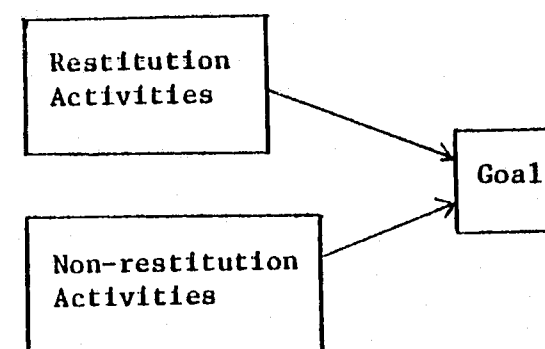
Non-Restitution Activities Support Restitution Activities



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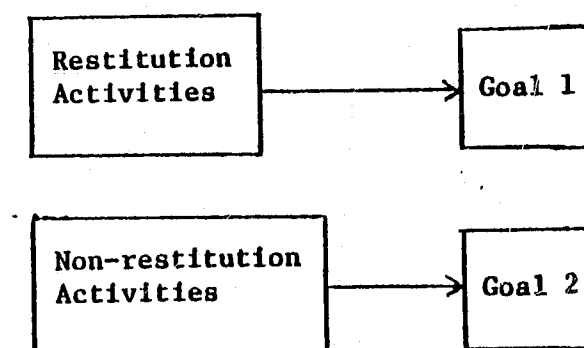
Model 3

Both Restitution and Non-restitution Activities Contribute Directly to Achievement of Same Goal



Model 4

Restitution and Non-Restitution Activities Contribute Directly to Achievement of Different Goals



development and evaluations.

Rationales linking restitution activities to victim, offender or system benefits also tend to be implicit and poorly developed. The linkage to victim benefits is most straightforward; payment of restitution ipso facto benefits victims. The Washington program, which only does loss assessments, advances the rationale that a careful loss assessment presented to the court will increase the likelihood that restitution will be ordered and collected thus benefiting victims. The likelihood of increased victim satisfaction is predicated upon the view that when victims become aware of the fact that the criminal justice system is concerned about their losses and attempting to secure redress the satisfaction of the victims will increase.

Programs that hypothesize the restitution will contribute to the offender's rehabilitation tend to advance the rationale that engaging in restitution will lead to more self-acceptance and sense of responsibility on the part of the offender which in turn will result in more responsible (i.e., non-criminal) behavior. One project, Rhode Island, advances a specific deterrence rationale. Offenders will recognize the cost of their behavior and be deterred from engaging in future criminal behavior; further, the fact that the program, a pretrial diversion program, can impose a sanction quicker than processing through the criminal justice system reduces the time lag between offense and sanction; this quick action will reduce the offender's sense that nothing happens when they commit a criminal act.

A rationale frequently advanced for programs which postulate an offender benefit of reduced system intrusiveness is that the restitution obligation, because of attentiveness to victim needs, increases public acceptance and public credibility with the program permitting the use of a less intrusive program. The diversion centers in Georgia, for example, are considered to be an alternative to imprisonment; the restitution components of the program are seen as necessary to increase public acceptance for the notion of using residential community centers as an alternative to imprisonment. The Arizona pretrial diversion program also perceives the restitution component as increasing public acceptance with the program permitting diversion of defendants. A somewhat different rationale is advanced by the Wisconsin program where a goal is also maintaining clients in the community; assisting offenders in meeting their restitution obligations will result in their being able to be maintained in the community rather than having probation or paroles revoked.

The rationale linking restitution to system benefits are similar to that linking restitution to reduction of intrusiveness. Monetary restitution is thought to generate public support for the use of a less costly sanction--pretrial diversion rather than processing the defendant through the criminal justice system or a community corrections program instead of incarceration--thus reducing costs for the system. Further, public awareness that the criminal justice system is responding to the needs of crime victims will increase the level of public support for criminal justice activities.

VICTIMS AND OFFENDERS' VIEW OF MONETARY AND COMMUNITY SERVICE RESTITUTION.

An exploratory study was done to assess the extent to which offenders and their victims who participated in these projects were satisfied with the way they were handled, perceived the restitution or community service sanction as fair, and their preferences regarding victim offender contacts in determining the restitution amount. The study group consisted of offenders who had been admitted to the projects in the three months prior to the first site visit (if more than fifty offenders had been admitted, fifty were randomly chosen) and the victims of these offenders. Mailed questionnaires were used. Six hundred sixty-one questionnaires were sent to offenders, eighty-six were returned by the post office as undeliverable, and one hundred ninety-four completed questionnaires were returned by offenders for a response rate of thirty-four percent of the delivered questionnaires. Three hundred fifty-five questionnaires were sent to victims, twenty-eight were returned by the post office as undeliverable, and one hundred fifty-two of the completed questionnaires were returned for a response rate of forty-six percent. The survey was preliminary and exploratory; considerable caution should be exercised in using the findings for any policy purposes. The findings are primarily suggestive of directions for future research.

The material submitted by victims and offenders included in this survey indicated that both monetary restitution and community service are usually perceived as fair sanction by both offenders and victims. This is more so at the pretrial diversion level than at the incarceration level. Offenders who are incarcerated are more likely to perceive that monetary restitution requirements are unfair. When asked to select what they perceive to be a fair sanction for their crime/victimization experience, offenders are likely to select monetary restitution or community service and substantial numbers of victims are likely to select monetary restitution; offenders are more likely to perceive the sanctions as fair when used alone whereas victims tend to want to combine the monetary restitution sanction with other sanctions. Seventy-two percent of the offenders and over half the victims who responded indicated that they would prefer to meet with each other to determine program requirements if they were involved in a similar crime/victimization.

The findings of this exploratory survey are consistent with findings of previous work done by Kigin and Novack, Chesney, Galaway and Marsella, Thorvaldson, and Gandy. The studies conducted to date, all of which have been exploratory, tend to indicate that restitution and community service will be perceived as fair by offenders, victims, and wider publics; additionally, there does appear to be support for the notion of bringing victims and offenders together at least around issues of determining the restitution amounts. Many of the studies, however, have been methodologically unsophisticated suggesting the need for more widespread and more methodologically rigorous studies of offender, victim, and general public attitudes and perceptions of the use of monetary restitution and community service. Knowledge

about conditions under which these sanctions would be perceived as fair and knowledge about offender, victim and public perceptions of the appropriateness of victim offender contacts in a restitution or community service program would be useful for criminal justice policy makers and program developers.

SUMMARY AND CONCLUSIONS

Community Service Restitution. The fourteen projects which impose community service obligations on offenders cluster in two groups. One group, serving primarily felons, imposes community service as one component of a broader sanctioning plan; for these projects, the community service component frequently is considered more peripheral and less important than the other sanction activities. A second group of projects, serving primarily misdemeanor offenders, are organized around the concept of community service and impose only a community service obligation as an alternative to other sanctions, either a fine or incarceration in local jails. The alternative is sometimes viewed as providing a benefit to the offender by being less intrusive than jail or providing a low income person with an opportunity to provide service instead of paying a fine. The projects also provide an alternative to the criminal justice system, especially judges, who are dissatisfied with their present limited sentencing options.

The only community service sentencing projects provide more useful models for research and program development than those projects in which community service has been grafted onto other sanctioning approaches. For the latter, it is impossible to determine the resources allocated to community service, the community service activities are frequently submerged or viewed as less important than the other sanctioning activities, and the project goals are primarily related to the other sanctioning activities other than the community service sanctions.

The only community service projects have developed clear workable procedures by which the hours of community service are determined, community service sites are recruited, placements are made, offenders' progress on the work site is monitored, and performance problems are handled. Typically the hours of community service are ordered by a judge who refers the offender to the community service project for implementation of the community service order. There appear to be no explicit standards by which judges set the number of hours of community service other than rough attempts to correlate the number of hours of service with a fine or jail sentence which might otherwise be imposed. Most of the projects report no difficulty in developing a sufficient number of work sites although some report the need for additional sites for weekend or evening hours to accommodate offenders who have employment or school obligations. Two patterns are used regarding work assignments. Some projects prefer to assign groups of offenders to work on a variety of community service projects. Others assign offenders to individual projects and, with this pattern, frequently make use of existing community programs for the recruitment and assignment of volunteers to various human service and governmental organizations. The projects have developed efficient, straightforward monitoring mechanisms usually involving regular telephone contact through the agency supervising the offender to be sure that the community service obligation is being

performed regularly and at an acceptable level of quality; the telephone contacts are usually supplemented with report forms which the community or government agency receiving the offender sends back to the community service project. Procedures have developed for dealing with performance problems on the part of the offenders doing community service; these range from simple warning letters to conferences or hearing type procedures. Failure to complete the community service is generally grounds for referring the offender back to court for subsequent action by the judge. Projects typically report completion rates of over seventy-five percent.

The only community service projects are administered by both governmental and non-governmental agencies operating in cooperation with the criminal justice system. They appear to be able to provide the community service sanction with a small staff and at very modest cost.

The review of these projects suggest the following program development and research needs:

1. Clarification of the penal purpose to be accomplished with community service. Issues regarding the hours of community service and type of community service to be performed, for example, might be resolved differently if penal philosophy is one of rehabilitation compared to deterrence or to just deserts. Projects have been vague regarding penal philosophy and have tended to state purposes in terms of serving as an alternative to other sanctions without addressing the issue of why community service is a better sanction than the more traditional sanctions for accomplishing a specified penal purpose.
2. The only community service sentencing projects are well developed making studies directed towards determining the costs of delivering the sanction feasible. Cost studies should be undertaken which account for the indirect costs, displacement of fine income, cost to the community governmental agencies of providing supervision, as well as the direct costs budgeted for the projects. More complete information of the actual costs of providing the community service sanction will be useful to jurisdictions considering moving further in developing this programming thrust.
3. There is need to more clearly specify and define the actual offender population served by community service and to relate this to the purpose established for each project. The issue of reducing intrusiveness of the criminal justice system is troublesome when many offenders appear to be receiving community service as an alternative to a fine. Whether this is an appropriate population or not will hinge on the purpose for the project.
4. Finally, it would be particularly useful to engage in pilot projects to determine if the community service models being developed for misdemeanor offenders could also be used for felons. There is very little experience

with the use of community service with felons, except in combination with a variety of other sanctions; projects to test out the usefulness of community service as the only sanction with felons would be very useful to jurisdictions seeking alternatives to the use of prisons and probation for this population of offenders.

Monetary Restitution. The thirteen monetary restitution projects in this study group include pretrial diversion projects, prosecutor based projects to assess restitution amounts, both residential and non-residential projects for probationers, and projects operating within a prison, parole, and work release programs. The restitution activities have typically been clustered with other programming thrusts.

This clustering has made it impossible to specify level of inputs required for restitution activities. Obviously, restitution programming requires a budget, staff and clients but it has not been possible to isolate the amount of money, number and types of staff, and client characteristics necessary for the restitution programming per se because, in the projects under study, these inputs have been related to the total programming thrust. Since restitution will probably continue to be grafted onto other programming thrusts rather than being maintained as a sole sanction program, planning and management of these programs will be more orderly if knowledge is available regarding what costs might be incurred if, for example, restitution would be added to probation or to work release or to some other type of criminal justice programming. Thus, an immediate research need of considerable practical consequence will be to assess the cost required by restitution components.

Activities required for restitution programming--loss assessments, development of restitution plan, monitoring and enforcement activities, accounting and disbursement activities, and reporting activities--can be isolated and defined. The ability to conceptualize and isolate restitution activities is a necessary first step to measuring their costs and should make it possible to move to the next step of assessing the resources necessary for these activities.

Projects are not routinely gathering data on measures of program activities making comparisons between operations and a conceptual model impossible. Measures of program activities have been identified; a second research need, in addition to developing procedures to measure inputs required by restitution programs, will be to begin a systematic collection of data regarding program activities so as to begin developing a clearer understanding of how restitution programs are actually operating.

Several issues surfaced in regard to presumed program outcomes. First, outcomes are generally perceived as benefiting offenders, victims, or the criminal justice system; projects that hypothesized both offender and victim benefits, however, tended not to prioritize these presumed benefits thus no policy is available to resolve operational conflicts that may result in efforts to simultaneously reach both goals. Secondly, statements of program goals or outcomes typically refer to the total package of project

activities; these projects have not specified with clarity how restitution activities will relate to the outcome goals. Thirdly, the presence of both restitution and non-restitution activities results in conceptual fuzziness as to how these activities relate to each other and to the presumed outcome goals. Finally, the rationale underlying any presumed relationships among restitution activities and non-restitution activities as well as presumed relationships among restitution activities and outcome goals has typically not been articulated except in very general, frequently ambiguous terms. More rigorous conceptual clarity to identify the hypothesized relationships between restitution activities and outcomes, between restitution and non-restitution activities when these are components of the same program, and to advance a defensible rationale to explain these presumed relationships is necessary before attempts are undertaken to assess project outcomes. sible before attempts are undertaken to assess project outcomes.

In summary, this study of thirteen projects involving monetary restitution components suggests the need to:

1. Develop procedures and begin measuring the actual inputs required by the restitution components.
2. To begin systematically collecting data on measures of restitution activities and the presumed outputs of each activity in order to develop clear understandings of program operations in relationship to conceptual models.
3. Efforts to measure project outcome are not appropriate at this time because of the need for much clearer, conceptual work to relate restitution activities theoretically to presumed program outcomes and to explain, at least conceptually and theoretically, relationships among restitution and non-restitution activities.

Offender, Victim, and Public Views: Knowledge of how offenders, victims, and the more general public perceive monetary restitution and community service restitution sanctions will provide useful guides to program developers and public policy makers. The questions requiring further research include:

1. To what extent do offenders perceive these sanctions as fair. Knowledge in this area would be useful to persons interested in using these sanctioning approaches to further either rehabilitative or just deserts penal orientations.
2. The increased interest in crime victims suggests the usefulness of knowledge concerning the extent to which persons who have been victimized perceive a sanction of monetary restitution or community service as an appropriate sanction for their offender.
3. The selection of specific penal sanctions is ultimately a matter of public policy; policy makers would be aided by information regarding the extent to which the general public perceives monetary restitution and community service sanctions as fair and appropriate penalties for specified groups of offenses.

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